

ELECTION FRAMEWORK

LEGAL FRAMEWORK

Tanzania has a somewhat complex system of elections. Across all of Tanzania there are Union elections for the Union President and Parliament (Bunge). For the semi-autonomous archipelago of Zanzibar there are also elections for the Zanzibar President and legislature (House of Representatives). Union elections are governed by the Union Constitution and Union Electoral Act and managed by the National Electoral Commission (NEC) while the Zanzibar elections are governed by the Zanzibar Constitution and Electoral Act and are managed by the Zanzibar Electoral Commission (ZEC). In addition, local government is directly elected in Tanzania. On the Mainland, Local Council elections are governed by Union law and are managed by the NEC while on Zanzibar; Local Council elections are held under Zanzibar law and managed by the ZEC.

In total, Tanzanians on the Mainland vote in three elections (Union President; Union Parliament and Local Council) while Zanzibaris vote in five elections (Union President; Union Parliament; Zanzibar President; Zanzibar House of Representatives; and Local Council).

Sphere of Government	Union Government	Zanzibar Government	Local Government	
What offices are elected	Union President & Members of Parliament (Bunge)	Zanzibar President & Members of the House of Representatives	Local Councilors on Mainland	Local Councilors on Zanzibar
Where are elections held	All of Tanzania	Zanzibar Only	Mainland Only	Zanzibar Only
Who is eligible to vote in the elections	All Tanzanians	Zanzibaris	Tanzanians residing on the Mainland	Zanzibaris
Who administers the elections	NEC	ZEC	NEC	ZEC
Voters Registry	PNVR	PVR	PNVR	PVR

Under the Muafaka II agreement, both the Zanzibar Constitution and Electoral Act have been amended significantly, most recently in 2002. Among other things, these amendments altered the composition of the electoral commission; introduced a (PVR); limited the involvement of local government officials (*shehas*) in the election process (in particular voter registration); and provided that polling agents would receive an official copy of the vote count from presiding officers at polling stations.

The delegation recognizes that under Muafaka II important improvements have been made to the legal framework for elections and that these changes have been made by consensus. These are important steps in creating real confidence in the election process. To further enhance the legal framework additional reforms should be considered in line with the other recommendations contained in this report.

ELECTION ADMINISTRATION

As noted, the ZEC is responsible for managing Zanzibar's elections. In the past, the ZEC has organized both the Union and Zanzibar elections on the Isles. For 2005, however, the NEC is managing the Union elections on the Isles separately from the Zanzibar elections. Originally the Union and Zanzibar elections were to be held concurrently, but with the delay of the Union elections due to the death of Jumbe Rajabu Jumbe, the CHADEMA vice presidential candidate, the elections took place on separate dates.

Since the 2000 election, the composition of the ZEC commissioners has been changed. In the past, the ZEC has been accused of only representing the interests of the government and hence the ruling party. While all seven members, including the chair, continue to be appointed by the Zanzibar President, two commissioners are now recommended by the Leader of Government Business and two by the Leader of the Opposition. While this does not guarantee the independence or autonomy of the ZEC, it has helped to ensure that the commission takes into consideration the interests of all the major political contestants in determining how elections are conducted.

While such a system provides for greater representation, the commission must work even harder to promote decisions by consensus. The press conference on November 11 held by the two CUF appointed ZEC commissioners criticizing the election process and distancing themselves from the ZEC suggests that not enough had been done by the ZEC to operate as a single cohesive organization making decisions by consensus.

Concerns continue regarding the autonomy of the ZEC. Questions have been raised about the timing of the release of funds from the government to the ZEC to conduct the 2005 general elections. Further, the actions of the Attorney General to void a contract the ZEC had entered into with a firm to conduct a computer verification of the PVR served to undermine the perception of the ZEC as an independent body. While there were some concerns about both the nature of the contract and the technical specifications of the computer verification, the manner in which the issue was handled by the Zanzibar Government seemed to undermine the perception of the ZEC as an autonomous body in the eyes of many citizens.

Finally, it appeared that a large amount of responsibility for the administration of elections is delegated by the ZEC commissioners to the director of elections. This, in itself, is not necessarily a bad thing. Often the problem is one of election commissioners retaining too much control over the day-to-day operations of elections. However, it appeared that the ZEC commissioners could play a larger role in defining policy. This in no way is intended to be a criticism of the director, but rather to protect the position of the director from being perceived as political rather than technical. The director should be responsible for administration and to provide advice on policy matters to the commissioners. It should be the commissioners' responsibility to make policy.

The delegation is encouraged by the significant steps taken by the ZEC to enhance its capacity to administer elections. The changing of the composition of the commission to reflect the political reality on the ground is seen as a positive step. However, for the ZEC to function effectively it must make decisions by consensus that are agreed to by all commissioners both at the time the decision is made and into the future. It is recommended that:

- ▶ Steps should be considered by the ZEC to enhance the ability of the commissioners to function as a cohesive unit;

- ▶ A review of the Zanzibar Constitution, Electoral Act and other relevant laws should be considered to guarantee the ZEC's independence and autonomy; and
- ▶ The ZEC should consider reviewing the roles of the commissioners and the director to ensure that the commissioners provide a clear policy framework and the director implements that framework.

QUALIFICATION FOR REGISTRATION

The Zanzibar Constitution establishes Zanzibari citizens as a sub-group of Tanzanian citizens. A Zanzibari is defined as a Tanzanian citizen who held Zanzibar citizenship prior to the union between Zanzibar and Tanganyika; a Tanzanian citizen born on Zanzibar prior to the union; a Tanzanian citizen who resided on Zanzibar prior to the revolution; or a Tanzanian citizen who has at least one parent who is a Zanzibar citizen.

In order to be eligible to vote in the Zanzibar elections one must be a Zanzibar citizen and be at least 18 years old. In addition, one must be ordinarily resident within a constituency for three years in order to vote in that constituency (this requirement was reduced from five years). However, civil servants and members of the security forces do not need to meet the ordinary residency requirement if transferred for work. They, in theory, do still need to be Zanzibari citizens and be at least 18 years old. Considerable concern has been raised about non-Zanzibari civil servants and members of the security forces voting in Zanzibar elections under the exemption for ordinary residence clause. This issue is particularly salient since voting patterns on the Mainland and the Isles is distinct.

The Delegation suggests that now that the management of the Union elections has been separated from that of the Zanzibar elections consideration should be given to revising the ordinary residency exception for civil servants, members of the security forces and employees of international organizations. Given historical concerns about non-Zanzibaris voting in Zanzibar's elections consideration should be given to limiting the exception to voting only in the Union elections. While potentially disenfranchising some legitimate voters in the Zanzibar elections, such a change could enhance confidence in the process and the affected individuals would still be able to vote in the Union elections.

If such individuals are to retain the right to vote in Zanzibar's elections then distinct procedures should be considered their registration. Information on the number of such voters and their distribution by polling station should be made public. Extra care should be used to ensure such voters meet the requirements of Zanzibari citizenship.

