

THE 1994 LOCAL GOVERNMENT ELECTIONS: THE RULES AND RESULTS

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1. THE BASIC RULES

Local Government election rules are spelt out in the Local Authorities Election Act, 1979, as amended in 1992, 1993 and 1994. We summarize the basic rules below.

Election authority consists of the National Electoral Commission which has the overall responsibility for local and general elections (section 7), the Minister responsible for local government who is responsible for announcing the number of wards in the local government area in which elections will be held (section 8), and the chief election supervisors who may be the Deputy Director in the case of a city, the Director in the case of municipal and township authorities, and the District Executive Director (DED) in the case of District Councils. These can appoint assistant supervisors and other functionaries as directed by the Commission [Sections 9 (1)-(6) and 10 (1)-(4)].

Registration dates are to be set by the National Electoral Commission.

Voting rights are extended to all citizens who have attained the age of 18.

Qualification for candidature has six specific provisions: citizenship of Tanzania, 21 years of age, residence within the area of jurisdiction of local authority, ability to read and write in Kiswahili or English, membership and/or sponsorship of a duly registered party, and having lawful means of livelihood [section 39(2)]. A person with these qualifications can still be disqualified on other grounds.

Disqualification for candidature, as per section 40 (a-g) may be based on any of the following grounds:

- having allegiance to another country;
- being legally declared to be of unsound mind;
- having been sentenced to death, detained under the 1962 detention law for more than six months, or banished from the country under an order based on the law for a period longer than six months;
- currently having a contract with the local authority in which one intends to become a candidate, and the particulars of the contract not being declared in Swahili and English newspapers within a period of one month;
- being disqualified for candidature under any written law;
- being disqualified for registration as a voter or disqualified to vote in any election under any other written law relating to election offenses;
- being under restrictions imposed by the President of the United Republic and published in the Government Gazette;
- being an officer in the government of the United Republic or local government authority.

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Nomination as candidate must be supported in writing by not less than 10 voters who have been registered in the candidate's ward [section 42 (2)]. No candidate shall be nominated in more than one ward (section 43).

Identification of candidates during the campaigns and, especially, at the voting booths is to be done through pictures of candidates which have been approved by election supervisors.

Official campaigns start and end on dates set by the Commission. During this period, the candidate or any other person authorized by the candidate's party may organize campaign meetings or speak in such meetings, or move from house to house soliciting votes for the candidate. Each candidate is required to file his/her campaign timetable with the Commission (for information) and the District Commissioner is required to ensure law and order during campaign meetings [section 54 (a)-(c)].

Election costs are to be met by the candidate. Legitimate costs include paying one polling agent at a level set by the Commission, and payments made by, or on behalf of the candidate for transportation of voters on the election day. The law considers such payments as facilitation (ufadhili) rather than a form of campaign [section 55, (2)-(3)]. The candidate is forbidden to spend any amount of money in the promotion of his election campaign [section 55, (4)]. However, in practice, the distinction between facilitation and campaign is difficult to make.

Special seats for women are shared by participating parties in proportion to the number of seats each party wins.

2. COMPLAINTS AGAINST THE RULES

Most of the complaints from the opposition parties have not related to specific rules as contained in the election law; they have rather criticized the application of the rules. The common accusation has been that election authorities have applied the rules in a manner that benefitted the ruling party. We can only present the leading examples.

The repeated registration in Dar es Salaam¹ was criticized as a deliberate move by the ruling party to ensure that adequate CCM supporters registered, or to debar non-CCM members from registering.² The Commission was accused of being pro-CCM and vulnerable to CCM and government influences. It was also accused of incompetence in handling registration.

On 12 September leaders of CHADEMA, NCCR-Mageuzi, CUF, TLP, PONA, NRA and NLD met in Dar es Salaam to discuss the manner in which the Commission was conducting the elections and, in particular, the question of repeating registration in Dar es Salaam. They argued that if registration was to be repeated, it should be everywhere because registration clerks had downed tools in several other places due to the Commission's failure to pay their remuneration,³ and therefore registration was bound to be low.⁴ The clerk's refusal to return the registration books to the authorities was also worrying, especially after an official statement by the Commission admitted that there was "evidence that some of those clerks who refused to return the books had been selling them."⁵ Who was buying the registration books and for what purpose?

