

## **EXPLANATORY NOTE**

This is the Report of the Commonwealth Observer Group which was present for the Elections in Zanzibar, United Republic of Tanzania, held on 30 October 2005.

The Group was originally sent to observe the elections for the President of the United Republic of Tanzania, the National Assembly of the United Republic of Tanzania and the local council elections on the mainland as well as the elections for the President of Zanzibar, the Zanzibar House of Representatives and the local councils in Zanzibar. The first three of these elections were postponed, so the Group observed the last three only – the elections in Zanzibar.

The Group's report is reproduced here in the form in which it was signed by the Observers prior to their departure from Dar es Salaam on 6 November 2005. It was transmitted to the Commonwealth Secretary-General on Wednesday 9th November. During the following week he sent it to the President of the United Republic of Tanzania, the Chairmen of the National Electoral Commission and the Zanzibar Electoral Commission, the secretaries-general of the political parties which contested the elections and Commonwealth governments. It was placed on this web-site and released to the media on Thursday 17 November 2005. Printed copies are available from:

Democracy Section  
Political Affairs Division  
Commonwealth Secretariat  
Pall Mall  
London SW1Y 5HX  
United Kingdom

Tel: +44 207 747 6407/6397/6398

Fax: +44 207 930 2189

\* Please note that page numbers shown on the contents page relate to the printed version of this report.

# **The Elections in Zanzibar, United Republic of Tanzania**

30 October 2005

The Report of the  
Commonwealth Observer Group

COMMONWEALTH SECRETARIAT

# CONTENTS

## *Page*

Letter of Transmittal  
Acknowledgements

### **CHAPTER ONE - INTRODUCTION**

Terms of Reference 1  
Preparation and Activities of the Group 2

### **CHAPTER TWO – POLITICAL BACKGROUND**

Colonial History of Tanganyika 4  
Independence 4  
Post-Independence Politics 5  
Formation of the United Republic of Tanzania 5  
Restoration of Multi-Party Politics 6  
The 1995 Elections 6  
Commonwealth Initiative 7  
The 2000 Elections 8  
The Muafaka Accord 9  
Pemba By-Elections, Zanzibar 2003 9  
Run-up to the 2005 Elections 10  
The Economy 10  
Gender Issues 10  
Human Rights 11

### **CHAPTER THREE – ELECTORAL FRAMEWORK AND PREPARATIONS FOR THE ELECTIONS**

The Electoral Framework 12  
The Constitution 12  
Electoral Legislation 13  
Constituency Delimitation 14  
Qualifications for Registration 15  
Voter Registration 15  
Voter Education 18  
Administration 19  
Nomination of Candidates 19  
Political Parties 21  
Voting Systems and Procedures 21  
Training 22  
Distribution of Materials 22

### **CHAPTER FOUR – THE CAMPAIGN AND MEDIA**

The Campaign 23  
The Media 27

<b>CHAPTER FIVE – THE POLL, COUNT AND RESULTS PROCESS</b>	31
Observations of the Process	31
Evaluation	36
 <b>CHAPTER SIX – CONCLUSIONS AND RECOMMENDATIONS</b>	 42
Conclusions	42
Recommendations	44

# **COMMONWEALTH OBSERVER GROUP**

**The Elections in Zanzibar, United Republic of Tanzania  
30 October 2005**

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6 November 2005

Dear Secretary-General,

I am pleased to submit our report on the elections in Zanzibar, held on 30 October 2005.

We have concluded that the voting and the counting of the votes on 30 October took place in conditions which were such as to enable the electors to freely express their will. However, we found that the Zanzibar media was biased towards the ruling party and the collation process was not sufficiently transparent or robust. You will see that we call on the Zanzibar Electoral Commission to publish the results sheet from the count at each polling station, in order to remove suspicion.

We trust that our report will be of assistance to the people of Zanzibar in their efforts to strengthen their democracy and to you and your colleagues in your work with them to that end.

Professor Guido de Marco  
Chairperson

HE Rt Hon Donald C McKinnon  
Commonwealth Secretary-General  
Marlborough House  
Pall Mall  
London SW1Y 5HX  
United Kingdom

Mr R Balakrishnan

Ms Simone de Comarmond

Mr Roger Creedon CBE

Senator Dolores Balderamos Garcia

Hon Audrey McLaughlin PC OC

Dr Khabele Matlosa

Justice Majida Razvi

Ms Christiana A.M. Thorpe

Mr Onome Osifo-Whiskey

Mr Daryl Wight

# CHAPTER ONE

## Introduction

Five elections were due to be held in the United Republic of Tanzania on 30 October 2005. These would be:

- President of the United Republic of Tanzania;
- National Assembly of the United Republic of Tanzania;
- President of Zanzibar;
- House of Representatives, Zanzibar; and
- local councils.

