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REVIEW OF THE PREPARATORY PHASE CONTINUED

Introduction

Election Update 2 is an extension of the first update; it is a continuation of the review of the preparatory phase for the United Republic of Tanzania's Presidential and Parliamentary elections scheduled for 30 October 2005.

In this update, particular attention will be given to events and issues during the run up to elections and during the campaign,

focusing on relevant electoral processes such as the delimitation of constituencies, civic and voter education, voter registration, nominations of candidates by the different parties, and the campaigning process.

Constituency Delimitation

Every election system needs to provide for the organisation of constituency boundaries. This includes establishing boundaries, determining the criteria, frequency and circumstances under which boundary sizes might change; and authorising the final plan for

electoral units. All this is necessary to ensure not only equality of voting power, but in addition, establishes the territorial basis of those elected.

In most countries responsibility of demarcating electoral units falls under the jurisdiction of an independent Election Management Body. There are other countries in the region; however that have specific Demarcation or Delimitation Commissions, appointed by the Head of State, tasked to review the electoral boundaries at regular intervals and to report back to the head of state or National Assembly.

In the United Republic of Tanzania, it is the former situation that prevails. In the mainland, the NEC (National Electoral Commission) is empowered to demarcate parliamentary constituency boundaries for the United Republic of Tanzania. It so happens however that the Constitution under article 75 only sets out general criteria for demarcation.

Article 75 states that: “in demarcating the boundaries of constituencies, the electoral Commission shall take due account of the availability of means of communication and also geographical conditions of the area intended for demarcation into constituencies”¹

Additionally, and it is important to note here, that under section 75(6), the NEC is not subject to the order or directions of any person and “no court shall have the power to inquire into anything done by the Electoral Commission in its discharge of the function of demarcating the United Republic into constituencies”.²

The above criteria were found to be inadequate by the Commission, forcing it to develop and define other requisites for constituency identification. Among the criteria established by the

NEC to assist with decision-making in the demarcation processes were:

- The constituency should not cut across boundaries of two different districts or local authorities;
- The constituency should be composed of wards established for the purposes of councillors’ elections;
- The constituency should not cut across two different wards

The Commission is in addition, mandated by the Constitution article 75 (4) to at least review the demarcation of constituencies every ten years and alter the constituencies as a result of that review. Since the Commission’s inception, there has been one major review of the boundaries. This was carried out in 1995. For the 2000 elections, the Commission saw no need to review the 182 constituencies it had at the time. The number of constituencies for the forthcoming elections has increased to 232 due to the establishment and realignment of district and town councils in Tanzania mainland. In recent months there has been mention of increasing the number of districts in some areas, which, by default, leads to an increase in the number of constituencies. Earlier this year, a request was made in Parliament for the establishment of five new

districts³ due to recent population increases. It was feared that such a move so near to the elections would disrupt their preparations. It was eventually decided that this would be done after the polls to enable the NEC to proceed with the election preparations.

In Zanzibar, the Constitution gives the Zanzibar Electoral Commission (ZEC) powers to demarcate electoral constituencies. Section 120 sub-section 3 of the 1984 Constitution sets the guidelines to be followed by the Commission when formulating and reviewing electoral boundaries. It allows for all constituencies to have roughly the same number of residents and other relevant factors such as population trends which shall be determined by reference to an updated census, geographical features, means of communication and adequate representation of urban and sparsely populated areas. As with the NEC, no court shall have the jurisdiction to question the legitimacy of the Commission’s constituency changes. Additionally there is no requirement on the ZEC to consult or give prior notice of any intended reviews of boundaries. A notice of changes carried out however,

¹ The Constitution of the United Republic of Tanzania, 1977

² *ibid*

³ These five new districts were recommended for the following areas: Namtumbo, Kilolo, Mvomero, Kilindi and Kishapu

is published in the Commission's gazette.

The number of constituencies can vary between forty and fifty five as these are the minimum and maximum numbers legally set by the House of Representatives. The total number of constituencies has remained the same through the years, only the numbers in each island have alternated. For the 2000 elections there were 29 and 21 constituencies for the Unguja and Pemba islands respectively. Currently there are 32 constituencies in Unguja and 18 in Pemba. These changes occurred recently when the ZEC merged three constituencies - Chumbuni, Mikunguni and Mlandege - into one new constituency Mpendai in the urban centre on Pemba Island and created three additional constituencies in Unguja. Among those phased out was the Mwera constituency which had been held by a member of CCM. The ZEC had their reasons for such dramatic changes. According to them, changes had to be made due to over-population in some constituencies. The already mentioned Mwera constituency for example, had over 14000 voters where as other constituencies had a meagre 3000 voters.

As expected, the opposition objected vehemently viewing such delimitation as gerrymandering. They

accused the ZEC of deliberately attempting to weaken the opposition camp in the House of Representatives. It was further believed that as these changes occurred prior to the voter registration exercise, they would cause unnecessary hitches to the registration process.

The ZEC had to submit the proposed changes to the NEC prior to implementation. Any changes to the constituencies in Zanzibar have to be made in conformity with the Union Constitution and fall within the jurisdiction of the NEC. This is because the constituencies for the Union National Assembly elections include those for the Zanzibar House of Representative elections. Hence any changes the ZEC makes to constituencies in Zanzibar will, in turn, affect the number and boundaries of the constituencies for the Union elections. The NEC is further required, in addition to its own data, to utilise all the relevant information, such as constituency boundaries devised by ZEC in the administration of union polls in Zanzibar.

Civic/Voter Education

NEC

The law has tasked the NEC since 2004 with voter training and education. Previously voter education was not a legal function of the Commission. However,

via an amendment in the Elections Act of 1985 the NEC is now mandated to provide voter education throughout the country and to supervise persons who conduct such education. Although in the past the NEC had acknowledged the duty of implementing voter and civic education with no legal obligation, there was indication that the Commission preferred other institutions to take over this responsibility. It even suggested at one point that voter information and civic education should be institutionalised through the Ministry of Education and taught at schools. The government did not follow this recommendation. Hence faced with inadequate resources for the task, it urged other interested parties to join in the effort to educate the electorate. As such, voter education and mobilisation campaigns tended to be implemented half-heartedly and in a haphazard manner.

