

**AFRICAN UNION COMMISSION**



**AFRICAN UNION ELECTION OBSERVATION MISSION TO THE 25 OCTOBER 2015  
GENERAL ELECTIONS IN THE UNITED REPUBLIC OF TANZANIA**

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**FINAL REPORT**

**DECEMBER 2015**

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The AUEOM wishes to express special gratitude to His Excellency Armando Emilio Guebuza, former President of the Republic of Mozambique, who, along with Her Excellency Dr. Aisha Laraba Abdullahi, Commissioner for Political Affairs of the African Union Commission (AUC), provided leadership for the Mission. Their wealth of experience and insights strengthened the work of the Mission.

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The Mission's work in Tanzania would not have been possible without the dedication and commitment of its technical staff from the African Union Commission and the Electoral Institute for Sustainable Democracy in Africa (EISA) who, collectively, were the primary drafters of this report and other statements issued by the Mission.

**ACRONYMS**

ACDEG	African Charter on Democracy, Elections and Governance
ACT	Alliance for Change and Transparency
ADC	Alliance for Democratic Change
AFP	Alliance for Tanzania Farmers Party
APRM	African Peer Review Mechanism
AUC	African Union Commission
AUEOM	African Union Election Observation Mission
BVR	Biometric Voter Registration
CCK	Chama Cha Kijamii
CCM	Chama cha Mapinduzi
CHADEMA	Chama Cha Demokrasia Na Maendeleo
CHAUMMA	Chama cha Ukombozi wa Umma
CHAUSTA	<i>Chama cha Haki na Ustawi</i> (Justice and Development Party)
Citizens	United Front
CRC	Constitutional Review Committee
CSOs	Civil Society Organizations
DP	Democratic Party
EAC	East African Community
ECF SADC	Electoral Commissions Forum-SADC
EISA	Electoral Institute for Sustainable Democracy in Africa
EU	European Union
MAKINI	Demokrasia Makini (Attentive Democracy Party)
NCCR	National Convention for Construction and Reform
NCCR-Mageuzi	The National Convention for Construction and Reform – Mageuzi
NEC	National Electoral Commission
NRA	National Reconstruction Alliance
PAM	Pre-Election Assessment Mission
PNVR	Permanent National Voters' Register
SADC	South African Development Community
SADC-PF	SADC-Parliamentary Forum
SAU	Sauti ya Umma
TADEA	Tanzania Democratic Alliance
TANU,	Tanganyika African National Union
TLP	Tanzania Labour Party
UDHR	Universal Declaration of Human Rights
UKAWA	Umoja wa Katiba ya Wananchi
UMD	Union for Multiparty Democracy
UPDP	United People's Democratic Party
ZEC	Zanzibar Electoral Commission

## EXECUTIVE SUMMARY

An African Union Election Observation Mission (AUEOM) deployed to the 25<sup>th</sup> October 2015 General Elections in the United Republic of Tanzania held from the 14<sup>th</sup> – 30<sup>th</sup> October 2015 following an invitation from the Government of Tanzania and the National Electoral Commission of Tanzania.

The main objective of AUEOM was to provide a critical and impartial assessment of the preparations and conduct of the 2015 elections and the extent to which they were compliant with regional, continental and international principles for democratic elections to which Tanzania has committed itself. To achieve this, AUEOM observers closely followed the electoral process and held consultations with several stakeholders in Tanzania. The leadership of the Mission also held consultations with key stakeholders in the country.

The AUEOM assessed the 2015 General Elections in Tanzania in conformity with relevant regional, continental and international principles governing democratic elections, as well as the national legal framework for elections in Tanzania.

Based on observations and consultations held before, during and after the 25<sup>th</sup> October 2015 general elections, the AUEOM made the following findings and conclusions, among others:

- The 2015 general elections was the fifth since the introduction of multiparty politics. The elections were held against a background of an incomplete constitutional reform process, which began in 2012. The elections were also highly competitive since for the first time in the history of multiparty elections in Tanzania, the four main opposition parties belonging to the UKAWA alliance, united around a single presidential candidate.
- The electoral legal framework in the United Republic of Tanzania guarantees basic rights and freedoms relating to the conduct of democratic elections and to a large extent, is in line with international and regional instruments such as Universal Declaration of Human Rights (UDHR), African Union Declaration on the Principles Governing Democratic Elections in Africa, the Africa Charter on Democracy, Elections and Governance (ACDEG), and the Southern Africa Development Community (SADC) Principles and Guidelines Governing Democratic Elections. However, gaps were found to exist in the legal framework including lack of provisions for stakeholders to challenge the results of boundary delimitation and presidential elections once they are decided and announced by the NEC; lack of recognition of the right of independent candidates to contest in legislative and presidential elections which limits the

right to full participation in the political life of the country; the lack of legal provisions for the establishment of formal party coalitions which limits the freedom of association; and the manner of appointment of the NEC and ZEC, which is not sufficiently inclusive to allay concerns about the independence of election management bodies.

