



**SADC ELECTORAL OBSERVER MISSION (SEOM)
TO THE UNITED REPUBLIC OF TANZANIA**

PRELIMINARY REPORT

BY

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AND

**HEAD OF SADC ELECTORAL OBSERVER MISSION (SEOM) TO
THE UNITED REPUBLIC OF TANZANIA GENERAL ELECTIONS**

HELD ON 31 OCTOBER 2010

- The National Election Commission of the United Republic of Tanzania;
- Your Excellencies High Commissioners and Ambassadors of SADC Member States to the United Republic of Tanzania;
- Your Excellencies Members of the Diplomatic Corps;
- Esteemed Leaders of the Political Parties;
- Esteemed Members of the various Observer Missions;
- Esteemed Members of the Media;
- Distinguished Guests;
- Ladies and Gentlemen.

It is indeed an honour and pleasure to welcome you all to this important event, the presentation of the SADC Electoral Observation Mission Preliminary Report of the election process in the United Republic of Tanzania.

INTRODUCTION

The Republic of Tanzania invited SADC to observe its General Election that took place on the 31st of October 2010 in line with the Southern African Development Community (SADC) Principles and Guidelines Governing Democratic Elections,

Upon receipt of this invitation, the Chairperson of the SADC Organ on Politics, Defence and Security Cooperation, His Excellency Rupiah Bwezani Banda, President of the Republic of Zambia, constituted the SADC Electoral Observer Mission (SEOM) to the United Republic of Tanzania and mandated the SADC Executive Secretary, Dr Tomáz Salomão, to facilitate administrative and logistical support to the Mission.

The Chairperson of the SADC Organ on Politics, Defence and Security Cooperation appointed Hon. Kabinga J. Pande (MP), Minister for Foreign Affairs of the Republic of Zambia to head the Mission.

The SADC Electoral Observer Mission was officially launched on the 18th of October 2010, by the Head of Mission in the presence of the SADC Executive Secretary, Members of the Diplomatic Corps accredited to the United Republic of Tanzania, political party representatives, civic organisations, various dignitaries local and international media

The Mandate and Objectives of the SEOM

The Mission derives its mandate from the SADC Principles and Guidelines Governing Democratic Elections, which emanates from the AU Declaration on the Principles Governing Democratic Elections in Africa and the AU Guidelines for African Union Electoral Observation and Monitoring Missions. Furthermore, according to the SEOM Guidelines the Mission worked within the provisions of the Constitution and Electoral laws of the United Republic of Tanzania.

The SEOM was guided by stipulations of Article 4 of the SADC Principles and Guidelines Governing Democratic Elections, determined the nature and scope of election observation which included an assessment based on the following criteria:

- (i) 'Constitutional and legal guarantees of freedom and rights of the citizens;
- (ii) Conducive environment for free, fair and peaceful elections exists before, during and post elections;
- (iii) Non-discrimination in the registration of voters;
- (iv) Existence of an updated and accessible voters roll;
- (v) Timeous announcement of the election date;
- (vi) Where applicable, funding of political parties must be transparent and based on agreed threshold in accordance with the laws of the land;
- (vii) Polling stations should be in neutral places;
- (viii) Counting of the votes at the polling stations; and
- (ix) Establishment of the mechanism for assisting the planning and deployment of electoral observation missions'

Before the launch of the SEOM, SADC Observers underwent a two-day training session conducted by the Electoral Institute for the Sustainability of Democracy in Africa (EISA) from 16 to 17 October 2010 in Dar es Salaam. The training focused on the following:

- (i) SADC's role in the process of election observation;

- (ii) International and Regional instruments for observing the elections;
- (iii) A brief history of Tanzania and electoral legislations; and
- (iv) A Code of Conduct for the Observers.

During the launch of the SEOM, Observers were urged to adhere to the Principles and Guidelines Governing Democratic Elections in the performance of their duties. Emphasis was placed on the following:

- That observers must comply with the laws and regulations of the United Republic of Tanzania;
- That observers should maintain strict impartiality in the conduct of their duties, and that they should not express any bias in favour of any political parties and candidates contesting the election process;
- That information gathered, should be attributable and verifiable for the assessment of the electoral process and its environment; and
- That they should work harmoniously and in a complementary manner with each other and other observer organisations in the area of deployment.