Observers of the past two elections have all reported on the low degree of or no voter education activity throughout the United Republic during the months prior to the elections. Many have also questioned the content of civic education offered to people in Tanzania; arguing that much of the information imparted tended to be elementary political education. Despite this, it is fair to note that the Electoral

Commission regarded voter education as a high priority and made some effort in educating the electorate on the technicalities of the voting process. It did this mainly via arranged seminars; workshops; distributed booklets and posters as well as produced radio and television programmes and newspapers features and articles.

Radio is very accessible in Tanzania and is in actual fact the preferred means of delivering voter education. The majority of Tanzanians in rural areas can only have access to public information through listening to radio. The radio programmes would normally be aired in the form of national weekly interviews about elections and democracy; radio spots which would broadcast five times a day, disseminating messages on how to register; safekeeping of registration cards; the need to attend campaign rallies and so on.

As extensive as these voter education programmes may have seemed at the time, more however needed to be done. The NEC itself was aware of this insufficiency and how it had, during each election, deprived a large part of the electorate the understanding of the basic voting processes. Several factors have been identified as reasons for this inadequacy. The NEC itself acknowledged the lack of sufficient resources as a

major impediment to the successful implementation of voter information and civic education programmes. Other cited limitations include both poor infrastructure and means of communication. Given the size of the country, communication infrastructure is restricted and the only effective means of communication is radio, even with this, demonstrable problems continue to affect its accessibility.

For this year's election much has been done to overcome these deficiencies. Programmes, implemented by the donor basket fund of which 10 donors contributed in the mainland, have specifically been formulated with the experience of the past decades in mind. The donor countries who have contributed to the elections basket include Denmark, Ireland, Sweden, Switzerland, Germany, Canada, the United Kingdom and Finland. The donors in fact brag that the Civic Education Programme, implemented through a variety of NGOs, is one of the largest components of the Elections 2005 joint donor basket fund. The programme targeted for this year's election is fundamentally different from previous civic/voter education programmes, from the content of the materials developed; the target group it engages to the recipients of the programmes funds. For

the first time, the recipient NGOs are guided by a reference group comprising representatives of key umbrella groups, namely World Conference of Religions for Peace, Supreme Muslim Council of Tanzania (BAKWATA), Umbrella Organisation for Disabilities in Tanzania (SHIVYAWATA), Information Centre for Disabilities (ICD), National Consortium on Civic Education in Tanzania (NACONET), Research and Education for Democracy in Tanzania (REDET), Christian Council of Tanzania (CCT), Tanzania Council of Social Development (TACOSODE), Tanzania Episcopal Conference (TEC), Media Council of Tanzania (MCT), Tanzania Association of NGOs (TANGO) and National Consortium on Civic Education in Tanzania (NACOCET). This reference group played a key role in the selection process of recipients. The assessment criteria utilised was much more stringent and involved several rigorous steps; these included a publicly advertised invitation to participate in the grants process and a capacity evaluation questionnaire. This has given other NGOs such as BAKWATA and the World Conference on Religion and Peace, which had been disregarded in the last elections, an opportunity to participate, thus increasing

the numbers to nearly twice as many as the 2000 civic education programme.

Additionally, new methodologies to better reach non-urban communities have been introduced and different targeted groups, who had previously been less engaged in the electoral process, seem to be the focus for the 2005 civic education programme. These are the youth of the ages between 18-26, women, the disabled and the electorate with a lower level of education. Moreover the materials, which include a civic education curriculum, a source book, booklets for popular distribution, posters and leaflets have been developed collaboratively. It appears that fundamentally the reformulated civic education programme deviates a great deal from previous programmes with more dedicated priorities, activities and methodologies. It is hoped however, that the recipient NGOS will at the very least comply to some of the programmes' planning and objectives.

ZEC

Much like the NEC, the Zanzibar Electoral Commission is also constitutionally required to undertake voter education for elections. The difference being this duty was given to the ZEC much earlier via the Amendment Act of 2000. Over the years, the size and scope of ZEC's civic

education programme has varied immensely due to financial constraints. Inadequate funding from both the government and donors has meant that ZEC was only able to distribute pamphlets and posters and broadcast occasionally through the state radio and TVZ in the last two elections. The other main feature of their programmes was the commissioning of a theatre group to develop a skit for the education and entertainment of voters and a separate video on the election process. The theatre groups were mostly targeted for Zanzibar's more remote villages. In order to ease this responsibility, the ZEC much like its counterpart in the mainland, had recommended that a task force composed of political party representatives and officials from the Ministry of Education be established to design a programme of civic education for use in schools, colleges and adult education classes. This would leave more time for the ZEC to concentrate on voter education in preparation for the elections.

With respect to this year's elections, ZEC's voter education programmes took a very different route. This is because for the first time, as alluded to in previous sections, a permanent voter's register (PVR) was conducted. The first PVR exercise commenced at least 9 months ago. In this respect

it was necessary for ZEC to provide voter education programmes that aimed to educate the electorate on the laws, rules and regulations guiding the voter registration process. The electorate needed to be educated not only on the importance of registering but also the significance of having a permanent voters register. It is believed that the Commission spent approximately Tsh 140 million shillings on this programme. It did so by utilising several media outlets – radio, newspapers, TV programmes – posters, public rallies and theatre performances. One of its radio programmes entitled “*Kutoka Chume ya Uchaguzi*”⁴ was aired on Radio Tanzania Zanzibar twice a week. This had the most impact in educating and mobilising the electorate in rural areas. The theatre also played a significant mobilisation role. The ZEC in particular, employed a theatre that had been established by students at Nkrumah Teachers College for the purpose of social development way back in 1998. The theatre named Theatre for Social Development (THESODE) staged several plays to the public in both rural and urban areas. The plays which combined learning and debate sessions were specifically designed to be interactive so the audience

⁴ Swahili for “from the Electoral Commission)

would feel more involved and thus keep them focused. In addition to the radio and theatre programmes, the ZEC distributed numerous posters and leaflets, booklets explaining the PVR process in its entirety, brochures and users manuals.