- The fast-track procedure applied by the courts to electoral petitions, and the additional training provided to judges in order to expedite the adjudication of electoral disputes are also commendable steps to ensure a speedy electoral dispute resolution system. However, the lack of legal recourse regarding the declaration of presidential results by the electoral management bodies constitutes a limitation on the right to recourse and due process.
- The election management bodies were able to register over 22,700,000 out of the targeted 23,500,000 voters, which represents a commendable 96.5% of all eligible citizens. These high figures dispelled the notion that the voter registration process was not inclusive, and was manipulated to favour the ruling party as alleged by some political forces.
- NEC developed a curriculum and action plan for voter education and partnered with 378 Civil Society Organizations (CSOs) in the mainland and 77 in Zanzibar in the provision of voter education. For quality control, NEC provided the voter education curriculum to the CSOs. Despite these commendable efforts, NEC pointed out that there was still a gap in the provision of voter education, which was attributed to budgetary constraints.
- The AUEOM took note of the fact that the entire electoral process was funded using Tanzania's own resources and that the preparations for the elections were on schedule, despite some budgetary constraints in the early stages of the process. Overall, NEC and ZEC conducted the electoral process with professionalism and competence.
- Overall, voting on election day took place in calm and peaceful atmosphere despite initial concerns over security. The AUEOM therefore concluded that the 2015 general elections were conducted in a generally peaceful atmosphere.

The AUEOM made the following recommendations for improvement of future electoral processes in Tanzania:

- Finalise the constitutional reform process in order to address constitutional-level challenges to the fairness of the electoral process identified in this report, namely to introduce the possibility of legal recourse regarding boundary delimitation and presidential election results;
- Consider provision of independent candidates for presidential and parliamentary elections to enhance political competition;
- Review the process for appointment of the electoral commissioners in order to bolster their actual and perceived independence;
- Strengthen the countrywide election management structure, placing it under NEC/ZEC supervision to further enhance their independence and efficiency.
- Take further steps to improve women's participation as candidates, both in presidential and parliamentary elections;
- Share the election calendar and other relevant information with relevant stakeholders in a timely manner;
- Improve consistency in the application of election day rules and procedures, namely assistance to voters, sealing of ballot boxes, inking of voters' fingers, placement of polling booths, and priority access for the elderly and expectant mothers;
- Improve voter education and information on the location of their polling stations and voting procedures, especially the marking of the ballot paper;
- Make polling stations more accessible to voters with disabilities; and
- Where possible, increase the number of polling booths to make the voting process swifter.



## I. INTRODUCTION

1. At the invitation of the Government of the United Republic of Tanzania and the National Electoral Commission (NEC), the Chairperson of the African Union Commission (AUC), H.E. Dr. Nkosazana Dlamini Zuma, deployed an African Union Election Observation Mission (AUEOM) to the 25<sup>th</sup> October 2015 General Elections of the United Republic of Tanzania.
2. The AUEOM was led by H.E. Armando Emilio Guebuza, former President of the Republic of Mozambique, assisted by Dr. Aisha Abdullahi, the African Union (AU) Commissioner for Political Affairs and comprised 50 observers drawn from the Pan-African Parliament, African Ambassadors to the African Union Commission in Addis Ababa, Election Management Bodies and African Civil Society Organisations (CSOs), Human Right Institutions, Think Tanks and experts from several African countries.<sup>1</sup>
3. A team of experts from the AUC, the Pan-African Parliament and the Electoral Institute for Sustainable Democracy in Africa (EISA) supported the Mission.
4. The mandate of the AUEOM to observe the 25<sup>th</sup> October 2015 Presidential, Parliamentary and Councilor's elections was derived from the provisions of the African Charter on Democracy, Elections and Governance (ACDEG), which came into force on 15<sup>th</sup> February 2012; the AU/OAU Declaration on the Principles Governing Democratic Elections in Africa (AHG/Decl. 1 (XXXVIII)); the African Union Guidelines for Election Observation and Monitoring Missions both adopted by the Assembly of the African Union Heads of State in July 2002; and the African Peer Review Mechanism (APRM) Process. The AUEOM's mandate is further strengthened by other relevant regional and international benchmarks for election observation, such as the SADC Principles and Guidelines Governing Democratic Elections; the Declaration of Principles for International Election Observation, and its accompanying Code of Conduct which the AU endorsed in 2005; and the national legal framework governing the conduct of elections in Tanzania.
5. This report presents the AUEOM's overall assessment of the 2015 electoral process in the United Republic of Tanzania and provides further details of the Mission's observations, findings and recommendations. The AUEOM's assessment of the elections is based on the principles and standards for the conduct of democratic, credible and transparent elections as enshrined in the aforementioned AU instruments.

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<sup>1</sup> . Botswana, Burundi, Cameroon, Ethiopia, Ghana, Lesotho, Liberia, Malawi, Mozambique, Nigeria, Rwanda, Saharawi Republic, Sierra Leone, Somalia, South Africa, Swaziland, Tanzania, The Gambia, , Uganda, Zambia, and Zimbabwe, Kenya, and Seychelles.

## II. OBJECTIVES AND METHODOLOGY

### (a) Objective

6. The objectives of the AUEOM was to:

- Provide an accurate and impartial reporting or assessment of the quality of the 25<sup>th</sup> October General Elections in the United Republic of Tanzania, including the degree to which the conduct of the elections meets regional, continental and international standards for democratic elections;
- Offer recommendations for improvement of future elections based on the findings; and,
- Demonstrate AU's interest to support Tanzania's elections and democratisation process to ensure that the conduct of genuine elections contributes to the consolidation of democratic governance, peace and stability in Tanzania in particular and the East African region in general.

