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WHY ELECTORAL DEMOCRACY FAILS TO MEET STAKEHOLDERS' EXPECTATIONS IN TANZANIA COMPARED TO SOME GROWING DEMOCRACIES IN AFRICA:

Background, Progress, Setbacks, Disappointments, and Threats



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List of Abbreviations/Acronyms

AAEA	Association of African Election Authorities (AAEA) is a platform that unites the heads of Election Management Bodies across the African continent to engage in dialogue, share experiences, establish standards, and exchange lessons and best practices in election management. The initiative was first proposed in Zimbabwe in November 1994 and was formally established in Eritrea in 1997. Currently, it has 45 members, including the Electoral Commission of Tanzania. Its secretariat is hosted by the Electoral Commission of Ghana (ECG).
ACT-Wazalendo	Alliance for Change and Transparency-Wazalendo (the youngest and fastest growing opposition party in Tanzania. It is part of the government of national unity in Zanzibar)
AMNUT	All-Muslim National Union of Tanganyika-AMNUT (a party established in July, 1959 in Tanganyika, but it was later banned in 1965)
ANC	African National Congress-ANC (established in June, 1958 in Tanganyika, but it was later banned in 1965)
ASP	Afro-Shirazi Party (a nationalist party established on 5 th February, 1957 in Zanzibar, merged with TANU in 1977 to form CCM)
AU	African Union (a regional body for African countries focused on promoting unity and development across the continent)

BAKWATA	Baraza Kuu la Waislam Tanzania/ The National Muslim Council of Tanzania
CCM	Chama cha Mapinduzi (the revolutionary state party-a governing party in Tanzania formed as merger of two political parties; TANU based in Tanganyika and ASP from Zanzibar on 5 th February, 1977)
CCT	Christian Council of Tanzania (a religious umbrella organization for protestants in Tanzania)
CHADEMA	Chama cha Demokrasia na Maendeleo, (the party for democracy and development-the main opposition party in Tanzania)
CSOs	Civil Society Organisations (non-governmental and not-for-profit organisations)
CUF	Civic United Front, (the opposition party in Tanzania)
EAC	East African Community (a sub-regional body for East African Countries).
ECJ&P	Ecumenical Centre for Justice and Peace (ECJ&P), (a youth empowerment NGO based in Kenya)
ECOWAS	Economic Community of West African States (a sub-regional body for West African countries).
EISA	Electoral Institute and Sustainable Democracy in Africa, an election and democracy NGO based in South Africa
EU	European Union (a political and economic union of European countries aimed at fostering integration and cooperation.

- FBOs** FBOs Faith Based Organisations (are groups, denominations, or institutions guided and influenced by specific belief systems, such as Christianity, Islam, Bahá'í, Judaism, Hinduism, or traditional spiritual practices.)
- GPI** The Global Peace Index (a report on the state of global peace, released every year).
- GSoD** Global State of Democracy (a democracy index released annually).
- IEBC** Independent Electoral and Boundaries Commission, (the electoral management body for the Republic of Kenya)
- IEC** Electoral Commission of South Africa
- INEC** Independent National Electoral Commission, (the newly established electoral management body for the United Republic of Tanzania)
- International IDEA** International Institute for Democracy and Electoral Assistance
- KAS** Konrad Adenauer Stiftung, a German Political Foundation with its headquarters are in Berlin, represented internationally through 111 offices across 80 countries.
- NCCR-MAGEUZI** National Convention for Construction and Reform-Mageuzi (an opposition party in Tanzania)
- NEC** National Electoral Commission of Tanzania (the former electoral commission which has been changed into INEC)
- NGOs** Non-Governmental Organizations (not-for-profit, non-state actors with formal leadership structures, results oriented and with designed interventions guided their objectives)

- ORPP** Office of the Registrar of Political Parties in Tanzania, (a public institution mainly responsible for the registration of political parties in Tanzania)
- REDET** Research and Education for Democracy in Tanzania (a unit under the Department of Political Science and Public Administration at the University of Dar es Salaam. Its main purpose is to conduct researches on democracy, promote democratic governance in Tanzania and provide civic education to citizens)
- SADC** Southern African Development Community (a sub-regional body for Southern African countries, although it also includes other countries)
- TAA** Tanganyika African Association (a political organization formed in 1929 in Tanganyika, it was later transformed into a national political party known as TANU for demanding freedom)
- TANU** Tanganyika African National Union (a nationalist party established on 7th July, 1954 in Tanganyika)
- TCD** Tanzania Centre for Democracy (TCD) is a non-governmental organization (NGO) founded by parliamentary political parties on July 5, 2005, and officially registered in 2006. It was established to serve as a cross-party platform for parliamentary parties to collaborate in building and strengthening a culture of multiparty democracy through dialogue, consultation, strategizing, and implementing an agenda for democratic development.
- TEC** Tanzania Episcopal Conference, (the Assembly of Catholic Bishops in Tanzania)

- TEMCO** Tanzania Election Monitoring Committee (a consortium under the leadership of REDET established in 1994 by civil society organisations for the purpose of monitoring elections in Tanzania. Despite being accredited for monitoring all the multiparty elections in Tanzania since its establishment, NEC denied it accreditation for monitoring the 2020 general election).
- UN** United Nations (an international organization founded in 1945 after World War II. Its primary purpose is to promote international cooperation, maintain peace and security, and foster friendly relations among nations).
- USA** United States of America (a country located primarily in North America, consisting of 50 states).
- USAID** United States Agency for International Development. (It is the U.S. government agency responsible for administering civilian foreign aid and development assistance. Established in 1961, USAID works to promote sustainable development, alleviate poverty, and advance democracy and good governance in developing countries around the world).
- UTP** United Tanganyika Party (a party established in February, 1956 in Tanganyika, but it was later banned in 1965)
- ZEC** Zanzibar Electoral Commission (an electoral body mandated for conducting and supervising elections in Zanzibar)

Preface

Tanzania has experienced over three decades of multi-party democracy since its formal reinstatement in 1992. However, its foundation and pillars remain weak. It is unacceptable to note that little progress has been made during this time. Stakeholders have consistently advocated for an overhaul of the country's legal frameworks to accommodate and promote democratic principles and institutions. Unfortunately, these recommendations have yet to result in substantial reforms.

The most debated issue among stakeholders during this period has been the redrafting of Tanzania's 1977 Constitution to reflect popular sovereignty, uphold democratic principles, and establish independent public institutions to protect and sustain democracy. Stakeholders recognize the crucial role these legal reforms play in building a democratic nation. Practical lessons can be drawn from growing democracies in Africa, such as South Africa, Ghana, Zambia, Malawi, Kenya, Mauritius, Senegal, Namibia and Botswana, where legal reforms have guaranteed democratic governance and created strong institutions.

Despite numerous initiatives and engagements, the 1977 Constitution, crafted during the single-party era, remains largely unchanged, with only a few amendments made through Parliament. Although the government has repeatedly claimed to understand the concerns raised by stakeholders regarding the flaws in the country's legal frameworks, no tangible actions have been taken. For example, after the 2010 general election, the fourth-phase government established the Constitutional Review Commission, chaired by Judge (Rtd.) Joseph Sinde Warioba, a former Vice President and Prime Minister of Tanzania. Formed in 2011 following parliamentary legislation, the Commission was tasked with collecting citizen opinions on the Constitution and preparing a Draft Constitution to

be presented to the Constituent Assembly. The Commission did a commendable work with keen consideration of stakeholders' opinions and recommendations, resulting in a Draft Constitution that reflected public sentiment.

The draft document was then presented to the Constituent Assembly for review and preparation of the Proposed Constitution that was expected to be voted by citizens through a referendum.

Unfortunately, members of the Constituent Assembly were divided during the debate, with the majority advocating for a complete rewrite of the Draft Constitution rather than improving specific provisions. As a result, leaders of the opposition walked out and never returned back. Although the discussion continued and the Constituent Assembly passed the Proposed Constitution without the minority members, no referendum was held as expected. The Proposed Constitution was officially launched on October 9, 2014, by former President Dr. Jakaya Kikwete. Since then, however, there has been no progress. All efforts to achieve a new Constitution have ended in vain, and no one has been held accountable for the broken promises and misuse of public resources that could have been directed toward development projects.

In March 2021, when Her Excellency Dr. Samia Suluhu Hassan assumed office as President of the United Republic of Tanzania, she promised to initiate legal and institutional reforms for public institutions responsible for promoting and protecting political rights and freedoms. These reforms included amendments to electoral legislation to ensure free, fair, and credible elections, as well as revisiting the process of drafting a new Constitution. In pursuit of reforms, peaceful coexistence, national cohesion, and sustainable development, she introduced the 4Rs philosophy—**Reconciliation, Resilience, Reforms, and Rebuilding**—to guide her vision for the country. Her determination to advocate for changes and reforms earned her the title “President of Reforms.” Initially,

many stakeholders were encouraged by her bold stance on reforms that had long been awaited. However, as time has passed, hopes for meaningful change among stakeholders have dwindled, and uncertainties, doubts, frustrations, mistrusts, and disappointments have surged. As her administration enters its fourth and final year, the disappointing reality is that the Constitution remains unchanged, and the prospects of rewriting it appear slim.

A Quick Reflection on the Democratization Process in Tanzania Reveals Four Unacceptable Realities:-

- i. Lack of commitment and political will: There is neither genuine commitment nor political will to build a functioning democratic culture in Tanzania. Even the reinstatement of the multi-party system in 1992 was largely a response to external pressure.
- ii. Superficial government initiatives: Any government-initiated process aimed at overhauling legal and institutional frameworks—such as those governing public accountability, the multi-party system, and elections—has typically been undertaken to appease stakeholders and citizens, rather than to produce tangible outcomes. Few previous initiatives for examples the 2011 Constitutional Review Commission, the 2014 Constituent Assembly, and the 2021 Reconciliation Agenda between the government, the ruling party, and the opposition under President Dr. Samia validate this position.
- iii. Government's beneficiary status: It seems the government benefits from weak legal and institutional frameworks that limit civic space and hinder active citizen participation in democratic life. This is why the government is not genuinely committed to make substantial legal reforms and instead it defends the status quo.

- iv. Wasting public resources: The government is willing to spend public resources facilitating endless discussions and dialogues on improving legal and institutional frameworks regarding electoral democracy, but without any commitment to turning agreed-upon resolutions into actions.

Democracy is an organism expected to grow, mature, and bear fruit. It is unfortunate that, despite over 30 years of substantial investments and efforts by stakeholders in Tanzania, the country's democracy has failed to grow, mature, and deliver the fruits that the majority expected. In such a situation, stakeholders may find themselves confused, engaged in a blame game, disappointed, and divided in purpose, ultimately resigning to the status quo.

A few players who still hold hope for change have become critics, blaming the ruling party and public institutions for their partiality and negligence in safeguarding the principles of multi-party and electoral democracy and stifling the democratization process.

This book provides a reflection on Tanzania's democratization process, particularly examining the historical background and current state of multi-party and electoral democracy, the mistakes inherited from the past, the loopholes, setbacks, and threats. It also tasks, guides, and re-inspires stakeholders to take meaningful action towards building a strong democratic foundation and culture for the benefit of all.

Acknowledgment

Both the Tanzania Episcopal Conference (TEC) and Konrad-Adenauer-Stiftung (KAS) recognize and appreciate the efforts and contributions made by numerous organizations, stakeholders, experts, practitioners, and researchers from the institutions consulted, as well as individual contributors in various capacities. These collective efforts have resulted in the successful production of this book.

This book serves as a reliable reference for promoting constitutional literacy among citizens in Tanzania, based on analyses and research conducted both within and outside the country.

In particular, TEC and KAS extend their sincere appreciation for the invaluable role played by staff from the electoral bodies—IEBC in Kenya and IEC in South Africa—who were consulted by the research team. They were receptive and generous in sharing their expertise, experiences, and best practices in conducting and supervising elections. Their contributions have provided important insights, guidance, and inspiration for building a robust and credible electoral system in Tanzania.

We are also grateful to all the stakeholders of democracy in Tanzania, including public institutions, political parties, civil society organizations (CSOs), faith-based organizations (FBOs), researchers, political analysts, and activists. During interviews and the report validation workshop in 2023, they generously shared their perspectives and recommendations for building a strong democratic culture. Their insights, input, and suggestions have been instrumental in shaping the content of this book.

Lastly, we wish to express our sincere gratitude to Rev. Fr. Dr. Charles H. Kitima (PhD) and Mr. Uzima Justin Milele for their commitment to conducting interviews with election stakeholders, collecting, analyzing, and interpreting data, as well as compiling all the materials in a logical and comprehensible manner, as presented in this book.

UNDERSTANDING MULTIPARTY AND ELECTORAL DEMOCRACY IN TANZANIA:

Background, Progress, Setbacks, Disappointments and Threats.

Background to Multiparty and Electoral Democracy in Tanzania

Both political parties and competitive elections for elective positions in public domain are not new in Tanzania (both in Tanganyika and Zanzibar). They have been integral to the country's political landscape prior to and soon after independence. The colonial administration under the British rule permitted political parties to exercise their political freedoms, though within certain boundaries. History shows that both Tanganyika and Zanzibar, which later formed the current union in 1964, experienced a lively political atmosphere characterized by active political parties and civil society organizations, including cooperative societies and trade unions¹.

The registered political parties in Tanganyika were²:

- Tanganyika African National Union (TANU), formed in 1954;
- United Tanganyika Party (UTP), formed in 1956;

1 Tambila (1995). The transition to multiparty democracy in Tanzania: Some history and missed opportunities (p. 469)

2 The Presidential Commission on Single Party or Multiparty System in Tanzania, Volume One, 1991: Report and Recommendations of the Commission on the Democratic System in Tanzania (pp.35-37)

- African National Congress (ANC), formed in 1958;
- All Muslim National Union of Tanganyika (AMNUT), formed in 1959;
- People's Convention Party (PCP), formed in 1962;
- African Independence Movement (AIM), formed in 1963 and;
- People's Democratic Party (PDP), formed in 1963.

NOTE: All these parties were unfairly abolished in 1965, except the ruling party, TANU.

The registered political parties in Zanzibar were³:

- Zanzibar Nationalist Party (ZNP), formed in 1955;
- Afro-Shirazi Party (ASP) formed in 1957;
- Zanzibar and Pemba People's Party (ZPPP) formed in 1959 and;
- Umma Party formed in 1963.

NOTE: All these parties were banned immediately after revolution, except the ASP, which led the revolution on 12th January, 1964.

This political environment emerged because the colonial government recognized certain basic civil and political rights. Citizens were allowed to express their views and opinions on the political system, albeit under imposed limitations. Within this context, political parties were registered and permitted to participate in election campaigns for members of the Legislative Council of Tanganyika, which is now the Parliament of Tanzania.

