

National Democratic Institute

International Observation Mission

2005 Zanzibar Elections
October 30, 2005

Final Report

December 11, 2005
Dar es Salaam, Tanzania



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National Democratic Institute for International Affairs (NDI)

The National Democratic Institute for International Affairs (NDI) is a nonprofit organization working to strengthen and expand democracy worldwide. Calling on a global network of volunteer experts, NDI provides practical assistance to civic and political leaders advancing democratic values, practices and institutions. NDI works with democrats in every region of the world to build political and civic organizations, safeguard elections, and to promote citizen participation, openness and accountability in government.

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MAP OF THE ZANZIBAR ARCHIPELAGO



LIST OF ABBREVIATIONS

ASP	Afro-Shirazi Party
AU	African Union
EAC	East African Community
ECF-SADC	Electoral Commissions Forum of the SADC Region
EISA	Electoral Institute of Southern Africa
JPSC	Joint Presidential Supervisory Commission
NEC	National Electoral Commission
NDI	National Democratic Institute for International Affairs
PNVR	Permanent National Voters Registry (used by the NEC)
PVR	Permanent Voters Registry (used by the ZEC)
SADC	Southern African Development Community
SADC PF	SADC Parliamentary Forum
TANU	Tanganyika/Tanzania African National Union
TEMCO	Tanzania Election Monitoring Committee
UNDP	United Nations Development Program
ZEC	Zanzibar Electoral Commission
ZNP	Zanzibar Nationalist Party
ZPPP	Zanzibar and Pemba People's Party

Note: For abbreviations of currently registered political parties see Appendix 1. List of Registered Political Parties



Queuing up to vote

EXECUTIVE SUMMARY

The National Democratic Institute for International Affairs (NDI) organized an international observation mission for the Zanzibar elections held on October 30, 2005. Zanzibar is a semi-autonomous archipelago that forms part of the United Republic of Tanzania. The 20 person delegation was led by Pius Anyim, former President of the Nigerian Senate; Nora Owen, former Minister of Justice from Ireland; and Lawrence (Larry) DeNardis, former United States Congressman. The delegation's members were drawn from political and civic leaders from 11 countries from Africa, Europe and North America. Support was received from the United States Agency for International Development (USAID) for this initiative, however, the delegation carried out its work independently and the findings, conclusions and recommendations contained in this report are solely those of the NDI international observation mission.

In carrying out its duties the mission was guided by the *Declaration of Principles for International Election Observation* which was formally endorsed at the United Nations on October 27, 2005 by over 20 organizations engaged in election observation. Consistent with these principles, the delegation did not seek to interfere with the electoral process and recognized that, ultimately, it will be the people of Zanzibar who will determine the meaning and validity of these elections. Upon arrival the delegation held briefings with election officials, political leaders, representatives of civil society, journalists and academics. The delegation also met with local observers from the Tanzania Election Monitoring Committee (TEMCO) as well as the leadership and members of other international observer missions. On election day, the mission deployed in 10 teams of two across Zanzibar, covering all five regions, eight of 10 districts, and 36 of 50 constituencies.

On November 1, the delegation issued a preliminary statement that found that the 2005 elections “were a marked administrative improvement over past elections,” but that serious problems related to the permanent voters registry (PVR) and excessive presence and use of force by the security personnel on election day “may have undermined citizens’ confidence in the electoral process and could have impaired the integrity of the vote in some polling stations.” This document represents the final report of the delegation.¹

Political Context

Multiparty politics on Zanzibar was reintroduced in 1992. Elections in 1995 and 2000 were considered to be flawed by domestic and international observers. The results were not accepted by all parties and in each case the legislature (House of Representatives) was boycotted by the losing party. Violence following the 2000 election resulted in more than 30 fatalities and hundreds of Zanzibaris who fled from the Isles for the safety of Mombassa, Kenya. Tensions between the main two political parties, Chama Cha Mapinduzi/Party of the Revolution (CCM) and Civic United Front or Chama cha Wananchi/Party of the People (CUF), traces its roots back to the pre-independence era and reflects both geographic (Pemba versus Unguja) and ethnic (African versus Arab) divisions.

