

TANZANIA ELECTIONS WATCH (TEW)

A SUMMARY OF THE TEW PRE- ELECTION
REPORT

AT THE EDGE OF DEMOCRACY: TANZANIA
TOWARDS 2020

Acronyms

ACT	Alliance for Change and Transparency
AfCHPR	African Court of Human and Peoples Rights
ALAT	Association of Local Government Authorities of Tanzania
ASP	Afro-Shirazi Party
ATCL	Air Tanzania Company Ltd
BAKWATA	Baraza Kuu la Waislamu Tanzania
CBT	Cashew Board of Tanzania
CCM	Chama cha Mapinduzi
CHADEMA	Chama cha Demokrasia na Maendeleo
CMG	Clouds Media Group
COSTECH	Commission for Science and Technology
CPI	Corruption Perception Index
CPT	Christian Professionals of Tanzania
CRDP	Convention on the Rights of Persons with Disabilities
CSL	Centre for Strategic Litigation
CSO	Civil Society Organisation
CSSC	Christian Social Services Commission
CTN	Coastal Television Network
CUF	Civic United Front
DC	District Commissioner
DCI	Director of Criminal Investigations
DED	District Executive Directors
EAC	East African Community
EACJ	East African Court of Justice
EITI	Extractives Industries Transparency Initiative
EU	European Union
GNU	Government of National Unity
HIPC	Highly Indebted Poor Countries
ICNL	International Center for Non-Profit Law
ICTR	International Criminal Tribunal for Rwanda
IFI	international Financial Institutions
IMF	International Monetary Fund
LGA	Local Government Authorities
LGBT	Lesbian, gay, bisexual and transgender
LGRP	Local Government Reform Program
LHRC	Legal and Human Rights Centre
MCC	Millennium Challenge Corporation
MCT	Media Council of Tanzania
NAPB	National Agricultural Products Board

NBS	National Bureau of Statistics
NCCR-Mageuzi	National Committee for Constitution Reform
NDC	National Development Corporation
NEC	National Electoral Commission
NAFRA	National Food Reserve Agency
OGP	Open Government Partnership
PCCB	Prevention and Combatting of Corruption Bureau
PER	Public Expenditure Review
PO-RALG	President's Office, Regional Administration and Local Government
PRSP	Poverty Reduction Strategy Paper
PSSSF	Public Service Social Security Fund
RC	Regional Commissioner
REPOA	Research on Poverty Alleviation
RPC	Regional Police Commander
SGR	Standard Gauge Railway
SHIHATA	National News Agency
SIDA	Small Industries Development Organisation
SUMA-JKT	Army's commercial wing
TADB	Tanzania Agricultural Development Bank
TAHA	Tanzania Horticulture Association
TANU	Tanganyika African National Union
TACCEO	Tanzania Civil Society Consortium on Election Observation
TCRA	Tanzania Communications Regulatory Authority
TERM	Tanzania Economic Regulation Monitor
THRDC	Tanzania Human Rights Defenders Coalition
TISS	Tanzania Intelligence and Security Services
TLS	Tanganyika Law Society
TNBC	Tanzania National Business Council
TPDC	Tanzanian Petroleum Development Corporation
TPDF	Tanzania People's Defence Force
TPS	Tanzania Prisons Service
TRA	Tanzania Revenue Authority
TYC	Tanzania Youth Coalition
UAMSHO	Association for Islamic Mobilisation and Propagation
UKAWA	Umoja wa Katiba ya Wananchi
UNHCR	United Nations High Commissioner for Refugees
USAID	U.S. Agency for International Development
UVCCM	CCM Youth Wing
UWT	Umoja wa Wanawake Tanzania
VEO	Village Executive Officer
VETA	Vocational Education and Training Authority
WB	World Bank

WEO	Ward Executive Officer
ZBC	Zanzibar Broadcasting Corporation
ZEC	Zanzibar Electoral Commission
ZLS	Zanzibar Law Society

EXECUTIVE SUMMARY

Political context

Since coming to power in 2015, President John Pombe Magufuli has asserted his control over the ruling party Chama cha Mapinduzi (CCM) and waged war on the political opposition. He has dismissed critical members of CCM, including ministers, bought off critics with appointments and promotions, and belittled the opposition in both word and deed. Opposition MPs have been thrown out of parliament, threatened, arrested, detained, fined, remanded, imprisoned, and roughed up, and the opposition's leading presidential candidate, Tundu Lissu, has been temporarily banned from electioneering. There have been politically motivated murders, abductions and disappearances. After a failed assassination attempt in September 2017, Lissu was refused financial support for medical treatment and, in November 2019, was banned from parliament *in absentia*. When ACT-Wazalendo leader Zitto Kabwe urged the World Bank to withhold a large loan to the education sector over the President's opposition to girls continuing their education after giving birth, a senior CCM MP called for his murder.

In January 2019, Parliament passed amendments to the Political Parties Act, 1992, that give sweeping powers to a government-appointed registrar of political parties, a move that opposition legislators and human rights activists said would entrench one-party rule in the country. By taking sides in a long-term leadership dispute in the opposition Civic United Front (CUF), the registrar succeeded in splitting the party, leading the faction led by veteran politician and former presidential candidate Seif Sharif Hamad to join the small ACT-Wazalendo party to contest the October 2020 elections.

While President Magufuli's anti-corruption initiatives have been praised at home and abroad, his government has taken a number of steps to reduce transparency in budget management, public expenditure and oversight of the minerals sector. Impatient with the slow functioning of the criminal justice system and the anti-corruption agency in prosecuting cases in court, the president has taken the law into his own hands, releasing large numbers of petty criminals and initiating a plea-bargaining system that allows remandees to buy their release after confessing their guilt.

The damage done by legislation and other measures to Tanzania's political pluralism and its nascent democracy cannot be overemphasised.

Key political actors in Tanzania's 2020 general elections

Key actors in the forthcoming October elections include the National Electoral Commission, the Office of Registrar of Political Parties, and the main political parties. Tanzania has nineteen registered political parties, of which only five have a presence in parliament, namely the ruling CCM, that won three-quarters of the seats in the 2015 elections with 195 of the 264 constituencies, Chama cha Demokrasia na Maendeleo (Chadema) with 35 seats, the Civic United Front (CUF) with 32 seats, and ACT-Wazalendo and NCCR-Mageuzi (one seat each). A few notes follow on each of the main parties contesting the 2020 elections.

CHAMA CHA MAPINDUZI

CCM and its predecessor TANU has ruled Tanzania since its creation in 1977, following the merger of the mainland's Tanganyika African National Union (TANU) and Zanzibar's Afro-Shirazi Party (ASP). In the 2015 presidential elections, CCM's compromise candidate Magufuli secured 58 percent of the vote, against the opposition UKAWA alliance candidate Edward Lowassa's 40 percent. This comfortable margin of victory nevertheless constituted CCM's poorest showing in the modern era. Magufuli's key tasks were therefore to stamp his authority on the party and to assure its continued political dominance. Magufuli became CCM Chairman in December 2017 after a committee led by CCM Secretary General Dr Ally Bashiru was appointed ostensibly to look into party affairs with a mandate to weed out corruption. The move was seen as a means of purging Lowassa and Membe supporters from top party organs and its secretariat. The committee's report was never published or handed over to PCCB as initially promised.

Since 2015, a new party culture has emerged reflecting its leader's personalised governance style. The National Executive Council was trimmed down from 388 to 158 members and the Central Committee from 34 to 24. The number of central party meetings was reduced and certain posts and party support organisations abolished. Thus, in the last five years, CCM has transited from an inclusive and decentralised party to a more centrally controlled and disciplined machine.

Despite its relative decline, surveys suggest that CCM retains more public loyalty than other political parties.

CHADEMA

Founded in 1992, CHADEMA is business-friendly party that campaigns largely on a pro-business, anti-corruption platform. Since 2004, it has been under the chairmanship of Freeman Mbowe, a businessman from Kilimanjaro. The party enjoys growing support among urban voters and in certain parts of the country. It has invested significant resources in building up its regional and youth-wing structures, urban and increasingly rural, helped with additional funding from state subsidies and anonymous private sources, and with support for training party cadres from Denmark and German foundations. The performance of CHADEMA MPs in the national assembly during the Kikwete years (2005-15) was also impressive. Rising levels of corruption during this decade presented constant opportunities for CHADEMA and other opposition parties to score political points. It is in large part the growing political challenge posed by the rise of CHADEMA and other opposition parties and politicians that CCM began a rapid U-turn to put an end to disturbing democratic tendencies. The CHADEMA's presidential candidate Tundu Lissu's personal charisma has been burnished by his miraculous survival after an assassination attempt in 2017, and long, painful, recovery abroad. His public rallies attract large crowds across the country. With all the electoral cards stacked against him, he is unlikely to unseat the incumbent, particularly as there will be no joint opposition candidate. Whether he would win a free and fair election remains to be seen.

ACT-WAZALENDO

ACT-Wazalendo is a democratic-socialist party registered in May 2014. It is the political vehicle of Zitto Kabwe, a former CHADEMA cadre. ACT's political manifesto, the Tabora Declaration, foresees a heavily state-managed economy financed with local rather than foreign finance. In the 2015 elections, ACT-Wazalendo won 1 seat in the national assembly. Kabwe is dynamic, well-read, well-

connected abroad, and a presence on the print and social media scenes. The party received a boost in March 2019 when Seif Sharif Hamad's faction in CUF decided to defect to ACT-Wazalendo following a court ruling that recognized CUF's embattled chairperson Prof Ibrahim Lipumba as the legitimate chairperson of the party. In June 2020, ACT-Wazalendo received a further boost by receiving 21 former CUF members of parliament.

CIVIC UNITED FRONT

The Civic United Front (CUF) was formed in 1992 through a merger of KAMAHURU, a pressure group for democratization in Zanzibar, and the Civic Movement, a human rights organisation based on the mainland. Many CUF leaders were former CCM stalwarts, some of whom had been expelled over disputes about the party and government policy.

