



**STATEMENT OF THE
NATIONAL DEMOCRATIC INSTITUTE (NDI)
PRE-ELECTION DELEGATION TO TANZANIA'S
OCTOBER 2010 ELECTIONS**
May 21, 2010, Dar Es Salaam

This statement is offered by an international pre-election delegation organized by the National Democratic Institute (NDI). The delegation visited Tanzania from May 17 -21, 2010. The delegation's goals were to demonstrate support for the development of Tanzania's democratic institutions and procedures, as well as to show international interest in and support for a transparent and credible electoral process.

The delegation conducted its activities in accordance with Tanzanian law and the Declaration of Principles for International Election Observation, which has been endorsed by 35 intergovernmental and international nongovernmental organizations. The delegation emphasizes that NDI does not seek to interfere in the electoral process and recognizes that it is the people of Tanzania who will ultimately determine the credibility and meaning of the October elections.

The delegation was composed of experienced political and civic leaders as well as election and democracy experts from Ireland, Namibia, Nigeria, and the United States. It included Ambassador Nora Schimming-Chase, former Deputy Chair of the Southern Africa Development Community's Parliamentary Forum; Senator Ken Nnamani, former Senate President of the Nigerian National Assembly; Ivan Doherty (Ireland), Director of NDI's Political Party Programs; Mary O'Hagan (United Kingdom), NDI Kenya Country Director; Heather Kashner (United States), NDI Uganda Country Director; and Dr. Keith Jennings (United States), NDI's Southern and East Africa Regional Director. The co-leaders of the NDI delegation were Senator Nnamani, Ambassador Schimming-Chase and Dr. Jennings.

The delegation had the opportunity to meet with a wide array of political actors, including political party representatives, civic leaders, government officials, members of the media, National Election Commission (NEC) and Zanzibar Election Commission (ZEC) officials, women political participation activists, academics, domestic observer organizations, development partners and Tanzanian citizens.

SUMMARY OF OBSERVATIONS

The October 2010 elections will be the fourth set of national elections held since the re-introduction of multiparty politics in Tanzania. While much has remained constant with respect to the electoral process in Tanzania, the October elections will feature the introduction of a new election law, the Election Expenses Act, which is aimed at curbing corrupt practices that have in the past had a negative impact on the electoral process. Seven constituency seats have been added and the number of special seats have been

expanded. Additionally, there is the introduction of a new political arrangement in Zanzibar, a proposed Government of National Unity (GNU).

The NDI delegation found, after talking to a broad range of actors, that while the October elections represent a unique opportunity for Tanzanians to further consolidate the democratic process in their country, and while Tanzania's electoral process reflects genuine innovation and reform, there remains a need to strengthen several aspects of the electoral process during the lead up to the polls.

The GNU is a creative and determined reconciliation approach that is being undertaken by ruling party Chama Cha Mapinduzi (CCM) and opposition party Civic United Front (CUF) to bring about peace, stability and sustainable development in Zanzibar. It is a power sharing effort to overcome political exclusion and a zero-sum approach to political contestation. This agreement considers the political, cultural and historical circumstances of the Zanzibari peoples and should be applauded.

The Election Expenses Act offers an opportunity to increase transparency and curtail corrupt nomination and campaign practices. However, it is difficult to assess the full potential impact of the Act without the supporting regulations, expected in May, in place.

The delegation notes several challenges with the current Election Expenses Act. Civic and political party leaders in particular pointed to concerns that prospective financial supporters of opposition parties could be discouraged from contributing for fear of future persecution by the ruling party once they are known. If this were to occur, the current resource imbalance between the government and opposition parties would be exacerbated.

The delegation heard complaints from many individuals about the voter registration process, both on the mainland and on Zanzibar. On the mainland, Dar es Salaam was identified as the location where the most significant problems existed. These problems included shortages of materials and staff, and most significantly, an inadequate period of time allowed for registration. The NEC agreed to extend registration in the capital by two days to address these issues.

