USAID | TANZANIA CEPPS | Strengthening Democracy through Partnership

POST-ELECTION TECHNICAL ASSESSMENT REPORT

Tanzania Peace and Election Program

USAID Associate Cooperative Agreement AID-621-LA-15-00001, under Leader Cooperative Agreement DFD-A-00-08-00350-00

March 2016

Post-Election Technical Assessment

Tanzania Peace and Election Program

USAID Associate Cooperative Agreement AID-621-LA-15-00001, under

Leader Cooperative Agreement DFD-A-00-08-00350-00

Project Dates: June 1, 2015 to November 20, 2016

Prepared for:

Keisha Effiom, Agreement Officer (AO)

Alex Offei-Mintah, Agreement Officer's Representative (AOR)

United States Agency for International Development/Tanzania
C/O American Embassy
Dar es Salaam, Tanzania

Prepared by:

International Foundation for Electoral Systems (IFES)
2011 Crystal Drive, Floor 10
Arlington, Virginia 22202
www.ifes.org

This report is made possible by the generous support of the American people through the United States Agency for International Development (USAID). The opinions expressed herein are those of the author(s) and do not necessarily reflect the views of USAID or the United States Government.

Contents

EXECUTIVE SUMMARY **2**

BACKGROUND AND POLITICAL CONTEXT **4**

DISCUSSION **8**

Voter Education *8*
Insufficient Funding *9*
Organizational Capacity *11*
Voter Registration *12*
Operational Lapses *15*
Constituency Delimitation *16*
Nomination Process *18*
Conduct of Campaign *19*
Role of the Media *20*
Women's Participation *21*
Election Day *23*
Domestic Observation *27*
Election Results Management *29*
Electoral Dispute Resolution *30*

ADHERENCE TO INTERNATIONAL STANDARDS OF ELECTION ADMINISTRATION **31**

Independence and Impartiality *31*
Increased Transparency *32*
Inclusiveness *33*

CONCLUSIONS AND RECOMMENDATIONS **36**

Inclusive Appointments *36*
Financial Autonomy and Operational Independence *37*
Administrative Organization *38*
Organizational Capacity *39*
Delivery of Electoral Services *39*
Transparency and Inclusiveness *40*
Administrative and Judicial Remedies *41*
Political Parties Act *41*
Out of Country Voting *42*
Voter Education Delivery *42*
Planning and M&E *43*

Annex I **44**

Annex II **46**

Annex III **48**

EXECUTIVE SUMMARY

Considered to be the most competitive of the five polls held since Tanzania returned to multi-party elections in 1992, the October 25, 2015 presidential and general elections were unprecedented in that the mainland opposition parties united and fielded a single candidate for president. Contrary to the 2010 presidential and general elections, where 16 parliamentary candidates from the ruling party were elected unopposed, all seats were contested during the 2015 parliamentary elections. These elections were unique in several ways, but particularly because for the first time in more than 50 years of its post-independence history, the outcome of the presidential elections in Tanzania was not easily predicted.

CEPPS/IFES deployed two consultants to Tanzania to undertake pre- and post-election assessments. The purpose of the pre-election assessment was to identify areas where additional technical support to the Tanzania's National Electoral Commission (NEC) and the Zanzibar Electoral Commission (ZEC) could be useful in both the short and long-term.[1] This entailed not only assessing overall electoral administration performance prior to and during the polls, but also reviewing an array of performance indicators related to voter registration, the legal framework, results transmission and management, the effectiveness of election technology, electoral dispute resolution, as well as voter and civic education and the engagement of women, youth and persons with disabilities.

The second assessment endeavored to utilize information gathered during the first assessment to evaluate the organizational performance of the NEC by identifying the reforms introduced and implemented by the NEC; examining the successes and challenges it faced in preparing the elections, and; developing recommendations to address the challenges.

Preliminary reports from election observers, of which more than 600 were international, described Tanzania's 2015 elections as generally peaceful and orderly. A joint statement issued by the election observer missions of the Commonwealth, the Southern African Development Community (SADC), the African Union and the European Union affirmed the credibility of the voting process.[2] Likewise, the Tanzania Election Monitoring Committee (TEMCO) reported that "the 2015 general elections, with the exception of the Zanzibar elections, were well-managed and the outcomes reflect the will of the electorates."[3]

The observers also commended the electoral commissions for their preparation and administration of the elections. TEMCO complimented the NEC for conducting peaceful and well-administered polls and for professionally, responsibly, diligently executing its mandate within the ambit of the law[4], while international observers praised the NEC and the ZEC for the competent, and largely

[1] Both consultants originally intended to assess the electoral commissions of Tanzania and the autonomous region of Zanzibar. However, because of the polls' annulment in Zanzibar, it became difficult to conduct a separate assessment. Thus, this report focuses on the elections on the mainland and the NEC's organizational performance.
[2] Observers hail Tanzania over peaceful polls, Daily News Reporter (30 October 2015), http://dailynews.co.tz/index.php/home-news/43735-observers-hail-tanzania-over-peaceful-polls.
[3] TEMCO's Interim Statement on Tanzania 2015 General Election (October 2015).
[4] Ibid.

efficient, manner in which they managed Election Day.[5]

However, the preparation and conduct of elections were not without challenges, the most serious of which was the ZEC's nullification of the polls in Zanzibar and the ensuing political crisis. In addition, the major opposition parties on the mainland strongly challenged the credibility of Tanzania's elections; even after the proclamation of the new president, they continued to dispute the results of the presidential and parliamentary elections claiming "widespread rigging."[6]

The NEC was also criticized for its lack of transparency in several aspects of electoral preparations, as well as for the delays in the tallying of votes. Its perceived lack of independence and impartiality continued to be the opposition's most serious grievance, which were also the basis for alleging that the results announced by NEC were neither accurate nor reflective of the will of the electorate.

Similarly, the integrity of the electoral process was put to test with the arrest of 36 human rights activists and separate police raids in the offices of TACCEO and CHADEMA during their tallying operations, while sparing similar operations by the ruling party.[7] These incidents were cited as examples of not only the ruling party's readiness to employ strong-arm tactics in ensuring electoral victory[8], but also the NEC's apparent inability to react.

Election observation groups also cited a number of organizational lapses by NEC during election day and throughout the elections preparation, including logistical failures during the voter registration process, delays in the delivery of voting and registration materials, inconsistent enforcement of voting and registration rules, and inadequate voter education. While they acknowledged that these problems did not affect the overall integrity of the elections and the results, some believed that they were serious enough to be urgently addressed by both the government and the NEC.

Analysis of available reports and past assessments indicated that these problems were caused by a number of institutional constraints and organizational capacity issues. For instance, the nullification of the Zanzibar elections, the persistent criticism against NEC and the lack of venue for the opposition to legally challenge the presidential elections results were the result of weaknesses in the legal framework. On the other hand, the problems that manifested throughout the election period were mostly caused by organizational weaknesses within NEC. If these issues persist and are not addressed promptly, they can negatively affect the preparation for the next elections and the credibility of the entire electoral process.

---

[5] Supra, footnote 2.

[6] Tanzanian opposition party challenges vote count, cites rigging (27 October 2015), Reuters online news, http://www.reuters.com/article/us-tanzania-election-idUSKCN0SL2R920151027

[7] Press release by the Human Rights Defenders Coalition, "The Invasion and Arrest of Election Observers at TACCEO Election Observation Centre (1 November 2015).

[8] "Tanzania General Election: Rights Activists Condemn Police Raids", Afrika Reporter (1 November 2015), http://www.afrikareporter.com/tanzania-general-election-rights-activists-condemn-police-raids/

BACKGROUND AND POLITICAL CONTEXT

According to the Constitution, ratified in 1977 and amended 14 times since then, the United Republic of Tanzania is a democratic and socialist State which, since 1992, adheres to a multi-party democracy[9] *(Art. 3-1, Constitution)*. All state authority is exercised and controlled by dual powers, on Mainland Tanzania and on Zanzibar, over the conduct of public affairs *(Art. 4-1)*.

The Constitution provides for every citizen to take part in the governance of the country *(Art. 21-1)*. Accordingly, franchise is recognized to every citizen of 18 years old or above *(Art. 5-1)* unless being a citizen of another state, being mentally unsound or being convicted of various criminal offences *(Art. 5-2)*. The Constitution protects also the right to freedom of movement within the country *(Art. 17)*, the freedom of expression and opinions *(Art. 18*), and the right of assembly *(Art. 20-1)*. However, political parties promoting any faith, religious, or tribal group, advocating for the break-up of the Republic, or intending to carry its activities in only one part of the Republic are unlawful *(Art. 20-2*). The right for every citizen to take legal action (*Art. 26-1)* and institute proceedings for redress in the High Court *(Art. 30-3)* are also recognized.

Since 2012, Tanzania has been engaged in a Constitutional Review Process. The calls for reforming the 1977 Constitution related initially to the 2010 post-electoral crisis, but later focused on addressing the shortcomings of the current Union structure combined with the desire to increase the ownership of the citizens by making them directly involved in the review process. As a culmination of a nearly three-year review exercise, plans for a Referendum on the new Constitution were announced.

The President launched the process by mandating a Constitutional Review Commission (CRC)[10] in 2012, led by former Prime Minister Joseph Warioba. Multi-stakeholders' consultations were conducted countrywide to collect citizens' views and resulted in the draft Constitution in June 2013.

The main political issues of the consultative review exercise were the future Union set-up and the limitation of presidential powers, notably in relation to appointments. The draft Constitution proposed a loose federation, a three-tier governance system (separate Constitutions, Presidents, Parliaments…etc.) for the United Republic of Tanzania, as well as for Tanganyika (commonly referred to as "mainland") and Zanzibar, as well as measures to strengthen the checks and balances between the Executive and the Legislative, and the reduction of the areas of Union competence from 21 to 7.

The CRC handed over its work to a newly formed Constitutional Assembly. However, after the ruling party had led the Constitutional Assembly to discard significant parts of the June 2013 draft, the opposition forces, forming the *Ukawa* coalition, abandoned the proceedings of the Constituent Assembly in protest.

[9] 8th constitutional amendment, Act 4 of 1992
[10] As per the Constitutional Review Act (Cap. 83) of 2011

The Constitutional Assembly, in session between April and October 2014, saw the ruling party wanting to maintain the existing two-tier system (Union and Zanzibar) and most of the powers of the Executive and of the President. A CCM majority ended up adopting a new draft Constitution just before the end of the Constitutional Assembly session, with a tight majority for Zanzibar.

While the constitutional process started as a truly consultative and cohesive endeavor, it gradually lost public support. The final result, both regarding the content as well as the process, disappointed many in Tanzania. In early November 2014, the President announced the date of the Constitutional Referendum for 30 April 2015. However, the National Electoral Commission on the assumption that it was not given enough time to update the voter roll and prepare for the referendum dismissed such a calendar. The referendum was then adjourned.

As a result, the country went to the October 2015 polls with an inconclusive constitutional process. Questions around the relationship of the mainland with Zanzibar, independence of the National Electoral Commission, absence of judicial oversight on the elections, exclusion of independent candidates from contesting and the contentious simple majority system remained unresolved although the final draft of the proposed constitution paved the way for the establishment of an independent electoral commission and for results to be challenged in the High Court[11].

October 2015 Elections

In the aftermath of the disputed 2010 elections, a consensus arouse among different segments of Tanzanian society, including political parties, to reform the Constitution. Although a consultative constitutional review exercise was successfully launched – then followed by the establishment of a Constitutional Assembly – it did not translate into the actual revision of the 1997 Constitution. Not only did the main opposition parties boycott the Constitutional Assembly proceedings [largely dominated by the ruling party, *Chama Cha Mapinduzi* (CCM)] but also the final draft of the Constitution deviated considerably from an initial draft proposed by the Constitutional Review Committee (CRC). Eventually, the enactment of the new constitution was aborted after the National Electoral Commission (NEC) cancelled a referendum called for on April 30, 2015.

As a direct consequence of the ruling party interference in the constitutional review exercise, the main opposition parties emerged united, after having formed for the first time a coalition. The coalition, known as *Ukawa*[12], was formed by the *Chama Cha Demokrasia ya Maendeleo* (CHADEMA), the Civic United Front (CUF), the National convention for Reconstruction and Reform (NCCR-Mageuzi) and the National League for Democracy (NLD). *Ukawa* presented a unique presidential candidate and agreed to nominate a single candidate for each Parliamentary constituency, although this proved challenging since competition between party representatives within the coalition remained intense in view of securing the joint candidacy nomination in several constituencies.

[11] In the proposed draft results can be challenged within seven days of their announcement.
[12] The Ukawa coalition (Umoja wa Katiba ya Wananchi) literary means the coalition of Defenders' of the People' s Constitution

Another unexpected political development prior to the elections came with the divisive presidential candidate nomination within the ruling party. Minister of Works John Magufuli was declared the CCM's candidate for the Union Presidency, while Edward Lowassa, a former Prime Minister and for long putative candidate of the ruling party, defected to the opposition in August 2015, one month after failing to clinch the candidacy in CCM. As a consequence of these intermingled political developments, on the eve of the 2015 presidential and general elections, the ruling party appeared to be facing its closest electoral competition since it assumed power in post-independence Tanzania.

The National Electoral Commission

The Constitution of Tanzania and the National Elections Act (as amended) are the primary legal instruments that govern the conduct and administration of elections in Tanzania. They are supplemented by the Elections (Presidential and Parliamentary) Regulations 2010, the Local Government (Urban Authorities Act) 1982, the Local Government (District Authorities) Act of 1982, the Political Parties Act and the Election Expenses Act of 2010. Within the government's administration, the NEC is attached to the Prime Minister's Office.