CUF's main support base is in Unguja and Pemba. After the breakup of the party described above, following the decision by Mr Hamad's faction to defect to ACT-Wazalendo, which Hamad chairs. It is assumed that CUF supporters will transfer their allegiance to ACT-Wazalendo on October 28th. While former foreign minister Bernard Membe is ACT's presidential candidate, Hamad is vying for the Zanzibar presidency.

National Electoral Commission

The National Electoral Commission (NEC) was established in 1993. Although the NEC is formally autonomous, there have been complaints from Tanzania's opposition parties, human rights organisations and religious institutions on its lack of autonomy, which, they claim, favours the government and the ruling party, since its senior appointments and finances are dependent on executive favour. The same applies to NEC's Zanzibar counterpart, the Zanzibar Electoral Commission (ZEC). ZEC was roundly condemned by local and external election observers when it cancelled the election results on Pemba and Unguja after an initial vote-count suggested a narrow CUF victory. ZEC will be watched for further partisanship in the forthcoming elections.

The NEC appoints returning officers to supervise local and national elections. Under the National Elections Act (2010) District Executive Directors (DEDs) may be appointed returning officers in elections. But DEDs are political appointees and there is evidence that many are active members of the ruling party. In 2018, human rights activist Bob Chacha Wangwe filed a constitutional case at the High Court, challenging the constitutionality of this law. Although he won the case, it was overruled on appeal.

Since electioneering began for the 2020 polls, both NEC and ZEC have disqualified a large number of opposition candidates, mostly for local councillorships, though on what grounds is unclear. Most disqualified candidates were reinstated, though, according to NEC, 20 parliamentary candidates have passed unopposed, all from the ruling party.

The Office of Registrar of Political Parties

The Registrar was created under Political Parties Act 1992. The Registrar and Deputy Registrar are appointed by the President. Political parties receive state subsidies in proportion to their representation in parliament. The Registrar used this role to favour the CUF faction led by Professor Ibrahim Lipumba, a Dar-based academic, who had resigned the CUF chairmanship in protest against the nomination of Edward Lowassa for the UKAWA alliance party candidate in 2015, only to request

to be reinstated the following year. In January 2017, the Registrar 'recognised' the Lipumba faction by granting it Sh369m, prompting the Hamad faction, after its failed attempt to challenge the Registrar's action in court, to abandon CUF for ACT, in the process making it impossible to field a common opposition candidate in October 2020. A 2002 amendment to the Political Parties Act made it a criminal offence for parties to engage in civic education without permission from the Registrar.

The role of security organs in elections

Tanzania's main 'National and Defence Security Organs' consist of the Tanzania People's Defence Force (TPDF), the Tanzanian Police Force, the Tanzania Intelligence and Security Services, the National Security Council and the Prevention of Corruption Bureau (PCCB). The Immigration Department, which is under the Ministry of Home Affairs, can be added to the list. Though all citizens are theoretically equal under the law, the executive dominance of the country's security organs means that opposition parties are invariably targeted in the enforcement of the relevant laws and regulations. In addition, numerous actions of the security organs are of dubious legality, which is why they are regularly challenged by the aggrieved parties.

The Tanzania People's Defence Force (TPDF)

Since an attempted mutiny in 1964, the Tanzanian military has been successfully integrated into the ruling elite under CCM. The Political Parties Act of 1992 debarred the military from all political activities, but successive governments have been careful to look after the military, including its 'commercial wing' SUMA-JKT. However, since 2015, increasing numbers of military personnel have been given government positions, particularly as regional and district commissioners, which are presidential appointees, and they have retained their military ranks.

The military has also repositioned politically. During the 2010 general elections, for example, the TPDF's Chief of Staff Lt Gen Abdulrahman Shimbo, issued a statement cautioning the Tanzanian people that the armed forces and security organs of the country were well prepared to contain any instances of violence during the forthcoming elections. He claimed that the security organs had received intelligence indicating that some elements in political parties were preparing for violence and urged political parties to accept the results of the elections. On 4 October 2010, Chadema's presidential campaign team manager wrote to diplomatic missions and presidential candidates expressing concern at this statement that suggested the army was usurping the role of the police, was intimidating voters, and should remain outside politics.

In 2015, when the Zanzibar Electoral Commission (ZEC) annulled the election of the isles' president and of the House of Representatives, the government deployed members of the armed forces on the streets of Unguja and Pemba to ensure that ZEC's decision was implemented.

The Tanzania Police Force

As the main front-line agency of state power, the Tanzanian police are responsible for enforcing the law controlling all forms of criminal activity. Critics complain that the police exercise this role to enforce repressive legislation, often using excessive force and extra-judicial actions. In a review of the 2015 general elections, the Legal and Human Rights Centre (LHRC) criticised the police for apprehending members of the political opposition without legal cause and deploying riot police

across the country. Since the 2015 elections, RCs and DCs have deployed the police to harass and arrest members of opposition parties. For example, in September 2019, Hai DC Lengai ole Sabaya ordered the arrest of CHADEMA leaders in Kilimanjaro region for indulging in ‘cheap politics’ without a permit while visiting a secondary school. The police are regularly involved in the arrest of journalists, activists and social media users for breaking the numerous repressive laws discussed in this report, and using excessive force. In October 2015, police raided the election observation centre run by the LHRC on behalf of TACCEO, and confiscated three laptops, 24 desktop computers and 25 phones. A total of 36 staff and volunteers were arrested and eventually released on charges of publishing false information.

Since the beginning of electioneering for the October poll, the police have stepped up their harassment of opposition parties; raiding offices, confiscating computers and documents, preventing opposition rallies, arresting and charging opposition leaders.

The Immigration Department

The Immigration Services Department is part of the Ministry of Home Affairs. The Department has often been used as a political tool to suppress dissent through what has been described as the ‘weaponizing of identity and citizenship’. For example, in August 2020, CHADEMA candidates for local elections were arrested in Tunduma district, Mbeya region, and charged with armed robbery. In 2018, three ACT-Wazalendo candidates were debarred from local council elections in the same district on citizenship grounds.

The Prevention and Combating of Corruption Bureau (PCCB)

The PCCB has come in for criticism recently for its unequal treatment of the country’s political parties. In June 2020, for instance, the bureau said it was questioning 69 sitting and former CHADEMA legislators following embezzlement claims by lawmakers who defected to other political parties. PCCB also grilled CHADEMA chairman Freeman Mbowe over the legality and the use of money the party deducts from its legislators.

PCCB is more lenient with CCM. In July 2020, the bureau announced that they had arrested 20 CCM cadres involved in various corruption charges in Arusha. In August, Director General Brigadier General John Mbungu announced that the bureau would allow CCM to handle any corruption allegations internally since “there are internal processes guiding the management of corruption charges”. Although WEOs and VEOs are legally non-partisan, they are generally perceived to have an affinity with CCM, not least because they are answerable to a line ministry headed by presidential appointees.

Local government and elections

Local Government Authorities (LGAs) play a subordinate yet vital role in the conduct of Tanzanian elections. At the community level, Tanzania mainland local government consists of 12,443 villages, 64,616 hamlets (sub-villages) and 3,741 *mitaa*, or urban neighbourhoods. The ward administrative level is between the village/*mitaa* level and the district. The Region is a key node for LG management and control. Both wards and districts have elected councils. Since coming to power in 2015, the Phase 5 government has transferred the mandate to coordinate local government from the Prime Minister’s to the President’s Office, Regional Administration and Local Government (PO-RALG). Legislation in

2002 bestowed sweeping powers on the ministry in charge of local government to regulate elections, including the election of political office-bearers at neighbourhood, village and hamlet levels. The political leverage this accords central political control to favour the ruling party has been challenged by opposition parties and CSOs. Tanzania mainland and Zanzibar have their own LG arrangements.

At the lowest administrative levels, elected Ward Councillors work together with a Ward Executive Officer (WEO) and a village executive officer (VEO), both PO-RALG appointees.

Local government had traditionally formed an important and integral part of CCM's hegemony, but in recent years more and more (mostly) urban constituencies have voted in opposition parties. Currently, the opposition controls 29 local councils. LGAs have formed an important pillar of power for opposition parties where they can put into practice some of their policy proposals. This means that the opposition now has access to considerable resources, thus potentially strengthening their legitimacy among the electorate.

Since 2015, Tanzania has observed a rapid recentralisation following decades of LG reform aimed at decentralisation. In FY 2016/17, the government announced that revenue from the collection of property tax would revert to the treasury. The decision has mostly affected urban LGAs, most of which are run by the opposition.

Since 1997, local government officials appointed by the NEC have become returning officers for local and national elections. Effectively, District Executive Directors (DED), who are presidential appointees, are in charge of elections. As recently as 2018, the Court of Appeal defended the legality of this arrangement. DEDs and other political appointments are often drawn from among military ranks or CCM party stalwarts who lost at the last election or have retired from electoral politics.

The Zanzibar Electoral Commission (ZEC) employs and deploys its staff throughout the territory, as was the case on the mainland during the first multiparty elections in 1995. Amendments introduced in the Local Government Laws (Miscellaneous Amendments) Act (1999) eroded the independence of the NEC, making local government officials the backbone of the NEC in the conduct and management of the elections.

In principle, mainland RCs and DCs advise LGs, oversee law and order and intervene in politics only when necessary. In practice, their executive powers and ability to mobilise the local police give RCs and DCs significant coercive power and influence over regional and district government. Increasingly in recent years, RCs and DCs have deployed the police to curtail the activities of opposition parties, as described in the previous section.

Given their extensive powers and their close links to the ruling party, RCs and DCs play an important role in the national security apparatus. Even village/street chairs (VCs) have important coercive powers in all matters of order and security. They often act as a quasi-state militia at the community level. Complaints against residents are seldom handed to higher levels of the security apparatus and are generally handled by the local security council and VC. The VC can impose heavy punishments, ranging from fines to labour duties to confiscation of property. VCs' embeddedness in the community gives them substantial information about their constituents. Given their coercive powers and their information, VCs play a particularly important role in monitoring voters and enforcing low-intensity coercion. CCM's superior network at lower levels assures it of the majority of elected officials at the

ward level. But, despite its strategic advantages, the ruling party is steadily losing support in urban areas.

