

MAENDELEO DIALOGUE

Democracy in Tanzania



**“Public Views on Civic Elections:
Fair Play Now!”**



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**“Public Views on Civic Elections:
Fair Play Now!”**

*“Rhetoric is useful because things that are true and things that are just have a natural tendency to prevail over their opposites, so that if the decisions of judges are not what they ought to be, the defeat must be due to the speakers themselves, and they must be blamed accordingly”***(ARISTOTLE- 3 BC).**

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Preface

Konrad-Adenauer-Stiftung [KAS] is a German political foundation. It operates in more than 120 countries worldwide. The Foundation's headquarters are situated in Sankt Augustin near Bonn and in Berlin. It started operations in Tanzania in 1964.

Konrad Adenauer was the first Chancellor of the Federal Republic of Germany's. His principles are our guidelines by which we fulfill our duty and obligation. To meet our objectives we work with partners, who are NGOs that are registered in Tanzania.

Our civic education programs aim at promoting freedom and liberty, peace, and justice. We focus on consolidating democracy as well as on developing cooperation. As a **think-tank and consulting agency**, our soundly researched scientific fundamental concepts and current analyses are meant to offer a basis for possible political action.

The **conferences and events** that we organize attract people who 'have a say'. Together with Tanzania Development Initiative Programme (TADIP), one of our partners, we sought 'Public Views on Civic Elections: Fair play now!' Together we offered an interactive platform to allow exchange of views and the learning process.

As expected, the opinions were as diverse as the age groups, political affiliation and perceived benefits/threats. None-the-less the atmosphere under which opinions were shared was serene, factual, constructive, focused and to a large extent, professional.

To continue with the tradition of offering an interactive platform for politic-intellectual exchange, KAS and TADIP plan to host regular dialogues on pertinent issues having a direct bearing on the lives of the people of Tanzania.

Acknowledgment

On 22nd March 2009 TADIP, in collaboration with Konrad-Adenauer-Stiftung [KAS], hosted a dialogue on multi-party politics in Tanzania. The topic was: **“Public Views on Civic Election: Fair Play Now!”**

The audience included academicians, politicians, representatives from CSOs, the government and the general public. This mixture made a healthy exchange of views and share of experiences. Special thanks go to participants and organisers.

We would like however, to recognise the contribution offered by the staff of Konrad-Adenauer-Stiftung Tanzania Country Office, especially Richard Shaba and Erasto Ndeuka who played a key role by providing leadership, offering technical support and professional advice.

Production of this book could not have been possible without a thorough review done by various people from different places. We take this opportunity to give our heartfelt thanks to all of them, including the following persons who, apart from giving direct advice, they provided written documents that made our work easier:

1. Mr. Steven Mbogo
2. Ms. Victoria Makulilo
3. Mr. Edward E. Kinabo
4. Mr. Daniel Welwel

We thank each one of them for their valuable contributions.

Final editing of the publication was done by Dr. Charles Saanane. We recognise his efforts.

TADIP Executive Committee

1.1 BACKGROUND

Konrad–Adenauer-Stiftung (KAS) is an International Non-governmental Organization. It was founded in Germany after World War Two, which also signaled the end of Nazi dictatorship under Adolf Hitler. It is one of six political foundations of the Federal Republic of Germany with offices in more than 100 countries worldwide.

The objective for which KAS was established is to promote and protect democracy, good governance and international relations. In order to meet her objectives, KAS cooperates with local registered partners. In Tanzania, TADIP is one of those partners, which KAS has been cooperating with for the common good.

TADIP is a registered Non-governmental Organization in Tanzania whose objectives include the following: to promote good governance, to actively participate in promotion and development of democratic reforms as well as institutions and to provide value based education to Tanzanian citizens.

KAS and TADIP have so far conducted jointly three very successful Maendeleo Dialogues. The first one, “Fast Tracking East African Federation,” was followed by “Fifteen Years of Multiparty Politics in Tanzania” and “These publications are in English, which limits the majority of people of Tanzania and East Africa in general from enjoying freedom of information because many are more conversant in Kiswahili. As a general rule, the aim of Maendeleo dialogues is to catalyze participants to share their ideas and knowledge transparently in areas that TADIP and KAS are aiming at undertaking in order to get a clear picture of what majority of people are saying about a given topic.

This dialogue, “Public Views on Civic Election: Fair Play Now! Has been strategically presented to the public at this time

around because of the fact that Local Government elections in Tanzania are scheduled to be due in October, 2009. As usual, the aim of this dialogue is to collect public views about what this year's elections will bring about, if there will be major or any changes apart from what has been practiced in the past, if the government has made any reforms or changes in her policies regarding local government elections and if voters have been sensitized enough to vote for competent candidates regardless of their political parties affiliations.

Voters as well as candidates need to have a clear understanding of election procedures and outcomes before getting into elections or campaigns. It is the government's responsibility in collaboration with civil societies, political parties and religious organizations to make make sure that people are well informed. In conducting free and fair elections, therefore, there must be rules and regulations, which are favorable to all candidates. An equal playing ground does not have to mean providing every voter and candidate with any information about elections and election time tables. It must also provide equal access to resources for candidates from different political parties taking part in elections.

Ethics and regulations must be transparently provided so that voters as well as aspiring candidates know before hand about their roles and responsibilities.

To emphasize this, in his address to the Parliament on 28th June, 1962, the first President of the United Republic of Tanzania, the Late Mwalimu J.K Nyerere told parliamentarians concerning elections that *“When a nation does not have the ethics which will enable the Government to say- We cannot do this, that is Un-Tanganyikan (now Un-Tanzanian) Or the people to say- That we cannot tolerate, that is un-Tanganyikan” If the people do not have that kind of ethic, it does not matter what*

kind of constitution you frame (dictatorship, democratic, or totalitarian-). People will always be victims of tyranny. What we must continue to do all the time, is to build an ethic of the nation, all the time to build an ethic of this nation, which makes the Head of State whoever he/she is, to say- I have the power to do this under the constitution, but I cannot do it because it is Un-Tanganyikan (Un-Tanzanian). Or for the people of this country to, if they have made a mistake and elected an insane individual as their Head of State (or any other public leader in that sense), who has the power under the constitution to do xyz if tried to do it, the people would say: "We cannot have it from anybody, President or President Squared, we won't have it."

So it is evident that elections are closely associated with ethics and open democracy, because they contribute much to the welfare and development of the people. Where ethics are not practiced, elections can result into something horrible.

Local elections have been made in Tanzania for quite sometime now. To better understand what these elections have brought about, or how they have been conducted in the past, let us go through a brief history of elections in Tanzania. This will enable us to have answers to many of the questions we have in mind. For example, what necessitated local elections in Tanzania? How were the past elections conducted? What were outcomes of such elections? Why were the outcomes so? Are the coming elections going to be more transparent than the past ones? And a lot more questions.

