

BRIEF REPORT ON THE 7:30 BREAKFAST DEBATE – JULY 30th 2010

Ensuring Integrity in Elections: Meeting Voters Need in 2010.

In October 31st 2010, Tanzania will be having a general election for the post of Presidency, Members of parliament and councilors, policy forum like any other CSO's have the obligations for conducting voters or civic education especially during this crucial time for election before voting day.

Policy Forum in this month of August dedicated a breakfast debate special for Tanzania election since we have experienced some political movement and amendment in Zanzibar as well as enactment of election expenses act 2010.

The debate included two presentations from **Dr. Godfrey Swai** a book author '*Kuelekea Uchaguzi Mkuu 2010*' presented on *Kuelekea Uchaguzi Mkuu 2010* and Dada **Praxides Nekesa Oduori** a representative from Kenya Council of NGOs presented on the Effect of a Weak Constitution on Elections: the Kenyan Experience. **Mr. Sisty Leonard Nyahoza**, assistant register of political parties in Tanzania was the discussant.

The first presentation was done by Dr. Swai He started by outlining the content of his book which also was the outline for his presentation, the book outline is about, Peoples election concerns and definition of terms, Problems of Peoples Development & Governance since independence, Peoples Pathway to Prosperity, Peoples development goals 2010-2025 and What shall the people do.

The Fundamentals of Development & Prosperity should be based on People centered and driven plan focused on meeting basic need for every Tanzanian, Long term, globally competitive economic development policies, goals and plan, Self reliance:- exploitation of available human and natural resources of the plan and Accountability for performance of the plan. And Fundamentals of Good Governance is based on a constitution that respects basic human rights and democracy, multiparty democracy body for development, genuine elections for the best strategies for development plan and Accountability of leaders for the plan.

Lack of all those fundamentals leads to poverty which is vicious cycle since it starts with Bad Elections, Corrupt Leaders, Bad Constitution, Bad Governance, Bad Plans and Poverty. The solution on this vicious cycle is for the country to have Genuine Elections, Accountable Leadership, Good Constitution, Good Governance; Good long term Plans and Prosperity, this is peoples' pathway to prosperity.

For Tanzania Peoples Development Goals is to attain a Life expectancy to 80 years by 2025, Double GDP per capita of Tanzania every five year US\$ 1,206 to US\$ 9,664 by 2025, Increase current adult literacy rate [70%] by 5 percent every year to 100% by 2018, Reduced maternal mortality [529/100,000] by 25% every five year and Reduced childhood malnutrition [40%] by 25% every five years.

What voters need in this general election so as to have prosperous peoples election 2010 is to Ensure we have Genuine election in 2010, people to Demand Auditor Generals Report of Political Parties and standing of candidates, Demand written party manifestos on long term development goals and strategic policies, Demand timetable for review of constitution and Demand timetable for preparation of peoples long term development plan and term strategies.

On his conclusion remark he commented that if public opinion maintains that a gentleman is judge by his action then the prosperity of the Peoples of Tanzania will be judged by Voters in a Genuine National Election of 2010.

Later on Dada Oduori from Kenya made a second presentation, she started by giving a definition of the Constitution which is the supreme law of the land across all countries across the world.

Further she gave in a nutshell the historical background of Kenya constitution from colonial era to post independent. The current Kenyan constitution is a result of various amendments (about 38 amendments) of the Independence Constitution. Amendments were made with self vested interests; leaders wanted to cling unto power, despite the fact that Kenyans wanted a change. The constitution was mutilated to enhance the powers of the executive.

Some of the constitutional amendments that have been significant in centralising power include constitution of Kenya (amendment), Act No. 26 of 1964 which transformed Kenya into a republic and established the Office of the President; consolidating powers of head of state and head of government in presidency and also reduced the power of regional government, Act No. 38 of 1964 – took away powers of the regions to raise their own revenue, making them dependent on the central government. It also gave the president the power to appoint judges and chief justice, Act No. 17 of 1966 – required MPs who resigned from his/her party to seek fresh mandate from the electorate, Act No. 18 of 1966 – legalised detention without trial.