The NDI delegation believes that, despite current shortcomings in the electoral process, there remains adequate time to resolve these problems if there is sufficient political will, political tolerance, and a concentrated effort. To instill confidence in the process, political parties, NEC and ZEC officials, the media, civil society and other actors should continue to dedicate themselves in the time remaining to achieve an election that will be widely accepted by all Tanzanians.

Major Recommendations

Governments of Tanzania and Zanzibar

- The delegation encourages the government to provide promised funding to the NEC and the ZEC to fill the existing funding gaps, including but especially those related to preparations for the July 31 GNU Referendum.

The Legal Framework and the Election Expenses Act

- The Registrar of Political Parties should release the regulatory framework governing the Election Expenses Act at the earliest opportunity and avoid using those guidelines retroactively, as a number of political parties have already begun their internal nomination processes.
- The role of the Prevention and Combating of Corruption Bureau (PCCB) (which is not mentioned in the Election Expenses Act) in monitoring and enforcing the Act should be defined and made known to the public, the media and all registered political parties.

The Tanzanian National Electoral Commission and the Zanzibar Election Commission

- The NEC and ZEC should be open, transparent, and accountable in all their operations.
- The NEC and ZEC should take additional steps to ensure that dialogue and communications with all political parties occurs on a more regular basis.
- The NEC and ZEC should be commended for attempting to respond to citizens and political party complaints regarding the voter registration process, by extending it for two days in Dar es Salaam and by agreeing to review the process in Zanzibar. However, the NEC and ZEC should take whatever steps needed to accommodate citizens who may have been disenfranchised by what was an insufficient registration period in the country as a whole.

Government of National Unity Referendum, Campaign Period and Elections

- The parties to the GNU agreement should work to ensure that their supporters and members understand what a government of national unity could mean for political and economic development in Zanzibar.
- The parties to the agreement should establish and agree on a Code of Conduct for the campaign period and one for all officials participating in the GNU once it is established, which reflects on the values and vision to be met by the GNU.

- The parties to the agreement should work at ensuring that communication is maintained with local branches and rank and file members, so that those at the grassroots can understand the decisions that may be made and can also contribute to policy debates and decision making processes.
- The parties to the agreement should work at establishing a collective decision-making methodology which guarantees the free-flow of horizontal communications at and below the executive and central committee level.

Political Parties and Candidates

- Political parties and candidates should abide by the political parties' Code of Conduct.
- During the nomination process, all political parties should respect and emphasize adherence to internal democratic rules and procedures that are enumerated in their party constitutions.
- Political parties should support the recruitment, empowerment and participation of women, youth, and people with disabilities, not only as candidates but also at decision-making levels in their parties and in the GNU to reflect international and regional norms and standards.

The International Community

- The international community should continue to demonstrate its interest in and coordinated support for the July 31st Referendum in Zanzibar and the October 31, 2010, national elections.

I. The Delegation's Methodology

NDI's methodology is based on the Declaration of Principles for International Observation and Code of Conduct which states that "International election observation expresses the interest of the international community in the achievement of democratic elections, as part of democratic development, including respect for human rights and the rule of law. International election observation, which focuses on civil and political rights, is part of international human rights monitoring and must be conducted on the basis of the highest standards for impartiality concerning national political competitors and must be free from any bilateral or multilateral considerations that could conflict with impartiality."

NDI also conducts its observation in accordance with the Universal Declaration of Human Rights, the International Covenant for Civil and Political Rights, the Southern Africa Development Community (SADC) Principles for Democratic Elections Standards and other international instruments, and therefore does so with the recognition that everyone has the right and must be provided with the opportunity to form political

parties, join political parties and to stand for elections, without any discrimination or unreasonable restrictions.