¹ On December 14, Union elections will be held across Tanzania, including Zanzibar, and there will be a re-running of the Dole constituency election. As appropriate, the delegation may release an addendum to this report based on the conduct of those elections.

Since 2000 significant progress has been made to resolve the political crisis on Zanzibar under the Muafaka² II agreement between CCM and CUF. Importantly, the Zanzibar Electoral Commission (ZEC) has been reconstituted to include representatives from political parties and a new PVR has been introduced. An encouraging sign of the progress made under Muafaka II was the conduct of the 2003 Pemba by-elections. Domestic and international observers reported that the election took place without serious problems.

Election Framework

Zanzibar's elections are governed by the Zanzibar Constitution and Electoral Act and are managed by the ZEC. In the past, the ZEC has also been responsible for the conduct of the Union elections on the Isles, but for the 2005 elections the National Electoral Commission (NEC) will conduct the Union elections across all of Tanzania, including Zanzibar.³ As noted, the ZEC has been reconstituted to include individuals nominated by the ruling and opposition parties. Based on its performance during the 2003 Pemba by-elections, the ZEC is also viewed as having enhanced its institutional capacity to manage elections. Concerns remain, though, about the ZEC's independence and autonomy.

Zanzibar's elections are open to all Zanzibari citizens (a subset of Tanzania citizens). Significant concern remains about non-Zanzibaris registering for the Zanzibar elections as members of the security forces. In order to help properly identify voters the PVR includes a digital photograph of each eligible voter. Voting as well as the counting of ballots took place in polling stations. For the first time polling agents were entitled to an official copy of the polling station results.

Pre-Election Period

A new delimitation exercise was conducted following the 2002 census which resulted in three constituencies moving from Pemba to Unguja. This change to the distribution of constituencies raised tensions as the delimitation of constituencies has both a technical and political component on Zanzibar and in Tanzania. In addition, constituency maps were not produced prior to the election, which hampered the organizational efforts of political parties as well as the effectiveness of the ZEC to manage the electoral process.

As part of the effort to establish a PVR, a new voter registration exercise was conducted where biographical information including digital photographs and finger prints of all voters was collected. A number of concerns emerged during the process. On Pemba there were complaints of non-Zanzibari members of the security forces registering to vote. This led to violence and the temporary suspension of the exercise. In Stone Town, "Operation Dondola" resulted in a heavy police presence throughout the city and fostered a tense environment during registration. Also, voter registration levels were notably higher in the North and South regions of Unguja than other areas of Zanzibar.

Efforts to enhance public confidence in PVR were undermined when the Zanzibar Government initially cancelled a contract the ZEC had entered into with an outside company to

² Muafaka is the Swahili word for agreement.

³ Originally the Union and Zanzibar elections were to be held concurrently on October 30, 2005. However, due to the death of the CHADEMA vice presidential candidate, Jumbe Rajab Jumbe, the Union elections were postponed initially until December 18, 2005 (which was later changed to December 14, 2005).

conduct a computer verification of the PVR. This verification was designed to search for duplicate entries by matching digital photographs. Ultimately, the exercise went forward at a very late date, which resulted in the political parties receiving the final PVR only hours before the election. Thus an effort designed to enhance confidence in the election served largely to undermine the process.

In contrast to the 2003 Pemba by-elections, no candidates were disqualified during the nomination process. While there are special seats allocated to women in the House of Representatives, few women stood as candidates in general. The attention of political parties focused almost entirely on the presidential election with the result being that there were relatively few candidates for House of Representatives and Local Council seats. This added to tensions on Zanzibar as only one party could win the Zanzibar presidency and hence served to exacerbate the winner-takes-all nature of politics on the Isles.

