

# Tanzania General Elections

25 October 2015



The Commonwealth



**Report of the Commonwealth Observer Group  
Tanzania General Elections  
25 October 2015**

**Table of Contents**

CHAPTER 1:	
INTRODUCTION .....	1
Terms of Reference .....	1
Activities .....	2
Chapter 2 .....	3
POLITICAL BACKGROUND .....	3
Major Developments since Independence .....	3
Restoration of Multi-Party Politics .....	4
Electoral History since the Adoption of Multi-Party Politics .....	4
Other Political Developments .....	6
Key Developments for the 2015 General Elections .....	6
Chapter 3 .....	9
ELECTORAL FRAMEWORK AND ELECTION ADMINISTRATION .....	9
Electoral System .....	9
Legal Framework and International and Regional Commitments .....	9
National Electoral Commission and Zanzibar Electoral Commission .....	10
Boundary Delimitation .....	12
Voter Eligibility and Voter Registration .....	12
Candidate Eligibility and Nomination .....	13
Complaints and Appeals Mechanisms .....	15
Political and Electoral Participation of Women .....	15
Political and Electoral Participation of Youth .....	16
Recommendations .....	17
Chapter 4 .....	19
ELECTION CAMPAIGN AND MEDIA .....	19
Pre-election Campaign Environment .....	19
The Candidates .....	19
Major Political Parties .....	19

Election Campaign.....	20
Key Campaign Issues in Party Manifestos .....	21
Complaints.....	22
Campaign Financing .....	22
Recommendations .....	24
Media Coverage .....	25
Media Freedom.....	26
Recommendations .....	29
Chapter 5 .....	30
VOTING, COUNTING AND RESULTS.....	30
Background .....	30
Key Procedures for Opening and Voting .....	30
Assessment of the Vote and the Count.....	31
Key Procedures for Counting and Results Tabulation.....	32
Assessment of Counting and Results Tabulation.....	33
Overview of the Countrywide Observation .....	33
The Results .....	38
Recommendations .....	39
Chapter 6 .....	40
CONCLUSION AND RECOMMENDATIONS.....	40
Conclusions .....	40
Recommendations .....	41
A. Electoral Framework and Election Administration .....	41
B. Election Campaign and Media .....	42
C. Voting, Counting and Results .....	43
ANNEX I: Composition of the Team.....	44
ANNEX II: Deployment Plan .....	48
ANNEX III: Arrival Statement .....	49
Arrival Statement by Chair of the Commonwealth Observer Group to Tanzania Elections .....	49
ANNEX IV: Interim Statement .....	51
Tanzania General Elections 2015: Observer Group Interim Statement .....	51
KEY FINDINGS .....	51
ANNEX V: Joint Statement .....	56
International Observers Express Concern at the Situation in Zanzibar .....	56
.....	58

# Letter of Transmittal



30 October 2015

Dear Secretary-General,

The Commonwealth Observer Group you deployed to observe the elections in the United Republic of Tanzania on 25 October 2015 has completed its report, and is pleased to submit it to you.

These elections were one of the most competitive in the history of the country, owing to the emergence of a united opposition that was formed during the recent challenging constitutional review process. The people of Tanzania and Zanzibar demonstrated their commitment to democracy by engaging keenly with the process. They largely exhibited tolerance during the campaigns, and on Election Day, they turned up in significant numbers to cast their votes in a peaceful and orderly manner.

Our overall assessment of the voting and counting process at the polling stations is that it was conducted in accordance with the laws of the United Republic of Tanzania, in a credible, peaceful and orderly manner. The electoral environment on Election Day was conducive to the free exercise of the people's franchise and basic freedoms were respected.

Similar to the findings of the 2010 Commonwealth Observer Group, however, we noted with concern that the tallying and results process in Tanzania and Zanzibar did not enjoy the same level of transparency. Furthermore, the delay in declaring results contributed to mistrust and tension in some areas. We echo the recommendation of the 2010 Group that the NEC, and this time ZEC as well, need to improve the results process by establishing mechanisms to ensure efficiency and transparency, and to build public confidence.

Above all, we were greatly concerned when the Chairman of ZEC nullified the Zanzibar elections on 28 October, after it had already declared more than half of the results. This exacerbated existing tensions between political parties in Zanzibar, and cast a shadow on an otherwise credible and largely peaceful voting process.

As we noted in the joint statement we issued with other Observer Missions on 29 October, the 2010 elections in Zanzibar ushered in a government of national unity which gave the people of Zanzibar hope for sustainable peace and democracy. We reiterate our call on the leadership of Zanzibar, the United Republic of Tanzania, the ZEC, NEC and all stakeholders to live up to the expectations of the people.

We are conscious that these elections took place against the background of a constitutional review process which had not concluded; whichever path the people of Tanzania decide to take, we hope that all stakeholders, in particular the political leadership both on the mainland and in Zanzibar, continue to demonstrate their commitment to entrenching multi-party democracy in Tanzania.

Two critical recommendations made by the 2010 Commonwealth Observer Group remain unimplemented and require urgent consideration: the lack of redress for election-related disputes on the outcome of the Presidential election; and the need to bolster the independence of the NEC and ZEC. We hope that our recommendations on these, and other areas, will be useful to all stakeholders, and to the Commonwealth in its engagement with Tanzania.

We take this opportunity to convey our gratitude to the staff team for their invaluable support, and our appreciation to you for this opportunity to serve the Commonwealth and to show solidarity with the people of the United Republic of Tanzania.



HE Dr Goodluck Ebele Jonathan  
Chairperson



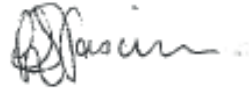
Ambassador Neelam Deo



Mr Bwire Albert Camus



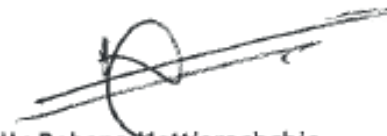
Ambassador Bernadette Olowo-Freers



Dr Lisa Vasciannie



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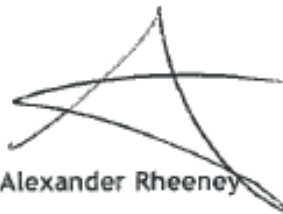
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# Chapter 1

## INTRODUCTION

At the invitation of the Ministry of Foreign Affairs and International Cooperation of the United Republic of Tanzania, the Commonwealth Secretary-General, His Excellency Mr Kamallesh Sharma, constituted an Observer Group for the 25 October General Elections. In line with usual practice, the Secretary-General sent an Assessment Mission to Tanzania in July 2015, to assess the prevailing situation as well as the pre-electoral environment, prior to his final decision on whether to constitute a Commonwealth Observer Group. The Commonwealth Observer Group for the 25 October General Elections was led by His Excellency Dr Goodluck Ebele Jonathan, Former President of the Federal Republic of Nigeria and comprised fourteen eminent persons. A five-person staff team from the Commonwealth Secretariat supported the Observer Group. A full list of members is at **Annex 1**.

### Terms of Reference

*"The Group is established by the Commonwealth Secretary-General at the invitation of the Ministry of Foreign Affairs and International Cooperation of the United Republic of Tanzania. It is to observe relevant aspects of the organisation and conduct of the General Elections that are scheduled to take place on 25 October 2015, in accordance with the laws of Tanzania.*

*The Group is to consider the various factors impinging on the credibility of the electoral process as a whole. It will determine in its own judgement whether the elections have been conducted according to the standards for democratic elections to which Tanzania has committed itself, with reference to national election-related legislation and relevant regional, Commonwealth and other international commitments.*

*The Group is to act impartially and independently and shall conduct itself according to the standards expressed in the International Declaration of Principles to which the Commonwealth is a signatory. It has no executive role; its function is not to supervise but to observe the process as a whole and to form a judgment accordingly. In its Final Report, the Group is also free to propose to the authorities concerned recommendations for change on institutional, procedural and other matters as would assist the holding of future elections.*

*The Group is to submit its report to the Commonwealth Secretary-General, who will forward it to the Government of Tanzania, the National Electoral Commission of Tanzania, the Zanzibar Electoral Commission, political and civil society organisations and thereafter to all Commonwealth Governments."*

## Activities

The Observer Group was present in Tanzania from 19 October, and was preceded by an Advance Observer Team which arrived on 7 October 2015. During its mission, the Advance Observer Team consulted key electoral stakeholders in order to assess the electoral environment and the state of preparedness of the election management bodies in mainland Tanzania and Zanzibar. These stakeholders include the National Electoral Commission (NEC), Zanzibar Electoral Commission (ZEC), and representatives of political parties, civil society organisations (CSOs), international non-governmental organisations as well as religious leaders in Dar es Salaam, Zanzibar, Mwanza and Arusha. It also had the opportunity to observe some election campaign rallies. Consultations were also held with representatives of other observer missions. The Advance Observer Team briefed the Observer Group on its preliminary observations before departing Dar es Salaam on 21 October.

On 20 October, the Group issued an arrival statement outlining its terms of reference (**Annex 2**). During three days of briefings, the Group met with the NEC, political party representatives, CSOs, women's groups, youth representatives, media, Commonwealth High Commissioners, the Police, citizen<sup>1</sup> and other observer missions. In addition, the Chairperson visited Zanzibar on 24 October and met with the ZEC and political party representatives.

The Observer Group was deployed on 23 October. The Group's deployment plan is at **Annex 3**. Two teams covered Dar es Salaam, and further teams covered Arusha, Bukoba, Dodoma, Mtwara and Mwanza on the mainland. Teams were also deployed to cover Unguja and Pemba islands in Zanzibar. All teams coordinated with other observers, building up a comprehensive picture of the conduct of the process in their respective areas.

Subsequently, on the basis of the Group's initial findings and observations, the Chairperson issued an Interim Statement on 27 October (**Annex 4**). Following a decision by the Chairman of ZEC to nullify the Zanzibar elections on 28 October, the Group issued a joint statement on 29 October with the African Union (AU), Southern African Development Community (SADC) and the European Union (EU), expressing concern about this development.

The Group's report was completed in Dar es Salaam on 30 October, prior to departure, and transmitted to the Commonwealth Secretary-General thereafter.

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<sup>1</sup>General convention has shifted, and Domestic Observers are now referred to as Citizen Observers.

## Chapter 2

### POLITICAL BACKGROUND

#### Major Developments since Independence

Following the establishment of the United Republic of Tanzania in 1964, the Articles of Union provided for an interim constitution which required the president to initiate a constitutional review and establish a constituent assembly to debate the draft Constitution within one year. In 1965 the Constitution was amended to establish a one-party system. Since then, pressure for constitutional reform in Tanzania has been primarily driven by tensions between the nation's two constituent parts, mainland Tanganyika and the islands of Zanzibar. The Union was governed by an "imperial presidency", with the executive pre-eminent over the legislature. As part of the ostensibly temporary arrangements, a dual-government structure was established, which was not a fully-fledged federation.

In March 1974, then President Nyerere incorporated the doctrines of national unity and self-reliance into the interim constitution. This was the first of many episodes of attempts to conduct limited reviews of the constitution. From 1975, consultations between the major parties in Tanganyika and Zanzibar, the Tanganyika African National Union (TANU) and the Afro-Shirazi Party (ASP), continued and led to an agreement on a draft text for a new national constitution. In 1977, this culminated in a merger to form *Chama Cha Mapinduzi* (CCM), the "party of the revolution". Further attempts at reviewing the constitution took place, and later that year the Union Parliament was transformed into a constituent assembly to endorse a new constitution, which led to the imperial presidency and dual-government structure (within a single-party state) being enshrined in law.

In 1979, Zanzibar adopted a first permanent constitution of its own, based on the new Union model. It provided for a partially-elected House of Representatives, reducing the influence of the Revolutionary Council, an appointed cabinet that had ruled by decree since 1964. It also stipulated that the president of Zanzibar be elected, albeit with a single name on the ballot. In promulgating the new constitution, Zanzibaris lost their bill of rights, which predated the establishment of the Union. By the early 1980s, there were more widespread calls for a new constitution and a national bill of rights. The CCM then announced a series of constitutional amendments, focusing on the powers of the president, the authority and representative nature of parliament, the consolidation of the union, and the power of the people. The main issue of disagreement, as had hitherto been the case, remained the structure of the Union.

In January 1985, the constitutional amendments were enacted, which led to the introduction of two-term limits for presidents and a system of two vice-presidents, one being the president of Zanzibar and the other the prime minister of Tanzania. Article 47 stipulated that the president of the United Republic and the first vice-

president should come from different parts of the Union. The new provisions came into effect in the run-up to a general election, at which President Nyerere stood down in favour of his chosen successor, Mr Ali Hassan Mwinyi. After stepping down, President Nyerere remained an influential figure as Chairman of the CCM. President Mwinyi started a gradual process of economic liberalisation and democratic reform.

## Restoration of Multi-Party Politics

In 1991 President Mwinyi appointed a Commission under the Chairmanship of the late Chief Justice of Tanzania, the Honourable Francis L. Nyalali. The task of that Commission was to collect public opinion on whether to continue with the one-party system. Following the recommendations by the Nyalali Commission, Article 3 of the Constitution of the United Republic of Tanzania, 1977, and that of Zanzibar were amended in 1992 to make Tanzania a multi-party state.