Although elections for public offices in Tanzania especially representations in decision-making organs have been conducted for over six decades, starting in 1958 before independence and continuing to the present day, there are no substantial evidences to

³ Report of 2005 Election in Zanzibar by the Commonwealth Observer Group (pp. 10-11)

prove that those elections were credible and free from irregularities. To this day, elections are treated as an event merely to satisfy citizens, fulfill constitutional and legal requirements, which necessitate the conduct of elections every five years. For example, the Electoral Commission registers new voters and updates the permanent register of voters twice: once soon after a general election and once before (approaching) the nomination of candidates for the next general election⁴. This means that over a five-year period, voter registration and the updating of voter information occur only twice. This approach reinforces the idea that the Commission treats elections as a one-time event. However, voter registration and updating of voter information should be continuous activities, not seasonal events, as citizens turn 18 and become legitimate voters throughout the year, they should therefore be registered. The Commission should not wait until the last minute to conduct voter registration and updates under a tight schedule and voters are not pleased with the long queues for registration and updating their information. Evidences show that elections are mismanaged by the electoral body and state agencies resulting into numerous irregularities and consequently make elections to be not free, not-fair and incredible⁵. Elections are not given a weightier attention in terms of having competent and enough staff, as well as financial and material resources. For example, for more 30 years since the establishment of the electoral commission of Tanzania⁶ which came in force on 13th January, 1993 the Commission is constituted at the national level only. This is also contrary to the recommendation of the Commission itself, which suggested extending its offices to the constituency level⁷. As it stands, the Commission is like a building

4 Section 16 (5) of the Law on the Election of the President, Members of Parliament and Councilors, No. 1 of the Year 2024

5 Final Observation Report on the General Election held in Tanzania on October 28, 2020 by TEW (p.11)

6 History of the Independent Electoral Commission of Tanzania (<https://www.inec.go.tz/pages/how-nec-is-established>)

7 Report on the 2020 Presidential, Parliamentary and Councilors' Elections by the National Electoral Commission (p. 120)

without walls, pillars, or a foundation. The Commission is composed with 7 members and fewer permanent staff at the national level only. The national Secretariat of the Commission is headed by the Director of Elections who is also the secretary to the Commission, 6 departments, 1 Zanzibar Office and 3 sections⁸. The few permanent staff of the Commission including the Director of Elections are civil servants⁹. Despite the recommendations by the stakeholders for the Commission to have its own competent, experienced and enough permanent staff at the lower level as where elections are conducted as other commissions (Kenya, South Africa and Ghana), the Commission has remained at the national level till today. The Commission depends on civil servants appointed on a short-time contract basis during for conducting and supervising the presidential, parliamentary and councillors' elections at the constituency and ward level across the council. These civil servants work as returning and assistant returning officers of elections but they are not experts on electoral management. It is unacceptable to know that among the civil servants appointed by the Commission as returning officers there are also presidential appointees particularly the Directors of local government authorities (LGAs) whose impartiality and independence as far as elections are concerned remain suspicious and questionable. Presidential appointees including the Director of Elections who works as the chief executive officer of the Commission¹⁰ and other senior civil servants are interested parties—they have conflicts of interest because they are expected to receive and act upon the instructions, directives and orders of their chief employer in public service—the President¹¹ who is also the presidential candidate in general election. Therefore, appointing them to manage multiparty and competitive elections is totally

8 Institutional Structure of the Independent National Election Commission of Tanzania (<https://www.inec.go.tz/pages/organization-structure>)

9 Sections 10 (j) and 17 (1) (d) of the Law of the Independent National Electoral Commission No. 2 of year 2024

10 Sections 18 and 19 (1) of the Law of the Independent National Electoral Commission, No. 2 of year 2024

11 Articles 35 and 36 of the Constitution of the United Republic of Tanzania of 1977

unacceptable. Besides, it reflects gross violation of the principles of impartiality, fairness and independence in management of elections. There are no adequate preparations for supervising and conducting elections effectively, efficiently, freely, fairly, credibly and with full participation of stakeholders in all electoral processes. Among the many regrettable and painful experiences that occurred during the 2020 general election was the unfair disqualification of opposition candidates, resulting in 28 unopposed parliamentarians and 870 unopposed ward councilors, all unopposed candidates who were directly declared winners of elections without engaging in election campaigns were members of the ruling party¹². When situations like this arise, where there is a double standard in the treatment of candidates and elections are poorly managed in favor of the ruling party, they can lead to unacceptable socio-political consequences such as enmity, low public confidence in electoral processes and electoral body, rejection of election results, disowning of elected leaders, increased division, and mistrust among stakeholders. In future, the electoral malpractices may result in poor representation, unaccountable governance, low voter turnout in subsequent elections, civil unrest and disobedience, and could even escalate into post-electoral violence.

The journey of building a democratic society in Tanzania

Democracy requires consensus and collective efforts among stakeholders to put its principles into practice. This is why building a democratic nation has always been a struggle—there are often opposing views among stakeholders. In a democracy, it is acceptable for stakeholders to agree or disagree on certain matters; this condition is essential. However, this should not lead to a regression into authoritarianism. In a growing democracy, opposing views that protect democracy and create more freedoms and opportunities are encouraged, welcomed, and seen as alternative perspectives

¹² REDET (2021). Report of the 2020 General Elections in Tanzania by Research and Education for Democracy in Tanzania (pp. 62-67).

and bridges in the practice of democracy. Democrats are like builders; therefore, opposing views serve as building materials that strengthen, fill gaps, and enhance the structure.

Unfortunately, in Tanzania, dissenting views are often suppressed and interpreted as expressions of non-patriotism or divisiveness. For example, despite the role played by opposition parties in holding the government accountable for better performance and the fulfillment of its promises, they are erroneously labeled as adversaries of national values such as peace, unity, and progress. This is why our democratic journey is marked by turbulence, setbacks, disappointments, and threats.

The good start of Tanzania's democratic journey in 1992

The year 1992 marked a new turn for Tanzania with the restoration of multiparty democracy, allowing free, wide, and active citizen participation in political life. This remarkable decision came following the recommendation made by the Presidential Commission established in 1991 to collect citizens' opinions regarding the political system they want-whether continue with the single party or adopt multiparty. The Commission was chaired by the former Chief Justice of Tanzania, Francis Nyalali, that is why it is famously known as Nyalali Commission¹³. The collected public opinions indicated that 77.2% of all collected views from citizens (28,018 out of 36,299 people) wanted to continue with the single party system¹⁴, while 21.5% favored multiparty democracy¹⁵.

13 Thirty Years of Multiparty Democracy in Tanzania 1992-2022: Reflection on Progress, Challenges & Opportunities (p.12)

14 The Presidential Commission on Single Party or Multiparty System in Tanzania, Volume One, 1991: Report and Recommendations of the Commission on the Democratic System in Tanzania (p.69)

15 The citizen e-newspaper (updated 1st November, 2020), Nyalali Commission recommends restoration of multi-party politics(<https://www.thecitizen.co.tz/tanzania/news/national/-nyalali-commission-recommends-restoration-of-multi-party-politics-2708724>)

This decision was followed by several constitutional, legal and institutional reforms as follows: -

- Declaring Tanzania as democratic state that adheres to multi-party democracy¹⁶.
- Establishment of the Office of the Registrar of Political Parties according to Political Parties Act No. 5 of 1992¹⁷. Among other things, the Office is mandated to facilitate the registration of political parties in Tanzania.
- Establishment of the Electoral Commission as per Article 74 of the Constitution of Tanzania. The Commission was instituted on 13th January, 1993¹⁸.
- Competitive multiparty elections are conducted at both the general and local government levels every five years. The first multiparty general election was held in 1995, with subsequent elections following every five years. Despite complaints about irregularities and the general management of elections in Tanzania, there has never been any postponement of elections.
- A two-term constitutional limit for the president has been in place since 1995¹⁹. However, the country has never experienced a presidential power transfer outside the ruling party, which has been in power for more than six decades.
- Protection of the rights and freedoms of political parties to seek members and hold political rallies. However, these rights and freedoms were curtailed after the 2015 general election, when the country resembled an authoritarian regime from 2016 to 2021²⁰.

16 Article 3(1) of the Constitution of the United Republic of Tanzania of 1977

17 Office of the Registrar of Political Parties (<https://www.orpp.go.tz/pages/historical-background-of-the-office>)

18 History of the Electoral Commission in Tanzania (<https://www.inec.go.tz/pages/how-nec-is-established>)

19 Article 40(2) of the Constitution of the United Republic of Tanzania of 1977

20 Thirty Years of Multiparty Democracy in Tanzania 1992-2022: Reflection on Progress, Challenges & Opportunities (pp.23&24)

Elected representatives from opposition parties are present in decision-making organs, especially in the National Assembly, Municipalities, District, and Village Councils. However, the dominance of the ruling party has remained intact for more than three decades since the reintroduction of multiparty democracy.

- There are fully registered political parties, although they operate within a narrow political and civic space. Official records show that by 2024, 19 political parties were fully registered and recognized by the Registrar of Political Parties²¹.
- Registration of voters, issuing of voter's identity card and updating of the permanent register of voters by the Electoral Commission²².
- Permission for domestic and international election observers to monitor vote casting and counting during presidential, parliamentary and councilors' election²³.

Setbacks, disappointments and threats facing Tanzania's democratic journey

Tanzania has been moving back and forth in building a democratic society, a journey marked by setbacks, disappointments, and threats among stakeholders²⁴.

The following is a list of undemocratic decisions recorded in Tanzania, despite her claim to be a multiparty state: -

21 An official list of Political Parties in Tanzania by year 2024 (https://www.orpp.go.tz/publication_categories/list-of-parties)

22 Sections 16, 18, 19 & 20 of the of the Law on the Election of the President, Members of Parliament and Councillors, No. 1 of the Year 2024

23 Sections 45 (1-h) & 94 (1-i) of the of the Law on the Election of the President, Members of Parliament and Councillors, No. 1 of the Year 2024

24 Thirty Years of Multiparty Democracy in Tanzania 1992-2022: Reflection on Progress, Challenges & Opportunities (pp.21-28)

- The denial of accreditation to faith-based organizations (FBOs) to participate in election observation. These same FBOs were previously accredited to observe elections. However, following the amendment of the NGO legislation in 2019, FBOs were prohibited from engaging in political activities, disqualifying them as election observers²⁵. This represents a clear setback and disappointment, as well as a gross violation of civil and political rights as stipulated in the Constitution of Tanzania, particularly in Articles 9(g), 13(1-2), and 21(1), which guarantee equal opportunities for all citizens without discrimination and allow them to participate in public affairs
- The denial of accreditation to competent and experienced electoral consortiums with broad membership, including national NGOs and FBOs, to conduct election observation. The well-known and competent election consortiums in Tanzania, such as the Tanzania Election Monitoring Committee (TEMCO), which had 183 members (national NGOs and FBOs) by 2020²⁶, and the Tanzania Civil Society Consortium on Election Observation (TACCEO), which had 22 members (national NGOs) by 2020²⁷, were both denied accreditation by the National Electoral Commission (NEC). Both were competent election consortiums that had observed previous elections without violating election legislation, but they were prohibited from observing the 2020 elections. This decision raised doubts about the credibility of the 2020 election. How could the same Electoral Commission that had accredited these consortiums in previous elections deny them the right to observe the 2020 elections? This was another setback that led to disappointments and increased doubts among election stakeholders.

25 Report of the 2020 General Elections in Tanzania by REDET (p. xix)

26 Report of the 2020 General Elections in Tanzania by REDET (p.2)

27 Thirty Years of Multiparty Democracy in Tanzania 1992-2022: Reflection on Progress, Challenges & Opportunities (pp.117-119)

- Having unopposed elected candidates in a competitive multiparty election. The unopposed candidates were declared winners of the election without participating in election campaigns and their names were not even on the ballot papers. For example, during the 2020 general election there were **28** members of parliament and **882** councilors who were declared unopposed by the Electoral Commission²⁸. All unopposed candidates were members of the ruling party (CCM). This is like going back to the single party era in which the presidential candidate was unopposed during election. It is questionable and doubtful to have unopposed candidates in competitive multiparty elections.
- Rejecting the entry of party agents to the polling stations for observing vote casting and counting²⁹. There were serious complaints especially from the opposition parties and candidates particularly during the 2019 local government and 2020 general elections that their agents were unfairly blocked from entering polling stations.
- The Electoral Commission submitted a list of 19 special seat women members of parliament to Parliament for swearing in without the knowledge neither endorsement of the respective political party. This controversy involved the 19 special seat women parliamentarians from the opposition party CHADEMA³⁰. The party denounced publicly their involvement in endorsed these parliamentarians. The party took several administrative steps, including formally writing to the Speaker, demanding the removal of these members from Parliament. However, their efforts were in vain. The party subsequently filed a case in the High Court of Tanzania, but despite all these measures, the special seat parliamentarians continue to attend regular parliamentary

28 Report on the 2020 Presidential, Parliamentary and Councilors' Elections by National Electoral Commission (pp. 48 and 51)

29 Report on the 2020 Presidential, Parliamentary and Councillors' Elections by National Electoral Commission (pp.51,113 & 119)

30 A List of Special Seats Women Members of Parliament appended on the 2020 General Election Report by National Electoral Commission (p.135)

sessions as legitimate members. The question remains: how can parliamentarians represent a party that neither nominated nor endorsed them? Both the Constitution and legislation in Tanzania clearly require that all representatives in elective offices, at any level, must be nominated by a political party to hold office. This situation constitutes a clear violation of the rule of law and undermines the powers vested in democratic stakeholders—particularly the political parties which don't form the government. It suggests that the civil servants are operating as though they are still in a single-party state, despite legal frameworks that support a multiparty democracy. This situation raises a lot of questions concerning the impartiality, independence and integrity of the electoral commission.

- Boycott of the 2019 Local Government Election by the main opposition party in Tanzania-CHADEMA³¹: Following numerous unfair disqualifications of nominations from the opposition party across the country during the 2019 local government election, the opposition decided to boycott the election, believing the outcomes were predetermined. Despite the boycott, the government continued to conduct the election, and the ruling party achieved a landslide victory with more than 99% of the vote because candidates from the ruling party were unopposed. It was the first time since the reintroduction of multiparty democracy that the opposition had boycotted an election entirely. The boycott was expected to draw attention to the issues raised by the opposition, but unfortunately, these concerns were ignored, and the election proceeded as planned. This situation felt like a return to the dark era of a single-party state.
- The continuous presence of intimidations to politicians or citizens with opposing views concerning the policies and actions of the government or the ruling party, abductions, extra-judicial killings,

31 The main opposition boycotts the 2019 local government election (<https://www.aciafrica.org/news/442/as-bishop-predicted-main-opposition-party-boycotts-tanzanias-local-government-elections>)

torture, enforced disappearances, shootings, unnecessary and unfair arrests of critics, baseless prosecutions, and the filing of unbailable charges and cases, such as treason, against opposition leaders and different forms of mistreatments to the opposition leaders or individuals who criticize the government. All these violent, illegal, and immoral actions are committed by individuals claimed to be government officials working undercover. These evil deeds always surge when elections are approaching or during the election period. It is unthinkable, unacceptable and unexpected to experience these brutalities in a multiparty state that is supposed to embrace diversity, freedom of opinion and expression, assembly and association, and protection of civil and political rights. All these brutal deeds are contrary to the provisions of the Constitution of Tanzania, which strictly adheres to the protection of the Universal Declaration of Human Rights³².



