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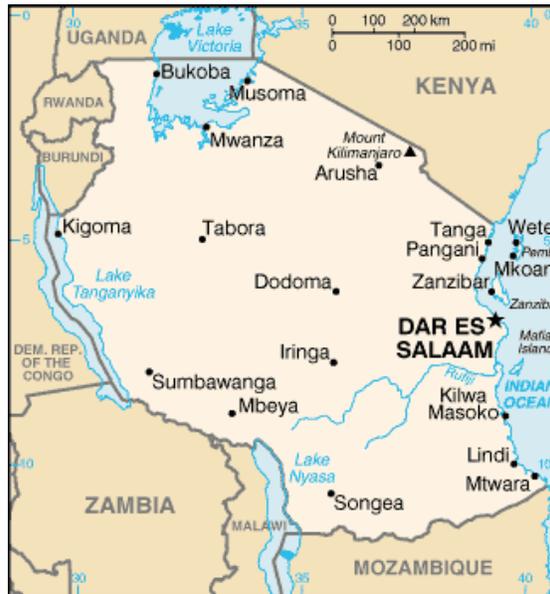
PRE-ELECTION POLITICAL AND CONSTITUTIONAL SETTING

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PRE-ELECTION POLITICAL AND CONSTITUTIONAL SETTING

Introduction

The following update attempts a tapered examination of the key issues pertinent to Tanzania's 2005 parliamentary and presidential elections. In many cases, a review of a country's elections is unlikely to undergo an all-encompassing assessment of the relevant elections matters, leaving aside other dominant issues that influence the delicate democracy within the analyzed elections. That said the subsequent analysis will contain a set of election issues

reviewed via a justifiable list of topics. The update begins by revisiting Tanzania's union structure, which has of late seen its fair share of discontent from the minority parties. Proclamations of dissatisfaction with the Union structure have been coming predominantly from the largest opposition party in Tanzania, the Civic United Front, which has over the years made repeated calls for a referendum to decide on the future of the union.¹

¹ The CUF is also protesting that the union as it stands is not equal; it is not a union between two states but rather a union for Tanganyika because it is the United Republic of Tanzania that deals with all union matters together with non

Following this, it is only fair that Tanzania's history of elections under the single party system is presented before proceeding with a brief overview on the two elections held to date since the

union matters for Mainland Tanzania, whereas the government of Zanzibar deals with non union matters relating to Zanzibar isles only. This has created a situation which according to the CUF quite clearly benefits Tanzania Mainland more than Zanzibar, specifically over issues such as foreign affairs, defence, communications, foreign exchange, and higher education, which the union government has control of. Consequently, they are calling for a three-tier government which would create separate governments for Tanganyika and Zanzibar, including a federal government for the union.

introduction of the multiparty system. Within this context the political environment which has been plagued with opposition discontent over the seemingly unlevelled and unfair playing field will also briefly be discussed. Attention within this first update then shifts to the core processes that define the conduct of elections. These are none other than the constitutional and legal framework of elections; and the governance and administration of elections which put into the picture the institutional legitimacy of elections. The article, in addition, attempts to understand the processes of intra-party nomination and selection of a presidential candidate in Tanzania, leading to a review of most of the registered political parties and non political entities such as donors and the media which have continued to play prominent roles during elections.

No examination of the United Republic of Tanzania can be complete without some mention of the country's union. It is a union structure that is of grave importance to the continuing political, economic and social stability of the country, and needless to say for its future progress. The United Republic of Tanzania was established in April 1964, following an amalgamation of the former independent states of Tanganyika and Zanzibar. The Union was aimed mostly at guaranteeing political stability for both countries, although this, as with other goals, was not clearly

articulated in the terms of the merger. Essentially, as it became much clearer later, it was a political initiative between Presidents Abeid Amani Karume of Zanzibar and Julius Kambarage Nyerere who under the union became Vice-president and President of the United Republic respectively. The merger left Zanzibar with the same degree of autonomy; the isles still remained independent but received all the benefits of the union. The Zanzibar civil service, police and defence forces, for example, are paid for by the union's budget. Furthermore, Zanzibar had, and continues to have, representation both in the Zanzibar House of Representatives and in the union parliament, while the mainlanders are only represented in the latter.

What the Union did was simply to create a union government that controlled mainland affairs and also allowed for a separate Zanzibar government with its own President, Constitution and institutions of power such as a House of Representatives and local council system (*Diwani*). Clearly, Zanzibar did not only benefit from the Union it also managed to retain its autonomy, giving it the freedom to govern as before except on the matters agreed to in the merger. These matters affected both Zanzibar and Tanganyika and were under the jurisdiction of the Union government. The Articles of the Union contained the following eleven areas as Union matters:

- i. The Constitution and Government of the United Republic;
- ii. External Affairs;
- iii. Defence;
- iv. Police;
- v. Emergency Powers;
- vi. Citizenship;
- vii. Immigration;
- viii. External Trade and Borrowing;
- ix. The Public Service of the United Republic;
- x. Income Tax, Corporation Tax, Customs and Excise Duties and
- xi. Harbours, Civil Aviation, Posts and Telegraph.

The fact that these matters were never openly discussed or its implications on the economic and political foundations of both countries examined thoroughly, they remain divisive and worse the precise legal character of such an arrangement continues to be a prickly issue. Although most mainlanders and Zanzibaris accept the original articles as the legal basis for the Union, over the years a gamut of opposition opinion leaders have emerged to question the legality of the Union and the form which was designed to bring it into effect. Much has been said about the secrecy surrounding the development and inception of the Union, leading the few opponents to suspect that the Union was more of an imposition on Zanzibar isles than a consensus between the two countries. Worst still is the argument proclaimed by these same antagonists against the

Union that that the articles were never really ratified by Revolutionary Council of Zanzibar leaving not only its legality but its mere existence under much uncertainty.²

The undercurrent tensions surrounding the Union however, revolve more around its operation and modalities than the manner in which it was created. For starters concerns over citizenship, the control of foreign exchange, the collection and distribution of taxes and customs duties and the formula for contributions to the Republic's expenses, have emerged over the years from different factions of society. For others the ideals of the Union are not a matter of much concern, but do however, suggest that the relationship between the Zanzibar isles and Mainland Tanzania needs to take different form if there is hope for its survival. Indeed it must be noted that despite these views and discontent some minority parties may have over the Union, it is regarded by the majority as an economically and politically beneficial agreement between two sovereign states that has over the years served to protect both their interests.

