

**TANZANIA ELECTION MONITORING COMMITTEE
(TEMCO)**

THE 2010 TANZANIA GENERAL ELECTIONS

REPORT OF THE TANZANIA ELECTION MONITORING COMMITTEE

March, 2011

LIST OF ABBREVIATIONS

AFP	-	Alliance for Tanzania Farmers Party
AG	-	Attorney General
APPT-Mandeleo	-	African Progressive Party
ARO	-	Assistant Returning Officer
BAWACHA	-	Baraza la Wanawake wa CHADEMA
CBO	-	Community Based Organization
CCJ	-	Chama Cha Jamii
CCM	-	Chama Cha Mapinduzi
CEDAW	-	Convention on the Elimination of All Forms of Discrimination Against Women
CHADEMA	-	Chama Cha Demokrasia na Maendeleo
CHAUSTA	-	Chama cha Ustawi na Demokrasia
CSM	-	Management System
CSO	-	Civil Society Organization
CUF	-	Civic United Front
DED	-	District Executive Director
EEA	-	Election Expenses Act
EMB	-	Election Management Body
ESP	-	Election Support Programme
FBO	-	Faith Based Organization
FEM ACT	-	Feminist Activist Coalition
FIA	-	Freedom of Information Act
FOS	-	Friends of Dr. Slaa
HoR	-	House of Representatives
ID	-	Identity Card
IEMS	-	Integrated Election Management System
IFJ	-	International Federation of Journalists
IT	-	Information Technology
LHRC	-	Legal and Human Rights Centre
LTO	-	Long Term Observer
MDG	-	Millennium Development Goal
MP	-	Member of the Parliament
NCCR-Mageuzi	-	National Convention for Construction and Reform
NEC	-	National Electoral Commission
NGO	-	Non-Governmental Organization
NLD	-	National League for Democracy
NRA	-	National Reconstruction Alliance
PCCB	-	Prevention and Combating of Corruption Bureau
PNVR	-	Permanent National Voter Register
RO	-	Returning Officer
RPP	-	Registrar of Political Parties
SAU	-	Sauti ya Umma
TADEA	-	Tanzania Democratic Alliance
TAKUKURU	-	Taasisi ya Kuzuia na Kupambana na Rushwa
TAMWA	-	Tanzania Media Women Association
TAWLA	-	Tanzania Women Lawyers Association
TBC	-	Tanzania Broadcasting Corporation

TCA	-	Tanzania Communication Authority
TCD	-	Tanzania Centre for Democracy
TEMCO	-	Tanzania Election Monitoring Committee
TGNP	-	Tanzania Gender Networking Programme
TLP	-	Tanzania Labour Party
TV	-	Television
UDP	-	United Democratic Party
UMD	-	Union for Multiparty Democracy
UNDP	-	United Nations Development Programme
UNIFEM	-	United Nations Development Fund for Women
UPDP	-	United Peoples' Democratic Party
UWT	-	Umoja wa Wanawake Tanzania
VIS	-	Voters Interaction System
WEO	-	Ward Executive Officer
ZEC	-	Zanzibar Electoral Commission

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CHAPTER ONE

TECHNIQUES AND MODALITIES OF OBSERVATION OF THE 2010 ELECTION

1.0 INTRODUCTION

Tanzania Election Monitoring Committee (TEMCO) is a consortium of Civil Society Organizations that was created in April 1994 by twenty four member organizations to monitor/observe elections in Tanzania. It has since observed the 1995, 2000, 2003 (by-elections) and 2005 general elections. Currently, the Committee has 152 member organizations. As in the previous election years, TEMCO observed the Union and Zanzibar elections conducted on 31st October 2010. TEMCO is overseen by the Executive Committee (Ex.Com) which makes key decisions, including those related to the extent of freeness and fairness of elections. The Committee has a Core Management Team under the Chairperson, who also heads the Secretariat. This report covers the Union presidential, parliamentary and councillorship elections. Zanzibar elections are covered in a separate report.

Benefitting from immense experience in election observation in Tanzania, TEMCO won the bid floated by UNDP to observe the just concluded elections in 2010. It deployed Long-Term Observers (LTOs) in all constituencies that had competition, save only for the constituencies whose parliamentary candidates had passed unopposed. The Committee also recruited and trained approximately 7,000 Short-Term Observers (STOs) on the polling day. TEMCO developed concise yet comprehensive training programmes for both LTOs and STOs. It devised a well-developed set of instruments to guide observers in the field and facilitate timely transmission of information from the field to the TEMCO Secretariat. Data was collected from the field in both quantitative and qualitative forms for analysis by experienced political scientists and statisticians.

In observing the 2010 elections, TEMCO was motivated by the conviction that the conduct of free and fair elections is crucial for consolidation of democracy. Its observation covered the entire electoral process including registration of voters, nomination of candidates, campaigns, and voting, vote counting and declaration of results to the declaration of the final election results. Each of these processes is analyzed in detail in specific chapters in this report. Soon after the elections were finished, TEMCO released a preliminary evaluation of the electoral process. In determining the overall freeness and fairness of the election, four criteria were used:

- (i) The extent to which the rules are known, accepted and followed by the major actors;
- (ii) The independence, impartiality and capacity of the Election Management Bodies (NEC and ZEC) performing electoral functions;
- (iii) The accessibility of the electoral system to parties, candidates and voters; and
- (iv) The reliability and legitimacy of the results.

2.0 METHODS AND TECHNIQUES OF DATA COLLECTION

In order to accomplish the tasks explained in the foregoing section, TEMCO devised a “hybrid approach” to collect data and information from a multitude of key players in the electoral process including questionnaires. Information to satisfactorily answer the questions was gathered from different sources, using a variety of methods, including the following:

(i) Field Observations

Observation was the most important tool in this sensitive research. For example, if a candidate said that he/she was using or had used Tanzanian shillings x and one “observed” that his/her campaign team had 50 or more luxury cars to move them around, one would probably be tempted to assess the campaign cost at Tshs 10x. “Seeing is believing”. The researchers/observers were trained to remain alert, actively follow up and record copiously all relevant acts seen or heard throughout the electoral process. In this process, TEMCO was guided by a code of conduct for local observers prepared by NEC as part of its accreditation to observe the elections. A number of political parties also formally invited TEMCO researchers to observe nomination processes within these parties.

(ii) Interviews

In-depth interviews were conducted with selected people in the field to gather information on the questions given in the questionnaire-cum-guidelines. This included leaders and functionaries of political parties, candidates, members of campaign teams and committees, leaders of CSOs who were active in providing civic and voter education in the constituency, and selected voters. At the national level, interviews were conducted with national leaders of political parties, officers and staff of the National Electoral Commission (NEC), staff of the office of the Registrar of Political Parties, and staff of the Prevention and Combating of Corruption Bureau (PCCB).

(iii) Documentary Review

Field researchers/ observers reviewed all relevant documents which were made available to them in different offices. They used part of this information to answer the questions in the questionnaire, and the rest was used in the preparation of the detailed narrative report which each researcher wrote using the questions on the questionnaire as guide.

3.0 JUSTIFICATION FOR TEMCO’S OBSERVATION OF THE 2010 ELECTIONS

As already alluded to above, TEMCO’s desire to observe the 2010 election was underlined by the belief in elections as harbinger of democracy. It is widely acknowledged that the transition to multiparty democracy in Tanzania is still nascent and needs to be nurtured into maturity. Again, TEMCO has observed all the multiparty elections in Tanzania and was in a position to bring on board the lessons learned from observing previous elections.

Based on its track record of successfully monitoring all of the three previous general elections, TEMCO enjoys the confidence of all the key electoral stakeholders who accept it as a trustworthy, impartial, and competent Tanzanian institution for observing elections. The stakeholders expected this local institution to continue its mission of observing the 2010 general elections, so as to assist in improving the efficacy and fairness of the electoral process in the country.

4.0 OBJECTIVES OF TEMCO’S OBSERVATION ACTIVITIES

As in previous electoral observation exercises, the general objective of TEMCO’s observation was to objectively follow closely the entire electoral exercise and determine its freeness and fairness. Specifically, the objectives of TEMCO included:

- (a) Observing the entire electoral process, including constituency setting, registration of voters, nomination of candidates, campaigning, voting, vote counting and assessing of the final election results;

- (b) Observing and assessing the fairness of the administration of the elections in general, and especially the impartiality of the legal infrastructure (the electoral law, regulations and directives), the electoral machinery namely: the National Electoral Commission (NEC) and the Zanzibar Electoral Commission (ZEC) and supporting state institutions and instruments of law and order;
- (c) Assessing the fairness in the allocation and use of relevant state resources by the contending political parties, especially state subsidies and public media (government radio, television and newspapers);
- (d) Assessing implementation by competitors of the requirements of a new piece of legislation, the Election Expenses Act No. 6 of 2010, that had been passed in an attempt to curb corruption and the role of big money in elections, a trend that was alarming in 2005 general elections;
- (e) Assessing the extent to which all factors considered, the elections results can be said to have been free and fair; and,
- (f) Taking stock of the major lessons that can be learned from the elections with a view to improving electoral efficacy and fairness in the future.

In order to successfully achieve these objectives, TEMCO developed a set of criteria to guide the observation of the electoral process and to assist in determining whether or not elections were free and fair. These criteria included: (i) examining the impartiality of the state instruments and institutions; (ii) determining whether there was equal access for the competing political parties to the electorate; (iii) assessing the capacity and impartiality of the machinery responsible for the management and administration of the electoral process; (iv) looking for evidence of any limitations to political competition; (v) judging whether there was equitable access to public resources and instruments by contending parties or if there was an unequal electoral playing field; (vi) assessing the strength/weakness of the opposition parties; and (vii) looking for evidence of any lingering effects of the one-party heritage. These and other criteria guided the TEMCO observers and monitors of past elections and assisted TEMCO in assessing the election results and issuing a verdict thereof for the 2010 elections.

In observing the 2010 elections, it was important to take account of the socio-political and legal context in which elections were conducted. One of the interesting developments was related to the question of independent candidates. The High Court made a ruling allowing the participation of independent candidates in the elections, stressing that it was unconstitutional to bar independent candidates. However, the government appealed against the high court ruling. The decision of the Court of Appeal once again left a heated debated but not a real resolution of the matter. The court ruled that it is parliament's mandate - not court's - to amend the constitution. Many analysts believe that the question of independent candidates has fueled the current demands for a new constitution. Typically, the requirement that one should be a member of a political party to contest for public office is one of the vestiges of a single party regime.

Prior to the elections there had emerged a worrying trend of resort to violence in by-elections. The signals of such violence unfolded themselves in by-elections including Kiteto, Mbeya, Tarime, and Busanda in Tanzania Mainland and Magogoni in Zanzibar. In these by-elections, besides violence, senior top leaders of CCM were jeered at and their entourage attacked during the campaign rallies. TEMCO wanted to see whether such violence was becoming part of a political culture in Tanzania or was a passing phenomenon.

5.0 TEMCO'S OBSERVATION PLAN

TEMCO observation activities covered the entire electoral process in all constituencies with opposing candidates in Tanzania. For observation purposes each region constituted a Regional Election Observation Committee (REOCO/REMCO). REMCOs brought together five prominent members of TEMCO within particular regions. In addition to that, all constituency observers within the region were part of it. The Regional Coordinator served as Secretary to REMCOs. REMCOs held meetings after every two weeks. Their main function was to ensure that observers' reports reflected what was happening on the ground. REMCOs also approved lists of STOs recruited from member organizations within the region.

TEMCO's website www.temco.udsm.ac.tz was established specifically to provide constant updates of TEMCO's observation of the election.

6.0 GENERAL CRITERIA FOR ELECTION ASSESSMENT

It is customary for TEMCO to issue a "certificate" that corresponds with the assessment of the "freeness and fairness" of an election. TEMCO's certificates range from *a clean, free and fair certificate* to an *aborted elections certificate*. These are explained briefly below:

Clean, Free and Fair Certificate suggests either that nothing was wrong with the elections or that the observed shortcomings were insignificant, could not alter the results, and did not deny people their right to participate in the political process.

Qualified Free and Fair Certificate suggests that the election was generally free and fair, but significant irregularities affected some or all participants negatively.

Free but not Fair Certificate indicates pervasive non-compliance with electoral rules, often taking the form of government and/or election officials' actions that militate against the fair participation of some parties, candidates, or voters.

Unfree and Unfair Certificate suggests that there was significant bias in key aspects of the electoral system, such as laws and rules and management of the elections and or pervasive intimidation.

Totally Mismanaged Elections Certificate indicates a complete failure to properly manage elections due to incompetence and poor planning, making it difficult to even decide on an assessment.

Aborted Elections Certificate refers to widespread deliberate and severe violations of electoral rules and procedures, causing a substantial number of voters, candidates, and/or parties to withdraw from the race, making it impossible for the elections to come to a legal or normal finality.

7.0 SUMMARY OF THE REPORT

This report is organized into nine chapters. After this introductory chapter, the next chapter is dedicated to registration of voters. Chapter Three examines nomination of candidates both within political parties and by the NEC. This is followed by an analysis of management of elections in Chapter Four. Chapter Five looks at election campaigns. The role of the media in elections is covered in Chapter Six. Chapter seven looks at the critical question of women participation in politics. Chapter Eight captures voting, vote counting and declaration of results. Chapter Nine provides the conclusion of the report. A brief outline of each of the chapters follows.

Chapter Two examines registration of voters into the Permanent National Voter Register (PNVR). The main aim was to establish the extent to which the introduction of the PNVR has resolved the previously observed irregularities and shortcomings. One of the most frequent cited problems with the old *ad hoc* register was the possibility of double registration and buying of voter cards. Since the voter cards did not carry picture identification of the holder, it was possible for other unintended person to use them fraudulently to vote for a preferred candidate. Otherwise they were simply destroyed in efforts to minimize the dissent votes. The usual observation since the 2005 election when the PNVR was established has been that voters were attracted to register primarily to get the identification cards. The NEC voter ID has become very instrumental for many people who are otherwise unemployed and therefore lack official identification cards. The NEC card is used in facilitating financial transactions especially electronic money transfer which is on the increase or opening of bank accounts. This perhaps partly explains the paradox of higher registration that is not matched with the actual voter turnout that the chapter captures in detail.

The lingering problems were many starting with a considerable number of voters who had lost their voter IDs. Record keeping and document handling seemed to be a problem with many electorates. Many of them lacked adequate facilities. This problem was aggravated since NEC did not have permanent offices near the voters where such lost cards could be replenished. Again, despite the upgrading of the voter tracking system, many voters still could not find their names in the PNVR and could not vote. This was widely reported in many constituencies including Dar es Salaam. In order to address some of the problems and shortcomings observed during the registration and updating of the PNVR, the chapter recommends further technological advancement to allow on-line registration.

Nomination of candidates is critically examined in Chapter Three. The process of nomination of candidates both within political parties and by NEC was very interesting in the 2010 election. Because of the incumbency advantage and the belief that the party's ticket is an automatic guarantee to victory, intra-party nominations within CCM were very stiff and hyped. In fact, for a large part, the enactment of the Election Expenses Act (EEA, 2010) was driven to curb the influence of money during the nomination process. The PCCB did an incredible job in tracing and forestalling corruption endeavors by candidates. In the process several candidates were implicated in corruption and have been officially charged in the courts. However, it is widely believed that the volume of money-chasing electorates quadrupled and some more sophisticated methods of dodging the PCCB were invented.

The issues of unopposed candidates and independent candidates raised a lot of questions on the rules, laws, regulations and procedures in place. While there were genuine cases of popular and outstanding performing candidates, there were also cases of "faked" popularity. The latter depicted a worrying tendency of trickery and shrewd manipulation to disqualify opponents to pave the way for passing unopposed. The chapter uncovers the dynamics behind some of the unopposed candidates and uses them to stress the need for the so-called unopposed candidates to pass the test of popular votes. The insistence that individuals should be members of registered political parties to contest is discussed as one of the gaps in the electoral laws that should be seriously addressed to root out all the flavours of the single party regime.

Management of elections is discussed in Chapter Four. As the core mandate of the Electoral Commission, the way elections are managed provides a very good indication of freeness and

fairness of the exercise. The chapter notes significant improvement in NEC's management of the 2010 election. The decision to overturn decisions by ROs to disqualify opponents of key cabinet ministers boosted public perception of NEC's independence. It was clear to many electorates and observers of Tanzanian politics that ROs are in a very precarious situation to withstand the pressure from prominent politicians. Some of these politicians are very powerful and well connected with the power helms. They are erstwhile bosses of the Returning Officers, many of them council directors, outside the electoral context.

Chapter Five is preoccupied with the electoral campaigns. Campaigns are very critical as they provide the link between the political parties and the electorates. Electorates vote into office parties that convince them that they would work for the improvement of their lives. But in Tanzania also campaigns serve to indicate popularity and endowment of political parties. The most popular and the most endowed political parties conducted the most interesting and the most effective election campaigns compared to the weak and the unpopular parties. The most recent innovations in campaigns are discussed in detail in this chapter. The chapter notes some of the over-decorated campaigns by political parties that seemed to be financially well-off. The less fortunate political parties had very little to choose in the apparently long menu of the campaign strategies. One of the general concerns raised in the chapter include violence and undue use of the incumbency advantage.

If political parties have to mount effective campaigns and if all stakeholders in the electoral process have to communicate, then the media provides that platform. Chapter Six presents the assessment of the performance of the media towards achieving that overarching goal. The chapter is specifically cognizant to the nature of media ownership as the most influential factor for media performance. But emphasis is placed on the public/ state owned media to see the extent to which it escaped encumbrances of powerful and manipulative players. The chapter observes that although Tanzania boasts of a plethora of media outlets, the media is still strongly controlled. It goes without saying that this in turn has negative consequence on media performance during elections.

It has been argued that a democracy that leaves behind half its population is not worthy the name. Thus participation of women in elections is a critical test of democracy and freeness and fairness of the election process. Simply put, the hypothesis is that the more accessible the electoral system, the more likely that women will offer themselves as candidates in political parties to vie for various elective offices. The question that we need to ask ourselves is whether the number of women aspirants has increased, decreased or remained constant. Chapter Seven provides insights into these questions with specific observations from the just concluded elections. The chapter has indicated the local and international efforts to boost women participation in politics including the contentious affirmative actions. One of the critical findings noted is that women still face many barriers to participate in elections as candidates. Interesting, though, they are very instrumental in all other electoral processes providing the essential link during nomination, campaigns and voting processes.

Chapter Eight encapsulates the process of voting, vote counting and declaration of results. It elucidates the post election episodes that indicated popular response to the whole process. Prominent observations included the suspension of parliamentary election in seven constituencies and 28 wards for councilor elections due to various reasons. The problem of faulty lists persisted causing unnecessary disenfranchisement. Voter turnout was embarrassingly low during the 2010 elections and indeed marked the lowest turnout ever in the history of elections in Tanzania. This has prompted so much speculation that a recommendation has been made for a thorough investigation to establish the factors behind

the unusual phenomenon in Tanzania election politics. Conspicuous also was the delay in announcement of election result in certain constituencies and the violence it fanned. Although the official explanation was lack of mastery of the new computerized counting system, prevalence of the problem in constituencies with stiff competition fueled the perception of dirty plays.

It is now an established practice for TEMCO to offer a general verdict of the election by awarding one of the designated certificates outlined above. TEMCO's verdict is contained in Chapter Nine. In issuing the verdict TEMCO carefully studied each of the processes in the electoral chain. The statement therefore provides the median, a point at the scale where TEMCO believes the elections should be scored.

8.0 ACKNOWLEDGEMENTS

The production of this report is a culmination of concerted efforts of numerous institutions and individuals. TEMCO wishes to express its heartfelt gratitude to all stakeholders who in their various capacities contributed to the fruition of the observation of the 2010 elections in Tanzania.

The funding for the observation of the 2010 general elections came from the Election Support Project (ESP) 2010 which is supported by Canada, Denmark, the European Commission, Finland, the Netherlands, Norway, Sweden, Switzerland, UNDP and the United Kingdom. ESP is managed under the auspices of the United Nations Development Programme (UNDP) in Tanzania. We are grateful to them for their financial support which enabled TEMCO to set up a Secretariat and to meet the expenses of the observation mission.

The University of Dar es Salaam management deserves special mention in this report for providing TEMCO the usual base, legitimacy and support as it has done previously. TEMCO's work benefitted a lot from the immense wide-ranging expertise that the University offers.

Our appreciation is extended to the 152 TEMCO member organizations for the commitment and dedication to their observer mission. We selected and deployed from them the Long Term Observers (LTOs) and Short Term Observers (STOs). Special thanks go to the Long-Term Observers (Regional Coordinators and Constituency Observers) who dedicated two months of their valuable time to the field. Short-Term Observers did the incredible work of following up events during the voting and vote counting exercise.

It is obvious that without the collegiality, cooperation and support of the Electoral management bodies, namely the National Electoral Commission (NEC) and Zanzibar Electoral Commission (ZEC) TEMCO's work would have been impossible. TEMCO is grateful to the Electoral Commissions for the timely accreditation, without which observation would have been stalled. In the field, Returning Officers and other election officials proved very useful and many of them responded positively to observers' requests.

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sacrifice by a few academic staff members in the Department of Political Science and Public Administration who worked voluntarily in the initial stages of proposal write-up when availability of funds was not guaranteed is highly appreciated.

We should however, hastily add that only TEMCO is fully responsible for this report including opinion, errors and omissions therein. The report does not necessarily reflect the opinion or official positions of individuals and institutions mentioned.

This report therefore is a humble submission to the Tanzanian electorate, political parties, the National Electoral Commission and the Zanzibar Electoral Commission, the various government institutions responsible for election, the general public and all stakeholders of Tanzanian politics, domestic and international. We hope that it will contribute to improvement of the conduct of free and fair elections in Tanzania.

CHAPTER TWO

REGISTRATION OF VOTERS

1.0 INTRODUCTION

Voter registration remains a central concern of democratic theorists and practitioners alike. Whether viewing it as a means for citizens to qualify to participate in the elections or as a barometer of the quality of civic political life, those who study participation view this process as an important aspect in the democratic process. This is because to vote, citizens must first register. However, a political environment conducive to registration must be present in order to attract more voters to register such as easy registration, good awareness of the people and so on. Once some of these conditions have been met, this may translate into greater turnout on the election day. Experience has shown that successful completion of this initial stage is a major hurdle, but a large pool of registered citizens enables greater turnout on the polling day¹.

This chapter covers the registration of first time voters and updating of the Permanent National Voter Register (PNVR) during the 2010 general elections in Tanzania. It is divided into seven main sections. Section one provides a legal framework for voter registration in Tanzania. Section two discusses the legal framework of the new PNVR in Tanzania. Section three highlights the registration process in the 2010 general elections. Section four focuses on the 2010 registration and updating processes. Section five discusses some problems that were observed by TEMCO observers in the registration process. Section six assesses the capacity of NEC in managing the registration of voters as well as updating the PNVR in the 2010 general elections. Section seven ties up the discussion of voter registration in Tanzania Mainland and makes some recommendations.

2.0 THE PERMANENT NATIONAL VOTER REGISTER IN TANZANIA

In an attempt to attract more voters and at the same time ameliorate some of the problems associated with previous elections, Article 5(3) of the Constitution of the United Republic of Tanzania and Article 12 of the Elections Act of 1985 were amended in January 2000 (TEMCO, 2005). Accordingly, the changes made on the Constitution and the Elections Act (1985) paved the way for the establishment of the Permanent National Voter Register (PNVR) in Tanzania. With the support of UNDP and its Elections Support Programme, NEC was able to initiate this new system of voter registration. The PNVR aims at capturing new voters and updating the existing voters' records. This new way of managing voters' records through the establishment of a permanent database is intended to enable quick access and checking for double entries and other registration inconsistencies. Although the Election Act provides for the establishment of a permanent voter register in Tanzania, two separate systems were established by NEC and ZEC.

¹ However, as we shall see in the next sections, this was not the case for the recent elections in Tanzania Mainland where the voter turnout was very low (i.e. below 40%).

However, the introduction of PNVR in Tanzania did not come up without struggle. The need to have a permanent voter register had been hotly debated for many years due to a number of registration problems observed in almost all previous elections. It is imperative to recall that Tanzania had been using an election-specific voters' registration for all elections including those of 1995 and 2000. In these elections, the electoral commission had to register people anew in every election and this caused a lot of problems such as double registration, incorrect registration records, under-age registration, etc. So, when the need of having a permanent voter register arose after the 1995 general elections, it was unanimously accepted by all the key players such as the opposition parties, civil society organizations and researchers. Nevertheless, there were some concerns about the impartiality of the organ which would be responsible for keeping these records. When the permanent voter register was finally introduced in 2004, this was seen as a big relief to many voters and especially the opposition parties who saw it as a system that would reduce the registration problems and keep the voters records in a permanent and secure place.

With the introduction of PNVR, it must be clearly noted that registration of voters is not something which is done once and for all. In other words, the so called permanent voter register will be soon liable to fall out of date very quickly. This is because voters are likely to continue changing their places of residence and addresses and hence the need to update the register regularly. Moreover, there would be new entrants of eligible voters each year for example those who would reach the qualifying age of voting (18 years) and others who would acquire citizenship. In all these circumstances, the records kept in the permanent register would need to be updated before a new election is held to make sure that those who will vote are the eligible voters.

3.0 2010 VOTER REGISTRATION PROCESS IN TANZANIA

Once the preparations for the PNVR commenced in March 2004, the NEC began to register the electorates in the PNVR on 7th October that same year. The exercise ended on 10th May 2005. In this case, unlike the previous general elections in which a manual roll had been used (1995 and 2000 general elections), in the 2005 and 2010 general elections, the PNRV was used. For effective management of the registration process, NEC set up some zones across the United Republic of Tanzania to facilitate the smooth running of the registration of new voters and updating of the PNVR (See Table 2.1).

Table 2.1: The 2005 Voter Registration by Administrative Zones

ZONE	REGIONS	DATE
Southern	Mtwara, Lindi	*07/10/2004 - 03/11/2004
Southern Highlands	Mbeya, Iringa, Ruvuma, Rukwa	28/10/2004 - 17/11/2004
Central	Dodoma, Singida, Tabora, Kigoma	05/12/2004 - 25/12/2004
Lake	Kagera, Mwanza, Mara, Shinyanga	12/01/2005 - 01/02/2005
Northern	Arusha, Kilimanjaro, Tanga, Manyara	19/02/2005 - 11/03/2005
Coast	Dar es Salaam, Coast, Morogoro	29/03/2005 - 18/04/2005
Zanzibar	Pemba North, Pemba South, Unguja North, Unguja South, Unguja West	**27/04/2005 - 10/04/2005

* In the Southern Zone the voter registration exercise was extended for seven days

** Registration in the Zanzibar Zone was conducted for 14 days

Source: Extracted from Grant Masterson (2009)

Consequently, following various updates and cleaning of the registers, the final figures for the Tanzania Mainland for the elections of 2010 stood at 20,137,303 voters (Commonwealth Secretariat, 2010). The new register of voters includes a photo of a voter and other information as prescribed by the Election Act 1985 (as amended 2010). After the registration process, a voter is issued with a voter card carrying own photo. In the past, the photo on the card used to be black and white and when it was changed to colour, this seems to have attracted a significant number of voters who wanted to change their original cards because the coloured ones looked much better and also easier for identification purposes (see Section 4.2).

3.1 Legal Framework

The legal framework governing voter registration in Tanzania Mainland is obtained in the National Elections Act 1985 Cap. 343 as amended by the Electoral Laws (Miscellaneous) Act, 2010. These Acts provide the criteria for voter registration and the establishment of a PNVR. The most important sections of the Act include Section 12 which provides for the establishment of a PNVR for the United Republic of Tanzania. Moreover, Section 15 (1) stipulates that the commission shall be responsible for setting time and review of registration of voters in every polling district within the constituency.

3.2 Qualification for Registration

Section 10 (1) of the Elections Act sets clearly the conditions under which a person can qualify to be registered. It states that any citizen of the age of 18 years or above has the right to register as a voter and to vote in any public election in Tanzania. According to the Election Act, a voter who is registered in one polling district and becomes a resident in another on the Mainland may be eligible to apply to transfer the registration. However, this was somewhat different for the case of Zanzibar where a voter must have lived continuously in the same district for at least 36 months before being registered. In other words, voters on the Tanzania Mainland and Zanzibar are subject to different registration regimes and apparently regulations.

3.3 Rejection and Determination of an Application for Registration

The Election Act is very clear about the conditions which may disqualify a voter from being registered. For example, Section 11 (1) states that “no person shall be qualified for registration or be registered as a voter under this Act if he/she is:

- under a declaration of allegiance to some country other than Tanzania;
- under any law in force in Tanzania, adjudged or otherwise declared to be of unsound mind or detained as a criminal lunatic or detained during the pleasure of the President;
- under sentence of death imposed by any court in Tanzania or under a sentence of imprisonment exceeding six months imposed by a court or as substituted by competent authority for some other sentence imposed by such a court; or
- disqualified from registering as a voter under the provisions of this Act or any other law in force relating to offences connected with any election.

Therefore, if an applicant is not qualified to be registered, the law empowers the Registration Assistant to refuse to register the applicant. If the applicant is not satisfied with the decision of the Registration Assistant, the latter shall fill in Form No. 3 and direct the applicant to appeal to a Registration Officer. Any applicant aggrieved by the decision of the Registration

Officer may within fourteen days appeal against that decision to a District Court. The District Court must determine the appeal within 14 days from the date of submission of the appeal and forward its decision to the Registration Officer. In the event of a successful appeal, the District Court which had determined the appeal is required to send to the Registration Officer concerned a statement containing the name of the person who has to be registered or deleted from the register². The following is the procedure for making an objection against registered voters:

- a. A registered voter may object to the retention in the voters' register of his/her own name or the name of another person on the grounds that such person is not qualified or is no longer qualified to be registered as a voter or that such a person is dead. The Registration Officer has to send the notice of objection to the people whose inclusion in the roll has been objected within seven days after receiving the objection, and require such persons to give a written explanation.
- b. The Registration Officer is required to issue to all the parties concerned, a seven days notice specifying the time, the date and the place at which their objection will be heard.
- c. The Registration Officer is required to hold a public inquiry into all objections which have been made, within seven days.
- d. The Registration Officer is required to decide on the objection within seven days from the last day of the issuance of the notice of inquiry.

Any person aggrieved by the Registration Officer's decision may appeal to the District Court within fourteen days. The District Court must hear and determine the appeal, in public, within fourteen days, from the date of submission of the appeal. The decision of the District Court shall be final and conclusive³. Thus, claims and objections may be made against a registered voter in respect of inaccurate entries, omissions or any other contravention of the election law.

3.4 Past Experience with Registration: Some Statistics

Generally, registration of voters in Tanzania has been successful in the past elections particularly in the 2005 elections which recorded a 96% voter turnout (See Table 2.2).

² See more details about procedures for registration from NEC Website, http://www.nec.go.tz/?modules=eprocess&sub&op=voters_registration accessed on 4th December 2010

³ NEC Website, http://www.nec.go.tz/?modules=eprocess&sub&op=voters_registration accessed on 4th December 2010

Table 2.2: Breakdown of Targeted against Actual Registered Voters per Region

NO.	REGION	TARGET	REGISTERED	%
1.	MTWARA	635,114	572,027	90.1
2.	LINDI	432,563	395,730	91.5
3.	IRINGA	744,322	670,547	90.0
4.	MBEYA	1,046,971	942,053	90.0
5.	RUKWA	471,787	437,833	92.9
6.	RUVUMA	576,730	505,512	87.0
7.	KIGOMA	658,418	595,074	90.38
8.	SINGIDA	524,838	474,603	90.43
9.	DODOMA	847,259	748,629	88.36
10.	TABORA	816,868	722,435	88.44
11.	MARA	636,463	681,981	108
12.	KAGERA	910,087	912,256	100.2
13.	SHINYANGA	1,288,164	1,243,157	97
14.	MWANZA	1,407,357	1,404,211	97.36
15.	ARUSHA	650,755	656,398	101
16.	TANGA	823,961	791,668	96
17.	KILIMANJARO	705,549	659,514	93
18.	MANYARA	501,516	483,083	96
19.	MOROGORO	921,217	897,347	97.0
20.	PWANI	466,797	456,781	98.0
21.	DAR ES SALAAM	1,503,494	1,691,983	113.0
	TOTAL	16,570,230	15,942,824	96.0

Source: National Electoral Commission, 2005

The statistics for the updating the PNVR between 2007 and 2008 also show a significant increase of new registered voters (see Table 2.3). These figures above seem to reflect a positive attitude of the people that elections are important for Tanzanian politics, and potential voters do turn up for registration. However, the accuracy of the number of eligible voters is somehow questioned. NEC seems to rely on the Household Survey (2002) that was conducted about eight years ago to make some estimation on the potential number of people expected to register. In this case, by the time elections are about to be run, this approximation may be erroneous given the demographic characteristics of Tanzania's population. There are certainly more people who fail to register than the final figures of registration may tell us. Some eligible adults could be missing from the PNVR.

Table 2.3: Updating of Voters Registration (2007- 2008)

No.	Region	Total Number of Registered Voters	Updating of PNVR, First, 2007/2008		
			New Registered Voters	Corrections	Those who died
1	ARUSHA	723,874	73,629	27,798	1,109
2	DAR ES SALAAM	1,912,662	231,547	97,869	1,476
3	DODOMA	849,561	90,122	32,617	2,910
4	IRINGA	758,262	84,201	31,670	10,183
5	KAGERA	1,048,294	133,700	56,244	10,502
6	KIGOMA	666,114	65,136	21,604	1,383
7	KILIMANJARO	739,529	78,129	32,874	3,803
8	LINDI	450,620	61,965	28,574	2,476
9	MANYARA	533,894	49,602	18,357	905
10	MARA	752,906	88,967	33,738	2,049
11	MBEYA	1,056,126	104,272	34,460	5,566
12	MOROGORO	988,113	92,516	36,878	2,761
13	MTWARA	658,220	85,535	39,164	3,130
14	MWANZA	1,586,919	188,679	79,938	3,795
15	PWANI	518,841	48,582	22,686	1,744
16	RUKWA	489,289	61,204	20,067	1,867
17	RUVUMA	607,920	103,120	30,761	2,775
18	SHINYANGA	1,380,953	151,642	53,279	2,306
19	SINGIDA	545,074	62,445	22,753	1,640
20	TABORA	840,014	116,510	39,828	2,262
21	TANGA	891,942	102,562	45,011	4,519
22	* ZANZIBAR	15,540	0	0	0
	Total	18,014,667	2,074,065	806,170	69,161

Source: Adapted from NEC's Website: <http://www.nec.go.tz/?modules=registration&sub> (accessed on 7/12/2010)

4.0 2010 REGISTRATION PROCESS

The first stages of the voter registration process were the recruitment of the registration officers and the establishment of the registration centres. The Registration Officers Act No. 13 of 2004, Section 8 provides that "...every City Director, Municipal Director, Town Director and District Executive Director shall be a Registration Officer for the purposes of registration of voters in a constituency and such Registration Officer may be for one or more than one constituency". After the completion of the registration exercise, the Registration Officers forwarded all the forms to the Director of Elections who authorized the preparation of a Provisional Voters' Register. After the Provisional Voters' Register had been prepared, it was sent back to the Registration Officers for display at the ward level. This enabled the registered voters to inspect the correctness of their particulars and avail themselves the opportunity to make objections for persons who were not qualified to be registered. The Registration Officers also made decisions on the objections and made necessary corrections and forwarded the changes to the Director of Elections.

4.1 Recruitment and Training of Registration Personnel

Recruitment and training of personnel was another important activity in the preparations for the 2010 voter registration. The process largely remained the same as of 2005; for example, there were registration clerks and camera operators and the recruitment was done at the constituency level through ROs assisted by AROs. This was done almost in all the constituencies of Tanzania Mainland. Each constituency recruited people resident within the constituency and the majority of those recruited were primary/secondary teachers; and the positions were advertised locally through newspapers, public notice boards, and local radio stations. As it had been observed by TEMCO in 2005, the applicants for 2010 were required to be people of integrity, respect, confidence, trustworthiness, commitment and had to be non-partisan (i.e. holding no leadership position in any of the political parties). They also had to be residents within the constituency. For camera operators they had to be professionals with experience in photography. Those who were appointed signed a contract and had to take an oath of secrecy and allegiance to NEC. Both the registration clerks and camera operators attended a two-day training workshop.

