

ADVANCE COPY

THE ELECTIONS IN ZANZIBAR, UNITED REPUBLIC OF TANZANIA

29 October 2000

Report of the Commonwealth Observer Group

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Letter of Transmittal to Commonwealth Secretary-General Don McKinnon.

This was also signed by:

- Dr Fetuao Alama
- Mr Nigel Buttler
- Mr Akere Muna
- Ambassador Waliur Rahman
- Mr Joram Rukambe and
- Dr Rupert Roopnaraine MP

Dear Secretary-General,

Following your invitation to observe the elections in Zanzibar on Sunday 29 October, we are submitting our report to you. You will know from our Interim Statement that, in our view, on the evidence of polling day these elections should be held again, in their entirety, but not until the existing election management machinery has been reformed from top to bottom.

We were further confirmed in our view by the decision of the Zanzibar Electoral Commission not only to cancel the elections in 16 constituencies, representing over 40% of the registered voters, but also to suspend election operations everywhere else, and by the manner in which that suspension was implemented. As our report makes clear, we were also concerned with the manner in which the whole election was conducted, starting with the registration process.

It was a cause of great sadness to us that we had to come to such a conclusion. We would have been overjoyed should the Zanzibar Electoral Commission have been able to rise to the occasion. As it was, either because of incompetence or a deliberate wrecking attempt - we are still not sure which - this election fell far short of minimum standards.

We hope that, confronted with such a dramatic failure on 29 October, all those involved will now want to pool their efforts in a new consensus to build democracy in Zanzibar. We urge the Commonwealth, which has a long and honourable history of engagement with Zanzibar, to play its full part in that effort.

Yours sincerely,

Dr Gaositwe Chiepe
Chairperson

INTRODUCTION

Zanzibar's recent history has been characterised by political polarisation, tension and turbulence, marking 'the Isles' out from the rest of the United Republic of Tanzania. The period since the 1995 elections has been particularly difficult, with the opposition alleging electoral fraud and the manipulation of the results at that election, refusing to accept the results of the elections for the Zanzibar Presidency and House of Representatives, declaring its lack of confidence in the Zanzibar Electoral Commission and for some time declining to attend parliament.

During the same period there has been a particularly close association with the Commonwealth. Commonwealth election observers were present for the 1995 elections in Zanzibar. Commonwealth 'behind the scenes' diplomacy was begun shortly after that election in an effort to assist in the creation of conditions in which the two main parties - Chama Cha Mapinduzi (CCM) and Civic United Front (CUF) - and their supporters would in future have confidence in political and electoral arrangements. Commonwealth election experts visited following the June 1999 agreement between the two main political parties, to assist in the implementation of that agreement. Well into 2000, as the initial optimism occasioned by the June agreement faded, the Commonwealth Secretary-General continued to promote dialogue and consensus.

It was against this background that the Secretary-General decided to respond positively to the invitations from the National Electoral Commission of the United Republic of Tanzania and the Zanzibar Electoral Commission to observe the October 2000 elections. These elections were for:

- President of the United Republic of Tanzania
- National Assembly of the United Republic of Tanzania
- President of Zanzibar
- House of Representatives, Zanzibar
- Local councils

An Assessment Team of Commonwealth Secretariat officials, which visited Dar-es-Salaam and Zanzibar in August 2000, established that there was broad support in

Zanzibar for the presence of a Commonwealth Observer Group. On 29 September the Secretary-General announced that an Advance Group of two Commonwealth Observers would begin work in Zanzibar on 2 October and that our full Commonwealth Observer Group of seven observers and five Secretariat staff would arrive on 23 October. The full Group would be present for the final days of the campaign and the five elections which would take place on 29 October.

The Observer Group and its Terms of Reference

This was the 31st observer group to be constituted by the Commonwealth Secretary-General since October 1989, when Commonwealth Heads of Government agreed that election observation could help to strengthen democratic institutions and processes in member countries. Heads of Government reinforced the Commonwealth's democratic vocation two years later, and set the context for the activities of Commonwealth observers, when they adopted the 1991 Harare Commonwealth Declaration to promote "democracy, human rights, the rule of law and just and honest government".

The Terms of Reference for our Group were as follows:

"The Group is established by the Commonwealth Secretary-General at the request of the Tanzania National Electoral Commission and the Zanzibar Electoral Commission. It is to observe relevant aspects of the organisation and conduct of the elections scheduled to take place in Zanzibar on 29 October 2000, in accordance with the laws of Tanzania and Zanzibar. It is to consider the various factors impinging on the credibility of the electoral process as a whole and to determine in its own judgement whether the conditions exist for a free expression of will by the electors and if the results of the elections reflect the wishes of the people.

The Group is to act impartially and independently. It has no executive role; its function is not to supervise but to observe the process as a whole and to form a judgement accordingly. It would also be free to propose to the authorities concerned such action on institutional, procedural and other matters as would assist the holding of such elections.

The Group is to submit its report to the Commonwealth Secretary-General, who will forward it to the Government of Tanzania, the National Electoral Commission and the Zanzibar Electoral Commission, the leadership of the political parties taking part in the elections and thereafter to all Commonwealth governments".

Within the above terms of reference the Group would form an independent judgement which would in no way represent either the views of any government, the Office of the Secretary-General or any organisation to which its members may belong.

The Group was chaired by Dr Gaositwe Chiepe, former Foreign Minister of Botswana. The Commonwealth Secretariat staff support team was led by Mr Carl Dundas, Special Adviser in the Economic and Legal Services Division of the Commonwealth Secretariat.

Method of Work

The Advance Group of Commonwealth Observers

Two Commonwealth Observers - Guyanese parliamentarian Dr Rupert Roopnaraine and United Kingdom election expert Nigel Buttler - arrived in Zanzibar on Monday 2 October, as an 'Advance Group' supported by a Commonwealth Secretariat staff member. During the course of the following two weeks the Advance Group were deliberately highly visible, travelling widely on both the main islands that comprise Zanzibar (Unguja and Pemba), in a vehicle identified by special Commonwealth stickers, and making a point of being present on the fringes of political rallies by both the main political parties. They were told on several occasions that their presence - in general, and at the rallies in particular - had helped to improve the political atmosphere.

Wherever they went the Advance Group met the electors, saw the preparations for the election, monitored the media coverage and observed campaign activities. While not present for voter registration, which ended on 21 August, they were briefed on the process and participants' views on its conduct and they saw the display of the Provisional Voters' List at constituency centres. They met a number of times with senior representatives of the Zanzibar Electoral Commission and representatives of all the political parties and the domestic observers of the Tanzania Election Monitoring Committee (TEMCO).

The Advance Group constituted not only an external - and specifically Commonwealth - presence at a crucial stage in the electoral process. They were also able to collect a considerable amount of information concerning, and to develop some insight into, the situation in Zanzibar immediately prior to the elections.

Arrival of the full Commonwealth Observer Group

The Advance Group briefed the full Observer Group when it assembled in Dar-es-Salaam on Thursday 20 October. The full Group also met representatives of the National Electoral Commission, the police, media monitoring organisations, women's groups, domestic election observers, other international observers and Commonwealth High Commissioners or their representatives. Several observers, wearing Group tee-shirts and hats and

displaying the Group's car stickers, appeared on state-run Television Tanzania (TVT) in order to advertise the presence of the Group and thereby to ensure 'voter recognition'.

Three days later, on 23 October the Group arrived in Zanzibar and held a press conference at which the Chairperson read an Arrival Statement. This was followed by a further series of briefings by, amongst others, senior representatives of the Zanzibar Electoral Commission, the police and the political parties.

On Wednesday 25 October we divided into five teams of two persons each and began our observation on Unguja. The following day two of these teams moved to Pemba while the Chairperson, the Secretariat Team leader and the two other teams remained in Unguja. Each team travelled widely in both urban and rural areas, familiarising themselves with their areas of deployment, observing the closing stages of the campaign and meeting members of the public, election officials, candidates, community leaders and others in an effort to assess first hand the state of electoral preparedness and the political climate in the run-up to the elections. We attended party press conferences, rallies and meetings, observed the training of polling officials and party agents and submitted daily reports of our observations to the Chairperson. Before voting day we covered all the constituencies on Unguja and most of those on Pemba. A sixth one-person team was added the day before polling day.

On polling day itself, 29 October, we observed voting at 226 polling stations, using Observation Notes and Check Lists prepared by the Secretariat (see Annex V). After the polls closed we were present for several stages of 17 of the counts (since several took place at each counting centre). Given the cancellation of the election in 16 constituencies on Sunday night, 29 October, some of our teams were unable to be present at any count. Our Chairperson issued an Interim Statement at 1040 hrs on 30 October 2000. The Group then met for a de-briefing.

The Chairperson issued a Departure Statement on 3 November 2000. This report was prepared prior to our departure and forwarded to the Commonwealth Secretary-General.

CHAPTER ONE: POLITICAL BACKGROUND

In Zanzibar the political background is not a matter of abstract or academic interest. The islands' political past lives on in politics which are fiercely competitive and highly polarised.

