



Commonwealth Observer Group Tanzania General Elections 2010

INTERIM STATEMENT

Rt Hon Paul East QC
Chairperson of the Commonwealth Observer Group

The Commonwealth was invited by the National Electoral Commission (NEC) to observe the 2010 General Elections. The Secretary-General of the Commonwealth decided to deploy a 15-person Observer Group supported by a staff team from the Secretariat. I am honoured to have been asked to Chair the Group, which has been present in the country since 24 October 2010. During this period we have met with the National Electoral Commission, Zanzibar Electoral Commission, representatives of contesting political parties, civil society, media, Commonwealth High Commissions as well as other international and national observers.

Commonwealth teams were based in nine locations around the country. Our teams observed the voting, counting and results aggregation and also met with electoral officials, national and international observers and other stakeholders at the District level in order to build up a larger picture regarding the conduct of the process.

This statement is interim, and is issued with some aspects of the process on-going. We will issue a final report at a later stage, containing our final conclusions on the entire process.

- The 31 October General Elections in Tanzania were the country's 4th multi-party elections since the restoration of multi-party democracy in 1992. These elections represent a step forward for the country, with a largely peaceful campaign on both the mainland and Zanzibar, the development of an electronic permanent voter register and acceptance of the result for the Zanzibar presidency despite an extremely narrow margin of victory. However, some issues remain to be addressed as Tanzania continues to strengthen its democratic processes and institutions and to build confidence among all stakeholders.
- The 2010 elections were competitive, with basic freedoms, including freedom of association, freedom of movement and freedom of assembly provided for. Parties conducted extremely active national campaigns, attracting large crowds and utilizing the media. The campaign was generally peaceful, though some incidents were reported and media monitoring indicates that the ruling party enjoyed an advantage in coverage and exposure overall.
- In Zanzibar, the political atmosphere up to and including Election Day was much improved. This has been attributed to the overwhelming endorsement of the July 2010 Referendum which paved the way for the formation of a government of national unity after the poll. Looking forward, we hope that as the composition of the government of national unity is worked out the positive atmosphere is maintained. The improvement during these elections

can also be attributed in part to the arrangements made by the Zanzibar Election Commission (ZEC).

- At the same time there are still areas where concerns remain, so that a fully-fledged multi-party system can be consolidated. Opposition parties were highly active during the campaign and were able to fully participate in all aspects of the process but there was not an entirely level playing field. The ruling party in Tanzania is by far the largest and best-resourced party and following so many years in power elements of the state structure are synonymous with the party and elements of the legal framework still need to be brought fully into line with the requirements of an inclusive multi-party system.
- On the day of the elections, voting generally proceeded smoothly in most areas across the country, though there were some shortcomings in the arrangements by NEC in terms of a lack of a sufficient number of ballots for Union parliamentary elections in seven constituencies, some confusion relating to the voter registers and some inconsistent practices and a lack of familiarity with procedures on behalf of some electoral officials. Overall, the day passed off calmly in the vast majority of areas, though there were some localised tensions. Party agents were able to be present for the vote count in polling stations, ensuring transparency for that key aspect of the process.
- The new results aggregation system is welcomed, and final results are still being completed. But the process has been slow in some areas, partly due to officials handling the system for the first time, and unfortunately in some areas the slow pace of results has helped fuel tensions. Having said this, the magnanimous manner in which the result for the Zanzibar Presidency was accepted, after a fraught wait and a narrow margin of victory, is extremely encouraging. We hope there are not undue delays in other parts of the country and that the level of transparency afforded at polling station-level is maintained, ensuring confidence in the outcome. We continue to follow the process and our Final Report, containing our conclusions and recommendations, will be out in a few weeks.

Election Campaign

The election campaign was generally calm and peaceful. Political parties and candidates were extremely active, holding meetings and large rallies across the country and campaign freedoms were provided for. In Zanzibar, the campaign environment was a massive improvement on past elections, which is to be commended. On the mainland, there was an incident between party supporters, resulting in the unfortunate death of a party supporter, as well as some localised tensions, including an incident when security forces dispersed a crowd following the cancellation of a rally. NEC reported it had received some complaints, dealing with issues such as campaigning after hours and use of inflammatory language.

The level of resources at the disposal of the ruling CCM clearly provides it with an advantage for campaigning, and in many areas its campaign was by far the most visible. Further, media monitoring reports indicate that, overall, CCM enjoyed the majority of coverage, due largely to the extent of news coverage as well as paid advertising in the private media. State-owned TBC is reported as providing more balanced coverage, which is to be commended. There were allegations that *Mwananchi* newspaper faced a threat of de-registration after publishing articles critical of the government, which if true are of concern.

Electoral Framework and Management of the Electoral Process

The legal framework provides the basic conditions for a competitive election. However, in some regards it is still framed in the old one-party mould and will need to be updated to accommodate

the wider parameters of a promising multi-party democracy. For instance, NEC is appointed solely by the President and independent candidates are not permitted to contest elections.

On the more positive side, the Election Expenses Act and Code of Ethics are positive additions to the electoral framework. The creation of election committees, to address and resolve complaints and concerns, is a further positive development. The full implementation of these electoral mechanisms would go a long way reinforce the electoral process. We note that some opposition parties complained about a lack of transparency and responsiveness by NEC, notably in what they felt was the late disclosure and public posting of the final voter registers.

On Zanzibar, political parties expressed a high level of confidence in ZEC in terms of the preparation of the poll, building on their performance for the July Referendum. Of note was the quality of ZEC's management of the voter registers and their policy to recruit lower level staff rather than use state officials as is the practice on the mainland.

The creation of a permanent electronic voter register after the 2005 elections was a positive development, and has helped to create, notably in Zanzibar, a much improved voter register. This remains a work-in-progress, as there were some complaints regarding the final numbers and missing voters as well as the rather lax identification procedure used on the mainland for registration identity and the rather rigorous process on Zanzibar, but overall it is an improvement.

Voting, Counting and Results

Reports received from Commonwealth Observers indicate that, in general, the voting and counting at the polling station levels were conducted in a calm and orderly manner. The various safeguards, such as requirement for ID and application of ink, were in place for voting and the count was fair and transparent, with party agents present in polling stations. Commonwealth Observers found that the voter turnout on the mainland was quite low. In the lead up to the poll, some institutions of higher learning in Dar es Salaam were kept closed, which impacted on participation by those students registering to vote at affected locations.

There was a problem in the delivery of ballots for Union elections in four constituencies in Zanzibar and three on the mainland, as well as for a number of local elections, which is regrettable. While most voters did find their names on the voter lists, some did not or were not able to be adequately directed by polling staff. Further, some isolated incidents were reported, such as in Kinondoni in Dar es Salaam, but this was not characteristic of the overall process. It is hoped that both NEC and ZEC will address any reported complaints regarding the administration of the process.

The process for vote counting and tabulation at the polling station and constituency levels provided for a high degree of access and transparency, with party agents able to be present throughout, scrutinizing and receiving an official copy of the results. However, the results aggregation at the Constituency level was drawn out, with some officials exhibiting a lack of familiarity with the new system.

After the election there was tension in a number of areas, as supporters of parties awaited the results. For instance, in Mwanza there were reports of clashes with the police. In Zanzibar, supporters of CUF gathered at the results centre heightening tensions, but in the event the manner of the concession by the second-placed candidate ensured a peaceful outcome.

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