- *In Tanzania, like in many other colonial territories, the colonial state had adopted the local government system under the Native Authority Ordinance of 1926.*

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- *The Governor, under the provisions of the Native Authority Ordinance, was obliged to maintain order and good governance among natives and generally to make rules providing for peace, good orders and some welfare of such natives.*
 - *Subsequently, native authorities were replaced by District Council establishment under the Local Government Ordinance of 1953.*
 - *At the time of independence in 1961, there were six such councils such that by July 1962, district councils were established in other districts. Initially, most of the councilors were appointed by members of Local Government Authorities.*
 - *In 1962, the principle of elected representation was adopted vide Local Government Election Rural Areas Act.*
 - *With decentralization of government administration in 1972, district councils were dissolved and replaced by District Development Councils. District Development Councils were controlled by the Central Government through the office of the Prime Minister, this system perpetuates to date.*
 - *In 1982, District Councils were re-established under the Local Government (District Authorities Act of 1982). Re-establishment of District Authority apparently came together with re-introduction of multiparty system in 1992.*
 - *As such, the structure and organization of local government authorities slightly changed from a single party to a bit improved one, which could accommodate multiparty system.*

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- *The first local government elections under the multiparty system were held in 1994.*
 - *All registered political parties were eligible to contest. However, the ruling party, Chama Cha Mapinduzi (CCM), won in most of the local authorities with notable exception of Dar es Salaam, Moshi Rural, Karatu, Bariadi and Kigoma.*
 - *Ngware.S. in his submission paper named “Multiparty and peoples’ participation” argues that the weakness of opposition political parties with little organizational, managerial, leadership, experience including resource constraints had contributed immensely to the state of poor performance by opposition parties.*
 - *Chama Cha Mapinduzi (CCM,) on the other hand, had a lot of advantages. Experience, resources, leadership, election management and support from the government enabled it to take full advantage of all elections more seriously than what the opposition parties could possibly do.*

What does all this mean to an ordinary citizen?

Elections provide citizens with both answerability (the right to assess a candidate's record) and enforceability (vote the candidate in or out). Elections mean nothing if their relationship with good governance and democracy is not seen to be practiced. Also, good governance, which means accountability and transparency in government undertakings, must be proved to be the result of fair and free elections.

Accountability must have the quality of answerability (the right to receive relevant information and explanations for action) and enforceability (the right to impose sanctions if the information or rationale is deemed inappropriate). However, one complication

is that voice from people alone is not sufficient enough for accountability. Normally, it may lead to answerability, but fails to lead to enforceability. Good news is that people (who are voters) have the right and mandate to fire leaders they have elected (employed) through proper channels, including general meetings.

Another important attention has been focused at seeing roles of political parties and civil society organizations in providing the necessary civic education so that people at local levels understand the importance that an election brings about and its relevance to democracy and development. The answers to these questions and many more must come from the public who are the main stakeholders in elections. Government officials, academicians, activists, politicians and the general public share their views, give recommendations and comments, all of which are then summarised and published for public consumption.

1.2 INTRODUCTION

1.2.1 An Overview

This is a Publication of Maendeleo Dialogue Series, which was conducted by TADIP in collaboration with KAS. The theme of the dialogue was “Public Views on Civic Elections: Fair Play Now!” The dialogue was conducted at Rombo Green View Hotel, Shekilango Road, Dar es Salaam on Saturday 21st March, 2009.

This report is in four sections: The first section provides the background, the second has the introduction including objectives, participants and the methodologies of the training, the third section indicates programmatic results including key outputs and recommendations for follow ups, while the fourth section recites summary of specific dialogue proceedings. Also included are relevant annexes for references at the end of the report.

1.2.2 Objectives

Objectives of the dialogue were meant to enable participants:

- get an overview of Local Government election processes from the Ministry of Local Government and Regional Administration (TAMISEMI) official, because it is the Ministry responsible for Local Government elections in Tanzania;
- understand a brief history of Local Government elections, why elections, when elections are conducted, how they have been conducted in the past, and how they will be conducted this year;

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- contribute and share their understanding of elections and their relevance to democracy, good governance as well as development; and
 - recommend possible changes and avenues that need to be taken into account in order to make credible improvements in areas that have performed badly.

1.2.3 The Topic

The topic of the dialogue was “Public Views on Civic Elections: Fair Play Now! The topic was chosen timely in order to spur public views on the forthcoming elections. As TADIP’s Executive Director put it in his opening remarks “Civic elections and good governance are like the ‘two wheels of a cart’ that must move together and that depend on each other for forward motion, where the forward motion is the peoples’ development.”

1.2.4 Key Paper Presenters:

The dialogue was composed of three papers, that were presented to the audience. All papers were about local government elections key issues. There was additional information about elections from sources other than those who presented papers, which shall form part of this report. After paper presentations, plenary discussions and other relevant pieces of election information took place. There was a session of Questions and Answers, which aimed at reinforcing participants’ understanding of election concepts.

The following were the three papers:

1. “The Local Government Multiparty Elections in Tanzania: Past experiences and Future Expectations” presented by Ms Victoria Makulilo from the Dar- es-Salaam University College of Education.

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2. “Tanzania towards 2009 Local Government Elections, the Politics, the Realities and the Confusions: Asking the question.” This paper was presented by Mr. Daniel Welwel, a private Legal and Policy Analyst.
 3. “Local Government Elections - Major Clarifications on the Position of the Government, Improvements and other Changes in Policies and Processes.” This paper was presented by Mr. Calist Michael Luanda, Assistant Director in the Ministry of RALG (TAMISEMI), who is also the Ministry’s spokesperson.

PART TWO

2.0 Welcoming remarks:



2.1 By Mr. Elijah Okeng'o - TADIP Executive Director.

Mr. Okengo introduced TADIP to participants by stressing its mission, vision and current objectives, together with activities. He also briefed Participants on reasons for conducting such a dialogue. He requested the participants to take part in discussions actively by listening to presentations and contribute their view and ideas on how to speed up democratic process in the country. He thanked all participants from various organizations who agreed to attend the dialogue. Finally he welcomed KAS Team Leader, Mr Richard Shaba, to greet participants and acknowledge their presence.

2.2 By Mr. Shaba - KAS Team Leader

- Introduced KAS activities briefly, why it was established and what necessitated its founding. He explained CSOs responsibilities in promoting as well as enhancing socio-economic development, democracy, good governance and accountability.
- Hinted that there were many questions to be raised by participants that need to be answered.
- Asked how citizens' participation in elections was rated by leaders and citizens themselves.



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- Challenged political parties and CSOs' engagement in elections
 - Reminded participants to ask constructive questions to paper presenters on all issues related to the forthcoming local government elections. In particular, if elections were known to many people in the villages, its objectives and its relation to development, good governance and democracy.
 - Tasked participants to clearly try to understand good governance and democracy shortfalls and how to contain such shortfalls
 - Summarized by asking whether or not good governance and democracy were practiced in Tanzania in their real meaning. For example, he asked, how can a Member of Parliament (MP) who is also a Minister be held accountable by the same parliament where he/she is also a member? The task of parliament is to hold the government accountable. But if the parliament is made up of government officials, can it be possible to hold the government accountable in the real sense? He urged participants have to come up with relevant answers to such questions.

PART THREE:

3.0 Presentation

This paper was delivered by Ms. Victoria Makulilo from DUCE. In her presentation, Ms. Makulilo

- Introduced the history of multiparty system and democracy in Tanzania since 1992
- She said one of the reasons for Tanzania to adopt the system was the pressure from donors. Even under one party system we had multiparty elections of some kind. But elections alone do not guarantee democracy.
- She reminded participants that since adoption of multiparty system, three local government elections have been conducted in 1994, 1999, and 2004.
- She said that elections in Tanzania have five-tier complex stages, from Kitongoji (hamlet), Village, Ward, Division and District levels.