To date several perspectives and solutions to the Union have been put forward by the few opposing flock, which they claim will address the

² Kituo Cha Katiba (KCK) – East African Centre for Constitutional Development Fact Finding Report of Muafaka Agreement, April 2003

precariousness of the union. Most of the opposition recognises that the union created neither a federal nor unitary state. Rather, it had allowed for a separate Zanzibari government with its own president and institutions of power, as well as a Union government which controlled the mainland with jurisdiction over foreign affairs, defence, communications, currency, and higher education for the entire country. To allow for a more concrete and less porous Union, different forms of the Union have been proposed. On both extreme ends to the current two-government system, which inevitably will be retained for many years to come, stand two main proposals. The first is to have a single fully unified government and the second a Union that comprises three governments. According to the proponents of the single government, and make no mistake they are a definite minority, this was, in fact, the intention of both Presidents Karume and Nyerere – the founding fathers of the Union, hence their wishes should be respected. Even more so it would be more befitting to have a single government under the current trends of globalisation and regional integration.³ As for those who argue for a three-tier government - a reform which would introduce a government for Mainland Tanganyika, one for the Zanzibar isles and a government for the Union - they use mostly historical reasons and perspectives for pushing for a Union of this

³ *ibid*

design. Historically, the three tier-government motion has continued to surface through out the past decades, initially instigated by President Aboud Jumbe, the second president of Zanzibar; who had introduced it via a draft Constitution. The issue then re-surfaced with the G55⁴ motion by Union Parliamentarians seeking the establishment of a government for Tanganyika following Zanzibar's decision to join the Organization of Islamic Conference (OIC). Accordingly, given the frequency by which such a proposition keeps popping up and the tenacity exercised by its instigators, it renders it pertinent, and should therefore be taken more seriously. Other than this, several

⁴ As part of opening up the process to competitive politics, a commission was set up headed by Chief Justice Nyalali to ascertain the people's desire for change. One of the areas the commission was forced to investigate was the union matter. In response to the few dissenting voices against the union, the commission proposed a number of institutional changes to the union's structure. The proposals called for the establishment of a separate Tanganyika government in addition to the existing Zanzibar and Union government. In essence, the proposed design was to move from a union with two governments to a federation with three governments. These proposals were introduced as legislation in the National Assembly by 50 or so parliamentarians, but without much success as the CCM party not only rejected the commission's recommendations but ensured that these received no support in parliament as well.

economic and political factors have been cited in support of this scheme. Politically, it is felt that the two-government system does not allow for a partnership to exist between the two sides of the Union. Additionally, it has deprived the mainland of its sovereignty and government, and moreover, the current system has marginalised Zanzibar.

The fact that the Union Government and Tanganyika government are effectively one and the same, has given the mainland undue influence over the isles, where as the three-tier government motion would not only preserve the identity of Zanzibar but eradicate all these defects. Although such motions have received limited attention, there is indication, however that the proponents of both the single government and the three-tier government systems will not be silenced and seem to have only deferred the debate for a more propitious occasion in the future.

Brief History of Elections and Transition to Multiparty Elections

Prior to the establishment of the United Republic of Tanzania, Tanganyika mainland functioned under a *de facto* single party system with TANU (Tanganyika African National Union) emerging as a dominant political party. During this time there had only been one presidential election in 1962 with TANU winning an overwhelming majority against the main opposition

party, the African National Congress (ANC) which had failed to secure any seats in the Legislative Council. Zanzibar's election history however was of a very different nature. The contestation between the main political parties in Zanzibar over the seats of the Legislative Council began in 1957 with the Afro-Shirazi⁵ party gaining a sweeping victory over the Zanzibar National Party (ZNP)⁶ winning five of the six contested seats. Three more elections were held in January and June 1961 and in July 1963, again with the ASP securing an overall majority of the votes. However, due to significant gerrymandering by the British Protectorate government, the ZNP together with a minority party, the Zanzibar and Pemba's People's Party (ZPPP) garnered more parliamentary seats and thus came to dominate the Legislature. This arrangement did not last very long, as the ASP mounted a revolution in January 1964 which ousted the Sultan and thereafter established a

⁵ The Afro-Shirazi Party was a union between the mostly Persian Shiraz Party and the mostly African Afro Party

⁶ The ZNP was a coalition of the Arab association and the Nationalist Party of the Subjects of the Sultan - a party chiefly formed to protect Arab aspirations. Although the party did for a brief period campaign on the platform of Africa for Africans and claimed that it was non-racial and nationalistic, this was purely a political gimmick. The ZNP was an Arab organisation and was supported by most members of the Arab community.

revolutionary government headed by Abeid Amani Karume.

The revolutionary government revoked the 1963 Independence Constitution and proceeded to govern Zanzibar by means of Presidential Decrees. In February 1977 the ruling ASP in Zanzibar merged with the TANU party of the mainland to form the Union party Chama Cha Mapinduzi (CCM), effectively creating a one party state. After 30 years of single party rule, multiparty elections were held in 1995 following several legislative amendments which paved the way for the elections. These had been recommended by the Nyalali Commission which President Mwinyi established to make recommendations on whether it was advisable to introduce a multiparty system. The legislative revisions included the 8th Amendment to the Constitution, the establishment of the Registrar of Political Parties and the passing of the Political Party Act of 1992, which stipulated that new political parties had to be registered with the Registrar of Political Parties with a minimum of 200 members each from the 10 regions in the country, including Zanzibar and Pemba. In addition, parties had to satisfy the Registrar that they were not formed on an ethnic, regional and religious or sectarian basis.

The United Republic of Tanzania is now heading for the third local and general election scheduled for 30 October this year. Much has

transpired since the 1995 multiparty elections; Tanzania, for starters, has successfully evolved from a nominally multi-party political system to a potentially competitive multiparty system. It has experienced plural democracy in parliamentary by-elections and local government elections; and has even attempted to reform its governance institutions, among others. In essence, however, Tanzania is a country that is still going through a democratic transition process. Unlike Mainland Tanzania, Zanzibar has not been as fortunate, in that a combination of historic factors have produced ethnic relations that have become a constant political issue. Political tensions in Zanzibar have been drawn out over the decades and the 2001 election conflicts revealed that ethnic tensions and identifications are still deeply rooted, with the potential to halt the democratic process. In January 2001, demonstrations held by the Civic United Front in Pemba against the apparent flawed process and gerrymandering result of the October 2000 elections in Zanzibar, culminated in the loss of lives and, some would argue, grave human rights violations. The second Muafaka⁷ agreement followed

⁷ Zanzibar's political crisis following the 1995 multiparty elections was first settled, in June 1999 through a Commonwealth-mediated agreement called the Muafaka 1 accord. The Commonwealth reconciliation efforts were directed largely by the Secretary General Chief Emeka

suit, after considerable pressure was brought to bear on CCM and CUF to seek conciliation rather than confrontation. Since then Zanzibar's reconciliation and accommodation processes guarded by the Muafaka accords have continued to play a significant role in the isles' politics, and it is against this background that the forthcoming multiparty elections in Zanzibar should be viewed.

Constitutional and Legal Framework of Elections

Institutions of law and constitutional making:

The United Republic of Tanzania has a unicameral National Assembly called "Bunge" with a total of 274 seats. In addition to the 232 seats elected by popular vote in single member constituencies and the 37 seats allocated to women, five seats go to members of the Zanzibar House of Representatives. The Members of Parliament serve five-year terms. In addition to enacting laws that apply to the entire United Republic of Tanzania, the Assembly enacts laws that apply only to the mainland, although there have been instances in which the Union Parliament enacts laws on non-union matters which extend to Zanzibar. The isle's legislature - the House of Representatives - is responsible for enacting the

Anyaoaku. Muafaka 1 however, was never implemented due to the lack of political commitment which was further fuelled by suspicion between the parties.

legislation of Zanzibar, it has effective powers in non-union matters only. The House has five categories of members: popularly elected members, ten nominated members, ten women members nominated by the Electoral Commission from the list submitted by all political parties that have obtained more than 10% of the elected seats, five regional commissioners, and the Attorney General.

