

**VIOLENCE DURING ELECTION CAMPAIGNS IN TANZANIA: HOW IS THE LAW
DEvised TO ENSURE PEACEFUL ELECTION CAMPAIGNS?****Thobias Mnyasenga******Abstract***

Election campaigns form a feature of democracy that gives candidates a platform to inform people about the party manifesto and mobilise voters' support during elections. In Tanzania, general elections normally take place after every five years. Nonetheless, since the dawn of multiparty elections in 1995, election campaigns have been featured with violence. This threatens the conduct of free and peaceful elections. In some cases, general elections have caused destruction of properties, physical injuries and deaths. This paper, examines the law governing election campaigns in Tanzania with the view to identifying how it is devised to ensure peaceful campaigns. A desk review of primary and secondary sources was employed to collect information. The paper highlights that the law and its enforcement mechanisms have weaknesses that compromise impartiality on the law enforcement and supervisory organs; cause unequal and unfair playground between parties, and breach of the electoral code of conduct, physical violence and excessive deployment of police force. The study proposes for amendment of the law and provision of more civic education to the people and the media in order to make the law and its enforcement mechanisms effective.

Key Words: *Election campaigns, violence, Tanzania*

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1. INTRODUCTION

The purpose of election campaigns is twofold; first, to let the people know the parties' election manifesto and the way they address citizens' needs and interests; and second, to enable voters to know the contesting candidates enable them elect a candidate they deem appropriate.¹ It is a feature of democracy that provides electoral candidates with an opportunity to convince voters to choose or support them during election.² For the election campaigns to be fair and meaningful, they must be peacefully conducted.³ Indeed, election campaigns are said to be peaceful if no violence is experienced during the campaign period.⁴

The organisation of election campaigns differs across nations. In Tanzania, election campaigns are set, declared and coordinated by the National Electoral Commission (NEC).⁵ The conduct and organisation of such campaigns are done by the candidates, their political parties or agents.⁶ Usually, before the general election campaigns start, political parties propose names of contestants who will be nominated by NEC or returning officers to represent a political party in the national and local authorities' general elections.⁷ Whereas the national election involves election of the President of the United Republic of Tanzania, local authorities' election involves the election of ward councillors, village, street and *hamlet* leaders.

Unlike the national election, local authorities elections are divided into two categories: Councillors' election (usually done along with the presidential and parliamentary elections); and village, street and *hamlet* leaders' election (usually conducted one year before the councillors' election). In either category, local authorities' general elections take place after every five years.⁸

¹ Grbesa, M. To what extent and in what ways do election campaigns matter? University of Zagreb , XLII (2005) 87-95.hrcak.srce.hr>file, (accessed on 04 November 2020).

² Ibid.

³ Inter-Parliamentary Union (Council), Declaration on Criteria for Free and Fair Elections, 1994. Available at <https://www.ipu.org/our-impact/strong-parliaments/setting-standards/declaration-criteria-free-and-fair-elections> [Accessed on 7th June, 2022]. Also see the Organisation of African Unity (OAU), the African Charter on Democracy, Elections and Governance (OAU 2007). Available at http://archive.ipu.org/idd-E/afr_charter.pdf [accessed 6th November, 2022].

⁴ Ibid.

⁵ See the Local Authorities (Elections) Act, CAP. 292, R.E 2015, s 53(1) (b).

⁶ See the National Elections Act, CAP.343, R.E 2015, s 51.

⁷ Id. (n5), s42 (1); (n6), s38.

⁸ See Local Government System in Tanzania-Country Profile, 2017-18. Available at http://www.clgf.org.uk/default/assets/File/Country_profiles/Tanzania.pdf [accessed on 7th June, 2022].

Both elections involve a period of election campaigns. Therefore, election campaigns in Tanzania are conducted for two consecutive years after every five years.

Notwithstanding well organised elections, literature reveals that every election period in Tanzania has often been characterized with violence.⁹ Violence in election campaigns has not only affected the treelines and fairness of the election campaigns but also resulted in many casualties, loss of lives and destruction of private and public properties.¹⁰ It has become a source of hatred not only among the citizens but also between political parties and state machineries.¹¹ This corrodes the long-lived peace and harmony in the country and spoils the good image of Tanzania.

Little seem to have been done to examine the manner in which the laws governing election campaigns have been devised to ensure peaceful election campaigns. Therefore, the objective of this article is to examine ways in which the laws governing election campaigns (electoral laws) are devised to ensure peaceful election campaigns in Tanzania. For the purpose of clarity and conciseness, the article focuses on peaceful election campaigns, specifically, on the aspect of violence during election campaigns notwithstanding the fact that there are many aspects of free and fair election campaigns.

This paper employed desk review method to analyse and interpret the provisions of the Constitution, legal texts (principal and subsidiary legislation governing elections and election

⁹ Iddi, R. K., “Examination of the Legal and Regulatory Framework of Political Party Campaigns Towards General Elections in Tanzania” (LL.M Dissertation, Mzumbe University 2022) 4-10. Also see United States Department of State, *Tanzania Country Reports on Human Rights Practices for 2020*, Bureau of Democracy, Human Rights and Labour, 2020, at 20-21. Available at <https://www.state.gov/wp-content/uploads/2021/03/TANZANIA-2020-HUMAN-RIGHTS-REPORT.pdf> [accessed on 7th June, 2022].

¹⁰ See for instance IDEA, Thematic Workshop on Elections, Violence and Conflict Preventions: Summary Report, 2011. Available at <https://www.agora-parl.org/resources/library/joint-ec-undp-international-idea-thematic-workshop-elections-violence-and>, [accessed on 7th June, 2022]. Also see Tanzania Elections Watch, *Observation Report on the General Election Held in Tanzania on October 28, 2020*, Tanzania Elections Watch, at 32-33. Available at <https://www.khrc.or.ke/publications/226-final-election-observation-report-on-the-general-elections-held-in-tanzania-on-october-28-2020/file.html> [accessed on 7th June, 2022].

¹¹ Ibid.

campaigns in Tanzania) as well as non-legal materials in print and online from both Zanzibar and Mainland Tanzania

2. HISTORICAL CONTEXT OF VIOLENCE DURING ELECTION CAMPAIGNS

Violence in election campaigns was alien to Tanzanian elections prior to the 1990s.¹² Violence in national and local authorities' election campaigns started with the resurrection of multiparty democracy in the 1990s.¹³ Like other African states, the multiparty democracy from the western World was not willingly accepted in Tanzania because it was imposed by the western world as one of the International Monetary Funds (IMF) and World Bank conditions.¹⁴ Consequently, many African Countries did not design a legal framework that caters for fair and equal playgrounds between the ruling and opposition political parties.¹⁵ This planted some seeds of violence towards the national and local authorities' general elections campaigns that would consequently affect the freedom and fairness the elections process in general election campaigns in particular.