PROCEDURES FOR VOTING AND COUNTING

Until the postponement of the Union elections, the Zanzibar and Union elections were to take place concurrently. In the past, on Zanzibar, voting for both the Zanzibar and Union elections has been held at ZEC polling stations; however, for the 2005 Union elections the NEC established its own separate polling stations. Thus voters were going to be required to go to two separate, though located close to each other, polling stations to vote in the two sets of elections. Voters could go to NEC and ZEC polling stations in any order, but they were to be required to go to both polling stations to vote in all five elections.

Voting and counting at NEC polling stations follows the Union Constitution and Electoral Act and differs in some ways from the procedures for the Zanzibar elections. Most no-

ticeably, NEC polling station accommodate up to 450 voters (as opposed to 350 for ZEC polling stations) and voting in the Union elections ends at 16h00 while voting ends for Zanzibar elections at 17h00. In the interest of reducing confusion the NEC agreed to harmonize its procedures with those of the ZEC and, therefore, chose to limit its polling stations to 350 voters and to extend voting until 17h00. However, with the postponement of the Union elections these issues ceased to be meaningful for the 2005 elections.

Approximately 1,600 polling stations were established by the ZEC as locations for voters to cast their ballots. In practice, polling stations were clustered at polling centers with one or more polling stations. Voters are only able to vote at one-and-only-one polling station where they registered to vote. As noted, the number of voters per polling station is capped at 350 voters.

Upon arrival at a polling station a voter presents himself/herself as well as his/her certificate of registration to the polling assistant. The polling assistant first determines if the potential voter's name appears on the PVR. If the name does appear then the individual is permitted to vote at the polling station and a tick (✓) is placed



Ballot boxes and polling booths

next to the individual's name. If the name does not appear the individual is turned away. The polling assistant then inspects the voter's left thumb for ink which would indicate that the person had already voted. If the individual's left thumb has ink on it the individual is turned away. If there is no ink the polling assistant applies ink to the voter's left thumb to prevent him/her from voting more than once.

Assuming that the voter's name appears on the PVR and there is no ink on his/her left thumb, the voter goes to the second polling assistant who gives the voter three ballot papers (one for the Zanzibar President; one for House of Representatives; and one for Local Council).

The polling assistant folds and stamps both sides of the each ballot paper before giving them to the voter. The voter then goes to the polling booth and marks all three ballot papers in private. Afterwards, he/she puts each ballot paper in the correct ballot box (there are three separate ballot boxes for the Zanzibar Presidential, House of Representatives, and Local Council elections). Voting continues until 17h00 with all voters in the queue at that time permitted to vote.

Counting is conducted at polling stations immediately following voting. Ballots for the Zanzibar Presidential election are counted first followed by the House of Representatives elections and lastly the Local Council election. For each election the number of ballot papers are counted and reconciled against the number of ballot papers issued. Afterwards, each ballot paper is inspected and sorted by candidate. Ballots where the voter's intention was not clear are rejected. The results are recorded on official forms and copies are given to all polling agents and are posted outside the polling station for public inspection.

DIALOGUE

Given the historical tensions on Zanzibar, dialogue is important to create and maintain a calm atmosphere within which elections can be conducted. On Zanzibar the JPSC has served as an important mechanism for dialogue between CCM and CUF. At a Union-level, the Committee of CCM and CUF Secretary Generals has provided a venue for communication between the parties. The inclusion of individuals nominated by CCM and CUF as ZEC commissioners has also promoted dialogue. Further, the ZEC has taken important steps to include political parties in the election process, notably the development of a code of conduct for political parties noted above.

The delegation commends the efforts to foster greater dialogue. Continued dialogue is central to resolving Zanzibar's political problems. In the spirit of greater dialogue the delegation suggests that the ZEC consider establishing an islands-wide as well as district-level political party liaison committees to promote greater interaction and dialogue between the ZEC and political parties as well as amongst the political parties themselves. These committees could routinely meet, more frequently closer to elections and less frequently further from elections, to facilitate information sharing and to reduce possible misunderstandings. In addition, representatives from civil society and the security forces could also be invited to attend specific meetings of these liaison committees to enhance further communications on public participation and the role of the police and security forces.

OBSERVERS

The Zanzibar elections attracted significant attention from both domestic and international observers. Observation by a large number of organizations from both Tanzania as well as the broader international community is valuable. Domestic observers typically can cover the largest number of polling stations and have the greatest understanding of local context. International groups serve to complement the efforts of domestic groups. While they often cover fewer polling stations they are generally perceived as non-partisan and demonstrate the international community's commitment to the democracy in process on Zanzibar.

TEMCO deployed observers for the entire electoral process. During the pre-election process TEMCO had one observer for each of Zanzibar's 10 districts plus one coordinator for each of the five regions. For election day TEMCO further deployed three observers per constituency for an intended total of 150. Including long-term observers TEMCO had 165 observers on election day. Given the large number of polling stations (approximately 1,600) TEMCO observers were not stationary, and instead, like the international observers, moved from polling station to polling station. TEMCO's observation effort for Zanzibar was part of a larger effort for the 2005 Union and Zanzibar elections.

There were a total of eight international missions, including NDI, which observed the 2005 elections on Zanzibar, including:

- ▶ African Union (AU)
- ▶ The Commonwealth
- ▶ East African Community (EAC)
- ▶ Election Commissioners Forum of the SADC Region (ECF-SADC)
- ▶ Electoral Institute of Southern Africa (EISA)
- ▶ National Democratic Institute for International Affairs (NDI)

- ▶ Southern African Development Community (SADC)
- ▶ Southern African Development Community – Parliamentary Forum (SADC Parliamentary Forum)

In addition, a large number of diplomatic missions as well as smaller delegations from outside of Tanzania also observed Zanzibar's elections under coordination by UNDP.

Initially only the NDI and EISA⁵ delegations focused specifically on the Zanzibar elections. The other delegations sought to observe the Zanzibar elections as part of a larger effort to observe Tanzania's Union elections. However, with the last minute delay of the Union elections, other delegations shifted their observers to Zanzibar. The ZEC made every effort to accommodate this last minute increase in international observers on the isles.

BALLOT DESIGN

Candidates appeared on the ballot papers in alphabetical order by name of party. Previously, candidates had appeared on ballot papers in alphabetical order by the candidates' surnames. Concerns were raised that this change resulted in the ruling party's candidates always appearing first on the ballot papers and, it was argued, that there was a small advantage to appearing first on the ballot paper. The delegation suggests that alphabetical order, either by candidate or political party, for listing candidates on ballot papers should be reconsidered. Consideration should be given to assigning names at random by drawing lots or some other method. Such techniques remove any real or perceived advantage to ballot position.

⁵ EISA actually fielded two distinct and independent international observer missions for the 2005 elections – one focusing only on the Union elections and one on Zanzibar's election.

PRE-ELECTION PERIOD

DELIMITATION OF CONSTITUENCIES

Following the 2002 population census, the ZEC conducted a new delimitation exercise in advance of the 2005 elections. Delimitation of constituencies on Zanzibar has not been viewed as a purely technical exercise. Rather, it is perceived that constituencies have been drawn to benefit the interests of a particular political party as well as to balance regional interests.

