

**REPORT OF
THE ELECTORAL NEEDS ASSESSMENT MISSION**

Tanzania

25 October – 09 November 2012

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Acronyms

ASP	Afro – Shiraz Party
CCM	Chama cha Mapinduzi
CHADEMA	Chama cha Demokrasia na Maendeleo
CUF	Civic United Front
DFID	Department for International Development (United Kingdom)
DPA	Department of Political Affairs (United Nations)
EAD	Electoral Assistance Division (United Nations)
FPTP	First-past-the-post
GNU	Government of National Unity
HoR	House of Representatives
KAS	Konrad Adenauer Stiftung
NEC	National Electoral Commission
IT	Information technology
NAM	Needs Assessment Mission
NEC	National Election Commission
NGO	Non-governmental organization
NIDA	National Identification Authority
SADC	Southern African Development Community
TANU	Tanganyika African National Union
TEMCO	Tanzania Election Monitoring Committee
UNDP	United Nations Development Programme
ZAN –ID	Zanzibar Identity Card
ZEC	Zanzibar Election Commission
ZNP	Zanzibar Nationalist Party

1. MISSION BACKGROUND

The United Nations deployed a Needs Assessment Mission (NAM) to Tanzania from 25 October to 09 November 2012 following a request addressed to the UNDP Country Office by the Director of Elections at the National Electoral Commission of Tanzania (NEC) on 25 May 2012, and subsequently transmitted to the UN Focal Point for Electoral Assistance, through the Electoral Assistance Division of the Department of Political Affairs.

The NEC request highlighted that the period leading up to the 2015 General Elections would be particularly challenging given that the General Elections will be preceded by a referendum likely in early 2014 (a task which NEC will be undertaking for the first time), as well as a major update of the register of voters. A further challenge is the ongoing Constitution review process which has already brought up electoral management reform as a possible issue for Constitution review attention. A related issue is the time frame within which the country is expected to complete the promulgation of the new constitution and how this will impact on the election calendar, i.e. including any related amendments of the electoral laws in time for the October 2015 General Elections.

The NEC's request focuses on the need to strengthen its institutional capacity to successfully undertake the 2013 voter register update, carry out extensive voter education country-wide, and manage the 2014 referendum and 2015 General Elections in a credible and transparent manner. NEC further expressed the wish to enhance the continuing professionalization of its staff and embark on decentralization of its structures to the district level.

In response to this request, the Focal Point for Electoral Assistance instructed the EAD deploy a NAM. This report seeks to provide information and analysis sufficient to determine: the appropriateness of providing the requested electoral assistance; the feasibility of delivering that assistance within relevant political, financial and/or time constraints; and recommendations on the electoral assistance activities to be undertaken. If approved, these parameters will be taken into consideration in formulating a project in response to the request.

The NAM was led by Akinyemi Adegbola, Team Leader in the Country Support Cluster of the Electoral Assistance Division, and included a UNDP representative from the Regional Service Center for Eastern and Southern Africa, Mr. Joram Rukambe, Regional Electoral Advisor. It was joined on the ground and assisted by the UNDP Tanzania Governance Specialist, Ms. Nora Pendaeli, and UNDP's Liaison official in Zanzibar, Ms Njeri Kamau. UNDP Tanzania's Senior Governance Advisor, Mr Steve Lee also supported the Mission and participated in some of the consultative meetings.

The UNDP Country Office in Tanzania was responsible for organizing meetings and logistics. A complete list of persons met by the Mission is included in Annex B. The members of the mission would like to thank Alberic Kacou, the UN Resident Coordinator and UNDP Resident Representative in Tanzania and Philippe Poinot, the UNDP

Country Director. The Mission members would equally like to express their appreciation to other UNDP staff including those in Operations both in Mainland and Zanzibar for the kind support provided they provided on a day-to-day basis throughout the mission.

2. COUNTRY OVERVIEW

Country Profile

The United Republic of Tanzania is located in Eastern Africa bordering the Indian Ocean and located between Kenya in the north and, Uganda, DRC, Burundi, Rwanda to the east and Malawi, Zambia and Mozambique in the south. Tanzania is one of the largest countries in Africa with a land mass of 947,300 sq km. It comprises Mainland (originally known as Tanganyika) and the two islands of Zanzibar, i.e. Unguja and Pemba. Its population, which was estimated at 46,912,768 in July 2012, is estimated to be 30% Christian, 35% Muslim and 35% indigenous/other/no beliefs; Zanzibar is estimated to be 97% Muslim.

Tanzania ranks 152nd of 187 countries on UNDP's 2011 Human Development Index, and is one of the world's poorest economies in terms of per capita income. Real GDP in Tanzania grew on average by around 7 percent annually during the past decade, well above the average growth rate of most other Sub Saharan African countries - based on increased mining (mainly gold) production, tourism, and thanks to trade and exchange liberalization, increased foreign direct investment, taxation and financial sector reform, and civil service reform. But this high rate of economic growth has not translated into a corresponding decline in poverty, which dropped by only two percentage points during this period. As a result, the 'basic needs' poverty rate remains very high at 33.6 per cent. While the industry and services sectors became more dynamic with growth rates of about 12 per cent and 9 per cent respectively over this period, their employment generation did not keep up with the need for jobs. Agriculture, on which the livelihood of the majority of rural poor depends, grew only by around 4.5 per cent annually, barely enough to raise the real per capita income of the rural poor.

Tanzania's economy has shown strong resilience to external shocks, especially during the global financial crises. While relative isolation from major markets played its part, strong fundamentals seem to have helped Tanzania to weather the crises better than others. The economy reflected a stable growth of 6.5 per cent in 2011 and is expected to bounce back in the coming year(s). Inflation has been most under control except during the food crisis of 2008 and recent hikes of oil prices. The exchange rate, after exhibiting volatility in recent months, remains stable. Fiscal deficit and growing debt are a concern but could be well managed if corrective measures are in place. Rising oil prices, a decline in gold prices and drop in FDI in the face of a global slowdown could have spill-over effects on the domestic economy.