DEPLOYMENT OF THE SEOM OBSERVERS

Guided by the SADC Principles and Guidelines Governing Democratic elections, as its terms of reference, 15 teams of Observers were deployed in various constituencies in the country. Field teams were given areas of responsibility to garner a full picture of the electoral process and allow the SEOM to be in a position to provide an informed assessment.

The SEOM deployed 97 Observers drawn from SADC Member States which included among others, Members of Parliament, Civil Servants and the Civil Society. The activities of the SEOM across the country were coordinated at the Operations Centre located at the Kilimanjaro Hotel Kempinski, in Dar es Salaam. A parallel office in Zanzibar operated from the Zanzibar Beach Resort Hotel. The Operation Centres were staffed with officials from the Troika of the Organ on Politics, Defence and Security Cooperation as well as the SADC Secretariat.

The formal deployment of the SADC Electoral Observer Mission was preceded by the deployment of a SADC advance team which included representatives from the SADC Diplomatic and Consular Missions accredited to the United Republic of Tanzania and the SADC Secretariat. The advance team was tasked to make the necessary formal and institutional preparations for the Electoral Observer Mission.

Today, the SADC Electoral Observer Mission has the honour to present the preliminary findings of its observation. A detailed report addressing specific items of the terms of reference contained in the Principles and Guidelines shall be released within thirty (30) days after the announcement of the elections' results.

CONSULTATIONS WITH STAKEHOLDERS

In discharging its duties, the SEOM interacted with various stakeholders in order to gather information on various aspects of the electoral process. These interactions occurred both at the Head of Mission level as well as at the team level in the United Republic of Tanzania. They included, *inter alia*:

- (i) The Registrar of the Political Parties;
- (ii) The Diplomatic Corps accredited to the United Republic of Tanzania;
- (iii) The National Election Commission (NEC);
- (iii) Chama cha Mapinduzi (CCM)
- (iv) Chama Cha Demokrasia na Maendeleo (CHADEMA)
- (v) The Democratic Party (DP);
- (vi) The National League for Democracy (NLP);
- (vii) The Tanzania Labour Party (TLP);
- (viii) Sauti ya Umma (SAU);
- (ix) The Tanzania Association of Non-Governmental Organization (TANGO);
- (x) The Tanzania Police Force
- (xi) The Zanzibar Electoral Commission (ZEC); and
- (xii) The Media
- (xiii) The Tanganyika Law Society (TLS);
- (xiv) The Civic United Front (CUF) and
- (xv) National Convention for Construction and Reform (NCCR-Mageuzi)

The SEOM also interacted with other observer missions accredited to the United Republic of Tanzania, including:

- (i) The European Union Observer Mission;
- (ii) The SADC Electoral Commissions Forum (ECF);
- (iii) The British Observer Mission;
- (iv) Tanzania Electoral Monitoring Coalition (TEMCO);
- (v) The United States of America Observer Mission;
- (vi) International Conference on the Great Lakes Region; and
- (vii) Commonwealth Observer Group.

Though the SEOM made every effort to meet all the stakeholders in Dar es Salaam, some were regrettably unavailable. The deployed teams also had the opportunity to meet and interact with stakeholders outside Dar es Salaam. These interactions and engagements, assisted the SEOM in understanding the prevailing pre-election political environment in the country. The SEOM wishes to highlight specific issues of concern expressed by some stakeholders on the electoral process. These include amongst others:

- (i) The extended closure of the university and colleges. Some stakeholders submitted that the extended closure was unusual and raised a concern that its impact excluded a substantial number of students from voting;
- (ii) The statement by the military command that the army will protect the electoral process was interpreted as intimidation by some citizens and particularly the supporters of the opposition political parties;
- (iii) Some political parties perceived the National Election Commission (NEC) to be biased in favour of the ruling party. This view is related to the statutory provisions that allow for the direct appointment of the NEC Commissioners by the President. Consequently, the Commissioners were perceived to be beholden to the appointing authority and as such jeopardised their independence despite having security of tenure.
- (iv) Perceived media bias in favour of the ruling party. Some stakeholders submitted that the print and electronic media were biased towards the ruling party. The reported threat by Government to revoke the licenses of Mwananchi and MwanaHalisi newspapers for reporting negatively on the

last administration was widely condemned and seen to infringe on freedom of the press;

- (v) Deployment of military personnel in Zanzibar constituted intimidation of voters. Some stakeholders objected to the deployment of the military and argued that, instead police should have been deployed;
- (vi) Some political parties raised a concern with regards to funding. Furthermore, they submitted that the NEC's unwillingness to meet expenses for political party agents disadvantaged some of them as they were unable to fund the deployment of party agents across all polling stations. They were of the view that the inability of all party agents to monitor the voting and counting process would compromise the integrity of results.