Political History

An early African/Arab/Persian trading centre, with commercial links stretching as far as South-East Asia, Zanzibar fell under Portuguese control in the 16th and early 17th centuries. By the end of the 17th century the Portuguese had been supplanted by Arabs from Oman. However, within 100 years they had concluded an alliance with Britain. Zanzibar declared its independence from Oman in 1856 and, following the Anglo-German agreement of 1890, Britain established a formal Protectorate over both Unguja and Pemba. Britain continued to rule Zanzibar, through a sultan, until 1963.

Elections in 1957 had been preceded by the formation of several political parties, notably the Zanzibar Nationalist Party (ZNP) and the Afro-Shirazi Union, which by the time of the poll had become the Afro-Shirazi Party (ASP). The former, created in 1955 from a merger of the Nationalist Party of the Subjects of the Sultan of Zanzibar and the Arab Association, was broadly identified with the Arab population while the latter, formed by a union of the African Association (AA) and the Shirazi Association (SA), was identified with the African population. The ASP won the 1957 elections. Further Legislative Council elections were held in January 1961 (producing no clear result) and again in June 1961 (won by the ZNP, in alliance with the Zanzibar and Pemba People's Party). In June 1963 Zanzibar won internal self-government and on 10 December 1963 it became an independent sultanate.

Post-Independence Politics

The largely Arab ZNP government of the new sultanate did not last long: it was overthrown in a bloody armed uprising in January 1964, triggered by African anger that the ASP had actually secured more votes (but had lost because of the distribution of the seats),

resentment at what was seen as 'Arab rule' and allegations regarding the role of the former British colonial government.

The leader of the ASP, Sheikh Abeid Amani Karume, was installed as President at the head of a Revolutionary Government of Zanzibar. The new government subsequently banned all parties except the ASP and established close links with Cuba, China, East Germany, Bulgaria and the Soviet Union.

In April 1964 Tanganyika united with Zanzibar to form the United Republic of Tanganyika and Zanzibar, later renamed the United Republic of Tanzania, with Julius Nyerere as President and Sheikh Karume as Vice-President. Since 1964 the Union government has had responsibility for security, defence and foreign affairs, but in other areas Zanzibar has had considerable autonomy.

Zanzibar, with its capital Zanzibar town, has had its own separate Constitution since 1985, President, Ministers who are members of the ruling Zanzibar Revolutionary Council, a House of Representatives (parliament) and legal system, including its own judiciary. There is some tension in the relationship with the mainland, heightened at the beginning of 1993 when the Zanzibar Government joined the Organisation of the Islamic Conference. This was declared unconstitutional in February 1993 by a commission of the Union parliament, in accordance with the 1977 Constitution whereby the United Republic was established as a secular state and the Union government made solely responsible for foreign affairs. In 1994, when the Union National Assembly passed a constitutional amendment under which the Zanzibari president is no longer automatically Union vice-president, this tension resurfaced. (In this election CUF pledged to restore the previous arrangement).

There is also some tension within Zanzibar between the main island of Unguja and the more northerly Pemba, and a feeling on the part of its people that Zanzibar's CCM government gives preference to Unguja. In the 1995 elections all the Pemba seats were won by the opposition CUF.

In 1977 the ASP and the mainland Tanganyika African National Union combined to form the CCM. All other parties were banned and the distinction between the CCM and the state effectively disappeared. The CCM remained Tanzania's sole party until 1992, when the Constitutions of both the United Republic of Tanzania and Zanzibar were changed to allow for multi-party elections (although parties founded on religion, ethnicity, race, colour or gender were still not allowed). Local government elections were held the following year.

In 1997 18 members of CUF, including members of the House of Representatives, were detained and accused of treason for allegedly staging an 'external plot' to destabilise Zanzibar. At the time of this election their trial was continuing, with a further hearing to be held following the election.

1995 Elections

The first multi-party elections for the Zanzibar Presidency and the House of Representatives were held in October 1995, a week before the Union elections. They proved to be a straight contest between CCM, led by Dr Salmin Amour, and the newly formed CUF, led by Seif Sherif Hamad.

In the Presidential Election the Zanzibar Electoral Commission announced that the CCM candidate had won by a margin of 0.4% (50.2% against 49.8% for the CUF candidate), while CCM won 26 seats in the Zanzibar House of Representatives to CUF's 24.

The Commonwealth Observer Group said that the elections had been peaceful and that the Election Day procedures had been followed, but it noted delays in the count and tallying. The results were not announced until four full days after the poll which, together with the closeness of the poll, led to suspicions and allegations of fraud. The CUF claimed that the result had been rigged, rejected the outcome and decided to boycott the House of Representatives, leading to a political impasse in Zanzibar.

Subsequently substantial amounts of western development aid to Zanzibar were suspended.

Commonwealth Initiative

The then Commonwealth Secretary-General, Chief Emeka Anyaoku, decided to intervene personally by travelling to Zanzibar in May 1998 for talks with the parties. He appointed a Special Envoy to continue this work and, with the financial support of several donor countries, the Special Envoy was able to negotiate a formal mechanism for inter-party consultation and negotiation, known as the Inter-Party Committee, composed of seven members of each party. This Committee's mandate was to draft an Agreed Memorandum to provide for reform, which in turn would facilitate the resumption of normal political activity in Zanzibar.

The Agreed Memorandum was signed in Zanzibar in June 1999. It provided for two new CUF deputies to the House of Representatives, the creation of a new Electoral Commission "to ensure that all future elections are transparent, credible and free of controversy in all important respects", compilation of a credible voters' register, equal access to the publicly owned media and balanced coverage of political activities, guaranteed freedom for all parties to propagate and canvass support for their views, a review of the Constitution and electoral legislation, reform of the judiciary and various other reconciliation and reconstruction measures.

In return the CUF agreed to end its boycott of the House of Representatives and to recognise the legitimacy of the CCM's tenure. The 'modalities' for the implementation of the Agreed Memorandum were agreed by the IPC in September 1999. It appeared that a

solution had been found. In fact, by the time of this election the reform initiative had effectively collapsed.

CHAPTER TWO: THE ELECTORAL FRAMEWORK AND PREPARATIONS FOR THE ELECTIONS

The Electoral Framework

The electoral framework of Zanzibar is comprehensive and many elements are satisfactory, although there are areas that could be strengthened with a view to enhancing the quality of the democratic process in the islands.

The Zanzibar Electoral Commission (ZEC) co-operates with the National Electoral Commission (NEC) of the United Republic of Tanzania, and under the Constitution of the Union, the NEC is required to consult with ZEC on various matters. ZEC has autonomy over the elections for the Zanzibar Presidency, House of Representatives and local councils. The relationship of NEC and ZEC comes into view in the organisation of registration, and the supervision and conduct of the elections in Zanzibar for the Union Presidency and National Assembly. For these electoral events NEC utilises the personnel and other resources of ZEC and the constituency boundaries and electoral registers devised by the Zanzibari authorities.

The Constitution

The ZEC is established by the Constitution of Zanzibar and its members are appointed by the President of Zanzibar in her/his sole discretion. The Commissioners can be removed by the President only for inability to discharge their functions of office or for misbehaviour, and pursuant to a stipulated procedure set out in the Constitution. Commissioners are appointed for a period of five years.

The Constitution guarantees the independence of the Commission, by its provision in section 119 subsection 12. This states that *in the exercise of its functions under this*

Constitution, the Electoral Commission shall not be subject to the order or directions of any persons, department of Government or view of a political party.

The courts are prevented from enquiring into the question of whether the Zanzibar Electoral Commission has validly performed any function vested in it by the Constitution. The ZEC is constitutionally bound to consult from time to time with NEC. Section 34, subsection 7 prevents the courts from inquiring into the validity of the election of a candidate once he/she is declared duly elected as President.

Electoral Legislation

The Electoral Act of 1984 was extensively amended in August 2000 to strengthen the Commission's ability to organise free and fair multiparty elections. The amendments gave the Commission the overall power to supervise the general conduct of all Presidential, House of Representatives and local authority elections in Zanzibar, and the promotion and regulation of voter education. The amendments have vested considerable administrative powers in shehas (who are officers appointed under the provisions of section 15 of the Regional Administration Authority Act of 1998) in respect of the registration of voters and the voting process. Their role could impact significantly on the impartiality or otherwise of the organisation of elections in Zanzibar. Other provisions of the amended Act strengthened the powers of the Commission over the appointment of election staff and clarified many aspects of the voting procedures.

The amendments did not deal with certain provisions of the principal Election Act of 1984, which had been the subject of strong criticism after the elections of 1995. One issue which was singled out for change was the discontinuance of the practice of placing on the counterfoil of the ballot paper the number of the voter in the copy of the register (section 68 (3) (c) (iii)). Another was the need to provide each agent of candidates and political parties with authenticated copies of the Statement of the Result.

The absence of official English texts of the Constitution and some other legal instruments served as a constraint to our understanding of the proper interpretation and application of those instruments.