4.2 Updating of the PNVR

Any electoral process usually starts with identification of the number of potential voters in the area where the election is supposed to take place. This is done through the registration of new voters or upgrading the status of the voters already in the Permanent National Voters' Register. The upgrading exercise is done to provide eligible people an opportunity to vote on the election day; likewise, to bring up to date the status of each voter by weeding out some names of voters that are no longer needed such as those who will have died or moved into new residential areas and registering new voters. It should be mentioned at the outset that TEMCO did not observe the registration period, which took place between July and August 2010. However, TEMCO observers were asked to reconstruct the information on registration once they were deployed on the fieldwork at the end of August, 2010.

General elections in Tanzania are normally held after every five years, but in order to cast a vote at any election for the Presidential, Parliamentary or local council, citizens must first be registered for that purpose. As it has been discussed in the previous sections, the PNVR is updated from time to time by the National Electoral Commission (NEC). Following the 2005 general elections, the NEC has updated the PNVR two times in 2007/2008 and 2009/2010. Voters are ordinarily informed to confirm or update their status with regard to change of their residence, loss of qualification and when an election or by-election is at hand. For the case of the recent elections in Tanzania, the last updates started in April to July 2010. Voters were given a chance to update their particulars in the PNVR. The update was also meant to provide an opportunity to register new voters who had attained the voting age, transfer information for those who had changed places of residence and remove from the register those who had lost voting qualifications including the deceased. According to TEMCO (2010) the first updating of the voters increased from nearly sixteen million (15,935,493) in 2005 to nineteen million (19,685,239) in 2010 (Tanzania Mainland). It should be noted that the Zanzibar Electoral Commission (ZEC) also registered eligible voters to vote for the Union Presidential Candidate and Union Members of Parliament. Accordingly, in the 2010 general elections, ZEC registered 407,658 voters which brought the final total of registered voters to 20,137,303. This is a considerable increase in the number of new voters by about 20% from the 2005's registration figures. Comparatively, about 8,929,969 and 10,112,365 voters registered in the 1995 and 2000 general elections respectively (TEMCO, 2000).

TEMCO reports generally suggest that the response of new voters was very high although very low in terms of the number of people who turned out to inspect the PNVR. This could be explained by a number of reasons; for example, people turned out in great numbers to register for voting cards because they were in need of IDs that they could use for various purposes such as bank transactions, sim card registration and so on. It should be noted that Tanzania doesn't issue national identification cards for its people. Given also the fact that very few people had other official identification documents such as passports and driving licenses, the registration cards were seen by many people as alternative IDs. However, after registration, others did not go to verify their details prior to the election day.

Overall, there were a number of problems reported by Regional TEMCO observers with regard to the way the exercise was conducted. For example, some reports clearly indicate lack of commitment on the part of the local authorities responsible for registration. This was noted in Dar es Salaam region where there was no information posted around the city centre informing people about the updating exercise. Moreover, there were no serious efforts made by the regional and local authorities to inform the voters on the need to keep their information on the PNVR updated. In other regions as well, the turnout in updating the PNVR was rather low. For example, some reports from Kilimanjaro region show that people could not visit the registration centers for a number of reasons: Firstly, one person per family was required to inspect the PNVR on behalf of the rest of the family members. Secondly, most voters used their voters' cards for ID purposes and voting seemed to be secondary. This implies that few people turned out to double check their details from the PNVR once they had been issued with a new registration cards. Lastly, the majority of the voters rushed to inspect the PNVR during the last days despite the registration officers' efforts to mobilize people to exercise their right to inspect the PNVR through promotional art groups, announcements through public address systems mounted on cars, and the PNVR being distributed to every ward to make it more accessible to the voters. Following this, it was difficult to deal with cases of people whose names were missing from the PNVR, in time, before the election day (TEMCO Constituency Monitor's Report for Temeke, 2010).

Overall, one can say that people only turned out at the registration centres during the updating exercise mainly to report loss or damage of their cards rather than to cross-check their information kept in the PNVR. For example, reports from Kilimanjaro (Vunjo) and Tanga (Korogwe) show that people turned out at the registration centres because they had lost their voter registration cards and not to inspect their status in the PNVR (Korogwe and Vunjo Constituency Reports, 2010). This is echoed by an observer from Bukoba Urban constituency who reports that few voters sought to inspect the PVNR. For example, only 7,025 voters out of 63,915 which is equivalent to 10.9% turned out to inspect the PNVR. Likewise, out of 7,025 who sought to inspect the PVNR only 1,442 voters had their details inspected in the PVNR, accounting for only 2.2%. In some constituencies the turnout was just above 50%. For example, the total number of registered voters in Nzega constituency was 131,623 which is 53% of the total adult eligible voters of 207,015 in the constituency. The observer reports with confidence that the response of people to register was just above half of the total adult population who were supposed to register. Again, in Singida Urban, the turnout was one-third of the expected number of eligible voters. One of the factors which may have accounted for this low turnout of voters was the economic imperatives found in the rural countryside which militate against people's time to come forward to register. According to some registration officers interviewed, this relatively poor response was attributed also to the lack of civic education in the majority of the constituencies. Furthermore, the majority of people viewed the voter's card as an important item for various transactions, which motivated them to visit

the registration centres. Thus, once people had registered and had no problems with the cards, very few people were eager to inspect the PNVR (Nzega Constituency Report, 2010).

Reporting of loss of registration cards in most of the constituencies was relatively low. Most of the TEMCO reports generally indicate that the number of people who did report loss or damage of their voters' cards was very small. On the one hand, there were those who did report the loss or damage of their registration cards because they thought voting was their fundamental right. On the other hand, there were those who reported because their registration cards were a security issue to them as they treated the cards as IDs (Njombe Constituency Report, 2010). In some constituencies the turnout slightly increased when the required passport photos changed from black and white to coloured photos. Some registration officers who were interviewed by TEMCO observers claimed that most people who understood the importance of their cards reported immediately after losing or damaging such cards for the same reasons mentioned above. This is also corroborated by a report from Lindi Urban constituency which shows that the number of people who sought to inspect the PNVR was very small. The monitor points out that those who did not bother to inspect the PNVR could not vote on the election day. Apparently, a lot of complaints from the people who could not vote were brought against the registration officers who were accused of deleting people's names from PNVR for their own interests. Some of the reasons why some people did not want to report loss or damage of their voter registration cards were linked to the time and bureaucratic procedures required to get a new card including producing a Police report. Some voters reported their cases to the ward executive officers just a few days before the election day hoping that they would be allowed to vote; however, these officers were not allowed to issue new cards outside the set procedure.

5.0 PROBLEMS IN THE REGISTRATION PROCESS

5.1 Voter Education and Response

The experience gained from monitoring the recent elections in Tanzania by TEMCO members suggests that voter education was somewhat effectively disseminated. On the one hand, some Assistant Returning Officers pointed out that voter education was a serious challenge that weakened the whole exercise of upgrading the PVNR. On the other hand, there were some efforts made by the NEC officials to disseminate voter education to the voters. For example, the TEMCO observer for Bukoba Urban reports that information regarding the updating of PVNR was widely circulated via various local media outlets including the local Radio Stations such as Kasibante FM Radio and Vision FM Radio. Some posters, leaflets, music kiosks were used to sensitize voters to turn out for updating their details in the PVNR. However, despite these efforts, few people turned out to update their details in the PVNR. From Njombe, the TEMCO observer reports that sensitization by political parties especially the opposition parties helped to raise awareness among the voters to register or to update their information in the register. Some opposition parties were going from house to house to sensitize people on the importance of registering. There were also other organizations that were involved in the provision of voter education in Tanzania through assistance from UNDP but it is too early to make any realistic assessment of their impact on voter registration.

5.2 Double Registration

In many constituencies there were new wards established towards the polling day and some people had to be asked to re-register into these new wards. Given the low capacity of some registration officers to cross-check the information provided by the voters, some voters who had lost their cards or were asked to re-register happened to register twice, in different wards.

Generally, there were strong feelings among the ordinary people and the registration officers that some irregularities which included cases of double registration were widespread. In some constituencies, these lead to several prosecutions because of allegations of buying and selling of registration cards. These irregularities, though difficult to prove, suggest that corruption might have been deeply entrenched in the registration process. Moreover, since in some constituencies there were no requirements on the part of the voter to present a police report or rather a letter from the ward executive officer as evidence that he/she had lost the registration card, some dishonest voters used this as a loophole to abuse the registration exercise and therefore registering twice (Lindi Constituency Report, 2010).

5.3 Missing Names in the PNVR

TEMCO reports suggest that there were some names of voters which were missing from the PNVR. Some names on the PVR were inconsistent with the original verified list of voters; for example, the observer for Ilala Constituency notes that at Amana Hospital polling station, there were several cases of people who failed to vote because their names were not in the register. Although some names were missing, there were others which were marked as not approved and not eligible to vote without disclosing any reasons. There were also some voters who had completed the registration process but their names were not on the list as was reflected on the election day. In Mara region, a similar problem had been noted; for example, the Mwibara Monitor reports that some voters did not appear in the PNVR and thus their names were not displayed on notice boards at respective polling stations in several localities and as a result they were unable to vote. This problem was widespread in Mara region. Some voters had their names wrongly spelt; others had information that did not match the information on the voters' ID. It was sometimes surprising to note that some voters were given a 'disqualified' verdict in the PNVR while they did not deserve it. One interesting case was where a voter had been labeled 'deceased' in the PNVR but was able to show up at the registration centre. This extreme case was reported by a TEMCO observer from Mara at Maktaba ya Mkoa polling station in Musoma Urban constituency⁴. In some other constituencies, there were a lot typing errors of the names of some voters. In some instances this was resolved through using a specific scanning device on the election day, to check on the name of a voter and the number where there was inconsistency. In some polling centers where this machine was not available the voters had to go to other polling stations.

It can be argued that some of the problems reported above were more individual rather than organizational. NEC provided enough time for people to register and update their particulars on the PNVR and in some places such as Dar es Salaam, the registration time was also extended. The TEMCO reports generally indicate that people did not turn out in time to update their information in the PNVR and in this case it was too late for some to have their problems solved on the election day as they were simply asked to check their names from

⁴ The 'deceased' voter was named as Rehema Ayoub Kagire, ID Number 47370683. For more details please read Mara Regional Report

other neighbouring polling stations. On the other hand, the habit of maintaining and updating the PNVR has not been given the necessary sensitization by NEC. This could be seen in some constituencies where there was no information posted about the need for the voters to update their information in the PNVR. It was also observed that some local government authorities had poor record keeping on the number of deaths, movement of people from one constituency to another and the number of people who had attained the voting age (Dar es Salaam Regional Report, 2010). For instance, accurate data on registered people dying or moving out of the constituency were difficult to get in some constituencies in Kilimanjaro (Vunjo Constituency Report, 2010). Following this, without serious intervention from NEC to update the PNVR at the lower levels, the national voter register will still remain outdated and incorrect. Nonetheless, while the PNVR was displayed at the Ward level in 2005, in the 2010 elections it was further sent back to the registration centre. In this case, voters had ample time and access to verify their particulars such as registration numbers, and spelling of their names. Surprisingly, very few people turned out to verify their particulars on the PNVR as discussed in Section 4.2. Moreover, Voters Interaction System (VIS) which enabled voters to check their information in the NEC's database through text messaging was introduced by NEC in 2010 general elections. There was special agreement between the Tanzania Communication Authority (TCA) and NEC where a special code number (15455) was provided to enable voters to locate their respective polling stations and to be able to vote on the polling day. Apparently, very few people were aware of this new facility due to the fact that this special code was available to NEC rather too late. Some mobile network vendors such as Zain (now Airtel) were also not very efficient to facilitate this special arrangement⁵

5.4 Voter Registration Information

In the absence of a recent census, there was no reliable and uniform basis for estimating eligible population in the constituencies. In this respect, the Returning Officers seemed to use different formulas and methods, some of which some conflicted with the NEC's records. For instance, the figures given by the Registration Officer from Singida Urban of 63,235 was lower than the figures given by the District Election Officer after tallying the presidential votes in the constituency which stood at 64,525 which also fluctuated to 65,515 during the tallying of parliamentary votes (Singida Urban Constituency Report, 2010). Many Registration Officers complied with the formula supplied by NEC, but this formula produced only expected registrees rather than the actual eligible voters. A good example is from Tandahimba constituency where there was a problem of unaccounted voters after the establishment of new wards. The total number of registered voters was 124,832 after the last upgrade as per the permanent national voter's register. In July 2010, eight new wards were established which made a total of 30 wards in Tandahimba constituency. Surprisingly, the creation of the new wards increased the number of registered voters from 124,832 to 125,674 in the constituency as compiled from 368 polling centers. According to the TEMCO observer, there was no explanation given for this discrepancy. These examples from the two constituencies suggest that there was a real problem of estimating the correct number of people registered as a proportion or percentage of people who were eligible to vote in some constituencies.

Moreover, getting accurate and reliable data on registered people, those who had died, or moved out of the constituency, was a serious challenge in updating/upgrading the PVNR. It was revealed that many voters who were moving in and out of the constituency did not report

⁵ For more details, see chapter four in this report on "Management of Elections".

and therefore it was difficult to get accurate data. Likewise, information of dead voters in the constituency went unreported. For instance, the Assistant Returning Officer (ARO) for Bukoba Urban constituency revealed that there were 63 voters in the PNVR who had died but their details had not been made available and so it was difficult to produce accurate data. It can be concluded in this section that despite the fact that the lower levels played a very big role in registering voters, NEC (at national level) seemed to control the registration process. In some respects, these lower levels were ill-informed over the PNVR as some got information about the status of their registered voters in their respective constituencies only few days before the polling day.

5.5 Party Agents

In the updating of the PNVR, political parties were required to have their own agents at the registration centres as provided by Section 15A (1) which stipulates that “a political party may appoint one person to be a registration agent for each registration centre within the constituency for the purpose of a) detecting qualifying persons for registration; and b) assisting the registration assistant to secure smooth compliance with relevant laws and procedures pertaining to the conduct of registration of voters.” While CCM was able to deploy its agents almost in all the registration centres, the majority of the opposition parties did not place their agents at all polling stations. Some opposition parties claimed that they could not afford to pay all their agents and chose only the registration wards that they thought their candidates were strong and likely to win. The inability of the political parties to deploy some party agents at some registration centres can be interpreted as one of the weaknesses in the electoral system of Tanzania. Since the law was changed after the 1995 general elections to remove subsidies to political parties during the elections, things have been very bad for weak opposition parties.

6.0 NEC AND MANAGEMENT OF THE REGISTRATION PROCESS

Overall, NEC demonstrated its high organizational capacity in the registration process. Except for a few problems, all registration materials were provided in time and adequate number. The NEC officials paid regular visits to the registration centres and were quick in responding to some of the problems reported including frequent breakdown of the cameras. Moreover, the registration centres were well staffed and opened in time for the voters to register or update their records. NEC displayed the Provisional Voters Register at the ward levels for a sufficient length of time. In some constituencies, the time for registration was also extended to allow more voters to register and to update their records on the PNVR. This also provided adequate time for registered voters to inspect the list and to raise objections about persons not qualified for registration. TEMCO reports indicate that there were many complaints about some voters being registered more than once. This was later acknowledged by the Director of Elections who noted that NEC had detected at least 2000 double registration cases countrywide. Security at the registration centres was also adequate only a few did not have security officers. In spite of this anomaly, there were no major incidences that were reported.

Generally, various stakeholders and monitors of the registration exercise including TEMCO observers have commended the NEC for the effective way in which it administered the exercise of voter registration in the 2010 general elections. Overall, the registration was carried out efficiently in almost all the constituencies that TEMCO observers were placed although there were some minor irregularities and problems observed. NEC should also be

commended for introducing the Integrated Election Management System (IEMS) which helped quick access of all registration records in Tanzania Mainland. For example, NEC was able to print the names of registered voters in each polling station centrally and post them within a few days to the same registration centres for voters to check their particulars. This is seen as an improvement on the 2005 registration⁶.

7.0 VOTER REGISTRATION AND VOTER TURNOUT: A PARADOX?

The low turnout on the polling day in the 2010 general elections in Tanzania, which was about 42%, provides evidence that the PNVR did not have much impact on turnout on the election day, even though millions of additional citizens had been registered. In the past general elections, voter registration and voter turnout were really high. For example, in 2000 and 2005, the voter turnout was 84.4% and 72.28% respectively (EISA, 2006). Theoretically, high turn out during registration has a direct impact on high turn out on the election day but this was not the case for Tanzania. This raises a number of questions: Why was there low turnout on the polling day despite Tanzania Mainland having good experience of voter turnout in the past general elections? What factors accounted for high voter turnout during the registration period and low voter turnout on the polling day? There could be varied explanation to these questions. Part of the explanation could be that there had been little initiative to educate the voters about their democratic rights especially on the issue regarding using registration cards as IDs. The majority of the constituency monitors' and regional coordinators' reports suggest that the main motivator for people to register in the 2010 general elections was to get the registration card that could be used as an ID. This, however, does not provide the whole picture. For instance, the registration of voters was very high in 2005 (96%) despite little voter education provided and the absence of the ID issue, yet people turned out to vote for about 72%. This begs for more reasons. The second reason could be that when voters find political parties and candidates that meet their interests, the voter turnout is likely to be higher. In the 2010 general elections, voters seemed to be undecided about which party to support. There is no doubt that the recent elections posed some challenges for political leadership competition in Tanzania, especially with the entrance of Dr. Wilbrod Slaa (CHADEMA) in the presidential race. As compared with the 2005 elections where a significant number of people registered and voted in great numbers, apparently because of the nomination of Jakaya Kikwete as a presidential candidate for CCM, in the 2010 elections some voters seemed to be more apathetic with politics due to unsatisfactory performance of the CCM's government, especially the way it dealt with some pertinent issues of corruption. Given also the hot debates that erupted in the parliament in the period 2005-2010 which saw some senior government officials implicated for corrupt practices and hence resigned, a significant number of voters lost their hope in voting for CCM. Consequently, there were two choices that voters had: on the one hand, there were those whose expectations had not been met by CCM Presidential candidates and therefore voted for the opposition parties. This can be further corroborated by the fact that it is for the first time that an opposition party secured about a quarter (26%) of the total votes. On the other hand, there were those who simply did not see the reason for voting because of the disappointment with the performance of the CCM presidential candidate. Another explanation could be the impact of nomination of candidates in CCM through preferential votes. In a way, primaries were like the polling day as some candidates and members had to fight hard during the intraparty nominations. Ironically, once this process was over, some voters thought that it was the end of business and their candidates would win anyway. As a

⁶ See Chapter four for more discussion on this system.

result, some potential voters did not turn out on the polling day. Lastly, there could have been inflation of registration figures by NEC. As it has been discussed in this chapter, NEC seems to rely on Household Surveys to arrive at their estimations of expected numbers of voters. Sometimes these figures do not match with the ones provided by the ROs and AROs.

8.0 CONCLUSION

The general viewpoint which is shared by all the TEMCO constituency and regional observers is that the process of voter registration in Tanzania Mainland was well managed compared with the previous elections. NEC managed to coordinate, supervise and monitor the process. With few problems of low turnout during the updating exercise and some names voters missing from the PNVR, NEC did perform the rest of the registration process in a professional manner and some improvements were also recorded such as a big number of new registered voters. Strategically, a larger pool of registered citizens (i.e. eligible voters) is a resource that the political parties, especially the weak opposition parties, cannot ignore. Likewise, younger parties have to compete for these registered voters since they have already been qualified for voting through registration and hence they can be relied upon. It appears from the experience with registration in Tanzania that voter registration remains an individual responsibility. However, the government can make registration easier or more difficult with far-reaching consequences for turnout. At present, registration of voters does not seem to be a serious problem but the updating exercise is somewhat poor. Although there is little cost involved in registration in terms of monetary value the issue of time could be a major obstacle in future registration and updating of the PNVR. Generally, voter registration has been costly in any election in many countries in the world, for example, individuals such as in the United States have always have to 'pay' the costs themselves (Highton, 2004:508). In Tanzania, one cannot claim that registration is costless for the voters. Voters have to walk long distances to register, have to spend significant time at the registration centres to have their records kept, and have to sacrifice their precious time for earning their incomes to participate in this democratic activity. Despite all these implied costs, people have traditionally tended to turn out to register in big numbers in Tanzania Mainland. Nonetheless, people still have to strike the balance between time spent in registration and fulfilling other obligations. Overall, when the citizens do not see immediate results for their participation, they tend to be disenchanted with politics. Hence, continued non-voting by substantial numbers of citizens on the election day as it appeared in 2010 elections in Tanzania Mainland suggests that for many voters, voting remains an activity which does not provide enough compensation for their time used.

CHAPTER THREE

NOMINATION OF CANDIDATES

1.0 INTRODUCTION

In this chapter, we assess the process of nomination of candidates both within the political parties and by the National Electoral Commission (NEC). The chapter is divided into seven sections. The next section establishes the legal context and the party procedures. It shows that although the Election Expenses Act, 2010 was a major innovation, implementation was a formidable challenge. The third section assesses nominations within political parties by looking at a range of models used in the 2010 election. Many political parties aspired to have as much open and participatory nomination process as possible but practice across the multitude of parties indicated major divergence from the democratic ideal. A discussion of inter party defections are presented and discussed. Section four is dedicated to the process of nomination by NEC. NEC's nomination is critical since it is final and cannot be contested in court. The question of independent candidature is a subject of the fifth section. The section questions the rationale for subjecting individuals to party membership in the free era of liberal politics and argues that the practice of banning individual candidates is nostalgic for the single party era. Section six presents controversies surrounding unopposed candidature. In the light of the observed facts, the need for a review of the election law to subject unopposed candidates to popular vote could not be more urgent. Section seven presents TEMCO's assessment of the nomination process through the eyes of the observers. This is based on the observation of the process, on the ground, by those who were in the field. The chapter ends with a conclusion and recommendations.

2.0 LEGAL CONTEXT AND PARTY PROCEDURES

The legal context did not change much compared to the previous elections. Nomination of candidates was done under the requirement of the Constitution of the United Republic of Tanzania 1977, the Election Act of 1985 as amended over the years, and the Local Authorities (Elections) Act, 1979 (NEC, 2001; TEMCO, 2006).

Apart from fulfilling specific party requirements, candidates were supposed to meet qualifications set by the Constitution and the Election Act. Presidential candidates were supposed to:

- be 40 years and Tanzanian by birth;
- be members of a registered political party nominated by the party for that position;
- meet all the qualifications required of a member of parliament;
- fill in nomination forms provided by the Commission accompanied by not less than 200 registered voters from at least 10 regions of Tanzania, out of which at least two have to be from Zanzibar; and
- deposit Tshs. 1,000,000 for the nomination forms (TEMCO, 2006).

Aspirants for a parliament post were required to:

- be 21 years and above;

- be able to read and write in Kiswahili or English;
- have not been convicted by any court for an offense of tax evasion within a period of five years before the election;
- be members of a registered political party and should be nominated by the party in question;
- be supported by not less than 25 people who would have been registered as voters in the substantive constituency;
- fill in the appropriate forms; and
- deposit cash of Tshs. 50,000.

The age and tax requirements were the same for aspirants for councillorship in local government elections. In addition, the candidates had to be supported by at least 10 voters living in the substantive ward. The deposit required was Tshs. 10,000. The deposits of all the above levels are normally forfeited if a candidate withdraws from the contest after nomination or if the candidate polls less than 10% of the total number of votes cast (TEMCO, 2006).

The legal requirements explained above have remained unchanged since the elections of 1995. It is the enactment of the Election Expenses Act (EEA), 2010 that made the 2010 elections very interesting especially as the incumbent president had vowed to address the question of election financing. The Election Expenses Act 2010 therefore was primarily intended to make provisions aimed at controlling the use of money during elections in order to curb corrupt practices. TEMCO studied very closely the implementation of the Election Expenses Act, findings of which will be presented in a separate report. Related to that TEMCO published a Newsletter (Election Expenses Act Series No. 1 of September 2010) with analysis of preliminary findings on the implementation of the EEA, 2010 which are worthy revisiting.

The first observation made was that incidences of corruption were more pronounced in the 2010 elections compared to the previous elections despite the enactment of the EEA, 2010. Secondly, unlike in the previous elections, four CCM parliamentary aspirants and one councillorship contestant were charged in court for corruption offences. Iringa alone had three contestants taken to court: Joseph Mungai who had contested in Mufindi North (The Guardian, 12th August 2010), Fredrick Mwakalebela who had contested in Iringa Urban (*Tanzania Daima*, 18th August 2010) and Fadhili Ngajiro who had contested the Iringa Urban constituency (*Nipashe* 13th August 2010). The fourth one was Esther Mambali who had contested parliamentary women special seats via CCM Youth Wing (*Mwananchi*, 19th August 2010).

Some CCM members confided that it was the party that had nurtured corruption practices by allowing “takrima” in the previous elections. They pointed out that even during the 2010 election where “takrima” had been outlawed, people would not turn up in CCM events unless transport was provided and entertainment guaranteed. That was not the case in other political parties where people generally admitted that they were financially constrained.

The second observation is that there were so much money chasing electorates to the extent that new methods of distribution were invented to dodge the PCCB. Methods that were reported by newspapers included outright distribution of cash by aspirants themselves or their agents, using mobile phone money transfer technology, or offering material things such as drinks, clothes, food, mobile phones and motor bikes. In many areas, aspirants distributed

motorbikes also to facilitate distribution of money within constituencies that had inadequate means of transport. Many incumbent MPs also distributed cash or offered rewards on their way to the nomination process contrary to the law, pretending that they were fulfilling promises they had made.

The third and perhaps most critical observation is that there was either low capacity, or lack of commitment, or both to implement the EEA, 2010 both within parties and by the relevant government organs. Observation by TEMCO as well as reports from newspapers indicated that almost all political parties that conducted primaries did not show commitment to enforce the law, were unable to tame corruption or did not have the courage and zeal to compel their aspirants and followers to comply with the legal and ethical requirements (TEMCO Newsletter, September 2010). Throughout the nomination process within CCM, 18th July to 1st August 2010, corruption became a buzzword in newspaper reports. The reports ranged from aspirants being caught and questioned by the PCCB to others breaking their legs when PCCB invaded houses where corruption money was being distributed. It appeared that the party was overwhelmed by the extent of the practice and hoped that PCCB would come to its rescue.

Procedures for nomination in some parties changed. CCM decided that all eligible members would vote for all contestants in the primaries. Candidates had to campaign together, moving in the same vehicle. Tricks were not completely ruled out as complaints of manipulating the CCM register were rife. “Contrary to expectations, the newly introduced system fuelled rather than curbed corruption, the net result being that vote selling and vote buying that characterized primaries over the last decade intensified” (TEMCO Newsletter, 2010). It was intended that opening up the electorate would act as strong deterrence to bribe, but it didn’t. Actually corrupt aspirants found ways of reaching the electorate plus inventing other subtle mechanisms such as massive buying and distribution of CCM cards in order to boost their votes.

CHADEMA wanted to democratize its nomination for special seats alongside the lines of CCM where contestants are voted from the grassroots to the national level. However, in the end the exercise was marred by so many irregularities including allegations of corruption, so that the party decided to abandon it altogether, appointing a committee of consultants instead to do the nomination for the party.

CUF as well changed nomination procedures. In the 1995 election all CUF members participated in the nomination for the councillors, Members of the House of Representatives and Members of Parliament who were sponsored by the party. In 2000 and 2005 CUF abandoned this procedure resorting to the Constituency Committee vote which was then approved by *Baraza Kuu*. The 1995 procedure was reinstated for the 2010 nomination process aiming at “decentralizing democracy to the grassroots level” (TEMCO, 2010b). This procedure was however fully implemented in Zanzibar where CUF has its stronghold. As a result of stiff competition, some veteran politicians were swept out by vibrant and young aspirants. In some cases allegations of corruption cropped up although not to the magnitude observed in the Mainland partly because the EEA, 2010 does not apply in Zanzibar. CUF also quietly raised the fees for nomination forms. For instance CUF election regulations (Section 2) indicate that, fees for collecting a nomination form for presidential candidate is Tshs. 500,000; Tshs. 50,000 for candidates aspiring for the MP or HoR posts and Tshs. 10,000 for candidates aspiring for councillor posts. However CUF charged 100,000 Shillings for MPs and HoR aspirants and 50,000 Shillings for councillor posts (TEMCO, 2010b).

On the whole, the nomination process for the October 2010 elections was fraught with an unprecedented degree of corruption in terms of both the number of people and amount of money involved. This said, it would be wrong to suggest that passing of the EEA, 2010 was a smokescreen. The passing of the EEA, 2010 was a progressive move, but its enforcement has encountered formidable challenges.

Several factors could be said to have contributed to the observed low capacity of enforcement of the EEA, 2010. For purposes of analysis we divide them into systemic and procedural factors. Systemic factors relate to those factors within the law that act as impediment to implementation. Procedural factors relate to those factors related to institutional set up and capacity. We shall start with procedural factors.

The first factor is related to capacity or willingness of political parties to enforce the law. On a quick look it seems parties did not have the incentive to implement the law. On the other hand the law places a lot of premium on political parties for implementation. This presupposes that political parties had personnel, resources and commitment to enforce the law. In practice this complicated implementation because even where leaders of political parties were supposed to monitor the implementation or abidance to the stipulation of the EEA, 2010, they were either contestants themselves, needing to be monitored; or had close relatives and colleagues contesting. Observation by TEMCO has shown that almost all the top leaders of CCM were either contesting or had their relatives (wives, children) contesting. For instance, the CCM Secretary for Planning and Finance who was supposed to supervise the observation of the financial discipline in the Party Mr. Amos Makala was also contesting in Mvomero constituency in Morogoro. Even before the nomination process began, there were complaints that Mr. Makala had been bribing voters by offering cash and the PCCB failed to net him (*Mwananchi*, 18th July 2010). Despite the prevalence of such complaints, CCM never dared to reprimand Makala, ostensibly for lack of evidence. Both Deputy Secretaries for Mainland and for Zanzibar were contesting for parliamentary seats as well. Although they were not implicated in any complaints of corruption, the party would have been in a difficult position if they were by any chance alleged to have indulged in electoral corruption.

Also Mr. January Makamba, the son of the CCM Secretary General, Yusufu Makamba, was running for a constituency seat in Bumbuli. The party did nothing even when complaints were levelled against January, allegedly inviting elders from Mgwashi ward and treating them to “traditional hospitality” that included drinks, food and cash (*Raia Mwema*, 2nd - 8th June 2010). The daughter of the Prime Minister was also running for women special seats, although she was not nominated and was not implicated in corruption allegations. But a case that gained national attention involved the wife of the outgoing Speaker of the National Assembly, and Cabinet Minister, Magreth Sitta. Mrs. Sitta, running for women special seats via Tabora region was held and subsequently questioned by the PCCB for alleged corrupt practices. A few days afterwards Mr. Sitta made a statement that contained a warning that he would teach PCCB officials a lesson for having mistreated his wife and tainted her image (*HabariLeo*, 31st July 2010). In such a situation it became difficult for the CCM leaders to police themselves.

Systemic factors relate to the design of the law itself. The vagueness in the interpretation of the EEA, 2010 contributed to its failure. The absence of a clear-cut limitation time for incumbent MPs to stop fulfilling previous electoral promises made parties to hesitate taking disciplinary measures against those accused of inducing voters by bribery. For example,

former minister Dr. Juma Ngasongwa who was contesting a parliamentary seat in Ulanga West constituency admitted to have contributed corrugated iron sheets and cement bags to a number of party offices in Manda Chini, Lugala and Madubila in his constituency saying he was fulfilling the promises he had made earlier (*Mtanzania*, 19th July 2010). Such cases became difficult to pursue because of loopholes in the EEA, 2010. For instance, while the EEA, 2010 defines procuring gifts as prohibited practice, the same law stipulates that a transaction designed to advance an interest of community fund raising, self-help, self-reliance or social welfare projects within the constituency shall not be deemed to be prohibited practice.

3.0 INTRAPARTY NOMINATIONS

As it has been the case in previous elections, nomination of Presidential and Parliamentary candidates within parties were guided by the Constitution of the United Republic of Tanzania 1977. Articles 39(1) (c) and 67(1) (b) of the constitution require that Presidential candidates and Parliamentary candidates should be nominated by their respective political parties. In the case of Councillor elections the respective provision is set under Section 39 (2) (f) of the Local Authorities (Elections) Act, 1979 (NEC, 2001). The nomination of candidates has been a test of popularity, membership, visibility, resources and indeed the gauge for intraparty democracy. While some political parties had uniform, elaborate and democratic procedures in place to guide the nomination exercise, others did not have such procedures.

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 were seeking party nomination for Council and Parliamentary candidacy. The preferential votes of party members were 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 their final choice. This model is used by the better established parties in the opposition camp, especially CHADEMA and NCCR-Mageuzi.

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.

3.1 Councillorship and Parliamentary Nominations

Evidence from the constituencies showed that CCM, CUF and CHADEMA, to a varied degree, had an elaborate system for selection of nominees for candidates for various posts, although only CCM uniformly applied these procedures during the nomination process for Councillor and Parliamentary elections but not for the Presidential elections.

CCM had the most elaborate nomination system. Indeed in concurrence with the Tanga TEMCO observer, CCM had the structure, the personnel and the funds to carry out ideal nomination process. Theoretically, it was the most democratically/participatory system in that all members of the party who had paid their membership were allowed to vote after listening to all candidates who had moved together in the primaries campaign. In reality, many candidates sought to influence the system through corruption and manipulation. Money and other rewards were said to be used extensively, at the same time some members sponsored new members who voted for them (LTO Iringa Report, 2010). The regional coordinator for Mara reports similar incidences where the preferential voting process was circumvented with a lot of limitations ranging from corruption, use of fake CCM cards, use of fake lists of party members and generally being influenced strongly by the well off in majority of constituencies (LTO Mara Report, 2010).

In Iringa Urban, for instance, this applied both for Parliamentary and Council nomination. The parliamentary nomination gained national attention. The candidate who led in the nomination votes was accused of corruption although he was not caught directly, people who claimed they had obtained the money from the candidate were the ones caught red handed. The candidate was however, sent to court and subsequently his name was not returned by the national organ of his party. In the same constituency there are claims that the council nominations were influenced by candidates who were seeking to be the Mayor of the Municipality. One candidate was said to have sponsored CCM members by paying for their candidates, and financially supporting some of the councillor candidates of CCM.

In Njombe West the CCM candidate who had scored the highest nomination votes had his name cancelled by the national organs of CCM. The third placed candidate was chosen. The result was that the leader in the nomination votes defected to CHADEMA. The CCM publicity secretary was quoted saying that the candidate had been stopped from contesting any post through the party due to his bad disciplinary record (*The Citizen*, 16th August 2010). The Njombe North candidate who won most votes is also the CCM regional chairman, after defeating an incumbent veteran politician. He was however seen as a weak candidate because of his poor education and because of ethnic prejudice. Apparently, he was seen as an outsider coming from another area; nonetheless, he was a very wealthy man and had the support of other wealthy people originating from his home district. In Mlalo constituency higher organs of CCM took the third winner Hassan Ngwilizi who was an incumbent, leading to public demonstrations and the defection of Charles Kagonji to CHADEMA. In Kilindi constituency a CCM member who was not selected went to the High Court in Tanga alleging that the incumbent ‘hijacked’ the results of the preferential polls (LTO Tanga Regional Report, 2010). In Muhambwe, CCM had difficult time following higher organ’s decision to return the name of a very unpopular candidate. Participants refused to sign the results conceding defeat pointing out that nomination had not followed the guiding rules and regulations (LTO Kigoma Regional Report, 2010). The Central Committee returned his name despite widespread allegations against the candidate including banditry and involvement in dubious businesses. The CCM Regional Secretary who was alleged to have been against this choice was handed a transfer letter to Dodoma, at midnight.

Overall, CCM upheld much of the preferential voting having learnt the risks of dropping a popular candidate. In making the final choice, the party’s NEC had taken into consideration the results of preferential polls, the prospective candidates’ conduct and the ability of the contestants to express themselves. With the exception of four contestants, NEC approved all winners of the preferential voting. Those who were not endorsed included former Tanzania

Football Federation Secretary General Fredrick Mwakalebela (Iringa Urban), Mr. Athuman Ralome (Moshi Urban), Mr. Hussein Bashe (Nzega) and Mr. Thomas Nyimbo (Njombe West).