Tanzania is also a party to a number of international and regional agreements; in addition, political parties adopted the Code of Conduct, which outlines the roles and responsibilities of the candidates, political parties, NEC and the government, as well as regulates the conducts of campaign during the electoral process. It also provides for the establishment of Ethics Committees at national, constituency and ward levels to provide a venue for the resolution of electoral disputes. Collectively, these instruments seek to guarantee three basic rights:

- The right to take part in government;
- The right to vote and to be elected, and;
- The right to enjoy equal access to the public service.

The National Electoral Commission is a constitutional body established in 1993 pursuant to the provisions of the 1977 Constitution (as amended).[13] It is primarily responsible for the overall supervision of the general conduct of presidential, parliamentary and local council elections, but it has several additional responsibilities[14] critical to the conduct of elections, including:

- Registering eligible voters
- Maintaining a national permanent voter register
- Demarcating the United Republic of Tanzania into constituencies for the purpose of parliamentary elections
- Declaring qualified women that have been elected as members of the parliament or councilors for special seats;
- Providing voter education throughout the country
- Coordinating and supervising persons involved in voter education; and
- Performing any other functions in accordance with any law enacted by Parliament.

[13] Section 72 (1), Constitution of the United Republic of Tanzania of 1977.
[14] Article 74 (6), Constitution and Section 4 (1), Cap 343 of the National Electoral Act.

The NEC consists of 7 members who are appointed by the President *(Art. 74-1, Constitution)* to a 5-year term *(Art. 74-4, Constitution).* Decisions are taken through a majority (*Art. 4-A Elections Act),* with a quorum of 4 *(Art. 4-B Elections Act).*

The NEC has the power to issue regulations *(Art. 124-1, Elections Act)* and benefits from constitutional privileges that include no obligation to comply with orders or directions from government authorities and/or political parties *(Art. 74-11, Constitution)* and an absence of judicial review of its activities. *(Art. 74-12, Constitution*). State bodies are required to provide assistance to the NEC in carrying out its mandate *(Art. 8.2, Elections Act).*

In its prerogatives, the NEC is seconded by a Secretariat *(Art. 74-7, Constitution.)* headed by a Director of Elections, appointed by the President from among civil servants *(Art. 6-1, Elections Act),* who is also acting as Secretary and Chief Executive of the election administration *(Sec 4-4, Elections Act).*

The NEC's seven-member body is composed of a Chairman, a Vice Chairman and five members who are appointed by the President for a renewable period of five (5) years. **Annex I** provides a more detailed description of the NEC's management structure and responsibilities.

DISCUSSION

Preface

The assessment employed a combination of interviews, internet research and analysis of interim election observation reports, pertinent laws and electoral regulation to gather data and relevant information about the preparation and conduct of the 2015 general elections. Documents downloaded from the internet were supplemented by materials gathered in the course of the assessment and/or made available by key informants.

The assessment's initial design emphasized the participation of key officers and staff of the NEC and ZEC through interviews and/or focus group discussions; however, because many key NEC and ZEC were either unavailable or simply unwilling to participate in interviews, this approach did not produce the intended results. For example, through his secretary, the NEC Director of Elections conveyed that he was either too busy before the elections to meet, or that he wanted to finish all the by-elections before discussing the assessment's mechanics and requirements. In addition, the Office of the NEC Chairman did not respond to multiple calls before and after the election to set meeting dates and times, despite an earlier personal assurances that he would be willing to meet. Repeated in person visits to the NEC office in Dar es Salaam failed to secure any appointment with these two key informants.

Likewise, the ZEC's Director of Elections refused to meet and did not respond to e-mail meeting requests, even though CEPPS/IFES addressed all queries regarding the assessment. It is assumed that his refusal to meet stemmed from the difficulties that the ZEC faced as a result of its decision to nullify the elections.

Given the NEC and ZEC's refusal to meet with CEPPS/IFES, interviews with external informants and low-mid level commission staff provided significant material for this report. A total of 20 key external stakeholders were interviewed and asked about the elections and/or the performance of the two electoral commissions in the last elections (see Annex II for a list of interlocutors).

Voter Education

The conduct of voter education is one of the principal functions of NEC, which for this purpose established a Voter Education and Public Information Department (VEPID). Consisting of 11 staff led by a Director, VEPID is tasked with the responsibility of developing voter and civic education programs; disseminating voter information; liaising with the media; and developing public announcements with focus on stakeholders traditionally marginalized in electoral processes.

While preparing for the 2015 general elections, NEC had to undertake three types of voter education: for voter registration, for the referendum on the proposed constitution, and for the general elections.

To some extent, it can be said that NEC succeeded in informing the voters about the need to register for the 2015 general elections. The local election-monitoring group, Tanzania Election Monitoring Committee (TEMCO), reported that the NEC registered 23,161,440 voters out of the projected 23,913,184, representing a 96.86% achievement. Even the voter turnout on Election Day was higher than the 2010 general elections, climbing from 42.84% in 2010 elections[15], to 67.34% in the 2015 elections. This increase could be a result of the public information campaign about the voter registration and election.

Comparison of Voters Turnout General Elections

	2010	2015
Registered Voters	20,137,303	23,161,440
Turn Out	42.84%	67.34%
Invalid/blank votes	2.64%	1.73%

Source: NEC website

Tanzania Civil Society Consortium on Election Observation's report on the voter registration exercise acknowledged some of the voter education efforts that NEC implemented in partnership with political parties, media, faith-based organizations and CSOs. Voter education initiatives on registration included the utilization of the print and broadcast media, posters, public rally, public address system and other methods to disseminate electoral related information to the public.[16]

Nonetheless, the consensus was that the NEC's voter education activities were inadequate and disorganized. Interviewees pointed out that NEC generally failed to raise the electorate's awareness about the elections, and voters' duties to vote intelligently. Election monitors widely concurred with this sentiment; EU observers, for example, reported the "lack of voter education activities in most regions, particularly in rural areas and among pastoralist communities such as the Maasai."[17]

Due to deficient education activities, voters were reportedly not familiar with voting procedures, the concept of ballot secrecy and the importance of elections and democratic institutions.[18] The high ballot spoilage - more than 400,000 spoiled ballots – was cited by one interviewee as another indicator of the ineffectiveness of the voter education. From the interviews and review of news articles, the challenges in the provision of voter education can be ascribed to three related factors.

Insufficient Funding

Lack of adequate funding severely constrained the NEC's ability to conduct adequate voter education. Because the NEC does not enjoy fiscal autonomy, its operational expenses – which include funds for voter education – must be specifically requested from the Ministry of Finance.

[15] African Elections Database, http://africanelections.tripod.com/tz.html
[16] National Biometric Voter Registration (BVR) Observation Report by Tanzania Civil Society Consortium on Election Observation (TACCEO), October 2015.
[17] Preliminary Statement of the European Union Election Observation Mission, 27 October 2015.
[18] Ibid.

The UNDP's needs assessment of the NEC's capacity report states, in part:

> "*NEC's annual budget allocation tends to be sufficient for staff salaries and limited operating cost, leaving other key activities such as voter registration, voter education, staff training and elections logistics often underfunded or not funded at all. Furthermore, in many instances, the NEC does not get the full amount requested from the Treasury, and when provided, it is often late thus delaying implementation of key electoral activities. The unpredictability of funding from the Treasury limits the NEC's ability to undertake timely preparation of electoral activities and deliver on its core mandate to conduct credible elections*."[19]

Without its own financial resources to stage the requisite voter education, the NEC had hoped to partner with the donor community, as in the previous elections. In fact, one of the NEC's major development partners, UNDP-DEP, had identified the delivery of voter education as one of its major outputs, taking into account the finding that the inadequate civic and voter education was the largest single factor that accounted for the low voter turnout in mainland Tanzania in the 2010 general elections.[20]

However, the expected donor funding either did not fully materialize or fell short of expectation, according to some of the key informants.[21] It was also disclosed that there appeared to be a disagreement between the NEC and some donors on how to finance voter education activities. The UNDP, for example, complained that NEC wanted too much control over the voter education fund for implementation by CSOs. TACCEO similarly pointed out that NEC imposed several restrictions that made it difficult for its partners to undertake voter education. Guidelines also came too late into the preparation phase and the NEC's strategy for engaging the CSOs was found to be lacking. The media was only marginally involved in educating voters, according to the interim report of EAC election observation group. [22]

There were also some concerns on the integrity and motivation of CSOs. An officer of TEMCO lamented that a lot of CSOs in Tanzania have developed a tendency of begging and believed that donors intentionally withheld funds due to suspicions of embezzlement by some CSOs. In the end, while NEC partnered with approximately 461 civil society organizations to conduct civic and voter education, very few actually participated when it appeared that there was not much money available.

Additional issues related to funding processes and practices are addressed below, under Voter Registration.

---

[19] Capacity Needs Assessment of the National Electoral Commission, UNDP DEP (March 2015).
[20] Project Document: Democratic Empowerment Project (DEP) - January 2013 - June 2016, UNDP.
[21] Informants indicated that NEC's development partners failed to provide the anticipated funding or changed its approach in the provision of resources for the conduct of voter education.
[22] Preliminary Statement of East African Community Election Observation Mission to the General Elections of the United Republic of Tanzania held on the 25th October 2015

Organizational Capacity

The NEC's weak organizational capacity to prepare and organize three types of voter education (voter registration, constitutional referendum and general elections) during the election period hindered its performance. For example, its lack of offices outside Dar es Salaam is a major detriment that severely undermines its capability to mount a nationwide program for raising public awareness about the abovementioned major activities.

As in past elections, the only way for the NEC to undertake voter education throughout the country was to partner with the media and CSOs. However, key informants opined that the NEC did not have a robust strategy for engaging these stakeholders. It also failed to fully implement its Voter Education Strategic Plan (VESP). Six months before the October 2015 polls, CSOs started to voice their concerns about the inadequacy of voter education for the presidential and parliamentary elections. CSOs, which in the past elections played a major role in the provision of voter education, had been at a loss regarding the NEC's plan because it failed to give them any indication as to the start of the voter education program.[23]

The provision of voter education for the voter registration exercise was intended to sensitize people on when, how and where to register, as well as to inform the registrants on how to verify the information entered into the Biometric Voter Registration machines. However, the general consensus among key informants that the conduct of voter education during voter registration was that it was "insufficient and not holistic". TACCEO reported that voter sensitization was "inadequately, scantly and irregularly provided by the responsible institutions", which resulted in a significant percentage of people that were ill-informed about the registration process. The group believed that the design of voter education approach could have been improved to better prepare the voters and "*...make sure they are ready, willing, knowledgeable, confident and able to fully participate in the registration process*."[24]

Key informants agreed that the NEC's preparation for the conduct of public awareness on the proposed Constitution might have affected the preparation for voter education on the general elections. They noted, for instance, that the NEC (and the ZEC) had to develop a Guide for Conducting Civic and Voter Education for the 2015 Referendum of the Tanzanian Constitution, which sought to promote awareness and understanding of voters' rights in referendum process by providing relevant information and dealing with referendum concerns.[25] However, because of the considerable time spent on the referendum related activities, not much was done to sensitize the public about the general elections.

---

[23] Worries as plans for voter education stuck, The Citizen (April 13, 2015), http://www.thecitizen.co.tz/News/national/Worries-as-plans-for-voter-education-stuck-/-/1840392/2683956/-/149ldec/-/index.html

[24] National Biometric Voter Registration (BVR) Observation Report by Tanzania Civil Society Consortium on Election Observation (TACCEO), October 2015.

[25] NEC website, http://www.nec.go.tz/publications

Voter Registration

Tanzania's constitutional and legal framework gives the NEC the mandate and responsibility to register qualified voters in the Permanent Voter Register (PVR).[26] For this purpose, the NEC constituted the Permanent National Voters Register Systems Division, which is responsible for voter registration, preparing voters lists, issuing voter identification cards, maintaining ICT equipment, managing the NEC website, and providing ICT training to staff. The NEC is also assisted by the City, Municipal, Town and District Executive Directors who are appointed as Registration Officers for the purposes of registering voters in their areas of responsibility. A Registration Officer may be appointed for more than one constituency.[27]

For the 2015 presidential and general elections, the NEC introduced a fresh biometric voter registration. It was carried out from February to August 2015 and culminated in the enrolment of 23.7 million voters through 37,279 centers across the country. The National Bureau of Statistics (NBS) had previously estimated that 24,253,541 Tanzanians were eligible to be registered as voters ahead of the October 2015 General Election.[28] From the interviews and research, there appeared no serious question regarding the general accuracy of these numbers, nor did any group doubt the overall integrity of the permanent voter register.[29] The exercise, funded by the Government without financial support from the donor community allegedly amounted to US $120 million.

Data, which included photograph, fingerprints, signature and applicant's information were locally captured and processed. Voters received their biometric voter cards free of charge at the time of registration. However, the exercise did not allow registration staff to verify applicant's citizenship; eligibility was only established through a series of questions in the absence of documentary requirements to identify applicants.

Current legislation does not provide for the registration of the Diaspora. In addition, inmates serving less than six months sentences and institutionalized patients were not given the opportunity to register. Although the Elections Act did no disqualify them from registering the NEC did not make any attempt to register them.

Multiple registrations were addressed through the actual removal of almost 1 million voters from the database, without further evidence provided by the electoral administration on how the screening and deletion were conducted. However, the verification process reduced the number of eligible voters to 22.7 million.[30] According to the National Bureau of Statistics, 99% of eligible voters registered. The voter roll showed also that that youthful voters aged between 18 to 35 years constituted 57 per cent of all registered voters.