As extensive as these communication modalities may seem, overall the ZEC programmes could have had a much wider audience had it not limited itself to public media. It was observed that

the ZEC had overlooked the private media such as the *Guardian*, Habari Corporation, and ITV/Radio one, outlets which could have given the commission considerably wider coverage in areas where TVZ programmes and Zanzibar radio programmes are altogether inaccessible or difficult to get reception. That said, the electorates response from the Commission's various programmes was considerable. All in all, the

voter turnout was impressive, with Unguja North retaining the highest turnout followed by Pemba South and North. In fact registration in the first week had reached 41 percent of the total estimated registration numbers. This reduced only slightly in the second and third week to 39 percent and 20 percent respectively. The following table shows the first week's voter response in selected centres in Zanzibar north:

Centre	Percentage
S/Kidoti	127.6%
Kilindi	113.8%
Mafufuni	100.4%
Pangatupu	96.7%
S/Pale	92.7%
S/Bandamaji	82.1%
S/Bumbwini	80.1%
S/Muwanda	79.8%
S/Kibuyuni	77.7%
Banda Karafuu	70.9%

Source: TEMCO

It may seem that most of this year's focus by the ZEC on voter education was on the registration process. Some attention was nonetheless given to voter education programmes on the voting process. Currently ZEC's programme is being implemented via six main methods; these are the radio, TV, seminars, theatres and school debates. Thirty eight high schools in both Unguja and Pemba have already conducted some of these educational debates. In addition, live community performances have been held

in fifteen villages, simultaneously with radio and TV dramas which have been aired weekly to ensure greater impact.

Already there have been some visible signs of these activities in both Unguja and Zanzibar. For instance, in many places sample ballot papers are displayed on public buildings to enable voters to familiarise themselves with the content and design of the ballot papers and where to place their mark on the ballot paper. Approximately Tsh

171 million shillings was earmarked for such voter education programmes. This came mainly from the donor funds.

Most of the donor funds earmarked for civic and voter education however, have been channelled directly to NGOs as they seem to be better positioned to play a more pivotal role.

True NGOs are better equipped to play a more significant role as they possess a number of characteristics that allow

them to do so, namely NGOs engage better with the poor and are often able to reach segments of rural populations that are neglected. With regards to voter education on the PVR process, however there was some disappointment as very few NGOs in Zanzibar engaged with the electorate on the PVR. That said, there were one or two NGOs which were in the forefront of the exercise, this included REDET (Research and Education for Democracy in Tanzania) which educated the electorate via discussion fora and its newsletter (*Sauit ya Demokrasia*) and Umoja wa Walelavu Zanzibar (UWZ).⁵

On the matter of general voter/civic education in Zanzibar, thirteen community based groups in Unguja and Pemba isles have received a total of US\$300,000 from the UNDP Elections Basket Fund to conduct civic education throughout the campaign period up to 29 October. For mainland's programmes several NGOs, as mentioned above including TGNP, TAMWA (Tanzania Media Women's Association), WILDAF (Women in Law and Development in Africa) and REDET are currently undertaking excessive voter and civic education programmes.

More recently, WILDAF launched its programme entitled Women and the 2005 Elections. The project specifically aims at sensitising women on civic and voter education to enable them to utilise their voting rights. In addition, WILDAF aims to utilise the programme to monitor harassment and other forms of intimidation and exploitation against women during the election period.

It must be noted that together with the two Electoral Commissions and NGOs, participating political parties have also made some efforts in providing voter education to its support bases. This is usually done during party rallies and public meetings, but some parties have taken it a step further and utilised seminars and workshops as training avenues for key personnel involved in the voting process.

Generally the voter/civic education programmes implemented to date for the 2005 elections have proved to be effective; this was not only illustrated by the large turnout of voters during registration but also by the understanding displayed by the voters of the processes themselves.

The key message for this years programme to the voters especially in Zanzibar, is to observe political tolerance and to vote in peace, harmony and

tolerance. With much anticipation, it is hoped that this message will be observed and the voting processes respected accordingly.

Candidate Nomination

Nomination of parliamentary candidates in the United Republic of Tanzania for both the Zanzibar House of Representatives and the Union parliament is carried out in a two stage process.

First there is the nomination within a political party where parliamentary candidates are selected under a respective party's constitution. A nomination process within the respective Commissions of the country then follows this procedure. Both the NEC and ZEC only nominate candidates who have been submitted by registered political parties. As mentioned above, the Constitution of the Union, as amended in December 1994, prohibits independent candidates from seeking election in all the three separate elections: presidential, parliamentary and council elections, and only political parties duly registered are entitled to nominate candidates at these elections.

In order to be nominated by the Electoral Commissions, the contesting candidate must fulfil a set of qualifications and conditions, which at times may seem onerous. Even so,

⁵ The Umbrella NGO for the Disabled

these stipulated requirements allow the electoral officials to determine the legitimacy of the candidates nominated by various parties. In the face of some ill-administered and non transparent party nomination procedures, it is imperative to have electoral commissions authorise the nomination of these candidates by using their own set of qualifications and conditions as stipulated in the electoral laws. The nomination process itself first involves candidates collecting nomination papers from the Returning Officer in the respective constituency. For the Commissions to even begin to consider the nomination, each candidate is required to first have the nomination endorsed by no less than twenty-five people who have been registered as voters in the respective communities. Secondly, the candidate must pay a deposit of Tsh 100,000/= to the Returning Officer. Thirdly, the candidate makes a statutory declaration before the Magistrate to confirm that required qualifications have been fulfilled. Article 67 of the Constitution of the United Republic of Tanzania, 1977 stipulates that a candidate shall be qualified for election as Member of Parliament if the following conditions apply:

- he/she is a citizen of Tanzania;
- he/she has attained the age of twenty one years or above;

- he/she has not been convicted in any Court for an offence of tax evasion within the period of five years before election; (iv) he/she is a member of, and a candidate proposed by a political party.