Madame Makulilo presenting her paper during Maendeleo Dialogue at Rombo Green View Hotel on 21st March, 2009.

For a free and fair election, the electoral process, which involves electoral structures and arrangements, must be fair. The type of electoral system in place, process of voter registration, election campaigns, votes counting process, results announcement and attitudes of the electorate, determine the kind of elections conducted.

- Corruption in elections is a big problem in many countries, Tanzania inclusive. Surveys by REPOA in 2005 general elections, revealed that 44% of the interviewed people said that some or most or all of the elected government councilors were engaged in corruption .In 2001, the number was 58% while in 2003 it was 46%.
- Shortage of resources by opposition parties contributes to unfair and free elections. In 2004, most opposition parties were unable to mount serious campaigns for lack of funds and other resources. The formula used to calculate disbursement of state subsidies to fully registered political parties favors CCM.
- Election monitoring in local government elections is governed by the Minister responsible for Local Government. This is to say that elections are monitored by the executive wing and therefore, not impartial. The Minister will undoubtedly favor his/her party. In 2004, for example, the Minister who monitored the 2004 elections also happened to be the Deputy CCM Secretary General. Then, 12 opposition political parties filed a constitutional case against that action. To the dismay of many, the High Court, on 9th November, 2004, dismissed the main case on technical grounds. Under Section 14(5) a of the election, regulations state that "...all those who are not happy with the decisions related to nominations are supposed to send their complaints to the Minister."

Now, one can easily ask, which Minister? One who has been implicated for violating election regulations? Justice cannot be exercised under these conditions.

- In 1977, the Constitution was reviewed together with the Election Act Number 1 of 1985, District Authorities Act of 1982 and Urban Authorities Act of 1982. The four organs; all guiding local elections contradict themselves in many areas.
- Political parties have demanded for a new Constitution which will provide a level playing field in politics. The government's reluctance to redress the problem will continuously inhibit the conduct of democratic elections.
- Since colonial era, local elections were conducted until 1972 when they were abolished by the government. They were re- introduced in 1984 following an enactment of Local Government Acts Nos. 7,8,9,10,and 12 of 1982.

In general, she outlined that there is a weak legal and institutional framework that culminates to pseudo-democracy. Elections are made less important, while people tend to participate at minimum numbers. Political representation at grass root level is very weak and hence, elections are dominated by one long established party.

PAPER TWO

This paper was delivered by Mr Daniel B. Welwel, a Legal and Policy Analyst.

- Elections have been there, they shall continue to be there. This is a fact. But are they fair and free as winners always claim to be?
- People are tired of elections because those they vote for do not win the elections. The question people usually ask is, "... Why waste time voting for someone I do not want?.."
- Politicians have said many things, and they are still saying. They talk about changes, which do not seem to come any near. It is as if nothing new will come by.
- An important question should be, "...In the first place, do we have a strong foundation for grass root organizations?.."
- Soon after independence, our government engaged in building two contradicting strategies, namely, nation space and nationhood. Traditional structures were ignored and this is one reason for moral degradation today.
- From the two approaches, a nation space was successfully erected. Nationhood, which maintained fabrics of society, has never been achieved.

Today, Tanzania is built up of a community without common basic values. Referring to the 7th Tanganyika African National Union (TANU), then, ruling party for Mainland Tanzania and later together with Afro Shirazi Party for Zanzibar merged to form Chama cha Mainduzi (CCM), principle "*Nitashirikiana na wenzangu wote kujenga nchi yangu*" (literally means 'I shall cooperate with my fellow citizens in building my country') no

one in Tanzania today adheres to this principle, neither in words nor in deeds. Nation building requires the highest practices of ethical concepts, namely, integrity, probity, transparency, accountability and fairness.

- Gross corruption, which is the order of the day occupying front page headlines in newspapers, is a result of moral and ethics decay.
- Public leaders, who are looked upon by citizens to stand firm in fighting corruption are champions of corruption today. The very leadership that was meant to replace traditional means of sanctions and collective control has turned into a monster that eats the very herd it was meant to protect.
- Foundations on which multiparty democracy is built in Tanzania are not fit for or were not designed to build competitive party politics. The foundations include the Constitution, the Local Government Authority laws and other rules governing elections.



Mr. Daniel Welwel on presentation of his paper during Maendeleo Dialogue at Rombo Green View Hotel on 21 March 2009

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- The ruling party, CCM seems to be benefiting much from disorganized communities at grass root level to the extent that the government in power cannot do any deliberate actions to awake these communities.
 - In 1961, the late President Mwalimu Julius K Nyerere told the nation that by then the country had three major enemies, namely, **ignorance**, **poverty** and **diseases**. Today, 47 years later, instead of enemies being wiped out, they are much stronger and the country has allowed a new fierce enemy to join forces with the other three. Currently, the country has four enemies, namely, **ignorance** which we have is widening at an alarming rate; **poverty** which is rampant among many people, **diseases** are there to stay, even those of that could be wiped out, and **corruption** which is eating the nation from many angles.
 - Corruption is every where in the country. From education sectors to employment, from elections to service delivery systems. No wonder it has found space in government instruments.
 - It seems people are trying to build the country by using a top down approach by empowering a few people to take control of all others, partly because of people's ignorance and poverty. Participation has been turned into a political process of manipulating people psychologically before and during elections.
 - Resources are not adequately allocated to facilitate fair elections. For example, in 2004, 4 billion Tshs were requested from the government to facilitate elections, 2.8 billion Tshs were authorized by the government, but only 1.9 billion Tshs were spent in election related activities. One can easily figure out and believe that local elections were, and may be are, not given their due weight. Now,

is it possible to implement successfully an election project estimated to cost 4 billion Tshs with 1.9 billion Tshs. The answer is simple, NO.

Political parties and CSOs are not adequately empowered to participate in grass root elections where democracy really matters. Where parties are empowered and candidates' capacities are built, results have always been more competitive.

PAPER THREE

This paper was presented by Mr Luanda, a RALG Ministry spokesperson. In his presentation, he said the following:

- It was reported that the 1999 elections had many shortfalls. However in 2004, some election shortfalls had been reduced.

It was further reported that the aim of the government is to see the 2009 elections being conducted in a greatly transparent and conducive atmosphere to allow for free and fair elections countrywide.

- Informed the audience that the government has recommended a Local Voters' Register (LVR) to be prepared 21 days before elections.
- Village Executive Officers (VEOs), Ward Executive Officers (WEOs) and other local leaders are not allowed to participate in preparation of the LVR.
- Political parties and CSO representatives should participate in the exercise.

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- Citizens have been empowered to refuse any person in the voting process if they are doubtful about his/her residency.
 - In the past, elections were carried out at street and village levels only. This time, elections shall begin at hamlet level. The reason is to bring elections closer to people and reduce walking distances to and from election centers.
 - Special ballot boxes are to be made for local elections and special voting papers shall be prepared by District Councils.
 - Candidates' photos shall not be inserted on the papers.
 - In the identification process, a voter must have one of the following identity cards: voter's register, passport, driving license, health insurance card, secondary or college identity cards or a bank account card.
 - It was reported that there are more than 2000 streets, 10,000 villages and 57,000 hamlets in Tanzania.
 - The government has committed 8 billion Tshs to facilitate 2009 elections
 - There shall be formed Election Petition Committees in all districts under RAS. All active political parties shall be involved.
 - Religious leaders who were thought to be neutral have been interfering in elections to the extent that the government is no longer convinced of their neutrality.