Until 2005, LGAs remained largely the purview of the ruling party. Between the first multiparty elections in 1995 and the third in 2005, the ruling CCM saw a growing share of both the national vote and the control of local councils. CCM's hegemony began to erode in 2010 when the opposition almost doubled its share of the vote, with the biggest opposition party, CHADEMA, gaining 27 percent of the presidential vote, rising to 40 percent of the vote in 2015. CHADEMA won control of two (of three total opposition) LGs in 2005, seven (of eight) in 2010 and 25 (of 31) in the most recent elections. CHADEMA boasted 789 ward councillors in 2015 (CCM 2,880), in which year CHADEMA controlled the majority of urban areas in Tanzania.

In the November 2019 local government elections, CCM won 99.77 per cent of the polls after opposition parties withdrew. The party won all the 4,263 seats for streets (*mitaa*), and 12,260 village chairmanship seats, leaving only one seat each for CHADEMA and CUF. CCM's 'landslide' victory' was largely thanks to the large-scale disqualification of opposition candidates by local Returning Officers (ROs), which prompted the main opposition political parties to pull out. Before their withdrawal, they had expressed concerns about the credibility of the voter register administered by PO RALG, noting that it reported an increase of eight million voters in one week. This followed an initial sluggish registration process in which only 11million of the targeted 27 million voters registered as of 13th October 2019.

Defending his party's decision to withdraw from the elections, ACT-Wazalendo party Zitto Kabwe said during a press conference that 96 percent of contestants sponsored to contest the election by the party were disqualified. Only 6,944 out of 73,593 contestants were endorsed by ROs. CHADEMA Chairman Freeman Mbowe declared that CHADEMA withdrew from the election because the majority of its contestants had been disqualified for no good reason. Mr Mbowe cited the disqualification of more than 1,000 of his party's aspirants in Mwanza region, while 570 contestants had been disqualified in Dar es Salaam. In many regions, CHADEMA members were denied nomination forms. Both Prof Ibrahim Lipumba, Chairman of the Civic United Front (CUF), and James Mbatia, Chairman of NCCR-Mageuzi, withdrew from the poll for similar reasons.

This prompted the US Embassy and the UK High Commission to raise concerns over the mass exclusion of opposition candidates, which called into question the credibility of the entire election process. The statement further commented on the failure to provide observation accreditation in a timely manner to credible, experienced organisations.

The conduct of the Local Government Elections in November 2019 set a disturbing precedent for the 2020 elections.

Media freedom and elections

Tanzania has a diverse media landscape with, officially, over 200 newspapers and magazines, 48 television stations and 183 radio stations, and hundreds of internet sites and blogs, but in recent years the state has systematically limited the space for independent journalism and critical

commentary. According to Reporters Without Borders' Press Freedom Index, Tanzania dropped an astonishing 25 places in global press freedom rankings between 2017 and 2018.

The state monopoly of the media ended in the late 1980s with the launch of the Business Times (the first weekly) and the twice-monthly Family Mirror. Majira (the first daily) followed in 1993; Radio One (the first private radio station) in 1994, and Coastal Television Network (CTN) (the first television station) in 1994. In 2003, the first community radio was established in Sengerema, soon to be joined by over 30 others. With the launch of the National Fibre Optic backbone in 2010, the country also witnessed the rapid growth of online media.

There is limited diversity in media content. The state broadcaster – the Tanzanian Broadcasting Corporation (TBC) – is tightly controlled and acts as the government / party mouthpiece. Despite Tanzania's tribal and linguistic diversity, the law prohibits broadcasting in local languages.

The quality of journalism is increasingly undermined by inadequate training and low salaries. Most journalists are hired as casual labourers and are prone to bribery by businessmen and politicians. 'Brown envelope' journalism has consequently become the norm. Government sponsored advertising is largely limited to official publications, in particular the Daily News. Critics claim that the voices of women are often silenced in the media, and women working in the newsroom frequently face sexual harassment.

Systematic self-censorship among journalists and editors reflects: growing surveillance of newspapers and blogs perceived to be critical of the government, the disappearance and detention of journalists, and the imposition of heavy fines or bans on media houses for publishing stories that the state deems inappropriate. Online platform *JamiiForums* reports a decline in the quantity and quality of political debates, as whistle-blowers and social media commentators feel increasingly unsafe. In 2016, the Tanzania Police Force reported 9,441 arrests for alleged cybercrimes. In March 2020, the police reported an 83 percent increase on the number of cybercrime cases prosecuted.

Media laws and regulations

The past five years have seen the passage of highly restrictive legislation, namely the Cybercrimes Act (2015) and the Media Services Act (2016). Under the Cybercrimes Act, numerous highly publicised arrests have been recorded. In December 2016, police arrested Maxence Melo, founder of the popular whistle-blowing and commentary site *JamiiForums*, searched his house and held him in custody for four days. He was eventually charged along with his co-founder Mike William for 'obstruction of investigation' and operating an unregistered domain.

The Media Services Act has been used to temporarily ban numerous newspapers, including Mawio, Mseto, MwanaHaLISI, Raia Mwema, the Citizen and Tanzania Daima. In January 2017, the Media Council of Tanzania (MCT), the Legal and Human Rights Centre (LHRC) and the Tanzania Human Rights Defenders Coalition (THRDC) filed a case in the East African Court of Justice (EACJ) challenging the law. In March 2019, the EACJ found in favour of the applicants, but the government appealed the decision and the Appellate Division of the EACJ ruled in its favour in June 2020.

In March 2018, Tanzania Telecommunications Regulatory Authority (TCRA) issued Regulations obliging bloggers, owners of discussion forums, and radio and television streaming services to register with the TCRA and to pay hefty licensing and annual fees. In July 2020 further regulations made it illegal to post 'rumours' and messages on social media platforms that 'ridicule, abuse or harm the reputation, prestige or status of the United Republic of Tanzania'. These regulations have been used to suspend and fine media houses in the country, including Kwanza TV, Mwananchi newspaper, and Clouds Media Group. In August 2020, additional regulations were issued ordering licensed local broadcasters to seek the regulator's approval before airing content generated in collaboration with other online content providers. In the same month, TCRA summoned the management of Mwanza-based radio station Radio Free Africa (RFA) over contents aired on 'Amka na BBC' that included an interview with Tundu Lissu.

In Zanzibar, the Registration of News, Agents, Newspapers & Books Act (1988) and the Zanzibar Broadcasting Commission Act (1997) have been deployed to exercise control over the media. The former gives unchecked discretion to the Director of Information to deregister any newspaper without providing reasons for such a decision.

Strategic litigation against journalists has also become an increasingly popular tool for cracking down on Tanzanian media. For example, Tido Mhando, former Tanzania Broadcasting Corporation Managing Director and Current Director of Azam Media, was arraigned in court in January 2018 on four counts of abuse of office and occasioning loss of over TShs800m, three years after leaving the public broadcaster. The charges are attributed to Azam Media's independent coverage including their exclusive interview with Tundu Lissu at his hospital bed in Nairobi. Editors of Mawio newspaper are still in court on charges of sedition for articles published during the March 2016 Zanzibar rerun elections.

In the past five years, journalists have faced abductions, arbitrary arrest and detention. In November 2016, freelance journalist Azory Gwanda disappeared while investigating the government's alleged heavy-handed approach in dealing with alleged violent extremists in southern Tanzania, and is assumed dead. In June 2015, Omar Ali, a freelance journalist from Pemba, was attacked and severely beaten by police officers, allegedly for his coverage of the voters' registration process in Zanzibar. In March 2016, a local journalist and Deutsche Welle correspondent Salma Said was abducted by unknown individuals upon arrival at Julius Nyerere International Airport, beaten up and later released. She was covering March 2016 by-elections as a correspondent for DW.

The pre-election media scene, therefore, is clouded by the absence of independence and fear of reprisal and prosecution by both media houses and independent journalists. A highly limiting legal and regulatory framework makes it impossible for the media to freely exercise its mandate.

CSOs and elections

Tanzania has a reasonably diverse, albeit limited civil society sector. By 2017, there were said to be over 14,000 Civil Society Organisations (CSOs, NGOs, INGOs) and Faith Based Organisations (FBOs) in the country, registered under the NGOs Act, Companies Ordinance, Trusteeship Act and Societies Act. This compares with 224 in 1993, and 8,499 in 2000. CSOs vary in size and influence, but over 90

percent are entirely donor-funded, including the governance and rights-based organisations of particular interest to this report. CSO's influence over policies is limited by their low capacity to analyse and lobby and, recently, by an increasingly hostile state. This hostility takes the form of restrictive legislation and its enforcement, as well as extra-legal measures.

CSOs in the modern sense are in part the product of post-Structural Adjustments policies in the late 1980s. As part of the Highly Indebted Poor Countries (HIPC) negotiations and the subsequent Poverty Reduction Strategy Paper (PRSP) strategy, civil society was allowed to play a more active role in service provision and policy dialogue, participating in Public Expenditure Reviews (PER) and Sector Working Groups with donor agencies. Civil society's role and influence over policy in Tanzania have therefore primarily been at the behest of donors rather than through active engagement by the state or pressures from below, though the latter was by no means totally absent. CSOs registered since political liberalisation vary from the highly committed to opportunistic and rent-seeking, and from very high to very low capacity to deliver on their core mandates.

Though the relationship between CSOs and the Tanzanian state has always been characterised by mutual suspicion, under the Magufuli administration this suspicion has escalated to a level not seen before, leading to overt hostility and a rapid shrinking of civic space.

