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AFRICAN UNION EXPERT MISSION FOR THE 28 OCTOBER 2020 GENERAL ELECTIONS TO THE UNITED REPUBLIC OF TANZANIA

FINAL REPORT

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LIST OF ACRONYMS

AAFP	Alliance for African Farmers
ADA-TADEA	African Democratic Alliance Party
ACDEG	African Charter on Democracy, Elections and Governance
ACHPR	African Charter of Human and People's Rights
ACHPRRWA	Protocol of the Rights of Women in Africa
ACT-WAZALENDO	Alliance for Change and Transparency
ADC	Alliance for Democratic Change
APRM	African Peer Review Mechanism
AU	African Union
AUC	African Union Commission
AUEEM	African Union Election Expert Mission
CCM	Chama Cha Mapinduzi
CHADEMA	Chama Cha Demokrasia na Maendeleo
CHAUMA	Chama Cha Ukombozi Wa Umma
CCK	Chama Cha Kilani
CUF	Civic United Front
COMESA	Common Market for Eastern and Southern Africa
CRPD	Convention on the Rights of Women
CSOs	Civil Society Organisations
DP	Democratic Party
ID	Identification Document
EAC	East African Community
EISA	Electoral Institute for Sustainable Democracy
EMB	Election Management Body
FIU	Financial Intelligence Unit
FPTP	First Past the Post
ICT	Information Communication Technology
LHRC	Legal and Human Rights Centre

MCT	Media Council of Tanzania
MDGs	Millennium Development Goals
MAKINI	Demokrasia Makini
MPLCs	Multiparty Liaison Committees
NCCR-MAGAEUZI	National Convention for Construction and Reform
NPoA	National Plan of Action
NEC	National Electoral Commission
NGO	Non-Governmental Organization
NRA	National Reconstruction Alliance
PNVR	Permanent National Voter's Register
PWD	Persons with Disabilities
REC	Regional Economic Community
SADC	Southern African Development Community
SDGEA	Solemn Declaration on Gender Equality in Africa
SAU	Sauti Ya Umma
SDGs	Sustainable Development Goals
TANU	Tanganyika African National Union
TACCEO	Tanzania Civil Society Election Observation
TCF	Tanzania Constitution Forum
TCRA	Tanzania Communications Regulatory Authority
TLP	Tanzania Labour Party
UDP	United Democratic Party
UMD	Union for Multiparty Democracy
UNGA	United Nations General Assembly
UPDP	United People's Democratic Party
NGO	Non- Governmental Organization
OAU	Organization for African Unity

ACKNOWLEGEMENT

The African Union Experts Election Missions would like to express would like to express appreciation to the Government of the United Republic of Tanzania and the National Electoral Commission for extending invitation to the African Union to observe the 2020 General Elections.

The Mission would also like to thank H.E. Goodluck Jonathan for accepting lead the Mission even in the challenging times of the Covid-19 pandemic when traveling carries great risk.

Similar appreciation also goes to all the elections experts and the African Union Technical Staff who also took the risk involved in traveling to be part of the Mission and worked tirelessly to complete the objectives of the Mission.

EXECUTIVE SUMMARY

The United Republic of Tanzania held General Elections on 28 October 2020 to elect the President, Members of Parliament and Local Council representatives. Following invitation from the Government of Tanzania and the National Electoral Commission (NEC), the African Union Commission (AUC) deployed an Africa Union Elections Expert Mission (AUEEM) to observe the Elections from 21 October to 3 November 2020. The AUEEM comprised five (5) African election experts and was led by H.E. Goodluck Jonathan, former President of the Federal Republic of Nigeria.

The incumbent, John Magufuli of Chama Cha Mapinduzi (CCM) won the presidential elections with 12, 516, 252 votes (84.4%) of the 14,830,195 valid vote cast. His main challenger, Tundu Lissu of Chama Cha Demokrasia na Maendeleo (CHADEMA) got 1,933,271 (13,036%) In Zanzibar, the CCM candidate, Dr. Hussein Ali Mwinyi, secured 76.27% of the 489,786 valid votes cast. For the Parliamentary Elections, the CCM also won 256 out of the 264 seats on in Tanzania and 44 of the 50 seats in Zanzibar.

Key findings

The 2020 General Elections were held against a backdrop of gaps in the legal and administrative framework for the elections. These gaps steam from an inconclusive constitutional reform which began in 2012 and has since stalled. There is a lack of legal provisions for presidential candidates to challenge presidential election results; a lack of provisions for independent candidates to contest General Elections; and a lack of broad-based consultation on the appointment of the Chairperson of NEC and ZEC.

There is a lack of a decentralized structures of NEC at the local levels and the use of local government officials as election managers with implications for the independence of the NEC.

The Government of Tanzania made commendable effort to fully funding the entire electoral process costing 331,728,258,035 Tanzania Shillings (USD$ 14,312,0706.96) from its own resources thereby ending the countries dependence on donor/external partners to fund its elections.

The NEC made considerable efforts to register 29, 754, 697 voters representing 26% increase from 2015.

Voter turnout on Election Day as it had dropped from 67.34% in 2015 to 50.72% in 2020.
The AUEEM took note of the fact that some CSOs that undertook voter education and observation activities in 2015 were not accredited for the 2020 General Elections.

The Government of Tanzania and NEC took steps to increase the participation of women, youth and PWDs. The electoral system in Tanzania makes provision for reserved seats in the National Assembly and Senate for women and PWDs.

There were some challenges on Election Day regarding the late delivery of election materials resulting in the late opening of some polling stations.

There were considerable improvement in the logistics management of the elections by the NEC and ZEC as compared to the previous years. This contributed to the peaceful environment and calm that prevails in polling stations on Election Day.

The post-election period the two opposition parties CHADEMA and ACT-WAZALENDO rejected the election results and called for peaceful protests demanding a fresh elections.

Recommendations

The AUEEM makes the following recommendations, among others, for improvement of future electoral processes:

- The Government should take steps to sign and ratify the African Charter on Democracy, Election and Governance in line with the country's commitment to democratic principles; implement the judgment of the African Court on Human and Peoples' Rights to allow for presidential election results to be challenged and for independent candidates to contest elections.

- The Parliament should finalise the constitutional reform in order to address gaps that impede the fairness of the electoral process identified in this report, namely to introduce the possibility of legal recourse regarding boundary delimitation; reduce strict regulations on party agents to observe the electoral process and emphasize the principles of transparency and access to information; and review the process for appointing members of the NEC in order to address its perceived lack of independence.

- The National Electoral Commission should be consistency in the application of election day rules and procedures, namely assistance to voters, sealing of ballot boxes, inking of voters' fingers, placement of polling booths, and priority access for the elderly and expectant mothers; improve voter education and information on the location of polling stations and voting procedures, especially the marking of the ballot paper; and establish a multiparty liaison committees at national and sub-national levels as alternative dispute resolution mechanisms to hear and resolve disputes and grievances.