A photo of the car belonging to the former Member of Parliament for Singida East Constituency, Hon. Tundu Lissu, from the main opposition party in Tanzania, CHADEMA, shows numerous bullet holes. His car was struck by more than 30 bullets. This brutal attack occurred on 7th September 2017, while parliamentary sessions were ongoing in Dodoma, Tanzania. The assailants were allegedly ordered to assassinate him due to what was perceived as his continuous criticism of the government of the day. Hon. Tundu Lissu survived the assassination attempt, although his body was severely damaged by 16 bullets, and he underwent 25 surgeries.

- The banning of newspapers, bloggers, online and mainstream televisions, radios and social media accounts and platforms of

³² Article 9 (a, f-h) of the Constitution of the United Republic of Tanzania of 1977.

people who criticize the government, the ruling party and expose the evils of the senior government officials or top leadership of the ruling party³³. It is ironic that the government bans media while simultaneously claiming to protect freedom of opinion and expression, as outlined in Article 18 of the Constitution of the United Republic of Tanzania. It is impossible to practice democracy without the freedom of the media.

Article 18(a-d) of the Constitution states that every person -

- (a) has a freedom of opinion and expression of his ideas;*
- (b) has a right to seek, receive and, or disseminate information regardless of national boundaries;*
- (c) has the freedom to communicate and a freedom with protection from interference from his communication; and*
- (d) has a right to be informed at all times of various important events of life and activities of the people and also of issues of importance to the society.*

- No independent candidates are allowed. It is surprising that Tanzania has not permitted independent candidates at any level for more than three decades since the reintroduction of multiparty democracy. All candidates must be members nominated by their political parties³⁴. This is a significant violation of civil and political freedoms, as citizens should be free to stand for election, whether or not they are members of a political party. For democracy to be fully realized, it must guarantee freedom of choice, rather than forcing people to adhere to a fixed pattern. The absence of independent candidates undermines political rights and may lead to a party dictatorship, where candidates must

³³ Report of the 2020 General Elections by REDET (p.19)

³⁴ Articles 39(1c), 47(4c) and 67(1b) of the Constitution of the United Republic of Tanzania of 1977

obey the directives, guidelines, and orders of their parties, even if these are undemocratic. Furthermore, voters are compelled to vote strictly along party lines.

- Deregistration of political parties is a significant issue for building a democratic culture. The Office of the Registrar of Political Parties in Tanzania is expected to nurture multiparty democracy, but it has instead played a contrary role by deregistering political parties on administrative grounds, such as failure to submit annual audited reports. It is difficult to expect democracy to flourish when the number of stakeholders is diminished for technical reasons. For example, in November 2016, the Registrar of Political Parties deregistered three political parties: Chama cha Haki na Ustawi (CHAUSTA), African Progressive Party of Tanzania (APPT-Maendeleo), and Jahazi Asilia³⁵.
- Limiting the role, influence and space of civil society organizations (CSOs) due to the fear of being trapped into deregistration by the government. CSOs, especially non-governmental organizations (NGOs), have faced limitations and intimidations in carrying out their mandates in Tanzania. For example, NGOs are not permitted to use funds without approval from the Registrar of NGOs, nor can they undertake any project without obtaining a permit from the government. Some NGOs³⁶ have been deregistered on various grounds, primarily related to compliance. From time to time³⁷, the Registrar of NGOs has publicly announced lists of deregistered NGOs³⁸. In 2019, the government amended the NGOs Act No. 24 of 2002, requiring all NGOs previously registered under other

35 The Citizen online newspaper (April, 2021): Registrar strikes off three parties for 'breaking rules' (<https://www.thecitizen.co.tz/tanzania/news/national/registrar-strikes-off-three-parties-for-breaking-rules-2572576>)

36 A List of 29 deregistered NGOs in Tanzania (<https://www.diramakini.co.tz/2022/04/orodha-ya-ngos-29-zilizofutiwa-usajili.html>)

37 De-registration of 4,898 NGOs in Tanzania (<https://www.linkedin.com/pulse/de-registration-4898-ngos-tanzania-what-really-happened-mshanga>)

38 A List of 109 deregistered NGOs in Tanzania (<https://juhudkaragwe.blogspot.com/2016/03/list-ya-ngos-109-zilizofutiwa-hapa.html>)

legislation or by different government agencies to undergo new registration. This led to the deregistration of a significant number of NGOs, many of which failed to comply with the new registration system. It is widely acknowledged that CSOs/NGOs play a crucial role in building and advancing a democratic culture in a multiparty democracy. Therefore, they are expected to operate freely in order to fulfil their core responsibilities. NGOs are also responsible for strengthening civil society by educating and empowering citizens, influencing policy decisions, and participating in public affairs. However, the fear of deregistration limits their ability to exert influence and fulfil their role in holding the government accountable.

CHAPTER TWO

THE SHIFT FROM COMPETITIVE TO NON-COMPETITIVE ELECTIONS IN TANZANIA:

Regrettable Mistakes Made in Tanzania and Africa shortly after Independence.

Background

Tanzania has a good track record of multiparty politics and competitive elections with active participation of candidates from different political parties and independent candidates were also permitted. Those elections were experienced prior to and soon after independence in late 1950s to early 1960s³⁹. Parties were campaigning for seats in the Legislative Council of Tanganyika (the present-day Parliament of Tanzania). The competing political parties were Tanganyika African National Union-TANU (established in July 1954), United Tanganyika Party-UTP (established in February 1956), African National Congress-ANC (established in June 1958) and the All-Muslim National Union of Tanganyika-AMNUT (established in July 1959). Elections for members of the Legislative Council of Tanganyika (the present-day Parliament of Tanzania) were conducted in 1958, 1960 and 1962.

Between 1962 and 1963, three additional political parties were formed after independence: the People's Convention Party (PCP), founded by Samson Mshala; the African Independent Movement

39 How Tanzania became a single-party state in 1965(<https://www.thecitizen.co.tz/tanzania/news/national/how-tanzania-became-a-single-party-state-in-1965-2705076>)

(AIM), founded by Yahya Husein; and the People's Democratic Party (PDP), founded by Kasanga Tumbo. Therefore, by 1963, there were a total of seven registered political parties in Mainland Tanzania⁴⁰.

During the first competitive election in 1958 three political parties participated in election campaign namely TANU, UTP and ANC⁴¹. The few elected members from some constituencies who joined the appointed members in the Legislative Council of Tanganyika. The non-elected members were appointed by the British Governor in charge of Tanganyika during the colonial era. During the 1958 election, **TANU won 28 out of 30 seats**, representing 93.3% of the elected members' seats, while other parties took the remaining 2 seats in the Legislative Council.

By that time, the Legislative Council of Tanganyika had a total of **64 seats**, with 30 elected members and 34 appointed members⁴².

During the second election in 1960, the legislative organ was composed by elected members only from the constituencies following the abolition of appointed members by the Governor. It was during this time that the Legislative Council of Tanganyika was empowered to become the National Assembly of Tanganyika. The constitutional and legal reforms made, vested more power and authority to the National Assembly. The reforms were part of preparations for the independence of Tanganyika⁴³. Therefore, the National Assembly was mandated to enact the laws which shall be assented by the President of the Independent Tanganyika. Previously, all the laws enacted by the Legislative Council were sent to the Head of the British Government who was the Queen of England to assent them to be used in Tanganyika Territory.

40 The Presidential Commission on Single Party or Multiparty System in Tanzania, Volume One, 1991: Report and Recommendations of the Commission on the Democratic System in Tanzania (pp.35-36)

41 The History of the Tanzania Parliament: From the Colonial 'Legislative Council' to the Post-Independence 'Parliament'. (<https://mpayukaji.blogspot.com/2022/11/the-story-of-tanzania-parliament-from.html>)

42 African Elections Database (<https://africanelections.tripod.com/tz.html>)

43 History of the Parliament of Tanzania (<https://www.parliament.go.tz/pages/history>)

During the 1960 election, **TANU won 70 out of 71 seats**, representing 98.6% of the total seats. The only exception was **Mr. Herman Elias Sarwatt**, an independent candidate from the Mbulu constituency, who had previously been a royal member of TANU. Mr. Sarwatt participated in primary election as a TANU candidate and he had won in the primary election, but he was not nominated by his party's National Executive Committee. Therefore, he decided to contest as an independent candidate and he secured a seat in the National Assembly by defeating TANU's candidate, **Chief Amri Dodo**⁴⁴. At that time, there were 71 seats in the National Assembly, and no other parties won any seats in this election⁴⁵.

Table 1: Election results for Members of Legislative Council of Tanganyika for election conducted on 30 August, 1960.

No.	Name of the Party/ Category	Number of Votes Cast	% of Votes	Number of Seats (71)*
1.	Tanganyika African National Union (TANU)	100,581	82.82%	70
2.	African National Congress (ANC)	337	0.28%	-
3.	Independents	20,527	16.90%	1
	Total	121,445	100	71

Source: African Elections Database <https://africanelections.tripod.com/tz.html>

44 The Citizen e-newspaper (November, 2020): How 1960 elections sealed the fate of independent candidates (<https://www.thecitizen.co.tz/tanzania/news/national/general-election-2020-how-1960-elections-sealed-the-fate-of-independent-candidates-2705600>)

45 National Assembly or Parliament (Bunge), United Republic of Tanzania by the International Parliament Journal-IPJ (<https://parliamentjournal.com/2021/04/03/national-assembly-or-parliament-bunge-united-republic-of-tanzania/>)

NOTE: Table 1 above shows that the only seat for an independent candidate in the Legislative Council of Tanganyika was won by an independent candidate who was a loyal TANU member. He opposed the party's candidate and won, although he immediately joined the TANU ranks after his victory.

In 1962 when Tanganyika became a Republic with complete sovereignty, presidential elections were conducted for the President of the Republic of Tanganyika. Two parties participated to the presidential election; TANU represented by Mwalimu Julius Nyerere and ANC by Mr. Zuberi Mtemvu. TANU's presidential candidate Mwalimu Nyerere won the election by getting 1,127,978 votes (**98.15%**) while ANC's candidate Zuberi Mtemvu received 21,276 votes (**1.85%**)⁴⁶.

Given the landslide victory of TANU during the presidential election in 1962 and its dominance in the national assembly; TANU initiated the process of abolishing political parties and establish a single party state. Among the grounds claimed for abolition of political parties were building unity and focusing on attainment of developmental goals⁴⁷. It was very unacceptable that the same registered political parties which played a great role in demanding freedom, were wrongly perceived as the enemies of the Nation and agents of division among citizens.

In course of establishing a single party state, Tanganyika and Zanzibar united on 26th April, 1964 to form the United Republic of Tanganyika and Zanzibar, which was later renamed the United Republic of Tanzania on 1st November, 1964 (a name which remains relevant till to date).

The Union between Tanganyika and Zanzibar, made TANU's decision of abolish parties and establish a single party state to gain more support as the decision was endorsed by Afro-Shirazi Party (ASP) from Zanzibar

46 How Tanzania became a single-party state in 1965 (<https://www.thecitizen.co.tz/tanzania/news/national/how-tanzania-became-a-single-party-state-in-1965-2705076>)

47 Pratt (1978). The Critical Phase in Tanzania 1945-1968, OUP (pp. 1 85-189)

In July 1965, the National Assembly passed the bill for establishing a single party state and followed by amendments in the Interim Constitution of Tanzania.

Where did Tanzania make mistakes in building a democratic foundation and culture?

As noted above, Tanzania started well in building a democratic foundation and culture featured by political parties, active civil societies and competitive elections. Although it was a short-lived experience of multiparty system⁴⁸ because soon after attainment of independence, the ruling party (TANU) was not pleased by the presence of opposition political parties.

Therefore, one of the grave and regrettable mistakes that Tanzania made few years after independence (in 1965) was enacting the legislation for banning registered political parties which also participated in elections prior to and after independence. It was wrong to think that political parties formed by citizens will turn to be the agents of chaos and division among citizens. It was also wrong to think there were more patriotic political parties than others or there were parties which deserved better treatment. It is not possible to unite citizens by unfair treatment and favouritism. How can you unite people while there are others who are disregarded and mistreated. For example, how can you explain the decision of banning registered political parties which had the same status as the ruling party (TANU). This was unacceptable and unthinkable, but TANU used its political influence to ban other parties (ANC, UTP and AMNUT).

Though, multiparty didn't mature during that era (1950s-1965) but stakeholders showed their dissatisfactions against TANU's undemocratic decision of banning of political parties. The reaction against this decision came from both inside and outside the

48 Tambila (1995). The transition to multiparty democracy in Tanzania: Some history and missed opportunities (p. 469)

government, this was the reason which made the Minister of Justice at that time Hon. Abdallah Fundikira to resign⁴⁹.

The real enemy of the nation was poverty not political parties formed by citizens.

The government failed to understand that political parties represent people's voices, stands, alternative opinions, and views in pursuit of socio-economic development, all of which are vital for building a strong and prosperous nation. Political parties that represent alternative views are similar to having different sports clubs in a league or competition. This does not signify enmity. People are inherently different, and it is unrealistic to expect that all individuals will share the same opinion or view on issues like development. Diversity is a fundamental aspect of human nature, and embracing it is essential for a country to progress.

It is well known that even individuals born into the same family often hold differing opinions and views on life. So, how can we expect different citizens to have identical preferences, choices, or decisions?

The government and the ruling party were also misguided to assume that citizens could be united by having just one political party. No single party can perfectly represent the diverse opinions of all its citizens. Having only one choice (one party) does not eliminate the diversity of opinions on development or other key issues.

For example, during the presidential election held in September 1965, the Tanganyika African National Union (TANU) had only one candidate—Mwalimu Nyerere. Despite there being only one candidate from one party, not all voters supported him. The ballot paper for the presidential election included a photo of Nyerere and a blank box. Voters were required to choose between the candidate's photo or the blank box.

