

# Ethics in Multiparty Elections in Tanzania

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## Introduction

Free and fair elections are key to the development and sustenance of a market economy and multiparty democracy. If elections are not perceived to be free and fair they will not be accepted by key players, namely candidates and their political parties. When not all participants accept election results, chaos may engulf the society, as was the case in Lesotho and Cambodia in 1998. Shops were burned and looted, all because the opposition suspected foul play in the elections. Election results were also contested in Zanzibar in 1995, and foreign investors have since been hesitant to make new investments there. The development process stalls under such conditions.

It is also imperative to point out that elections are a basic precondition for good governance. Good governance espouses a critical democratic norm, namely popular sovereignty that envisages that "government can be legitimated only by the will of those whom it governs" (Nodia 1992). This will can be secured through frequent competitive popular elections. Competition in politics demands election rules and procedures that offer voters an effective way to change through the ballot box a government that has not lived up to their development expectations. An election is also a mechanism for bringing a fresh development impetus by voting to office candidates and parties that promise voters a better future, as expressed in their campaign manifestos.

## Ethical Considerations in Elections

For elections to be free and fair, all key players (i.e., election officials, political parties, the media, and voters) have to follow basic ethical considerations. Without a code of ethics, the relationship between key players can deteriorate and undermine the integrity of the elections. Election officials have to operate in a professional manner and avoid deliberate mismanagement of elections to favor some political parties. Elections have to be corruption free. Bribes by any of the players have to be discouraged. Political parties have to follow a strict code of conduct developed and agreed upon by all those taking part in the election. A free press, with its own ethics in reporting election matters, has to be in place. The press has to report election matters objectively without mudslinging and character assassination in order to demolish some candidates in favor of others. Ethics in reporting election matters is also crucial. Media ethics are important because

journalistic ethics deal with standards of conduct and moral choices that affect choices people make in elections.

Fair competition requires fair access and fair treatment by the media. This is the only way competitive elections can enhance multiparty democracy. The public media in Tanzania has a tendency to favor the ruling party. This denies the opposition access and undermines their ability to compete effectively. The private media has an insatiable appetite to make profits. Sometimes it is keen to uncover scandals that are important to the public but in doing so violates individual rights to privacy. The media has therefore to tread a thin line between its desire to publish a story that will maximize sales and impinging upon the right to privacy.

The government also has to desist from using its resources in favor of the ruling party at the expense of the opposition and from interfering in election matters, ordinarily the domain of an independent election administration. Women and disabled voters have to be facilitated and encouraged to register and vote. In general the whole electoral process has to be inclusive, and all legal procedures have to be followed to the letter by all those involved. The playing field should be level for all political contenders. The rights of all voters (i.e., the right to vote and be voted into public office) have to be respected.

Ethics in regard to multiparty elections makes reference to a set of rules, values, and principles used by all key players and observers to judge whether or not the conduct of elections conforms to expected and accepted standards of free and fair elections. One ethical consideration in elections concerns justice. And justice, as a popular legal maxim says, "must not be done, but must be seen to be done." Furthermore, an ethical consideration in elections is important because without justice, elections cannot produce legitimacy in governance. Moreover, elections are an important consideration insofar as human rights are concerned. Indeed, according to the Universal Declaration of Human Rights, "The will of the people shall be the basis for the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal suffrage and shall be held by secret vote or by equivalent free voting procedures." Given that no government can be strong unless "it has the full consent of at least the majority of its people" (Nyerere 1999), ethics in managing the election process is key to good governance.

### **The Legitimacy of Elections**

The legitimacy and acceptability of elections depends to a great deal on whether ethical principles are observed while executing the whole election process. Election experts believe that "the public will measure the legitimacy of an election on the basis of both the actual integrity of its administration, and the appearance of integrity of the election process" (IDEA 1997). If elections are to contribute to good governance, they have to be able to institutionalize political accountability and transparency in government. Autonomous enforcement of election rules and regulations is also necessary. The International Institute for Democracy and Electoral Assistance

(IDEA) observes that “the public will measure the legitimacy of an election on the basis of both the actual integrity of its administration, and the appearance of integrity of the election process. Because of this, candidates, political parties, and election observers will all give very close attention to the way that the election administration performs its function” (IDEA 1997).