In recent years, Zanzibar has seen other progressive approaches to constitutionalism, such as introducing a number of breakthrough institutional structures and government organs vested with powers to advance constitutional reforms. These include the Law Reform Commission, which arguably is currently non-functional, but nonetheless has the potential to objectively play a critical role in ensuring that the process of law reform is comprehensive and fully covers the key issues of constitutional development that require consideration. Additionally there is the recently instituted Ministry of Constitutional Affairs vested with the task of consolidating the rule of law and depoliticising the system of prosecution⁸.

Legal Framework of Elections:

Presidential and parliamentary elections in Mainland

⁸ Kituo Cha Katiba (KCK) – East African Centre for Constitutional Development Fact Finding Report of Muafaka Agreement, April 2003

Tanzania are held according to the Constitution of the Republic of Tanzania, 1977 (with relevant amendments), the Elections Act, 1985 (Act No.1 of 1985) with all the amendments up to and including 30 June 2000, and the Political Parties Act No. 5 of 1992. Local government and town council elections are regulated under the Local Authorities (Elections) Act, 1979 (Act No.4 of 1979). Zanzibar however has a separate Constitution and Elections Act. The following legislation regulates the isles' elections:

- i. The Zanzibar Constitution of 1984 with amendments up to 1995,
- ii. The Ninth Constitutional Amendment Act, 2002.
- iii. The Zanzibar Election Act of 1984, with amendments up to 1995.
- iv. The Election (Amendment) Act, 2000.
- v. The Election (Amendment) Act, 2001.
- vi. The Election (Amendment) Act, 2002.
- vii. The Political Parties Act, 1992.

Constitutional amendments and electoral reforms

As in other transitional societies', essential constitutional and legislative foundations that endeavour to make plural and competitive elections possible have been established in the United Republic of Tanzania. The debate on a more inclusive constitution that will guide the transitional political system and one that contains additional democratic rules relating to elections still rages on, however. Many of the pro

reform groups and dissatisfied opposition parties continue to make demands for a more comprehensive constitution, hoping to arrive at a consensus between them and the incumbent party. According to these dissenting voices, that despite the 1994 constitutional changes that established multiparty systems and opened the way for the first multiparty elections in 1995, several issues remain outstanding and would best be addressed by constitutional reform. In fact, some opposition parties, most notably CUF contend that for elections to be free and fair in Tanzania, the existing constitutions of the Union and Zanzibar should be completely discarded and be replaced by new ones. Essentially according to CUF the existing electoral laws that emanate from these constitutions contain provisions that simply underline the dominance of a single party system, and to amend them would not suffice as this merely builds on and incorporates the assumptions upon which these provisions were based; assumptions that by and large enhance the position of the incumbent party. Hence a completely different constitution is needed with provisions based on fresh and new assumptions.

It is unlikely that such aspirations will come to pass; the ruling CCM government however, has undertaken several electoral reforms sought by CUF since the first multiparty elections. One of the areas in which electoral

reform was effected was via changes to both the Elections Act of 1985 and the Local Authorities Act of 1979 and the Zanzibar Elections Act of 1984. Those effected in the year 2000 were through Act no.4 of 2000 and Act No.10.of 2000. The same year saw the 13th amendment to the Constitution. A number of areas introduced in the 13th constitutional amendment are worth noting. Firstly there was the simple majority issue, whereby according to Article 41 (6) a presidential candidate needed only a simple majority to win the presidency and not more than 50 percent of the votes, as was the case in the past. It was argued that this would save the tax payer from paying for presidential elections re-run. Secondly, prior to the amendments, the mainland President did not have the power to nominate anybody to Parliament save for the Attorney General, women in special seats and those representing the Zanzibar House of Representatives. The 13th Amendment now allows the President to nominate up to ten Members of Parliament, enabling the President to nominate representatives of disadvantaged groups such as the disabled, women and youth. Thirdly, the 13th amendment saw an increase in the number of special seats for women from 15 percent to 20 percent.

In recent months some of the proposals that had been introduced by the reformists prior to the 13th Constitutional amendment of 2000, have begun to gain momentum. As

expected, the forthcoming elections have given these proposals a new impetus. The single candidacy proposal for example has once more come to the foreground of constitutional debates. Currently independent candidates do not have the right to run for office, the law stipulates that a candidate can only contest for a parliamentary seat or the presidency through a registered political party. This, argue the reformists, is rather unfortunate as it contradicts the freedom of association provision in the Constitution. Besides reintroducing the independent candidacy amendment proposal, several fresh election related-amendments to Act No.5 of 1992 have in addition been proposed. It has been proposed that political parties should be able to unite and apply for recognition by the Registrar after the merger has been effected. The proposed amendments also suggest that any political party that would receive less than 3 percent of the total votes in a presidential election should automatically be deregistered. Automatic deregistration would in addition apply to a party if it failed to secure a single legislative post or be without councillors in at least five villages in local government elections. In matters that are less momentous, the proposed law continues to suggest that parties should be required to maintain permanent records of their members in each region and have offices in both parts of the union. There is also the 14th Constitutional

amendment bill which seeks among other issues, to increase the number of special seats for women from 20 percent to 30 percent as well as the number of MPs appointed by the President; to include not less than five women. These amendments have received the support of many of the political parties consulted, the Attorney General's Chambers, as well as the isles and union electoral commissions. It remains to be seen however, if any will be transformed into legislation, to be added once again onto the bandwagon of past constitutional amendments.

Muafaka II led legal and constitutional amendments

As already mentioned Muafaka II was a reconciliation agreement between CCM and CUF as a response to the events of January 2001. The terms of Muafaka II were similar to those of Muafaka I with an emphasis placed on governance issues. Both of the peace accords addressed the two most powerful elements that combined to form political conflicts in Zanzibar: racial identity and the political system. The former, as it was soon discovered, was much more difficult to address as it is a persistent and intractable issue that is much less amenable to negotiation. The latter offered a more effective solution as the political conflict in Zanzibar needed at best to be addressed from a governance standpoint. Regarding the areas to which both parties were to adhere, the agreement contained 15

articles which covered mostly contentious issues such as:

- review of the Constitution and electoral laws;
- reform of the Zanzibar Electoral Commission (ZEC) and the judiciary;
- compilation of a credible voters' register;
- equal access to the media;
- free political activity;
- independent assessment of CUF compensation claims;
- ending the CUF parliamentary boycott; and
- giving the CUF two more parliamentary seats.

Because the Muafaka II Accord is central to the constitution and governance issues of the islands, it is necessary to give the agreement some consideration. In 2002 the Agreement was entrenched in the Zanzibar Constitution via the 8th and 9th amendments. Given this background it is important that its implications on the constitutional developments and electoral laws are examined.

