

3. National Electoral Commission, 1997, *The Report of the National Electoral Commission on the 1995 Presidential and Parliamentary Elections*, Dar es Salaam.
4. To date President Mkapa has appointed eight CCM members to the National Assembly.
5. This number includes two opposition leaders who defected to CCM. Additionally, three of these have been appointed to the cabinet: Hassan Ngwilizi (President's Office), Omari Mapuri (Prime Minister's Office), and Abdulkadir Shareef (Deputy Minister, Foreign Affairs and International Cooperation).
6. C.S.L. Chachage and K. Tambila, 2000, "Nomination of Candidates in the 2000 Elections", Tanzania Election Monitoring Committee II, Dar es Salaam, November.
7. Mohabe Nyirabu, 2000, "The 2000 General Elections: Morogoro Region Report", Tanzania Election Monitoring Committee II, Dar es Salaam, December.
8. Augustine S.L. Ramadhani, 1997, "Election Petitions, Multipartyism and Democracy in Tanzania," in *Multipartyism and the Parliament in Tanzania*, Workshop Proceedings of Bunge, June, Dar es Salaam.
9. On 14 February 2002, The Court of Appeal of Tanzania declared the requirement to deposit Tsh 5 million as security for the costs before an election petition is heard as provided under Section 111 (2), (3) and (4) of the Elections Act, 1985 unconstitutional for being violative of Article 13 (1), (2) and (6) (a) of the Constitution of the United Republic, 1977. The Court observed that many voters in Tanzania could not possibly raise even one-tenth of the required Tsh 5 million as a security for costs and thus the acceptance of this provision limits fundamental right of access to justice. See *The Guardian*, Dar es Salaam, 15 February 2002.
10. *Daily News*, (Dar es Salaam) 10 April 1994.
11. Samuel S. Mushi, 2000, "The 2000 General Elections in Tanzania: How Free and How Fair?" Tanzania Election Monitoring Committee II, Dar es Salaam, November.
12. In their report on The 2000 Presidential, Parliamentary and Councillors' Elections, the National Electoral Commission requests that it should be given the role of conducting Voter Education and be provided with the facilities for the same. See *The Report of The National Electoral Commission on The 2000 Elections*, Dar es Salaam, 2001.

The National Electoral Commission (NEC) and the 1995 and 2000 General Elections in Tanzania: A Comparative Analysis

Cosmas Mogella*

Introduction

Tanzania reintroduced multiparty politics in 1992. Since then two general elections have been held: in 1995 and 2000. According to the Constitution and the elections laws of the country, the National Electoral Commission (NEC) is the sole organ vested with powers to supervise and administer general elections at all levels, and ensure the conduct of free and fair elections.

This paper examines the performance of the NEC in the conduct of the 1995 and 2000 general elections, so as to determine which of the two was more free and fair. In any political setting, the conduct of free and fair elections depends, to a large extent, on impartiality and neutrality of the organ responsible for their administration. Three conditions are necessary for this commission to be impartial and neutral: its functional autonomy and independence; unreserved trust of the public and all major stakeholders, and its effectiveness and efficiency in the administration of the elections. The paper attempts to answer one pertinent question on elections: To what extent were the necessary conditions for a free and fair elections present in both the 1995 and 2000 general elections?

Independence of the Commission

By independence here we mean freedom from influence or interference of any sort by any political party, the state and its organs. It also means full control over the resources necessary for the administration of election process. In this section we shall examine this conditionality.

As stated earlier, the Commission has been constitutionally established. Its composition, qualities and the duration of its members, are all enshrined in the 1977 Constitution (Article 74(1), as well as in section 4 of the Elections Act of 1985. The Constitution

* Department of Political Science and Public Administration, University of Dar es Salaam.

also vests in the Commission all powers to supervise and administer all elections in the country. Article 74(6) provides further the responsibilities of the Commission as to:

- supervise and coordinate the registration of voters in Presidential and Parliamentary elections in the United Republic;
- supervise and coordinate the conduct of the Presidential and Parliamentary elections;
- review the boundaries and demarcate the United Republic into various areas for the purposes of Parliamentary elections;
- supervise and coordinate the registration of voters and the conduct of the elections of Councillors in Tanzania mainland; and
- perform any other functions in accordance with a law enacted by Parliament.

The constitutional status of the Commission is definitely an ensuring step towards its independence. This assurance is succinctly stated in Article 74(11) of the Constitution, which states:

In discharging its (i.e. the Commission) functions in accordance with the provisions of this Constitution, the Electoral Commission shall not be obliged to comply with orders or directions of any person or any government department or the views of any political party.

Section 12 of the same Article nails deeper the independence of the Commission with regard to Presidential elections. It states:

No court shall have power to inquire into anything done by the Electoral Commission in the discharge of its functions in accordance with the provisions of this Constitution; and more specifically, into the election of a Presidential candidate who is declared by the Electoral Commission to have been duly elected.