Civic and voter education was undertaken largely by the Zanzibar Civic Education Reference Group working in close partnership with the ZEC. Step-down training was conducted by the ZEC for all polling officials during the second half of October. In part because of this effort, relatively few spoilt ballots were cast by voters. Election materials were produced and delivered on time to most polling stations. In only one constituency, as opposed to 16 in 2000, was an election nullified due to lack of materials.⁴

The ZEC worked with political parties to draft a code of conduct that was signed by all parties. Since the adoption of the Muafaka II agreement mechanisms for dialogue between CCM and CUF have been established that have helped reduce tensions on Zanzibar. Important among these are the Joint Presidential Supervisory Commission (JPSC) and the CCM and CUF Committee of Secretary Generals. In total, seven independent international observer missions, the TEMCO domestic observer network and the diplomatic community coordinated by the United Nations Development Program (UNDP) deployed observers on Zanzibar for the election.

While there was low-level violence throughout the campaign, tensions were lower than in past elections. The most serious incident occurred in Donge constituency where the security forces opened fire on CUF supporters after they had been told that they could not hold a rally in a particular field. This event was worrisome given the violence following the 2000 elections.

The Zanzibari media continues to be dominated by state-owned sources and media coverage continues to be biased in favor of the ruling party. In the last weeks of the election, however, efforts were made by the Media Institute of Southern Africa (MISA) to bring together media practitioners, political party leaders and election officials to improve relations and media coverage.

Election Day Period

Overall, voting was administered in a more transparent and accountable manner than in previous elections. On Pemba and in the North and South regions of Unguja the process had few problems, while small administrative problems occurred these were by-and-large

⁴ In Dole Constituency, in the Urban/West region of Unjuga, the House of Representatives election was nullified due to a lack of ballot papers.

not serious. Polling agents were widely present throughout Zanzibar and appeared to be well informed and active.

However, in the Urban/West region of Unguja, which contains Stone Town and 40 percent of the voters, the delegation observed serious problems. Of concern was the overwhelming presence of security forces which created an oppressive atmosphere and served to heighten rather than diminish tensions. There were a number of incidences where the security forces appeared to use excessive force to maintain public order. In addition, there was concern about multiple voting, under-age voting and voting by members of the security personnel who may have been registered and whose names may have been on the PVR, but who were not Zanzibari.

As with voting, counting was also conducted at polling station with greater transparency and accountability than during previous elections. Procedures were generally followed and election officials and polling agents, from all parties, agreed on the results. Polling station results were posted outside for public inspection and polling agents were given an official copy. However, many results forms given to polling agents were difficult to read with incomplete geographic information.

Post Election Period

Tabulation of results was first done at the district level by returning officers. There were some reports of polling agents and observers initially having problems gaining access to this part of the process. While not required to by law, the ZEC has not released polling station results. The timely release of such information would increase the transparency and accountability of the tabulation process and enhance public confidence in the results.

On November 1, the ZEC announced the results of the presidential election. CUF announced that the party would accept neither the results of the presidential election nor recognize the new government, but that the party would take up the 17 seats it won in the House of Representatives. As such, the party boycotted President Karume's swearing-in and the opening of the legislature. President Karume at his inauguration ruled out any government of national unity, but called on all Zanzibaris to work together for the common good of the Isles.

Since then the two CUF nominated commissioners on the ZEC has dissociated themselves from the election results as announced by the commission. There is no legal mechanism for challenging the results of the election for the Zanzibar President. The lack of such recourse serves to heighten tensions in the post-election period and drives parties to seek extra-legal remedies to perceive grievances.