49 How Tanzania became a single-party state in 1965(<https://www.thecitizen.co.tz/tanzania/news/national/how-tanzania-became-a-single-party-state-in-1965-2705076>)

Some voters expressed their dissatisfaction with the single-party system by selecting the blank box instead of Nyerere’s photo, indicating a “NO” vote. In the 1965 presidential election, Nyerere received 2,410,903 “YES” votes, which accounted for **96.46%** of the total votes cast. However, 88,600 voters marked the “NO” box, representing **3.54%** of the votes. There were also 103,537 invalid or spoiled votes. Of the 3,373,089 registered voters, only 2,600,040 participated in the election, meaning that 773,049 eligible voters (22.9%) did not cast their vote. The voter turnout was 77.1%⁵⁰.

Table 2: Presidential election results during multi-party elections in 1962 and single-party election in 1965

Category	Multiparty elections in 1962	Single-party election in 1965
Registered Voters	Approximately 1,800,000	3,373,089
Votes cast	1,149,254	2,600,040
Votes for TANU Presidential Candidate	1,127,978	2,410,903
% of Votes received by TANU Candidate	98.15%	96.46%

Source: The Citizen online newspaper (1st November, 2020) and African Elections Database (<https://africanelections.tripod.com/tz.html>)

⁵⁰ The Citizen online newspaper (November, 2020): How Tanzania became a single-party state in 1965 (<https://www.thecitizen.co.tz/tanzania/news/national/how-tanzania-became-a-single-party-state-in-1965-2705076>)

NOTE: Table 2 above shows that TANU's presidential candidate, Mwalimu Nyerere, was more widely accepted during the 1962 multi-party election than in the 1965 single-party election. This is evident from the decline in votes received by TANU, dropping from 98.15% in 1962 to 96.46% in 1965. Despite the short interval of just three years between the two elections, TANU's acceptability among voters declined slightly, even though the party secured victory in both elections..

As shown in Table 2 above, the decline in the percentage of votes for TANU could be attributed to various factors. One possible reason is citizens' dissatisfaction with the undemocratic decision to ban political parties and introduce a new system in which only one candidate appeared on the ballot. Another reason could be voter apathy, as many may not have anticipated a different outcome, given that there was only one candidate. It created the perception that the election results were predetermined before voting even began.

Table 3: Results of Presidential Elections during the Single Party System from 1965–1990

Year of Presidential Elections	Name of TANU/ CCM Presidential Candidate	Registered Voters	Total Votes Cast Voter Turnout	% of Voter Turnout
1965	Mwalimu Julius Nyerere	3,373,089	2,600,040	77.1%
1970	Mwalimu Julius Nyerere	5,051,938	3,649,789	72.2%
1975	Mwalimu Julius Nyerere	5,577,566	4,557,595	81.7%
1980	Mwalimu Julius Nyerere	6,969,803	5,986,942	85.9%
1985	Ali Hassan Mwinyi	6,910,555	5,181,999	75.0%
1990	Ali Hassan Mwinyi	7,296,553	5,425,282	74.4%

Source: African Elections Database (<https://africanelections.tripod.com/tz.html>)

Data in Table 3 above show that voter turnout never reached **87%** in any of the six consecutive elections conducted under the single-party system from 1965 to 1990. The highest voter turnout was 85.9% in 1980, while in the other four elections, turnout fell below 80%. The average voter turnout across all six elections was **77.7%**. These figures suggest that voters were dissatisfied with the single-party system, leading to some abstaining from voting and others voting “NO” against the only candidate. The data also highlight the lack of alternatives available to voters.

Table 4: The number of NO Votes during the single party presidential elections.

Year of Presidential Elections	Voters who didn't turn up during voting-day	NO Votes received by unopposed presidential candidate from the ruling party-TANU/CCM	% of NO Votes
1965	773,049	88,600	3.54%
1970	1,402,149	109,828	3.07%
1975	1,019,971	302,005	6.75%
1980	982,861	259,040	4.44%
1985	1,728,556	215,626	4.32%
1990	1,871,271	117,366	2.21%

Source: African Elections Database (<https://africanelections.tripod.com/tz.html>)

Data in Table 4 above indicate that the number of registered voters who did not vote was alarmingly high and continued to rise. For example, during the 1990 election, more than **1.8 million voters** chose not to participate. On the other hand, the number of **“NO” votes** cast to reject the ruling party candidate also increased. These data suggest that people never fully accepted the single-party system. They also highlight that citizens prefer a wider range of choices when selecting a party or candidate, rather than limited alternatives. Therefore, they are more satisfied with a multiparty system, where they are free to make their own choices, as long as there is a reliable mechanism to protect those choices.

The Shift from Multiparty to Single Party System in Africa: The most regrettable decision made by independent African states.

History tells us that independent African countries achieved freedom on the foundation of a multiparty system; however, they soon shifted to undemocratic governance. The transition to a single-party state in many newly independent African nations is often regarded as one of the most regrettable decisions in the continent's post-colonial history. The commitment of African nations to fighting against colonial domination became increasingly ironic as they adopted authoritarian and military governments⁵¹ that suppressed political freedoms and opposition, ultimately undermining the very ideals of democracy and self-determination they had once fought for. This situation is akin to an animal returning to its vomit.

Prior to independence, the operations of political parties were limited, criminalized, banned and some parties were operating secretly. Following unfair and undemocratic political landscape, parties were determined to wage war against colonial domination, so that they live in freedom and practice their democratic rights. Unexpectedly, after attainment of freedom, the ruling parties turned against other parties by limiting freedom and banned activities of political parties. Only three countries in Africa have maintained a multiparty system continuously from independence to the present: Botswana, Mauritius, and Senegal. In these countries, democratic values especially diversities are cherished and protected.

51 The Presidential Commission on Single Party or Multiparty System in Tanzania, Volume One, 1991: Report and Recommendations of the Commission on the Democratic System in Tanzania (p.62)

Table 5: Some African Countries that Shifted from Multiparty to Single Party System.

Country	Multiparty system	Independence	Adoption of a Single Party System	How long did the single party system exist?
Tanzania	1950s-1965	9 th December, 1961	1965-1992	27 years
Kenya	1950s to 1963	12 th December, 1963	1964-1991	27 years
Malawi	1940s-1964	6 th July, 1964	1966-1993	25 years
Zambia	1950s-1972	24 th October 1964	1972-1991	19 years
Ghana	1940s-1957	6 th March, 1957	1964-1992	28 years

Source: Basedau, M. (October, 2005).

NOTE: Table 5 above shows a short list of some independent African countries that made the undemocratic decision of adopting single-party systems. These countries, along with many others not on the list, went against their independence objectives, which were centred on greater freedoms and the protection of human rights. While they defended single-party systems for the sake of unification, stability, and development, those countries that adopted such systems often experienced internal unrest and poverty instead.

In the 1990s, most of these countries reintroduced multiparty systems. While this decision was a positive step, it could not overnight erase the repercussions of years of single-party systems characterized by authoritarian and military governments. In reality, these countries are still struggling to overcome the negative consequences of undemocratic decisions made many years ago. They now regret those decisions, learning that it is always easier to make decisions than to control their consequences. Governments need to make informed decisions, backed by data and best practices, so they can continue to reap the benefits in the future.

THE DEMAND FOR INDEPENDENT ELECTORAL COMMISSIONS IN AFRICA:

The Urgent Need for Free, Fair, Credible, and Peaceful Elections In Africa

Introduction

During the single-party era, many stakeholders expressed dissatisfaction with the one-party system and focused their efforts on demanding multiparty democracy. These efforts paid off with the official reinstatement of multiparty systems in many African countries in the 1990s. After achieving this significant outcome, the focus shifted to establishing strong democratic institutions, particularly electoral commissions, to build and sustain democratic governance and culture.

It is well-known that many African countries, especially those that had adopted socialist systems, such as Tanzania, reluctantly accepted multiparty democracy in the early 1990s⁵². This was largely an attempt to appease both internal and international pressures. As a result, political parties were officially recognized and registered, primarily to create the appearance of multiparty democracy. This highlights the urgent need to establish strong democratic institutions to protect multiparty and electoral democracy.

52 Report of the 2020 General Elections in Tanzania by REDET (p. XVII)

Meaningful action would have required legal and institutional reforms, starting with rewriting national constitutions and enacting democratic legislation.

Ruling parties in Tanzania, Mozambique, Zimbabwe, Angola, Rwanda, and Burundi, to name a few, have continued to dominate the political landscape and elections, just as they did during the single-party era. The container may have changed, but the contents remained the same—old wine in a new bottle.

Despite mistreatments, intimidations, and an unfavourable political environment for multiparty and electoral democracy, movements calling for strong institutions to protect and strengthen democracy in Africa are gaining attention and support from various stakeholders.

Africa has learned, though late and the hard way, that the only path to sustaining peace and development efforts is through upholding democratic values.

In some countries, the situation is changing slowly, while others have made significant progress. Countries that have made strides in establishing strong democratic institutions, especially electoral commissions, include Mauritius, Botswana, Senegal, Kenya, Zambia, Malawi, Ghana, and South Africa.

Classification of Electoral Bodies in Africa

Many electoral bodies in Africa have been in place for the past three decades, having come into force in the early 1990s, following the end of the Cold War, which triggered the adoption of the multiparty system. Prior to this era, most African countries were under a single-party system, which was widely considered undemocratic.

During this period, both internal and external pressures for democratic governance were successful, leading most countries to reluctantly adopt multiparty systems. The multiparty system acted

as a stepping stone toward constitutional and legal reforms, which, in turn, led to the establishment of democratic organs and institutions, particularly electoral commissions. These commissions are core institutions in a democratic society, playing an invaluable role in ensuring peace, national cohesion, and sustainable development.

In Africa, electoral commissions can be classified into three major categories: state-controlled, semi-autonomous, and independent electoral commissions.

A. State-Controlled Electoral Commissions

They operate as a department or agency of the executive branch of government.

- Their functions are reminiscent of the single-party system.
- Their mode of operation is still influenced by the legacy of the single-party state.
- They rely heavily on a top-down system of governance.
- They tend to favour the ruling party.
- They receive instructions and directives from the government.
- Commissioners are appointed by the President, and therefore, their duties are subject to the President's discretion.
- Civil servants are often used to carry out their functions especially registration of voters, conducting and supervising elections, announcement of election results, etc.
- They are not free to work with all stakeholders.
- They are accountable to the Minister, not Parliament.
- Examples include electoral commissions in Tanzania, Burundi, Rwanda, Uganda, Zimbabwe, Mozambique, Angola, Chad, Cameroon, Equatorial Guinea, etc.

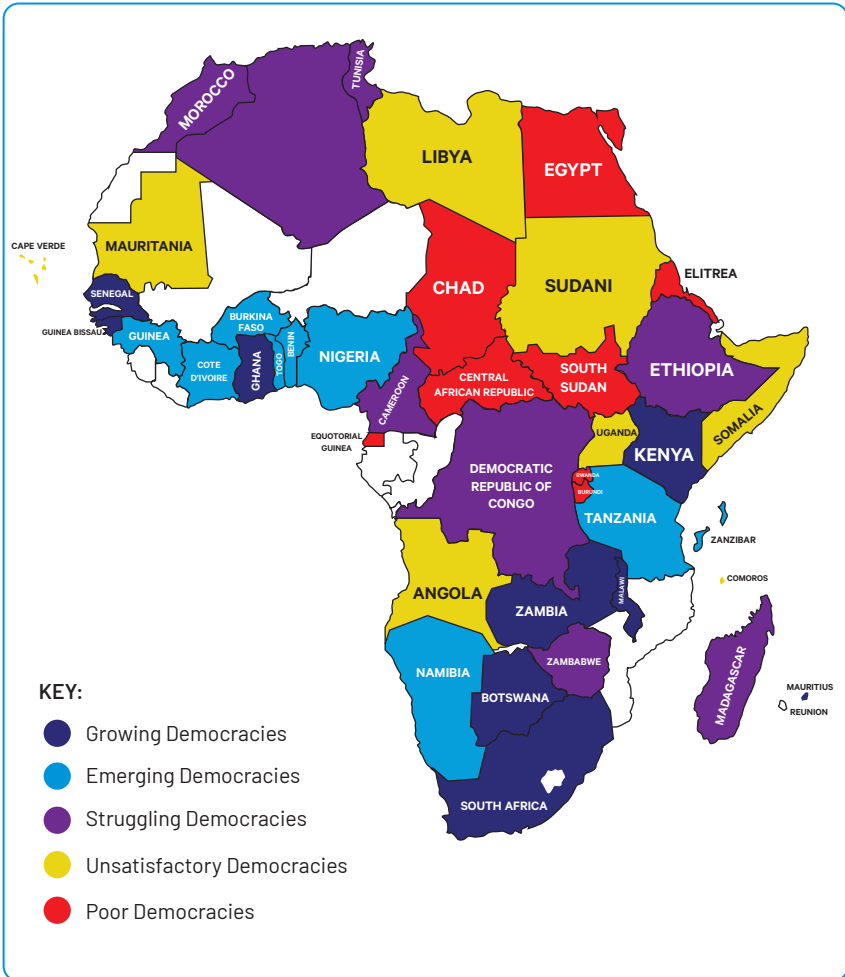
B. Semi-Autonomous Electoral Commissions

- They have some degree of freedom in making decisions without constantly seeking approval from top government officials.
- They are in transition toward becoming fully independent commissions.
- Examples include the electoral commissions in Malawi, Zambia, etc.

C. Independent Electoral Commissions

- They function without any interference from government organs.
- Commissioners are selected through a competitive application process.
- Commissioners are appointed based on merit, not at the pleasure of the President.
- Commissioners undergo an open and fair vetting process.
- These commissions do not receive instructions or orders from the government.
- Their operations are primarily guided by the legal frameworks that establish them.
- They are empowered to appoint both permanent and temporary staff based on merit.
- They are free to collaborate with any stakeholders without compromising their independence and impartiality.
- They have direct access to financial resources from the national treasury to carry out their functions.
- They are accountable to the National Assembly.
- Examples include the IEBC in Kenya, the IEC in South Africa, and the Electoral Commission of Ghana (ECG), etc.