---

[26] *See* 1977 Constitution of the United Republic of Tanzania; Article 5(3), and Sections 11, 12 and 15 of the National Elections Act of 2010 and the Local Government Elections Act.
[27] Article 7A (1) of the Elections Act of 2010
[28] Over 300,000 voters struck off the register, The Citizen, September 30, 2015, http://www.thecitizen.co.tz/News/Over-300-000-voters-struck-off-the-register/-/1840340/2884826/-/15oemwo/-/index.html (accessed on Dec. 1, 2015)
[29] Interim Statement, Biometric Voter Registration in Tanzania, TEMCO Election Observation Team (Aug. 15, 2015).
[30] New figures released by NEC early October 2015 reduced the number of registered votes from 23.7m to 22.7m, or from 98% to 93% of eligible voters.

Although concerns were raised about multiple registrations of voters, malfunctioning of registration kits, incorrect data on voter registration cards, exclusion of secondary school and university students from registering, attempts by non-citizens to register, and registered voters not appearing on the voter roll, the exercise was deemed very successful by most stakeholders, including observer groups.

The registration campaign was followed by a rather hasty display and objection exercise during which voters could verify their registration details. Although NEC announced that transfer of voters' details would be allowed for those who would no longer be residing in the place where they registered, in particular students, it was not made available.

Most of the interviewees attributed the overall success of the voter registration exercise to the decision of the NEC to use the Biometric Voter Registration (BVR). The BVR replaced the Optical Mark Registration (OMR) system that was previously used in 2004. By using BVR, the NEC sought to enhance the credibility of the voter registration by addressing double registration, enable easier transfer of voter information from one place to another (especially when a person had moved from where he/she was initially registered), facilitate better/easier identification of voters during elections, and secure for all eligible citizens an identification card that they can use since Tanzania does not have a national ID system.[31] More importantly, the new system sought to address the inaccuracies of the previous permanent national voter register that was used in the 2010 general elections (e.g. some names and/or details were missing[32] and might have contained inflated figures).[33]

Nevertheless, due to a host of serious challenges and organizational weaknesses that marred the registration process, not all key informants agreed with the assessment that the conduct of voter registration was a major success. Some attributed the high percentage in voter registration to other factors including the voters' desire to get a registration card, which they can use for other purposes – e.g. to avail themselves of financial and legal services from the government. Others posited that voters just wanted to have the Voter ID card (reproduced here) because of its good quality.

The most difficult challenge that the NEC encountered during the BVR exercise was the insufficient budget allocated by the government. Key informants noted that the NEC initially wanted to utilize 15,000 BVR kits to register the targeted 24 million qualified voters, and to reach as many parts of the country as possible. However, the number of kits was later reduced to just

[31] Tanzania: NEC Defends Voter Registration Project, allAfrica (10 July 2014), http://allafrica.com/stories/201407100842.html
[32] See pp. 54 and 109 of the TEMCO Report on the 2010 Tanzania General Elections (March 2011).
[33] See p. 19 of the Final Report of the European Union Election Observation Mission, Tanzania – General Elections October 2010

8,000 – just over half of the original quantity. While some initially criticized this decision by saying it could endanger the registration process's integrity, some groups, such as TEMCO, eventually commended the government for its diligence in deciding to limit the number of BVR kits, as it resulted in a significant saving of tax payer money.[34]

However, the fresh biometric registration exercise conducted by the NEC did not entail a plan to build synergies with other institutions, in particular with the national IDs process undertaken by the National Identification Authority (NIDA). Although challenging from an institutional and operational point of view, combining the two exercises would have certainly help curb costs and maximize the benefit of applying advanced technology to ID and voter registration.

Similarly, the use of biometric registration was not incorporated into an overall strategy that could have offered a permanent –meaning continuous – registration to citizens reaching 18, while also deleting those decease and those who disqualified to remain on the register as well as dealing with changes of residence. As a matter of fact, there is no permanent voter registration since NEC must conduct expensive and time-consuming operations, entailing the deployment of staff and equipment countrywide, to regularly update the voter roll.

Finally, anticipating possible synergies between voter registration and other activities, in particular civil registration, could have helped understand the limitations inherent to the use of biometrics technology. Not only the system, as it has been designed so far, is not sustainable – the obsolescence of IT equipment is likely to become a major technical and financial burden in the coming years - but also the NEC may not succeed in keeping an up-dated voter roll since it keeps on lacking the required infrastructure at local level to receive applications from new voters.

Related to the foregoing challenge is the erratic, delayed disbursement of funds, which adversely affected the NEC's procurement plan and electoral calendar. Originally, NEC endeavored to register 24 million eligible voters between February and mid-July 2015. However, the BVR kits were purchased in a staggered manner, with some kits delivered as late as May 2015, which made it impossible for NEC to adhere to its schedule. Thus, even though initial preparations were started as early as 2014, and a pilot test on the use of BVR[35] was held in 3 constituencies, the NEC was still not ready for the actual registration by the start of 2015.[36] These delays in the procurement of BVR kits adversely impacted other aspects of election preparation resulting in operations being conducted in a rushed, unplanned and ad hoc manner.[37]

For many key informants, the procurement delays were a logical consequence of the NEC's lack of financial autonomy and operational independence. It is noteworthy that this matter was also raised in the UNDP's capacity needs assessment conducted in March 2015,[38] and is further discussed below.

---

[34] Interim Statement, Biometric Voter Registration in Tanzania, TEMCO Election Observation Team (August 15, 2015).

[35] The pilot test was held in three constituencies: Kawe in Dar es Salaam, Mlele – Katavi Region and Kilombero in Morogoro

[36] National Biometric Voter Registration (BVR) Observation Report by Tanzania Civil Society Consortium on Election Observation (TACCEO), October 2015.

[37] Ibid.

[38] Capacity Needs Assessment of the National Electoral Commission, UNDP DEP (March 2015).

Operational Lapses

Related to the above, but primarily caused by organizational weaknesses particularly in areas of logistics planning and implementation, was the failure of NEC to deliver the correct number of BVR kits. In a number of locations, there was a mismatch between the number of Biometric Voting Machines requested and the number actually delivered. Key informants noted that in many areas there were not enough BVR kits to service the large number of voters. There were also BVR kits that were not fully functional when delivered (additional details below).

Similar problems hampered the registration materials. Already hindered by poor road infrastructure and lack of transportation facilities, registration was further impacted by the NEC's failure to provide the budget necessary for coordinating registration activities, hiring cars and buying fuel, and for delivering transportation funds to its field personnel who had to deliver the material by public transportation.

In addition, a large number of BVR kits did not work properly or malfunctioned because of defective sensors, printers, cameras, scanners or signature pads.[39] This was further aggravated by inadequate IT support to registration canters. While these problems were eventually fixed (e.g. additional BVR machines were delivered and technical problems solved), they caused misgivings among voters, some of whom failed or opted not to register.[40] Some BVR kit operators and registration clerks also complained that they were not adequately remunerated.

Observers and interlocutors also raised the need for more concrete regulations and guidelines to ensure the integrity of the voter registration process. TACCEO reported that with the exception of a few places, people were registered without having any identification documents to prove their qualification, as required by law.[41] In addition, they recounted that registration officials did not require more concrete proof of identity or citizenship like birth certificate, baptismal card, driver's license, national health insurance card, or a National ID card. Instead, they relied on the subjective measures like physical appearance and verbal guarantee by another person.

TACCEO noted that thousands of students were unable to vote because the place where they registered (a university) was different from where they lived. Since classes were suspended during Election Day, many students were in their residence which is far from their designated polling places[42]. NEC Chair Lubuva denied responsibility claiming that the Commission has got nothing to do with the timing of higher education students' opening of classes as it was the Tanzania Commission for Universities that directed all higher learning institutions to push back the opening dates of the new academic year to November in order to accommodate the General Election.

---

[39] National Biometric Voter Registration (BVR) Observation Report by Tanzania Civil Society Consortium on Election Observation (TACCEO), October 2015.

[40] Ibid.

[41] The law provides for a number of qualifications for one to be registered. The qualifications, among others, include: one has to be 18 years of age at the time of registration or at the time of election, also one has to be a citizen of Tanzania and of sound mind.

[42] http://www.thecitizen.co.tz/News/University-students-to-be-locked-out-of-elections/-/1840340/2874048/-/15q9dj2z/-/index.html (accessed on Oct. 30, 2015)

While the objective may be laudable, it disenfranchised nearly 200,000 students as they registered in the place where they are studying. Some interlocutors claimed that this was intentionally done because students are traditionally supporters of the opposition candidates while the students blamed the NEC for not considering the situation of the students when it prepared the timetable for registration.[43] A representative of an observer group pointed out that the real problem is the failure of the NEC to promulgate the necessary regulation to explain to the voter their rights and "the procedure on how a voter could transfer his/her registration particulars from one center to another."[44]

It was pointed out also that while the NEC has a website and a Facebook account which are useful tools for disseminating useful information to electoral stakeholders and the public, important information was not uploaded on the website at beginning of the BVR process and the website was not accessible until in the middle of the voter registration process. The rules governing the process for changing the registration center could have been made available in the website, which the students could have accessed and used to guide them in changing their designated polling stations.

Finally, key informants noted that the voter registration process did not undergo an independent audit to verify its accuracy. The audit, according to them, can also help understand the various problems that surfaced during the voter registration process. They criticized the NEC for refusing the audit and that it did not provide any explanation.

Constituency Delimitation

Another important NEC function is the demarcation of constituency boundaries, which it must undertake at least every ten years;[45] the NEC has conducted three major reviews of constituency boundaries since 1995.

In demarcating constituencies, the NEC must not only take into account the means of communication and the geographical conditions *(Art. 75-3, Constitution)* but also the population, the economic status, and the size of the constituency, as well as administrative boundaries (*Art. 7-2 Regulations 2015).* Among other criteria, a constituency must not cut across two districts and a ward must not cut across two constituencies.

One of the challenges in delineating constituencies is that the NEC must rely on decisions from the Government regarding the demarcation of administrative wards. Since the Government

[43] NEC denies role in varsity students' voting saga, The Citizen online edition (1 October 2015), http://www.thecitizen.co.tz/News/NEC-denies-role-in-varsity-students--voting-saga/-/1840406/2892754/-/ru1ljwz/-/index.html
(accessed on December 5, 2015)
[44] National Biometric Voter Registration (BVR) Observation Report by Tanzania Civil Society Consortium on Election Observation (TACCEO), October 2015.
[45] Article 75(4), Constitution of the United Republic of Tanzania of 1977

announced in June 2015[46] the creation of new wards, the NEC had no other option but to revise *in extremis* its plan to incorporate these administrative divisions into new constituencies and amend accordingly the delimitation database already installed in its registration system.

Consequently, the formation of 25 new electoral constituencies announced by the NEC in July 2015 took the number of parliamentary seats to 264 from the current 239. Electoral wards were increased from 3,339 in 2010 to 3,923[47] in 2015.

Reconciling delineation criteria with administrative division requisites has led to an electoral map that is falling short of complying with the requirement that all votes be equal, as established in Article 25 of the International Covenant on Civil and Political Rights (ICCPR). Election observers have long reported an imbalance among constituencies as well as an inability of the election administration to address the matter over the past years.

The increase in the number of constituencies raised some concerns from the opposition parties, particularly the Civic United Front (CUF). When the NEC announced in May, 2015 the start of the process for reviewing the boundaries and demarcation of constituencies, the CUF chairman complained that there was enough time to complete the exercise. He alleged that the review had already been completed and "new constituencies had be demarcated through the backdoor and NEC was only going through the motion of involving political parties."[48]

NEC denied the allegation and assured the political parties that NEC would consult and meet with interested parties on all criteria required in making the demarcations.[49] Criteria include the population, availability of means of communication, geographical conditions, population quota, the economic status of the constituency, the size of the constituency, administrative boundaries, considering that a constituency not to cut across two districts or councils, a ward not to lie in two constituencies, existing pattern of human settlement, the union environment, the physical capacity of the parliament building and number of special seats for women.[50]

Whether or not these criteria were observed by NEC was not clear. However, the review of online news reports did not yield any other issue or complaint against NEC or its administration of constituency delimitation exercise except the foregoing allegations made by the CUF. Likewise, the interviewees did not raise any red flag on this matter.

---

[46] See GN No. 220 and 221 dated June 5, 2015 regarding increases

[47] Other sources indicated 3,957 wards

[48] New constituencies up for grabs as CUF cries foul, The Citizen (May 12, 2015), http://www.thecitizen.co.tz/News/national/New-constituencies-up-for-grabs-as-CUF-cries-foul/-/1840392/2713548/-/lyl5px/-/index.html (accessed on December 18, 2015).

[49] Tanzania: NEC Set to Demarcate Number of Constituencies Ahead of Polls, allAfrica online news (12 May 2015), http://allafrica.com/stories/201505120227.html (accessed on December 1, 2015)

[50] Kawishe, Emmanuel, The Electoral Process in East Africa: "Tanzania's Perspective", A Paper Presented at The Ninth Eamja Annual Conference And General Meeting, 11th – 15th October, 2011, Imperial Resort Beach Hotel Entebbe, Uganda

Nomination Process

The NEC is mandated to regulate and resolve complaints and/or objections arising from the nomination of candidates. Under the Elections Act and the Local Authorities Act, the NEC sets the nomination day and has the authority to nominate all the candidates that will contest the elections. As such, the NEC nominates presidential candidates, the Returning Officers in their respective constituencies nominate the candidates for the national parliament, and the Assistant Returning Officer at their respective ward level nominate the councilor candidates. [51]

Number of Candidates in the 2015 General Polls

	Male	Female	Total
Presidential	7	1	8
Members of Parliament	985	233	1,218
Local Council	679	10,191	10,879

Source: NEC Website

The same nominating authority has the mandate to receive and decide on the complaint/objection filed by a candidate against another candidate with regard to his/her qualifications. Decisions of the Returning Officers and Assistant Returning Officers are appealable to the Commission whose decision is then appealable the regular courts of law after the elections. However, this only applies to parliamentary and councilor candidates and not to presidential aspirants.