During the pre-independence and early independence period the delimitation of constituencies had a profound impact on the outcome of elections. The ASP won the first legislative election in 1957 by a landslide – securing over 60 percent of the vote and five of the six elected seats. At the same time, the ZNP failed to win any of the six seats even though the party gained just more than 20 percent of the vote. However, the second of two legislative elections in 1961 and the first parliamentary elections in an independent Zanzibar in 1963 reversed the trend. In both elections the ASP won a majority of the votes, 51 percent and 54 percent, but not a majority of seats, 10 of 23 (43 percent) and 13 of 31 (42 percent). Thus the boundaries of the 1957 election appear to have benefited the ASP while the constituencies of the second election of 1961 and the election of 1963 appear to have favored the ZNP/ZPPP alliance.

At the same time, for Tanzania as a whole and for Zanzibar specifically, constituencies have been seen to have been allocated to balance regional interests. Thus, the constituencies of the Union Parliament appear to have been distributed to favor the Isles over the Mainland. The average population per constituency on the Mainland in 1995 was approximately 59,000 while that of the Isles was 7,000. Similarly, the constituencies for the Zanzibar House of Representatives seem to favor slightly Pemba over Unguja. In 1995 for example, the average population per constituency on Pemba was approximately 6,500 while on Unguja 7,500.

As part of the delimitation exercise for the 2005 elections, the ZEC carried out consultations across Zanzibar with government officials, political parties and the public. This process was important as the law does not require the ZEC to consult with interested parties during delimitations. Through this delimitation exercise the ZEC reduced the number of constituencies on Pemba from 21 to 18 and increased the number of constituencies on Unguja from 29 to 32. All of the new constituencies were added in Urban/West region reflecting the growing size of Stone Town. This realignment served to reverse the population gap between constituencies on Pemba and Unguja. Thus, according to the 2002 census figures the average population for constituencies on Pemba now slightly exceeded that of the constituencies on Unguja.

The delegation recognizes that the ZEC carried out a delimitation exercise in response to the 2002 census and sought to delimit constituencies equitably based on population. Further, that in the spirit of the Muafaka II agreement the ZEC went beyond the requirements of the law consulted with interested parties in the process.

Based on its consultations, the delegation had three concerns about the delimitation process:

- ▶ Given the different voting patterns between Pemba and Unguja and the level of tensions on Zanzibar any shifting of constituencies from Pemba to Unguja may have been perceived, regardless of intentions, as political and may have served to undermine confidence in the election.
- ▶ New constituency maps were not produced nor distributed. This had also been a concern raised by observer groups in 2000. The lack of such maps undermine the transparency and accountability of the elections and hampers the efficient management of the process by the ZEC.
- ▶ While it appears that interested parties were consulted by the ZEC during the delimitation exercise, more could have been done by the ZEC to educate the public on the redrawing of the constituency boundaries and the logic behind the decisions that were made.

VOTER REGISTRATION

Based on provisions included in the Muafaka II agreement, the ZEC has created a new PVR for the 2005 elections and beyond. In the past, an entirely new voters registry was created before each and every election. The establishment of the PVR will reduce the workload of the ZEC in preparing the voters registry in that all that will need to be done is to update the PVR prior to each election⁶. Further, as the same list will continuously be updated and improved over time the accuracy of the PVR should steadily increase from election to election. When creating new voters registries for each election there is no guarantee than one is more accurate than another.

The voter registration exercise for the PVR was begun in November 2004 and continued through April 2005. The process was conducted on a regional basis starting on Pemba with registration done one region at a time. Voter registration was conducted for 21 days in each of Zanzibar's five regions. The schedule for voter registration was:

Region	Start	Finish
Pemba South	November 29, 2004	December 19, 2004
Pemba North	December 25, 2004	January 14, 2005
North	January 29, 2005	February 19, 2005
South	February 26, 2005	March 18, 2005
Urban/West	March 26, 2005	April 15, 2005

In addition to basic biographical information (such as name, date of birth, gender and address) digital photographs and thumbprints were taken of all of the registered voters. Registered voters were provided on the spot with a laminated voters card that included, among other things, their name, picture and where they are registered to vote. Registered

⁶ The work involved in updating the PVR in the future, though, should not be minimized. The information for newly eligible voters must be added; information for no longer eligible voters must be removed; and information for voters who have moved must be updated. For each of these activities their must be procedures and mechanisms to appeal. However, this still puts a significantly lower burden on the ZEC than creating a new voters registry would.

voters were instructed that on election day they would need to vote at the same location where they had registered.

In order to improve the accuracy of the registry as well as to build public confidence in the document, the ZEC publicly displayed the PVR and conducted a verification of the PVR to determine its accuracy. The PVR was displayed in August for public inspection. An initial verification process was conducted to identify duplicate individuals in the registry. This process identified several hundred duplicates out of approximately 500,000 names.

In addition, the ZEC sought to conduct a computer verification of the PVR to identify duplicate individuals by matching digital photographs. However, this process was initially halted by Zanzibar's Attorney General over allegations that the ZEC's contract with an outside firm to conduct the computer verification was invalid. After many weeks of tense negotiations between the Zanzibar Government, the ZEC and political parties (and with the help of Tanzanian and international mediators) the computer verification process ultimately went forward.

Through the computer verification several thousand duplicate names were discovered and administratively removed from the PVR. Given the delay, a final PVR was only produced on the eve of the election which did not provide an opportunity for either the public or contesting political parties to inspect the final document. While not required, such an opportunity would have helped build trust in the final PVR. The Zanzibar Electoral Act provides detailed procedures for the removal of names from the voters registry and for appeals to be made to that process. Due to the delay in the computer verification it was not possible to use the procedures.

At the end of the exercise, the ZEC reported that 507,225 Zanzibaris had been registered to vote. Registration rates, though, were not even across Zanzibar. The percentage of eligible individuals registered to vote in North and South regions on Unguja ran 20 percent higher than rates for Pemba North and South as well as Urban/West region on Unguja (see Appendix 10. 2002 Census Data and 2005 Voter Registration and Presidential Turnout Figures).

There were several incidents of violence on Pemba during the voter registration exercise. A young school boy was shot dead at Ng'ombeni registration center as members of the security forces tried to register. In an incident in Chake Chake a member of the security forces was allegedly killed in retaliation for attempts by members of the security forces to register. Third, at Pujini registration center there was a clash between the public and security forces attempting to register. A ZEC registration official was injured in the violence. In response to these incidents, voter registration was briefly halted by the ZEC to reduce tensions.

There were also concerns about the atmosphere in which voter registration was conducted in the Urban/West region of Stone Town. There was a significant presence of security forces during voter registration under Operation "Dondola" in Urban/West. While it is the responsibility of the security forces to maintain public order and safety, Operation "Dondola" was seen as having a chilling effect on the atmosphere in Urban/West region during the voter registration exercise.

There were also allegations that *shehas* (local government officials) continued to be involved in the voter registration exercise and that they behaved in a partisan manner preventing eligible individuals from registering to vote. This had been a serious issue in

1995 and 2000 and the Zanzibar Electoral Act was specifically amended under the Muafaka II agreement to exclude *shehas* from the voter registration process.

Further, there were concerns raised about ineligible individuals registering to vote (particularly members of the security forces from the Mainland registering under the clause that does not require 36 month continuous residency) and eligible voters registering in constituencies other than where they normally reside (in this case the charge was made that some eligible voters from Pemba had registered to vote on Unguja).