### (b) Methodology

7. In order to achieve its objectives in accordance with the above-mentioned instruments, the AUEOM undertook the following activities:

- i. In preparation for a potential AUEOM, the Chairperson of the AUC approved the deployment of a Pre-Election Assessment Mission (PAM) to the United Republic of Tanzania from 9<sup>th</sup> to 18<sup>th</sup> July 2015. The overall objective of the PAM was to collect accurate information about the state of preparedness for the October 2015 elections by all stakeholders, review the broader political and electoral environment, and assess whether a conducive environment existed for the holding of transparent, free and fair elections in conformity with the principles of the AU governing democratic elections.<sup>2</sup> In pursuit of its mandate, the PAM held consultations with a range of stakeholders in Tanzania from 10<sup>th</sup> -17<sup>th</sup> July 2015. The stakeholders included representatives from NEC, Zanzibar Electoral Commission (ZEC), the Ministry of Foreign Affairs and International Cooperation, Prime Minister's Office, political parties, candidates, civil society, and the Registrar of Political Parties.

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<sup>2</sup>. See Chapter 7 of the African Charter on Democracy, Elections and Governance, 2007; the OAU Declaration of Principles Governing Democratic Elections in Africa, 2002; and the AU Guidelines for Elections Observation and Monitoring Missions, 2002.

- ii. A briefing and orientation programme was organised for the observers from 19<sup>th</sup> – 21<sup>st</sup> October during which they were briefed by representatives of the National Electoral Commission, Local Election Observation Group, Academia and CSOs.
- iii. The leadership of the AUEOM consulted with key electoral stakeholders, including the National Electoral Commission, the Chief Justice of the Court of Appeals, the Ministers of Foreign Affairs and Home Affairs, the Inspector General of Police, representatives of Political Parties, the African Diplomatic Corps, CSOs and Heads of International Election Observation Missions in Tanzania. These consultations provided the Mission and its leadership first-hand information on preparations and readiness of the country to hold the general elections. It also provided the AUEOM the opportunity to appeal to all electoral stakeholders to refrain from acts that could detract from the path of democratic consolidation and take steps towards ensuring peace elections before, during and after the elections.
- iv. The AUEOM also took part in coordinating the activities of international observer groups that were present in Tanzania. In this regard, the Mission convened the post-election joint meeting of all heads of international election observation missions in Tanzania. The coordination of activities of international observer groups enabled the Mission to share information relating to deployments and the release of press statements.
- v. The AUEOM deployed 17 teams of observers in the following areas: Dar es Salaam, Mwanza, Morogoro, Dodoma, Tabora, Moshi, Arusha, Iringa, Mtwara and Zanzibar to observe the final days of the campaigns and preparations towards the 25<sup>th</sup> October 2015 General Elections. On Election Day the teams visited a total of 207 polling stations.

### III. BACKGROUND TO THE 25 OCTOBER GENERAL ELECTIONS

8. The United Republic of Tanzania comprises Tanzania Mainland (formerly known as Tanganyika) and Zanzibar (which comprises Pemba and Unguja). Since independence in 1961, elections have been a regular feature of Tanzania's politics. Six years after independence, Tanzania adopted a single-party political system under Tanganyika African National Union (TANU), which became Chama cha Mapinduzi (CCM) in 1977. A multi-party system was re-introduced in 1992, when the government adopted recommendations of the Nyalali Commission, which proposed the introduction of a multi-party system and the formation of an electoral commission responsible for the administration of elections. Consequently the Constitution was amended to reflect these changes.
9. Additionally, the Political Parties Act of 1992 was enacted to regulate the formation and registration of Political Parties. Further, the NEC was established under Article 74(1) to supervise and coordinate the conduct of Presidential, Parliamentary and Councilors' Elections. The first multiparty elections were held in 1995.
10. The 2015 general elections were the fifth since the introduction of multiparty politics. These elections were held against a background of an incomplete constitutional reform process, which began in 2012. The different political and CSO actors have divergent positions regarding the content of the proposed constitution and the process leading to its adoption. One of the main contentious issues was the structure of the Union. The CCM preferred the status quo, while opposition parties supported the Constitutional Review Committee's (CRC) recommendation of a three-tier federal government.
11. To advance their agenda, representatives of the three main opposition parties – Chama Cha Demokrasia Na Maendeleo (CHADEMA), Civic United Front (CUF), and the National Convention for Construction and Reform (NCCR) joined with delegates from civil society to form the Coalition of Defenders of the People's Constitution, or Umoja wa Katiba ya Wananchi (UKAWA). In April 2014, UKAWA announced that it was boycotting the Constituent Assembly until its grievances about the apparent rejection of key recommendations of the CRC were heard. Despite this boycott, the Constituent Assembly voted to adopt the draft constitution. However on Thursday, 2<sup>nd</sup> April 2015, the NEC postponed the constitutional referendum citing lack of an updated voters register, and the preparations for the 25<sup>th</sup> October elections which had begun, making it impractical to hold the referendum before the elections.

12. Following the delay in concluding the constitutional reform process, opposition parties sought minimum constitutional reforms ahead of the October 2015 elections that included:

- Reformation of the NEC;
- Provision for challenging of result of presidential elections and boundary demarcation;
- Provision for independent candidates in the parliamentary and presidential elections; and
- Requirement for a winning presidential candidate to garner above 50% of the total valid votes.

13. However, Parliament was dissolved before these minimum reforms were met. The 2015 elections therefore took place under the existing constitutional framework. The elections were highly competitive since for the first time in the history of multiparty elections in Tanzania, the four main opposition parties belonging to the UKAWA alliance, united around a single presidential candidate, Mr. Edward Lowassa, a former Prime Minister in the CCM government from 2005 to 2008.