The nomination timetable issued by the Electoral Commissions varied slightly; the ZEC issued the forms for House of Representatives candidates on 15 August, whereas aspirants for seats in the National Assembly collected their forms on 1 August this year. The deadline for returning duly-filled forms for both National Assembly and the House of Representatives was 3 September.

It is however highly recommended by the Electoral Commissions that forms be returned a few days prior to the deadline, as this would give the candidates ample time to rectify any mistakes on their forms. The Returning Officers themselves are expected to review the submitted forms well in advance of the deadline, however there have been instances where Returning Officers have left the review of the nomination papers to the last minute making it impossible for the candidates to rectify any mistakes.

Each candidate as mentioned above had to pay 100,000/= to the Returning Officers of

their respective constituencies, upon collection of the nomination forms. It is a practice, as several observers have noted over the years that, at times, stands as a barrier for smaller opposition parties. Many are unable to raise the funds needed to nominate candidates. For the more influential and politically secure parties, this is not a restriction, as these parties are well organised and have the proper means to support their candidates.

In addition to the above selection procedure and prior to the nomination followed by the Electoral Commissions, each party undertakes its own nomination under a different set of selection procedures. There have been cases where parties handpick candidates and others where candidates earn party nominations without facing any opposition. In such cases the lack of formal nomination procedures in some parties has tended to cause, more than necessary doubts and uncertainties on the entire nomination process, of which the Electoral Commissions tend to bear the burden. In this view both Electoral Commissions have, time and again, recommended for an amendment of the legislation to ensure that political parties adhere to democratic principles when conducting internal nominations of their candidates. That said, most

of the contesting parties claim to utilise similar formal procedures to each other, when selecting their candidates. Theoretically most parties claim that they follow a model initiated by the ruling party. This basic model is based on an organisational structure that involves all levels in the selection process; starting from the branch level/constituency, moving up the chain of command to the district and regional levels and finishing off at the national headquarters. At the constituency stage, the process starts with party members electing candidates in preferential voting. The results are then passed up to the higher levels. At each stage the results of the preferential voting are further reviewed and the names are either rejected or endorsed. In practice, preferential results from the constituencies do not usually get rejected. This is only relevant for those parties that minutely follow the model. It is hard to believe that all registered parties utilise procedures that involve the local/branch level. Most parties do not have a strong party presence at the constituency level, leaving the party leaders with the autonomy to recruit candidates and select the candidates of their preference.

In the case of the CCM, the party has a well-established nomination model with set

procedures, which according to the observations of the Electoral Commissions, were followed closely. Its legislative candidate selection commences with a preferential voting at the ward level. Here all aspirants present themselves to a conference of delegates from the wards/branches within each constituency. Basically any CCM member may put up his/her candidacy, and each candidate is expected to pay a non-refundable fee of 100,000/= . This fee, according to CCM stalwarts is essential as it is evidence of the candidate's financial abilities for campaigning purposes.

Since every ward undergoes preferential voting, the selection process lasts several weeks. Although this is a more open process and one that provides opportunity for vast participation, it is proving to be difficult for the CCM to control the process and to ensure that the selection produces reliable and competitive candidates. The party does try to make the process more effective by giving other party levels an opportunity to be part and parcel of the selection process. The party list containing the selected candidates by preferential votes is first reviewed at the district and regional level. The results are then forwarded to the National Executive Committee of the party, which has the final say

in candidate selection. In cases where only one candidate sought nomination, the NEC would also utilise the meetings to endorse the candidate. For this year's elections, the NEC met in Dodoma between 14 and 15 August to review the names. The NEC's meetings are only routine, and are unlikely to reject any names, presumably because enough work has already gone into the preparation of the candidates at the branch level. That said, in the 2000 elections the National Executive Committee overturned 11 parliamentary constituency results. For this year's elections at least 5 were rejected for the Union National Assembly and none for the House of Representatives.

The CCM legislative primaries for the Union National Assembly began with seven MPs standing down; these included the current Prime Minister, Frederick Sumaye and the Cooperatives and Marketing Manager, George Kahama. At least two cabinet ministers who sought re-election in the Union National Assembly stood unopposed. A few other incumbent legislators across the regions also stood unopposed. In the Arusha region alone, there were two incumbent legislators who were unopposed within the CCM primaries. Other candidates in other regions

however were not so lucky; more than 30 CCM aspirants sought the party's nomination for the six parliamentary seats in the Manyara region. The preferential votes for the Union National Assembly produced some unexpected results. In the past, most incumbent legislators would be re-elected without much opposition. In this year's primaries approximately six long serving legislators failed to retain their seats, the most surprising legislator was Daniel Yona, Minister for Energy and Minerals who lost to the wife of CCM National Vice Chairman, Anne-Kilango Malecela with 286 votes to Yona's 60 votes.

The nomination for the House of Representatives within CCM also produced some unexpected results. A few top government officials as well as a few incumbent legislators lost, these included the Deputy Minister of Foreign Affairs, the Deputy Minister of Communications and Transport, and Zanzibar Minister of Trade and Industry.

With regards to the opposition parties, most utilised various selection procedures which tended to be centralised. Some however were able to extend participation in candidate selection to local units, whilst others, due to lack of formal rules and procedures,

limited participation to national conferences. In CUF's case, party candidates collected their forms at a non-refundable fee of 5,000/= which they returned to their branch party offices. Meetings then followed at the branch level to discuss the possible candidates. The candidates were then endorsed by voting and given final authorisation by the party's National Executive Committee. For other smaller opposition parties, there were many cases where only one candidate sought the party's nomination for many of the constituencies. Several factors were cited for the limited participation in these parties. This could have in part been due to the fee or that some parties have weak presence at the grassroots levels. In cases where only one candidate participated in the nomination, the party in question would simply endorse the name without putting/placing them under further review or selection processes. In Chadema's case only 100 members of the party participated in the nomination, these include the party's chairman Freeman Mbowe who is currently the MP for the Hai constituency and the Secretary General, Wilbroad Slaa who sought re-election as the Karatu Constituency MP.