The law also guarantees on neutrality and impartiality that the members of the Commission have to observe in the exercise of their functions. Article 74(14) states:

It is hereby prohibited for persons concerned with the conduct of elections to join any Political party, save only that each of them shall have the right to vote which is specified in Article 5 of this Constitution.

Although there were 13 amendments done to the Constitution between 1995 and 2000, these amendments did not affect much the independence of the Commission. The only amendment that constrained the Commission, is one that required the Commission to appoint for the City/Municipal, Town and District Executives Directors as Returning Officers. These are government employees whose loyalty and accountability are primarily to their employer. The Commission can only solicit impartiality and neutrality of these officers by administering an oath of secrecy to them before being involved in the election process.

However, this legal independence, however, is counteracted by two factors which, in turn, severed the credibility of the Commission's impartiality and neutrality during both general elections. The first is the appointing authority. NEC members, including the chief executive officers of its Secretariat, are appointed by the incumbent President in accordance with Article 74(1) of the Constitution. Prior to 1995 elections, the President was also the chairman of the ruling party. In the case of the 2000 elections, the appointing authority was both the chairman of the ruling party and one of the four presidential candidates.

Although by law the NEC members are required to be non-partisan, this non-partisanship is constrained in the reporting relationship and accountability. For example, Article 75(1) states that the Commission, in exercising their collective powers and functions, cannot demarcate constituencies without obtaining prior consent of the President. In 1995, the President ordered the Commission to add ten more to the 42 new constituencies that were proposed by the Commission (NEC, 1997:25). Apparently, most of the new constituencies were demarcated from those where the ruling party commanded strong support. Thus, the opposition parties saw this move by the Commission as favouring the ruling party. The same was repeated prior to 2000 elections. This time the Commission dissolved Mitema constituency, and apportioned it into Newala and Tandahimba Constituencies. The decision angered the people of the dissolved constituency to the extent that most of them "boycotted" the registration of voters. For example, in Mdimba-Minyoma ward 5,273 people were estimated as eligible voters prior to the decision; but only 300 voters were registered (TEMCO, 2000). The apportionment is, allegedly to have been influenced by the government and the ruling party because the party had weak support in the former Mitema Constituency. Such allegations create room for people to question the autonomy and impartiality of the

Commission. Both the Constitution and Elections laws are silent as to whom the Commission is responsible and accountable. It cannot be to the Parliament because this institution is dissolved prior to new elections. Neither can it be to the Judiciary because Article 75(11&12) of the Constitution forbids such relationship. This means the Commission is responsible and accountable solely to the appointing authority, the incumbent President.

Second, neither the Constitution nor the Elections Act of 1985 does stipulate on how the Commission should be funded. The Commission, therefore, has to almost beg for elections funds from the Treasury. Besides, Commission is dependent on government for other resources, such office building for its secretariat, vehicles and office facilities, and all other requirements.

During the 1995 general elections, the Commission estimated to spend Tshs. 38.6 billion to run the elections smoothly. By November 1995 (i.e. after the elections), only Tshs. 81.142 billion was released by the government in ten instalments (NEC, 1997:9-14). The problem of having no resources of its own, and therefore no control, caused other problems during the administration of elections, which will be elaborated in another section of the paper. In contrast, during the 2000 elections the Commission had received from the government and the donors adequate financial resources prior to commencement of the election process. The experience of 1995 elections was the motive-force behind releasing the election funds early. However, this did not reduce the dependence of the Commission; it only facilitated a smooth administration of the election process.

From the preceding account, the legal independence of the Commission is undisputable. However, the exercise of this legal independence is seriously severed by the apparent relationship between the Commission and the appointing authority, on one hand; and by its total dependence on resources from the government on the other hand.

Credibility of NEC in the Light of Stakeholders

The organ charged with the management of elections must enjoy the trust and credibility of the stakeholders. The contesting parties tend either to accept, or reject the election results depending on how they perceive the integrity of the election management organ.

During both 1995 and 2000 elections, the trust and credibility of the Commission, as an impartial and neutral institution, was questioned by the major stakeholders, including the general

public, political parties, media and a number of defeated contestants. Each of these groups had its own perceptions and impressions over Commission.

Perceptions of the General Public

With respect to the general public, their perceptions, during the 1995 elections, were that the Commission has been at times acting in double standards fashion. For example, in 1995 elections, the Commission nullified the elections in all seven constituencies of Dar es Salaam; but it allowed vote counting and declaration of results in all other constituencies throughout the country. A similar incidence happened during the 2000 elections. The Commission with its counterpart, the Zanzibar Electoral Commission (ZEC), nullified elections in 16 constituencies in Zanzibar Town, but also ordered the postponement of vote-counting in the rest of the constituencies where the polling exercise had been completed. The public trust in the Commission, however, seems to have improved during the 2000 elections. The recent opinion poll, conducted early April 2001, showed that 58.8 per cent of all respondents expressed their full satisfaction on how the Commission conducted the general elections, and only 17.7 per cent expressed their dissatisfaction (Ndumbaro, 2001).