In Tanzania, the first multiparty elections were conducted in 1995, following the eighth constitutional amendment in 1992 that re-introduced multipartism.¹⁶ Since 1995 to 2020 there have been six multi-party general elections in Tanzania.¹⁷ Nevertheless, from the inception of multipartism, both national and local authorities' election campaigns have been characterized by some sort of violence.¹⁸ Several incidents of violence have been reported during election campaign in Tanzania, just like other African countries.¹⁹ Literature, for instance, shows that in the 1995 and the 2000 election campaigns, the police and the quasi-military units interrupted

¹²Msekwa, P., *Reflection on the First Decade of Multi-Party Democracy in Tanzania* (Hanns Seidel Foundation 2006) 77-83 & 132-137.

¹³ Ibid.

¹⁴ See Maina C.P., *Human Rights in Tanzania: Selected Cases and Materials* (Rüdiger Köppe, 1997) 18-24. Also see Ewald, J., *Challenges for the Democratisation Process in Tanzania: Moving towards consolidation 50 years after independence?* (University of Gothenburg, 2011) 25-31.

¹⁵ Ibid. Also see Makinda, S.M., *Democracy and Multi-Party Politics in Africa* (1996) *Journal of Modern African Studies*, 555-573; and IPI, *Election-Related Disputes and Political Violence: Strengthening the Role of the African Union in Preventing, Managing, and Resolving Conflict* (IPI 2010) 15-17, 18-27. Available at <https://www.peaceau.org/uploads/au-electionvi> [accessed on 7th June, 2022]

¹⁶ Brown, A., *Democratization in Tanzania: Stability Concerns During Transition and Consolidation* (1998) 30 (3), *Canadian Journal of Peace and Conflict Studies* 86-95.

¹⁷ Ibid.

¹⁸Ewald (n14); Iddi (n9); and United States Department of State (n9).

¹⁹ Nordiska Afrikainstitutet, *Violence in African Elections*, 2018. Available at <http://nai.diva-portal.org/smash/get/diva2:1262979/FULLTEXT01.pdf> [accessed on 23rd July, 2022].

several campaign meetings held by opposition parties. The counter responses by the followers of the opposition parties caused some violence in some areas of the country, notably I in Zanzibar.²⁰

Further incidents of election violence involving attacks on the contesting candidates and their supporters during the 2005 general election campaigns were reported in Dar es Salaam, Bariadi and Musoma in Mainland Tanzania.²¹ More incidents of violence involving CCM perpetrators were reported from 2010 and 2015 election campaigns in Mainland Tanzania.²² The European Union Election Observation Mission (EU EOM) for 2015 elections, for instance, reported some cases of arrests and detentions involving CHADEMA and CUF members in Dodoma, Iringa, Morogoro, Katavi, Mara and Kagera regions.²³

The atmosphere was also not calm in the 2020 general elections campaigns.²⁴ For instance, reports by election observers show that, two days before the voting day (28th October, 2020), the Police force fired live ammunition and killed three civilians in Zanzibar.²⁵ The reports further show that, other several psychological violence involved intimidation on the opposition political parties and the media in Mainland Tanzania.²⁶ Although the election observers' reports do not specifically mention the victims and their number, some evidence show that, many people were arbitrarily arrested and detained by the police; television and radio stations were suspended; mobile phones communications were censored; social media were blocked; and any content(s)

²⁰See for instance, FIDH & LHRC, *Zanzibar: Wave of Violence, A fact finding Report on Police Brutality and Election Mismanagement in Zanzibar*, (FIDH & LHRC, 2001) 16-20. Available at <https://www.refworld.org/pdfid/46f146f10.pdf>, [Accessed on 5th June, 2022].

²¹TEMCO, *The 2005 Elections in Tanzania*, Dar es Salaam (TEMCO 2006). Available at <https://searchworks.stanford.edu/view/6873134> [Accessed on 30th November 2021].

²²SENDER, A.I., *Election Observation Delegation to the General Elections in Tanzania from 23 - 27 October 2015* (EU EOM, 2016). Available at https://www.europarl.europa.eu/cmsdata/212613/Election_report_Tanzania_25_October_2015.pdf [accessed on 30th November 2021]. Also see REDET, *Report on the 2015 Election in Tanzania, May 2016* (REDET 2016) 96.

²³ Ibid.

²⁴ Human Rights Watch, *Tanzania: Repression Mars National Elections, Stop, Investigate and Prosecute Serious* (2021). Available at <https://www.hrw.org/report/2019/10/28/long-i-am-quiet-i-am-safe/threats-independent-media-and-civil-society-tanzania> [Accessed on 7th June, 2022]. Also see Tanzania Elections Watch, *Observation Report on the General Election Held in Tanzania on October 28, 2020* (Tanzania Elections Watch) 23-33. Available at <https://tanzaniaelectionswatch.org/> [accessed on 7th June, 2022]. Also see IPI, *Election-Related Disputes and Political Violence: Strengthening the Role of the African Union in Preventing, Managing, and Resolving Conflict* (IPI 2010). Available at <https://www.peaceau.org/uploads/au-electionvi> [accessed on 7th June, 2022].

²⁵ Ibid.

²⁶ Ibid.

that criticised the government were restricted by the Tanzania Communications Regulatory Authority (TCRA).²⁷

In a view of this history, violence stands as a common feature in the past multiparty election campaigns in both Zanzibar and Mainland Tanzania. This is contrary to the international and regional standards for election campaigns as discussed in the next section.

²⁷ *ibid*

3. INTERNATIONAL AND REGIONAL STANDARDS FOR ELECTION CAMPAIGNS

At the international and regional levels, standards for peaceful election campaigns find its legal basis on the Universal Declaration of Human Rights, 1948(UDHR);²⁸ the International Covenant on Civil and Political Rights 1966(ICCPR);²⁹ and the African Charter on Human and Peoples Rights (ACHPR).³⁰ The UDHR states that government authority must be derived from the will of the people. There must be genuine periodic elections in which every individual is entitled to vote and be voted for.³¹ It further declares the right to freedom and peaceful assembly and freedom of association; the right to give opinion and self-expression; and the freedom to seek, receive and disseminate information or share ideas through the media.³² These provisions of the UDHR are *mutatis mutandis* of the provisions of the (ICCPR)³³ and the (ACHPR).³⁴

To give effect to the UDHR, the Inter-Parliamentary Union Council of Europe (IUCU), at its 154th session held on 26 March, 1994 in Paris, declared the criteria (regional standards) for peaceful campaigns. Such criteria include freedom of expression of political opinions without interference; freedom of movement countrywide for campaigns; campaigning on equal basis between the ruling and other political parties and; equal political parties' accessibility to the media. Other criteria relate to assurance of security of lives and properties of the people and the right to equal protection under the law.³⁵ Tanzania is a member to the IUCU. She is, therefore, bound to respect and adhere to it.³⁶

²⁸ UN General Assembly, 'Universal Declaration of Human Rights' (UN General Assembly Resolution 217 A (III) 1948), Arts 19, 20(1) & 21(3). Available at: <https://www.refworld.org/docid/3ae6b3712c.html> [accessed 7th July, 2022].

