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Tanzania: Recent Governance Trends and 2020 Elections In Brief

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Introduction[1]

Tanzania, an East African country of 58.6 million people, transitioned from a one-party socialist state to a multiparty system in 1992, amidst a then-ongoing liberalization of its state-centric economy. The country has since attracted significant amounts of foreign development aid, including more than $7.5 billion in total U.S. assistance over the past 20 years.[2] Such assistance generally has sought to improve the development prospects of Tanzania's people—many of whom remain poor, despite the country's substantial natural resource wealth and agricultural potential, years of robust macroeconomic growth, and improving socioeconomic indicators.

Despite Tanzania's multiparty transition, the Chama Cha Mapinduzi (CCM, Swahili for "Party of the Revolution") has continued to dominate and control the state. It has won every national election since that transition, as well as all elections in Zanzibar, a semiautonomous, majority Muslim island region. The influence of the CCM, which holds 74% of parliamentary seats, has expanded under President John Magufuli, elected in 2015, whose tenure has been controversial.

Analysts, advocates, and donor governments have expressed increasing dismay over growing restrictions on political rights and civil liberties and a rise in state human rights abuses under Magufuli, who is seeking a second term in general elections on October 28, 2020. Concern about such trends has prompted the United States and some other donors to curtail or restrict some of their assistance, and a range of observers have questioned the credibility of the 2020 electoral process. Such critics include several Members of Congress, who also have expressed concern over Tanzania's overall governance trajectory (see "Governance Trends Under Magufuli"). The State Department has characterized the October 2020 elections as having "important consequences not only for Tanzania, but for the entire East African region," and called for "the safety of all contestants, respect for the rule of law, and the absolute impartiality of the authorities in charge of managing the elections."[3]

President Magufuli

President John Magufuli is a former Member of Parliament (MP) and cabinet minister. He took office with a positive reputation for public service, notably based on his infrastructure-building record as public works minister—one of several ministerial posts that he held—earning him the nickname "The Bulldozer." A reportedly devout Catholic, he also has served since 2016 as the chair of the CCM, of which he has been a member since its formation in 1977.[4] He has taken a tough line against corruption within the CCM and state institutions, as well as efforts to improve state efficiency, cut public spending, promote civic service (his 2015 election slogan was "Hapa Kazi Tu" ("only work here"), and pursued a nationalist approach to economic policy.[5]

Magufuli's promotion of budgetary austerity and hands-on interventions—e.g., impromptu state agency inspections and cost-cutting orders, harsh criticism or dismissals of allegedly poorly-

[1] The United Republic of Tanzania is a union of a mainland territory, formerly known as Tanganyika, and the semiautonomous Zanzibar island archipelago region. CRS Report R44271, *Tanzania: Current Issues and U.S. Policy*, provides further information on Tanzania's political and economic background and key developments through 2017.

[2] State Department, "The United States' Unwavering Commitment and Partnership with Tanzania," August 5, 2020.

[3] State Department, "Statement from the U.S. Embassy on Tanzania's Upcoming Elections," October 1, 2020.

[4] Tanzanian Government, Office of the President, "Wasifu wa Rais" [Presidential Biography], n.d.; BBC, "John Magufuli-Tanzania's 'Bulldozer' President in Profile," October 30, 2019, among others.

[5] BBC, "John Magufuli…," op. cit.; and Simon Allison, "#WhatWouldMagufuliDo? We're Just Finding Out," *ISS Today*, September 27, 2017, among others.

performing officials, and efforts to counter tax evasion—initially proved popular, and have helped him to aggregate political power. He enjoyed an estimated 96% favorability rating during his first year in office, the highest for a Tanzanian president according to an opinion poll by Twaweza, a research non-profit.[6] Critics, however, have faulted his top-down leadership style and penchant for unilateral decisionmaking—often absent consultation with other policymakers and, in some cases, eliding regulatory or legal processes—and its effects on citizens' rights.[7] By 2018, his approval rating had fallen to 55%, the lowest Tanzanian presidential rating to date recorded by Twaweza.[8]

Governance Trends Under Magufuli

Limits on Organized Political Rights and Political Party Activity

Tanzania at a Glance

Population and Population Growth: 58.6 million & 2.7% (2020)
Gross Domestic Product (GDP) (Total; Growth Rate; Per Capita): $64.1 billion; 1.9%; $1,105 (2020)
Key Exports: Gold, coffee, cashew nuts, manufactures, cotton
Literacy: Male, 83%; Female, 73% (2015)
Fertility: 4.6 births per woman (2020)
Under-5 Mortality: 50 deaths/1,000 births (2019)
Maternal mortality: 524 per 100,000 live births (2017)
Life Expectancy in Years: Male, 62.3; Female, 65.5 (2018)
HIV/AIDS (Adult Prevalence): 4.6% (2018)

Sources: CIA, World Bank, and IMF public reference databases.

Since Magufuli's inauguration in 2015, opposition political parties have faced increasing state regulation and interference in their operations, including constraints on their ability to assemble freely or rally outside of official election campaign periods. In June 2016, after opposition protests against the government's "undemocratic" cessation of live broadcasts of parliament—which in prior years had occasionally featured exposés of high-profile state corruption cases—police banned all political protests and rallies indefinitely.[9] Weeks later, President Magufuli said that political activity should be limited to constituency meetings by elected politicians pending the next elections. He also threatened to meet any violence by opposition protesters "without mercy," and other officials echoed such sentiments.[10] Police also temporarily banned internal opposition party meetings, and detained members of Chadema, the largest such party, for violating both bans, which Chadema unsuccessfully sued to overturn and which police have continued to enforce.[11]

Opposition leaders and supporters also have faced criminal cases related to allegedly illegal political speech and assembly in recent years, notably amid parliamentary by-elections in 2017

[6] Twaweza, "Citizens' Views On Politics, Demonstration and Participation in Tanzania," July 5, 2018.