During the run-up to the elections, the Government of Zanzibar introduced a new Zanzibar ID card. The timing of the introduction of the Zanzibar ID cards caused some confusion. There was concern during the last weeks of the election that voters would be required to show the new Zanzibar ID card to be able to vote. This was not the case and on election day voters were not asked to show their new Zanzibar ID cards. However, the introduction of the new Zanzibar ID cards during the election process served to heighten tensions.

The delegation notes that the introduction of the PVR by the ZEC was a positive step in enhancing the confidence in elections on Zanzibar. Leaders from across the political spectrum stated that the creation of the PVR was valuable. Further, the ZEC appears to have professionally carried out the initial voter registration exercise. At the same time, concerns remain about the registration of non-Zanzibaris; the excessive presence of security forces during registration; and the involvement of *shehas* in the process. Further, the initial cancellation and ultimate delay in the conduct of the computer verification of the PVR served to undermine the perceived independence of the ZEC and confidence in the PVR.

The delegation recommends that:

- ▶ a flexible calendar be established that provides additional days for registration if the process is forced to be suspended for any reason to ensure all individuals have equal opportunity to register;
- ▶ separated registration procedures for civil servants and members of the security forces be established to make this process transparent and accountable;
- ▶ sufficient time be provided after each step of the registration process for review by the public and political contestants; and
- ▶ all political parties should be provided with electronic read-only copies of each version of the PVR as well as a detailed list of changes made to the PVR (additions, deletions and modifications).

NOMINATION OF CANDIDATES

Nomination of candidates was done on September 3 without any disqualifications. Candidates collected their nomination papers for Zanzibar President on August 7 and for House of Representatives and Local Council seats on August 15. A total of six candidates, one a woman, were nominated for the post of Zanzibar President (there is no vice president for Zanzibar). The candidates for president were:

- ▶ Abdulla Ali Abdulla, DP
- ▶ Simai Abdulrahman Abdulla, NRA
- ▶ Seif Shariff Hamad, CUF

- ▶ Amani Abeid Karume, CCM
- ▶ Haji Mussa Haji Kitole, Jahazi Asilia
- ▶ Maryam Ahmed Omar, SAU

For the House of Representatives, 219 candidates from 17 parties contested for the 50 seats (all registered parties, but FORD field parliamentary candidates). Twenty-three or 11 percent of the parliamentary candidates were women. Both CCM and CUF fielded candidates for all 50 constituencies. CHADEMA, Jahazi Asilia, NCCR-Mageuzi, NRA and SAU all fielded more than 10 parliamentary candidates.

A total of 340 candidates contested for the 141 Local Council wards. CCM contested all 141 wards and CUF 140 (no CUF candidates were disqualified; rather there was one Local Council ward where the party was unsuccessful in securing a candidate in time). Only Jahazi Asilia fielded more than 10 Local Council candidates. A total of 28 Local Council candidates were women (8 percent) (see Appendix 2. Number of Candidates by Party provides additional information on the candidates contesting the 2005 Zanzibar elections).

The delegation notes that for both the 2000 Zanzibar elections and the 2003 Pemba by-elections a number of candidates were disqualified and is encouraged that for 2005 the nomination of candidates was conducted largely without controversy.

The delegation was discouraged by the relatively small percentage of women candidates. While there are special seats reserved for women to ensure that they have a voice in decision making, it is also important that women participate fully in the political process, including contesting seats. Political parties should encourage greater participation by women in political life and to help them enhance their skills to stand as candidates.

There was also concern about the lack of candidates for Local Council seats. There were six candidates for Zanzibar President; an average of 4.4 candidates for each House of Representatives seat; and an average of only 2.4 candidates for each Local Council seat. For the long term development of coherent political parties, there should have been the largest number of candidates for Local Council seats and the fewest for Zanzibar President. Political parties should recruit and train members at all levels of society to stand for election.

Similarly, too much attention was given to the Zanzibar presidency and not enough attention to the House of Representatives and Local Council elections. As there can only be one president at a time, this leads to a winner-take-all environment. Attention to the Zanzibar presidency is in part due to the lack of power devolved to the legislature and local government structures. If these bodies had more responsibility it would help reduce the contentious nature of Zanzibari politics and encourage all parties play a more constructive role in governing Isles.

Finally, the Political Parties Act, which governs both Union and Zanzibar elections, makes it extremely difficult for political parties to form alliances and contest elections as coalitions. Candidates cannot contest elections under multiple symbols or a new symbol, but rather must all use the symbol of one party. This encourages the formation of a large number of small parties that are personality rather than ideologically based. It is recommended that the Political Parties Act be reviewed to address this issue.

CIVIC AND VOTER EDUCATION

Civic and voter education was largely organized by the Zanzibar Civic Education Reference Group, a coalition of 13 civic organizations on the Isles. The reference group developed a series of materials for civic and voter education specific to Zanzibar, including: a source book; a booklet on the procedures for voting; a series of posters encouraging participation; plus caps and t-shirts. Various civic and voter education activities were conducted by the reference group member organizations in all five regions of Zanzibar. The reference group also commissioned a series of eight community service announcements that were broadcast on the radio promoting peaceful elections. The ZEC played a positive role in the initiative. Representatives of the ZEC attended the meetings of the reference group and the ZEC formally reviewed the reference group's materials related to the voting procedures.

While many factors are at play, it is encouraging to note that as a whole only 9,613 presidential ballots were rejected. (2.1 percent of total ballots cast). This shows that voters by-and-large understood how to mark their ballots. Also there was a significant but not overwhelming difference between the number of votes cast in the Zanzibar President and House of Representative elections (a difference of 12,515 votes excluding Dole constituency where the elections were cancelled). This figure suggests that that voters understood that they were voting in more than just one election.

The delegation is encouraged by the civic and voter education initiative and the constructive working relationship between civil society and the ZEC. The delegation suggests that this positive endeavor be built upon and that consideration should be given to conducting civic education on a continuous basis not only near elections. Further, ways should be considered to help ensure that the scope of civic and voter education activities is expanded to reach as wide of an audience as possible. Finally, political parties should also play a role in civic and voter education.

TRAINING OF ELECTION OFFICIALS

To prepare polling officials for election day, the ZEC conducted a series of step-down training workshops during the last half of October. The ZEC initially held a three-day workshop for returning officers and assistant returning officers from all 10 districts. In turn, the returning officers and assistant returning officer conducted training workshops for registration officers for each constituency in their respective district. Finally, all presiding offices and polling assistants participated in a two-day training workshops by constituencies.

The delegation notes, as discussed below under Election Day Period, that the polling officials appeared to be well trained and knowledgeable about the voting and counting procedures. In addition, the *Polling Station Procedures Manual* (2005) which was used during the training workshops was well written, clear and user-friendly.

DISTRIBUTION OF MATERIALS

Historically distribution of materials has been a challenge for the ZEC. A large reason for the nullification of the elections in 16 constituencies in Urban/West region in 2000 was due to the poor distribution of materials. In general, materials were distributed correctly and on time for the 2005 elections. There were problems with the wrong counting

forms being delivered to polling stations. Rather than receiving forms for all three elections polling stations often received three copies of the forms for one election, causing some confusion. A few polling stations also received their materials late delaying the opening of the station. However, this did not appear to affect the ability of voters to cast their ballots. The most serious issue was in Dole Constituency where a shortage of House of Representatives ballot papers resulted in the elections being nullified.