PART FOUR

4.0 Discussions and Recommendations

Discussions revealed the following observations:

- It is the role of political parties to sensitize citizens so that they understand the importance of elections and vote for competent candidates;
- The voters' register that was used during 2005 general elections is not suitable for local elections because not all citizens are registered and registration processes started from the ward level. Furthermore voter's card did not have particulars about the voter's street of residency;



Regia Mtema from CHAWATA (standing) airing her views during Maendeleo Dialogue at Rombo Green View Hotel on 21st March, 2009.

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- Lack of civic education is the main reason elections were poorly done in Tanzania. It is important every citizen should be educated prior to elections.
 - Disabled people have been marginalized in all elections. It is therefore high time the government puts policies and regulations to protect their rights to participate in elections just like any other citizen;
 - The aspect of providing special seats was to cater for marginalized people in the society in order to have representation in leadership, but the question is, to what extent have Members of Parliament through special seats been able to voice for disabled persons in the Parliament?



NCCR-Mageuzi Secretary General, Hon. Luhuza (Standing) making a point during Maendeleo Dialogue.

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- In local elections, an eligible candidate must be 21 years instead of 18 years as stipulated in the Constitution. The reason is that 18 years is an age of majority and 21 years is an age of responsibility. But it has to be cautioned that time should be provided for young people to acquire leadership experience before being allowed to contest for leadership positions;
 - CCM is well equipped in terms of resources that guarantee victory in especially in remote areas, while other parties are weaker and poor;
 - Voters behave myopically, giving much greater weight to events around election times or services and goods offered that are immediately visible, forgetting long-term suffering during the intermediate period. This is due to lack of civic education and citizen empowering in between elections;



If people have to vote with limited information or if they are uncoordinated because of various reasons, but can be swayed by propaganda or bribes, as experienced in the past elections, special interest groups can claim ownership of policies by providing finances for campaigning and mobilizing the voters;

- Faced with classrooms without teachers, clinics without medicines, dry water taps and corrupt police, often times citizens choose any leader who can give simple or false promises to fulfill their needs;



NLD, National Chairperson Hon. Lifa Chipaka (Right) taking some notes before his contributions during plenary session.

- Cheap promises for jobs or public works/projects can be delivered soon after elections, but promises to improve education or health services, for example, are not offered by weak candidates for fear of retribution from voters. Lack of civic education leads to citizens being taken astray easily; and
- Democratically elected politicians in countries such as Tanzania, where a voter is likely to be a poor person, or where poor people constitute the majority of the voters, they often seem to have little incentives to lure them to participate in voting. Also they have no power to demand for better public services. Why?
 - a) When politicians have incentives to divert resources including outright corruption and make transfers to a few

clients at the expense of many, efforts to provide broad public services are undermined.

- b) Incentives for transfers targeted to informed voters are greater when voters in general lack information about the quality of public services and the role their elected representatives play in affecting quality. The same is true if uninformed voters are easily swayed by political propaganda or if they vote on the basis of a candidate's charisma or ethnic identity rather than a clean record.
- c) If people vote with limited information or if they are uncoordinated and can be swayed by propaganda or bribes, special interest groups can capitalize on the situation by providing finances for campaigns or mobilize voters. The result is a leadership without morals, without focus and not responsible. Moreover, such a leadership is not able to serve well those who put them in power.

ANNEXES

Annex 1: Paper presenter:

By **Victoria Makulilo**
Dar es Salaam University College of Education

The History of Multiparty Elections in Tanzania

Introduction

Tanzania re-introduced multiparty system as well as multiparty elections in 1992 and 1994/5, respectively. This was a response to a call for democratic change in Africa under 'good governance' by donors¹. It was due to the fact that most of African regimes including Tanzania were wasteful, corrupt, inefficient and politically repressive (Kaya, 2002). This implied that governments were not accountable to people, there were low participation of citizens in civic elections, and in general, civil and political rights were stifled.

The multiparty elections have been carried out in two levels in Tanzania. They were national/general elections that included presidential and parliamentary elections; and local government/civic elections. They were both carried out after every five (5) years as per Tanzanian Constitution; that means from 1994 to 1999, 1999 to 2004 for local government/civic elections and from 1995 to 2000, 2000 to 2005 for national/general elections, respectively. The coming elections are in 2009 and 2010 for local government and national elections, respectively. However, the focus here will be local government/civic elections and how democratic are they.

The Local Government in Tanzania has a complex five-tier forms, namely, the hamlet (*kitongoji* at a block) formerly as the lowest form; village assemblies and village communities; ward development

1 These are specifically, the World Bank and IMF

committees; district councils and district development committees as the highest form (Gaventa, 2002). The election of political leaders at '*kitongoji*' or '*mtaa*' for urban settings and villages has successfully been conducted for three periods now. This may be seen as the first impression of democratic governance. However, Anyong'o (1997) has argued critically that competitive elections are nothing if they involve only vote without good indicators of democratic governance. He (ibid.) continued that democratization requires establishment, not only of a series of regular elections, which South Africa had under the half century of apartheid rule, but also a wide battery of other institutions and procedures. These institutions and procedures are explained under the legal and institutional framework which governs the electoral processes.

The local government/civic elections are governed by the Constitution of the United Republic of Tanzania of 1977; Election Act No. 1 of 1985; Local Government (Urban Authorities) Act of 1982; and Local Government (District Authorities) Act of 1982 (EISA, 2006). However, there are major faults embedded with the Constitution of Tanzania that outplay the level playing field among political parties. This has led the opposition parties to demand for a completely new Constitution as a means to institute an equal level at playing field in elections. The government's reluctance to redress the problem will continuously inhibit the conduct of democratic elections. This is to say that there is a possibility of having elections but no democracy (Svasand and Rakner, 2002). It is submitted that it is rules of the game that determine democracy in elections.

Democratic Elections in the Local Government; the missing link

The practice of conducting elections in Tanzania can be traced back from nationalist struggles. The elections were conducted for the purpose of having a party that would take political power after the departure of the colonialists. Even after independence, elections were still carried out

by the national government under the single party, TANU / CCM. They were held regularly after every five years. This was for general elections only, because local governments were abolished in 1972. Local governments were re-introduced in 1984 following the enactment of Acts No. 7,8,9,10 and 12 of Parliament in 1982 (URT, 2006). The first elections were held in 1983. Re-introduction of multiparty system was a new hope for Tanzania to exercise democratic elections. People expected to have competition, active participation in voting, a wider choice of leaders, women's participation in elections, and probably a change of government. Therefore, civic elections, under the multiparty system, were expected to be means for enhancing democracy at the grassroots.

One of the elements that predetermine democratic governance is free and fair elections. This means that administration of the electoral process is very important and core to democracy. The electoral process involves electoral structures and arrangements such as the type of electoral system, process of voter registration, election campaigns, process of counting the votes, announcement of results, and election monitoring (EISA, 2006). Others include actors in electoral processes; the behaviors and attitudes of the electorate (Svasand and Rakner, 2002). In order to have a better observation of whether or not the civic elections are free and fair, one has to evaluate the electoral process at large.