Image of the Political Parties on the Commission

The ruling party, Chama Cha Mapinduzi (CCM) only has accorded full trust and confidence in the Commission. There has been no occasion, during both 1995 and 2000 general elections, at which CCM openly criticised, or protested against, the Commission in the conduct of the election process. The CCM's trust in the Commission is reflected in accepting, or not accepting the election results. There were over 100 cases against election results in 1995. About two per cent of these were initiated by CCM defeated candidates. In 2000 election results, all defeated CCM candidates conceded defeat. Likewise, CCM accepted the elections results for 1995 and 2000 general elections as being free and fair throughout the country, albeit reports of international and local election observers and monitors, which decried the manner the elections, were conducted by NEC in certain parts of the country, especially in Zanzibar. CCM's full trust in the Commission is not accidental; because its national chairman is the appointing authority of the NEC members.

In contrast, the opposition parties had a reserved trust in the Commission since it was established in 1992. Their reservation was partly due to the fact that all members were appointed by the

President who was also the chairman of the ruling party; and their appointment was not done through consultative process involving all stakeholders, as it was so demanded by the opposition parties. However, this reservation, over a period of time, developed into mistrust due to the failure of the Commission to carry out its duties impartially during the 1995 and 2000 elections, as it will be shown in the rest of the paper.

Administration of the Elections

In 1995 the Commission supervised and administered presidential and parliamentary elections. Thirteen political parties participated, out of which four parties contested also for presidential election. After the creation of 52 new constituencies, the total number became 232 instead of the former 182 constituencies. In the case of the 2000 elections, the number of constituencies was reduced from 232 to 231 after one constituency was split into two halves, and each half was merged to a neighbouring constituency. All thirteen political parties participated in the elections.

Furthermore, in 2000 the elections were at three levels, namely presidential, parliamentary and local governments and voting was carried out on the same day. The Election management activities included the following tasks:

- Making estimates and acquiring funds for the elections.
- Preparing the nomination and registration forms/registers.
- Estimating and establishing voter registration and polling centres.
- Preparation and printing of election materials and voting instruments.
- Mobilisation of eligible voters to register and vote through Civic and voter education campaigns.
- Mobilising resources, such as vehicles, office facilities, storage facilities, buildings for situating registration/polling stations; and,
- Recruitment and training of election officers.

The Commission carried out these preparatory activities under difficult financial conditions, including late disbursement of election funds from the government. This had serious effects on the smooth and efficient administration of the election process. There were delays in purchasing and distribution of election materials, recruitment, appointment and training of Regional Electoral

Coordinators (REC), Returning Officers (ROs) and their Assistants, Presiding Clerks and their assistants, and so forth. Besides, the allowances for party agents were paid late, thereby leading to allegations by opposition parties that this was a well calculated strategy by the NEC and the government to undermine the opposition parties. Moreover, there were many complaints raised by the Presiding clerks in several constituencies against the NEC for failing to pay them in time. It has been reported that in some constituencies the Presiding clerks threatened to burn the registration books; others heckled and insulted the NEC officials; and still others refused to handover the ballot boxes after elections until they were paid, or guaranteed for their payments (TEMCO Reports, 1997).

Furthermore, the problem of funding culminated into a situation where some constituencies received inadequate election materials. Late delivery of election materials was also phenomenal in polling centres or/and stations. Late distribution of election materials was one of the reasons which lead to halting voting in Dar es Salaam region constituencies.

Most of these problems, however, were not experienced during the 2000 elections, largely because the Commission had received almost 90 per cent of the estimated elections budget by February 2000. Thus, the Commission was able to make early preparations for the election process than it was in 1995 general elections. The only main constraint experienced in the last few weeks before the voting day was the distribution and transportation of election materials from the district level to the polling centres. The NEC depended entirely on government, public and private institutions and individuals to provide transport facilities.

Although the response was good, the Commission had to meet fuel expenses and allowances for the drivers. Even then, the transportation problem contributed, to late delivery of polling materials in several constituencies.

Nomination of Candidates

Nomination of candidates is an important component in the election process. According to Tanzania's electoral system, the nomination of candidates takes place in two stages. First, the political parties select and nominate their own candidates using their own rules and procedures. Second, the Commission presides over the nominations of candidates forwarded by the political

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parties, following the official procedures governing nominations. Our analysis focuses on the second stage of the nomination process. It is to this that we turn.

Section 37 of Elections Act, 1985, requires the Commission to declare a nomination day from five to twenty-five days after the dissolution of the Parliament. Besides this mandatory obligation, the Commission is also vested with the responsibility of overseeing and coordinating the nomination of presidential, parliamentary, and council candidates nominated by political parties. The Commission presides over the presidential and vice-presidential nominations, whereas NEC officials at regional and constituency levels preside over the nomination of parliamentary and council candidates. Besides these mandatory obligations, the specific responsibility of the Commission includes:

- Setting the date and deadlines for the nomination of candidates.
- Receiving names of candidates and verify whether they have complied with existing laws, as well as meeting the laid down qualifications for presidential, parliamentary, or council candidacy.
- Receiving and adjudicating over nomination disputes, objections and contestations

The nomination process was conducted smoothly during both elections, though not without hitches. In 1995, problems emerged in the course of nomination of presidential and parliamentary candidates. With regard to presidential nomination, the Commission disqualified two presidential candidates for the National League for Democracy (NLD) and the National Resistance Alliance (NRA). Both had failed to meet the requirement of securing 200 nominators from eight regions in the Mainland and two regions in Zanzibar. Likewise, the Tanzania Peoples Party (TPP) presidential candidate failed to complete all his nomination forms, so he pulled out of the race on the nomination day.