²⁹ The UN General Assembly, 'International Covenant on Civil and Political Rights' (United Nations Treaty Series,1966) Arts 19-22. Available at: <https://www.refworld.org/docid/3ae6b3aa0.html> [accessed 7th July, 2022].

³⁰ The Organisation of African Unity (OAU), the African Charter on Human and Peoples Rights (OAU 1981) Arts 9-11. Available at https://au.int/sites/default/files/treaties/36390-treaty-0011_-_african_charter_on_human_and_peoples_rights_e.pdf [accessed 7th July, 2022].

³¹ Id. (n29) Art 21(3).

³² Ibid. Art 19 &20.

³³ Id.(n30) Arts 19 &21.

³⁴ Id. (n31) Arts 9-10.

³⁵ Id. (n3) Art3.

³⁶ See 173 and 11 associate members of Inter-Parliamentary union. Available at <http://archive.ipu.org/english/membshp.htm> [Accessed on 23rd July, 2022]

Tanzania is also a member to the African Charter on Democracy, Elections and Governance (the ACDEG).³⁷ The ACDEG requires member states to adopt best practices in the management of elections.³⁸ It appeals to member states to adhere to the African Union Declaration on the Principles Governing Democratic Elections in Africa (DPGDEA).³⁹ Specifically, the ACDEG requires member states to ensure effective elections management through establishment and upholding independent electoral bodies. Furthermore, during election campaigns period, political parties and their candidates must be assured of reliable accessibility to state media. States should further devise codes of conduct which are legally recognised and binding during and after elections.⁴⁰

The DPGDEA referred to under Article 17 of the ACDEG provides that, electoral bodies must, among other things, be impartial, accountable and staffed with competently trained persons.⁴¹ It calls upon member states to safeguard human rights including the freedom of expression, campaigning, and equal access to the media by all the political parties and their candidates during elections campaigns.⁴² The DPGDEA further obliges member states to promote civic and voters' education; ensure adequate security to all political parties; ensure free movement of political parties for campaign and expression of their manifesto; and to ensure parties full access to the media.⁴³ The DPGDEA argues member states to ensure no person or any political party engages in any conduct that may cause violence.⁴⁴ In this regard, the DPGDEA requires all stakeholders to refrain from using abusive, provocative and defamatory and language.⁴⁵

At the sub-regional level, the Treat for the Establishment of the East African Community cements on the need for East African member counties to heed the fundamental principles of

³⁷ The Organisation of African Unity (OAU), the African Charter on Democracy, Elections and Governance (OAU 2007). Available at http://archive.ipu.org/idd-E/afr_charter.pdf [accessed 6th November, 2022].

³⁸ Ibid. Arts 2(3), (13) & Art 3(4).

³⁹ Ibid. Art.17.

⁴⁰ Ibid.

⁴¹ Art II (4) (e) of The Organisation of African Unity (OAU), Declaration on the Principles Governing Democratic Elections in Africa AHG/Decl.1 (XXXVIII), 2002. Available at <https://www.eisa.org/pdf/au2002declaration.pdf> [accessed 6th November, 2022]

⁴² Ibid. Art III (d).

⁴³ Ibid. Arts III (e) & (h); Art IV (5).

⁴⁴ Ibid Art IV(8)

⁴⁵ Ibid.

democracy, rule of law and protection of human rights.⁴⁶ These instruments lay down the basic standards against which the legal framework of election campaigns in Tanzania is examined.

4. LEGAL FRAMEWORK OF ELECTIONS CAMPAIGNS IN TANZANIA

In Tanzania, election campaigns are generally governed and regulated by the Constitution of the United Republic of Tanzania, 1977(the Constitution)⁴⁷ and several principal and subsidiary legislation related to the conduct of general elections. The relevant legislations that govern the election campaigns in Tanzania include the Political Parties Act (PPA),⁴⁸ The National Elections Act (NEA),⁴⁹ the Local Authorities (Elections) Act (LAEA),⁵⁰ the Election Expenses Act (EEA),⁵¹ the Police Force and Auxiliary Services Act (PFASA);⁵² the Local Authorities (Councillors' Elections) Regulations, 2020 (Regulations II),⁵³ the National Elections (Presidential and Parliamentary) Regulations, 2020 (Regulations I);⁵⁴ and the Political Parties (Code of conducts) Regulations, 2019 (the Code).⁵⁵ These legislations constitute the legal framework of elections and election campaigns. They provide and regulate the rights of parties to participate in the national and local elections, the rights and procedures in holding public political parties' meetings and campaigns, supervision of election campaigns, prohibited conducts and the right of access to the media during election campaigns.

4.1 Political parties' participation in national and local elections in Tanzania

The right of political parties to participate in the national and local authorities' elections is founded in the Constitution, the PPA,⁵⁶ the NEA⁵⁷ and the LAEA.⁵⁸ The Constitution lays the foundation of political parties' right to take part in the national and local authorities' elections under Articles 3 (1), 39(1) (c), 47(4) (c) and Article 67(1) (b). Whereas Article 3 (1) declares

⁴⁶ EAC, Treat for the Establishment of the East African Community (EAC, Arusha 1999) Art 6(d).

⁴⁷ Cap.2, R.E. 2008.

⁴⁸ Cap.258, R.E 2019.

⁴⁹ Cap. 343, R.E 2015.

⁵⁰ Cap. 292, R.E 2015

⁵¹ Cap. 278, R.E 2015.

⁵² Cap.322, R.E.2002.

⁵³ G.N. No.401 of 2020.

⁵⁴ G.N. No.402 of 2020.

⁵⁵ G.N. No.954 of 2019

⁵⁶ Id. (n48).

⁵⁷ Id. (n49)

⁵⁸ Id. (n50).