In Moshi Urban, CCM went for the third winner claiming that the winner was not strong enough to reclaim the constituency which had hitherto become a CHADEMA enclave. Similarly CCM's higher organs preferred the third winner in Nzega, dropping out Bashe on claims that the latter was not a Tanzanian citizen. Again CCM skipped the second winner claiming that it had realized that Dr. Kingagwala was more acceptable to the voters. Selelii's debacle was connected with the fight against corruption it was said to that he was one of the "commanders". It is the decision to drop Bashe that gained a lot of media attention. Later on the Minister for Home Affairs was quoted as saying that Bashes's citizenship status had no controversy. Only that this statement did not point out to which side of the controversy he was referring.

CCM endorsed former ministers Basil Mramba (Rombo) and Andrew Chenge (Bariadi West), who were both facing criminal charges. It did not endorse the Iringa Urban candidate also facing criminal charges arguing that the candidate had been accused of engaging in corruption in the just ended nomination process (The Citizen, 16th August 2010).

Nominations within other parties were by far less controversial. The model that was applied in these parties varied from what could be explained as democratic, semi-democratic to purely handpicking or self-endorsement. In many constituencies that TEMCO observed the parliamentary candidates had no contestants. Only some council seats had several candidates who had to be voted by Ward Committees and confirmed by District Offices. In the case of Iringa Urban, CHADEMA which gave some stiff competition had been a very weak party in the region before the CCM nominations. The "Slaa factor" and the miscalculations within CCM definitely benefited CHADEMA. This is also true of CHADEMA in several other constituencies where the party's popularity surged with appointment of Dr. Slaa as its presidential candidate.

As observed by the Mara TEMCO coordinator, other participating parties which had relatively small social and political bases in the region tended to use the semi democratic or undemocratic models depending on who was contesting. Some parties such as UDP, DP, UPDP, Demokrasia Makini and Jahazi Asilia largely used the handpicking or self-installation model. In Tanga for instance, the TEMCO regional coordinator noted that CUF did not have a regional office, instead all activities were carried out by the Tanga district office. CHADEMA had a Ward Office from where the District Secretary operated. CUF used the participatory model of nomination in Zanzibar where it was more entrenched than on the Mainland. On Tanzania Mainland, as observed in Dar es Salaam, candidates seeking party nomination were voted by party members and whoever won was, in most cases nominated as a party candidate for Council and Parliamentary candidacy.

In CHADEMA, candidates got an opportunity to express themselves and declare their intentions before members. Party members then voted and whoever got the highest votes was declared the winner. This procedure however, was followed only when more than one candidate had sought party nomination. The party zoned the country using a four-code formula based on electability. Based on this formula, constituencies were assigned codes: red, green, white and black. Accordingly, the "red" constituencies represented constituencies where CHADEMA was very much likely to win (safe seats); while the "green" constituencies

were seen as those which required more efforts to win. The “white” constituencies were those ranked by the party as having average support. The last category, the “black” constituencies depicted unsafe seats for the party, and therefore unlikely to win (LTO Report Dar es Salaam, 2010). The rationale for this strategy may not be clear given the party’s huge campaign to boost its visibility in the wake of its victory in the highly contested Tarime by-elections. The campaign was dubbed “Operation Sangara” in which CHADEMA leaders moved across the country to recruit members. That CHADEMA’s countrywide electoral success in 2010 is testimony to the effectiveness of “Sangara”.

Political parties’ response with regard to their inability to attract sufficient potential candidates varied. As the case of council elections in Dar es Salaam shows, only CCM, CUF and CHADEMA fielded candidates in all wards; other parties managed to field council candidates in just very few wards. For example the Alliance for Tanzania Farmers Party (AFP) noted that it was given permanent registration in November 2009 just one year before the general elections so it had no sufficient time to prepare for the 2010 elections. In addition, financial problems forced each candidate to fend for themselves.

NCCR-Mageuzi, the leading opposition party in the first multiparty elections in 1995, which nevertheless diminished into oblivion in 2000 bounced back into the parliament gaining four seats exclusively from constituencies in Kigoma. In NCCR-Mageuzi, all nominees seeking the party ticket were to be discussed at the constituency committee where forms were brought from the branch, ward and constituency. The constituency committee decided on the candidates and sent a copy of the deliberations and recommendations to the headquarters.

3.2 Presidential Nominations

Modalities for nominating presidential candidates varied across parties. In CHADEMA the nomination of Dr. Wilbrod Slaa as presidential candidate came as a surprise to many followers of Tanzania politics. The previous contestant and party chairman Freeman Mbowe had announced earlier that he would not contest and instead he declared his intention to run for parliamentary election in his home constituency of Hai. Likewise Dr. Slaa had also declared his intention to run once again for Karatu constituency. However, CHADEMA ultimately declared Dr. Slaa its presidential candidate at the last minute. All in all presidential candidate nomination within CHADEMA was largely negotiated in closed doors, and the process lacked transparency and clarity of procedures.

The 2010 presidential nomination within CCM was largely predictable due to the fact that the incumbent president was completing his first term in office and hence eligible for re-election. Although the CCM constitution does not prohibit its members to contest against the incumbent, the tradition has been to allow the incumbent to run unopposed for the second term. In this regard, the one member who publicly declared his intention to oppose the incumbent was ridiculed and discouraged. John Shibuda’s intention to challenge the incumbent President Jakaya Kikwete during the initial stages of the Presidential nomination is a case in point. The CCM national convention in Dodoma was therefore a ceremonial event. The two-day event was broadcast live on TV channels and radio stations, coloured with cultural and artistic entertainments. President Kikwete garnered 1,893 ‘YES’ votes equivalent to 99.16 percent and only 16 ‘NO’ vote (0.84 percent). Unfortunately, TEMCO observers did not witness the vote counting process although they were allowed to witness the declaration of results.

In CUF the same candidates who ran for presidential nominations for both Union and Zanzibar in all previous elections since 1995 were endorsed. To a great extent the nomination process was transparent in the sense that each candidate was asked a maximum of ten questions by the delegates. In addition, TEMCO observers were allowed to witness the nomination process, including vote counting and declaration of results. The CUF Presidential candidate Prof. Ibrahim Haruna Lipumba was endorsed by 671 (99%) delegates. Of the 671 delegates, 2 rejected the candidate. The Zanzibar Presidential candidate, Maalim Seif Sharif Hamad garnered 667 (96.4%) “YES” out of the total 675 votes cast. Five delegates rejected the candidate while 3 votes were spoilt.

TEMCO sent a delegation to both CCM and CUF nomination conventions upon invitation. The difference between CUF and CCM conventions was that while in the former, candidates had to take questions from delegates before they were voted; in the CCM convention no questions were allowed from the floor. Other four political parties, namely APPT-Maendeleo, NCCR-Mageuzi, TLP and UPDP nominated their presidential candidates using the hand-picking model.

What was notable in the CCM nomination was the contest for intraparty nomination for the post of the Zanzibar presidency. Since President Karume was ending his second term, competition was opened where 11 party members, some of them heavy weight, sought nomination. Most of the aspirants were ministers or deputy ministers in both the Union Government and the Zanzibar Revolutionary Government. Real competition was anticipated among the four contestants: the Union Vice President Dr. Ali Mohamed Shein, the Chief Minister Hon. Shamsi Vuai Nahodha, the Deputy Chief Minister and Ministers for Information and Culture Hon. Ali Juma Shamhuna and the Retired Chief Minister Dr. Gharib Ali Bilal. Unlike the 2000 intraparty contest where the Zanzibar caucus preferential votes were known, in 2010 CCM decided that members would still indicate their preferences among candidates but the ranking was not made public. After much speculation in the press the decision to nominate Dr. Ali Mohamed Shein came as a surprise to many. Dr. Gharib Bilal still very influential in Zanzibar and who was determined to stop at nothing short of the Zanzibar presidency, settled for the Union Vice-Presidency, nominated as President Kikwete’s running mate. Shamsi Vuai Nahodha was appointed Minister of Home Affairs in the Union Government after the election.

3.2 Intraparty Nomination and Interparty Defections

It is becoming common practice especially in Tanzania Mainland for contestants to cross over the floor to other parties when for any reason they lose the nomination. In some cases those who defected were not satisfied with party’s procedures for nomination, in many cases alleging that foul play had dominated the process. In such cases these candidates claim to have popular support that could ensure them victory regardless of the party they stand for. Overall CCM seemed to have been the victim, while CHADEMA benefited from those who had crossed over from CCM. As Table 3.1 below shows, four of the candidates who had defected won in the election. This is remarkable since none of those who crossed over had won in the 2005 elections.

However, intraparty nominations were not the only reason for crossing over. In Hanang district, six candidates for the councillor elections on the CHADEMA and CUF tickets defected to CCM during the CCM presidential campaign thus delivering a heavy blow to the

opposition and leaving the CCM candidates in the respective wards unopposed (LTO Report Manyara, 2010).

Table 3.1: Defections before and after Intraparty Nominations

Name of Candidate	Constituency	Original Party	Defected to	Outcome	
				Won	Lost
John Shibuda	Maswa West	CCM	CHADEMA	√	
Sylevester M. Kasulumbayi	Maswa East	CHAUSTA	CHADEMA	√	
Thomas Nyimbo	Njombe West	CCM	CHADEMA		√
Charles Mwera	Tarime	CHADEMA	NCCR-Mageuzi		√
David Kafulila ⁷	Kigoma South	CHADEMA	NCCR-Mageuzi	√	
Fred Mpendazoe ⁸	Kishapu	CCM	CCJ, CHADEMA		√
Arcado Ntagazwa	Muhambwe	CCM	CHADEMA		√
Prof. Kulikoyela Kahigi	Bukombe	CCM	CHADEMA	√	
Rose Kamili	Hanang	CCM	CHADEMA		√
Charles Kagonji	Mlalo	CCM	CHADEMA		√

Source: TEMCO LTO's Reports

4.0 NOMINATIONS BY NATIONAL ELECTORAL COMMISSION

The official nomination of candidates by NEC did not raise many problems. Two presidential aspirants were dropped due to their failure to fulfil nomination conditions. Subsequently, Sauti ya Umma (SAU) petitioned NEC's decision in court claiming that they had presented the names and signatures and accused NEC of failing to scrutinize the nominations in time. They charged that NEC officials had failed to show up in designated places for verification of the nominators. The court struck out the petition. The other contestant, Christopher Mtikila, disqualified on similar grounds chose not to go court; however, after the election results were announced, he bragged that more than half of the electorates who did not turn out to vote would have voted for him had he been allowed to contest.

The two cases of disqualification, while probably not involving strong parties, underlie controversies surrounding nomination by NEC. The nomination is officially done in one day. If there is an error there is no chance to correct it. The rationale for such 'hide and seek' procedure is questionable. In Iringa there was a bizarre occurrence in which a candidate lost his briefcase which contained all his forms on the nomination day, and there was no time to fill in new ones. In Iringa Urban the CUF parliamentary candidate as well as one councillor had their forms contested by NCCR-Mageuzi and rejected by the RO because some of the registration numbers of the voters' cards of those who were supposed to support the candidates were not found in the VR of the Iringa Urban Constituency (LTO Report Iringa, 2010).

The CUF District Chairperson later admitted he had made a mistake in recording the numbers of the voting cards of some of the party members who had volunteered to support the candidates. The RO of the constituency argued that CUF had not used the three days

⁷ David Kafulila defected before the process of formal nomination of campaign had started due to politics of leadership succession within CHADEMA.

⁸ Fred Mpendazoe MP for Kishapu, perhaps fearing dismissal following rumours that CCM would deal with the "Fighters of graft", decided to resign and joined Chama cha Jamii (CCJ) and subsequently to CHADEMA where after a show-off he ended contesting for Segerea constituency in Dar and not the Kishapu constituency. He lost to CCM'S Makongoro Mahanga. He lost the primaries but was returned by higher organs

allocated to have their nomination forms inspected by the office for errors. Still the risk of having a single returning day remained. Today when all sorts of tricks are used to undermine technically a candidate, the consequences of having a single day could lead to the disenfranchisement of candidates. Indeed a good number of candidates who became unopposed in 2010 elections used such tricks.

4.1 Objections, Complaints and Handling of Appeals

The Elections (Presidential and Parliamentary Elections) Regulations 2010 provide for procedures to be followed in case a candidate wishes to file an objection. Only the Director of Elections, Registrar of Political Parties, Returning Officer or a candidate for Parliamentary Election in the constituency can lodge an objection against the nomination of any of the Parliamentary candidate. Objection from one candidate against another is lodged with the RO in the prescribed Form No. 9B and includes, among others, particulars of the objector, particulars of the objected candidate and the grounds for objection. A clear trend in the 2010 elections was that many objections were prompted by the bid, especially by CCM candidates, to get opponents disqualified to pave the way to 'pass unopposed'. Getting an opponent deleted off the list is not only a shortcut to winning a constituency but also it saves a great deal of costs related to campaigning.

After receiving the objection the RO has to notify, in writing the person against whom the objection is being made and avail such person an opportunity to be heard. The RO is obliged to communicate to the parties his decision. If the RO accepts the objection against a candidate he/she deletes the name of such a candidate from the list of nominated candidates. TEMCO field reports indicate that it is doubtful whether these provisions are observed; clearly in some cases persons to whom objections have been made were not given time to be heard.

In case a candidate is not satisfied with the decision of the RO, there is room for appeal to NEC Headquarters. Procedures for appeal are provided for under the Elections (Presidential and Parliamentary Elections) Regulations 2010 Section 31 (sub-sections 1-6). Any person who is aggrieved by the decision of the RO is supposed to appeal within twenty four hours, from the time of the decision. The tricky thing is that appeal forms (Form No. 12) have to be obtained from the RO (who in this matter becomes the accused). In the case of Nyamagana the RO refused to provide appeal forms to the CHADEMA candidate, leaving him no option except to fly to Dar es Salaam within 24 hours to obtain the forms. He then filled in the forms and submitted them to the RO for the necessary evidence, including Form No. 8B and 9B before they were again forwarded to the Commission in Dar es Salaam.

Determination of appeals is subject to Section 35 of the Election Regulations 2010. The Commission is empowered to summon any person to testify or require information or clarification from such person in respect of the appeal. The Commission then is required to inform the parties in writing of its decision and reasons for such decision. The provisions here are clear, but TEMCO observation revealed some problems in NEC's arrangement. In the case of Mtama, again a controversial case well-articulated by the TEMCO observer, NEC indeed did send its decision to the parties, but then through the RO in Mtama. The RO kept the letter for two weeks, although NEC could have easily directly despatched the decision to the intended individual.

In Singida Urban, CCM candidate petitioned against three candidates of CHADEMA, AFP and CUF on grounds that they had not completed filling in their nomination forms as

stipulated by law and that their forms had not been dully countersigned by the district and/or national secretaries of their respective parties and that the AFP candidate's form contained the names of nine instead of ten sponsors. These petitions were however quashed by the national NEC authorities although they had been allowed by the Returning Officer (LTO Report Singida Urban, 2010).

Many objections were raised some of which were upheld by the ROs. A decision that became news was to allow the appeal by CHADEMA candidate in Mwanza Urban constituency. The CCM contestant, a home affairs minister responsible for immigration, contested the citizenship of his main rival, CHADEMA candidate. The Returning Officer upheld the objection, thus disqualifying CHADEMA candidate. This meant CCM candidate was to pass unopposed. However, NEC overturned the decision and returned the CHADEMA candidate, who won by a big margin. This activated the demand for unopposed candidates to be subjected to popular vote. A similar decision involving a cabinet minister was that in Mtama where CHADEMA candidate was reinstated by NEC headquarters. Overall, NEC received 56 appeals in relation to the parliamentary elections and 124 appeals in relation to the civic elections. Of these, NEC allowed four appeals of which two involved highly placed individuals within the government and the party hierarchy.

4.2 Council Level Objections

At the councillorship level, TEMCO observers noted how a combination of low level of education among contestants for the council election and lack of competency among the Ward Executive Officers (WEO) compounded the technicalities of the nomination forms. In certain cases pressure was applied on the Ward Executive Officers, reminding them that they were still government employees and therefore should ensure victory to the ruling party. The Kagera Region TEMCO coordinator concluded that the high number of objections directed to the candidates from opposition parties by CCM was partly due to ignorance and partly due to overt and covert pressure on these government functionaries who could easily be intimidated by local CCM cadres.

5.0 INDEPENDENT CANDIDATURE

The issue of independent candidate has been a subject of intense debate since the reintroduction of multiparty politics and has triggered constitutional debates. The hide and seek game surrounding this issue is surprising. Those who defend the presence of independent candidates cite the proclamation of basic rights in the Constitution and argue that these are fundamental rights the enjoyment of which cannot be tied with membership to a political party. Those who are aggrieved by the presence of private candidates on the other hand point out to the risks to democracy and accountability of independent candidates. They argue that political parties offer both framework and checks on individual action. There are now three court rulings on the matter.

In 1993 Reverend Christopher Mtikila, Chairman of the Democratic Party (DP) filed a petition before the High Court of Tanzania praying for a declaration that the amendments to Articles 39 and 67 of the Constitution of Tanzania were unconstitutional. The court decision delivered by Mr. Justice Kahwa Lugakingira on 16th October 1994 is considered a "landmark judgement". The judgement granted the petition, highlighting that the following:

- (i) Fundamental rights are not gifts from the state, but they inhere in a person by virtue of birth and they are prior to the state and law; the enactment of those rights in the Constitution is mere evidence of their recognition and the intention that they should be enforced in a court of law, and an intention that those rights should not be arbitrarily restricted by the state.
- (ii) Article 21(1) entitles every citizen to participate in the government of the country, either directly or through freely elected representatives. It is illogical for that constitution to provide, as it does in Articles 20(4) that no person shall be compelled to belong to a political party and in the same breadth provide that no person shall run for the office except through a political party.
- (iii) When a provision enacting fundamental right appears to conflict with another constitutional provision the court is enjoined to incline to the realization of the fundamental rights and may disregard the other, if its application would result in injustice. It is the fundamental rights, which the court is enjoined to guard jealously, not the restrictions.⁹

Rather than appealing, the government sought another route to actually legislate. By December 1994 Parliament passed Bill which became the 11th Constitutional Amendment Act, 1994. This article made it mandatory for any Tanzanian wishing to contest elections at any level to be a member of a political party.

The matter resurfaced again in 2006 when the determined Rev. Mtikila challenged the amendments. A bench of four judges heard the case; they held that the amendments violated the democratic values and principles enshrined in the Constitution and the doctrine of basic features (*The Citizen on Sunday*, 19th December 2010). The Attorney General (AG) appealed against the ruling, questioning the power of the courts to amend the Constitution. The decision by the Court of Appeal constituted by seven judges led by the Chief Justice and delivered on 17th June 2010 is interesting because it did not as such address the issue of independent candidates. It confirmed the AG's suggestion that Courts do not have legal mandate to amend the Constitution, in effect setting the scene for even a more interesting debate on separation of powers and checks and balances in Tanzania. Part of the controversial judgement read: "The issue of independent candidates has to be settled by Parliament, which has the jurisdiction to amend the Constitution and not the courts, which as we have found, do not have that jurisdiction. The decision on whether or not to introduce independent candidates depends on the social needs of each state based on its historical reality. Thus the issue of independent candidate is political and not legal" (*The Citizen on Sunday*, 19th December 2010). The Court of Appeal never once thought to revisit Justice Lugakingira's ruling that it is the fundamental rights which the court is enjoined to guard jealously, not the restrictions. It would appear that the court is positioning itself not to guard fundamental rights, but actually to restrict them.

It is interesting that the government did nothing after the 2006 ruling, instead it waited for another four years to appeal. Clearly by choosing to deliver the judgement in June 2010 after suspense of four years, the government was trying to pre-empt any attempt that activists might block the election through a court action. Putting a ban on independent candidate is contrary to the letter and spirit of plural politics that Tanzania claims to espouse. By any means the requirement that one should belong to a political party in order to participate in

⁹ For a more legally informed discussion of the court rulings on the independent candidate see *The Citizen*, 18th December 2010 and *The Citizen on Sunday*, 19th December 2010.

elections is one of the vestiges of the single-party system. This is one ground that protagonists of new constitution have a lot to cultivate. It appears that independent candidates pose threat to the status quo and especially to the ruling CCM, and this explains the dilly-dallying by the state.

6.0 TALE OF THE UNOPPOSED CANDIDATES

The number of unopposed candidates doubled in the 2010 elections compared to the 2005 elections. While in the 2005 elections only 8 CCM candidates sailed unopposed, in 2010 16 CCM candidates were unopposed. Temptations for passing unopposed are very high in Tanzania and clever (and unscrupulous) politicians use the loophole in the electoral law to maximize chances of passing unopposed. Some candidates sailed unopposed for the second time in a row in 2010. There are several factors that can explain why certain constituencies passed candidates without competition. In certain cases it is clear that electorates use simple rationality not to allow a potential candidate to be opposed, especially in cases where the incumbent also holds a strategic government position (like the Prime Minister) and hope to benefit materially or even symbolically from that. Usually, serving Prime Ministers have passed unopposed since the re-introduction of competitive elections. In other cases the unopposed parliamentarians have performed so outstandingly to intimidate any potential challengers. Many unopposed candidates want to create an impression of having performed outstandingly even if they use sheer tricks to fend off competition. This however, cannot explain cases where first timer contestants would pass unopposed as was the case with Bumbuli constituency in the 2010 election elaborated previously. It is a shortcut to victory assuring a comfortable win without having to necessarily face the wrath of electorates and inconveniences associated with costly campaigns.

To a large degree weaknesses of opposition parties also contributed significantly to the 'unopposed' phenomenon. In the 2010 election, only CCM was able to field candidates in all the 239 constituencies and 3,337 wards. Other political parties fielded candidates selectively. CHADEMA which offered stiff competition to CCM fielded only 182 candidates (76% of total seats) of the 239 constituencies; CUF contested only 170 constituencies (71% of constituencies) although it had candidates in all the 50 constituencies in Zanzibar; TLP and NCCR-Mageuzi fielded almost 64 candidates each. In civic elections, the number was even more appalling. In Simanjiro constituency, for instance CCM passed unopposed in 16 out of 18 wards! Overall, 540 CCM's councillorship contestants (equivalent to 15.3%) passed unopposed.

Two controversial appeals involving outgoing government ministers vying for re-election gained national attention. In Nyamagana constituency, the Minister for Home Affairs Mr. Lawrence Masha was contesting while in Mtama constituency it was the Minister for Foreign Affairs. In these cases NEC ruled in favour of the opposition parties. A third appeal that was interesting as well involved (Rungwe West) constituency where NEC upheld the decision by the RO that the CHADEMA candidate did not qualify since technically he was still in military service.

In Nyamagana the CCM candidate objected the CHADEMA candidate on the basis of nationality. The RO upheld the objection thus declaring the CCM candidate unopposed. The RO refused to issue him the appeal Forms No. 8B and 9B. It is rumoured that someone from a rival camp within CCM paid a return flight ticket for him to collect the forms at NEC Headquarters in Dar es Salaam. NEC allowed the appeal paving the way for the CHADEMA

candidate to win gaining 58% of total votes cast against 44% for the CCM candidate. In this case it means had the objection been withheld, Nyamagana people would have a candidate who imposed himself on them and actually not wanted by the electorates. In the absence of a mechanism for testing popular support of unopposed candidates, it is difficult to say how much support such candidates actually enjoy with the electorates they claim to represent. Where appeals are made by cabinet ministers, pressure is definitely very high on the Commission as these people have strong influence and could have strong connections with powerful top politicians. It says as much when ROs, who are otherwise council directors in the post-election life, are overwhelmed by such pressure from ministers and acquiesce to flimsy objections as the Nyamagana case attest.

A TLP candidate in Mtama where Foreign Affairs Minister Bernard Membe was running was disqualified on similar grounds and later on re-instated by NEC. The TLP candidate lost the general elections. TEMCO reports from Mtama constituency indicate how the CCM candidate cleared the path to pass unopposed. To start with, the CUF candidate who was approved by top management could not return the nomination forms on 19th August 2010, which was the deadline to do so. A few days afterwards he gave up CUF membership and crossed over to CCM where he became the campaign manager of CCM parliamentary candidate of Lindi Urban. This raised many questions among CUF members and in the final analysis many of them believed that the candidate had been bribed by CCM the candidate in Mtama not to return the forms, to pave the way for his passing unopposed. The CUF candidate was the only serious threat to him. Apparently, the CCM candidate could not be declared unopposed since he was left with TLP parliamentary candidate to compete with. The candidate realized that there were anomalies with his opponent so he decided to set up a petition. The RO upheld the objection on the basis that some trustees were not in the PNVR and had forged signatures. TLP immediately appealed to NEC Headquarters on 21st August 2010. In the appeal they denied that the trustees had forged the signatures and that the forms had been filled correctly. On 26th August 2010 the NEC Director Mr. Rajab Kiravu announced publicly that they had received the appeal. After a long silence without response from NEC on 17th September the TLP candidate decided to go to TBC1 to shout out their concern. The following day (Saturday 18th August 2010) which was actually not a working day, after the news had been aired by TBC1, the RO gave them a letter of acceptance of their appeal from NEC (Ref. No. AE.74/141/02/51 dated 04/09/2010) indicating that the TLP candidate was allowed to contest for the position of Member of Parliament for Mtama constituency. Due to this deliberate delay, the candidate could neither conduct campaigns nor fill the crucial forms EE1 to EE11 since the deadline was 6th September 2010. On 11th October 2010 officers from the Registrar of Political Parties (RPP) visited the RO and the TLP Regional Office as well to collect the required information on the matter. DED gave them the required information and they went on to the TLP office to meet the candidate. He had no phone and the RPP officials had come unannounced but could not get information to implicate him. The candidate was cleared two days before the election day. This came two weeks after NEC had brought the voting paper sample which had both CCM and TLP candidates.

Iringa had the largest number of unopposed candidates compared to the other 9 regions that had unopposed candidates. Five constituencies were uncontested followed by Mbeya which had 3 and Dodoma 2 constituencies. Tanga, Rukwa, Morogoro, Mara, Manyara and Kagera had one constituency each that were unopposed. Reports from Iringa indicate instances where corruption might have been used. Such claims for Isimani were made public in a CHADEMA rally because the purported culprit was formerly a leader of the party. In Ludewa there were

bizarre cases involving the RO, who had refused to give nomination forms to the CHADEMA candidate with a nomination letter from his party on the grounds that another candidate from CHADEMA had taken nomination forms and so he should look for the person and get the forms back before he was given the new forms. One can imagine a scenario in which a person with a false letter goes to get a nomination form and the people of Ludewa fail to vote for CHADEMA because an imposter had taken the forms. Is there only one form for each party? It beats the mind that NEC is operating such a system (LTO Report Iringa Region, 2010). Reports from Mbeya where three constituencies went unopposed also show similar trends where intimidation, harassment and outright threats were used against the CHADEMA candidates and their supporters. Similar concerns were raised by CHADEMA in Musoma Rural alleging that the CHADEMA candidate had been paid € 1,000 (close to 2 million Shillings) by the CCM candidate to quit the race (*Raia Mwema*, 25th – 31st August 2010). They claimed to have oral evidence which was submitted to the PCCB for further investigation.

7.0 TEMCO ASSESSMENT OF THE NOMINATION PROCESS

For the purposes of facilitating assessment of the electoral process LTOs were required to carry out rapid assessment of the nomination process and wire them to TEMCO headquarters in Dar es Salaam. This assessment is repeated for the other election processes namely, campaigns and voting, vote counting and declaration of results to provide the trend and enable TEMCO to predict the extent to which the total electoral process can be considered ‘free and fair’. Observers were requested 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.

Table 3.2 below shows that nomination in over half of the constituencies could be considered “qualified free and fair” in the TEMCO scale of assessment. Only 21% of the constituencies observed could be said to have conducted the nomination in a manner that TEMCO observers found to be “free and fair”. A significant number of observers (22%) still felt that the nomination process permitted free participation of stakeholders (voters, candidates, parties, others), but there were many instances where bigger parties (or especially the ruling party) broke the rules with impunity. That is to say, the nomination process was free but not fair.

Table 3.2: Observers' Assessment of the Nomination Process

Marks	Grade	Frequency	Percentage
0	F	1	0.6
1-39	E	4	2.4
40-49	D	1	0.6
50-59	C	34	21.5
60-79	B	83	52.5
80-100	A	35	21
Missing		9	5.4
Total		167	100

Source: TEMCO Observer

8.0 CONCLUSION

In this chapter, we have reviewed the process of nomination of candidates for the 2010 elections. We have noted that nomination of candidates is a dual process primarily within the jurisdiction of political parties and the National Electoral Commission (NEC). The law still prohibits independent candidates making it imperative to be a party member to contest the election. Although there are 18 fully registered political parties in Tanzania only six have managed to secure seats in the 2010 parliament: CCM, CHADEMA, CUF, NCCR-Mageuzi, TLP and UDP. Interestingly no other political party has scored a seat in the parliament in the previous three elections since 1995.¹⁰ As a result there has been stiff intraparty competition within these parties varied degrees depending on the prospect for eventual victory on a party ticket. CCM attracted more aspirants than any other political party given the higher electability prospect.¹¹ In principle all political parties claim to have in place democratic mechanisms to nominate candidates. In reality, as practice in many political parties showed, there is a lot of tinkering with principles of democracy. Although CCM improved significantly the nomination process, to make it more inclusive and democratic, many of the incidences of prohibited practices were reported in CCM than in any other political party.

Again, the law allowing unopposed candidates automatic victory invited tricks and manipulation from politicians. In the 2010 elections 20 parliamentary and more than 500 councillorship candidates, all from the ruling CCM, passed unopposed. This prompted fresh questions on the *democratic rationale* for this legislation. The general opinion is that unopposed candidates should be subjected to popular vote to gauge their support and should not be elected if they do not score below a certain minimum votes. This would reduce possibilities of unscrupulous contestants using manipulation including pay offs to pass unopposed.

¹⁰ Some of these political parties however, score seats in the local government election especially for ward and village councils.

¹¹ In Dar es Salaam alone 90 aspirants came forward to contest eight parliamentary seats. That is an average of 11 candidates per constituency. See TEMCO Newsletter, EEA Series No. 1, September 2010.

CHAPTER FOUR

MANAGEMENT OF 2010 UNION ELECTIONS

1.0 INTRODUCTION

This chapter assesses the manner in which the 2010 general elections were managed with a view to establish whether these elections met some common criteria in relation to being free and fair, whether the election management authority was impartial, and whether election rules and regulations were followed. Specifically, the chapter discusses the legal framework, management of the elections with a view to making suggestions on how best to improve future elections in Tanzania. The chapter includes the following five main sections: i) Overview of the legal and institutional framework for the 2010 General elections; ii) The nomination process (by political parties and by election authorities); iii) The experience of the election process; iv) The election results; and v) Key issues and recommendations.

2.0 LEGAL AND INSTITUTIONAL FRAMEWORK FOR THE 2010 ELECTIONS

The 2010 elections were governed by the provisions of the Constitution of the United Republic of Tanzania, National Elections Act Cap 343, Local Authorities (Elections) Act Cap. 292, Election Expenses Act, No. 6 of 2010, Political Parties Act Cap 258- registration and deregistration of Political Parties, Local Government (District Authorities) Act, Cap 287, Local Government (Urban Authorities) Cap 288. Other legal instruments used in the management of the 2010 Union Elections also included Elections (Presidential and Parliamentary Elections) Regulation, 2010 made under Section 124 of the National Elections Act Cap 343 as gazetted under Government Notice No. 279 of 13th August, 2010; Local Authorities (Councillors' Elections) Regulations, 2010 made under Section 125 of the Local Authorities (Councillor's Elections) Act Cap 292 as gazetted under Government Notice No. 280 of 13th August, 2010 and the Code of Conduct signed by all political parties.

The National Elections Act of 1985 and Local Authorities (Elections) Act of 1979 guide the conduct and operationalization of electoral duties throughout the republic. Hence, the National Elections Act provides for the qualification and candidate nomination procedures. It also provides for the registration of voters, campaigns, voting process, vote counting and announcement of the results. In addition, the National Electoral Commission (NEC) in consultation with political parties prepared a Code of Conduct under Section 124 A of the National Elections Act, Cap 343 and gazetted under Government Notice No. 273/2010. The Code of Conduct regulated campaigns. Guidelines were also issued by the NEC to deal with the details not addressed by the Law (Tanganyika Law Society, 2010:12).

In preparation for the 2010 general elections, NEC made a review of the Electoral Laws in an attempt to promote efficiency in the management of the electoral process. The review led to the amendment of some of the Electoral Laws as follows:

- i) Defining clearly what is meant by Voter Education.
- ii) Setting time for the update of the Permanent National Voters' Register to be two phases in between general elections.

- iii) Providing mandate to NEC to appoint another nomination day in case of death of a Presidential/Vice-Presidential candidate.
- iv) Establishment of Electoral Code of Conduct as a Statutory Instrument.
- v) Repealing provisions which were allowing candidates to entertain voters as traditional hospitality commonly referred to as “takrima”.
- vi) Specifying procedures for nominating Women for Special Seats.
- vii) Providing opportunity for political parties to place their agents in registration centers to oversee the registration process.
- viii) Setting time limit for filing and determination of electoral petition in the courts of law.

The establishment of a statutory Electoral Code of Conduct involved consultation between political parties, the government and the National Electoral Commission. The Electoral Code of Conduct was signed by all fully registered political parties, the government and NEC after three serious consultative meetings where details of the contents were negotiated. It is pertinent to point out that Electoral Code of Conduct Committees were established at Ward, Constituency and National Levels to oversee the implementation of the Electoral Code. The Code of Conduct acted as a dispute solving mechanism that mediated between parties which accused each other of violating election campaign ethics.

3.0 ADMINISTRATION OF THE ELECTIONS

The 2010 general elections were managed by the National Electoral Commission established under Article 74 (1) of the Constitution of the United Republic of Tanzania, 1977. NEC is comprised of seven commissioners who are appointed by the President of the United Republic of Tanzania. Currently, NEC is comprised of three retired judges (including the Chairperson who is a retired judge of the Court of Appeal), a serving judge from the Zanzibar High Court, and a judge from the East Africa Court of Appeal. The other two remaining members are public servants.

The tenure of office for each member is five years and it can be renewed. The president may remove a member of the commission from office only for inability to discharge his/her functions arising from infirmity or from other reasons of misconduct or for losing qualifications. No member has been removed by the president since its inception before the tenured five year period.

4.0 FUNCTIONS OF THE NATIONAL ELECTORAL COMMISSION

Constitutionally, NEC’s functions are to:

- (i) supervise and coordinate the registration of voters and the conduct of Presidential and Parliamentary elections in the United Republic of Tanzania and Councillor’s elections in Tanzania Mainland;
- (ii) review the constituencies boundaries and demarcate the United Republic into various areas for the purposes of Parliamentary elections;
- (iii) provide voter education throughout the country and coordinate and supervise persons who conduct such education;
- (iv) declare elected Members of Parliament and Councils for Women Special Seats; and
- (v) perform any other functions in accordance with law enacted by Parliament.

It may be pointed out that NEC fulfills its constitutional mandate without a National Electoral Commission Law that specifies how it should fulfill its mandate. The lack of a commission law has inhibited NEC from establishing offices in the constituencies and this has undermined its ability to effectively and efficiently fulfill its election management mandate.

5.0 INDEPENDENCE OF THE NATIONAL ELECTORAL COMMISSION

The independence of NEC is guaranteed under Article 74(11) and (12) of the Constitution. Hence according to these articles, the Commission is not obliged to comply with orders or directions of any person or any government department or the views of any political party. The Constitution also prohibits Ministers or Deputy Ministers, Members of Parliament or Councils and Leaders of Political Parties to join the Commission.

The independence of NEC is also manifested in several ways. For example, it is NEC which sets in motion the election calendar by announcing the candidate nomination dates, determines campaign days and determines the election date. Except in determining constituencies where NEC has to inform the President in all other decisions, NEC is not required to consult anyone else. If it was not for the independence of NEC, objections against senior cabinet ministers in the nomination process would not have seen the light of day. However, because the main consideration was to apply the law without favouring any party, objections by a CHADEMA candidate against a CCM candidate who was a senior cabinet minister was allowed, and that the CHADEMA candidate won the election in Nyamagana Constituency. Another objection by a TLP candidate was also allowed, and another CCM Cabinet Minister who had initially appeared to lack a competitor had to compete and face voters.