Another case involved the National Convention for Reconstruction and Reform (NCCR-Mageuzi) presidential candidate and his running mate. The United Democratic Party (UDP) presidential candidate had submitted an objection against the NCCR-M candidates on the ground that their nomination by the Commission was made a day after the deadline. The objection was, however, dismissed on legal grounds because it failed to take into account the court order. The court had suspended nomination and set a new nomination day for NCCR-M candidate due to acceptable reasons.

In the case of parliamentary nominations, the Commission received 62 appeals arising from the Returning Officers' (ROs) decisions on objections against some of the nominees. Most of these objections came from the opposition parties, and were based mainly on frivolous grounds. Consequently, the Commission allowed 14 and dismissed 48 appeals (NEC, 1997).

During the 2000 elections, the Commission received 56 parliamentary nominations appeals, out of which 25 were upheld and 31 rejected; and for local government elections 30 appeals were upheld and 110 rejected (TEMCO II Reports, 2001). In general, therefore, it can be said that the nomination process was well managed by the Commission during both 1995 and 2000 elections.

Registration of Voters

The registration of voters is another vital stage in elections. It also identifies who is, and is not legally entitled to vote. In addition, it safeguards the legal voters from voting more than once. The process of voter registration for both the 1995 and 2000 elections followed the same basic procedures. These are, *inter alia*, recruitment, appointment and training of NEC officials at the regional, district, constituency and ward levels. In 1995 these were recruited and appointed through advertisement, allowing every individual with the required qualification to apply for the job. However, according to amendments made to the Election Act, 1985, prior to the 2000 elections, the Commission was obliged to appoint Regional Election Coordinators (REC), Returning Officers (ROs).

The second procedure is estimating the eligible voters. The estimation for both elections are as shown below.

Table 1: Estimated and Eligible Voters

Year	Estimated	Actual Registered	%	Actual Voted	%
1995	11,017,426	8,929,969	81.0	6,846,681	76.1
2000	13,074,108	10,088,484	77.2	7,341,057	72.8

Source: NEC Report, 2000.

The NEC has not yet established a permanent voter register. The estimates of eligible voters depended on the population census data. In 1995 it was estimated that the population was at 28.11

million people, out of which 46.5 per cent was estimated to be 18 years and above hence eligible for voting. In 2000, the estimate of eligible voters was calculated by using both the population census data as well as census of eligible tax payers conducted by the Tanzania Revenue Authority (TRA) in six pilot districts. However, the reliability of the data was questioned, giving rise to several complaints from the opposition parties.

The other procedures in the voter registration process include: compiling and maintaining a proper list of eligible voters, and availing such a list to all contesting political parties as required so by the Election laws; overseeing and coordinating the registration exercise; and adjudicating over disputes related to qualifications, and or disqualifications to register as a voter. Although the conduct of the registration process was smoother in 2000 than in 1995, various reports by TEMCO and NEC have indicated that the process was marred by widespread problems. The shortage of registration materials in several constituencies, incompetence of registration clerks, inconsistencies in Voter Registers; double registration were the most pronounced shortcomings. In 1995, these problems were allegedly associated with inadequate funds, and/or their intermittent acquisition. Their reoccurrence during the 2000 elections suggests lack of adequate managerial capacity, particularly on the part of the NEC's personnel at the constituency level.

Election Campaigns

Election campaigns constitute an important stage in the election process. They provide an opportunity for competing political parties to sell their election manifestos and solicit votes from the electorate. Campaigns are also a testing ground on the strength of a political party. The main actors are, therefore, the competing parties, the electorate, and the Commission which is supposed to ensure that the rules of the game governing the campaigns are adhered to by all contesting parties. We shall focus on how the Commission managed the campaigns.

During both general elections, campaigns were regulated by laws, specifically the Elections Act 1985, as amended in 1995 and 2000. The Commission in consultation with representatives from the contesting political parties and government issued a Code of Ethics for Political Parties, the Government, and the Commission itself. The provisions of the Code governing campaigns required all contesting parties to: *inter alia*,

- Conduct their campaign rallies for the purpose of explaining their policies and programmes to the public. In such rallies the speakers should refrain from using language that is abusive, defamatory, belittling, ridiculing or threatening, or character assassination against candidates of other parties.
- Ensure that party supporters and sympathizers do not carry, or be in a possession of, any weapon, including traditional weapons, at any campaign rally, and at registration and polling stations.
- Refrain from all acts that can incite animosity and cause disharmony among people on the basis of political ideology, tribalism, religion, race, or gender.
- Refrain from conducting campaign rallies in a place where another political party is holding its rally.
- Observe the timetable and hours (i.e. 8.00 a.m to 6.00 p.m.) allocated for campaign rallies. And no demonstration or processions to-and-fro the campaign grounds were permitted. (NEC, 2000).