Constituency Delimitation

Section 120 of the Zanzibar Constitution empowers the Electoral Commission to divide Zanzibar into such number of constituencies, having such boundaries and names, as may be prescribed by order made by them, being no less than 40 nor more than 55. The guidelines to be followed in formulating and reviewing the constituency boundaries are set out in sub-section 3, which provides for regard to be paid to:

- (a) density of population and the need to ensure adequate representation of urban and sparsely populated areas;
- (b) population trends;
- (c) means of communication; and
- (d) geographical features

and for this purpose the number of inhabitants shall be ascertained by reference to the latest census.

There is no requirement on the ZEC to consult with the political parties or to give notice of carrying out a review, but notice of any changes is published in the Gazette. Under section 119 (12)(13) ZEC is not subject to the order or directions of any person, Department of the Government or view of a political party and no court shall have jurisdiction to inquire into the question whether ZEC has validly performed any function.

The constituencies for the Union National Assembly elections are coterminous with those for the Zanzibar House of Representatives elections. It follows that changes made by the Zanzibar Electoral Commission affect the number and boundaries of the constituencies for the Union elections. This means that any changes to the constituencies in Zanzibar have to be made in conformity with the Union Constitution and would fall within the jurisdiction of the NEC.

For these particular elections ZEC merged two constituencies within the Stone Town area of Zanzibar town into one, both of which were held by members of CUF.

An additional constituency was created out of one constituency, currently held by a member of the CCM. Further, the boundaries of other constituencies were amended, but the group was unable to obtain precise details of these changes. The Director of Elections advised that there were no maps available to show the detail of these changes and that the changes had been made to reflect the imbalances in size of the electorates for these areas.

The Vice-Chairman of the NEC told us that ZEC had submitted the proposed changes to them with justification. The NEC had raised no objection.

Qualifications for Registration

Every Zanzibari and every citizen of the United Republic of Tanzania having 15 years residence in Zanzibar who has attained the age of 18 years is entitled to be registered and to vote in the Zanzibar presidential elections, unless disqualified by any law. However, to qualify to register and to vote in Zanzibar House of Representatives and local elections

such a qualified citizen must also be ordinarily resident within the constituency for five consecutive years immediately preceding the registration for the election.

A citizen of the United Republic of Tanzania who has attained the age of 18 years is, unless disqualified by any law, entitled to be registered in respect of their normal place of residence and to vote at elections for the Union President and the Union National Assembly.

A person who has not been resident at her/his present abode for five years is entitled to be registered in her/his previous constituency. The Election Act of 1984 prohibits a person from being registered in more than one constituency or in more than one polling

district in a constituency. It also makes special provision for members of the military, police force and persons in the service of Special Departments and their spouses.

Voter Registration

Voter registration was carried out at registration centres during the period 8 to 21 August 2000. The Zanzibar Electoral Commission appointed a Registration Officer for each constituency to implement the registration process. The amendment Act of 2000 introduced the role of the shehas in this process. The Regional Commissioners appoint the shehas; it is widely believed that the shehas must demonstrate loyalty to the ruling party.

The Group was not present during the registration period, but there seemed to be widespread agreement that this process was flawed. All parties expressed this view, which was shared to some extent by the Zanzibar Electoral Commission itself and by TEMCO – a local election-monitoring group. Allegations were made that a significant number of people from the mainland had been moved to various constituencies and that padding was suspected in the more evenly balanced constituencies. There are many instances where the total number of voters on the provisional voters' list exceeded the estimated number of electors by more than 30% - in one case by 66%.

The role played by the shehas in this process caused much concern to the opposition parties. Her/his duty was to verify the identity of each applicant for registration. Many people were refused registration by reason of the shehas declaring that "they did not know this person". A particular concern of the Group related to the right of a Zanzibari not being qualified to vote for the Zanzibar constituency elections being refused registration, thus depriving her/him of the right to vote in the Union elections as well as in the elections for the President of Zanzibar.

Complaints had also been made regarding excessive interference by the police in the process. Although it was reported that initially there was a shortage of materials at some registration centres at the commencement of the process this did not prevent citizens from obtaining their registration certificates, but some were initially issued with receipts.

The provisional list of voters was displayed for public inspection on Saturday, 7 October for 3 days only. This did not afford adequate opportunity for the public to check whether or not their names were included or that their entries were accurately shown. To lodge an objection an individual was required to deposit 20,000 TSh, which few could afford to do. The provisional voters list was not issued to the political parties, which could have assisted in tidying up the many errors contained in the published list. The election law does not specify a date or period for display of the provisional voters' list. In the case of an objection, 14 days notice has to be given to a person to attend an

inquiry and a further 20 days to lodge an appeal. The date on which the provisional voters' list was displayed did not allow sufficient time for this procedure to be followed.

The register contains the voter's number, name, area of residence, gender and registration certificate number. There were 451,881 voters registered in the 50 constituencies, as compared with 348,934 registered voters in 1995. ZEC stated that the actual numbers registered for this election represented 99.3% of the projected figure.

There were many complaints that the voters' list did not contain the names of persons who had been issued with a registration certificate, that it contained duplicated entries and the names of deceased persons and, vitally important, that many people had been allocated to the wrong polling centres. The Director of Elections himself expressed dissatisfaction with the Provisional Voters' List, saying that many entries had escaped computer entry and that there were many errors in the input of the data. But he was confident that the omissions and errors would be rectified after consultation with the Register. We were to observe on polling day that many voters came to the polling station but found that their names had been omitted from the voters' list.

Voter Education

The Zanzibar Electoral Commission was constrained by lack of resources in undertaking voter education, a duty which had been given to ZEC by the amendment Act of 2000. Some voter education activities were undertaken. For instance, in many places sample ballot papers were displayed on public buildings and this enabled parties and voters to familiarise themselves with the content and design of the ballot papers and where to place their mark on the ballot paper. However, we were to observe on polling day that many voters needed assistance in marking their ballot paper. All round there was not enough voter education: more needs to be done before the next elections.

Administration

The Elections Act of 1984 made provision for the Director of Elections, who is appointed by the President from amongst the names of civil servants, to be the Chief Executive of the Zanzibar Electoral Commission. The amendment Act of 2000 conferred on the Zanzibar Electoral Commission the duty to appoint for every constituency a Returning Officer for the purpose of conducting these elections. The District Administrative Officers were invited to apply for the post and were appointed as the Returning Officers for the constituencies falling within their administrative area. Each Returning Officer appointed a deputy and for each constituency an Assistant Returning Officer.

The opposition parties have little confidence in the management of the elections at this level. They have expressed the view that the District Administrative Officers, who are Government appointees, do not act in an impartial and independent manner.

Nomination of Candidates

Four political parties contested the Union Presidential elections:

CCM Candidate	Benjamin Mkapa
CUF Candidate	Ibrahim Lipumba
TLP Candidate	Augustine Mrema
UDP Candidate	John Cheyo

Nominations for the Union Presidential Elections were received by the NEC. Twelve political parties contested the Union Parliamentary elections for the 50 seats in Zanzibar. In Unguja there were 162 candidates representing the following twelve parties:

• Chama Cha Mapinduzi (CCM)	29
• Civic United Front (CUF)	28
• Tanzania Democratic Alliance Party (TADEA)	20
• Union for Multi-Party Democracy of Tanzania (UPDP)	19
• Tanzania Labour Party (TLP)	18
• Popular National Party (PONA)	15
• Union of Multi-Party Democracy of Tanzania (UMD)	10
• National Convention for Reconstruction and Reform (NCCR-Mageuzi)	8
• Chama Cha Demokrasia na Maendeleo (CHADEMA)	6
• UDP (United Democratic Party)	6
• National Reconstruction Alliance (NRA)	2
• CGADF	1

The number of candidates for the minor parties on Pemba is unknown to the Group, but both CCM and CUF fielded candidates in all 21 constituencies.

Nominations for the Union National Assembly elections were received by the Returning Officer for each constituency. The CUF candidate for the Makunduchi constituency for the Union National Assembly election was disqualified on the grounds that the Returning

Officer discovered that one of the supporters to the nomination was not qualified to nominate a candidate. Representatives of the minor parties had advised that this was not discovered until 10 days after the close of objection period. CUF challenged the disqualification without success. Three other Union candidates in this constituency were disqualified leaving just one candidate to oppose the CCM candidate Mr Khatib, the Finance Minister.

In the Zanzibar Presidential election the CCM candidate was Mr Amani Abeid Amani Karume. The CUF Presidential candidate, as in 1995, was Mr Seif Sharif Hamad. The nomination of a third prospective candidate - Naila Jiddawi of NCCR-Mageuzi - was declared invalid by ZEC following an objection by the CUF candidate – Seif Sharif Hamad – that Ms Jaddawi was still a bona fide member of CUF and therefore could not contest any election on a different party ticket.

On appeal, the Zanzibar High Court ruled that the decisions of ZEC were not reversible by any court and refused to hear her application. Ms Jiddawi then appealed to the Union Court of Appeal which, only a few days before polling day and after the ballot papers had been printed, over-ruled the Zanzibar High Court and ordered that Ms Jiddawi's appeal against ZEC's decision be heard.

The Group was informed by Ms Jiddawi that she had returned her membership card, thus terminating her membership of CUF. This had taken place well in advance of the submission of her nomination. In terminating her membership of CUF she automatically ceased to be a member of the Zanzibar House of Representatives. The Government was aware of the situation.