The economy depends heavily on agriculture, which accounts for more than one-quarter of GDP, provides 85% of exports, and employs about 80% of the work force. Despite the high GDP growth in the last few years, most Tanzanians are yet to benefit from the high growth rate; inequalities between the rich and the poor especially the rural 80% who depend on subsistence agriculture is on the rise. The proportion of the population living below the poverty line is estimated at 32%. About 11 per cent of the labor force is unemployed or under-employed; this proportion is significantly higher among the youth. Life expectancy is around 58 years. The largest population group in Tanzania is composed of people between the ages of 17-25. Rising unemployment among this section of the society is a worrying trend. Political violence in the country is being blamed mostly on this group as guided by some political parties.

Political Background

Tanzania has enjoyed a relatively peaceful history since independence from Britain in 1960 and the formation of a Union of Tanganyika and Zanzibar in 1964 (The United Republic of Tanzania). In 1965 the country adopted a one-party system though it continued to hold elections among the candidates of the ruling party Chama Cha Mapinduzi (CCM) (in Mainland but not in Zanzibar). Such elections were generally peaceful and characterized by high voter turnout, for example 78% in 1965. Although elections in Mainland were generally peaceful since independence, Zanzibar experienced a markedly different electoral history

The country returned to multiparty democracy in 1992 with the first competitive and open elections held in 1995. The CCM comfortably won the 1995 multiparty elections in the Mainland but with a thin majority in Zanzibar. While elections in Mainland were largely peaceful, in Zanzibar elections were characterized by irregularities and violence, which led to the opposition Civic United Front (CUF) party rejecting the results and boycotting the government. The 2000 elections in Zanzibar took place in an atmosphere of heightened political tension and mistrust between the CCM and CUF. Irregularities, violence and even fraud characterized these elections. CCM was officially declared the winner. In protest, CUF supporters organized mass demonstrations in January 2001, which led to violent clashes with security forces, leaving 23 people dead and hundreds others wounded, and hundreds more displaced, 200 fled to Mombasa. The violence precipitated three rounds of political dialogue between the two main political parties, the agreement reached, Muafaka in Swahili, provided for the inclusion of two Opposition members in the Zanzibar Election Commission following the 2005 election and culminated in the signing of a power-sharing agreement between the two parties, following a referendum in July 2010. The General Election in October 2010 saw the CCM retaining power with the election of Ali Mohamed Shein as Zanzibar President. The CUF presidential candidate Seif Sharif Hamad came second and was appointed First Vice President in the new Zanzibar Government of National Unity (GNU). The two parties currently share power, and Cabinet seats are distributed between them in proportion to the number of each party's parliamentary seats.

While not perfect, this historic agreement has seen tremendous reduction in violent confrontation among supporters of the two parties, making the 2010 election and its aftermath the most peaceful period in the political history of Zanzibar. Despite challenges of policy differences between the two parties, the unity government of Zanzibar has proven to be an effective vehicle for fostering inclusive politics and managing inter-party conflicts. Others have argued that the decision of CUF to join the government of national unity has created a vacuum of alternative (opposition) voices, and this space is now being claimed by Uamsho, an extremist religious organization, which calls for the secession of Zanzibar from the Union.

Some CUF leaders and supporters have recently sought to reposition themselves as anti-Unionist and some have made calls for a three-government system, i.e. one government for Zanzibar, another for Mainland, and a third “federal level” government to manage re-negotiated Union matters. The ongoing constitutional review process offers a platform for these issues to be addressed, though the distance in positions and the apparent lack of political dialogue could lead to occasional flare ups.

Meanwhile, recent cases of violence following isolated incidents of religious extremism which saw churches burnt down and also clashes between religious groups and the police are clear testimony that peace and stability both in Zanzibar and Mainland remain under threat and more efforts are required to build sustainable peace and social cohesion.

At the heart of these threats to the peace in the country are the serious contestations on the nature of the union between Zanzibar and Mainland following increasing calls from Zanzibaris to be fully independent or enjoy more autonomy under a re-negotiated Union. High levels of poverty and growing inequalities compounded by high youth unemployment also constitute a potential threat to the country’s peace. As elsewhere on the continent, unemployed youth in Tanzania are increasingly subject to the influence of forces which are ready to use violence to achieve political ends. In Zanzibar, recent acts of violence have been orchestrated by the religious group Uamsho (Awakening). Religious extremism, hate speech and violence against moderate Muslims especially in Zanzibar have been on the rise, and this includes the acid attack on 6 November 2012, by an unidentified person on an Islamic cleric Sheikh Fadhil Suleiman Soraga, Secretary to the Office of the Mufti, in Zanzibar.

3. ELECTORAL SYSTEM, STRUCTURES AND PROCEDURES

Election System

Presidential and parliamentary elections in Tanzania are held every five years on the basis of a first-past-the-post electoral system. The last General Elections were held on 31 October 2010, the fourth since the re-introduction of multiparty democracy in 1992. Tanzania elects a Union President who presides over national matters, i.e. for both Mainland and Zanzibar, while Zanzibar elects its own President who presides over the

Zanzibar-specific government matters. The Union presidential office is limited to two terms. The October 2010 election saw the incumbent President Jakaya Kikwete of CCM retaining power to serve his second and last presidential term. In the case of Zanzibar, presidential power is shared between the two main parties CCM and CUF, in a 1 + 2 power-sharing formula agreed upon in July 2010 to mitigate the repeated cycles of violence during elections on the islands.

Tanzania elects 239 Members of Union Parliament; 102 are reserved seats for women; the president appoints 10 members and 1 ex-officio members, i.e. the attorney-general and the speaker; 5 members are elected from the House of Representatives (HoR) of Zanzibar. The 81 members of the Zanzibar HoR consist of 50 elected members, 20 special seats for women, 10 presidential appointees and the attorney general as an ex-officio member. (Zanzibar's women's reserved seats account for 40% of the elective seats in the HoR).

The reserved seats for women in both Legislatures are distributed proportionally to the number of seats each party has won in the respective elections. The use of reserved seats for women in parliament has had a tremendous impact on the global ranking of Tanzania when it comes to women representation in politics, i.e. 36% which makes the country the fifth in Africa and 21st in the world.

Electoral administration structures

Established in 1993 under article 74(1) of the Constitution, the National Electoral Commission (NEC) is an autonomous government institution with a mandate to supervise and coordinate the registration of voters for presidential, parliamentary and councilors' elections, registration of presidential candidates, review and demarcation of parliamentary constituency boundaries. The NEC has the power to issue regulations, directions and notices governing various aspects of the electoral process. The Commission is composed of seven members who are appointed by the president for five years. Its secretariat is headed by a Director of Elections who is appointed by the Union President from among senior civil servants recommended by the Commission. The Director serves as the secretary to the Commission and as its chief executive.