The code required the government to ensure that its leaders and those of the ruling party did not to use government facilities for election purposes. Likewise, it was required to provide adequate security to all presidential candidates, as well as at campaign rallies of all contesting parties.

On the part of the Commission, it was its duty to supervise and ensure that the political parties and the government adhered to the provisions of the code governing the campaigns. The code specifies further that the Commission has to oversee the compliance with the code by all concerned parties. It has to condemn any violation of the election laws, or the code of ethics; and, in doing so, it has to act impartially (NEC, 2000:113).

Although the code of ethics was voluntary, an implementation committee was established to assist the Commission in enforcing it. The Committee consisted of representatives from all three parties, signatories to the code of ethics. It was the implementation of this code of ethics, which, to large extent, provided a testing ground for impartiality and neutrality of the Commission.

Although election campaigns were more peaceful in 1995 than in 2000, compliance with the code of ethics was a total fiasco. During both election periods, the CCM presidential candidate used

government resources throughout his election campaigns. TEMCO's monitoring teams in the regions reported that government vehicles including those of government officials, such as the Regional and District Commissioners have been used during CCM presidential candidate campaign rallies. These officials assisted also in mobilising supporters for the CCM campaign rallies; and made all the arrangements, including accommodation for the entourage of the CCM presidential candidate.

Rallies of presidential candidates from the opposition parties were not accorded similar services and facilities. On the contrary, in several occasions their campaigns were marred by police harassments, violence, or even detaining the chief organizers. For example, during the 2000 election campaigns, the Tanzania Labour Party (TLP) presidential candidate was arrested at least three times by the Police, allegedly for breach of peace during and/or after his campaign rallies. The United Democratic Party (UDP) and CUF presidential candidates experienced similar types of harassments.

Concerning granting all contesting political parties equal access to public owned media during the election campaigns, the government owned mass media accorded full coverage of CCM campaigns. For example, the Radio Tanzania (RTD) covered all CCM party conventions live, while none of the opposition parties were covered. Both RTD and government owned news papers travelled with and covered almost all CCM presidential candidate campaign rallies. In contrast, the government media covered the rallies of the presidential candidates from the opposition parties, only when they were held in Dar es Salaam.

Further, the CCM election campaign messages were always broadcasted at prime time; i.e. before the news; while those of the opposition parties were often slotted in after sports news. In general, the ruling party received 91% of news coverage in the national Radio and Television; CUF got 4%, TLP had 5.0%, and UDP secured 4.5% throughout the election campaigns. Another area related to the code of ethics is the use of abusive and profane language in campaign rallies. It has been reported by mass media and TEMCO election monitors that in contrast to 1995, the use of abusive and defamatory language was rampant in elections campaigns, especially by CCM, CUF, TLP, UDP and NCCR-Mageuzi. Words like 'wapumbavu' (stupid) 'wajinga' (Foolish), 'malaya' (prostitute) were used to discredit leaders of other parties. CUF used even the word 'ngangari' (tough) which has a violent connotation. In some

constituencies in Dar es Salaam, the CUF campaign rallies usually ended with acts of hooliganism, allegedly by CUF youth, leading to confrontation with police. The use of the state organs; i.e., the police also failed the test of the code of ethics, which required the police to provide adequate security to all presidential candidates and campaign rallies. With the exemption of the CCM presidential candidate, the opposition party presidential candidates were not provided with adequate security; even after they had complained to the Commission. Cases of police harassments were also reported in Musoma, Rukwa, Mbeya, Dar es Salaam, Zanzibar and other parts of the country. The violence and killings of innocent people on 26th and 27th January, 2001 in Dar es Salaam and Zanzibar were a climax of the use of the state organs in harassing the opposition parties during and after the general elections.

Several leaders of the opposition parties, including the presidential candidates lodged complaints to the Commission against unfair treatment, police harassment, inadequate security in their campaign rallies, and so forth. For example, the presidential candidate of NCC-MAGEUZI in 1995 wrote to the Commission complaining against police shelling tear gas during one of its campaign meetings. The incident was widely reported by the mass media. Surprisingly, the Commission requested the presidential candidate to provide particulars of the incident, arguing that the Commission could not take action based on the reports from the newspapers. Whether or not such particulars were needed, the failure of the Commission in, at least, condemning the rampant violations of the Code of Ethics, built up further the convictions of the opposition parties that it was an instrument of the government and the ruling party. The 2000 elections did provide a good opportunity for the Commission to prove its impartiality and neutrality in the conduct of the election process; but this opportunity slipped off because the non-compliance was higher than in 1995.