Generally for many of the smaller opposition parties, their internal nomination processes appeared to be

rather muddled and in some cases even inept. Consequently, many defections took place during the nomination period. At least two CUF MPs of the Union National Assembly were said to have defected to the CCM. The defections for some parties have become a real hindrance forcing parties like the CUF to enter into legally binding agreements with all their parliamentary and House of Representatives candidates before their names were submitted to NEC and ZEC. According to the agreements, any candidate who defects after endorsement by the party to vie for parliamentary seats will be liable to the party and be forced to pay compensation in the amount of Tsh 50 million.⁶

In the end, despite the various defections which occurred between parties, the NEC received over 1000 nominations representing all registered parties for the Union Parliamentary elections. In Zanzibar, there were 219 candidates registered representing 18 parties contesting the House of Representative elections (see table below for a detailed list)⁷. For both the Union Parliamentary and House of Representative elections, the CCM had candidates in every constituency with CUF second in terms of the

⁶ *The Guardian*, July 13, 2005

⁷ Zanzibar Electoral Commission

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number of overall candidates. The parties and number of candidates officially nominated by each party are listed in the table below:

Party	House of Representatives
Chama Cha Mapinduzi (CCM)	50
Civic United Front	50
SAU	12
CHADEMA	10
Jahazi Asilia	24
NCCR-Mageuzi	13
TADEA	4
UPDP	13
TLP	8
NLD	6
CHAUSTA	3
DP	4
NRA	10
UDP	4
DP	4
Demokrasia Makini	3
UMD	1
PPT Maendeleo	2

Source: Author Compilation

As in any election, political parties during the nomination period were given an opportunity to object to other parties' candidatures. All parties were given a 24-hour window to raise their objections; this usually followed the 4:00 pm deadline for delivery of nomination papers. This is also the same timeframe that the Returning Officers have to decide on the validity of every objection. For those parties dissatisfied with their decision, their last option was to file an appeal to the Electoral Commissions. The aggrieved candidate can appeal through the Returning Officer within forty-eight hours after receiving the Returning Officer's decision. The Commission's decisions

on any of the appeals are however, final and conclusive, and cannot be challenged in any court.

Both the NEC and ZEC use the same procedures when processing objections. Before any objections can be made, the Electoral Commissions need to display all the candidates nominated by the different parties in public for inspection. Only the Director of Elections, the Returning Officer or Assistant Returning Officer in the respective constituency, and other candidates can make objections. After an objection is made, the first task is for the Returning Officer to bring together all the parties to argue their cases. Objections may be

based on any of the following grounds;

- that the particulars given in respect of the candidate are insufficient to identify him;
- that the nomination paper does not comply with the law
- that it is apparent from the content of the nomination papers that the candidate is not qualified

Generally both Electoral Commissions, it was observed, dealt with the protests properly and in accordance with the regulations. A total of seven objections were brought before the ZEC, of which the opposition parties such as CUF, TADEA and the newly formed Jahazi Asilia filed

the most against CCM. There were one or two objections filed by CCM candidates against the opposition. The CCM candidate for Makunduchi Constituency who is also Zanzibar's current Minister for Education, Culture and Sports objected to Jahazi Asilia's candidate on grounds that he had falsified his sponsors. Most of the objections were based on having insufficient signatures of endorsers or false education certificates. All of these objections were in the end overturned by the ZEC. The NEC on the other hand, received over 200 petitions, and the vast majority of the objections centred on errors and oversights in filling in the nomination forms. Others were based on failed requirements of citizenship and allegations of some candidates being non-swahili speakers. In the end, the NEC ploughed through the two hundred plus petitions lodged, overturning the majority and disqualifying only a few. There were in fact, a total of 180 petitions, 65 petitions from parliamentary candidates and 115 lodged against civic contestants. It must be noted that when a party's candidate is disqualified, affected parties are prevented from nominating alternative candidates to replace those disqualified. The opportunity to object then is on occasion strategically used as a manipulative tool by parties

to gain a competitive advantage. An objection can lead to a disqualification which automatically prevents aspiring candidates from appearing on the ballot. This is especially so, considering the rules guiding the disqualification process at times seem openended and therefore leave ample opportunity for discretionary actions. That said, the process of objections is often a procedural formality; election officials prefer to avoid them and only turn to disqualifications as a last resort.

Election Campaigns

Campaigns for elections in the United Republic of Tanzania are required to be conducted in accordance with several of the Union and Zanzibar electoral laws, namely the Constitution of the United Republic of Tanzania 1977, and the Constitution of Zanzibar 1984, both as amended, and the two Elections Acts; the Zanzibar Elections Act 1984 as amended in 2002, and the 1985 Elections Act for the Union.

All the above regulations in some way or another provide guidance for the campaign period. The Union's Elections Act, 1985 for example stipulates that in a constituency where there is a contested election, political parties, candidates or their agents can organise campaigns, and according to

other regulations such as the Political parties Act, 1992, no permission is needed to hold a political party gathering by a registered political party, the district police are however to be notified to arrange security.

Both Electoral Commissions designated an official campaign period; for Zanzibar isles, the ZEC designated 5 September to 29 October as the official campaign period. The campaigns in Mainland Tanzania, on the other hand were scheduled for 21 August through to 29 October. In order to avoid more than one rally being held at the same time and/or collisions among party supporters, campaign schedules/time tables are designed by the Electoral Commissions with the help of the registered parties. According to the electoral laws, (in section 56 (1) and (2) of the Zanzibar Election Act, 1984 as amended, and section 51 (10) and (2) of the Union Elections Act No.1 of 1985, every candidate or political party agent is required to prepare a campaign programme and submit it to the Returning Officer, who in turn coordinates campaign programmes by convening meetings with the various party agents. Once a consensus is reached, the agreed campaign schedule is then submitted to the District Commissioner and to the Police Officer Commanding

District (OCD) for security arrangements.