Key informants pointed out that the challenge is not with the way NEC handles the nomination process. In fact, according to TEMCO, NEC handled the nomination process in accordance with the law and resolved appeals effectively, which satisfied political parties.[52] Rather, the problem is the current legal framework and the weak political party system in the country. Existing laws do not provide for parties to create coalitions and alliances for electoral purposes. For some of the interviewees, this prohibition was meant to fragment the opposition and decrease their chance of winning the elections. However, as previously described, the four largest opposition parties circumvented this prohibition and certain regulations for nominating candidates by forming an informal coalition (*Ukawa*) in order to field a common candidate.

It should be noted that the weak political party system in Tanzania also results in undemocratic selection processes within the party. While the more established political parties would use the democratic participatory approach to candidate selection, some of the political parties do not follow the procedures prescribed by their party constitution and by-laws and would instead handpick candidates or wait for defectors from other parties in order to increase their chance of winning in the elections. TEMCO claimed that after 23 years of existence, political parties in Tanzania have not transformed themselves into democratic institutions. Further, the regulation of political parties is primarily the mandate of another agency – the Office of the Registrar of Political Parties (ORPP). One of the units under the ORPP, the Monitoring of Political Parties Unit, is tasked

[51] The National Elections Act, Cap 343, the Local Authorities Act, Cap 292.

[52] Observers' points of view on 2015 General Election, The Daily News (18 November 2015), http://www.dailynews.co.tz/index.php/features/44290-observers-points-of-view-on-2015-general-election

with monitoring political parties and ensuring their adherence to the Political Parties Act, the Election Expenses Act and the principles of multiparty democracy. However, the ORPP does not have adequate personnel and resources to perform these vital functions of nurturing political parties.[53]

Conduct of Campaign

The National Elections Act of 1985 (amended in 2015), the Election Expenses Act of 2010 and the 2015 Electoral Code of Conduct for Political Parties regulate the election campaign. Although freedom of assembly and association are constitutionally safeguarded, the legislation provides for a submission to the returning officer of the schedule of public meetings *(Art.. 51-2, Elections Act)*, which has also to be declared 48 hours in advance to the police.

Tanzania's electoral laws provide that the NEC must coordinate all presidential candidates' election campaign meetings, while those of the candidates for the national parliament and local councils are coordinated by the Returning Officers and Assistant the Returning Officers, respectively. NEC (or Returning Officers and Assistant the Returning Officers) facilitates the agreement on the schedule of campaign activities by meeting with the political parties that have candidates. A coordinated program is then adopted, which is forwarded to the Inspector General for presidential elections, Regional Police Commander for parliamentary election and District Commanding Officer for the local council elections.

Twenty-two (22) political parties participated in the October 2015 elections; in the run up, voters faced a scenario where the opposition candidate, Edward Lowassa, a man who had been a ruling party stalwart for decades, was now championing the popular slogan of the opposition, ''Movement for Change". Meanwhile, the ruling party candidate, John Magufuli, did not let the opposition enjoy the exclusive monopoly on the change message. During his campaign, he admitted that the system was marred with corruption and pledged that he would change governance, improve services, increase wages of civil servants, and further industrialize the country.

The political campaign from other party candidates, overshadowed by the fierce competition between the two front-runners, was almost inaudible and did not reach any momentum. The CCM continued benefiting from its political prominence across the country. Incumbency and unrestricted access to State resources and assets created an imbalanced level playing field. The inauguration of a number of major projects prior to the polls kept on blurring the distinction between the State and the ruling party and reinforced the campaign prominence of the CMM's candidates over their contenders.

However, the opposition campaigned freely. Much less financially and humanly equipped, the opposition, and in particular Chadema, succeeded in conducting a dynamic campaign that attracted not only large crowds but also the media attention. For the first time since multi-parties elections

[53] Capacity Needs Assessment of the ORPP, UNDP – DEP (April 2015).

were reintroduced in Tanzania, the race not only at national level but also within the constituencies appeared somehow more competitive.

The general consensus of the election observation groups is that the security environment for the electoral process was generally peaceful. Post-election violence, like in the Kilimanjaro region when government buildings were set on fire,[54] was isolated and the situation in the country remained peaceful. Most of the key informants believed that the establishment Ethics Committee throughout the country contributed to the peaceful conduct of campaign. The EU Observation Mission reported that approximately 20 complaints were submitted to the various Ethics Committees, mainly on issues such as the destruction of campaign material, exceeding campaign hours and the use of abusive language during campaign events.

People turned out massively to listen to candidates during the campaign rallies organized by their parties[55] and although much of the campaign was dominated by politics of accusation and finger pointing, key informants agreed that the Code of Conduct was largely observed. A concern that was raised by the observers and some of the key informants was the mobilization, recruitment and training of Youth Brigades/Guards by political parties (e.g. CCM green guards, CHADEMA red brigades, CUF blue guards), which is seen as potential threats to peace and security. A month before the elections, the Chairman of the NEC expressed concern that certain political parties were preparing to give military training to more than 1,500 youth in order to cause trouble during the elections."[56]

Other challenges include the weak implementation of the Electoral Expense Act, which requires the political parties and candidates to disclose their campaign funds and campaign expenses. It also lists prohibited practices during the campaign like sourcing funds from illicit sources, providing inducements to voters and voter conveyancing. While the intent of the law is good and could have improved further the integrity of the elections, the confusion regarding the roles of various government agencies tasked to implement and coordinate it (i.e. NEC, ORPP and Prevention and Combating of Corruption Bureau) made the legislation largely ineffective in achieving its intent.

Role of the Media

According to Reporters Without Borders, Tanzania ranks 75 out of 184 countries rated in the 2014 World Press Freedom Index while in Freedom House's 2014 Freedom of Press report it has a status of "partly free" country.

The lack of neutrality of government-owned or run media outlets, as well as privately owned media

[54] Opinion: Is Tanzania's peaceful election suddenly unraveling?, http://www.dw.com/en/opinion-is-tanzanias-peaceful-election-suddenly-unraveling/a-18814443

[55] Interim Report prepared by CEMOT (consortium of TEMCO and TACCEO).

[56] Alarm raised over 'Militia Training' in Tanzania elections, Citizen Digital New Online (21 September 2015), https://citizentv.co.ke/news/tanzania-electoral-body-raises-alarm-over-militia-training-ahead-of-polls-101178/ (accessed on December 9, 2015).

institutions, are the other major concerns identified by the election observation group and interviewees. Although the law provides that (i) air-time must be made available to all political parties; (ii) that there should be equitable opportunities to access free airtime; (iii) that the amount of time allocated to political parties; and (iv) that the rates charged should be consistent to all parties and candidates, it was noted that media coverage of the elections were generally in favor of CCM[57] and, to some extent, CHADEMA. The media rarely covered other political parties.[58]

Radio remains the dominant source of information, followed by television and newspapers, with discrepancies between rural and urban areas. According to a recent study[59], some 97 % of the population has access to radio countrywide, while only 42% have access to television broadcasting (of which 67% are urban residents and 33% are rural). Newspapers reach only 32% of the population, mainly in urban areas. The estimated Internet users ranges from 6% to 16%, with access mainly through mobile phones.

The State-owned Tanzania Broadcasting Corporation (TBC) is said to be in the process of transforming into a truly public broadcaster catering for all citizens without interference from Government, although the public authorities still directly control its budget. Its funding is insufficient and contributes to the poor quality of programming. There is a feeling that reporting is biased towards the authorities and that journalists do not always fairly report on political parties and/or civil society organizations that are critical of the regime. A few media players who own key media outlets dominate the private media sector, which not only features a high level of ownership concentration but also is closely linked to the ruling party.

According to the African Media Barometer Tanzania 2012[60], the media is very selective in what it chooses to cover, mostly opting for topics that sell, rather than covering all types of news. It tends to dominantly focus on political news, followed by sports. Additionally, investigative reporting is minimal as journalists are afraid of repercussions from the public authorities, in particular if it involves reporting of sensitive topics like corruption. Journalists can be forced to reveal their sources of information under the guise of national security.

Women's Participation

Tanzania has ratified the 1979 Convention on the Elimination of all forms of Discrimination Against Women (CEDAW), the 1995 Beijing declaration and Platform for Action, the 2003 African Union Protocol to the African Charter on Human and People Rights on the Rights of Women in Africa, the United Nations Declaration on the Elimination of Violence Against Women and the SADC Declaration on Gender and Development. Similarly, women's civil and political

[57] Tanzania General Elections 2015: Observer Group Interim Statement (27 October 2015), http://thecommonwealth.org/media/news/tanzania-general-elections-2015-observer-group-interimstatement# sthash.99w3tGmB.dpuf

[58] Preliminary Statement of East African Community Election Observation Mission to the General Elections of the United Republic of Tanzania held on the 25th October 2015

[59] Baseline Community and Decision Maker Media Perception Survey, IPSOS, 2012

[60] African Media Barometer Tanzania 2012, Friedrich Ebert Stiftung.

rights are enshrined in the Constitution, which recognizes the equality of all citizens *(Art. 12, Constitution)* and protects citizen against any kind of discrimination *(Art. 13, Constitution).*

Women's participation in parliamentary elections is guaranteed by a quota system of initially 30% of the seats *(Art. 66, Constitution)*, which was increased to 40% in 2010[61]. In mainland Tanzania, the parties obtaining at least 5% in parliamentary elections propose to the NEC the names of women on the basis of the proportion of the votes obtained by the constituency lists *(Art. 78, Constitution)*.

Accordingly, political parties must provide the names of eligible women candidates for nomination to women special seats *(Art. 86A-2, Elections Act)* once the number of reserved seats has been specified by the NEC *(Art.. 86A-3, Elections Act).* Upon announcement of the parliamentary results and allocation of constituency-based seats, the NEC declares elected the number of women in the order of preference from the respective political parties lists *(Art.. 86A-6, Elections Act).*[62]

Although reserved seats may allow for a tangible representation of women in the Parliament, they fall short of fostering their effective and undisputed participation in the nation's political life. Not only do women and men not compete on an equal basis at the constituency level, but also women's participation and representation in the Parliament relies, primarily – if not exclusively – on the performance of male candidates. As a result, and with a few exceptions, women MPs lack political legitimacy to effectively weigh in the political arena.

Such a mechanism of *post-facto* appointment, while securing a minimum of seats to women in the Parliament, seems to be primarily designed to circumvent the actual competition within political parties for candidacy nomination. While a quota or a parity rule on constituency lists will equally benefit women's empowerment and participation, it will also generate open competition for candidates' nomination and therefore require political parties to arbitrate between male and female contestants.

The 2015 parliamentary elections included 233 women candidates among the 1,218 candidates across 264 constituencies, amounting to 19% of the total number of constituency-based candidates. There was only one woman among the 8 presidential candidates. She was nominated by the Alliance for Change and Transparency (ACT) while the ruling party (CCM) also nominated a woman on its presidential ticket, as vice-president.

On November 6, 2015, the Election Commission announced the allotment of reserved seats for women in the National Assembly *(Art. 66-1, Constitution & Art. 86-A, Elections Act).* With a number of Members of Parliament set at 281[63], the actual number of reserved seats, applying the 40% quota introduced in 2010, was meant to be 113. However, since polls did not take place in 8 constituencies, the number of women reserved seats was decreased to 110. Accordingly, CCM,

[61] A Government Notice raised in 2010 the percentage from 30 to 40%

[62] In the previous legislature, the reserved seats for women in the National Assembly amounted to 102 (35, 85%) out of 357 seats. Therefore Tanzania quota policy met the target of 30% of women in Parliament as set by the Beijing Platform for Action and the Southern African Development Community (SADC).

[63] According to the formula (264 + 10 + 5 + 1 + 1) set forth in Art. 66 of the Constitution

Chadema and CUF passed the threshold of 5% of valid votes *(Art. 78, Constitution)* and received 64, 36 and 10 reserved seats, respectively.

Election Day

Mainland

Key informants and the preliminary statements issued by election observers are mostly in agreement that the polling day was generally peaceful. According to the head of the Commonwealth Observer Group, "the electoral environment on the Election Day was conducive to the free exercise of the franchise and basic freedoms were respected."[64]

Under the constitution and relevant electoral laws, the organization and administration of election is primarily the mandate of NEC. In performing this function, it taps and coordinates the services of local officials to act as Registration Officers and Assistant Registration Officers. It must ensure that all preparations are put in place before the voting day, which it sets. Election monitoring groups lauded NEC for ensuring that elections are held on the scheduled date and time;[65] TEMCO noted that more than 90% of the polling stations that it observed were open by 7:00 a.m. and almost all were operational by 8:00 a.m. Only 2% of the observed polling stations opened after 8:00 a.m.[66] The East African Community (EAC) observation team similarly noted in its preliminary statement that most of the polling stations it visited opened at 7:00 a.m., both in the mainland and Zanzibar.[67] Furthermore, polling materials were delivered to the polling centers in advance, enabling the polling officials to start the voting on time.

However, election observation groups did report some problems, including areas where polling was delayed – or did not occur at all – because of the absence or insufficiency of ballot materials.[68] For example, the voting in the one polling center in the Kinondoni district of Dar es Salaam was postponed until noon because it did not have the voter register. Voting only commenced when the Returning Officer instructed the polling officials to use the supplemental register. In other areas like Geita in Ludete Ward in the Busanda constituency, voting was only for the president and members of parliament since there were not enough ballot materials for other offices. Its Returning Officer claimed that NEC did not supply the ballot materials for the councilor elections. This was also the case in Bariadi in the Simiyu Region, as NEC provided only 3,400 ballots even if the

[64] Observers query NEC, ZEC transparency, The Citizen, October 28, 2015, http://www.thecitizen.co.tz/tanzaniadecides/Observers-query-NEC--ZEC-transparency/-/2926962/2933140/-/erml91z/-/index.html (accessed on December 15, 2015).
[65] Polling stations open at 7:00 am and close at 4:00 pm.
[66] EMCO's Interim Statement on Tanzania 2015 General Election (October 2015).
[67] Preliminary Statement of East African Community Election Observation Mission to the General Elections of the United Republic of Tanzania held on the 25th October 2015
[68] Voting postponed in several areas, NEC to issue statement today, The Citizen (26 October 2015), http://www.thecitizen.co.tz/tanzaniadecides/Voting-postponed-in-several-areas--NEC-to-issue-statement-today/-/2926962/2930262/-/qv8xrxz/-/index.html

number of eligible voters is 7,500.[69] It was reported that in Ubungo constituency in Dar es Salaam, polling did not take place in 14 polling stations due to lack of materials; however, polling was held on the following day (October 26, 2015).