The Commission, on its part, tried various ways to restore confidence in its integrity, capability and independence. A series of consultation meetings with all registered political parties had started in 1993, and these were continued in 1994. Thus on 14 September a Commission-organized meeting took place at Msimbazi conference hall in Dar es Salaam. It was attended by all registered parties except CCM which claimed that the notice had been too short.⁶ Non-attendance of CCM was interpreted by opposition leaders as arrogance of incumbency and gave credence to their claim that CCM had a secret agenda in the electoral process. It also put the Commission in an awkward position, being snubbed by the party which it was accused of favouring.

Several important issues were discussed in the meeting. First, the Commission explained in detail the problem facing the registration process, and, especially, those which led to the downing of tools by the registration clerks in Dar es Salaam. As we have pointed out, some party leaders were opposed to repeating registration in Dar es Salaam alone, and they made their position clear to the Commission. Sticking to its guns, the Commission argued that repeating the exercise for the whole country would be too expensive and unfair for areas which already had high registration.

Second, the question of subsidy for participating parties was discussed. The Commission had already decided that subsidy should be Shs. 30,000/= per candidate, payable in two installments to control its use in view of its misuse in the past.⁷ Each party would have to account for the first installment before receiving the second. Most parties did not favour this system of two installments, because the poor ones could not meet election costs without the subsidy. However, the Commission would not compromise on this.

A Code of Conduct for Political Parties was the third matter. The proposed code was based on models which have been used successfully in countries such as Namibia, Seychelles, South Africa and Malawi. The objective was to work out a procedure that would give equal opportunity to all parties during elections, and to define the responsibility of the government in ensuring that its instruments do not interfere in, or frustrate electoral processes. The parties were skeptical about the code, arguing that its aim was "to suppress new parties."⁸ CCM's non-attendance may also have contributed to this feeling.

The Commission's independence was the fourth matter. The Commission had evidently been disturbed by the accusations (by parties and private newspapers) that it was not independent of the government and the ruling party, that it lacked capacity to implement its responsibilities, and that it delayed critical decisions until it is pushed by the political parties. Furthermore, party leaders insisted that the Commission should have representatives of different political parties. Defending its independence, the Commission argued:

".... the fact that the Commission is appointed by the President of the CMM government does not mean that it will be responsible for safeguarding the interests of CCM. A living example is the judges who are appointed by the President. Despite being so appointed, they

nevertheless conduct their business independently. Another example is the Nyalali Commission. The Commission was appointed by the President, and why did it recommend that Tanzania should adopt the multiparty system rather than defending the interests of CCM? So what is so surprising about being prudentially appointed and thereafter discharging one's duties independently?

"The Commission insisted and continues to insist that neither the government nor CCM or any person has interfered in its duties, and it has never conceived its responsibilities in terms of defending the interests of CCM. The Commission feels entirely free to conduct its duties without fear or favour, and that is what our Constitution expects."⁹

The opposition's little co-operation with the Commission on the formulation of a **code of conduct** was partly due to the feeling of its leading parties that more basic reforms were required in the political, legal and administrative spheres in view of the switch from one-party to the multiparty system.

Thus two opposition parties, NCCR-Mageuzi and CHADEMA filed a civil suit in the High Court against the Attorney General demanding suspension of all election until conditions for free and fair elections had been achieved. Such conditions would include:

- adjustment of the Constitution to the multiparty system
- breaking the monopolistic use of Radio Tanzania by CCM
- stopping certain political programmes of Radio Tanzania which favoured CCM
- repealing the democracy-unfriendly laws recommended by the Nyalali Commission Report.