Demarcation of election boundaries is a highly sensitive issue which if not properly and fairly handled can jeopardize the whole electoral process. Unfairly created boundaries lead to gerrymandering, which eventually leads to unfair elections. The imposition of electoral boundaries that favour one political party at the expense of other parties and their candidates undermines the spirit of good governance that elections are supposed to nurture. Because election boundary delimitation is a highly charged and divisive political issue, “some electoral analysts therefore argue that boundary delimitation is best handled by a body other than an Election Management Body (EMB), to shield it from potential politically motivated attacks that may damage the EMB’s credibility” (Wall, 2006:65). The idea of having an independent election boundary demarcation body is to avoid dishing out political favours through the demarcation process.

The National Electoral Commission is responsible for the demarcation of constituency boundaries for Member of Parliament elections. Under the Constitution of the United Republic of Tanzania of 1977, the Commission is required to review constituency boundaries at least every ten years. The last major review was conducted in 1995. For the 2010 General Election, NEC conducted another major review and increased the number of constituencies from 232 to 239.

NEC faces two challenges in respect to setting constituency boundaries in Zanzibar which are determined by a different election authority - Zanzibar Electoral Commission; and Ward Level Boundaries for Councilor Elections in Tanzania Mainland, which are determined by a central government authority.

Under the Local Government District Authorities Act No.7 of 1982 and Local Government Urban Authorities Act No.8 of 1982, the Minister responsible for Regional Administration and Local Governments is entrusted with the responsibility of demarcating ward boundaries. According to Section 8 of the Local Authorities (Elections) Act, (CAP.292) *where the Minister establishes a ward in accordance with the provisions of the Act, that ward shall be a ward for the purpose of election under this Act.* It may be noted that, although Section 7 under this Act states that *the conduct of Ward Councillor Elections shall be subject to the direction and supervision of the Electoral Authority*, the Minister is not obliged by the election law to timely inform the electoral authority.

Failure to timely inform the Electoral Authority about the number of new wards and their boundaries undermines the ability of the National Electoral Authority to professionally conduct elections. This is because it adversely affects the ability of the Electoral Authority to make proper and adequate preparations for the elections. It is impossible for example to proceed with budgetary preparations without knowing the number of wards in the council. Political parties will not be able to know where to field candidates, therefore the nomination process will not commence properly. Consequently, the correct number of ballot papers will not be secured on time. Moreover, given that the Minister is a politician sponsored by the party in office, it is possible for his political party to know in advance which wards have been created and may be able to field candidates. Such candidates may not have competitors and therefore voters may actually be denied the right to choose leaders of their choice, because of unopposed candidates.

A local government authority, whether a District Council or an Urban Authority (Town or Municipality), is almost certainly a constituency for a Member of Parliament. It is the Minister responsible for Regional Administration and Local Governments who creates local authorities. To avoid gerrymandering, it is imperative for political boundaries to be demarcated within administrative boundaries. Hence, if the Minister for Regional Administration and Local Governments does not announce the creation of new Local Government Authorities before NEC demarcates the country for the General Election, it can create confusion and election management becomes problematic.

Such flaws are not hypothetical but real. For example, before the 1994 Local Council Elections at the ward level, notification of ward boundaries to the National Electoral Authority (NEC) was not timely done. The list of ward names and total number of wards was actually made available to NEC after the training of Returning Officers had been completed. This meant that some Returning Officers received training without even being clear of the exact names and number of wards they were supposed to supervise. Due to such shortfall, it was not possible for NEC to determine the exact cost of election materials and personnel. Negative implications for efficiency in election management are obvious. There is need for the law to be amended to include a requirement that the Minister should not change the number of wards and their boundaries close to the elections. Furthermore, should there be changes, the law should provide a requirement for the Minister to timely notify NEC, all political parties and the public.

In the 2010 general elections, some papers alluded that the Minister had created new Local Authorities and therefore new constituencies. However, that was not to be, as the National Electoral Commission before the 2010 general elections had increased the number of constituencies from 232 to 239.

To avoid confusion and allegations of gerrymandering, there is need for the Government of Tanzania to establish a boundary delimitation body that will be autonomous from the government and the election authorities. It is common for countries which follow the Commonwealth tradition, “for the electoral legal framework to create a separate body or commission to assume responsibility for boundary delimitation” (Wall, 2006:65).

The demarcation board should be non-partisan and composed of seasoned professionals and civil societies. The demarcation board should be empowered to create District Administrative boundaries, Wards and Village Administrative boundaries as well as review constituency boundaries for the purposes of elections. In this way all participants in general elections for electing constituency Members of Parliament and Ward Councillors will not perceive the demarcation exercise to favour the ruling party.

6.0 FINANCIAL RESOURCES FOR ELECTORAL MANAGEMENT

The Government of Tanzania released to NEC all the funds budgeted for the conduct of the general elections. The total approved budget for the 2010 general elections was Tshs. 60.5 billion. NEC also received significant support from UNDP under the Election Support Programme (ESP). The ESP programme enabled NEC to procure some election materials such as computers as well as assist capacity building to NEC officials.

7.0 UPDATE OF PERMANENT NATIONAL VOTERS REGISTER

Before the 2010 general elections, the National Electoral Commission updated the Permanent National Voters Register (PNVR) two times, namely in 2007/2008 and 2009/2010. Following the last update, 19,685,239 voters were registered for Tanzania Mainland. Currently voters in Zanzibar, even for the Union President and Union Member of Parliament must be registered by the Zanzibar Electoral Commission (ZEC). Thus, in the 2010 general elections, ZEC registered 407,658 voters who will also be eligible to voters for the afore-mentioned Union Elections. The Zanzibar Election Laws allow registering only Zanzibar residents who have lived in a locality for 36 consecutive months.

There were however, people from the mainland working in Zanzibar as well as Zanzibar residents who also have not lived in the same locality for the 36 months and therefore disqualified to be registered by ZEC. NEC is legally empowered to register such voters. Therefore, NEC registered 44,406 voters who were eligible to vote for the Union Presidential Election only. The total number of voters for the Union Presidential election was therefore 20,137,303. The PNVR was printed and distributed to all constituencies and all political parties fielding candidates were provided with a soft copy of the PNVR.

NEC experienced some challenges in registering voters. Some large constituencies were split before the conduct of the elections. One possible result was confusion to some voters whose wards and constituencies had been split. One observation made by TEMCO observers in Morogoro South constituency was that voting centres had been cancelled with the effect of reducing the total number of voting stations. The full implication was that “some voters would have to walk longer distances than in previous election years, which could in turn be a disincentive for voter participation” (TEMCO, 2010:4).

Another challenge faced by NEC is the problem of deleting deceased voters from the PNVR. Relatives did not respond well in reporting the deaths of relatives. NEC attempted to use

village leaders but this did not help much. This calls for NEC to have permanent staff at the council level to continuously update the PNVR.

The display of PNVR revealed a number of discrepancies. It was reported that some names of registered voters were missing from the register. Others reported disparities between their voter identification cards, i.e. names and numbers appeared different from the details in the displayed PNVR. Such problems were caused by careless registration clerks. However, sighting of wrong particulars a few days before the election day is also indicative that voters did not verify their details in the Provisional Permanent National Voters Register (PPNVR) which had been displayed for seven days before the final count was done.

In 2005 the PPNVR was displayed at the Ward level, but in the 2010 elections the PPNVR was returned to voters at the Registration Centre level (village level) as an incentive for registered voters to verify their particulars. Nevertheless most people never verified their particulars; hence names and registration numbers were either missing or misspelt. Such hiccups in the preparation of the PNVR will be minimized when continuous updating becomes possible; if/when NEC has permanent staff at the constituency level.

8.0 UPGRADE OF ELECTION MANAGEMENT SYSTEMS

In 2005, the National Electoral Commission integrated Election Management Systems with the PNVR system to facilitate easy and efficient management of elections. The integrated election systems that were updated to make them efficient were the following:

i) Candidate Management System (CSM)

The Candidate Management System was used to capture candidate information after the nomination of candidates. The information so captured was used for designing and preparing sample ballot papers. Thereafter, the designed sample ballot papers were electronically transmitted to Kalamazoo Solutions of Great Britain who were the printers contracted to mass-produce the ballot papers. The designing of sample ballot papers by NEC aimed at minimizing errors especially spelling mistakes of candidates' names and constituencies. Despite the above, a few errors resulted in the mix-up of party emblems that led to the postponement of Ward Councilor and Member of Parliament election in some constituencies.

ii) Voters Interaction System (VIS)

Voters Interaction System (VIS) was a system which enabled voters to check their information in the NEC DATABASE by using cell phones through sms. The Tanzania Communication Authority (TCA) provided NEC with a short code that enabled voters to find out the polling stations where they would be able to cast their votes. Voters were required to interact with VIS by sending their Voters ID numbers through sms to number 15455.

Unfortunately many voters were not aware of the VIS, as the number was allocated to NEC very late. Furthermore, most cell phone vendor companies except Zain were not very efficient in this score.

iii) Results Management System (RMS)

Results Management System was also upgraded to facilitate easy transmission of results from constituencies to NEC offices. It was also supposed to improve accuracy in the aggregation of results from the polling stations at the tallying centres before transmitting them to NEC. Thorough training was conducted for all tallying clerks from all constituencies.

- The Result Management System involved the use of
- 2 Computer Laptops
- Solar Power Kit
- Mobile Internet Modem
- Scanner
- Fax machine
- Envelop No. 11 containing, forms for capturing election results

In Dar es Salaam, the use of ZIPZIP machines by some Direction Clerks in various polling stations was useful for identifying voters' locations in polling stations. Experience of the use of these ZIPZIP machines in Dar es Salaam has shown that in future there is need for more machines to be secured and used in many places with clusters of polling stations to assist the voters in locating their names.

iv) PNVR and Integrated Election Management Systems

Generally, the various components of the Integrated Election Management System performed fairly well their intended tasks. Thus, NEC was able to print names of voters registered in each polling station and prominently posted them within the eight legally prescribed days and were visible at most of the polling stations. Nevertheless, in some few areas voters who had not verified their names earlier found it difficult to locate their names in the voters' lists.

The use of the Integrated Election Management System was intended to guard against vote rigging. All original result forms from all polling stations were supposed to be scanned and its information captured in the programmed laptop computers. However, any tampering with the result forms would not be allowed by the system hence slowing the tallying process. The slowing down of the process created anxiety as some political party leaders and followers caused chaos at the tallying centres in the pretext of protecting votes from being rigged. As tension rose and possibility of violence became imminent, the Returning Officers in consultation with political party agents in some constituencies resolved to use alternative ways of tallying, such as excel spread sheet, instead of the more accurate Result Management System, in order to hasten the process. The latter required the scanning afresh of all results forms from the polling stations, which was time consuming and delayed the process even more.

At least 150 constituencies out of the 239 constituencies managed to use fully the Result Management System. Out of these, 113 constituencies managed to transfer the results direct to NEC from the tallying centres. The remaining thirty seven (37) constituencies could not transmit the parliamentary election results directly to NEC, instead the Returning Officers copied the system result to form No. 24A and faxed the results to NEC.

As for Presidential election, NEC announced the partial results from constituencies as they were received. Transmitted results were received at the processing centre and verified against the form signed by party agents and ROs. The verified results were sent to the Results Announcement Centre for announcement to the public. Members of the public, the press and political parties were present at the Results Announcement Centre.

The innovative use of RMS is commendable and to a large extent can be considered a success. It is a transparent system that leaves behind an audit trail that can be verified. It is tamper-proof as the use and transmission of tampered form results is automatically rejected by the RMS system. Its only drawback is its slowness which can be improved in future. There is also a need to train and use tallying clerks with IT knowledge, so as to increase the speed of capturing results from polling stations.

NEC intends to update the RMS software by using bar-coded result forms and a combination of Optical Mark Recognition (OMR), Intelligent Character Recognition (ICR) and Optical Character Recognition (OCR) technologies. Furthermore, NEC can also upgrade the hardware used by the RMS by acquiring high speed scanners with document feeder for future elections. Such upgrading of the RM system will speed up final results-capturing and announcement.

v) Logistic Management System (LMS)

The Logistic Management System used in 2005 elections has also been up-graded to facilitate audit trail of field materials and equipment. The objective of this system was to reduce operational risks and exercise control over election materials and assets.

9.0 VOTER EDUCATION

The National Electoral Commission has the constitutional mandate to provide voter education and to supervise and coordinate other institutions or persons providing voter education. For the 2010 general elections, the National Electoral Commission prepared a Voter Education Strategic Plan and Guidelines which were printed and distributed to other stakeholders. The Voter Education Strategic Plan gave guidance on how to disseminate voter education throughout Tanzania.

NEC also produced awareness messages explaining the voting procedures. NEC bought air time in both the public and private Radio and TV stations to disseminate voter education materials. Returning Officers were also provided with some funds for voter education where in vehicles mounted with loud speakers spread the message of the election. NEC also monitored NGOs which were funded by the UNDP under the Election Support Programme (ESP).

To cultivate a more amicable relation with other stakeholders such as political parties, candidates, government, the media etc., NEC consulted with all them. Several NEC consultation meetings were conducted with political parties at the national level as well as in all regions as well as in Zanzibar and Pemba. NEC also had several consultation meetings with the media news editors as well as various religious leaders.

Furthermore, close to the elections, NEC revamped the various committees. Political parties, and the media as well as some civil societies participated in these committees. A Code of Conduct was negotiated between political parties, the government and NEC; this was signed by all fully-registered political parties. Electoral Code of Conduct Committees was established at Ward, Constituency and national levels to oversee the implementation of the Code. Most political parties within limits observed the Code of Conduct, and where non-compliance occurred, the Code of Conduct Committees took appropriate action to quickly mediate the situation. In general, only seven complaints and two appeals were brought before the National Electoral Code of Conduct Committee; most disputes were resolved at the constituency and ward levels.

10.0 CONCLUSION

In managing the 2010 general election NEC had successes and challenges. Notable successes include handling of the voter registration process, establishment of the Results Management System (RMS) and Voters Interaction System (VIS). Election materials were procured and distributed in time, save for the shortage of ballot papers in seven constituencies where parliamentary elections had to be postponed.

The challenge for NEC is how to improve areas where there were notable weaknesses. Such weaknesses were more notable in the Permanent National Voter Register where some names and/or details were missing in the final register. This weakness can be addressed by having permanent NEC staff at the constituency level with the mandate to continuously update the register. The other notable defect was in the Results Management System. This system though more accurate in tallying the results from polling stations, was slow and new to the users. There is a need to improve both the speed and acquaintance with the Results Management System. More time and energy should be used by NEC to educate all stakeholders on the efficacy of the Results Management System. In particular political parties need to be made more conversant with the Election Management System.

CHAPTER FIVE

CONDUCT OF THE CAMPAIGNS

1.0 INTRODUCTION

This chapter addresses the campaign phase of the Tanzania 2010 (Union) general elections. It describes and assesses the conduct of the campaigns in light of the global transformations in political campaigning as well as the regulations and code of conduct governing the Tanzania 2010 general elections. The chapter is conveniently split into ten major sections. The second section provides a context for the discussion by making reference to the changing nature of election campaigning globally and juxtaposing the global sketch with the key characteristics of the Tanzania 2010 election campaigns. Sections 3-6 cover the election regulations and code of conduct that guided the election campaigns, the campaign modalities and strategies, the main issues and agenda addressed at the campaigns and the security arrangements during the campaigns. The next three sections highlight the financing of the campaigns, the advantages of incumbency during the campaigns and outstanding controversies and problems encountered in this phase of the electoral process. The last section presents the overall assessment of the campaigns as made by the TEMCO Observer Mission and provides some recommendations for the future.

2.0 CONTEXT AND OVERVIEW

In ordinary parlance, election campaigns form a subset of a broader concept of political campaigns. In agreement with other commentators on the subject, Political Scientist Richard Nadeau has elaborated that during election campaigns political parties compete to inform voters about their leaders, the issues, and where they stand with regard to those issues. Based on these premises, he therefore defines election campaigns as “a particular kind of information campaign”, meant to inform the electorate about the pertinent issues at stake for the holders of political office (Nadeau *et al.*, 2001:1). Accordingly, the ideal ultimate objective of election campaigns is conceived as enabling voters to make informed choices at the ballot box based on the information acquired during and before the campaigns. Researchers have however expressed scepticism on this rather simplistic conceptualization. Zaller (1989), for instance, has pointed out that far from simply facilitating delivery of information, election campaigns result in an encounter of information resulting from campaigns of competing or rival parties. It follows that the efficacy of campaigns is a rather complicated matter and, precisely because of this complexity, a lot of research has gone into, and continues to address, the subject.

Part of the acknowledged complexity about the efficacy of campaigns is the fact that the practices connected with this phenomenon, including campaign modalities and techniques, have undergone tremendous changes over the years. Political Scientist Norris (2004: 2-3) has explained these changes in terms of the evolutionary process of globalization, which he links with simultaneous transformations in party organizations, the news media and the nature of electorates. Tracing this process from the late 19th century, and based on changes brought about by globalization, Norris identified three major phases of the transformation of campaigns in western democracies, namely the pre-modern, modern and postmodern phases.

In agreement with a number of other commentators on the subject, Norris (2004: 2-5) understood pre-modern campaigns of the pre-modern period (19th century to 1950s) as “based upon direct forms of interpersonal communications” through such methods as rallies, doorstep canvassing and party meetings, all arranged on the basis of short-term, *ad hoc* planning by the party leadership at the local level. He showed how the key characteristics of campaigns in the modern phase (roughly from 1950s to 1980s) considerably contrasted what obtained in the pre-modern phase, emphasizing the tendency for campaigns in the former phase to depend more on nationally coordinated strategic campaigning and paid professional communications and marketing consultants, as opposed to the greater role played by local party officials and volunteers in the latter phase.

According to Norris, the rise of the post-modern phase of election campaigning (1980s to the present) was partly marked by a shift from national broadcasting to expanded use of a “more complex, fragmented and rapidly changing news environment” (p.6), which included satellite and cable TV stations, radio talks, the internet and use of opinion polls. This new information environment to some extent revived closer interaction between voters and parties, thus in a way symbolizing “a return to some of the more localized and interactive forms of communication that were common in the pre-modern period” (p. 7). In consonance with these developments, election campaigning in western democracies has recently seen a notable return of local party control over the campaign process, which considerably undermines the dominance of nationally coordinated strategic campaigning, paid professional communications and marketing consultants, which largely characterized the period from the late 1950s to the 1980s.

While this schema of historical transformations in western democracies, political campaigning cannot be taken to fit all other contexts, it does provide a frame for understanding some of the tendencies in the Tanzania 2010 general elections campaigns. This is due to the obvious fact that, even in transitional systems such as the one currently in place in Tanzania, elections are held within, and are influenced by the broader global context that is partly defined by the tendencies sketched above. It is therefore not surprising that, while the contesting parties in the Tanzania 2010 general elections differed in terms of the specific campaign approaches and modalities they predominantly used, the span of their strategies and activities tended to lie within the major inclinations observed in the three transformation phases of political campaigns in western countries. Taking place at the end of the first decade of the 21st century, the Tanzania 2010 election campaigns were sometimes carried away by the desire to reach the electorate from national level platforms such as national TV channels, radio stations and newspapers, all of these being akin to the ‘modern’ phase of political campaigns in western democracies. More often, however, the Tanzania 2010 campaigns endeavored to exploit the advantages embedded in the use of modern information technologies and other modalities for the sake of enhancing greater interpersonal contact, thereby to some extent replicating one of the major characteristics of campaigns in the western world during the ‘post-modern’ period.

We must however hasten to note that the competing parties differed considerably in the campaign modalities and strategies they largely employed, and that this variation tended to be informed, at least partly, by the respective parties’ levels of resource endowment. Thus, the less financially capable parties depended almost exclusively on the cheaper but effective voluntary local campaigning done by members primarily on the basis of party allegiance. In contrast, the relatively better endowed parties tended to combine ‘pre-modern’ and ‘modern’

campaign approaches of the western world, as outlined above. Section 4 of this chapter elaborates on these tendencies with some concrete examples.

3.0 CAMPAIGN REGULATIONS AND CODE OF CONDUCT

The Tanzania 2010 election campaigns were held under the general guidance of the (Presidential and Parliamentary Elections) Elections Regulations (2010: 18-20), made under Section 124 of the National Elections Act (1985) Cap 343, and the Code of Conduct for the 2010 elections, made under the same section of the National Elections Act. The regulations and conduct guides consist of a set of ‘dos’ and ‘don’ts’ that party leaders, followers and candidates needed to observe to ensure a fair and free conduct of election campaigns. Because the list is long and sometimes repetitive, it may not be appropriate to present it here exhaustively. An attempt is instead made to highlight some of the important issues or principles around which specific regulations and conduct guides have been constructed.

One of these issues relates to proper logistical organization of the campaigns such that collusions and public inconveniences are avoided. The relevant specific rules spell out that formal campaigns for both presidential and parliamentary elections should start immediately after the nomination of candidates and end on the day immediately preceding the election day; that they should be guided by a coordinated programme which has been mutually agreed upon by all concerned parties and formerly established by relevant authorities; and that the daily campaign activities should be confined to the period from 8 a.m. to 6 p.m.

Also important is the principle concerning the sustenance of peace and tranquillity during the campaigns. The regulations and principles targeting this ideal include the requirement to conduct campaigns such that they do not result in discord and divisions in society. The Regulations and Code of Conduct also contain specific items requiring parties, followers and candidates to desist from interfering with other parties’ campaign meetings in any way; limit criticisms against other parties or candidates to policy issues; adhere to all election regulations and directives given by the National Electoral Commission; avoid the use of derogatory language of demeaning caricature materials; and refrain from carrying any weapons at campaign meetings.

The third principle around which election rules and conduct guides have been stipulated has to do with ethical considerations to enhance the credibility of the elections and general social responsibility. Accordingly, specific statements in the election regulations and code of conduct elucidate a number of obligations for political parties and their candidates. They include the requirement for candidates to avoid taking or giving gifts to solicit votes or luring candidate into withdrawing from the race; hiring of vehicles or any other means of transport to send voters to voting centres; sticking of posters on private vehicles or buildings without owners’ consent; use of unconfirmed allegations against other parties or candidates; and tarnishing the opponents’ image unfairly through the media. Parties and candidates are instead tasked with the social responsibility to ensure that the elections will be free and fair, for instance by publicly condemning chaos and threats, refusing all kinds of discrimination (gender, ethnicity, religion and race) and by relaying correct information to the public concerning the election process. The extent to which these rules and conduct codes were actually observed during the campaigns should be clear from the account given below on the major events and tendencies observed in the Tanzania 2010 (Union) general elections.

4.0 CAMPAIGN CHRONOLOGY, MODALITIES AND STRATEGIES

4.1 Chronology

The Tanzania 2010 (Union) General Election campaigns formally started in the third week of August. During this and the following weeks some of the competing parties, namely Chama cha Mapinduzi (CCM), Chama cha Demokrasia na Maendeleo (CHADEMA) and Civi United Front (CUF), held rallies to inaugurate their campaigns officially. CCM was the first to start on August 21st at the Jangwani grounds (Dar), followed by CUF at Kidongo Chekundu (Dar) on August 27th and CHADEMA on August 28th, also at Jangwani. Other parties launched their campaigns slightly later while others never marked such a formal beginning.

Generally, the campaigns started rather slowly for all the parties and throughout the country, but the larger parties, particularly CCM, CHADEMA, CUF and to some extent NCCR Mageuzi and TLP, stepped up their campaign pace from the 3rd week onward. However, in the case of other parties, poor financing meant that campaign efforts had to be staggered across time to gain maximum effect from the limited resources. The campaigns stopped on October 29th, a day immediately preceding the election day, as required by the law. It is worthwhile noting that the requirement to stop the campaigns on the prescribed date was observed by all parties without exception.

4.2 Campaign Modalities and Methods

Each of the major participating parties formed campaign teams, and these in return designed modalities and strategies for campaigning at the constituency and ward levels. For larger parties such as CCM, CUF and CHADEMA the teams consisted of up to, or even exceeding 16 members, while for smaller parties the membership was often as small as 5 (TEMCO Constituency Reports). Needless to say, the top party leaders at the respective levels, together with the Parliamentary and Council candidates, usually constituted the core of such teams. National level campaigns were planned and executed under the supervision of the national leadership of the respective parties, although each of the better known parties had a key person managing or directing the campaigns.

The modalities used for campaigning differed from party to party and in accordance with the parties' financial capabilities and other considerations. **Public rallies** were the most visible campaign modality. They were used mostly by the larger parties and some of the smaller ones, especially for Presidential and Parliamentary campaigns. As intimated above, most of the smaller parties used this platform sparingly due to the high cost involved, and some, such as the DP, APPT, SAU, and DEMOKRASIA MAKINI, hardly ever used it.

The second approach in popularity was **house to house canvassing**, which involved groups of campaigners or members of campaign teams visiting individual houses to solicit support for their respective candidates. In parts of Arusha Region this approach was popularly known as BMW, in full, *Boma, Mzee, Watoto*. It involved visiting individual households with the intention of reaching the household head, his spouse and the adult dependants as well. The house-to-house canvassing technique was in some areas so common and popular that it acquired names that somewhat exaggerated what was actually happening on the ground. At least in Moshi town and Muheza, people talked of *mtu kwa mtu*, *kitanda kwa kitanda* and *shuka kwa shuka* campaign styles, literally "person to person", "bed to bed" and "bed sheet to

bed sheet” campaigning, emphasizing the need to tap on intimate social relations for political gain. These modalities were equally popular among the smaller and the larger parties.

The emphasis on direct personal communication replicates Norris’ characterization of pre-modern campaigns in western democracies, although the contexts were significantly different. It seems that the widespread adoption of this relatively cheap and potentially more effective approach was due to a complexity of factors. One of these could have been the often observed apathy to the political process and the consequent non-participation in campaign rallies by some groups of potential voters. It is also notable that closer interpersonal campaigning provides a loophole for corruption practices such as distribution of material incentives to prospective voters, and that some parties may have adopted this approach partly to take advantage of this opportunity. Another possible explanation could be that the campaigners sought to reach people with such meagre incomes that made it difficult to participate in rallies held in distant places and involving travel costs and forfeiting time for securing critical subsistence needs.

Closely related to the house to house or person to person campaign approach was what some observers have termed as **mobile campaigns**. These involved small groups of mostly young people moving from place to place, carrying their party symbols (flags, posters, photographs of candidates, etc.) and actively campaigning for their Presidential, Parliamentary, or Council candidates. This method was mostly observed in major cities/towns, and was used most often by CUF, CHADEMA and CCM.

Also widespread was the use of modern **Information Technology (IT)**, specifically mobile phones for sending short texts; or actually calling opinion makers (such as school teachers and business people); internet platforms such as discussion forums (for instance the JAMII Forum), face book and U-Tube; TV and Radio stations for instance by holding host talks; and the print media, including newspapers such as *Mtanzania*, *Tanzania Daima*, *Uhuru* and *An-Nuur*. Although each of the competing parties used these media and methods to some extent, CHADEMA, CCM and CUF showed greater reliance on them.

Open discussion forums were yet another important and widely used modality. These were usually arranged by certain urban-based organizations by booking TV or Radio airtime and inviting speakers from interested political parties. Examples include forums organised in Mbeya city and Mbalizi by the Foundation for Civil Society in collaboration with MBENGONET in October, 2010. The key speakers were Parliamentary candidates for the two constituencies, representing CHADEMA, CUF and DP. CCM was not represented following barring of its candidates by its higher national authorities. The debates were attended by approximately 400 and 500 people on the two respective occasions, most of them being men. They were broadcast live by the Highlands FM Radio Generation (TEMCO Regional Report, Mbeya). Similar forums were organized in Dar es Salaam, Meru, and Musoma and Mwanza, just to mention a few places (TEMCO Regional Reports). Somewhat related to the media debates was TV, radio, and print media advertising. This was employed by the stronger parties, specifically CCM and CHADEMA. In contrast to open debates, the adverts were professionally prepared and targeted the broader national electorate.

The use of **media debates and advertising** was to some extent recourse to the campaign approach that dominated in the western democracies during the period classified by Norris (2004) as the ‘modern’ era (late 1950s to 1980s). This is because the modalities somehow detached the campaigns from individual voters and local issues and actors, employing instead

professional communication expertise and the attendant technology. In close affinity with the 20th century 'modern' approach to campaigns, the media debates and advertising in the Tanzania 2010 campaigns were coordinated centrally at the national level. They depended largely on the television as the main campaign forum, and mostly employed costly expertise in stage setting and professional advertising, as opposed to the 'post-modern' approach, which was typically anchored on voluntary work inspired by party loyalty (Norris, 2004:1-3). The late application of this approach in campaigns in Tanzania is not surprising, for it is only now that electronic communication has started playing a key role in the country, and professional advertising as a marketing tool a recent development in the country.

No systematic study was undertaken on the comparative efficacy of the methods and approaches outlined above. However, in theory, the fact that the methods were widely used suggests that their efficacy was anticipated based either on logic and short-term experience. It is nonetheless notable that while the better endowed parties applied a wider variety of the available methods, the less endowed parties relied on only a few modalities they believed to be most effective, such as house to house canvassing. This suggests that in the final analysis, the principle applied by most parties in designing their campaign modalities of methods was one that gave prominence to taking the best advantage of the methods that were available and affordable to them.

4.3 Campaign Strategies

Parties used various strategies and tactics primarily to attract large audiences and boost the effectiveness of their campaigns. One of the most widely used strategies was ferrying of people to campaign venues, a practice most closely associated with CCM although CUF and other parties used it to a lesser extent. CHADEMA hardly used this strategy, presumably due to the effectiveness of its mass mobilization efforts and related factors.

CCM and CHADEMA Presidential candidates used helicopters primarily to reach many destinations within a short time, but the choppers also acted as effective attractions to potential voters. The negative side of this was the prohibitive cost of hiring the machines, leading to the yet unanswered question of how the financial resources used in the project were obtained in a poor economy like Tanzania, and how the resources would be repaid given the likelihood that they were obtained on loan. Another unanswered question is whether or not the costs involved in the use of helicopters are fully justifiable in terms of the electoral gains made. The question, in brief, is whether the election results would have been significantly different if the expensive item of helicopter use had not been included in the respective campaign budget. Another glaring shortcoming is loss of the opportunity for the candidates to come into contact with people in the villages and districts that were over flown by the choppers. Road travel would certainly have given people the chance to come by the roadside and greet the candidates and convoy. Yet, while answers to the above questions can be arrived at through additional research, it is axiomatic that in the final analysis the campaign results would be shaped not only by the totality of the employed communication strategies and their effectiveness but also a range of predisposing political and socioeconomic factors.

The use of **performing arts** forms such as drama, comedy, poetry and dance shows was perhaps the most frequently used strategy. Campaign managers engaged Art groups to perform before or during rallies. Their key function was often to pull crowds and entertain them while waiting for the main speakers for the day to arrive. Quite often they were also

used to convey key campaign messages from the party concerned. CCM, CHADEMA and CUF used the strategy more frequently, although to a lesser extent nearly all the parties that organized and conducted public meetings also exploited its potential advantages. The main reason for the difference in the intensity of use of performing arts forms across the competing parties was affordability of the strategy. While the economically better endowed parties could afford to engage the most popular and effective groups, some of the critically resource constrained ones could not afford even the cheapest performers.

Negative campaigning, though prohibited by the Code of Conduct guiding the elections, was often used as a campaign strategy. It consisted of telling half truths about important campaign issues, giving partially or thoroughly distorted information about the personality or deeds of an opponent or party, or exaggerating social or political realities obtaining in a ward, constituency or the entire country in the case of Presidential campaigns. All the three better known parties, especially CCM, CUF, and CHADEMA, used this strategy on several different occasions and with different levels of effectiveness.

Illustrative examples include a testimony given in October by a member of the *Wanajamii* internet forum to the effect that two lorries full of ballot papers had been seized in Tunduma and that the member had witnessed papers that had been marked “V” for the CCM Presidential candidate. This information was not corroborated by what was found in a lorry that was in fact put under police custody in Tunduma and inspected in the presence of leaders of the opposition party that had tipped the Police on the matter (TEMCO Tunduma Observation Report). In a similar case, the CCM District Secretary for Moshi urban was heard telling a rally that he had seen a CHADEMA poster in preparation which showed that on winning the election, a CHADEMA Council in Moshi would expel all non-Chagga people from the municipality (TEMCO Moshi Urban Report). The said poster was never seen displayed anywhere during the campaigns. While such negative campaigning may have helped individual parties in their course to some extent, its overall outcomes were negative for the country as a whole. They fuelled animosity between parties and candidates, provided a foundation for the emergence of deceptive and therefore immoral politics, and were a cause of intimidation of citizens for personal or party political gains.

Another widely used strategy was **holding of parallel meetings** in areas proximate to the sites of rival party’s meetings. Such meetings, mostly associated with CCM and popularly known as *operation usafi*, were meant to detract people from major challenger’s campaign rallies so as to inhibit their effectiveness. To avoid direct contravention of campaign regulations and code of conduct, organizers made sure that there was sufficient distance between the two meeting sites. The extent to which this strategy was effective is an interesting subject for future research.

5.0 CAMPAIGN AGENDAS AND ISSUES

Campaign rallies were conventional in the sense that they addressed issues believed to be of concern to the electorate. The issues ranged from the country’s economic wellbeing and socio-political concerns to the basic law of the land, that is, the Constitution. For obvious reasons, while Presidential campaigns by all parties focussed on both national and local issues, Parliamentary and Council candidates focussed exclusively on local issues (TEMCO Constituency Observation Reports, 2010). The national and local agenda often overlapped, in which case candidates capitalized on the local manifestations of the well-known national challenges and ways of overcoming them.

Parties first outlined their national level campaign issues on the occasion of the launching of their respective campaigns. Through key note addresses by the Union Presidential candidates and other leading spokespersons, the parties used the launching occasion and the subsequent rallies to outline the priority issues they would pursue, and the implementation strategies they would employ if mandated to form the next government. On the one hand, CCM generally promised to continue implementing its existing policies with greater zeal and speed to push forward the country's economic, social and political wellbeing. If re-elected the party would increase efforts in improving the country's economy with particular emphasis on agricultural revolution, continued expansion and improvement of the country's infrastructure (roads, railways, airports, water transportation, etc,) continued expansion of schools, health facilities, water supply and other social services and improvement of delivery quality through training of more teachers, construction and equipping of school laboratories, improvement of health centres and promotion of some ordinary hospitals to the status of referral hospitals. CCM also continuously talked about its determination and capability to maintain peace and calm in the country.

On the other hand, opposition parties expressed strong intentions to pursue alternative policy directions and strategies. Some of the alternative approaches or strong resolves commonly aired by two of the better known opposition parties, CHADEMA and CUF, include delivery of free primary and secondary education; free healthcare for all; reform of the Union structure with a view to creating a three-tier government system encompassing the Union Government and separate governments for Zanzibar and Tanganyika; and stricter dealing with corruption in the country's public sector.

Other concerns shared by some of the opposition parties include introduction of a new constitution for the United Republic (CHADEMA, CUF, NCCR-Mageuzi), closer supervision of the exploitation of natural resource (CHADEMA, CUF), more prudent utilization of public funds to cater for the needs of the ordinary citizens (CUF, CHADEMA, NCCR-Mageuzi) and to improve rural housing by lifting taxes on building materials such as cement and corrugated iron sheets (CHADEMA). Nearly all the contesting parties talked about corruption practices and ways of curbing this widely recognized social ill. In order to improve prudence in the use of public funds, CHADEMA and CUF strongly advocated the formation of a lean government and institution of stricter controls on government expenditure (TEMCO Constituency Observation Reports, 2010). CHADEMA, CUF and NCCR-Mageuzi emphasized that drawing of a new constitution would be one of their priorities if they win the elections, with CHADEMA promising to do this within the first 100 days of office (Daily News: 30th August, 2010).

We need to chart out a few issues in connection with the above narrative. First, while campaigning, parties often made reference to their election manifestos. The contents of the manifestos were hardly known by the general public, and therefore the rallies provided the opportunity for party leaders to highlight some of the pertinent issues therein. Yet it is common knowledge that during the campaigns most parties delved on issues that were not particularly specified in their respective manifestos. For instance they would capitalize on issues that tended to be attractive to the members of the public and make promises on how the party in question would deal with the matter once in power.