The presence of the police within the polling station deviated from electoral good practices and international standards, which require security forces to remain at a reasonable distance from polling stations – to avoid intimidating voters – and be called to intervene, if necessary, upon request from polling officials.

Campaign materials were not allowed within 200 meters of the polling station *(Art. 104, Elections Act)*. In addition, NEC issued a directive prohibiting any gathering within the 200 meters limit of a polling station, hence preventing citizens in general, and voters in particular, to monitor the closing and the counting of the polls.

Voting was generally orderly and organized except for the problems pertaining to the voter register and some minor logistical challenges, which are discussed below. Election observers noted enthusiasm of voters who waited patiently for their turn to cast vote. Voting went smoothly although long queues were observed in several areas. Interviews revealed that the long queues and the slow pace of voting were mainly due to the tripartite elections in the mainland, and the five elections in Zanzibar, which required the polling personnel to provide each voter with separate ballot papers, then record their card numbers in the counterfoil. EAC nonetheless reported that the management of queues was efficient and the layout inside polling stations permitted an easy flow.

Polling personnel were also commended for their performance. EC personnel were generally seen as competent who "were able to carry out their duties professionally" and "demonstrated understanding of the polling procedures." The Commonwealth observation team, for instance, praised the polling officials for their ability to maintain calm and order in the polling stations by collaborating with party agency in a collegial atmosphere, assisting elderly and differently-able voters and providing guidance to voters when necessary.[70] The Commonwealth observation group also observed that ballot box lids and ballot papers were in corresponding colors for each election, which provided clarity for voters. They noted that ballot counting was conducted in a transparent manner and in the presence of observers and party agents.

Despite concrete improvements in polling station management, some challenges remained. For example, voters must present their voter's card showing their name matches the permanent national voter register (PNVR). Voters without voter's cards were not allowed to vote even if their names are in the PNVR and vice versa. Since the name of some voters could not be found in the voter's list inside the polling station – even if their names are in the voters' list posted outside – polling officials had to allow the voters to vote as long they possessed voter's cards. The officials

---

[69] Voting postponed in several areas, NEC to issue statement today, The Citizen (26 October 2015), http://www.thecitizen.co.tz/tanzaniadecides/Voting-postponed-in-several-areas--NEC-to-issue-statement-today/-/2926962/2930262/-/qv8xrxz/-/index.html

[70] Report of the Commonwealth Observer Group, Tanzania General Elections, Commonwealth Secretariat, 31 October 2015.

recorded the names of such voters in a special form and allowed them to vote.

The Commonwealth team further observed that the 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.71 This constrained the ability of Presiding Officers to perform their primary responsibility of managing polling stations, as required by law.

The electoral laws require that the Presiding Officer count votes in the polling stations immediately after the close of voting hours. Aside for the Presiding Officer, only those persons authorized by law should be present during the counting of votes.[72] In a sign of distrust of the integrity of the process, the opposition called for monitoring counting. However, on October 23, 2015, the petition introduced by Chadema against the 200-meter ban was dismissed on the ground that the electoral act prohibited any kind of meeting being held on polling day *(Art. 104, Elections Act).*

When the process of counting all the votes is concluded, the Presiding Officer records the results in the Result Form and ask the political party's agents to sign the same. A copy of the Result Form for every election is then posted in a conspicuous place outside the polling station.[73] The agents of all political parties must also be provided with a copy of the Result Form. Thereafter the presiding officer collects all the elections materials and sends them to the Headquarters of the Constituency together with the Results Forms and ballot boxes.[74]

Official results released by NEC showed that CCM candidate John Magufuli (CCM) defeated former Prime Minister Edward Lowassa of CHADEMA, who was endorsed by the Ukawa coalition. Lowassa refused to concede defeat. In a press conference held on October 29, 2015, he denounced an elaborate plan to rob him of victory by reducing his votes and increasing those of his main rival and claimed to be received 10, 268,795 votes, equivalent to 62% of the total votes. According to Lowassa, the results announced by the NEC were tempered with and did not match with the figures his party agents collected and tallied before Chadema tallying center was raided by the police. He further denounced intimidation by police forces across the country. However, Chadema challenges or call for demonstration seemed to have gone nowhere.

The 2015 presidential and general elections proceeded peacefully in mainland Tanzania. Announcement of results, although stirring controversy and allegation of fraud, did not lead to massive protestations.

---

[71] Ibid.

[72] These include the polling assistant; polling agent; candidate; police officer or person responsible for security; returning officer or assistant returning officer or regional election coordinator; the Director of Elections or an electoral officer of NEC; and an election observer duly authorized by NEC *see* Section 72 (1) of the National Elections Act, Cap 343 (R.E 2010).

[73] According to CEMOT, election results in 2,309 centers (43%) were posted within half an hour of completion of vote counting; 1,483 centers (28%) posted the results between half an hour to one hour after completion of vote counting, whereas in 1,533 polling stations (29%) it took more than one hour to post the election results outside the counting stations.

[74] Kawishe, ibid.

Results of 2015 Tanzania Presidential Elections

Candidate	Party	Votes	%
John Magufuli	Chama Cha Mapinduzi	8,882,935	58.46
Edward Lowassa	Chama cha Demokrasia na Maendeleo	6,072,848	39.97
Anna Elisha Mghwira	Alliance for Change and Transparency	98,763	0.65
Lutalosa Yembe	Alliance for Democratic Change	66,049	0.43
Hashim Rungwe Spunda	Chama cha Ukombozi wa Umma	49,256	0.32
Machmillan Elifatio Lyimo	Tanzania Labour Party	8,198	0.05
Janken Malik Kasambala	National Reconstruction Alliance	8,028	0.05
Fahmi Nassoro Dovutwa	United People's Democratic Party	7,785	0.05
Invalid/blank votes		402,248	–
Registered voters/turnout		23,161,440	67.34

Source: National Electoral Commission[75]

In the parliamentary elections, CCM retained its parliamentary majority, but lost a significant number of seats, including those previously held by cabinet ministers.[76] It took 71% of the directly-elected seats (188 of 264 seats), down slightly from the 78% (186 of 239 seats) it won in 2010. The opposition Coalition of the People's Constitution won 34 seats, or a gain of 11 seats. The Constitution also provides that political parties that won at least 5 percent of all valid votes in the parliamentary election gain the additional seats reserved for women on a proportional basis depending on the votes they received.[77]

Although the NEC introduced software designed to speed up the tallying of votes in the last elections, there were several complaints regarding the slow pace in the announcement of results. As designed, the tallying software sought to easily capture the presidential votes across the country and send them electronically to a command center at the NEC's headquarters where counting would be done automatically. Yet, the Coalition on Election Monitoring and Observation in Tanzania (CEMOT) reported that after 1½ days, the NEC was only able to announce 100 out of 264 constituencies (37%). This caused chaos in many areas and people started to question the trustworthiness of the system. Presidential candidate Lowassa, for example, alleged that the electronic system had been manipulated and, thus, refused to recognize the result.

According to the acting Head of the NEC's Information Unit, the software was working properly but many polling officials did not immediately forward the results to the tallying centers, which caused the delay.[78] This was puzzling considering that CEMOT reported that most of the polling stations posted the election results immediately after the completion of voting – i.e. 2,309 centers

[75] From the NEC website, http://www.nec.go.tz/uploads/documents/1448023814-3.pdf
[76] Tanzania election winner declared despite vote-rigging claims, the Guardian online edition, 29 October 2015,
[77] Article 78, Constitution of Tanzania.
[78] NEC on Election Results Delay, The Citizen (October 27, 2015), http://www.thecitizen.co.tz/tanzaniadecides/-/2926962/2932612/-/caxf82z/-/index.html (accessed on November 24, 2015)

(43%) within half an hour; 1,483 centers (28%) between half an hour to one hour; and 1,533 polling stations (29%) took more than one hour. While there was no fixed timeframe for the announcement of results by NEC, the delay in the tallying caused uncertainty, suspicion and tension, according to Commonwealth Observer Group.[79] Hence, an investigation would be needed to determine what caused the delay in forwarding results to the command center.

Zanzibar

In an unprecedented decision, the chairman of the Zanzibar Electoral Commission (ZEC) nullified the Zanzibar presidential elections while partial results already tabulated by ZEC were showing a slight advantage for the Civic United Front (CUF) against the ruling party. Unofficial results aggregated by CUF party agents also showed that the opposition was leading the presidential race in Zanzibar by approximately 20,000 votes.

Coming after international observers groups had commended both NEC and ZEC for the competent and largely efficient manner in which they managed the electoral process on Election Day, the unilateral and unsubstantiated move from ZEC leadership, not only casted doubt on the integrity of the electoral process but also on the impartiality of the election administration. The nullification of elections while tabulation was already progressing effectively erased the ZEC's electoral administration credibility.

Interestingly, the unilateral decision of the chair was retrospectively approved by the ZEC and backdated to October 28, 2015. The decision was gazetted on November 6, but only published on November 12. The ruling party advocated for a re-run, while the CUF insisted on having the votes counted and threatened to boycott any re-run. Fortunately, the stalemate did not trigger violence, as it occurred in 2000 and 2005.

Amid international and domestic pressure to resolve a stalemate, the Zanzibar government announced in January 2016 plans to hold a rerun in February. The CUF protested the decision to hold fresh elections on March 20, 2016, promised to boycott the elections and called on local residents to ignore the announcement because a new poll date should not have been set while negotiations between the parties were on-going.

Domestic Observation

The primary domestic observation group was the Tanzania Election Monitoring Committee (TEMCO), which regrouped 172 civil society and faith-based organizations under the leadership of the Research and Education for Democracy in Tanzania (REDET), with financial support from USAID. TEMCO has monitored elections since 1995, and in 2010 issued a thorough analysis of the polls, although quite academic and not truly evidence-based.

[79] Report of the Commonwealth Observer Group, Tanzania General Elections, Commonwealth Secretariat, 31 October 2010.

Another important domestic observers' group, the Tanzania Civil Society Consortium on Election Observation (TACCEO) was established under the leadership of the Legal Human Right Center (LHRC) with support from the Swedish International Development Cooperation Agency.

Prior to the polls, under the initiative of the Open Society Foundation, and with financial support from Canada and Denmark, the two main domestic observers' platforms were brought together under the Coalition on Election Monitoring and Observation in Tanzania (CEMOT), which started operating in August 2015.

TEMCO deployed 163 Long Term observers (LTOs) who monitored the voter registration exercise while 150 LTOs observed the electoral campaign. Together TEMCO and TACCEO deployed around 9,000 short-term observers. CEMOT established an Election Observation Centre (2015 Uchaguziwetu). The center was meant to provide a digital platform for generating and sharing information on the electoral process and for engaging state and non-state actors in a constructive manner to ensure credible, free and fair elections.

Although the concerted financial and technical support from the international community helped deploy a very large contingent of domestic observers, the emphasis put on statistical reporting prevented a timely and effective assessment of the electoral process. Despite numerous public relation activities and efforts to share information prior to E-day, the joint operation could not retain much media attention once the elections were over.[80] Domestic observer groups lost the momentum and did not timely report on election proceedings.

The TEMCO interim report was not released until mid-November 2015. Although the overall electoral process in mainland Tanzania was assessed as "clean, free and fair",[81] TEMCO issued only a "qualified free and fair" certificate – whose meaning is very much questionable – after taking into account the perceptions and concerns of various electoral stakeholders regarding the independence of the electoral commission, the legal and institutional framework and minor shortcomings.

Upon completion of the polls, both TEMCO and TACCEO remained silent over allegations of vote malpractices and fell short of addressing lack of transparency and traceability of NEC results while also facing coercive actions from security forces. At a time when the NEC officially announced results for the presidential race on Thursday 29 October 2015, the police raided the TACCEO office, located within the Legal Human Rights Centre, on the allegation that observers were compiling results and distributing them to the public. They seized computers and arrested several officials. The incident came only four days after the police stormed Chadema's tallying center while the CCM vote-tallying operations were underway.

If the technical performance of domestic observers' groups was debatable, and the issuance of a so-called certificate quite incongruous, their neutrality is also very much questionable. In this

[80] Tellingly, CEMOT website (www.cemot.org) was not updated with any evidence-based reporting. Similarly, TEMCO website (www.temco.udsm.ac.tz) did not offer much information.
[81] TEMCO, Interim statement on Tanzania 2015 general election, November 2015

regard, it was very unfortunate that at least one prominent domestic observer made inappropriate statements, and could not refrain from siding with one of the parties.[82]

Election Results Management

According to TACCEO, there was lack of transparency in the tallying of votes, casting doubt on the accuracy of figures released by the NEC. TACCEO chairperson Martina Kabisama also pointed out excessive use of force by security organs, including the previously mentioned police raid of the TACCEO operations center.

The aggregation of election results was opaque. Neither party agents nor observers were given the opportunity to track and compare results, as displayed in each polling station upon completion of the counting, with those tallied by returning officers at constituency level and later on aggregated by the NEC.