POLITICAL PARTY CODE OF CONDUCT

The ZEC in consultation with political parties produced a code of conduct to govern the behavior of political parties during the election period. While non-binding and non-enforceable the document does put a moral responsibility upon the signatory parties. Importantly, the document was not seen as being imposed on the parties by the ZEC, but rather developed with the involvement of the parties themselves which gave them a greater sense of ownership over the document and hence made it more likely that they would voluntarily adhere to the code. All of the registered political parties signed the code of conduct.

The delegation was encouraged both by the content and the process by which the political party code of conduct was developed. Involvement by the parties themselves is critical if a code is going to be respected. The delegation does recommend that more steps be taken to make the rank-and-file of political parties more aware of the contents of the code. Further, parties should take clear and public steps to sanction their own members who fail to abide by the political party code of conduct.

CAMPAIGN

A number of incidents of violence involving supporters from opposition and ruling parties were reported during the campaign period. Nevertheless, all parties agree that the level of violence was lower than in previous elections, and leaders from both ruling and opposition parties made public statements calling for calm among their supporters and for peaceful elections. Regrettably efforts to have leaders from all political parties make a joint statement calling for peaceful elections were not successful.

An incident of particular concern occurred, however, on Unguja near Donge constituency, in which there was a clash between supporters of the opposition party and the security forces. Nearly 20 opposition supporters were seriously wounded when the security forces fired on them. The security forces claim that they used tear gas and rubber bullets while independent media reports state that tear gas and live ammunition were employed. This was particularly disturbing given the lethal response by security forces to demonstrations organized by the opposition in 2001 that resulted in more than 30 fatalities.

Access by political parties to some public fields for campaign rallies was limited by government and election officials. The violent clash between opposition supporters and the security forces near Donge constituency occurred after the ZEC declared that the scheduled rally could not take place at the designated field.

The delegation is encouraged by the reduced level of tensions during the campaign. Concerns, though, remain about the behavior of the security forces and access to public venues for campaign rallies.

MEDIA

State-owned electronic and print media is dominant on Zanzibar and there is no independent television or radio based on the isles. The only independent daily newspaper was closed by the Zanzibar Government in 2003 for violating the code for professional ethics. While voters on Zanzibar do have access to print and electronic media from Dar es Salaam, such media typically focuses on Tanzania as a whole rather than on Zanzibar.

Media monitoring by the Media Institute of Southern Africa – Tanzania (MISA-Tanzania) has consistently shown a clear bias by state media on Zanzibar in favor of the ruling party. Opposition parties have also complained that their free-to-airtime segments have been edited to the point of changing their content before being aired by state broadcasters. Media houses claim that this action was taken to prevent libel suits that could potentially be brought against them.

As a positive sign, in the final weeks of the campaign weekly meetings between representatives of the media and political parties were initiated on Zanzibar to promote more equitable coverage and reduce tensions.

The delegation notes that equitable and balanced media coverage remains an issue on Zanzibar dating back to the 1995 and 2000. Additional efforts should be made to assist public media on Zanzibar, which has an obligation to serve all Zanzibaris, to provide balanced, impartial and equitable coverage and air-time.

ACCREDITATION

The delegation experienced no problems securing accreditation from the ZEC. However, as there were originally to be both Zanzibar and Union elections on the Isles it was necessary to also gain accreditation from the NEC for the Union elections. While the NEC accreditation process was similarly well managed as the ZEC's, the requirement to be accredited by both the ZEC and the NEC did prove to be administratively burdensome.

The ZEC held a three-and-a-half hour briefing for all international observers at the Bwawani Hotel the morning of Thursday, October 27. At this meeting observers were provided with the following documents: *Briefing to Observers* (text and appendices); *Polling Station Procedures Manual* (2005); List of Presidential Candidates; List of House of Representatives Candidates; List of Polling Station; and *Guidelines for Local and International Observers*. All of these documents were in English, but copies of the Zanzibar Constitution, Electoral Act and other relevant legislation were not provided in English. While it is recognized that Swahili is the official language on Zanzibar, the provision of such documents in English would have greatly facilitated the work of all international observer missions.

The *Guidelines for Local and International Observers* provided a framework for delegations to observe the election process. However, there were two short comings to these guidelines. First, the guidelines state that “[o]bservation shall begin with the nomination day and shall end on the date of the announcement of results.” Election observation should cover the pre-election, election day and post-election periods. The electoral process commences before the nomination of candidates and continues beyond the announcement of results.

Second, the guidelines state that observer missions shall not “issue a public statement about the electoral process before the official declaration of the election results.” However, it is customary for observation missions to issue interim statements for the benefit of the public, contesting parties and the electoral authorities throughout the process. It should be noted, though, that the ZEC did not enforce this provision.

The delegation appreciates the ZEC’s openness to observation by international and domestic groups. In addition, the information and documents distributed to observers at the briefing provided valuable insight into the framework and preparations for the elections. The delegation, though, offers the following recommendations:

- ▶ The NEC and the ZEC consider, as a courtesy, recognizing each others accreditation on Zanzibar thus removing the requirement for observers to seek double accreditation;
- ▶ Up-to-date copies of the Zanzibar Constitution, Electoral Act and other relevant documents be produced in English and distributed to observers; and
- ▶ Consideration should be given to amending the *Guidelines for Local and International Observers* to clearly provide accreditation for observers for the entire electoral process and remove any clauses limiting the right of observer missions to share their interim findings with the public, political contestants or the ZEC.



National Democratic Institute (NDI)

Election official marks a voter's left thumb with indelible ink

ELECTION DAY PERIOD

VOTING

Overall, voting was administered in a more transparent and efficient manner than in the past. Few problems were observed on Pemba or in the North and South regions of Unguja. Unfortunately, some serious problems were witnessed in the Urban/West region of Stone Town where 40 percent of the registered voters reside.

The approximately 1,600 polling stations across Zanzibar generally opened on time. There were isolated cases where polling stations did not open on time due to the late delivery of materials. However, it did not appear that this affected the ability of voters to cast their ballots. Ballot boxes were shown to be empty before being sealed closed. Polling stations were set up in efficient manners and in such a way that voters could mark their ballots in secret.

No problems were reported concerning polling agents, domestic observers or international observers gaining entry to polling stations to observe the process. The delegation noted the presence of political party poll watchers at almost all polling stations. Most of the party representatives understood their role in the process and remained actively engaged throughout the voting and counting stages of election day.

Across the Isles, voters, including women, turned out early in large numbers on election day. Often hundreds of voters were in line prior to the opening of the polls, in some cases citizens arrived as early as four or five in the morning. Turnout figures from the ZEC indicated that 90 percent of registered voters went to the polls. This level of participation reflects a genuine desire among Zanzibaris to engage in this important democratic process.

In most cases, polling officials followed the procedures for voting as prescribed by ZEC. There were isolated incidents, though, where the procedures were not properly followed. Voter's thumbs were inked before their eligibility had been determined. Voters were marked with indelible ink in the wrong place. Presiding officers did not permit polling agents to ask questions or get close enough to the process to properly witness what was going on. Ballot boxes were not properly labeled. However, none of these problems was widespread.

