

THE ELECTORAL ARRANGEMENTS IN DISTRICTS

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Introduction:

"Changing a society that has been under a one-party system of government to a multi-party system is fraught with difficulty. While the process of constitutional reform is comparatively simple the fundamental problems lie in reforming the administrative machinery of the state and in transforming the attitudes of civil servants, political leaders and party activists nurtured in the one-party system. If this process is to be successful, it is important that steps be taken by the government and the ruling party on a timely basis to create a political climate hospitable to new and inexperienced political parties."¹

This is a pertinent observation relevant to the Tanzanian experience with regard to its efforts to do away with the one-party system. It is an observation that counsels all those who are involved in the process of transition from one-party to a multi-party system to observe the law and fair play. The views of the Commonwealth Observer Group, made following the presidential, parliamentary and civil elections in Kenya in 1992, constitute a challenge to all those involved and interested in the process of transforming the system in Tanzania.

From July 1992 Tanzania took a giant move towards changing the hitherto one-party system to a multi-party system of government. Among the important steps taken were the enactment of a law and amendment to the constitution to make Tanzania a multi-party state by law, and registration of twelve (12) new political parties.

The purpose of this paper is three-fold: in the first place it aims at identifying the key institutions and actors involved in the management and supervision of the electoral system, particularly at the district levels. The idea here is to describe the functions, roles and responsibilities vested in each of the institutions and actors involved with a view to seeing who does/did what and the extent to which the said functions, roles and responsibilities were objectively executed.

The second purpose of this paper is to identify the strengths and weaknesses of the electoral arrangements. In that regard, the objective is to look for possible ways and means for further improvement of the electoral system in those areas noted to be deficient and maintaining those aspects which appear impeccable. Thirdly, the paper intends to make an assessment of the electoral arrangements with a view to seeing whether or not they created a political climate which could be said to be fair and hospitable to all participating political parties.

Overall Electoral Arrangement:

Responsibility for the organization and conduct of elections is vested in the National Electoral Commission (NEC). According to the Constitution of the United Republic of Tanzania, as amended by Act No. 4, of 1992 Section 24 and the 1985 Elections (Amendment) Act No. 6 of 1992, the Chairman and members of the NEC are officers and, where possible, polling agents (selected by participating parties).

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appointed by the President. The main functions of the NEC include the supervision of national elections, registration of voters, determination of the number of constituencies, and the promotion of voter education and awareness. It can be said, therefore, that the NEC is established under the constitution to give it an independent status, to guarantee it freedom from the direction or interference of any other person or authority in the exercise of its functions.

The local government (civic) elections were held at the ward level - nationwide - and direct responsibility fell under the relevant electoral authorities at that level. Since the overall responsibility and management of elections in Tanzania is vested in the NEC, it is befitting that we briefly mention the role the NEC played in this important exercise. At the national level the NEC conducted seminars to educate officials in the modalities involved in the election process. Officials involved came from regional and district offices charged with the task of managing the election at those levels. The seminars were run on zonal basis and one such zone, for example, brought together officials from Mbeya, Iringa, Rukwa and Ruvuma regions.

At each of the zonal seminars several papers were presented and they covered topics including, but not limited to directives to the returning officers; the role of local government in the election; directives to parties and candidates; directives to polling station supervisors; equipment for registration and polling; and directives on how to count votes. All participants at such seminars were expected to go back to their stations and replicate the seminars. The seminars at the district level were attended by representatives of participating political parties, registration clerks, assistant returning officers and, where possible, polling agents (selected by participating parties).

Apart from the seminars, the NEC also issued several circulars and directives to the Returning Officers. Among these were the time-table for the registration of voters, dates for collecting nomination forms and returning them, the campaign period, the polling day and modalities concerning money to be paid to participating parties and their candidates. And for the first time, the NEC directed that votes would be counted at each ward's headquarters, one level lower and closer to the polling station. This was a radical departure from previous experiences whereby ballot boxes were transported to the district headquarters for the counting of votes.

The NEC had also prepared a number of booklets, forms and placards for distribution at the ward and village levels. The said booklets, forms and placards together assisted the City/Municipal Directors, District Executive Directors (DEDs), Ward Executive Officers (WEOs), and Village Executive Officers (VEOs) to carry out their responsibilities as will be outlined below. All these materials were written in Kiswahili and they included the following:

- (i) **Booklets:** - "Maelekezo kwa Wasimamizi wa Uchaguzi"
- "Maelekezo kwa Mpiga Kura - Uchaguzi wa"
- (ii) **Forms:** - "Fomu Na. 8; Tamko la Kisheria kwa"
- "Fomu ya Maelezo Binafsi ya Mtu anapoomba nafasi ya kugombea Udiwani";

"Fomu Na. 3: Tamko la Kisheria la Mgombea Uchaguzi wa Udiwani";

"Fomu Na. 9: Maelezo ya kukataa kuandikisha".