For this year's election timetable on the mainland, the NEC had to make several revisions to the schedule after the campaigns had officially begun. This was due to other smaller parties delaying their submission of the schedules. For instance it was only on 27 August this year that parties such as the Progressive Party of Tanzania (PPT-Maendeleo), Chama cha Sauti Ya Umma, Chama Cha Demokrasia Makini, and the National League for Democracy (NLD) were included in the agreed campaign schedule. According to the amended timetable NLD and PPT-Maendeleo started their campaigns at Morogoro Urban in Arusha and Arumeru respectively. While Chama cha Sauti Ya Umma began campaigning on 11 September in the Coast region. Other more organised parties such as CCM wasted no time, their campaigns for the Mainland Tanzania began as early as 22 August with a two-week campaign tour of the southern regions.⁸ Most parties it appears followed the campaign schedule as agreed, with minor variations here and there. Some parties were more consistent than others; the smaller parties for example held their campaign meetings randomly, with some even postponing a few of their meetings.

⁸ *The Daily News*, August 23, 2005

Other than depending on an agreed campaign schedule to avoid conflict between parties, Electoral Commissions also relied on a Code of Conduct, which was designed to specifically govern party behaviour during campaigns. The Political Parties Ethical Code of Conduct, signed by at least 15 registered political parties and the NEC, essentially aims to regulate the behaviour of parties and candidates during the electoral campaigns. Its various sections provide guidelines for party behaviour with emphasis on respect for different political parties and their opinions; it prohibits usage of government vehicles and materials for campaigning; it prohibits security forces from playing a political role; and among others urges political parties to avoid religious political statements. In addition to NEC's Ethics Code of conduct, political parties were urged to sign several other codes, created by other institutions. The Tanzania Centre for Democracy, funded by the Netherlands Institute for Multi-party Democracy (IMD) put together a Code of Ethics for Political Parties. Only five parties however, signed the agreement. Others included the UNDP funded Security Dialogue Code signed by six parties, the government and the police. These were CCM, CUF, CHADEMA, TLP, UDP, and NCCR-

MAGEUZI. In addition to the above, President Mkapa had proposed a further Code of Conduct along the lines of the South African Electoral Code of Conduct, which among other things, condemns public violence and intimidation during campaigns, prohibits the use of abusive language and bans the electorate from carrying weapons at political meetings, demonstrations and voting stations. In Zanzibar, a different election Code of Conduct was signed between several parties (17 in total) and the ZEC. It is a five-page document, which outlined among others, the need for political parties to concede defeat, and it calls on them to respect the ZEC as the sole body responsible for administering the elections. Until recently, it seemed that most of these Codes were adhered to and political parties - as expressed during the parties' ethical committee meetings held regularly by NEC - were satisfied with the general conduct of the election campaigns.

Rhetoric in the Campaign

Party campaigns have, to date, followed a similar format. Most parties have held public rallies and meetings during which party dignitaries amidst robust chanting of slogans make introductory speeches. Most rallies would organise some entertainment for their supporters in the form of traditional dancing groups,

cultural performances, and even theatrical plays. Some rallies featured a ceremony of conversion where supporters of one party would publicly denounce their party membership. For instance, it was reported that at one of the rallies in the Southern Regions of Tanzania, the CCM's presidential candidate, Jakaya Kikwete received over a thousand defectors from the opposition parties.⁹

Defection ceremonies were not the only features of the rallies that would electrify the crowds. When speeches geared towards the discussion of either party's leading contenders this too tended to stimulate the party supporters. Such discussions on leading figures however, did not focus so much on discrediting the characters of the various political leaders, as was the case in the 2000 elections. In these campaigns, generally the speeches focused on a motley crew of topics, and were not dominated by discussion of personalities, as had been expected. A few of the parties engaged in concrete issues and discussed their future policies if elected. The CCM in particular, centred their discussions on past achievements that have been realised under both Mkapa's and Karume's leadership and on their future goals. It also campaigned itself as the only party capable of maintaining

peace and stability. All the opposition parties, other than engaging on a few concrete issues such as health and education, attacked the ruling party on several important areas. They pointed to the lack of economic progress during the CCM's rule and accused the government of being corrupt. Below is a summary of the various themes and topics discussed in some of the parties' campaign rallies, as well as brief mention of the goals listed in their manifestos.

CCM

CCM's election manifesto for the years 2005 to 2010 begins by echoing the late Julius Nyerere's statement, "We must run while others walk". The main thrust of the manifesto is fast economic growth, the target being to achieve 10 percent GDP by 2010. As a result it contains a number of ambitious economic projects, and gives priority to scientific research and development. CCM aims to allocate at least one percent of its budget for scientific research. The document also calls for an active front in the fight against poverty, and places emphasis on industrial development such as the creation of export processing zones as well as further development of the Small Industries Development Organisation (SIDO). Unlike in the past, the manifesto has a section on Zanzibar, which calls for further reforms in

the Zanzibar Revolutionary Government such as the administration of revenue collection. It also calls on Zanzibar's government to review its post 1964 Revolution housing policy and to continue to develop the public housing sector, as it has done in the last few years. The party further wishes to see closer relations between the isles and the mainland by enhancing the Union's economic and social affairs.

The campaign discussions centred most of the time on the party's manifesto. The various leaders reiterated their party's past achievements and on the goals planned for the future. It continually praised itself for maintaining peace and stability in the past and urged its supporters to do the same for the forthcoming elections. In regions that are affected by refugees from neighbouring countries and experience intermittent attacks by refugee bandits, Jakaya Kikwete has promised to intensify the fight against crime perpetrated by these refugees. Beyond this, CCM's campaign rallies, as is the case with other parties, usually come in the form of celebration and have less to do with programmes and issues or policies as written in the manifesto.