One of the most important reforms introduced by Muafaka II via the 8th and 9th amendments to the Constitution was the restructuring of the Zanzibar Electoral Commission (ZEC) from its original composition. Section 119 of the Constitution was amended to allow for the inclusion of two members of the commission appointed by the President upon the advice of the opposition in the House of

Representative. Similarly two more members were to be appointed upon the recommendation of the leader of government business in the House. Furthermore, the chairman of ZEC was required to be a person who has been or has the qualification to be appointed judge of the High Court or Court of Appeal anywhere in the Commonwealth; and lastly but not least the ZEC was empowered to appoint its own returning officers. A further reform introduced under the framework of Muafaka II related to the establishment of a permanent register of voters.

A new sub-section (3) (a) of section 7 of the Constitution of Zanzibar empowers the House of Representatives to provide in a law for the establishment of a permanent register of voters. This was done in section 13 of the Elections Act, 1984, as amended by Act No.12 of 2002. These reforms including others such as those relating to village leaders (shehas), and residence requirement laws⁹ did much in rectifying the ostensibly impartial electoral process.

⁹ In amending the electoral laws the absolute powers of the village leaders (shehas) over voter registration were reduced, and the residence requirement laws reduced the number of years a person was allowed to participate in elections after moving into a new area from 5 to 3.

Election Administration NEC and ZEC

The responsibility for managing elections in Tanzania is vested in two election supervisory bodies. The 1977 Constitution of the United Republic of Tanzania, Article 74(1) gives administrative and supervisory powers for the Union elections to the National Electoral Commission (NEC), and the Elections Act of 1985 and the Local Authorities (Elections) Act of 1979 govern the conduct and operation of the Commission's electoral duties. The first NEC was appointed on 17 January 1993 and is stipulated to be an independent neutral institution in articles 74(7) and (11) of the Constitution of Tanzania.

Besides the aforementioned legal framework, the Commission is also empowered to make regulations which are relevant to the day to day activities pertaining to electoral duties. While the laws give legal power to the NEC as the custodians of election administration and management for the Union elections, the mandate for administering Zanzibar elections is granted to the Zanzibar Electoral Commission (ZEC) by article 119 of the 1984 constitution.

Like NEC, ZEC has powers to issue regulations, directives, notices and subsidiary electoral laws governing the administration of elections.

Thus, NEC and ZEC have statutory powers and are the supreme organs in all matters concerning the Union and Zanzibar elections respectively. The Commissions, however, consult on a regular basis during the implementation and execution of their duties, as required by both the Constitution of the United Republic of Tanzania (1977) and the Constitution of Zanzibar (1984).

Both Commissions are mandated to perform similar electoral functions. The functions of the NEC are to supervise and coordinate the registration of voters in the presidential and parliamentary elections in the United Republic, and Councillors Elections in the Mainland; to supervise and coordinate the conduct of presidential and parliamentary election in the United Republic, and Councillors elections in mainland Tanzania; to review the boundaries and demarcate the United Republic into various areas for the purpose of parliamentary elections; to declare elected, Members of Parliament for women special seats; and to declare elected councillors for women special seats.

The functions of the ZEC, on the other hand as stipulated by sections 5 and 6 of the Elections Act No.11 of 1984, are to supervise the general conduct of the presidential, members of the House of Representatives, and local authorities elections in

Zanzibar. Supervision includes, among other demarcation of constituencies into polling districts, appointing registration officers and coordination of registration process.

Composition/organizational structure of NEC and ZEC

The NEC is a seven-member body comprising a Chairman, a Vice-chairman and five members. The Chairman must be a Judge of the High Court or the Court of Appeal and one of the other Commissioners must be a member of the Tanganyika Law Society.

Furthermore the Vice-Chairman is appointed on basic principle that when the chairman of NEC comes from one part of the Union, the Vice-chairman must come from another part of the Union.

Regarding the remaining five commissioners, one must be a member of the Tanganyika Law Society, while the other four members must be persons with experience in the conduct and supervision of parliamentary elections or with other qualifications deemed appropriate by the President. According to section 4(1)(d) of the Elections Act 1985, the four other members of the commission are to be “persons possessing either adequate experience in the conduct or supervision of parliamentary elections or such other qualifications as the President considers necessary for or pre-requisite to the effective

discharge of the functions of the commission.”¹⁰

The President appoints all the members for five year terms, and, under the Constitution, they are prohibited from being members of any political party. Also certain members are further disqualified by the Constitution from appointment as Commissioners. These are cabinet ministers and deputy ministers; members of parliament; local government councillors; and leaders of political parties.

In addition to the seven presidential appointed Commissioners, the NEC has a secretariat as well as a Director of Elections. The Director of Elections is the Chief Executive of the NEC and the Secretary to the Commission. He is not a member of the NEC, nor does he have a vote. He is however, appointed by the President upon recommendation by the Commission.

The Zanzibar Electoral Commission (ZEC) also comprises seven members. The act stipulates that the following members will be appointed by the President of Zanzibar; the chairperson of the commission with relevant qualities as the President may feel appropriate. Other members are appointed on the following criteria: one from Tanganyika Law Society; and other four members must be persons with experience in the conduct and supervision of

parliamentary elections, or with qualifications considered appropriate by the President for the job. The ZEC is given the responsibility to appoint its deputy-chairperson among the other appointed members. The constitution also provides three clear guidelines (other than death) for the removal from office of any member of the Commission, namely: completion of a five-year term since appointment; the occurrence of anything that would have stopped a member to be appointed, if the person is not a member of the Commission; and removal by the President of Zanzibar. All those appointed and involved in the management and administration of elections are barred from belonging to a political party.

During an election both Commissions have several committees, such as the international organisations and observers committee; supplies and logistics; press and public relations; government and political parties; civic educations and NGOs; electoral authorities and electoral processes, and coordination in which all registered political parties are represented to create confidence in the electorate.

Beside the registered political parties, relevant stakeholders from the public and private institutions as well as independent citizens also form the committees. Regular consultative meetings are held between the committees and political parties at the national level and between the Returning Officer and

¹⁰ Handbook of Tanzania Election Laws and Regulations, 2000

political parties at the constituency level.

Financing

The finances of both the NEC and ZEC have become an issue of contention in Tanzania. It is not so much the escalating cost of elections that is the problem but rather the commissions' dependence on foreign sources and the caustic relations that have ensued as a result of this reliance.

As in many other countries in the region, the specific institutions necessary and responsible for administering or governing multiparty politics have experienced numerous financial difficulties over the years; the two electoral commissions in Tanzania are no exception.

What makes the situation even more complex in Tanzania is that finances for both institutions are largely dependent on and determined by the often contradictory political dynamics existing both within the international community and the government. To make matters worse, the Constitution and Elections Act of 1985 do not secure funds for the commissions.

The Commission in Mainland Tanzania in fact operates as a department of the Office of the Prime Minister. This means it has no independent budget or the legislative right to be allocated funds directly from the government budget and it is thereby fiscally controlled by the Office of the Prime Minister.