- Political parties should train candidates participating parliamentary and councilor elections in order to reduce the factors that contribute to their disqualification; improve the training of party polling agents to help them understand their roles and responsibilities during elections; and abide by the electoral code of conduct, particularly in relation to campaign schedules in order to avoid clashing between their supporters and or security personnel.

I. INTRODUCTION

Following invitation from the Government of the United Republic of Tanzania[1] and the National Electoral Commission (NEC), the African Union Commission (AUC) deployed an Africa Union Elections Expert Mission (AUEEM) to observe the General Elections held on 28 October 2020. The AUEEM was deployed from 21 October to 3 November 2020 and comprised five (5) election experts[2] and was led by H.E. Goodluck Jonathan, former President of the Federal Republic of Nigeria.

The mandate of the African Union (AU) to observe elections conducted by Member States is drawn from various normative instruments including: (a) 2000 Constitutive Act of the African Union; (b) the 2002 OAU/AU Declaration on the Principles Governing Democratic Elections in Africa; (c) the 2002 Protocol Relating to the Establishment of the Peace and Security Council of the African Union; (d) the 2007 African Charter on Democracy, Elections and Governance; and (e) the 50th Anniversary Solemn Declaration on Pan-Africanism and African Renaissance adopted in 2013 during the Golden Jubilee of the OAU/AU. Election observation by the African Union is also governed by the 2002 OAU/AU Guidelines for Election Observation and Monitoring Missions and the 2013 African Union Election Observation Manual.

The principal goal of observation is to ensure that AU Member States conduct democratic, credible and peaceful elections. This is because elections have a direct and/or indirect bearing on democratisation and peace-building on the continent. Elections have a potential to either build democracy and peace or undermine democracy and disrupt peace and stability. Democracy and peace are necessary conditions for socio-economic development of the continent within the framework of Agenda 2063-The Africa We Want and the 2030 global agenda for sustainable development. Observation is meant to enhance the added value of elections to democracy, peace and, by extension, to socio-economic development and structural transformation of AU Member States.

> Election observation is a process of systematic gathering of verifiable information on the electoral process as the basis for making an informed, independent and objective decision on the integrity, transparency, inclusiveness and credibility of process and the legitimacy of the election outcome. Election observation serves eight (8) main functions as follows: Safeguarding the integrity of the electoral process; promoting the openness and transparency of the process; enhancing

[1]. The United Republic of Tanzania comprises Tanzania (formerly known as Tanganyika) and Zanzibar (which comprises the islands of Pemba and Unguja).
[2]. The experts came from Egypt, Ghana, Malawi, Lesotho and Zambia.

public confidence in the process; diffusing potential tensions; deterring improper practices and attempts at fraud; increasing political credibility; contributing to the acceptance of the election results; and Disseminating and strengthening international standards and electoral best practices.

To achieve the above functions, the AU adopts a comprehensive election observation methodology. This methodology includes (a) pre-election assessment missions, (b) high-level preventive diplomacy missions, (c) long-term election observation, (d) short-term election observation, (e) expert missions and (f) post-election reviews. In the case of Tanzania, the AU opted to deploy the expert mission, due largely to the travel restrictions imposed by the global COVID-19 pandemic that has not left Africa unscathed.

Given its small size, the coverage of the AUEEM was confined to Dar Es Salaam and its immediate outskirts. As part of its methodology the Mission analysed the key aspects of the pre-election, election and post-election phases of the electoral cycle in Tanzania. The AUEEM held consultations with the various stakeholders, including the (NEC), the Minister of Foreign Affairs, Political Parties, the Registrar of Political Parties, Civil Society Organisations, the Media Council of Tanzania, candidates and accredited local and international observer groups. These interactions provided the Mission with first-hand information on preparations and readiness of the country to hold the general elections.

The AUEEM also took part in coordinating activities with other international observe groups particularly the East African Community (EAC) and Electoral Institute for Sustainable Democracy (EISA). In this regard, the Mission attended a pre-election consultative meeting convened by the EAC at Four-Points Sheraton Hotel on 26 October 2020. The three organisations issued a joint pre-election statement making a clarion call for a peaceful, transparent and credible electoral process that would guarantee a legitimate outcome. This was sequel to the statement issued by the Chairperson of the African Union Commission calling for a peaceful, inclusive and credible poll in the morning of the same day. The AUEEM convened a post-election consultative meeting at the Dar-Es-Salaam Serena Hotel on 29 October 2020 attended by EAC and EISA and chaired by H.E Goodluck Jonathan. The coordination of these activities enabled the AUEEM to gather and share information relating to deployments, findings and the release of press statements.

On Election Day, the AUEEM deployed three teams of observers in Dar Es Salaam and its outskirts in the following constituencies and districts: Ilala, Kinondoni, Temeke, Kigamboni, Ubongo and Segerea. The teams visited a total of thirty-six (36) polling stations.

II. BACKGROUND

Tanzania gained its independence from Britain on 9 December 1961 under the Tanganyika African National Union (TANU) formed in 1954 by Julius Nyerere, the first President of independent Tanzania.[3] In 1964, Tanganyika and Zanzibar forged a union and become known as the United Republic of Tanzania. In 1962, a year later, Tanzania became of one party state on the basis that multi-party democracy was divisive and not suitable for nation-building. Consequently, Julius Nyerere, the first president ruled until 1985 and was succeed by Ali Hassan Mwinyi.

In 1991, President Mwinyi appointed a commission headed by Francis Nyalali to make proposal and recommendation for Tanzania to return to multiparty democracy. The Nyalali Commission presented its report on 11 December 1991 on the basis of which multiparty democracy was re-introduced. Consequently, the first multi-party elections were held in 1995. Since then, elections have been held every 5 years all of which have been won by the CCM[4] in Tanzania and Zanzibar. The 2020 General Elections were the sixth since 1995.

Tanzania can be described as a dominant party system, which although distinct, bears resemblance to the one-party system. Despite the overwhelming dominance of the CCM, there have been significant gains by the opposition parties over the years. In the last 2015 General Election was won by the CCM, the opposition parties made significant gains by obtaining close to 40% of total valid votes cast during the presidential elections. The oppostions parties also increased their representation in the Parliament as followsCHADEMA (35 seats), CUF (32 seats), ACT WAZALENDO (1 seat) and NCCR-MAGEUZI (1 seat) against 195 seats for CCM.