In 1992, new political parties were established, including *Chama cha Demokrasiana Maendeleo* (CHADEMA- Party for Democracy and Progress), which was established on a pro-business platform and campaigned on an anti-corruption platform; and *Chama Cha Wananchi* (CUF - Civic United Front), which arose from a merger of two organisations, KAMAHURU, a pressure group for democratisation in Zanzibar, and the Civic Movement, a human rights organisation based on the mainland.

In July 1998, Tanzania's third president, Benjamin Mkapa, appointed a new constitutional reform committee, chaired by appeal court judge Robert Kisanga, which had a mandate to consider a wider range of issues than the Nyalali Commission. These included the structure of the Union; powers of the executive; the voting system; the right to stand as an independent candidate; and human rights.

## Electoral History since the Adoption of Multi-Party Politics

Since the introduction of multi-party politics, and prior to the 2015 election, four elections have been held, in 1995, 2000, 2005 and 2010, in which the CCM maintained its position as governing party, though in 1995 CUF refused to accept the outcome of the Zanzibar elections due to the closeness of results and a four-day delay in its announcement. The CUF claimed the results had been rigged, rejected the outcome and boycotted the House of Representatives, leading to a political impasse in Zanzibar. A subsequent deterioration of relations between CCM and CUF in Zanzibar led to the Commonwealth Secretary-General, Chief Emeka Anyaoku, offering his good offices. He appointed a Special Envoy, who was able to negotiate a formal mechanism for inter-party consultation, which led to the adoption of an Agreed Memorandum in 1999 (known as *Muafaka I*) to provide for reform, which in turn would facilitate the resumption of normal political activity in Zanzibar. It provided for, inter alia, two new CUF deputies to the House of Representatives, the creation of a new Electoral Commission "to ensure that all future elections are transparent, credible and free of controversy in all important aspects", and the compilation of a credible voters register.

However, prior to the 2000 elections, the reform initiative had effectively collapsed. In the Union presidential and parliamentary elections, the ruling CCM once again maintained its dominance. The Commonwealth Observer Group present for the 2000 elections concluded that the Zanzibar elections fell far short of minimum standards, with polling stations opening very late in many places and serious delays in the delivery of materials. In some areas, polling stations did not open at all and the ZEC eventually annulled the elections in 16 of the 50 constituencies. In the remaining 34, the voting or counting was suspended. Elections were held the following month in those 16 constituencies.

However, the November elections deepened the political impasse. The CUF refused to contest the re-run and to recognize the results. It called for fresh elections under an interim government and refused to take up its seats in constituencies it had won in the October elections. The CUF also refused to recognize the new President of Zanzibar, Amani Abeid Karume. At the end of January 2001, the security forces killed some 30 demonstrators during an opposition demonstration on Pemba Island.

Subsequent reconciliation talks between the CCM and CUF culminated in the signing of the *Muafaka II* between the two parties in October 2001, with the Commonwealth accorded the role of moral guarantor. In these accords, the parties reaffirmed the provisions of the June 1999 CCM-CUF Agreement, and committed themselves to the implementation of its provisions. They also agreed to the formation of an independent Joint Presidential Supervisory Commission (JPSC), comprising equal numbers of members from both parties and appointed by the President; the JPSC's function was to supervise the implementation of the Accord and promote mutual trust and understanding between the two parties.

By-elections were held in Pemba in May 2003. They were observed by a Commonwealth Expert Team, which commended the ZEC for its efforts in ensuring that the arrangements for the elections went smoothly. The Team expressed concerns about an unusually high number of spoiled ballots in six constituencies where CUF candidates had been barred from contesting by the ZEC on constitutional grounds, under the provisions dealing with the suspensions and disqualification of members (they had boycotted sessions of the House of Representatives after the 2000 elections and were effectively no longer regarded as Members of Parliament). The Team concluded that ballots could have been spoiled for several reasons, including deliberate attempts to do so by voters to indicate their dissatisfaction, or other factors related to low levels of literacy and inadequate voter education.

From late 2004 onwards, political parties' activity increased as Tanzania prepared for the creation of a permanent voter's register and the 2005 elections. During this period, relations between the ruling CCM and the opposition CUF in Zanzibar deteriorated and formal channels of communication were suspended. The Commonwealth and other members of the international community were able to successfully encourage a resumption of formal dialogue between CCM and CUF in Zanzibar. In addition, a wider Inter-party Consultative Committee, involving the leadership of all political parties, was created. In the run-up to the 2005 elections, particularly in Zanzibar, the debate on the structure of the union was resurrected. The CCM maintained its established policy of a dual structure of government, while CUF advocated a federal structure, with autonomous governments in Zanzibar and

on the mainland. A second major issue revolved around proposals for the formation of a Government of National Unity (GNU) after the election.

CCM won the Zanzibar presidential and House of Representative elections. A Commonwealth Observer Group was present for the 2005 Zanzibar elections. The Group was originally sent to observe the General Elections for the Union, as well as the elections for the President of Zanzibar, the Zanzibar House of Representatives and the local councils in Zanzibar. However, elections on the mainland were suspended due to the death of a Chadema vice-presidential candidate, Mr Jumbe Rajab Jumbe, requiring the elections to be rescheduled from October to December 2005. Once again, the CUF claimed vote rigging and refused to recognise the election of the CCM presidential candidate, Amani Abeid Karume. They also announced an indefinite boycott of the Zanzibar House of Representatives.

In the 2010 elections, the CCM once again retained control of the Union Parliament, albeit with a reduced majority. The 2010 Presidential and Parliamentary Elections were nonetheless strongly contested for several reasons. Only three political parties, the CCM, CHADEMA and CUF commanded any significant electoral following. Changes in the method of selection of candidates, particularly in the CCM party, to include primaries consisting of the whole constituency membership, rather than an electoral college of selected delegates, resulted in stronger intra-party competition.

A new power sharing agreement in Zanzibar, known locally as the *Maridhiano*, was negotiated over 14 months between 2007 and 2008. Formal agreement was delayed for two years due to differences over the procedure of its implementation. The Maridhiano did away with the 'winner takes all' approach and provided for a formal Government of National Unity. It was approved in a referendum held in Zanzibar in July 2010. The Zanzibar Constitution was amended the following month to accommodate this new arrangement.

## Other Political Developments

Tanzania witnessed a number of widely publicised corruption scandals ahead of the 2010 and 2015 Elections, which involved unlawful payments from public funds for energy and military contracts. This led to the resignation or removal of a number of high-profile government ministers and officials. Consequently, corruption featured as a campaign issue in the 2010 and 2015 elections.

## Key Developments for the 2015 General Elections

### *Constitutional review process*

Following earlier constitutional review initiatives, in 2012 President Kikwete appointed a Constitutional Review Commission (CRC), chaired by Justice Joseph Warioba, former Prime Minister and Attorney-General of Tanzania. After an extensive period of national consultations, the CRC produced a draft Constitution, which provided, among other matters, for greater separation of powers between the legislature and the executive, and for equal representation of men and women in

parliament. The CRC released its final draft in December 2013, for consideration by a Constituent Assembly comprising 640 members: all 357 members of the Union Parliament, 82 members of the Zanzibar House of Representatives, and 201 civil society delegates.

A number of the proposals made by the CRC were rejected by the Constituent Assembly. The sticking point, however, was the structure of the Union. CCM members defended the status quo, while opposition party members supported the CRC's recommendation for an overarching federal structure, with autonomous governments on the mainland and Zanzibar. To promote their agenda, representatives of Chadema, CUF, and the National Convention for Construction and Reform (NCCR) joined with delegates from civil society organisations to form the Coalition of Defenders of the People's Constitution, or Umoja wa Katiba ya Wananchi (UKAWA).

Two drafts of a new constitution were debated by a Constituent Assembly during 2014. In April 2014, UKAWA announced that it was boycotting the Constituent Assembly until its grievances about the apparent rejection of key recommendations of the CRC were heard. Continuing disagreements prompted UKAWA to withdraw from negotiations in October 2014, along with several civil society organisations. The core issues of disagreement included the structure of the Union government, and whether the incumbent NEC should be reformed and replaced with a fully independent election management body. Despite the boycott by UKAWA, a draft constitution was narrowly approved by the Constituent Assembly in October 2014.

A planned referendum on the draft Constitution, scheduled for April 2015, was postponed to allow greater focus on preparations for the 2015 General Elections. The postponement was also prompted by pressure from the Tanzania Constitution Forum (TCF) as well as several opposition parties, including CUF and Chadema, who had also called for a postponement until after the elections, so as to build national consensus on the document. The referendum was subsequently postponed indefinitely. Consequently, the 2015 General Elections took place against the background of an inconclusive and stalled constitutional review process.

### *Election of CCM presidential candidate*

In line with constitutional provisions, President Kikwete was to conclude his two five-year terms following the 2015 elections. Thirty-eight candidates announced their intention to seek the party's presidential nomination. Although there was no outright front-runner, former Prime Minister Edward Lowassa was among the favourites. Mr Lowassa played a critical role in former President Kikwete's 2005 campaign and enjoyed support from the party's leaders and its supporters in rural Tanzania. An alternative candidate was Mr January Makamba, a 41-year old politician, and the son of Yusuf Makamba, the former Secretary-General of the CCM. He was popular among young voters and the business community. Another contender was Charles Makongoro Nyerere, the son of the former president, Julius Nyerere, who sought the presidential nomination on a platform of anti-corruption. On 10 July 2015, the party's Central Committee scrutinised the 38 presidential aspirants and selected five candidates for the consideration of its National Executive Committee. The top five were Foreign Minister Bernard Membe, Works Minister John Magufuli,

Justice Minister (and former UN Deputy Secretary-General) Asha-Rose Migiro, Deputy Minister January Makamba and Ambassador Amina Salum Ali.

On 11 July, the National Executive Committee selected the three finalists: John Magufuli, Amina Salum Ali and Asha-Rose Migiro. Dr John Magufuli, the Minister of Works, was selected as the CCM Presidential candidate during its congress on 12th July 2015. Mr Magufuli selected Samia Suluhu Hassan, of Zanzibar origin, to be his vice-presidential running mate.

### *Shifts in Political Allegiances*

A new political party, the Alliance for Change and Transparency (ACT) - Wazalendo was founded in 2014. It focused on reintroducing some of the principles which President Nyerere had advocated as an African model of development and that formed the basis of African socialism.

The UKAWA coalition had been maintained following the constitutional review process, and the constituent parties decided to contest the 2015 elections on this platform. When former Prime Minister Lowassa lost the bid to become the CCM presidential candidate, he resigned from the party to join Chadema. UKAWA subsequently endorsed him as its unity candidate for the coalition's flag bearer for the 2015 elections. He was the highest-ranking CCM politician to switch parties since Tanzania introduced multi-party politics. This generated expectations that the 2015 elections would be the most competitive in Tanzania's history. A number of other senior members also resigned from the CCM to join Chadema. The party's subsequent acceptance of Mr Lowassa into its ranks was divisive, and prompted the resignation of Wilbrod Slaa, Chadema's former Secretary-General, and Ibrahim Lipumba, former Secretary-General of another coalition member, the CUF. The 2015 elections took place against the backdrop of these political dynamics.



## Chapter 3

### ELECTORAL FRAMEWORK AND ELECTION ADMINISTRATION

#### Electoral System

The Constitution declares the United Republic of Tanzania to be "a democratic, secular and socialist state which adheres to multi-party democracy." It is composed of mainland Tanzania and Zanzibar, which consists of Unguja, Pemba and some smaller islands. Zanzibar is an integral part of the state with a semi-autonomous status, having its own constitution, legislative, executive and judicial institutions to regulate "non-union" matters in Zanzibar.

Tanzania and Zanzibar's electoral framework is based on a First-Past-The-Post (FPTP) system. For the October 2015 General Elections, on the mainland, voting took place for the President of the Union, National Assembly and local councils. On Zanzibar, the following five polls were held: President of Zanzibar; House of Representatives; President of the Union; National Assembly; and Local Councils.

The President of the Union is the President of Tanzania. The Union President and members of the National Assembly are elected for five-year terms. The President is limited to a maximum of two terms. The National Assembly is composed of 264 single-member constituencies, of which 214 are on the mainland and 50 are in Zanzibar. Additionally, the Union Constitution provides that not less than 30% of the members of the National Assembly shall be women, which are filled from lists submitted by the political parties in proportion to the share of the votes each party obtains at the general election.

The President of Zanzibar and the Zanzibar House of Representatives are also elected for five-year terms. There are 50 single-member constituencies in the Zanzibar House of Representatives. In addition, the Zanzibar Constitution provides for reserved seats for women, allocated to political parties on a proportional basis to ensure that 30% of the total membership of the House of Representatives are women.

#### Legal Framework and International and Regional Commitments

Tanzania's Constitution guarantees fundamental rights and freedoms, including freedom of expression, assembly, association, and participation in elections.