(iii) **Placards:** - "Mfano wa karatasi ya kura";

- "Hatua za Upigaji Kura, Vyama Vingi Taifa moja";

- "Matangazo ya kujiandikisha kupiga kura";

- etc.

The above mentioned circulars, directives and booklets as well as the forms and placards were intended to smoothen and harmonize all electoral activities in such a manner as to provide a neutral and enabling environment for all participating political parties to operate freely and without inhibitions. Costs for the production, transportation and distribution of the electoral documents and equipment were borne by the NEC. In the same vein the NEC underwrote the costs for running zonal seminars and allowances paid to registration clerks and their supervisors.

In view of the above, it can be stated that the NEC had adequately prepared itself to manage the election. However, problems arose in several areas and these problems affected to a certain extent the electoral process. The major problems were in the areas of finance, logistics, managerial skills and timing. In the next section we attempt a discussion of the electoral arrangements at the District level.

The Electoral Administrative Framework at the District Level:

The October 1994 local government elections were organized as per the Local Authorities (Elections) Act No. 4 of 1979. Some sections of this act were either amended or repealed by Act No. 4 of 1985 and Act No. 7 of 1992. According to the Local Authorities (Elections) Act No. 4 of 1979, "the conduct of every election shall be subject to the directions and supervision of the Electoral Authority having jurisdiction in the area where the election is conducted". The October 1994 local government elections were conducted in wards which fall under different authorities viz: District Executive Directors (District councils), Municipal/Town Directors (Municipalities and townships) and the City Director (Dar es Salaam City). As stipulated under section 9 (1) of Act No. 4 1979 the above named authorities were appointed returning officers for the October 1994 local government elections in their respective areas of jurisdiction. Ward Executive Officers (WEOs) were accordingly appointed assistant returning officers.

The three major authorities (offices), i.e. the DEDs, MDs and CD's main function was to coordinate the whole election process. Their specific duties include:

- supervision of all electoral activities from registration, campaigning, voting and post-election issues;
- coordination of all matters related to the elections, between the NEC, the ward, the participating parties and their respective candidates;

the distribution of all materials used in the election;

making payments to the registration clerks and any other relevant actor in the process who deserves to be paid;

preparing and conducting seminars for registration clerks and to act as custodians of all election materials and equipment, e.g. ballot boxes, ballot papers, carbon papers, ink, etc; and

announcement of the election results.

The assistant returning officers (WEDs) were charged with the following:

- supervision of the electoral process/activities in the ward, from registration, campaigning, voting and post-voting activities;
- communicating with the participating parties and their respective candidates;
- communicating with the DEDs, MDs and CD's offices on all matters related to the elections;
- mobilizing the people so that all those eligible for voting would register and vote;
- advertising the posts of registration clerks, screening the applications, selecting the competent ones and assigning them registration stations;
- selecting registration stations as well as polling stations;
- selecting enumerators;
- keeping peace in the places where electoral activities were being carried out; and
- monitoring all electoral activities.

These functions and responsibilities were judiciously executed by the said authorities. However, in the course of carrying out their assignments the three main authorities experienced a number of problems. In the following pages we pay attention to these problems and assess the extent to which they affected the electoral process.

Strengths and Weaknesses of the Electoral Arrangement

The electoral arrangement - structures, actors, rules and procedures - at the District level was part and parcel of the overall (national) set-up. It is therefore important to bear in mind that in discussing the issues involved in the electoral arrangement, we are not isolating the District from the national machinery. In actual fact some of the problems that plagued the actors at the District level emanated from actions or inaction of the national authorities. Let us first look at the strengths of the electoral machinery that was put in motion for the October 1994 civic elections.

First, there was an elaborate structure linking all the offices involved in the election process from the national level (the NEC) down to the village executives. Lines of communication were clearly defined and responsibilities of all those involved were well elaborated. It was mostly due to this sound arrangement that all election materials and equipment were in order at the right place by the polling day, October 30, 1994.

Secondly, and partly related to the above, there was a systematic distribution of instructions and information to all offices and/or authorities which played a key role in the election process. The various directives, forms and placards also helped in clarifying issues when and where contact could not be made in person. The media, though not an integral part of the electoral arrangement, played an important role in this regard.

Thirdly, the seminars held at the District level following those conducted on zonal basis were instrumental in educating the officials at the ward level. These seminars helped in giving the participants a common ground from which to carry out their functions. Supervisors, registration clerks and polling agents all benefited from these seminars. It could be argued that the seminars were crucial in informing the participants about their duties and more importantly to act according to the rules and guidelines. Although it is difficult to correlate the performance of the said officials and the seminars, one can safely posit that since there have not been many petitions, the conduct of the officials was well within the bounds set by the law.