The electoral structures

In all political systems, the type of electoral system that is in place has a profound impact on representation and governance (Svasand and Rakner, 2002). Each electoral system has an impact on number of representatives to be elected from each district, and the structure of the ballot. Here, there is a possibility for voters to alter the ballot (Svasand and Rakner, 2002). The electoral system, which is in use in Tanzania is the single-member plurality, first-past-the-post (EISA, 2006; Banzi, 1998). This is to say, there is a greater possibility of voters to alter the ballot and hence, disrupt fairness of the election.

Currently, Tanzania is having a permanent voter register, but it is not computerized. The register is designed for general elections and not civic elections. It means that there is no permanent voter register for local government elections. The practice is very problematic as it makes some of the irregularities possible. For example, double registration, and tricks by parties including candidates. The latter include buying off registration certificate in order to prevent voters from voting, and claim of importing voters from outside the polling district especially in urban/border areas (Banzi, 1998). This has been claimed by political parties in the civic elections of 1994, 1999 and 2004 as there was lack of clear registration process and legal framework. For example, it was reported that some people in Arusha Municipality registered and voted in localities where they were not residents in 2004 election (Chaligha, 2008). Again, there are suspicions that non-residents, including DRC citizens, managed to register and vote in these localities in Kigoma. Similarly, non-residents, particularly, Mozambican citizens were able to register and vote in Mtwara and Lindi District Councils (Chaligha, 2008). It may be submitted that such irregularities inhibit free and fair elections in enhancing democracy at the grassroots.

Election campaigns are political activities of parties subject to code of ethics that are voluntarily adopted (NEC, 2000). The major assumption of democracy is to create a level playing field among parties. This means all parties are given the right to campaign freely. It is unfortunate that during this stage of elections that many new democracies including Tanzania are faltering (Svasand and Rakner, 2002). There are a number of factors that disrupt the democratic practice of campaigns in elections in Tanzania. These are use of public resources, state apparatus, media coverage, and so on by the incumbent party. For example, the incumbent party makes use of state resources for its own campaign, such as use of government vehicles, or unclear separation between state funds and political party funds (Svasand and Rakner, 2002). These practices are in favor of the ruling party, CCM and consequently, make the elections to be free but not fair.

Corruption is another factor that accounts for unfair practices during civic elections in Tanzania. It was argued that elections are considered as free but not necessarily fair with increasing trends to electoral corruption (Cooksey, 2005; Global Integrity, 2006;)². For example, public perceptions of the extent of corruption among government officials conducted by REPOA³ shows that about 44% said ‘some,’ ‘most,’ or ‘all’ of the elected government councilors engaged in corruption in 2005, while in 2003 and 2001, the perception was around 58% and 46%, respectively. Moreover, election campaigns are constrained by meager resources, especially available to opposition parties. In 2004 elections, for instance, it was reported that most opposition parties were unable to mount serious campaigns for lack of funds (Chaligha, 2008). That was due to the fact that the formula used to disburse state subsidies to fully registered political parties favors the ruling party, CCM (Chaligha, 2008). The ruling party, CCM, has a much greater share compared to other parties. This is because it has 87.5% of all elected constituency Members of Parliament.

Election monitoring in local government is governed by the Minister responsible for Local Government. This is to say, civic elections are monitored by the executive wing and it is not impartial. There are all possibilities for the Minister to act in favor of his/her party. For instance, the Minister who monitored the 2004 elections was also the Deputy Party Secretary (Chaligha, 2008). That created a cleavage between the ruling party, CCM and the opposition parties on the ground that the Minister could not be impartial. This led Mr. James Kabalo Mapalala, the chairman of Chausta and 12 other opposition political parties including CUF, NCCR-Mageuzi, TLP and to file a Constitutional Case No. 97/2004 at the High Court of Tanzania on 5th October 2004. Petitioners argued that the incumbent Minister for Local Government was impartial because he was the Deputy Secretary General (Mainland) of the ruling party, CCM. Hence, the Court should bar him from supervising

² This is quoted from “ Anti-corruption policy making in practice: Tanzania- A Country Case Study” by Karen Hussmann and Max Mmuya, 2007.

³Afrobarometer Briefing Paper No. 33, April 2006

grassroots elections. The High Court on 9th November 2004 dismissed the main case on technical grounds (Chaligha, 2008). However, Section 14(5) (a) of the regulations in the manual states that "...all those who are unhappy with the decisions related to nominations are supposed to send their complaints to the Minister..." Yet, the Minister in question is a member and leader of the ruling party, CCM. This may be termed as a deliberated conduct to keep the ruling party in power. It was similarly argued by Ake (1996) that the crude simplicity of elections has benefited some of Africa's most notorious autocrats who are now able to parade democratic credentials without reforming their repressive regimes.

The actors in electoral processes

Democratic governance entails political representation, which in all large societies usually takes place within a framework of organized political parties. Electoral structures in Africa have contributed to the noted tendency of one-party dominance. It is also evident that the democratic actors themselves, organized as political parties, are exceedingly weak (Svasand and Rakner, 2002). Tanzania, in particular, has a weak opposition due to state-party fusion (Makulilo, 2006). Currently, there are eighteen (18) political parties in Tanzania. These are CCM, UMD, CUF, CHADEMA, UPDP, TADEA, NRA, NLD, NCCR-Mageuzi, TLP, UDP, DEMOCRASIA MAKINI, CHAUSTA, FORD, DP, PPT-MAENDELEO, JAHAZI ASILIA, and SAUTI YA UMMA (NEC, 2005). For example, the consecutive three multiparty elections in 1994, 1999, and 2004 show that the ruling party, CCM, has enormously won at 97.2%, 94.6% and 96.6% of the total seats, respectively (TAMISEMI, 1995, 2000, and 2005). Therefore, it is admitted that the weak opposition is explained largely by electoral irregularities and weak legal as well as institutional framework imposed by the ruling party, so as to maintain the political power. In this case, one may argue that there is political representation as democratic governance requires.

The behavior and attitudes of the electorate

The behavior and attitudes of the electorates have an impact on the level of turnouts and democratic participation of citizens in the elections. The citizenry participation in elections has to be nurtured by the existing rules and regulations. Once the rules are fair then citizens participate in elections willingly. Appreciation of democracy as a governing principle is, however, not matched by how public opinion perceives democratic performance in this country (Svasand and Rakner, 2002). The weak legal and institutional framework discourages many citizens to participate in civic elections.

The General Observation

The general conduct of civic elections in Tanzania is founded by the weak legal and institutional framework that culminates to pseudo-democracy. It makes these elections of less importance and people tend to participate at a minimum number. Political representation at the grassroots is very weak, making it a one-party dominated democracy. It is recommended that the government should take deliberate and effective measures to ensure democratic elections are regularly held. This should encompass designing of a complete new constitution, which has to be agreed by all stakeholders. The on-going local government reforms should not only focus on decentralization processes, but also reforming the local government laws and rules. The electoral monitoring body should be designed to enhance democracy at the grassroots. Lastly, all political actors should be given maximum support to fully participate in election campaigns. Failure by the Government to redress the problems that inhibit the conduct of democratic election, will have negative effects on democracy at the grassroots.