The key documents providing the legal and regulatory framework for the conduct of these elections are:

- The Constitution of the United Republic of Tanzania
- The National Elections Act (revised edition 2015)
- The National Elections [Presidential and Parliamentary Elections] Regulations 2015

- The Local Authorities Act (revised edition 2015)
- Local Authorities [Councilors Elections] Regulations 2015
- Elections Expenses Act 2010
- Political Parties Act 1992

For Zanzibar, the key instruments are:

- The Constitution of Zanzibar 1984
- Elections Act 1984
- Zanzibar Municipal Council Act 1995
- District and Town Councils Act 1995

In addition, Tanzania has signed or agreed to some significant regional and international instruments and commitments relevant to the conduct of elections. These include:

- African Charter on Human and Peoples Rights
- African Union Declaration on the Principles Governing Democratic Elections in Africa
- East African Community (EAC) Principles for Election Observation, Monitoring and Evaluation of Elections
- Southern African Development Community (SADC) Principles and Guidelines Governing Democratic Elections
- International Convention on Civil and Political Rights
- Convention on the Elimination of all forms of Discrimination Against Women
- International Convention on the Elimination of all forms of Racial Discrimination
- Commonwealth Charter

## **National Electoral Commission and Zanzibar Electoral Commission**

Article 74 of the Constitution of the United Republic of Tanzania provides for the establishment of the Tanzania National Electoral Commission (NEC). According to the Constitution, the NEC is declared to be "an autonomous department" that "shall not be obliged to comply with orders or directions of any person or any government department." Additionally, the Constitution provides that "no court shall have power to inquire into anything done by the Electoral Commission in the discharge of its functions."

The NEC is responsible for the Union Presidential, Parliamentary and Local Council elections. The functions and mandate of the NEC are to supervise and manage the conduct of the Union Presidential and Parliamentary elections, coordination of voter registration, and boundary delimitation. The Commission is also responsible for voter education throughout the country and for declaring the final results of the Union Presidential election.

The NEC comprises a Chairman, the Vice-Chairman and five commissioners. The President of Tanzania appoints all the members of the Commission. The Chair of

the NEC must be a Judge of the High Court or Court of Appeal. All the members of the Commission are appointed for renewable five-year terms. Only the President may remove Commissioners on grounds of failing to discharge their functions due to illness or for misconduct. The current Chairperson of the Commission is Justice (Rtd.) Damian Lubuva.

Under the oversight of the Commission is a Secretariat, headed by the Director of Elections, which manages the operational aspect of elections. The President of Tanzania appoints the Director of Elections from among civil servants recommended by the Commission. For its regional administrative and operational structure, the NEC utilises senior local government officials.

The Zanzibar Electoral Commission (ZEC) is established under the Constitution of Zanzibar. The ZEC's functions and mandate mirror that of the NEC, except that it is responsible for elections to Zanzibar institutions only.

The ZEC is a seven-member commission, appointed by the President of Zanzibar. However, of the seven members, two are appointed based on the recommendation of the leader of government, while another two are appointed based on the recommendation of the leader of the opposition. Zanzibar's Constitution requires that the Chairman of ZEC be qualified to hold high judicial office in any Commonwealth country or a "respected person in society." Additionally, the Commission appoints the Vice-Chairman from amongst its members. There is also a Director of Elections for the ZEC whose functions reflect those of his or her counterpart at the NEC. The current Chairperson of ZEC is Jecha Salum Jecha.

### Key Issues and Observations

The 2010 Commonwealth Observer Group recommended in its report that the appointment of NEC members should be more consultative and should not be the sole prerogative of the President, in order to enhance the independence and credibility of the institution. This Observer Group reiterates this point.

For the 2015 General Elections, perceptions of the credibility and integrity of the Commission remained a challenge. This challenge was a result of the perceived and actual influence of the executive and ruling party on the NEC - a point exacerbated by abrupt personnel changes within the NEC, for which no apparent justification was provided. For example, the Director of Elections was replaced just months prior to the elections. Additionally, the Commission's continued use of local government officials as NEC election officials compounded the perceptions of the lack of independence and objectivity on the part of the Commission.

Unlike the NEC, perceptions of the ZEC's credibility were slightly better ahead of these elections. Although the President of Zanzibar appoints the members of the Commission, of the seven members, two are appointed based on the recommendation of the leader of the opposition. Additionally, the ZEC openly recruits its administrative staff and officials.

However, with the surprising decision of the ZEC to annul the results of the elections held in Zanzibar, the credibility and independence of the Commission and

particularly the Commissioners became a point of concern. This issue was exacerbated due to the reasons given for the annulment of the elections. The annulment of the results in Zanzibar has left the island in a state of uncertainty and cast a shadow on an otherwise credible and largely peaceful process.

## **Boundary Delimitation**

Article 75 of the Constitution of Tanzania empowers the National Electoral Commission to demarcate constituencies subject to the consent of the President. It also requires that the NEC review the constituencies at least every ten years. In demarcating the boundaries, the Commission must consider the availability of means of communication, the population, as well as the geographic conditions of the area intended for demarcation. The Constitution further stipulates that no court shall have power to inquire into anything done by the Electoral Commission in terms of discharging its mandate under this article.

Under the National Elections Regulations, Schedule 3, the criteria for demarcation as it relates to parliamentary elections include the following considerations: a constituency may not cut across two districts or councils; a ward may not cut across two constituencies; and the existing pattern of human settlement as well as the economic status of the constituency must be considered.

Article 120 of the Constitution of Zanzibar, creates similar powers for ZEC.

### **Key Issues and Observations**

Although the NEC is established as an autonomous body empowered to fully discharge its duties, the fact that in discharging its duties as it relates to boundary delimitation, it must have the consent of the President seems to suggest a limit to the independence of the Commission.

Additionally, if the NEC's decisions on the delimitation of boundaries may not be reviewed or challenged by any court of law, there is a greater probability of allegations of partiality or even gerrymandering being levied against the Commission.

## **Voter Eligibility and Voter Registration**

The eligibility requirements for voting in the Union are that a voter must be at least 18 years of age and a citizen of Tanzania. Additional eligibility requirements apply for voters in Zanzibar who must also demonstrate permanent residency in a given constituency for a period of 36 months. Voters in Zanzibar must possess a Zanzibari identity card, and can only be registered in one district.

For the purpose of the 2015 General Elections, the NEC adopted a new Biometric Voter Registration (BVR) system. Due to limited resources, the Commission was only

able to procure 8,000 kits. To maximise its resources, the Commission staggered its approach. Registration commenced on 24 March 2015 and ended on 4 August 2015. The NEC estimated the total eligible voting population at 23,901,471. At the completion of the registration exercise, the Register contained 23,782,555. However, following a period of claims and objections, the Commission advised that there were approximately 181,452 instances of multiple registrations, with one individual registering on seven separate occasions. Additionally, according to the Commission, there were 3,870 non-citizens registered. The Commission noted that during the practice training on the BVR kits, operators had also keyed-in 845,944 dummy registrations. Following the processing of the data, the Commission deleted 1,031,769 names. The final Register comprised 22,751,292 voters.

Zanzibar adopted a Biometric Voter Register in 2009. Consequently, for the 2015 Elections, ZEC simply reviewed and updated the Register. The final Register listed 503,193 voters.

### Key Issues and Observations

As in 2010, concerns about the integrity of the Register were at the forefront of preparations for these elections. In past elections the accuracy and integrity of the register was criticised by stakeholders and observers.

With the late adoption of the Biometric Voter Registration System by the NEC and the compressed timeline for deploying this system, many stakeholders expressed concerns about the potential for the disenfranchisement of segments of the population.

Although there were some complaints on Election Day, it seems that the 2015 Register was largely accurate. The fears expressed by some stakeholders regarding the disenfranchisement of segments of the population were not sustained: Commonwealth and other Observers recorded few cases where voters did not find their names on the register. However, On Election Day, Commonwealth Observers noted that a significant number of party agents did not have copies of the final Register against which to check the names of voters when polling officials called out their names as required by law.

The 2015 Register represents an improvement to the process, which the NEC should be commended for. The registration of 95 per cent of eligible voters is also a commendable achievement. However, maintaining and even improving the credibility of the register remains an on-going process, which might usefully be enhanced by making the Electoral Register a readily accessible public document.

## **Candidate Eligibility and Nomination**

The requirements to qualify as a candidate to contest in an election differ between the mainland and Zanzibar.

To qualify as a presidential candidate for the Union Elections (Presidential, Parliamentary and Local Council), a person must be a citizen of Tanzania by birth. He or she must be at least 40 years old and be proposed by a registered political party. The presidential candidate and his running mate must come from different parts of the Union Republic. Additionally the nomination of any candidate must be supported by no less than 200 registered voters from at least 10 regions, out of which at least two are in Zanzibar. A candidate must also deposit a sum of 1,000,000 Tanzanian Shillings (the equivalent of an estimated \$462), which may be refundable.

For the 2015 General Elections, there were eight presidential candidates, one of whom was a woman.

To qualify as a parliamentary candidate, a person must be at least 21 years of age; be proposed by a registered political party; be nominated by at least twenty-five registered voters of the constituency for which the person is a candidate; and pay a deposit of 50,000 Tanzanian Shillings, which may also be refundable. For Councillor candidates, in addition to being at least 21 years of age, a person must be able to read and write in Kiswahili or English, and be ordinarily resident within the area of jurisdiction.

For these elections, there were 1,218 parliamentary candidates of which 233 were women. There were 10,879 Councilor candidates of which there were 679 women.

For the Zanzibar presidency, candidates must be Zanzibari by birth, at least 40 years old, and qualify to be elected to the House of Representatives, among other criteria. Additionally, a candidate must be a member of and be proposed by a registered political party. The candidate must also be nominated by at least 200 registered voters for Zanzibar elections, drawn from the five regions in Zanzibar.

For the 2015 Elections, there were only two candidates, neither of whom were women.

For the Zanzibar House of Representatives, candidates must be Zanzibari, at least 21 years of age, and be a member of, and proposed by a registered political party. They must also be nominated by at least 25 registered voters in the constituency for which the person is a candidate.

For the 2015 Elections, there were 180 candidates of which there were 29 women.

### Key Issues and Observations

The establishment of new constituencies and polling stations prior to these elections created uncertainty amongst voters in some areas on where they should vote, particularly in borderline areas.

A key issue highlighted by the 2010 Commonwealth Observer Group was the inability of individuals to stand as independent candidates for elections. At the time of the 2015 elections, the constitutional provisions remained unchanged and a candidate for elections must be a member of, and nominated by, a registered political party.

## Complaints and Appeals Mechanisms

The National Elections Act contains offences relating to voter registration and candidate nomination. It also includes a series of election offences such as corrupt and illegal practices; bribery; treating; undue influence; personation; illegal voting; false statements; and intimidation. The offences are punishable by a fine and/or imprisonment.

Procedurally, objections and complaints regarding voter registration are determined in the first instance by the Registration Officer, and that decision can be appealed to a District Court.

Objections and complaints regarding candidate nomination are determined in the first instance by the relevant Returning Officer and that decision may be appealed to the NEC. The NEC's decision can only be challenged through an election petition presented under Chapter VII of the National Elections Act.

Other determinations may impact on the eligibility of a candidate's nomination. The Registrar of Political Parties, amongst other duties, is responsible for the supervision and administration of election expenses under the Election Expenses Act 2010. Where the Registrar finds an election expenses irregularity, the Registrar informs the Director of Elections. There is also a Prevention of Crime and Corruption Board, which may receive complaints or investigate matters which can impact on a candidate's eligibility.

### Key Issues and Observations

The legal framework does not provide any procedures or mechanisms for redress for election-related disputes on the outcome of the presidential election. This eliminates the fundamental rights of candidates and the electorate to hold the NEC accountable.

The 2010 Observer Group recommended that "to satisfy the requirements of transparency and accountability... there is urgent need for the law to be appropriately amended." This recommendation remains valid for this Group.

## Political and Electoral Participation of Women

The Commonwealth Charter recognises that gender equality and women's empowerment are essential components of human development and basic human rights. Tanzania draws its gender commitments from regional, continental, global and national frameworks. These instruments provide the basis for a linkage between good governance and gender equality as a means of achieving sustainable democracy.

According to 2012 census figures, women represent 51 per cent of the total population. Additionally for these elections, according to the final Register, 12,058,184 women registered to vote, representing 53 percent of eligible voters.

There are no legal obstacles preventing women's political participation and there are even measures to address gender disparities in the political process. The Union and Zanzibar Constitutions provide that not less than 30% of the members of the National Assembly and the House of Representatives shall be women, which are filled from lists submitted by the political parties in proportion to the share of the vote each party obtains at the general elections. Political parties also have women's wings.

### Key Issues and Observations

In the lead up to these elections, women played a pivotal role in every aspect of the process on the mainland and Zanzibar. This was largely attributed to a number of leadership and empowerment strategies conducted by different organisations, to encourage women to openly compete in constituencies rather than focusing exclusively on the special seat provisions, which is viewed dismissively by some. For these elections, more than 1,000 women were fielded as aspirants at every level, which was a significant increase in the number of women candidates.

Additionally, it was reported that for these elections more women openly competed for party nominations and then for the seat. The successful bid of the first woman in the Mara Region, to be elected as MP in a seat traditionally held by a man, demonstrates women's ability and potential.