The absence of an open and indisputable aggregation of election results, entailing a publication of results by polling station, appeared to be major shortcoming of what had been perceived by most observers as a technically sound exercise. Not only did the electoral administration fail to put in place a transparent mechanism to reconcile results, but it also never displayed a detailed tabulation of election results by polling station, once the elections completed.

Surprisingly, proposals from development partners to help design a results management information system were dismissed, and the NEC did not demonstrate to electoral stakeholders that the tabulation exercise was rigorously performed. The lack of transparency and traceability lent credence to suggestions of misappropriation and manipulation.

A more transparent and accountable tallying exercise would not only limit the possibility of electoral fraud by eliminating allegations of impropriety, but also promote trust and confidence in the way the NEC conducts the elections. In this regard, transparency and accountability imply that the integrity of the vote is respected, and therefore the will of the people is genuinely reflected in the results, which are accepted by all stakeholders after having been reconciled and published by polling station.

[82] As reported by the media, Dr. Benson Bana, TEMCO project manager and deputy head of election observation mission, and incidentally an academic from the Department of Political Science and Public Administration at the University of Dar el Salaam (UDSM), congratulated the winner and urged the people to support and work with Dr. Magufuli, adding that he was "*very happy*" of the outcome of the elections while also stressing that the opposition had got more votes than it has ever received in the country's multiparty history, and should now go back to the drawing board and plan for the 2020 elections.

Electoral Dispute Resolution

The NEC performs a dispute resolution function as part of its election administration mandate. As previously explained, the Commission together with the Returning Officers and Assistant Returning Officers receives and decides on objections to the qualifications of candidates in the presidential, parliamentary and local council, respectively. Appeals can be made to NEC and its decisions are considered final. Aggrieved parties may bring to the High Court NEC decision on the nomination of parliamentary candidates but only after the declaration of election results, a provision that is criticized by many because it does not allow sufficient time for pursuing the said remedy.[83] More importantly, Tanzania's legal framework does not allow judicial intervention on disputes relating to the presidential elections – be it pre elections (i.e. question the qualifications of candidates) or post elections (i.e. challenge election results).

The Electoral Code of Conduct likewise provides for Ethics Committees at the ward, constituency and presidential levels to hear and determine complaints for violation of the provisions of the Code. According to the EU election observation team, "around 29 complaints were submitted to the Ethics Committees throughout the country, mainly on issues such as the destruction of campaign material and public property, exceeding campaign hours and the use of abusive language during campaign events."

However, the interviews did not yield sufficient information to make any determination as to the adequacy and effectiveness of the system for addressing pre and post-election disputes. The EU observers did note however that in most constituencies, the Ethics Committees were established and perceived by the political parties as an effective mechanism to resolve minor disputes."[84]

[83] Preliminary Statement of the European Union Election Observation Mission, 27 October 2015.
[84] Ibid.

ADHERENCE TO INTERNATIONAL STANDARDS OF ELECTION ADMINISTRATION

There are many international election standards that have been used to scrutinize election system performance. For purposes of this assessment, the principles of independence, impartiality, transparency, openness and inclusiveness were used to evaluate the organizational performance of NEC throughout the election preparations.

Independence and Impartiality

Inadequate independence and impartiality continue to trouble the NEC, its Chairman and Commissioners. This has been raised in past elections and is acknowledged by the Commission as an important concern. NEC Chairman Lubuva agreed that political parties, civil rights activists and other stakeholders do not fully trust the Commission because of their perception that it is not independent. He identified the following as the primary reasons for the dwindling confidence on the NEC:[85]

a) The process of appointment of chair and members of the Commission;
b) The lack of financial autonomy of the EMBs;
c) The lack of office outside Dar es Salaam, which forces EC to hire the services of government personnel at the regional and local government level to serve as Regional Election Coordinators and Returning Officers; and
d) The regional Election Coordinator, appointed by NEC, is marginalized and lacks authority vis-a-vis the Returning Officers.[86]

The appointment and removal of NECs key officials is a crucial matter for most key informants. For them, as long as the President has the sole power to appoint and remove the key officials of the Commission, there will always be a question on its independence and impartiality. They argued that the President, being the head of the ruling party, would always ensure the appointment of persons who are seen to favor his party. The Chair and Commissioners, being appointees of the President, would find it difficult to defy the wishes of the appointing power. They cited as examples the case of the Director of Elections and IT Department of NEC who were removed at the height of election preparations.

The NEC's lack of financial autonomy is the other major problem identified by its Chair and stakeholders. This lack of control over its financial resources has adversely disturbed its operational efficiency, which was evident during the most recent voter registration exercise. As concluded by TACCEO in its report, the failure of NEC to adequately prepare for the BVR was largely attributed to the fact that it does not have its own budget, and that its delayed and irregular release wrought havoc to its timetable. This could have affected the credibility of the whole

[85] Briefing Remarks by NEC Chair in a Meeting between NEC and Members of the Independent Electoral Commission of Lesotho (April 22, 2015).
[86] Raised also by the Commonwealth Election Observation Mission in the 2010 elections *see* Report of the Commonwealth Observer Group, Tanzania General Elections, Commonwealth Secretariat, 31 October 2010.

electoral process had NEC and its personnel not recovered so well. As noted above, a major reason why the provision of voter education is far from desirable was the failure of the government to allot funding.

Another area of concern is the NEC's reliance on civil servants to act as Regional Election Coordinators and Returning Officers at constituency and ward levels. Election stakeholders, including political parties and civil society activists, perceive this as an impairment of the NEC's autonomy and independence because Returning Officers play a critical role during elections since they appoint the presiding officers and polling staff. Their actions and decisions during the preparation and conduct of elections can have significant impact on the integrity of the elections. That they are not NEC employees more than justifies their apprehensions regarding the independence and accountability of these Returning Officers. Furthermore, and as pointed out by the Commonwealth Election Observation Mission in its 2010 Report, the NEC does not seem to have authority over them since the Regional Election Coordinators that it appoints are marginalized by – and do not have authority over – the Returning Officers.[87]

Key informants acknowledged that the current legal framework, administrative location (within the Prime Minister's Office) and the NEC's lack of financial autonomy, made it difficult for the Commission to be independent. Nonetheless, they believe that the Commission should concretely demonstrate its independence in specific situations - e.g., by asserting its authority over registration officers who are accused of partiality or violation of electoral regulations. The NEC has to consciously pursue measures to change public perception about its independence and impartiality since the success of an election is largely dependent on how it performs its mandate and the public's perception of its work.

Increased Transparency

Key informants unanimously felt the NEC was more transparent in the 2015 elections than in 2010. Some of the positive developments they cited were:

a) The openness of NEC to share some information to its stakeholders;
b) Posting of the presidential results at the polling station and allowing agents of political parties to get copies;
c) Updating of the Commission's website (although the uploading of key documents had not been consistent)
d) The creation of committees within NEC to facilitate interactions with its stakeholders (e.g. Government and Political Parties Relations Committee);
e) The involvement of the stakeholders in the drafting of different codes of conduct (i.e. Observers, Political Parties, and Candidates); and
f) The creation of a facility for accrediting observers.

Despite these gains, key informants also felt the NEC still lags in transparency and openness. For instance, while results of presidential elections were posted outside the polling station, the NEC

[87] The last point was also raised by the Commonwealth Election Observation Mission in the 2010 elections *see* Report of the Commonwealth Observer Group, Tanzania General Elections, Commonwealth Secretariat, 31 October 2010.

was not transparent in the manner by which the election results were tallied. TACCEO, in its report on voter registration, called for a more transparent NEC in all stages of its operations – i.e. from the initial stages of the procurement of the BVR kits to the final stage of verification of the voter register in order to build more confidence among all stakeholders.[88]

Some noted that NEC was not as forthcoming as ZEC when it comes to posting information on the web and there seems to be a conscious effort on the part of NEC officials to control/limit the flow of information. This has always been a source of discontent among the political parties and was considered by the interviewees as one of the main reasons why they do not fully trust the Commission. The election observers further reported that NEC (and ZEC) did not show full transparency in their decision-making at various stages of the electoral process noting, "stakeholders' requests to scrutinize the Commission's activities were not always granted." They pointed out the issuance of regular updates on the election through the press was not sufficient to build confidence among the political parties.[89]

Asked whether the problem lies with the attitude of the officers and staff, the lack of appreciation of the importance of transparency in electoral exercises or the absence of policies and structure to facilitate transparency, most said "all of the above".

Another problem identified by the stakeholders is the absence of a trained spokesperson that could have explained the important preparations that NEC was undertaking. It was noted that the NEC had only an Information Officer who distributed documents but did not want to answer questions. It appears that the Commission is still not convinced of the necessity to exert more effort to make people aware of what is going on especially with regard to election preparation.

Lack of transparency was also cited as a problem at the constituency and ward levels, primarily because the NEC neither has offices outside Dar es Salaam nor officers to inform the public and electoral participants of NEC preparations and activities. As suggested by the UNDP sponsored capacity needs assessment study, decentralization of the NEC is a positive step towards ensuring better access to the electoral administration for those outside living outside the commercial capital.

Inclusiveness

Experience of other countries proved that elections become more credible and reputable if all the electoral stakeholders are pleased with the work of the EMB and outcome of the elections. Election preparation requires that "groups and individuals with a 'stake; (*stake*holders) in the electoral process are fully satisfied" with the EMBs' administration of all "procedural and operational aspects of the electoral process."[90] It is for this reason that the assessment looked into the manner by which NEC engaged its stakeholders during the preparation and conduct of elections.

[88] National Biometric Voter Registration (BVR) Observation Report by Tanzania Civil Society Consortium on Election Observation (TACCEO), October 2015.
[89] Observers query NEC, ZEC transparency, The Citizen, October 28, 2015, http://www.thecitizen.co.tz/tanzaniadecides/Observers-query-NEC--ZEC-transparency/-/2926962/2933140/-/erml91z/-/index.html (accessed on December 15, 2015).
[90] Spinelli, A. Strategic Planning for Effective Electoral Management, IFES (2011).

The NEC acknowledges the importance of stakeholder involvement in the electoral process. This much is clear in its mission statement, which is "*to safeguard Democracy and maintain integrity of the electoral system in the country by coordinating and supervising voter registration, constituency demarcation and election related activities that are supported by partnership with all stakeholders*"[91] (emphasis added). A review of existing literature and past pronouncement of the NEC revealed that is primary stakeholders would include political parties, CSOs and NGOs (representing women, youths and Persons With Disabilities), religious institutions, media, domestic and international observers, development partners, national security agencies and government agencies.

Key informants and election observation group acknowledged that NEC tried to work with and get the support of its external stakeholders to ensure the peaceful conduct of elections. The observation team of the East African Community, for instance, noted that NEC and the Police Force jointly developed a handbook which was distributed to all police officers and was used in police trainings. Furthermore, a coordination office to oversee security during elections was established which helped prevent untoward incidents during the campaign period and Election Day. There is a consensus among the observers that the security environment for the electoral process was generally peaceful. [92]

The Tanzania Centre for Democracy (TCD) similarly acknowledged NEC's effort to reach out to its stakeholders through events organized by its partner organizations. The TCD's Executive Director recounted that for the first time, the NEC and the Office of the Registrar of the Political Parties (ORPP) joined its annual meeting and a round table discussion to promote multiparty dialogue. Political leaders and delegates from all the major political parties in Tanzania, as well as donor institutions, also attended the roundtable discussion wherein important topics like the registration process, the use of the BVR, the security situation and secrecy in the registration process were discussed.[93]

Increasing women's participation since the 2010 elections were also reported by election observers and mentioned during the interviews with key stakeholders. For the first time in the history of Tanzania, there was a female presidential candidate from the Alliance for Change and Transparency - Wazalendo party. Likewise, the vice presidential candidate of the ruling CCM party was female. At the constituency level, 233 women were represented as candidates for the National Assembly out of a total of 1,218 (19%) candidates. At the local government elections, there were 679 women candidates out of a total of 10,879 (6%). TEMCO reported that many

---

[91] NEC Strategic Plan, 2013/2014 – 2017/2018, P. 15, http://www.theguardian.com/global-development/2015/oct/29/tanzania-announces-election-winner-amid-claims-of-vote-rigging (accessed on Nov. 27, 2015)

[92] Preliminary Statement of East African Community Election Observation Mission to the General Elections of the United Republic of Tanzania held on the 25th October 2015

[93] TANZANIA: Political tensions prior to 2015 referendum and general elections – multiparty dialogue needed more than ever!, Danish Institute for Parties and Democracy website, http://dipd.dk/2015/03/political-tensions-in-tanzania-prior-to-2015-referendum-and-general-elections-multiparty-dialogue-needed-more-than-ever/ (accessed on December 19, 2015).

women who stood for parliamentary and councillorship elections won in constituencies and wards that were previously dominated by men.

Even in the administration of elections, women are getting more involved. It was observed that women and youth were fairly represented among the polling personnel and party agents in the polling stations visited by the East African Community Election Observer Mission. Within the electoral commissions, the adoption of a gender policy is now being discussed (in fact, ZEC already has a gender policy for internal and external stakeholders).

Despite these positive developments, a meaningful participation in democratic processes like elections is still a formidable challenge for women. Even with the special seats allocated to women (not less than 30%), the general representation of women in the electoral process is still disproportionate especially since they constitute 53% of the total population of Tanzania. A known advocate of women's rights disclosed that her organization continues to receive complaints from women politicians in the manner by which the "male elders" of political parties allocate the women's seat. Their study also showed that leadership in political parties is still dominated by men as women occupy only 10% of leadership posts.

There were also positive reviews coming from the vulnerable sectors. Organizations of People With Disabilities (PWDs) issued statements to voice their appreciation of NEC's efforts to enhance their participation in the last elections. According to the General Secretary of Shirikisho la Vyama Vyenye Ulemavu Tanzania, most of their concerns listed in the position paper presented to NEC in February were positively addressed.[94] The Secretary General of the Disabled Women's Organisation in Tanzania confirmed this, recounting that "in the previous elections, PWDs could not participate fully in the voting exercise since they had to travel long distances to seemingly fewer polling centers."