In almost each election administered by both Commissions thus far, operations have had to be undertaken with insufficient funding. And although it is not exactly easy to assess the exact impact of inadequate funding on the Commissions' administrative capacity, both institutions continue to stress that it affects their ability to meet many of their responsibilities. For instance, in the 1995 report, the NEC places blame for almost all its shortcomings on the untimely funds from both the government and donors. It believed, as did others who observed the process, that the "commission was not given early and timely funds to enable it to carry out its election activities in accordance with its timetable", and that this situation was actually the "main cause of most of the problems which surfaced during the elections". In order to avoid financial difficulties and the inconsistent releasing of funds, the Commissions have recommended the creation of an election fund in which money would be deposited during the inter-election period for use during an election, rather than wait until an election year for the mobilisation of funds.

It may be interesting to note that election bill for the Union's 1995 elections came to a total of US\$38 million with donors supplying a third of these costs. This increased only slightly for the 2000 elections which came to TSh39, 893,379,900, 86% of which was covered by the

government and the remaining 14% was provided for by the donor community. The election bill for the Union's 2000 elections was anticipated to increase by a much higher percentage, had it not been for the measures the NEC had taken to reduce the costs. For example, it put an end to the practice of paying allowances to polling agents and also combined and redesigned certain forms to cut down on printing expenses. In addition, several amendments were made to some of the legislation, which helped reduce the costs considerably as the amendments allowed all the three elections – presidential, parliamentary and councillors' elections – to be conducted and supervised by the NEC only in all the constituencies. As for this year's Union elections, the approximate costs likely to be incurred by the NEC are expected to go up to a staggering US\$50 million because of the introduction of the permanent voters' register¹¹.

The establishment of the Union's permanent voters register for the 2005 elections itself was expected to cost Tshs37 million. As for the overall budget for ZEC's permanent voter's exercise, it received about Tshs 305 million¹² from the government and expected a total of

¹¹ At the time of writing NEC's estimated election budget stood at 40 million Tshs of which US\$9 million will be covered by the donor community

¹² Approximately US\$3 million at the exchange rate of US\$1=1114 Tshs

US\$1,501.31 from donors of which about 85% of the donor funding for this undertaking has already been delivered.

To date, the ZEC's budget for the October presidential and parliamentary elections is estimated at approximately US\$1.9 million of which half may be covered by donors through the Election Basket Fund (see charts below for a detailed break down of estimated budget and breakdown of amount requested from donors). Only nine donor countries Denmark, the EU, Finland, the Netherlands, Norway, Sweden, the UK, UNDP and Canada are involved in funding the Zanzibar elections. Tensions however have arisen between the donors and the government, with donors already threatening to halt their financial contributions.

At the time of writing, the government has expressed their concern over the conditions placed on donor assistance. Most recently the Minister of State in the Chief Minister's Office was quoted saying that as much as the government appreciated assistance from donors, it has seen that it needs to free itself from their interference and argued that the government has the capacity to undertake the entire exercise and does not see why it should not face the whole financial load on its own.

It is hoped that at some point differences between the parties will be overcome, or else the Commission will

most likely experience similar setbacks as those of 1995 and in 2000 elections, most notably late releases of funds, insufficient funds, and undue pressure from the donors.

Table 1: Estimated ZEC budget for 2005 Presidential and Parliamentary Elections in Tshs:

Item	Estimated Cost
Ballot Boxes	205,340,000.00 ¹³
Stationery	96,723,500.00
Machines	204,200,000.00
Forms	27,554,000.00
Ballot papers	315,000,000.00
Legal Issues (i.e. printing of constitution, guidelines on accepted ballots)	78,175,000.00
Voter Education	330,420,000.00
Election Expenses (allowances and logistics)	920,834,000.00
TOTAL	2,178,246,500.00

Source: Zanzibar Electoral Commission

Table 2: Request for funds from donors in US dollars

Item	Requested amount
Election Materials	490,270
Ballot boxes and security seals	318,770
Indelible ink and batteries	55,000
Other stationery	78,100
Election Forms	38,400
Election Support	336,750
Logistics Consultancy	87,210
IT Consultancy	47,150
IT Support	50,000
Candidate Management System	143,480
Feasibility Study Project	58,910

Source: Zanzibar Electoral Commission

Level of Preparedness:

A successful election requires among other things careful planning, proper coordination of the various actors, an efficient system of procurement and disposal of resources (including finances, materials, manpower and services) and proper

management and supervision of all the processes involved such as the nomination process, and the permanent voters register exercise. The following is a brief assessment on how both NEC and ZEC have to date, fared on administering some of these tasks. For starters, both Commissions released the election time tables on time, at least three months in advance which announced the nomination dates for the presidential and parliamentary elections, as well as informed the contesting political parties of other relevant particulars regarding the nomination process. One political party; CHADEMA (Chama cha Demokrasia na Maendeleo), however did voice concerns over the way NEC purportedly handled the nomination process, claiming that the Commission breached its election rules and regulations. According to the opposition party, the NEC had allowed presidential aspirants to pick nomination forms at its headquarters which contravenes the NEC's regulations. The proper procedures, in fact, stipulate that the nomination forms be taken to the parties' offices and not permit the candidates to collect them from the offices of the Commission, as this allows/provides opportunity for premature campaigning. On the issue of the permanent voters register exercise, NEC's performance was commendable. Very few complaints on the overall exercise were raised by the political parties and other stakeholders. ZEC's implementation of the

¹³ ibid

exercise on the other hand experienced some bottlenecks, and although it managed to overcome some of these problems on the various aspects of the exercise such as the registration centres, competence of registration officials, security and supervision and training of the registration officials, the exercise was overall marked by some administrative and managerial irregularities which had been overlooked by ZEC.¹⁴

Review of 2000 Elections and Election Results

Zanzibar Elections

The 2000 elections in Zanzibar were contested by several political parties. However, the two strongest parties who had been at loggerheads with each other throughout the first five years of multiparty politics were CCM and CUF. These parties as it so happened had also been the strongest competitors for the first multiparty elections in 1995 where the CCM claimed victory with less than 1% margin. CUF without hesitation declared the CCM 1995 victory fraudulent and thus boycotted the House of Representatives. The political tensions that began in 1995 continued to polarise the political life in Zanzibar, creating an atmosphere which ensured that both parties experienced a further face off in the 2000 elections, irrespective of the conduct or results of the

elections. Thus the 2000 elections unfortunately mirrored the 1995 election. Again CUF refused to recognise these elections which it judged not free and fair, and declared it fraudulent, even though the ruling party gained a clear majority in the House of Representatives and in the presidential elections. In fact, the new CCM candidate, Amani Abeid Karume, won with 67% as opposed to Seif Shariff's Hamad 33% of the votes, and CCM won 34 of the 50 seats in the House of Representatives in Zanzibar, giving the CCM a two-thirds majority (see election results below).

The CUF nonetheless refused to recognise the results, boycotted the House of Representatives once again and demanded a complete rerun of the elections. CUF's rejection of these elections was made on several grounds. The most pertinent of which was ZEC's misconduct of the elections where CUF alleged that ZEC had administered the elections chaotically and that the elections overall were mismanaged, particularly the voting process.