In the run up to the elections, opposition parties complained of threats and repression as the NEC disqualified dozens of opposition parliamentary and councilor candidates. Rights groups have held the view that the elections have been characterized by a crackdown on opposition parties, human rights groups and media by state authorities. For instance, amendments to the Political Parties Act in January 2019, was considered by the opposition parties as placing restrictions on the rights to freedom of association and peaceful assembly. The amendments gave the Registrar of Political Parties powers to deregister parties, demand for information from political parties, and suspend party

[3]. TANU is the principal party that led the struggle for the country's sovereignty and independence.
[4]. TANU changed its name to CCM upon transition to multi-party system. Hassan Ali Mwinyi succeeded Julius Nyerere in 1985; Benjamin Mkapa succeeded Mwinyi in 1995; Jakaya Kikwete succeeded Mkapa in 2005 and John Pombe Magufuli succeeded Kikwete in 2015.

members. It also introduced a requirement for organizations and individuals to get approval before conducting civic education.[5]

[5]. Legal and Human Rights Centre, Analysis of the Political Parties (Amendment) Act, 2018, to Parliamentary Committee on Legal and Constitutional Affairs, 17 Jan 2019.

III. PRELIMINARY FINDINGS AND OBSERVATION

The Legal Framework

Tanzania has an expansive legal framework for elections. It includes:

- The 1977 Constitution of the United Republic of Tanzania;
- The 1984 Constitution of Zanzibar;
- The National Elections Act, CAP. 343 as revised in 2015;
- The Zanzibar Elections Act No. 4 of 2018;
- The Local Authorities (Elections) Act, CAP 292 as revised in 2015;
- The Political Parties Act, CAP 258 of 1992;
- The Elections Expenses Act, CAP 271 of 2010;
- The Local Government (District Authorities) Act, Cap 287 of 1982;
- The National Elections (Presidential and Parliamentary Elections) Regulations of 2020; and
- The Local Authorities (Councilors' Elections) Regulations of 2020.

In addition, the NEC and ZEC developed the Electoral Code of Conduct for the 2020 Presidential, Parliamentary and Councilor Elections and Guidelines for Local and International Election Observers.

Tanzania is a party to most of the major international norms, values and instruments that establish the minimum standards for democratic, credible and peaceful elections. These include, inter alia, the International Covenant on Civil and Political Rights (ICCPR), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and its Optional Protocol, the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), Convention on the Rights of Persons with Disabilities (CRPD) and the Convention of the Political Rights of Women (CPRW). Tanzania has an obligation to adhere to the 1948 UN Universal Declaration of Human Rights.

At the continental level, Tanzania is a state party to the 1981 African Charter of Human and Peoples' Rights (ACHPR)[6] but it is yet to sign and ratify the African Charter on Democracy, Elections and Governance. Although Tanzania has acceded to the African Peer Review Mechanism (APRM) and has undergone self-assessment and peer review,

6. The United Republic of Tanzania have submitted a withdrawal notice from the African Charter of Human and Peoples' Rights (ACHPR) to the African Union commission on 21st of November 2019, per the court's practice such withdrawal takes effect after one year of the notice submission i.e 20th of November 2020.

progress on the effective implementation of the National Plan of Action (NPoA) is uncertain.

Tanzania is strongly encouraged to sign, ratify, domesticate and implement the African Charter on Democracy, Elections and Governance. Tanzania has ratified the Protocol to the African Charter on Human and Peoples' Rights relating to the establishment of the African Court on Human and Peoples' Rights. However, the country withdrew from the Court this year.

At the regional level, Tanzania has obligations to adhere to and implement democracy and governance norms developed and adopted by the East African Community (EAC), the Common Market for Eastern and Southern Africa (COMESA) and the Southern African Development Community. Tanzania is a member state of all the three Regional Economic Communities (RECs).

Article 6 of the 1999 East African Community (EAC) Treaty, states that; 'good governance including adherence to the principles of democracy, the rule of law, accountability, transparency, social justice, equal opportunities, gender equality, as well as the recognition, promotion and protection of human and peoples' rights in accordance with the provisions of the African Charter on Human and Peoples' Rights.'. The 2012 EAC Principles for Election Observation and Evaluation further reinforce EAC's commitment to advancing democracy, peace, human rights, justice and electoral integrity towards its noble goal of achieving political integration in East Africa. The 1993 Treaty establishing the Common Market for Eastern and Southern African (COMESA) implores its member states to cooperate in the promotion of peace, security and stability for the creation of an enabling environment climate in the region. The 2013 COMESA Guidelines on Election Observation recommits its member states to democracy and electoral integrity.

The Declaration and Treaty of Southern African Development Community (SADC) were adopted in 1992. In 2001 SADC adopted the Agreement Amending the Treaty of Southern African Development Community. Article 5(b) commits its member states to promote common political values, systems and other shared values which are transmitted through institutions which are democratic, legitimate and effective. The 2015 Revised SADC Principles and Guidelines Governing Democratic Elections of SADC also set out specific normative guidelines for conducting democratic elections.

Key findings of the Mission regarding the legal framework for elections in Tanzania are as follows:

- Article 41 (7) of the Tanzanian Constitution prohibits challenging the outcome of the presidential elections even through the court system. This is in contradiction of

Article 2.3 of the International Covenant on Civil and Political Rights (UNGA)[7] and Article 8 of the Universal Declaration of Human Rights[8], which provide for the protection and promotion of the fundamental right of access to effective remedy.

- The law does not allow for independent candidates to contest elections in their own right without affiliation to a political party. This is in breach of article 2 of the African Charter on Human and Peoples' Rights by the African Court on Human and Peoples' Rights in its judgment in a case of on 14 June 2013. The Court pronounced on this prohibition in its judgment in the case of Rev. Christopher Mtikila v United Republic of Tanzania in 2013 and found that it breaches the right to freedom of association and the right to participate in public affairs.

- The Election regulations remained silent about basic measures to protect the integrity of the voting, counting, and adding results, such as reconciliation of ballot papers once polls are closed, recording numbers of invalid ballot papers and serial numbers of ballot boxes seals.

- There is no legal requirement for the NEC to announce the time or venues for tallying of votes will be carried. Article 64 of the National Elections(Presidential and Parliamentary Elections) Act Regulations of 2020 stipulated that: "The Returning Officer shall, after receiving election results from all polling stations within the constituency, notify political parties or candidates as to the date, time and venue for addition of all votes cast"[9] without any clear timeframe by which adding of votes is conducted or when the election results is announced.[10]

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[7]. UNGA: International Covenant on Civil and Political Rights, art. 2.3 "*'Each State Party to the present covenant undertakes : (a) to ensure that any person whose rights or freedoms are herein recognized as violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity; (b) to ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of* the State, and to develop the possibilities of judicial remedy; (c) to ensure that the competent authorities shall enforce such remedies when granted.'

[8]. The United Nations. (1948). Universal Declaration of Human Rights. Art. 8 'Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.'

[9]. The National Elections (Presidential and Parliamentary Elections) Regulations, 2020, Government Notice No. 402, published on 5/6/2020, Sections 64 and 66.

[10]. Ibid, Section 68.

The Electoral System

The electoral system refers to the method, procedure and formula through which votes cast in an election are translated into positions for the formation of a government at different levels such as the presidency, parliament and local authority. The electoral system in Tanzania the First-Past-The-Post (FPTP) where the candidate who wins the most votes is declared a winner.