Among the reforms implemented by NEC was the use of braille for the visually impaired so as to facilitate their voting. CEMOT observation revealed about half of its observers saw special ballot papers for the visually impaired.[95] NEC also introduced measures so that PWDs and other special groups will not stand waiting in long queues during voting exercise. NEC likewise ensured availability of sign language interpreters at polling centers to assist people with hearing impairments in accordance with their demands reported in the PWDs position paper. These reforms are positive steps towards a more inclusive electoral exercise as census data show that PWD constitute about 5.8% of the population.

[94] People With Disability Applaud Efforts Towards Their Engagement In 2015 Elections, The Foundation for Civil Society (22 October 2015), http://www.thefoundation.or.tz/index.php/en/foundation-news/614-people-with-disability-applaud-efforts-towards-their-engagement-in-2015-elections

[95] Interim Report prepared by CEMOT.

CONCLUSIONS AND RECOMMENDATIONS

The assessment concludes that NEC did an outstanding job in organizing and administering the last general elections, which most observers adjudged as generally successful. Despite a host of challenges, some of which were outside the control of the Commission, the polls were largely peaceful, orderly and in accordance with the constitutional and legal framework of the Tanzania. It is also the findings of this study that the polling staff performed their tasks professionally, which enabled the people of Tanzania to register and vote freely and for the electoral contestants to participate meaningfully.

NEC's success in the October, 2015 election was a product of a number of reforms that were instituted including the use of technology in registering voters and tallying votes. It was also the result of its effort to be more inclusive and transparent during the preparations and conduct of elections as the Commission endeavors to fully integrate these standards of good election management in its operations.

Yet, some major organizational weaknesses remain and continue to affect the overall performance of the Commission. These include the problematic conduct of voter education; the logistical problems that surfaced during the conduct of voter registration and on Election Day; and the delay in the announcement of election results despite the introduction of new technology that was supposed to expedite its tallying and consolidation. The NEC has to address these matters urgently through institutional reforms and enhancing its organizational capacity.

Finally, opposition parties and election observers have raised valid issues pertaining to the NEC's credibility. Among these are the perceived lack of independence and impartiality, the occasional disregard of the principles of transparency and inclusiveness and the inability to consistently guarantee the integrity of the elections. Not only do these issues impact the credibility of the Commission; they also impinge on the legitimacy of the electoral process.

Given the foregoing conclusion and observations, the following recommendations are put forward for the consideration of the Commission, the government of Tanzania, civil society organizations, political parties and development institutions.

Inclusive Appointments

Since its establishment, the NEC has been continually criticized for its perceived lack of independence and impartiality primarily because of the current legal framework, which gives the President the sole authority to appoint and dismiss the Chairman and members of the Commission. The importance of independence and impartiality in the management of elections cannot be overemphasized. If the public and electoral participants are not convinced that the administration of elections has been carried out in an independent and impartial manner, the integrity of the electoral process and results would be questioned and the public's confidence on NEC would be

lost.[96] Although not entirely its fault, the NEC has to address these issues urgently and substantially.

The simplest way to promote independence of decision and action by an electoral commission is to create a legal framework that embeds EMB independence."[97] Significantly, the proposed Constitution acknowledges the need for ensuring the independence of the Commission. It calls for the creation of an independent electoral commission whose chairman and members can be appointed by the President from a list to be submitted by the Nomination Committee and will need confirmation by the National Parliament.[98] It also specifies the members of the Committee, which consists of the Chief Justice of the United Republic who shall be the Chairman, the Speaker of the Parliament of the United Republic who shall be the Vice Chairman, the Speaker of the Council of Representatives of Zanzibar, the Speaker of the Parliament of Mainland Tanzania, the Chief Justice of Mainland Tanzania, the Chief Justice of Zanzibar and the Chairman of the Human Rights Commission.[99]

Although the referendum on the proposed Constitution has been postponed, it is important to ensure that the national discourse on for guaranteeing the NEC's independence is sustained. As such, the NEC should take the lead on this consistent with the constitutional obligation to conduct credible and legitimate elections

Financial Autonomy and Operational Independence

The lack of financial autonomy was one of the main contributing factors to the NEC's organizational challenges during the preparation and conduct of elections. The insufficient, delayed and irregular funding of elections and other related activities not only threatened the operational independence of the Commission but also the overall success of the elections. As pointed out earlier, the NEC has to request funding for its operational expenses from the Ministry of Finance, which it uses to conduct voter registration, voter education and elections (including the national elections).[100] Without certainty in the release and amount of budget that would be allocated for organizing elections, it is extremely difficult for the NEC to prepare for the elections.

The NEC must lobby other branches of government of the elections' special nature – i.e., that they are not an event but a process that requires long-term planning and preparations. Its leadership must convince the policy and decision makers of the need to provide adequate resources on a multi-year basis. Making the resources available on last phase of election preparations is impractical, ineffective and inefficient, as learned from the previous polls.

There are various models that the Tanzania government can study, if it decides to provide NEC with fiscal autonomy. NEC Chairman Lubuva, for example, has proposed an innovative way for

[96] Guiding Principles of Electoral Management, http://aceproject.org/ace-en/topics/em/eml/em20.
[97] Electoral Management Design, Revised Edition, International IDEA (2014).
[98] Draft Constitution of Tanzania, Cap 181, Part Two
[99] ibid
[100] Capacity Needs Assessment of the National Electoral Commission, UNDP DEP (March 2015).

ensuring the adequacy of the budget to be given to NEC through the creation of an election fund. He posited that by allocating some amount of money in the annual budget every financial year until the time of election, the financial burden for staging elections every five years would be less since such an approach would avoid the allotment of the budget through an election bill in one lot.[101] More importantly, it would allow NEC to plan ahead of time and have the confidence that its activities would be funded on time.

Another model that it may want to look into is the approach used by Nigeria to guarantee financial independence of its Independent National Electoral Commission. Through the establishment of the Consolidated Revenue Fund, from which NEC budget and salaries of its Chairman and members are sourced, the Commission is able to prepare its budget for approval and thereafter receive it directly, thereby ensuring that it is not hindered in its operations by the many bureaucratic processes of budgeting and disbursement of funds.[102]

Administrative Organization

Closely related to the first two issues discussed above is the lack operational independence of the NEC since it is administratively attached to the Office of the Prime Minister. Under Article 52 of the Tanzania Constitution, the Prime Minister is not only responsible for supervision and control of the activities of sectoral ministries and the leader of government business, but also sectors and subsectors of the government including the NEC.[103]

Although there is single view on what constitutes independence,[104] it is widely acknowledged that an EMB must have the following characteristics: it must be able to operate free of interference; it must not be subject to the direction of any other person, authority or political party; and it should be able to function without political favoritism or bias.[105] Any allegation of manipulation, perception of bias or alleged interference, will have a direct impact not only on the credibility of the body in charge but on the entire election process.[106] Under the current arrangement, the NEC cannot be truly independent if it continues to be subject to the control and supervision of another agency of government, the head of which (Prime Minster) is a high-ranking member of the ruling party.

[101] Briefing Remarks by NEC Chair in a Meeting between NEC and Members of the Independent Electoral Commission of Lesotho (April 22, 2015).
[102] Electoral Management in Nigeria by *Olufunto Akinduro*, The Ace Electoral Knowledge, http://aceproject.org/ace-en/topics/em/electoral-management-case-studies/nigeria-a-need-for-modernization
[103] See Article 52 of the Constitution and Government Notice No. 20 of February 2008; also cited in the website of the Prime Minister Office, http://www.pmo.go.tz/index.php?option=com_content&view=article&id=82&Itemid=98
[104] Electoral Management Design: The International IDEA Handbook (2006), http://www.idea.int/publications/emd/upload/EMD_inlay_final.pdf
[105] Ibid.
[106] Electoral management bodies, The International IDEA, http://www.idea.int/publications/ies/upload/6.%20Electoral%20Management%20Bodies.pdf

For this reason, NEC should review its administrative relationship with the Prime Minister Office and pursue legal and/or administrative reforms to guarantee its independence including the development of a fully independent agency that is not attached to any office of the government.

Similarly, the NEC should ensure and preserve its independence during elections even if it has to recruit local government employees as polling officials. As suggested by the Commonwealth Group in its Observation Report for the 2010 general elections, the NEC must clearly stipulate in the terms of appointment of these local officials that they are under sole authority of the Commission for the period of their electoral duties.[107] The NEC should also be able to impose administrative sanctions or pursue criminal actions against officials who breach their terms of appointment and/or put into question the integrity of the elections.

Organizational Capacity

The problems identified above are indicative of weak organizational capacity to carry out many aspects of election preparation. The NEC should address this by implementing a capacity development program, preferably after the conduct of an internal evaluation of how it prepared and managed the 2015 elections. It would be ideal to also conduct training needs assessment so that the staffs are given the opportunity to identify the skills they need and the factors that constrain their ability to perform their functions effectively.

Preliminarily, the capacity development program could include training curriculum on planning, project and process management, program m implementation, internal communication, monitoring, evaluation and accountability. It is also recommended that a session on internationally recognized standards on election management (e.g. independence, impartiality, transparency, efficiency, effectiveness, professionalism, service mindedness, accountability, integrity) and voter registration be included, either as an orientation or refresher course. A list of Guiding Principles on Voter Registration is found in Annex III.

Delivery of Electoral Services

The NEC must pursue its decentralization plan by putting up district offices outside of Dar es Salaam in order to bring its services closer to the public and other stakeholders. As it will require additional personnel and resources, this initiative must have the support of the decision makers and all stakeholders. The functions and mandate of these new offices must be clearly spelled out to ensure the accountability of its personnel assigned to the field offices. Key informants are of the view that these personnel, aside from the regular function of organizing and administering elections, should be responsible for voter sensitization and civic education, coordination with NEC stakeholders in their areas of responsibilities, assisting in the ensuring the integrity of the voter register and the like.

[107] Report of the Commonwealth Observer Group, Tanzania General Elections (October 31, 2010).

The NEC must improve its service orientation culture to better serve its stakeholders. Election management is essentially a service industry, and people have rising expectations of the ability of the industry to deliver quality service. For this reason, the electoral administrators must work to achieve for every stakeholder the highest quality service possible.[108]

Because of limited resources, there will always be a tendency to sacrifice the principle of service orientation in favor of efficiency and economy. Currently, the NEC's current office arrangement – located in three (3) separate buildings in Dar es Salaam – is not conducive to productive interaction with its stakeholders. This not only makes it difficult for various departments to work cohesively, but also presents a challenge for stakeholders who have to deal with various offices in the Commission.[109] The offices also do not have a proper receiving area for visitors, which make visitors feel unwelcome.

However, service orientation does not necessarily entail additional expense. The adoption of appropriate policies to change the mindset of its staffs will be an important first step. Some public agencies have adopted a citizen's charter to help its staff nurture their service orientation. Citizen's charters is a document that represents a systematic effort to focus on the commitment of the organization towards its clientele in respects of Standard of Services, Information, Choice and Consultation, Non-discrimination and Accessibility, Grievance Redress, Courtesy and Value for Money. This also includes expectations of the Organization from the Citizen for fulfilling the commitment of the Organization.[110] Appointing a person to formally receive and deal with visitors would come a long way in making the stakeholders feel welcome.

It can also pursue capacity building activities to improve the skills and attitude of its personnel on customer service. This is important in building good relationship with its stakeholders, especially the political parties.

Transparency and Inclusiveness

The NEC has greatly improved the transparency and inclusiveness of elections in Tanzania. Interviewees consistently acknowledged the NEC's efforts to consciously introduce new measures to involve stakeholders and become more transparent. All of these positive steps enabled it to perform its functions more openly, effectively and efficiently, especially when compared to the 2006 elections. Yet, as discussed above, there are still areas of its operations where transparency was sacrificed as certain information were not shared to the public.

[108] Ibid.

[109] The offices of the NEC Commission and Secretariat occupy two floors of the Posta House office building in central Dar es Salaam. The Finance Department is located two blocks away on Garden Avenue. The IT, Logistics and Procurement Units, including the National Elections Data Centre, are housed at the Government Procurement Services Agency (GSPA) warehouses on Pugu Road.

[110] Examples are Citizen's Charter of the government of India, please see http://goicharters.nic.in/faq.htm and the Citizen's Chart of the Philippines Civil Service Commission - http://excell.csc.gov.ph/cscweb/citizen_charter.pdf

Inclusiveness can be obtained not only by ensuring that all eligible electorates are afforded the opportunity to register, participate in electoral debate and vote. Equally important is getting the inputs of all the stakeholders in order to improve the electoral process.

As it continues to pursue reforms to address the challenges encountered in the 2015 elections, the NEC should consider opening up its planning, operations and assessment to public scrutiny. It would be ideal, for example, to always involve and consult the stakeholders when new systems or technologies are being considered. Stakeholders' involvement should not in any way imply an abdication of legal mandate or endangerment of NEC's independence. Instead, the commission should see it as a strategic modality to seek input and improvements to its operations.

To guide the NEC in this regard, and to maintain a sustained and inclusive participation of stakeholders even after the 2015 elections, it may want to consider the adoption of stakeholder engagement strategy.