An accurate and complete assessment of any election must take into account all aspects of the process and be aware of the fact that no election can be viewed in isolation from the political, cultural, and historical context in which it takes place. Among the factors that must be considered are: the legal framework for the elections, including electoral and related laws; the ability of citizens to seek and receive sufficient and accurate information upon which to make political choices; the ability of political competitors to organize and reach out to citizens in order to win their support; the conduct of the mass media in providing coverage of parties, candidates and issues; the ability of citizens and political competitors to engage in the political and electoral process free from fear for personal security and/or economic well-being; the conduct of the voter registration process and integrity of the voter register; the right to stand for election; the conduct of the voting, counting, results tabulation, transmission, and announcement of the results; the handling of election complaints and the installation to office of those duly elected.

The degree of public confidence in elections and the government that results from them will depend, in large measure, on the degree to which the rights and opportunities noted above are respected. NDI always evaluates electoral integrity in recognition that it is the people of a country who ultimately determine credibility and legitimacy of an electoral process.

II. Political Context

The October 2010 elections will be the fourth set of national elections held since the re-introduction of multiparty politics in Tanzania. While much about the electoral process has remained constant, the October elections will feature the introduction of a new election law, the Election Expenses Act, which is aimed at curbing corrupt practices that have in the past had a negative impact on the electoral process. Seven constituency seats have been added and the number of special seats has been expanded. Additionally, there is the introduction of a new political arrangement in Zanzibar – a proposed Government of National Unity (GNU).

The Electoral Expenses Act

In March, President Jakaya Kikwete signed into law the Election Expenses Act. The Act's stated goal is to provide a new way to hold politicians and political parties accountable for bribery, undue influence, impersonation, and interference with rival rallies, meetings and other political situations. It requires political parties to report on and account for all funding received, covering the nomination process in particular, the campaign period and election day. Information regarding donors is to remain private, except in the case of complaints.

The Government of National Unity

In January, after nearly 14 months of negotiations, the two dominant parties in Zanzibar, CCM and CUF, represented by President Amani Abeid Karume and Secretary General Seif Shariff Hamad, respectively, agreed that in order to improve long term prospects for peace, stability and development of Zanzibar it was necessary to form a government of national unity following the October 2010 elections.

The following month, Zanzibari members of the Parliament of Tanzania proposed the so-called GNU. In March, the Zanzibar House of Representatives passed a bill empowering the ZEC to hold a referendum for the proposed GNU. The referendum, to take place July 31, has received strong backing from President Kikwete, who publicly commended the efforts of the CCM and CUF stating that he hoped it would put an end to the violence and “do or die” political environment in Zanzibar.

The Legal Framework

The legal framework that supports Tanzania’s electoral system is governed by the Constitution of the United Republic of Tanzania and the Elections Act of 1984 (as amended). The electoral system currently used in Tanzania is mainly a “first-past-the-post” system. The country is demarcated into constituencies, each of which directly elects one representative to Parliament.

All 18 registered political parties have the right to sponsor candidates for presidential and parliamentary elections. The following table depicts the current representation in the Tanzanian Parliament by political party:

Members of Parliament by Political Party

<i>Political Party</i>	<i>Constituent Seats Won</i>	<i>Total # of Seats</i>	<i>National % of Votes, 2005</i>
CCM	206	275	70%
CUF	19	31	14.3%
Chadema	5	11	8.2%
UDP	1	1	1.4%

Tanzania also has a system of proportional representation according to votes received in parliamentary elections. Special seats are set aside for women, who comprise 30 percent of elected constituency MPs. An additional five members are elected by the Zanzibar House of Representatives. The Attorney General of the United Republic of Tanzania, the Speaker of the House and 10 presidential nominees also hold seats in the parliament.

In 1992, Tanzania passed the Political Parties Act, which created the Office of the Registrar of Political Parties. The Office of the Registrar regulates financial control and transparency, including for individual candidates. Parties are required by the Act to disclose all funds received outside the United Republic and are required to submit annual audited accounts of funds and property to the Registrar. The Act also requires political parties that intend to merge to first dissolve, and then re-register. To circumvent these

impediments created by the Act and pool resources, several opposition parties signed a cooperation agreement in May 2007. They pledged to work together and field a single presidential candidate for the 2010 general elections.