The Zanzibar Electoral Commission (ZEC) was established in 1993 through the Election Act of 1984 and is also composed of seven members with a five-year mandate. The President of Zanzibar appoints all members of the ZEC. They include two members on the recommendation of the House of Representatives, two others on the recommendation of the Opposition leader in the House of Representatives, one from among the judges of the High Court, and one as the President sees fit. The seventh member, the Chairman, comes from a High Court or Court of Appeals from any member country of the Commonwealth or is a highly respected member of the community. The President appoints the Director of Elections from among senior civil servants. For the lower levels of election administration, both the NEC and the ZEC appoint regional election officers as well as returning officers from among regional or district executive officials, on

secondment from their primary duties. This dependence on local administration personnel has earned both bodies criticism from political parties.

The independence of NEC is guaranteed under Article 74(11) and (12) of the Union Constitution which states that the Commission is not obliged to comply with orders or directions of any person or any government department or the views of any political party. NEC has authority to set in motion the election calendar by announcing the candidate nomination dates, determining campaign days and determining the election date.

However some of the Commission's structural and operational realities seem to militate against its independence and these include the appointment of the EMB members by the President without input from stakeholders such as parliament or political parties, and the appointment of the Director of Elections, and other election administrators including returning officers by the government instead of the EMB. Another concern is the inadequate funding of NEC to carry out its activities in an independent and effective manner. In the case of ZEC, the appointment of members is done by the Zanzibar President though preceded by consultation with the HoR and the opposition parties.

While Mainland electoral stakeholders show less confidence and trust in NEC because of the perceived lack of independence of the EMB, in Zanzibar there is consensus that the Commission is considered credible enough because of its bipartisan composition. However, the secretariat is seen as being less so because it is composed of civil servants who are perceived as being partisan in favour of CCM.

Voter Registration

Voter registration in Tanzania is voluntary and for the 2010 general elections the country registered 20,146,119 voters which accounts for 96% of the estimated eligible voter population. This figure has been considered unrealistically high (which may account for some of the low turnout figures for the 2010 General Elections). One explanation is the fact that Tanzania has no civil register against which to compare the voter register, and more importantly, since the country has no national identity document, some people may register unlawfully just to obtain an identification card. It is also known that some voters are registered more than once, partly a problem with managing transferred voters. While on the Mainland the main concern was that an unduly high number of voters are on the 2010 register, in Zanzibar the concern was that the 36-month residency requirement in Zanzibar and the alleged refusal by local government officials (Shehas) to issue attestation letters to opposition supporters contributed to a 20% reduction in the number of Zanzibaris who registered in 2010 compared to 2005. The new figure for Zanzibar is 407,658. For example, due to the residency requirement, about 44,406 persons failed to qualify to register as voters for the Zanzibar elections, and could therefore only vote in the Union presidential elections. As part of the registration process on Mainland, eligible voters are photographed and fingerprinted and their biographic data is scanned using optical mark reader (OMR) technology. In 2010, ZEC introduced a biometric voter registration system. Tanzania does not provide for citizens abroad to register and vote.

There is ongoing discussion between the NEC and the National Identity Authority (NIDA) to introduce the use of biometric technologies to establish both the civil and voter registers for future General Elections in Tanzania. This process is expected to commence during 2013. The national identification system has already begun, in pilot form, with NIDA currently issuing national identity cards to public servants across the country. It is very encouraging that these discussions have taken place; equally so is the importance that the government of Tanzania appears to accord this project. The mission was however concerned with the lack of a clear financial commitment from the Government and the knock on effect on the timeframe in advance of the 2014 constitutional referendum. It takes note that since the Mission's departure the National Electoral Commission has given assurance that the biometric system would be in place for the 2015 elections.

Political Party Registration

Article 20 of the Constitution of the United Republic of Tanzania, together with the amended 1992 Political Parties Act, provides for a special body which is responsible for registration of political parties. Party membership is voluntary and open to all citizens without discrimination based on race, color, sex, language, religion, or socio economic status. In terms of party funding, political parties may receive contributions from foreign organizations based in Tanzania and from foreign citizens resident in the country. The political party law empowers the Registrar of Political Parties to regulate the conduct of political parties outside elections, while during elections, the Elections Finance Act regulates the conduct of political parties including their campaign financing. The decision of the Registrar regarding the cancellation of the registration of a party may be appealed to the court by way of judicial review. Political parties must submit audited financial reports to the Registrar of Political Parties after every election. Where parties have not complied with this provision, the Registrar may extend the period for compliance.

Political parties in Tanzania face many challenges including funding, internal democracy and inclusion of women, youth and marginalized groups in the party decision-making structures. The ruling, CCM, has been lately faced with the emergence of "factions" as the party prepared for its 2012 general meeting, and the eventual prospect of a presidential candidate succession for which the incumbent leader is not a candidate. The aftermath of the said meeting, which was held just after the end of the NAM, may bring about a stronger and more united CCM following the re-election of President Jakaya Kikwete as party chairperson. The process of nomination of a presidential candidate may yet prove to be a divisive factor for the party, which has dominated Tanzanian political life since independence.

While Tanzania's political party legislation guarantees freedom of association and the right to form political parties, it is notable that it does not provide for political parties to form electoral alliances or coalitions in their efforts to win elections.

Complaints and Appeals

Tanzanian law clearly identifies electoral offences and remedies. Low-level infringements related to voter registration, boundary delimitation and nomination of candidates for example, are submitted to registration officers and returning officers who must adjudicate them subject to an appeal to a lower court or the EMB. The decisions of the NEC and the ZEC on these matters are considered to be final and may only be appealed to the High Court by way of petition within 30 days of the declaration of results. The law of Tanzania does not allow for rejected presidential nominees to appeal the EMB decision nor anybody to challenge the presidential election results (the latter a rather unique feature). On all other electoral petitions, there is the High Court in mainland and in Zanzibar while all petitions are handled by the Appeal Court for the two parts of Tanzania. Judges are appointed to the Court of Appeal and the High Courts by the presidents of the Union and of Zanzibar on advice of the Chief Justice.

Human rights

The country enjoys a peaceful environment and fairly good record of respect for human rights, rule of law and participation in this area Tanzania is generally considered as having a better human rights record than its four East African neighbours (Burundi, Kenya, Rwanda and Uganda).