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Paper presenter Annex 2:

Daniel Welwel
Legal and Policy Analyst

Tanzania towards 2009 Local Government Election

The Politics, the Realities and the Confusions: Asking the Question

Nitashirikiana na wenzangu wote kuijenga nchi yetu
(Ahadi ya Saba ya TANU, 1962)

Talking Notes for the Development Dialogue Organized by TANZANIA DEVELOPMENT INITIATIVE PROGRAMME TADIP

Introduction:

In 1992, Tanzania made a decision to resume competitive party politics after about three decades of a single party supremacy. As a country, commitments were made to build a democratic society envisioning wider participation, broader development and prosperity for all. These well articulated wishes were not accompanied by equally well articulated and supported strategies to put in place pre-requisite structures and resources necessary to facilitate multiparty politics as well as for democracy to blossom. This paper envisions interrogating the foundation on which this country has, throughout its existence, attempted to build a strong democracy, a solid nation and a vibrant economy. It is intended to uncover some basic questions that will help guided constructive discussions on ways through which we can collectively help our communities to organize themselves better and achieve nationhood. Emphasis of this paper is on collective efforts as opposed to individual struggles.

Choice of Approach:

I chose to ask questions for a purpose. In a discourse like this one, democracy, there are tendencies of bringing in all sorts of issues and insights that while enriching the discussion, they also confuse or rather distract us from real issues. We tend, rather fortuitously, to elevate segments of bigger aspects into issues separate and independent of others as if they work in isolation. We have had discussions in the past, we continue to have discussions now and most certainly, we will continue to have discussions in the future. For the pessimist (or critics of the civil society movements), the argument is that all has been said and nothing new can come up. Asking **the question** - much as there are many questions that can be asked I want to dedicate myself to finding out the key question, the basic one that when asked it forces us to think and rethink. We should be able to say, wait a minute— will help us to break the trend and interrogate our own criticism and the criticism of us by others.

Do we have a good foundation for grassroots organization?

Yes we have. Since the inception of our nation at Independence, we gave consideration to political organization at community level. However the Independent Government adopted two contradicting strategies, to build **nation space** while aiming at creating **nationhood**¹. We dismantled the existing traditional structures and traditional centres of control - i.e. traditional leadership.

From that, we have been able to create nation space but we have not managed to create nationhood because we failed to maintain fabrics of society that bound communities traditionally. Much as we have managed to create a nation and managed a relative peace and unity as a nation, we have also paid our cost. A cost of national unity is dismantling of traditions and foundation of traditional societies that could confront as well as constructively engage the world community in the face of the so called globalization.

Today, we have a society that has nothing in common in terms of basic values. TANU² tried to create leadership and membership values that every leader and TANU member should learn, hold dear and promote. I was inspired by the seventh principle to write this paper.

My argument is that as a nation we have lost track of ethics or principles upon which we can build nationhood. The on-going saga on gross corruption at high places in the country is manifestation that our leadership does not even fear the law! We cannot in these circumstances discuss ethics. My argument is that moral decay in our society is deep and within the very fabrics of our families, communities and societies.

The very leadership that was meant to replace traditional means of sanctions and collective control, has turned into a monster that eats the very herd it was meant to protect.

The Politics:

We have seen the way civic elections are conducted since 1992 after embracing multi-party election. I submit that it is full of politics and is not helping - as it should or at least as it was anticipated to – in building a stronger grassroots democracy. The foundation on which multiparty democracy is not built on a strong base and is not designed to build a competitive party politics. The Constitution; Local Governments Laws and Local Government Election Law and its rules are not facilitating a vibrant competitive democracy at the grassroots. The same is then elevated at the national level where competitive politics are far from being achieved.

I do not intend to synchronize shortcomings of the legal and institutional framework suitable for the local government democracy. But there are conclusions, based on empirical research, that institutions of democracy are not helpful in fostering competitive politics and popular participation at grassroots level³.

So while we are heading towards this years election, I do not anticipate substantial changes in terms of the legal and institutional framework for the grassroots democracy. An unanswered question here is: ***who benefits from the disorganized communities at the grassroots?***

The Realities:

People remain in abject poverty. The same enemies we had at independence –poverty, ignorance and diseases - are still there and, indeed, much stronger than they were at independence. In theories of war, this is strange. Because they say that once you identify your enemy and figure out his strength, the battle is half won. In our case, it is different. After we have identified our enemy, we have failed to fight and win the battle or at least, contain the enemy. We have permitted our enemy to grow stronger and take much control of our destiny!

We have failed to put, in place, inclusive social policies for the welfare our people: education, health and economic policies have not taken our masses out of abject poverty. As a country, we are not even self-sufficient in terms of food.

The reality is; we are far from organizing our communities and empowering them to take control of the destiny of our nation. We are trying to build a nation from top-down instead of from bottom-up. The few think they know it all on behalf of themselves. We have turned participation into something else--- a means of satisfying the elites' ambitions and to bring people into subjection psychologically, especially immediately before and during elections.

Perhaps this reality is informed by the study, which concludes that a transition from authoritarian to democratic rules passes through three stages; Ndumbaro (2005) names them as such:

“...The first one, normally begins with a crisis within the authoritarian regime and leads to its eventual downfall. The next phase is marked by a regime that severely restricts democracy....Thirdly, the consolidation of democracy occurs when democracy is perceived by all major political stakeholders as the only option through which political power can be acquired and its rules fairly agreed upon by all major actors...”

Of course this analysis presupposes that we are indeed in a transition, which is not necessarily the case. It also assumes that there are consistencies of factors, which again are not necessarily true. Factors for these kinds of societal issues often overlap and are interwoven with many other things. It is fair, however, for the purposes of discussion that we can go along with it. To do justice, we need to ask ourselves the question: ***What direction is our transition headed to?***

The reality is; resources are not adequately allocated to hold fair elections in the local government setting. In 2004 elections, a budget of Tshs. 2.8 billion was authorized by the Central Government from the requested Tshs. 4 billion. Out of the approved budget, only about Tshs. 1.9 billion was actually spent⁴. This has implications on the proper running of the elections.

In the same vein, our parties are not adequately and similarly empowered to participate in the grassroots election where democracy matters most. Financing political parties---especially opposition parties --- is incapable of empowering these parties to adequately take part and fairly compete with Chama cha Mapinduzi. Where parties are empowered and candidates' capacities well built, the results have been competitive⁵. The question here is: ***what are we doing as actors in the civil society to build communities' interests?***

Conclusions:

- As Civil Society actors, we have a role to play in empowerment and advocacy for changes in the frameworks and set up of the grassroots election system.
- For young people, there is an additional role, taking active and central positions in the entire process. Youth are key to the future of our democracy at all levels.
- Political parties are the real forum for influencing change—we must side with them to strengthen them and then influence politics.

When it appears that there is no way out, the best way to go is to find a further way in.

Annex 3: OPENING REMARKS

By Elijah Okeng'o

AN OPENING ADDRESS AT MAENDELEO DIALOGUE ORGANIZED BY TADIP PUBLIC VIEWS ON CIVIC ELECTIONS HELD ON 22ND MARCH 2009 AT ROMBO GREEN VIEW HOTEL.

It is my pleasure to welcome you all in our yet another policy and political dialogue, which we periodically organize. This is the fourth dialogue series but the first one for this year 2009.

Our objective as usual is to promote good governance and try to develop democratic institutions in Tanzania and also providing value based education.