[7] See, e.g., VOA, "Tanzania's New Leader Pleases, Alarms With Dramatic Decrees," October 6, 2016; Jonathan W. Rosen, "Tanzania Was East Africa's Strongest Democracy. Then Came 'The Bulldozer'," *The Atlantic*, May 15, 2019; and *The Economist*, "The Big Squeeze: John Magufuli is Fostering a Climate of Fear in Tanzania," November 8, 2018.

[8] Majorities of respondents also reported that political rights and freedom of expression had shrunk under Magufuli. Authorities alleged that the survey breached state research regulations, even though prior-year surveys by Twaweza—established in 2009—had been published without incident. Twaweza, "Speaking Truth…," op. cit.

[9] Fumbuka Ng'wanakilala, "Tanzania Police Uses Teargas at Opposition Rally, Bans Protests," Reuters, June 7, 2016; and Hilda Mhagama, "Police Force Bans All Political Rallies - Until Further Notice," *Daily News* (Dar es Salaam, *Daily News* hereinafter), June 8, 2016.

[10] *The Citizen (*Dar es Salaam, *The Citizen* hereinafter), "Wait Until 2020? No Thank You!" July 6, 2016; and Fumbuka Ng'wanakilala, "Tanzania's President Threatens Crackdown on Opposition Protesters," Reuters, July 29, 2016.

[11] Suleiman Shagata, "Illegal Assembly Lands Chadema Members in Court," June 10, 2016, and Faustine Kapama, "Police Ban on Political Rallies, Demonstration Lawful," August 23, 2016, both in *Daily News*, among others.

and 2018.[12] Notable cases have included the prosecutions of Chadema leader Freeman Mbowe and several fellow party members for multiple offenses (e.g., illegal conspiracy, unlawful assembly, sedition, and incitement) related to a 2018 protest. They were convicted of sedition in March 2020 and released after paying fines, but are appealing the case. Zitto Kabwe, the leader of ACT-Wazlendo, Tanzania's third-largest political party, was separately charged with sedition for making allegedly erroneous public statements, the second such charge he had faced.[13]

In 2019, the CCM-led parliament amended the Political Parties Act, granting the Political Parties Registrar, a state official, broad discretion to regulate political activity. Violations of the act, potentially including retroactive ones, are subject to substantial criminal penalties.[14] Opposition parties unsuccessfully fought the law's passage. The Registrar has repeatedly warned opposition parties against breaching the law, and in 2019 threatened to deregister two of them.[15]

Opposition party members also have faced violence. In September 2017, Tundu Lissu—a prominent Magufuli critic, then-MP and head of the Tanganyika Law Society, and now Chadema's 2020 presidential candidate—was hit 16 times with automatic weapons fire in an assassination attempt. The United States condemned the attack as a "senseless act of violence."[16] Lissu, who had previously faced multiple political activity-related charges, left Tanzania for two and a half years to receive medical treatment. While he was abroad, he reported death threats and continued to face legal charges related to his political activity. The Speaker of Parliament also stripped Lissu of his legislative seat, citing his absence from proceedings and an alleged failure to disclose his assets. The CCM later won a by-election for his seat.[17] Other instances of violence against opposition members include the unsolved murders of two Chadema officials in separate machete attacks in 2018, in one case spurring another U.S. statement of concern.[18] In June 2020, unidentified armed assailants also attacked Chadema leader Freeman Mbowe, an act that the United States condemned. Weeks earlier, police had teargassed Chadema members and arrested and beat several MPs greeting Mbowe upon his release from prison after his sedition trial.[19]

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[12] Human Rights Watch (HRW), *"As Long as I am Quiet, I am Safe": Threats to Independent Media and Civil Society in Tanzania*, 2019.

[13] Tom Odula, "Tanzania Opposition Leader Banned From Comment Ahead of Vote," AP, May 29, 2020; and Faustine Kapama, "Mbowe, Co-Accused Trial Revisited," *Daily News*, March 16, 2020.

[14] The amended law gives the Registrar a mandate to monitor and even supervise internal party processes (e.g., party nominations and financial activity) and to register or delist parties, and to regulate civic education and other political conduct. The act also requires parties to promote certain values and policy issues. Amnesty International, *The Price We Pay: Targeted for Dissent by the Tanzanian State*, 2019; Fin & Law, *Legislative Review Tanzania: The Review of Enacted and Amended Laws*, March 2019; and The Political Parties (Amendment) Act, 2019.

[15] Fumbuka Ng'wanakilala, "Tanzania Court Rejects Plea to Halt Draft Law Curbing Opposition," Reuters, January 14, 2019, and various reports in *The Citizen*.

[16] State Department, "Statement on the Shooting of Tanzanian Member of Parliament Tundu Lissu," September 8, 2017.

[17] CRS Report R44271, *Tanzania: Current Issues and U.S. Policy*, by Nicolas Cook, op. cit.; and CRS meetings with Lissu in 2019.

[18] Fumbuka Ng'wanakilala, "Tanzania Police Probe Death of Opposition Campaigner," Reuters, February 14, 2018; Front Line Defenders, "Killing of Land Rights Defender Godfrey Luena," February 23, 2018; State Department, "Statement of Concern about Politically-Related Violence," February 15, 2018.

[19] Reuters, "Tanzanian Opposition Leader Attacked by Unidentified People," June 9, 2020; and State Department, "Statement of Concern about Attack Against Freeman Mbowe," June 9, 2020, inter alia.

Restrictions on Expression, the Press, and Independent Research

In recent years, the CCM-dominated parliament has enacted or amended multiple laws restricting or regulating speech and other means of expression (e.g., print publishing, TV and radio broadcasts, and online content), along with entities engaged in such activity.