State-CSO tensions

The powerful do not take kindly to criticism by 'unelected' CSOs, and to focus on supporting the government's development agenda rather than 'agitating'. This contradiction between the state's perception of the mandate of civil society and their reflection of the same has been an essential source of suspicion, conflict and mistrust between the government and civil society in Tanzania.

The last five years have seen growing anti-civil society rhetoric by national leaders who accuse NGOs of serving 'imperialist interests'. President Magufuli has taken particular offence at NGOs seen as advocating teenage mother's education and promoting homosexuality. In September 2019, the Non-Governmental Organisations Coordination Board revoked licenses of six NGOs for allegedly violating laws, regulations and failing to follow their constitutions.

A recent Human Rights Watch report points out that the NGO registrar has exerted increasing control over NGOs by increasing the formal requirements for NGOs and threatening to deregister them for non-compliance. The 2019 NGO Act requires all contracts with donors exceeding Sh20 million to be submitted to the treasury and the Registrar of NGOs for approval. It also requires NGOs to submit activity and financial audit reports to the registrar. In June 2020, the government wrote to the LHRC and the Tanzanian Human Rights Defenders Coalition (THRDC) threatening legal measures for 'violating' these rules. The NGO Coordination Board, under the Ministry of Health, Community Development, Gender, Elderly and Children, has deregistered three NGOs for what it deemed to be violations of Tanzanian ethics and culture. In June, the government also suspended the NGO Inclusive Developments for Citizens (IDC) for its 'failure' to provide funding contracts and annual activities financial audits to the government. IDC attributed this most recent demand to their advocacy against the practice of expelling pregnant schoolgirls.

In December 2019, Tito Magoti, a programme officer at the LHRC was abducted. along with IT expert Theodory Gyan. Magoti claims they were held at several different police stations before surfacing a

few days later at the Kisutu Resident Magistrate court to be charged. The two were charged with money laundering and have been held in detention to date.

Legislation to regulate the legal profession passed in 2017 seriously constrains the independence of the Tanganyika Law Society (TLS), which had angered the government by appointing opposition firebrand Tundu Lissu its president.

Civil Society and elections

In recent years, CSOs have been actively involved in voter education, training of candidates (especially women) and election monitoring. This civic space is rapidly disappearing. Prior to the 2010 elections, the Tanzania Civil Society Consortium on Election Observation (TACCEO) was established to monitor elections. During the 2015 elections, police raided the election observation centre run by the LHRC on behalf of TACCEO, and computers and phones were confiscated. A total of 36 staff and volunteers were arrested and eventually released on charges of publishing false information contrary to the Cybercrime Law and Election Act. The officially accredited observers were suspected of conducting a parallel vote tallying exercise. To date, no case has been brought to court. Finally, no member of the Consortium was granted accreditation by PO-RALG to observe the 2019 Local Government Elections.

In June 2020, the NEC published a list of NGOs accredited to observe the 2020 elections. The list omitted all of the main human rights organisations in the country including the LHRC and the Tanzania Episcopal Conference, two highly respected organisations have been observing Tanzanian elections since the return of multiparty politics in 1995. The NGOs involved have challenged their disqualification.

Tanzania's foreign relations and the international community

Tanzania is being watched closely by its neighbours and the wider international community in the build-up to the October 28 elections. The largely negative trends reported in global indexes on individual and collective rights and press freedom in recent years has worsened relations with traditional multilateral and bi-lateral donors, resulting in a substantial loss in aid, including budget support. These trends date back to the second Kikwete term (2010-15), when unresolved corruption scandals soured relations with donors. While western donor agencies stress democratic rights when responding to what they see as negative governance trends, Tanzania's other main long-term ally China maintains a diplomatic silence. Tanzania was the first African country visited by President Xi Jinping of China on his maiden trip to Africa. But President Magufuli is wary of borrowing from China, and has cancelled at least one major project initiated by his predecessor. Magufuli's two main infrastructure projects since coming to power--the Standard Gauge Railway and the proposed dam on the Rufiji River--are financed out of local taxes and commercial loans, with no Chinese involvement.

Traditional donors no longer have the policy leverage they used to enjoy as aid finances a declining proportion of government spending. While Magufuli has distanced himself from western aid, he has diversified foreign relations, in the last five years signing bilateral agreements with Turkey, Israel, Morocco and Egypt. Relations with East African neighbours blow hot and cold, with cross-border disputes with Kenya common. EAC members will send their own observer teams for the 28th October elections.

Unlike his globetrotting predecessor Jakaya Kikwete, President Magufuli has not made diplomacy his top priority. Since being elected to office, he has barely travelled outside the East African region. Tanzania has witnessed a shift from an outward-looking, engaging, and donor- and investor-friendly foreign policy towards a much more inward-looking, defiant, and nationalistic stance. The world-view embraced by President Magufuli is informed by suspicion of Tanzania's main 'development partners', including the European Union and the United States, dubbed 'imperialists' (*Mabeberu*) determined to 'sabotage' his government's efforts towards economic independence. In December 2019, President Magufuli accused 'foreign' agents and organisations of attempting to undermine home-grown efforts at economic transformation. Some foreign countries and organisations "... use NGOs and CSOs to push their agendas, pretending that they are teaching us democracy and human rights..." he said.

The International community and elections

Since the 1990s, donors have been involved in Tanzania's elections. They have been the main financiers of the electoral management bodies, mainly through the United Nations Development Program (UNDP) country program on elections. They have provided independent scrutiny and oversight through their accredited international observer missions as well as providing resources to international observer groups like the East Africa Community Observer Mission and the Electoral Institute for Southern Africa. Tanzania's development partners have supported a wide range of electoral programs led by both local and international civil society organisations. In June 2009, a USD28m trust fund project was launched, coordinated by the UNDP, for the 2010 elections. The fund provided voter registration equipment, technical support and training. In addition, the USD12m Deepening Democracy Project provided funds for voter education via small grants to local NGOs. For the 2015 elections, the multi-donor funded Democratic Empowerment Project provided USD22.2m to support key democratic institutions. Both projects financed capacity building for the electoral commissions including the installation of a sophisticated Results Management System for both NEC and ZEC.

In January 2020, President Magufuli told foreign ambassadors and high commissioners in a function at State House that this year's elections will be free and fair, promising that his government would allow international agencies and observers to come and monitor the polls. The National Electoral Commission subsequently released a list of 96 accredited organisation eligible for observer status, but with most the major rights organisations denied accreditation, including the Catholic church in Tanzania. The 2020 elections will be the first since 1995 where there is no support offered to the Electoral Commissions, as Tanzania refused to extend an invitation to UNDP to send a National Assessment Mission, making it impossible for UNDP to design a customised project.

A waning human rights record

In September 2016, Tanzania went through the Universal Periodic Review (UPR) at the Human Rights Council in Geneva. Of 227 recommendations made by member states, Tanzania accepted 131, while 99 recommendations were noted. However, the country has failed to produce a national action plan on the UPR recommendations. The review commented on: the annulment of the October 2015 Zanzibar elections and the rerun; the ban on live television coverage of Parliament; closures of several independent media outlets; the suspensions of opposition members of parliament; the ban on political rallies; and the continued use of repressive laws to target the media and to arrest individuals for activities protected by the law.

Subsequently, Tanzania has built a reputation as a defiant member state following several statements by the Human Rights Council as well as Special Rapporteurs. In June 2020, the UN Special Rapporteurs expressed its concerns over amendments to the Basic Rights and Duties Enforcement Act, urging the government to 'immediately' drop legislative and other measures that further curb civic space and to uphold its international human rights commitments. The amendments require anyone seeking legal redress for human rights violations under the Constitution's Bill of Rights to prove that they are personally affected, thus effectively curtailing public interest litigation. In November 2019, the government filed a notice to withdraw from Article 34(6) of the African Court Protocol thereby withdrawing the right of individuals and NGOs to bring cases against the government to the AfCHPR. Tanzania has the highest number of cases filed by individuals and NGOs as well as judgments issued against it by the Court. Out of the 76 cases decided by the court by September 2019, 33 (40 percent) concerned Tanzania. The majority of the cases are alleged violations of the right to fair trial, pointing to a systemic problem in the Tanzanian justice system.

At the country level, relations with the EU and the main bilateral donors have been increasingly fraught. In May 2015, the EU and other missions wrote to President Kikwete urging him not to sign the Cybercrimes and Statistics Acts into law following concerns addressed by activists and politicians alike. The letter quoted Tanzania's commitment to the UN Declaration on Human Rights, the International Covenant on Civil and Political Rights and to the Open Government Partnership. The letter was met with an outright rebuttal from State House, followed by the President telling off the donor community, ironically, at the Africa Open Government Conference in Dar es Salaam in May 2015. Since 2016, relations between the EU have continued to decline, and in November 2018 the EU recalled its ambassador over what it said were the deterioration of human rights and the rule of law in the country. In December 2018, the EU Parliament issued a resolution on Tanzania condemning what it described as deteriorating human rights and the continued closure of civic space. This was the first time that a foreign legislative body had issued a statement regarding the situation in the country. Since then, other nations have expressed concerns, including the June 2020 statement from the United States Embassy in Dar es Salaam critical of government actions to 'stifle democratic norms.'

Aid foregone as a result of the Zanzibar election saga in 2015-16 includes the United States' Millennium Challenge Corporation (MCC) decision to suspend partnership with Tanzanian government in March 2016, with the loss of a possible USD500m in infrastructure development. In suspending the second round of the account, the MCC board commented critically on the Cybercrimes Act and the Statistics Act. A defiant Magufuli reacted to the statement, telling a public rally that: "We need to stand on our own," so that "Tanzania and Tanzanians can get rid of donor dependence."

The U.S. has continued to issue regular statements on what it sees as the declining human rights situation in the country, including violent attacks on opposition politicians and irregularities that saw the opposition boycott the local elections in November 2019. In January 2020, the U.S State Department issued a travel ban on Dar es Salaam regional commissioner Paul Makonda for his involvement in 'gross violations of human rights.' The United States was 'deeply concerned over deteriorating respect for human rights and rule of law in Tanzania.' In August 2020, Makonda resigned his post to contest the parliamentary primaries in a Dar es Salaam constituency – and lost.