Tanzania a democratic state that adheres to multi party demo class, Articles 39(1) (c), 47(4) (c) and Article 67(1) (b) provides for the qualifications for presidential, vice president and parliamentary candidature. These constitutional provisions, specifically, require a contestant to be a member and sponsored by a political party in order for him or her to qualify for the respective candidature.

That being the constitutional position, it is therefore the political parties that have the right to nominate a contestant for presidential and parliamentary membership. By virtue of Articles 3 (1), 39(1) (c), 47(4) (c) and Article 67(1) (b) of the Constitution, political parties are directly entitled to participate in the national and local authorities' elections. This constitutional right is reiterated under section 11(3) of the PPA and further provided under section 36 of the NEA as well as section 39 of the LAEA.

Nonetheless, the right of political parties to participate in the national and local authorities elections is enjoyable only by the political parties registered in accordance with the laws of the land.⁵⁹ Therefore, notwithstanding the constitutional right guaranteed to every person to directly or indirectly participate in the affairs of the government by holding any political pots in the country,⁶⁰ the Constitution itself and the electoral laws made under it, restrict such right to only members of registered political parties. Even though it is not the intention of the author to assess the constitutionality of such restrictions, it suffices to state under this discussion that, such restriction is contrary to Article 21(3) of the UDHR.

4.2 Political parties' public meetings and election campaigns in Tanzania

Political parties' right to conduct public meetings and election campaigns is grounded in the Constitution and the electoral laws made under it. The Constitution vests in every person the right to freedom of opinion and expression; the right to seek, receive and, or disseminate information; the freedom to communicate and; the right to be informed about various important events, activities and important issues in the society.⁶¹ Besides the Constitution, the PPA vests in

⁵⁹ Id. (n47) Art 3(2).

⁶⁰ Ibid. Art 21.

⁶¹ Id.(n47) Art 18.

every fully registered political party the privilege to hold and address public meetings in any area within the United Republic of Tanzania and to campaign for any candidate in any election.⁶² The Act further entitles every registered political party the right to protection by, and assistance of the security agencies for the purposes of facilitating orderly and peaceful meetings.⁶³ The parties' right to hold public meetings and conduct election campaigns is further recognised and provided by the LAEA.⁶⁴ This right is not limited to public rallies only. It extends to conducting door to door campaigns and canvassing.⁶⁵ The item presents a discussion of procedures for exercising the said right.

4.3 Public meetings and election campaigns procedures

The exercise of the right to conduct public meetings and election campaigns is subjected to the operation of sections 43, 44, 45 and 46 of the PFASA.⁶⁶ Section 43 of the Act and section 11(4) of the PPA require political parties to provide a written notice of the intended public meeting to the police officer in charge of the area not less than forty-eight hours before the meeting or procession commences.⁶⁷ The rationale for giving notice to the police officer in charge of the area is blurred. It is not clear whether the notice is meant to seek permission or to inform the police about the intention to hold a meeting for them to discharge their duty of providing protection and assistance for the purposes of facilitating peaceful and orderly meeting as required by section 11 (1) (b) of the PPA.

Furthermore, section 44 of the PFASA gives the police officer in charge of the area the discretion to stop or prevent the holding or continuance of any assembly or procession in any place whatsoever and disobedience to such order is criminal offence.⁶⁸ In this regard, the PFASA Provides:

The officer in charge of Police may stop or prevent the holding or continuance of any assembly or procession in any place whatsoever if, in the opinion of such officer the holding or continuance, as the case may be, of such assembly or procession breaches the

⁶² Id.(n48) s11 (1) (a) & (3).

⁶³ Ibid. s11 (1) (b).

⁶⁴ Id.(n50) s 53(1) (b).

⁶⁵ Ibid.

⁶⁶ Id. (n52) s11 (2).

⁶⁷ Ibid. Also (n53)43.

⁶⁸ Id. (n52) s 44.

peace or prejudices the public safety or the maintenance of peace and order and may, for any of the purposes aforesaid, give or issue such orders as he may consider necessary or expedient, including orders for the dispersal of any such assembly or procession as aforesaid.⁶⁹

What constitutes breach of the peace or prejudice to the public safety or the maintenance of peace is not clear from the above quoted provision of section 44 of the PFASA. It is therefore, left upon the discretion of the police officer in charge of the area to determine. This is too wide discretionary powers on part of the police which may be amenable to abuse and curtailment of political parties' right to hold public meetings and election campaigns.

The provision of section 44 of the PFASA further gives the police officer in charge of the area the discretion to give or issue such orders as he may consider necessary or expedient, including orders for the dispersal of any such assembly or procession. This provision is also very wide. It does not specify the orders that the police officer in charge may issue. Worse still, such orders may be issued during a meeting because the provision of section 11(6) of the Political Parties Act allows any political party to proceed with a meeting once it has submitted the written notice to the police officer in charge of the area. This will likely cause resistances to police orders and violence as it may be more difficult to disperse people already gathered in a meeting than ordering them not to convene the meeting.

Unlike public meetings and procession, the notice requirement under section 11 (4) of the PPA and section 43(1) of the PFASA is furnished by declaration of campaign period and submission to the District Commissioner and the police officer commanding district of the coordinated campaign programme.⁷⁰ That is, a declaration of election campaign period constitutes a permit for the candidates and the political parties sponsoring such candidates to convene and address public meetings for the purpose of furthering the candidate's election or undertake any public or door to door canvassing.⁷¹ The campaign period starts immediately after the nomination of

⁶⁹ Ibid.

⁷⁰ Id. (n49) s51 (5); (n50) 53(2); (n53) Reg35; (n54) Reg44.

⁷¹ Ibid.

candidates to the day immediately preceding the Election Day.⁷² The duty to declare the dates on which election campaigns shall commence and terminate is vested in the National Electoral Commission (NEC).⁷³

To ensure peaceful and orderly election campaigns, political parties sponsoring candidates are required to submit to the returning officer a programme or schedule of public meetings that shall be conducted by or on behalf of their candidates within the respective districts and wards.⁷⁴ The proposed schedule must specify the dates, time and places where such meetings will be held.⁷⁵ Upon receipt of the proposed schedule from each political party, the returning officer is required to convene a meeting of all the respective political parties or candidates to discuss and agree on a coordinated programme of campaign meetings.⁷⁶ The returning officer is therefore obligated to scrutinise the campaign programmes of all the candidates and where necessary advise the candidates to make alterations to avoid overlaps and collisions.⁷⁷

Upon agreement on the coordinated campaign programmes, the returning officer must submit and distribute the copies of the coordinated programmes to the District Commissioner; the political parties involved in the councillors election in the Ward; and to the Police Officer Commanding District (OCD) for the purpose of providing security at such campaign meetings.⁷⁸ Each political party is required to abide with the coordinated programme save the door to door canvassing.⁷⁹ Should a political party wish to change its campaign venue or schedule, it must inform the Director of Elections in writing stating the reasons for the change.⁸⁰ All campaigns must be conducted between eight o'clock in the morning and six o'clock in the evening.⁸¹

⁷² Id. (n53) Reg 2; (n54) Reg 2.