NCCR-Mageuzi

NCCR-Mageuzi unveiled its election manifesto on 22 of

⁹ *The Guardian*, August 27, 2005

August, a day after the campaigns had started. The document gives priority to two main areas; the country's constitution and the legal system. The party pledges to review the Constitution through a democratic and participatory process, via a national conference represented by all stakeholders, and once approved it promises to implement it immediately. Secondly, it hopes to review the legal system by nullifying and amending some of the laws it sees as oppressive such as the 1985 Elections Act of the Union. On the campaign front, the leaders of the party used the opportunity to challenge the ruling party to explain how the ordinary Tanzanians were benefiting from much touted economic growth, stating that the gap between the rich and the poor had widened considerably over the past decade. The party's leaders held the government responsible for this gap, and continually argued that this was largely due to the government's misuse of the country's abundant natural resources. As a way of addressing this issue, the party promises to conduct a study to establish the actual amount of minerals produced annually, gold in particular, and ensure Tanzanians are given priority in the distribution of benefits. The party in addition, promises to embark on intensive efforts to find reliable and attractive markets for local farm

produce. They argue that the CCM's failure to assist people in accessing markets has hindered Tanzanians' efforts to economically liberate themselves from the poverty gap.

Another important theme discussed by the party's leadership throughout the campaigns was on the CCMs privatisation programme. The party generally pointed out its reservations on its *modus operandi* and in particular its lack of transparency. It promised to evaluate the government's privatisation programme and to ensure that indigenous entrepreneurs would benefit from it. Other than these main issues, the party's electioneering rhetoric included topics on land distribution and on the taxation system.

CUF

CUF's election manifesto places emphasis on economic growth, by promising a more sustainable economic growth with an 8 to 10 percent annual growth in GDP by the year 2010. For this to happen, it promises more jobs for the youth, an additional three million jobs in five years and a ten-fold increase in royalties from mining companies, as well as a creation of at least 500,000 new jobs each year. On the economy, CUF further hopes to increase government revenue by enforcing strict controls on government

expenditure.

The manifesto in total has listed 15 main areas that require further improvement, namely Muafaka (the peace accord), corruption, human rights, and poverty eradication. As a way of addressing the poverty in the country, CUF promises to revolutionise the agriculture sector, by ensuring the country's self sufficiency and securing fairer prices for farmers. On issues relevant to the Zanzibar isles, CUF in particular promises to review the taxation system, and rejuvenate the trade sector. CUF's policy on privatisation appears to be very similar to that of NCCR-Mageuzi. It promises to review the CCM's privatisation programme, in particular scrutinise the various contracts signed between investors and the Parastatal Sector Reform Commission. Its privatisation policy further claims to have some strategic public utilities and core infrastructure remains state-owned. With regards to campaign rallies, discussions touched on a selection of issues but were utilised more by party leaders for gathering supporters in time for the elections.

Campaign Violence

Until recently, many parties seemed satisfied with the general conduct of the campaigns. Up until mid September, parties such as CUF and CCM had only

complained about the removal of their posters and flags, which had been pasted on walls and trees throughout the country, even in the remotest villages. However, recently they have been reports of political violence throughout the mainland and in Zanzibar mainly between CCM supporters and opposition supporters from UDP, CHADEMA and CUF.

Perhaps the most serious cases of violence occurred in Bukoba region where it was reported that at least 35 residents suffered injuries when supporters of both CCM and CUF confronted each other. There have been other cases of violence reported in the mainland as well as in Zanzibar. In Shinyanga, Mara and Tanga regions there were media reports that on 18 September, CCM and United Democratic Party supporters were involved in a fracas that resulted in a few minor bomb explosions. Almost all the parties involved seem to claim that the acts of violence are directed against them.

It is now up to the Electoral Commissions to ensure that peace and security is maintained for the remaining campaign period.

Voter Registration

In the past, registration of voters was done manually using temporary registers. This would usually be

carried out again for the whole of the Mainland whenever an election was to be conducted. After the 1995 general election, the National Electoral Commission recommended to the government the establishment of the Permanent National Voters Register (PNVR). The recommendation was accepted but the exercise could not start for a number of reasons, lack of funds being one. It was only in 2004 that the Commission was able to begin implementing the PNVR in time for the October 2005 elections. The electoral laws were amended accordingly. In 2000, there was an amendment in the Constitution of the United Republic of Tanzania, which directed NEC to establish the PNVR.

For Zanzibar the situation that called for a PVR (Permanent Voter Register) was slightly different from that of the Mainland. The PVR in Zanzibar resulted from the Peace Accord of 2001 (Muafaka II) between the CCM and CUF. The accord was a concerted effort by all political parties in Zanzibar to solve the political crisis, which emanated from the two multiparty elections of 1995 and 2000. During both elections, the voter register continued to be a main source of contention, as there were allegations that there were double registration of

voters, and registration of non-citizens, among others. Hence the need for a better voter registration system was apparent as this would curb the different problems experienced in the previous elections. However, there were delays in the implementation of the PVR, as according to the agreement, the PVR was to be in place by February 2003. In fact the Constitution was amended in 2002 for the introduction of the PVR.

Other than the Constitution, the Zanzibar Elections Act No.11 of 1984 was in addition amended to govern the voter registration process. The Election law further stipulates the criteria for voter registration, which are:

Eligibility

- At least 18 years of age
- Tanzania citizen
- No prior judgement of insanity
- Not incarcerated with a sentence longer than 6 months, or with a sentence of death

Residency Requirements

- A person is eligible to register in whichever constituency he/she currently resides in and has resided for the past thirty six months continuously; or in whatever constituency he or she works (previously the requirement was five years, but this was amended as Mainland

Tanzanians stationed in Zanzibar for fewer than five years would be denied the right to vote in their own constituency, and in any election other than the Union President.