Key Laws Regulating Expression and Media Activity

Multiple laws prohibit media coverage of a range of vaguely defined topics—notably various state activities, defamatory, seditious, or nonobjective content, or aspects of certain issues (e.g., religion and healthcare)—and give regulators broad discretion to determine the legality of content. Several of these media laws impose substantial licensing requirements and stiff criminal penalties for violations of their provisions. The 2016 Media Services Act, for instance, regulates most types of journalism-based media activity, requires state journalism accreditation, imposes multiple media licensing conditions, and gives the state broad discretionary powers to interfere with media activity. Others include the Electronic and Postal Communications Act, 2010 and later implementing regulations (e.g., ones adopted in 2020), which provide the Tanzania Communications Regulatory Authority with sweeping power to regulate online content and communication. The Cybercrimes Act, 2015, meanwhile, criminalizes multiple broadly defined offenses related to the operation or use of online systems, including social media posts, and allows the seizure of equipment and proceeds if the act is violated.[20] The state has regularly fined, shut down, or suspended media outlets deemed to violate such laws, and detained, prosecuted, and/or otherwise harassed multiple journalists and media outlets. Often, such cases have related to reporting on politics and elections, criticism of the state, corruption, or human rights. A wide range of expression, by reporters, bloggers, researchers, non-governmental organizations, politicians, and others, has been affected.

President Magufuli and other officials have issued remarks threatening media they deem to be "inciting dissent," and many journalists and online publishers have faced state legal sanctions as well as attacks for their reporting, and some have fled the country.[21] A 2019 State Department statement took to task "incidents of abuse, harassment, and disappearances" targeting media workers that "overshadow a tradition of media-driven social progress."[22] Soon after, the State Department expressed concern over a "steady erosion of due process" arising from a rise in "lengthy pre-trial detentions and shifting charges." In particular, the Department highlighted "the irregular… arrest, detention, and indictment" of investigative journalist Erick Kabendera in 2019.[23] Other notable legal cases targeting journalists include the 2019 arrest, on a false news publication charge, of Joseph Gandye, a reporter who had covered alleged human rights abuses by police. Another journalist, Azory Gwanda, was abducted in 2017 while investigating a series of high-profile killings, including of CCM and police officials. He is presumed dead.

Research activity in Tanzania also is increasingly regulated, notably under the Statistics Act. As initially enacted in 2015, it criminalized the publication of "false official statistics," the

[20] See the texts of these laws, law firm and Library of Congress Law Library law summaries, and reports, including CIPESA, *State Of Internet Freedom in Tanzania*, 2016 and 2019 editions; Amnesty International, *The Price We Pay*…, op. cit., and *Lawfare: Repression by Law Ahead of Tanzania's General Elections*, October 12, 2020; and HRW, *"As Long as*…, op. cit. The latter reports provide many case studies documenting how these laws have curbed expression.

[21] On such cases, see the Amnesty International and HRW reports cited above, and, e.g., the Tanzania web pages of the Committee to Protect Journalists (CPJ) (https://cpj.org/africa/tanzania) and IFEX (https://ifex.org/location/tanzania). See also Reuters, "Tanzania's President Warns Newspapers Over Dissent," January 13, 2017, inter alia.

[22] It congratulated journalist Maxence Melo and his online news/opinion *Jamii Forums*, both targets of repeated state restrictions, for receiving a Committee to Protect Journalists 2019 International Press Freedom Award. State Department, "U.S. Embassy Congratulates Maxence Melo on International Press Freedom Award," July 18, 2019.

[23] Kabendera was initially detained after authorities questioned his citizenship but was later charged with money laundering, tax evasion and organized crime relating to his media activity. He entered a plea agreement on the former two charges and was released in February 2020. State Department, "Joint Statement of Concern over the Erosion of Due Process in Tanzania," August 9, 2019; and CPJ, *Erick Kabendera*, online profile and related CPJ statements.

"distortion of facts," and the questioning of state statistics. The parliament amended the law in 2018, criminalizing the publication of statistics or similar data absent state approval that would "invalidate, distort or discredit" state statistics. Substantial domestic and international criticism followed, including from the World Bank. In 2019, the parliament removed the law's criminal penalties, but maintained burdensome regulations on data collection and publication and questioning of official statistics.[24] Tanzania's Commission on Science and Technology also regulates private research, requiring that research projects be registered and sometimes authorized under such regulations as the National Research Registration and Research Guidelines.[25]

Curtailing the Independence of Civil Society

Increasingly, Tanzania's government has moved to strictly regulate non-governmental organizations (NGOs) and other types of civil society groups. In 2017, the government launched a re-vetting of the legal status and activity of existing NGOs and similar entities, required local officials to certify their good standing, and temporarily halted the registration of new ones. In 2018, authorities issued new regulations requiring NGOs to report their funding sources and promptly report on planned uses of such funds. A 2019 law further subjected NGOs to multiple agencies' oversight and gave the state-appointed Registrar of NGOs vastly expanded authority to monitor, investigate, require reporting from, and deregister NGOs deemed to be noncompliant with the law or their stated operational purposes. Together with separate, broadly similar amendments to company (firms) and associations laws—which can also affect NGOs—these laws now impose a wide range of legal requirements on NGOs.[26] A 2020 law also bans lawsuits by NGOs on behalf of third parties—a significant hindrance to public interest litigation. An April 2020 regulation also placed NGO regulation under the direct supervision of the President's Office for Regional Administration and Local Governance.[27]

The Government's Human Rights Record and Rhetoric

The State Department reported that "significant human rights issues" in Tanzania in 2019 included

> torture; arbitrary detention; harsh and life-threatening prison conditions; political prisoners; arbitrary or unlawful interference with privacy; the worst forms of restrictions on free expression, the press, and the internet; violence, threats of violence, or unjustified arrests or prosecutions against journalists, censorship, and site blocking; the existence of criminal libel laws; substantial interference with the rights of peaceful assembly and freedom of association, such as overly restrictive [NGO] laws; refoulement of refugees to a country where they would face a threat to their life or freedom…; restrictions on political participation where the government is unelected or elections have not been found to be genuine, free, or fair; pervasive corruption; trafficking in persons; criminal violence against women and girls…; crimes involving violence or threats of violence targeting persons with disabilities, members of national/racial/ethnic minorities, or indigenous people; crimes

[24] World Bank, "World Bank Statement on Amendments to Tanzania's 2015 Statistics Act," October 2, 2018; and HRW, "Tanzania Drops Threat of Prison Over Publishing Independent Statistics," July 3, 2019.