Judgement came less than a week before the local government elections.¹⁰ The High Court was able to deal with some, but not all of these issues. With regard to the constitution, Judge Josephat Mackanja argued that its adjustment to the new situation should be handled in the normal political processes, such as placing it in the party manifesto or channelling it to the parliament, rather than the courts.

With regard to the laws recommended for repeal, the High Court said the primary responsibility for changing laws belonged to the Parliament, rather than the judiciary. However, the court resolved the case of Radio Tanzania and its programmes. Three political programmes promoting the interests of CCM were ordered to stop.¹¹ On the monopolistic use of the radio, Judge Mackanja said that "... it is clear that there will be no equality between CCM and other political parties if CCM alone is allowed to continue to use that sensitive instrument of information."¹² Judge Lawrence Mchome had expressed similar views about the monopolistic use and abuse of the radio by the ruling party, and had accepted this as one of the legitimate grounds for

Kaborou's successful suit against Premji in connection with the Kigoma Urban bi-election.¹³

The administrative procedure that parties have to get permission from the District Commissioner before holding public meetings was another bone of contention. Opposition parties argued that this worked in favour of the ruling party which could not be refused such permission or stopped if it conducted meetings without seeking permission. This requirement was removed by the High Court following Rev. Mtikila's successful suit.

Most of the complaints by opposition parties regarding the election itself relate to administrative bottlenecks and a few to politics. Administrative bottleneck included late opening of voting centres or delayed counting of the votes in some places, and inadequacy of election materials in others. Complaints relating to politics include charges that in some areas polling agents of some opposition parties were not treated fairly.¹⁴

3. THE RESULTS

3.1 Registration Levels

Registration figures for all local government authority areas are not yet available.¹⁵ Further, where candidates in all wards were returned unopposed, there was no need for registration as there would be no voting. We have complete information on only 84 areas. This information is summarized in table 1.

The level of registration (about 50% nationally) is substantially lower than that achieved for the 1990 general elections (74%). This is not unexpected because local government elections have traditionally been less exciting than the general elections. However, one would have expected multipartyism to induce higher electoral participation due to mobilization by plural actors. This may have been the case in some areas but not in others.

The breakdown given in table 1 shows two extreme situations - cases of miserably low registration and cases of really impressive performance. The former include 13 councils whose registration levels are below 40% of the eligible population. The latter include 20 councils whose registration levels are above 70%. The middle, 40-69% range, claims the majority of the cases (51). Considering all the odds, this result is certainly not too bad.

3.2 Election Results

The first point to note is that elections were not held in all the 2418 wards, since some 1183 (about 40%) had unopposed candidates. Further, 8 wards had their elections postponed for various reasons. Out of the 2403 council seats contested in October 1994, CCM collected 2324 (96.7%), CHADEMA got 23 (0.96%), CUF 21 (0.87%), UDP 16 (0.67%), NCCR 15 (0.62%), UMD 3 (0.12%) and TADEA 1 (0.04%). The combined strength of the opposition is only 79 seats (3.3%). Analysis of these seats shows that most of them are concentrated in the Lake Zone:

- 10 in Kigoma (all CHADEMA)
- 17 in Mwanza (11 CUF, 2 UDP, 2 UMD, 1 NCCR, 1 CHADEMA)
- 9 in Kagera (4 NCCR, 4 CHADEMA, 1 UDP)
- 11 in Mara (7 NCCR, 1 each for UMD, CUF, UDP, CHADEMA)
- 21 in Shinyanga (12 UDP, 8 CUF, 1 CHADEMA)
- 3 in Mbeya (2 CHADEMA, 1 NCCR)
- 2 in Kilimanjaro (both CHADEMA)
- 1 each in Arusha (CHADEMA), Dodoma (NCCR), Iringa (NCCR), Mtwara (TADEA), Ruvuma (CHADEMA) and Morogoro (CUF)
- No opposition seat in Lindi, Coast, Rukwa, Singida, Tabora, Dar es Salaam and Tanga.