#### **IV. PRELIMINARY FINDINGS AND OBSERVATIONS**

##### **(a) The Legal Framework**

14. The Constitution of the United Republic of Tanzania of 1977, Newspaper Act 1979, ZEC Elections Act No. 11 of 1984, the National Elections Act 2010, the Election Expense Act 2010, Local Government (Elections) Act 2010, the Political Parties Act 2010, and the (Presidential and Parliamentary) Regulations 2010, form the constitutional, legal and regulatory framework for elections in The United Republic of Tanzania. Other regulatory instruments include:

- NEC Code of Conduct for Presidential, Parliamentary and Councilors' Elections;
- NEC Media Code of Conduct; and
- ZEC Guidelines on Code of Ethics for Political Parties Participating in the General Elections.

15. These laws and instruments stipulate governance principles, and basic rights and freedoms relating to the conduct of democratic elections that, to a large extent, are in line with international and regional instruments such as Universal Declaration of Human Rights (UDHR), African Union Declaration on the Principles Governing Democratic Elections in Africa, Africa Charter on Democracy, Elections and Governance (ACDEG), and the Southern Africa Development Community (SADC) Principles and Guidelines Governing Democratic Elections.

16. However, some gaps were found to exist in the legal framework. Such gaps include: lack of provisions for stakeholders to challenge the results of boundary delimitation and presidential elections once they are decided and announced by the NEC; lack of recognition of the right of independent candidates to contest in legislative and presidential elections which limits the right to full participation in the political life of the country; the lack of legal provisions for the establishment of formal party coalitions which limits the freedom of association; and the manner of appointment of the NEC and ZEC, which is perceived not to be sufficiently inclusive to allay concerns about the independence of election management bodies.

##### **(b) Electoral System**

17. Parliamentary Elections: Single member plurality, first-past-the-post system. Presidential Elections: direct popular vote, plurality. This means that a candidate who wins with a simple majority of valid votes is declared a winner.

18. There are Women Special Seats in parliament, which are allocated to political parties on a proportional representation basis, depending on the number of valid votes each political party obtained in the parliamentary elections – parties that obtained at least 5% of the vote are entitled to appoint women.

### **(c) Election Dispute Resolution**

19. The Constitution prohibits enquiry by the courts into a presidential election result declared by the NEC. Electoral petitions for parliamentary elections must be made within 14 days of the announcement of results and are heard by the High Court. Resident Magistrates hear cases for local elections if submitted within 30 days of the announcement of results.

20. In addition to the judicial mechanisms established by law to adjudicate electoral disputes, the NEC set up a Dispute Resolution Committee with representatives from all competing political parties, which allows for non-judicial, consensus-based resolution of electoral disputes. The fast-track procedure applied by the courts to electoral petitions, and the additional training provided to judges in order to expedite the adjudication of electoral disputes are also commendable steps to ensure a speedy electoral dispute resolution system. However, the lack of legal recourse regarding the declaration of presidential results by the electoral management bodies constitutes a limitation on the right to recourse and due process.

### **(d) Election Management**

21. The Constitution of the United Republic of Tanzania establishes the NEC that comprises seven Commissioners who are appointed by the President of the Union. The tenure of office for each member is five years and can be renewed. The day-to-day execution of the Commission's mandate is carried out by a Secretariat at the national level, under a Director of Elections who is also appointed by the President. The functions of the Secretariat are not replicated at the regional and district levels. NEC relies on Regional and District Commissioners, who are government officials, for management of elections at those levels.

22. The functions of the NEC are provided for under Article 74 (6) (a)(b)(c)(d)(e) Constitution as follows:

- a. To supervise and coordinate the Registration of Voters and the Conduct of Presidential and Parliamentary Elections in the United Republic of Tanzania and Councilors' Elections in Mainland Tanzania;

- b. To review the constituencies' boundaries and demarcate the United Republic into various areas for the purposes of Parliamentary Elections;
- c. To provide Voter Education throughout the country and coordinate and supervise persons who conduct such education;
- d. To declare elected Members of Parliament and Councils for Women Special Seats; and
- e. To perform any other functions in accordance with a law enacted by Parliament.

23. In addition, the Elections Act 2010 states that the NEC shall be responsible for providing voter education throughout the country and shall coordinate and supervise persons who conduct such education.

24. ZEC is established under section 4 of the Zanzibar Election Act, No.11 of 1984 which stipulates that the composition, members and procedures of the Commission shall be as prescribed in the Constitution. The ZEC is responsible for:

- a. The overall supervision of the general conduct supervising conducts of all presidential, members of the House of Representatives and the local authorities' leaders;
- b. The promotion and coordination of voter education; and
- c. Divide every constituency into polling districts and publish in the government gazette a notice specifying such districts.

25. One of the main planning tools for an election is the calendar showing in details the electoral activities and timelines. Best practice requires the electoral calendar be shared with stakeholders. This is for purposes of their preparation and also as a basis for establishing the preparedness of an electoral management body. Discussion with stakeholders revealed that majority was not clear on the NEC's electoral timelines.

26. The functions of NEC and ZEC are consistent with the roles of electoral bodies as stipulated in the ACDEG. However, analysis of the Constitution revealed that the Constitution gives unilateral powers to the President to appoint members of the NEC and to remove any of them from office due to misconduct or loss of the qualifications for being a member. Similar conditions apply in Zanzibar. Based on these provisions the opposition and some CSOs questioned the independence of these Commissions and their ability to deliver credible elections. In spite of these provisions, NEC and ZEC reaffirmed to the AU Mission the existence of sufficient safeguards in the electoral framework that guarantee their independence.