However, recently various incidents of human rights violations have been reported in both the Mainland and Zanzibar: use of excessive force by the police and prison guards, as well as societal violence including wide spread targeting for killing of “witches”, and religious-based conflicts which result in death and damage to properties including church buildings. There are incidents of restrictions on freedoms of press and assembly; restrictions on the movement of refugees; official corruption and impunity; societal violence against women and persons with albinism; child abuse, including female genital mutilation (FGM); and discrimination and violence based on sexual orientation. Trafficking in persons and child labor remain problems.

The environment is yet to be liberalized sufficiently to allow completely fair political competition and participation. The transition to political pluralism in 1992 was accompanied only by minimal institutional changes and few meaningful alterations in the operative rules of politics, resulting in democratic institutions lacking in some of the requisite legal framework, human and resource capacity to operate to their full potential and insufficient opportunities for genuine political participation.

The government has generally respected civil and political rights in the context of elections. There were no reports of political prisoners and no reported incidents of discrimination with regard to the exercise of the right to vote or to be elected (the Mission did however take note of the CUF allegation in Zanzibar of a discriminatory approach to the issuance of attestation letters by Shehas, which, as they claim, affects the ability of citizens to register as voters). The media generally operates without unreasonable restrictions. However, the existence of laws to regulate public gatherings is widely

regarded as having the potential to curtail the freedoms of assembly and movement by citizens, especially during election campaigns. Provisions in the law such as the need to apply three days in advance for a permit to meet or hold a public gathering could be problematic. The police reserve the right to refuse to issue such a permit if they consider that security conditions are unsuitable.

Gender issues

The Tanzania constitution upholds the principle of equality between men and women, and refuses discrimination based on sex. In recognition of the important role that women play in the country, the Government signed the Convention for the Elimination of all forms of Discrimination Against Women (CEDAW) in 1980 and ratified it in 1985: Plan of Action of the 4th World Conference of Women, Beijing Declaration, Gender and Development Declaration by Heads of State or Government of SADC Gender Policy 1997 and committed itself to the National Women in Development (WID) Policy in 1992.

There is a strong and active women's movement in Tanzania that has organized itself into technical groups such as for media, law, entrepreneurship, etc. These groups have taken steps to disseminate information to men and women on issues such as the rights of women, violence against women, lobbying the Government to pass legislation that would give women some protection against violence as well as protect their rights. The Government's commitment to the empowerment of women is documented in the National Women and Gender Policy (2000) and the National Strategy for Gender and Development which identify the major constraints and interventions to achieving gender equity for sustainable human development in the country.

Women's representation at the parliamentary level is increasing thanks to the new constitutional requirement for women to constitute between 30% and 50% of the Members of Parliament. The National Assembly numbers currently stand at 41%. Despite the commitment to increase the representation of women in the political sphere, the imbalance remains pronounced mainly because of cultural norms and traditional practices. Neither have economic reforms addressed the increasing poverty among women who have tried to advocate for reconciling growth with gender equity.

While the commitment to the advancement, inclusion and equality of women in politics may be clear and sincere in many places, the delivery on the commitment remains a structural and political challenge. It is clear at least some parties are willing to upgrade their women candidate search efforts, well in advance of party nomination deadlines

4. Civic Education

The Constitution of Tanzania guarantees the principal human rights and freedoms necessary for democratic elections, including the right of citizens to participate in government and freedoms of expression, assembly, association, movement, conscience, and freedom from discrimination. Specific electoral rights include the right to vote and to stand for election. Apart from civics lessons which form part of the school curriculum,

Tanzania has no national institution with a definite mandate to facilitate civic education. Therefore, the EMBs, civil society and some international organizations support civic and specific voter education closer to elections. Despite a comprehensive and country-wide voter education programme carried out under the auspices of the UNDP's Electoral Support Programme (ESP) and in conjunction with national civil society organizations (including small grants), only 42% of the eligible voting population participated in the 2010 General Election, a figure that may reflect a bloated voters list as noted above. The reasons for the 2010 (Mainland) low voter turn-out are unclear as noted by UNDP commissioned university studies, post 2010 election. Low turn out in 2010 was likely a combination of several factors, among them voter belief that the result was predictable, declining interest in elections, lack of confidence in political parties, lack of trust in the electoral process, fear of violence and the perception that elections do not hold material benefits for citizens. Zanzibar voter turn-out was more than 90%, which possibly indicates that turn-out is high where voters believe each vote counts in an important contest.

It is not clear that more civic or voter education will necessarily lead to high turn-out. Yet, it is clear civic and voter education empowers people to be able to choose whether or not to exercise their right and opportunity to vote. There is a public perception that civic and voter education is neither comprehensive nor continuous enough and therefore has not paid back yet. Many stakeholders including NGOs, political parties believe that a national strategy for civic and voter education strategy is needed in order to address some of the issues that may have precipitated the low Mainland turnout in 2010.

6. INSTITUTIONAL CAPACITY AND PLANNING CONCERNS

The Electoral Commissions – NEC and ZEC

Both Electoral Commissions, NEC and ZEC, could be said to have capacity (and credibility) limitations that are intrinsic to their structure, notwithstanding the presence of experienced senior personnel in several positions on both of them. They are both dependent on the benevolence of the local administration for middle level management of the electoral process in the field.

The NEC personnel met by the Mission shared their concern regarding the state of preparedness for the cycle of activities running through the update of the register of voters, the conduct of the constitutional referendum and the subsequent general elections. In particular there was a concern at the tight time frame, and the apparent incongruence between the planned timeline for the update of the register of voters and the proposed constitutional referendum timeline. The proposal to hold the referendum by April 2014, marking the 50th anniversary of Union Day conflicts with the original plans by the NEC to finalize the register of voters by September 2014. It did not appear to the Mission that this conflict had already been raised to a higher level. There is the added fact that Tanzania is yet to enact a law to govern the conduct of referendums on the Mainland.

Zanzibar enacted such a law for the 2010 referendum on the creation of the Zanzibar Government of National Unity.

A review of the NEC's original voter registration plans, which is urgent, is hampered by three principal factors: funding uncertainties (both government and partners have yet to determine what resources to commit to the process); the strategic decision taken by government to have voter registration and the national identification processes harmonized and streamlined, introducing biometric identification systems (which means that the NEC is not fully at liberty to make separate plans); and the NEC's own limited technical capacities.