This distribution calls for comments. First CHADEMA seems to be cultivating a political space in Kigoma, and will provide noteworthy opposition to CCM, particularly in Kigoma Urban Council where it has 4 against CCM's 9 seats. The parliamentary by-election in 1994 and the party's subsequent successful appeal may have contributed to CHADEMA's ascendancy in Kigoma, and could bear fruits in the forthcoming parliamentary elections. CHADEMA also makes a small show in Kagera, but its 4 seats are spread over three councils.

Second, CUF outshines the other opposition parties in Mwanza Region, taking 11 out of 17 opposition seats, but given the spread of the seats, it offers no strong challenge to CCM in any of the six councils, except Kwimba where it has 7 against CCM's 45 seats. CUF is also relatively strong in Shinyanga and could provide some opposition to CCM in Maswa and Meatu councils (4 Vs 14 and 3 Vs 16 seats, respectively).

Third, UDP has 12 of the 21 opposition seats in Shinyanga Region; but all of them are in one district council, Bariadi. This concentration enables it to provide a strong opposition to CCM which has 14 seats in the Bariadi council (total 26). It may have been a deliberate strategy to build a strong constituency somewhere rather than spreading party resources thinly. Moreover, UDP refused government subsidy, arguing that parties should be encouraged to be self-reliant, and requested the government to spend its subsidy on improvement of dilapidated educational facilities. However, there are (unconfirmed) reports that 3 of UDP's councillors have crossed over to CCM.

Fourth, NCCR-Mageuzi makes an impressive show in Mara but, like UDP, has concentrated on one council, Tarime, where it has 7 against CCM's 33 seats (total 40). NCCR has a presence in Kagera but, like CHADEMA, its 4 seats are spread over three councils, thus offering no real opposition to CCM.

Fifth, CCM emerged completely victorious in seven regions where no opposition party won any seat, four coastal (Dar es Salaam, Tanga, Coast and Lindi) and three up-country (Rukwa, Singida and Tabora). The failure of the opposition to capture a seat in Tabora region is surprising for two main reasons: First, like the Lake Regions (Shinyanga, Mwanza, Mara), Tabora has shown low participation trends in all the general elections that we have studied (1965, 1970, 1985, 1990) and researchers have interpreted this as anti-system behaviour which could be tapped by opposition forces.¹⁶ Second, several eminent personalities in the opposition camp came from Tabora (e.g. Chief A. Fundikira, Ambassador Kasanga Tumbo, Kasela Bantu, James Mapalala, etc.) The schism between these personalities and within their parties provide part of the

explanation. On the other hand, CCM may also have paid special attention to areas adjudged to be 'trouble spots'.

Sixth, a related observation is that the election results (especially their spread) would suggest that tribalism is not, generally speaking, a good predictor of electoral outcomes. There is very little association between the geographical origin of top party leaders and their party's electoral performance.

Seventh, judging by these results, only the four parties discussed above (CHADEMA, UDP, CUF, NCCR-Mageuzi) indicate some potential for "opposition" in the sense of having a noteworthy presence in one or several councils. Table 2, which compares election results for vitongoji/mitaa, village councils and local authority councils also confirms that only the four parties have shown signs of growth, while the others have declined over time. Of the 13 participating parties 6 walked out of the field without anything to show (PONA, UPDP, NLD, NRA, TLP).

Table 2: Election Results for Vitongoji/Mitaa, Village Chairpersons, Village Councils and Local Authority Councils (numbers and percentages)