Administrative and Judicial Remedies

Although some form of administrative procedure exists for dealing with disputes or complaints arising from voter registration and counting, [111] the absence of post-election remedies to contest the validity of presidential election results further weakens the current legal framework. It is thus a welcome development that the proposed Constitution provides for a post-election petition to challenge the results of a presidential election. Cap. 78 of the proposed Constitution states that any candidate of a presidential election who has misgivings about the election, may file a petition at the Supreme Court to challenge the declaration of a particular candidate as President-elect by the Independent Electoral Commission. Petitions challenging the results of a presidential election must be submitted to the Supreme Court within seven (7) days from the date the results of the election were declared and the Supreme Court has 14 days to hear and render judgment.[112] Again, this constitutional reform should be pursued in order to align Tanzania's legal system with international standards.

Political Parties Act

Although Tanzania's constitutional framework provides an acceptable basis to conduct elections, the inability to run as independent candidates *(Art. 39-1 & Art. 67-1),* and to challenge presidential results *(Art. 41-7*) there are constitutional limitations that are inconsistent with Tanzania's international commitments. The right to stand for election should not be limited to party-nominated candidates but open to independent candidates, as established by the 1966 International Covenant on Civil and Political Rights and ruled by the African Court on Human and Peoples Rights

[111] On registration under sections 22 to (Objection to registration or continued registration and 29 (Appeals and additions to or deletions from the provisional register) and under section 35F (on disputes regarding ballots) of the National Elections Act 2010.
[112] Draft Constitution of Tanzania, Cap 178.

(AfCHPR) in its decision from 2013[113]. The right to petition results should also be established by law, in accordance with international principles for the conduct of democratic elections.

It would be helpful to revisit the provisions of the Political Parties Act of 1992, which currently does not allow for the formation of political party coalitions for electoral purposes. As written, the law imposes a restriction on the right of political parties to form an alliance by denying the right to consolidate their resources under common candidates. This effectively prevents smaller parties from competing with larger and more established parties. While this did not prevent the major opposition political parties from coalescing and presenting a single candidate for president, the absence of clear procedures and legal sanction forced some of the parties to violate their own constitution and internal procedures in order to accommodate their arrangement with the others. Tanzania may want to study the experience of Kenya in coming up with clear rules regarding the formation of political parties' coalition.[114]

Furthermore, the requirement that a candidate must be a member of a political party in order to contest an electoral position seems unreasonable, and could be interpreted as a violation of the right of an individual to freedom of organization. As such, it is recommended that this provision also be reviewed with the goal of enhancing, rather than restricting, the right of the political participants to effectively contest an electoral post.

Out of Country Voting

Economic and other practical considerations have forced a number of Tanzanians to relocate and/or work abroad. Tanzanians in the diaspora who have all the qualifications, except the residency requirement, and none of the disqualifications should be allowed to vote. Countries like the Philippines, Moldova, Poland, Russia and Ukraine (using in-person voting) and Canada, Germany, Italy, Spain, United Kingdom and the United States (using postal voting) are already allowing their overseas citizens to vote (see study of Henry Rojas on the Comparative Study of the Overseas Voting Laws and Systems of Selected Countries).[115]

Voter Education Delivery

The NEC may consider reviewing its Voter Education Strategic Plan to find out why it was not properly implemented in the electoral exercise. It may also want to adopt a communication plan that contains its strategy and action plan. The communication plan should be able to define the types of information to be delivered, who will receive it, the format for communicating it, and the timing of its release and distribution. Different strategies, for example, should be employed when

[113] See section Candidates Nomination

[114] See Political Parties Act of Kenya (as amended) and its Third Schedule on the Basic Requirements for Coalition Agreement.

[115] The paper was presented in a seminar in Kyiv, Ukraine, organized by Development Associates and funded by USAID/Ukraine's Strengthening Electoral Administration in Ukraine Project (SEAUP). It can be found in this link - http://pdf.usaid.gov/pdf_docs/Pnada596.pdf

communicating with the staff, political parties, key stakeholders and public in general during election period and in ordinary times.

The Independent Electoral Commission (IEC) of Gambia who, like the ORPP, had limited resources as it approached the 2006 elections, successfully employed this approach. In early 2004 it developed a communications plan, which allowed it to focus resources, human and material, on the areas of most importance. It also helped it to marshal its resources through preparing materials for distribution to the media. Because of the communication plan, the IEC became proactive in its relations with the media.

Planning and M&E

The NEC should consider developing a more robust mechanism for monitoring and evaluating electoral activities, especially those that are being implemented pursuant to its mandate. The current administrative structure does not reflect this, and it is not clear which division handles this vital function. It is important that an internal evaluation of the organization and administration of elections be undertaken. Such an evaluation should take into account the inputs of external stakeholders.

Annex I

NEC Structure and Administration

By law, the NEC Chair and the Vice Chair must have been – or are qualified to be – Justices of Appeal or Judge of the High Court, or persons who qualify to be advocates, and must have held those qualifications for a period of not less than 15 years. From among the members, one must be from the Tanganyika Law Society, and four others possessing either adequate experience in the conduct or supervision of Parliamentary elections or other qualifications as the President considers necessary for the effective discharge of the functions of the Commission.[116]

The Director of Elections, who is the also Chief Executive and heads the Commission's Secretariat, manages the NEC's day-to-day operations. The NEC has five (5) divisions, namely (i) Elections Management, (ii) Permanent National Voters Registration, (iii) Administration and Human Resources Management, (iv) Planning, Monitoring and Evaluation and (v) Voter Education and Public Information, as well as four management units: (i) Legal Services, (ii) Finance and Accounts, (iii) Procurement Management and (iv) Internal Audit.

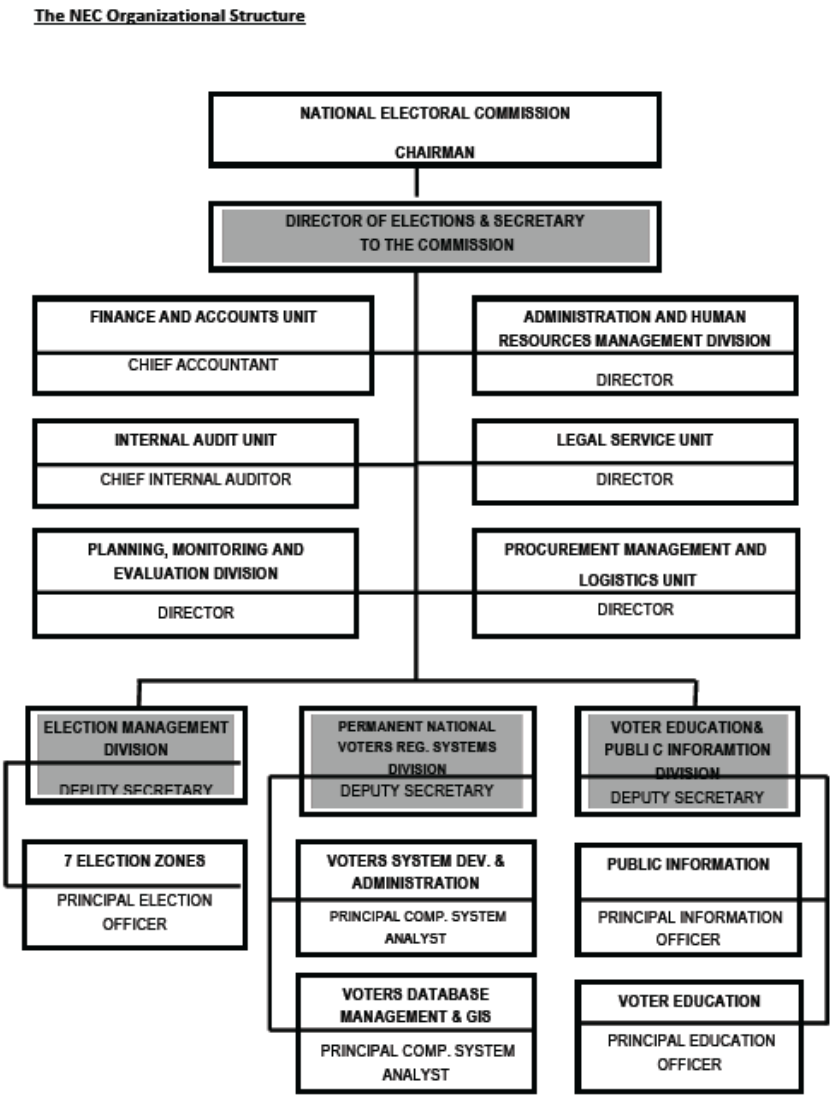
The **Election Management Division** is responsible for election planning and procedures, logistics planning and general management of elections and referendums. It conducts training for temporary staff brought on board for voter registration and polling. It also develops and prepares voter registration and procedures and manuals. The **Permanent National Voters Register Systems Division** is tasked to conduct voter registration, prepare voters lists and voter identification cards, maintain NEC's ICT equipment, manage the NEC website and provide of ICT training to staff. The **Administration & HR Management Division** handles the human resources policy and planning and accounts. The division ensures that the NEC conducts standard organizational and business practices in line with government regulations. The division also manages the training needs of all staff and manages staff welfare in compliance with the Public Service Commission Act.

The **Planning, Monitoring and Evaluation Division** takes care of the development of the NEC Strategic Plan, the development of evaluation strategies and plans and monitoring of the implementation of the Strategic Plan. The **Voter Education and Public Information Division** is responsible for developing voter and civic education programs, disseminating voter information, liaison with the media, developing public announcements, with a focus on stakeholders traditionally marginalized in electoral processes.

Providing support to these divisions are the following units – **Legal Services Unit**, which provides legal advice to the Commission on compliance with the Constitution as well as national and international electoral laws. It also prepares electoral bills and manages election petitions and disputes; **Finance and Accounts Unit**, which manages NEC's financial planning, ensuring expenditure is in accordance with the rules and regulations, planning of expenditure during the financial year and develops the budgets for each election event; **Procurement Management and Logistics Unit**, which is in charge of planning and management of the NEC procurement

[116] Section 4, National Elections Act, Cap 343.

programs, planning of materials requirements and Logistics planning for event management; and **Internal Audit Unit**, which is tasked with the internal auditing of the NEC's accounts, assets, functions and activities to ensure procedures followed are in line with applicable regulations and legislation. [117] Below is NEC's organizational structure:



[117] The foregoing is taken from the Capacity Needs Assessment of the National Electoral Commission, UNDP DEP (March 2015).

Annex II

List of People Interviewed and Met

1. **Mr. Alexander Offei-Mintah**
   Elections Specialist and Agreement Officer's Representative
   USAID / Tanzania

2. **Dr. Ave Maria Semakafu**
   Coordinator
   Tanzania women Cross Party Platform (T-WCP)

3. **Dr. Benson Bana**
   Vice Chair
   Tanzanian Election Observation Monitoring Committee

4. **Dr. Jasson Kalugendo**
   Professor
   Dar es Salaam University

5. **Joram Rukambe**
   Chief Technical Advisor
   DEP-UNDP

6. **Bod Adebo**
   Country Director
   National Democratic Institute

7. **Robina Namusisi**
   Country Director
   International Republican Institute

8. **Valerie Msoka**
   Executive Director
   Internews

9. **Michel Chajes**
   IT Advisor
   DEP-UNDP

10. **Mercy Mungal**
    Consultant
    DEP-UNDP

11. **Nirina Kiplaga**
    Consultant
    DEP-UNDP

12. **Daniel P. Loya**
    Executive Director
    Tanzania Center for Democracy

13. **Lawrence Malawa**
    Finance Officer
    Tanzania Center for Democracy

14. **Likele Shungu**
    Programme Officer/Interparty Dialogue
    Tanzania Center for Democracy

15. **Wenceslaus Mushi**
    Trainer
    Internews

16. **Hamisi Mkind**i
    TACCEO

17. **Judge Francis Mutungi**
    Registrar
    Office of the Registrar of Political Parties (ORPP)

18. **Sisty Nyahoza**
    Asst. Registrar (Registration of Political Parties Unit)
    ORPP

19. **Ms. Fianzia Etanga**
    Asst. Registrar (Election Expenses and Civil Education Unit)
    ORPP

Annex III

Guiding Principles
Voter Registration

Principle	
Integrity	The voter registration framework and processes must be fair and honest, free from political and other manipulation or intimidation, allow all eligible persons to register as voters and not allow ineligible persons to register as voters.
Inclusiveness	Voter registration frameworks and processes should not contain measures that exclude persons from registration to serve political advantage.
Comprehensiveness	Voter registration exercises should aim at registering 100% of qualified persons, including those societal groups that may be less inclined to register to vote, such as women, youth and those to whom standard registration processes may be less accessible.
Accuracy	All voter registration information should be recorded accurately and maintained properly so that the voter lists used for elections are up to date.
Accessibility	Voter registration processes should be physically and geographically accessible as well as readily understandable by all persons qualified to register.
An informed public	Voter registration processes should be clearly explained and widely publicized to all potential eligible voters as well as to all stakeholder organizations in the electoral process, such as political parties, the media and CSOs.
Transparency	Transparency in registering voters promotes public trust in the integrity of voter registration processes and products.
Security	Field registration staff and people registering to vote must be assured of their safety and security.
Information privacy	Information provided by people directly for the voter registration process should not be available to any government or private organization that can use this information for purposes which could deter people from registering to vote.
Cost effectiveness	The voter registration system delivers an effective outcome relative to its cost.
Administrative and political feasibility	The voter registration framework, systems and processes need to suit a country's cultural and political environment and must be appropriate for the available skills and resource base as well as for the EMB's management capacities and structures, including any available assistance.

Accountability	The institution(s) responsible for voter registration must be subject to accountability mechanisms which ensure that the objectives of voter registration are achieved and that the principles of voter registration have been applied.
Credibility	Political parties and the public need to believe that voter registration has been conducted with integrity, equity, accuracy and effectiveness.
Sustainability	Must ensure the future of the voter registration framework, systems and processes.
Stakeholder participation	Stakeholders must be informed regularly and their views considered both at the decision-making phase and during the conduct of a voter registration exercise

Source: Voter Registration in Africa: A Comparative Analysis.