The timely topic reads; "Public views on civic election." I anticipate much of the discussion to follow the metaphor, which says, Civic elections and good governance are like the "two wheels of a cart" that must move together and that depend on each other for forward motion, where forward motion is people's development.

Political Scientists have the consensus that democracy is more than just votes, elections and then majority rule. It also requires protection of liberties and freedoms, respect of legal set ups with the guarantee of free discussions and uncensored distribution of information, including accessing news. We as NGOs, have the obligation to enlighten citizens on pertinent issues like this of Local Government Elections scheduled to take place towards the end of this year.

We believe that if citizens fail to participate well in the forthcoming civic elections as well as not take part in decision-making process in organizing the elections, and by so doing end up choosing the wrong leaders, those same citizens will face adverse consequences. And this will be their own making.

I hope the papers, which will be presented here will focus largely on experiences from 1994 and 2004 Local Government Elections under the multi-party system. We are now applying important lessons we have learned from those past civic elections. Do you think there are now fundamental reforms in place to make the elections fair and just? What important issues would you like to bring before TAMISEMI for action regarding preparations for Local Government Elections during October this year? What kind of election organization and management would you recommend?

It has been our custom not to end up dialoguing without making a publication of your ideas in a book for public consumption. The book will contain a selection of papers, that are presented here, including your contributions.

Let me conclude by appealing to you as participants to remember that discussions require patience. Every member deserves the opportunity to speak and be heard.

Finally, I would like to acknowledge the presence and financial support of KAS and the organizational work of TADIP Secretariat, which enabled this dialogue to be held.

ADDITIONAL NOTES:

By E.E.Kinabo

BA Political Science and Public Administration

Towards the 2009 Civic Elections: Weaknesses and challenges faced in 2004 Civic Election

(From political scientists' perspective)

Experiences of 2004 local government elections have a lot to offer in analyzing weaknesses and citing key concerns towards reshuffling the existing local government electoral system, to a more democratic one. There is a need to learn through and utilize them in ensuring that the coming local government elections be free and fair enough to satisfy the eyes as well as souls of a democratic society.

In 2008, the Government of the United Republic of Tanzania invited stakeholders' response, political parties in particular, in contributing their opinions on the reform of the system. Three issues that came out of the government's decision may be of paramount importance:

First, the invitation was very late. It is just one year and a half before another civic election scheduled for October 2009 is held. To the eyes of many, such opinions were supposed to be called at least a year after completion of the last elections in 2004. However, politicians support the move, though a key question is still haunting the minds of many: **To what extent is the public participation in the reform process?**

Two things have to be taken into account concerning the government's invitation:

That the majority of people are in need of true democracy, having received the government's invitation on reforming local government elections prior to 2009 elections, sincerely appreciate the move with

full confidence and trust, as well as reaffirm commitment and faith in the purposes, including ideals of the process.

For political parties' representatives in the process, in addition to ideological responsibilities for the welfare of sons and daughters of this land, still there have to be collective responsibility with other parties and democratic stakeholders to uphold principles including practices of political processes, from grassroot level. This shall make our democracy more stable and equally giving. When representing most political parties:

1. "...We have considered principles of democracy and their numerous meanings, and have come to an agreement that democracy, among its other aspects, is a system of arriving at political decision whereby people have the mandate to make decisions by the way of competing for popular votes of citizens.
2. We believe that there is no democracy without elections, but there can be elections without democracy. Thus, in order to compete for popular votes democratically, there has to be an effectively supervised electoral process fostering competitiveness and participation as essential foundations of the entire democratization process.
3. We are determined to offer our constructive contributions to just and lasting free and fair local government elections, preferably from 2009. We understand that experiences from 1993, 1999, and 2004 local government elections have a lot to offer in reshuffling our current local government electoral system, but we and others stakeholders have to consider experiences from other countries in determining the destiny our politics.
4. We understand that a lot is needed for this process to be fulfilled at its fullest. We entertain aknowledge the fact that democracy costs, but it should not be abandoned on the excuse of expediency.

In any case, results from peace and stability, which are guaranteed by democratic elections, are more valuable than financial gains from such elections. Therefore, we urge all stakeholders, government, in particular, to spare no efforts, including financial costs, in making this process a success.

5. We consider certain fundamental values to be essential in this process of reforming our local government elections...” They include:

- **Political will** - Political parties, democratic stakeholders, and the government, in particular, should offer enough spirit, loyalty, and serious devotion in responding to this process.
- **National interest** - All stakeholders should leave behind their ideological and parties’ interests so as to compromise for national interests, in terms of ensuring free and fair elections, and political stability as a result of the reform.
- **Time consciousness** - Under no circumstances should this process be delayed. All concerns should be raised and solved before the 2009 local government elections, otherwise, problems emanating from the previous elections may be repeated.
- **Involvement and participation** - The reforms should involve not only political parties, but also CSOs, NGOs, academicians, and other democratic stakeholders. This will ensure that all concerns are accommodated at the maximum and leave no room for misunderstandings.
- **Respect to stakeholders’ opinions** - The process will give meaningless results if it would be undertaken hypocritically. The opinions of the majority should be final and conclusive in forming the basis for the reform.

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- **Transparency** - The reform process should be undertaken as transparent as possible for all stakeholders to notice the impact of their inputs and build open consensus in harmonizing their inputs.

C. “Our Proposals”

6. All stakeholders are urged to spare no efforts in identifying and giving more critical inputs against all existing weaknesses of our current local government electoral systems in terms of law, rules, regulations, practices and codes of conduct.
7. It is known that satisfactory democracy in elections is everyone’s concern in this country. Indeed, it is every citizens’ expectation that all elections are free and fair. We are also convinced that for elections to be considered free and fair they must, among other reasons, be conducted in an environment, which allows competitiveness and following accepted rules and code of conduct. Again, we support the view of our various stakeholders that:

“A free and fair election demands that it must be supervised by a firm and stable instrument, which will not favor any side among contestants in the elections. This means that the supervisory instrument must be seen to be above favoring any contestant or political party. It is necessary that this supervisory instrument be completely divorced from all competing parties. Individual supervisors too, must not be attached to or associated with any political party so that they can be fair and just and be guided only by regulations and laws governing elections.”

Therefore, we propose as follows:

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- The current National Electoral Commission (NEC) should be structured to compose a special department dealing specifically with local government elections. The autonomy of a new NEC (with a proposed department for local government elections) should be increased by doing the following:
 - a) The NEC should be empowered by Constitution to supervise both local and general elections.
 - b) The NEC should have at least eleven (11) members, one (1) member as the Chairperson of the Commission, one (1) director and four (4) members for general elections, and one (1) director and four (4) members for dealing with local government elections.
 - c) All members of NEC should, under constitutional provisions, be recommended and appointed by a Joint Meeting of all political parties, religious institutions, academicians and representatives of other non-state actors (CSOs, NGOs etc.) basing on criteria to be set by the same meeting. The new NEC members should work in accordance with the terms of reference to be set by the same meeting.
 - d) The new NEC should be entitled power and authority to employ personnel and election supervisors, temporarily or permanently, at all levels of elections, basing on merits and criteria to be set by the proposed Joint Meeting in proposal (c) above. The Commission should not recruit government leaders, servants or officials for its activities as it is now.
 - e) All laws, rules, procedures and major decisions concerning elections should be made by NEC and be put into effect upon approval of the Parliament.