Religious institutions and their role in elections

Religion and politics in Tanzania

Although Tanzania is a secular state, religion plays a significant role in the national culture. While the population of Zanzibar is overwhelmingly Muslim, Tanzania's mainland is perhaps sixty per cent Christian, with a concentration of Muslims in coastal areas and some up-country towns. Many Tanzanians also practice elements of African traditional religion in their daily lives, and most believe in witchcraft as a malevolent force.

Unlike most of its neighbours, Tanzania has avoided political strife based on ethnicity and religion. A strong Tanzanian national identity has overshadowed the significance of religious affiliation among Tanzanians. This does not mean that there are no tensions between the country's Christian majority and Muslim minority, between religious leaders and the state, or between the governments of mainland Tanzania and Zanzibar. Some mainland Muslims, for example, do not recognise the legitimacy or authority of the Baraza Kuu la Waislamu Tanzania (BAKWATA), the National Muslim Council, because of its strong affiliation with the ruling party.

Religious institutions have been taking part in Tanzania's democratisation, including elections, since political liberalisation. This includes voter education and registration. But some, both Christian and Muslim, have strayed into political debates, calling for reforms in the country's electoral systems to assure free and fair elections. As a result, these leaders have suffered from threats and intimidation. Religious institutions have generally not been able to fulfil their public education role meaningfully as a result of the government's heavy-handed approach to criticism.

For instance, in 2009, the Catholic Church through its Christian Professionals of Tanzania (CPT) and the Tanzania Episcopal Conference produced what it called 'Ilani' (Manifesto) to stir debate on matters of national interest for the then upcoming General Election from a non-denominational position. On the other hand, Muslim leaders urged Muslims to participate in the elections as Muslims and to consider Muslim and Islamic interests while voting. In July 2020 police arrested and detained Sheikh Ponda Issa Ponda, the secretary of the Islamic Communities and Institutions in Tanzania, over what the police called 'stoking religious hatred.' This came shortly after Ponda's institution released a biting statement that was widely circulated in social media. The statement addressed the shortcomings in the government's approach to dealing with the COVID-19 pandemic, religious discrimination within the public service, the need for free and fair elections, demands for a New Constitution and an independent electoral body. Ponda was eventually released on bail.

Christian churches have also been targeted for criticising the government. In December 2017, the Ministry of Home Affairs wrote to the Evangelical Lutheran Church of Tanzania and the Tanzania Episcopal Conference (which represents the Catholic bishops) threatening legal action after the churches issued statements criticising the government's perceived repression of fundamental freedoms. The letter gave the bishops a 10-day ultimatum to denounce the criticism of the government. The government letter was leaked on social media and went viral. After an intense public backlash against perceived government interference in religious affairs, the government

disowned the letter, and suspended the registrar of religious communities and societies, who had signed it. The government's letter came six months after the government had threatened to revoke the licenses of churches which openly discussed political issues after a Protestant pastor said in a sermon that Tanzania was "turning into a one-party state."

The Tanzania Revenue Authority (TRA) recently ruled that religious organisations would no longer receive automatic tax exemptions for charitable donations ; in future, they must submit individual requests to the TRA to secure exemptions.

The state, religion and violent extremism

A different order of state-religion tensions involves the rise of violent extremism. In July 2014, the government arrested 22 leaders and members of the Zanzibar-based Association for Islamic Mobilisation and Propagation (UAMSHO) on four counts under the Prevention of Terrorism Act 2002. Twenty-five men were eventually charged in Dr es Salaam, and they have been in detention to date. The case was finally submitted to the High Court in September 2020 and the committal proceeding took place two days later. The case will be held in camera, with witnesses remaining anonymous.

In June 2020, former Prime Minister Edward Lowassa urged President JMagufuli to intervene in the case of the Muslim clerics, saying it is a 'shame' to keep the UAMSHO accused in remand and not to bring the case to the court. Following the remarks, the government ordered Mr Lowassa to appear before the Director of Criminal Investigations (DCI) where he was grilled for almost four hours for the alleged 'inflammatory remarks.' Referring to Mr Lowassa's remarks, President Magufuli told him to "learn how to shut his mouth" and let the government do its job.

Another case with deep state-religion implications involves the emergence of violent extremism in the towns of Mkuranga, Kibiti, and Rufiji in Coast Region and the government's heavy-handed approach to dealing with it. From January 2015, reports involving the killings of police officers, local government officials, CCM leaders and civilians started to appear. Official reports stated that over four dozen people, including local leaders and police officers, had been killed. It is not clear what inspired these violent attacks. Some associate the spate of violence with 'unorthodox Islamic theological doctrines,' while other analysts have associated the incident with the people's claimed hatred of the police. Eight police officers who were sent from Morogoro Region to bolster security were ambushed and killed. A local leader and two villagers in Nyamisati village, Kibiti District, were abducted and shot by unknown gunmen. The chairman and an executive officer of Mangwi Village were killed by armed men. Following the incidents, Tanzanian security services launched a major counterterrorism response, including killings.

Recent trends in state-private sector relations in Tanzania

Though the 'private sector' does not officially participate in elections, it influences them in numerous ways. If the economy is growing significantly it will probably reflect investments by local and foreign companies as well as by the state. Governments may claim success for economic performance, and offer this to voters as proof of their re-electability. In truth, the growth may have occurred despite official policy rather than because of it, and may have benefited only a few in terms of employment. In bad years, the majority of poor voters continue to support the ruling party despite its historic failure to deliver much 'development'. From this perspective, the private sector impact on the outcome of elections is unclear.

From another perspective altogether, it is entirely possible that certain parliamentary candidates and parties are bankrolled by private interests. This phenomenon may be purely commercial or contain elements of corruption, including extortion and state capture. It is impossible to gauge the extent to which the 5th phase government is employing extortion to generate a political war chest to help finance elections and stay in power.

Outside electoral considerations, the 'private sector' is necessarily involved in the constellation of interests that constitute the country's 'political settlement', as analysed by CSL (2020b).

Although in principle the Tanzanian government is committed to an open, competitive, 'market' economy, driven by private, including foreign investment, in practice, the 5th Phase government has pursued a state-capitalist strategy privileging existing state institutions, and creating new ones with both commercial and regulatory functions. This can be seen in agriculture, manufacturing, transport and other sectors.

Analysts identify a mixture of extortion and state capture in relations between the ruling elite and big local and foreign companies, with President Magufuli taking proactive initiatives to discipline local companies and centralise rents as a means of consolidating his hold on power.

According to Goodluck Charles (2017) 'Policy research shows that the government of Tanzania has been hesitant to implement the policy actions ... recommended by the private sector ... Interactions between the business community and the state ... appear to be collusive and rent-extracting.' Business lobbies want to eliminate the vacuum and loopholes which encourage informal networking that provides avenues for undeserved privileges and corruption.' In 2018, Tanzania Private Sector Foundation Executive Director Godfrey Simbeye said 'that bureaucracy and corruption were still at an unacceptably high level in some agencies, thus frustrating investors.'

The goal of the Tanzania Development Vision 2025 is to transform the country into a middle-income economy by 2025. (This was achieved in 2020). The Vision recognises '... the private sector as the central driving forces for building a strong, productive and renewing economy.' President Magufuli has expressed his support for 'patriotic' private-sector actors who 'pay taxes and not bribes'. In May 2017, he warned the Tanzania National Business Council (TNBC) 'that his administration would not

hesitate to take stern legal measures against anyone violating the laws of the land.’ TPSF Chairman Reginald Mengi said ‘the private sector felt the government mistrusted it.’

This sense of mistrust is arguably hard-wired into the state-private sector interface, contributing to the anomaly of pro-private sector policies and routine pro-state enterprise practices. Like CSO’s, the private sector complains that it is rarely consulted in advance by the government on policy issues that affect its interests. President Magufuli has used strong-arm tactics in his attempts to get big local and foreign companies to pay more taxes.

Private market players have challenged a number of government policies in different sectors that gave government agencies a monopoly or an unfair advantage that has the effect of constraining markets through unnecessary bureaucracy and rent-seeking. The ‘Blueprint for Regulatory Reforms to Improve the Business Environment’ is ... designed to rid productive sectors of unproductive regulation. The Blueprint comments (2017: 17): ‘... despite several initiatives to improve [the] business-enabling environment and promote investment ... the conditions for doing business in the country have not improved satisfactorily.’ There are regular calls for the Blueprint to be implemented more forcefully.

Mining

In 2019, Tanzania replaced Venezuela as the least attractive mining jurisdiction in the world. While President Magufuli has taken an aggressive stance on what he sees as foreign mining companies’ gross underpayment of taxes and royalties, mining legislation passed in 2017 led to a precipitate fall in Tanzania’s global investment desirability ranking. According to the Fraser Institute, Tanzania’s attractiveness as an investment destination fell by almost 30 percentage points between 2018 and 2019, resulting in a decline in global rankings from 66th out of 83 countries to 74th out of 76 countries. Current taxes and royalties make Tanzanian gold mines the most highly taxed mining jurisdiction in the world, making future FDI flows problematic.

In March 2017, the GOT accused Canadian mining giant Barrick Gold of underreported the value of gold and other mineral concentrate exports by an astonishing USD190bn over a twenty-year period (more than Shs400 trillion). Barrick, owners of Bulyanhulu, Buzwagi and North Mara mines hotly contested the additional tax bill, eventually agreeing to pay US\$300m. In late 2019, Barrick Gold, was rebranded Twiga, and the government was given a 16 percent share in the company.

Agricultural/ horticulture

Farm input supply, fertiliser in particular, is a state monopoly through a bulk procurement system (BPS) introduced in 2017. Under the new regulations, the government sets wholesale and retail prices nationwide.