Multiparty and Electoral Democracy Map of Africa



Source: The Global State of Democracy 2024 by International IDEA
(<https://www.idea.int/gsoed/2024/countries/>)

Table 6: The Global State of Democracy 2024: A Focus on Africa

Name of the Country	Global Country Ranking (out of 173 countries)	Categorisation	Meaning of the Category
Senegal	24	Growing Democracies	Growing Democracies
Botswana	30		
Mauritius	32		
GHANA	36		
SOUTH AFRICA	38		
ZAMBIA	39		
KENYA	52		
MALAWI	65		
Guinea-Bissau	66	Emerging Democracies	Emerging Democracies
Namibia	71		
Togo	74		
Benin	76		
Burkina Faso	81		
TANZANIA	84		
Guinea	86		
Cote d'Ivoire (Ivory Coast)	87		
Nigeria	90	Struggling Democracies	Struggling Democracies
Tunisia	94		
Ethiopia	102		
Zimbabwe	104		
D R Congo	107		
Cameroon	108		
Morocco	111		
Madagascar	112		
Algeria	117		

Name of the Country	Global Country Ranking (out of 173 countries)	Categorisation	Meaning of the Category
Cabo Verde	120	Unsatisfactory Democracies	Unsatisfactory Democracies
Comoros	121		
Uganda	125		
Mauritania	132		
Angola	134		
Somalia	135		
Libya	136		
Sudan	139		
Burundi	144	Poor Democracies	Poor Democracies
Chad	145		
Central African Republic	146		
Egypt	147		
Rwanda	153		
Equatorial Guinea	161		
South Sudan	161		
Eritrea	173		

1 = Most Democratic Country (Citizen and Stakeholders' Participation in Decision-Making Process),

173 = Least Democratic Country (Citizen and Stakeholders' Participation in Decision-Making Process)

Source: The Global State of Democracy 2024 by International IDEA
(<https://www.idea.int/gsod/2024/countries/>)

Qualifications of an Independent Electoral Management Body

The movement for independent electoral commissions in Africa is growing and attracting more stakeholders. Citizens are increasingly concerned with elections, as they directly affect their lives, either positively or negatively. They want to elect leaders of their choice—leaders who represent their interests and speak their language. The only way to protect their votes is by having independent electoral commissions that can conduct credible elections.

What makes an electoral body truly independent is not simply prefixing the name “independent” or claiming to be independent, but rather meeting the well-accepted qualifications or standards of an independent electoral commission. The impartiality and independence of an electoral commission can be assessed by answering the following four key questions:

- i. Who forms the Commission?
- ii. To whom is the Commission accountable?
- iii. Who finances the Commission?
- iv. Who determines the tenure of the Commission members and staff?

Criteria for an Independent Electoral Commission

The following are universally accepted standards for independent electoral commissions:

i. Legality of the Commission

The commission must be established within a legal framework, particularly through the Constitution and relevant legislation. It must be clearly defined as an independent institution, with authority and powers to execute its functions without interference from the government or state agencies. Its powers

and functions should not overlap with those of other government departments.

ii. Having Clear and Functional Tiers of the Commission for Effective Internal Accountability

The commission should have two layers of governance. The first layer consists of the commissioners or members, who play an oversight role, while the second layer consists of the staff, recruited based on merit, who handle the day-to-day operations of the commission.

Important qualities of the commissioners/members of the top organ of the commission include:

- They must work on a full-time basis.
- They are recruited through an open, and competitive process.
- They are subject to public scrutiny.
- They must undergo a vetting process by accountability organs such as parliament.
- They must be free from government instructions and directives.
- They serve as the governing body and the final decision-making organ of the commission.

Minimum qualifications for the permanent staff of the commission:

- Staff may work on a full-time or part-time basis.
- They are recruited by the commission itself through an open, accountable, and competitive process.

- Recruitment is based on merit and qualifications, not on their prior positions in public service.
- They are responsible for the effective execution of the commission's functions.
- They must consistently prove to be free from the conflict of interest especially party interests
- They must ensure that the commission's services are open, reliable, visible, and accessible to all stakeholders.

iii. Adherence to the Rule of Law

The commission must operate based on the rule of law. Its decisions and actions must adhere strictly to the constitution, legislation, regulations, policies, and guidelines. The commission must work within the established legal framework and is never expected to act based on convenience or the personal judgment of its commissioners or staff.

iv. Stakeholder Participation in the Decision-Making Process

The commission must actively promote stakeholder participation at all stages of the decision-making process. Its decisions must be informed by the inputs, opinions, perspectives, and suggestions of relevant stakeholders. The commission should consult stakeholders before making major decisions that will affect them.

v. Financial Independence of the Commission

The commission must have a separate budget line that is not subject to fluctuations in government expenditures or revenue collection. The commission's budget should be approved by Parliament and should not be included under the budget of any ministry or state department.

vi. Transparency and Accountability of the Commission

The commission must operate in an open and transparent manner in all its decisions and operations. It must have robust internal and external accountability systems in place. Staff must be held accountable for their actions within the commission, and the commission's systems, processes, and expenditures should be audited by independent firms hired through a competitive process.

vii. Openness to Criticism

Every decision made by the commission must be open to questioning and criticism, either through the commission's decision cycles or through the courts. The commission's decisions and actions must never be considered final and conclusive. They should always be open to challenge by any party dissatisfied with the outcome.

viii. The use of Appropriate, Competent, Reliable, and User-Friendly Technology

The commission must use appropriate, reliable, error-free, user-friendly, and certified technology in its operations, such as for voter registration, vote counting and tallying, result verification, and the announcement of results.

CHAPTER FOUR

ELECTORAL DEMOCRACY IN TANZANIA:

Background, Legal Provisions, Benefits and Hindrances Facing the Electoral Commission.

Introduction

Elections are processes that provide citizens in an organized society or political system with the opportunity to vote for individuals or groups to hold public office. They are a critical means of resolving competition for power and influence within a liberal system. Elections represent a formal act of collective decision-making, involving several key steps⁵³.

For a long time, many have mistakenly perceived an election as simply an act of voting, and even the voting day is often referred to as “election day.” While it is true that voting day captures the attention of many stakeholders as it determines the winners and losers of elective posts, voting is just one part of the election process. An election is a broad process that can be divided into three major phases: pre-election, during election, and post-election. It involves several key activities, including:

- Public announcement of a detailed election program for stakeholders’ participation,
- Determining the rules of the game via amendments of election legislations,

53 Report of the 2020 General Elections in Tanzania by REDET (p. XVII)

- Preparation of regulations and guidelines,
- Stakeholder participation in electoral processes,
- Appointment of commissioners or staff responsible for elections
- Registration of voters and updating the voters' register,
- Demarcation of constituencies/voting areas,
- Primary elections (intra-party elections) and intraparty nominations
- Identification of polling areas/voting stations/districts,
- Preparation and issuing of nomination forms,
- Submission of nomination forms by candidates,
- Nomination of candidates,
- Dealing with appeals from candidates or parties,
- Preparation of election materials,
- Approval of local and international election observers,
- Signing the memorandum of understanding between the electoral commission, political parties and stakeholders to observe election legislations, regulations and guidelines.
- Appointment of returning officers,
- Election campaigns,
- Selection and approval of party agents,
- Voting day,
- Verification and announcement of election results,
- Issuing certificates to the winners,
- Cancellation of election results,
- Preparation of election report,
- Announcement of vacant constituencies for by-elections

Elections are the lifeblood of any democratic society, especially when they are free, fair, and credible. They are widely acknowledged as a key ingredient in building, advancing, and sustaining a democratic culture. Elections provide citizens with the opportunity to choose leaders who will protect their interests and advance their agendas. They also serve as a platform for holding leaders accountable, renewing the social contract between voters and leaders, re-strategizing development priorities, and rekindling commitment and passion for development.

History of Elections

Elections have a long history worldwide. They have been conducted for centuries, dating back to 508 B.C. in Ancient Greece. Elections were also held during the Roman Empire (27 BCE–476 CE). The Bible provides accounts of the election of judges and kings. For example, in Chapter 1 of the Book of Acts, the eleven disciples of Jesus conducted an election to fill the vacancy left by Judas Iscariot, who had betrayed Jesus and committed suicide. Two candidates, Justus and Matthias, were nominated, and Matthias was ultimately chosen as the new apostle.

In Tanzania, elections can be traced back to the period before independence, with multiparty elections held for the Legislative Council of Tanganyika in 1958 and 1960. Presidential elections were also held in 1962, after independence. Following the adoption of a single-party state in 1965, presidential and parliamentary elections were held every five years from 1965 to 1990. After the reinstatement of the multiparty system in 1992, more than six elections have been conducted for councillors, parliamentary representatives, and the presidency between 1995 and 2020.

As has been established, elections are a natural part of Tanzania's political landscape. However, the longstanding issue with our elections is the lack of preparedness and the tendency to treat

elections as an emergency. The way elections are managed in Tanzania raises many questions about the capacity and integrity of the Electoral Commission. It is true that many stakeholders, particularly opposition parties, candidates, and voters, do not trust the electoral commission. Complaints against the commission have been raised for over 30 years since the restoration of multiparty elections. Stakeholders have consistently called for an independent electoral commission with its own staff, sufficient resources to carry out its functions, and offices at lower levels where elections are held.

Importance of Elections

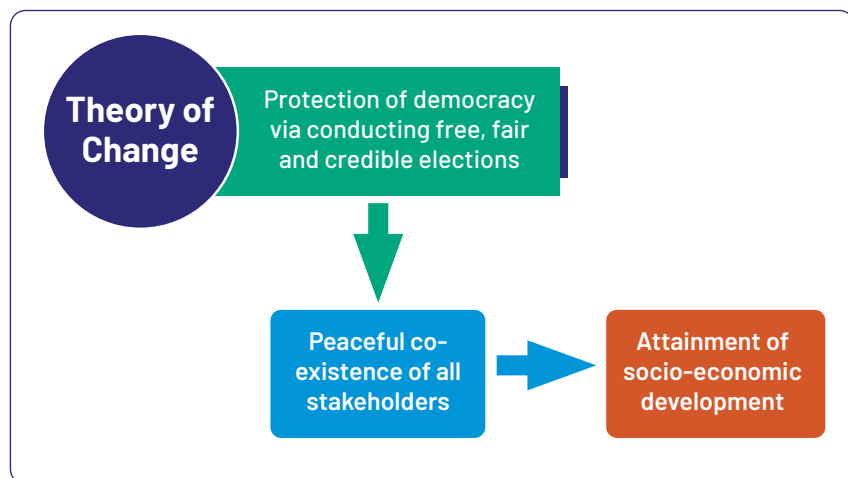
Elections are the lifeblood of the multiparty system and democratic governance. They make multiparty democracy a living entity. It is impossible to have a functional and thriving multiparty democracy without credible elections. Experience teaches us that every country needs to invest more resources in foundational matters, particularly elections, as they determine the future of democracy.

This calls on all stakeholders to prioritize elections as much as they do with development projects. The benefits of credible elections far outweigh the costs incurred in conducting them. Therefore, the resources needed to conduct credible elections should never be a matter of debate. The only way to prove that we are committed to democracy is by allocating sufficient resources to the electoral commission, allowing it to carry out its functions effectively.

It is a lack of commitment to democracy when nations seek financial assistance for conducting elections while collecting taxes. It is also a betrayal of democracy when nations invest heavily in large development projects but fail to allocate enough resources for elections. What good is it for a nation to accomplish large projects if there is no peace or stability in the country?

When elections are conducted fairly, credibly, and well-managed, and when people see that election outcomes reflect reality, peace and political tolerance are ensured. The simple formula for socio-economic development is protecting democracy through conducting credible elections, which in turn ensures the peaceful coexistence of all stakeholders and leads to prosperity.

For example, Article 146(2c) of the Constitution of Tanzania upholds this formula in relation to the functions of local government authorities (LGAs), although it is often not observed. It states that LGAs are required **to consolidate democracy within their areas and apply it to accelerate the development of the people**. This provision prioritizes strengthening democracy before development goals. The opposite does not deliver the expected outcomes—it's like putting the cart before the horse and expecting the horse to pull the cart. It cannot work because things are out of order. When things are in the wrong order, you cannot achieve the right results. You must put them in the correct order to get the correct results.



It is unthinkable for governments, politicians, and civil servants to focus on socio-economic development while ignoring the importance of credible elections, as true development is an outcome of free, fair and credible elections. The main reason why most African countries, particularly those in Sub-Saharan Africa, remain mired in poverty is the neglect of democratic principles, especially the failure to conduct credible elections. Data, figures, and reports show a direct correlation between democracy and the achievement of development outcomes. The most democratic countries⁵⁴ are also the most developed, as measured by human development indices⁵⁵. For example, the Nordic countries—Denmark, Norway, Finland, Sweden, and Iceland—are prime examples⁵⁶.

Benefits of Credible Elections

- i. They give life to multiparty democracy: It is impossible to have an active multiparty system without credible elections.
- ii. They are channels for forming a government: Leaders serve in various elective positions—such as the president, members of parliament, and councillors—who are all products of elections.
- iii. They provide legitimacy: Leadership in government becomes lawful, valid, authentic, and trustworthy through free, fair and credible elections.
- iv. They promote accountability: Elections give citizens the opportunity to hold their leaders accountable.
- v. They renew the social contract: Elections offer a forum for candidates and citizens to negotiate a new agreement on development priorities or challenges. This is often done through

54 The Global State of Democracy 2024 by the International IDEA (<https://www.idea.int/gsod/2024/countries/>)

55 Human Development Report 2023-24 (<https://hdr.undp.org/data-center/country-insights#/ranks>)

56 Global Peace Index 2024 (<https://www.economicsandpeace.org/wp-content/uploads/2024/06/GPI-2024-web.pdf>)

election manifestos or by addressing issues and complaints raised by voters during election campaigns.

- vi. They are forums for re-strategizing development: Elections challenge candidates to come up with new strategies and approaches for addressing development challenges.
- vii. They renew the commitment and zeal of candidates and leaders: Elections inspire candidates and leaders to recommit themselves to serving the citizens.
- viii. They unite and give new hope to the electorate: Elections provide a sense of unity and renewed optimism for citizens.

Legal and Institutional Frameworks for Electoral Democracy in Tanzania

In Tanzania, as in many other countries in Africa and around the world, electoral democracy is recognized and governed by the country's legal frameworks, which include the constitution, election legislation enacted by parliament, regulations and election guidelines issued by the electoral commission.

Given the political context of Tanzania, where all candidates interested in contesting elective offices must be members of registered political parties, the party's internal decision-making organs, as outlined in the party's constitution and regulations, must be followed in determining candidates. In this regard, candidates must be bona fide members who are endorsed by their parties through internal mechanisms established by the party's legal framework. For example, candidates must apply for elective posts by completing nomination forms, contesting through party primary elections, and being nominated by the party organ.

Elections for public offices in Tanzania begin with the political parties. Therefore, if there is no democracy within the political

parties, it will be impossible to achieve it in the public domain. The saying “garbage in, garbage out” holds true. For example, during the 2020 primary election in the ruling party, CCM, there were enormous allegations of electoral corruption, to the point where the Public Anti-Corruption Bureau, known as the Prevention and Combating of Corruption Bureau (PCCB), lacked the capacity to take action. As a result, the PCCB chose to report those cases to the party (CCM) to be handled internally⁵⁷. The critical question is: how can corruption be handled internally? How can corruption be dealt by the same people who committed it? This raises significant concerns about the capacity, impartiality, and integrity of the anti-corruption body-PCCB⁵⁸.