More notable examples include two women shortlisted as potential Presidential candidates for the CCM, as well as a Zanzibari woman who was ultimately selected as the running mate of the CCM Presidential candidate. The Alliance for Change and Transparency (ACT) fielded a woman candidate for the President of the Union.

It is also commendable that a significant number of women were observed as polling officials, party agents and voters.

## **Political and Electoral Participation of Youth**

The Tanzanian Government defines youth to include those between 18 to 35 years of age. However, political parties consider youth to be those below the age of 40. According to the 2012 Census and 2010 United Nations Population Fund (UNFP) report, almost two-thirds of Tanzanians are below the age of 24, out of which more than eight million are between the ages of 15 to 24.

For these elections, according to the NEC, youth voters aged 18 to 35 years represented 57 per cent of all registered voters.

### Key Issues and Observations

The Group observed that a majority of youth were actively involved in all aspects of the electoral process from serving in key party leadership roles, to contesting as candidates, campaigning for the parties, serving as election officials or party agents and citizen observers. Some additional highlights include the following:



- *Youth in Politics* - a substantial number of youth are active political party members. As a result, large percentages were also candidates for the 2015 Elections. Moreover, at party rallies, youth leaders were given prominence and addressed the wider audience.
- *Registered Voters* - of the total 22,751,292 registered voters; it is estimated that more than 12 million are youth, as previously mentioned.
- *Domestic Election Observers* - Tanzania Election Monitoring Committee (TEMCO) deployed 7,350 short-term observers, the majority of which were youth.
- *Alternative Media* - For these elections, youth were at the forefront of reporting and discussing election related matters online via blogs and other forms of social media.
- *Election Officials* - The team observed a significant number of young people serving as election officials, including as Presiding Officers.

## Recommendations

### Electoral Framework

- To enhance the standing and independence of the NEC, its members could be appointed by the President of Tanzania subject to Parliamentary approval.
- The independence of the NEC would be enhanced if key positions, such as that of the Director of Elections, were appointed directly by the NEC rather than by the President of Tanzania; it would similarly increase the independence of the ZEC if parallel procedures were adopted in Zanzibar.
- To strengthen the legal and electoral framework, the NEC's constitutional mandate to demarcate constituencies should be made statutory.
- The procedures for the creation of districts and the delimitation of boundaries as they relate to elections should be made clearer, to prevent confusion and enhance transparency.
- As the NEC is established as an autonomous body empowered to fully discharge its duties, the fact that in discharging its duties as it relates to boundary delimitation, it must have the consent of the President seems to suggest a limit to the independence of the Commission. It is recommended that the Commission demarcate boundaries without the consent of the President. However, in carrying out this responsibility, the NEC should be subject to parliamentary approval instead.

- The NEC's decision-making processes for the demarcation of constituency boundaries are currently not subject to judicial or parliamentary review. This needs to be reconsidered.
- To ensure fairness, justice and transparency in the demarcation process, provision must be made for aggrieved parties to have recourse to the High Court as the court of first instance.
- Consideration must be given to a review of the Constitution to enable individuals to stand as independent candidates at all levels. We note that this issue was debated in the stalled constitutional review process.

#### Women's Political Participation

- We urge political parties and all relevant stakeholders to support women to compete for elected office, leveraging the 30 per cent 'reserved seats' as a training ground.
- We urge all political parties to nominate women candidates for geographical representation. This could be reflected in future constitutional reforms.

#### Youth Political Participation

- We encourage the NEC and ZEC to collaborate with a wide range of youth organisations on the development of civic and voter education programs, considering the high number of youth voters on the register. The NEC and ZEC should also leverage their officials who fall within the youth age range to further disseminate and execute such programmes.
- We commend the active participation of young people in the political process as political party members, polling staff, party agents, citizen observers and as voters.

## Chapter 4

### ELECTION CAMPAIGN AND MEDIA

#### Pre-election Campaign Environment

Nomination of candidates and campaigns commenced on 21 and 22 August 2015 respectively. The campaign period ended on 24 October, on the eve of Election Day. In Zanzibar, the campaign period concluded a day earlier, on 23 October, in order to calm the political temperature.

A number of factors set the 2015 Campaign apart from those in previous elections, and made these elections the most competitive in Tanzania's history:

- The resignation of former Prime Minister Edward Lowassa from the CCM to join Chadema, and his subsequent selection as the UKAWA Presidential candidate, which also marked the first time several opposition parties rallied around a single candidate.
- The prospect of a change in leadership as President Kikwete concluded his second term, with Dr Magufuli's selection as the CCM Presidential candidate.
- A wide public desire for change, in a country that has known no other ruling party since independence.

#### The Candidates

Eight candidates contested the Union presidency. They were:

- |                             |  |
|-----------------------------|--|
| • Anna Elisha Mghwira       | Alliance for Change and Transparency (ACT) |
| • John Magufuli             | Chama Cha Mapinduzi (CCM)                  |
| • Edward Lowassa            | Chama cha Demokrasiana Maendeleo (CHADEMA) |
| • Fahmi Nassoro Dovutwa     | United People's Democratic Party (UPDP)    |
| • Hashim Rungwe Spunda      | Chama cha Ukomboziwa Umma (CHAUMMA)        |
| • Janken Malik Kasambala    | National Reconstruction Alliance (NRA)     |
| • Lutalosa Yembe            | Alliance for Democratic Change (ADC)       |
| • Machmillan Elifatio Lyimo | Tanzania Labour Party (TLP)                |

#### Major Political Parties

##### *Chama Cha Mapinduzi (CCM)*

The CCM is the oldest political party in Tanzania. It has won each of the past four general elections in 1995, 2000, 2005 and 2010, and thus has extensive organisational capacity at the grass-roots level. It was formed in 1977 following a

merger of two major parties in Tanganyika and Zanzibar (Tanganyika African National Union- TANU) and the Afro-Shirazi Party (ASP) respectively, to form *Chama Cha Mapinduzi* (CCM), the “party of the revolution”.

#### *Chama cha Demokrasiana Maendeleo (Chadema)*

Chadema was established in 1992 as a pro-business party and has consistently campaigned on an anti-corruption platform. In the 1995 General Election, the party won four out of 232 seats, and by 2010 it had increased its seats to 48 out of 239. For the first time in its history, it became the second largest party in the National Assembly.

#### *Civic United Front (CUF)*

The CUF was established in 1992, following the merger of two organisations, KAMAHURU, a pressure group for democratisation in Zanzibar, and the Civic Movement, a human rights organisation based on the mainland.

## **Election Campaign**

For the 2015 General Elections, the four opposition parties who had formed the alliance called *Umojawa Katibaya Wananchi* (UKAWA), or Coalition of the Defenders of the People’s Constitution, collaborated to present a unified challenge to the governing CCM. UKAWA was not formally registered as an entity to contest the elections, but the alliance parties, namely Chadema, CUF, NCCR-Mageuzi and NLD, worked together to maximise the opposition votes by agreeing to field and support unity candidates for the Presidential, Parliamentary and Local Council elections.

On 29 July 2015, 21 political parties signed the 2015 General Elections Code of Conduct, where they committed to abide by guidelines to ensure peaceful campaigning, freedom of campaigning and compliance with applicable laws and regulations.

A perusal of the Code of Conduct issued by the ZEC is instructive. For instance, the time for campaigning was fixed under the Code to be from 08.00 to 18.00; all political parties agreed not to use abusive or threatening language in campaign materials; the government was required to give “equal opportunity to all political parties without any favour”; state resources such as government vehicles were not to be used for campaigning; and government officials were not allowed to use official time to campaign.

The Group observed the dominance of the governing CCM party in the election campaign. They appeared extremely well-resourced and organised. The CCM, as the governing party, appeared to enjoy advantages of incumbency.

The opposition parties, namely Chadema, CUF and others, also had profiles on the ground but appeared to be less resourced, which had an impact on the conduct of their campaign.

There appeared to be some level of co-ordination and communication between the election officials and the police. For instance, the police had been provided with the schedule of campaign activities approved by the elections authority, as required by the National Elections Act (s.51).

Women and youth were active in campaign activities such as in rally participation and party activities. Youth participation was predominant.

The campaigns were largely peaceful, with an air of festivity and optimism. The campaign methods used included: outdoor rallies, paid TV and radio advertisements, candidate and party debates on radio, and grassroots mobilisation, with increasing use of social media especially in the urban areas. *Twaweza* (a local CSO that advocates open government) also funded five political party debates during the campaign, which took place during the pre-election period in September and October 2015.

Although social media platforms were already in use prior to the 2010 General Elections, they were not widely employed for the campaign. In these elections, social media platforms such as Facebook, Instagram and Twitter were used extensively in campaigning, with presidential candidates using personal accounts to keep their supporters apprised of key campaign messages. The two main presidential contenders, the CCM's John Magufuli and Chadema's Edward Lowassa, conducted robust, highly visible campaigns, but tended to employ less inflammatory language than their opponents. Several institutions, including religious and civil society organisations, called for moderation in the speeches made at campaign rallies and restraint in the tone of messages carried on social media.

A social media law enacted in June 2015, the Cybercrimes Act, ostensibly designed to curb cyber-crime, was not enforced during the campaign. However, the Group noted that Section 16 of the Cybercrimes Act 2015 was used to arrest and charge eight information, communication and technology volunteers from the Chadema Party following the election. It was the first time the law was used. The NEC chairman had also cautioned campaigners against the use of abusive and inflammatory language, saying that could lead to a breach of the law.

Other methods employed included parties using different slogans (e.g. the CCM selecting "Hapa Kazi Tu" ("It is work and nothing else"), while Chadema opted for "Mabadiliko" ("Changes"). Party flags were festooned across cities and towns. Leading presidential candidates used helicopters to travel across the country for their campaigns.

## **Key Campaign Issues in Party Manifestos**

The nature of the campaigns saw individual politicians receiving much greater attention than their party manifestos, with candidates mostly preoccupied with making promises to upgrade local infrastructure and service delivery such as improving roads and water supply.

A survey<sup>2</sup> conducted by *Twaweza* on citizen preferences and views on political leadership, found that most voters were concerned about health, water supply and education: voters were unhappy about the lack of service delivery and this saw a fall in the general approval rating for politicians. A highly publicised power energy scandal, which erupted towards the end of 2014, heightened this issue.

According to its manifesto, a future CCM government would focus on four issues: tackling youth unemployment; alleviating rural poverty; combating corruption; and maintaining peace and stability. The CCM was also seen as a party promoting “continuity rather than change” as highlighted in its campaign messaging where it committed to implement existing development plans.

On the campaign trail, Chadema focused on four priorities: strengthening Tanzania’s economy; promoting the rule of law and human rights; improving social services; eradicating poverty; and helping Tanzanians to improve their lives. Chadema had long branded itself as a “Movement for Change” and its manifesto dealt with issues relating to the Union and the mainland, while fellow UKAWA member, CUF, also focused on Zanzibar. The main issue that united the UKAWA members was constitutional reform, with governance reforms also posited as the means to combat corruption.

## Complaints

The Electoral Code of Conduct provides a complaints procedure for alleged breaches of the Code.

Paragraphs 22 and 23 of the Zanzibar Electoral Code of Conduct for Political Parties provide that a person may lodge a complaint with an ethics committee within 48 hours of an alleged breach of the Code; a hearing would then be convened, after which the committee has 72 hours to deliver its decision. A person aggrieved at the committee’s decision may appeal to the ZEC within three days. After the appeal decision of the ZEC is delivered, there is further recourse through the courts of law.

According to paragraph 20 of the Zanzibar Electoral Code of Conduct, any person found to have breached the Code commits an offence and is liable to a range of penalties such as the following: formal warning; public notice that the candidate or the party has contravened the Code; suspension of the candidate or party from campaigning for such period as the committee deems fit; or a fine as determined by the committee.

## Campaign Financing

The Political Parties Act (s.13) lists the following ways in which political parties can fund their activities: membership fees, voluntary contributions, investments,

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<sup>2</sup> “Let the People Speak”, *Twaweza* Brief No. 27, *Sautiza Wananchi*, September 2015 ([www.twaweza.org/sauti](http://www.twaweza.org/sauti))

subventions from the government, and donations. As far as subventions are concerned, the Act (ss.16 and 17) entitles political parties to subvention grants from the government if they have any member elected as a Member of Parliament or a member of a local government authority. The size of a subvention grant to be disbursed to each party would depend on the ratio between the number of Parliamentary constituencies held, and the number of votes obtained at the elections (so long as the parties win at least 5% of the votes). Section 18 allows subvention grants to be used for election activities.

Tanzania's Election Expenses Act 2010 is the specific legislation governing campaign financing. The Election Expenses Act was passed "to provide for the funding of nomination process, election campaigns and elections with a view to controlling the use of funds and prohibitive practices in the nomination process, election campaigns and elections; to make provisions for allocation, management and accountability of funds." <sup>3</sup>

Under the Election Expenses Act, the Registrar of Political Parties is responsible for supervision and administration of election expenses. The Registrar is empowered to enter into any premises to examine the books of a political party or candidate, after serving prior notice of 5 days to the entity to be examined.