There were indeed, several incidents during the election day which indicated that the ZEC was to a large extent inefficient. The ZEC for instance, failed to deliver election materials and instruments to 16 constituencies in the Urban West Region of Unguja, and some polling stations had no officials manning the process. As a result of such chaos, the

ZEC annulled elections in these 16 constituencies and stopped elections altogether in the remaining 34 constituencies.

It was not surprising then, that several foreign observers' statements were negative, many commented on the obvious mismanagement of the voting process by the ZEC. The OAU observer group, contrary to their track record, released a very strong statement against the processes. Overall it declared, that given the conditions under which the elections were held, it was unable to endorse the 2000 Zanzibar general elections as having been free and fair and called for new elections to be undertaken throughout Zanzibar.

The demand to hold new elections by the opposition parties and the foreign observer groups, was however rejected by the government, and only 16 of the mismanaged constituencies conducted new polls. The re-run was boycotted by CUF, which resulted in yet another serious political stalemate between the two parties.

This standoff culminated in a violent confrontation between CUF demonstrators and the police in Pemba in January 2001. The result was that 31 people were killed and more than 2000 fled to Kenya as refugees. These events, as previously mentioned eventually led to Muafaka II; the political party reconciliation agreement.

¹⁴ The Second Update will contain a detailed analysis on the permanent voters register exercise.

29 October/5 November 2000 Presidential Election

Candidate (Party)	Number of Votes	% of Votes
Amani Abeid Karume (CCM)	248,095	67.04%
Seif Shariff Hamad (CUF)	122,000	32.96%

29 October/5 November 2000 House of Representatives Elections*

Party	Number of Seats
Chama Cha Mapinduzi	34
Civic United Front	16

Source: African Elections¹⁵

The Union Elections of 2000

Unlike the Zanzibar elections, Tanzania's second multiparty elections proceeded without much interruption and received the endorsement of most of the international observer groups; who judged it as relatively free and fair. The contest itself however was a foregone conclusion. Seeing that President Mkapa ran for the second term, and whose victory was a certainty, there was no anticipation of opposition party gaining victory in these elections. Despite this, it was sadly observed that the opposition, given its major winnings in the first multiparty elections, failed to gain the same number of seats in the assembly the second time round (See election results below). The number of

¹⁵ Out of a total 76 seats-50 are directly elected, an additional 10 of the legislature's seats are filled by presidential appointment, five go to government-appointed regional commissioners, 10 to women on a party basis in proportion to the elected seats and one goes to the attorney general.

opposition seats in Parliament was reduced by 41 seats, down to a total of 14 seats. This was blamed largely on their inability to field a single candidate for the second elections, which many observers felt would have given the opposition parties an advantage and enabled them to make significant electoral inroads.

Despite the endorsement these elections received from the international community, the opposition arena itself were highly sceptical of the electoral process. The opposition voiced their concerns over CCM's tactics which they alleged produced an unlevelled playing field. For starters the abolition of state subsidies to political parties reduced the opposition's financial ability to campaign adequately; secondly there were concerns that CCM, through the use of the police, intimidated opposition during rallies. Additionally access to the dominant government media was unequal since, according to the opposition, they were denied access to it.

In the end, however what actually emerged from these elections was the fact that the political opposition in Tanzania was fragmented and marginal. They experienced a huge reduction in popular support due to several factors most notably defections and power struggles within the opposition. Not much has changed since then, and it remains to be seen in the forthcoming elections if these parties have overcome such

destructive habits and consolidated themselves as real actors in the political arena.

29 October 2000 Presidential Election

Voter Turnout: 84.4%
Total Votes: 8172,284

Candidate	Number of Votes	% of Votes
Benjamin Mkapa (CCM)	5,863,201	71.74%
Ibrahim Lipumba (CUF)	1,329,077	16.26%
Augustine Mrema (TLP)	637,115	7.80%
John Cheyo (UDP)	342,891	4.20%

29 October 2000 National Assembly Election

Voter Turnout: 72.8%

Party	Number of Seats
Chama Cha Mapinduzi (CCM)	244
Civic United Front (CUF)	15
Chama Cha Demokrasia Maendeleo (CHADEMA)	04
Tanzania Labour Party (TLP)	03
United Democratic Party (UDP)	02
Unawarded	01

Source: African Elections

Media

Tanzania's media scene has developed rapidly since the advent of the multiparty era in mid 1990s. In particular private media has expanded quickly, exposing most Tanzanians to alternative communication tools. To a degree most are relatively mature and knowledgeable about political institutions and processes. Yet both public owned and private media continue to come under heavy

criticism during elections. In both the elections of 1995 and 2000, despite the presence of electoral laws and policies that provide strict guidelines for the media to provide non-partisan coverage among others, we saw a media environment in which political parties continued to face unequal access. Furthermore, the interchange of political ideas over the press and over the airwaves continued to be biased, and much of the information on election processes tended to be inadequately analysed and inappropriately communicated to the electorate.

The 2000 elections especially revealed that all the news distributors, which included the following failed to discharge their duty to inform the electorate impartially. Both private media and government owned media appeared to be biased in various degrees in favour of the ruling party. According to the Media Monitoring group of the 2000 elections, the weight of coverage of both private and public media was overwhelmingly in favour of the CCM. The ruling party received 72.69 percent of news coverage on radio and television from the beginning of October until the election. The next largest share was that of the Civic United Front with 11.98 percent.¹⁶ There were some private broadcasters however, who genuinely attempted to balance the coverage, and it

¹⁶ Elections 2000 Media Monitoring Project – Interim Report

was further observed that state owned media gave more time and space to cover views and activities of the opposition political parties as compared to the 1995 elections.

It appears from the political coverage of recent months, however, that little has changed since the 2000 elections. Some editorials and headlines printed in newspapers and new bulletins are clearly divisive and biased. Opposition, in addition, has begun to voice their concerns. Some of the opposition spokesmen were recently heard accusing the government for suppressing the media and undermining fair play in the coverage of opposition parties.

Type of broadcast and print media operating in Tanzania:

Electronic Media:

ITV (Independent Television)
DTV (Dar es Salaam Television)
TVT (Television Tanzania)
ATV (Abood Television)
TVZ (Sauti ya Tanzania Zanzibar)
Star TV
CTN (Cable Television Network)

Radio:

RTD (Radio Tanzania Dar es Salaam)
Radio 5
RFA (Radio Free Africa)

Printed Press

Mtanzania
Majira
Uhuru
Mwananchi
Nipashe
Mzalendo
Taifa Letu
Rai

Tanzania Leo
Sunday Observer
The Guardian
The African
Daily News
Sunday News
Leo ni Leo
Zanzibar Weekly
Zanzibar Leo

Much has been done by the government to not only change this trend but generally govern the behaviour of the media during elections. Some special media regulations have been instituted as a measure of levelling the playing field. The media outlets themselves however regard the regulations to be minimal and, as such, have tended to voluntarily self-regulate by adopting a series of self-limiting regulations. In July 2000, for example, under the auspices of the Media Council a Code of Conduct to govern media was formulated. This was a manifesto for both print and electronic media on how to cover the political events in the run up to the general elections. Areas of emphasis in the media policy included focusing on the importance of providing balanced and impartial reporting; providing voter education, seeking the truth for journalists reporting on elections; promoting democratic values; refraining from publishing a party's content that violates the Constitution or the election law; and many more.