Another positive aspect of the electoral arrangement was the fact that efforts were made to mobilize people to register and vote. The NEC had instructed WEOs to mobilize the people so that all those who were eligible for voting could register. In that regard, the WEOs were assisted by village executives in appealing to the people to go out and register. Assistance was also extended to the WEOs from both the Region and District levels. From the Region the Regional Local Government Officer assisted by making sure that WEOs were not constrained in their endeavour to mobilize the people. From the District it were mainly the DEDs and District Commissioners (DCs) who were the main actors. As mentioned above the DEDs were returning officers and, as such, they had to ensure that all electoral activities were done as arranged. The DCs were helpful in maintaining peace and order.

These advantages notwithstanding, the electoral arrangement was flawed in a number of areas. In the first place, money disbursed by the NEC to the Districts (DEDs) and (MDs) reached the latter late. In some cases, seminars held at the District level were financed by money borrowed from the Regional Development Directors' Office. That money had to be reimbursed after the DEDs and MDs had received funds from Dar es Salaam - Songea was one such District.

Secondly, payment to registration clerks and supervisors was either late or in some cases (Dar es Salaam) paid partially. Because of late payment, some registration clerks started work late, others dragged their feet, and still others (Dar es Salaam) disrupted the process altogether. The case of Dar es Salaam is noteworthy because the registration process had to be done twice after the initial registration was nullified.

Thirdly, registration materials (booklets, carbon papers etc.) and instruction to registration clerks arrived late in some Districts. In Songea the DED had to borrow money to buy the said items. A related problem which opposition parties complained

against the NEC was timing in relation to releasing funds for the campaigns. Funds for contesting political parties and their respective candidates were actually released well after the election was over. It is plausible to argue, therefore, that such arrangement adversely affected parties with poor resource base; apart from CCM (the ruling party) it is difficult to single out a party that could have done well without financial assistance from the government.

Another problem which arose during the campaign period, which the electoral arrangement could not prevent, was the use of abusive language and character assassination. Although it was not the case in every District or ward, the situation was not good in those areas where there were such exchanges. The officials charged with the overall supervision of the electoral process might have been overworked, but not much in terms of penalty is said by the NEC regarding such matters. Remedy may only come if a losing candidate petitions to nullify results and cite such misconduct as the reasons for petitioning.

Another problem which can be described as a function of the political environment, but which could have been taken care of, was the fact that almost all the officials responsible for the electoral process (probably with the exception of the NEC) were employees of the government. Unless proved otherwise, any election organized and supervised by government employees, and in which the ruling party took part, could not be free and fair-let alone democratic. Room was provided for political parties to approve the appointment of registration clerks and supervisors, but no such opportunity is provided with respect to returning officers. The election act of 1979 states who is to be appointed returning officer and on what basis. The contention here is that the election act, its amendments notwithstanding, was legislated under the one-party system. Given that background, there is the potential for the electoral process to favour the ruling party.

Conclusion:

This short paper set out to identify the key institutions and actors involved in managing and supervising the electoral system in Tanzania, paying particular attention to the electoral arrangement at the District level. The principal institutions included the National Electoral Commission at the National level, the office of Regional Local Government Officer at the regional level, and at the District level there were either the District Executive Director with respect to District councils or the Municipal/City Director in respect of Municipal/town and City councils. The principal institutions/offices were assisted by Ward Executive Officers as well as village executives. The other important office in this arrangement was that of the District Commissioner. The DC's office was responsible for the overall maintenance of peace and order as well as security throughout the election period.

The paper also tried to identify the strengths and weaknesses of the electoral arrangement with a view to seeing possible areas that need improvement. It was observed that in terms of organization and structure and particularly referring to the lines of communication, roles and responsibilities of the principal actors all these were well defined. The distribution of information and instructions, the mobilization of people for registration and the transportation of necessary materials and equipment were well done. Seminars held both at zonal and district levels helped all those involved in the electoral process to perform their functions properly. It was also observed that the

electoral arrangement had some flaws, the most serious being late disbursement of money to Returning Officers, non payment or partial payment of money to registration clerks and delay in paying contesting parties the money they could use to defray some of the costs they incurred. Another serious problem was that almost all officials responsible for the electoral process were employees of the government. It was noted that any election organized and supervised by government employees, and in which the ruling party took part runs the danger of favoring the incumbent.

Finally, the paper made an attempt at assessing the electoral arrangements with a view to seeing whether or not they created a political climate which could be said to be fair and hospitable to all participating political parties. To the extent that no party was barred from contesting, and that every effort was made to involve the parties in some decisions, the electoral arrangements were free. We have, however, noted that the electoral arrangements did not take care of some issues. The most crucial of these issues, as we have already alluded to above include timing in relation to disbursement of funds, use of government employees to organize and supervise elections and the use of an election act (its amendments notwithstanding) passed under the one-party system. In view of these observations it is the position of this paper that the electoral arrangement at the District level did not provide a political climate that could be said to be hospitable to all participating political parties.

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