### **(e) Voter Registration**

27. Voter registration is one of the most important milestones in the electoral process. It gives citizens the opportunity to exercise their rights as provided for in the Constitution. NEC is mandated by law to register eligible citizens as voters and to maintain a Permanent National Voters' Register (PNVR). The Elections Act 2010 outlines the conditions of eligibility to register as a voter. These are; (a) Be a citizen of Tanzania (b) Have attained the age of eighteen (c) Be entitled to be registered by the Electoral Act or by any other written law.
28. NEC is supposed to conduct mass registration of voters twice between the end of one election and the conduct of the next. The mass registration also serves in updating the register, which entails:
- a. Registration of new eligible voters who have attained the age of eighteen years or have qualified for registration as voters according to the electoral laws;
  - b. Removal of voters who are dead or who are no longer eligible according to the law from the register;
  - c. Rectifying any inaccurate information regarding registered voters or of people who request for their information to be rectified;
  - d. Rectifying any discrepancies occurring in the Register;
  - e. Posting fresh information of voters who may have shifted from one constituency/Ward to another Constituency/Ward; and
  - f. Giving opportunity to registered voters to inspect information contained in the register or information intended for updating.
29. In 2015, voter registration was conducted for the first time using biometric tools. The introduction of biometric voter registration (BVR) was a positive step to promote the integrity of the voters' roll, by preventing double registrations and inclusion of deceased voters. However, during the initial stages of voter registration, the NEC faced challenges in the procurement of BVR kits. According to the NEC, the projected number of kits to be procured was 15,000, however due to the high cost, the government committed to buying 8,000 to be used in the whole country. Even with the reduced numbers, the delivery was in phases with the first 250 kits arriving in country in February 2015 resulting in the late start of voter registration. The registration of the voters had to be carried out in phases in the different parts of the country starting with the Southern part and ending in Dar es Salaam. This limited the period of time the kits were in a region. On the other hand Zanzibar had 34 kits, which according to ZEC were adequate.

30. There were concerns that the insufficient number of the BVR kits would prevent the NEC from reaching its target of registering 23.5 million voters, therefore disfranchising many eligible voters. The majority of the stakeholders had indicated that the one month given for voter registration in regions was not enough. Opposition parties also referred to an allegation that the NEC favoured the strongholds of the ruling party in terms of time available for registration. The delay in the rollout of voter registration could also have impacted other phases of the process, such as verification and cleaning of the register. Staggered voter registration also had the potential to disenfranchise eligible voters as some may not be able to register when the voter registration is taking place in their respective areas of residence, and as a practice should be avoided.
31. Despite these challenges, the election management bodies were able to register over 22,700,000 out of the targeted 23,500,000 voters, which represent a commendable 96.5% of all eligible citizens. These high figures dispel the notion that the voter registration process was not inclusive, and was manipulated to favour the ruling party as alleged by some political forces.
32. It is also commendable that copies of the voters' roll were made available to all contesting political parties in a timely manner. On election day, all party agents were in possession of copies of the voter register.

#### **(f) Demarcation of Boundaries**

33. The NEC has the legal mandate to demarcate boundaries of constituencies, after obtaining the consent of the President. The Commission is required to review constituencies' boundaries at least every ten years.
34. In demarcating constituency boundaries, the NEC uses the following criteria: population size, geographical conditions, the economic status of the constituency, the size of the constituency, administrative boundaries, that a constituency does not cut across two districts or councils, that a ward does not lie in two constituencies, and number of special seats for women, among others. The Commission has set procedures for stakeholders to submit applications/recommendations for reviewing boundaries and demarcating constituencies. After considering the applications, the NEC makes its decisions, and asks for the consent of the President.
35. On 15<sup>th</sup> July 2015, the NEC announced the creation of 26 new constituencies due to population growth and creation of new wards. This decision increased the total number of constituencies to 264. Stakeholders expressed unease with the timing and the lack of transparency and inclusiveness in the demarcation process. This situation

was compounded by the fact that results of the boundary delimitation exercise cannot be legally challenged once announced by the NEC.

### **(g) Civic and Voter Education**

36. Voter education is meant to inform and to empower voters to understand their rights and responsibilities in the electoral process. It strives to improve the process of democracy by mobilizing voters to exercise their rights in choosing leaders and to enhance voters' understanding of participatory democracy.
37. Section 4C of the National Elections Act of 2010 and Section 5(b) of the Election Act, No.11 of 1984 confers the responsibility of providing voter education to NEC and ZEC respectively. NEC developed a curriculum and action plan for voter education and partnered with 378 CSOs in the mainland and 77 in Zanzibar in the provision of voter education. For quality control, NEC provided the voter education curriculum to the CSOs.
38. Despite these commendable efforts, NEC pointed out that there was still a gap in the provision of voter education, which was attributed to budgetary constraints. On election day, inadequacies in voter education and information were evident as some voters were unclear of the location of their polling stations, while others exhibited lack of knowledge on how to correctly mark the ballot paper.

### **(h) Political Parties, Candidate Nomination and Campaigns**

39. For a political party to participate in any election, it has to be duly registered under the Political Parties Act of 2010. The Act prescribes the conditions for registration under Section 10 (1) (b)15. Political parties interviewed were of the opinion that the requirements for registration were reasonable, and the process was fair, impartial and transparent. There are currently 22 registered political parties in Tanzania, but only 12 contested the elections.
40. The Constitution does not allow independent candidates to contest in elections. This provision contravenes Section 21 of the UDHR, and the African Charter on Democracy, Elections and Governance. The law does not foresee the creation of party coalitions, which prevented the UKAWA alliance member parties to run separately, and may also be seen as a limitation to the right of association.
41. The Political Parties Act 2010 under 11 (1) (a) provides for the rights and privileges of political parties to hold public meetings. However, some of the representatives of opposition political parties expressed concerns over the Tanzania Police Force

interpretation of this provision. The parties alleged that the Police insisted they should seek approval to holding public meetings rather than notifying them. This requirement according to the parties could restrict legitimate political activities of the opposition parties.