Of the 158 candidates contesting the 50 seats in the Zanzibar House of Representatives elections, the CCM had 50, CUF 49 and eight other parties nominated between them the remaining 59 candidates.

The nomination of the CUF candidate for the Kitope Constituency had been disallowed on the grounds that the candidate was illiterate. Representatives of the minor parties expressed the view that it was unlikely that CUF – “with all the intellectuals in their leadership” - would put up a candidate who was illiterate. The rejection of the CUF candidate resulted in Khamis Salim Ali being elected for the Kitope constituency without a contest. Mr Ali was seeking re-election as a Member of Parliament for this constituency.

At the local elections in Zanzibar CCM put forward 141 candidates, CUF 130, Chadema 4, UDP 2, NCCR-Mageuzi 12, TLP 3, PONA 1 and the UPDP 11, totalling 304 candidates representing eight parties.

An amendment in December 1994 to the Constitution of the Union of Tanzania prohibited an independent candidate from seeking election in the Presidential, Parliamentary and Local Elections. The Election Act of 1984, as amended by the Amendment Act of 2000, now provides that only political parties duly registered are entitled to nominate candidates

at these elections. This is an issue which the Court of Appeal in the Union of Tanzania has ruled unlawful, but it remains in place.

Political Parties

We noted with concern that there appeared to be no mechanism for communication and consultation either between the political parties or between the parties and ZEC. These are especially important in circumstances of political polarisation, as in Zanzibar. We hope that the parties will themselves see the necessity of reviving inter-party consultation. Equally, we hope that ZEC - in the spirit of inclusiveness and transparency which needs to inform all modern election management - will in future not only seek to involve the political parties at every stage of the process but also specifically set up a mechanism for regular and close consultation with the parties.

Voting System and Procedure

These elections were conducted under the first-past-the-post electoral system. The Election Law provides for every person whose name is included in the list of voters to be entitled to exercise their right to vote. A Zanzibari citizen with less than five years residence is entitled to vote in the Zanzibar presidential elections, but not in the Zanzibar House of Representatives or local elections, provided that she/he has registered to vote. A Tanzanian citizen resident in Zanzibar would be entitled to vote at the Union Elections only provided she/he had registered to vote. The list of voters at the polling station should identify those electors entitled to vote at each particular election. The present format of the list of voters does not accurately reflect this.

The Election Law provides for all voters to present themselves at the polling station allocated to her/him. It does not make provision for absentee or proxy voting. It does enable voters to seek the assistance of the Presiding Officer or another voter to mark their ballot paper. In the case of a blind or disabled person a declaration is required to be completed by the companion, who may only assist one disabled person.

For these elections, over 1,800 polling stations were established with each one containing not more than 400 voters. In most instances, schools and health centres were used as polling stations and their locations were known to the voters.

The timetable in the Election Law appears to be a little vague. The Electoral Commission can determine:

- (a) when, where and for how long the registration of voters shall take place;

- (b) when, where and for how long the provisional list of voters should be displayed; and
- (c) the date for receipt of nomination of candidates,

without consulting or involving any of the registered political parties, which in a democratic election need to be participants in the process.

Training

The Presiding Officers received training only a few days prior to polling day. On the eve of the poll we were able to witness the assistants receive their instructions and make their oaths. Some did not appear to appreciate the full range of their duties. As we make clear in the chapter on 'The Poll and Count' the events of polling day underlined weaknesses in the training of officials: see page 29. Training came much too late.

Distribution of Election Material

The Director of Elections and the representative of the National Electoral Commission advised us that all forms and equipment other than the ballot papers, including ballot boxes and voting screens (which were used for the first time at an election in Zanzibar), had been delivered to the offices of the Returning Officers. Arrangements had been made for these to be delivered to the various polling stations either on the eve of the poll or during the early hours of polling day. The police would accompany the delivery of the materials, including the ballot papers. In cases where they were delivered on the eve of poll the police would provide security at the polling station overnight.

Freestate Products of Bloemfontein, South Africa, printed the ballot papers for all five elections. Arrangements had been made for these to be boxed into sets for delivery direct to the Returning Officer who would be responsible for ensuring that each polling station received the required number of ballot papers for all electors on the voters' list for that station.

CHAPTER THREE: THE CAMPAIGN AND THE MEDIA

The Campaign

Overview

The Zanzibar Electoral Commission designated an official campaign period which began on 22 August 2000 and ended on 28 October 2000. Members of the Group were able to observe the last four weeks of the campaign.

Campaigns for elections are required to be conducted in accordance with the Zanzibar Election Act 1984, as amended, and any regulations made thereunder. The Group was informed that the relevant authorities in Zanzibar decided to introduce additional measures in Zanzibar that had a bearing on the campaign. Examples of these measures are a ban on house to house canvassing of votes and a regulation requiring political rallies to end by 1800 hours. In addition, no public address systems were allowed in Zanzibar town. The group was informed that whereas a draft text of a Code of Conduct had been agreed upon by the political parties, there had been no signing of this draft Code.

In order to avoid conflicts of schedule, party agents are required to submit programmes of their proposed rallies to ZEC and the police for approval. The Group heard complaints from several opposition parties that regardless of the approval obtained from the competent authorities, some local officials and supporters of the ruling party sometimes prevented them from holding rallies at particular grounds. This situation inevitably led to conflicts, sometimes violent.

We were told that ZEC held meetings with stakeholders to try to resolve this issue. We were also told by ZEC that some parties were reluctant to reveal the precise venue of their rallies until the very last minute. There were occasions when, according to TEMCO and monitor reports, the decisions by ZEC and the central police authorities were ignored or over-ruled by the shehas, reinforced by the local DCO (District Commanding Officer), who encouraged people to deny CUF access to open spaces, although there are no regulations conferring such powers on shehas to overrule the central police.

Football clubs, Maskanis (CCM Neighbourhood Branches), private individuals or businesses control many of the fields that are best suited for campaign meetings in Unguja. Much of the tension that arose in the course of the campaign stemmed from what some saw as a systematic campaign on Unguja to deny CUF access to these grounds. TEMCO has reported that four days before the October 11 shootings at Kilamahewa, there had been a serious clash between CCM and CUF supporters at Kwahani, Zanzibar, when CCM youths tried to stop CUF from conducting a campaign

rally in the area. We recommend that the exact venues for rallies and meetings be authorised by ZEC and the central police authority only after agreement on the exact venue with those who have control of the grounds.

Generally speaking, rallies of political parties followed a similar format, with great enthusiasm being displayed by respective supporters. There was singing of party songs and robust chanting of slogans, followed by introductory speeches by party dignitaries. Party candidates were then introduced to the electorate. Finally the most important candidate was called upon to address his or her supporters. All rallies featured a ceremony of conversion where supporters of one party would publicly renounce their party membership and be embraced into the fold of the other to the gleeful acclamation of the party supporters.

While both major parties engaged in a certain amount of discussion of concrete issues, such as economic development, health and education, the main purpose of the presidential rallies seemed to have less to do with programmes and issues and more to demonstrate capacity and mass support. One important issue was the debate on the nature of the Union, with the CCM adhering to the established policy of two governments and CUF advocating three governments – independent governments in Zanzibar and Tanganyika and a Federal Government including representation of both. In the debate concerning the nature of the Union, CCM alleges that the position of CUF would lead to the break-up of the Union. The CUF denies this, arguing that the CCM wants to end Zanzibari autonomy.

The Group noted that whereas a significant number of women activists attended political rallies there were few female candidates for the Union Parliament, House of Representatives and local elections.

We also noted that the parties spent considerable amounts of money on the printing and production of kangas, t-shirts, caps, posters and flags, which were generously distributed at rallies. High quality posters were pasted on walls and trees, even in the remotest villages. There was a clear difference in the capability of the two main parties to provide campaign materials: everywhere we went the CCM seemed to be better resourced. There was also evidence that the ruling party abused the advantages of its incumbency, for instance in the use of state vehicles. We understand that there is no formal mechanism for the declaration of income and expenditure by the political parties during the campaign.

The Group noted that all political parties made great efforts to get as many of their supporters as possible to their respective rallies. The Group attended rallies where it was reported that in excess of one thousand vehicles had been mobilised to transport supporters.

A Level Playing Field?

There were consistent complaints from opposition parties of the lack of a level playing field for the campaign. Opposition parties complained, among other things, of the ruling party's privileged access to and abuse of the state owned media, public funds and vehicles. Publicly owned resources should not be used for campaign purposes by the ruling party of the day; we believe that ZEC should urge the parties to adopt a code of conduct and itself issue regulations on the matter, with effective mechanisms for enforcement.

The small opposition parties reported that they had received no Government subsidies, as in 1995, as a factor that had hampered their ability to campaign effectively. We were informed that one reason that the government was unable to advance grants to the parties in these elections was the absence of donor funding for this purpose, unlike the situation in 1995.

The complaints went further. We were told, for instance, that the rules of the campaign were not evenly enforced. It was alleged that while the police were quick to insist on the ending of opposition rallies at exactly 1800 hours, they did not display a similar zeal with regard to rallies of the ruling party.