[25] Human Rights Watch (HRW), *"As Long as…,* op. cit.

[26] An omnibus 2019 law contained amendments to key business, NGO, and related entity laws, many of which drew criticism. See International Center for Not-for-Profit Law (ICNL), *On the Written Laws (Miscellaneous Amendments)(No.3) Act, 2019*, June 2019; and Amnesty International and HRW reports cited in this report.

[27] ICNL, *Tanzania's The Written Laws (Miscellaneous Amendments) (No. 3) Act, 2020*, June 21, 2019, and Legal *Analysis: Tanzania The Electronic and Postal Communications (Online Content) Regulations, 2020*, September 10, 2020; and Amnesty International, *Lawfare*…, op. cit.

> involving violence or threats of violence targeting lesbian, gay, bisexual, transgender, or intersex (LGBTI) persons; …[and] child labor.[28]

The State Department also reported that notwithstanding some "steps to investigate and prosecute officials who committed human rights abuses, […] impunity in the police and other security forces and civilian branches of government was widespread."[29]

Statements and actions by Magufuli and other officials in his administration have prompted questions about his government's commitment to human rights, notably those of particular social groups. Lesbian, gay, bisexual, and transgender (LGBT) persons have been a notable target. Authorities have cracked down in a variety of ways on LGBT persons, including through arrests and anal examinations of purportedly gay men. The state also has imposed restrictions on, harassed, or deregistered some entities serving LGBT persons or promoting their rights.[30] Such actions have affected some U.S.-funded health programs and drawn U.S. and other donors' condemnation. Tanzanian officials have at times walked back LGBT-focused threats, notably when foreign aid has been at issue.[31]

Officials also have targeted the reproductive and educational rights of women and girls. In 2017, President Magufuli announced that his government would not allow pregnant girls to attend school, and authorities have imposed forced pregnancy tests in schools and in some cases arrested girls for being pregnant.[32] In 2018, the World Bank withheld a $300 million loan to Tanzania after the government affirmed it would ban pregnant girls from school and after it criminalized questioning of official statistics. Tanzania then rescinded such criminal penalties, and the Bank reinstated that loan. It later authorized another educational loan, under which the government pledged to provide educational access to such girls, although it did not explicitly withdraw its school pregnancy policy.[33] President Magufuli also has called women who engage in family planning "lazy" and exhorted women to "set your ovaries free" to increase the population, so as to help foster economic growth. The government also has subjected family planning advertisements to prior state review and at times disallowed them.[34]

Elections: Recent Trends and 2020 General Elections

International observers characterized the 2015 national elections that brought Magufuli to power as generally credible, despite localized incidents of political violence, a widespread lack of voter education, and CCM use of state resources. Observers raised concerns over prosecutions of

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[28] State Department, *2019 Country Reports on Human Rights Practices: Tanzania*, March 11, 2020.

[29] State Department, *2019 Country Reports on Human Rights Practices: Tanzania*, March 11, 2020.

[30] For a chronology and case studies of such actions, see HRW, *"If We Don't Get Services, We Will Die": Tanzania's Anti-LGBT Crackdown and the Right to Health*, February 3, 2020.

[31] State Department, "Deterioration of Civil Liberties and Human Rights in Tanzania," November 9, 2018; AFP, "Donors Cut Aid to Tanzania After Rights Crackdown," December 29, 2018; and Kevin Sieff, "Tanzania Suspends U.S.-funded AIDS Programs in a New Crackdown on Gays," *Washington Post*, November 25, 2016.

[32] Kizito Makoye and Nita Bhalla, "Tanzania Slammed For 'Misguided' Arrest of Pregnant Schoolgirls," Thomson Reuters Foundation, January 10, 2018; and John Aglionby, "Tanzania's Enemies of the State: Pregnant Young Women," *Financial Times* (UK), October 11, 2017, among others.

[33] Reuters, "World Bank Lifts Aid Embargo, Approves $450 Million Loan for Tanzania," September 13, 2019; and HRW, "Tanzania: World Bank Okays Discriminatory Education Loan," April 2, 2020, and "Tanzania: Q & A on Ban on Pregnant Girls and World Bank Education Loan," April 24, 2020

[34] Al Jazeera, "Tanzania's John Magufuli Advises Against Birth Control," September 10, 2018; Syriacus Buguzi, "Government Lifts Ban on Family Planning Ads," March 28, 2019, and Alfred Zacharia, "President Magufuli Wants Tanzanians to Bear More Children to Boost Economy," March 16, 2020, both in *The Citizen*, among others.

opposition members and local election observers for transmitting election results data, in alleged violation of the Cybercrimes Act.[35] A local observer coalition (which was a key target of election-related prosecutions under the Cybercrimes Act) documented CCM candidates' use of public resources, indications of illicit campaign financing flows, vote tallying irregularities, arbitrary arrests of opposition candidates, a legal bar on challenges to official presidential results, and limited election violence. Chadema, for its part, rejected the results as fraudulent.[36]