The SEOM pursued these concerns in a systematic manner by conducting further investigations. It tabled the concerns received with the relevant authorities and sought clarification and explanation. Some of the responses provided were as follows:

(i) The closure of the universities and the colleges

According to the authorities, the closure of the universities and colleges was not intended to deprive any eligible voter from exercising their franchise. The closure was mainly due to financial limitations on the part of the government to provide study loans. The Mission further established that the students were at liberty to return to campus earlier than the 5th of November 2010, which is the set opening date, to allow the students to participate in the polling at their respective campuses.

The NEC further said that it provided a window period from the 1st to 7th July 2010 for voters who wished to change their polling stations to do so. In this regards, the NEC explained that affected students had an opportunity to make necessary changes to enable them to vote from their places of residence as registration was done on a zonal basis.

(ii) The statement by the military command

The SEOM was informed that the announcement by the military command did not constitute a threat as perceived by other stakeholders, instead it was intended to assure the voters that the elections would be held in a secure environment.

(iii) The bias of the NEC

The NEC rejected allegations of bias leveled against it. It argued that although its members are constitutionally appointed by the Head of State, their roles and responsibilities and tenure of office are clearly governed by the Constitution and the Electoral Act. Therefore, they are not accountable to appointing authorities and are beyond its sphere of influence.

The NEC further submitted that the Commissioners appointment is based on professional merit and their tenure is subject to good performance and behaviour.

(iv) Media bias

According to the authorities, the state media provided a coverage to all contesting political parties. Some political parties are associated with certain private electronic and print media, these would be inclined to report in favour of the related party.

(v) Deployment of the military in Zanzibar

The police explained that it was the responsibility of the military to guard government installations including the ports especially during the elections. Due to a shortage of police manpower, the military were brought in to complement them. Therefore, the deployment of the military in Zanzibar was a normal practice and the public was not threatened in any way.

(vi) Funding for the political parties

In responding to this concern, the NEC submitted that in 1995, during the first multi-party General Elections, Government availed funds to political parties to pay their agents at the polling stations. However, in practice the undertaking proved to be expensive. It further noted that some political parties used the said funds on activities other than the intended purpose. As a result, the government resolved that it was the responsibility of all political parties to pay their agents. Political parties may source their funding. In regulating the funding of the political parties, the Electoral Expenses Act has been enacted.

With regards to consultations undertaken, the SEOM is of the view that although all concerns were adequately addressed, some of the matters raised were pertinent in

the context of current electoral processes but, they were not of such magnitude as to affect the credibility of the overall electoral process

PRE – ELECTION PHASE

The pre-election phase was characterised by a peaceful and tolerant political atmosphere. The stakeholders consulted were generally in agreement that the period was relatively calm and peaceful, except for few isolated incidents of violence in some areas.

Short Text messages (sms) were circulated and this created uncertainty among the public. One sms threatened bloodshed during the election and the other claimed that fuel shortages would affect Dar es Salaam during the election period. In both instances, the authorities reacted quickly to reassure the public and successfully traced the origin of the first sms.

Posters of contesting parties were visible throughout the country and the SEOM, noted that in isolated cases the placards and posters of some political parties were tampered with through tearing, defacing and writing of derogatory messages on them.

The SEOM took note that the office of the Registrar of the political parties was accessible to the political parties and other stakeholders.

With regard to election campaigns, the SEOM noted that all political parties were free to hold rallies and meetings without any hindrance. There was clear evidence of vigour and enthusiasm within the political parties.

The SEOM was assured that law enforcement agencies were poised to respond to any threat or disruption of peaceful elections. The presence of police officers during the rallies ensured that there were no disruptions and their role was seen as neutral and supportive to the electoral process. The police distributed a booklet titled '**The Right and Obligation to Vote**' to clarify the role and responsibilities of the police during the election period.

The situation in Zanzibar was peaceful and attributable to among others, the signing of the Memorandum of Understanding (MoU) by the political parties on the establishment of the Government of National Unity after the 2010 General Elections.

THE ELECTION PHASE

Polling Process

The SEOM observed that the polling stations opened and closed on time as prescribed by the law.