In order to address the gender imbalance in elective positions, Tanzania has also adopted the gender quota system to ensure that at least 30% of elective posts are allocated to women. The gender quota is implemented through special seats for women during parliamentary and councilors' elections through proportional representation. The seats are allocated to political parties who obtain at least 5% of total valid votes in parliamentary and councilor elections.[11]

Election Dispute Resolution

Disputes are inevitable in any electoral contest. The credibility of the electoral process is, to a large extent, determined by the ability of the state or the election management body (EMB) to effectively address all election-related disputes. In view of the importance of dispute resolution mechanism to the credibility of the electoral process, states have obligations under international law to ensure that disputes are resolved within the rule of law and in a transparent, fair and expeditious manner.[12] Consequently, the NEC established a Dispute Resolution Committee headed by a Commissioner. Membership comprised of a representative of the political parties contesting the elections. Resolutions of the committee are reached by consensus. If a party is aggrieved by the decision of the Committee, it can escalate the matter to the Appeals Committee whose decision is final. Procedures for legal redress are available only at parliamentary and councilors' elections. However, the Constitution prohibits any appeals against the declaration of presidential election results announced by the NEC.[13]

For parliamentary elections, petitions to the High Court by the dissatisfied individuals are allowed within 14 days after the declaration of the results. With regard to councilor elections petitions can be filed at the Resident Magistrate Court within 30 days after the announcement of the results.

There was dissatisfaction among some political stakeholders regarding the efficacy and effectiveness of the current dispute resolution mechanism. The major concern relates

11. Bid article 78(1).
12. See UN, ICCPR, Art. 2(3); AU, AfCHPR, Art.7.
13. Article 41(7).

Article 41 (7) of the Constitution that presidential election results cannot be challenged. This constitutional provision was challenged at the African Court on Human and Peoples' Rights in Arusha in Jebra Kambole v. United Republic of Tanzania in 2018. The Court ruled that this provision is a violation of the 1981 African Charter on Human and Peoples' Rights, especially Article 2. In its judgment of 15 July 2020, the Court ruled that Tanzania should take necessary steps to remedy this breach by putting in place an appropriate election dispute mechanism within one year.[14] In reaction to the ruling, on 21 November 2019, the country submitted a notice of withdrawal from the protocol establishing the Court. Per the Court's practice, this withdrawal will only take effect a year after its submission.

Election Management

The NEC was established in accordance with Article 74(1) of the Constitution of Tanzania and the ZEC in accordance with Article 119(1) of the 1984 Constitution of Zanzibar. It is the responsibility of the NEC and the ZEC to manage and administer elections and referenda on the mainland of Tanzania and Zanzibar. The Chairperson and Commissioners the NEC are appointed and removed by the President. For the ZEC, of the seven members, two are appointed on recommendations by the Head of Government Business in the Parliament. Another two are appointed on the recommendations of the Leader of the main opposition party and the remaining three members are appointed by the President of Zanzibar. The Commissioners serve for a term of five (5) years renewable once. The NEC has a secretariat based in Dodoma and headed by a Director of Elections and heads of department. However, there are no permanent election staff at district offices and constituencies. At these levels, local government officials double up as election managers. This had the tendency to undermine the independence, integrity and credibility of the NEC and public trust in the EMB.

In order to streamline its management of the 2020 elections, NEC established eight (8) committees:

- Election Management and Procedures;
- Voter Education and Civil Society Organisations;
- Supplies and Logistics;
- Government and Political Parties Relations;
- Information and Communications;
- Election Observers and Independent Organisations;
- Election Campaigns Coordination; and

[14]. African Court on Human and People's Rights, Press Release Judgement Summary, 15 July 2020; https://en.african-court.org/index.php/56-pending-cases-details/1185-app-no-018-2018-jebra-kambole-v-the-united-republic-of-tanzania-details.

- Electoral Code of Conduct.

Section 122 of the National Elections Act provides that activities of the NEC is funded through the Consolidated Fund of the United Republic of Tanzania. The total budget for the 2020 General Elections was 331,728,258,035 Tanzania Shillings (USD$14,312,0706.96) and was fully funded by the Government of Tanzania. The Mission found the decision of the Government to fully fund elections commendable.

The NEC set up 81,567 polling stations, recruited and trained 329,861 election staff.

Voter Registration

The 2010 Elections Act outlines the conditions of eligibility to register as a voter, mandates NEC to register eligible citizens as voters and maintain a permanent National Voter's Register (PNVR). The Act also empowers the NEC to conduct mass registration of voters twice before elections. The mass registration also serves to update the voter register and entails: Registration of new eligible voters who have attained 18 years or have qualified for registration as voters according to the electoral laws; removal of voters who are dead or who are no longer eligible as voters; Rectification of inaccurate information regarding registered voters or of people who request for their information to be rectified; Rectification of discrepancies in the Voters Register; publication of information of voters who may have moved from one constituency/ward to another; and Giving opportunity to registered voters to inspect information on the register or information intended for updating.

During consultations with the NEC, it was confirmed, all stakeholders (political parties, government, civil society organisations etc) were sensitized on the technology the NEC would use. Voter registration and updating of the Permanent National Voters 'Register (PNVR) database were conducted twice before the elections as required by the law. The total number of registered voters was 29, 754, 697 of which 29, 188, 347 were registered in mainland Tanzania and 566, 350 in Zanzibar.

For the 2020 election this figure has increased by 26%. For Mainland Tanzania, 50.33% of registered voters were women and 49.67% men.[15] In Zanzibar, the ZEC registered 566, 350 voters of which 51.95% were women and 48.05% men.

[15]. In 2015, the total number of voters registered was 23, 161, 440.

Civic and Voter Education

The Electoral Act entrusts NEC with the primary responsibility of providing adequate, accurate, gender sensitive and unbiased voter education. The Act also provides that voter education carried out by persons other than the NEC is adequate and not misleading or biased in favour of any political party. Voter education must comply with the electoral code of conduct for political parties and candidates.[16]

The AUEEM noted that the NEC undertook national voter education for the 2020 elections in collaboration with various stakeholders by deploying voter educators at the ward level and provided voter education materials that included posters, billboards and flyers ensuring consistency in civic and voter education. It also ran print and electronic media advertisements and it set up a call centre at its offices in Dar-Es-Salaam. The call centres enabled eligible voters to call and seek clarification on their polling stations and other electoral matters. The AUEEM recognizes the NEC's effort in building strategic collaboration with CSOs in educating and sensitizing as many electorates as possible ahead of the elections.

Civil Society Organizations (CSOs) require accreditation by the NEC in order to provide civic and voter education and observe the elections[17]. The AUEEM noted from stakeholder consultations that some CSO's were denied permission to undertake voter education. A total of 247 organizations were accredited to undertake voter education while a total of 97 were approved for domestic observation. The AUEEM received reports of CSOs that undertook voter education and observation activities in 2015 were not accredited nor given any formal reasons for their exclusion or provided processes of appeal.[18] For the 2020 general elections, the AUEEM observed minor challenges in how some voters exhibited a lack of knowledge on how to correctly mark the ballot papers.