Legal frameworks for Electoral Democracy in Tanzania

Given the importance of electoral democracy among stakeholders, there are several legal frameworks⁵⁹ that inform and guide the practice of electoral rights in Tanzania as follows: -

- a) The Constitution of the United Republic of Tanzania of 1977
- b) Tanzania Citizenship Act, Chapter 357
- c) Law on the Election of President, Members of Parliament and Councillors, Act No. 1 of year 2024
- d) Law of the Independent National Electoral Commission, Act No. 2 of year 2024
- e) The Political Parties Affairs Laws (Amendment), Act No. 3 of year 2024
- f) Election Expenses Act No. 6 of 2010

57 The Citizen (August, 2020): PCCB to allow CCM deal with corruption allegations internally (<https://www.thecitizen.co.tz/tanzania/news/national/pccb-to-allow-ccm-deal-with-corruption-allegations-internally-2714458>)

58 Report of the 2020 General Elections in Tanzania by REDET (p. 61)

59 Voter Education Guide for 2020 General Election by National Electoral Commission (pp. 4-5)

- g) Prevention and Combating of Corruption, Act No. 11 of year 2007 (Chapter 329)
- h) Media Services Act of year 2016
- i) Electronic and Postal Communications (Online Content) Regulations of year 2018
- j) Statistics Act of 2015
- k) Electoral Code of Conduct
- l) Rules of the Independent National Electoral Commission for the year 2024
- m) Regulations for the Improvement of the Permanent Register of Voters for the year 2024
- n) Voter Education Guidelines
- o) Guidelines for Use of Public Media by Political Parties During Election Campaigns
- p) Instructions for Political Parties and Candidates

Election Stakeholders in Tanzania

“The Government of the United Republic of Tanzania enabled the Commission (means the electoral commission) to discharge its constitutional and legal mandate by providing it with the necessary resources. To discharge some of its functions, the Commission liaised with some Government ministries and institutions such as the Office of the Prime Minister, Ministry of Finance and Planning, Ministry of Foreign Affairs and East African Cooperation, Ministry of Home Affairs, Office of the Registrar of Political Parties, National Bureau of Statistics, Government Procurement Services Agency, Office of the Attorney General and the Ministry of Information, Culture, Arts and Sports”. (An excerpt taken from the 2020 General Elections Report by NEC, p. 91.)

The National Electoral Commission (NEC) has provided a list of elections stakeholders in its 2020 election report⁶⁰, as follows: -

- i. Government Ministries such as the Office of the Prime Minister, Ministry of Finance and Planning, Ministry of Foreign Affairs and East African Cooperation, Ministry of Home Affairs, Government Procurement Services Agency, the Ministry of Information, Culture, Arts and Sports.
- ii. Government Institutions such as Office of the Registrar of Political Parties, National Bureau of Statistics, Government Procurement Services Agency and Office of the Attorney General.
- iii. Political Parties and Party Agents
- iv. Election Committees
- v. Voters
- vi. Accredited Institutions for election observation (local and international election observers)
- vii. Civil Society Organisations (CSOs)
- viii. The Media- both public and private media
- ix. Religious Institutions and Leaders
- x. Special Groups in the Society (persons with disabilities, women and youth)
- xi. Security Organs such as the Inspector General of Police, Commissioner General of Immigration and the Director General of the Prevention and Combating of Corruption Bureau.
- xii. Traditional Leaders and Influential Elders

60 Report on the 2020 Presidential, Parliamentary and Councillors' Elections by the National Electoral Commission (pp. 91-100)

NOTE: The list of election stakeholders above highlights two key points:.

First, the majority of stakeholders are government institutions, particularly the executive branch. This underscores the significant influence of the executive branch over the Electoral Commission.

Second, the Electoral Commission acknowledges religious institutions and leaders as important actors in maintaining peace within society before, during, and after elections.

Despite the recognition of pivotal role of religious institutions in elections, it is ironic that they were denied accreditation to conduct voter education and observe elections. This reveals the double standard nature of the Electoral Commission which raises concerns about its independence, impartiality, and credibility.

Table 7: List of Fully Registered Political Parties in Tanzania as of 7th June, 2024

NO.	Name of the Party	Abbreviation/ Acronym	Date of Registration	Registration Number
1.	Chama cha Mapinduzi	CCM	01 st July, 1992	0000001
2.	The Civic United Front (CUF-Chama cha Wananchi)	CUF	21 st January, 1993	0000002
3.	Chama cha Demokrasia na Maendeleo	CHADEMA	21 st January, 1993	0000003
4.	Union for Multiparty Democracy	UMD	21 st January, 1993	0000004
5.	National Convention for Construction and Reform	NCCR-Mageuzi	21 st January, 1993	0000005

NO.	Name of the Party	Abbreviation/ Acronym	Date of Registration	Registration Number
6.	National League for Democracy	NLD	21 st January, 1993	0000006
7.	United Peoples' Democratic Party	UPDP	4 th February, 1993	0000008
8.	National Reconstruction Alliance	NRA	8 th February 1993	0000009
9.	African Democratic Alliance Party	ADA-TADEA	5 th April, 1993	0000011
10.	Tanzania Labour Party	TLP	24 th November, 1993	0000012
11.	United Democratic Party	UDP	24 th March, 1994	0000013
12.	Chama cha Demokrasia Makini	MAKINI	15 th November, 2001	0000053
13.	Democratic Party	DP	7 th June, 2002	0000057
14.	Sauti ya Umma	SAU	17 th February, 2005	0000066
15.	Alliance for African Farmer Party	AAFP	03 rd November, 2009	0000067
16.	Chama cha Kijamii	CCK	27 th January, 2012	0000079
17.	Alliance for Democratic Change	ADC	28 th August, 2012	0000080
18.	Chama cha Ukombozi wa Umma	CHAUMMA	4 th June, 2013	0000081
19.	Alliance for Change and Transparency	ACT- Wazalendo	5 th Mei, 2014	0000083

Source: Office of the Registrar of Political Parties (ORPP) in Tanzania (https://www.orpp.go.tz/publication_categories/list-of-parties)

Legal Provisions on Electoral Democracy as stipulated in the Constitution of the United Republic of Tanzania, 1977

Despite the numerous weaknesses of the Constitution of Tanzania, there are some certain legal provisions that guarantee electoral rights, although they are not upheld as effectively as expected by stakeholders. The provisions are outlined below: -

- 3.-(1) *The United Republic is a democratic, secular and socialist state which adheres to multi-party democracy.*
- (2) *All matters pertaining to the registration and administration of political parties in the United Republic shall be governed by the provisions of this Constitution and of a law enacted by Parliament for that purpose.*
- 5.-(1) *Every citizen of the United Republic of Tanzania who has attained the age of eighteen years is entitled to vote in any election held in Tanzania.*
- 8.-(1) *The United Republic of Tanzania is a state which adheres to the principles of democracy and social justice and accordingly-*
 - (a) *sovereignty resides in the people and it is from the people that the Government through this Constitution shall derive all its power and authority;*
 - (b) *the primary objective of the Government shall be the welfare of the people;*
 - (c) *the Government shall be accountable to the people; and*
 - (d) *the people shall participate in the affairs of their Government in accordance with the provisions of this Constitution.*
9. *The object of this Constitution is to facilitate the building of the United Republic as a nation of equal and free*

individuals enjoying freedom, justice, fraternity and concord.....

18. *Every person -*

(a) has a freedom of opinion and expression of his ideas;

20.-(1) *Every person has a freedom, to freely and peaceably assemble, associate and cooperate with other persons, and for that purpose, express views publicly and to form and join with associations or organizations formed for purposes of preserving or furthering his beliefs or interests or any other interests.*

21.-(1) *.....every citizen of the United Republic is entitled to take part in matters pertaining to the governance of the country, either directly or through representatives freely elected by the people, in conformity with the procedures laid down by, or in accordance with, the law. (2) Every citizen has the right and the freedom to participate fully in the process leading to the decision on matters affecting him, his well-being or the nation.*

74.-(1) *There shall be an Electoral Commission of the United Republic which shall consist of the following members to be appointed by the President.*

146.-(1) *The purpose of having local government authorities is to transfer authority to the people. Local government authorities shall have the right and power to participate, and to involve the people, in the planning and implementation of development programmes within their respective areas and generally throughout the country.*

146.-(2c) *to consolidate democracy within its area and to apply it to accelerate the development of the people.*

Qualifications of a voter in Tanzania

According to Article 5 of the Constitution of the United Republic of Tanzania, the following are the legal requirements of a voter: -

- a) He/she must be eighteen years or above;
- b) He/she must be registered as a voter and recognized/enlisted in a permanent voters register;
- c) He/she must have a voter identification card; and
- d) He/she must be of sound mind (sanity).

Qualifications of a candidate in Tanzania for elective positions

According to Articles 39, 47 and 67 of the Constitution of Tanzania, the following are the legal requirements for a candidate: -

- a) He/she is a citizen of the United Republic by birth in accordance with the citizenship law;
- b) He/she has attained the age of twenty-one years for members of the parliament and councilors, forty years for the president and vice-president;
- c) He/she has a sound mind
- d) He/she is a member of, and a candidate nominated/proposed by a political party;
- e) He/she can read and write in Kiswahili or English;
- f) He/she has not been convicted by any court in the United Republic and sentenced to death or to a term of imprisonment exceeding six months for any offence however styled involving dishonesty;
- g) Within the period of five years before the General Elections, he/she has not been convicted by any court for any offence relating to evasion to pay any tax due to the Government; and

- h) Within a period of five years preceding the date of a general election such he/she has not been convicted and sentenced to imprisonment for an offence involving dishonesty or for contravening the law concerning ethics of public leaders.

Bottlenecks Facing Electoral Democracy in Tanzania

- i. Treating elections as an emergency or event: In Tanzania, there is inadequate preparation for managing elections effectively, efficiently, and credibly. Most election-related activities are carried out at the last minute, as even the Commission is often unprepared.
- ii. Fear and negative perceptions towards credible elections: Many incumbents perceive credible elections as a threat to their power and are therefore unwilling to allow them. Sometimes, they even threaten the electorate, suggesting that electing an opposition candidate will result in division, violence, or stagnation.
- iii. The reliance on civil servants as returning officers, assistant officers, and presiding officers to conduct major electoral tasks—such as voter registration, updating the permanent voter register, candidate nominations, supervising the voting process, vote counting, and announcing results—presents challenges. For instance, the Director of Elections, who serves as the chief executive officer (CEO) and secretary of the Commission, is one of the senior civil servants appointed by the senior politician—the President, who is often the leader of a political party and may be a candidate during elections. Civil servants are generally more loyal to their appointing authority—the government—than to the electoral commission, making them more likely to display bias by following orders and instructions from senior government officials who may also be candidates in the elections.

- iv. There is low confidence in the autonomy, capacity, and integrity of the electoral commission. Many stakeholders, including voters, candidates, and political parties, do not trust the commission's ability to conduct and oversee free, fair, and credible elections. This lack of trust is reflected in low voter turnout and frequent statements by political parties rejecting election results⁶¹.
- v. Lack of strong and independent public institutions: There is a need for robust public institutions to build, protect, and sustain democracy as in Kenya, South Africa and Ghana.
- vi. Voter apathy, especially among the youth: This is reflected in low voter turnout during local government and general elections. The country has witnessed an improvement in voter turnout⁶² from 43% in 2010 general election to 67.3% in 2015. However, in 2020 general election there was a decline⁶³ in voter turnout to **50.72%**. This shows that nearly 50% of registered voters did not turn out on voting day⁶⁴. This serves as proof that many voters do not trust the electoral system especially the conduct of the Commission. It should be a wake-up call for reforming the system to restore confidence among voters.
- vii. Serious complaints about election result rigging: Many allegations from opposition candidates suggest that the electoral Commission manipulates election results in favour of the ruling party.
- viii. Disallowing opposition party agents from observing vote counting: This undermines transparency during the voting process.

61 Report of the 2020 General Elections in Tanzania by REDET (pp. 175-176)

62 The 2015 General Election Report by TEMCO (p.151)

63 Report on the Presidential, Parliamentary and Councillors' Elections by the National Executive Commission (p.113)

64 The Citizen: Election 2020: Nearly half of 29 million registered voters stayed away (<https://www.thecitizen.co.tz/tanzania/news/national/election-2020-nearly-half-of-29-million-registered-voters-stayed-away-2728308>)

- ix. Unevelled political playing field between the ruling party and the opposition: The ruling party, being the longest-serving, has access to public resources even during election campaigns, while opposition parties are often marginalized and treated as underdogs.
- x. Insufficient election materials at polling stations: This can cause delays in voting or even result in the cancellation of voting in given polling stations. For example, during 2010 general election, voting was cancelled in 7 constituencies and 23 wards because of non-supply of election materials⁶⁵. Besides, voter registration for 2015 general election was affected by insufficient BVR Kits, which made the Commission to prolong the registration process.
- xi. Illegal and political use of state apparatus: The police and other state authorities are often used to intimidate, accuse, arrest, and torture opposition candidates, especially before and during election campaigns.
- xii. Limited funding for opposition parties: This weakens their visibility and participation in election campaigns. Unfortunately, the largest portion of government funding goes to the ruling party, which also benefits from state resources indirectly. It is normal for presidential candidates from the ruling party to use public resources and issue orders as a president during general election⁶⁶.
- xiii. Unbalanced media coverage during election campaigns: Public media are supposed to provide equal airtime to all candidates. However, it tends to favour ruling party candidates by giving them more coverage than opposition candidates.
- xiv. Disqualification of opposition candidates for minor errors: Candidates from the opposition are sometimes disqualified

65 The 2010 General Election Report by TEMCO (p. 95)

66 Report of the 2020 General Elections in Tanzania by REDET (pp. 75&76)

because of insignificant errors, such as misspelling personal or party details.

- xv. **Prohibition of Independent Candidates:** This is a gross violation of democratic rights. There are qualified candidates who do not wish to be members of any political party; however, they are denied their right to stand for elective posts. True democracy should create unlimited opportunities for people to enjoy their rights, rather than impose limitation.
- xvi. **Presidential election results cannot be challenged in court⁶⁷:** This violates democratic principles and the rule of law. Since election results are prepared by humans, who can make mistakes, it is unjust that these results are final and cannot be contested in court.

Article 41 (6) & (7) of the Constitution of Tanzania states

(6) Any presidential candidate shall be declared duly elected President only if he has obtained majority of votes.

(7) When a candidate is declared by the Electoral Commission to have been duly elected in accordance with this Article, then no court of law shall have any jurisdiction to inquire into the election of that candidate.