The Elections Expenses Act provides for the regulation of maximum spending and fundraising. Disclosures of sources of donations are required for amounts exceeding one million Tanzanian shillings for individual donors or two million Tanzanian shillings for donor organisations. Each political party is required to open a special election expenses account for the purposes of depositing donations and paying expenses.

As regards fund raising, overseas sourcing is allowed under Section 11 of the Election Expenses Act. However, Section 12 appears to allow foreign funding only for campaign expenses, as funds from abroad are only allowed into the country within a 90-day period before Election Day.

Although the legislation is in place, the Group was informed that it is not being enforced.

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<sup>3</sup> Election Expenses Act 2010, s.9

## Recommendations

- Tanzania's legal framework adequately provides a number of mechanisms for regulating political party activity: the Electoral Code of Conduct has complaints procedures; the Political Parties Act outlines how parties can be funded; and the Elections Expenses Act regulates the financing of election campaigns. To further strengthen all three regulations, there could be an independent and transparent survey conducted of all candidates and their parties, at all levels, to assess their awareness, understanding and views on the implementation of these laws, and how they might be further improved.
- The Election Expenses Act provides a useful framework to regulate the financing of election campaigns. However, it is less clear to what extent the Act is enforced. Consideration should be given to the development of measures and procedures to strengthen enforcement.
- Foreign funding for campaigns is allowed under the Election Expenses Act. However, there are no limits on the quantities and sources of foreign funding permissible. To ensure that the outcome of an election is not unduly influenced by resources provided from outside Tanzania, which would undermine the political will of Tanzanians, consideration should be given to placing a ceiling/limit on foreign funding, with disclosure requirements strictly enforced.



## Media Coverage

### Context

There has been a proliferation of media in the United Republic of Tanzania, since multi-party elections in 1995. There are now more than 50 newspaper titles, 60 radio stations and 25 television stations in the country. The media is both state-run and privately owned.

Newspaper readership remains low and limited to urban areas. The main English language newspapers are The Citizen, The Guardian and The Daily News, while the Mwananchi, Nipashe and Habari Leo are the most popular newspapers in Swahili.

Although television coverage is increasing, it still has a relatively small share of the market according to the Media Institute of Southern Africa (MISA), Tanzania Chapter. Radio is therefore the most important means of information, with over half the population owning radios. However, the rise of social media is making a huge impact in the country fuelled by an increase in the use of mobile phones. In 2009, it was estimated that 520,000 Tanzanians were online. By 2014 this number had risen to just over 8 million.

### Key Issues and Observations

During meetings, some stakeholders expressed concerns that media coverage of the elections tended to favour the governing party. The Group was told of instances where journalists were pressured into writing pro-government campaign material. In Zanzibar, there were allegations of media bias in favour of the government. Some media monitors reported that media owners already had political alliances, which dictated their editorial policies.

However, based on the Group's observations, there appeared to be balanced media coverage of the electoral process. Observers noted that coverage was generally measured and not inflammatory. Newspapers undertook independently to publish electoral information including the campaign timetables of political parties, voter registration details and the process of voting. Although there was evidence of newspapers educating voters on the electoral process, it was pointed out to Observers that Tanzania's literacy rate is falling and that this could become an issue in the future.

# Media Freedom

## Context

The Constitution of the United Republic of Tanzania provides for freedom of expression in Article 18, including freedom of the press<sup>4</sup>. The importance of the media to the democratic process is underlined by the fact that the state broadcaster must adhere to special requirements under the National Elections Act (s.53). It states that during an election all political parties, including candidates for the office of the President and Vice-President shall have the right to use the state radio and television broadcasting service during the election period.

The law also provides for an allocation of air-time which is available to all political party broadcasts, and states that there should be equitable opportunities in the access of unpaid airtime given to candidates and their parties. NEC is tasked with coordination of the use of such broadcast rights.

Government print media are also charged with the responsibility of ensuring “total impartiality” during the electoral process and to “refrain from any discrimination in relation to any candidate journalistically and in the amount of space dedicated to them”.

In June 2015, the government issued the Political Party Elections Broadcasts Code, which provides guidelines for the media during the pre-election period, Election Day and for the announcement of the results. In particular, it provides clear rules for social media content providers, journalists and bloggers, which reflect the growth in social media in the country.

The Tanzania Communication Regulatory Authority (TCRA) is a quasi-independent government body responsible for regulating the Communications and Broadcasting sectors in Tanzania. It was set up in 2003 under the TCRA Act no.12 to regulate electronic communications, and manage radio licence approval.

There are, however, a number of laws that could be subject to abuse. The Newspaper Act of 1976 provides for grounds where the government is able to de-register a media house for publication of material it judges to be seditious or that incites disaffection against the government.<sup>5</sup>

The government was also accused of trying to curtail the media ahead of these elections. Journalists and some campaigners for press freedom were of the view that two bills were rushed through parliament in June 2015 in order to encroach on freedom of speech. They are the Cybercrimes Act 2015 which prohibits the sharing of information online which is deemed to be false, deceptive, misleading or inaccurate, and the Statistics Act 2015 which makes it illegal to publish or communicate false statistical information, and to publish or communicate statistical

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<sup>4</sup> The Constitution of Zanzibar Article 18

<sup>5</sup> Section: S31.-(1) A "seditious intention" is an intention-(a) to bring into hatred or contempt or to excite disaffection against the lawful authority of the United Republic of Tanzania or the Government thereof.

information that may result in the distortion of facts. Both are seen as ways to curb the dissemination of information.

Although neither Act was used in the pre-election campaign or before the polls closed on Election Day, the Cybercrimes Act 2015 was subsequently evoked to raid Chadema's exit-polling centre. Thirty-eight people were arrested after polls closed. It was the first time that the law was used since becoming an Act in June 2015. Two days later on 28 October, eight Chadema staff were charged under Section 16 of the Act accused of publishing 'inaccurate and unverified data' over Facebook and Twitter. Section 16 of the law states that publishing false or misleading information is punishable by at least six months in prison.

There are several media organisations that promote press freedom in the country such as the United Nations Association (UNA), Media Institute for Southern Africa (MISA), Media Council of Tanzania (MCT) and other media stakeholders that have been campaigning for a freedom of information law. So far this has been unsuccessful.

Earlier in 2015 the government introduced a Media Services Bill, which it had proposed to take to Parliament under a Certificate of Urgency. The bill included setting up a Media Service Council (MSC) and establishing a Journalists Accreditation Board as well as tighter defamation regulations. The bill provided that the government would make the appointees to the board of the MSC. It would hear complaints on defamation and impose fines and prison terms with no maximum time limit. Pressure from the MCT and MISA prevented it from being passed.

### Key Issues and Observations

From monitoring of footage on television, the Group observed that there appeared to be an equitable distribution of airtime, more particularly on non-state media. Unfortunately, the Group was unable to meet with newspaper and broadcast editors, which made it difficult to obtain a perspective of the challenges that media organisations faced. It was noted that the TCRA was set up to regulate the communications and broadcasting sector. However, the appointment of the TCRA Chief Executive by the President raised questions about its independence.

Given that there are a number of independent organisations in Tanzania that promote press freedom, it was felt by the Group that this should off-set any government-led interference. This was tested earlier this year when the Media Services Bill was put before parliament. It was seen as a further attempt to curb press freedom. Both MISA and the MCT joined forces with other media stakeholders to stop the bill from being passed.

The Observers were also briefed about the rise of social media in the country, which has been driven by Tanzania's youth. Social media was used by youth to keep in touch with political developments via alternative news sources as well as promote their candidates and parties of choice.

Observers based in Dar es Salaam visited the Tanzania Election Observation Centre of the Coalition for Electoral Monitoring and Observation in Tanzania (CEMOT)<sup>6</sup>. The centre was set up to generate and share information on the electoral process as voting was taking place. It was impressive to see real-time statistics being developed independently across the country and fed back to CEMOT.

Observers noted that MCT issued a Media Code of Conduct for Election Reporting. It was first developed and published in 2000, then reviewed in 2010 and re-circulated for the 2015 elections. The code of conduct seeks to raise the professional expertise of journalists and sets out clear guidelines on how to assist reporters in their work. The guidelines also outline best practice for editors and media owners, and encourage the NEC to set aside a budget for journalists to enable them to provide civic and voter education.

Observers noted that although the Constitution of the United Republic of Tanzania protects the rights of journalists to freedom of speech, a lack of job security and low pay could leave them vulnerable to pressure from political parties.

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<sup>6</sup> This was a joint initiative of the TEMCO and Legal and Human Rights Centre for, and on behalf of, the Tanzania Civil Society Consortium on Election Observation (TACCEO).

## Recommendations

- In the spirit of fairness and equity, the state broadcaster should consider allocating airtime on its radio and television services for all political parties in the lead-up to a general election.
- To enhance the credibility, transparency and integrity of the electoral process, consideration should be given to the establishment of mechanisms to foster and facilitate increased dialogue between political parties and the media.
- In consultation with the media, the NEC should consider incorporating The Media Code of Conduct of Election Reporting, developed by the Media Council of Tanzania into (the NEC Code of Conduct for the Presidential, Parliamentary and Councillors' Elections 2010) to increase clarity of reporting guidelines for journalists.



## Chapter 5

### VOTING, COUNTING AND RESULTS

#### Background

On 25 October 2015, elections were held for the Union President, Members of the National Assembly, the President of Zanzibar, Members of the House of Representatives of Zanzibar and Local Councils.

Polling occurred from 07.00 to 16.00 and was organised in 63,525 polling stations on the mainland, and 1,500 polling stations in Zanzibar. On the mainland, each polling station was to contain three ballot boxes - for the President of the Union, Members of the National Assembly and Local Councils. In Zanzibar, each station was to contain five ballot boxes - for the President of Zanzibar, Members of the House of Representatives of Zanzibar, the Local Councils in Zanzibar, for the President of the Union, Members of the National Assembly.

Polling stations were primarily located within public facilities such as schools and community centres. Each polling station was staffed with a Presiding Officer supported by three polling assistants. In addition, candidates and party polling agents, accredited citizens, and international observers were authorised to enter stations.

#### Key Procedures for Opening and Voting

The key prescribed procedures for opening and voting are as follows:

##### *Opening of the Polls*

- Prior to opening, the ballot box is shown to all-present to confirm it is empty; the box is then sealed with numbered seals.
- Accredited party polling agents, citizen and international observers are allowed to be present for opening procedures.

##### *Voting*

- The Direction Clerk verifies that each person has their Voter card and they are at the correct polling station.
- Polling Assistant 1- verifies the voter's name and details against the register
  - Register is marked
  - Voter's registration number and name are called out

- The Presiding Officer records the voter's registration number on the counterfoil of each of the ballot papers, the ballots are then separated from the counterfoil, the ballots are folded, the back of each of the ballots are stamped twice with the official stamp of the station and then the ballots are handed to the voter.
- The voter proceeds to the booth and marks their choice.
- Once all ballot papers are marked, the voter places each ballot in its respective ballot boxes, which are colour-coded to match the ballot papers.
- Prior to departing the polling station, the voter's little finger on the left hand is marked with indelible ink. In Zanzibar, both the little and index fingers are marked.

## Assessment of the Vote and the Count

On Election Day, observers reported a largely peaceful process that was well managed and transparent with voters free to exercise their franchise. Party agents, citizen observers, and regional and international observers were largely present at the polling stations. Turnout of voters was high, particularly at the outset of voting which created some crowd management challenges, but overall, voters waited patiently in extremely long queues in order to cast their votes.

*Some of the key observations of the teams were:*

- In most places observed, voting commenced on time and the polling stations were generally well-administered. However, there were a few locations at which materials were delivered late causing the station opening to be delayed;
- At the opening of the polls, some queues were quite long as many voters turned up very early to cast their votes. Despite the large numbers, most voters were patient and orderly;
- Observers were impressed with the conduct and professionalism of many of the polling officials. They generally worked hard and diligently, at times in challenging circumstances;
- It was encouraging to see large numbers of youth and women polling officials, including at Returning Officer and Presiding Officer levels;
- The Police presence was visible and generally discreet, there were officers present at most of the polling stations;
- Assistance was provided to elderly, frail and differently-abled voters, although it was noted that the physical structure and location of some of the polling stations made access difficult;



- The secrecy of the ballot was generally respected;
- Party agents were present in many of the polling stations, as were accredited citizen and international observers;
- Where there were anomalies in the application of certain procedures they were not of such gravity to negatively impact the integrity of the process.

## **Key Procedures for Counting and Results Tabulation**

The key stated procedures for the count and results process are as follows:

- The polls are officially scheduled to close at 16:00. However, voters in line at the close of poll are allowed to vote and voting continues until the last person in line has voted.
- Following the last voter, the Presiding Officer closes the polling station and starts preparing for the count. Party agents, citizen and international observers are permitted to witness this process.
- The ballot box aperture is sealed, and then a reconciliation process is conducted.
- The seals of the ballot boxes are cut; the Union Presidential ballot box is opened and counted first.
- The ballot papers are unfolded and counted to determine the total number of used ballots tally with the reconciliation.
- Ballots are sorted by party/candidates.
- Each ballot paper is displayed to party agents and observers to confirm the vote.
- Each candidate's ballots are counted.
- Rejected Ballots are any of which:
  - Do not have the official mark (stamp)
  - Have a mark identifying the voter
  - Is unmarked
  - The voter's intention is unclear
- Once the count of the Union Presidential election is completed, the other ballot boxes are opened and counted.
- The Polling Station Results form is completed and signed by the Presiding Officer, copies are given to the party agents.