The media practitioners promulgate this Code of Conduct as the best means to cover the upcoming elections. It should be noted that the

objectives of this manifesto referred to the Electoral Act itself, which is currently the only formal regulation aimed at governing the behaviour of the government owned media during elections. Section 53 of the Elections Act provides strict guidelines, stating that all the presidential candidates and political parties participating in an election “shall have the right to use the state radio and television broadcasting service during the official period of the election campaign”. The Act continues to stipulate that “every print media owned by the government which publishes information relating to the electoral process shall be guided by the principle of total impartiality and shall refrain from discrimination in relation to any candidate journalistically and in the amount of the space dedicated to them”.

In addition to these regulatory provisions, the law has handed over the responsibility for oversight of the state owned media to both Electoral Commissions, who are empowered to issue binding directives. A statutory body has also been given the task to ensure that mass media organisations in the mainland do not overstep their responsibilities or abuse cultural values. This is the Content Committee, which is an arm of the Tanzania Communications Regulatory Authority (TCRA). This job was previously under the responsibility of the Tanzania Broadcasting Commission, which has, since August 2003 been merged with the

Communications Regulatory Authority in the pursuit of a more incisive apparatus.

Political Parties

Political party registration

The Political Parties Act of 1992 which applies to both Zanzibar and the mainland provides for the establishment of the office of the Registrar of Political Parties which is responsible for regulating and governing the operations of political parties. The President appoints both the Registrar and his deputy. In the performance of his functions the Registrar is required to consult regularly with the Minister responsible for legal affairs. The Act protects the Registrar and his officers from being sued provided they perform without negligence and in accordance with the functions stipulated in the Act.

The Political Parties Act of 1992 also allows for the registration of political parties by the Registrar Office. Party registration follows two stages. First there is a provisional registration of six months in which political parties are required to apply for before the final registration. The provisional registration requires a political party to only hand over an application form and a party constitution. On the other hand, for the registration of the final phase, parties are required to have at least 200 members who qualify as voters from each of at least ten regions of the Union, of which at least two regions must be in Zanzibar.

Registration of parties is further conditional on their non advocacy of religious, ethnic, racial or regional interests. Parties can also be denied registration if they advocate for the breaking up of the Union, advocate the use of force/violence, and fail to allow for periodic and democratic elections of their leadership. The Registrar is empowered to cancel any party which does not fulfill the above conditions and/or contravenes any of the provisions stipulated in the Political Parties Act of 1992.

This year’s elections have seen over 7 new parties registering; Jahazi Asilia, Sauti ya Umma, Tanzania Peoples Organization for Democracy and Development (TAPODD), Chama Cha Ukombozi was Demokrasia ya Watu Masikini (Chudewema), Solidarity of United Party (SUPA), National Democratic Party for Rehabilitation (NDPR-Marejesho) and National Patriotic Front (NPF). Currently 18 political parties have full registration and six others are only provisionally registered (see list below). A few of these parties experienced some minor hiccups during the registration process. In May this year, the TLP (Tanzania Labour Party), NRA (National Reconstruction for Alliance) and UDP (United Democratic Party) were almost deregistered for failing to fulfill some of the registration conditions. According to the Registrar of Political Parties John Tendwa, TLP for example had registered without having any officially

recognised office bearers. In response to Tendwa's threat to deregister the party, its chairman Augustine Mrema quickly convened an extraordinary conference to elect new officials of the party. Among those elected were several officials who had been kicked out earlier this year. NRA's threat of deregistration was on the grounds that it did not have a national outlook due to its lack of representation in Zanzibar. In the end these three parties managed to overcome some of these deficiencies and were eventually registered. There were, however two political parties which Tendwa struck off the provisional registration list altogether. These were the Tanzania's Peoples Congress (TPC) and Soft Party which had been granted provisional registration in November 2004, and were required to have met all the conditions by April this year. Both parties had failed to provide proof that they had 200 members in at least ten of Tanzania's regions including Zanzibar and Pemba.

Political Parties with full registration:

Chama Cha Mapinduzi (CCM)
 The Civic United Front (CUF)
 Chama Cha Demokrasia na Maendeleo (CHADEMA)
 Union for Multiparty Democracy (UMD)
 National Convention for Construction and Reform (NCCR Mageuzi)
 National League for Democracy (NLD)
 National Reconstruction for Alliance (NRA)

Tanzania Democratic Alliance Party (TADEA)
 Tanzania Labour Party (TLP)
 United Democratic Party (UDP)
 Demokrasia Makini (MAKINI)
 United Peoples Democratic Party (UPDP)
 Chama cha Haki na Ustawi (CHAUSTA)
 The Forum for Restoration of Democracy (FORD)
 Democratic Party (DP)
 Progressive Party of Tanzania (PPT-MAENDELEO)
 Jahazi Asilia
 Sauti ya Umma

Political parties with Provisional Registration:

National Democratic Union of Tanzania (NDUTA)
 Tanzania People's Organization for Democracy and Development (TAPODD)
 Chama Cha Ukombozi wa Demokrasia ya Watu Masikini (CHUDEWAMA)
 Solidarity of United Party (SUPA)
 National Democratic Party for Rehabilitation (NDPR-MAREJESHO)
 National Patriotic Front (NPF)

Political Party Code of Conduct:

A new Code of Conduct for political parties was signed in the beginning of August this year by 18 of the registered political parties. The Code of Conduct is a five page document considered as a gentlemen's agreement between political parties, the government and the National Electoral Commission. It had been suggested that an independent council be formed to oversee its implementation rather than

the Registrar of Political Parties, who had initially proposed to be the overall overseer.

This proposal, however, was opposed by many political parties and other stakeholders. Among the rules contained in the document aimed at guiding the activities of political parties during the campaigning include the prohibition of political violence, hatred, and mudslinging. According to the document "each political party is duty-bound to avoid and condemn abusive language, intimidation and all acts likely to lead to violence". The document, in addition, encourages the government owned media, both print and electronic to provide fair coverage to all political parties throughout the election period.

The document further requires that authorities should not interfere with NEC scheduled rallies; that NEC should not change the campaigning timetable without full consultation; that religious leaders should not engage in campaigns and security officers should not use excessive force in maintaining order. The Code of Conduct was signed in the hope that it would create political tolerance and level the electoral field for all political parties.

Presidential candidates for the Union and Zanzibar isles 2005 elections

The number of candidates in the 2005 Presidential elections has almost doubled compared

to that of 2000 elections. There were only three opposition presidential candidates contesting the Union presidency and five for Zanzibar's presidential contest in 2000 elections. Currently there are eleven candidates who have registered to contest the Presidential elections in mainland Tanzania. For a person to qualify as a presidential candidate in mainland Tanzania, he/she is required to present to the NEC a letter of introduction indicating endorsement by its party to run for the presidency. For Zanzibar's elections a total of four opposition presidential candidates have been registered, with two candidates cases however disqualified after the Zanzibar Electoral Commission discovered that their forms had not been duly filled as required. The registered presidential candidates are as follows.