Some potential voters experienced problems gaining entry to polling stations. Outside of polling centers, where one or more polling stations was located, a list of voters for the polling center was posted. Voters first checked this list before being granted entry to the polling center. If a voter did not find his name on this list outside the polling center, he/she was not admitted and hence could not vote. It was not clear, though, what list had been posted outside of polling centers. Incidents occurred in the Urban/West region of Stone Town where potential voters could not find their name on the list outside of the polling center, but managed to gain entry to their polling station and then found their name on the PVR and were permitted to vote. It is unclear the origins of the list of voters posted outside of polling centers.

There was confusion over which ballot box was for which ballot paper. The three ballot papers were each a different color and the three ballot boxes each had a different color lid, but the colors of the ballot papers and the ballot box for each election did not correspond. In many polling stations an individual ended up being assigned to help voters put their ballot papers in the correct ballot box. However, ballot papers put in the wrong ballot box were counted (as noted below).

Polling officials were at times confused concerning what to do about voters who had voter cards that indicated that they should vote at a particular location, but whose names did not appear on the PVR. An announcement was made by the ZEC that these individuals should be allowed to vote, but by a special and separate procedure. Very few election officials seemed to be knowledgeable about this special procedure for such voters.

In Urban/West there were a number of reports of people being allowed to vote illegally. For example, at Forodhani School in Mji Mkongwe constituency there were complaints of individuals who did not reside in the *shehia* being permitted to vote. Also, underage voting was witnessed at several locations including Mtoni School in Mtoni constituency. Finally, instances were witnessed where individuals, who already had ink on their left thumb, indicating that they had already cast their ballot, were permitted to vote.

Late in the afternoon when most people had already voted, trucks were seen ferrying members of the security forces to polling stations in the Urban/West region of Stone Town. These men typically were wearing military pants and boots, but civilian shirts. At times because of complaints by the public and/or polling agents, they were only able to vote when other security forces provided a protective corridor for them to reach the polling station. In some instances these individuals' names appeared on the PVR. However, in other cases the polling officials did not check to see if the person's name appeared on the PVR and simply made a tick against an unticked name.

While across Pemba and the North and South regions of Unguja the presence of security forces on election day largely appeared appropriate, this was not the case in the Urban/West region of Stone Town. The security forces have a responsibility to maintain public order, but a strong show of force can serve to make conflict and violence more rather than less



Members of the security forces checking for their names outside a polling center

likely. Further, incidents where the security forces appeared to use excessive force to manage a situation were witnessed. For example, at Haile Selassie School and Kiwanja cha Madawa in Mji Mkongwe constituency, security personnel fired water cannons to disperse a crowd. Further, at Mtoni School in Mtoni constituency, security personnel dragged individuals that had allegedly blocked road access to the polling center out of the surrounding homes. The delegation observed violent actions by security forces against these individuals. Tear gas was used to disperse those

blocking the road. The source of the disturbances appeared to originate with citizens' concern that outsiders were voting illegally. The end result was that in Urban/West region there were a number of instances where the behavior of the security forces appeared to add to the tension and to reduce public confidence.

Overall, the delegation notes that the procedures for voting were largely carried out by the polling officials. In particular, voting went smoothly across Pemba as well as the North and South regions of Unguja. Serious concerns remain about the ability of ineligible individuals to vote; the deployment of security forces; and the use of force to maintain public order.

The delegation urges all political parties to respect the rights of others and to refrain from the use of violence. Security forces should be deployed in appropriate numbers to maintain public order and should refrain from using excessive force. Allegations of excessive use of force on election day 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.



Voters at a polling station

National Democratic Institute (NDI)

COUNTING

In general, the counting process, like voting, was more transparent and accountable than previous elections and was conducted in accordance with the ZEC's procedures. There were isolated problems and these tended to be in the Urban/West region of Unguja. Few problems were reported from Pemba North and South or North and South regions on Unguja.

As prescribed, counting generally took place at polling stations immediately following voting. There were some polling stations where polling officials took a brief break at the end of counting, but they did not move the ballot boxes and conduct counting at a location other than the polling station. Polling agents from political parties as well as domestic and international observers were permitted to observe the counting of ballots.

Ballot papers for President were counted first followed by House of Representatives and Local Council. For each set of ballot papers, the total number of ballot papers was first counted without respect to whom each ballot was marked. This was done to ensure that the correct number of ballot papers were in each ballot box. In some cases, this step was initially skipped. However, ultimately polling officials did reconcile the number of ballot papers found in each ballot box with the number of papers issued.

The election officials then sorted the ballot papers according to candidate. Those for whom the voter's choice could not be immediately determined were reviewed by the presiding of-

ficer and the polling agents who typically decided by consensus whether to accept or reject the ballot and, if accepted, which candidate the voter had selected. Ballot papers found in the incorrect ballot box were counted with the appropriate election.

Presiding officers then completed the reporting forms to record the vote count for the polling station. Some problems were witnessed at several polling stations that received three copies of the forms for one election rather than one set of forms for each of the three elections. While this caused some initial confusion it was not a serious problem.

Copies of the vote count were given to all polling agents present. Some polling agents requested an official stamp on this form and this in some cases this caused confusion as the ZEC procedures did not call for the document being stamped. A number of the forms were very difficult to read and without complete geographic information completed reducing the utility of giving polling agents copies. The vote counts were also supposed to be posted outside of polling stations for the public to be able to see the results for themselves. Delegates, however, saw few instances where the vote counts were actually posted outside of polling stations.

The delegation was impressed with the conduct of the counting process. On Pemba and on Unguja outside of Urban/West few issues were encountered. In Urban/West while there were more problems they were not serious. The delegation suggests that more attention be given to completing the polling station results forms given to polling agents and that officially stamping these forms be included in the ZEC procedures.



National Democratic Institute (NDI)

Ballots being counted at a polling station

POST-ELECTION PERIOD

TABULATION OF RESULTS

Tabulation of results was carried out in two stages. First, at the district-level tabulation was done by the returning officers for House of Representatives and Local Council elections. The ZEC then tabulates the results for the Zanzibar presidential election based on the district figures calculated by the returning officers. Once ballot papers for all three elections were counted at individual polling stations all of the materials were moved to the offices of the returning officers (referred to at times a collation centers). There was one returning officer for each of Zanzibar's 10 districts. At the offices of each returning officer results were tabulated and announced for each Local Council and House of Representatives seat. In addition, results for the presidential election were tabulated for the district. Ballot boxes were not opened and ballot papers were not counted at the returning officer's office. Results were simply tabulated by adding together results from individual polling stations as recorded on the forms completed by the presiding officers. Results were not posted for public inspection at the offices of the returning officers.

At times there was confusion, particular in the West and Urban Districts about who was permitted to observe the tabulation process. NDI observers were initially refused entry to a collation center, but after a discussion with the returning officer the issue was resolved amicably and observers were allowed to witness the process. Reports were received that some political party agents were not permitted to be present for tabulation or were only allowed for part of the process. Outside of Stone Town there appeared to be little problems with access to the tabulation process.