There were two election management bodies: the National Electoral Commission (responsible for the Union-wide elections and the local council elections on the mainland) and the Zanzibar Electoral Commission (responsible for the election of the President of Zanzibar, the elections to the Zanzibar House of Representatives and the local council elections in Zanzibar).

However, the invitations to observe these elections came not from these bodies but from the Government of the United Republic of Tanzania. First an invitation was received from the Ministry of Foreign Affairs to send observers for the elections in Zanzibar. A further letter followed, inviting the Commonwealth to send observers for the elections on the mainland.

Following receipt of the first of these invitations, and in line with standard Commonwealth practice, Commonwealth Secretary-General Don McKinnon sent an Assessment Mission of two Commonwealth Secretariat officials to the United Republic of Tanzania in September 2005. This Mission's main purpose was to determine whether the major political parties and civil society would welcome the presence of Commonwealth Observers and to ensure that observers would have open access to polling stations and be permitted to pursue their mandate. It concluded that there was broad support for the presence of such a Group and that the Group would be free to fulfil its mandate.

The Secretary-General therefore decided to constitute a Commonwealth Observer Group, consisting of eleven observers led by Professor Guido de Marco, former President of Malta and Chairman of the Commonwealth Foundation. The observers were supported by a

staff team of eight officials from the Commonwealth Secretariat led by Professor Ade Adefuye.

### **Terms of Reference**

The Secretary-General informed the Group that its Terms of Reference would be as follows:

*"The Group is established by the Commonwealth Secretary-General at the request of the Government of the United Republic of Tanzania. It is to observe relevant aspects of the organisation and conduct of the elections scheduled to take place on 30 October 2005, in accordance with the laws of the United Republic of Tanzania and the laws of 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 judgment whether the conditions exist for a free expression of will by the electors and if the results of the election 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 judgment 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 the United Republic 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".*

### **Preparation and Activities of the Group**

An Advance Team comprising Mr Onome Osifo-Whiskey, Ms Sabitha Raju and Mr Martin Kasirye began work in Dar es Salaam on 6 October 2005, observing the preparations for the elections, media coverage, the campaign and the pre-election environment as a whole. It briefed the main group of observers on arrival.



The main group of observers began work in Dar es Salaam on Saturday 22 October and an Arrival Statement was issued on Monday 24 October. In Dar es Salaam it met and was briefed by representatives of the National Electoral Commission, the police, several of the political parties, non-governmental organisations, media organisations, Commonwealth High Commissioners and other observer organizations, both domestic and international.

On 25 October the observers divided into two groups. Three teams were to be based on the mainland and six in Zanzibar. The teams which travelled to Zanzibar continued with briefings specific to Zanzibar - from the Zanzibar Electoral Commission, political parties, NGOs, the media and other observers based in Zanzibar. Those on the mainland deployed straight away.

At the outset of their deployment all the teams visited the police, provincial and district election officials, representatives of the political parties and the domestic observers and made a point of meeting with ordinary people to hear their views on the electoral process. Then the teams familiarised themselves with their deployment areas and observed the final stages of the election campaign.

On 27 October, following the death of one of the Vice-Presidential candidates in the elections for the Presidency of the Union, preparations for the Union elections were halted and those elections were rescheduled for 18 December (later changed to 14 December). The Group brought its three mainland teams to Zanzibar, so that on election day there were nine teams of Commonwealth observers on Zanzibar.

On election day the teams visited as many polling stations as possible, observing the voting, the counting of votes and the collation of the results. To test the integrity of the results system a number of teams followed the result of at least one polling station count through to the constituency collation centres. Altogether the observers visited 253 polling stations across Unguja and Pemba and were present at 31 counts. Eight of our teams were present at constituency collation centres.

The observers were assisted in their work by observation notes and checklists. An Interim Statement was issued to the press by the Chairperson of the Group on 24 October 2005. A further statement was made by the Group on its departure from Dar es Salaam on 6 November 2005.

## **CHAPTER TWO**

### **Political Background**

#### **Colonial History of Tanganyika**

The modern Tanzanian state is formed from the former colony of Tanganyika, on the mainland, and the former Protectorate of Zanzibar. Tanganyika was first a German colony, then a League of Nations mandated territory under British administration and later a UN trust territory, remaining under British control.

In 1954, Julius Nyerere founded the Tanganyika African National Union (TANU), which became the focus of African nationalism, eventually leading Tanganyika to independence in December 1961.