Unlike most export crops, cashew production and exports have been expanding significantly in recent years. In 2017-18, cashew earned \$341m, more than total earnings from coffee, cotton, tea, cloves and sisal exports combined (\$270m). In November 2018 President Magufuli decided to call in the army to take over the marketing and processing of the whole cashew nut crop (over 220,000 tons) after cashew buyers refused to pay the minimum price determined by the Cashew Board of Tanzania (CBT). Magufuli doubled the price and ordered the Tanzania Agricultural Development Bank to find the money to pay farmers. Financial, logistic and processing capacity constraints

undermined the initiative, and raw cashewnuts piled up in warehouses while many farmers remained unpaid. The CBT board and senior ministers were fired over the issue, while the unprocessed cashewnuts were eventually sold to Asian processors. The avoidable costs involved in Magufuli's populist 'operation korosho' have yet to be calculated.

Tanzania imports half its sugar requirements. Although import substitution in the sugar industry is official policy, the sector's biggest ever proposed investment was held up for years by a virtual alliance of sugar importers, whose business was threatened, and civil society activists, who opposed 'land grabbing' by a foreign investor, in this case Bagamoyo EcoEnergy (BEE), a Swedish company that planned a USD500m investment in sugarcane, ethanol and power generation. In mid-2016, Prime Minister Kassim Majaliwa announced that the proposed investment would not go ahead, citing environmental concerns. Legal disputes had held up the project for years. The investor is claiming USD50m in damages. The venture was taken over by local conglomerate METL, whose business plan closely resembles EcoEnergy's.

Tanzanian horticulture has been a success story in recent years. Still, onerous regulation, taxes, fees and levies constitute major constraints on company formation and profitability. According to the Tanzania Horticulture Association (TAHA) 'a Tanzanian farmer has to deal with at least 15 regulatory bodies while paying taxes...' and listed: 28 fees paid to regulatory bodies; seven fees paid to local governments; and seven taxes paid to the Tanzania Revenue Authority. The government has established a board to regulate horticulture and numerous other crops not already under a board, but has not yet empowered it with a budget and staff.

President Magufuli is credited with reducing agricultural, fishing and livestock taxes, fees, levies and cesses from 136 to 28 in his first two years in power, thus fulfilling one of his key election promises.

Private versus public sector?

In June 2017, Minister of Finance Philip Mpango announced that 'public corporations will play a leading role in the implementation of Tanzania's development agenda.' Corporations were to be empowered to finance development projects with their own revenues and through commercial borrowing, and social security funds were encouraged to invest in new ventures. Key public entities include the National Development Corporation (NDC), a public holding company with projects in agriculture, chemicals, iron and steel, power production and other sectors. In February 2018, NDC signed an MOU with the Tanzania Agricultural Development Bank (TADB) to finance the provision of tractors and farm implements to farmers. As of May 2018, SUMA-JKT was owed TShs38bn out of TShs40bn loaned to 'public and private institutions' to acquire tractors under an earlier project.

The revival of state-owned Air Tanzania Company Ltd (ATCL) is one of President Magufuli's main investments. By mid-2019 ATCL's fleet consisted of five Bombardier Q400s, four Airbus A220-300s and two Dreamliner Boeing 787-8. The virtual closure of many airlines as a result of the COVID-19 crisis has left most of them bankrupt, though no figures have been released on the financial health of ATCL.

Suma JKT is the commercial wing of the Tanzania People's Defence Force (TPDF), with interests in agriculture, construction, clearing and forwarding, garments, and vehicle assembly. SUMA JKT has

been contracted by the Small Industries Development Organisation (SIDO) to build 'industrial sheds' to be rented to small-scale producers.

Tanzanian pension funds have invested in numerous construction projects during previous regimes. In 2018, the various funds were merged into two, the Public Service Social Security Fund (PSSSF) and the National Social Security Fund (NSSF). Prior to the merger, Tanzania Social Security Association (TSSA) agreed to expand their investment portfolio by 'investing in idle industries, including sisal, sugar, cotton ginning and textiles, food processing and oil refining, starch, ginger and wine making'. By February 2018, NSSF had signed agreements with VETA, the University of Dar es Salaam, Azania Bank, SIDA and NMB to 'support small and medium entrepreneurs meet their goals in establishment of industries.'

Finally, in January 2020, the government announced the creation of the Tanzania Shipping Agencies Corporation (TASAC) as the regulator for clearing and forwarding at the port of Dar es Salaam. TASAC was also given a monopoly of clearing and forwarding for tankers, cruise vessels, exploration vessels, military ships and ship tallying much to the dismay of private industry players, who foresaw delays and increased costs.

Critical fault lines in Tanzania's political landscape

Tanzania has not experienced the religious, tribal and other related tensions faced by other African countries, but this does not mean that these tensions do not exist at all. Tanzanians are divided by race, religion, tribe, and class, and these ingredients of identity help to mould opinions on major issues. So while Tanzania can still be characterised as a 'United' Republic, the importance of fault lines based on identity that have occasionally surfaced in the country--that could, if not attended to carefully, undermine the country's peaceful image--should not be underestimated.

Tribalism

There is no tribalism in Tanzania, so the narrative goes. The absence of tribalism or 'negative ethnicity', doesn't mean that Tanzania does not have tribes: there are about 120 of them. What is meant is that tribe does not determine one's identity or destiny in Tanzania, contrary to what can be observed in other countries, be it in politics, education, or business. A lot has been written already about how this came to be the case in Tanzania, and, in most cases, the credit goes to Tanzania's co-founding father Mwalimu Julius Nyerere and, partly, to the Ujamaa (African socialism) policy that Tanzania adopted in the 1970s and 1980s.

All past Presidents have used their powers of patronage to appoint close associates to senior positions. Such appointments may be based on ties of family or broader kinship, or on friendships built up over the years. Like his predecessors, since his election, President Magufuli has used his powers of patronage in making senior appointments. Criticisms have focused on the claimed predominance of waSukuma in his cabinet, the appointment of family members and friends to key positions for which they are un- or under-qualified, and the tendency to protect his appointees against well-grounded criticisms.

In March 2020, Dar es Salaam police interrogated Josephat Gwajima, founder of the Glory of Christ Tanzania Church, after he allegedly incited tribal tension in the country by circulating a pamphlet and a video clip in kiSukuma, exhorting his fellow waSukuma to mobilise. The circular, which carried the photo of President Magufuli, called for, among many other things, the formation of 2,000 Sukuma social media groups to monitor people who insult President Magufuli so that they can 'deal with them.' Over the past few years, the Magufuli regime has been accused of favouring people from the Lake Zone in appointments to key government positions. The construction of an international airport in the president's hometown of Chato, a smack town in the Lake Zone, can be cited as an examples of patronage politics targeting his home region, which has historically been an opposition stronghold. The frequent appointment of people from the Lake Zone to government leadership posts has also led to allegations of nepotism by the opposition. However, it could be argued that, although the Lake Zone has around a quarter of Tanzania's population, historically it has been underrepresented in government due to efforts to balance appointments across tribes and regions. This issue is worth an empirical study.

Political polarisation through hate speech and false news

Growing political competition has led to growing political polarisation in the country. The 2015 elections were an important turning point in this respect. While polarisation between governing and opposition parties has traditionally been high in Zanzibar, this is also becoming the case on the mainland. The oppressive reaction of the state apparatus to opposition politicians further increases polarisation.

Kwayu (2019) notes how social media has become an important battleground for the increasingly polarised political war in Tanzania. She notes the increase in the number of 'bots' on Twitter, and complaints against them. Bots are specially assigned social media accounts aimed at influencing public debate by targeting those considered to be government critics. Twitter and other digital platforms have become the center of impassioned exchanges on a wide range of political themes, often deteriorating to crude name-calling and threats of violence. On the popular social media platform JamiiForums, there are 'camps' supporting the ruling party and the opposition CHADEMA.

Newspapers including Tanzanite, Jamvi la Habari, Fahari Yetu and the Echo, have indulged in smear campaigns against individuals and parties. These papers indulge in all manner of slander against anyone--civil society leaders, politicians, religious leaders or business people--challenging the official state narrative. In April 2017, Tanzanite went as far as to claim that the EU envoy was involved in funding the political opposition in the country. In April 2019, the paper accused the ACT-Wazalendo Party Leader Zitto Kabwe and the Party Chairman Seif Shariff Hamad of engaging in homosexual activity. Online abuse has been aimed at social media activists Fatma Karume and Maria Sarungi Tsehai. In June 2019, MPs Cecil Mwambe (CHADEMA) and Hussein Bashe (CCM) complained about the Tanzanite's smear campaigns. Mwambe later defected to CCM and Bashe was appointed deputy minister of agriculture.

In part, the hate speech on social media is driven by the President's own strong rhetoric against his critics in the opposition, media and civil society. In March 2018, Kheri James, Chairman of the CCM Youth Wing, accused government critics of being foreign puppets, stating: "we can no longer tolerate their continued insults on our country... we have had enough, and we will deal with them and if we

have to we will take care of their wives” . In May 2019, he was quoted as saying: “it is not our job as youth leaders to be civil, we must be prepared to confront [our opponents] with maximum force. As a young man, you should take pride in causing havoc, wisdom can wait till you are older.” In January 2020, Musa Mwakitinya, a member of the CCM National Executive Council, was quoted as claiming that: “an enemy of our party, is an enemy of the state.”

In Zanzibar, politics have often featured a charged racialised rhetoric. Some CCM leaders argue that they captured power by force and will not willingly cede it in an election. They regularly brand the opposition as a proxy of the former coloniser, the Omani sultanate. The opposition accuses the ruling party of playing the racial card to distract Zanzibaris from its incompetence and failure to deliver on its policies. Since 1995, Zanzibari elites have encouraged the rival camps to engage in dialogue, which has not prevented violence but has contributed to deterring it. After the 2015 elections, the dialogue collapsed with the demise of the Government of National Unity following the annulment of the elections. Subsequently, the ruling CCM in Zanzibar followed mainland leaders and restricted space for the opposition. Legislation in 2018 excluded opposition politicians from electoral commission while granting it extensive immunity. Such steps have created a major disincentive for dialogue and engagement by the opposition.

