

UDP ASSESSMENT AND EVALUATION OF THE LOCAL GOVERNMENT ELECTIONS 1994

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1. BACKGROUND

(i) UDP Profile

The UNITED DEMOCRATIC PARTY (UDP - UPENDO) was formed in August 1993, in Dar es Salaam and was formally registered as Political Party No. 013/94 on 24th March, 1994.

A cursory look on UDP's brief life span of 10 months shows an encouraging trail of tangible political accomplishments: In the first place, UDP has established its presence in all corners of the Republic according to the law - the Political Parties Act, 1992.

The most impressive milestone of UDP's achievements during this brief life span has been its overwhelming success in the recent local Government elections in which in certain polling stations the party snatched majority seats, and, or, was at par with CCM (the oldest and ruling party) as was the case of Bariadi.

(ii) UDP Statement on the current Political Scenario in the country

Despite the success registered in the recent local Government Elections, the going has not been that easy for the Party just as it has been to most opposition Parties in this country. With CCM's self proclaimed, unilateral and ego-centric indulgence in spear-heading the process of political reforms (*Mageuzi*) in the country, there have all along been great hitches and hurdles on democracy. These vices have often impeded our political endeavours to a great extent, and have at times even threatened our very existence as the opposition.

To say the least, our assessment of the present political *status quo* in the country points on the mockery of democracy in the name of pluralism.

Throughout the period since 1992 when pluralism was legalized in this Country, CCM has negated fair political play with the opposition. The crux of the problem, to be specific, has been and still is CCM's stubborn reluctance and rigidity to accommodate the country with democratically established Institutions to oversee, monitor and spearhead the political reforms. Our cry along with other colleagues in the opposition has been to exhort the Government to have in this country a democratically established (not CCM appointed) machinery to spearhead the political reforms. In fact it has been the desire of the opposition, from the start, to be collectively involved along with the country's civic institutions in erecting strong democratic socio-political edifices in this country after the demolition of the one party system.

In light of the foregoing, our position is that the political environment in this country is not at all conducive to fair and free elections as has been the case in the past mini-parliamentary and local government elections. The envisaged General elections are at stake should things not be rectified now. In so far as UDP is concerned, there are two aspects which pose the great threats in this country's democratic process, namely, the CCM Parliament (uni-party) made national constitution, and the CCM hand-picked National Electoral Commission (NEC). It is our strong contention that in a pluralistic situation that we now are, a uni-party national constitution is not only illusive but a mere mockery of democracy. In the first place it is an instrument of the minority and therefore commands no legitimacy as the basic law of the land from the vast majority of Tanzanians.

In view of the obvious in favour of the ruling Party, and to save the country from political strife, UDP honestly joins hands with the rest of the opposition in the last call for a constitutional conference in which the destiny of our country will be democratically determined. We call upon all citizens, including aliens residing in this country and the International community to see reason in the urgent convening of such an important conference and in siding with us in pressurizing CCM to adopt a flexible attitude and tolerance in regard to this matter. For we believe that, continued peace and national survival rests on the pillars of democratically made institutions, the country's constitution being the foremost.

Lastly, the CCM hand - picked National Electoral Commission (NEC) offers gloomy prospects for the opposition as this is a biased institution by virtue of its creation and the composition of its members. The classic blunders by this institution were repeatedly committed in the past mini Parliamentary and local government elections. Strictly speaking, the bulk of the problems faced by UDP during these elections were consequential to such anomalies. The nature of the problems were both technical and administrative apparently due to NEC inefficiency as will be shown in this paper.

UDP's concern over NEC is solely in regard to its composition and biased decisions. We, however, do hold high regard to some of its members as some of them are distinguished citizens with high international standing.

II. ASSESSMENT AND EVALUATION OF THE 1994 LOCAL GOVERNMENT ELECTIONS

As it has earlier been cited, our general assessment and evaluation of the past local Government elections is chiefly a reflection of administrative and technical problems.

Furthermore, our analysis of the problems that were encountered indicate a dual character as to the causes, namely;

- (i) There were problems emanating from NEC biased attitude i.e. NEC bias attributed Problems;
- (ii) There were other problems that can be described as being repugnant to electoral procedures. These we have labeled as "Salient Problems".