Donor governments and the political opposition were highly critical of separate, simultaneous presidential and legislative elections in Zanzibar, which has a history of "controversial, closely fought, violent," and at times allegedly rigged or otherwise unfair elections.[37] During the final vote tally, the Zanzibar Electoral Commission (ZEC) chairman, citing a range of alleged irregularities, unilaterally annulled the election—notwithstanding international observers' conclusion that the electoral process had generally been credible.[38] The annulment sparked protests, some clashes, and security force crackdowns.[39] The United States, other foreign delegations, and the Civic United Front (CUF, then the main Zanzibari opposition party) condemned the ZEC's action and called for the results to stand. In March 2016, the ZEC held a new vote, which the CUF boycotted as "illegal," resulting in a landslide victory for the CCM.[40] The CUF and Western governments condemned the re-vote.[41]

Observers initially saw civic elections, held in November 2019 to select community-level officials, as a dry run for the 2020 general elections, but these civic polls also featured serious reported flaws. Opposition parties were able to canvass widely and recruit large numbers of new members in advance of the vote, but the electoral process itself was not free, fair, or credible. State officials administering the vote reportedly systematically prevented opposition candidates from obtaining or returning nomination forms, and rejected the vast majority of those who were able to submit forms—including a reported 94% of Chadema candidates. This allowed many CCM candidates to run unopposed in roughly two-thirds of rural races and one-third of urban ones, according to opposition leader Zitto Kabwe.[42] In response, opposition parties boycotted the election, and the CCM ultimately won 100% of urban seats and more than 99% of rural ones.[43]

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[35] The election is summarized in CRS Report R44271, *Tanzania: Current Issues and U.S. Policy*. See also State Department, "Tanzania," in *Country Reports on Human Rights Practices for 2015*, and "Joint Local Statement on Human Rights Infringements," November 9, 2015; and European Union Election Observation Mission (EUEOM), *United Republic of Tanzania Final Report General Elections 2015*, June 2, 2016 (EUEOM final report hereinafter).

[36] Jill Craig/VOA News, "Tanzania Opposition Rejects Presidential Vote Results," VOA, October 28, 2015.

[37] David Throup, "The Political Crisis in Zanzibar," Center for Strategic and International Studies, March 18, 2016; and Alexander Makulilo, "The Zanzibar Electoral Commission and Its Feckless Independence," *Journal of Third World Studies* (28:1), 2011.

[38] EUEOM final report, op. cit.

[39] The annulment came after soldiers stormed the vote tally center, evicting journalists and observers, amidst an increasingly chaotic counting process, and two days after the CUF claimed to have received enough votes to win Zanzibar's presidency. State Department, "U.S. Embassy Statement on Elections in Zanzibar," October 28, 2015.

[40] James Butty, "Zanzibar Opposition Leader in Washington to Explain Political Situation," VOA, June 14, 2016; and International Crisis Group, "Averting Violence in Zanzibar's Knife-edge Election," June 11, 2019.

[41] State Department, "Statement on Election Re-Run in Zanzibar," March 21, 2016; see also EUEOM final report.

[42] Al Jazeera, "Tanzania to Hold Local Elections Amid Opposition Boycott," November 23, 2019; Zitto Kabwe, "Tanzania's Stolen Civic Elections: An Urgent Call to Action," *Daily Maverick* (South Africa, *Daily Maverick* hereinafter), December 3, 2019; and Dan Paget, "Why Tanzania's Local Elections are More Important Than They Might Seem," *African Arguments*, November 15, 2019.

[43] *The Citizen*, "Opposition to Test New Strategies in Civic Polls," September 22, 2019; Kabwe, "Tanzania's Stolen …," op. cit.; and Al Jazeera, "Landslide Win For Tanzania Ruling Party in Boycotted Local Polls," November 26, 2019.

The State Department expressed concern over the candidate exclusions and other irregularities, saying they called "into question the credibility of the election process and results."[44]

October 2020 Elections

Campaigning is currently under way ahead of elections for President, National Assembly, and urban councils scheduled for October 28, 2020. That election is to be held concurrently with a separate election in Zanzibar for President, the House of Representatives, and local urban council seats in that region, which also votes in the national presidential and parliamentary elections.[45]

President Magufuli is running for reelection. His main challenger is Chadema's Tundu Lissu, who returned to Tanzania in July 2020 (see above). The most prominent among 13 other presidential candidates is the ACT-Wazalendo's Bernard Membe, an ex-foreign minister and Magufuli critic, whom the CCM expelled in early 2020. (Membe has been largely absent from the campaign trail, however, and in October 2020 ACT-Wazalendo leaders appeared to break with him by endorsing Lissu.)[46] Key policy issues in the presidential race include pledges by leading candidates on all sides to foster infrastructure development, notably electrification and energy development, and improve public service delivery. Lissu also has pushed for universal health insurance, and support for private sector trade and agriculture. The opposition has emphasized a need for greater adherence to political and human rights norms and justice reforms.[47]

In the separate Zanzibar elections, current Minister of Defense Hussein Mwinyi is the CCM's presidential candidate. His top challenger is Seif Sharif Hamad of ACT-Wazalendo, who was the main opposition contender in 2015 (then for the CUF, from which he and multiple supporters defected in 2019). There are 15 other presidential candidates. There has been some electoral violence, and in mid-October the Zanzibar Electoral Commission (ZEC) suspended Hamad's campaign for five days for an alleged ethics violation. Officials also have arrested at least one ACT-Wazalendo official for an allegedly seditious social media post.[48] The ZEC's reported non-issuance of voter IDs in some opposition strongholds has spurred discontent and the state reportedly has deployed military and anti-riot police to Zanzibar.[49]

The start of the national campaign period in late August was tainted by opposition claims that the National Elections Commission (NEC) had unfairly disqualified many of their candidates or

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[44] State Department, "Statement on Tanzanian Local Elections," November 27, 2019.