The clamor for comprehensive constitutional reforms intensified thus leading to minimum reforms to the Constitution under the auspices of the IPPG Forum (Inter-Parliamentary Parties Group) prior to the 1997 general elections. Under the IPPG reforms package, the Constitution of Kenya Review Commission Act was passed to provide a framework for constitutional change. The “**No Vote**” against the **Wako Draft** carried the day at the 2005 referendum bringing to an end that cycle of constitutional reforms envisaged by the Act. Following the 2007 post-elections violence, the agenda of constitutional reforms was re-ignited under the Koffi Annan led mediation efforts under Agenda 4.

The Committee of Experts [CoE], the official midwives of the current constitutional process, was then mandated to carry the process forward. According to the Committee of Experts, some of the weaknesses of the current constitution are; Does not adequately address the identity of Kenyans and what brings them together, Does not provide for purpose, goals and values that Kenyans are to pursue as a people, Does not adequately address the relationship between the people, the Government and the State, Does not provide for socioeconomic and development rights, An imperial presidency, The President has unchecked powers to appoint, A disproportional representation in the National Assembly, Cabinet seating both in Parliament and the Executive, No Supreme Court, Does not provide for devolved government and Does not provide for means of equitable distribution of resources.

The various clauses in the Proposed New Constitution of Kenya (PCK) bears the imprints of a long history of struggle for the expansion of political space since Kenya's independence in 1963, It is tomorrow's roadmap based on the past experiences. Some of the things that bring Kenyan's have been addressed in the preamble and various clauses of the Proposed New Constitution of Kenya also It gives a lot of space that have not been there e.g. counties and devolution of resources from the national level to the community levels lastly It is going to decentralize power and there will be checks and balances in the execution of the conferred power.

The 2007 general elections were the most contested in Kenya's history and as a result the Post Election Violence (PEV) that saw more than 1000 people dies and thousands of Kenyans displaced from their homes and massive property destruction. In order to gain meaningful democracy that guarantees protection of individual and collective rights (political, social and

economic) the constitution, which is the supreme law of any nation, must Enhance provisions on rights and fundamental freedoms of individuals and groups, Independent institutions, in particular the electoral body, which must abide to the laws and regulations stipulated, Principles of good leadership and integrity and Separation of powers.

Further more there is a need for electoral body or electoral systems and processes that allows Citizens to exercise their political rights, despite their social status in the society , Representation of both genders in elective public bodies (1/3rd principle), Representation of PWDs, Universal suffrage based on aspirations of fair representation and equality of vote, Free and fair elections – secret ballot, free from violence, intimidation, corruption or improper influence, conducted by an independent body, transparent; and administered in an impartial, neutral, efficient, accurate and accountable manner.

On her conclusion she stressed the importance of separation of power, this allows for decentralization of power, with a system put in place to ensure checks and balances in the execution of power - the judiciary, legislature and parliament. It is the road to democracy.

The discussant **Mr. Sisty Leonard Nyahoza**, assistant register of political parties in Tanzania, commented on the two presentations. He started by saying that, election process in Tanzania is not a business as usual because there are many improvement which have been done since independence for instance since independence people participation have been improved especially in registration of political parties and enactment of election expenses act of 2010 to control corruption during election.

Also people were given enough time to register for voting and in Dar es Salaam more time were given even after the deadline, challenge are still there in the constitution for the case of rights to vote and be voted but improvement always come time after time.

Comments and questions from Plenary Discussions:

- ❖ How did we reach to this situation? We are all part of the problem
- ❖ We need to make sure that people recognize the power they have to change the system not only depending on the parliament
- ❖ If we need to have genuine election then independent electoral commission is very important
- ❖ If the constitution itself have some problems, in this situation are we going to have genuine election
- ❖ The problem is either we can strengthen the institution like constitution does our CSOs demanding for this change
- ❖ Are we CSOs serious in advocacy? This information we are sharing here is it right time since it shows we have a limited time for voters and civic education
- ❖ We cannot say were late for change even if the nomination is done in their parties still they need to come to us for voting

Responds:-

- ❖ Having genuine election lies on the hand of the Tanzanians
- ❖ Civic education is continuous but voters education mostly is during election period that means we still have time for awareness
- ❖ NEC demands to approve the materials or message before used by CSOs for voters awareness, this is contrary to freedom of expression and access to information
- ❖ We need to change our constitution before facing problems like our neighbors

Mr. Alex Ruchyahinduru closed the discussion and he welcomed again participants for the next 7:30 BD.