⁷³ Id. (n50) s53 (1) (a).

⁷⁴ Ibid. Also (n54) Reg 43; (n53) Reg36.

⁷⁵ Ibid.

⁷⁶ Ibid.

⁷⁷ Ibid.

⁷⁸ Ibid.

⁷⁹ Ibid.

⁸⁰ Ibid.

⁸¹ Ibid.

4.4 Supervision of local authorities' election campaigns

Supervision of election campaigns is one of the most contentious areas in Tanzania. The general supervision of election campaigns is vested in the NEC.⁸² It is the NEC which is responsible for declaring the dates on which election campaigns shall commence and terminate.⁸³ This responsibility is discharged through returning officers or assistant returning officers appointed by the NEC.⁸⁴ The said returning officers include every City Director (CD), Municipal Director (MD), Town Director (TD) and District Executive Director (DED) to be the Returning Officers for their respective local government authority (LGAs).⁸⁵ Returning officers are responsible for the supervision, coordination and conduct of elections in the respective districts and wards.⁸⁶ The NEC may also appoint such number of assistant returning officers as it may deem fit from amongst public officers to assist the returning officers in the supervision and coordination of elections in the constituency.⁸⁷

In the discharge of their election supervision and coordination roles, returning officers and assistant returning officers are required to call and convene a meeting of all the political parties and candidates to discuss and agree on a coordinated programme of campaign meetings.⁸⁸ They are accordingly required to scrutinise the campaign programmes submitted and advise the candidates to make alterations that avoid overlaps and collisions.⁸⁹ Upon agreement, the returning officers are required to distribute copies of coordinated programmes to the District Commissioner, political parties involved in election, and to the police officer commanding district for the purpose of providing security in such campaign meetings.⁹⁰ Besides the returning Officers and Assistant Returning Officers, there are District Commissioners and the Police Officer Commanding District in the respective districts. These are responsible for ensuring order, peace and provision of security during election campaign meetings.⁹¹

⁸² Id. (n47) Art 74(5).

⁸³ Id. (n50) s53 (1) (a).

⁸⁴ Id. (n54) Reg10; (n53) Reg9&10.

⁸⁵ Id. (n49) s7 (1); (n50) s 9(1); (n53) Reg8&10.

⁸⁶ Ibid.

⁸⁷ Id. (n50) s7 (2); (n53) Reg (11); (n49) s7 (2).

⁸⁸ Id. (n49) s 51(4); (n54) Reg43 (4&5); (n53) Reg36 (4&5).

⁸⁹ Ibid.

⁹⁰ Ibid.

⁹¹ Id. (n50) s53 (3)(c); (n55) Reg36(5)(b); (n54) Reg43(5)(b).

In all cases, analysis of the law governing the supervision of elections and election campaigns in Tanzania shows that, the entire supervisory role of election campaigns is vested in public servants under the executive. Except the NEC which is a constitutionally autonomous institution, all the electoral staff who discharge the duties of the Commission in the election campaigns are public servants.⁹² Members of the NEC itself are appointees of the President too.⁹³ Furthermore, even though the police officers are not allowed to be members of any political part, they are part and parcel of the executive who, by necessary implication, are under the duty of obedience to the orders of the President as the Commander in Chief of the armed forces.⁹⁴ This raises doubts on their impartiality and fairness. As noted under item 3.0 above, Art II (4) (e) of the DPGDEA requires electoral bodies to be impartial, inclusive and accountable. The manner members of the NEC are appointed and the manner the Returning Officers are appointed does not seem to guarantee such expected impartiality and accountability.

The constitutionality of appointing City Directors (CDs), Municipal Directors (MDs) and District Executive Directors (DEDs) as Returning Officers was challenged in *Bob Chacha Wangwe v Attorney General and Two Others*.⁹⁵ The High Court of Tanzania found the provisions of sections 6(1) and 7(1-3) of the National Elections Act unconstitutional. The High Court had grounds on the fact that, since CDs, MDs and DEDs are appointees of the president, they are answerable to the President and the impugned provisions of the National Elections Act do not set out any safeguards or restrictions to make them independent and accountable as required by Article 74(14) of the Constitution. In effect, the impugned provisions favour the ruling party which has the President appointing the CDs, MDs and DEDs to whom they are answerable.

On appeal by the Attorney General, the High Court decision was set aside by the Court of appeal in *Attorney General and Two Others v. Bob Chacha Wangwe*.⁹⁶ The Court of Appeal upon consideration of the submissions by both parties, it was convinced that the impugned provisions of the National Election Act are not unconstitutional because the CDs, MDs and DEDs do not automatically become Returning Officers by virtue of their office. They are required under

⁹² Id. (n47) Art 74(7)

⁹³ Ibid. Art. 74(1).

⁹⁴ Ibid. Art.33(2).

⁹⁵ Misc. Civil Cause No. 17 of 2018, High Court of Tanzania, at Dar Es Salaam Main registry (unreported)

⁹⁶ [2019] 1 T.L.R. 76.

section 7(5) of the NEA and Regulation 16 (1)⁹⁷ to take oath of secrecy and declare that they are not members of any political party or have withdrawn from membership of any political party. Further, every political party is afforded an opportunity of appointing a polling agent under section 57 of the NEA to safeguard the interests of the said political party. Thus, if read together with other provisions of the law, the impugned provisions are not unconstitutional because there are enough safeguards to ensure compliance with Article 74(14) of the Constitution.

It is really interesting to read and ponder the reasoning of the Court of Appeal vis-à-vis the decision of the High Court on the constitutionality of the impugned provisions and the envisaged safeguards of the same. Does taking oath of secrecy and making declaration that one is not a member of a political party or has withdrawn from party membership really make him not a member and therefore guarantee his impartiality? One may further ask; does the CDs, MDs and DEDs' oath taking and making declaration that one is not a member of a political party or has withdrawn from party membership dispose of position (appointment) as an executive of the ruling party and thereby make him not accountable and answerable to the President? The answers to these questions may not be simple neither in theory nor in practice.