[45] In the National Assembly election, 264 seats are directly elected out of a total of 393 seats; the balance, including 113 seats reserved for women, are appointed in proportionality to directly elected seats or by the President, or indirectly elected by Zanzibar's legislature. In Zanzibar's House, 50 seats are to be directly elected in 2020, down from 54 in 2015, of a total of 82. The remainder are appointed in proportion to directly elected seats or by the President.

[46] Reuters, "Tanzanian Opposition Leader Who Survived 2017 Gun Attack Returns from Exile," July 27, 2020; and Hadija Jumanne, "Court Throws Out Lissu Arrest Request," February 26 2019, Alex Malanga, "Tanzania: NEC Clears Record 15 Candidates for Tanzania's Presidential Election," August 26, 2020, Josephine Christopher, "ACT's Zitto Endorses Lissu for President Ahead of Polls, October 17, 2020, and Elias Msuya, "Maalim Seif: We Agreed With Membe To Support Lissu," October 20, 2020," all in *The Citizen*.

[47] "Lissu to Focus on Service Delivery, Economic Growth," September 2, 2020, and "The Overriding Issues in Tanzania's 2020 Election Campaign So Far," September 7, 2020, both in *The Citizen*.

[48] Africa-press.com, "ZEC Clears Hamad to Vie For Top Seat," September 12, 2020; Masato Masato, "Tanzania: Presidential Candidates Condemn Mosque Attack," *Daily News*, September 22, 2020; *Daily News*, "CCM Incensed By Attacks Against Its Cadres," October 6, 2020; and *The Citizen*, "Tanzania: ZEC Suspends Act Wazalendo's Maalim Seif From Campaigns for 5 Days," October 15, 2020.

[49] William Farmer, Eva Renon, "Violent Protests Likely In Zanzibar Following Tanzanian Elections; Oil Licences to Face Legal Challenge If Opposition Wins," *IHS Global Insight Daily Analysis*, October 6, 2020; and Amnesty International, *Lawfare* ... , op. cit., among others.

prevented their submission of nomination forms, in some cases as a result of alleged intimidation by police or unidentified persons.[50] Many of those initially disqualified appealed, and NEC reinstated 66 parliamentary candidacies, but 20 CCM candidates are running unopposed.[51]

Before the official campaign period, police continued to enforce the general ban on political party rallies in place since 2016, drawing U.S. criticism.[52] While the ban on rallies has been lifted during campaigning, police have made multiple arrests during the campaign period, most of opposition candidates and supporters, but in some cases of apparent anti-opposition actors.

Electoral authorities are closely monitoring and regulating campaign activities, notably those of opposition candidates, some of whom it has sanctioned for relatively trivial campaign process violations (e.g., speaking for five minutes over an allotted campaign schedule and use of an unapproved campaign prospectus). In early October, the NEC suspended Tundu Lissu's presidential campaign for a week over an allegedly seditious speech referencing what he implied was pro-CCM electoral collusion involving President Magufuli. Lissu appealed the order. Police also summoned him for questioning after he criticized police for teargassing his motorcade, and have otherwise periodically interfered with his campaign. An emergent electoral alliance between Chadema and ACT-Wazalendo also has drawn warnings from election officials, as inter-party coalitions are banned unless formalized three months before campaigning.[53]

Campaigning has been generally peaceful, but there have been a number of mostly localized campaign-related violent incidents, including clashes, some involving fatalities, between rival party supporters, and between police and opposition supporters.[54] Police also have raided local Chadema offices, seizing office and campaign materials and making arrests in relation to alleged non-electoral criminal activity, and reportedly assaulted some Chadema candidates, including one in a NEC office.[55] Two Chadema district headquarters also were targeted in arson attacks.

U.S. Relations and Congressional Responses

U.S.-Tanzanian ties have historically been cordial, but strains have emerged amidst growing U.S. concerns about Tanzania's governance trajectory, notwithstanding recently-arrived U.S.

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[50] The nominations of more than 50 Chadema and more than 40 ACT-Wazalendo parliamentary candidates, and 642 urban councilor candidate from various parties were reportedly rejected. Louis Kolumbia, "Tanzania: Opposition Decries Unfair Elimination of Candidates," *The Citizen*, August 13, 2020; and Michaela Collord and Dan Paget, "Tanzania Elections-Opposition Report Widespread Nomination Interference," *African Arguments*, August 26, 2020.

[51] Party breakdowns of appeals and reinstatements were not announced. Economist Intelligence Unit, "Tanzania's CCM Secures 20 Seats In Parliament Uncontested," September 24 2020; and various NEC releases.

[52] In June 2020, for instance, police arrested ACT Wazalendo leader Zitto Kabwe and seven party members for participating in an internal party meeting. In July 2020, they arrested Chadema's youth wing chair and six other party members for unlawful assembly and other charges, and in August, an incumbent MP was arrested for illegally demonstrating while accompanied by supporters en route to obtain his 2020 nomination papers. Meanwhile, CCM figures have generally been allowed to freely engage in political activities often nominally tied to their roles as state officials. The Chadema youth wing detainees remained jailed as of mid-October 2020. AI, *Lawfare…*, op. cit.; and HRW, "Tanzania: Freedoms Threatened Ahead of Elections," September 2, 2020, among others.