NEC has held extensive discussions with the National Identification Authority (NIDA) on the prospects for jointly conducting their two operations, based on the government's strategic decision. While this is in itself a positive step, the tight timeframe within which the NEC has to conduct key tasks (as well as the resource uncertainties) raises doubts as to the feasibility of the plan. A simple simulation, based on the information provided to the NAM, indicates that key deadlines for the target dates (as presently planned) to be met, in particular procurement deadlines, have already been missed. Increasing the number of registration kits, to ensure that more parts of the country are covered at the same time would result in a significant increase in costs, presently not an option, considering the existing funding uncertainties.

The NEC is itself aware of some of the shortcomings of the current register of voters, which is the subject of some political debate. However, **the option of using the current register for conducting the referendum should not be entirely discarded** in the view of the Mission – this would leave the NEC with more time to prepare and conduct a thorough update of the register. It is an option that would be more viable if the constitution review process resulted in a draft constitution that enjoys broad-based consensus support.

The most recent General Elections in Tanzania saw a low voter turnout (possibly related to a bloated register of voters, along with other factors such as voter apathy). The Mission's interlocutors pointed to a serious deficit in civic and voter education as being the principal cause for this phenomenon. If this deficit is to be addressed appropriately, in addition to strengthening its own capacities, the NEC would need to reinforce and further diversify its civic and voter education partnerships with civil society organizations – countrywide, and in a timely manner. Some CSOs met by the Mission claimed that the NEC delayed the approval of their voter education material, which had a knock-on effect on their ability to implement their projects. **The UN and development partners could help in forging and nurturing such partnerships.**

In what may be considered an acknowledgement of its own structural weaknesses (much criticized by opposition political parties and highlighted in past observer reports), the NEC is proposing to undertake a major restructuring that puts the emphasis on establishing a dedicated countrywide presence on a permanent basis. The cost implications of this (covering both infrastructure and personnel) are significant and the

Mission was left wondering whether such a process should (or indeed could) be undertaken virtually simultaneously to what will be a particularly busy few years for the institution (in any case, such a restructuring would only take care of one part of the criticisms of the NEC, leaving untouched the perception issues surrounding the manner of appointment of the commissioners). This concern on the part of the NAM also takes into account the specific context of a major constitutional review process which could profoundly refashion some institutions such as the NEC (opening up the possibility of two restructurings in very short order). Interestingly, some opposition party voices have expressed the view that NEC reform should be prioritized (ahead of the constitutional review), that the constitutional review process be allowed more time (which would deprive the ruling CCM of a prized nation-building achievement ahead of the 2015 election), and that a reformed NEC be established (under new legislation) to organize both the general elections and (later on) the referendum. The government has not openly expressed any views on this idea.

While the Mission interlocutors expressed strong views about the need to reform the NEC and enhance its capacity prior to the referendum and the 2015 elections, those who spoke about ZEC were more trusting of this EMB. The challenge of introducing biometric technology for voter registration and the conduct of voter registration in general was less pronounced with regard to ZEC as the latter has used this technology successfully to produce the 2010 voters' register. Besides some questions about ZEC's impartiality, the Mission did not come across any significant contestation of the credibility and capacity of ZEC to successfully conduct any electoral process including the referendum and 2015 elections. This may be explained partly by the fact that ZEC has had an experience of conducting a referendum in 2010, unlike NEC that has never done this before. It could also be linked to the establishment of the Government of National Unity, which includes the traditional opposition. The main challenge remaining for ZEC is the update of the voters register which has not been updated since 2010.

Other Stakeholders

-Political Parties

The political parties remain largely closed organizations, in some cases closely tied to the person of the leader. Party members are poorly informed about party constitutions, rules, structures and processes for internal election and decision making. This particularly handicaps women, youth and the poor. The parties wish to modernize their communication and services to members for participation in policy/platform development and in decision making and internal elections.

There is ample scope in Tanzania for political party development work and capacity building, a field in which various German political party-linked foundations are active (Friedrich Ebert, Konrad Adenauer, Hans Seidel), as well as for the promotion of cross-party activities promoting dialogue, joint reflection on national issues, etc (a space which, on the national side, is mainly occupied by the Tanzanian Centre for Democracy, TCD, which itself collaborates with various international partner organisations). TCD is also

active in capacity building of political party actors, advocacy for legal reform of the political legal framework, and has more recently undertaken a project to canvass the views of the various political parties on the essential elements of the constitution review process, in an effort to come up with a harmonized text (or pointing out significant divergences where they exist) emanating from the parties.

Though political parties are key stakeholders in electoral processes, the Mission was of the view that the UN's intervention, if any, in the political sphere should be targeted more towards high-level engagement geared towards encouraging the creation of forums for political dialogue, rather than classic political party development activity. The Mission did not see the UN adding much value in the latter, while also noting the risks linked to such work in a polarized environment. Such risks are likely to contaminate its more crucially needed intervention in mainstream electoral assistance.

-Civil Society

Civil society organisations in Tanzania are very active in democratic governance, among other fields; they monitor the national and local government budgets and generally contribute to the promotion of transparency. Civil society actors at all levels are actively engaged in promoting awareness and promoting participation in political life and decision making and are key partners to the EMBs in the delivery of voter education. Civil society interlocutors of the Mission underscored the need for early and wide spread civic and voter education prior to the referendum and electoral process (which, in their estimation is already quite late, as it concerns the constitution review process).

Past experience has shown that a non-bureaucratic, agile mechanism for enhanced collaboration and communication between the EMBs and the CSOs on the voter education curriculum and materials needs to be established early so as to allow the latter to reach their desired constituencies, and in a more effective manner. It is also essential to provide in any programme of support, for a component of capacity building for CSOs to enhance their own internal capacities of conceptualizing projects, managing and accounting for resources, etc.

The Mission also perceived that CSOs appeared to work in isolation one from another which could in itself be a hindrance to achieving the ambitious objectives of a major countrywide voter and civic education campaign straddling the referendum and election activities over the next three years. Without forcing the creation of artificial partnerships, the Mission believes that opportunities should be sought to encourage greater interaction and coalition building among CSOs with an interest in the civic and voter education space.

-The Media

The media in Tanzania enjoy a considerable amount of freedom, and are generally considered to be the freest within the sub-region. This freedom often manifests in notably

sensationalist news reportage in the political arena. The problem of sensationalist reporting was addressed in the previous election projects with a measure of success.