Election Administration

Tanzania has two electoral commissions, one for the Mainland and one for the islands of Zanzibar. The two commissions, the NEC and the ZEC, operate independently of each other but are encouraged to cooperate.

The NEC, which was provided for in the 1977 Constitution of the United Republic of Tanzania, is responsible for administering the Union presidential and parliamentary elections, as well as the local elections. All seven NEC commissioners are appointed by the President. The Chair and Vice-Chair must be judges of the High Court or the Court of Appeal of Tanzania. The Chair and the Vice-Chair also cannot be from the same part of the country.

The NEC's main functions include: the supervision and coordination of voter registration; the delimitation of electoral areas; the supervision and coordination of elections; the declaration of elected members of parliament and councilors for women's special seats; and any other functions legislated by parliament. NEC commissioners serve a five year term.

The ZEC, established under the 1984 Constitution of Zanzibar and the Elections Act of 1984, is responsible for conducting Zanzibar presidential and parliamentary elections. Local government elections in Zanzibar are conducted by the NEC. The Chair of the ZEC is a judge in the High Court, or can also be a respected person in society. Two commissioners are appointed by the president, with the recommendation of the leader of government activities in the House of Representatives, who is the Zanzibar Chief Minister. Two commissioners are appointed by the president with the recommendation of the leader of the opposition in the House of Representatives. One commissioner from among the judges of the High Court or Court of Appeal also appointed by the president; and one commissioner is appointed at the president's discretion. The term of office for commissioners is five years.

Voter Registration

Any citizen 18 years or older may register to vote. A person who wishes to register must apply for a voter registration card at an authorized registration center. A registration assistant will photograph the qualified voter free of charge and complete the registration application form and sign it. The registered voter then signs the card and affixes his/her thumb print on the card. Once the card is laminated, the voter's card bearing the voter's photograph is officially issued. The registration assistant finishes the process by forwarding the completed optical forms to the registration officer who will then forward the forms to the NEC for processing.

A citizen can lose his/her right to vote if he/she is:

- 1) declared of allegiance to a country other than Tanzania;
- 2) sentenced to death imposed by a court in Tanzania;
- 3) sentenced to imprisonment for a term exceeding six months;
- 4) disqualified from registering as a voter for being convicted for corrupt offences in elections; or
- 5) declared to be of unsound mind.

After the completion of the registration exercise, the registration officer forwards all the forms to the director of elections who then prepares a Provisional Voters' Register. The Provisional Voters' Register is then sent to registration officers for display at the ward level. An objection period of seven days exists for any registered voter to object to the retention in the voters' register of his/her own name or the name of another person on the grounds that the person in question is not qualified or is no longer qualified to be registered as a voter.

III. Observations

Legal Framework

The majority of Tanzania's 1984 legal framework is based upon a one party state and has evolved since the 1992 decision to create a multiparty democracy. Amendments to the Constitution and the Elections Act and the addition of the Political Parties Act allow for political competition. However, the legal framework could be further altered to create a more free and fair election environment.

This year Tanzania has offered transforming legislative initiatives on the mainland and on Zanzibar. In late January, the NEC announced a nationwide review of constituency boundaries of the mainland. The Election Expenses Act passed the Tanzanian National Assembly in March 2010. In Zanzibar, according to ZEC officials, the recently passed Referendum Act of 2010 calls for a historic referendum scheduled for July and will conclude with Constitutional amendments anticipated in August to create the post-election GNU.

Unlike in 2000, when three constituencies were added to Unguja and three subtracted from Pemba, the most recent constituency boundary review left Zanzibar constituencies intact. The NEC planned to review the constituencies and divide them for improved service delivery around the country. Prior to this announcement, constituencies had submitted applications for the review of their boundaries. With each application, the body would review whether to redraw the boundaries for the constituency in question. Though improved service delivery is the goal for boundary review, the review of boundaries in an election year can also be viewed as an attempt to influence election results in certain areas. While some MPs from the ruling party and the opposition have argued in favor of the decision to review the boundaries, others speculate that the move is an attempt by the

ruling party to prevent a division of voters in places with stiff competition from its junior party candidates.