42. The electoral campaigns took place from 22<sup>nd</sup> August to 23<sup>rd</sup> October in Zanzibar and until 24<sup>th</sup> October in mainland Tanzania. Political parties in Tanzania demonstrated their commitment to conducting peaceful elections within the confines of the law by signing a binding code of conduct. The existence of a binding code of conduct is a practice to be commended. In order to monitor political parties' adherence to the code of conduct, NEC established a committee comprising political parties, NEC and government representatives.
43. Electoral campaigns were conducted in a robust, but largely peaceful manner, in line with Tanzania's culture of dialogue and tolerance, despite some regrettable incidents in the initial stages of the campaign period. Political parties and their candidates and supporters largely abided by the code of conduct, and few incidents of electoral misconduct were reported to, and pursued by the authorities. Some of these violations included the destruction of campaign materials, disrespect for the rule of closing campaign activities by 6:00 pm daily, and the use inflammatory language and speech by some candidates.

**List of presidential candidates (United Republic of Tanzania):**

1. John Magufuli – CCM
2. Eduard Lowassa – CHADEMA
3. Anna Elisha Mghwira – ACT
4. Fahmi Nassoro Dovutwa – UPDP
5. Hashim Rungwe Spunda – CHAHUMMA
6. Janken Malik Kasambala – NRA
7. Lutalosa Yembe – ADC
8. Machmillan Elifatio Lyimo - TLP

**List of presidential candidates (Zanzibar):**

1. Ali Mohammed Shein – CCM
2. Seif Sharif Hamad – CUF
3. Hamad Rashid Mohamed – ADC
4. Ambar Khamis Haji - NCCR-Mageuzi
5. Juma Ali Khatib – TADEA
6. Soud Said Soud – ATFP

**List of parties competing for legislative elections (United Republic of Tanzania):**

1. CCM	11. JAHAZI ASILIA
2. CHADEMA	12. TLP
3. CUF	13. UMD
4. NCCR-MAGEUZA	14. ADA – TADEA
5. ACT	15. CHAUMMA
6. SAU	16. CHAUSTA
7. AFP	17. MAKIN
8. APPT – MAENDA	18. UPDP
9. DP	19. CCK
10. ADC	20. NRA

**(i) Representation of Women and Minorities**

44. Women were the majority of registered voters (53%), and played an important role during the electoral campaigns. However, they faced challenges as candidates. Only one of the eight presidential candidates for Union President was female, while only about 19% of parliamentary candidates were women. The introduction of special seats for women in Parliament has mitigated their under-representation, but falls short of assuring gender parity, as the composition of the outgoing Parliament, where only 36% of MPs were women, demonstrated.

**(j) Media**

45. Article 39 (2) of the Constitution states that “The State shall guarantee the freedom of the press and other media as shall be regulated by law in a democratic society.” This is further amplified under Section 53(1) of the Elections Act of 2010. However, CSOs expressed the concern that the right to press freedom as guaranteed by the Constitution may be curtailed by laws namely the Cyber Crimes Act and the National Statistics Act.

46. Political parties were entitled to equal free access to the public media for broadcasting of their campaign adverts and messages according to a time quota regulated by the NEC, which allowed all parties to publicise their campaign manifestos in the public media.

47. However, according to stakeholders' perceptions, the media environment was quite polarised. The public media was alleged to favour the ruling party, while the private media was perceived to favour the opposition.

### **(k) Preparedness of the National Electoral Commission**

48. Preparation for the general elections needs to be understood against the background that the entire electoral process was funded by Tanzania own resources. Interactions with the NEC and ZEC as well as stakeholders, revealed that the preparations for the elections were on schedule, despite some budgetary constraints in the early stages of the process. Procurement of most election materials was done in a timely manner; the voter register was finalised and displayed for verification by the voters; to promote accessibility of voting, more than 64,000 polling stations were established throughout the country; and to ensure that the ballot paper information was correct, sample ballot papers were printed weeks ahead of the election date for proofreading by political parties and returning officers. Overall, both election management bodies conducted the electoral process with professionalism and competence.

### **(l) Citizen and International Election Observation**

49. In the spirit of transparency, more than 80 citizen election observer groups and 30 international election observer missions were accredited and given full access to all stages of the process.

50. The AU Mission noted with concern the requirement for observer missions to submit copies of their preliminary statements to the NEC prior to their release with written acknowledgement of receipt.

### **(m) Security**

51. The Tanzania Police Force provided security to the overall electoral process. On election day other security branches in the country assisted them given the high number of polling stations. The security forces generally acted professionally and restraint throughout the process, no significant security threats to the electoral process materialised.

## **V. ELECTION DAY OBSERVATIONS**

52. On election day, the Mission observed opening, voting and counting in more than 200 polling stations in urban and rural areas in 9 regions. AU observers had full access and were able to observe freely all election day activities, with the exception of two polling stations where access had to be negotiated due to lack of knowledge about the rights of accredited international observers on the part of polling officials.