As was shared at one of the Mission's meetings, which included media representatives, journalists and editors are in a very vulnerable situation as they are mainly overridden by media house owners during politically charged times. This is not likely to change in the short term, and if such change is to take place, it can only accompany broader changes in the political environment. In the meantime, training on responsible election coverage and other capacity building initiatives need to be pursued, even if their impact is mitigated by this political and media ownership reality.

Professionally conducted media monitoring can also profitably be used as an effective means of holding up the mirror to the media, and of encouraging and empowering regulatory agencies such as the Media Council to fulfill their function.

The Mission is of the view that, other than in the context of promoting civic and voter education, including through community media, media support activities should not be included as a project component.

-The Police

The security picture in Tanzania, and in particular as it relates to the upcoming referendum electoral processes, is mixed. On the one hand, recent incidents of violence in both the Mainland and Zanzibar, could point to a potentially challenging security environment as the referendum and elections draw nearer. On the other hand, the generally peaceful environment in which the last elections were held, (including in Zanzibar, which has traditionally experienced episodes of elections-related violence) and the subsequent formation of the GNU in Zanzibar are positive indicators.

The Tanzania Police are not unaware of the risks, and have factored them into their broader plans to retool and modernize the Force, to meet with emerging challenges. The Mission met with the Inspector General of Police and other senior officers. While the police have come under some criticism lately for their forceful response to situations, there is a clearly articulated intent on the part of the senior command to move in the direction of a new ethos, placing greater emphasis on proportionality of response, enforcement as a last resort, and founded on a community policing approach. Election security would benefit significantly from such an approach, with enhanced flows of security-related information, and a greater emphasis on prevention.

The Tanzania Police benefited from international community support through the ESP at the last elections, which they would like to see expanded this time around. The agency's goals are ambitious, and, naturally, go beyond the scope of an electoral assistance project, as is planned. Prioritizing needs and determining what is most relevant to creating a state of readiness to provide election security will be essential. The Mission endorses the inclusion of support to the Police as a project component with this proviso in mind.

7. DEVELOPMENT PARTNERS

Tanzania's development partners have been active in support of electoral processes in Tanzania since 1995. Through the UNDP partnership approach, with resources mobilized through a 'basket' funding model over 60 million USD was raised from various partners including; DFID, the Netherlands, EU, Canada, Finland, Norway, Switzerland, Sweden, Denmark, Germany and UNDP. With this money UNDP supported the 2005 General Elections, a four year multi-stakeholder "deepening democracy in Tanzania" initiative and the 2010 elections. Independent evaluation reports have recorded overall positive results for relevance, efficiency, effectiveness sustainability and value for money in project management and delivery.

The NAM met with a broad range of partners and found that they were all generally in favour of UN assistance. The Mission however noted some divergence of views on the kind and extent of support that the UN system should provide. Some partners were of the view that the UN should focus on areas in which it has demonstrated a "comparative advantage", leaving remaining areas to be covered by "others". The perceived areas of "UN comparative advantages" were not clearly articulated by all, nor were the "others" identified. The Mission shared its concern with partners that this could create a situation in which key areas were not supported or under-supported, as the time necessary for actors who do not already have a presence in Tanzania (or plans in that direction) to mobilize could be considerable. Some interlocutors were however more explicit in advising that the UN should concentrate on support to "the mechanics" of the electoral process, such as supporting the institutional capacity of the EMB to deliver strictly elections-related activities, the security sector and the Registrar of Political Parties, and the conduct of voter education, to the exclusion of areas such as civic education, media support, and political party support.

There were other partners who felt this would amount to reinventing the wheel in international electoral assistance strategies, expressing the strong view that a UNDP-managed project should remain the common vehicle for support around which all partners should converge (though not excluding complementary support activities). Such an approach, additionally, could create problems for coordination and unity of purpose, besides the possible introduction of undesirable institutional rivalries – the more institutional actors that are involved, the greater the risk of such rivalries creeping in.

It is apparent that these views have been developed and further sharpened by the fielding of a joint EU/DFID mission a few weeks before the NAM, which focused on a consideration of the zero draft of a UNDP project document (DEP, Democratic Empowerment Project). A draft of that report was graciously shared with the NAM members, after the Mission had departed Tanzania. The report is critical of the draft project document, highlighting, among other weaknesses, a "narrow strategic vision", which prioritizes "management systems over broader reform and integrity systems". While not seeking to address the entirety of the report (far beyond the scope of the NAM), much less to discredit it (the report provides a reasoned and solid basis to

improve the draft DEP document) the NAM is of the view that the issues of reform and process integrity cannot be fully dealt with at the project level, and, in any case, need to be dealt with in a pragmatic manner, well short of the extreme of establishing conditionality (or perception of such). Quite appropriately, the draft report states, in its “Recommendations to UNDP for DEP improvement”: “as much as possible, use institutional good offices and diplomacy to facilitate the advancement of the reform agenda and to enhance the integrity of the political processes to be supported”. This indeed, in the view of the Mission, is a common task for development partners.

In this regard, it would be desirable for international partners to agree on a set of reform and integrity issues to put to the NEC (and government authorities) as objectives to achieve in the partnership being established between the two sides. UNDP could facilitate such a process (many of these issues are already identified in past observer mission reports; what remains is for them to be put on the table as goals, as part of a process of establishing a new partnership for support to the electoral process).

Assessment of potential for election-related violence

Given the factors identified above (including high youth unemployment, inter-religious tensions and the radicalization of certain “opposition” sectors), the potential for election-related violence is considered medium to high, though probably limited to isolated incidents. Deliberate efforts would need to be made to manage this risk, and minimize threats to the referendum and electoral processes.

8. RECOMMENDATIONS

The needs assessment mission recommends:

- A) The reformulation of the UNDP Democratic Empowerment Project (DEP) along the following component lines:
- Capacity development and support to EMB reforms (legal and institutional reform were identified as a priority need); this support may include strengthening the EMBs' capacity to effectively undertake the constitutional referendum, and assisting the generation and refinement of proposals for NEC reform;
 - Civic and voter education, and related communication activities, including support to community media, and civil society;
 - Support to fostering inclusive participation in elections: targeting women, youth and people with disabilities and rural voters.
 - Operational and technical support to EMBs covering various phases of the electoral process: to include voter registration, referendum and the general elections, results management, and observer accreditation and related activities;
 - EMB institutional strengthening including staff professional development based on BRIDGE methodology
 - Conflict prevention/community dialogues and support to creating a peaceful environment for the elections, including EMB/stakeholder outreach and partnership building, dialogue for peace initiatives, and collaboration with the office of the Registrar of Political Parties and the media;
 - Support to election-related dispute resolution structures.
 - Support to political parties in technical areas such as women candidate identification, training women candidates on technical skills, training on election finances, and technical steps in platform development, updating and enforcement of the political parties code of conduct.