Political Parties, Candidate Nomination and Campaigns

The Constitution provides for a multiparty system of democracy which allows political parties to register and participate in elections in an environment free of undue restrictions. Political parties in Tanzania are registered by the Registrar of Political Parties established by the Political Parties Act, 1992.[19] The NEC opened nomination for Presidential candidates from 5 to 25 August 2020 and for Parliamentary and Councilors positions from

16. Articles 74(6) (c) and 75 of the Constitution, Electoral Act Cap 343.
17. Part II, the National Elections Act, (CAP 343), Regulations, No. 402, 5/6/2020.
18. The list includes Legal and Human Rights Centre (LHRC), Tanzania Constitution Forum (TCF) and the Tanzania Civil Society Election Observation (Tacceo).
19 . The Registrar of Political Parties and his deputy are appointed by the President.

12 to 25 August 2020. At total of 17 political parties participated in the 2020 Elections. That represent five more compared to the 2015 Elections.

Table 1: List of Political Parties that participated in the 2020 election.

Political Party	**Abbreviation**
Alliance for African Farmers Party	AAFP
Alliance for Change and Transparency	ACT – Wazalendo
African Democratic Alliance	ADA – TADEA
Alliance for Democratic Change	ADC
Chama cha Mapinduzi	CCM
Chama cha Kijani	CCK
Chama cha Demokrasia na Maendeleo	CHADEMA
Chama cha Ukombozi wa Umma	CHAUMMA
The Civic United Front – (Chama cha Wananchi)	CUF
Democratic Party	DP
Demokrasia Makini	MAKINI
Sauti ya Umma	SAU
National Reconstruction Alliance	NRA
National Convention for Construction and Reform	NCCR - Mageuzi
United Peoples' Democratic Party	NLD
Union for Multiparty Democracy	UMD
United Peoples' Democratic Party	UPDP

All the 17 political parties which participated in the General Election proposed candidates for the presidential election. Of the 17, two were disqualified leaving 15 candidates contesting for the position of president. Of the 15 presidential candidates, 13 were male and two (2) were female. There were 10 male vice-presidential candidates and five (5) female candidates. For parliamentary elections, 1,257 candidates competed for 264 parliamentary seats (964 were male and 293 were female). There were 9, 231 candidates competing for local council seats, of which 8, 562 were male while 669 were female. In spite of the number of political parties who participated in the Elections, it was considered

a two-horse race between the ruling CCM and the main opposition CHADEMA in Tanzania and between CCM and ACT-Wazalendo in Zanzibar.

Objections and Appeals

According to the National Elections Act, Cap. 343 and the Local Authorities (Elections) Act, Cap. 292 after the nominations, objections may be lodged by a candidate to the Attorney General or the Returning Officer. Parties or candidates dissatisfied with the decision of the Returning Officer can appeal to the NEC.

During nominations, where a candidate finds that another candidate is not qualified for the candidacy, they may file an objection. That is, to the NEC, for the presidential election[20] and to the Returning Officers for parliamentary[21] and councilor election.[22] For the 2020 General Elections, there were two major objections for the presidential election submitted by CHADEMA's presidential candidate: one was against the CCM presidential candidate and the other was against the CUF presidential candidate on the basis that these two candidates had submitted invalid applications. Both objections were unsuccessful.[23] There were also objections for the parliamentary and councilor elections at constituency and ward levels. Overall, NEC received and determined 165 appeals in relation to parliamentary election. Of the total appeals, 67 candidates were reinstated, 39 appeals dismissed and 59 rejected. The NEC also received 462 appeals in regard to the councilor election whereby 236 candidates were reinstated and 226 appeals dismissed.

The AUEEM noted that the objections and appeals process create space for political actors to exercise their democratic right to challenge the nomination of candidates, and for candidates to appeal objections to their nomination. It however noted that all the disqualified parliamentary and councilor elections candidates belong to opposition political parties. Furthermore, in constituencies where parliamentary candidates were disqualified, CCM candidates were allowed to run opposed.

Election Campaigns

The Code of Conduct for Political Parties and Candidates stipulates that campaigns begin the day following nominations and the Electoral Code of Conduct becomes enforceable

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20. Sections 30 and 40 of the National Elections Act, Cap343, (R.E 2010).
21. Ibid Section 40.
22. Sections 41 and 44 of the Local Government (Elections) Act, Cap 292, (R.E 2010).
23 https://www.voanews.com/africa/tanzania-opposition-parties-allege-candidates-have-been-unfairly-disqualified.

on the same day. Campaigns took place from 26 August to 27 October in Tanzania and in Zanzibar on 26 October due to advance voting on 27 October 2020.[24]

The electoral laws mandate the NEC through the Director of Elections to coordinate the campaign programmes for presidential candidates, while the Returning Officers in constituencies were mandated to coordinate the campaign programmes for parliamentary and councilor candidates. Prior to the beginning of the campaigns, all political parties were required to submit proposed campaign programmes for their candidates to the designated NEC Officials. If any candidate or party wished to make changes to their campaign programme, they are required to inform the Director of Elections or Returning Officers to arrange a meeting to agree on the proposed changes.

The AUEEM noted that although political parties largely adhered to the campaign programme resulting in a generally peaceful campaign environment, reports of clashes among supporters of political parties at rally grounds and the use of teargas by the police to stop unscheduled rallies raised questions about the enforcement of the Code of Conduct for Political Parties and Candidates. The AUEEM observed that the campaign messages of presidential candidates of the main political parties were mostly issues-based. President Magufuli and the CCM went into the election with a development track record which include moving the country from a lower to a middle-income status. The President also campaigned also his successes in the war on corruption, improvement in electricity generation, improvement in infrastructure development and social services such as education, water and health. On job creation, the President pledged to buy more airplanes to expand Air Tanzania, invest industrialization and in promoting the country's export sector.

For the opposition, while the economy may have improvedt since 2015,[25] they were critical of the president's human rights record and the government's lack of investment in human resources. The main opposition candidates, CHADEMA's Tundu Lissu and ACT-Wazalendo's Benard Membe criticized the President's one-sided approach to development where investment in infrastructure development had happened at the expense of improving the living conditions of ordinary Tanzanians. The two parties therefore campaigned on policies aimed at improving the livelihoods of ordinary Tanzanians. For example, on trade, they promised to remove restrictions by abolishing the fee of Tsh 20,000 for petty traders ID cards and allow cashew farmers to sell their cashew nuts in markets that offer them the best prices. They also promised to increase salaries and promote public servants who have not been promoted in the last five years. CHADEMA's Tundu Lissu promised major reforms on land ownership, a move that will

[24] . Campaign rallies were held between 0800 - 1800 hours.
25 https://blogs.worldbank.org/opendata/new-world-bank-country-classifications-income-level-2020-2021 .

not only provide farmers with enough land for cultivation, but also make enough grazing land available to livestock keepers. The ACT-Wazalendo party proposed the establishment a national health insurance policy that will compel the government to pay for one-third of health costs for Tanzanians.