- Upon completion of the process all results are posted outside of the polling station.

## Assessment of Counting and Results Tabulation

The vote count at the polling stations was transparent, with party agents, citizen observer groups and international observers afforded a clear view of the entire process. At the polling station level, party agents received a copy of the results and could therefore verify the results later when tabulated and announced at the constituency levels.

*Some of the key observations of the teams were:*

- The close and count process was generally transparent and inclusive, with party agents, national, regional and international observer groups welcomed to observe the process;
- To demonstrate their commitment to the transparency of the process, many polling officials slowly and deliberately communicated every aspect of the counting and tallying process to party agents and observers;
- Some polling officials did appear to find their duties at the close of voting challenging, with some officials taking a longer time to complete the process;
- The conditions for the count at some polling stations were not always conducive. For instance, in some areas it was quite dark by the time the count was completed; although officials were provided with battery operated lamps, it still made the task of the counting officials more difficult;
- Counting and closing procedures were not always consistently followed at some of the polling stations observed.

## Overview of the Countrywide Observation

Commonwealth teams were deployed across country. Our teams observed the voting, counting and results declaration process. They also met with electoral officials, observers and other stakeholders at the constituency level to build a broader picture of the conduct of the process. The following are some of their district specific observations.

### ***DAR ES SALAAM***

- On Election Day voting stations opened on time with a few exceptions. For instance, the team witnessed one polling station in the Kinondoni district of Dar es Salaam which delayed its opening until noon, due to the absence of the voter register. Polling officials informed the team around midday that the

Returning Officer had instructed that the supplementary voter register should be used.

- The voter register appeared robust with few incidents where voters did not find their names on the register, possibly allaying some anxieties about the BVR process. In few cases where voters did not find their names, they were allowed to vote after completing the necessary forms.
- Closing procedures were also generally well observed. At the close of polls at 16.00, the long queues in some places had thinned out. Where there were still voters in the queue, they were allowed to vote in line with the law. Where there were contested ballots, the polling officials and party agents resolved the matter amicably.

#### *CENTER - Dodoma*

- Some polling stations were inadequate, being too small to ensure effective elections procedures and voter privacy.
- Some party agents were not sufficiently separated from the polling station officers.
- Some reconciliations and counts were undertaken in challenging physical conditions, which tended to make the process inefficient.

#### *COAST - Mtwara*

- Ahead of Election Day, voting materials were received on time where the team observed. Polling officials were focused and determined, explaining the voting procedure in a clear and practical way.
- There were some inconsistencies with the interpretation and application of procedures. The team observed three party agents standing next to a voter who had a designated helper with her as she voted. The team was informed by one of the polling officials that this had been happening all day because the three party agents did not trust the helpers who accompanied the voters in need of support to exercise their franchise.
- Due to the delays with the counting process, the tally process was also directly impacted. The impact of this delay was significant because the growing crowd became restless. They were concerned that the delay was because the vote counting may be being interfered with. The police intervened in riot gear as tensions were rising. The Commonwealth team was commended for remaining during a particularly tension situation.

### ***NORTH - Arusha***

- There was a large turnout at most of the polling stations in Arusha. However, the reduced number of women in the early hours of voting was noticeable.
- The high police visibility at all polling stations ensured calm and order. The day prior to elections, two roving police teams comprising two truckloads of armed Police Field Force Officers and an armoured anti-riot water canon truck did a drive through the city.
- It was noticed that most party agents at the polling stations outside of the urban centers did not have copies of the voter register; consequently they were not able to verify the identities of the eligible voters and had to rely on the Returning Officers and their assistants.

### ***NORTH - Bukoba***

- Where the team observed the opening of polls, voters were already in the queue, and some said they had been waiting since 05.30. There were separate queues for men and women. Women were well-represented. The Presiding Officers and their deputies, Queuing Clerks and Security Officers were ready, but the ballot papers only arrived at 07:00. The empty ballot boxes and their serial numbers were verified by the party agents before the boxes were sealed by the presiding officer.
- While voting proceeded smoothly, the team noted that at some polling stations, the Presiding Officer and Deputy Officer appeared overwhelmed by the many tasks they had to perform. For instance, the same person checked the voter register and inked voters. Additionally, the Presiding Officers had to issue and stamp ballot papers as well as write down the voter's card number on the counterfoil.
- Counting commenced in the following sequence: Presidential, Parliamentary, and finally Local Council votes. The team observed that the standard of the counting staff was inconsistent, with some sure and others unsure of the procedures to follow. Overall, the counting process was transparent. Party agents were asked to sign against the results and were given copies of the results. Copies of the Presidential, Parliamentary and Local Council elections from the polling station the team observed, were displayed on the walls of the building.

### ***NORTH - Mwanza***

- The team observed that most people seem satisfied with the BVR exercise. Contrary to some of the concerns expressed to the team during its briefings with stakeholders before the elections, the team found that the potential proportion of disenfranchised university students appeared low. There were

more women than men registered to vote, and young people appeared to comprise the largest proportion of voters. The team noted that preparations appeared to be in place for the elections.

- Where the team observed the opening of the polls, voting generally began on time despite rain in the morning. Voting was very peaceful at all Polling Stations with no intimidation or campaigning. The '200 metre radius rule' was difficult to observe as some of the polling station locations were in public places such as markets, and even by the streets<sup>7</sup>. However, we did not notice any party members gathering outside the Polling Stations. We noted that some Presiding Officers at some locations were preoccupied with undertaking the functions of Election Officers. This appeared to compromise their primary responsibility of overseeing the overall management of the polls.
- The team observed some minor inconsistencies such as variations in the layout of the polling stations, location of the ballot boxes in ways that could compromise the secrecy of the vote and different methods for verification of voters. However, these were not of such a gravity as to negatively influence the outcome of the elections.

### **ZANZIBAR - Pemba**

- Pre-elections preparations including training of election officers were continued through Friday 23<sup>rd</sup> on Pemba. At the regional office, the team observed people queuing up to address various issues including verification of their name on list. Polling Stations were clearly identified and the photographs of voters were posted outside of each classroom for ease of public access and transparency. Ballot boxes were secured and guarded by police upon arrival at polling stations. The team noted a marked difference in the display of party decorations on the streets, particularly in the rural communities on Election Day.
- Polling stations opened on time with voting instructions clearly outlined for Zanzibari and non-Zanzibari voters. Procedures were followed diligently at the beginning of the day, but the team noted that there was a more relaxed approach later in the afternoon, with spacing of voters going through the queue being shortened.
- The team observed an overall mood of high expectation as voting day approached. While the 200-metre rule was challenged and ruled on, the team

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<sup>7</sup> As indicated in the Group's interim statement on page 55, an issue that divided the political parties was the interpretation of Section 104 of the National Elections Act which prohibits people from assembling within a 200 metre radius of any polling station. While one party asserted that its supporters could stay on after voting as long as they were beyond the 200 metre radius, another held the view that irrespective of this provision, after voting, voters should leave the premises and go home. On 23 October the High Court ruled that, all voters should leave the premises after voting and return home. The ruling provided clear direction on the issue.

observed small groups congregating a distance away after voting at most of the voting sites visited. However, these groups did not appear to exercising any overt form of intimidation.

### ***ZANZIBAR -Unguja***

- On the eve of elections, the team met with ZEC Commissioners and the police. Our assessment was that the atmosphere in Zanzibar was generally calm and positive. ZEC officials took the time to answer our questions about logistical aspects of the election. We were assured that ZEC was well prepared. These assurances were affirmed at a meeting for Observers that was attended by the Chairman of the ZEC and all 7 members of the Commission.
- On Election Day, the team noted heavy military presence with guns and gas masks in a few polling stations. While this appeared very intimidating, polling proceeded in a largely orderly and calm manner. Election staff were very thorough and helpful. The elderly were assisted, and we were pleased to observe a huge turn-out of women voters.
- The closing and counting process also proceeded smoothly and transparently, where we observed. However, the team noted with particular concern that the CUF prematurely announced results in Zanzibar, which exacerbated tensions there. We were further concerned when the Chairman of the ZEC issued a statement nullifying the Zanzibar elections on 28 October. The security situation in Zanzibar thereafter, became more tense and fragile.

## The Results

The National Electoral Commission announced the final results of the Union Presidential elections at a press conference on the afternoon of 29 October 2015. The final vote totals are as follows:

<i>Candidates</i>	<i>Votes</i>	<i>% (Votes Cast)</i>
Magufuli (CCM)	8,882,935	58.46
Lowassa (CHADEMA)	6,072,848	39.97
Mghwira (ACT)	98,763	0.65
Yemba (ADC)	66,049	0.43
Rungwe (CHAUMA)	49,256	0.32
Others	24,011	0.15
Total Valid Votes Cast	15,193,862	65.6
Total Rejected Votes	402,248	1.7
Total Votes Cast	15,589,639	67.3
Total Registered Voters	23,161,440	100
Turnout %	67.3	

Source: NEC

## Recommendations

- We commend the diligence of polling officials, a significant number of whom were young and female. We however, note, as mentioned in our overview of countrywide observations<sup>8</sup>, that some Presiding Officers and their deputies appeared overwhelmed by the additional duties they took on, contrary to their supervisory role clearly outlined in the *Voting, Counting and Result Procedures Guide* issued by the NEC in September 2015. We recommend that the training of polling and counting officials be enhanced to ensure familiarity with their roles. This would further enhance compliance with prescribed procedures that would, in effect, minimise inconsistency in practices.
- We encourage the NEC and ZEC to consider streamlining the counting, collation and tabulation process to reduce redundancy and to minimise human errors, without compromising the integrity and accuracy of the process.
- The participation of civil society in the electoral processes, in itself, is to be commended, in particular where they are involved in creating voter awareness, as they are often closer to the people. That said, the Group encourages the NEC, ZEC, political parties and all relevant stakeholders to ensure that a broad programme of civic awareness and voter education is implemented, to strengthen voter confidence in the electoral process.
- As noted in the interim statement (Annex IV), where there were anomalies in the application of certain procedures, though they were not of such gravity as to negatively impact the integrity of the process. However, to further strengthen the electoral process, the two following recommendations are offered: firstly, that improvements be made to the layout of smaller polling stations to enhance the secrecy of the vote; secondly, that consideration be given to providing some clearer identification to party agents, polling officials and citizen observer groups. For example, in some jurisdictions, polling officials are provided with T-shirts clearly marked with their designations, in others, there is signage to this effect where they are stationed.

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<sup>8</sup> See page 41



## Chapter 6

### CONCLUSION AND RECOMMENDATIONS

#### Conclusions

These elections, the fifth since the restoration of multi-party democracy in the United Republic of Tanzania, were one of the most competitive in the country's history. This was, in large part, due to the emergence of the UKAWA opposition coalition, formed during the preceding constitutional review process. The people of Tanzania and Zanzibar demonstrated their commitment to democracy by engaging keenly with the process. They exhibited tolerance during the campaigns, and on Election Day, they turned up in significant numbers to cast their votes in a peaceful and orderly manner.

Our overall assessment of the voting and counting process at the polling stations on Election Day is that it was conducted in accordance with the laws of the United Republic of Tanzania, in a credible, peaceful and orderly manner. The electoral environment on Election Day was conducive to the free exercise of the people's franchise and basic freedoms were respected. We further conclude that the legal framework provides the basic conditions for competitive elections.

However, the tallying and results process in Zanzibar, leading to the unexpected nullification of those elections by the Chairman of the ZEC, cast a shadow on the entire process. The Group reiterates its call on the leadership of Zanzibar, the United Republic of Tanzania, the ZEC, NEC and all relevant stakeholders, to resolve the impasse created by this development expeditiously, with transparency and in an inclusive manner, in order to fully restore the confidence of the people of Zanzibar in the democratic process.

We note that the constitutional review process, which stalled just before these elections, had sought to address several key issues that would deepen democracy in the country. We highlight two in particular: the lack of redress for election-related disputes on the outcome of the presidential election; and the need to bolster the independence of the NEC and ZEC. We hope that the leaders and people of the United Republic of Tanzania will pick up the threads of this uncompleted process, which will further entrench the Commonwealth's core values in the country.

We offer the following recommendations for the consideration of the government, political parties, the NEC, ZEC, Civil Society and all other relevant stakeholders, as they seek to improve future elections.