The indicated “priority areas” are areas in which, in the view of the Mission, support is required as a matter of urgency – particularly to help sharpen the proposals already on the ground. Consideration should be given to the development of an “inception plan” to cover this bloc of activities, ahead of the full establishment of the UNDP project.

- B) That the reformulated project covers the period 2013 – 2016, through the general elections. The project should use the direct implementation modality.
- C) That coordination and direct support to observation (domestic or international) should not be included among project activities.

- D) Strong country office-headquarters information flow and open communication in the course of project formulation and implementation. This should include later EAD-led missions timed to match the phases of the referendum and related activities in the context of the 2014 referendum and the general elections.
- E) Strengthening framework to harness collective capacity and resources within local UN system to support future elections in Tanzania: strengthening UN synergy and collaboration with UN Women, UNICEF and UNESCO and others as appropriate.
- F) UNDP technical support for the procurement of goods and services in respect of the new voter registration system, if requested by the Government, considering the organization's experience in this field.
- G) The mission encourages the Resident Coordinator's pursuit of high-level engagement with the national authorities, in concert with relevant Heads of Mission. Such engagement could be used to good benefit on issues such as advocating for urgent definition of the government's intentions in regard to the funding of the electoral process (especially for the registration of voters), promotion of integrity in the electoral process, as well as on the need for enhanced political dialogue especially on constitutional issues, with a view to building broad consensus that could mitigate the sense of "loss" that might be felt by those espousing diametrically opposed views on key issues.

ANNEX 1

UN ELECTORAL NEEDS ASSESSMENT MISSION TO TANZANIA

UNITED NATIONS ELECTORAL ASSISTANCE DIVISION

29 October – 9 November 2012

I. Introduction

1. These Terms of Reference (ToRs) are intended to govern the organization, activities and reporting of the United Nations Electoral Needs Assessment Mission (NAM) to Tanzania. They should be read in conjunction with the UN Electoral Needs Assessment Mission guidelines and Policy Directive on Principles and Types of UN Electoral Assistance prepared by the Electoral Assistance Division (EAD) and approved by the United Nations Focal Point for electoral assistance (“UN Focal Point”).

II. Purpose of the Needs Assessment Mission (NAM)

2. The purpose of the NAM is to evaluate the political and electoral environment, the legal and institutional framework governing the electoral process and the capacity and needs of the various election stakeholders in Tanzania, with a view to recommending whether the UN should provide electoral assistance. If the recommendation is to provide assistance, the NAM also recommends the type of assistance that should be provided and the parameters, including the length of assistance, and modalities that govern such assistance.

III. Decision to deploy a NAM

The NAM is being deployed following a request addressed to the UNDP Country Office by the Director of Elections with the National Electoral Commission (NEC) of Tanzania, on 25 May 2012, and subsequently transmitted to the Electoral Assistance Division of the Department of Political Affairs, United Nations Secretariat.

IV. Country Context

4. UNDP partnerships with NEC and the Zanzibar Electoral Commission (ZEC) and other national partners are well established based on previous support provided through the five year periods. 2000-2005 and 2005-2010. This election cycle support approach is in recognition that free and fair elections are only one element of democratic development and democratic practice. Along with the election management bodies, support has been requested and can be usefully provided to other key actors including the Registrar of Political Parties, the political parties, the Constitution Review Commission, the media and civil society organizations. The independent evaluation of the most recent election cycle support, the UNDP

Deepening Democracy Project (DDTP2005 and 2010), and the independent evaluation of the UNDP Election Support Project (ESP 2009-2011) confirmed the wisdom and value of an election cycle support approach.

As well, the United Nations Development Assistance Plan (UNDAP) 2011-2015, agreed by all UN agencies and government in 2011, is informed by this whole election cycle approach in the articulation of democratic governance key actions. This includes a commitment by the United Nations in Tanzania (UNDP) to provide support for the “election management bodies to better manage the election cycle through the application of integrated management systems” and specifically for UNDP to provide election cycle support to capacity assessments, training, and electoral assistance leading up to the general election in 2015. Since the formulation of the UNDAP it is now clear NEC may be called upon to conduct two simultaneous referenda (Mainland and Zanzibar) on constitution reform during this election cycle period, most likely in early 2014. Should this be the case, and should assistance be requested by NEC /government, UN support to the election cycle may include referendum related technical assistance to NEC.

V. Timing, composition and leadership of the mission

5. The mission will take place for 10 working days. The NAM will be led by Akinyemi Adegbola, Team Leader, Country Support Cluster, UNEAD, and shall include Joram Rukambe, Electoral Adviser, UNDP Regional Service Centre, Pretoria. It will be deployed to Tanzania from 29 October – 9 November 2012.

VI. Areas of Assessment

6. In close coordination with the Resident Coordinator and the staff of the UNDP Country Office, the NAM will assess the following:

- Political, legal, institutional, technical and security environment and electoral framework;
- Capacity and needs of election stakeholders and in particular the electoral management body or bodies;
- UN capacity for electoral assistance and co-ordination mechanisms;
- Current and planned electoral assistance by other organizations;
- Sustainability and cost-effectiveness of requested or proposed electoral assistance;
- Risks, benefits and advisability of the UN providing electoral assistance;
- Potential for election-related violence.

A gender and human rights perspective should be included in the assessment of each area, and the mission report shall contain information, analysis and recommendations concerning women’s participation in the political/electoral process(es).

VII. Interlocutors

7. Meetings should be held with a wide range of interlocutors and include a representative sample of election stakeholders drawn from (i) the UN system, (ii) Government authorities, (iii) electoral authorities, (iv) political parties, (v) legislature, (vi) judicial authorities, (vii) media, (viii) women's groups, (ix) civil society, (x) security services, (xi) international community, including accredited diplomatic missions, (xii) domestic and international observer groups, (xiii) other assistance providers, (ix) commentators, (x) minority/marginalized groups, (xi) internally displaced persons or refugee populations, and (xii) electorate.