Notwithstanding the issues-based campaigns, the AUEEM noted there were instances of the suspension of opposition candidate Tundu Lissu of CHADEMA'S presidential campaigns on 2 October, as punishment for alleged ethics violations following remarks he made while on the campaign trail. Then, on 23 October his campaign rally in Somanga was teargassed by state police. Similarly, Maalim Seif Sharif Hamad, the ACT Party candidate for Zanzibar's presidency, was arrested on 27 October morning while attempting to participate in early voting. Several ACT-Wazalendo supporters were also reportedly arrested the same day on the island of Pemba and detained by the state security for attempting to interfere with the electoral process.

During campaigns, the AUEEM received reports about the use of derogatory language, harassment and violence against female candidates, with the sole of purpose of deterring them from participation. Stakeholders informed the mission that the NEC did not do much about the use derogatory language. This practice undermined the effective adherence to the Code of Conduct for Political Parties.

The AUEEM acknowledges the important mandate of state security agencies to ensure peace and order during elections, as well as the challenges that accompany this mandate. However, in order to keep public confidence in the security services and in the electoral system, it is envisioned that the actions of security personnel during elections be guided strictly by the principles of policing.[26]

Representation of Women and Minorities

Tanzania is party to several international and regional instruments that sought to promote and enhance active and equal participation of women, youth and other minority groups in political and decision-making processes of the State, including the electoral process.[27]

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[26]. Seeks and preserve public favour, not by pandering to public opinion, but by constantly demonstrating absolute impartial service to the law, in complete independence of policy, without regard to the justice or injustice of the substance of individual laws, by ready offering of individual service and friendship to all. https://www.lawenforcementactionpartnership.org/peel/-policing-principles-/

[27]. The Convention on the Elimination of all forms of Discrimination Against Women (CEDAW), 1997, Convention on the Political Rights of Women (CPRW), 2004, International Covenant on Economic, Social and Cultural Rights (ICESCR), 1991, International Covenant and Civil Rights (ICCR), 1991, Beijing Declaration and Platform for Action (BPFA), 1995, Millennium Development Goals (MDG), 2000, and Sustainable Development Goals (SDG's), 2017, Southern African Development Community (SADC) Principles and Guidelines Governing Democratic Elections, SADC Protocol on Gender and Development and other relevant SADC Protocols. Principles and guidelines encourage gender balance and equality; as

Tanzania has ensured that the values and principles contained in these norms and standards are also enshrined in its constitutional and legal framework. For instance, the Constitution of Tanzania stipulates the equality of all Tanzanians (men and women) in every sphere of the State and specifically encourages all institutions and agencies of government to facilitate and take measures to empower women, youth and persons with disabilities (PWDs). In line with Tanzanian's Constitution, the AUEEM noted that the Government and NEC took steps to increase the participation of women, youth and PWDS. In particular, the Mission noted that the electoral system in Tanzania makes provision for reserved seats in both the National Assembly and Senate for women as well as minimum representation of PWDs. The AUEEM also observed that both the low threshold requirements for registration of political parties and nomination fee for candidates allowed for increased participation of women in the 2020 electoral process. On its part, the NEC also ensured that gender is mainstreamed into electoral processes as was evidenced in the high number of registered female voters and polling staff. Two out of seven commissioners in the NEC are women.

Role of Civil Society Organizations

Civil Society Organizations (CSOs) play an important role during elections by providing civic and voter education and deploying observers as well. For the 2020 elections, a total of 247 organizations were accredited to undertake voter education while a total of 97 were approved for domestic observation. The AUEEM received reports of CSOs that undertook voter education and observation activities in 2015 were not accredited nor given any formal reasons for their exclusion or provided processes of appeal.[28]

Some CSO's raised concerns on the application of the 2018 regulations that require Non-Governmental Organizations (NGOs) to not only publicly declare their source of funds, but provide a list of expenditures and intended activities or face de-registration.[29]

In this regard, the AUEEM took note of the government's intention to establish the Financial Intelligence Unit (FIU) under the Anti- Money Laundering Act of 2006 to effectively combat money laundering and the financing of terrorism. However, there is need to review and harmonize the Amended 2019 NGO Act with the Anti-Money

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well as ethnic and religious diversity in governance and development with emphasis to development of inclusive political institutions and enhancement of civil and political rights, as well as the African Charter on Human and Peoples Rights and its Protocols and the Rights of women in Africa, The Solemn Declaration on Gender Equality in Africa (SDGEA), and Protocol of the Rights of Women in Africa (ACHPRRWA).

28 .The list includes Legal and Human Rights Centre (LHRC), Tanzania Constitution Forum (TCF) and the Tanzania Civil Society Election Observation (Tacceo).

29. The Miscellaneous Amendment Act No.03 of 2019 of the NGO Act 24 of 2002.

Laundering Act of 2006 to strengthen civil society and popular participation as guaranteed in the country's Constitution.

The Media

The Electoral Code of Conduct provides for the use of state-owned media to provide equitable coverage for all competing political parties to fairly disseminate information to their respective constituents. Stakeholders consulted expressed concern over the inequitable access to the public media by opposition political parties, in spite of the law providing for free coverage for all Presidential candidates. The Tanzanian Constitution guarantees the right to freedom of expression but does not explicitly provide for the freedom of the press.[30] Stakeholders consulted expressed concern of the enactment a number of legislations perceived to undermine the independent media including the following:

Cybercrimes Act 2015: The Act criminalizes offences related to computer systems and information communication technologies (ICT); and the investigation, collection and use of electronic evidence and related matters.[31] Stakeholders raised concern on how the provisions have been used to punish journalists, whistle-blowers, watchdog and other monitoring organisations. The AUEEM notes the negative impact of the above legislation on the constitutional legislation that promotes freedom of expression.

Statistics Act 2015: The legislation criminalizes the publishing of statistics without government approval and prohibits the publication and dissemination of independent research[32]. Stakeholders raised concern on the need for data produced by NGO's to be subjected to an approval process. The Mission recognizes the need to enhance rights to freedom of opinion and expression as an important tool to promote a healthy democracy.

Electronic and Postal Communications Act 2018: Requires the mandatory registration of bloggers, journalists and other social media users. The legislation empowers the Tanzania Communications Regulatory Authority (TCRA) to refuse registration and as such stakeholders expressed concern on the deliberate policy of the TCRA to silence journalists[33]. In this regard, the Mission supports the strengthening of legislation and policies that promote transparency and accountability. Additionally, the Mission recognizes the efforts made by the

30. Tanzanian Constitution Art. 18.
31 .Section 4-29, The Cybercrimes Act, 2015.
32 . Ibid 23.
33. Regulation 4-6, 14-18 of The Electronic & Postal Communications (Online Content) Regulations, 2018.