Secondly, some of the development initiatives taken by the government in the ended leadership term ironically became campaign issues for the opposition parties. Such measures include expansion of secondary school education to the ward level. However the ward

schools, popularly known in Kiswahili as *Shule za Kata*, were used by opposition parties as a major problem in the education sector, pointing at the schools' poor infrastructure and staffing. Systematic expansion based on resource availability was emphasized instead. The same argument was repeatedly made by opposition parties for other social service expansion projects undertaken by the government which apparently manifested poor quality on account of limitation of resources.

Thirdly, some of the political parties' agenda were reflected in the media coverage of the election campaigns. A study undertaken by Synovate (Tanzania) during the election period consistently identified five major issues covered in the campaigns, as captured by the electronic and print press (Synovate Reports Nos. 3 & 17, 2010). The issues regularly captured by the press include *corruption*, *education*, *health*, *peace* and *agriculture*. The extent of coverage of each of these issues changed considerably with time, but the range remained constant. Thus, in an early weighing done at the end of August, 2010 the comparative coverage weighing of the issues showed *peace* leading at 28%, followed by *corruption* (21%), *education* (12%) and *health* (6%). However, in another survey carried out at the end of September, 2010, *education* (21%) took over as the leading issue, followed by *health* (19%), *peace* (18%), and *agriculture* (16%), while *corruption* (10%) came last. There were of course other issues of lesser importance.

The question of peace was addressed not only by the competing political parties but also by religious leaders (Editorial, *The Citizen*, 23rd August, 2010), the Police Force and ordinary citizens (*The Citizen*, 18th August, 2010: Editorial). In contrast, the discussion on the question of corruption came mainly from the campaign platforms, especially of UDP, CCM, CUF, CHADEMA and NCCR-Mageuzi. The opposition parties discussed the issue of corruption mostly in the context of their election manifestos, pointing out the measures they would institute once in office in order to uproot the perennial problem. CHADEMA leadership went as far as promising that within the first 100 days of their office tenure they would track down all the grand corruption culprits and bring them to book. CCM, on the other hand, persisted in telling its audiences that corruption was a deeply rooted societal problem and that the approach taken by the present government of pursuing it gradually using state organs was ideal (*The Guardian*, 24th August, 2010; TEMCO Reports).

Forth, there was limited coverage of issues such as the rights and fates of marginalized groups, for instance the disabled, children and women. In the September Synovate survey these matters attracted only 6% of the general elections press coverage. Perhaps more significantly, the campaigns hardly ever brought up such important national issues as the increasing crime levels and poor performance of economic sectors such as railways and air transportation as well as the embarrassing inefficiency of the Dar es Salaam harbour. Yet more surprising was the dismal or total lack of attention to important international issues, including the East African Integration project, environmental protection and issues concerning Tanzania's position in the international economic system. No systematic inquiry was undertaken to fathom the reasons for these omissions, but our guess would be that candidates were overwhelmed by the basic survival problems the majority of Tanzanians are currently grappling with. This would mean that discussions on such issues that are far removed from ordinary citizens' primary concerns might be inconsequential or even detrimental to election campaigns.

We have noted above that campaigns were more often focussed on local, rather than national issues. Due to their wide variety and complexity, it is difficult to outline the context of

specific campaign issues in this limited space. Suffice it, therefore, to provide only a few randomly picked illustrative examples. In Dar es Salaam CCM, CHADEMA AND NCCR-Mageuzi addressed the growing problem of traffic jams, promising to curb it by improving feeder roads and constructing flyovers (CCM) and by controlling the number of vehicles entering the city centre by construction satellite car pools (NCCR-Mageuzi). In Mpanda, CHADEMA addressed the problem of poor rural housing and promised to make building materials affordable to villagers by exempting them from taxation (TEMCO Mpanda Constituency Report, 2010). In Mwanza, the CCM Presidential candidate promised to allay problems pertaining to the running of cooperatives and provision of water transportation by underwriting a 5bn/- debt owed by Nyanza Co-operative Union and purchasing a big passenger ship to ply between Mwanza and Bukoba in Lake Victoria (Newspaper Reports-August, 2010). This would soon result in a controversy discussed elsewhere in this chapter. In Dimani Constituency, Unguja West District, issues frequently addressed in public campaigns by Union Parliamentary candidates included poor water transportation, unemployment, lack of credit facilities and low prices of agricultural products (TEMCO Dimani Constituency Report). The CHADEMA Parliamentary candidate in Ubungo abbreviated his major campaign issues as *AMUA*, in length *AJIRA*, *MAJI*, *UWAJIBIKAJI*, *AFYA*, meaning employment, water supply, responsibility and health (TEMCO Report for Ubungo Constituency). As noted earlier, the list of the context specific campaign issues is difficult to exhaust.

6.0 SECURITY ARRANGEMENTS

Overall, the task of ensuring security during the campaigns was accomplished by the Police and other security forces to the satisfaction of the majority of stakeholders. In most cases the police made themselves available where their presence was due, such as at campaign meetings and in escorting candidates entitled to that service. The highest satisfaction was expressed in Zanzibar, specifically Unguja South, where contesting parties openly congratulated the Police Force for their good service, especially for calling everyday to confirm the time and location of the campaign meetings, asking for confirmation that the meeting will take place, and for desisting from disturbing or intimidate people during the campaigns (TEMCO Unguja South Report).

There were however considerable areas of concern and dissatisfaction with the security situation during the campaigns. In some areas people complained about Police officers being few or completely invisible at campaign meetings (Morogoro and Tabora TEMCO Regional Reports). It was later learnt that Police authorities usually deployed officers in accordance with their own intelligence information regarding the security situation in the area concerned. Yet poor Police presence was given as one of the explanations for some of the occasional violence reported and discussed elsewhere in this chapter, as well as in connection with the prominent role played by parties' own security groups, as in the case of CCM's 'Green Guards' and CHADEMA's 'Read Guards' (Morogoro TEMCO Coordinator). As discussed under the appropriate section of this chapter, this was a source of considerable controversy during the campaigns.

Additionally, the Police Force was sometimes blamed for favouring CCM when it came to taking action against people alleged to have contravened election regulations and code of conduct. An example of this was the instant arrest of the Maswa West Parliamentary candidate Mr. John Shibuda along with other people on 21st October, 2010, following violence that occurred in the neighbourhood of his campaign site (The Citizen, 22nd October,

2010; TEMCO Maswa West Report). The grim incident resulted in the death of a person reported to be a CCM supporter. He was released a couple of days later for lack of evidence of his involvement in the violence. A contrasting Police inclination was reported from the same campaign and in connection with the same tragic event. The CCM candidate for the Maswa West Constituency was reported to have physically assaulted the Maswa OCD. The candidate was not arrested until 24th October, 2010, more than two days after the event (The Citizen, 25th October, 2010; TEMCO West Report). He was released on bail the following day, and nothing has been reported on the case to-date. Several other concerns about Police impartiality in securing campaign activities were reported by TEMCO observers and in the print press.

7.0 FINANCING OF THE CAMPAIGNS

At the outset, parties received disbursements from the government depending on their political status in terms of the representative position held in the National Parliament and local councils, - CCM received Tshs. 2.3 billion, CHADEMA Tshs. 750 million, CUF Tshs. 150 million, NCCR-Mageuzi Tshs. 1.2 million and APPT-Maendeleo Tshs. 100, 000.

In addition, prior to the official commencement of the campaigns, the contesting parties launched fundraising campaigns of different magnitudes, employing various modalities, including fundraising dinners and IT-based campaigns. CCM organized a number of fundraising dinners in major hotels in Dar es Salaam and at the Mlimani City Conference Hall. At a fundraising dinner hosted at the New Africa Hotel on 19th September, 2010, CCM collected a sum of Tshs. 6.5 billion in cash and pledges, and on two other occasions Tshs. 7.5 billion were collected (Uhuru, 21st September, 2010). Earlier on CHADEMA had launched an IT-based fundraising campaign. It also established a blog named Friends of Dr. Slaa (FOS), which had the sole objective of fundraising for the CHADEMA's Presidential candidate. CUF also followed suite with similar arrangements, including IT-based fundraising campaigns. Some individual Parliamentary candidates established their own websites which they also used for fundraising purposes (Newspaper Reports: various). Permissible campaign expenditure was initially set at the maximum of Tshs. 5 billion, but the ceiling was later raised after CCM had successfully negotiated with the other parties a mark at Tshs. 50 billion (The East African, 1st November 2010).

While it is obvious that through various resource mobilization methods and techniques some parties collected huge sums of money, none of the parties publicly revealed the amounts they had collected; neither did they inform the public about their sources of funding. As the campaigns gained momentum, however, it became clear, in the differential levels of vitality, which parties had gathered large sums of money and which ones had been less fortunate. The difference in the fortunes became even clearer during the last weeks of the campaign as some of the parties almost ceased to operate due to shortages of funds.

During the entire campaign period, CCM clearly appeared to be the most resource endowed party. This could be seen in the number and sizes of posters displayed throughout the country, the three helicopters they managed to hire in addition to large convoys of expensive vehicles used in the Presidential campaign, the number of people they managed to ferry to campaign meetings, and the huge crowds of people they literally dressed with the party's attire for all the Presidential and some Parliamentary campaign meetings, both on the Mainland and in Zanzibar. CUF and CHADEMA were next and almost at par. In Zanzibar and parts of the Mainland CUF also distributed T-shirts, caps and khangas to supporters, but

to a lesser extent compared to the scale reached by CCM. CHADEMA could afford only one helicopter for the Presidential campaigns, and their motor convoys were smaller compared to those seen in CCM campaigns. They generally did not ferry people to meetings, neither did they distribute clothes except perhaps to leaders. Like CCM, CUF and CHADEMA often afforded to hire art groups to support their campaigns. NCCR-Mageuzi and TLP seemed to fair not too badly in some constituencies, but were clearly behind CCM, CHADEMA and CUF in terms of resource endowment. The financial situation in all the other parties was visibly poor. This was evidenced by their failure to launch their campaigns formerly, dependence on the cheaper house to house campaigning, inconsistent campaigning, and generally poor presence on the campaign trail.

8.0 ADVANTAGES OF INCUMBENCY IN THE CAMPAIGNS

It must be acknowledged that while some of the advantages of incumbency are difficult to eliminate even in the most advanced democracies, in the case of the Tanzania 2010 general elections such advantages were often overexploited. This applied to all the levels of the electoral process. The unjustifiable overexploitation of the incumbency status was observed first and foremost in respect of the involvement of state functionaries in campaigns beyond what is permitted by law. There is documented evidence of District Commissioners campaigning for CCM candidates or mobilizing financial resources to support CCM campaigns (e.g. TEMCO Serengeti, Mbulu, Hanang, and Mbinga East Constituency Reports). Quite often, CCM also easily accessed national and local government resources, such as vehicles for transporting people to and from campaign meetings.

Incumbent candidates at all levels also had the potential advantage of tapping on the power and influence they were capable of developing during their tenure. Such advantage could be used to easily build positive public opinion about the incumbent's candidacy as well as mobilize financial resources to support his/her campaigns. Yet, during the Tanzania 2010 general elections this potential was sometimes not realized due to poor performance of the incumbents concerned and other circumstantial factors. The scale of incumbency benefits was obviously larger for the Presidential candidate. This was partly due to his legal entitlements and partly due to the vastness of human and material resources at the disposal of the President's office nationwide. Even if no statistical figures can be presented here, the mount of money typically spent on allowances for government officers involved in the campaigns, on fuel for vehicles and on related incidental costs would be considerable, and the justification for some of the costs so incurred is certainly debatable.

In addition to the above, candidates from the incumbent party sometimes benefitted from privileges subtly or explicitly granted them by government authorities, especially when it came to adherence to campaign regulations. Several examples of such incidents can be given, but perhaps the most illustrative is the case reported in the press, whereby the Registrar of parties announced an extension of the daily campaigning time to 7:00 p.m. from the initially set limit of 6:00 p.m. This happened after opposition parties had complained about the CCM Presidential candidate had been reported to have exceeded the set limit on several occasions. The positive side of this incident is that, in a measure signifying maturity and impartiality, the NEC Chairman Judge Lewis Makame publicly renounced the Registrar's intervention, pointing out that only the Election Ethics Committee had the legal powers over issues pertaining to campaign timetables. In yet another positive gesture, the Registrar publicly admitted error in the controversial intervention (The Citizen, 23rd September, 2010).

The advantages of incumbency went hand in hand with the disadvantages of non-incumbency. Non-incumbent candidates had to go without any of the advantages sketched above. They were additionally often prone to harsher treatment by state organs, especially when it came to allegations of breach of electoral regulations, as in the case of the October riots in Maswa West. In addition, authorities were reported to have sometimes denied opposition parties the right to use some of the best campaign sites, such as stadiums, on the grounds that they belong to CCM from the single party era (TEMCO Iringa Urban Report). Moreover, in some areas of the country, opposition candidates were negatively branded by CCM and government officials as trouble makers and a threat to peace and tranquillity in the country (TEMCO Reports, various).

9.0 PROBLEMS AND CONTROVERSIES

9.1 Early Inter-Party Contentions

While the early campaign period was marked generally by smooth and peaceful operations, there were incidences of hitches marked by inter-party contentions and complaints, mostly raised by CHADEMA and CCM at this stage. For instance, during CHADEMA's launching meeting at the Jangwani grounds on August 28th the sole TV station directly airing the event (TBC 1) suddenly suspended transmission. The TBC management later explained that the measure had been necessitated by CHADEMA's use of hateful and derogative language at the rally, contrary to the Code of Conduct agreed upon and signed by the competing parties. CHADEMA leaders however expressed disagreement with the move, saying it was an act of discrimination against the party and favouritism for the ruling party, CCM. Neither party pursued the matter further after some exchange of statements.

Another controversy observed during the early period emanated from complaints by CHADEMA leaders against statements made by the CCM Presidential candidate during his early campaigns. In a petition filed with the Registrar of Political Parties, CHADEMA's Acting Secretary General, John Mnyika, complained that Mr. Kikwete's pledges to "raise salaries, underwrite a 5bn/- debt owed by Nyanza Co-operative Union and purchase a bigger passenger ship to ply between Mwanza and Bukoba in Lake Victoria, were meant to woo voters". He accordingly demanded that the candidate be disqualified from the race. In a response, the CCM campaign Manager Mr. Abdurahman Kinana stressed that the CCM Presidential candidate had only been elaborating on the CCM election manifesto and that, because none of the stipulated actions would be delivered before the elections, no regulation had been contravened. In a ruling made shortly afterward, the Registrar of Political Parties dismissed CHADEMA's accusations on the ground that the statements made by the CCM presidential candidate did not contravene the provisions of the Election Expenses Act. The matter eventually faded away, never to surface again during the campaign period.

During the same period CHADEMA also alleged that Mrs. Salma Kikwete, wife of the CCM's Presidential candidate, had been campaigning for her party using taxpayers' money. The allegation was first voiced by the CHADEMA's Campaign Director Ms. Suzan Kiwanga, and was later echoed by the party's top leadership, pointing at Mrs. Kikwete's travel and related costs. The CCM Campaign Manager again responded by saying that the cost of Mrs. Kikwete's campaign travels was being met through CCM's own funds, including the cost of aircraft hire. CHADEMA nonetheless maintained a threat to send the matter to court, which however never materialized.

Another major controversy, also raised by CHADEMA, had to do with CCM's use of placards bearing photographs of its Presidential aspirant showing activities he was involved in as Head of State. It was argued that such photographs were government property to which other parties had no access, and that CCM should therefore not use such placards in its campaigns. CCM's initial response was that all their placards had been authorized by the National Electoral Commission (NEC). However, a few days later CCM withdrew some of the photos that had attracted criticism.

While the issue of placards was still being debated on, the CCM Campaign Manager complained against one of CHADEMA's placards that designated the party's Presidential candidate as a president, while he was only a candidate. He noted that the placard was illegal and urged NEC to take appropriate punitive action against the use of such materials. In response, the CHADEMA lawyer, Mr. Tundu Lissu, said there was no law prohibiting Presidential candidates from identifying themselves as presidents. The NEC chairperson, Judge Lewis Makame, meanwhile informed that his Commission had not yet seen any placard in which a presidential candidate identifies himself as president. From this point the issue faded away as contestants focused their campaigns on other issues.

9.2 Resilient Shortcomings and Challenges

Although the campaigns generally proceeded calmly and with great enthusiasm from the start to the end, a number of notable shortcomings and challenges were recorded by TEMCO observers as well as by the press. Many of the shortcomings had been observed in Tanzania's past elections, and some of them have already been touched upon in previous sections of this chapter. They are re-presented below for the purpose of illustrating them more systematically:

a) Increasing Incidents of Violence

All TEMCO Long-Term Observers have emphasized in their reports that the campaigns were peaceful and without major threats to peace and order. Yet they also show that a considerable number of violent incidents of varying types and magnitudes happened during the campaign in both urban and rural settings. They include actual confrontations between supporters of opponent parties, sometimes resulting in infliction of considerable injuries. The incidents were spread across the country. Some of the most remembered were reported from Maswa West (Shinyanga), Mpanda (Rukwa), Musoma, Arusha, Morogoro, Dar es Salaam and Dodoma, to give just a few examples.

In some cases, the incidents took place around campaign rallies. In Mpanda, for instance, two CCM followers were attacked (one of them ended being hospitalized) by CHADEMA followers after the latter either mingled in or passed by a CHADEMA meeting while dressed in CCM campaign gear. The issues at stake here are provocation on the part of CCM members and lack of political tolerance on the part of CHADEMA. Perhaps the gloomiest event was one observed in Maswa West, when CCM and CHADEMA followers clashed close to the site where the latter party was holding a campaign meeting, on 21st October, 2010. Following the incident, one person was reported dead and several others critically injured (Guardian, 23rd October, 2010).

The main events in Arusha involved clashes on 7th October between CHADEMA and CCM followers in the main market area. It was reported that the clash followed CHADEMA's

attempt to pitch their flag and establish an office in an area close to a CCM establishment. Subsequently, the Police arrested six people, one of them a CHADEMA candidate for the Kaloleni Council.

Similarly, reports from Musoma show a series of such acts of violence. One of these occurred late on October 11th, 2010, involving the use of machetes and resulted in major injuries to three people, who were subsequent hospitalized. It is alleged that the attackers, some of whom were arrested later on October 13th, were CCM followers. In Moshi Urban the Police Force arrested six CHADEMA followers on 12th October 2010 on alleged involvement in attacking and injuring six CCM followers in the Kaloleni area. According to newspaper reports the incident occurred after the followers of the two parties had encountered each other as they were going home soon after conclusion of their respective parties' campaign meetings.

While the majority of the reported cases reflect contentions between CCM and CHADEMA, there have also been cases of violence involving followers of CUF and other opposition parties. One example involved clashes in Igalula (Tabora) between CUF and CCM followers on 10th October, 2010. It is alleged that the violence was triggered by 'invasion' of a CCM campaign meeting by a group of CUF followers. In Dar es Salaam, on October 9th the NCCR-Mageuzi Parliamentary candidate for Kawe, James Mbatia, reported that on several occasions his campaign had been attacked with stones by groups of unknown people, causing substantial injuries to some of the people in his entourage. Other similar cases involving parties other than CCM and CHADEMA were observed in several parts of the country.

In all these cases we note a trend of events threatening the desired peaceful conclusion of the political process then at hand. The general sentiment of the public regarding this matter was well reflected in the Synovate (T) studies discussed above, which at some point showed that the most popular issue in the Tanzanian press was sustenance of peace. This can be taken to reflect the value assigned to peace by the media at this juncture. It may also be considered to express worries and uncertainties among informed citizens concerning the sustainability of peace in the country as it moved towards the general election.

b) Negative Campaigning

Equally outstanding in TEMCO observers' reports and in the local press is the phenomenon of negative campaigning, which was observed at all levels of the process, namely wards, constituencies and presidential campaigns. As already alluded to above, negative campaigning was a major shortcoming during the campaigns. It manifested itself in a variety of forms and through different media. For instance, from September 2010 CCM campaigns in several locations and media focussed on CHADEMA Presidential candidate's family affairs, referring to his separation from his former wife as well as a court case in which he was charged for marital engagement with a lawfully married woman. An *sms* message was subsequently circulated from an unrevealed source using this case of immorality to discredit the candidate concerned.

Similarly, the CHADEMA campaign in Morogoro South constituency described the CCM Parliamentary candidate as corrupt, a person of low integrity and HIV-positive. Meanwhile, in Ulanga and Mvomero constituencies (Morogoro Region) CHADEMA campaigners carried placards accusing CCM leadership of having consumed everything including "*uji wa wagonjwa*", that is, "food ration for the sick". In a similar manner, the CCM campaign in

Morogoro South portrayed the CHADEMA Parliamentary candidate as poor, problematic and alcoholic. In Igalula constituency (Tabora Region), the CCM Parliamentary candidate was reported to have told an audience that if people vote for the opposition parties they risk sending the country to a war like the one Tanzania fought with Uganda in the 1970s. In Mtwara the CUF Parliamentary candidate labelled his CCM opponent as a seasoned Indian conman coming from a self-serving, thieving and untrustworthy race.

Negative campaigning sometimes came through the print press used by the respective parties as their mouthpieces, particularly in the form of carefully selected photographs to convey negative messages against an opponent party, or in the form of derogatory cartoons. The problem with negative campaigning is two-fold. On the one hand it deprived citizens of the opportunity to use the valuable campaign time to discuss or at least hear important issues regarding ways and means of improving their livelihoods. On the other, it very much served as a polarizing factor between and among the contesting parties, potentially capable of resulting in extreme inter-party hostilities and violence.

c) Corruption Practices

Despite the introduction of the Election Expenses Act No. 6 of 2010, and in spite of the early deployment of TAKUKURU – the anti-corruption special unit – to monitor and prevent corruption during the campaigns, observers have noted and reported a wide range of alleged corruption practices. The most common allegations included disbursement of money to prospective voters or prospective competitor from an opposing party, distribution of other forms of gifts and, in at least one reported occasion, food was prepared and served at half market price close to a Ward campaign venue. It is notable that the corruption allegations were mostly associated with CCM leaders and candidates.

Opposition leaders occasionally aired complaints against the Police and TAKUKURU, accusing the two institutions for sluggishness, inconsistency and partisanship in handling corruption allegations. A major case in point is the event witnessed in Arusha on October 4th, 2010, in which CHADEMA Parliamentary and Council candidates in the region staged a demonstration at the Municipal's TAKUKURU office. They accused the institution for failure to take action on CCM members' corruption offences they had witnessed and reported (Mwananchi, 4th October, 2010). TAKUKURU however dispelled the pressure being exerted on them and reiterated that they follow specific procedures in executing their duties (Majira, 6th October, 2010). Yet, as widely reported in the press, the Police Force made several arrests, and a number of election corruption cases are still in the court of law. This matter is extensively covered in a separate chapter of this report.

d) Other Important Challenges

Other important negative developments witnessed during the campaigns include the following:

- i) Non-adherence to campaign timetables by some political parties and candidates: Candidates either came late to the campaign venues or completely failed to appear. The 'no-show' phenomenon was partly due to resource limitation and partly a result of strategic decisions by the parties concerned. Non-adherence to campaign timetables largely affected members of the electorate, who had to wait on campaign grounds for hours, often in the hot sun.

- ii) Poor presence of uniformed police officers at campaign rallies was reported widely, and is considered a likely additional reason for the violent acts discussed above. Seemingly due to lack of visibility of the law enforcers, parties resorted to the use of their own security guards to protect their meetings. However, CCM was reported to have mobilized a comparatively larger number of such guards, and opposition parties expressed scepticism regarding continued training and deployment of the CCM 'Green Guards', fearing that they could become a source of violence.
- iii) Underrepresentation of women at public rallies was noted in several places including on the mainland. However, in Zanzibar women attendance at campaign rallies were higher than men. In CCM meetings the proportion of women participants seemed to approximate that of men, and in some cases it was reported that the number of women attending this party's meetings was clearly larger than that of men. It would be interesting to know whether this trend applies for the country in general, and whether the difference between CCM and opposition parties in this regard is significant.
- iv) The use of vernacular languages without translation was reported from several rural locations, more significantly in Mara, Kagera, Shinyanga, Mwanza, Manyara, Mtwara, Tabora and Morogoro. It is however clear that, although this is prohibited by election regulations, it was hardly done with any ulterior motives. It seems that in nearly all occasions the speakers only wanted to enhance empathy and effectiveness in communicating with their audiences.
- v) The use of the National Mwenge race which in part took place during the campaign period was claimed to have used the Mwenge platforms to campaign for their candidates. Opposition parties voiced complaints against these practices in a number of occasions.
- vi) Poor visibility of some of the registered parties has been a reality in many parts of the country. Some concerns were expressed publicly about this phenomenon and at least one newspaper article (*The Citizen* of 30th August, 2010) dwelt on the issue at length. The main issue raised in this connection was the justification for such parties receiving government subventions to support the parties to prepare for the elections.

10.0 OVERALL ASSESSMENT

10.1 Assessment

A week before the end of the campaign period TEMCO developed an instrument (short questioner) to be used by all its Long-Term (Constituency) Observers in assessing the general conduct of the electoral processes in their respective area, namely nominations, campaigns and the final stage of voting, counting and declaration of the results. They were asked to score each of the three electoral steps as follows, based on their long-term observations:

- (a) 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.

- (b) 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 results.
- (c) 40 – 49% or letter grade **D-** to mean that the election process has acts of violence, intimidation, favouritism, corruption, etc.
- (d) 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.
- (e) 60 – 79% or letter grade **B/B+** to mean an election (or electoral step) that is generally free and fair, but still has short-comings which work against fortunes of some stakeholders (voters, candidates, parties, etc.). This would be a ‘qualified’ free and fair election (or electoral step).
- (f) 80% or more or letter grade **A:** to mean an election which only a few short-comings which do not affect the overall results. This would be considered a clean free and fair election.

The constituency observers completed and turned in the instruments on 25th October and TEMCO statisticians compiled and analysed results from 167 out of 173 observed constituencies. With regard to CAMPAIGNS as an electoral step, the analysis showed that:

- (a) One constituency (0.6%) scored the letter grade **E**, meaning that there were so many managerial problems and irregularities in the campaigns that most major stakeholders (voters, candidates, parties) could have rejected the results.
- (b) One constituency (0.6%) scored the letter grade **D**, meaning that campaigns there were marred by acts of violence, intimidation, favouritism, corruption, etc.
- (c) Twenty two (22) constituencies (13.2%) scored the letter grade **C**, meaning that the campaigns there permitted free participation of stakeholders (voters, candidates, parties, others), but there were many instances where bigger parties (or especially the ruling party) broke the rules with impunity. That is to say, the campaigns were free but not fair.
- (d) One hundred and six (106) constituencies (63.5%) scored the letter grade **B**, meaning that the campaigns held there were generally free and fair, but still had short-comings which worked against fortunes of some stakeholders (voters, candidates, parties, etc.), thus they were ‘qualified’ free and fair campaigns.
- (e) Thirty seven (37) constituencies (22.2%) scored the letter grade **A**, meaning that the campaigns had only a few short-comings which did not affect the overall results. They were therefore a clean free and fair election

11.0 CONCLUSION

Considering all the campaigns, and the entire campaign period, the above assessments by TEMCO observers closely corroborates cursory observations and press reports. While there were notable shortcomings and challenges in many constituencies and localities, the campaigns were relatively peaceful and fair. Because of the bleak past experiences in Zanzibar, the peaceful scenario was particularly visible in this part of the United Republic of Tanzania, so much so that towards the end of the campaign period the Police Force openly congratulated the people of the Islands for maintaining peace and calm.

CHAPTER SIX

THE MEDIA AND ELECTORAL PROCESS

1.0 INTRODUCTION

Electoral democracy depends on all contesting points of view being fairly and equitably communicated so that the people make informed choices. Mass media provides that communication vehicle.

The principal object of the media in elections is to strengthen and enhance the principles and practice of multiparty democracy. Whatever the orientation and political agenda of any media, there are overriding universal principles in the practice of media work by which they ought to be judged. These are professional ethical questions relating to how the media collects, processes and disseminates information. They also related to the effect of media outputs on individuals, groups, institutions, organizations and communities.

It is important to emphasize at the very beginning that in a democratic society media ownership and media expression must represent the pluralism of which that society is composed. The media must therefore be outlets of the plurality in politics and in other areas of life. Uniformity in ideas, opinions, perspectives and interests therefore, are incompatible with the democratic condition. It is therefore unacceptable for anyone to advocate uniformity.

Similarly, monopoly cannot be acceptable in the democratic condition, for monopoly not only converges uniformity, it does close the space for variety and freedom of choice.

The roles of these various media outlets are as varied as their ownership and orientation but there are some broad areas of media activity in elections on which one may assess these different media and their roles. These include:

- Information and public education
- Interpretation of reality (this refers to the presentation of truthful, comprehensive and intelligent account of the days events, in a context that gives meaning)
- Expression of opinion (media is forum for the exchange of ideas, comments and criticisms as nobody has monopoly of ideas)
- Mobilization and influencing of voter choices
- Attitudes to the contesting political parties and their candidates.

Of these, one may judge of media performance, principally, on whether or not their actions and/or expressions promote tenets and behaviour that support or undermine the principles and processes of democratic elections. One may also judge the media according to whether what it does or expresses, supports or undermines the building and strengthening of democratic institutions and culture in the country.

This chapter dwells on media coverage of the 2010 general elections and more specifically on the role of the media (print and electronic) in electoral democracy, patterns of media

coverage and reporting, reporting patterns of the state-owned media and reporting patterns of the private-owned media.

It looks at media access and protection of freedom of speech and expression in electoral campaigns, investigating and exposing abuses, strengths and weaknesses of the media, together with its adherence to professional code of ethics.

2.0 ROLE OF THE MEDIA IN ELECTORAL DEMOCRACY

There are several roles played by the media in electoral democracy; the most important are discussed below:

2.1 Collecting, Processing and Dissemination of News on Daily Basis

The routine job of collecting, processing and dissemination of news about daily events is the backbone of journalism. The logic behind this is that even if information was readily available within the public domain, not even the most diligent citizen would be able to keep abreast of everything that is going on. The most one can expect is that there is a diligent, professional who is devoted to sifting through this mass of information on a daily basis, selecting, precisely what should concern the conscientious citizen and then conveying this information fairly, responsibly and in a concise and understandable form.

The collection of news however is guided by editorial policy, news values (newsworthiness), beliefs and deadlines. Interestingly, if big names make news, big political names like Dr. Emmanuel John Makaidi, Chairman of NLD and John Lifa Chipaka, President of TADEA, did not feature in the news throughout the campaign trail even though they contested parliamentary seats in Masasi and Ilala constituencies respectively.

2.2 Information and Public Education

The conduct of a free and fair election, characterized by a transparent and open election process is to a large extent built through civic and voter education. Civic education is a continuous method in which citizens are enabled to understand, appreciate and contribute to the effective workings of various political systems. The learning process not only concerns general ideas about political systems, but also best practices. Usually the more information on such best practices is available, the greater the likelihood that citizens will use that information to make choices within their situations.

Civic education also highlights the roles and responsibilities of citizens, government, the mass media, the private sector and civil society. Voter education on the other hand, is provision of basic information to enable eligible citizens to participate freely in electoral processes. It should provide information, explanation, significance and motivation on the following aspects:

- i) Relevant electoral laws/sections
- ii) Registration of voters
- iii) Voter's register display and update
- iv) Nomination of candidates
- v) Requirements/qualifications of candidates
- vi) Campaigning/canvassing for votes
- vii) Polling procedures
- viii) Election offences

- ix) Principles of democracy
- x) Rights of voters and candidates
- xi) Roles and responsibilities of the various players including code of conduct
- xii) Timing of the various electoral activities.

Voter education addresses voters' motivation and preparedness to participate fully in an election, explains secrecy of the ballot and importance of each vote. While civic education is broader and emphasizes citizen awareness and participation in all aspects of democratic society, voter education as a component of civic education, focuses on the electoral process. The best practice is to provide civic and voter information on a permanent basis and not only during electoral periods. It has further been emphasized that the information should be provided in the language voters understand.

Much as it is comforting to note that a number of media houses carried a lot of voter information during the 2010 elections, the civic education (civic competence) aspect leaves a lot to be desired.

2.3 Expression of Opinion in Electoral Campaigns

There cannot be meaningful and vigorous debate of fundamental political issues facing the country without means for expressing views. The mass communication media provides that vehicle in many instances. It is at this point that the freedom of expression recognized in Article 19 of the Universal Declaration of Human Rights intersects. This Article acknowledges not only the right to hold opinions without interference but also the right to "seek, receive and impart information and ideas through any media and regardless of frontiers".

Three sectors of the population have critical free expression rights to consider in the electoral context: potential voters as part of the general population, the news media, and the political forces that seek to compete for elected positions or otherwise to affect the outcome of the vote.

Voters depend upon the right to receive full and accurate information. The media depend on their right to question and criticize the government, the candidates, and the otherwise contending forces, free of censorship, intimidation or political pressure. The political parties and coalitions on the other hand, depend on the ability to present their messages freely without distortion or manipulation and with sufficient time for their messages to be understood.

A content analysis of media outlets reveals a huge increase in the number of letters or SMS text messages received from voters and other stakeholders in both print and electronic media. Equally important, a lot of phone-ins were received in which important issues of state were raised and suggestions made which showed lively interest in political and economic issues.

The good thing about expression of opinion and access to media outlets is that it allows the capture of shades of suppressed emotional anger, delight, hurt and pain, impatience and weariness, of hope and vision.

What is required now is to go beyond election periods. International standards require that all candidates and political parties be provided sufficient access to the media in order for voters

to become adequately informed of views, programmes, and opinions of electoral contestants. In light of this, there should be unimpeded access to the media on a non-discriminatory basis for all political groups and individuals wishing to participate in the electoral process. Furthermore, people should demand to receive information in the language they understand. The fact that a lot of candidates campaigned in their local languages in violation of the Code of Conduct according to TEMCO reports speaks a lot on the importance of imparting information in languages that communities understand.

2.4 Agenda Setting

Agenda setting refers to the creation of awareness and arousal of public concern (apart from keeping the public informed the media also needs to set priorities through editorials). The media sets the agenda by influencing the salience of attitudes towards a given issue say *ufisadi* (white-collar criminality), by several ways. Through editorialization, for instance, it can bring the spotlight on specific agenda to public attention.

The media is very crucial in creating and maintaining an atmosphere in public life that discourages corruption and other vices. Ways in which the news media performs this function include those in which some sort of visible outcome can be attributed to a particular news story or series of stories for instance, the impeachment or forced resignation of a politician who misbehaves. The most obvious example of media effectiveness is when politicians lose their jobs as a result of hard hitting journalism. Even if the story does not lead directly to impeachment, it can still help shape public hostility thus leading to electoral defeat for an individual politician or, indeed, for an entire government.

Also the media has the power to determine the selective behavior of the public by journalistic means. However, the chance of the media setting an agenda depends on the given social situation such as electoral campaigns, credibility, size of audience and the like.

Despite many constraints, the media has nevertheless made important inroads in setting agenda. The agenda on *Ufisadi* (white-collar criminality) became a major election issue in Tanzania politics partly because of the media. The agenda enjoyed a lot of media attention in the form of editorials, analysis and commentaries, talk shows, round table discussions, letters to the editor and phone-ins.

2.5 Presentation of the Key Issues during the Electoral Campaign

The media is obliged to give all competing parties equal chance to express their views (a market place of all ideas, policies and programmes) and also to raise election issues on behalf of voters (their fears, hopes, expectations and challenges). Similarly, through the media, voters are expected to appreciate the performance and failure of those they periodically elect and thus vote on their performance rather than on promise. The thesis here is that elected governments and their respective parties and leaders must rise or fall on the ballot box through popular will on their performance instead of rule bending, rigging elections or other political acrobatics.

Data captured by Synovate (Tanzania) indicates that during the election period political parties' agenda were reflected in the media coverage of the election campaigns. Studies conducted by the media monitoring body (see Reports Nos.3 and 17), identified five major issues captured by both print and electronic media during the campaign period. These were

corruption, education, health, peace and agriculture. The extent of coverage of each of these issues changed considerably with time, but the overall composition remained constant. Thus, in an early weighing done at the end of August 2010 the comparative coverage weighing of the issues showed *peace* (28%) was leading, followed by *corruption* (21%), *education* (12%) and *health* (6). However, in another survey carried out at the end of September, 2010, *education* (21%) took over as the leading issue followed by *health* (19%), *peace* (18%) and *agriculture* (16%), while *corruption* (10%) came last.