[53] A desire not to breach election regulations—as well as reported opposition to a coalition from ACT-Wazalendo's largely absent presidential candidate Bernard Membe—may account for ACT-Wazalendo leader Zitto Kabwe's October 17 endorsement of Lissu on a personal, rather than party basis. Peter Fabricius, "Tanzanian Opposition Parties Agree To Work Together To Unseat President Magufuli," *Daily Maverick*, August 6, 2020; Christopher, "ACT's Zitto Endorses ... , op. cit.; Fumbuka Ng'wanakilala, "Tanzanian Opposition Press for Single Presidential Candidate," *Bloomberg*, October 2, 2020; and *The Citizen*, "Chadema, ACT-Wazalendo Cooperation Delayed," October 4, 2020.

[54] *The Guardian*, "One Killed, Three Injured Political Violence in Tunduma," August 28, 2020, among others.

[55] Local news and social media post summaries from Center for Strategic Litigation.

Ambassador Donald Wright's pledge of "unwavering" U.S. "commitment and partnership with Tanzania."[56] U.S. concerns with governance conditions in Tanzania initially centered on the government's nullification of the 2015 Zanzibar election results and cybercrime prosecutions of local election observers (see above). Following a "neither inclusive nor representative" rerun of the Zanzibar vote in 2016, the U.S. Millennium Challenge Corporation (MCC), an independent U.S. foreign assistance agency, suspended its partnership with Tanzania and ended the development of a second MCC compact with the country.[57]

Congressional Views and Responses

Several Members of Congress have raised concerns about democratic backsliding and negative human rights trends, in Tanzania, and called for action to help reverse them. In October 2020, Senate Foreign Relations Committee (SFRC) chairman Senator Jim Risch stated that "political violence and repression of opposition candidates, restrictions on independent media, lack of autonomy and transparency by electoral officials" in the 2020 elections "reflect Tanzania's history of flawed elections and… democratic erosion over the past five years." He called for "electoral officials to correct past errors and return Tanzania to a positive democratic trajectory by holding free, fair, and credible elections." Senator Risch has repeatedly tweeted concerns about these issues.[58]

On September 17, 2020, Representative Karen Bass, who chairs the Africa subcommittee of the House Foreign Affairs Committee, introduced H.Res. 1120, which highlights deteriorating governance conditions in Tanzania and calls for the October 2020 elections to be "free, fair, credible, transparent, and peaceful." The resolution also urges Tanzania to guarantee citizens' constitutionally-afforded political rights and civil freedoms, lists a range of specific actions necessary to ensure such ends, and calls on Tanzania's government to foster "a business environment conducive to continued United States trade and investment in Tanzania."[59] On September 30, the House Foreign Affairs Subcommittee on Africa, Global Health, Global Human Rights and International Organizations held a hearing on *Democratic Backsliding in Sub-Saharan Africa* that featured discussion of Tanzania.

In a 2018 floor speech, SFRC Ranking Member Robert Menendez cited "three troubling trends" in the country: rising "harassment of opposition political figures and restrictions on their activities," notably by police; increasing state restrictions on freedom of expression; and a "closing space" for civil society organizations (CSOs). He also called attention to anti-female bias, the school ban on pregnant girls, state hostility against LGBT persons, and Tanzania's suspension of the registration of refugees fleeing violence in neighboring Burundi.[60] Similarly, in a late 2018 letter to Secretary of State Michael Pompeo, Senators Edward Markey, Chris Coons, Cory Booker, and Robert Menendez called for the United States and international partners to counter "President Magufuli's war on democratic freedoms and civil liberties." They called for U.S. support for "fair and credible" elections in 2020, expanded U.S. bilateral democracy, rights, and governance programming, and for the use of U.S. voting power in international financial institutions to counter multilateral support for "intolerant, unfair or inequitable public policies" in Tanzania.[61]

The State Department also has repeatedly raised concerns over acts of political violence in Tanzania and state crackdowns on opposition figures and journalists, among others, as well as concerns over the erosion of the rule of law. The State Department also expressed alarm over

[56] State Department, "The United States' Unwavering Commitment and Partnership with Tanzania," August 5, 2020.

[57] The first compact supported $698 million worth of transport, energy, water projects between 2008 and 2013. MCC, "MCC Statement on Decision of Board of Directors to Suspend Partnership with Tanzania," March 28, 2016.

[58] SFRC, "Chairman Risch: Tanzania Officials Must Correct Past Errors and Hold Credible Vote," October 5, 2020; and postings on Twitter at @SenateForeign. U.S. Ambassador to Tanzania Donald Wright also has tweeted expressions of concern over such issues on Twitter at @USAmbTanzania.

[59] H.Res. 1120, Urging the Government of Tanzania and all parties to respect human rights and constitutional rights and ensure free and fair elections in October 2020, and recognizing the importance of multiparty democracy in Tanzania. In late 2019, Representative Bass also introduced H.Res. 768, Calling on African governments to protect and promote human rights through internet freedom and digital integration for all citizens across the continent of Africa, which addresses policy and rights challenges at issue with regard to Tanzania's recent governance trajectory.

[60] *Congressional Record* (164:106), June 25, 2018.

[61] Quotes from the letter, which was republished in Jamii Forum, a key target of Tanzanian state media prosecutions.

electoral irregularities in by-elections in 2018 and local elections in 2019 (see above).[62] A November 2018 release expressed deep concern over "escalating attacks and legislative actions" by Tanzania's government "that violate civil liberties and human rights, creating an atmosphere of violence, intimidation, and discrimination." It further stated

> We are troubled by the continued arrests and harassment of marginalized persons, including [LGBT] people, and others who seek to exercise their rights to freedom of speech, association and assembly. Legislation is being used to restrict civil liberties for all. The deteriorating state of human rights and rule of law in Tanzania inhibits development, economic prosperity, peace, and security. We call on Tanzanian authorities to act decisively to safeguard the rights of [CSOs], human rights defenders, journalists, health workers, political activists, and all people in accordance with the Tanzanian constitution… and the country's international and regional obligations and commitments.... [63]

In June 2020, the State Department expressed concerns over the "arrest of political opposition figures during a closed party meeting" and the withdrawal of an opposition party newspaper's license. It said such actions "stifle democratic norms" and "follow a disconcerting pattern of intimidation toward opposition members, civil society, and media outlets."[64] The State Department has said that the United States will closely monitor "actions of individuals who interfere in the democratic process or instigate violence against the civilian population before, during, or after the elections ... [and] not hesitate to consider consequences for those found to be responsible for election-related violence or undermining the democratic process."[65] In early September, Canada and nine European governments made a similar statement, though they did not threaten to sanction electoral process interference. Multiple diplomatic missions have been accredited to observe the election, including those of the European Union, the East African Community, and a U.S. embassy team.[66] The United States is not funding an international election observation mission, but has provided other support for democracy in Tanzania (see below).