Reward your supporters, punish the rest

During a recent campaign rally the Chairman of the CCM Youth Wing, Kheri James was quoted saying: “CCM is the custodian and giver of development and thus development will only be offered to those who voted for the party”. There have been concerns that some regions of the country are being isolated from the government’s development initiatives. There have been claims that the government distributes ‘development’ in areas where the ruling party dominates and avoids the parts of the country that are predominantly pro-opposition. Though a 2011 study showed a positive correlation between district per capita budgets and voting for the ruling party, there are no recent studies to back up this claim.

In Zanzibar, such discrimination is even more pronounced. Pemba is a textbook example of how the government uses development expenditure as a weapon against people who chose to support opposition parties in the country. Belghith and De Boisseson (2017) found that, while the rest of Tanzania experienced a decline in poverty between 2010 and 2015, poverty increased by 5 and 9 percent in North and South Pemba respectively. Pembans claim they have been discriminated against in both government employment and educational opportunities for not supporting CCM. The continued disenfranchisement of young people in the isles have contributed to radicalisation and the emergence of violent gangs, the best known of which is the *Ubaya Ubaya* group.

Employment, particularly in government has been overly politicised. Eyakuze A and Said K (2019) note reports of people who have been denied employment opportunities or suspended from the civil service for failing to be card-carrying members of CCM. A CCM membership card has subsequently become a high value asset in Zanzibar, forcing desperate action by parents to secure their children’s future. Many have struggled to get the party membership card even at a price of over US\$40, which is ten times the average daily wage. Many resort to participating in all party activities in the respective neighbourhood to earn legitimacy as party members. Some young Pembans have resorted to changing their birth certificates to claim they were born in the main island, a CCM stronghold.

In his 2020 campaign, President Magufuli has been urging citizens to vote for CCM if they want 'development' in their respective areas. He repeatedly argues that only representatives from the ruling party can persuade the government to invest development resources in their constituencies, supposedly due to their proximity to the state.

The stability of the Union

The Union between Tanganyika and Zanzibar signed in 1964 has largely prospered, but remains a contentious issue, particularly for Zanzibaris who feel that they have not benefited from the Union nor received their proper share of resources. Since the union, Zanzibaris have called for greater autonomy from the mainland. During the 2013-2015 Constitutional Review, sections of the population called for full secession and independence. The drafters of the proposed new constitution proposed a three-tier government system (the government of Tanganyika, the government of Zanzibar and the government of the United Republic of Tanzania). The constitution review process ended inconclusively and has remained stalled after President Magufuli claimed it was not one of his administration's priorities, despite making a campaign promise that he would take up the process as and when elected.

Oil and gas exploration and exploitation has also been a contentious issue for the union. In 1997, the Zanzibar government banned a Canadian oil company from conducting oil prospecting off the Zanzibar coast, annulling the license issued by the Tanzanian Petroleum Development Corporation (TPDC). In 2002, the Zanzibar government slapped a similar ban on Shell Exploration Corporation, which also has a licence from TPDC. In August 2015, President Kikwete signed three Bills providing for the management and accountability of the petroleum industry on mainland Tanzania, taking into account the above rivalry. Zanzibar has since gone on to establish its own regime to manage the petroleum value chain.

The question of the union will remain an important rallying point for Zanzibari politicians as long as the constitution review process is not finalised.

Declining parliamentary powers and regression of the Rule of Law

During the last five years, parliament has become increasingly submissive to the executive, and extra-legal measures resorted to by the government. In June 2017, the President ordered the Speaker of Parliament to "kick out" opposition trouble makers. A strong ruling party whip during the last five years has weakened the legislature's capacity to provide independent oversight.

Three months after coming to power, the President lashed out at the Tanzanian judiciary, claiming that the courts were delaying his anti-corruption drive by not bringing cases to court and allowing criminals to walk free. Unresolved tax evasion cases were denying the Treasury up to TShs1tr (US\$460m). Despite the establishment of a dedicated section of the High Court to deal with corruption and economic crimes, most cases involving detainees have been resolved through plea-bargaining with the DPP. Whether innocent or guilty, detainees are forced into such bargains, which involves a 'confession' of guilt, to regain their freedom. Before a plea bargain law was rushed through parliament in September 2019, these bargains were conducted illegally.

The Criminal Procedure Act provides for the indefinite detention of suspects of non-bailable offenses like money laundering and terrorism. Journalists and activists have consequently been charged with these unlikely offences as a means of keeping them in detention.

Women, Youth and People with Disabilities in Tanzanian elections

While dissolving the eleventh parliament in the capital Dodoma on June 16, 2020, President John Magufuli outlined some of the landmark milestones that his five-year-old administration accomplished. According to him, the effectiveness of the Women, Youth and People with Disabilities Empowerment Fund was one of the successes achieved during the previous three years, as TSh93.2bn had been disbursed to women, youth and People with Disabilities (PWDs). Such support for advocacy on issues of women, youth and PWDs reflects credibly on the close collaboration between development partners and the government. However, the empowerment of women, youth and PWDs cannot merely be confined to government and donor handouts. Participation in elections, both as voters and candidates, is a crucial step towards realising that goal. Although Tanzania has come a long way in providing for the participation of these groups, legislation and enforcement have not sufficiently addressed their political inclusion. Consequently, their participation remains limited.

Youth and political participation

Tanzania is a youthful country. According to the 2012 census, half the population is under 17 years of age. A study by Youth Map Tanzania (2014) found that young people between 18 and 30 years in Tanzania want political leaders who can address their needs, especially employment. According to the 2016 East Africa Youth Survey by the Aga Khan University, youth in Tanzania have positive views about politics and democracy. Two-thirds (68 percent) believe it was important to vote, while three out of five (60 percent) believed they had 'the power to make a difference'. However, three-quarters (74 percent) were vulnerable to electoral bribery, with two out of five (39 percent) saying they would only vote for a candidate who bribed them.

Young people in Tanzania face a high unemployment rate and an economy struggling to absorb the ever-growing number of employment seekers. According to the Integrated Labour Force Survey, the economy, creates about 2820,000 formal sectors jobs a year while job entrants are estimated at about 1,000,000.

To address the problem of youth participation in decision-making, the national assembly passed the National Youth Council Act in March 2015. However, little progress has been recorded thus far in the enforcement of the Act. The formation of youth assemblies at subnational and national level is yet to be realized.

A study by Wumbura (2018) suggests that despite youth turning up in large numbers in electoral campaigns and rallies, their turnout in voting is low. The main causes of their abstinence from voting were found to be lack of trust in political parties and politicians and the NEC. Youth also enjoyed little civic education.

All major parties have Youth Wings to aggregate youth demands and serve as conduit between the parties and young people and the Chairpersons of the Youth Wings are automatic members of their central committees. Youth wings are essentially a training ground for future leaders and a means for mobilising and coordinating youth interests. CCM's Youth Wing (UVCCM) receives direct support and finance from the party. The party has a youth secretary in every district in Tanzania whilst other parties are only well coordinated at national level and through their students' wings. In recognition of the UVCCM relative strength, the party rules provide for a special quota for UVCCM women candidates for the special seats in parliament. With limited resources, it has been difficult for the other parties to mobilise on a similar scale to CCM. The latter has taken advantage of their incumbency to appoint members of their youth wings into centrally appointed government jobs such as District Commissioners, Administration Secretaries and Executive Directors.

Persons with disabilities (PWD)

It is estimated that Tanzania has about 4.5 million people who live with disabilities. Many are the victims of abuse, illiteracy and unemployment. Despite signing international conventions and enacting laws to protect the rights of PWDs, implementation often lags behind. Researchers have identified stigmatisation as one of the main challenges to PWDs' full political participation. Another challenge is the lack of supportive infrastructure to enable PWDs to participate in the political sphere, e.g. inadequate accessibility equipment and braille facilities for visually impaired people. In addition, there is a serious lack of systematic data on PWDs which limits the effectiveness of interventions and their monitoring and evaluation. While some of the challenges that PWDs face also affect women and youth, unlike in these two groups, there are very few PWDs elected leaders who can act as role models and mentors and encourage other PWDs to participate and voters to vote for them.

A particularly horrific risk faced by PWDs is the abduction and killing of albinos for ritual purposes, which spikes in election years. In January 2015, the government banned the activities of 'witch doctors' in response to growing concerns over the mutilation and murder of albinos, which was linked to the forthcoming elections. But on 2 March, the police banned a demonstration and march to State House by the Tanzania Albino Society on the grounds that the demonstration might turn violent. Alvaro Rodriguez, the UN Resident Coordinator to Tanzania, 'raised the red flag over the wave of attacks on people living with albinism.' It was claimed that the incidence of maiming (cutting off arms) and killing albinos is fuelled by politicians seeking office. 'In March, the UN High Commissioner for Human Rights, Mr Zeid Ra'ad al Hussein, condemned the wave of albino killings in Tanzania, warning that the upsurge could be linked to the forthcoming General Election campaigns.' In June, Deputy Home Affairs Minister Pereira Silima admitted to parliament that reports linking albino killing to elections 'could be true'. The following month, Vicky Ntetema, executive director of NGO Under the Same Sun, said she was "glad that finally this is an official acknowledgement" of the link between albino killings and politics. Earlier, Minister of Home Affairs Mathias Chikawe had claimed that "41 cases were filed [against albino killers and abductors] during the last ten years and judgements have been issued for four cases in which ... 14 people have been convicted." Just before the 2015 elections, the government reacted negatively to a documentary on albino killings in Tanzania. It was reported that Kenyan albinos living close to the Tanzanian border were moved for

fear of being targeted in relation to the forthcoming Tanzanian elections. Research suggests that almost all Tanzanians believe in witchcraft.