- xvii. **Limited power of the Electoral Commission to perform its core functions:** One of the core functions of the Commission is to demarcate the boundaries of constituencies in accordance with population quotas. This demarcation may result in changes to the name, size, or even the removal of a constituency altogether. However, the Commission cannot perform this function without obtaining consent from the President. This means the Commission does not have full authority in carrying out its core responsibilities because if the President does not approve their proposal for constituency demarcation, it will

67 Article 42 (7) of the Constitution of the United Republic of Tanzania of 1977

not be implemented. While no public institution has unlimited power, they must have full authority to carry out their core functions, as that is their primary role. When a Commission lacks full authority to conduct its core functions, it raises questions about its independence.

Article 75 (1) & (2) of the Constitution of Tanzania reads

- (1) *Subject to the other provisions of this Article, the United Republic shall be demarcated into constituencies of such number and in such manner as shall be determined by the Electoral Commission **after obtaining the consent of the President.***
- (2) *Subject to any relevant law, the Electoral Commission shall have the power to demarcate the boundaries of constituencies **after obtaining the consent of the President.***

xviii. Male dominance in elective offices, such as members of parliament and councillors, remains a significant issue. In Tanzania, it is very unfortunate that **men hold more than 90% of elected positions**. This is unacceptable in a democratic state where both genders are expected to be equally represented. Male dominance in representative public organs is also contrary to the country's population demographics, where females outnumber males. For example, the percentage of **female elected parliamentarians is only 9.85%, and female elected councillors make up just 6.58%**. This highlights the low participation of women in decision-making bodies in public domain⁶⁸, despite the fact that females outnumber males in Tanzania's population which is also reflected among registered voters. The 2022 Population and Housing Census⁶⁹ shows that Tanzania has a total population of 61,741,120, of

68 Report on the Presidential, Parliamentary and Councillors' Elections by the National Executive Commission (pp. 67&70)

69 The 2022 Population and Housing Census: Age and Sex Distribution Report, Key Findings, Tanzania, Tanzania, December 2022 (p.3)

which 31,687,990 **(51.3%)** are females and 30,053,130 **(48.7%)** are males. Such population data should inform political parties when nominating their candidates. The underrepresentation of women is unacceptable as it violates their fundamental political rights, particularly their right to participate in public affairs and be represented in decision-making bodies. This underrepresentation may also fuel negative sentiments of discrimination and exclusion of women from politics. In many cases, women feel that they are only seen as voters and not given equal opportunities to hold elective offices. This situation calls for action from all stakeholders, particularly political parties, to eliminate all forms of gender-based discrimination in nomination for elective offices. Two potential solutions are to require that each elective position must have two candidates—a male and a female—and to allow independent candidates, as recommended by stakeholders.

- xix. A weak judiciary and parliament, both of which are critical in defending and protecting democracy, remain significant concerns in Tanzania. During President Magufuli's administration (2015–March 2021), the judiciary and parliament exhibited troubling weaknesses, often acting as agencies of the executive rather than fulfilling their constitutional roles of dispensing justice and holding the executive accountable. We have seen how judiciaries and parliaments in other African countries have effectively defended democracy. For example, in September 2017, the Supreme Court of Kenya took a strong stand in defense of democracy by nullifying the presidential election results and ordering a fresh election due to irregularities that impacted the outcome. The results were declared invalid, null, and void, as the irregularities were found to be sufficient to alter the election result⁷⁰. In February

70 Kenya Supreme Court nullifies Uhuru Kenya's re-election, orders fresh vote (<https://www.theeastafrican.co.ke/tea/news/east-africa/kenya-supreme-court-nullifies-uhuru-kenya-s-re-election-orders-fresh-vote-1372638>)

2020, the High Court of Malawi also upheld democratic principles by nullifying the 2019 presidential election results and ordering a new election⁷¹. The judiciaries in Kenya and Malawi have set a strong precedent for defending democracy that should be followed by other African democracies. In contrast, the situation in Tanzania is concerning. It appears that the executive holds overwhelming influence over all three branches of government, including the judiciary and parliament, controlling not only their discussions but also their outcomes. The following extract illustrates this situation more clearly

*“The five years and a bit that John Magufuli was president were arguably the most difficult for the democratic project in Tanzania. But it may also be fair to say that these were the years when the true worth of the various forces in contention in the Tanzanian political equation were made clear. It was unmistakably the era of the often talked about African strong man, with unlimited powers collected around him and who could do anything he wished without worrying about any countervailing power daring to oppose him. Magufuli had succeeded in silencing the opposition as he had promised at the beginning of his presidency. **He had cowed Parliament into subservience. He had made the Judiciary seem unable to challenge any of his decisions.** He had gagged the media and civil society organisations. He was now a power unto himself”⁷².*

71 Nkhata, M. J., Mwenifumbo, A. W., & Majamanda, A. (2021). The nullification of the 2019 presidential election in Malawi: A Judicial Coup d’État. *Journal of African Elections*, 20(2), 57-80.

72 Thirty Years of Multiparty Democracy in Tanzania 1992-2022: Reflection on Progress, Challenges & Opportunities (p.26)

- xx. The commission relies on government ministries to carry out its operations, which compromises its independence and impartiality. The Commission openly acknowledges its dependency on the government in its 2020 General Election Report.

“The Government of the United Republic of Tanzania enabled the Commission to discharge its constitutional and legal mandate by providing it with the necessary resources. To discharge some of its functions, the Commission liaised with some Government ministries and institutions such as the Office of the Prime Minister, Ministry of Finance and Planning, Ministry of Foreign Affairs and East African Cooperation, Ministry of Home Affairs, Office of the Registrar of Political Parties, National Bureau of Statistics, Government Procurement Services Agency, Office of the Attorney General and the Ministry of Information, Culture, Arts and Sports”.⁷³

- XXI. The fear of losing power through free, fair, and credible elections has led the ruling party to resort to manipulative tactics in order to retain control.

⁷³ Report on the Presidential, Parliamentary and Councillors’ Elections by the National Executive Commission (p.91)

Is Tanzania’s Electoral Commission Independent and Impartial?

Introduction

The independence and impartiality of the Electoral Commission are critical concerns among many stakeholders. In Tanzania, the Commission was established in response to the reintroduction of multiparty democracy in 1992, which required an independent electoral body to conduct and oversee competitive elections without favouritism or bias. Formed in January 1993, the Commission is known as the National Electoral Commission (NEC) of Tanzania⁷⁴ and is legally recognized as an autonomous public institution under Article 74(7)(11) and (12) of the Constitution of Tanzania of 1977. Since its establishment, the NEC has conducted six general elections—presidential, parliamentary, and council elections—as well as various by-elections over the past 30 years, through March 2024. However, there have been numerous complaints from stakeholders about the NEC’s independence, impartiality, capacity, and integrity, largely due to the fact that all members of the Commission are directly appointed by the President⁷⁵, who is the leader of the ruling party and also a candidate in general elections.

Following consistent recommendations from stakeholders over more than three decades of multiparty democracy in Tanzania for the establishment of an independent electoral commission, the sixth-phase government under President Dr. Samia Suluhu Hassan decided to table a bill in Parliament to create a new electoral commission. The bill was introduced for its first reading on 10th November 2023. This was the first bill in Tanzania proposing the

74 History of the National Electoral Commission of Tanzania (<https://www.inec.go.tz/pages/how-nec-is-established>)

75 Article 74 (1) of the Constitution of the United Republic of Tanzania of 1977

enactment of the National Electoral Commission Act⁷⁶. There was other two electoral and political parties' bills tabled on the same for the first reading which aimed at improving political landscape and electoral democracy in Tanzania⁷⁷. All three bills received extensive public participation prior to the second reading in Parliament. After considering public opinions and recommendations, the bills were passed by the National Assembly on 10th February 2024 and were subsequently assented by the President on **7th March, 2024**, becoming acts/legislations.

The following are newly enacted legislations aimed at improving multiparty and electoral democracy in Tanzania: -

- i. Law on the Election of President, Members of Parliament and Councillors, Act No. 1 of year 2024
- ii. Law of the Independent National Electoral Commission, Act No. 2 of year 2024
- iii. The Political Parties Affairs Laws (Amendment), Act No. 3 of year 2024

Independence, Impartiality, Capacity and Integrity of the Electoral Commission of Tanzania.

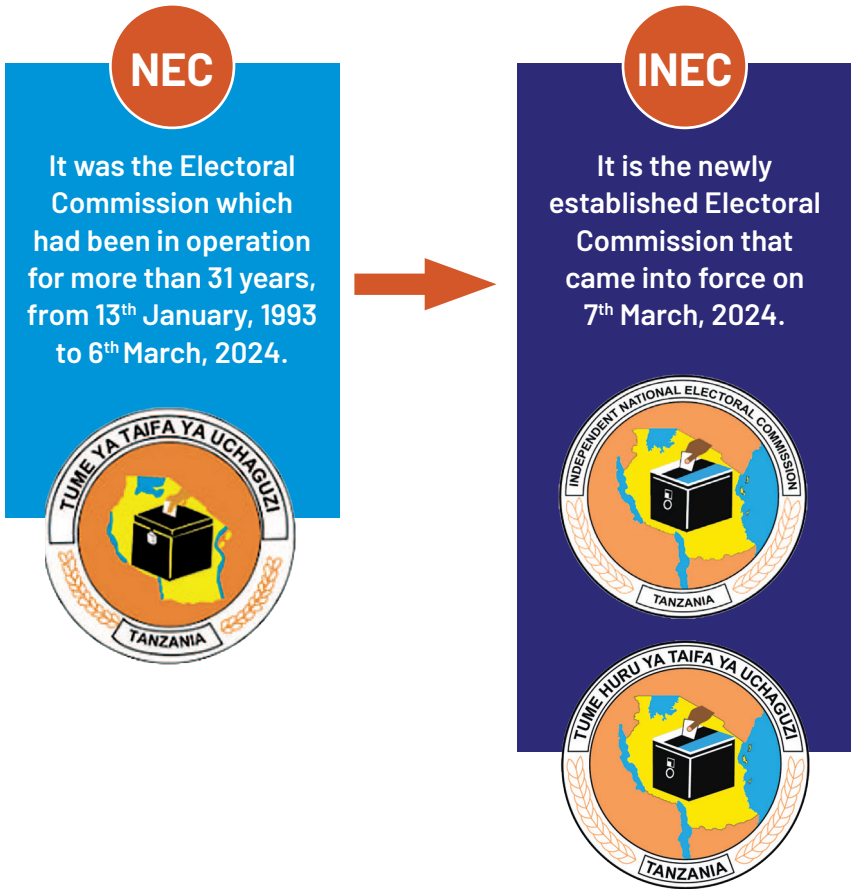
Following the enactment of the new legislation, the Law on the Independent National Electoral Commission, Act No. 2 of 2024, the former National Electoral Commission (NEC) has been renamed the Independent National Electoral Commission (INEC). The question is: Has the change of name improved the Commission's ability to ensure free, fair, and credible elections, as well as meet stakeholders' expectations? This is a critical question among electoral stakeholders. An in-depth analysis of the new legislation,

76 The Bill to Enact the National Electoral Commission Act (<https://www.parliament.go.tz/bills-list>)

77 The Citizen (January 2024) Electoral and political parties' bills and quest for inclusive elections (<https://www.thecitizen.co.tz/tanzania/oped/electoral-and-political-parties-bills-and-quest-for-inclusive-elections-4494492>)

in comparison with other independent electoral commissions in Africa, reveals that the new legislation does not bring any significant changes, as the Constitution remains unchanged concerning electoral democracy.

From NEC to INEC—are there any real changes as expected by election stakeholders in Tanzania?



NOTE: There are no significant changes to the Electoral Commission as anticipated by stakeholders. Even the colours and artwork of the logos suggest that there is nothing substantial to be expected from it. If you compare the two logos—one from the old commission (NEC) on the left and one from the new commission (INEC) on the right—they are nearly identical, indicating that there have been few changes despite numerous contributions from stakeholders.

The following are weaknesses of the newly established electoral commission of Tanzania (INEC):

- i. The same commissioners/members who were appointed by the President to serve at NEC (old electoral commission) have been retained under the new legislation to continue serving at INEC (new electoral commission)⁷⁸. This suggests that there have been no significant changes. The same individuals are still working in the commission, merely under a new name. At least a change in personnel would have helped increase trust among stakeholders.
- ii. INEC is similar to NEC because it lacks offices at lower levels, such as in regions, districts, and constituencies. It has retained the same structure as the NEC, consisting of seven members/commissioners and the national secretariat headed by the Director of Elections/Chief Executive Officer of the Commission⁷⁹.
- iii. The chief executive officer of INEC remains a senior public servant appointed by the President⁸⁰. Many stakeholders had

78 Section 27 of the Law on the Independent National Electoral Commission, Act No. 2 of year 2024

79 Section 5 of the Law on the Independent National Electoral Commission, Act No. 2 of year 2024

80 Sections 17(1d) and 18 of the Law on the Independent National Electoral Commission, Act No. 2 of year 2024

expected an electoral commission with staff who are not civil servants directly accountable to the President as head of public service.

- iv. INEC, like NEC, relies on civil servants, including the national secretariat, to carry out its operations, especially voter registration, updating the permanent voter register, and conducting and supervising elections. Stakeholders recommended that the Commission staff be independent of civil servants and recruited based on merit, rather than seniority in public service. The recruitment process should be open and competitive.
- v. INEC, like NEC, is accountable to the minister responsible for elections, who is a politician appointed by the President⁸¹. The Commission submits its annual reports to the minister, who then forwards them to Parliament. The Commission must also consult with the minister responsible for public service when composing its secretariat. Many stakeholders had hoped for an electoral commission that would be directly accountable to Parliament as the principal accountability organ rather than to a minister
- vi. INEC, like NEC, does not allow presidential election results to be challenged in a court of law⁸².
- vii. INEC, like NEC, does not recognize or permit independent candidates. All candidates must be members nominated by their political parties⁸³.

81 Sections 24 (1) and 25 of the Law on the Independent National Electoral Commission, Act No. 2 of year 2024

82 Article 41(7) of the Constitution of the United Republic of Tanzania, 1977

83 Sections 43, 48 and 59 (2f) of the Law on Presidential, Parliamentary and Councillors' Elections, Act No. of year 2024

- viii. INEC, like NEC, does not have a reliable source of income. It depends on government funding⁸⁴, which is unpredictable, as it depends on collections and government priorities. This may affect the commission's ability to secure timely funding for its activities. If the government is not on good terms with the Commission, it may delay the approval of funds, which would automatically incapacitate the Commission. For example, during the voter registration for the 2015 general election, NEC opted to use BVR kits for the first time. However, NEC did not have enough funds to purchase the required number of BVR kits, which resulted in the postponement of registration and a longer process. Initially, NEC had planned to purchase 15,000 BVR kits to facilitate a smoother and faster registration, but due to insufficient funds, only 8,000 BVR kits were available. This situation negatively affected the registration process⁸⁵.
- ix. INEC, like NEC, is not fully independent in discharging its core functions, particularly the delimitation of boundaries. The Constitution states that the Commission must obtain a consent from the President of the United Republic of Tanzania in order to undertake this core responsibility⁸⁶.
- x. INEC, like NEC, conducts voter registration and updating of the permanent voter register only twice in every five years. This continuation of treating elections as a seasonal event rather than a continuous process reflects a failure to consider voter registration and updating voters' details as an ongoing process that should reflect continuous demographic changes of voters, such as age, death, and mobility. Limited resources and the lack of permanent staff at lower levels may also contribute to this issue.