Voting, Vote Counting and Declaration of Results

The last stage of any election process is voting, vote counting and declaration of results. In Tanzania the voting exercise usually takes place within a day, and vote counting follows almost immediately thereafter. Like the registration, the voting process is guided by rules and regulations provided in the Constitution, Elections Act, 1985, as amended; as well as by the regulations issued by the NEC.

The legislation requires the Commission to plan and make comprehensive and thorough preparations prior to voting day. These preparations include: the setting up of polling stations, and make them public eight days before voting day; recruitment and training of presiding officers and their assistants; conducting training for various election officials and party agents on their functions, roles and obligations; posting of voter registration numbers at various polling stations showing who would vote and where eight days before the election day; distribution and transportation of all necessary election materials to all polling stations; deployment of election officials, polling agents, police or those responsible for security at the polling stations and materials in time for the polling day; and payment of allowances to all the above mentioned personnel on time (NEC, 2000: 53-55). All these preparatory activities are very important for smooth voting, vote counting and declaration of results. This is not what actually transpired during the 1995 elections. Reports from most of the monitored constituencies, and those received by the NEC indicate that these preparatory activities were made in haste and on *ad hoc* basis. For example, in Dodoma, Musoma, and Bunda constituencies, the list of polling stations and their locations were not made public eight days before the polling day as the elections law requires.

Likewise, in Singida, some parts of Songea urban, Mbeya urban, and in several constituencies in Dar es Salaam, the posters showing the location of a polling station, how the ballot papers would be, a list of voters' numbers, etc., were displayed on the 28th October just before the voting exercise started. This led to confusion among the voters; thus frustrating some voters to abandon voting (TEMCO, 1995). The recruitment and training election officials, including party agents was done hurriedly, with little time to seriously screen the applicants. The guidelines of the Commission on the conditions and modalities of recruitment were sent by fax to the regions between 23 and 25 October. The voting day was on the 29th October. There was, inadequate time for training. Consequently many of those who were recruited were either incompetent or partisan, which was contrary to the regulations. For example, the police, military and militia personnel were supposed to be employed as security officers but in Tanga and Mbeya Regions they were recruited also as presiding officers or assistant presiding officers.

Distribution of Voting Material

The distribution and transportation of election material was, in most cases, done in the last minute, giving little time to check for

adequacy. As a result, there were many constituencies that experienced shortages of election materials. The most affected constituencies were Korogwe West, Mbozi East and West, Mbeya (rural), Urambo East. Msalala, Kahama, Vitongozi (Pemba), Kwela, Kalambo, Kondo South, Kasulu, and in all 7 constituencies in Dar es Salaam. With the exception of Dar es Salaam, voting exercise in these constituencies had to be extended to between 2 to 7 days (NEC, 1997:53). In the case of Dar es Salaam the whole exercise was chaotic partly due to poor distribution of election materials to the polling stations, late start (in some places up to six hours), and a high degree of inefficiency of the NEC personnel. All these together led to the nullification of the voting exercise in the whole region.

Besides the problem of shortages, late delivery of election materials was phenomenal in many regions, especially those which are further remote from Dar es Salaam. Others were sent to the wrong destinations. This happened in Shinyanga whose elections materials were sent to Nzega, which is in Tabora region. In Geita (Mwanza region) and Msalali (Shinyanga region) the election materials were received on 30 October; thereby forcing the voting exercise to start on 1st November. It is surprising to note that delays in the distribution of election materials took place mostly in urban areas, including Dar es Salaam, Arusha, Mwanza, Iringa and Tanga. For example, posters showing the location of a polling station, the way the ballot papers would be, and list of numbers of voters, were posted on 28 October. This happened in many constituencies in Dar es Salaam, Arusha, Mwanza, and Tanga. Although these delays could be attributed to inefficiency on the part of the NEC personnel, it seems that most of the delays happened in areas where the opposition parties had stronger support than the ruling party. This was obvious, for example, in Kawe, Ubungo, Ilala in Dar es Salaam, Arusha urban constituencies, Karatu and Arumeru in Arusha region.

Vote Counting

The vote counting was generally less a nightmare than the case with the voting. According to the Elections Act of 1985, as amended, the vote counting is supposed to take place soon after the voting, and at the same polling station. Where, for security reasons, the presiding officer and his/her assistant deems necessary the vote counting to be done in another nearby station, the decision to do so must be agreed upon by all parties concerned. Further, the Act provides the procedures for vote counting. In most of the polling stations the required counting procedures were followed accordingly despite few problems here and there. Some of the problems are worth of note.

The first relates to the timing of vote counting which began at different times in different places. The problem started with the confusion brought about by the announcement through Radio Tanzania that the NEC has extended voting time up to eight o'clock p.m. In some remote areas the presiding officers decided to ignore the announcement since it did not constitute an official directive. In other stations boxes had already been sealed, but were reopened, contrary to the regulations, to continue with the polling exercise. Still in other areas the radio announcement was not heard. This situation created conducive environment for vote rigging.