## Recommendations

### A. Electoral Framework and Election Administration

#### Electoral Framework

- To enhance the standing and independence of the NEC, its members could be appointed by the President of Tanzania subject to Parliamentary approval.
- The independence of the NEC would be enhanced if key positions, such as that of the Director of Elections, were appointed directly by the NEC rather than by the President of Tanzania; it would similarly increase the independence of the ZEC if parallel procedures were adopted in Zanzibar.
- To strengthen the legal and electoral framework, the NEC's constitutional mandate to demarcate constituencies should be made statutory.
- The procedures for the creation of districts and the delimitation of boundaries as they relate to elections should be made clearer, to prevent confusion and enhance transparency.
- As the NEC is established as an autonomous body empowered to fully discharge its duties, the fact that in discharging its duties as it relates to boundary delimitation, it must have the consent of the President seems to suggest a limit to the independence of the Commission. It is recommended that the Commission demarcate boundaries without the consent of the President. However, in carrying out this responsibility, the NEC must be subject to parliamentary approval instead.
- The NEC's decision-making processes for the demarcation of constituency boundaries are currently not subject to judicial or parliamentary review. This needs to be reviewed.
- To ensure fairness, justice and transparency in the demarcation process, provision must be made for aggrieved parties to have recourse to the High Court as the court of first instance.
- Consideration must be given to a review of the Constitution to enable individuals to stand as independent candidates at all levels. We note that this issue was debated in the stalled constitutional review process.

#### Women's Political Participation

- We urge political parties and all relevant stakeholders to support women to compete for elected office, leveraging the 30 per cent 'reserved seats' as a training ground.

- We urge all political parties to nominate women candidates for geographical representation. This could be reflected in future constitutional reforms.

### Youth Political Participation

- We encourage the NEC and ZEC to collaborate with a wide range of youth organisations on the development of civic and voter education programs, considering the high number of youth voters on the register. The NEC and ZEC should also leverage their officials who fall within the youth age range to further disseminate and execute such programmes.
- We commend the active participation of young people in the political process as political party members, polling staff, party agents, citizen observers and as voters.

## **B. Election Campaign and Media**

### Campaign

- Tanzania's legal framework adequately provides a number of mechanisms for regulating political party activity: the Electoral Code of Conduct has complaints procedures; the Political Parties Act outlines how parties can be funded; and the Elections Expenses Act regulates the financing of election campaigns. To further strengthen all three regulations, there could be an independent and transparent survey conducted of all candidates and their parties, at all levels, to assess their awareness, understanding and views on the implementation of these laws, and how they might be further improved.
- The Election Expenses Act provides a useful framework to regulate the financing of election campaigns. However, it is less clear to what extent the Act is enforced. Consideration should be given to the development of measures and procedures to strengthen enforcement.
- Foreign funding for campaigns is allowed under the Election Expenses Act. However, there are no limits on the quantity and sources of foreign funding permissible. To ensure that the outcome of an election is not unduly influenced by resources provided from outside Tanzania, which would undermine the political will of Tanzanians, consideration should be given to placing a ceiling/limit on foreign funding, with disclosure requirements strictly enforced.

### Media

- In the spirit of fairness and equity, the state broadcaster should consider allocating airtime on its radio and television services for all political parties in the lead-up to a general election.

- To enhance the credibility, transparency and integrity of the electoral process, consideration should be given to the establishment of mechanisms to foster and facilitate increased dialogue between political parties and the media.
- In consultation with the media, the NEC should consider incorporating The Media Code of Conduct of Election Reporting, developed by the Media Council of Tanzania into (the NEC Code of Conduct for the Presidential, Parliamentary and Councillors' Elections 2010) to increase clarity of reporting guidelines for journalists.

### C. Voting, Counting and Results

- We commend the diligence of polling officials, a significant number of whom were young and female. We however, note, as mentioned in our overview of countrywide observations<sup>9</sup>, that some Presiding Officers and their deputies appeared overwhelmed by the additional duties they took on, contrary to their supervisory role clearly outlined in the *Voting, Counting and Result Procedures Guide* issued by the NEC in September 2015. We recommend that the training of polling and counting officials be enhanced to ensure familiarity with their roles. This would further enhance compliance with prescribed procedures that would, in effect, minimise inconsistency in practices.
- We encourage the NEC and ZEC to consider streamlining the counting, collation and tabulation process to reduce redundancy and to minimise human errors, without compromising the integrity and accuracy of the process.
- The participation of civil society in the electoral processes, in itself, is to be commended, in particular where they are involved in creating voter awareness, as they are often closer to the people. That said, the Group encourages the NEC, ZEC, political parties and all relevant stakeholders to ensure that a broad programme of civic awareness and voter education is implemented, to strengthen voter confidence in the electoral process.
- As noted in the interim statement (Annex IV), where there were anomalies in the application of certain procedures, though they were not of such gravity as to negatively impact the integrity of the process. However, to further strengthen the electoral process, the two following recommendations are offered: firstly, that improvements be made to the layout of smaller polling stations to enhance the secrecy of the vote; secondly, that consideration be given to providing some clearer identification to party agents, polling officials and citizen observer groups. For example, in some jurisdictions, polling officials are provided with T-shirts clearly marked with their designations, in others, there is signage to this effect where they are stationed.

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<sup>9</sup> See page 41

## ANNEX I: Composition of the Team

**HE Dr Goodluck Ebele Jonathan** was President of Nigeria from 2010 to 2015. He served as Vice-President of Nigeria from 2007 to 2010 and as Governor of Bayelsa State from 2005 to 2007. In 2015 he contested and lost the presidential election, upon which he conceded defeat and became the first sitting Nigerian president to ever do so. President Jonathan's term ended on 29 May 2015, when he handed over to his successor, Muhammadu Buhari. President Jonathan has a B.S. in zoology (1981), an M.S. in hydrobiology and fisheries biology (1985), and a Ph.D. in zoology (1995) all from the University of Port Harcourt.

**Keireng Auntie Zuze (Botswana)** holds a Bachelor of Arts (Public Administration and Political Science) from the University of Botswana as well as Master of Science in Human Resource Management from Salford University in the UK. Mrs Zuze has twenty years public service experience and has held senior management positions in different Ministries such as Ministry of Labour and Home Affairs, Ministry of Health and Ministry of Youth, Sport and Culture. She joined the Independent Electoral Commission of Botswana in July 2014 as the Deputy to the Chief Executive Officer.

**Neelam Deo (India)** is the Director and Co-Founder of Gateway House, a Mumbai-based think tank, established in 2009 that focuses on the intersection between foreign policy and business. A distinguished diplomat, Ms Deo has been the Indian Ambassador to Denmark and Ivory Coast with concurrent accreditation to Sierra Leone, Guinea and Niger in West Africa. Her last official assignment was as Consul General in New York from 2005 to 2008, where she reached out to the big investment banks on India's economic policies. Apart from articles and commentaries written exclusively for Gateway House, Ambassador Deo contributes occasionally to several mainstream publications, is a frequent commentator on television and is active on social media.

**Lisa Vasciannie (Jamaica)** is a Lecturer at the University of the West Indies, Mona. She currently teaches courses in International Relations theory, Jamaican Electoral Politics and Regional and International Organizations. Dr Vasciannie has done extensive research on international election observation in the Commonwealth Caribbean and within the Organization of American States (OAS). She recently served as Vice President of the Organization of Women of the Americas (OWA) in Washington DC and was part of the Commonwealth Observer team to the Maldives in 2012.

**Bwire Albert Camus (Kenya)**, is a Commissioner with The Independent Electoral and Boundaries Commission. He was appointed a Commissioner in 2011. Mr Bwire has observed elections in Democratic Republic of Congo (2011), Libya (2012), Zimbabwe (2013); visitor programme on Scottish Referendum (2014), Election visitor programme in South Korea (2014) and General Elections in the United Kingdom (2015). He is a qualified Accountant and banker and worked in the Commercial Banking sector for over 20 years. He holds a Master of Science degree in Finance from University of Strathclyde in Scotland.

**Margaret Shava (Kenya)** is an Advocate of the High Court of Kenya and a Political Scientist. She has worked extensively in the fields of Human Rights and Humanitarian Law, as well as Transitional Justice. She has been Team Leader working with the UNHCR, led women's human rights organisations and been appointed to public service as a Commissioner in Kenya's Truth, Justice and Reconciliation Commission. Ms Shava is currently a practicing Advocate and a Legal consultant.

**Dalbir Singh (Malaysia)** has played a number of roles with the Commonwealth Youth Programme, including Chair, Asia Region and Chair, Human Rights & Democracy Thematic. He also played a very important role to the establishment of the Commonwealth Youth Council. In Malaysia, Dalbir is a Former Minister Appointed Member to the National Youth Consultative Council. Dalbir works full time with Cisco Systems as a Business Development Manager specializing in Enterprise Networks, IT Security and Smart Cities. He spends his leisure time doing yoga, metaphysics research and outdoor activities.

**Alexander Rheeney (Papua New Guinea)** is the Editor-in-Chief of the *Post-Courier* newspaper and the President of the Media Council of Papua New Guinea. He has over 14-years of experience, nine years with mainstream media and five years in public relations and political analysis, which included stints with the British High Commission, the World Bank and the Lowy Institute for International Policy in Sydney, Australia. He has a Master's Degree in Cross-cultural Communication from the University of Sydney and a Bachelor of Arts Degree from the University of Papua New Guinea (UPNG).

**Sylvia Lim (Singapore)** is a Member of the Parliament of Singapore and Chairman of the opposition Workers' Party of Singapore. A lawyer by training, she has worked in public law enforcement, practised law in the private sector and also taught law and criminal justice. Since 2006, she has been a member of the legislature of Singapore, first as a Non-Constituency Member of Parliament and then from 2011 as elected Member for Aljunied constituency.

**Rohana Nishanta Hettiarchchie (Sri Lanka)** has more than 20 years of election monitoring and observation experience locally and internationally. Specialised in Asia-Pacific regional election monitoring, liaison with election management bodies and other relevant stakeholders. He holds the bachelors' degree at the University of Sri Jayewardenapura and holds a Masters in Sociology from the University of Kelaniya in Sri Lanka. He is currently the General Secretary of the Asian Network for Free Election (ANFREL), and the Executive Director of Peoples Action for Free & Fair Elections (PAFFREL).

**Terry D. Ince (Trinidad and Tobago)** is a human rights activist with a post graduate degree in Organizational Development and Behaviour and Project Management certification. With a focus on women's political and economic empowerment, she has worked extensively with Private and Public Sector institutions and Non-governmental organizations (NGOs) in Trinidad and Tobago and the USA. She has trained women locally and regionally on running an effective political campaign, and has consulted for local and international organizations, government ministries and civil society. She has observed local, sub-national and general elections in Trinidad and Tobago and volunteered on several US National election campaigns.

**Bernadette P. A. Olowo-Freers (Uganda)** is a graduate of Makerere University with degrees in Economics and Rural Economy. In 1975 at the age of 27 she was appointed Uganda's Ambassador to the Federal Republic of Germany and concurrently to the Vatican, Austria, and the Netherlands. Her appointment to the Vatican made history as she was the first woman to serve at the Vatican in 900 years and she served under three Popes namely Paul VI, John Paul 1 and John Paul 11. On 21<sup>st</sup> June 1977 she was chosen, named and proclaimed a Knight of the First Class of the Order of the Grand Cross by His Holiness Pope Paul the VI and became a member of the outstanding assembly of Knights.

**Luamanuvao Winnie Laban QSO (New Zealand)** is Assistant Vice Chancellor (Pasifika) and Associate Professor, at the Victoria University of Wellington, having previously served as a Member of Parliament, Minister of Pacific Island Affairs, Minister for the Community and Voluntary Sector and Associate Minister of Social Development, Economic Development, and Trade. Mrs Laban is a Social Work graduate from Victoria University and a Development Studies graduate from Massey University.

**Professor St. John Bates (United Kingdom)** has taught public and commercial law full time in a number of universities in the United Kingdom. He is now Emeritus Professor of Law at the University of Strathclyde Law School in Scotland where he still teaches a course on the drafting and interpretation of legislation. Following his full-time teaching career, he was the principal legal and procedural adviser to Tynwald (the Parliament of the Isle of Man). After resigning from his parliamentary appointment in 2001, he established his own consultancy company and has acted as a consultant for numerous international organisations, including the Commonwealth Secretariat, principally in the areas of parliamentary procedure and the drafting and management of legislation.

#### **Commonwealth Secretariat Staff Support Team**

Yvonne Apea, Adviser and Head, Africa Section, - Team Leader

Linford Andrews, Political Adviser, Africa Section

Clara Cole, Political Adviser, Electoral Support

Zippy Ojago, Executive Officer, Electoral Support

Lorraine Malkani, Media Expert

#### **ADVANCE OBSERVERS**

**Victor Shale (South Africa)** is the founder and lead consultant of Shalestone Elections & Governance Consultants. He is the recent former Electoral Institute for Sustainable Democracy in Africa (EISA) Country Director in Zimbabwe. He has done election related assignments for the Southern African Development Community (SADC), the Commonwealth, African Union (AU) and many Election Management Bodies (EMBs). Victor Shale holds MPhil in Conflict Transformation from University of Port Elizabeth (UPE) and a Doctorate in Politics from University of South Africa (UNISA). Shale is an expert on governance and elections with more than 15 years experience providing strategic direction, leadership and coordination of donor funded projects across Africa. He has vast experience providing hands-on management, direction and advice on implementation and budget administration of

complex, multi-donor funded programmes dealing with governance, elections and human rights issues.