Reports of Intimidation and Violence

Our Group heard numerous reports of violence and brutality by the police before, during and after the campaign period. Our attention was drawn in particular to the violence by the police during the registration period. There were frequent reports of heavy intimidation by police acting in a partisan manner. It was reported in the media that the police mounted roadblocks on roads leading to campaign rallies, particularly of opposition parties where opposition supporters were subjected to thorough car and body searches.

Whatever the aim, this had the effect of delaying and discouraging opposition supporters. In anticipation of such operations, opposition supporters resorted to departing for venues of campaign rallies many hours in advance. It was not unusual to see bus-loads of CUF supporters and activists on the move from 1000 hours for a 1500 hours rally. There were no reports of similar searches of CCM supporters. It should be noted that these searches were generally suspended later in the campaign, and TEMCO reported increased

professionalism in the way the police were dealing with the media, opposition parties and the public after consultations with political parties on 2 October 2000.

Rallies of opposition parties were sometimes interrupted by unidentified youths, suspected to be ruling party zealots ("maskanis"), who would demand the departure of

opposition politicians from "their" area. An example of this is the incident in Zanzibar town on Sunday 8 October 2000 when a tour by the CUF Presidential candidate was interrupted by youths who unleashed a barrage of stones and shouted slogans denouncing his presence in the area, forcing him to seek refuge in a nearby building, which was also stoned. He was subsequently "rescued" by the arrival of FFU Forces who cleared the area with their renowned efficiency. The CUF subsequently alleged that the police themselves encouraged the mob, and drew attention to the fact that nobody was reported to have been arrested for this attack, even though it took place in broad daylight and there was the usual deployment of police forces at the scene itself. The Presidential candidate himself was quoted in the press as saying that he was only rescued by the Field Force Unit (FFU).

There were media reports that on 22 September 2000, the police attacked people at Darajani, Mbuyuni and Vikokotoni near Stone Town and Mlandege. The Inspector General of Police was visiting Darajani. Monitor reports recorded by TEMCO indicated that CUF supporters and the police swapped insults, after which the police tear-gassed the area and beat people with clubs, resulting in injuries requiring hospitalisation.

Perhaps one of the most serious cases of violence occurred on Wednesday 11 October 2000 when six CUF supporters were shot by the police in clashes with police during a CUF rally. The police later claimed they opened fire after coming under attack by stone-throwing CUF militants. The CUF and international journalists recounted a different version of events, and insist that this particular incident was part of a pattern of intimidation and harassment. On more than one occasion, our Observers witnessed citizens' fear of the FFU, whose mere appearance in full battle gear would result in a scattering of men, women and children.

For their part, officials of the ruling CCM party also told the Observers that their supporters were victims of intimidation and violence, principally from CUF militants.

We noted that towards the polling day, on 15 October 2000, meetings were held between the leaders of the main political parties, Mr Seif Shariff Hamad and Mr Amani Karume, and the Inspector General of Police, Omar Mahita, in a bid to calm the situation. These meetings were positively received by the press and the general public. Leaders of all political parties called for calm and restraint from their respective supporters.

Future election campaigns would obviously benefit from a more disciplined and professional approach by the security forces, with a duty to uphold the law without fear or favour. Sadly, this has not been the case in Zanzibar.

Finally, we must comment on the conduct of the political parties. The text of a Code of Conduct was agreed by the political parties, but never signed. The campaign unfolded in an atmosphere of tension and intermittent episodes of violence.

In the last week of September the CUF presidential candidate traded what media monitors deemed “hate speech” with the Inspector General of Police. The presidential candidate vowed that CUF would stand firmly as men (*‘ngangari’*) and that blood would flow in Tanzania if CUF was denied victory. The Inspector General’s retort that the police would counter CUF’s *‘ngangari’* with their own firmness (*‘ngunguri’*) was eagerly taken up and widely covered by the media. Thereafter, the CUF battle cry *‘ngangari’* rang out from their campaign vehicles. The CCM responded with taunts of *‘ngunguri’*.

The issue of violence was openly discussed by the candidates, with the CCM portraying itself as the party of peace and painting the CUF as the party of violence. For its part the CUF portrayed the CCM as intimidatory and repressive and themselves as victims. Both presidential candidates, at different stages of the campaign, made inflammatory statements which did nothing to improve the situation. The CUF candidate promised that if the CUF was cheated this time it would be “an eye for an eye”. This remark was seized on by the CCM, who promised in return “a tooth for a tooth”.

Later in the campaign we were pleased to note that both candidates, while never heard to rebuke their supporters for acts of violence and provocation, openly called on them to remain calm and not to commit acts of lawlessness. We were pleased to note that on election day both parties conducted themselves responsibly.

The Media

Following the arrival of our Advance Group, and subsequently the full Observer Group, we made efforts to assess media coverage of the election campaign. We were not able to monitor the media as systematically as we would have liked, but we were able to undertake some sampling of their coverage. We also consulted widely and were regularly briefed by journalists in the print and electronic media, political parties and stakeholders such as the local observers, TEMCO, the Organisation of Journalists and the Media Monitoring Project to solicit their views on media practice during the election campaign in Zanzibar.

Print Media

Zanzibar has two weekly newspapers: NURU, which is state-owned and JUKWAA, owned by CCM. Although these two Kiswahili newspapers have limited circulation within Unguja and Pemba islands, their influence should not be underestimated. The ongoing analysis by the Media Monitoring Project concluded that NURU was more credible than JUKWAA,

which frequently fell short of minimum professional standards and did not come close to adhering to the guidelines proclaimed in the Media Code of Conduct for Election Reporting 2000.

We noted the legal conditions under which the print media in Zanzibar operate: these include government licensing of individual journalists and steep conditions on

ownership and publications of newspapers. The Registration of News Agents, Newspapers and Books Act of 1988 also empowers the government to seize or ban newspapers, search premises, and arrest individual journalists. This situation goes a fair way to explain the stagnation of the print media industry in Zanzibar, as compared to the mainland where there has been a mushrooming of independent newspapers.

These mainland publications arrive daily in Zanzibar and provide an alternative fare. From their inception the independent mainland publications have given substantial coverage to opposition party news and continued well into the campaign to mete out fair treatment to all political parties.

Broadcast Media

The Zanzibar government owns a television station called TVZ, and a radio station, STZ. There is also an independent Dar-es-Salaam-based television channel, ITV, which covers the whole of Tanzania, including Unguja and Pemba.

Radio and television in Zanzibar are regulated by the Zanzibar Broadcasting Commission Act of 1997. Like its counterpart law for the print media, its restrictiveness can be judged by the fact that, unlike the situation on mainland Tanzania, there are no privately-owned radio and TV stations in Zanzibar. This Act does not provide safeguards for the independence of the governing body, all members of which are appointed by the government, leaving editorial policy open to dictation by the government and ruling party.

While the television service is restricted to urban centres where electricity is available, radio covers all parts of Zanzibar, and the majority of people, particularly the rural dwellers, rely heavily on it for information. The political parties and the Zanzibar Electoral Commission used radio and television extensively to inform voters about their manifestos and for general voter education, respectively.

We further noted that although Zanzibar laws provide for the allocation to political parties and candidates of free airtime on state-run media, the state television and radio never allowed free political advertising by political parties. This has resulted in the Zanzibar Electoral Commission sponsoring airtime for political parties on these state media.

Acting under the relevant provisions of the Zanzibar Constitution and Section 19A of the Election Act, ZEC issued its Directives for the State Media to govern their operations from 22 August until 28 October 2000. The directives cover:

- air time allocation to political parties;
- obligations for political parties and state media on air time usage during the election campaigns;
- usage of time;
- special time for Presidential candidates;
- expiration on using air time for campaigns.

Inter alia, the directives state that “all contesting political parties will be given equal air time in the State Radio and Television”. In addition, each political party would be given 20 minutes weekly to air its programme on radio and television. Among the obligations listed in the Directives are the following: political parties are expected to “avoid slanderous and libellous language in their programmes” and each state broadcasting media “shall not censor or alter in any manner the programme presented by a party or its representative without consultation of party or candidate.”

Compared to the situation which prevailed in the 1995 elections, there was a significant improvement in media attention to both voter education and the campaigns of various political parties. With the issuance of the directives by ZEC and the subsequent adoption of a media code of conduct for election reporting promoted by the Media Council of Tanzania, it was hoped that an environment conducive to a free and fair media reporting would have been created.

However, not all players adhered to the letter and spirit of the ZEC directives or the media Code of Conduct. It is fair to say that the electronic media, especially Zanzibar television, displayed more often than not a blatant bias towards the ruling party, allocating more airtime to CCM candidates in news and political programming.

A recent survey of the mainland media by the Election Monitor Newsletter revealed that the CCM received 91% of the time allotted in Radio Tanzania Dar-es-Salaam (RTD) news bulletins, 79% of the time allotted to Presidential candidates in RTD news bulletins, 64% of the time allotted to political parties on Radio One News and 71% of the time allotted by TVT to Presidential candidates. According to the directives on allocation of airtime, this constitutes a breach of the provision whereby all contesting political parties should be allocated equal airtime in the state radio and television. No similar statistical analysis could be found for Zanzibar, but the trends were largely the same, with the ruling party enjoying the lion's share of coverage in the state media.