Conclusions and Recommendations

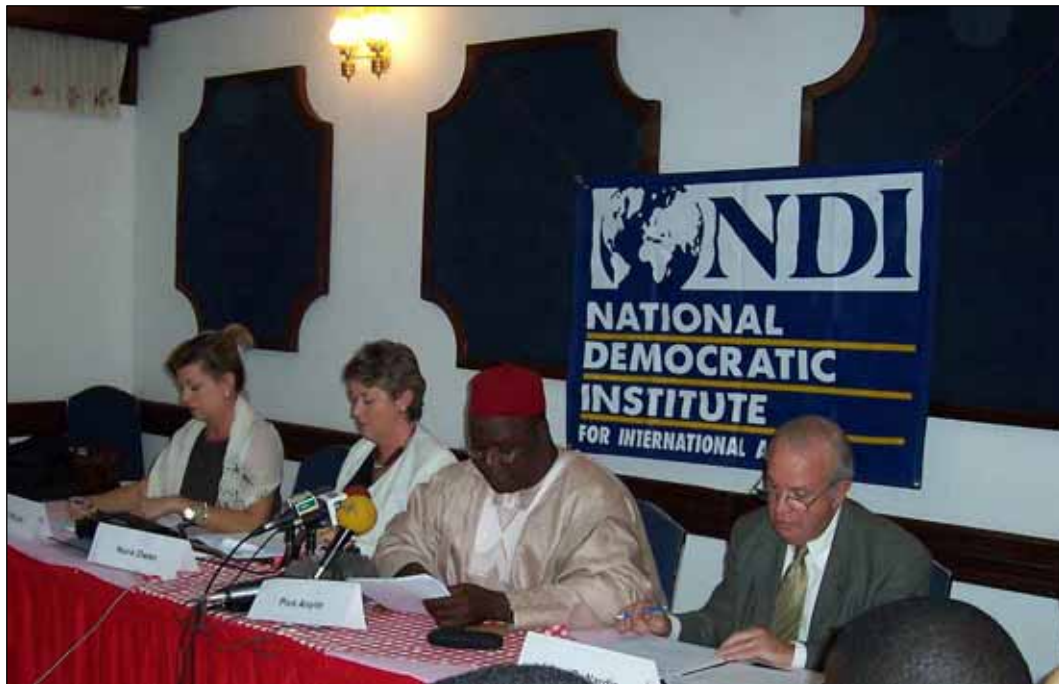
As noted in the delegation's interim statement, significant improvements have been made in the administration of elections since 2000 under the Muafaka II agreement. At the same time, there are concerns about the perceived accuracy of the PVR; problems of illegal voting; overwhelming presence of security forces; and excessive use of force by some security personnel. While these problems were largely confined to the Urban/West region of Stone Town on Unguja, this region contains 40 percent of the registered voters.

In support of all Zanzibaris being able to exercise their right to vote and to self determination as enshrined in the United Nations *Declaration of Human Rights*, the delegation offers

the following recommendations for consideration by the people of Zanzibar, political parties, the election authorities, and the government.

- ▶ All political parties should respect the rights of other parties and refrain from the use of violence;
- ▶ The security forces should be deployed judiciously as a significant security presence can increase rather than reduce tensions;
- ▶ The security forces should refrain from using excessive force in the course of maintaining public order;
- ▶ Allegations of excessive use of force should be investigated and addressed in order to provide redress for those whose rights were infringed and to bring to account those responsible for any such violations;
- ▶ Review of the clause enabling civil servants and members of the security forces to forgo the 36-month continuous residency clause should be considered or separate registration provisions should be made for such individuals, and information on the number and distribution of such registrants should be made public;
- ▶ Sufficient time should be allocated for all phases of the voter registration process and all versions of the PVR should be shared with the public and political parties (including detailed lists of changes) in sufficient time for the registries to be reviewed;
- ▶ Returning officers should consider posting all district level results;
- ▶ The ZEC should consider releasing polling station-level results upon receipt;
- ▶ Steps should be considered to enhance the autonomy and cohesion of the ZEC;
- ▶ The Zanzibar Constitution should be reviewed to look at providing a legal mechanism to challenge the presidential results since the lack of such a mechanism pushes parties that feel aggrieved to extra-legal remedies;
- ▶ Greater responsibility should be considered for the House of Representatives and Local Councils to reduce the emphasis on the winner-takes-all Zanzibar President elections; and
- ▶ Political parties should be encouraged to recruit and prepare greater numbers of women candidates as well as candidates for House of Representatives and Local Council seats;