Union Presidential Candidates:

Jakaya Kikwete - Chama Cha Mapinduzi (CCM)

- Henry Kyara – Sauti ya Umma (SAU)
- Ibrahim Lipumba – Civic United Front (CUF)
- Emmanuel Makaidi- National League for Democracy (NLD)
- Freeman Mbowe - Chama cha Demokrasia na Maendeleo (CHADEMA)
- Augustine Mrem - Tanzania Labour Party- (TLP)
- Christopher Mtikila - Democratic Party (DP)

- Sengondo Mvungi - National Convention for Construction and Reform- Mageuzi (NCCR- MAGEUZI). He is also supported by the Forum for Restoration of Democracy (FORD), National Reconstruction Alliance (NRA), Union for Multiparty Democracy (UMD), and the United People's Democratic Party (UPDP).
- Anna Senkoro - Progressive Party of Tanzania-Maendeleo (PPT-Maendeleo).
- Leonard Shayo - Demokrasia Makini (MAKINI)

Zanzibar Presidential candidates:

- Amani Abeid Karume – Chama Cha Mapinduzi (CCM)
- Seif Hamad Sharif – Civic United Front
- Mariam Mohammed Ali – Sauti Ya Umma (SAU)
- Haji Omar Kitole – Jahazi Asilia
- Abdallah Ali Aballah – Democratic Party (DP)
- Ameir Ali Haji – United People's Democratic Party (UPDP) (Disqualified)
- Rashid Ahmed Rashid - National League for Democracy (NLD) (Disqualified)

Primary elections

The focus in this section will largely be on CCM, CUF, and a few smaller parties such as TLP and CHADEMA, as these were the parties that displayed the most established nomination procedures, and to some degree their models

were even considered to be democratically competitive models. Compared to the other parties, however, CCM had the most clearcut and transparent system for nomination. It must be noted that a description of the internal nomination process of all parties is not easy as the process for some of the smaller parties was secret. It is however clear according to the author's observations that some of the smaller parties' nomination processes were hectic, and characterised by several defections a few days prior to holding the nominations. For others, nomination models did not even exist and many relied on a combination of hand picking and self proclamation models.

Chama Cha Mapidunzi

A total of 11 candidates contested this years CCM Union presidential nomination, six candidates less than in 1995¹⁷. These were: Prof Mark Mwandosya the Minister for Communications and Transport; John Malecela CCM's Vice Chairman for Mainland; Jakaya Kikwete Minister for Foreign Affairs and International Co-operation; Dr. Abdallah Kigoda Minister of State in the President's Office; Ali Abeid Karume Tanzania's Ambassador to Germany; Dr Salim Ahmed Salim ex Secretary General of the OAU and currently chairman of the Nyerere Foundation; Iddi Simba member of parliament;

¹⁷ There were 17 candidates for the CCM presidential nomination in 1995

Patrick Chokala Tanzania Ambassador to Russia; John Shibuda former member of the National Executive Committee; Frederick Sumaye Prime Minister of Tanzania; and Dr. William Shija MP and former cabinet minister. Each candidate had to fulfill 13 qualifications in order to qualify as a CCM presidential candidate as set by the National Executive Committee of the party.

The 13 point set nomination criteria included leadership experience in government and public institutions; cleanliness from corruption and other vices; possession of a university degree; commitment and ability to defend the union; and the ability to govern.

CCM nomination model is contingent on three decision-making organs. These are the National Executive Committee (NEC), the Central Committee (CC) and the National/Party Congress. The actual selection of the candidates begins with a submission of aspiring candidates names to the party's secretary general who in turn submits them to the Central Committee (CC). The CC with a membership of 25 to 30 does not eliminate any name from the candidature list; it only provides the NEC with crucial evaluations of the candidates.

Its task is to simply draw up a shortlist of five candidates and recommend them to the NEC which could either accept or alter the list. It is then the NEC's responsibility with 230

members, to select no more than five candidates and present these names to the party congress to be elected by secret ballot by close to 1200 delegates.

The candidate chosen to contest under CCM's ticket was Jakaya Kikwete who won by a landslide majority of 1,072 votes against Salim Ahmed Salim's 476 and Prof Mwandosya's 122 votes. Prior to his selection the CC interviewed the candidates and short listed five: Jakaya Kikwete, Dr. Salim A. Salim, Prof Mark Mwandosya, Dr. Abdallah Kigoda and Frederick Sumaye.

The five candidates were then interviewed and discussed by the NEC which eventually recommended three names, by NEC votes, to the party's national conference which met on 4 May 2005. Those who failed to make the grade were Prime Minister Frederick Sumaye and Dr. Abdallah Kigoda after polling 30 and 21 votes respectively to Kikwete's 78, Salim's 45 and Prof Mwandosya's 33 votes.

The nomination process itself was rampant with allegations of corruption. Throughout the endorsement period¹⁸ some of the presidential candidates were accused of bribing party members and supporters. There were reports that some of the presidential candidates had sent agents to meet secretly with members of the

¹⁸ Each candidate is expected to be endorsed by party members through out the country for their nomination be accepted

National Executive Committee for the purpose of bribing them for their endorsement. Given the attention placed on such alleged corrupt practices, further reports were heard that CCM had set up a special team to assess the movement and conduct of the suspected presidential aspirants. Despite these setbacks, the congress was attended by almost all of its members, with a 96 percent attendance record by eligible delegates; this apparently was the biggest ever extraordinary party congress since the first multiparty congress in 1995. The party's nomination model itself received enormous praise from the international community. Many hailed the level of transparency during the screening and endorsement of CCM's Union and Zanzibar presidential candidates.

With regards to Zanzibar; the procedure varied slightly with the candidate scrutinized first by a special Zanzibar committee of the NEC, then the CC and finally the NEC. Two names were submitted to the Party's National Executive Committee, after there were screened in Zanzibar by the 83 member special Committee of the NEC. These were the incumbent President Amani Abeid Karume and former Chief Minister Dr Gharib Bilal, who eventually pulled out of the race before the CC's selection/screening process. President Karume received massive endorsement from the 207 NEC members; he polled 197 out of 207 votes cast. Some 11 NEC members however voted against him.

**Opposition
nominations**

Many of the major opposition parties', although they may not have had such elaborate election models similar to the CCM did conduct party elections. Some did so under hurriedly set up electoral machineries and national conferences, others under nomination procedures that permitted limited competition and transparency. It is fair to say however that in almost all parties some semblance of elections took place, either via secret ballot, preferential votes or handpicked by the top leadership. CHADEMA party for example, nominated its presidential candidate for the Union presidency via a zonal preferential poll which was then endorsed by party delegates during a national conference.

As for CUF its presidential candidates for both the Union and Zanzibar's presidency were nominated in a national congress via a secret ballot. Out of the 549 votes cast only two opposed Prof Lipumba, the party's national Chairman who will contest as candidate for the Union's presidency, and two were against CUF's secretary general Seif Sharif Hamad who will race for the Zanzibar's presidency. This will be the third time the two candidates will be running for the two seats, having lost in both the 1995 and 2000 general elections.

Party

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