Women in politics

A study by the Uongozi Institute shows that between independence in 1961 and 2015, no women had occupied a top-level leadership position, including president or vice-president, prime minister, chief minister or attorney general. The first-ever woman to become Vice-President was Samia Suluhu Hassan, after the general elections in 2015. In the same elections, out of 1,250 female candidates, only 238 (19 percent) won seats in Parliament. ACT Wazalendo fielded Anna Mghwira as its presidential flag-bearer in 2015, although she received less than one percent of the popular vote.

About a fifth (19 percent) of Tanzanians polled by Afrobarometer 2014 agreed that 'only men' should be leaders, compared to an average 29 percent out of the 34 African countries surveyed. Additionally, 84 percent of Tanzanians support equal rights for women, 12 points higher than the continental average. Nearly a quarter (23 percent) of Tanzanian women reported being 'somewhat or very' fearful of political intimidation or violence. Nonetheless, Tanzanian women were far less fearful than their neighbours in Kenya (59 percent) or Uganda (38 percent).

Notwithstanding these challenges, Tanzania has embarked on legislative reforms aimed at enhancing the representation of women in decision-making. The Tanzanian constitution was amended in 2005 increasing the national assembly quota for women from 15 percent to 30 percent. In the Zanzibar House of Representatives, the quota is even higher at 40 percent. Article 66 (e) of the constitution provides for the appointment by the President of 10 members of parliament five of whom must be women. The Political Parties Act was amended in 2019 to assure that 'no political party shall qualify for provisional registration unless 'its membership is voluntary and open to all the citizens of the United Republic without discrimination on account of... gender and disability'.

Despite these and other provisions, no regulations or mechanisms have been put in place to ensure the enforcement of the inclusion of women in elected office as well as party structures. As such, the opportunity for women to excel through party structures remains limited in the absence of mandatory quotas.

The Umoja wa Wanawake Tanzania (UWT) was the women's wing of TANU, that became CCM. Between 1962 and 1992, UWT contributed to TANU's political success, mobilising women to support the party, campaigning for their party candidates and registering citizens as cardholding TANU members. During this time, following a complete ban of independent civil society organization, UWT became the sole vehicle through which women's voices in Tanzania were channelled. After multi-party politics were reintroduced in 1992, UWT remained the strongest women's organisation in Tanzania. An ambitious initiative led by Professor Anna Tibaijuka to establish a national mass women's movement to rival UWT was eventually defeated by the ruling party.

CHADEMA women's wing BAWACHA (Baraza la Wanawake CHADEMA) became operational in 2009. BAWACHA has been a central pillar of the parties' grassroots mobilisation campaign dubbed

'CHADEMA ni Msingi' (CHADEMA is the grassroots). The Women's wing of ACT Wazalendo is fairly nascent, having only been established in 2015 in accordance with the party's constitution.

Critics have argued that women's wings are only used to mobilize women during the elections and lack real power to influence the party policy between election. They suggest that given their current structure as well as the political culture within parties, women will remain party supporters and not transition into party leaders. The provision for special seats has not always been beneficial to women in cases where it has created competition rather than solidarity. Rules are designed such that the leadership of the wing is guaranteed a seat in parliament, which can reduce incentives for other women to become more active in the party.

The major challenge for Tanzanian women is not simply to be the equals of men in terms of political participation from the village to the national level. As this report has constantly stressed, the overriding challenge for Tanzanians, both women and men, is to resist authoritarian tendencies within the political system so that all citizens can live in an open and democratic society.

The Rule of Law and Access to Justice in the Context of Elections

Tanzania's constitutional and legal framework poses significant obstacles to the realization of electoral justice by providing impunity for electoral management bodies, barring the judiciary from exercising its jurisdictional mandate while providing for executive control of the EMBs.

Despite several efforts to challenge the skewed constitutional order, the Tanzanian state has refused to reform both the laws and the constitution to provide for rights guaranteed under the African Charter on Human and People's Rights as well International instruments including the International Covenant on Civil and Political Rights and the SADC Guidelines and Principles on the conduct of Democratic Elections.

Election Administration and the independence of the Election Management Bodies

Elections are managed separately under two different jurisdictions on the mainland and the semi-autonomous islands of Zanzibar as provided by both the Union and the Zanzibar constitutions and election legislation. Despite the separate of elections, questions around the independence of the EMBs remain abound on both sides of the union.

Voter Registration

In Zanzibar, voter registration is a perennial area of controversy with the requirement to provide proof of at least 36 months of permanent residency in a respective district limiting the voters' right to freedom of movement. The requirement to provide a Zanzibar identification Card (ZAN ID) has allowed ruling party cadres in the form of local executives (Shehas) to discriminate against opposition supporters in granting them their right to identification thus denying them the opportunity to vote.

Nomination and Registration of Candidates

The requirement under the constitution for candidates to be sponsored by a respective political party has continued to deny the citizens of Tanzania the right to full participate in public affairs. Despite several decisions of the High Court and a more recent decision of the court of appeal, the Tanzanian state has refused to amend its legal framework to provide for independent candidates to date.

Election Campaigning and Media Coverage of Election

Despite the law including the Elections Act (cap 343) and the Electronic and Postal Communications Act providing for balanced and fair coverage of candidates and parties, biased coverage in favour of the ruling party remains commonplace in Tanzanian politics in fear of reprisals from the state.

Election Observation

While Tanzanian law provides for observation by both domestic and international entities, the discretion provided to the EMBs to invite and accredit observers leaves a lot to be desired. Despite the SADC principles and Guidelines on Election observation providing for automatic observer status, Tanzania law violates this by providing exclusive mandate to the EMBs to restrict or accept observers. Consequently, some of the largest Human Rights NGOs with substantial experience have been denied accreditation while recently established smaller organizations have been granted, as the EMBs have no explanation for such move. The EMBs on the other hand, delayed the invitation of international observers who have only received their invites during August 2020, which rendered it impossible for some to adequately prepare their observer missions.

Election Expenses

The Election Expenses Act 2015 mandates the office of the Registrar of Political Parties with the power to monitor the expenses of candidates and political parties throughout the electoral cycle from nomination, campaigns to election. This mandate however remains far-fetched, as the ORPP has neither capacity to sufficiently cover the ground nor the technical capacity to thoroughly audit the expenses of political parties and their candidates. It is therefore impractical to enforce the Election Expenses Act 2015 in Tanzania.

Voting, Vote Counting and Establishment of Election Results

The management of election results remains one of the most controversial issues in the management of elections in Tanzania. The provision under Article 41 (7) of the constitution providing that the announcement of presidential results shall not be questioned by any court of law severely impeded the right for Tanzanian citizens to seek judicial remedy in the event of disagreement with the official results. This is unlike best practices even from within the region where presidential election results are challengeable in the courts of law within a specified. The absence of such provision under Tanzania law poses acute risk of triggering election disputes in the event the EMBs mistakenly announces the wrong candidate as winner of the election.

Election Disputes

The legal framework for resolution of electoral disputes in Tanzania remains weak as several provisions of the law bar the opportunity to move the courts of law to resolved emerging disputes. The EMBs are granted enormous administrative powers to resolve election disputes without providing necessary checks and balances including through the courts. Only elections results of parliamentary and local council candidates can be challenged in the courts of law while presidential results remain beyond the purview of any court.

Observation of International and Regional Standards

Tanzania's compliance with international and regional standards on elections remain limited. In the absence of a legal framework for the establishment of independent EMBs, timely resolution of electoral disputes as well as accurate and impartial observation of elections, the country's performance against these standards and best practices fall short. Tanzania has been reluctant to fully and proactively enforce legal reforms towards that end therefore leaving critical gaps in the legal order governing elections.

Conclusion

It is difficult to guarantee electoral justice in Tanzania in light of the prevailing legal and constitutional framework and context. Ensuring electoral justice will require significant constitutional and legal reforms for which there has so far been no political will to embark on.

Recommendations:

Given the context preceding the 2020 elections, the political climate, the role of various actors and the legal framework governing elections in Tanzania, it is difficult to guarantee that the 2020 election will be free and fair. In Zanzibar in particular, where a pre-existing electoral dispute is yet to be resolved, it is concerning the lack of opportunity for judicial remedy of electoral disputes may further aggravate the risk of violence.

In view of these observations and assessment of the pre-elections context in Tanzania, the Tanzania Election Watch Panel of Eminent Persons makes the following recommendations to the various actors:

To the Electoral Management Bodies

To use the 2020 election to dispel growing concerns over their independence by exercising demonstrable impartiality, high levels of integrity, transparency and accountability to ensure the credibility of the electoral process.

To take note of regional and international best practices, rules and regulations governing the conduct of democratic elections and commit to abide by them.

To ensure the involvement of all relevant stakeholders in key decisions to build confidence around the whole of the electoral process.

To counter the state's interference in the elections by consistently upholding the provisions of the law that provide for impartiality.

To the Tanzanian State

To take note of and commit to abide by international laws and standards on the management of elections

To undertake to enforce the decision of the African Court on Human and People's Rights in relation to the provisions of the constitution that violate the African Charter.

To respect and uphold the constitution as well as international law providing for free and fair elections.

The political parties and candidates

To refrain from any actions that may amount to violation of the constitution and/or international laws and standards.

To commit to adhere to conduct their election campaigns in line with the provisions of the law and in a manner upholding fundamental principles and universally accepted standards and norms on elections.

To proactively commit to the promotion of peace and fair treatment throughout the election period.

The International Community

To put Tanzania under the radar and watch carefully as events unfold in the country which does not usually make the headlines.

Participate actively as monitors and observers to witness first hand key events around the Tanzanian elections.

Remind the Tanzanian state of its obligations under international law to uphold certain key principles in the management of elections.

To engage actively with the actors in Tanzania to get adequately apprised of the developments in relation to the elections.

To support efforts towards building an early warning system for Tanzania in the context of elections in view of the worrying threats of widespread violence due to the lack of judicial remedy.

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