After tabulation at the district-level was completed the results were transmitted to the ZEC in Stone Town for tabulation of the Zanzibar President results. ZEC added together the aggregate district-level results as provided by the returning officers. The ZEC did not open ballot boxes or count ballot papers.

Polling station-level results were not made available by the ZEC. The ZEC is not legally obligated to do so nor had it promised prior to election day that it would release polling station-level results. However, the release of polling station-level results would have served to enhance the transparency and accountability of the process and hence build greater public confidence in the results.

The delegation does not have reason to doubt the accuracy of the tabulation process but, at the same time, notes that the tabulation lacked the same transparency and accountability that was present for both voting and counting. To enhance the openness of tabulation, the delegation suggests:

- ▶ The ZEC consider the posting of all district-level results at the offices of returning officers (collation centers);
- ▶ Consideration be given to providing polling agents with official copies of the district-level results;
- ▶ In the interest of transparency and accountability the ZEC should consider making polling station results public as soon as they become available prior to the announcement of results; and

- ▶ That the training of election officials by ZEC should include additional emphasis on the rights of domestic and international observers as well as polling agents to be present for tabulation of results.

ANNOUNCEMENT OF RESULTS

According to the Zanzibar Electoral Act, the ZEC must announce the results of the Zanzibar presidential election within three days after election day. If there are concerns about the voting, counting or tabulation processes the announcement of results can be delayed by the ZEC for another three days to address any issues. The ZEC announced the results of the Zanzibar presidential election on the afternoon of Tuesday, November 1, the second day after the elections. The following day Amani Abeid Karume of CCM was sworn in for a second term as President of Zanzibar. The inauguration was boycotted by CUF.

Following the announcement that Karume had won the presidential poll, there was an immediate flood of CCM supporters into the streets of Zanzibar to celebrate the victory. Covered from head-to-toe in yellow and green t-shirts and kangas (wraps worn by women) and carrying party flags and posters they drove and marched across the city expressing their joy at the outcome. The celebrations appeared to be well prepared and largely peaceful.

At the same time, the security forces cordoned off the area of Stone Town containing the office of the main opposition party where hundreds of CUF supporters had congregated. The situation was tense with the security forces refusing to let people, including observers, enter or exit. While presumably the area was cordoned off to avoid conflicts between celebrating CCM supporters and dejected CUF supporters, the harshness of the clampdown served to only undermine confidence in the process. There were also reports of clashes between CUF supporters and the security forces on Pemba.

Announcement of House of Representative and Local Council seats were made by the returning officers in each of Zanzibar's 10 districts. Verbal announcements were made by the returning officers, but the results were not posted for inspection by the public. Initially, the ZEC in Stone Town announced only the number of parliamentary seats won by each party and later provided vote totals. Local Council results have not yet been release by the ZEC nor have polling station level vote counts.

The delegation notes that the ZEC announced the Zanzibar presidential results within the statutory required time. This is important as a major cause of tension in the 1995 election was the delay in the announcement of the official results by the ZEC. The delegation, though, would make the following recommendations:

- ▶ The ZEC should not be seen as to be delaying the announcement of final results nor should it be seen to being in a rush to judgment and, therefore, the ZEC should consider using the full allotment of time under the Zanzibar Electoral Act to announce official results;
- ▶ House of Representatives and Local Council seats should continue to be announced by the Returning Officers, but consideration should also be given to having these results immediately repeated by the ZEC (including vote counts);

- ▶ The police and security forces should take the necessary steps to maintain public order and safety, particularly following the announcement of election results when tensions are running high, but they should do so in a judicious manner so as to not further heighten tensions ; and
- ▶ Consideration should be given to fixing the date of the inauguration of the Zanzibar President a specified number of days after the announcement of results. This would serve to reduce tensions and provide an opportunity for a smooth transfer of power when changing presidents (either from different or the same party).

RESOLUTION OF ELECTION RELATED DISPUTES

The Zanzibar Electoral Act sets out the procedures for the resolution of election petitions. Such petitions are heard by the Zanzibar High Court. A deposit of Tsh300,000 must be paid for an election petition except if the petition is brought by the Attorney General. The High Court has the power to declare that an individual was duly elected; to nullify an election result; or to declare that an unsuccessful candidate the winner. However, petitions can only be brought for elections for House of Representatives and Local Council seats. The results of the Zanzibar presidential election cannot be challenged in court.

At his inauguration on November 1, President Karume of CCM acknowledged that there had been minor problems with the elections, but stated that they had largely been conducted properly. He called upon all Zanzibaris to work together for the good of the Isles, but he rejected calls for a government of national unity (GNU) and has since gone ahead and appointed his own cabinet.

The main opposition, CUF, though, has raised a number of concerns about the elections and has to date not accepted the results of the Zanzibar presidential poll. CUF sent a letter to the ZEC on October 30 raising concerns about the electoral process and questioning the legitimacy of the results. The following day, the ZEC wrote back to CUF responding to the issues raised by the party and indicating that the elections would not be nullified.

On November 5, the CUF issued a press statement stating that they did not accept the results of the Zanzibar presidential elections and would not recognize the new government, but would take up the 19 seats won by the party in the House of Representatives. In addition to boycotting the swearing in of President Karume, the CUF also did not attend his speech at the opening of the legislature. Further, the two ZEC commissioners nominated by CUF held a press conference on November 11 disassociating themselves with the official results announced by the ZEC on November 1.

The delegation is concerned by the heavy presence of the security forces during the immediate post-election period and the closing of certain areas of Stone Town as well as that to date the polling station level results have not yet been released by the ZEC. Given the importance to all sides to the outcome of the Zanzibar presidential elections, the fact that these results cannot be contested in court makes it difficult for the losing party to legally challenge the outcome if they feel the process was not proper. Consideration should be given to legal mechanisms by which presidential results can be challenged and any such challenges resolved fairly and expeditiously.



National Democratic Institute (NDI)

Waiting in queues to vote

CONCLUSIONS AND RECOMMENDATIONS

As with the interim report, the delegation finds that significant improvements have been made in the administration of elections since 2000 under the Muafaka II agreement. Important steps have been taken to build the capacity of the ZEC to conduct elections. Further, while efforts to move beyond winner-takes-all politics have, to-date, not been successful, there was a noticeable reduction in violence and tensions during the campaign period.

At the same time, there are concerns about: the accuracy of the PVR; problems of illegal voting; the presence of the security forces; and use of force by members of the security forces. 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. Given the historic tensions between Pemba and Unguja and between Zanzibaris of African and Arab descent as well as the relative small margins of victory these issues become even more salient.

In support of all Zanzibaris being able to exercise their rights to vote and to self determination as enshrined in the United Nations *Declaration of Human Rights*, the delegation makes the following recommendations for consideration by the people of Zanzibar, political parties, the election authorities, and the government.