| Party | Vitongoji/Mitaa | | Village Chairpersons | | Village Council-General Seats | | Village Council-Special Seats (Women) | | District Councils-Urban Councils | |
|---------|-----------------|-------|----------------------|-------|-------------------------------|-------|---------------------------------------|-------|----------------------------------|-------|
| | Number | % | Number | % | Number | % | Number | % | Number | % |
| CCM | 53,142 | 97.95 | 8,852 | 99.08 | 98,063 | 99.12 | 47,220 | 99.38 | 2,824 | 96.71 |
| CUF | 812 | 1.49 | 4 | 0.38 | 420 | 0.42 | 125 | 0.26 | 21 | 0.87 |
| NCCR | 96 | 0.17 | 18 | 0.20 | 163 | 0.16 | 42 | 0.08 | 15 | 0.62 |
| UMD | 73 | 0.14 | 12 | 0.13 | 69 | 0.06 | 28 | 0.05 | 3 | 0.12 |
| CHADEMA | 69 | 0.12 | 12 | 0.13 | 112 | 0.11 | 59 | 0.12 | 23 | 0.96 |
| TADEA | 55 | 0.10 | 6 | 0.06 | 94 | 0.09 | 33 | 0.06 | 1 | 0.04 |
| PONA | 3 | | | | 8 | | 3 | | | |
| UPDP | 1 | | | | | | | | | |
| NLD | 1 | | | | | | | | | |
| TPP | | | | | | | | | | |
| NRA | | | | | | | | | | |
| TLP | | | | | | | | | | |
| UDP | | | | | | | | | | |
| TOTAL | 54,252 | 100 | 8,934 | 100 | 89,929 | 100 | 47,510 | 100 | 2,403 | 100 |

Source: National Electoral Commission

* Elections in 8 councils were postponed for various reasons.

4. SOURCES OF OPPOSITION WEAKNESS

The weakness of the opposition in Tanzania comes from many sources. We shall mention the leading ones.

Funds constitute a major stumbling block for most of the new parties. Only UDP was able to forego the government subsidy. Many of the others did not even begin campaigning during the first week of official campaigns because the subsidy had not been given, and when this was given during the second week of campaigns only 10,000/= was made available per candidate, the rest (20,000/=) would be paid after the elections. Dependency is always a source of weakness.

Disunity within and among the new parties made it difficult to formulate and honour a common electoral strategy. For example, CHADEMA, NCCR and PONA had created an umbrella organization, UDETA, so as to increase their electoral effectiveness. Under this arrangement, they would field one competent candidate in each ward so as to present CCM with a stiff opposition. However, when it came to practice the agreement was not always honoured.¹⁷

Initiatives to achieve a wider level of co-ordination did not work either. In early October, a meeting of opposition parties was called so as to co-ordinate their demand for the reorganization of the Electoral Commission. Only seven of the opposition parties attended (NCCR, PONA, NRA, NLD, CHADEMA, CUF, TLP). Three (TADEA, UMD and UDP) did not participate, and one (TPP) was refused participation because it was considered to be an implantation of CCM in the opposition camp. As one leader said:

"We have discovered that TPP is a cousin of CCM, and that is why we did not invite it to this meeting, for whenever we plan a strategy our effort is destroyed".¹⁸

Undemocratic actions within and among the parties also weaken the opposition. For example, the UDETA solution (especially the idea of possible disbandment of member parties) was rejected by some regional organizations of the parties concerned. The decision to unite the parties had been taken undemocratically by the Dar es Salaam-based leaders, without approval by the higher organs or consultation with the lower levels of the parties. Thus in October, Kigoma and Zanzibar leaders of NCCR informed the press that they did not participate in debating the UDETA strategy and were not for it.¹⁹

Mobilization of voters is as much the work of political parties as it is of the Commission and other institutions (e.g. voluntary organizations). Apart from CCM, the other parties do not seem to have made an effort to mobilize the voters. Instead, they blamed the Commission for not doing the work well. Policies, programmes and manifestos are ahead of the beginning of official campaigns, most opposition parties were late in submitting campaign manifestos and programmes to the authorities. Some put together something hurriedly to satisfy the authorities.²⁰

NOTES

1. Registration clerks in Dar es Salaam during the 4th week of August downed their tools complaining that they had not been paid. They insisted that they would not return their books to the Commission until they were paid their dues. Apparently there had been a misunderstanding between them and the Deputy City Director, Dora Talawa. While attending a seminar on July 29 they had been informed that on ordinary work days they would be paid shs. 2,000 daily for food and shs. 500 for transport, and on non-working days shs. 3,000 for food and shs. 500 for transport. This arrangement would last for 14 days from 1st August when it was expected to end. They had also been promised shs. 10,000 each at the end of the registration period.