Beyond steps to enhance the framework and conduct of elections on Zanzibar, attention should be given beyond elections to building upon the many reforms introduced through the Muafaka II agreement. Dialogue between political parties should continue. The House of Representatives should strive to serve as a forum for all parties with representation that promotes greater citizen input in the legislative process. All political parties should seek to enhance their capacity to: function in a legislative environment between elections; contest elections according to the democratic rules of the game; and to recruit and prepare candidates (with a focus on women candidates as well as candidates for House of Representatives and Local Council seats).



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Delegation Press Conference, Mazsons Hotel, Stone Town November 1, 2005. From left to right, Shari Bryan, NDI Regional Director and the three delegation co-leaders: Nora Owen, former Minister of Justice from Ireland; Pius Anyim, former President of the Nigerian Senate; and Larry DeNardis, former United States Congressman.

BACKGROUND

DELEGATION

NDI is an independent, non-profit organization that has conducted more than 100 pre-election, election day and post-election observation missions around the world. NDI initially sought to observe the 2005 Zanzibar elections as well as the 2005 Tanzania Union elections on Zanzibar. As such accreditation was sought and received from the ZEC to observe the Zanzibar elections, and from the NEC to observe the Union elections. Ultimately, the Union elections were postponed and NDI only observed the Zanzibar polls.

The delegation was jointly led by Pius Anyim, former President of the Nigerian Senate; Nora Owen; former Minister of Justice from Ireland; and Lawrence (Larry) DeNardis, former United States Congressman. The delegation included members from 11 countries across Africa, Europe and North America. Reflecting the importance of women in all political processes, nine of the 20 delegates were women (for more information about the composition of the NDI international observer mission see Appendix 5. List of NDI Delegation Members).

OBSERVATION

The NDI international observation mission had two main purposes. First, to demonstrate the international community's continued interest in and support for the strengthening of democratic institutions and for a transparent and accountable election process on Zanzibar. Second, to provide Zanzibaris and other interested parties with impartial information on the election process and the political environment within which the election took place. In observing the 2005 Zanzibar election, NDI did not seek to interfere with the process and realized that, ultimately, it will be the people of Zanzibar who determine the meaning and validity of the elections.

The delegation was guided in its work by the new *Declaration of Principles for International Election Observation* (see Appendix 4). These guidelines were recently endorsed by more than 20 organizations on October 27, 2005 in New York at the United Nations. A copy of the guidelines was given to each delegate and every delegate was required to read and sign the accompanying pledge. In accordance with the principles, the mission was specifically tasked with looking at all elements of the election process rather than narrowly focusing on the events of election day.

From August 2005, NDI had staff based in Tanzania and on Zanzibar following the election process. The delegation formally arrived in Tanzania on October 25. Prior to the delegation's arrival, delegates were provided with a comprehensive briefing binder containing detailed information about the political situation on Zanzibar; reports on past elections; and updates on the 2005 election process. Upon arrival the delegation issued a statement (see Appendix 8. NDI Arrival Statement) and spent three days conducting briefings in Dar es Salaam and Stone Town with: election authorities; leaders of political parties; civic leaders; representatives from women's groups; journalists; academics and statesmen. These meetings provided greater understanding of the context within which the elections would take place (see Appendix 6. NDI Delegation Agenda for more information about the delegation's meetings).