Election Framework

- ▶ The ZEC should consider taking steps to improve its ability to act as a single cohesive institution and to make decisions by consensus that will be respected by all commissioners.
- ▶ A review of the Zanzibar Constitution, Electoral Act and other laws should be considered to enhance the perceived independence and autonomy of the ZEC.
- ▶ The ZEC should consider reviewing the respective roles of the commissioners and the director of elections to create a clear division between the commissioners' responsibility for policy making and the director's for administration of elections.
- ▶ Consideration should be given to limiting the right of civil servants, members of the security forces and others who are currently eligible to vote in Zanzibar's elections without meeting the 36 month residency rule to only the Union Elections. If such individuals continue to be permitted to vote in Zanzibar elections then there should be separate procedures for their registration and information on the number and distribution of such voters should be made public.
- ▶ Additional steps should be considered by political parties and the ZEC to inform the rank-and-file members of political parties about the political party code of conduct.
- ▶ Establishment by the ZEC of political party liaison committees for all of Zanzibar as well as at the district and constituency level should be considered to reduce tensions. As appropriate, representatives from government; the security forces; and domestic observer groups should be invited to attend these meetings of the liaison committees.
- ▶ In designing ballot papers, consideration should be given to having candidate names appear at random by drawing of lots or some other method.

- ▶ Greater responsibility should be considered for the House of Representatives and Local Councils to reduce the focus on only the Office of the President and to help move beyond winner-takes-all politics.

Pre-Election Period

- ▶ It is suggested that the ZEC should recognize the political implications of the delimitation process and the possibility that changes made to constituencies could serve to heighten tensions on Zanzibar. As such it is recommended that the ZEC should go above and beyond normal efforts to be inclusive and transparent in such activities.
- ▶ When and if changes are made to constituencies, the ZEC should consider taking greater efforts to inform political parties and the public about those changes.
- ▶ The ZEC should consider the production and maintenance of constituency maps as a priority to improve both the ability of political parties to organize and for the ZEC to administer elections.
- ▶ Consideration should be given to implementing a more flexible calendar for registration exercises that can accommodate possible delays while still providing all Zanzibaris an equal opportunity to register.
- ▶ Further steps should be taken to limit in practice the involvement of *shehas* in the registration process.
- ▶ Sufficient time should be provided for each step of the registration process to ensure ample opportunity for both the public and political parties to review the process.
- ▶ All versions of the PVR (as well as detailed list of changes made to the PVR) should be made available to all citizens and the public in an appropriate timeframe for verification and remedy if necessary.
- ▶ Political parties should do more to promote women candidates as well as candidates for Local Council and House of Representative seats.
- ▶ Review of the Political Parties Act should be considered to look at the ability of political parties to form coalitions and alliances to contest elections.
- ▶ Consideration should be given to continuous civic education building upon the partnership created between civil society and the ZEC. As appropriate, ways should be investigated to involve political parties in civic education efforts.
- ▶ Additional and longer-term training of polling officials on their roles and responsibilities as well as the election procedures should be considered.
- ▶ All political parties should respect the rights of other parties and refrain from the use of violence. Greater consideration should be given to joint statements by leaders from across the political spectrum rejecting violence.
- ▶ The security forces should refrain from using excessive force in the course of maintaining public order.

- ▶ Additional efforts should be considered to improve the balance of media coverage on Zanzibar.
- ▶ Efforts by MISA to both monitor media coverage as well as to promote dialogue between media practitioners and political leaders should be considered beyond the election period.
- ▶ Libel laws which may discourage media houses from airing or publishing political party advertisements should be changed or corrected to protect the media.
- ▶ Mechanisms that promote inter-party dialogue should be extended.
- ▶ Consideration should be given by the NEC and ZEC to recognizing each other's accreditation.
- ▶ The ZEC should consider providing international observers with up-to-date copies of the Zanzibar Constitution, Electoral Act and other laws in English.
- ▶ Review of the ZEC *Guidelines for Local and International Observers* should be considered to clearly provide accreditation for the entire electoral process and to remove clauses limiting the right of observer missions to share interim findings with the public, political parties and electoral commission.

Election Day Period

- ▶ Additional steps should be considered to prevent the possibility of illegal voting by ineligible voters, including applying indelible ink to a large portion of voters fingers so that it can be clearly seen and providing all polling agents at polling stations with their own copy of the voters registry (including digital photographs).
- ▶ Allegations of excessive use of force on election day 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.
- ▶ While the security forces have a responsibility for maintaining public order and should be present on election day, consideration should be given to moderating their numbers and keeping additional security forces in their barracks as large numbers of security forces deployed on election day can as easily serve to raise tensions.
- ▶ Additional training should be considered for polling officials to make sure that polling station results forms are completed clearly and with complete geographic information.

Post-Election Period

- ▶ The ZEC should consider having returning officers post all district-level election results and providing copies to polling agents.
- ▶ In the interest of greater transparency and accountability, the ZEC should consider making polling station results public as they become available prior to the announcement of the final results.

- ▶ The ZEC should consider adding additional emphasis in its training of election officials that domestic and international observers as well as polling agents have the right to be present during tabulation at both the district-level and the ZEC office.
- ▶ The ZEC should consider using the full allotment of time available under the law to announce results to avoid being seen as either rushing or delaying the process.
- ▶ Consideration should be given to the announcement of House of Representatives and Local Council election results by both the returning officers and the ZEC.
- ▶ Deployment of the security forces in the post-election period is important given that tensions are likely to be high, but it is suggested that moderation be considered as excessive presence by the security forces can serve to aggravate the situation.
- ▶ Review of the Constitution to consider fixing a date for the inauguration of the Zanzibar President, House of Representatives and Local Councilors a specific (but limited) number of days after the announcement of results. This would provide time to resolve any election related disputes; to accommodate a smooth transition of administrations (within or between parties); and to reduce tensions and uncertainty.
- ▶ Steps should be considered by the ZEC to ensure that there is consensus amongst the commissioners in the announcement of results.
- ▶ Consideration should be given to permitting legal challenges to the presidential election results as the absence of such a mechanism forces parties that feel aggrieved to seek extra-legal remedies.

Beyond Elections

With the 2005 Zanzibar elections largely concluded (though still with an unresolved dispute over the presidential election and the Dole constituency re-run election to be conducted) it is important to look forward. Democracy is about more than just elections and governance is ultimately about improving the lives of citizens. Beyond steps to enhance the framework and conduct of elections on Zanzibar, attention should also be given to building upon dialogue and many reforms introduced through the Muafaka II agreement. In particular, the delegation suggests:

- ▶ Dialogue created through the Muafaka II agreement and related structures should be extended and further reforms enacted;
- ▶ The capacity of the House of Representatives should be enhanced to serve as: a forum meaningful debate on public policy issues; a platform for citizen involvement in government decision-making; and as a body to hold the executive accountable;
- ▶ Local council should be strengthened to play a more meaningful role in the governance of Zanzibar and for Local Councilors to fully understand their roles and responsibilities; and
- ▶ Political parties should expand their capacity to function in a legislative environment between elections; to 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).



National Democratic Institute (NDI)

Voters queuing at a polling station



National Democratic Institute (NDI)

Ballots being counted at a polling station

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Finally, the delegation would like to thank the people of Zanzibar and the United Republic of Tanzania. Throughout the election, the delegation was warmly received everywhere it went. This report was written in the spirit of international cooperation and is intended to assist the people of Zanzibar to determine for themselves the meaning and importance of the 2005 elections. It is hoped that this report will help ensure that all Zanzibaris are able to exercise their fundamental right to vote as enshrined in the United Nations *Declaration of Human Rights*.