The Election Expenses Act requires political parties and candidates to report on funds raised and expended from nomination through Election Day. It foresees limits to spending by parties and individuals and regulates allowable expenditures. The Act offers an opportunity to increase transparency and curtail corrupt nomination and campaign practices. However, it is difficult to assess the potential impact of the Act without the supporting regulations, expected in May, in place.

The delegation noted several challenges with the current Election Expenses Act. A number of individuals with whom the delegation met pointed to concerns that prospective financial supporters of opposition parties could be discouraged from contributing for fear of future persecution by the ruling party once they are known. If this were to occur, the current resource imbalance between the government and opposition parties would be exacerbated and the playing field more dramatically skewed toward the government.

In addition, Part III, Section 3 of the March 19, 2010, version of the Election Expenses Act provides for government officials to approve the campaign teams of all candidates in the elections. This has the potential to intrude upon freedoms of expression and association. A civil society organization reported that this clause had been removed from the law. However, few stakeholders are aware that the Act has been changed and the most recent public version of the Act contains this language. This underscores the need for better communication about the law's provisions.

Based on discussions with political actors from a broad spectrum, the delegation was informed that no regulatory framework governing the implementation process exists. When discussed with the Registrar he indicated the latest draft is not yet finalized. Meanwhile, parties are undertaking activities that are covered by the Act opening concerns that parties or candidates may be fined or prosecuted for not adhering to regulations on issues such as spending limits because they are not known.

Finally, enforcement organs identified in the law include the Attorney General and the Registrar of Political Parties. However, multiple individuals identified the PCCB as having an ability to independently investigate and criminally prosecute individuals. The division of labor among these entities and their enforcement power in the process is unclear. Finally, the law applies only to candidates contesting in the Republic without corresponding legislation passed in the House of Representatives Zanzibar.

Election Administration

Tanzania's elections are managed jointly by the NEC and the ZEC. The ZEC has produced a detailed election calendar. The NEC has an informal timeline that has been discussed in the media, but it has not been printed or published. Both bodies currently require approval of the Executive branch to receive funds. However, leaders of both entities claim they have or will receive the human and financial resources necessary to

manage the elections and meet these timelines. Other individuals with whom the delegation met suggested that both the NEC and ZEC lack the necessary funds to fully carry out their mandates.

One new development in election administration is the creation of a political party board under the Political Parties Act. This is envisioned as a mechanism to deal with conflict in the pre-election period and could also be used as a way to increase communications between election management bodies and political parties.

Most actors identified the appointment procedure of the NEC as a chief complaint with the administration. The direct appointment of commissioners by the president has resulted in a perceived lack of independence of the NEC. Many individuals feel that this has eroded confidence in the process to a point that it impacts the perceived legitimacy of election outcomes among the opposition and its supporters. Zanzibar is one example of how changes to the appointment process for Election Commissioners can increase confidence in the election process. Zanzibar now allows opposition parties to nominate two commissioners.

An equally cited concern among political parties was that both the NEC and the ZEC lack their own staff for the administration and management of elections at the local level, forcing them to rely on political appointees for tasks such as managing election returns, further undermining confidence in the neutrality of their work.

The delegation received numerous complaints about the registration process from stakeholders on the mainland and in Zanzibar. On the mainland, Dar es Salaam was identified as the location where the most significant registration problems existed. These problems included shortages of materials and staff, and an inadequate time period for the registration process. The NEC agreed to extend the registration process by two days in the capital to address this problem.

The NEC reports that it has 21 million voters on the register. Population projections for Tanzania currently hover at 43 million, with estimates of the under 18 population at over 50 percent, or approximately 21.5 million. This means that, by the NEC's estimates, nearly 100 percent of eligible voters have registered, raising the potential, if not the likelihood, that duplicate, deceased, or ineligible voters are still on the register. This increases the necessity for the NEC to revise the register in a transparent manner by providing information on methodology and releasing the final list in a timely fashion. A seriously flawed voter register could be seen to be vulnerable to electoral manipulation.