2.6 Representation of the Principal Contestants and Actors in the Process

The media is obliged to be a forum for the exchange of ideas (democracy is a culture of dialogue) among the contestants and make sure voters have access to the days intelligence (the public has a right to know) from which they should be able to make rational judgment. It is also the duty of the media to present candidates from the various contesting parties, and what each stands for so that voters can make informed choices. One way of presenting contestants is through media advertisements and publicity works. A content analysis of media outlets shows that a lot of space in newspapers, posters and leaflets were used to advertise candidates from the various contesting parties. Air time was also allotted in the electronic media for the same. Blogs such as www.issamichuzi.blogspot.com or www.jamiiforums.com had a lot of information on the electoral process and the major actors.

2.7 Linking the Leaders (candidates) and the People (voters)

During the period under review, the mass media was widely used to link up candidates and voters through various methods. The most common methods included the use of modern Information Technology (IT) like sending of short texts (both anonymous and identified), phone calls, internet discussion platforms (for instance Jamii Forum), TV and Radio host talks, live campaign broadcasts and of course through the print media like posters, leaflets and brochures, profiles and the like.

All available newspapers (some of which had cropped up for that single purpose) were utilized effectively by nearly all the contesting parties and candidates, but of course the scale of usage and accessibility differed between the better established CCM, CUF and CHADEMA parties on the one hand and smaller parties on the other, with the former group enjoying wide coverage.

2.8 Oversight (watchdog) Duties

The oversight duty is geared to ensure that all contesting sides play according to the rules of the game. Given the high stake involved in winning or losing an election, politicians tend to use all tricks including corruption, faking age and academic certificates, incomes, liabilities and business interests. In this case the media must exercise their oversight duties by investigating and exposing the following:

- i) Adherence to the rules of the game and fair play by both electoral management bodies and other actors in the process.
- ii) Rule bending and other electoral malpractices by the contesting sides.
- iii) Misuse of public resources specifically for the incumbent.
- iv) Ethical practice and adherence to the leadership code of conduct.

The media is equally required to oversee the behavior pattern of all elected leaders and how they exercise power – the rule here being uncomfortable the comfortable and comforting the uncomfortable.

Fulfilling the function of oversight and evaluating the performance of politicians means that almost automatically there are going to be conflicts between journalists on the one hand and politicians including administrators on the other.

The performance of the media in oversight work has been very selective. Part of the problem is the commercialization of the media and the predominance of profit motivation. The other obvious reason is the unholy alliance between the state and those owning private media most of whom are part of the ruling class, together with the professional weakness of journalists themselves.

3.0 PATTERN OF MEDIA COVERAGE AND REPORTING

The media coverage and reporting of the 2010 electoral process is a reflection of the diversity of ownership patterns, political and ideological orientation, political affiliation and preference. While the state owned media carried forward the traditional role in their coverage by supporting the ruling party and its government, the private media widely diverged from the conventional approach used in developed western democracies.

One common thing for state-owned and private-owned media in Tanzania is that, as oversight institutions they are still subjected to manipulation by contending sides (politicians and their supporters) or, are willing collaborators in manipulating voters. In other words much as the country enjoys a plethora of media outlets; it is still a controlled media.

The proposition here is that those who invest in the media industry do so not necessarily to expand democracy and press freedom but rather to promote their self interests. The unholy alliance between party-state owned media and the so called privately-owned media most of which are in the hands of CCM cadres, came to its fruition during the 2010 elections with the conversion of media outlets into weapons of ‘political destruction of enemies’, with Dr. Willibroad Slaa the CHADEMA presidential candidate being the biggest casualty.

Some of the newly created media outlets became excessively partisan and polemical. Articles and editorials that exude anger and other violent passions, which neither help clarify public debate nor inform citizens regarding key election issues of national interest were published in front pages usually reserved for news on current issues, in gross violation of professional ethics. And as if that was not enough, during the campaign trail a number of media outlets including editors and reporters fell trap to the power game and became hostages to the ruling party and its candidates. With price tags dangling in front of their noses, a number of media outlets were turned into ‘political daggers’ all out to slaughter opponents with both Dr. Slaa and CHADEMA the main targets.

When the CCM Presidential candidate Jakaya Kikwete collapsed in the political podium in front of TV cameras during the inauguration of CCM election campaigns on 21st August 2010 at Jangwani in the City not only did TV cameras avoid showing the footage but also more interestingly the following day there was total blackout on the story in both public and private media.

Instead of discussing the health status of the President (Kikwete has collapsed three times in public since 2005), which is a story of both public and human interest, the media turned to trivial issues of no public concern like *Kilimo Kwanza*. In an equally interesting development, a team of reporters was handpicked from both party-state owned media and friendly private media outlets, and dressed in CCM attire labeled '*Kikwete Press 2010*' in gross violation of both the law and professional code of conduct.

And to show their true colours when CHADEMA inaugurated her election campaigns at the same venue on August 28, 2010 TBC temporarily disconnected the live broadcast allegedly because the speakers were using 'abusive' language. The live broadcast was only restored after it had become clear that CHADEMA supporters were not going to accept this.

On 14th September 2010, *Mwananchi* Newspaper carried a story to the effect that copies of *Changamoto*, a weekly tabloid were being distributed free in Arusha and Mwanza regions apparently with a story scandalizing Dr. Slaa. What is very interesting here, is that, *Changamoto* is the very tabloid still struggling under the weight of a 1.5 billion/= in damages awarded to an influential Dar es Salaam businessman by the high court on libel suit.

If election time is a test time of political commitment to democracy by the media, then 2010 has once again proved how strong the impulse is to manipulate and control information among ruling parties and political leaders running for office.

Available data indicates that in addition to party state-owned media almost all leading TV and radio stations are in the hands of politicians (ministers and parliamentarians). Editors and reporters are also in the payroll of individual politicians-cum-businessmen to serve their interests. As things stand now, the fusion of politics, business and media is levying a cruel tax on media freedom and professional competence.

Elsewhere editors and journalists have taken up political posts in competing political parties as publicity officers, information officers, campaign strategists and in some cases have contested elective posts in youth or women leagues, or simply practiced paid up journalism thus holding candidates at ransom through conflicting interests.

For the second time, Tanzania witnessed the emergence of mercenary journalism during elections, in which journalists would write anything for pay; in particular, they were being paid up to 'murder or maim political enemies' for political expediency.

With regard to rural coverage it is interesting that rural constituencies were marginalized by both state-owned media and private-owned media outlets alike. TBC organized a series of '*Jimbo kwa Jimbo*' live debate for parliamentary candidates, in which the contesting candidates were given an opportunity to market their programmes and manifestos and answered questions from voters. Even then however, given the size of the country it was impossible to cover all 239 constituencies. The print media carried stories on rural constituencies only when Presidential candidates campaigned in such constituencies. Mtwara urban constituency according to TEMCO Report, for example, featured in the print media only twice throughout the campaign trail. The first story appeared in *Mwananchi* of 15th October titled '*Mgombea wa CUF aahidi kumfilisi mwenzie wa CCM*'. The second appeared in the *Citizen* when the CCM Presidential candidates flew in for a campaign rally that lasted only 36 minutes on 15th October 2010.

This kind of approach worked to the disadvantage of political parties that did not field presidential candidates or those whose presidential candidates confined their campaign to selected urban areas only. The other notable observation is the marginal role played by community media outlets scattered throughout the country. Much as there are four radio stations in Mtwara namely Pride, Peace, Safari and Maria Radio FM stations, according to TEMCO Mtwara Report, their influence in the electoral process in the constituency was almost zero. Save for review of newspapers through the jambo forum programme, almost all remained apolitical preferring to entertain listeners with music.

4.0 REPORTING PATTERN OF THE STATE OWNED MEDIA

The term state-owned media is used to refer to media channels that are owned, operated or controlled by the government, as well as to channels that are managed by government appointees or that are governed by boards, a majority of whose members are selected by the government or ruling party.

Based on the above definition, state-owned media include three types:

- i) Print media in the form of *Daily News*, *Sunday News* and *Habari Leo* on the Mainland, run by Tanzania Standard Newspapers Group (TSN) and *Zanzibar Leo* run by the Ministry of Information in Zanzibar.
- ii) Electronic media namely TBC on the Mainland and TVZ and STZ in Zanzibar. There are also Mlimani Radio run by the University of Dar es Salaam, together with numerous radio and television stations run by Local Government Authorities in places like Magu, Iringa, Njombe and Mbeya.
- iii) News Agency through the Tanzania Information Services (*MAELEZO*) following the dissolution of the Tanzania News Agency in 2000. *MAELEZO* also produces *Nchi Yetu* magazine to propagate government policies.

Both TBC and TSN Ltd. operate under the Public Corporations Act of 1992, while TVZ, STZ and *Zanzibar Leo* operate under the tutelage of the Ministry of Information. With regard to editorial policy, all these state-owned media outlets are obliged to support the party in power and its government. This position however is against the Code of Conduct under Article 124A of the Elections Act No.1 of 1985, which requires the government to give equal media opportunity to all political parties with presidential candidates. It is also contrary to international standards, under which state-owned media are required to adhere to the following seventeen guidelines:

- (i) The media should inform the public about political parties, candidates, campaign issues, voting processes and other matters relevant to the election.
- (ii) Also the media should be balanced and impartial in its election reporting and not to discriminate against any political party or candidate in granting access to airtime or space.
- (iii) News, interviews and information programmes must not be biased in favour of, or against, any party or candidate.
- (iv) The standard used by state media, in determining whether or not the broadcast an election programme must not be vague or broadly defined.

- (v) Any candidate or party that makes a reasonable claim of having been defamed or otherwise injured by a state media should either be granted the opportunity to reply or be entitled to a correction or retraction by the medium or person who made the allegedly defamatory statement. The reply or correction should be broadcast/published as soon as possible
- (vi) On news coverage state media must be particularly scrupulous in complying with its obligation to provide accurate, balanced and impartial information in its reporting of news and current affairs.
- (vii) The duty of balance requires that parties or candidates receive news coverage commensurate with their importance in the election and the extent of their electoral support.
- (viii) Owing to the potential for editorial opinions to be confused with news, state media is urged not to broadcast editorial opinions at all. If a government channel broadcasts an editorial opinion, it is obliged also to broadcast the opinions of the major opposition parties. If a broadcaster presents his or her views, these must be clearly identified as such, and it is recommended they not be aired during news programmes.
- (ix) News coverage of press conferences and public statements concerning matters of political controversy (as opposed to functions of state) called or made by the head of government, government ministers, or members of parliament should be subject to a right to reply or equal time rule. This obligation requires even greater force when the person making the statement is also standing for office.
- (x) Government media must grant political parties or candidates' air time for direct access programmes on a fair and non-discriminatory basis.
- (xi) The amount of time allocated to the parties or candidates must be sufficient for them to communicate their messages, and for the voters to inform themselves about issues, party positions, and qualifications and character of the candidates.
- (xii) Whatever airtime is made available to a political party or candidate, it must be made available on financial terms equal to those granted to other parties or candidate. Similarly, if parties or candidates are to be allowed to purchase additional air time, they must be allowed to do so on equal terms.
- (xiii) The media should broadcast programmes that provide effective opportunity for journalists, current affairs experts and the general public to put questions to party leaders and other candidates, and for candidates to debate with each other.
- (xiv) State media is obliged to broadcast voter education programmes unless the government has undertaken other information initiatives which are likely to reach as many voters as would the broadcast programme.
- (xv) The programmes must be accurate and impartial and must effectively inform voters about the voting process (including how, when and where to vote, register verify proper registration); the secrecy of the ballot (thus safety from retaliation);

the importance of voting; the functions of the offices that are under contention; and similar matters

- (xvi) The state media is obliged to broadcast programmes that will reach the greatest number of voters feasible. Broadcast should include programmes in minority languages and programmes targeted for groups that traditionally may have been excluded from the political process, such as ethnic or religious minorities, women and indigenous groups.
- (xvii) If state media publishes the results of an opinion poll or election projection, it should strive to report the results fairly and, in particular, to publish all readily available information that would assist information consumers in understanding the poll's significance.

If the above guidelines are scrupulously used as variables in assessing the performance of state media in covering the 2010 elections, it clear this media cannot pass the test. The state-owned media specifically the electronic media did exceedingly well in the area of voter education. However, they were overwhelmed when it came to coverage of parties and more specifically individual candidates.

Analysis on the performance of the media as provided by Synovate (Tanzania), an independent media monitor commissioned by UNDP with the tasks of assessing media coverage of the 2010 elections reveals some interesting findings. At the very top is the fact that the ruling CCM enjoyed total monopoly coverage in both print and electronic media throughout the campaign period compared to other political parties that fielded presidential candidates (see Table 6.1 below).

Table 6.1: Media Coverage of Political Parties in October 2010

S/No.	Name of Party	% of coverage		
		Newspapers	Radio	TV
1	CCM	49	48	41
2	CHADEMA	26	27	29
3	CUF	17	16	16
4	NCCR-Mageuzi	3	6	6
5	TLP	3	2	5
6	APPT-Maendeleo	2	1	3
Total		100	100	100

Note. The figures provided are inclusive of private media
Source: Mwananchi Newspaper, November 16, 2010.

What the Synovate (Tanzania) findings reveal is the fact that even after two decades since the dawn of multiparty democracy, the media has so far failed to insulate itself from state power. Part of the problem is the legacy of single party journalism carried forward from the single party political hegemony. The integration of state-owned media into civil service was part of the process of political socialization that the party-state adopted in order to guarantee total loyalty and subservience of state employed journalists. No wonder state employed journalists find it difficult to reconcile with the new political dispensation. The pressure on

editors to please those for whom they work is so overwhelming that they cannot report objectively on all sides of an issue in the most attentive and self-critical manner, suppressing personal prejudices and sticking to facts.

A case in point is the following defamatory editorial in the state-owned *Daily News* of 24th September 2010, which was carried on the front page (usually editorials are on page four) that among other things stated:

'Dr. Slaa will not be the fifth president of Tanzania. The CHADEMA candidate has a lot of issues to settle, beginning at family level, from which he will need to practice leadership upwards. He will, indeed, garner some votes in October, just like Augustine Mrema in 1995, but that will be it, and the media behind the former priest can quote us on that'.

Equally important, is the fact that the government has ensured that journalists in state-owned media continue to perceive themselves as part of the government administration than as separate professional institution. A clear testimony to that is another front page editorial in the *Daily News* of 31 October 2010 titled: *'Vote for CCM, vote for unity'*.

Like other public servants, editors in state-owned media are still appointed to positions of responsibility by the President. As such they are expected to pay allegiance to the appointing master rather than journalism as exemplified by the two editorials in the *Daily News* cited above.

It needs to be pointed out that eulogizing reporting, which ritually extols the supposed outstanding achievements of whoever is in power is not journalism. The so called 'government-say-so journalism' is irresponsible and unethical. Journalists should not sell their souls to the powerful and only glorify them.

The other obvious problem of poor and one-sided coverage has got to do with *mtandao* (network) politics built around president Kikwete in 2005, in which a number of editors and journalists both in state-owned media and private-owned media got entangled in anticipation of political posts. No wonder much as the law is very clear on the obligation of state media in times of elections, the practice of journalism is constantly impaired by both political and administrative barriers as exemplified by the editorials in the *Daily News*.

5.0 REPORTING PATTERN OF THE PRIVATE OWNED MEDIA

The ownership pattern of the private media in Tanzania can be categorized into four groups as follows:

- i) Private commercial (the case of IPP Media Group, *Mwananchi* Communication Group, New Habari Ltd., Sahara Communication Group, Global Publications and Business Times Media Group).
- ii) Private Non-Profit (the case of Radio SAUT owned by St. Augustine University in Mwanza).
- iii) Private (Sectarian religious, Partisan-party) - the case of Radio Uhuru owned by CCM, Quran Voice Radio owned by BAKWATA, Radio Tumaini owned by the Roman Catholic Church).
- iv) Independent (non-state) Community (the case of Okornorei Radio at Terrat Village in Simanjiro).

There is always confusion between private press and independent press. The term independent press, according to IFJ (International Federation of Journalists), refers to press independent from governmental, political or economic control or from control of materials and infrastructure essential for the production and dissemination of media outlets. By this definition very few exceptional media outlets can claim to be independent.

Furthermore, if the media is in private hands, it is necessary to ascertain whether the owners are aligned with one or more political tendencies, and also necessary to determine whether owners respect editorial independence. Interestingly, the most significant aspect of private ownership in the media is the heavy presence of politicians-cum-businessmen.

Save for small media outlets like *Raia Mwema* Newspaper which is owned by professional journalists, all leading media companies are not only owned by politicians-cum-businessmen but also there is the heavy presence of CCM cadres in these media outlets (see Table 6.2 below).

Table 6.2: Ownership Pattern of Selected Media Outlets

	Name of Media	Ownership	Party Affiliation
1	Abood TV/Radio	Aziz Abood (MP)	CCM
2	Radio Tabora FM	Ismail Aden Rage(MP)	CCM
3	Radio Kasbante (Bukoba)	Khamis Kagasheki (MP)	CCM
4	New Habri 2006 Ltd	Rostam Aziz (MP)	CCM
5	Zenj Radio FM	Mohamed Seif Khatib (MP)	CCM
5	Moshi Radio FM	Philemon Ndesamburo (MP)	CHADEMA
6	Taifa Tanzania	Nizar Karamagi (ex-MP)	CCM
7	Star TV/RFA	Antony Diallo(ex-MP)	CCM
8	IPP Media Group	Reginald Mengi	CCM
9	BTL Media Group	Richard Nyaulawa (deceased MP)	CCM
10	Freemedia (Tanzania Daima)	Freeman Mbowe (MP)	CHADEMA
11	African Media Group	Rostam Aziz (MP)	CCM

The heavy presence of CCM cadres in the private media outlets nullifies the notion of plurality of politics and other areas in life. In a country where state controlled media determines information dissemination and in a situation of strong links between state power and the economic elites who own media outlets there are always grave concerns about media freedom. This partly explains the negative coverage of the opposition political parties and their candidates and more specifically on Dr. Slaa who contested the presidential seat through CHADEMA ticket.

Data from Synovate (Tanzania), indicates for example, that of the 246,691 square centimeters of space used by the print media for coverage of campaign rallies, 4,318 square centimeters were used for negative coverage of CHADEMA as opposed to 4,099 square centimeters used for covering CCM negatively.

A similar problem relates to misuse of editors and reporters by media owners and of course servile compliance; that is, the willingness of editors or reporters themselves to be used. The pressure on them to please those whom they work for is so overwhelming that they cannot report, as said before, objectively. Here is one example.

On 10th September 2010 *Taifa Tanzania* carried a front page story titled: ***Dr. Slaa asichaguliwe***

- *Anawadhalilisha wanawake*
- *Itakuwaje awe rais bila wabunge*

This is one of those opinionated stories that infiltrated front pages usually reserved for current news during the election period. As already stated, the problem here is occupational pressure from the powers especially media owners. The other obvious factor is greed as exhibited by the attitude of go-getters who easily put themselves at the service of politicians at the expense of professional credibility. Within the private media there emerged what could be described as ‘mercenary journalism’ with reporters and editors out there to destroy political enemies of the paying masters. For some unknown reasons journalists have been recruited to fight in political or business war, which basically is not theirs, against the tenets of their profession with a lot of casualties. It is no longer news when newspapers are sponsored to blackmail certain political interest groups or individuals politicians.

This explains why much as private media claims to be independent and has tried to be critical of government, it has not always succeeded in displaying a similar attitude vis-à-vis the opposition or other pressure groups.

The 2010 elections saw a high polarized media divided into two diametrically opposed camps each claiming to know and represent the interests of the society and people. The polarization in the media however corresponds to the polarization in the wider society, where people lost patience with cold-headed analysis at a time when public interest got marginalized by partisan goals like *Ufisadi*.

Several newspapers got registered not to advance the national course but to influence narrow interests competing to win political power and to make money. No wonder the most recurrent criticism of the private media was and remains the tendency to rush into publication after hearing only one side of the story, and most often very distortedly for that matter.

Another notable observation on the coverage of elections by the private owned media was the advantage enjoyed by urban constituencies. While both contesting political parties and candidates enjoyed wide coverage in urban constituencies, their counterparts in rural constituencies were marginalized. The other thing was the marginal role played by community radio stations in the electoral process mostly because of lack of professional skills in handling electoral matters. There was also the rise of ‘missiles’ like media outlets that were out there to serve individual interests, sometimes against the very political party such individuals claimed to represent in the political competition, to the extent of having opposing stories in the same media outlet.

6.0 FREEDOM OF SPEECH AND EXPRESSION IN ELECTORAL CAMPAIGNS

The importance of media access and protection of freedom of speech and expression in

electoral campaigns is well documented in Paragraph 7.8 of the Copenhagen Document of 2002, which states that there should be unimpeded access to the media on a non-discriminatory basis for all political groups and individuals wishing to participate in the electoral process. In light of this principle and based on experience in the field of election observation, international standards require that all candidates and political parties be provided sufficient access to the media in order for voters to become adequately informed on views, programmes and opinions of electoral contestants. This covers all forms of media, including radio, television, newspapers and evolving forms of media such as the Internet.

An additional requirement is that access to the media by political parties should be on a permanent basis and not only during electoral periods as is the case in Tanzania today.

The standard of equal treatment and access to the media is undermined if state owned or controlled media are able to favour a political party or candidate in news coverage, political coverage, forums, or editorials. A review of media coverage of the 2010 election does not augur well for media access and protection of freedom of speech and expression. This is exemplified in the following sections.

During the inauguration of the election campaigns at Jangwani grounds by CHADEMA on 28th August 2010 a live broadcast by TBC was temporarily disconnected due to what the public broadcasting media claimed as use of ‘abusive language’ by speakers.

Furthermore, on 20th October 2010, *The Citizen* reported that Tanzania’s top Swahili selling daily, *Mwananchi* was facing closure over ‘derogatory’ articles. In brief the government sent out strong warning that it would not hesitate to take appropriate measures should *Mwananchi* Newspaper continue publishing what it referred to as ‘inciting stories against it.

According to the press, the warning letter written in Kiswahili on 10th October 2010 and headed, ‘*Karipio Kali kwa Kuandika Habari Zenye Mwelekeo wa Kudhalilisha*’, was the second to the newspaper in less than a month. Interestingly the letter written by the Registrar of Newspapers did not cite any clause in media law(s), headline or article to prove that, indeed, *Mwananchi* was all out to cover the government negatively. This kind of decisions especially in time of elections amounts to an affront to press freedom. The greatest threat to press freedom is often not in forms of direct control but rather in the creation of an atmosphere in the exercise of journalism whereby self-censorship by journalists and editors prevails. The *Mwananchi* case is a typical example.

It is of interest to note that *Mwananchi Communications Ltd.* is the only media house that has remained steadfast to its editorial policy and code of conduct. Since its establishment a decade ago, the media house has dealt ruthlessly with errand editors and reporters alike when they go against editorial standards. It will be remembered that in 2005 general elections, the media house sacked its managing editor after flouting ethical standards.

It is equally of interest to note also that *Mwananchi* and *Raia Mwema* were the only two media houses that had refused to accept a dangling Tshs. 8 million cash advertisement splashed by *Chama cha Mapinduzi* to each of the media outlets for pull out on condition that the advert not only appears in CCM colors but more important on the front page for that matter. The other exceptional case was *Mwanahalisi* newspaper which was not even approached given its anti-CCM stance.

Policy Forum, a Civil Society Organization (CSO) also saw its TV and radio spots removed by TBC (Tanzania Broadcasting Corporation) despite a contract signed between them.

Policy Forum expressed in its statement published in *Mwananchi* issue of 13th October 2010 that what the broadcaster had termed as infringement of its standards of impartiality as set in its election guidelines was misguided.

As a network of 100 civil society organizations that seek enhanced democratic, transparent and accountable governance and strives to increase informed citizen participation in national policy processes, Policy Forum launched a non-partisan TV and radio advocacy campaign calling for transparency in the mining sector and to inform public discourse so that a more aware citizenry could make informed voting choices during the general elections. Policy Forum made it very clear that the campaign was not aimed at supporting or opposing any candidate for office and as such, it saw TBC's action as censorship of freedom of expression saying in future TBC should refrain from stifling content that aims to promote the discourse of critical social issues.

From the two examples above it is very clear that media access and protection of freedom of expression in times of elections in Tanzania has a long way to go.

7.0 INVESTIGATING AND EXPOSING ABUSES

A reporter covering elections cannot afford to skip the issue of money. How much money has been amassed for campaigns? No reporter can cover political elections without nosing who is footing the bills for everything from the candidate to media adverts. This is very important because money is rarely given simply out of a sense of largesse. By watching how cash flows into a campaign, reporters may as well get a preview of what issues and actions will eventually surface on public agenda a year later.

Tracking campaign contribution not only identifies the powerful players behind the scene in politics and government, but it also provides a pretty good sense of how a campaign is going and the kind of advertising end game a candidate will be able to master.

With enactment of the Election Expenses Act No. 6, 2010 candidates are obliged to declare how much they will raise and spend. This gives a skilled election reporter something to investigate and report on. It is very unfortunate that there has been nothing to report on how the media dealt with election money. Reporters never bothered to investigate and expose election money and so people had to live with rumours.

Politicians are equally very notorious in faking their academic qualifications, business deals, age and even marital status. This is another area which reporters can have a field day. Yet despite various tips (e.g. the case of publication on *Mafisadi wa Elimu*), very little investigative journalism was done during the period under review.

Abuse of political power is one area that requires investigative work by the media. The problem however is that many journalists have not been exposed to the body of knowledge and methods, which they have to master in order to become effective on their job, namely:

- i) Investigative research skills (obtrusive and non-obtrusive)
- ii) Analytical skills to translate raw data into effective stories
- iii) Writing information and persuasive articles
- iv) Capacity to make social and political judgment

- v) Capacity for timeliness that avoidance of recklessness.

The other obvious problems relate to conflict of interest and corruption, lingering state control, fusion of business, politics and media operations, servile compliance, poverty, professional incompetence, fear of the unknown together with the weakness of civil society.

8.0 STRENGTHS AND WEAKNESSES OF MEDIA IN TANZANIA

Marshall (1964) in his book *Class, Citizenship and Social Development*, argues that one aspect of citizenship pertains to the right of access to communication, education and forms of cultural expression. As far as the media is concerned, first, citizens must have access to information and analyses, which enable them to know and exercise their civil rights. Second, they must have access to information and debate regarding decisions taken in the sphere of politics, and they must have the opportunity to influence these decisions both through debates and representation.

Thirdly, according to Marshall, citizens must be able to recognize their situation and experiences in representation of their lives and circumstances in the communication systems. The question is whether the media industry in Tanzania does fulfil these functions. One of the most difficult aspect regarding the three tasks relate to media penetration and reach. When a large proportion of the population does not have access to the media, it means that they are not informed about their rights nor do they have access to information, which will give them an opportunity to influence political decisions, and in this case, elections.

Consequently, one of the weaknesses of the media in Tanzania relates to penetration and reach and more especially in rural areas where nearly 70% of the population lives. Other weaknesses include the following:

- i) Concentration of both media outlets and practitioners in urban constituencies and hence an urban coverage bias. In other words the media does not reflect the entire community.
- ii) Over-reliance on the traditional concept of news values that puts more emphasis on episode rather on community issues. In other words, there is too much focus on what is wrong than what is working.
- iii) Weak economic base (a reliable source of revenue for media hence over- reliance of adverts, which in turn leads to sycophancy journalism.
- iv) Weak consumer base (especially newspapers readership due to illiteracy, accessibility and weak purchasing power). A combined daily circulation of all four English dailies namely *Daily News*, *Guardian*, *Citizen* and *the African* does not exceed 50,000 copies while in neighboring Kenya *Daily Nation* alone pumps 150,000 copies daily.
- v) Lack of specialized journalism including political journalism.
- vi) Professional incompetence (while the number of journalists has increased the professional standards have fallen).
- vii) Imposed self-censorship (mostly from fear of reprisal from the powers that be including major advertisers).
- viii) Poor training which many journalists have received and their often low social standing makes them prey to manipulation by the powerful.
- ix) Absence of a clearly articulated media policy in respect to public funded media organizations in the current plural political dispensation.

- x) The media is yet to be institutionalized into fourth power (media still subjected to manipulation by contenting forces).
- xi) Presence of outdated media policies and an inimical regulatory framework to plural democracy.
- xii) Lack of editorial independence.
- xiii) Non observance of professional code of conduct by practitioners.
- xiv) Absence of media Consumer Councils to defend readers, listeners and viewers against media intrusion.

Given the hostile political environment in which it operates, the media has shown strong and positive developments since the 2005 elections. The Tanzania Broadcasting Corporation (TBC) in particular, should be applauded for undergoing major transformation and exercising a high degree of professionalism in its coverage of the 2010 electoral process.

The media did very well in the voter education mostly because of the following factors:

- (i) Increased number of media outlets (62 radio stations, 28 TV stations, 19 dailies and over 40 regulars) and especially community radio in rural constituencies.
- (ii) Increased number of media practitioners in the constituencies.
- (iii) Increased interest in coverage of the electoral processes (hence more stories, editorials, analyses and commentaries/opinions, talk shows, round tables, phone-ins and letters).

9.0 ADHERENCE TO PROFESSIONAL CODE OF CONDUCT

Journalism, like all other professions, is guided by a professional code of conduct from which the practitioners can be assessed. The International Federation of Journalists (IFJ) has adopted a number of codes for journalists. The journalist:

- i) must ensure respect for truth and for the right of the public to truth is the first duty of the journalist;
- ii) in pursuance of this duty, shall at all times defend the principles of freedom in the honest collection and publication of news, and of the right for fair comment and criticism;
- iii) shall report only in accordance with facts of which he/she knows the origin;
- iv) shall not suppress essential information or falsify documents;
- v) shall use only fair methods to obtain news, photographs and documents;
- vi) shall do the utmost to rectify and publish information which is found to be harmfully inaccurate;
- vii) shall observe professional secrecy regarding the source of information obtained in confidence;
- viii) shall be aware of the danger of discrimination being furthered by the media, and shall do the utmost to avoid facilitating such discrimination based on, among other things, race, sex, sexual orientation, language, religion, political and other opinions, and national or social origins;
- ix) Shall regard as grave professional offences the following:
 - Plagiarism
 - Malicious misrepresentation
 - Calumny, slander, libel, unfounded accusations
 - Acceptance of bribe in any form in consideration of either publication or suppression;

- x) shall deem it his/her duty to observe faithfully the principles stated above; and
- xi) shall within the general law of each country recognize in professional matters the jurisdiction of colleagues only, to the exclusion of every kind of interference by governments or others.

A close look on the practice of journalists in Tanzania and more specifically on the coverage of the electoral process in the 2010 elections would not fail to detect gross violation of the above codes. The list of areas violated is long, but some of the areas include the following

- a) Political bias in news reporting (that is, gross unfair reporting)
- b) Suppression of news and information
- c) Manipulation of television footage and photographs in order to fake reality on the ground especially on the size of crowd (on several times Channel 10, used Unguja footage for news on Pemba events)
- d) Unwilling to correct mistakes fully, candidly, prominently, promptly and with grace
- e) Corruption (in order to suppress information or publications)
- f) Self-censorship mostly out of timidity and fear of the unknown
- g) Rejoinder (failure to publish correction and apologize)
- h) Failure to verify and balance stories and reliance on rumours/hearsay
- i) Sensationalism (of course readers need to know what has gone wrong. But they are equally interested on what is working)
- j) Blackmail which is inimical to good journalism it can endanger both the source of information as well as the editor/reporter (for loyalty to sources of information is one of the key pillars of journalism mostly because the availability of reliable sources of information is crucial to proper functioning of the media)
- k) Deception – like blackmail, deception has been fueled by political corruption
- l) Fanning of ethnicity, race and religious intolerance with stories like: *Maaskofu wataleta Rwanda na Slaa wao* (Bishops will cause another Rwanda with their Slaa) carried by *An Nuur* newspaper
- m) Failure to draw line between comments and facts
- n) Insensitivity to gender issues and portray of women negatively (both Rose Kamili and Josephine Mshumbusi got wide media coverage but in the negative sense due to their relationship with the CHADEMA presidential candidate).

9.1 Reasons for Ethical Violations in Electoral Process Coverage

- (i) Professional incompetence (growing public fear is that journalists don't have an authoritative understanding of the complicated political world they have to explain to the people)
- (ii) Client-patron relationships especially in news selection
- (iii) Corruption (especially envelope journalism practice)
- (iv) Malicious intents - that lead to gross unfair reporting
- (v) Conflict of interests in - cases of journalists doubling as reporters and candidates or publicity secretary of given parties at the same time
- (vi) Poor state of the economy (hence advertising pressure)
- (vii) Lack of national consensus on the country's basic framework (interests/values)
- (viii) Weak and fragile civil society (which cannot defend media freedom and journalists in distress).

10.0 CONCLUSION

During the 2010 elections the mass media was widely used to link up candidates and voters through various methods, including the use of modern Information Technology (IT) like sending of short texts (both anonymous and identified), phone-calls, internet discussion platforms (for instance Jamii Forum), TV and Radio host talks, live campaign broadcasts and of course through the print media like posters, leaflets and brochures, profiles and the like. Newspapers were utilized effectively by nearly all the contesting parties and candidates, but with variations between major and smaller parties.

Both the state-owned and private-owned media did a good work to educate the electorate on various issues related to elections. However, at the same time they were manipulated by partisan interests.

CHAPTER SEVEN

WOMEN PARTICIPATION IN THE ELECTIONS

1.0 INTRODUCTION

This chapter covers women's participation in the 2010 general elections. First, the instruments for enhancing the participation of women in political processes, including elections are outlined. Second, the participation of women in the electoral processes as voters and candidates as well as their involvement in voter registration, campaigning and voter education programmes is assessed. Third, we examine the role played by different actors in promoting women's participation in electoral processes.

2.0 National and International Instruments

The government of the United Republic of Tanzania is committed to ensuring that women fully enjoy political rights. These commitments are embedded in the relevant national and international instruments.

At the national level, women's right to participate in elections is stipulated in the Constitution of the United Republic of Tanzania, 1977, Local Government (District) Authorities Act, 1982, Local Government (Urban) Authorities Act, 1982, Election Expenses Act, 2010 and Political parties Act. For instance, Article 13 of the Constitution of Tanzania provides for equal human rights for all and also provides for equality before the law without any discrimination. Article 18 provides for freedom of expression/speech and Article 20 provides for freedom of association.

At the international level, Tanzania has ratified several instruments including Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) of 1979; Beijing Declaration and Platform for Action, 1995; the AU Protocol to the African Charter on Human and Peoples Rights on the Rights of Women in Africa, 2003; UN Declaration on the Elimination of Violence against women; and the SADC Declaration on Gender and Development. For instance, Article 7 of CEDAW stipulates that member states should take specific steps to get rid of all forms of discrimination that prevent women from participating equally in national leadership and politics. Member states should ensure that women vote and are elected in all the organs including policy making and implementation. Tanzania has to comply with these commitments.

3.0 WOMEN'S PARTICIPATION AS VOTERS

In Tanzania women were given the right to vote in 1959 and in the same year the law provided for women to contest as candidates (TAWLA, 2010). Since the re-introduction of multiparty elections in 1995 there has been significant increase of registered women voters. For instance, in the 2005 general elections women constituted 51 percent of all registered

voters in the country. However, their number slightly declined during the 2010 elections as shown in Table 7.1 below.

Table 7.1: Registered Voters by Gender

Gender	2004-2005	PNVR UPDATES	
		2008-2009	2009-2010
Male	7,747,371 (49%)	1,290,594 (62)	2,206,660 (57%)
Female	8,184,377 (51%)	782,946 (38%)	1,644,239 (43%)
Total	15,931,748 (100%)	2,073,540 (100%)	3,850,899 (100%)

Source: Election Support Project (ESP, 2010)

4.0 WOMEN'S PARTICIPATION AS CANDIDATES

In the 2010 general elections, 750 females were nominated by the National Electoral Commission to stand as candidates. Out of these, 191 vied for parliamentary seats in constituencies and 559 for councillorship in different Wards (as shown in Table 7.2). The number of female candidates in the 2010 general elections increased considerably compared with 606 in 2005. Out of 8,854 nominated candidates in 2005 elections, 6.84 percent were females compared to 8.36 percent in 2010. This may have been due to increased efforts to promote gender equality by various actors, including the government, CSOs, Development Partners and media. Table 7.2 shows the number of male and female candidates in the 2010 general elections.