In fact, the Court of Appeal's decision, could not stand the test of Tanzania's compliance with the provisions of Article 13(1) of the ACHPR in *Bob Chacha Wangwe and Legal and Human Rights Centre v United Republic of Tanzania*.⁹⁸ In its decision delivered on 13th June, 2023, African Court on Human and Peoples' Rights presided by nine judges, anonymously found the provisions of sections 6(1) and 7(1-3) of the NEA inconsistent with the Article 13(1) and Article 1 of the ACHPR. The court orders the United Republic of Tanzania to take necessary constitutional and legislative measures to amend the impugned provisions of the NEA.

However, the difficulty might be on the enforceability of the said decision of the ACHPR. Nonetheless, it is the take of the author of this article that the composition and setup of the supervisory organs of the elections and election campaigns still raise questions on the impartiality of these organs in ensuring peaceful election campaigns, notwithstanding the Court of Appeal's decision in contrast.

⁹⁷ Id. (n54).

⁹⁸ Application No.011 of 2020, African Court on Human and Peoples' Rights.

4.5 Prohibited behaviours during election campaigns

The National Elections Act requires the NEC to make an electoral code of conduct published in the Gazette for the purpose of, among other things, promoting peaceful elections in Tanzania.⁹⁹ This code is regularly updated by NEC in consultation with all political parties and signed by every political party, every candidate, the government, and the commission to signify their willingness to adhere and abide with it.¹⁰⁰ The electoral code of conduct is a requirement of the Article 17 of the ACDEG to which Tanzania is a member state. Currently, the electoral code of conduct in force is the Political Parties (Code of conducts) Regulations, 2019 (the code). Regulation 5 of the Code requires every political party to adhere to the code.

Review of the Code of conduct reveals a number of prohibited conducts during election campaign period. In this regard, the code requires every political party to control its members or fans from uttering seditious, ridicule, defamatory, abusive language and participation in acts of violence, destructive or chaos.¹⁰¹ It further requires every political party to control its members and fans from consuming alcohol and drugs; carrying or using arms, machetes or other tools of violence during election campaigns.¹⁰² Political parties are also required to refrain from conducts and use of speech or provocative statements which may lead to hatred or discrimination on the grounds of religion, tribe, ethnicity, gender and the like.

Close examination of the code shows that all the prohibited conducts are those which are likely to cause hatred and violence during election campaigns. The provisions of the code largely reflect the requirements of Article IV (8) of the DPGDEA. What is likely to defeat the objectives of the codes is the impartiality and robustness of those entrusted with the power and responsibility of the supervision and enforcement of the same. The enforcement of the code is largely placed on the Registrar of political parties and the political parties' ethics committee.¹⁰³ How much these organs are impartial and robust to ensure parties' compliance with the code lies beyond the scope of this paper.

⁹⁹ Id. (n49) s124A.

¹⁰⁰ Ibid. Sub-section 2.

¹⁰¹ Id. (n55) Reg 8.

¹⁰² Ibid.

¹⁰³ Id. (n55) Reg 11& 12.

4.6 The media and election campaigns expenses

The NEA and the LAEA are silent on the right of using state owned media to broadcast election campaigns. It is of course not appealing to any reasonable person as to why and how it has been possible for the legislature to make such an omission having regard to the role and importance of the media in the conduct of election campaigns. As noted under item 3.0 above, one of the standards of free and fair election campaigns that African states are required to adhere to under Article 17 of the ACDEG and Article III (e), (h) and Article IV (5) of the DPGDEA is the government's duty to ensure all political parties and candidates are afforded free access to state controlled media. The NEA and the LAEA, therefore, fall short of the regionally established standards.

The aspect of media in election campaigns is only touched partially under the EEA and the Election Expenses Regulations (EER).¹⁰⁴ The EEA defines election expenses to mean all the funds expended or expenses incurred by a political party or a candidate.¹⁰⁵ Obviously, this includes election campaign expenses.¹⁰⁶ The Act further defines election campaign expenses to include all the expenses or expenditure incurred by a political party or candidate for the purpose of election campaigns.¹⁰⁷

According to the EER, every candidate has, at cost, the right to use the private media to present and promote his candidature and election manifesto of his political party.¹⁰⁸ The media covered is private and not state called media as required by Article 17 of the ACDEG and Article III (e), (h) and Article IV (5) of the DPGDEA. Moreover, what is provided by the EEA is expenses and not the right to make use of the state controlled media. Nevertheless, the provisions regarding election expenses and use of the media do not pose any element that is likely to cause unfree or unfair elections campaign. Of utmost importance, the law sets a limit on the amount of expenses to be incurred. Every political party and respective candidates are required to disclose their

¹⁰⁴ G.N.No.246 of 2010

¹⁰⁵ Id. (n51) s7.

¹⁰⁶ Ibid.

¹⁰⁷ Ibid.

¹⁰⁸ Id. (n 104) Reg23 (1).

sources of funds to the Registrar and the district party secretary, respectively.¹⁰⁹ Besides all, the law prohibits the use of the media by a political party or candidate in a manner that disadvantages other parties or candidates.¹¹⁰

Analysis of the provisions of the law governing the national and local authorities' elections and elections campaigns in Tanzania leaves no doubt that the law sets clear procedures for election campaigns. Nonetheless, there are some weaknesses in the law itself and in its enforcement mechanism as discusses in the next item.

5. CAUSES OF VIOLENCE DURING ELECTION CAMPAIGNS

It has been pointed out under item 2.0 above that, election campaigns in Tanzania have been characterised with violence since 1995 when the first multiparty elections were held.¹¹¹ There have been several incidents of violence during election campaigns in Tanzania between 1995 - 2020. This article cites the violence involving the police and quasi-military units at one end, and the followers of the opposition parties at the other end, during the 1995 and 2000 election campaigns, in Zanzibar.¹¹²

Some incidents of violence also involved attacks on the contesting candidates as well as their supporters and families in Dar es Salaam, Bariadi and Musoma in 2005.¹¹³ More incidents of violence reported in the 2010 and 2015 include arrests and detentions of CHADEMA and CUF members in Dodoma, Iringa, Morogoro, Katavi, Mara and Kagera regions in 2015.¹¹⁴ The atmosphere was equally timid during the 2020 general elections campaigns as two days before the voting day, the Police force fired live ammunition to civilians and killed three civilians in Zanzibar.¹¹⁵

Review of primary and secondary sources suggests a number of factors that contribute to the continued state of violence during election campaigns in Tanzania. The factors are mainly

¹⁰⁹ Ibid. s 9(1&2); (n91) Reg7&8.

¹¹⁰ Id. (n 91) Reg.24.

¹¹¹ Ibid.

¹¹² Id. (n21).

¹¹³ Id. (n22).

¹¹⁴ Ibid.