The SEOM observed that although in some polling stations the voting process was slow the electorate demonstrated patience in casting their vote peacefully, freely and unhindered.

Party agents from some political parties were present in all polling stations visited by SEOM.

Police officers were visible at all polling stations and the electoral officials were also helpful during the voting process.

The SEOM noted that the elderly citizens and persons with disability were being assisted in casting their votes by people of their own choice.

It is the overall view of the SEOM that the elections were conducted in an open and transparent manner.

The Counting Process

The SEOM noted that polling stations closed on time and those which still had long queues allowed the voters to complete the process. The SEOM also noted that the vote counting process started after closing of the polling stations in the presence of the political party agents, local and the international observers.

Before counting, the presiding officer explained the process to all stakeholders at polling stations. Counting was conducted in a transparent manner and the results were announced and displayed each polling station.

THE OBSERVATIONS OF THE SEOM

The Mission wishes to highlight some observations on the issues noted during the course of its duties. These include among others:

- (i) Some Leaders of Political Parties and Candidates used language which could incite hatred, violence among the voters;

- (ii) Some stakeholders levelled various allegations against the electoral process without being able to substantiate their claims;
- (iii) some parties could not campaign due to lack of funding;
- (iv) some stakeholders are not conversant with the contents of the provisions of the Constitution and the Electoral Laws;
- (v) limited coverage of some political party campaigns in the print and electronic media;
- (vi) inadequate voter education;
- (vii) inadequate training of the electoral staff;
- (viii) insufficient distribution of ballot papers in some constituencies; and
- (ix) inaccurate ballot papers in some constituencies.

SADC ELECTORAL OBSERVER MISSION RECOMMENDATIONS

In view of the above referred to observations, the SEOM recommends the following:

- (i) that all stakeholders be conversant with the Constitution and the Electoral Laws. The authorities may also consider further refining the legal framework to deepen democratic practise in the United Republic of Tanzania
- (ii) that Leaders of Political Parties should adhere to the Code of Conduct;
- (iii) mechanism should be put in place to regulate the media during the electoral process;
- (v) NEC should consider undertaking a comprehensive voter education and training of electoral staff; and
- (vi) NEC to ensure the timely and timely delivery of adequate and correct electoral materials to the respective constituencies.

BEST DEMOCRATIC PRACTICES AND LESSONS LEARNED

In the course of observing elections, the SEOM noted some best democratic practices in the United Republic of Tanzania electoral system that are highlighted hereunder:

- (i) Political tolerance among the political stakeholders;
- (ii) Civic education by police in promoting peace during the elections;
- (iii) introduction of the Elections Expenses Act to regulate party funding; and
- (iv) the increase in the number of polling stations and their accessibility;
- (v) Translucent ballot boxes were used;
- (vi) Promulgation of the Political Parties Code of Conduct;
- (vi) Support for those with special needs;
- (vii) introduction of photographic voters register
- (viii) display of voters roll at polling stations; and
- (ix) Introduction of Voters Interaction System (VIS) which enables voters to check their information in the Database by way of sms

CONCLUSION

The SEOM is honoured to share its observations with the people of the United Republic of Tanzania and hopes that stakeholders will find them useful and benefit from them.

The SEOM noted with satisfaction the way the people of the United Republic of Tanzania exercised their franchise by voting in a free and transparent manner in choosing their leaders.

In line with SADC Principles and Guidelines Governing Democratic Elections and the National Elections Act, Cap. 343 of the United Republic of Tanzania, the SEOM urges all political parties and candidates to respect the will of the people and any grievances that they might have, should be pursued in line with the relevant laws of the country.

The SEOM further notes that the NEC conducted its work in a transparent and professional manner, despite some challenges which were addressed as the election progressed.

The SEOM wishes to express its gratitude to the people of the United Republic of Tanzania for their hospitality during the electoral process. Finally, I wish to thank all the stakeholders who contributed directly or indirectly in making our mission a success.

Therefore, on behalf of the Chairperson of the Organ on Politics, Defence and Security Cooperation, President of the Republic of Zambia, His Excellency Rupiah Bwezani Banda, and on behalf of the entire SADC family, I wish to heartily congratulate the people of the United Republic of Tanzania for holding credible, peaceful, free and fair elections on 31 October 2010.

I thank you all.

Asante sana

Kilimanjaro, Kempinski

Dar es Salaam,

02 November 2010