- Service qualifications cover members of the military, police force or special units and their spouses, assigned in a particular constituency. These persons are eligible to vote in their assigned constituencies
- A person who is not in their constituency of residence during voter registration has the right to travel to the constituency in order to be eligible to vote in as many elections as possible

PNVR Process

On the Mainland, the preparations for the PNVR (Permanent National Voters' Register) for the 2005 general election commenced in March 2004, and on 7 October that same year, the National Electoral Commission began to register the electorate in the PNVR. The exercise ended on 10 May 2005 with the NEC registering Zanzibar residents who were ineligible to register as voters in the isles but who were eligible to vote for the Union presidential elections. Those registered in Zanzibar were from the Tanzania Mainland who were living in Zanzibar but had been barred from

registering because they had not lived in the isles for 36 consecutive months as required by Zanzibar electoral laws.

Generally, various stakeholders and monitors of the registration exercise commended the NEC not only for the effective way in which it administered the exercise but also for the integrity and impartiality it displayed throughout the registration period. Although the registration overall was carried out efficiently, some minor regularities and problems were observed at the local level. Many of the problems it was noted, in particular by the Tanzania Election Monitoring Committee (TEMCO), were caused by the insufficient or late distribution of registration materials. However the problems varied in the regions.

In the Central Zone for example, the turnout was much higher than expected resulting in some shortages of registration material. In a number of registration centres camera-related shortages such as films, and batteries were reported. As a result, many centres ran out of the necessary registration materials and had the entire process disrupted for several days. There were also shortages of registration centres in the rural areas forcing most voters to travel several kilometres to the nearest registration centre.

The TEMCO monitoring report for instance, observed that in some districts the average distances covered by many voters were between 4-6 kilometres. In the lake zone, similar problems were encountered, which mostly centred on insufficient supplies of registration material due mainly to NEC's poor packaging of the materials and underestimating the numbers of eligible voters. For the latter, the problem arose as a result of NEC relying on outdated census figures, and as a result had not taken account of recent population changes¹⁰. For example, the NEC had projected a total of 264000 eligible voters for Nyamagana and Ilemela constituencies in the Mwanza region, when the actual figures went over 300,000. As a result several registration centres in the Mwanza region ran out of necessary material for a period of 2-3 days.

In terms of the numbers registered, the NEC had reported that in many of the regions the registration of voters was over 90%. In fact, by early April this year the NEC had registered almost 13 million voters out of an estimated 16.7 million people expected to be enrolled in the permanent voters' register.

¹⁰ TEMCO Weekly monitoring reports of the Permanent Voters Registration Exercise

At the end of the exercise, it was reported that the numbers had far exceeded the target.

The NEC displayed the provisional Voters Register at the ward level for a sufficient length of time. This afforded adequate opportunity for the registered voters to inspect the list and to make objections for persons not qualified for registration.

A registered voter may object to the retention in the voters' register of the name of another person on grounds that such a person is not qualified or is no longer qualified to be registered as a voter.

There were many complaints that the voters' list contained duplicate entries. The Director of Elections himself expressed dissatisfaction with this and noted that the NEC had detected at least 2000 double registration cases countrywide. The overall conclusion of the registration exercise was that of a process without major flaws. Indeed there were limited complaints about the

conduct of the exercise by the registered voters, political parties or stakeholders. On the whole the NEC administered the exercise efficiently, and with proper supervision.

Zanzibar's PVR Process

The Permanent Voter Registration exercise for the Zanzibar isles began on 29 November 2004 in Pemba and ended on 26 April this year in the Zanzibar Urban West region. It was formerly scheduled to end on 22 April 2005, but this was not possible because of a couple of temporary closures of the exercise in the Unguja Urban District.

The first closure occurred between 5 and 6 April and the second suspension was on 17 and 18 April. Both, according to ZEC were due to a combination of violent incidents and irregularities in the exercise. Following a number of violent clashes between party supporters including an attack on a registration centre near the Stone Town, the ZEC was forced to suspend registration to avoid further friction.

The decision to temporarily close the registration for the second time was made after the ZEC detected unspecified irregularities in the exercise during a tour of some 86 centres in the district.

There were 499,007 voters registered in the 50 constituencies throughout Zanzibar as compared with 451,881 registered voters in 2000. The ZEC stated that the actual numbers registered for these elections represent 91.03% of the projected figure.

The ZEC also gave a breakdown of the statistics in each of the five regions in Pemba and Unguja (see table below). For instance in the Unguja Urban District about 106,994 out of an estimated 128, 916 had been registered, an equivalent to 83 per cent of the projected figure.

The West Unguja district recorded 91,681 out of the estimated 104, 574, which is equivalent to 87.7 per cent.

Registration centres, estimated and registered voters by regions

Region	No. of registered centres	Estimated Voters	Registered voters	Percentage
Pemba South	59	90,720	76,030	83.8%
Pemba North	52	95,470	81,313	85.2%
Unguja North	64	74,765	78,875	105.5%
Unguja South	59	53,679	64,114	119.4%
Unguja Urban west	84	233,490	198,675	85.1%
Total	318	548,128	499,007	91.03%

Overall there was widespread agreement that unlike the process in the

Mainland, registration exercise experienced some

managerial and administrative glitches. For instance, the number of

registration centres was inadequate; it was observed that some centres performed poorly particularly in handling registration objections; there was insufficient registration material in some centres among others. The role-played by shehas (a government appointed community leader/civic leader) in the process caused much concern to the opposition parties. The shehas duties are to identify the identity of each applicant. As in the past, shehas at many centres acted as a final authority in determining ones eligibility. Many cases were therefore reported of people being refused leave to register by the shehas. The most famous case was that of the opposition Secretary General and Presidential candidate for Zanzibar, Seif Shariff Hamad, who had been barred from registering by a sheha on grounds that he didn't qualify to register in that area because he had not lived there for 36 consecutive months as required by the electoral laws. He was eventually allowed to register by the ZEC. Others however were not as successful. A total of 346 petitions were filed, and only 14 were successful. In the end although the Permanent Voters Registration proved to be a complex exercise for the ZEC, the Electoral Commission managed to resolve some of the technical and administrative

bottlenecks it experienced along the way. That said, there was widespread agreement that the functioning of ZEC in this process, and its managerial and supervisory capacity seemed to be largely affected by divisive politics between the political parties, making the operation of the exercise more difficult than necessary.

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