VIII. Responsibilities of UN office on the ground

8. The mission will carry out its duties in close collaboration with the Resident Coordinator, liaising closely with UN staff on the ground as well as the diplomatic/donor community and other relevant national and international stakeholders.

9. The UNDP Country Office will prepare a briefing pack for the mission, including relevant background information, and organize meetings with a list of interlocutors, as described above.

10. The UNDP Country Office shall make all necessary practical arrangements for the mission. These should include: (i) providing transportation, and if necessary (ii) arranging for security briefings and any mandatory security and communication equipment, (iii) arranging for interpretation and translation services (iv) booking accommodation (v) and making visa on arrival arrangements.

IX. Media relations

11. The NAM should not seek out media coverage or hold press conferences unless specifically mandated to do so by DPA senior management. At the same time, it should not give any appearance of acting secretly. Therefore, if approached by the media, the team leader should explain the purpose of the mission and provide basic facts such as its duration and composition. It should be made clear that the mission will report back to the UN Focal Point, who will decide whether electoral assistance should be provided, and, if so, what form it should take. No comment on meetings or recommendations should be made. Steps can be taken by the team leader, or UN office on the ground under the guidance of the team leader, to clarify misrepresentations, either orally or in print, if these are deemed serious enough to warrant action. Meetings of the NAM may not be recorded or filmed (notes may be taken by the participants) and such guidance should be communicated to all interlocutors in advance of any meetings where relevant.

X. Security Arrangements

12. As may be relevant

XI. Funding Source

13. All costs relating to the participation of Akinyemi Adegbola will be covered by EAD. Costs for the participation of Joram Rukambe will be covered by the UNDP Country Office. The Country Office will cover costs related to practical arrangements on the ground (logistics).

XII. Reporting

14. The report and the executive summary will be prepared in English, for submission to the UN Focal Point. The mission leader is responsible for preparing the report, in close coordination with other members of the team. The report will be submitted to EAD within two weeks of the end of the mission.

ANNEX 2**LIST OF PERSONS MET BY THE NAM MEMBERS
25 October – 09 November 2012****Mainland****National Electoral Commission (NEC)**

Director of Elections, Julius Malaba

Heads of Departments:

Senior Economist, Salvius F. Nkwera

Administrative Officer, Philip D. Yatumla

Acting Head of Legal Division, Emmanuel Kawishe

Deputy Secretary and Head of PNVR Department, Dr. Sisti Cariah

Head- Procurement Logistics Unit, Ole-Mbille Kissiaki

Deputy Secretary of Planning, Monitoring and Evaluation, Oigemia F. Mpanduji

Deputy Secretary of Voter Education and Public information, Salvatory Alute

Other Statutory Bodies

Registrar of Political Parties, Justice John Tendwa,

Secretary to the Constitutional Review Commission, Assaa Rashid

Director of Elections NEC, Julius Mallaba

Director of Business Support Services, Avelin Mmburi NIDA

Director of Management Information Systems, Paul Phillip Bwanthondi, NIDA

Corporate Legal Secretary, Sabina Raymond, NIDA

Governing Party

CCM Secretary -General, Wilson Mukama

Opposition Parties

CHADEMA Secretary-General, Wilbroad Slaa

NCCR Leader, Mr. Faustine Sungura

Civil Society Organizations

Youth Country Partnership, Samwel Stanley

UNA-Tanzania, Hussein Mmasi

UNA-Tanzania, Fancy Nkuhi

Tanzania Women Cross-Party Platform, Ave Maria Semakafu

TAMWA, Valerie Msoka

Media Council of Tanzania, John Mireni

Tanzania Centre for Democracy Programme Officer, Daniel Loya

Academia

Lecturer of Political and Administrative Studies at the University of Dar es Salaam. Dr Benson Bana

Dean of the Faculty of Law, Prof. Bonaventure Rutinwa, University of Dar es Salaam

Donor Community

Heads of Mission:

Kenyan High Commissioner H.E. Mutinda Mutiso

Congolese (Kinshasa) Ambassador and Dean of the Diplomatic Community, J. P. Juma-Alfani Mpango

Finnish Ambassador H.E. Sinikka Antila

British High Commissioner H.E. Diane Corner

Acting Norwegian Head of Mission, Mrs. Anne Kristin

Swiss Ambassador H.E. Olive Chave

EU Delegation Ambassador H.E. Filiberto Ceriani Sebregondi

Swedish Ambassador H.E. Ambassador Lennarth Hjelmåker

Technical Group:

EU Head of Cooperation, Eric Beaume

EU head of Economics & governance Section Olivier Coupleax

EU Governance Adviser Serena Bertaina,

DFID Senior Governance Adviser Stuart Forster

DFID governance Adviser Mark Montgomery

Canadian Minister Counsellor Patricia McCullagh

Swiss Head of Cooperation, Geraldine Zeuner

British Head of Section, Mark Polatajko

Japanese First Secretary, Naotaka Sakaguchi

UN System

UN Resident Coordinator and UNDP Resident Representative, Alberic Kacou

UNDP Country Director, Philippe Poinot

UNDP Senior Governance Advisor, Steve Lee

UNDP Deputy Country Director, Titus Osundina

UNESCO Programme Officer for Communication and Information, Al-Amin Yusuph

UN Women Programme Specialist, Salome Anyoti.

International NGOs

Programme Coordinator, Richard Shaba, KAS

Hans Seidel Foundation, Konrad Teichert

Zanzibar**Government Leaders**

First Vice President of the Government of Zanzibar, His Excellency Seiff Shariff Hamad

Police Commissioner of Zanzibar, Mussa A. Mussa

Principal Secretary of Public Service and Good Governance, Joseph Meza

Deputy Principal Secretary to the Second Vice President's Office, Said Shaaban

House of Representatives

Speaker of House of Representatives, Hon Pandu A. Kificho,

Zanzibar Electoral Commission

Director of Elections, Salum Kassim Ali

Political Parties

CCM Deputy Secretary-General, Mr. Vuai A. Vuai

CUF Leader and Minister of Justice, Hon. Abubakar Khamis Bakari

ADC Chairman, Said Miraji

Religious Leaders

Secretary to the Zanzibar Mufti, Sheikh Fadhil Suleiman Soraga