84 Section 21 of the Law on the Independent National Electoral Commission, Act No. 2 of year 2024

85 2015 Election Report by TEMCO (pp. 60-61)

86 Article 75 (1) & (2) of the Constitution of the United Republic of Tanzania, 1977

- xi. INEC, like NEC, is not mandated to conduct or supervise referendums in cases of major legal reforms that require direct public participation. Many stakeholders have suggested that the electoral commission should be responsible for referendums, as is the case with other electoral commissions in Africa. However, despite this recommendation, referendums are not included among the responsibilities listed in the new legislation⁸⁷.
- xii. The Commission is not fully prepared to conduct and supervise local government elections at the village, hamlet, and neighbourhood levels across the country⁸⁸. Although it has been mandated to undertake this responsibility effective 7th March 2024, the duty is currently being discharged by the government. The 2024 local government elections will be conducted and supervised by the government, as the Commission lacks staff at these lower levels. The Commission needs to be decentralized in order to carry out its responsibilities effectively, efficiently, and credibly.

Data on Elections in Tanzania

Data from general elections in Tanzania reveal a common trend: an increasing level of support and influence for opposition parties among voters. The opposition has consistently gained votes at all levels from one general election to the next. For instance, the votes for the presidential candidate from the main opposition party increased from **26.3% in 2010 to 40% in the 2015 general elections**. This demonstrates that opposition policies have gained acceptance among the electorate. Furthermore, the number of seats held by opposition parties in both the council and parliament has also risen.

87 Sections 10 (1, a-k) Responsibilities of INEC as stipulated by the Law on the Independent National Electoral Commission, Act No. 2 of year 2024

88 Section 10(1c) of the Law on the Independent National Electoral Commission, Act No. 2 of year 2024.

However, an unusual pattern emerged in the 2020 general election, where the opposition lost almost all the seats in parliament and council positions. While losing elections is normal if they are conducted in a free, fair, and credible manner, the 2020 elections were widely seen as lacking freedom, fairness and credibility. The Electoral Commission appeared to function more like a government agency, assisting the ruling party in securing victory. As a result, many stakeholders, particularly opposition parties, disowned the election outcomes, deeming them incredible. The opposition issued an official statement rejecting the results. The 2020 general election was widely referred to as a “defiled” election.

One particularly concerning aspect was the large number of candidates elected unopposed: 28 members of parliament and 882 councillors were declared elected without opposition by the Electoral Commission.

How is it possible for a multiparty country, which conducts competitive elections, to have such a large number of candidates from the ruling party winning unopposed? Such a situation is implausible, especially given the significant improvements in the capacity and experience of opposition parties. Furthermore, given the long history of multiparty politics in Tanzania, the opposition has garnered supporters and members across the country who are eager to contest elections. Therefore, it is highly unlikely for candidates to win unopposed unless their nominations were unfairly disqualified.

The following tables show the pattern and trend of election results in Tanzania: -

Table 8: A List of Members of Parliament from the Ruling Party-CCM who were Elected Unopposed during the General Elections in Tanzania.

Year of General Election in Tanzania	Total Number of CCM MPs Elected Unopposed
2020	28
2015	01
2010	16
2005	08

Source: The 2010 Report of General Election in Tanzania by TEMCO (p.36), The 2015 Report of General Election in Tanzania by TEMCO (p. 91), and The 2020 Report of General Election in Tanzania by NEC (p. 48)

Table 9: Voter Turnout in Last Three General Elections in Tanzania

Year	Registered Voters	Polling stations	Voters who casted their votes during the voting day	Voters who didn't participate in voting day	Percent of Voter Turnout
2020	29,754,699	81,567	15,091,950	14,662,749	50.72%
2015	23,254,485	65,525	15,193,862	8,060,623	65.34%
2010	19,670,631	53,023	8,398,415	11,272,216	42.7%
Average voter turnout					53%

Sources: <https://www.electionguide.org/countries/id/211/>, The 2020 Report of General Election in Tanzania by NEC (pp. 57, and 113), The 2015 Report of General Election in Tanzania by TEMCO (pp.8, 70, and 151), and the 2010 Report of General Election in Tanzania by TEMCO (p.95)

Table 10: Comparative Analysis of Voter Turnout in Tanzania, Kenya, South Africa and Ghana for the past three general elections.

Tanzania		Kenya		South Africa		Ghana	
Year	Voter Turnout	Year	Voter Turnout	Year	Voter Turnout	Year	Voter Turnout
2020	50.72%	2022	64.77%	2024	58.64%	2020	78.89%
2015	65.34%	2017	79.51%	2019	65.99%	2016	68.62%
2010	42.7%	2013	85.91%	2014	73.55%	2012	79.43%
Average	53%		77%		66%		76%

Source: International Foundation for Electoral Systems (IFES) <https://www.electionguide.org/countries>

Table 11: A List of African Countries which drafted New Constitutions to Promote and Protect Democratic Governance.

No.	Name of the Country	Old Constitution	New Constitution which upholds democratic principles
1	Kenya	1964	2010
2	South Africa	1961	1996 with amendments through 2009
3	Malawi	1966	1994 with amendments through 2017
4	Ghana	1960	1992 with amendments through 1996
5	Zambia	1973	1991 with amendments through 2017

Sources:

- Gichuki, N. (2016). Kenya’s constitutional journey: taking stock of achievements and challenges. *RiA Recht in Afrikal Law in Africal Droit en Afrique*, 18(1), 130-138.
- <https://constitutionnet.org/country/south-africa>
- The 1995 Democratic Constitution of Malawi (<https://www.cambridge.org/core/journals/journal-of-african-law/article/abs/1995-democratic-constitution-of-malawi/C42F6D202ADE745851BA2E079F7718C4>)
- <https://constitutionnet.org/country/ghana>
- Maniatis, A. (2019). *Zambian constitutional history*. *Studies in Humanities and Social Sciences*, 141.

Table 12: Presidential Results in the General Election in Tanzania: Comparison Between the Leading Opposition Party (Second Runner-up) and the Ruling Party (CCM)

Year of General Election	Votes for the Leading Opposition Presidential Candidate	Votes for the Presidential Candidate of the Ruling Party (CCM)	Total Valid Votes	Number of Presidential Candidates	Percentage of Votes for the Leading Opposition Presidential Candidate
2010	2,271,885	5,275,899	8,398,608	7	26.34%
2015	6,072,848	8,882,935	15,193,862	8	39.97%
2020	1,933,271	12,516,252	14,830,195	15	13.04%

Sources:

- The 2010 Report of General Election in Tanzania by TEMCO (pp. 100-101)
- The 2010 Report of General Election in Tanzania by NEC (p.65)
- The 2015 Report of General Election in Tanzania by TEMCO (p. 150)

Table 13: Distribution of Parliamentary Seats Between the Opposition Parties and the Ruling Party in the General Election in Tanzania.

Year of General Election	Seats by the Opposition	Seats by the Ruling Party	Other Seats	Total Number of Seats	% of the Opposition Seats in the Parliament
2010	90	272	16	378	24%
2015	116	261	16	393	29%
2020	27	350	16	393	7%

*Other Seats: The Attorney General (1), MPs elected from the House of Representatives in Zanzibar (5) and MPs Appointed by the President (10)

Sources:

The 2010 Report of General Election in Tanzania by TEMCO (p.93)

The 2015 Report of General Election in Tanzania by TEMCO (pp.38, 150)

The 2020 Report of General Election in Tanzania by REDET (p.25, 176)

The 2020 Report of the General Election in Tanzania by NEC (pp. 68, 71, 72,73)

Table 14: Distribution of Councillorship Seats Between the Opposition Parties and the Ruling Party in the General Election in Tanzania

Year of General Election	Seats by the Opposition	Seats by the Ruling Party	Total Number of Seats	% of the Opposition Seats in the Parliament
2010	553	2,786	3,339	15%
2015	1,069	2,875	3,944	27.1%
2020	133	3,820	3,953	3.3%

Sources:

- The 2015 Report of General Election in Tanzania by TEMCO (p.38)
- The 2010 Report of General Election in Tanzania by TEMCO (pp. 106)
- The 2020 Report of General Election in Tanzania by REDET (p.25)
- The 2020 Report of the General Election in Tanzania by NEC (p.69)

References

- Basedau, M. (2005, October). Survival and Growth of Political Parties in Africa- Challenges and Solutions Towards the Consolidation of African Political Parties in Power and Opposition. In Report on a Conference. Available at <<http://library.fes.de/pdf-files/bueros/ghana/50248.pdf>>[17.07. 2006].
- Chirwa, W., Patel, N., & Kanyongolo, F. (2013). Democracy report for Malawi.
- Constitution of the Republic of Ghana of 1992
- Constitution of the Republic of Kenya of 2010
- Constitution of the Republic of Malawi of 1994
- Constitution of the Republic of South Africa of 1996
- Constitution of the Republic of Zambia of 1991
- Constitution of the United Republic of Tanzania of 1977
- Elections in Tanzania: African Elections Database (<https://africanelections.tripod.com/tz.html>)
- Gichuki, N. (2016). Kenya's constitutional journey: taking stock of achievements and challenges. *RiA Recht in Afrikal Law in Afrikal Droit en Afrique*, 18(1), 130-138.
- History of the Independent Electoral Commission of Tanzania <https://www.inec.go.tz/pages/how-nec-is-established>
- History of the Parliament of Tanzania (<https://www.parliament.go.tz/pages/history>)
- Institutional Structure of the Independent National Election Commission of Tanzania (<https://www.inec.go.tz/pages/organization-structure>)
- Kalinga, O.J. and Kadzamira, Z.D. (2024) Government and Society in Malawi (<https://www.britannica.com/place/Malawi/Government-and-society>)
- Katundu, M. A. (2018). Why is Tanzanian opposition weak twenty-five years since its re-introduction? *African Journal of Political Science and International Relations*, 12(5), 69-84.
- Law of the Independent National Electoral Commission, Act No. 2 of year 2024
- Law on the Election of President, Members of Parliament and Councillors, Act No. 1 of year 2024

- Maniatis, A. (2019). *Zambian constitutional history*. Studies in Humanities and Social Sciences, 141.
- Michaela Collord (2021). *Tanzania's 2020 Election: Return of the One-Party State*, The French Institute of International Relations (Ifri)
- The Presidential Commission on Single Party or Multiparty System in Tanzania, Volume One, 1991: Report and Recommendations of the Commission on the Democratic System in Tanzania.
- Monyani, M. (2018). *One Party State: Is It Good or Bad for Governance? E-International Relations*, 3.
- Pratt, C. (1978). *The Critical Phase in Tanzania 1945-1968*, OUP
- REDET (2021). *Report of the 2020 General Elections in Tanzania by Research and Education for Democracy in Tanzania*
- Report of 2005 Election in Zanzibar by the Commonwealth Observer Group.
- Tambila, K. I. (1995). *The transition to multiparty democracy in Tanzania: Some history and missed opportunities*. *Verfassung und Recht in Übersee/Law and Politics in Africa, Asia and Latin America*, 468-488.
- TEW (2021) *Final Observation Report on The General Election held in Tanzania on October 28, 2020* by Tanzania Elections Watch (TEW)
- The Citizen e-paper (November 2020) *How Tanzania became a Single Party State in 1965* (<https://www.thecitizen.co.tz/tanzania/news/national/how-tanzania-became-a-single-party-state-in-1965-2705076>)
- The Political Parties Affairs Laws (Amendment), Act No. 3 of year 2024
- Yayoh, W. K. (2006). *Resurgence of multi-party rule in Ghana, 1990-2004: A historical review*. *Transactions of the Historical Society of Ghana*, (10), 125-147.

Important Political Timeline in Tanzania:

1957-1962	Parliamentary and presidential elections through multiparty system in Tanzania
9th December 1961	Independence of Tanganyika
1962	Tanganyika assumed a Republic Status and became a Republic of Tanganyika
12th January, 1964	Zanzibar Revolution
26th April, 1964	Union between the Republic Tanganyika and the People's Republic of Zanzibar to form the United Republic of Tanzania.
5th February, 1977	Merging of two socialist ruling parties: TANU based in Mainland Tanzania and ASP based in Zanzibar to form the present-day CCM.
1965	Official banning of all political parties except the ruling party, TANU, in Mainland Tanzania
1964-1992	Tanzania became a Single Party State under TANU (1965-1977) and later CCM (1977-1992)
1967	Tanzania became a socialist state in which all her policies were guided towards promotion of socialism and self-reliance. It was adopted during Arusha Declaration on 29 th January, 1967.
1992-to date	Adoption of a multiparty system, though with one-party dominance.



Rev, Fr. Dr. Charles H Kitima (PhD)



Mr. Uzima Justin Milele

Tanzania's journey toward building a democratic foundation has been challenging, marked by setbacks stemming from undemocratic decisions made after independence. In 1965, political parties were banned, and Tanzania adopted a socialist single-party system that lasted for 27 years. These decisions hindered the country's democratic progress, resulting in long-term negative consequences. Banning political parties while advocating for freedom and democracy within a single-party system was inherently contradictory—like removing fertile topsoil and expecting an abundant harvest. Had the political parties established in the 1950s and 1960s been nurtured, democracy might have flourished, delivering undeniable benefits, particularly a democratic, diverse, peaceful, inclusive, and progressive society.

Tanzania eventually recognized that democracy cannot thrive under a single-party system, leading to the reintroduction of multiparty democracy in 1992. However, the legal frameworks and institutions, particularly the electoral commission, remain too weak to fully support the development of a robust multiparty and electoral democracy.

It is both unthinkable and unacceptable to continue witnessing the ruling party acting as both a participant in and a regulator of democracy, thereby perpetuating the outdated single-party mentality entrenched in government and public institutions. This mindset remains the greatest challenge to Tanzania's multiparty and electoral democracy today.

It is crucial for all stakeholders to acknowledge this problem and collaborate to break free from this outdated mindset, enabling multiparty and electoral democracy to truly thrive. Change is possible with determined efforts from all actors.