The delegation coordinated closely with other observer missions. Frequent meetings were held with the TEMCO domestic monitoring network. The delegation also met with representatives from the following international observer missions: African Union (AU); Election Commissioners Forum of the Southern African Development Community (ECF-SADC), Electoral Institute of Southern Africa (EISA), Southern African Development Community (SADC) and SADC Parliamentary Forum. Consultations were also conducted with observers from the diplomatic community coordinated by UNDP.

On October 29 the delegation divided into 10 two-member teams to observe voting and counting on election day. Two teams were deployed on Pemba and eight on Unguja. On Unguja, five of the eight teams were based in Stone Town covering the West and Urban districts while the three teams were posted to North A, Central and South districts. In total NDI deployed teams to all five of Zanzibar's regions; to eight of its 10 districts and 36 of its 50 constituencies (see Appendix 7. NDI Deployment Plan for more information on where NDI's teams observed on election day).

Each team spent time in its deployment area prior to election day visiting polling stations; meeting with local election officials; police and security forces; domestic observers; other international observers; and representatives from political parties. On election day, NDI's teams began observation at 06h00 to witness the setting up of polling stations. They observed voting through out the day and then counting that evening and well into the night. In order to facilitate the observation effort each observer team was provided with detailed voting and counting checklists.

The afternoon of October 31 the teams reassembled in Stone Town and shared their impressions not only on the voting and counting process, but on the overall electoral process to date. Based on those discussions an interim statement was drafted by the delegation (see Appendix 9. NDI Interim Statement). The following day at Mazsons Hotel the delegation held a press conference where the interim statement was distributed and the leadership of the delegation responded to questions from journalists. The delegation formally departed Tanzania on November 2. However, NDI staff remained in Tanzania and on Zanzibar for two weeks following events.

This document represents the final report of the delegation and is based largely on, and is consistent with, the delegation's interim report. It also incorporates information from the post-election period and provides greater detail on a number of pre-election and election day issues. The delegation notes, though, that the election for the Dole constituency seat was nullified due to lack of ballot papers and will be re-run on December 14 concurrently with the postponed Union elections. The delegation, therefore, may issue an addendum to this final report based on the conduct of re-run of parliamentary election in Dole as well as the Union elections on Zanzibar.

Support for the mission was provided by the United States Agency for International Development (USAID). However, the delegation carried out its mission independently of any outside influences. The findings, conclusions and recommendations contained in this report were formulated by the delegation and the delegation alone.

POLITICAL CONTEXT

The archipelago of Zanzibar consists of the isles of Pemba and Unguja, with Unguja being the larger island on which the city of Stone Town is located. Zanzibar experienced a long colonial period under the influence of a number of foreign powers. During the 16th Century the Portuguese dominated the Isles while in the following century Zanzibar came under the control of the Omani Arabs. In 1856 Zanzibar broke with the Sultan of Oman and became a British Protectorate. On December 19, 1963 Zanzibar gained independence from Britain as a constitutional monarchy under the al-Busaidy sultancy. However, the following year on January 12, 1964 there was a revolution led by Afro-Shirazi Party (ASP).

A little more than three months after the revolution, on April 26, 1964, Tanganyika and Zanzibar formed a union as the United Republic of Tanzania. Within the Union, though, Zanzibar maintains a semi-autonomous status and as such has its own president, legislature (House of Representatives), and local councils. While Zanzibar experienced a brief multi-party period just prior to and after independence, following the revolution of January 12, 1964 political parties other than ASP were banned and elections suspended. With the adoption of the Interim Constitution in 1965, Tanzania, and hence Zanzibar, officially became a one-party state.

Elections for the Zanzibar President were reintroduced in 1980 and for the House of Representatives five years later, but with CCM as the sole legal political contestant (ASP formally merged with Tanzania African National Union (TANU) on February 5, 1977 to form CCM). On July 1, 1992, multiparty politics was reintroduced to Tanzania, and therefore Zanzibar, following the recommendations of the Nyalali Commission and with the support of Tanzania's former president and father of the nation, Julius Nyerere.