1. PROBLEMS ATTRIBUTED TO NEC'S BIAS

- (i) (a) Poor supervision resulting in confusion as was experienced in a number of polling stations.
- (b) Deliberate delays in disseminating information to the electorate after the nomination of candidates was made. This as we all know, is in contravention of the Elections Act, 1985 as amended by the Elections (Amendment) Act, 1992. The delay as such contradicts the spirit of S. 46 of the 1985 Act as amended by S.21. The Law provides 60 - 90 days to get the notice published in the *Gazette*.
- (c) Late dispatch to the polling stations of Election Guidelines and other key documents.
- (d) General bias against the opposition and hence declaration of bogus winning results in favour of CCM as was the classic cases of Manzese, Kariakoo and Mburahati, to cite just a few.
- (e) Gross encroachment of the Elections Act 1985 under S.99 which prohibits practices of or leading to commission of undue influence during election campaigns.

We all have witnessed during the recent Election campaign contravention of this law at Manzese by the then Prime Minister and First Vice President John Malecela, and again at Kariakoo by the President of the Republic Ali Hassan Mwinyi. In both cases, the NEC did not react, due to its allegiance to the two leaders of the ruling party.

Ironically, undue influence displayed by these two CCM leaders has in both cases poisoned and destroyed the chances of CCM coming out as a genuine winner. We all are witnesses of the now prevailing situation both at Manzese and Kariakoo!!

(ii) NEC's Apparent weakness during the campaigns

During the election, we noticed the following weaknesses and anomalies on the part of the National Electoral Commission (NEC).

- (a) NEC had no permanent staff of its own to oversee election activities.
- (b) Instead, NEC had recruited CCM cadres to do the job and, therefore, shifting the weight of its responsibilities and obligations to the CCM cadres.
- (c) NEC composition without opposition members eroded (and will continue to erode) the confidence of the opposition on the manner the elections were being conducted in these elections.

2. SALIENT PROBLEMS WHICH WERE OBSERVED

During the elections under review UDP noted with concern the following procedural discrepancies:

(a) The Period for Registration of Voters

The period for registration of voters was too short. This limited time denied the majority of the people the opportunity to participate in the voting exercise after they had been sensitized during the campaigns.

It is therefore our most considered recommendation that in future elections, the registration of votes should start as early as possible and continue throughout the campaign period.

(b) Voters' Identify Certificates

The existing Voters' Identify Certificates issued by the National Election Commission (NEC) and the method such Certificates are issued to voters are inadequate; they have to be improved upon.

As these certificates bear no voters/bearers' photos; they are easily tempered with by unscrupulous people. In other words, these certificates give room for corruption by being redistributed to other people elsewhere.

We recommend, therefore, that in future elections, only identity certificates with voters/bearers' photos should be used.

(c) Ballot Boxes

During the elections under review it was discovered to our great amazement that in many cases Ballot Boxes were neither properly checked nor sealed. Worse still, some Ballot Boxes even lacked the prerequisite accompanying documents, such as TF 9.

We strongly advise that in future elections all Ballot Boxes be serially numbered, labeled and sealed. They should further be countersigned by the contesting parties at the given polling station before they are dispatched. We further recommend that in case these conditions are not fulfilled, such Ballot Boxes ought to be disposed off and the Returning Officer or polling agent for that respective polling station be held answerable.

It is also further emphasized here that Ballot Boxes should at all the time be guarded and should be conveyed under police escort.

(d) Counting of votes

An astonishing report at Igunga was that the Ballot Boxes were deliberately exchanged while on the way to the District Headquarters for counting the votes.

Following this dishonest practice, we strongly urge that in future elections, the counting of votes in Ballot Boxes should be done at the very same polling station on the same day of the election exercise.

(e) Voting processes

We feel concerned that the current law governing the voting process is inadequate, as it apparently allows voting to take place without the presence of the police, the agent or the candidate's representative.

We advise that the law governing election matters should be reviewed to accommodate the presence and vigilance of the police or the agents before and during the voting process.

(f) Women Representation based on number of winners

UDP does not accept the present system of appointing women representatives based on the number of winners. The system is not only discriminatory, but also it denies the people a wider representation.

We strongly recommend that a system based on the number of votes be adopted instead.

(g) The issue of Development Levy

We observed with astonishment during the elections under review the harassment of our candidates who could not produce Tax receipts for the last three to ten years.

The production of such receipts was claimed to be the condition for one to be allowed to vote.

UDP vehemently opposes this practice; it is not only unconstitutional but also a gross violation of human rights and dignity.