Tanzania Communications Regulatory Authority (TCRA) to create a platform for all media houses and journalists to have weekly meetings and deliberate on adherence to the media code of conduct and raise any challenges that may impede their operations.

Media Services Act 2016: The regulation promotes the mandatory licensing and accreditation of journalists.[34] Stakeholders consulted expressed concerns on mandatory licensing and the lack of criterion for the accreditation of journalists to freely operate. Stakeholders were of the view that this act in its current form creates opportunities for the Government to exclude criticism. The AUEEM applauds efforts made by the government to enact the Freedom to Information Act as this is critical in enhancing democratic governance. The AUEEM equally commends the government for taking steps to regulate the operations of media owners to adhere to the laws of the country and ensure that journalists have employment contracts.

Election Observation

NEC received 14,575 application for observation of the elections. The NEC accredited 97 local observer organisations, 17 international observer organisations, 9 sister EMBs from the region and 28 interpreters for Embassies based in Dar Es Salaam.

Article 13 (e) and (f) of the Guidelines for Local and International Observers, 2020, issued by NEC, has caused some confusion, as it required observers not to express any opinion to the press on the electoral process when polling in polling stations is still in progress. The Guidelines prevented observers from issuing any public statement about the electoral process unless a report on preliminary findings has been submitted to the NEC and it has acknowledged its receipt. Although submitting a copy from any election observation group's report to the NEC and other stakeholders is a known practice of courtesy, the article may be interpreted as a limitation on observers (including international observers) to make any remarks on the process before the closing of all polling stations, and acknowledging receipt of the report by NEC is a requirement without which, no observation report can be announced.

34. Section 8-10 of The Media Services Act, 2018.

IV. ELECTION DAY OBSERVATION

The NEC deployed a total of 329, 864 election officials who had been trained to manage all the election operations on 28 October between 7. am and 4. pm.

Opening the Polls

On Election Day the AUEEM observed the opening and closing in three (3) polling stations in three (3) Constituencies and polling operations in thirty-six (36) polling stations in districts of the country's 264 Constituencies. Based on its observations, the AUEEM noted following:

- Majority of polling stations visited opened on time at 7.00 am, exception in one isolated polling station in Oysterbay A3 polling station no. 3768203, MSASANI ward, KAWE Constituency, KINANDONI district, Dar Es Salam where voting began after 7.25 am due to delays and competence of elections personnel.
- The atmosphere inside and outside of the polling stations was generally peaceful and voting took place in an orderly manner, despite the low participation.
- The layout of the polling stations was generally conducive to allow easy flow of voters, and secrecy of the ballot. Ballot boxes were transparent in keeping with international best practices, and were colour-coded to make voters easily distinguish between the different elections.
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- Majority of polling stations visited had limited number of party agents – mostly from CCM and CHADEMA while other opposition parties had none.
- Polling staff adhered to the prescribed voting procedures. AUEEM observers assessed their performance as mostly very good.
- The majority of polling staff were women. Women were also well represented as party agents and observers.
- Most polling stations visited were accessible to voters with disabilities, and impartial assistance was provided to voters unable to vote independently.
- The environment was peaceful in all the observed polling stations. The presence and conduct of security forces was generally professional and discreet.

The Voting Process

The voting procedures were generally followed in all the polling stations observed. The AUEEM noted the following:

- According to the NEC, there were a total of 80,155 polling stations for Mainland Tanzania and 1,412 for Tanzania Zanzibar, each with not more than 500 voters, bringing the total number of polling stations for the 2020 general elections to 81,567 polling stations, with each polling site managed by seven NEC officials.
- International and domestic citizen observers reported that NEC officials organized space in a manner that facilitated, to the best extent possible, the smooth flow of voters through the process of casting three ballots and the presence of multiple party agents and domestic observers.
- According to the polling procedures, the voting, closing and counting procedures were adhered to in most of the polling sites visited. The consensus of domestic and international observers, consistent with impressions from the Centre's team in Dar es-Salaam, was that the NEC officials were well-trained and conducted themselves in a professional manner and worked effectively in often difficult conditions.
- According to observer groups, in virtually all polling sites, there were at least three-party agents, mostly representing CCM and CHADEMA.
- There were no long queues in the morning at many polling centres, but by mid-afternoon the lines were almost nothing or few.
- Women with babies and the elderly were allowed to proceed to the head of the line. While efforts were made to accommodate differently abled voters, the AUEEM noted the physical constraints for persons with disabilities at many polling centres.
- Some agents whose names did not appear on the official list of accredited political party agents, were reportedly denied access to their assigned polling stations despite being in possession of relevant documents such letters of oath or ID cards.. Such restrictions hinder the access of political parties, reduce transparency and undermine the credibility of the electoral process and integrity of the EMB.

In terms of administrative procedures, the ballot accounting procedures appeared weak. Observers reported that contingency ballots were not always kept in a secure place and that presiding officers at polling centres were often unclear when asked about materials transfer forms and contingency ballots.

Overall, observers reported that the Tanzania security sector performed very well across the country and visible at polling centres. In general, the security services presence was reported as non-intrusive with respect to the election operations.

Overall, the Election Day operations were well administered, with all essential materials in place in adequate quantities in all polling stations visited.

(c) Closing and Counting

The closing and counting were peaceful in all observed polling stations. The AUEEM noted that most polling stations closed on time, and most of visited stations did not have voters in queue at the time of closing. . The counting took place in the polling stations, immediately after the conclusion of voting and closing procedures. At Oysterbay A3 polling station no. 3768203, MSASANI ward, KAWE Constituency, KINANDONI district, Dar Es Salam, copies of the signed results forms were not posted outside the polling stations as required by regulations. However, the same Presiding Officer, recorded the results in the result forms and requested polling agents to sign.

V. POST ELECTION OBSERVATION

(a) Results Tabulation

The Electoral law mandates NEC to set up collation centres at ward, constituency, and national level where the polling station results of presidential, National Assembly and local authority are collated and compiled before being transmitted for final announcement. Following vote counts, the materials were collected and brought to a district returning office, where they were collected and then delivered to constituency tally centers for tabulation. The centers were designed so that the results from each district would be entered into a computer generated for Results Management Systems (RMS), with multiple checks to ensure that the inputted numbers were accurate.

Observer groups reported that accredited observers were allowed in the center, but were kept in restricted areas, making direct observation difficult. The NEC indicated prior to the election that tabulation for the presidential election would take four to seven days.

The AU Mission observers followed up the collation process in five (3) constituency and at national level and reported that the process was transparent and done in accordance with NEC procedures with one isolated case At Oysterbay A3 polling station no. 3768203, MSASANI ward, KAWE Constituency, KINANDONI district, Dar Es Salam.