Table 7.2 Number of Contestants Per Political Party by Gender

Political Party	Presidential Candidate		Parliamentary Candidates			Councillor candidates		
	M	F	M	F	TOTAL	M	F	TOTAL
AFP	-	-	11	4	15	9	2	11
APPT-MAENDELEO	1	-	9	7	16	19	8	27
CCM	1	-	215	24	239	3,102	223	3,325
CHADEMA	1	-	154	25	179	1,786	78	1,864
CHAUSTA	-	-	8	5	13	17	6	23
CUF	1	-	168	14	182	1,510	65	1,575
DP	-	-	24	11	35	33	8	41
JAHAZI ASILIA	-	-	15	6	21	14	12	26
MAKINI	-	-	12	5	17	8	5	13
NCCR-MAGEUZI	7	-	52	15	67	251	29	280
NLD	-	-	15	8	23	26	11	37
NRA	-	-	13	6	19	26	17	43
SAU	-	-	26	6	32	81	16	97
TADEA	-	-	20	12	32	11	4	15
TLP	1	-	36	6	42	258	27	285
UDP	-	-	31	14	45	167	21	188
UMD	-	-	13	10	23	25	17	42
UPDP	1	-	23	13	36	22	10	32
TOTAL	7	-	845	191	1,036	7,365	559	7,924

Source: National Electoral Commission (2010)

5.0 CONTESTS FOR SPECIAL SEATS

Women also had an opportunity to contest amongst themselves for special seats within their political parties. Parties used different approaches to nominate women for special seats. Some used democratic system while others did not. Relatively CCM had an elaborate system which was transparent, competitive, participatory and rule-based. The nomination of women for special seats in CHADEMA and CUF was marred by irregularities, accusations and counter accusations. Allegations of corruption were reported in CCM and CHADEMA. CUF and other small parties did not disclose their nomination procedures. It is imperative to note that the number of special seats for women has increased from 75 in 2005 to 102 in 2010 following constitutional amendments that raised the proportion of special seats from 30 percent to 40 percent of the total number of constituency seats in the union parliament.

In CCM, there was participatory, open campaign and preferential voting by all members in the women's wing. Any woman above 21 years old was free to pick up the nomination forms and pay a fee of Tshs. 100,000 (Njombe LTO report 2010). Within CCM, the nomination process was normal; for example, 10 members took nomination forms but through preferential voting only one candidate was chosen. In the case of council elections, candidates were obtained through preferential votes at the constituency and district levels (Temeke TEMCO LTO report, 2010). However there were some complaints about this

process in some parties and constituencies. For instance in Tabora region in Sikonge constituency it was alleged that the nominations were fledged with corruption and favouritism (Sikonge TEMCO LTO report, 2010).

In Kawe constituency, the CCM district General Secretary noted that the nomination process for special seats for the parliamentary election was handled by the headquarters, but special seats for council election was handled by the CCM UWT within the Constituency and the names were submitted to NEC (Temeke TEMCO LTO report, 2010). In CCM, the women were nominated through UWT at the District level through a general meeting, and preferential polls were conducted. The party already had Council candidates for special seats (Kawe TEMCO LTO report, 2010).

Nomination for Women into special seats for CHADEMA was left to BAWACHA (Baraza la Wanawake Chadema. In addition, the party members voted for one candidate from all the women who had sought to be nominated. Allegations of corruption were reported in Iringa constituency (Iringa TEMCO LTO report, 2010). In Njombe constituency women did not come forth to apply for the council special seats, as a result, parties like CHADEMA used the top down nomination model (Njombe TEMCO LTO report, 2010).

Within CUF, the special seats' nomination procedure was as follows: members (women) took forms to vie for parliamentary election within their party. Party members were responsible to vote and finally one candidate was chosen. For special seats, party members were responsible for the whole process (Temeke TEMCO LTO report 2010). In CUF, they also had a General Meeting at the Ward level and voted for the names, and whoever got the highest number of votes was taken (Kawe TEMCO LTO report, 2010). However, they were isolated instances of irregularities in the women's nomination for special seats. With regards to small parties, the nomination procedures for special seats were not governed by clear and transparent rules and regulations.

Some women expressed their dissatisfaction with the nominations procedures within their parties by defecting to other parties. For instance, in Mufindi constituency a female NCCR-Mageuzi candidate defected to CHADEMA (Mufindi LTO report, 2010). In Iringa urban, four CCM special seats contestants for councillorship defected from CCM to CHADEMA (Iringa region, LTO report, 2010).

6.0 WOMEN'S PARTICIPATION IN CAMPAIGNS

Women participated in campaigns in different capacities as candidates, members of political parties, leaders, mobilizers, voter education providers, and as audience at campaign rallies.

Individual candidates waged their own campaigns using a number of strategies. For instance, in Ilala Municipality Naomi Kaihula (CHADEMA) contested as a Member of Parliament candidate (Ilala LTO report 2010). During the campaign period she boldly represented the party and campaigned for CHADEMA. Although she did not win the elections she was selected as a special seat MP for CHADEMA. Other women candidates, such as the incumbent CCM MP in Peramiho, Jenister Mhagama, defended her seat during the campaigns and affirmed that she had fulfilled the CCM manifesto (Peramiho LTO report 2010). Some women pledged to support their fellow women during and after the elections in

their campaigns as candidates. The CUF female candidates in some constituencies vowed to help their fellow women.

Furthermore, the First Lady, Madam Salma Kikwete, actively campaigned for CCM candidates, notably the president. This campaigning strategy was criticized by other parties such as CHADEMA's presidential candidate who accused her of using state resources to campaign for the ruling party. This accusation was refuted by the CCM presidential campaign manager. CHADEMA presidential candidate was also supported by women, i.e. his former partner Rose Kamili and his partner Josephine Mushumbusi. The wife of the Vice President also took part in CCM campaigns when she accompanied her husband who was the CCM candidate for vice presidency, during campaign meetings at Ludewa in Iringa region.

Women encouraged their fellow women to contest, for instance former leaders like Ukerewe MP Getrude Mongella encouraged women candidates who had decided to contest alongside men. In BAWACHA, CHADEMA female candidates were encouraged to contest for positions and the party gave priority to women who wanted to contest alongside men according to an interview with Hon. Naomi Kaihula.

As leaders in the women's wing within their parties, women took part in campaigning and strategising for the victory of their parties. Both Hon Sophia Simba Chairperson UWT, and Naomi Kaihula, Executive Secretary of BAWACHA campaigned for CCM and CHADEMA respectively. In Songea, during the campaigns, the UWT Chairperson urged members of the party to mobilize women to vote for CCM. She also advised women not to give out their voter cards and to vote for CCM. The Executive Secretary of BAWACHA also took part in internal party meetings to strategise on ensuring the party gets victory. She also campaigned within Ilala constituency. Some women mobilized people to take part in the campaign meetings through drama groups most of which comprised women. There were mobile cars that ferried women dancing to mobilize people and women groups at the campaign grounds to entertain the public.

7.0 VOTER EDUCATION FOR WOMEN GROUPS

Voter education to women groups was provided by different organizations and institutions. The National Electoral Commission endeavored to provide civic and voter education to women groups through a series of seminars and working sessions for women groups and networks on the elections. Women from different political parties throughout the regions were invited to take part in these meetings. Civil Society Organizations that focused on women's rights were also involved in the sessions.

The UNDP through ESP was at the forefront in providing voter education to various groups including women. Technical and financial support for civic and voter education was provided by the UNDP to other implementing agencies such as the UNIFEM. UNDP funded several CSOs to conduct civic and voter education throughout the country. UNIFEM offered training to women candidates regardless of their political affiliation. Part of the training including election laws enhanced the knowledge of women on issues related to elections and civic and voter education. Also, with the support of UNDP, a total of 125 community radio broadcasters were trained and 1,500 radio sets were distributed to various listening groups including the pastoralists (ESP, 2010).

The CSOs' role in the elections for women candidates included advocacy for vulnerable citizens to participate in elections, raise awareness for the public to promote participation, promote equality and understand rights issues, enhance fulfillment of MDG 3, and to promote transparency and accountability on the part of the government to fulfill promises made to citizens, civic and voter education (TAWLA, 2010)

Women organizations and networks took part in educating the public on civic and voter education. TAWLA with the support of UNIFEM trained over 350 women in seven regions including Zanzibar on their role in the elections. Women organizations like TGNP, TAMWA, TAWLA and several other national civil society organizations including LHRC, Haki Elimu were supported by different development partners and provided civic and voter education to the public. TAMWA and Haki Elimu utilized the media to sensitize the public about the 2010 elections. TAMWA designed media spots on TV which showed the qualities of a good leader and portrayed that women were also competent leaders.

8.0 SUPPORT FOR WOMEN CANDIDATES

Female candidates were prepared and supported by different stakeholders and these included but not limited to, NEC, political parties, UNDP/ESP, UNIFEM, TCD, CSOs like TAWLA, TGNP, TAMWA and, LHRC. The mode of preparation and forms of support will be elaborated hereafter.

Political parties prepared their women candidates by informing them of the opportunities of taking part in the elections as candidates and voters. This was mainly observed in CHADEMA and CCM. Other political parties like CUF, NCCR MAGEUZI and TLP to some extent tried to prepare their candidates. However, it was noted that the other political parties like SAU, TADEA, UMD, JHAZI did not adequately prepare and support their candidates. In most of the parties with a women's wing like CHADEMA and CCM the candidates were given an opportunity to contest against men for nomination, and in addition they had an opportunity to contest as special seat MPs and councilors. In CCM, special seat women candidates who had not been nominated were considered for the councilor special seats. Women candidates in the parties which had open air campaigns were supported by the party branch offices and their campaign teams to organize the campaigns. The parties further supported all their candidates including women on the election day by placing poll agents in the polling stations. It is mainly CCM, CHADEMA and in some instances NCCR MAGEUZI and CUF that had polling agents.

UNDP/ESP supported several of the election related activities for women in the 2010 general elections. This support was in the form of training sessions through seminars and workshops for women candidates and women groups that could support them. It also involved the distribution of IEC materials like brochures on women's role in elections and support for training sessions for women by CSOs.

International organizations like UNIFEM prepared and supported women candidates through offering them technical support and capacity building through workshops and seminars. UNIFEM offered the women candidates training sessions that focused on public speaking skills, election legislation and fund raising skills. UNIFEM also distributed materials which included a training manual, T-shirts, khangas and radios. The materials like radios enabled

women groups to have access to information related to elections through the media. The T-shirts and khangas also put across the message that ‘women can also be competent leaders’.

Some CSOs such as TAWLA and TGNP sensitized the public and fellow women on the role of women in elections with the support of UNIFEM. TGNP took an active role in training community leaders, while TAWLA focused on training women groups, CSOs and networks on women's participation and role in elections. TAWLA had prepared a training manual on the role of women and the contents included; definition and role of CSOs to enable women to participate effectively in elections, women and elections, challenges and how to cope with them, women can do it, and women's rights to participate in elections. TGNP also prepared a manual for training community leaders focusing on the role of women from a gender perspective.

Other CSOs also played an active role in preparing and supporting women candidates directly and indirectly. TAMWA and Haki Elimu used the mass media like television and radio to broadcast about the qualities of good leaders/candidates including women. The mass media programmes from TAMWA and Haki Elimu advocated for the rights of women as leaders and candidates. Networks like FEMACT decided to have a gender election manifesto for 2010 demanding for several issues including the rights of women to participate as candidates and be supported by the government and political parties.

Tanzania Centre for Democracy (TCD) took part in offering working sessions for political parties and some of the participants involved in these sessions included women candidates. TCD also collaborated with women organizations like TAWLA to air radio programmes on election related issues, women's role and political parties. These programmes enabled political parties to have open dialogue on various issues including women's participation in the election process.

9.0 ELECTION RESULTS FOR WOMEN: WINNERS AND LOSERS

Overall, 21 women were directly elected as MPs out of whom three women were elected unopposed as members of parliament in Iringa region, Njombe South, Muleba South and Morogoro Ulanga East. They are Hon. Anne Makinda, Hon Prof. Anna K. Tibaijuka and Hon. Celina Kombani, respectively. Also, 102 women joined the parliament through special seats arrangement. In addition, the President appointed one female to become a member of parliament using the powers conferred to him by the Constitution of the United Republic of Tanzania. The Zanzibar House of Representatives appointed two females to become Union MPs. Despite the increased number of women who joined the parliament through constituency seats in 2010 elections, they constitute only 8.8 percent of the constituency MPs. In 2005 elections, only 7.3 percent of all constituency MPs were women. Currently the union parliament has a total of 350 members out of whom 126 (36%) are females.

Table 7.3: Number of Women in the Union Parliament

Party	Number of Seats won	Number of Seats won by women	Number of special seats	Number of women seats in Parliament
CCM	186	19	67	86
CHADEMA	23	2	25	27
CUF	24	-	10	10
NCCR-M	4	-	0	-
TLP	1	-	0	-
UDP	1	-	0	-
Total	239	21	102	123

Source: National Electoral Commission, 2010

Despite women's endeavor to participate in the elections, the barriers women faced had negative impacts on their participation. Women as candidates and voters participating in the election process encountered some social, political and economic challenges. There were incidences of gender-based discrimination, gender-based violence and negative treatment during the election process. In Kigamboni for instance, a female candidate was told that she was not qualified to be a leader because she had children with two different men (Kigamboni LTO report, 2010). Moreover, women's low level of education compared to men was a handicap. Some men also forbade their wives from participating in political activities for mere stereotypical reasons (TAWLA, 2010).

There are some other barriers that were noted in the other elections and these were observed in 2010 elections. Some of these barriers for women participation include insufficient mobilization of the media, lack of leadership oriented training, electoral systems and procedures that are not gender-friendly and prohibitive cultural norms and customs which are discriminative against women. Negative portrayal of women may happen when election campaigns focus on personal issues rather than on the principles of a party. This was seen in the presidential campaign of CHADEMA when Rose Kamili and Josephine Mushumbusi got wide negative media coverage due to their relationship with the party's Presidential candidate. The same thing may not be applied to men by the society and the media in such a degree. There is a need to train the media on gender sensitive reporting.

What has been learnt from the 2010 general elections is that women are competent and can effectively participate in elections if they mobilize themselves and if they have a conducive environment within the parties.

Adequate and continuous civic and voter education for the public including elaborating on the role of women and their rights to take part in elections is necessary to change attitudes in some areas where the patriarchal system is dominant. The process of civic and voter education ought to be carried out on a continuous basis and not only during the election period. This will result into a critical mass in the public that is aware of women's rights to participate in elections.

10.0 CONCLUSION

Overall, women's participation in the 2010 elections was relatively impressive in the whole electoral process particularly as voters and in attending campaign rallies. The number of women in the parliament has increased considerably through affirmative arrangement. This may be attributed to the deliberate efforts of various actors such the government, political parties, CSOs, media as well as development partners. However, compared to men, fewer women contested as candidates in all elective positions.

CHAPTER EIGHT

VOTING, VOTE COUNTING AND DECLARATION OF RESULTS

1.0 INTRODUCTION

On the 31st October 2010 Tanzanians went to the polls in the fourth general elections since the reintroduction of the multiparty system in the country in 1992. The last three general elections were held in 1995, 2000 and 2005. The polling day is an exciting harvest day for all stakeholders of the politics of the country, political parties, candidates, fans, voters and all others. All the 18 fully registered political parties participated in the elections in accordance with their grossly differing resource capabilities.

On the Mainland, voters had to exercise choice in three elections held contemporaneously, namely union presidential election, union parliamentary election, and Mainland council election. Zanzibar voters were faced with five elections: Union presidential election, union parliamentary election, Zanzibar presidential election, Zanzibar House of Representatives election, and Zanzibar council election. There were seven union presidential candidates as follows: Peter Mziray Kuga of APPT; Jakaya Mrisho Kikwete of CCM; Dr. Willbrod Peter Slaa of CHADEMA; Prof. Ibrahim Haruna Lipumba of CUF; Hashim Rungwe of NCCR – Mageuzi; Mutamwega Mugahywa of TLP, and Yahmi Dovutwa Dovutwa of UPDP.

For various reasons, including non-supply of election materials, elections could not take place in seven constituencies on 31st October 2010; they were rescheduled to 14th November 2010. Likewise, elections of 23 wards were rescheduled to 28th November 2010. The scope of this chapter is limited to the union- level elections, namely presidential and parliamentary elections held both on the Mainland and in Zanzibar, and Mainland council elections. The specifically Zanzibar elections will be presented in a separate Zanzibar Report. In regard to the union-level elections, TEMCO deployed LongTerm Observers (LTOs) in 223 out of 239 total constituencies (93.3%) - 173 on the Mainland and 50 in Zanzibar (thus covering all Zanzibar constituencies) in September 2010. TEMCO also deployed 1,367 Short-Term observers (STOs) to observe the processes of voting, counting and declaration of results on the election day - 6,667 on the Mainland and 700 in Zanzibar.

For reasons beyond their control, 120 trained STOs failed to observe their allocated polling-cum-counting stations on the election day. Thus TEMCO ended up observing 7,247 stations which represented 98.37% of the targeted number. The total number of polling stations countrywide was 53,023 out of which 51,732 were on the Mainland and 1,291 in Zanzibar. TEMCO's 7,247 observed stations, therefore, represented 13.67% of the country's total – which was not bad at all.

In Section 2.0 which follows this introduction, we present and discuss the voting process. This is followed by Section 3.0 which examines the vote counting, vote tallying and declaration of results. The results include presidential parliamentary and Mainland council elections.

2.0 VOTING

2.1 Opening and the Environment of Polling Stations

Official opening time of polling stations was 7.00 a.m., and closure time was 4.00 p.m., giving a total of 9 working hours. Given that some 20 million people were registered countrywide and the total number of stations was 53,023, each station would on average handle about 377 people during the nine hours or 42 voters per hour. Had all registered voters participated, this would be pretty hard work considering all the factors slowing down the voting process in Tanzania elections. As we shall see later, voter turn out was unprecedentedly low.

About 96% of the polling stations observed opened on time while 4% opened late. Explanation for late opening included factors such as lateness in the supply of voting materials, lateness of election officers in completing preparatory work, unexpected incidences such as rains, moving of a station to a new venue, etc.

Out of the 260 polling stations which opened late, 57 of them faced negative responses from the voters, with some voters deciding to return home without voting, so as to attend to their daily chores, and others demanding that the closing time be extended to compensate for the lost time. In 11 such stations the official closure time was extended to compensate for lateness in opening, as demanded by the voters.

The electoral law demands that the area surrounding a polling station be free of anything or action that may suggest campaigning or vote canvassing, or that may in anyway terrify voters. Only in 443 polling stations (6.4%) were canvassing actions observed as against 6,459 stations (93.6percent) which complied with the regulations. In another 5.2% of the stations party memorabilia such as T-shirts, flags, pictures of candidates and khangas were observed.

In regard to things which terrify voters, only in 165 polling stations (2.3%) were such things observed. Such things included the presence of a disproportionate number of security forces (policemen, soldiers and other forces); and eruption of commotion among party zealots. This was not a major problem in this election (not even in Zanzibar), with the exception of areas which had stiff competition between CCM and CHADEMA on the Mainland. Such areas included most constituencies in Dar es Salaam Region, Shinyanga Region, Arusha Region, Kigoma Region, etc, and in most urban constituencies, for example, Moshi Urban, Kigoma Urban, and two urban constituencies in the City of Mwanza, namely Nyamagana and Ilemela. Only 6% of the polling stations observed experienced disruptive or violent incidents which attracted intervention by authorities during the voting process. Again, in only about 1% of the observed stations were there reports of some voters being scared enough to vacate the station without voting.

2.2 Availability of Essential Materials and Personnel at Polling Stations

The electoral law requires that a list of all voters registered in a polling station be posted at the station at least a week before the voting day. Lists were posted in most observed stations by Saturday 23rd October 2010. For the first time, this requirement also included Zanzibar where previously there was no such legal provision. The voters therefore had a full week in which to inspect the presence and accuracy of their names on the list and take the necessary action to rectify what was amiss before the election day. In about three quarters of the polling

stations (74.8%) the posted lists were faultless. In about a quarter of the stations (24.8%) the lists had faults. In only 0.4% of the stations (28 cases) were lists found missing entirely. Therefore, the problems lay with 25.2% of the observed stations some of which did not post lists of voters as required by the law (0.4%) and those which posted faulty lists (24.8%). The problems ensuing from this included the following:

- i. In 8.1% of the stations observed, some voters did not find their names on the list;
- ii. In 0.1% of the stations (4 stations) the lists posted belonged to some other stations;
- iii. In 3% of the stations some names of voters were misspelt or were totally different from the names of the card owners; and
- iv. In 5.1% of the observed stations there were other problems of voter identification which required time to sort them out with election officials.

The problem of faulty lists is not new in Tanzania elections; it has been typical of all the previous three multiparty general elections (1995, 2000 and 2005). Its persistency despite improved technology and funding extended to our two electoral commissions has led to some people, especially those in opposition parties, to wonder whether there were no political reasons for making and posting faulty lists of voters. Such suspicion has fed into charges that NEC is not an impartial body, a charge which became louder after declaration of the results of the 2010 elections, than previously.

TEMCO poll observers were requested to assess closely the adequacy of all the materials required at their stations. In 85% of the stations voting papers were adequate in the numbers supplied and were faultless. In 5% of the cases, the papers were either in short supply or had faults. The faults included the following: faint and unclear pictures of candidates, pictures without names of candidates, pictures with faint names, or pictures with wrong names or names of other candidate. Other materials were missing, inadequate or faulty in the proportion of the stations shown against them as follows:

- i. Station stamp0.6% of the observed stations
- ii. Ink 0.6% of the observed stations
- iii. Different kinds of forms ...7.7% of the stations
- iv. Other materials7.3% of the stations

In regard to the manning of the polling stations, each station had four NEC officers: a presiding officer, two polling assistants and one direction clerk. These had been trained two or three days before the polling day. These proved adequate where the list of voters was faultless, but inadequate where many people required assistance to locate their names.

2.3 Accessibility of Voting Stations to Voters

The things which may have reduced accessibility of the voters to the electoral exercise on the polling day include the following: long physical distances, mismanagement of the voters' lists, and poor cooperation extended to voters by polling officials in solving their various problems. TEMCO reports did not consider physical distance as a major hindrance making people abstain from going to vote. As we have seen, mismanagement of the voters' lists extended to nearly a quarter of the observed stations; and this had the potential of limiting access of those not found on the list, besides reducing the voters' confidence in the electoral system. We can then look at the cooperation extended to voters by polling officials.

The first group requiring special attention included people with various problems such as disability, sickness, old age, illiteracy, etc. Were such people assisted without complaints?

- i. In 88.25 of the observed stations such people were assisted to their satisfaction and without anybody complaining
- ii. In 11.05 of the stations such people were assisted but they raised complaints
- iii. In less than 1% (6 stations) they were not helped at all.

There were three types of complaints. The first was that those who provided assistance had not been freely and expressly chosen by the disabled or illiterate people; secondly, those assisting the disabled and illiterate people to vote persuaded or guided them to vote for candidates other than their choice; and, thirdly, some voters in the queue complained because assistance to disabled people delayed the voting process. Two comments are in order here. To begin with, the charge that those assisting the disabled or illiterate people were bent on misleading them were made mainly by party agents who would have liked to get that chance themselves. The charges cannot therefore be taken very seriously. Again, the voters in the queue who complained about helping the disabled were few and isolated; most voters were supportive of NEC's and ZEC's instructions that the disabled, the weak, the aged, pregnant women, and people carrying babies should be given preference in voting.

Another group which needed special attention included people who had defaced or lost their registration cards; such people tried all they could to identify themselves in other ways so as to be allowed to vote. There were such people in 18.1% of the polling stations observed by TEMCO. In 4.4% of the stations, they were all allowed to vote; in 2% of the stations, only some were allowed to vote; while in 11.7% of the stations all such people were refused the opportunity to vote. The law prohibits voting without a valid voter card.

Interruptions of the polling process can also interfere with the voters' choice. In 2.8% of the stations, the voting process faced interruptions ranging from one to nine hours. The reasons for the interruptions included commotion among party zealots at or around polling stations, shortage of voting materials, sudden rains and other factors. There were no politically motivated reasons behind the interruptions reported.

3.0 VOTE COUNTING

Vote counting is the responsibility of the presiding officer and his/her three assistants, with the people legally authorized to be at the counting station (including candidates and party agents) following the process closely. Only in about 2% of the 7,247 TEMCO observed counting stations were complaints about the presence of unauthorized people. The law requires that counting takes place at the same venue voting took place unless there are good reasons for moving to a new venue.

In 95.5% of the observed stations there was no venue change. In 4.5% where the venue had to change, the new venues were all in authorized places: school buildings, government offices, community centers, police stations, etc. Private homes, party offices and houses of worship were not permitted. The two main reasons for venue change were security and lighting considerations because part of the counting took place at night. In all cases of venue change, party agents were allowed to accompany or follow closely the vehicle carrying the ballot boxes to the new venue to ensure the boxes were not tampered with.

A recount of the votes may take place where candidates tie or where a suspicious candidate or his/her agent requests for it. Repeated counting occurred in 10.5% of the observed counting

stations, once in 3.4%, twice in 5% and thrice in 1.4% of the observed cases. About a third of the recounting of votes was requested by candidates whose results were very close. In most of the cases of recount, results did not show significant change in the electoral outcome. This would suggest that rigging at the counting stations may have been very low or absent. Indeed, very few complaints were heard about vote counting at the counting stations. After the counting exercise all party agents took their copy of the results to await vote tallying and declaration of results at ward level (in the case of council candidates), constituency level (in the case of parliamentary candidates), and national level (in the case of presidential candidates).

Tallying of the results proved to be a vexing issue in the 2010 general elections. Tallying of votes and declaration of results for council election was done by the Assistant Returning Officers (AROs) at the ward level, as per Local Authorities Act, 1979. On the other hand, tallying and declaration of results of parliamentary candidates was done by the Returning Officers (ROs) as per Elections Act 1985. The presidential results were announced by NEC constituency-by-constituency before tallying them at the national level.

These tallying stations became a good test for people's patience. Many voters and party zealots sat overnight waiting for ballot boxes to arrive from counting stations. The boxes arrived at long time intervals, depending on the speed of counting stations. The vote tallying procedure called Results Management System (RMS) led to delays in declaration of results, leading to the widespread charges of vote rigging (expressed by a new *Kiswahili* vocabulary, '*uchakachuaiji wa matokeo*'). Unfortunately, NEC people had not informed the voters that a new tallying technology would be used and that it would lead to delayed declaration of results. The constituency observer for Mbeya Rural reports the reaction of the people to these delays:

“While enumeration at the polling stations had gone quite smoothly, tallying at the ward level started brewing problems. Wards and the district (or constituency) results centres delayed the tallying process. The consequence of this was for the constituency results to be announced late evening on the 2nd November, 2010 after some battle between the police and anxious and suspicious CHADEMA sympathizers led by their parliamentary candidate.”

In a similar vein, the TEMCO regional coordinator for Mara Region had this to say:

“There were tendencies of people gathering in small groups after they had voted, and later at ward and constituency tallying centres. It seemed that they had a coordinated agenda. This happened everywhere in Mara Region. And when asked what they were intending to do, they said they were protecting their votes from being stolen”.

In many polling stations and tallying centres across the country voters sympathetic to opposition parties seemed to distrust all public authorities: election officials, police and PCCB. Why? In regard to the police and PCCB, they said they had reported cases of electoral malpractices (e.g. corruption, fake voting papers, collection of voters' cards, etc) but they did not see the outcome of their effort. Some of the voters claimed that these state instruments collaborated with the culprits. The fact that the tallying centres were out of bound for the voters and party fans, increased the suspicion of vote rigging. Only candidates and their agents (one for each candidate) were allowed to enter the constituency results tallying room. All other people would be waiting at an area where the results would be declared. This restrictive posture is captured in a letter written to parliamentary candidates for Serengeti constituency by the RO of the constituency a day before the elections. The letter warns as

follows: “It is not acceptable for you to be accompanied by people who are bent on violence in the vote tallying room or results declaration area” (Letter Ref. No. SDC/ E.20/2A. Vol IV/144 of 30.10.2010).

The law demands that people should vacate the polling station as soon as they complete voting. In some centres party fans, already suspecting that there might 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, notably in Segerea, Ubungo, Nyamagana and Arusha Urban.

Delays 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.

Some commentators attributed delays to **politics** rather than **technicalities**. Unfortunately, it so happened in many places that counting of votes took place in venues with poor lighting, further raising suspicion of vote rigging. Enough attention was not paid to the problem of lighting in many places, which could be managerial slippage or a planned strategy for vote rigging.

4.0 DECLARATION OF RESULTS

A notable feature of the 2010 election results is that the opposition performed better than in 2000 and 2005 elections. While in 2005 the ruling CCM presidential candidate collected 80.3% of all the valid votes, in 2010 election the performance was reduced to 61.6%. Again, while in 2005 the opposition parties won in 26 constituencies, and only 7 being in Mainland Tanzania, in 2010 they won in 51 constituencies, 31 of them being in Mainland Tanzania.

Considering first the presidential results, the total votes cast were 8,626,213 out of a total registered population of 20, 137,303 (including those registered by ZEC). This gives a turnout of 42.8%. Spoilt or rejected votes were 227, 605 (2.6%), leaving 8, 398,608 valid votes (97.4%). Distribution of the presidential votes to the seven candidates is as given in Table 8.1 which gives the lead to CCM’s Jakaya Kikwete with 61.16% of the votes, followed by CHADEMA’s Willbrod Slaa who collected 26.34% of the votes and, in the third place, CUF’s Ibrahim Lipumba who garnered 8.08% of the votes. The remaining four candidates shared the remaining 1.78% of the valid votes cast.

Table 8.1: Distribution of Presidential Votes in the 2010 General Elections

S/N	Name	Party	Number of Voters	Percent
1.	Jakaya Mrisho Kikwete	CCM	5,275,899	61.16%
2.	Dr. Willbrod Slaa	CHADEMA	2,271,885	26.34%
3.	Prof. Ibrahim H. Lipumba	CUF	697,014	8.08%
4.	Peter Mziray Kuga	APPT	96,932	1.12%
5.	Hashim Rungwe	NCCR-M	26,321	0.31%
6.	Mutamwega Mugahywa	TLP	17,434	0.20%
7.	Yahmi Dovutwa Dovutwa	UPDP	13,123	0.15%

Source: NEC.

About 95% of the valid parliamentary votes (7,681,196) were collected by only three parties: CCM (60.04%), CHADEMA (24.8%) and CUF (9.8%). This left 5% of the votes to be shared by the remaining 15 parties which participated in the 2010 parliamentary elections. Out of the 18 political parties which participated in the elections, only six managed to win parliamentary seats. These were CCM (186 constituency seats), CHADEMA (23 seats), CUF (24 seats), NCCR – Mageuzi (4 seats), TLP (1 seat) and UDP (1 seat). Out of the 239 constituency seats, 218 were won by male candidates (91.2%) and 21 by female candidate (8.8%), indicating that it is still a long way before women are able to compete at par with men in the constituencies.

Table 8.2: Distribution of Parliamentary Votes in the 2010 General Elections

S/No.	Party	Valid Votes	%
	AFP	3,917	0.05
	APPT	5,731	0.07
	CCM	4,641,436	60.4
	CHADEMA	1,904,540	24.8
	CHAUSTA	2,653	0.03
	CUF	752,617	9.8
	DEMOKRASIA MAKINI	2,202	00.3
	DP	6,389	0.08
	JAHAZI ASILIA	3,777	0.05
	NCCR-MAGEUZI	193,797	2.5
	NLD	14,387	0.19
	NRA	1,179	0.02
	SAU	3,670	0.05
	TADEA	2,284	0.03
	TLP	52,608	0.68
	UDP	85,395	1.11
	UMD	1,102	0.01
	UPDP	3,512	0.05
	TOTAL	7,681,196	100

Source: NEC, 2010

In councillorship elections CCM won 2786 (83.4 %) seats, CHADEMA 323 (11.6%), CUF 119 (4.3%), NCCR-Mageuzi 25 (0.9%), TLP 21 (0.8%), UDP 24 (0.9%) and other parties 41 (1.5%).

5.0 VOTER TURNOUT

Voter turnout was conspicuously low in virtually all polling stations observed by TEMCO. This was a great surprise to TEMCO observers because the voters had shown great enthusiasm in the campaigns which they attended massively. A few quotes from constituency observers' reports will show the sense of their dismay.

Kilindi Constituency Observer:

“There was a low voting rate of less than 40% in all polling stations. I cannot explain this apathy. There is a need for a research to address this situation so that we can do better in future elections.”

Korogwe Rural Constituency Observer:

“The main finding in this election is the fact that less than half of the registered voters actually voted. There is a need to find out why this happened.”

Mbeya Rural Constituency Observer:

“On the day of the elections all personnel and facilities were in order, and polling was completed earlier than anticipated due to low voter turnout. In most stations less than half of the registered voters showed up. Surprisingly, there were more party fans in the area surrounding some polling stations than those who were voting. It was not clear why these fans did not get in to vote.”

TEMCO observers sought explanation from the voters as to why turnout had been so low. The many reasons given could be summed up into five. First, the legal provision that everybody must vote in the polling station where he/she registered prevents nomadic people from voting. For example, in livestock-keeping areas registered people may be far from the place they registered on the election day; so they fail to vote where they are. There are also many other people who move suddenly from their stations for various reasons who also fail to vote due to the demand that they must vote where they registered. This provision can also be used politically. For example, during the 2010 elections the government decreed that universities should not open until the end of elections. This move might have been taken to reduce the opposition votes in view of the fact that the majority of university students were pro- opposition and had registered at their campuses.

The second reason for non-voting was the loss or destruction of the some of voters’ card. The third reason was NEC’s/ZEC’s mismanagement of the voters’ register. Some of the people who did not find their names in the register and could not get adequate attention from election officials just left the station without voting.

The fourth reason given by the voters for low turnout related to the inadequacy of voter and civic education provided to the population. Some people had not grasped fully the meaning and importance of voting in an election. For example, a person with a registration card admitted to a Segerea constituency observer that he had not voted in this election. Asked why, he said he wanted to “punish” President Kikwete for not fulfilling his 2005 election promises; he had not been able to get a job out of the million jobs the President had promised to generate. Questioned further on how his non-voting could punish the President and whether he couldn’t have done better by voting for an opposition candidate, he quickly responded that he had made a mistake!

The fifth reason given for low turnout in the 2010 elections relate to the purchase of voters’ cards so as to render them unable to vote for one’s political opponents. This is not a new phenomenon in Tanzania elections but it is claimed that it was organized on a massive scale this time. In the past the procedure was to buy and destroy those cards; however, because cards are valued for many other non-election identification purposes, the acceptable procedure this time was for the ‘buyers’ to keep those cards in their custody during the election period and return them to the owners after the election at an agreed fee.

6.0 POST-VOTING COMPLAINTS

Voters are free to launch complaints before leaving the polling station after voting. In 12% of the observed stations there were complains voiced after voting. However, only about 4

percent of the stations did the complaining. Voters gave their complaints in writing by filling the prescribed voters' complaints form, including the following:

- i. Lateness in opening the polling station
- ii. Shortage of voting materials
- iii. Presence of too many policemen or other security forces at or around the polling station
- iv. Refusal to vote, etc.

Ordinary Tanzanian voters were not ready to file written complaints, probably fearing to find themselves being asked to serve as witnesses in court election appeals. For example, up to 6% of the TEMCO - observed stations had cases of people who had joined the queue before the official closing time (4.00 p.m.) but were refused to vote on the argument that time was over. Most of these people just left the station complaining but would not complete the appropriate form. This problem may also be a result of inadequate civic and voter education.

TEMCO observers reported a total of 109 stations (or 1.5%) of the observed stations which allowed voters who came after the official closure time to vote. Voters could have filed complaints in these cases, but this did not happen. On the other hand, in 404 of the stations observed (5.9%) party agents or their candidates filed complaints by filling the appropriate complaints forms against what they considered irregularities in the voting process. This relatively small proportion of complaining agents and candidates would suggest that the voting exercise was relatively smooth.