### **(a) Opening the polls**

53. Almost all observed polling stations opened on time. The opening of polls was peaceful and well conducted. All observed polling stations had long queues at opening time, but voters were patient and orderly.

### **(b) Polling stations and election materials**

54. The overwhelming majority of observed polling stations were provided with all the materials required for the smooth conduct of the process. There were some cases of faulty stamps that were promptly replaced. However, in one polling station in the Kawe constituency in Dar es Salaam voting began after 3.30 pm due to delays in the arrival of ballot papers.

55. The layout of the polling stations was generally conducive to allow easy flow of voters, and secrecy of the ballot. The Mission however noted that the placing of only one voting booth in some polling stations slowed the voting process considerably.

56. Ballot boxes were transparent in keeping with international best practices, and were colour-coded to make voters easily distinguish between the different elections.

### **(c) Voter turnout**

57. From the AU Mission observations, voter turnout was high throughout the country with an average of 64% of the polling stations observed.

### **(d) Voting procedures**

58. All ballot boxes at the observed polling stations were adequately sealed, but an inconsistent numbers of seals were used, varying from 2 to 4.

59. In 9% of observed polling stations, some voters were observed being turned away without voting, mainly for being at the wrong polling stations. However, those voters were directed to the correct polling stations by polling officials. The NEC made arrangements for voters whose names were not on the voters roll but were in possession of a voter's card to vote after completing a prescribed form.
60. The size and layout of 7% of the observed polling stations partly compromised the secrecy of the vote, due to the position of voting booths and overcrowding. In some instances, polling officials and party agents went into the voting booths with assisted voters, and witnessed the marking of the ballot papers, which is also a violation of the secrecy of the vote.
61. The AU observers noted that all voters requiring assistance received it, but in almost 30% of observed polling stations polling officials assisted them, which was a breach of the electoral law.
62. Although most voting procedures were followed in the overwhelming majority of observed polling stations, the Mission observed inconsistencies in the inking of voters' fingers, with cases of voters inking their own fingers. Other procedural inconsistencies observed were related to party agents sometimes performing tasks reserved by law for polling officials, such as inking voters' fingers and checking voters' cards, and the different positions of polling booths inside the polling stations.
63. In one polling station in the Misewe B3 polling centre, in the Segerea constituency in Dar es Salaam, an AU observer team witnessed multiple voting by the Presiding Officer, who, having voted more than once, had not inked his finger by the time the team left the polling station.

#### **(e) Election personnel**

64. All visited polling stations had the required personnel to function smoothly throughout voting day. The AU observer teams generally assessed the election personnel on duty at the polling stations to have performed their tasks with dedication, competence and professionalism.

#### **(f) Participation of women and minority groups on Election Day**

65. In several polling stations, the elderly and expectant mothers were not given priority, as is best practice on the continent. It was also noted that a quarter of observed



polling stations were not fully accessible to voters with disabilities due to location, or lack of access ramps.

66. Women were observed in big numbers participating in the process, as voters, polling officials and observers except as party agents where they were less than one-third.

#### **(g) Party agents and independent observers**

67. Party agents from the two major parties, CCM and CHADEMA, were found at most observed polling stations, and were able to monitor the process without hindrance. Other political parties were also found, but in much smaller numbers.

68. International and citizen observers were also observed at many polling stations. Several citizen observer groups were deployed on Election Day, having covered more than 5,000 polling stations throughout the country. Other international observer missions included SADC, Electoral Commissions Forum (ECF)-SADC, SADC-Parliamentary Forum (PF), East African Community (EAC), Commonwealth, and European Union (EU).

#### **(h) Security**

69. The environment was peaceful in all observed polling stations. The presence of security agents was noted at most observed polling stations, and their conduct was generally professional and discreet.

#### **(i) Closing and counting procedures**

70. The closing and counting process environment were peaceful in all observed polling stations. The Mission noted that more than 90% of observed polling stations closed on time, and voters on the queues were allowed to vote.

71. The counting took place in the polling stations, immediately after the conclusion of voting and closing procedures. After counting of all the votes, Presiding Officers recorded the results in the Result Forms and requested polling agents to sign. Copies of the signed Results Forms were posted outside the polling stations and provided each political party agent with a copy, with very few exceptions observed by the Mission.

## **VI. POST-ELECTION PHASE**

72. In the presidential elections, John Magufuli (CCM) defeated former Prime Minister Edward Lowassa (Chadema), with 58.46% against 39.97%. Mr. Lowassa however rejected the election results, claiming serious irregularities and demanded a recount, which was ignored by the NEC. Ms. Samia Hassan Suluhu became the first woman Vice-President of the country.
73. Voter turnout was 67.34% (15,596,110), and invalid votes represented only 2.58% of all votes cast.
74. CCM won the parliamentary elections, but with a smaller majority compared to the previous elections. It garnered 188 of the 264 directly elected seats (71%), down from 186 of the 239 seats (78%) in 2010. The opposition informal coalition (Ukawa) took 34 seats (12.8%), up from 23 in 2010.
75. Of the 368 seats allocated, women occupy 133 (36.34%). The breakdown for the 133 women in parliament is as follows: 23 were elected from constituencies, and 110 were elected through proportional representation.

## VII. CONCLUSIONS AND RECOMMENDATIONS

### (a) Conclusion

76. The 25<sup>th</sup> October 2015 general elections in the United Republic of Tanzania were an important step in the consolidation of democracy and stability of the country. The AUEOM commended the people of Tanzania for their commitment to upholding democracy as demonstrated by their patience and peaceful conduct during the entire electoral process. Equally commendable were efforts by all candidates, who demonstrated leadership by committing themselves to peaceful elections. The AUEOM also appreciated the professionalism exhibited by the security agencies in providing unobtrusive security measures for the elections throughout. The AUEOM concluded that the 2015 general elections were conducted in a generally peaceful atmosphere.