**Commonwealth Secretariat Staff Support Team**

Lindiwe Maleleka

Political Officer, Africa Section



## ANNEX II: Deployment Plan

TEAM	REGION	LOCATION	OBSERVERS
1	DAR ES SALAAM	Dar es Salaam	Chair - Dr Goodluck Jonathan Ms Yvonne Apea Mensah Ms Lainy Malkani
2	DAR ES SALAAM	Dar es Salaam	Mr Linford Andrews Ms Zippy Ojago
3	COAST	Mtwara	Ms Winnie Laban Mr Rohana Hettiarchchie
4	CENTRE	Dodoma	Professor St John Bates Ms Keireng Zuze
5	NORTH	Arusha	Ms Clara Cole Mr Alexander Rheeney
6	NORTH	Mwanza	Ms Margret Shava Mr Dalbir Singh
7	NORTH	Bukoba	Mr Albert Bwire Ms Sylvia Lim
8	ZANZIBAR	Unguja	Ms Lisa Vasciannie Ms Neelam Deo
9	ZANZIBAR	Pemba	Ms Terry Ince Ms Bernadette Olowo-Freers



## ANNEX III: Arrival Statement



### Arrival Statement by Chair of the Commonwealth Observer Group to Tanzania Elections

20 October 2015

**Statement by:** HE Dr Goodluck Jonathan, Chair of the Commonwealth Observer Group to Tanzania Elections

Ladies and Gentlemen, thank you for coming to this Commonwealth Observer Group Press Conference.

I am greatly honoured and privileged to have been asked by Commonwealth Secretary-General H.E. Kamallesh Sharma, to lead the Commonwealth Observer Group to Tanzania's General Elections scheduled for 25 October 2015.

The Group was constituted following an invitation extended by the Ministry of Foreign Affairs and International Cooperation of the United Republic of Tanzania.

Our group comprises 14 eminent persons drawn from across the different regions of the Commonwealth, including Africa, Asia, the Pacific and the Caribbean. The Group, which includes experts in politics, elections, media, conflict prevention and youth affairs, arrived yesterday and will stay in Tanzania until 31 October 2015.

These are significant elections for the people of Tanzania. Our presence here affirms the Commonwealth's support to the country and its democratic processes.

The Group began its briefings today and expects to meet with a wide range of stakeholders including the National Electoral Commission, political parties, civil society organisations, the diplomatic community, and other international and local observer groups.

During our time in Tanzania, we will seek to assess the pre-election environment, polling day activities and the post-election period, against the backdrop of Tanzania's national legislation, regional and international commitments. We will perform our observation role with impartiality, independence and transparency.

On Friday 23 October, members of the Group will deploy in small teams to various provinces across the country to observe preparations ahead of polling day. On Election Day, they will observe opening, voting, closing, counting and the results management process.

We will issue an Interim Statement on our preliminary findings shortly after the elections. A final report will be prepared in Tanzania. It will be submitted to the Secretary-General, and subsequently shared with relevant stakeholders and the public. The Group is scheduled to depart Tanzania on 31 October.

We hope that our Group's presence will demonstrate the Commonwealth's solidarity with the people of Tanzania.

The success of these elections depends on every stakeholder playing their part in a peaceful, inclusive and transparent manner. We have every confidence in the people of Tanzania to achieve that.

On behalf of the Group, I wish the people of the United Republic of Tanzania, well, as they go out on Saturday to exercise their franchise.

## ANNEX IV: Interim Statement



### Tanzania General Elections 2015: Observer Group Interim Statement

27 October 2015

**Statement by:** HE Dr Goodluck Jonathan, Chair of the Commonwealth Observer Group to Tanzania.

I am honoured to have chaired the Commonwealth Observer mission during such significant elections for the people of the United Republic of Tanzania. Our presence here reaffirms the Commonwealth's support to the country and its democratic process.

The Commonwealth Observer Group commends the people of Tanzania for the peaceful and orderly manner in which they exercised their right to vote on 25 October 2015.

The Group has been present in Tanzania since 19 October having been preceded by an advance team which arrived in the country on 7 October. During this period, we met with the National Electoral Commission (NEC), the Zanzibar Electoral Commission (ZEC), political parties, civil society, including women and youth groups, media representatives, the Police, Commonwealth High Commissioners and other election observer missions.

On 23 October, our teams were deployed throughout Tanzania to observe the election environment and preparations. Ahead of Election Day, teams met electoral officials, political parties and the police at the district level to gain a comprehensive picture of the electoral processes and environment.

Commonwealth teams also observed the final campaign events around the country. The following is an initial assessment of the critical aspects of the election process and the electoral environment. Our final report, which we will complete before our departure, will be issued at a later date.

#### KEY FINDINGS

##### *Pre-Election Environment*

The emergence of the UKAWA alliance of opposition parties, following the constitutional reform process which has now been shelved, heightened the competitive nature of these elections. We were therefore pleased to note, from our

briefings with the Police and other stakeholders, that the campaigns which attracted large crowds, were generally peaceful, although reports of some localised incidents were recorded.

In Zanzibar, where tensions between the two main parties were high, we heard similar reports about the campaigns. Our observers in Pemba and Unguja reported that those campaigns which they observed were peaceful. We note, however, that the campaigns in Zanzibar were concluded on the 23 October, a day earlier than scheduled, in order to cool down the political temperature. Our general conclusion is that in spite of some tensions and minor incidents, the fundamental rights of candidates, political parties and supporters to assemble and campaign were observed.

A significant number of stakeholders who briefed the Group expressed concern about the late timing and limited reach of voter education ahead of these elections. Likewise, we heard concerns that the late conduct of the Biometric Voter Registration (BVR) exercise risked disenfranchising some voters.

An issue that divided the political parties was the interpretation of Section 104 of the National Elections Act which prohibits people from assembling within a 200 metre radius of any polling station. While one party asserted that its supporters could stay on after voting as long as they were beyond the 200 metre radius, another held the view that irrespective of this provision, after voting, voters should leave the premises and go home. On 23 October the High Court ruled that, all voters should leave the premises after voting and return home. The ruling provided clear direction on the issue.

Our Observers were keen to see how these critical pre-election issues might impact the polls across the country and we comment on these aspects below.

### *Media Environment*

There has been a proliferation of media in Tanzania since multi-party elections in 1995. The media landscape is on the whole split between state-run media and the private sector but media ownership is limited to a few powerful players. The law provides for an allocation of air-time which is available to all political party broadcasts. It also states that there should be equitable opportunities to access free airtime and the amount of time allocated to political parties and the rates charged should be consistent to all parties and candidates.

However, some stakeholders expressed concerns that media coverage of the elections tended to favour the governing party. The Group were told of instances where journalists were pressured into writing pro-government campaign material. In Zanzibar, where there are no privately owned newspapers, there were allegations of media bias in favour of the government.

### *The Voting Process*

On Election Day, our observers reported that most voting stations opened on time with a few exceptions. For instance, our observers witnessed one polling station in

the Kinondoni district, of Dar es Salaam which delayed its opening until noon, due to the absence of the voter register. Polling officials informed us around midday that the Returning Officer had instructed that the supplementary voter register should be used. Other incidents where polling stations did not open at all due to insufficient materials, among other administrative and logistical issues, were also brought to our attention later in the day. The NEC confirmed that voting took place in these stations yesterday.

Polling officials largely followed opening procedures and voters exercised their franchise in a smooth process. It was noted that ballot box lids and ballot papers were in corresponding colours for each election, which provided clarity for voters. However, there were very long queues in places and a slow pace of voting due to the tripartite elections in the mainland, and five elections in Zanzibar. These required polling officials to provide voters with three separate ballot papers in the mainland and five in Zanzibar, with their card numbers recorded on each counterfoil. The pace of voting did pick up during the course of the day and by 4:00pm our observers found that there were hardly any queues in many polling stations.

We also observed that presiding officers and their deputies in many cases appeared to be overwhelmed by the many tasks they had to perform: for example, in some polling stations, the presiding officer had to issue and stamp ballot papers while simultaneously recording the voter's card number on the counterfoil. This constrained the ability of presiding officers to perform their primary responsibility of managing polling stations, as required by law.

We commend the competence of polling officials, many of whom were young men and women. They collaborated with party agents in a collegial atmosphere, assisted elderly and differently-abled voters, and maintained calm and order in the polling stations.

Where there were anomalies in the application of certain procedures, they were not of such gravity to negatively impact the integrity of the process.

We further note that on Election Day, the voter register appeared robust with few incidents where voters did not find their names on the register, possibly allaying some anxieties about the BVR process. In some cases however, some voters were allowed to vote after completing the necessary forms.

On Election Day, Commonwealth Observers found that the 200 metre issue did not pose any problems. We noted the discreet, yet effective police presence.

Our overall assessment of the voting process, based on our observations is that it was conducted in a peaceful, calm and orderly manner, according to the procedures outlined in the laws of the United Republic of Tanzania.

The electoral environment on Election Day was conducive to the free exercise of the people's franchise and basic freedoms were respected.

We will provide some recommendations on how the process might be further improved in our final report.

### *Closing, Counting and the Results Process*

At the close of polls at 4:00pm, the long queues in some places had thinned out. Where there were still voters in the queue, they were allowed to vote in line with the law. Closing procedures were also generally well observed.

In some instances, there were inconsistencies in the application of procedures. We note however, that these were not of such a magnitude as to negatively impact on the overall process. We will propose recommendations on this matter in our final report.

Polling officials and party agents collaborated in a collegial spirit during the count. Our observers recorded few spoilt ballots. It appears voters were conversant with the process and also knew how to make their mark.

Where there were contested ballots, the polling officials and party agents resolved the matter amicably.

We conclude that the closing and counting were conducted transparently, and in accordance with the laws of Tanzania.

We note that the results process is ongoing. Tallying of results continues across the country. We have received reports of tensions in some places where our Observers are based including in Mtwara and Mwanza. We note with particular concern the decision by the Civic United Front (CUF) to prematurely announce results in Zanzibar, which exacerbated tensions there.

### **Conclusions**

We wish to commend the people of United Republic of Tanzania for demonstrating their commitment to democracy by engaging so keenly with the electoral process in a peaceful and orderly manner.

We call on all stakeholders, in particular the political leadership and their supporters in Zanzibar, to continue to show restraint and magnanimity and to uphold their commitment to national unity, peace and solidarity.

We believe the people of Tanzania deserve that from their leadership.

In our final report, we will reflect further on possible areas for improvement. In particular, we will address two critical recommendations which the 2010 Commonwealth Observer Group proposed, both of which remain unimplemented: the lack of legal recourse for challenges to the outcome of the presidential elections; and the need to bolster the independence of the NEC and ZEC.



Our final report will be submitted in due course to the Secretary-General of the Commonwealth, who will subsequently share it with relevant stakeholders before it is made public.



## ANNEX V: Joint Statement



### International Observers Express Concern at the Situation in Zanzibar

The Election Observer Missions of the Commonwealth headed by His Excellency Dr Goodluck Jonathan, the Southern African Development Community (SADC), headed by the Honorable Oldemiro Baloi, Minister of Foreign Affairs and Cooperation of the Republic of Mozambique, the African Union, headed by His Excellency Armando Guebuza, the European Union headed by Ms Judith Sargentini, observed the voting and counting processes across the United Republic of Tanzania on 25 October 2015.

We note with great concern the statement issued by the Chairman of the Zanzibar Electoral Commission, in which he nullified the Zanzibar elections.

We issued interim statements on 27 October, in which we all affirmed the credibility of the voting process.

We were pleased that the voting and counting took place in an atmosphere of peace, and that the people of Tanzania demonstrated a strong commitment to their democratic process by turning out in significant numbers to cast their vote.

We had commended the National Electoral Commission and the Zanzibar Electoral Commission for the competent and largely efficient manner in which they managed the electoral process on Election Day.

Our overall assessment of the voting and counting process at the polling stations, based on all our observations, was that it was conducted in a generally peaceful and organised manner, according to the procedures outlined in the laws of the United Republic of Tanzania and the laws of Zanzibar. We stand by this assessment.

We were conscious that the tabulation of results process was yet to conclude. We expressed the hope that all stakeholders, in particular, the political leadership in Zanzibar, would await the conclusion of that process in the spirit of national unity, reconciliation, peace and stability.

We now respectfully request the Zanzibar Electoral Commission to specify in which polling stations there were irregularities. We appeal to the ZEC to act with full

transparency in its decision to nullify the elections. We urge the political leadership of Zanzibar to cast aside their differences, put the interest of the United Republic of Tanzania and Zanzibar first, and come together to find a speedy resolution to the issues that have led to this unfortunate development.

Democracy, peace and unity in Zanzibar are at stake.

The 2010 elections in Zanzibar ushered in a government of national unity which gave the people of Zanzibar hope for sustainable peace and democracy.

We urgently call on the leadership of Zanzibar, the United Republic of Tanzania, the ZEC, NEC and all stakeholders to live up to the expectations of the people.

### **Declaration of Principles for International Election Observation**

The Commonwealth Secretariat is a signatory to both the Declaration of Principles for International Election Observation and the associated Code of Conduct for International Election Observation Missions, which were commemorated on 27 October 2005 at the United Nations in New York.

Commonwealth Observer Groups are organised and conducted in accordance with the Declaration and Commonwealth Observers undertake their duties in accordance with the Code of Conduct.

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