In Zanzibar, registration concerns revolve around: potential voters' inability to produce a Zanzibar Identification Card, which is a pre-requisite for registration; accusations that Zanzibaris have illegally acquired identification cards and are now using them to register illegally; and, the fact that many Zanzibaris living on the mainland cannot access a Zanzibar identification and thus cannot register to vote on the island. The ZEC has unveiled a new electronic biometric registry which allows it to clearly identify duplicates. However, the system cannot identify underage voters who managed to acquire an identity

card and may now register and vote illegally. It will also not address Zanzibaris that have every reason to want to embrace the process to elect the GNU who have been unable to acquire identity cards for logistical or administrative reasons. The display offers perhaps the best chance to build confidence in the Zanzibar register.

Political Parties and Candidates

Several individuals with whom the delegation met said that the nomination of candidates was one of the more likely sources of problems in the electoral process. The candidate selection process for political parties in Tanzania varies from party to party. However, party and civil society leaders report significant spending by candidates attempting to win their party's nomination to contest in elections. Several stakeholders identified this as the primary justification for the Election Expenses Act. It was also raised that party primaries do not necessarily produce the final nominee. Several parties have committees that review primary results and select the ultimate nominee for constituencies based on criteria that are not clear to other party members. One party claimed to use this process as a mechanism to promote affirmative action for women.

Tanzanian parties are in various stages of their candidate identification process. Candidates are currently competing to be selected for special seats. By its very nature candidate selection is difficult to observe and, therefore, there is a greater need to make available the regulations for the Election Expenses Act to ensure compliance.

Campaign Environment

The delegation noted that ruling party leaders and activists often hold positions within the government. It is difficult to assess the degree to which state resources are being allocated to party and campaign activities even with the new Election Expenses Act. Several people also pointed to past and present concerns about the role of civil servants and political appointees interfering with the freedom of assembly and speech for opposition candidates and supporters.

Traditionally Underrepresented Groups

Tanzania has made progress on increasing the number of underrepresented people in elected office. While older men are still overrepresented in the National Assembly, there have been attempts to increase the number of representatives who are women and youth. The 2010 parliament will be larger than its predecessor as the numbers of special seats have been increased, although the exact number has not been determined. As a result, it is more likely that women and youth will enter the legislature. However, the number of traditionally underrepresented people who hold competitive seats remains low. For example, women make up 30 percent of the current parliament, holding a total of 97 seats. However, only 22 of these 97 women were *elected* through competitive races. Some political parties are making attempts to nominate more underrepresented people, including women, youth and people with disabilities. However, the level of commitment to diversity differs.

Zanzibar Government of National Unity

The idea of a Zanzibar GNU is supported among party leaders, civil society, and international community representatives as the best means to achieve and sustain peace and bring about development in the archipelago. Both CCM and CUF have agreed to campaign together on behalf of the referendum and the GNU in order to ensure its passage. This is a very good sign at this stage of the process. The details of the agreement, however, are known by relatively few party supporters, raising concerns about its sustainability. Among the unknown details is a provision that says smaller parties that receive five percent of the vote or more will be included in the GNU.

Some believe that spoilers exist, but they are a relatively small or silent group, as their voices were not represented in any of the delegation's meetings. However, it is clear that expectations about the impact of the GNU among the parties to the agreement vary, a circumstance that could be a source of future tension. The delegation views the GNU as an innovative way to reduce tensions before and after the elections. The success of the proposed coalition will depend on continued consensus and tolerance, and mechanisms established to sustain the coalition.

Civil Society

Tanzanian civil society has the potential to engage in monitoring and advocacy activities. Financial resources to support civil society initiatives exist through a variety of donor pools. However, civic activism on political issues is on the wane rather than the rise among Tanzanians and their civil society representatives. This may be attributed to: the introduction of the 2004 NGO Act regulating non-governmental organizations; the monetization of many aspects of civic life which impacts voluntary participation and NGOs' scopes of work; and the focus on development initiatives, which draw less scrutiny and criticism than advocacy or monitoring of government and political parties. The delegation was told that two civil society networks plan to observe the upcoming election.