Second, there was the lack of uniformity in determining spoilt votes. The Act provides that a ballot paper could be treated as invalid or spoilt vote on grounds that the vote has no official mark; or it is unmarked or void for uncertainty; has writing or a mark by which a voter could be identified; and/or has a voting mark for more than one candidate. On 28th October 1995, the Commission directed all Regional Elections Coordinators (RECs), clarifying that votes with a mark on candidate's picture, instead of the box provided for, should be accepted as valid. The clarification was too late. Such votes were rejected in some areas, while in others they were disputed, particularly by party agents.

There were also some hitches in compilation and declaration of results. The problem of compilation was due to variations in the adding process from one constituency to another. In some constituencies, such as Mbeya and Songea, the process took up to three days; in Mwibane and Musoma a week. In Mwanza, the process started on 31 October, although the voting ended on 29th October.

In other constituencies, like in Bunda, Kigoma North, Musoma (rural) the ROs and their assistants decided to change rooms for votes adding purposes, where the party agents were denied entry. When the results were sent to the NEC, they were found to have a lot of inconsistencies; and, hence, they were sent back to respective ROs. Inaccuracy in vote happened in Arusha, Songea urban and Monduli constituencies. As a result there were delays in releasing the results, which in turn caused a suspicion from the opposition parties on allegation that the Commission wanted to favour the ruling party. This suspicion was backed up by the tendency of Radio Tanzania and the government Newspapers, announcing some of the results and withholding others. For example, Radio Tanzania announced that the NCCR-Mageuzi presidential candidate got more votes in Kiteto and Shinyanga urban constituencies than

CCM presidential candidate. This was not true. In fact the latter got more votes in the two constituencies than the former. The Commission rectified the anomaly and this resulted into a protest by the opposition parties to the ROs in Kiteto and Shinyanga constituencies.

Generally, the voting, vote counting and declaration of results were problematic in the 1995 general elections. This could be due to inadequate preparations and inefficiency of the NEC personnel, which altogether find their roots from financial constraints afflicting the Commission prior and during the 1995 election process. In contrast, there were impressive improvements in voting, vote counting and declaration of results during the 2000 general elections. It is, perhaps, at this stage of the entire election process where the Commission and its personnel demonstrated satisfactory performance.

Most anomalies experienced in the 1995 elections were corrected. According to the reports by TEMCO monitors and other independent observers, about 92% of all polling stations had sufficient election materials; 78% of them opened between 7 and 7.29 a.m. for voting exercise. About 98.8% of these stations had proper arrangements, such placement of ballot boxes, list of voters' number, secrecy and shades, and adequate security. Around 87 per cent had complete and correct registers of voters. Only 10% experienced delays in starting, and/or suspension of voting. Only in one constituency where voting was suspended to January 2001 due to mistakes in printing the ballot papers. In about 88% of the polling stations the last person voted by 4 p.m. closing time; 4.9% before 4 p.m.; 38% at 4 p.m.; 14% between 4 and 4.29 p.m.; 1.2% between 4.30 and 4.5 p.m.; 8.6% between 5 and 5.59 p.m. 19% after 6 p.m. There were no complaints of any kind reported concerning voting exercise from 69.4%, and only 10% reported complaints that the polling agents/candidates were not given the relevant complaining forms.

Vote counting was done in most of the polling stations (about 96%) and in 11.6% it was done elsewhere. There were no complaints received concerning the counting process in about 95% of all the polling stations. Likewise, recounting of votes in only 10% of all polling stations; that is, 7.5% recounted once; 1.2% to times; and 1.0% four recounts.

The delays in declaration of results were unavoidable. First, there were variations from constituency to constituency in adding up

votes; and secondly, the counting process took longer time because it involved three levels of elections. Thus the counting process was much more tedious and tiresome.

The declaration of presidential results took still much longer (more than a week), although counting of presidential votes was completed by 9th November. The delay was caused by the nullification of elections in 16 constituencies of Zanzibar Township, which affected also the Union presidential elections.

Although the conduct of voting, vote counting and declaration of results was smooth and peaceful, not all declared results were accepted and authenticated by the contesting candidates or their agents. For example, in Temeke, Songea and Kawe constituencies the opposition parties, particularly CUF and TLP, did not accept parliamentary results. As well, in Mwibane constituency the CCM candidate did not accept results after he request for a recount was rejected.

On the question of fairness during voting and vote counting, it suffices to note that the opposition parties did not have agents in all polling stations (over 500,000), due to lack of resources. Only CCM had an agent in each polling station in the country. However, even where the party agents were present, most of them were not competent enough to carry out their duties due to insufficient training.

In general the administration of voting, vote counting and declaration of results in 2000 elections was by far better than in 1995. Virtually all presidential candidates commented that the voting process was smooth and well managed. It was only after the declaration of the results, some of the opposition parties refused to accept the results, alleging that the elections were rigged by the NEC and the ruling party during the compilation of results. Consequently, soon thereafter the declaration of the results, the CUF, TLP, UDP, CHADEMA, jointly declared that they do not recognise the presidential election results in Zanzibar and Tanzania Mainland, and the parliamentary results for Zanzibar; consequently they demanded fresh elections.