Ballot box and polling officials

National Democratic Institute (NDI)

Since 1992, two multiparty general elections have been held on Zanzibar – on October 22, 1995 and October 29, 2000. The main two competitors for these elections were CCM and CUF. Other parties have made little inroads into Zanzibar politics. As during the pre-independence and early independence period, voting is largely done along geographic and racial lines. CCM traces its roots back to ASP and hence CCM is dominant on Unguja and among Zanzibaris of African descent while CUF's base is largely drawn from supporters for the former ZNP (Zanzibar Nationalist Party) and ZPPP (Zanzibar and Pemba People's Party) from Pemba and the Zanzibari Arab community. The area of greatest contestation remains the diverse region of Urban/West on Unguja Island containing Stone Town.

The 1995 Zanzibar Elections were strongly criticized by domestic and international observer groups. In particular, concerns were raised concerning the ability of the ZEC to manage elections and the lack of transparency and accountability in the tabulation and announcement of the results. The main opposition, CUF, ultimately rejected the results and

called for new elections. However, calls for new elections were not accepted by the ZEC and led to CUF boycotting the House of Representatives for three years.

On April 29, 1999 CCM and CUF signed a Commonwealth-brokered peace agreement (Muafaka I) to end the dispute. The agreement called for, among other things, the ZEC to have greater independence and technical capacity; expanded civic and voter education; a review of the constitution and electoral laws; more equitable access to and coverage by public media; guarantees for all political parties to be free to campaign; freedom of all parties to campaign; and a more independent and professional judiciary.

In the nearly 18 months between the signing of Muafaka I and the 2000 Zanzibar Elections little progress was made implementing the agreement's recommendations. As in 1995, domestic and international observer groups found the 2000 elections wanting. Again, the capacity of ZEC to conduct the election was in doubt and the ZEC itself nullified the results in 16 constituencies in the Urban/West region of Stone Town on Unguja due to either the late or non-delivery of materials. Significant problems were experienced across the islands of Pemba and Unguja. In addition there was little confidence in the accuracy of the voters registry as well as concern about balanced coverage by state media.

The ZEC, contrary to recommendations from domestic and international observers, declined to hold new elections and instead a week later re-ran the elections in the 16 constituencies where the results had been nullified. CUF boycotted the re-run elections; refused to take up its seats in the House of Representatives; and called for demonstrations in support of new elections. The Government, though, deemed such protests illegal under the Political Parties Act of 1992 and called upon CUF to cancel the demonstrations. However, the demonstrations went forward with violent clashes between police and CUF supporters. Tragically, over 100 people were injured and at least 30 people lost their life in the violence, including six members of the security forces. Following the violence, hundreds of CUF supporters fled to Kenya seeking safety.

Following the violence after the 2000 Zanzibar elections, CCM and CUF signed a new peace accord (Muafaka II) on October 10, 2001. Muafaka II called for the implementation of the points agreed to under Muafaka I and also for a restructuring of the ZEC with some commissioners to be included specifically to represent the interests of the major parties. In addition, a Joint Presidential Supervisory Commission (JPSC) was established with representation from both CCM and CUF to oversee implementation of the Muafaka II agreement. While not without problems, progress was made to implement Muafaka II. In particular, steps were taken to restructure the ZEC; to enhance the ZEC's capacity to manage elections; and to introduce a new voters registry.

On May 18, 2003 by-elections on Pemba were held under Muafaka II for 17 House of Representatives seats declared vacant following the CUF boycott of the legislature. CCM fielded candidates for all of the by-elections. The nominations of six of CUF's 17 candidates were challenged and eventually they were ruled ineligible. As a result CUF only contested 11 of the 17 by-elections. CUF won all 11 of the seats the party contested while the remaining six seats were won by CCM. All observers, domestic and international, agreed that the elections were conducted without serious problems.