The International Community

The International Community is actively involved in the electoral process through the UNDP Election Support Program, ESP. This donor basket of \$28 million is designed to fund both the administration and domestic observation of the elections. Moreover, it is clear that development partners are actively studying events as they unfold and are trying to play a constructive and supportive role in strengthening the content and pace of democratic progress.

Voter Education

The delegation observed that, thus far, very little has been done to educate voters on the electoral process, despite the introduction of new laws, such as the Elections Expenses

Act, and the addition of new constituencies. These changes are likely to have an impact on the election process, but without a robust voter education effort, they will likely remain unfamiliar to voters. While the NEC Director stated that voter education is scheduled to begin shortly, no specific timeline or strategy was provided.

Additionally, despite the fact that party primaries are on the horizon, the majority of parties with which the delegation met did not necessarily see it as their duty to educate their voters and do not yet have a system in place to inform voters of their rights during the campaign period. There is also vast disparity between the capacity of the ruling party and the opposition's ability to mount a large voter education campaign should they choose to undertake it.

In Zanzibar, where there is a history of more competitive elections, voters appear to know more about potential candidates and about the new agreement on the GNU. However, one party leader on the islands told the delegation that decisions are made by political elites and simply passed on to their supporters.

IV. Recommendations

In the spirit of international cooperation, the delegation respectfully offers the following recommendations in the hope that they may enhance confidence in the electoral process, and be useful to those working to improve the electoral process and political environment leading up to the July 31st GNU Referendum and the October 2010 elections:

Governments of Tanzania and Zanzibar

- The delegation encourages the government to provide promised funding to the NEC and the ZEC to fill the existing funding gaps, including but especially those related to preparations for the July 31 GNU Referendum; and
- In order to dispel the perception of voters and some political competitors regarding the misuse of state resources during the nomination and campaign periods, the governments should take adequate steps to assure the public and political parties that a level playing field is being provided for by putting in place a system to monitor the use of state resources by officials who are also candidates. Such a system would complement the Election Expenses Act.

The Legal Framework and the Election Expenses Act

- The Registrar of Political Parties should release the regulatory framework governing the Election Expenses Act at the earliest opportunity and avoid using those guidelines retroactively, as a number of political parties have already begun their internal nomination processes;

- The regulatory framework that is being developed and will provide guidelines for implementation and monitoring of the newly-adopted Elections Expenses Act, should not be used as a restrictive mechanism or in a retroactive manner that may appear to be selective in prosecuting political competitors;
- The role of the PCCB (which is not mentioned in the Election Expenses Act) in monitoring and enforcing the Act should be defined and made known to the public, the media and all registered political parties;
- Political parties' financial declarations should be published after the elections. This would bolster confidence in the Act, better enable civil society to monitor the implementation of the Act and provide assurance that its provisions will be applied impartially; and
- The Tanzanian Parliament should consider initiating a robust electoral reform process after the October 2010 elections that would address the independence of the NEC, especially it being placed on a first line charge in the budget process. The appointment of the NEC Commissioners, the use of government official who are perceived to be partisan as election officials such as returning officers; and other essential democratic reforms that would make the electoral system to be fair and credible.

The Tanzanian National Electoral Commission and the Zanzibar Election Commission

- The NEC and ZEC should be open, transparent, and accountable in all their operations;
- The NEC and ZEC should take additional steps to ensure that dialogue and communications with all political parties occurs on a more regular basis;
- The NEC and ZEC should ensure that all party agents and domestic observers are accredited in a timely fashion;
- The NEC should take all measures available to it to assist those unable to travel distances to register and to participate in the electoral process, especially the physically challenged;
- The NEC should officially release its electoral calendar as soon as possible so as to provide timelines and deadlines. Doing so would remove speculation of bias, improve transparency, and confidence in the election administration; and
- The NEC and ZEC should inform the public of their voter education plans and their rights and responsibilities to engage in all stages of the elections and to work with civil society organizations to raise the level of awareness and confidence in the electoral process.