While Radio Zanzibar did devote airtime to the Presidential candidates of both parties, only the CCM stories were ever repeated in subsequent broadcasts. CUF stories were broadcast once, and then dropped. There were also several stories concerning CCM

House of Representative and local government candidates, but no House or local government candidates of the CUF ever received any coverage. In their daily morning political programmes Radio Zanzibar regularly carried speeches by President Salmin Amour, many of which contained negative comment on the opposition parties. The

right of reply is unknown in the Zanzibar state media. No distinction was made between governmental and party-political activities.

Radio Zanzibar on two occasions failed to honour its contract with the CUF for live coverage of their campaign rallies, citing in one instance “power failure” and on the other occasion, “technical difficulties”, while the same difficulties never seemed to affect rallies of the ruling party. On the day of the final Presidential rallies, both CCM and CUF had initially planned to hold their rallies in the afternoon of October 28. In order to avoid the conflict over airtime, CUF moved their rally to the morning and contracted with Radio Zanzibar for live coverage. Two days before the rallies were due to be held the CCM moved their own rally to the morning and succeeded in occupying the airtime on both Radio Zanzibar and Zanzibar Television.

Monitors have found that TV Zanzibar was the most flagrantly biased of the three state media. The principle of equal access was ignored. The opposition complained on more than one occasion that, contrary to the ZEC directive, their programmes were being censored without prior consultation. The CUF produced a series of press conferences to discuss major issues such as the rule of law, the economy, health and education. They paid to have these programmes broadcast on television, but they were heavily edited and censored by the TV station before being broadcast.

In contrast, since the President enjoys the right to full live coverage of his official functions, it was far from unusual to find the President in attendance at CCM campaign activities, which were duly broadcast live and free of charge. On the opening day of the campaign CUF received for the first and only time lead story coverage. The rest of the time CUF stories were the fifth, sixth and lower item, while the CCM local councillors received coverage ahead of the CUF Presidential candidate. It was noticeable that in the final 10 days of the campaign, many stories reflected accurately the CUF Presidential candidate’s speeches.

We also learned from the Zanzibar Electoral Commission about their voter education campaign on television and radio. This project was launched in June 2000 and all parties participated in its development. Political parties which were asked about the success of this project commended the Commission on the initiative, but said they wished to have more input in the development of the messages on television and radio. The opposition parties distanced themselves from some pronouncements on important issues, notably on the number of polling agents to be allowed in the polling stations. Political parties also informed us that they had undertaken extensive efforts to explain the essence of voting and the voting procedures to their supporters during rallies and in their media messages.

The orderly nature of the poll and the low rate of spoiled ballots - where counting took place - can partially be attributed to the various voter education programmes undertaken by the media, ZEC, NEC, and political parties in Zanzibar. However, as noted earlier more voter education could have been done.

We also noted efforts by the Tanzania Gender Monitoring Project (TGMP) to promote gender awareness among media practitioners during elections and use the media for information-sharing on women's issues.

The Media Monitoring Project

The Observer Group noted the meaningful role played by the Media Monitoring Project in providing an objective assessment and analysis of media coverage. The monthly *Election Monitor* newsletter reflected an intensive process of assessment and monitoring, with specific media statistical data which we found useful. We also noted various workshops conducted by the Media Monitoring Project to train journalists in election reporting and to popularise the code of conduct for media practitioners.

Life has never been easy for journalists in Zanzibar. It was reported that in the period between the opening of registration and polling day four journalists suffered at the hands of the police and ruling authorities:

- a *Guardian* journalist was arrested twice, most recently on the final day of the campaign after he reported having found the army beating up the police; his film was confiscated.
- a BBC correspondent was physically assaulted at a CCM rally and man-handled by the police on his way to the CCM press conference on the day following the elections;
- a journalist accredited to a mainland daily was summoned to the CCM office, rebuked and threatened for writing a negative story about a senior CCM official;
- a senior broadcasting executive was threatened with arrest after he refused to carry the CCM release on the 11 October shooting. The release was subsequently read by the TV announcer.

We regret that the highly commendable Media Code of Conduct for Election Reporting 2000 failed to impact on the situation in Zanzibar. It was also disappointing that the ZEC Directives on the State Media were more often than not honoured in the breach. Together, their implementation could have created a healthy media environment worthy of the citizens of Zanzibar.

CHAPTER FOUR: THE POLL AND COUNT

The weather was good. The voters were present, in large numbers. The polling stations were laid out and ready. The election officials, police and party agents were at the ready. But the ballot papers were not there.

For all too many Zanzibari voters that was the situation when the polls were supposed to open, at 7.00 am on Sunday 29 October. Unfortunately, the problem was very often not temporary. At some polling stations ballot papers were still not there in the afternoon, only an hour or so before the polls were supposed to close. At others, though some eventually arrived they ran out again after only a short time and as darkness fell replacements had still not arrived. Some polling stations had ballot papers, while other stations just a short distance away - sometimes within the same centre - were without.

Many of the voters remained, determined to cast their ballots. At the Amaani Stadium in Zanzibar town hundreds of people were still there at 9.30 pm, sitting in queues on the ground, complaining - many had been there since 6.00 am - but nevertheless waiting for the ballot papers. To defiant cheers one man walked in with his bed on his head, ready to wait the night if necessary. At other polling stations people waited until after midnight. Others, understandably, did not wait but went home, without exercising their right to vote. Invariably there was no explanation for the delay in the delivery of ballot papers. Some of our observers spoke of the voters being 'abandoned'.

In the event the optimism of those voters who were still present at polling stations some 14 or 15 hours after polling was due to begin proved unwarranted. At 11.30 pm the Chairman of the Zanzibar Electoral Commission, Mr Abdul Rahman Mwinyi Jumbe, announced on television and radio that due to the shortage of ballot papers and the late opening of the stations voting had been stopped in 16 of Zanzibar's 50 constituencies. It later emerged that in addition to the organisational failure ZEC was also aware of a number of serious irregularities which might have had a major impact on the election, in particular the disappearance of ballot papers. In the other 34 constituencies, citing an order from ZEC, counts were stopped and ballot boxes removed.

The following day Mr Jumbe admitted “gross inefficiency” on the part of the Zanzibar Electoral Commission and apologised. He also expressed the fear that some books of ballot papers had disappeared and stated that the police were investigating.

It was a sad end to a day which many had hoped would demonstrate that elections in Zanzibar could go well, and thereby strengthen democracy on the islands.

Prior to election day it was not the delivery of essential materials that was the focus for those who feared that the elections would disappoint. Opposition parties highlighted two other items: the registration of voters and arrangements for party agents. They feared that many voters who had been registered and who were in possession of a Registration Certificate would find that their names were not on the list, and then be denied their vote.

At the same time, both CCM and CUF alleged that the other had brought people from the mainland to register, and then vote on 29 October, and would ‘bring in’ voters from other constituencies. The opposition parties were also concerned that although the law said that one agent could be present per party for each candidate in the five elections, ZEC was trying to reduce that number to just one per party for the Union elections and one for the Zanzibar elections.

On election day itself the widespread scenes of uproar and protest that had been feared as voting began, when hundreds of properly-registered voters found that their names were missing, did not occur. However, we did come across voters who had been registered but whose names were not on the list. At some polling stations a mechanism was in place to assist such voters. At many others we found people who, their name not having appeared on the list at the first station they visited, were sent to stand in another queue. Sometimes this happened more than once, with the voters finding that after several hours no list could be found bearing their name, even though they had registered properly in August. We also noted that, although ZEC had ruled that those whose names were not on the list would be able to consult the register itself and thereby be able to have their right to vote confirmed, very often the register was not available.

Elsewhere, suspicions were aroused in a number of places when people who were identified as from the mainland were seen at or near polling stations. Women in clothing that is not usual in Zanzibar, but is on the mainland, were seen being transported to polling stations in large numbers and subsequently observed in voting queues; in one case there were as many as seventy. At one polling station outside Zanzibar town some twenty or so people who appeared to be from the mainland had spent the night before the election in a building next to the polling station, within the fenced enclosure which the following morning was keeping out hundreds of local people who were waiting for the arrival of ballot papers.

At one polling station in Pemba mainland ‘recruits’ in red tee-shirts, linked with the anti-smuggling marine unit (KMKM) and the national service organisation (JKU), appeared at one polling station in their hundreds. At other polling stations we witnessed truckloads of voters arriving together; we were not able to establish whether the people concerned were

or were not legitimate voters. We have direct evidence of attempted multiple voting at one polling station.

So far as ZEC's limit of two agents per party was concerned, almost everywhere the decision was reluctantly accepted and the scale of the upset which ensued was less than had been feared. However, there was no doubt as to the anger the decision aroused, especially when agents had already been accredited by ZEC only the night before. Protests were made at many of the polling stations we visited, both by voters and by the agents themselves. At several stations CUF agents were ejected by the police. At one polling centre two CUF agents complained that they were badly beaten by police when they attempted to observe the despatch of materials, and they displayed their injuries to our observer.