7.0 CONCLUSION

Generally the voting, vote counting and declaration of results were carried out in accordance with the electoral law and regulations. However, there were some incidents of irregularities in supplying of election materials, counting of votes and delays in declaration of results. Voter turn out was alarmingly low compared to previous elections partly due to voter apathy, legal restrictions on voting stations, loss of voters cards, voter register anomalies and possibly due to voter card selling and buying.

CHAPTER NINE

TANZANIA GENERAL ELECTIONS 2010: HOW FREE AND HOW FAIR?

1.0 INTRODUCTION

In 2010 Tanzania held its fourth general elections 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 chapter relates to the union elections. A separate report has been written for the Zanzibar elections with a chapter assessing the freeness and fairness of those 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, 31st October, 2010. The purpose of this chapter is to give an assessment of the freeness and fairness of the electoral processes based on detailed field reports. 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 chapter, the LTOs and STOs were required to make assessments of the nomination, campaigns and election-day activities (up to declaration of results) before leaving the field. These assessments of the three electoral processes gave us the basis of determining 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.
- 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 the final result.
- 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 that the election (or electoral steps) 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 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 (or electoral step) with only a few short-comings which do not affect the overall results. It is a clean free and fair election (or electoral step).

Each of the four electoral steps was scored in accordance with this marking scheme before an average score for the entire electoral process being determined. Determination of the final grade took into account the major strengths and weaknesses documented in the reports of long-term and short-term observers as well as systemic short-comings.

2.0 ISSUES FROM 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 up-date 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.

The NEC registration figure for the 2010 elections was 20,137,303 (19,685,227 on the mainland and 452,076 in Zanzibar) a figure which has been questioned by opposition parties (especially CHADEMA). They claim that the figure is unrealistically high for an estimated population of 40 million 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 44 million. Voter turnout in most of the voting stations observed by TEMCO in Tanzania was lower than the estimated figure, in some places by 50% or less. The final computed figure puts voter turnout at 42% which has never come so low in Tanzania's general elections. Many TEMCO observers came out with myriad explanations, including voter card buying; voter apathy; don't care attitude; and faults in the PNVR, etc. The pointers may be valid to a certain extent; however, they need to be justified beyond doubt. Low voter turn out in Tanzania's 2010 general elections is a critical concern to all interested parties in Tanzania electoral politics. This calls for an empirical study that would explain the reasons behind.

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.

3.0 ISSUES FROM NOMINATION OF CANDIDATES

3.1 Nomination Models

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, to a lesser extent, CUF. The model was democratized further by CCM during the 2010 elections to allow all party

members to vote for party members who sought 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 vigour declined after the nominations in CCM.

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

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 experiences (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.

3.2 Observers’ Assessment of Nomination

Observers’ Assessment of Nomination in 167 constituencies out of the 223 observed by TEMCO in Tanzania provides the following scores:

- i. 0% or grade F: 1 constituency (0.6%)
 - ii. 1 – 39% or grade E: 3 constituencies (1.8%)
 - iii. 40 – 49% or grade D: 1 constituency (0.6%)
 - iv. 50 – 59% or grade C: 31 constituencies (18.6%)
 - v. 60 – 79% or grade B/B+: 68 constituencies (40.7%)
 - vi. 80% or above, or grade A: 31 constituencies (18.6%)
- Total = 167 constituencies assessed out of 223 observed (75%)

Analysis of the 167 constituencies suggest that the nomination process of 18.6 percent of the constituencies were judged “free but not fair” represented by the C grade; in 40.7 percent of the constituencies the nomination process received a ‘qualified free and fair’ certification represented by the B – B+ grade; and in another 18.6 percent of the constituencies, the nomination process received a ‘clean free and fair’ certificate.

4.0 ISSUES FROM 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 therefore be given to the major stakeholders:

- i. The voters who attended campaign meetings massively and yet were able to control their emotions.
- ii. Political parties which struggled hard to curb the enthusiasm of their supporters.
- iii. Candidates who observed reasonable limits of negative campaigning against opponents.
- iv. NEC and ZEC personnel in the field who tried hard to enforce campaign timetables.
- v. Security personnel (police) who kept order in campaign meetings, especially big public rallies of presidential candidates.
- vi. 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 professional 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 were also reported in previous elections. These are classified into several categories as follows:

(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 they cannot be denied (e.g. heavy 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:

- a. Regional and District Commissioners have placed state resources (vehicles etc.) in campaign processions of the presidential candidate defending their positions.
- b. In several places the presidential candidate in power addressed public meetings outside the legal campaign time (beyond 6.00 p.m.), a practice which was then imitated by other presidential candidates (especially that of CHADEMA).
- c. 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 purpose was to limit the use of big money in elections. Ironically, the campaign materials for the bigger parties, especially the ruling CCM, were clearly more elaborate and expensive in this than in previous elections. Even a casual observer of these campaign materials would not fail to conclude that this was a very expensive election and that some parties and candidates 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 the giants.

(iii) Violent Actions

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

- a. 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.
- b. 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 many 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 Conduct

There were isolated cases of breaking election rules and the code of conduct. The following are examples:

- a. Non-adherence to the campaign timetable (and allocated venue for campaign meetings) which in some cases caused clashes.
- b. Some campaign rallies being extended beyond the official ending time (6.00 p.m.). As we have noted, the main perpetrators were CCM and CHADEMA.
- c. Mutilation of campaign materials (photographs, flags, posters, etc.) were observed in a number of constituencies. Happily, this was on a smaller scale than in previous elections, especially in Zanzibar where previously this had been a big problem.
- d. Addressing campaign meetings while mixing the official language (Kiswahili) with local languages (vernacular). This was dominant in Mwanza, Kagera, Ruvuma, Shinyanga and Tabora regions.
- e. 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

Observers' assessment of the campaigns in 167 out of the 223 constituencies observed by TEMCO gives the following scores:

- a. 0% or grade F: No constituency had this grade
 - b. 1 – 39% or grade E: 1 constituency (0.6%)
 - c. 40 – 49% or grade D: 1 constituency (0.6%)
 - d. 50 – 59% or grade C: 21 constituencies (12.6%)
 - e. 60 – 79% or grade B/B+: 87 constituencies (52.1%)
 - f. 80% and above, or grade A: 25 constituencies (15.0%)
- Total = 167 constituencies assessed out of 223 observed (75%)

The above analysis shows that the campaigns of 12.6% of the constituencies were assessed as 'free but not fair'; in 52.1% of the constituencies the campaigns received a 'qualified free and fair' certification, while in 15.0% of the constituencies the campaigns received a 'clean free and fair' certification.

5.0 ISSUES FROM THE VOTING DAY

5.1 Voting

In all places where voting materials had been supplied in adequate amounts and voters were able to find their names on the list of voters posted at polling stations, 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.

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 postponed 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 indeed been voiced by some stakeholders in all four elections under the multiparty system. NEC and ZEC were in the past multiparty elections accused of undersupplying voting materials to areas known to be dominated by opposition parties.

On the positive side, in most constituencies, voters in the 2010 elections were reported to have high motivation to vote, forming queues at voting stations as early as 6.30 a.m. 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 given priority as noted by observers.

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

- a. 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.
- b. 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.

- c. In several places (including Dar es Salaam and Moshi) people were arrested for carrying several or bundles of voters' cards. This may partly account for the observed discrepancy between estimated voters and people actually turning up to vote in a polling station, a point which requires further exploration.

5.2 Observers' Assessment of the Polling Day Activities and Outcomes

Poll observers' on-the-spot assessment of the process of voting, vote counting and declaration of results in 7,109 out of 7,247 polling stations observed by TEMCO in Tanzania gives the following scores:

- 0% or grade F: 1 polling station had this grade (0.01%)
 - 1 – 39% or grade E: 22 polling stations had this grade (0.31%)
 - 40 – 49% or grade D: 89 polling stations (1.25%)
 - 50 – 59% or grade C: 138 polling stations (1.94%)
 - 60 – 79% or grade B/B+: 2,130 polling stations (30.0%)
 - 80% or above, or grade A: 4,729 polling stations (66.52%)
- Total = 7,109 polling stations assessed out of 7,247 observed (98.1%)**

This analysis shows that the polling day activities of about 2% of the polling stations were considered as 'free but not fair'; and activities of 30.0% of the polling stations received a 'qualified free and fair' certification, while activities of 66.52% of the polling stations received a 'clean free and fair' certification, a high proportion indeed.

The assessments for the three electoral processes are given in Table 9.1. It will be seen that nomination and campaign processes have their highest scores at the grade of B/B+ (52.5% and 63.5%, respectively of the constituencies scoring that grade). On the other hand, the election day activities have their highest score at the grade of A, 66.5% of the assessed polling stations which scored that grade. In most observed stations voting and vote counting were smooth and peaceful. Problems did not emerge until delays were experienced in tallying the votes and declaring the results at the ward level (for council candidates), constituency level (for parliamentary candidates), and finally at national level (for presidential candidates).

6.0 TEMCO's FINAL STATEMENT

In order to facilitate the assessment of the 2010 elections in Tanzania, TEMCO prepared an instrument to help observers score all the critical stages of the election. Table 9.1 is a summary of assessment of the three electoral processes: nomination of candidates, campaign activities, and polling day activities (voting, vote counting and declaration of results). This assessment augmented with qualitative data elaborated throughout the report enabled TEMCO to arrive at a general conclusion.

Table 9.1: General Assessment of the 2010 Elections

Grades	Nomination Process Activities %	Campaign process Activities %	Polling Day Activities %	Average score %
A	22.2	22.2	66.5	37.0
B/B+	52.5	63.5	30.0	48.7
C	21.5	13.2	1.9	12.3
D	0.6	0.6	1.2	0.8
E	2.5	0.6	0.3	1.1
F	0.6	0.0	0.1	0.1
Total	100	100	100	100

As Table 9.1 shows, 37 percent of TEMCO observers scored the elections at A while 48 percent of TEMCO Observers returned a score of B/B+. This corroborates the qualitative assessments given in the various chapters of this report. Accordingly, TEMCO pronounces the 2010 General Union Elections in Tanzania to be **Qualified Free and Fair**. This is to say that the elections were generally conducted freely and fairly but there were significant irregularities that affected some participants negatively.

7.0 RECOMMENDATIONS

In the light of the observations made in preceding discussions, TEMCO would like to offer some recommendations to various stakeholders in the electoral process in Tanzania.

7.1 Election Management Bodies (NEC and ZEC)

- (i) Updating of PNVR should be done more regularly than it is now. The current voter registration system needs to be reformed by doing the following:
 - (a) Establishing offices in the regions, districts and wards to regularly update the PNVR.
 - (b) Allowing voters to register and update registration information online.
 - (c) Introducing mobile voter registration centres
 - (d) The Registration, Insolvency and Trusteeship Agency (RITA) should be strengthened such that it is able to provide reliable information on deceased voters.
- (ii) Provision of civic and voter education should be done consistently and sustainably. A national strategy for civic education in Tanzania is required.
- (iii) Civic and voter education should be continuously provided especially for women in the rural areas so as to enhance their participation in elections.
- (iv) There is need to promote community radios in disseminating voter education particularly to rural areas.
- (v) The campaign period should be extended to allow more time for candidates and political parties to reach the electorate.
- (vi) A study is required to establish the reasons behind unprecedented low voter turnout (voter apathy) in Tanzania's 2010 general elections.
- (vii) The processes of vote counting and declaration of results should be done fast and efficiently.

7.2 Government

- (i) Electoral laws should be reviewed to allow for independent candidature at all electoral levels.
- (ii) The legislation which governs the appointment of commissioners in the electoral management bodies should be reviewed to enhance transparency, impartiality, autonomy and public trust.
- (iii) There is a need to amend the law to enable aggrieved individuals/parties to challenge presidential election results in a court of law.
- (iv) Unopposed candidates should be subjected to popular votes by the respective voters in order to enhance democracy.
- (v) The powers of the president in the appointment of key government officials who are strongly involved in electoral processes, including the Director of Elections, IGP, judges, heads of state owned media, Returning Officers, etc. should be reviewed in order to enhance public trust and confidence in state organs.
- (vi) There is need to closely monitor and prevent the use of public resources in campaigns to ensure that incumbency is not abused.
- (vii) Government should continue to create enabling environment encourage women participation in decision making organs, including councils, Parliament and the House of Representatives.
- (viii) There should be a very clear separation of responsibilities in the implementation of the Election Expenses Act and other electoral legislation. The role of political parties, PCCB, Police Force, NEC and Registrar of Political Parties should be clearly spelt out.
- (ix) There is a need to raise public awareness about the Election Expenses Act.

7.3 Political Parties

- (i) Political parties and candidates should abide by the code of conduct governing election campaigns.
- (ii) Political parties and candidates should refrain from using abusive language, instigating violence and violating electoral laws, rules and regulations.
- (iii) The process of nominating women for special seats should be made more transparent and gender sensitive.
- (iv) Political parties should devise effective strategies to enhance the participation of women both as voters and candidates.
- (v) The process of nominating women especially contestants for special seats should be made more transparent and inclusive.
- (vi) There is need for political parties to enhance their organizational and mobilizational capability in reaching potential voters especially in rural areas.
- (vii) Political parties should enhance their capability to prepare election manifestos that articulate ideologies, critical issues and meaningful policies.
- (viii) Political parties and candidates should refrain from corruption and related malpractices in elections
- (ix) Political parties should build their capacity in financial management in order to facilitate the implementation of the Election Expenses Act.
- (x) Political parties and candidates should try as much as possible to observe the rule of law.

7.4 Media

- (i) The state owned media should provide equal coverage to all political parties during elections without bias or favour.
- (ii) Editorial independence should be respected by media owners in order to minimize undue interference.
- (iii) The media should take a more proactive role in facilitating voter education.
- (iv) The media code of conduct should be observed by the media.
- (v) There is a need to push for FIA (Freedom of Information Act), which opens up government papers to journalists and public scrutiny.
- (vi) There is a need to professionalize journalism by introducing specialized courses in election reporting.

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APPENDICES

APPENDIX 1: LIST OF TEMCO MEMBER ORGANIZATIONS

1. Action for Development Forward (ADF)
2. Action for Justice in Society (AJISO)
3. African International Group of Political Risk Analysis (PORIS)
4. Agency for Co-operation and Research in Development (ACORD)
5. Agenda Participation 2000
6. Amani the Foundation of Life (AFL)
7. Amka Kazinga
8. Association of Women for Democracy
9. Association of Journalists and Media Workers (AJM)
10. Association of Non-Governmental Organizations of Zanzibar (ANGOZA)
11. Baraza Kuu la Waislam Tanzania (BAKWATA)
12. B'villea Community Services
13. Campaign for Good Governance (CGG)
14. Centre for Civil Society and Strategic Studies (CCSSS)
15. Centre for Informal Sector Promotion (CISF)
16. Chama Cha Saidia Jamii-Kilombero (CHASAJAKI)
17. Chama cha Wafugaji Muheza (CHAWAMU)
18. Chama Cha Walemavu Tanzania - Kigoma
19. Chama cha Walimu Tanzania (CWT)
20. Chama cha Wastaafu na Wazee Lindi (CHAWALI)
21. Chama Cha Wastaafu Wilaya ya Kisarawe (CHAWAKI)
22. Chambani Development Society (CHADESO)
23. CHAWAKATA
24. Children in Need Outreach (CINO)
25. Christian Council of Tanzania (CCT)

26. Christian Professionals of Tanzania (CPT)
27. Civic Education Teachers' Association (CETA)
28. Coast Region NGOs Network (CORNNET)
29. Community Development for All (CODEFA)
30. Community Services Tanzania - COSETA
31. Dar es Salaam Business School, Mzumbe University
32. Department of Fine and Performing Arts (DFA – University of Dar es Salaam)
33. Department of Political Science and Public Administration, University of Dar es Salaam
34. Development and Relief Foundation (DRF)
35. Development of Sustainable Community Based Activities (DESCOBA)
36. District Organization for Aids Control and Orphans Right (DOACO)
37. ENVIRONATURE
38. Environment Conservation for Social Development
39. Environmental Protection and Humanitarian Agency (EPHA)
40. Forum for African Women Educationalists (FAWE)
41. Guluka Kwalala Youth Environment Group
42. Hakielimu
43. Institute for Development Studies (IDS), University of Dar es Salaam
44. Jamoja Trust
45. Jikomboe Integral Development Association (JIDA)
46. Jumuiya ya Sanaa ya Elimu ya Ukimwi na Mazingira (JSEUMA)
47. Jumuiya ya Wahitimu wa Chuo cha Demokrasia Zanzibar (JUWADEZA)
48. Kagera Development and Credit Revolving Fund (KADETFU)
49. Kagera Youth Empowerment Network
50. Kanyigo Aids Prevention Foundation
51. Kashai Development Initiative Organization (KADEI)
52. Kibaha Network of Civil Society Organizations (KNCSO)

53. Kidike Environmental Conservation Club
54. Kigoma Paralegal Aid Centre (KIPACE)
55. Kigoma Women Development Group
56. Kikundi Cha Wanawake Kilimanjaro Kupambana na Ukimwi (KIWAKKUKI)
57. Kilimanjaro Women Information Exchange and Consultancy Organization (KWIECO)
58. Kinga za Haki za Binadamu/Haki Za Raia (DHR)
59. Kinondoni Youth Parents Counseling Centre (KNYPC)
60. Kiziba Development Initiatives
61. Kongwa Alliance Development Trust (KADET)
62. Lindi Support Agency for Welfare (Lisawe)
63. Lindi Women's Paralegal Aid Centre
64. Lisawe on Poverty Alleviation
65. Liwale Farmer's Association (LIFA)
66. Lumemo Farmers Club
67. Makambako Environmental Community Society
68. Mapambano Centre for Children Rights
69. Matumaini Women and Care of Children
70. Mara Youth NGO
71. Mbeya Older Persons Care (MOPEC)
72. Mbeya Paralegal Unit (MBEPAU)
73. Mbeya Women Organization for Preventing HIV/Aids
74. Mbeya Youth Development Organization
75. Mbinga Development and Environment Action (MBIDEA)
76. Micheweni Islamic Development Environmental Conservation and Aids Control (MIDEC.
77. MIICO
78. Millennium Aids Herbalist Programme (MAHP)
79. Mkoani Poverty Eradication Society (MPESO)

80. Moses Foundation Tanzania (MFT)
81. Mowers Planters and Cleaners (MOPLAC)
82. Mshikamano and Advancement Women Organization (MAWO)
83. Mtwara Region NGOs Network (MRENGO)
84. Muheza District Paralegal Centre
85. Multiple Education Centre (MEC)
86. Muungano wa Vijana Tanzania (MUVITA)
87. MUVIKA
88. National Youth Information Centre (NICE)
89. Ndela Kituo cha Maendeleo ya Vijana Kigoma
90. NGO Network for Dodoma Region (NGONDEDO)
91. Nyengedi Environment Development and Diseases Control
92. Oak Tree Tanzania
93. Pamoja Aids and Environmental Foundation
94. Patronage in Environmental Management and Health Care Warriors (PEMWA)
95. Peace House Foundation Ltd.
96. Pemba Awareness for Land Use and Environment Society (PALESO)
97. Pemba Environmental Gender and Advocacy Organization
98. Pemba Investment and Youth Development Organization (PIYDO)
99. Pemba Press Club
100. Pemba Rapid Development Organization (PRADO)
101. People's Organization Transparency Agency (POTA)
102. Research and Education for Democracy In Tanzania (REDET)
103. Ruangwa Non-Governmental Organization Network (RUANGONET)
104. Ruangwa Organization of Poverty Alleviation
105. Rural and Urban Development Initiatives (RUDIT)
106. Rural Initiatives and Relief Agency

107. Ruvuma Network of Organizations Working With HIV/Aids (RUNOWA)
108. Sanganigwa Children's Home
109. Self-Help Development Community (SEDECO)
110. SHIKWAUKI
111. Shinyanga Civil Society Organization (SHINGONET)
112. Society for Rural Development Initiatives (SRDI)
113. Songea Network of Non Governmental Organization (SONNGO)
114. Taaluma Women Group (TWG)
115. Taasisi ya Nyumba ya Haki (House of Justice)
116. Tanzania Action for Coastal Education Advocacy
117. Tanzania Episcopal Conference (TEC)
118. Tanzania Home Economics Association (TAHEA)
119. Tanzania Journalists Association (TAJA)
120. Tanzania Media and Youth Development Association (TAMEADA)
121. Tanzania Muslim Professional Association (TAMPRO)
122. Tanzania Organization for Permaculture Promoters (TOPP)
123. Tanzania Private Sector Foundation (TPSF)
124. Tanzania Women for Self Initiatives
125. Tanzania Women Graduate Federation (TWGF)
126. Tanzania Women Lawyers Association (TAWLA)
127. Tanzania Young Farmers Club (TAYFAC)
128. Tanzania Youth Team for Campaign Against Aids (TAYOTA)
129. Tanzania Youth Vision Association (TYVA)
130. TCCIA Kigoma
131. The Institute of Peace and Conflict Studies (IPCS)
132. Tumaini Trust Fund
133. Uelekeo Tz (UTZ)

134. Umoja wa Maendeleo Kaskazi Mtende Unguja (UMAKAMU)
135. Umoja wa Wawezeshaji Kioo Kigoma
136. Vitongoji Environmental Conservation on Association (VECA)
137. Wamata Head Office
138. Wazee Wastaafu Kigoma (WAWAKI)
139. Wete Environmental Conservation Club (WECOC)
140. White Orange Youth (WOY)
141. Women and Community Development (MUDUGU-WACOD)
142. Women in Law and Development in Africa (WILDAF)
143. Women Initiatives of Tabora
144. Youth Against Poverty Trust Fund (YAP)
145. Youth Development Society
146. Youth Environment Rescue Organization Tanzania (YEROTAN)
147. Youth Service Volunteers Society
148. ZAM Foundation
149. Zanzibar Association of the Disabled
150. Zanzibar Female Lawyers Association (ZAFELA)
151. Zanzibar Legal Services Centre (ZLSC)
152. Zanzibar National Association of the Blind (ZANAB)

APPENDIX 2

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, 31st 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:

- vii) 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.
- viii) 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.
- ix) 40 – 49% or letter grade D: to mean that the election process has acts of violence, intimidation, favouritism, corruption, etc.
- x) 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.
- xi) 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).
- xii) 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 up-date 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

4.4 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.

4.5 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:

(v) 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.

(vi) 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.

(vii) Violent actions

Most violent actions on the Mainland related to the stiff competition, especially between CCM and CHADEMA and in a few 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.

(viii) 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.

4.6 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

5.3 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 inconveniency 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.

5.4 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.

5.5 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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- The National Electoral Commission (NEC) and the Zanzibar Electoral Commission (ZEC) for accreditation of TEMCO observers and provision of much needed documents; also for the cooperation shown the TEMCO observers by NEC and ZEC personnel in the field, namely NEC Regional Coordinators, Returning Officers, and Presiding Officers and their assistants.
- TEMCO member organizations which have extended unshakable cooperation to the Executive Committee and Secretariat of TEMCO.
- TEMCO Regional Coordinators, Constituency Poll Observers who worked around the clock to supply the data needed by the Secretariat.

- The Media for cooperation shown in the field.
- Other observer groups from within and outside the country who interacted with TEMCO observers for mutual benefit.

APPENDIX 3: LIST OF TEMCO LONG TERM OBSERVERS

REGION	REGION COORDINATOR	S/NO	CONSTITUENCIES	CONSTITUENCY OBSERVER
ARUSHA	Mr. Mohamed Riyami	1	Arumeru Mashariki	Ms. Furaha Comoro
		2	Arumeru Magharibi	Ms. Zired Abdulkarim Musanifu
		3	Karatu	Mr. Robert Muna
		4	Monduli	Mr. Elias Bingasila Joel
		5	Longido	Mr. Daudi Richard Kweba
		6	Ngorongoro	Ms. Tedy Mbuya
		7	Arusha Mjini	Mr. Mohamed Riyami
DAR ES SALAAM	Ms. Annmarie Mavenjina Nkelame	8	Ilala	Ms. Annemarie Mavenjina
		9	Segerea	Ms. Felister Mushi
		10	Ukonga	Ms. Shani Adam
		11	Kawe	Ms. Josephine Besha
		12	Ubungo	Dr. Bernadetta Killian
		13	Kinondoni	Prof. Yunus Rubanza
		14	Temeke	Mr. Lupa Ramadhani
		15	Kigamboni	Mr. John Jingu
DODOMA	Mr. Hurbert M. Lubyama	16	Dodoma Mjini	Mr. Hurbert M. Lubyama
		17	Mtera	Ms. Salama Mbarouk Khatib
		18	Bahi	Ms. Pheby Ambwene Mwaseba
		19	Mpwawa	
		20	Chilonwa	Mr. Kevin Oswin Haule
		21	Kibakwe	Mr. Hamis Kihongoa
		22	Kondoa Kaskazini	Ms. Leonida Paul Tenga
		23	Kondoa Kusini	Mr. Ludger Kasumuni
		24	Kongwa	

REGION	REGION COORDINATOR	S/NO	CONSTITUENCIES	CONSTITUENCY OBSERVER
IRINGA	Prof. Amos Mhina	25	Iringa Mjini	Prof. Amos Mhina
		26	Isimani	
		27	Kalenga	
		28	Kilolo	Mr. Renatus Mkinga
		29	Mufindi Kaskazini	Ms. Mariam Njama
		30	Mufindi Kusini	
		31	Ludewa	
		32	Makete	Ms. Seraphine Bernad Nsana
		33	Njombe Kaskazini	Ms. Maria Duncan Mwakasege
		34	Njombe Kusini	
		35	Njombe Magharibi	Ms. Marietta Kaijage
KAGERA	Mr. Baumba Chogero	36	Bukoba Mjini	Mr. Jesper Katomero
		37	Bukoba Vijijini	Mr. Baumba Chogero
		38	Chato	Ms. Salome Nungu
		39	Biharamulo	Mr. Hilary Tesha
		40	Ngara	Ms. Janeveva Emanuel
		41	Karagwe	Mr. Oddo Hekela Egino
		42	Muleba Kaskazini	Ms. Neema Mukandala
		43	Muleba Kusini	
		44	Nkenge	Ms. Martha Mushi
		45	Kyerwa	Ms. Eva Azaria Nkonya

REGION	REGION COORDINATOR	S/NO	CONSTITUENCIES	CONSTITUENCY OBSERVER
KIGOMA	Mr. Ramadhani Kingi	46	Kigoma Mjini	Mr. Ramadhani Kingi
		47	Kigoma Kusini	Mr. Humphrey Nyandindi
		48	Manyovu	Mr. Illuminatus J. Mkoka
		49	Kigoma Kaskazini	Mr. Parestico Pastory
		50	Muhambwe	Mr. Salum Mkubwa
		51	Buyungu	Mr. Johaness Bigirwamungu
		52	Kasulu Mjini	Mr. Martin Kihunrwa
		53	Kasulu Vijijini	Rev. Canon Raphael Haule
KILIMANJARO	Prof. Daudi Mukangara			
		54	Moshi Mjini	Prof. Daudi Mukangara
		55	Vunjo	Ms. Rashida Shariff
		56	Same Magharibi	Mr. Hussein B. Kinguyu
		57	Same Mashariki	Mr. Paul Chilewa
		58	Rombo	Mr. Hulka K. Omari
		59	Mwanga	Mr. Juma Wambura
		60	Hai	Ms. Matrona Kabyemela
		61	Siha	Mr. Adam Maziku
		62	Moshi Vijijini	Dr. Patrick Masanja

REGION	REGION COORDINATOR	S/NO	CONSTITUENCIES	CONSTITUENCY OBSERVER
LINDI	Dr. Rebecca Sima	63	Lindi Mjini	Dr. Rebecca Sima
		64	Mchinga	Ms. Fatma Kange
		65	Mtama	Mr. Paschal Itangaja
		66	Nachingwea	Mr. Allan P. Mkopoka
		67	Liwale	Mr. Sixbert John Khamsini
		68	Ruangwa	Mr. Juma Ismail Malundila
		69	Kilwa Kusini	Mr. Ibrahim Samwel Materego
		70	Kilwa Kaskazini	Mr. Mohamed Kombo Khamis
MANYARA	Mr. Leons Kimaryo	71	Babati Vijijini	Mr. Angelus Mapunda
		72	Mbulu	Mr. Esperatus Mukyanuzi
		73	Simanjiro	
		74	Hanang'	Mr. Bihaga Edward Saimon
		75	Kiteto	Ms Neusta Justinian
		76	Babati Mjini	Mr. Leons Kimaryo
MARA	Mr. Audax Kweyamba	77	Musoma Mjini	Mr. Audax Kweyamba
		78	Musoma Vijijini	
		79	Serengeti	Mr. Kampambe Francis Davis
		80	Rorya	Ms. Rebeca. S. Mahege
		81	Tarime	Mr. Charles Irigo
		82	Mwibara	Mr. Harrison Justo Isaiah Lyombe
		83	Bunda	Mr. Nathanael Mwandete

REGION	REGION COORDINATOR	S/NO	CONSTITUENCIES	CONSTITUENCY OBSERVER
MBEYA	Mr. Joseph Paul Ibreck	84	Mbeya Mjini	Ms. Consolata Raphael
		85	Mbeya Vijijini	Mr. Joseph Paul Ibreck
		86	Mbozi Mashariki	Mr. Pius Libaba
		87	Mbozi Magharibi	Mr. Emmanuel Kipole
		88	Ileje	Ms. Sesilia Muloki
		89	Songwe	Unopposed candidate
		90	Kyela	Ms. Nyanzobe Hemed
		91	Mbarali	Mr. Richard Kappia
		92	Rungwe Magharibi	
		93	Rungwe Mashariki	
		94	Lupa	Mr. Wilfred Wilbard Kahumuza
MOROGORO	Dr. Ambrose Kessy	95	Morogoro Mjini	Dr. Ambrose Kessy
		96	Morogoro Mashariki	Ms. Gladness Besha
		97	Morogoro Kusini	Ms. Dorothy John Kaloli
		98	Kilosa	Ms. Tumaini Gwatalile
		99	Gairo	Ms. Egidia Evans
		100	Mvomero	Ms. Jacqueline Mchapwaya
		101	Ulanga Magharibi	Mr. Deodatus Zephrene
		102	Ulanga Mashariki	
		103	Kilombero	Mr. Elijah Kondi
		104	Mikumi	Ms. Asinani Ramadhani

REGION	REGION COORDINATOR	S/NO	CONSTITUENCIES	CONSTITUENCY OBSERVER
MTWARA	Mr. Lawrence Kilimwiko	105	Mtwara Mjini	Mr. Lawrence Kilimwiko
		106	Mtwara Vijijini	Ms. Cecilia Rugimbana Kokwenda
		107	Masasi	Mr. Dicky Bantu Unga
		108	Nanyumbu	Mr. Jesmart Nderingo
		109	Tandahimba	Mr. John Kihamba
		110	Newala	Ms. Bernadetha Franco Khamsini
		111	Lulindi	Ms. Bridgeth Rogath
MWANZA	Prof. Frederick Kaijage	112	Ilemela	Mr. Felix Mwombeki Mulengeki
		113	Nyamagana	Prof. Frederick Kaijage
		114	Busega	Ms Kellen Sylvester Mngoya
		115	Geita	Ms. Radegunda P. Mchau
		116	Nyang'hwale	Mr. Kelvin Munisi
		117	Misungwi	Dr. Charles Saanane
		118	Ukerewe	Ms. Agnes N. Lema
		119	Sengerema	Ms. Amina Mnenge Mlawa
		120	Kwimba	Mr. Raashid Hamad Abdalla
		121	Sumve	Ms. Anita Masaki
		122	Busanda	Ms. Angelina Murangila
		123	Buchosa	Mr. David Magoda
		124	Magu	Ms. Perpetua Mashelle

REGION	REGION COORDINATOR	S/NO	CONSTITUENCIES	CONSTITUENCY OBSERVER
PWANI	Prof. Ernest Mallya	125	Kibaha Mjini	Prof. Ernest Mallya
		126	Kibaha Vijijini	Ms. Adrophina Salvatory
		127	Bagamoyo	Prof. Kapepwa Tambila
		128	Chalinze	Ms. Theresia John Gama
		129	Rufiji	Mr. Maximillian Buhatwa
		130	Kibiti	Ms. Edwardina Byamungu
		131	Mkuranga	Ms. Anna Keneth Mgalla
		132	Mafia	Mr. Elias M. Mtaki
		133	Kisarawe	Ms. Leyla Zuberi
RUKWA	Mr. Christonsia Reginald	134	Sumbawanga Mjini	Mr. Christonsia Reginald
		135	Kwela	Ms. Winifrida France
		136	Kalambo	Ms. Pamela Kijazi
		137	Mpanda Kati	Dr. Jasson Kalugendo
		138	Nkasi Kusini	Ms. Maundi Keneth Mwasomola
		139	Nkasi Kaskazini	Mr. Christopher Joseph Kiiza
		140	Katavi	
		141	Mpanda Vijijini	Mr. Muharram Omar Moh'd
RUVUMA	Dr. Hubert Makoye	142	Songea Mjini	Dr. Hubert Makoye
		143	Peramiho	Mr. Respicius Damian
		144	Mbinga Mashariki	Mr. Anthony Kija
		145	Mbinga Magharibi	Mr. Benedict Kisaka
		146	Tunduru Kaskazini	Ms. Elizabeth Bitegera
		147	Tunduru Kusini	Ms. Aurelia R. Kimaro
		148	Namtumbo	Ms. Ritha Kimaro

REGION	REGION COORDINATOR	S/NO	CONSTITUENCIES	CONSTITUENCY OBSERVER
SHINYANGA	Mr. Dezideri Tibesigwa	149	Shinyanga Mjini	Mr. Dezideri Tibesigwa
		150	Solwa	Mr. Kevin Rugaimukamu
		151	Bariadi Mashariki	Ms. Christina Mbilinyi
		152	Bariadi Magharibi	Mr. Stephen. J. Kilasi
		153	Meatu	Mr. Claudius Damian Ngindo
		154	Maswa Mashariki	Mr. Frank J. Mateng'e
		155	Maswa Magharibi	Mr. Ayoub Abwor
		156	Kishapu	Mr. Emanuel Elia
		157	Kisesa	Mr. Shedrack Mbogoye
		158	Bukombe	Ms. Joyce Mwacha
		159	Kahama	Ms. Sophia Ndjike
		160	Msalala	Mr. Deodatus Shayo
		161	Mbogwe	Ms. Hedwiga Pastory Mvungi
SINGIDA	Prof. Issa Musoke	162	Singida Mjini	Prof. Issa Musoke
		163	Singida Kaskazini	Ms. Joanita Mochiwa
		164	Iramba Magharibi	Mr. Khamis Issa Ali
		165	Manyoni Magharibi	Ms. Jocelyne Emmanuel Mkilima
		166	Manyoni Mashariki	Mr. Benson Msemwa
		167	Iramba Mashariki	Ms. Bernadetha Choma
		168	Singida Magharibi	Dr. Frowin Nyoni
		169	Singida Mashariki	Mr. Muhidin Shangwe

REGION	REGION COORDINATOR	S/NO	CONSTITUENCIES	CONSTITUENCY OBSERVER
TABORA	Prof. Max Mmuya	170	Tabora Kaskazini	Mr. Henry Hebron Mwasongwe
		171	Igalula	Mr. Anthony Mlelwa
		172	Nzega	Dr. Abunuwasi Mwami
		173	Bukene	Dr. Boniface Eliamini Mgonja
		174	Urambo Mashariki	Ms. Neema Nkalang'ango
		175	Sikonge	Mr. Albert Chalamila
		176	Igunga	Mr. Gozbert Kamugisha
		177	Urambo Magharibi	Mr. Francis Kwangu
		178	Tabora	Prof. Max Mmuya
TANGA	Dr. Alban Hokororo	179	Muheza	Mr. Mathew Agripinus Senga
		180	Bumbuli	
		181	Pangani	Mr. Jonia Bwakea
		182	Kilindi	Mr. Anold Philemon
		183	Korogwe Vijijini	Mr. Jacob Salasu
		184	Handeni	Ms. Immaculate Dominic
		185	Tanga	Dr. Alban Hokororo
		186	Mkinga	Mr. David Jeremia
		187	Lushoto	Mr. Yulli Jeremia
		188	Korogwe Mjini	Mr. Renatus Thadeo Rweshabula
		189	Mlalo	Ms Getruda J. Likango