- The NEC and ZEC should be commended for attempting to respond to citizens and political party complaints regarding the voter registration process, by extending it for two days in Dar es Salaam and by agreeing to review the process in Zanzibar. However, the NEC and ZEC should take whatever steps needed to accommodate citizens who may have been disenfranchised by what was an insufficient registration period in the country as a whole;
- The NEC and ZEC should consider allowing citizens who have lost their voter ID cards but are otherwise duly registered and identifiable to vote. Since they were registered by the commissions, their vital details were recorded and forwarded by a registration assistant employed by the commissions to the directors of elections, and their name, picture, signature, and thumb print appear on the Provisional Voter Registry; and
- In order to increase confidence in the voter registry, audits should be carried out to check for duplication of entries and any other anomalies or errors. Although this is administratively simpler in Zanzibar because of electronic registration, it is possible to scrutinize the list before the elections on the mainland as well.

Government of National Unity Referendum, Campaign Period and Elections

- The parties to the GNU agreement should work to ensure that their supporters and members understand what a government of national unity could mean for political and economic development in Zanzibar;
- The parties to the agreement should work to ensure that the smaller parties are aware that if they can achieve 5 percent of the vote they will be included in the inclusive government;
- The parties to the agreement should establish and agree on a Code of Conduct for the campaign period and one for all officials participating in the GNU once it is established, which reflects on the values and vision to be met by the GNU;
- The parties to the agreement should work at ensuring that communication is maintained with local branches and rank and file members, so that those at the grassroots can understand the decisions that may be made and can also contribute to the policy debates and decision making processes; and
- The parties to the agreement should work at establishing a collective decision-making methodology which guarantees the free-flow of horizontal communications at and below the executive and central committee level.

Political Parties and Candidates

- Once the guidelines associated with the regulation of the Election Expenses Act are finalized, all political parties should find ways and means of familiarizing their members and supporters, candidates, and campaign teams to those guidelines and the Act itself;
- Political parties and candidates should abide by the political parties' Code of Conduct;
- Political parties should utilize established adjudication processes to resolve any disputes arising out of the electoral process;
- During the nomination process, all political parties should respect and emphasize adherence to internal democratic rules and procedures that are enumerated in their party constitutions;
- Political parties should support the recruitment, empowerment and participation of women, youth, and people with disabilities, not only as candidates but also at decision-making levels in their parties and in the GNU to reflect international and regional norms and standards; and
- Political parties and candidates should continue to develop party platforms, manifestos, and campaign messages founded on policies and issues that are important to their respective constituents.

The Media

- Media houses should work to educate the public about the July 31st GNU and the Election Expenses Act as they are new features in the October 2010 electoral process;
- Journalists should observe the ethical behavior associated with media accountability and the role of the media during elections by providing unbiased and accurate reporting on candidates and campaigns;
- The delegation encourages the media, in collaboration with the parties, to create a platform for presidential and vice presidential debates that would inform the public about their respective party manifestos.

Security Forces

- The delegation encourages the police and other security forces to continue to maintain their professionalism by respecting the electoral law related to their presence at polling centers.

The International Community

- The international community should continue to demonstrate its interest in and coordinated support for the July 31st Referendum in Zanzibar and the October 31, 2010 national elections.
- Members of the international community accredited to observe the October elections should do so in accordance with the laws of Tanzania, the Declaration of Principles for International Election Observation, the Southern Africa Development Community's Democratic Elections Standards and operate without interfering in the election process.

The NDI delegation believes that, despite current shortcomings in the electoral process, there remains sufficient time to make progress on solving these problems if there is sufficient political will, political tolerance and a concentrated effort. To instill confidence in the process, political parties, NEC and ZEC officials, the media, civil society and other actors should continue to dedicate themselves in the time remaining to achieve an election that will be widely accepted by all Tanzanians.

The delegation wishes to thank the political leaders and the Tanzanian people for their warm welcome and frank discussions.