Conclusion

From the foregoing discussion the performance of the NEC in conducting free and fair elections under multiparty democracy, has both success and failure stories. The question of free and fair was central to the discussion; and three prerequisites were used in assessing which of the two elections (i.e. 1995 and 2000) was more free and fair.

It has been demonstrated that NEC enjoys relative autonomy and some of its decisions cannot be challenged in any court in the United Republic of Tanzania. Despite a plethora of amendments in the Constitution and Election legislation prior the 2000 general elections, the legal status and independence of the NEC has remained intact as it was in the 1995 elections.

Moreover, it has also been shown that in the organizational and administrative issues such as how the members of the NEC are appointed, recruitment of NEC personnel, implementation of some of its functions, demarcation of constituencies and election budgets, the NEC's independence is questionable. The NEC has a closer alliance, and possibly also allegiance, with the government than with political parties. This closer alliance has been interpreted by the opposition parties as partisanship which disfigured the NEC as an impartial and neutral organ.

The paper has shown that the NEC enjoyed some trust and confidence of the general public. However, opposition political parties had very little trust and confidence in the NEC. The persistent demand of the opposition parties for the reconstitution of the NEC is a clear signal of the mistrust of the opposition parties. The allegedly partisan elements demonstrated by the NEC during the 1995 and 2000 elections strengthen further the claims of the opposition parties that NEC is not impartial and neutral institutions. The ruling party, CCM had almost total trust and confidence in the NEC during both 1995 and 2000 elections. There has also been close collaboration between the two. The opposition parties, on the other hand, adopted a reserved trust and confidence in the NEC since its formation, all through the 1995 elections, and developing into a total mistrust during and after the 2000 elections.

As it has been demonstrated in the paper, the administration of the election process in 1995 was generally a fiasco in virtually all stages of the process. The NEC at all its levels could not supervise the conduct of the elections in a manner which could guarantee

free and fair elections. This was partly due to poor logistics, and partly due to incompetence of the NEC personnel. The origin of all these was the inadequate and intermittent funding of the election process.

The administration of the election process improved impressively in the 2000 elections. This was to a great extent, because funding of the elections was not an obstacle. However, the improvement has been largely in voting, vote counting and declaration of results. In the other stages of the elections, the NEC's weaknesses and partisan elements unfolded themselves in a number of ways more than it was in 1995 elections. The NEC failed to monitor, and/or enforce compliance with the Code of Ethics; campaigns were more violent in the 2000 than in 1995; unfairness in canvassing for nomination by candidates; mishandling, and/or, losing records on voter registration; irregularities in vote counting, and so forth. In 1995, voting exercise was suspended by the NEC in all seven constituencies in Dar es Salaam Region; and the same happened again in 16 constituencies in Zanzibar town during the 2000 elections. Likewise, during both elections, the election results led to a political impasse between CCM and CUF in Zanzibar, which is still ongoing. Lastly, but equally critical, the verdict of TEMCO and international observers on the 1995 and 2000 elections is the same. That is, the elections in 1995 and 2000 were *free but not fair*.

All in all, the performance of the NEC in the administration of elections under multiparty democracy has generally improved during the 2000 elections compared to the 1995 elections. However, the overall assessment is that in both elections the management capacity of the NEC in the conduct of these elections could not ensure free and fair elections. This is a critical pointer that conducting free and fair elections under multiparty politics has still a long way to go in Tanzania.

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Campaign Issues in the 2000 General Elections in Tanzania

Ernest Mallya*

Introduction

Electoral issues constitute some of the most important aspects of elections. Issues are normally presented as promises that a given political party or candidate will fulfil once in office. As such many promises can be given in the attempt to woo voters, but in many cases only a few of those end up being fulfilled. This is more so in the developing world, where resources to implement policies are scarce. Given the possibility of a volatile economic, social, and political post-election period, in some cases there can be a total digression from whatever that was promised. This can happen given that the general policy discourse from which political parties (and individual candidates) articulate webs of issues and present them as formal programmes keep changing, just as the social conditions that gave rise to the issues do.

Vote seekers are expected to adhere to what they promise on party or other platforms on their way to political office. Issues that competing parties and candidates discuss in various avenues of communication with the voters may enhance or break a party's chances of winning an election. Issues can also be determinant in candidates' chances of winning positions they are competing for. Normally, political parties and candidates present issues to voters through party election manifestos, election campaigns, posters, debates among competitors, and the use of political advertising in the electronic and print media. In this paper, we intend to discuss the first two – election manifestos and campaigns – with regard to what transpired in the Tanzanian general elections of the year 2000. We shall focus on six political parties. These are Chama Cha Mapinduzi (CCM), Tanzania Labour Party (TLP), Civic United Front (CUF), Chama Cha Demokrasia na Maendeleo (CHADEMA), United Democratic Party (UDP), and the National Convention for Construction and Reform (NCCR). The rationale for picking these parties is that they have representatives in Parliament, and they have been prominent among the thirteen registered political parties.

* Department of Political Science and Public Administration, University of Dar es Salaam