In 1956 the United Tanganyika Party (UTP) was formed by some Unofficial Members of the then Legislative Council. It drew its support from Europeans, Asians and Africans. It stood for multiracialism, equal representation in the Legislative Council for all racial groups and a qualified franchise based on property and education. In 1958, the African National Congress (ANC), a breakaway from TANU, was formed. The All Muslim National Union of Tanganyika (AMNUT) was the fourth party to be established in Tanganyika.

#### **Independence**

Tanganyika became independent 9 December 1961 (from British-administered UN trusteeship); and became a Republic in December 1962 with Mr Nyerere as the first President.

Between 1962 and 1963, three more political parties were formed in Tanganyika. These were the People's Convention Party (PCP), the African Independence Movement (AIM) and the People's Democratic Party (PDP).

#### **Colonial History of Zanzibar**

An early African/Arab/Persian trading centre, with commercial links stretching as far as South-East Asia, Zanzibar fell under Portuguese control in the 16<sup>th</sup> and early 17<sup>th</sup> centuries. By the end of the 17<sup>th</sup> century the Portuguese had been supplanted by Arabs from Oman. However, within 100 years they concluded an alliance with Britain. Zanzibar declared its independence from Oman in 1856 and, following the Anglo-German agreement of 1890, the British Government

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 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. A fourth party, the Umma Party, was formed by a breakaway group from the ZNP after independence.

### ***Post-Independence Politics***

The largely Arab ZNP government of the new sultanate did not last long: it was overthrown in a bloody armed uprising one month later, in January 1964, triggered by African anger that the ASP had actually secured more votes (but had lost because of the distribution of seats), resentment at what was seen as 'Arab rule' and allegations regarding the role of the former British colonial government. The Constitution was annulled. The Sultan (whose family had governed Zanzibar since the eighteenth century) was expelled and many of Zanzibar's Arab population fled the country. Zanzibar was proclaimed a People's Republic.

The leader of the ASP, Sheikh Amani Abeid Karume was installed as President at the head of the 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.

### **Formation of the United Republic of Tanzania**

Tanganyika united with Zanzibar on 26 April 1964 to form the United Republic of Tanganyika and Zanzibar with Julius Nyerere as President and Sheikh Karume as Vice President. This was renamed United Republic of Tanzania on 29 October 1964. In 1965 the Constitution was amended to establish a one-party system.

In February 1977, the two ruling parties (TANU and the ASP) merged to form the Chama cha Mapinduzi (CCM), or "Movement for the Revolution". All other parties remained proscribed and the distinction between the CCM and the state effectively disappeared.

Mr Nyerere remained President until 1985. He was a pioneer of the African one-party state, a leader of the Non-aligned Movement, a staunch supporter of liberation struggles in Southern Africa against minority rule, and a strong advocate of African socialism. After stepping down he remained an influential figure as Chairman of the CCM. His successor, Ali Hassan Mwinyi, started a gradual process of economic liberalization and democratic reform. A constitutional two-term Presidency rule has been upheld since 1985.

### **Restoration of Multi-Party Politics**

In 1991 President Mwinyi appointed a Commission under the Chairmanship of the late Chief Justice of Tanzania, the Honourable Francis L. Nyalali. The task of that Commission was to collect public opinion as to whether or not to continue with the one-party system.

Following the recommendations by the Nyalali Commission, Article 3 of the Constitution of the United Republic of Tanzania, 1977, and that of Zanzibar were amended in 1992 to make Tanzania a multi-party state (although parties founded on religion, ethnicity, race, colour or gender were still not allowed).

### **The 1995 Elections**

The ruling CCM maintained its dominant position on the mainland. President Benjamin Mkapa was elected with 62% of the vote in Tanzania's first multi party elections in 1995. CCM also won a substantial majority in the Parliamentary Elections.

The first multiparty 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 Civic United Front (CUF), led by Seif Shariff Hamad.

In the presidential election the Zanzibar Electoral Commission announced that the CCM candidate had won by a margin of 0.4 per cent (50.2 per cent against 49.8 per cent 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 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 for talks with the two main parties in Zanzibar, the CCM and CUF. He appointed a Special Envoy (Dr Moses Anafu) 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 from 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 aspects", compilation of a credible voters register, equal access to publicly owned media and balanced coverage of political activities, guaranteed freedom for all political 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 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 Inter-Party Committee in September 1999, but implementation did not proceed as envisaged. By the time of the 2000 Elections, the reform initiative had effectively collapsed.

## **The 2000 Elections**

The 29 October 2000 Elections were the second multi-party elections in Tanzania since independence. They were for the Presidency and National Assembly of the United Republic of Tanzania and, in Zanzibar, the Presidency and House of Representatives. In the Union elections, the ruling CCM once again maintained its dominance, with President Mkapa being re-elected with 71.7% of the vote and the CCM retaining a substantial majority in Parliament.