¹¹⁵ Id. (n24).

associated with weaknesses of the law itself and weaknesses in the supervisory and the law enforcement machinery and mechanisms as discussed in the next item.

5.1 Weaknesses of the law

Analysis of the provisions of the Constitution and the legislation made under it to regulate the national and local authorities' elections and election campaigns revealed that, notwithstanding the law being elaborate on the procedures for election campaigns, there are some serious weaknesses that may lead to non-peaceful election campaigns.

Section 11 of the PPA and section 43 of the PFASA require political parties to submit a written notice to the police officer in charge of the area not less than forty-eight hours before commencement of the intended public meeting. Nonetheless, the PPA allows political parties to proceed with convening the public meetings or procession once the party has submitted the written notice until there is an order from the police officer in charge of the area directing that the meeting be not held as notified.¹¹⁶ This, as already noted under item 3.3 above, may cause resistances to police orders and violence should the stop order be issued after commencement of the meeting. It is more difficult to disperse people already gathered in a meeting than ordering them not to convene. Furthermore, as discussed in the next item, the Constitution and other electoral law, provides for appointment of public officers to be the electoral staff.¹¹⁷ This makes it difficult to differentiate them from the government in power and the ruling part, hence, compromising their impartiality contrary to the requirements of Art II (4) (e) of the DPGDEA.

5.2 Unequal playground and lack of impartiality

It has been noted from the analysis of the law governing the supervision of election campaigns in the preceding section that the supervisory role of elections and election campaigns is vested in public officers belonging to the executive. Except the NEC which is declared autonomous institution by the Constitution,¹¹⁸ all the electoral staff who supervise the election campaigns are public officers.¹¹⁹ Some of these members are appointed by the President, hence, inevitably loyal

¹¹⁶ Id. (n48) s.11 (4&6).

¹¹⁷ Id. (n49) s7 (1); (n50) s 9(1); (n53) Reg8&10.

¹¹⁸ Id. (n47) Art74(7)

¹¹⁹ Ibid.

and answerable to the President and the ruling party. Even the members of NEC are appointed by the President. Furthermore, even though the police are not members of any political party, they are part and parcel of the executive and accountable and answerable to the President and the commander in chief. As such, the entire supervision and management of the elections and election campaigns is either directly or indirectly vested in the executives who are, by necessary implication, related in one way or other to the government and the ruling party.

There are a number of practical challenges on the impartiality of the NEC, the electoral staff and the police. For instance, notwithstanding the decision in *Attorney General and Two Others v. Bob Chacha Wangwe*¹²⁰, that appointing CDs, MDs and DEDs as Returning Officers is not inconsistent with Article 74(14) of the Constitution as there are sufficient safeguards, practically it is not the case. One of the practical challenges is the demarcation between them and the ruling Chama cha Mapinduzi (CCM) party. The envisaged safeguard of taking oath and making declaration that one is not a member of any political party or has withdrawn his membership from a political party as required by section 7(5) of the NEA and Regulation 16 (1)¹²¹ is not in itself a sufficient safeguard.

Partisan to a political party cannot be parted with by mere oath taking or making declaration. Even if they were required to surrender their party membership cards, it would still not work because, partisan to a political party is something that strains and rests in the core of the heart and the conscious of an individual. There is, of course, no direct evidence that the Returning Officers and Assistant Returning Officers are also members of CCM. Nonetheless, the fact that they are public servants is enough to cause doubt on their impartiality when the contesting parties include CCM. Being a public servant or appointee of the President, makes them loyal to the president and the ruling party (CCM) as their employer.

Review of various election observers' reports revealed that, since the first multiparty election in 1995 to the most current elections by 2020, there has been uneven treatment between the ruling

¹²⁰ Id. (n97).

¹²¹ Id. (n54).

party-CCM and other opposition parties.¹²² There has been not been a demarcation between CCM and the Government during both national and local authorities' election campaigns. Let alone the use of government resources such as government vehicles, the ruling party-CCM has been benefiting from former state resources and assets like public stadia and sports grounds which were expropriated by CCM upon re-introduction of multipartism.¹²³ At times, CCM has tactically been using the blurred demarcation between the Government and CCM to inaugurate a number of major projects during or in such weeks very close to the election campaign period to win advantage over the opposition.¹²⁴

Another area of disparity between the ruling party and the opposition has been the use of the media in the election campaigns. Although the law requires the media to observe all the principles of impartiality and refrain from any form of discrimination in relation to any candidate,¹²⁵ a review of documents revealed that, more often than not, state media failed to provide equitable and fair coverage of the campaigns.¹²⁶ For instance, Tanzania Broadcasting Corporation (TBC) TV and radio have been allocating more time to CCM than the opposition political parties.¹²⁷ This is very critical and contrary to Article 17 of the ACDEG, Articles III (e) and (h), IV (5) of the DPGDEA and Article 18 (b) and (d) of the Constitution. Although the private and social media that indicated some attempt to be impartial, the government has been invoking section 16 of the Cybercrimes Act to close some private and social media during election Campaigns.¹²⁸

5.3 None-adherence with the Electoral Code of Conduct

One of the requirements of the Code is the avoidance of hatred and obscene or abusive language in the election Campaigns that may cause provocation and hence violence. Review of documents revealed that, since the inception of multiparty election, hatred and use of obscene and abusive language has remained a common feature in both national and local Authorities election

¹²² IDEA (n10) 35-41.

¹²³ SENDER (n22).

¹²⁴ EU EOM, United Republic of Tanzania General Elections Final Report, 25 October 2015, (EU EOM 2015) 23-24.

¹²⁵ Id. (n50) s53 (3).

¹²⁶ EU EOM, (n124)

¹²⁷ Ibid.

¹²⁸ Ibid.

campaigns in Tanzania.¹²⁹Very important to note, the Code of conduct is a requirement of not only the National Elections Act,¹³⁰ but also Article 17 of the ACDEG to which Tanzania is a member state. Prior to the Political Parties (Code of conducts) Regulations, 2019 in force, there have been several other codes of conduct in the previous elections. Therefore, the use of abusive and provocative language in the preceding elections campaigns implies inefficiency in the Code of Conduct and its enforcement mechanisms.