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- f) All NEC members should be accountable to the Parliament
 - g) The life span of the NEC should be seven years.
8. We recommend that current powers of the Minister Responsible for Local Government in controlling local government elections be removed and shifted to a special department dealing with local government elections within the proposed structure of new NEC. Therefore, the department should be entitled power and authority of preparing electoral regulations (to be approved by Parliament), registering voters, setting electorate boundaries, announcing elections and giving results of the elections.
 9. We further recommend that NEC should be reformed as early as possible before this year ends, and the proposed new NEC should start reviews of the Permanent Voter's Registrar countrywide from tentatively March to July 2009. This will allow the Registrar to be used for Local Government Elections at the end of 2009, as opposed to the use Residents' Register.
 10. We propose that official secret ballot papers should be used from the next local government elections.
 11. We join all democratic stakeholders in supporting the very recently ruling of the High Court concerning the issue of having private candidates. We highly recommend that apart from having candidates proposed by political parties as it is now the case, private candidates (non-party) should be allowed to participate in the local government elections, starting from the 2009 local government elections.
 12. We urge all stakeholders to strongly consider representation of marginalized groups in our society, that is, youth, women, and disabled in policy and decision-making organs.

We hereby propose establishment of a mixed proportional representation system in local government elections starting from 2009 elections. In this proposal, at least 60% of local government leaders should be elected directly from villages, hamlets and streets in urban areas. The remaining 40%, people should vote for participating political parties and the proportional of votes to be won by parties will determine how many leaders will be appointed by a particular party from marginalized groups to enter into local government councils. Following this proposal, we further recommend to the proposed new NEC to reset the electorate boundaries for local government elections.

MOROGORO DECLARATIONS ON IMPROVEMENT TO THE FORTHCOMING LOCAL ELECTIONS, OCTOBER 2009

The following 13 declarations were fully accepted and endorsed by all participants:

1. During the 2004 local elections, candidates were given 7 days to campaign before Election Day. In 2009 elections like in 2004, 7 days shall be provided for campaigns.
2. During 2004 elections, there were no special ballot boxes for local elections. In 2009, every district in the country shall prepare special ballot boxes for people to cast their votes. These boxes shall resemble slightly ballot boxes normally used during counselors, members of parliament and presidential votes
3. During 2004 elections, voters were registered in the morning of the voting day, and were required to cast their votes in the afternoon (on same day). That was a tedious assignment, which resulted into many voters to abandon the voting process and engage in other private activities. In 2009, registration of all eligible voters shall be done for 21 days before voting day. Registration process shall not be allowed on the voting day.
4. According to the Constitution, every Tanzanian aged 18 years and above is eligible to participate in voting processes and is allowed to elect a leader of her/his choice. However, in order to contest as a candidate, one has to have 21 years. The reason is to give youths enough time to learn leadership techniques and gain enough experience before engaging in leadership positions. Prospective candidates should also have a minimum education level that enables them to read and write thoroughly. No minimum education level has been set.

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5. During 2004 elections, there were no special voting papers. In 2009 elections, every district shall prepare a special paper specifically for voting purposes.
 6. Hamlets (*Vitongoji*) and villages are focal points for citizens' development. In 2009 elections, voting exercise shall be conducted in all hamlets and villages. The number of polling stations shall be determined by the size and number of voters present. This means in one hamlet, there could be more than one polling station. In 2004, voting only took place in village centers and ward offices. Regarding the question of allowing private candidates to contest, the Ministry of RALG still argues that until a case already registered at the High Court pending hearing is settled, such a permission shall not be granted. All prospective candidates must be members of a registered political party, and their nominations shall be endorsed by their party, as the law so stipulates.
 7. In 2009 elections, voters shall be required to present their identity cards to the supervising officials before they can be allowed to vote. A list of ID cards that shall be accepted include-a) Voter's identity card which was used during 2005 elections, b) An employee's identity card, c) a valid passport, d) a bank account holder's identity card, e) a valid school or college ID card and f) A valid driving license with owners photo. In the event that someone has none of the above listed identification documents, then voters present at that particular polling station will have to prove beyond reasonable doubt that he/she is eligible to vote in front of the polling station supervisor, that this person is a resident in the area where he/she want to cast his/her vote.
 8. The Ministry of Regional Administration and Local Government shall continue to supervise all local elections until 2015 whereby the National Electoral Commission (NEC) will take over responsibilities of supervising all elections in the country (local and general elections).

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9. In 2009 elections, there shall not be election meetings as has been the case in 2004 elections. Instead, voters shall register themselves in the voter's register 21 days before voting day, and they shall cast their votes where they registered their names, and not elsewhere.
 10. In 2009 elections there shall be formed referral committees, that shall be responsible for hearing candidates' complaints related to elections. The committees shall be formed by Regional/District Administrative Secretaries in respective districts and regions. It was agreed by all participants that the formed committees shall be legitimate only if the following members shall not be members to the committees:
 - i) Electoral officers or their assistants
 - ii) A leader of any political party
 - iii) A civil servant (teacher, medical officer, etc)
 - iv) A religious leader

However, it is unclear who shall be members to such committees given facts that all the aforesaid persons are not allowed to be members.

11. In 2009 elections, the question of provision of civic education to voters and prospective candidates has been highlighted. It is expected that some of 9 billion shillings set aside by the government to facilitate elections will be used in provision of civic education. But no timetable for provision of such education has been set up to this moment.
12. Counselors shall continue to be elected in general elections as the system is at present. Arguments that counselors serve local government more than central government and that they must be elected in local elections were put aside pending government decisions on the matter.

13. In 2009, the government has set aside Tshs 9 billion for implementation and facilitation of local elections. To date, no details on the breakdown of the expenditure has been released. This fund allocation is a very positive development, and all stakeholders have been satisfied by the move.

(Endnotes)

¹These two concepts were adopted from one of African renowned writers Wole Soyinka in his speech at the occasion of the birthday of Chief Obafemi Awolowo (9 March 5, 2009) ---nation space refers to geographical boundaries of a country without giving attention to the contents. Nationhood refers to collective

²There are various literatures on the TANU principles and values. The most recent analysis and reflection is by Ibrahim Kaduma in his book (dedicated to youth of this country both present and the coming ones) *Maadili ya Taifa na Hatma ya Tanzania* (2004).

³I wrote my LLB dissertation on this topic: ***Local Government Democracy and Struggle for Democracy and Institutionalism: A case Study of Karatu District Council*** (February 2007). See Also a paper by Laurean Ndumbaro: *The State of Popular Participation in Tanzania* in the book *Democratic Transition in East Africa* (REDET 2005).

⁴Taken from a paper written by Rasul Ahmed (19 March) *The State of Democracy as We Approach the October 2009 Neighbourhood, Hamlet, and Village Council Elections in Tanzania*.

⁵TYVA conducted capacity building program for political parties in 2004 in three regions of Dar es Salaam, Dodoma and Kilimanjaro. All candidates who took part in the program and actually run for the offices were either successful or posed a real challenge. Those who assumed office were better at implementing their manifesto than the others. The clue from this trend is that capacity (education and awareness) is central for effective grassroots democracy and governance.

- For young people, there is an additional role, taking active and central positions in the entire process. Youth are key to the future of our democracy at all levels.
- Political parties are the real forum for influencing change—we must be into them to strengthen them and then influence politics.



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