U.S. Governance Programs

U.S. democracy, human rights, and governance (DRG) programs in Tanzania are part of a larger set of U.S. assistance programs focused on a wide range of objectives, with a significant emphasis on improving health. According to the State Department, overall U.S. bilateral assistance to Tanzania, not including food aid, totaled an estimated $426 million in FY2019 and $548 million in FY2020. The Trump Administration requested $329 million for such assistance in FY2021.

U.S. DRG programs in Tanzania seek to "counter closing civic and political space, bolster freedom of expression… promote transparent and accountable systems free from corruption, and strengthen human rights among vulnerable populations."[67] The U.S. Agency for International

[62] The State Department reported "credible accounts of election violence and irregularities" and a refusal by electoral authorities to register opposition candidates, "intimidation by police of opposition party members, unwarranted arrests, and suppression of freedoms of assembly and speech" before the by-elections. "Statement of Concern on By-Elections," August 15, 2018.

[63] State Department, "Deterioration of Civil Liberties and Human Rights in Tanzania," November 13, 2018.

[64] State Department, "Statement of Concern about Freedom of Expression and Inclusive Political Participation," June 25, 2020.

[65] On September 2, Canada and nine European governments made a similar statement, though they did not threaten to sanction electoral process interference. State Department, "Statement from the U.S. Embassy on Tanzania's Upcoming Elections," October 1, 2020.

[66] Xinhua, "Tanzania to Allow Int'l Observers For October Election," September 9, 2020; John Namkwahe, "US Joins Team To Monitor Tanzanian Polls," The Citizen, October 17, 2020; and *The Guardian*, "EU Observers 96 Local NGOs Set Observe Polls," September 16, 2020.

[67] USAID, "USAID/Tanzania Overview," October 20, 2020.

Development (USAID) administers the largest such programs. The State Department supports other efforts to protect and expand civil and political rights, legally aid human rights advocates, civil society organizations (CSOs), and journalists, build CSO capacities, and support legal and policy reforms. The independent but U.S.-funded National Endowment for Democracy, also supports local CSOs focused on democratic participation, the rule of law, and access to justice.

USAID-Administered Democracy, Human Rights, and Governance Programs

Key USAID programs include the following:

- **Tushiriki Pamoja** ("Participate Together," $11 million, 2017-2022). Promotes accountable and inclusive democratic and political processes, with a focus electoral process and legal reform advocacy, political competition, and democratic participation, notably of women, youth, and those with disabilities.
- **Tanzania Electoral Process Observation** ($1.5 million, 2020–2021). Supports efforts by a Tanzanian CSO to train and field local election observers for the 2020 national and Zanzibar elections.
- **Data-Driven Advocacy** ($8.7 million, 2017-2022). Seeks to build CSOs' capacity to engage in data-based advocacy on public policy issues (e.g., land rights, and education and human rights), with a focus on women.
- **Boresha Habari** ("Better News," $9.7 million, 2017-2022). Aims to foster free expression and access to information, in which journalists and CSO actors can professionally gather and disseminate accurate information in order to expand participation, inclusion, and accountability in public affairs.
- **Wanawake Wanaweza** ("Women Can," $0.5 million, 2018-2022). Promotes women's political participation and empowerment, and gender equality by helping build women's leadership skills and roles, notably in political and electoral processes; part of a broader U.N. Women program focused on similar ends.
- **Mwanamke Imara** ("Strong Women," $4 million, 2020-2023). Supports efforts by CSOs, together with the Tanzanian government, to build the capacity of women and youth to access justice and related legal services, serve as community and local government leaders, and increase their access to financial resources and literacy.

Outlook and Possible U.S. Policy Options

There are few signs that the governance trajectory in Tanzania discussed in this report is likely to change. One analyst of Tanzania sees President Magufuli and the CCM as pursuing "restorationist developmental nationalism"—a return to the sociopolitical development agenda and dominance of the CCM during the one-party state era, in which opposition parties play a marginal role.[68] There are arguably a paucity of strong levers through which the United States and other aid donors might be able to press for a reversal of recent trends. Targeted restrictions on aid could potentially spur constructive responses from Tanzanian authorities in some instances, but the bulk of U.S. and other foreign aid supports development goals or other U.S. policy interests that such changes might hinder. Targeted sanctions, which the United States has used in one instance,[69] also are a possible pressure tool and vehicle for signaling U.S. concerns in selected instances, but are complex to administer and may have limited effect if sanctioned officials do not have personal or financial interests within U.S. jurisdictions. The governance trends discussed in this report also could potentially warrant a change in Tanzania's eligibility for U.S. trade preferences under the African Growth and Opportunity Act (AGOA, P.L. 106-200, as amended), which take into account a range of good governance considerations.

[68] Dan Paget, "Again, Making Tanzania Great: Magufuli's Restorationist Developmental Nationalism," *Democratization* (27:7), 2020.

[69] Reuters, "U.S. Bans Tanzanian Official Who Launched Anti-Gay Crackdown," January 31, 2020.

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