- Contrary to this understanding, the clerks were paid shs. 500 daily for 14 days which was apparently the rate fixed by the Electoral Commission. Efforts by city authorities to explain the source of the misunderstanding did not appease the clerks who decided not to complete the extension of registration to 28th August. They also refused to return the books to the Commission (see *Motomoto*, August 26 - September 1, 1994 for the story).
2. See, for instance, accusations by CHADEMA and UDP in *Majira*, 14/9/94 and 20/9/94, respectively.
 3. The Dar es Salaam episode had spread to other parts of the country. In Mbeya 14 clerks in 10 registration centres in Tembela ward (Mbeya Rural District) complained to their council for non-payment of their seminar allowance of shs. 2,000 and shs. 9,940 for registering voters (*Majira*, September 5, 1994). Other regions where clerks threatened a downing of tools or go-slow due to the same reasons were Kilimanjaro, Tanga, Mara and Morogoro (*Majira*, 8/9/94).
 4. In Dar es Salaam, largely due to the strike of the clerks, registration was miserably low by the end of the extended period (i.e. 28th August): 9% in Kinondoni, 16% in Ilala, and 23% in Temeke (see *Mwananchi*, September 9-11, 1994). Out of some 860 registration clerks in Dar es Salaam 700 downed tools and would not return the books to the authorities (*Uhuru*, 12/9/94). Having no record, the Commission had to order the repeat of registration from September 26th to October 9th. The repeated registration in Dar es Salaam does not appear to have made much difference. Some 157,638 people had been registered during the repeat period (September 26th to October 9th), giving a small increase of 9,200. Considering that Dar es Salaam's eligible population was 700,000 the effort achieved only about 23.8% registration which is low by any standard (*Uhuru*, 13/10/94).
 5. *Mfanyakazi*, 14 September, 1994.
 6. In an elaborate statement, the Commission took pains to prove that CCM had been notified properly and adequately like the other parties (*Majira*, 21/9/94).
 7. The Commission claimed that there were cases whereby subsidy for by-elections had been used to buy clothes for the candidates or even to make contributions to the bereaved. See *Majira*, 21/9/94.
 8. See the Commission's statement titled "Tamko la Tume ya Taifa ya Uchaguzi Kuhusu Kikao Chake cha Vyama vya Siasa Tache 14 Septemba, 1994", published in *Majira*, 21 September, 1994.
 9. *Ibid.* Our translation.
 10. Judgement came on 24th while the elections were on 30th October.
 11. The programmes were *Vijana Leo*, announced twice a week, *Ujumbe wa Leo*, which broadcast speeches of CCM political heavy-weights daily, and a programme prepared by CCM's Institute for Social Science - the former Kivukoni College in Dar es Salaam.

12. *Uhuru*, 25/1/94 - our translation.
13. His judgement was upheld by the Court of Appeal in December 1994.
14. See, for example, *Mwananchi*, 31st October-3rd November, 1994.
15. By mid-January 1995 the Commission was still expecting them from the regions/districts which had not submitted them.
16. For elaboration, see particularly Baregu, M.L. and S.S. Mushi, 1994. "Mobilization, Participation and System Legitimacy" in Mukandala, R.S and H. Othman, eds, 1994, *Liberalization and Politics: The 1990 Election in Tanzania*, Dar es Salaam: DUP, Chapter Five, pp. 90-133.
17. For example, in Ubungu ward NCCR and CHADEMA candidates were fielded. See *Majira*, 29/9/94.
18. *Wakati ni Huu*, October 4-11, 1994. Our translation.
19. *Majira*, October 17, 1994.
20. By 21/10/94 only CCM and UDP had sent their time-tables to the DC of Ilala. CCM had distributed 20,000 copies of its manifesto all over the country. See *Uhuru*, 17/10/94 for details of the CCM manifesto.