Ethical principles that form the basis for free and fair elections involve election administrators, political parties and their candidates, the media, and international election observers and internal election monitors. All these are key players who ensure both the appearance and the actual integrity of the electoral process. When election officials fail to respect the law, courts of law can nullify election results. In Arusha, the 1995 election results were nullified partly because the returning officer failed to include votes from some wards, which were thought to be strong areas of the ruling party. Election results of Kishapu Constituency were nullified, among other reasons because election officials violated the election act.

The transparency of electoral procedures has to be guaranteed in order to gain the support of election results by all participants. To ensure transparency in the electoral process in Tanzania, candidates and political parties are allowed to appoint agents to oversee the voter registration process. Candidates and political parties are also allowed to witness the voting, vote-counting and vote-tallying process. Election results are announced immediately after the counting, and each party agent is given a copy of the results from the polling station she witnessed. A copy of the results is also posted outside the polling station immediately following the conclusion of the vote-counting process. In this way, transparency in the election process is encouraged and ensured.

Accuracy in election management is an imperative that cannot be ignored. Professionalization of election management means that decisions are based on accurate information. As International IDEA has pointed out, “inaccurate or unreliable information can undermine confidence in both the administration’s decisions and its general competence.” Inaccurate information regarding the number of registered voters in a constituency can lead to inaccurate printing of ballot papers. Citizens can easily be denied their rights to vote if fewer ballot papers are printed. Moreover, election results can easily be nullified because the highest standards of workmanship have not been strictly applied. A case in point was the nullification of the election results in Kahama constituency in Shinyanga Region.

The 1985 election act has been amended to include a penalty for election officials who fail to adhere to a strict code of ethics in election management. Act No. 4 of 2000 introduced penalties for election officials who fail to follow the law in the conduct of their electoral duties and responsibilities. Thus, in the October 2000 presidential, parliamentary, and local government elections, any election officer who “knowingly or willfully does or omits to do anything in relation to an election process and thereby occasions the nullification of the election results, commits an offence and upon conviction, is liable to imprisonment for a term not exceeding five years or to a fine of not less than one hundred thousand shillings and not exceeding three hundred thousand shillings or to both such fine and imprisonment.” In

addition any election officer who occasions the government to incur loss, costs, or damages as a result of his acts or omission in relation to the election process will be required to repay the government for any losses incurred because of his or her negligence. Furthermore, if it is proved that election officials were involved in bribery, treating, corrupt or illegal practices, they can be jailed for a term of up to five years.

### **Ethical Principles That Involve Political Parties and Their Candidates**

In addition to election managers, political parties are key to the success or failure of any election. The perception of political parties and their candidates on the fairness of the electoral process can determine the outcome of an election. As key participants in and beneficiaries of the success or failure of any election, they should be guided by certain ethical considerations in making decisions regarding any election.

In Tanzania, all contenders for public office in any election have to be sponsored by a fully registered political party. No independent candidates are allowed. This system undermines the rights of individuals to vote and be voted to public office. Such practice is unethical to the extent that individuals are compelled to join political parties if they have political ambitions.

The nomination process within a political party is an internal affair. However, there are complaints from members of political parties that the candidate nomination process is rife with intrigue and corruption. The lack of ethics in the intraparty nomination process undermines the election process. Ethics are lacking in the party nomination process because there are no clear rules and procedures to govern the nomination process. Even where some parties allow primary nomination, as is the case with the CCM (the ruling party), claims of favoritism and corruption are often heard.

### **Ethics in Election Campaigns**

The use of foul language against other participants in election campaigns is unethical and should be discouraged. Wild and unsubstantiated accusations against other candidates and election officials reduce the credibility of elections. Such accusations also create unnecessary tensions and fear. It is imperative for all participating parties to sell their programs to the electorate rather than dwell on character assassination. Mindful of the need for ethical campaigns, Tanzanian courts have nullified several elections because of bad language (Bukoba constituency) or appeal to tribal sentiments (Kibaha constituency) or racial sentiments (Kigoma constituency).

### **Concluding Remarks**

Democracy can thrive and be sustained in Tanzania if ethics pervade the whole election process. The nomination of candidates has to follow ethical considerations. In this instance, nomination within political parties has to be ethical. The will of party members has to determine the person to run on the

party ticket. Those who do not wish to join a political party should not be denied access to political office. Independent candidates should therefore be introduced in order to widen the scope of democracy and put the whole electoral process on an ethical footing. The decisions of the courts to nullify some elections because of bad campaign practices are a sharp reminder to politicians of the need to have ethics in election campaigns. Democracy can be sustained only if ethics become an important ingredient in the election process.

### References

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