Party agents were present at all the polling stations we visited. CCM were represented everywhere, CUF in most places and in some polling stations agents from the other parties were present too. We noted with concern, however, that the positioning of party agents within the polling stations was not always such as to enable them to see clearly. Generally, agents were not treated well by Presiding Officers. At some military bases where polling stations were sited agents were not allowed to enter. The voter's details were not always called out, making it difficult for the agents to observe the process properly.

It should be added that the party agents did not always appear to understand their duties and responsibilities: we believe that their training could and should be improved before future elections. In order to foster confidence in the process they should also be provided with a copy of the voters' list being used by the officials in the polling station. Finally, we noted a persistent complaint by party agents concerning the lack of forms held by the Presiding Officers. For instance, the Presiding Officer had only one form on which the agents could register complaints, and there was usually just one copy of the Presiding Officer's Statement of Result form, when each of the party agents was entitled to receive a copy.

Generally there was a good atmosphere at polling stations and the election staff were courteous, efficient and committed to their task. The conduct of the polling stations was transparent and effective and the polling station officials must take much of the credit for this. We noted that many Presiding Officers were women and that female officials played an important role in the process.

Our observers noted, however, that officials did not always treat male and female voters equally. Often there were separate queues, by gender; but the ratio of those being called up to vote was biased in favour of the men (perhaps five men were called up for every two women) so that their queue moved more quickly; at the end of the day it was often mainly women voters who were still waiting. We also noted that a large number of those who were registered but not on the list were women.

In general, the polling station officials, especially the Presiding Officers, could have benefited from more training. We believe that the role of the Presiding Officer should be considered before future elections: rather than play a supervising role Presiding

Officers were often submerged in one or other aspect of the process itself and were therefore invariably unable to oversee the procedure effectively. We noted that none of the Presiding Officers had sufficient opportunity to check the contents of the boxes of election materials with which they were issued.

The sheha - a government-appointed official, present at the stations to 'advise' the election officials on voters' identity - was present at many, though not all, polling stations. We were pleasantly surprised to find that in most cases the individuals concerned were not intrusive. Nevertheless, we continue to believe that these government-appointed local officials should not have the role in the electoral process which is presently assigned to them.

Security was mostly discreet but effective and police were present at almost all polling stations. Those inside the polling station were mainly unarmed in Unguja but often armed in Pemba. However, even when armed they did not appear to be intimidating.

The media reported a number of incidents in which police beat people outside polling stations. During the course of the day one of our observers saw uniformed police administering a severe beating to a man who was then thrown bodily and forced into the trunk of a car. Officers of the KMKM were also present at the scene.

As darkness fell and ballot papers still did not arrive armed police, including the 'riot police' of the Field Force Unit, were present at some centres.

We were pleased to see domestic observers from the Tanzania Election Monitoring Committee (TEMCO) at a number of polling stations. Though the numbers allowed by ZEC were much smaller than had been requested by TEMCO, it had been feared that they would not be able to be present at all. Given the benefits that effective domestic election observation can bring we hope that in future they will be able to play an even more extensive role in the process and, in particular, be present not only as mobile observers but as static observers too, assigned to as many polling and counting stations as possible for the whole day.

We have nothing but praise for the voters themselves. The turnout was good. Where voting did take place they participated eagerly, following the procedures properly and calmly. Where it did not they waited for the ballot papers, sometimes for twelve or more hours, with resignation and frustration, but with none of the violence that in the circumstances might have occurred. As we noted in our Interim Statement, they are to be commended for their extraordinary patience, orderliness and dignity.

The layout of most polling stations visited followed the guidelines issued by the Director of Elections, the control of the flow of voters was often good and the stations were generally

orderly. The procedure, as observed by our Group, was that having been checked against the voters' list the voter collected first three ballot papers for the Zanzibar presidential, parliamentary and local elections, marked them at the voting

booth and deposited these papers in the metal ballot boxes. The voter then collected a further two ballot papers for the Union elections, marked them and deposited them in two separate transparent ballot boxes. The voter's left thumb (or in some cases finger, or both) was then dipped in indelible ink and the voter left the vicinity of the polling centre.

The mechanism for voting was complicated and therefore potentially confusing, given that five elections were taking place in one polling station. However, in practice, though changes may be considered for the future, we found that it worked well. We suggest that in future it would be preferable for all ballot boxes to be transparent.

We noted that the colour used in the ballot papers was matched with that of the ballot boxes, which we consider to be a positive practice. We also noted that everywhere the voting booth was properly screened, although it was sometimes badly positioned, thereby possibly compromising the secrecy of the ballot. New cardboard booths made specially for the purpose were used, as well as older canvas and metal constructions.

The ballot boxes were well sited and there was transparency in the way they were handled by the officials. Agents were generally brought in at key times to verify that procedures were being followed and the opening and closure procedures were adhered to - although the demonstration that the ballot boxes were empty was normally confined to the agents rather than the whole voters' queue. We noted that not all the ballot boxes were labelled, nor did they bear the name or number of the polling station. The station's name and voting procedures were not always displayed and the rooms in which voting was done were frequently very small, allowing little space for the officials and agents, let alone the voters. In some the space was so confined that the secrecy of the ballot was seriously endangered.

In our observation conditions at constituency centres - both at the time materials were being despatched before the poll and at the end of the day - were worse than at the polling stations themselves: both physical arrangements and organisation were poor.

Concerning procedures, we noticed a number of inconsistencies and deviations from those stipulated. In particular, although at the start of the process officials were supposed to check voters' fingers for traces of indelible ink nowhere did we observe this happening. In several polling stations ballot boxes were not sealed or locked - in four the tops were completely open. At a large number of stations in different parts of the country the voter's Registration Certificate number was written not only on the ballot paper counter-foil but also on the ballot paper itself; we disapprove of the recording of the Registration Certificate number on the counterfoil, but regret even more that it should also be written on the ballot paper itself. This practice impinges on the secrecy of the ballot and may deter voters from expressing their choice freely.

Several of our teams noted that ballot papers were not being stamped twice, as laid down in the regulations. At a number of polling stations in both Unguja and Pemba the

Presiding Officers or party agents suggested that they might 'help' the voters: a surprising number, although not disabled, accepted this offer and the Presiding Officer or agent accompanied them into the booth and helped them mark their ballot papers. At two polling stations there was no voter's list: the names of voters with Registration Cards were being written down as the voters arrived. There were inconsistencies in the way in which indelible ink was applied (sometimes different fingers, sometimes to the cuticle and on other occasions not) and one of our teams saw many voters leaving polling stations without indelible ink having been applied.

There are several ways in which some of the arrangements might be easily improved. For instance, it took some polling station officials up to seven minutes to find a particular voter's name on the list: identifying names would have been much easier had they been listed by their Registration Certificate number. And in our view the inking of voter's fingers should take place at the beginning of the process, not the end.

Regarding our own observation, we had total freedom of movement. When we met other international and domestic observers we exchanged notes and avoided unnecessary duplication, in an effort to maximise coverage. Relations with the other observers were good. The presence of observers occasioned no hostility or concern on the part of voters or officials, sometimes provoked mild curiosity on the part of the former and was occasionally enthusiastically welcomed.

Several of our observer teams were unable to visit a count, since voting had not finished at their polling stations at the time the elections in the 16 constituencies were cancelled by ZEC, and the counting of votes therefore did not take place. At those we did observe agents were present and the procedures were followed, except at one in Pemba where - without explanation - the officials halted the counting. There was one major exception to this adherence to procedure: nowhere did we see the issuing of Statements of Result forms to the party agents. Presiding Officers we spoke to about this told us that they had not received forms for this purpose. Finally, we noted that very often the lighting was inadequate.

We have dealt in some detail with the process, where we saw polling and were able to observe the counts. As we have noted, there were some positive features. But the hallmark of this election was the massive organisational failure which led to the cancellation of the poll in 16 constituencies, together representing over 40% of the registered voters, and the subsequent decision to suspend election operations in the other 34 constituencies.

We noted that the suspension operated in different ways at different times in different constituencies and that the transmission of ZEC's decisions appears to have been inadequate. Many observers were unable to observe the process which followed the

suspension. The suspension also raised question marks over the security of the ballot papers in the 34 seats once election operations there had been suspended. In this context we noted that polling agents were invariably not allowed to accompany the

boxes following suspension and no party seals were allowed on the boxes, a decision we regret. It was not always clear exactly where the boxes would be kept and under what conditions. This highlighted a general failure by ZEC to operate in a transparent and consensual manner.

We took such a serious view of ZEC's organisational failure that in our Interim Statement issued the day after the poll we called for the elections to be held again, in their entirety, but only after the "top to bottom" reform of the existing election management machinery. ZEC's decision to suspend electoral operations everywhere and the manner in which it was carried out confirmed us in our view.

The Zanzibar Electoral Commission explained the day after the election that the source of the original organisational problem was the incorrect unpacking of boxes of materials at distribution centres, though they also feared that books of ballot papers had found their way into "the wrong hands", a matter which the police had been called in to investigate.