### (b) Recommendations

Based on the above findings, the AUEOM made the following recommendations for the improvement of future electoral processes in Tanzania:

#### ***Parliament:***

- Finalise the constitutional reform process in order to address constitutional-level challenges to the fairness of the electoral process identified in this report, namely to introduce the possibility of legal recourse regarding boundary delimitation and presidential election results;
- Introduce a legal provision which caters for independent candidates for President and Parliament to enhance political participation;
- Review the process for appointment of the electoral commissions in order to bolster its actual and perceived independence; and
- Strengthen the countrywide election management structure, placing it under NEC/ZEC supervision to further enhance their independence and efficiency.

***The Election Management Bodies:***

- Share the election calendar and other relevant information with relevant stakeholders in a timely manner;
- Improve consistency in the application of election day rules and procedures, namely assistance to voters, sealing of ballot boxes, inking of voters' fingers, placement of polling booths, and priority access for the elderly and expectant mothers;
- Improve voter education and information on the location of their polling stations and voting procedures, especially the marking of the ballot paper;
- Make polling stations more accessible to voters with disabilities; and
- Where possible, increase the number of polling booths to make the voting process swifter.

***Political Parties:***

- Take further steps to improve women's participation as candidates, both in presidential and parliamentary elections.

**Annex 1: Deployment Plan**

<b>No.</b>	<b>NAME</b>	<b>COUNTRY</b>	<b>LOCATION</b>	<b>TRANSPORT</b>
1.	▪ H.E. Armando Guebuza	HEAD OF MISSION	<b>DAR ES SALAAM</b>	
	▪ Dr. Aisha Abdullahi	AUC		
	▪ Mr. Carlos Pessane	Mozambique		
	▪ Mr. John Mugabo	AUC		
	▪ Amb. Moelefe Mmamosadinynana	Botswana		
	▪ Mr. Ahmed Makhtar Awed	AUC		
2.	▪ Hon. Sulaiman Sisay	Sierra Leone	<b>DAR ES SALAAM</b>	
	▪ Mr. Nzaana Geoffrey	Uganda		
3.	▪ Ms Angela Ngwalo	Malawi		
	▪ Hon. Samba JALLOW	The Gambia		
4.	▪ Dr. Catherine M. Kamindo	Kenya		
	▪ Mr. Elmond SHONGWE	Swaziland		
5.	▪ Ian Goredema	Zimbabwe		
	▪ Hohetemisrak Samuel Tsige	Ethiopia		
	▪ Mrs. Hussaina Mashi	Nigeria		
6.	▪ Mrs Lilian Mahiri	Kenya		
	▪ John Pokoo	Ghana		
7.	▪ Mr. Daniel KASSA	Ethiopia	<b>Mwansa</b>	<b>flight</b>
	▪ Hon. Z. CHARUMBIRA	Zimbabwe		
8.	▪ Ms. Irene Nwangi	Kenya	<b>Dodoma</b>	
	▪ Mr. Matheantoa SELEBALO	Lesotho		
9.	▪ Ms. Faith ADU	Kenya	<b>Zanzibar</b>	<b>Flight</b>
	▪ Francis ACQUAH-AIKINS	Ghana		
10	▪ Hon Said Brahim SAID	Saharawi Republic	<b>Zanzibar</b>	<b>Flight</b>
	▪ Ms. Susan MWAPE	Zambia		
11	▪ Dr. Samuel AZU'U FONKAM	Cameroon	<b>Morogoro</b>	
	▪ Ms. Maseara FOSA	Lesotho		
12	▪ Dr. Tachilisa BALULE	Botswana	<b>Tobora</b>	<b>Flight</b>
	▪ Ms. Yoseph EDEN	Ethiopia		
13	▪ Ms. Advocate Pansy Tlakula	South Africa	<b>Arusha</b>	<b>Flight</b>
28   Page	▪ Mr. Sangwani MWAFULIRWA	Malawi		
14	▪ Mr. Bernard ELISABETH	Seychelles	<b>Moshi</b>	<b>Flight</b>

	▪ Mrs. Liberata KIBURAGO	Burundi		
15	▪ Hon. Mohammed ABDIAZIZ	Somalia	<b>Arusha</b>	<b>Flight</b>
	▪ Mr. Gibril SESAY	Sierra Leone		
16	▪ Mr. Abdullahi Garba Faskari	Nigeria	<b>Iringa</b>	<b>Flight</b>
	▪ Ms. Mawane SITHEBE	Swaziland		
17	▪ Mr. Kennedy Nyaundi	Kenya	<b>Mtwara</b>	<b>Flight</b>
	▪ Ms. Nansamba Deborah	Uganda		
	<b>Mr. Samuel Mondays Atuobi</b>		<b>Ms. Estelle Abegouo, 0689329481</b>	
	<b>Mr. John Mugabo</b>		<b>Ms. Charlote Marc, 0689420948</b>	
	<b>Mr. Ahmed Makhtar Awed</b>		<b>Ms. Melanie Janenems, 0789839771</b>	
	<b>Mr. Mulgata Shume</b>		<b>Mr. Miguel Brito, 0757463652</b>	
	<b>Mrs. Hiwot Debebe</b>		<b>Ms. Pertunia Sikhosana, 0687568665</b>	