The use of abusive and defamatory language ensued in *Dr. Aman Walid Kabourou v. Attorney General and 2Others*.¹³¹The petitioner successful challenged the Kigoma by-election results on the ground that, among other things, His Excellency, President Ali Hassan Mwinyi had used defamatory language in furtherance of the election campaign in favour of the CCM candidate. Furthermore, the petitioner complained that Hon. Kingunge Ngombale-Mwiru used incriminating language against the CHADEMA candidate. Dissatisfied with the High Court Decision, the Attorney General appealed to the Court of Appeal of Tanzania in *Attorney General and 2Others v. Dr. Aman Walid Kabourou*.¹³² The Court of Appeal upheld the High Court decision and dismissed the appeal. Notwithstanding this good precedent, there has not been a single multiparty election which ever passed without incidents of obscene and abusive language in election campaigns period in Tanzania.¹³³

None-adherence with the Electoral Code of Conduct also causes physical attacks against political opponents during election campaigns. Election observers have repeatedly reported prevalence of physical attacks involving CCM and the opposition. For instance, it has been reported that in the 2020 elections, there were many complaints of that opposition campaign posters were destroyed and their vehicles attacked by CCM

¹²⁹ See FIDH & LHRC, *Zanzibar: Wave of Violence, A fact finding Report on Police Brutality and Election Mismanagement in Zanzibar*, (FIDH & LHRC, 2001) Available at <https://www.refworld.org/pdfid/46f146f10.pdf>, [Accessed on 5th June, 2022]; SENDER (n23) 9&33; REDET (n23) 217; and Tanzania Elections Watch, *Observation Report on the General Election Held in Tanzania on October 28, 2020* (Tanzania Elections Watch). Available at <https://tanzaniaelectionswatch.org/> [accessed on 7th June, 2022] 32-33.

¹³⁰ Id. (n49) s124A.

¹³¹ Miscellaneous Civil Cause No. 1 of 1994, High Court of Tanzania, at Tabora (unreported).

¹³² Civil Appeal Nos 32 and 42 of 1994, Court of Appeal of Tanzania, at Dar Es Salaam (unreported).

¹³³ Id. (n111).

supporters in Arusha.¹³⁴ Similar incidences occurred at Gymkhana Stadium in Bukoba-Kagera, where people threw stones at the Chadema during election.¹³⁵ Not only that, but also, on September 18, 2020, Chadema's councillor candidate for Kibosho in Moshi Rural constituency- in Kilimanjaro, was kidnapped and compelled to withdrawing from the elections.¹³⁶ In the same week, thirty eight (38) CCM followers attacked CHADEMA candidate for Rundugai ward in Hai constituency; and one member of NCCR Mageuzi was attacked and his ear cut off in Vunjo ward in Kilimanjaro.¹³⁷ These are, but a few incidents that have been reported.

5.4 Excessive deployment of police force

Of all the incidences of election campaign violence, those involving Tanzania police force are the most rampant and serious. For instance, on the September, 2020 violence, the police assaulted and harassed CHADEMA candidate for Serengeti constituency by tearing her clothes and propping her.¹³⁸ Furthermore, on 13th March, 2020, the police assaulted three (3) CHADEMA women politicians and subsequently charged them along with twenty (20) other CHADEMA women wing of inciting violence and trespass.¹³⁹ This has always been the case. The 2015 election campaigns also involved many cases of arrests and detentions of CHADEMA and CUF members in Dodoma, Iringa, Morogoro, Katavi, Mara and Kagera region regions.¹⁴⁰

The situation has not been different in Zanzibar either. Several cases involving police brutality against CUF supporters occasioned to serious violence, destruction of private and public properties, physical injuries and deaths in the 2000 elections campaigns and aftermath.¹⁴¹ Therefore, notwithstanding the electoral laws, violence during both national and local authorities' election Campaigns that involves the police has remained to be a notable feature in Tanzanian election campaigns.

¹³⁴ Tanzania Elections Watch (n129)36&37.

¹³⁵ Ibid. at 38.

¹³⁶ Ibid.

¹³⁷ Ibid.

¹³⁸ See EU EOM, (n124) 23; Tanzania Elections Watch (n129) 32-33 &38.

¹³⁹ Ibid.

¹⁴⁰ See SENDER (n22) 23.

¹⁴¹ FIDH & LHRC (n129)26.

6.0 CONCLUSION

This article examined the law governing the conduct of elections and election campaigns in Tanzania. The purpose was to find out the reasons for repeated violence during national and local authorities' election campaigns and propose solutions thereto. Qualitative information was collected from reviews of primary and secondary sources. Primary sources involved legal texts and the secondary sources involved non-authoritative materials in hard and soft copies. The article has noted that, the manner in which the law governing election campaigns is devised is yet to instil and bring the desired peaceful election campaigns in Tanzania. This observation is founded on the fact that, the Constitution and the electoral laws made under the Constitution vest the supervisory role of elections and election campaigns in presidential appointees (NEC) and other public officers appointed by NEC as Returning Officers or Assistant Returning Officers. This compromises their impartiality and public confidence over them. The article further noted that the laws do not set a clear demarcation between the government and the ruling party. The latter takes advantage of its position over other political parties under the umbrella of the government to bribe the people through inauguration of big projects nearer to the election campaign period. Furthermore, with unclear demarcation between the ruling party and the Government, the ruling party uses government properties and resources in its election campaigns and deploys the police to suppress the opposition under the umbrella of maintaining peace and order. To end electoral violence and ensure peaceful election campaigns, the article provides different propositions as presented in the next item

7.0 RECOMMENDATIONS

Based on the presented exposition, it is an undisputable fact that notwithstanding the electoral laws, violence during election Campaigns has been a notable feature in Tanzanian election campaigns. This implies that, the manner the law governing elections and election campaigns is devised is yet to instil and bring the desired peaceful election campaigns in Tanzania. Therefore, this article recommends to the Government and other relevant authorities the following-

- 1) The Constitution and the electoral laws made under it should be amended to avoid the inclusion of presidential appointees and other public officers as Returning Officers or

Assistant Returning Officers. This will ensure impartiality of the electoral staff in the supervision of both national and local authorities' election campaigns in Tanzania.

- 2) The law should set a clear demarcation between the government and the ruling party. It should avoid the latter taking advantage over other political parties under the umbrella of the government, such as bribing the people through inauguration of big projects nearer to the election campaign period; using government properties and resources in election campaigns and using the police to suppress opposition under the umbrella of maintaining peace and order.
- 3) Deployment of the police in the supervision of election campaigns should be kept to the minimum. The law should also make it a criminal offence for the police to use bombs, tear gases, rubber bullets and ammunition to attack and kill the innocent people. This will help to reduce police brutality in fear of post-election prosecution.
- 4) Civic education should be increased to the people in order to help them realise that political opposition is a democratic practice and not a war and that there is always life after elections. This will reduce hatred among political parties, reduce incidences of physical attacks to political opponents and the use of obscene and abusive language against political opponents. Civic education should also be extended to enable the media to understand their duty to maintain neutrality in reporting matters pertaining election campaigns in Tanzania.