We are still not in a position to know to what extent ZEC's organisational failure was the result of malign intent on the part of at least some of those who were in positions of responsibility in the election management machinery, and to what extent it can be explained by straightforward, albeit scandalous, inefficiency. Was it simply appallingly bad management, or a deliberate ploy? For this to occur in so many polling stations in so many constituencies raises doubts and suspicions that the cause goes beyond maladministration. One of the most unfortunate legacies of this election is that the cloud of suspicion will now be very difficult to dispel from the existing Electoral Commission.

What concerns us, even on the most generous interpretation of events, is the effect on democracy in Zanzibar and the outcome so far as the voters are concerned. On that score there can be no doubt. The organisational shambles on polling day seriously undermined the democratic process in Zanzibar. The voters were treated with contempt. Both deserve much better.

CHAPTER FIVE: CONCLUSIONS AND RECOMMENDATIONS

- The people of Zanzibar turned out in large numbers to vote in their second multi-party democratic elections since independence, waiting in long queues for hours and generally remaining peaceful and orderly. We commend them for their extraordinary patience, maturity and dignity.
- Unfortunately, the conduct of the election fell far short of minimum standards. The failure to deliver ballot papers, which prevented some stations from opening until very late and disrupted voting even at those which had opened, was so serious that it led to the cancellation of the election in 16 constituencies, representing more than 40% of the registered voters, and the suspension of election operations and removal of ballot boxes in the other 34 constituencies. The cause was either deliberate manipulation or gross incompetence. Since their announcement ZEC have themselves indicated that there might have been other, possibly very serious shortcomings, which are being investigated by the police.
- The Group believes that only a properly conducted and fresh poll, throughout Zanzibar, undertaken by a Commission reformed in line with international good practice, with its independence guaranteed in both law and practice and a restructured and professional Secretariat, can create confidence in and give credibility to Zanzibar's democracy.
- We also note that arrangements prior to polling day also fell short of the required standard. In particular:
 - there were serious doubts about the adequacy and credibility of the voters' register, which will only be dispelled once there has been a fresh registration exercise, conducted on the basis of a consensus with the political parties;
 - the presence of a government official (the sheha) at registration centres to, in effect, screen qualified persons, was felt to be inappropriate: it warrants review;
 - the residence qualifications for registration provoked considerable concern and should be reviewed;
 - voter education was inadequate and should be improved prior to the next elections;

- the imbalance in reporting by the state-owned media must be addressed, because at present it confers an unfair advantage on the ruling party: the

principles of independence, editorial freedom and equality of access need to be upheld;

- the arrangements for the involvement of the political parties and civil society were inadequate and will need to be strengthened for the future;
- while many police officers exercised their responsibilities discreetly on polling day, the behaviour of elements of the police force prior to the election itself often fell far short of international standards. We are particularly concerned with the use of live rounds against unarmed demonstrators and the use of beatings. We believe that the relevant authorities will want to review all aspects of police operations at all stages of the electoral process to ensure that in future they adhere only to the highest standards.
- there was concern at the use of state resources by the ruling party during the campaign: we urge the adoption of arrangements to prevent the abuse of the advantages of incumbency;
- In this context, the need to review relevant Constitutional and legislative provisions, as well as electoral arrangements, should also be addressed.

Recommendations

Action concerning procedural shortcomings should be taken in parallel with the reform of the election management machinery. In particular:

- special attention should be paid to transparency in election organisation;
- the time-frame for key stages in the electoral process should be clearly set out and be provided for in the regulations, and a formal and well worked out timetable – addressing matters such as training and the distribution of materials – should be adopted;
- there needs to be proper management of logistics;
- the practice of writing the voter's Registration Certificate number on the ballot paper counterfoil, and the ballot paper itself, should be discontinued: it undermines confidence in the secrecy of the ballot;

- the procedures for applying indelible ink need to be revised, to ensure that there are no loopholes in the system;
- the obligation on Presiding Officers to issue copies of the authenticated Statement of Result to party agents should be provided for in the law;
- the training of election officials needs to be improved, especially given the inconsistencies in the implementation of voting procedures, and more adequate training provided to party agents;
- we would advise that there should be a Code of Conduct regarding the behaviour of political parties and regulation and enforcement mechanisms to deal with the abuse of the advantages of incumbency;
- arrangements for the public display of the provisional voters' list should be improved so that citizens can more easily check that their names are included;
- copies of the provisional and final voters' lists should be made available to the political parties, free of charge;
- while many polling facilities were adequate, the number of stations in a given centre should be kept to a manageable level and, because there were many stations which were too small, the selection of venues for voting could be reviewed;
- arrangements should be made for effective coverage by domestic observers.

ACKNOWLEDGMENTS

We wish to place on record our sincere appreciation to the many organisations and individuals who assisted us during our time in Dar-es-Salaam and Zanzibar. In particular, we wish to thank both the National Electoral Commission of the United Republic of Tanzania and the Zanzibar Electoral Commission for their co-operation and assistance.

We appreciate the co-operation of the Commonwealth High Commissioners, the political parties, the media, the gender activists of the Tanzania Gender Networking Group and others whose briefings greatly assisted us in our work. In particular, we thank United Nations representatives in the United Republic of Tanzania, the domestic observers of TEMCO and other international observer groups, especially those which had observers in Zanzibar - the Organisation of African Unity, the SADC Parliamentary Forum and the International Foundation for Election Systems. They willingly shared information and liaised with our teams on deployment.

We were grateful for the assistance rendered by our interpreters and drivers and thank all those we met for the warm welcome we received. We take this opportunity to wish the people of Zanzibar and the whole of the United Republic of Tanzania well for the future.

Finally, we thank the Commonwealth Secretary-General, HE Rt Hon Don McKinnon, for giving us the opportunity to serve the Commonwealth in the promotion of democracy in Zanzibar.

ANNEX I

INTERIM STATEMENT BY THE CHAIRPERSON OF THE COMMONWEALTH OBSERVER GROUP, DR GAOSITWE CHIEPE

The Commonwealth Observer Group, consisting of 7 eminent Commonwealth citizens and 5 support staff, has been in Zanzibar since 23 October; three of us have been here since 2 October. After extensive briefings, here and in Dar es Salaam, we were deployed in six teams in both Unguja and Pemba, and were able to observe the closing stages of the campaign, the preparations for the election and the poll and count. We enjoyed total freedom of movement.

We will be submitting a comprehensive and considered report to the Commonwealth Secretary-General, which we will write here before we depart. That will then be made available to the Government of the United Republic of Tanzania, the National Electoral Commission, the Zanzibar Electoral Commission, all Commonwealth Governments and to the general public.

In the meantime, in this Interim Statement we wish to record our sadness and deep disappointment at the way in which so many voters were treated by the Zanzibar Electoral Commission on voting day, 29 October. Across Zanzibar the late delivery of materials – in particular, ballot papers – meant that polling stations could not open until very late. Many people had still not voted by the time scheduled for the closure of the polling stations. In Zanzibar town itself hundreds waited until 9.30 pm and later for ballot papers that never turned up. All this was compounded by the fact that little or no explanation was given to the voters.

In many places this election was a shambles. The cause is either massive incompetence or a deliberate attempt to wreck at least part of this election: we are not yet in a position to know which. Either way, the outcome represents a colossal contempt for ordinary Zanzibari people and their aspirations for democracy.

We are aware that in some places materials were delivered on time and the voting went well. The staff at individual polling stations were often efficient and dedicated. But the scale of the organisational failure is such as to totally cancel out these positive factors so far as we are concerned. On the evidence of polling day the elections should be held again, in their entirety. But first, the existing election management machinery must be reformed from top to bottom.

We are concerned at certain other aspects of the arrangements for these elections and we are aware that further, even more serious allegations have been made. We need to assess these matters more fully before we are prepared to comment, but we will do so in our report to the Secretary-General.

We must conclude by commending the voters for their extraordinary patience, orderliness and dignity.

Zanzibar
30 October 2000

ANNEX II

3 November 2000

**DEPARTURE STATEMENT BY DR GAOSITWE CHIEPE,
CHAIRPERSON OF THE COMMONWEALTH OBSERVER GROUP**

The Commonwealth Observer Group leaves Zanzibar today, as scheduled. We have made clear in our Interim Statement that, in our view, on the evidence of polling day, new elections should be held under a reformed election management machinery.

We were further confirmed in that view by the decisions taken by the Zanzibar Electoral Commission not only to cancel the elections in 16 constituencies, representing over 40% of the registered voters, but also to suspend election operations everywhere else. The way in which that suspension was implemented and the suggestion that there may be still greater grounds for concern further reinforces our belief. Even if elections are held in the 16 constituencies on Sunday 5 November the case for fresh elections and the reform of ZEC remains unanswerable. These two measures are vital if there is to be a credible and secure basis for democracy in Zanzibar.

We hope that everyone in Zanzibar will work together for agreement on the way ahead. In our report to the Secretary-General we will be urging the Commonwealth to respond positively to any request for assistance in that process.

In conclusion, we wish to thank the people we have met during our stay here for their friendship and kindness and, in particular, to express our appreciation to those who have helped us. We will long remember the outstanding qualities of the people of Zanzibar. They are the best guarantee of a healthy democratic future for these islands. We wish the people of Zanzibar well as you set out on your challenging but vital task.