We urge NEC to do away with this notorious practice as it is basically a continuous Government duty to ensure the collection of taxes from all its citizens at all time, and should therefore not mix up this exercise with the election processes.

(h) Delay and untimely release of subsidy was a snag and a big blow to the opposition. We know this has always been a calculated move to either corrupt or frustrate the opposition. UDP's position is that the subsidy should not be tied to elections; it should be systematically and periodically granted to political parties with the aim of strengthening them.

III. CONCLUDING REMARKS

The foregoing has been and remains an honest account based on experience in the field in so far as the 1994 local Government Elections were concerned.

The bulk of the presentation hinges on a host of vices which include, *inter alia*, all sorts of irregularities, intrigues and deliberate mishandling of the electoral process by the National Electoral Commission (NEC). It is our contention that those experiences alone should be seen as catchy lessons to us and all peace loving people. Together we ought to take the necessary collective and corrective measures to rectify the situation as we drift towards the General Elections in October.

Under the prevailing circumstances, UDP remains worried that free and fair elections in the next General Elections are at stake. To avert the worst in the political life of this country, UDP firmly believes that the lasting solution to the problem lies solely in a constitution born out of a constitutional conference. UDP further reiterates the importance of such a forum as the most vital opportunity for the enhancement of democracy and peace in this Country. Above all, UDP holds that the constitutional conference is the peoples' democratic right that can neither be negotiated nor compromised. Despite the cited problems, we do recognize and commend the Government efforts in ensuring order and peace in the country.

Lastly, in the light of the gist of our Assessment and evaluation, we call upon this workshop/forum to give active support to the opposition in its endeavor to make the constitutional conference in the country a reality!

UPENDO DAIMA PAMOJA

HARMONY FOR ALL, HARMONY FOR EVER

THANK YOU.

CONCLUSIONS

The Department of Political Science and Public Administration organized a workshop on 26-27 January 1995. The purpose of the workshop was to evaluate and assess the Local Government elections of October 1994 and draw lessons for the forthcoming October 1995 general elections. The more than one hundred participants at the workshop unanimously agreed on the following:

1. Local Governments were re-established to further peoples participation and empowerment. Democratic elections are a critical element in this regard.
2. Taking into consideration the rationale of having a levelled and equitable political terrain in a multi party political system, it was strongly stressed that it is not evident that the ruling party agreed both in spirit and practice to the concept of pluralism. This is evidenced in its continued refusal to convene a **Constitutional Conference** which has been demanded by all other political parties since 1992.

Noted however that it may be too late to hold such a conference before the October 1995 General Elections, but strongly suggests that:

- (i) The ruling party and its government should agree to use the pre-October 1995 election time to prepare the basic constitutional principles which have to be in line with the needs, interests and aspirations of Tanzania. An independent constitutional commission be elected/nominated to formulate the **constitutional principles** before the October 1995 General Elections. And;
 - (ii) Thereafter, a Constitutional Conference should be convened to formulate a people-based United Republic of Tanzania Constitution. **Reiterated** the importance of reaching a consensus on the constitution. Only then can the resultant political system enjoy acceptance and legitimacy from the people. Constitutions characterized by controversy breed uncertainty, conflict and instability.
3. It was succinctly observed that, the "Winner-takes-all" electoral system (i.e. First past the Post) is not only incompatible with democratic elections but may also be unfair to:
 - (i) losing parties and candidates who may poll more votes in total than the winner.
 - (ii) those who voted for the losing parties and candidates.

In view of the above, it was strongly recommended that the "**Proportional-Representation**" electoral system should be adopted.

4. It was regrettably noted that the National Electoral Commission (NEC) in terms of its composition, roles and functions is inadequate in catering for the current and future civic local government as well as General Elections. The workshop called upon the government, as a matter of urgency to:
 - (i) Reconstitute the Commission so as to include representatives of political parties and eminent personalities from civic organizations.
 - (ii) Make the NEC independent and free from any other authority, be it the ruling party or the government. Today, this is not the case.
 - (iii) Vest the Commission with the powers and responsibility to administer its own account for purposes of elections and other matters that fall under its jurisdiction rather than the present practice whereby it waits for or begs the government to do this or that.
 - (iv) Make the NEC permanent at the national level with definite structures at the district level. The latter need to be constituted or reconstituted on an **ad hoc** basis.
 - (v) Ensure well defined and proper contractual arrangements between the NEC and those hired to administer the entire electoral process. The latter should be loyal to their temporary employer, the NEC, not otherwise.
5. It was stressed that in the election for local authorities, independent/private candidates should be allowed to contest. This was not only in accordance with the basic human rights but would also counter the impact of "unopposed" candidates. Relatedly, it was recommended that there should be a "YES/NO" voting system through secret ballots for the unopposed candidates.
6. Recognized the fundamental role of voters education, that it is a crucial ingredient towards attaining free and fair elections. The workshop called upon the National Electoral Commission, Political parties, Civic organizations, NGOs, the Mass Media and many other relevant and concerned bodies to make the most generous effort to design and execute voters education programmes nationwide to all groups in general and the WOMEN in particular.
7. Party financing among the political parties in Tanzania should be transparent. Sources of funds, expenditure and other related matters should be made public. Observed that the current arrangements of financing e.g. election campaigns is totally inadequate and unacceptable. Suggested that:

- (i) As a short term measure, political parties be availed resources from the state treasury. However, this should be a temporary measure given the infancy of opposition parties in Tanzania.
 - (ii) Strongly insisted that in future, political parties should not depend on public funds (government subsidies); they should finance themselves and their candidates.
 - (iii) Alternatively, subsidies should given to political parties according to the number of seats or votes obtained in elections. Payments should be made after election results. In order to facilitate their election campaigns, parties borrow from financial institutions and repay after getting government subventions according to the number of votes and seats secured.
8. It was noted that, although estimates of eligible voters nationally was based on the 1988 National Census data, in some Districts/Wards it was pegged on tax-payer rolls. This was statistically unreliable. A need for reliable and valid estimates was emphasized.
9. It was observed that there were acute problems in identifying the citizenship of candidates and voters, both at the registration and voting stages. Citizenship should be keenly and thoroughly checked and established beyond doubt. It was suggested that as a long term solution, all citizens in the United Republic should be issued computerized identity cards (IDs).
10. Noted with concern the continued difficulty of women engaging in competitive politics, and commended the government for setting aside "Special Seats" (*Viti vya Upendeleo*) for women. However, it was recommended that:
- (i) This trend/practice should be a temporary transitional measure. In the long run women should freely compete for seats.
 - (ii) Representatives of women through "Special Seats" arrangements should be elected by fellow women.
 - (iii) Any woman should be eligible for election through "Special Seats" for one term. Thereafter she should allow other women access to the seat so they can also gain experience, cultivate contacts, and gain confidence.
11. The need for adequate detailed information about the candidates was emphasized. Such information should include the candidate's health, wealth, education etc. It was also suggested that names of candidates should be known to the public before the commencement of Voters' registration process. This would motivate and encourage more eligible voters to register.

12. With regard to the campaigns, the workshop noted the following:
- (i) All political parties had no clear ideologies or philosophical premises (visions) unto which to anchor their policy statements and programmes. Thus, they all failed to issue alternative policies to fill the vacuum created by the demise of "Ujamaa".
 - (ii) The National Electoral Commission (NEC) should work out and institute a system (rules and regulations) to control misuse of incumbency. Such measures would ensure attainment of FREE and FAIR elections.
 - (iii) During the campaigns the Returning Officer should execute his/her discretionary powers after making consultations with the contesting/contending political parties and candidates.
 - (iv) The election laws or provisions which require political parties campaign literature to be approved by the National Electoral Commission impinged upon the freedom of contesting parties - mostly the opposition. The provision should be deleted.
13. As regards **voting and vote counting** it was recommended that:
- (i) Polling stations should be accessible, easily visible and acceptable. Contesting political parties should be involved in determining the location of the polling stations.
 - (ii) It was noted that special places i.e. institutions of learning, the army, etc. had no registration centres. It was suggested that in future elections registration and polling centres for such institutions (with potential/eligible voters) be provided.
 - (iii) Election logistics need to be delivered on time at respective polling stations. Relatedly, printing of voting materials should be made and delivered under tight security.
 - (iv) Either indelible or invisible ink should be used to control double voting.
 - (v) Vote counting should be carried out at the respective polling stations.
 - (vi) The polling day should be one of the week-days and be declared a public holiday. It was revealed that on Sundays most people have many commitments and priorities (religious, economic or social) which inhibit them to go for polling.
 - (vii) Arrangements should be made to enable the physically handicapped and the sick to exercise their voting/election democratic right.
 - (viii) Foreign and local observers and/or monitors should be allowed to participate in elections. Their views and findings contribute significantly to declare whether or not the elections were free and fair.