Announcement of Results

The Electoral Act mandates NEC to announce the election results within five (5) days after close of polls. In response to concerns raised during the 2015 elections, the NEC agreed to release results progressively, following a normal tabulation process of 25, 50 and 75 percent of the results from each constituency.

NEC's decision to commence with the announcement of results the presidential election and the National Assembly election and caused suspicion among some stakeholders. The latter perceived more doubt as a deliberate attempt by NEC to rig the result in favour of the incumbent presidential candidate.

The NEC announced the final results Friday. According to the NEC, 15,091,950 million ballots were cast in the presidential race, with 1.734 percent of these ultimately determined to be invalid ballots 60 most often because the ballot included more than one mark or the signed name of the voter.

The election results, announced by the National Electoral Commission on Friday evening, gave the president 84% of the vote and the opposition leader Tundu Lissu 13%.[35]

The incumbent, John Magufuli of Chama Cha Mapinduzi (CCM) won the presidential elections with 12, 516, 252 votes (84.4%) out of a total of 14, 830, 195 valid vote cast. His main challenger, Lissu Tundu of Chama Cha Demokrasia na Maendeleo (CHADEMA) got 1,933,271 (13,036%) On the island of Zanzibar, the CCM candidate also won Dr. Hussein Ali Mwinyi who secured 76.27% of the total valid votes cast of 489, 786. In the parliamentary elections, CCM also won 256 out of the 264 seats on the mainland and 44 of the 50 seats on the island of Zanzibar.

The atmosphere on Election Day would best be described as largely calm, reports of incidences of electoral irregularities reinforced a perception held by the opposition that the electoral process lacked credibility. To express dissatisfaction with the conduct of the elections, the two leading opposition political parties (CHADEMA and ACT-Wazalendo) issued a joint statement immediately following the announcement of the results by the NEC and rejected the results of the polls, called for fresh elections and also demand the constitution of what they described as "an independent competent National Election Commission to conduct future elections. They also called on their supporters to take the streets to protests in demand for their grievances to be addressed. The demands of the press statement however led to the arrest and detention of executives of the two political parties.

Table 2:[36] Presidential Election Results

No.	Candidates	Party Names	Votes	%
1.	John Pombe Magufuli	CCM	12,516,252	84.397%
2.	Leopold Lucas Mahona	NRA	80,570	0.543%
3.	John Paul Shibuda	ADA-TADEA	33,177	0.224%
4.	Muttamwega Mganya	SAU	15,1O9	0.102%
5.	Augstino Mgaywa Cecilia	DEMOCKRAIA MAKINI	14,454	0.097%
6.	Yeremia Kulwa Maganja	NCCR-Mageeuzi	19,908	0.134%
7.	Ibrahim Haruna Lipumba	CUF	72,758	0.491%

[35] Tanzania Elections watch, "Preliminary Election Report", 2020
36 NEC.

8.	John Fumbo Philipo	DP	8,413	0.057%
9.	Bernard Kamillius Membe	ACT Wazalendo	81,162	0.547%
10.	Cuthbert Sendiga Qween	ADC	7,561	0.051%
11.	Ibrahim Kadege Twalib	UPDP	6,642	0.045%
12.	Hashim Spuda Rungwe	CHAUMMA	32,166	0.217%
13.	Khalfani Mohamed Mazrui	UMD	4,047	0.027%
14.	Maamlim Seif Self	AAFP	4,705	0,032%
15.	Tundu Mughwai Lissu	CHADEMA	1,933,271	13,036%

Voter Turnout

The 2015 elections, 15, 596, 110 voters turned out to vote (67% voter turn-out) out of a total 23,161,440 registered voters. In 2020, out of a total of 29,754,696 registered voters, only 15, 091, 950 total valid vote cast. This amounts to a low voter turn-out of 50.72%. The second lowest voter turn-out in Tanzania since the onset of multiparty elections in 1995. The lowest voter turn-out was registered during the 2010 elections in which 43% of 20,137, 303 registered voters turned out to cast their ballots. Generally low voter turn-out could point to two possible defects in the governance system: (a) public dissatisfaction with the electoral system as a whole or some aspects of it; and (b) loss of public trust by institutions involved in elections such as EMBs, political parties, security agencies, etc.

Petition challenging the Election Results

Although the opposition CHADEMA and ACT-Wazalendo rejected the election results, claiming serious irregularities, the legal framework does not provide a pathway to petition any Presidential results. While at the time of reporting, no petitions have been filed against the parliamentary and councillor elections.

VI. CONCLUSIONS AND RECOMMENDATIONS

(a) Conclusion

Based on its findings and observations, the AUEEM concluded that the 2020 elections were conducted within a weak legal and institutional framework that negatively impacted the holding of democratic elections required to develop of a healthy and vibrant democracy as stipulated in the various regional and international instruments to which Tanzania is party to. However, the Mission noted several improvements in the general management of the electoral process and notwithstanding the low confidence in the NEC, the election day procedures were generally carried out in a satisfactory manner.

(b) Recommendations

The Mission offers the following recommendations for consideration by stakeholders as a basis for deepening the country's democratic credentials.

Government

- Take immediate steps to sign and ratify the African Charter on Democracy, Election and Governance in line with the country's commitment to democratic principles; and

- Implement the judgment of the African Court on Human and Peoples' Rights to allow for presidential election results to be challenged and for independent candidates to contest future elections.

Parliament

- Finalise the constitutional reform process in order to address gaps that impede the fairness of the electoral process identified in this report, namely to introduce the possibility of legal recourse regarding boundary delimitation;

- Review the process for appointment of NEC commissioners in order to address the electoral management body's perceived lack of independence;

- Decentralize and strengthen the countrywide election management structure of the NEC/ZEC to further enhance their independence and efficiency;

- Review and harmonize the amended 2019 NGO act with the Anti-Money Laundering Act of 2006 to strengthen civil society and popular participation as guaranteed in the country's Constitution; and

- Enhance legal provisions for NEC to protect and safeguard the integrity of the voting, counting and tallying of results and to provide clear dates, venues and timeframes for announcing results.

National Electoral Commission

- Be consistent in the application of election day rules and procedures, namely assistance to voters, sealing of ballot boxes, inking of voters' fingers, placement of polling booths, and priority access for the elderly and expectant mothers;

- Improve voter education and information on the location of polling stations and voting procedures, especially the marking of the ballot paper; and

- Establish a multiparty liaison committees at national and sub-national levels as alternative dispute resolution mechanisms to hear and resolve disputes and grievances relating to the electoral process.

Political Parties

- Improve women's participation as candidates in presidential, parliamentary and local government elections;

- Train and support candidates participating parliamentary and councillor elections in order to address the factors that contributed to the disqualification of candidates;

- Recruit and train party polling agents to help them understand their roles and responsibilities during elections; and

- Abide by the electoral code of conduct, particularly in relation to campaign schedules in order to avoid clashing between their supporters and or security personnel.