The Zanzibar elections fell far short of minimum standards. In many places polling stations opened very late and there were serious delays in the delivery of materials; some polling stations did not open at all. ZEC eventually annulled the elections in 16 of the 50 constituencies – home to 42% of the eligible electorate – and in the remaining 34 the voting or counting was suspended, and resumed on 5 November when the elections in the 16 constituencies were re-run.

The 12-person Commonwealth Observer Group (seven eminent persons and five Commonwealth Secretariat staff) recorded that “in many places this election was a shambles” due to “either massive incompetence or a deliberate attempt to wreck at least part of this election” and that “the outcome represents a colossal contempt for ordinary Zanzibar people and their aspirations for democracy”. It went on to say 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”. It added that “in this context, the need to review relevant constitutional and legislative provisions, as well as electoral arrangements, should be addressed”. Other Observer Groups made similar statements and none observed the re-run elections.

Rather than helping to move the political process on, the elections deepened the political impasse between CCM and CUF. CUF which refused to contest the re-run and to recognize the results, called for fresh elections under an interim government and refused to take up its seats in constituencies it had won on 29 October. The CUF also refused to recognize the new President of Zanzibar, Amani Abeid Karume. At the end of January 2001, some 30 demonstrators were killed by the security forces during an opposition demonstration on Pemba island.

### **The Muafaka Accord**

Reconciliation talks between the CCM and CUF culminated in the signing of the Muafaka (Swahili for Accord) Agreement between CCM and CUF on 10 October 2001. The Commonwealth was accorded the role of moral guarantor. In summary, it committed CCM and CUF to implementing the provisions of their 1999 Agreement, provided for an inquiry into the January 2001 violence; the dropping of charges against CUF members; by-elections to fill the 16 seats left vacant by CUF and the establishment of a permanent voter register for 2005, and reform of the ZEC.

The Muafaka created an independent Joint Presidential Supervisory Commission (JPSC) comprising equal members from both parties and appointed by the President; the JPSC's function was to supervise the implementation of the Accord and promote mutual trust and understanding between the two parties.

### **Pemba By-Elections, Zanzibar 2003**

A three-person Commonwealth Expert Team supported by two Secretariat staff was constituted to observe the Pemba by-elections, Zanzibar, on 18 May 2003. The Team concluded that the elections should be considered a credible expression of the will and intention of the people of Pemba. The Team commended the Zanzibar Electoral Commission for its efforts in ensuring that the arrangements for the elections went smoothly. The Team was concerned about spoiled ballots in some constituencies where favoured candidates had been barred, and hoped that in future elections, the people would have a full choice of candidates. (Six CUF candidates were prevented from standing as a result of legal action brought by an insignificant opposition party on the grounds that the CUF candidates were not eligible to stand because they had previously been expelled from the House of Representatives as a result of their boycott).

### **Run-up to 2005 Elections**

From late 2004 onwards, political party activity increased markedly as parties prepared for the creation of a permanent voter's register and the 2005 elections. During this period, relations between the ruling CCM and the opposition CUF in Zanzibar deteriorated and formal channels of communication were suspended. The Commonwealth and other members of the international community were able to successfully encourage a resumption of formal dialogue between the Secretaries-General of CCM and CUF in Zanzibar. In addition, a wider Inter-party Consultative Committee, chaired by the Secretary-General of CCM, Mr Philip Mangula, involving the leadership of all political parties, was created.

One important issue particularly in Zanzibar in the run-up to the 2005 elections was the debate on the nature of the Union, with the CCM adhering to the established policy of two governments while CUF advocated three governments – independent governments in Zanzibar and mainland and a Federal Government including representation of both. In the debate concerning the nature of the Union, CCM alleged that the position of CUF would lead to the break-up of the Union. The CUF denied this, arguing that the CCM wanted to end Zanzibar's autonomy.

A second major issue revolved around proposals for the formation of a Government of National Unity after the election. The CUF pledged to implement this if it won the election, while the CCM only agreed to consider it. In their manifestos, the major parties also attempted to engage in debate on other concrete issues such as economic development, health, education, jobs etc. Long before the formal campaign began, it was clear that the elections would be keenly contested.

### **The Economy**

Tanzania's Gross Domestic Product stands at US\$10.3 bn. Agriculture accounts for half of Tanzania's GDP and employs 80% of the workforce. Mineral production (gold, diamonds and tanzanite) is growing significantly and already accounts for half of Tanzania's export revenues. Tourism is also growing in importance both as a source of employment and a foreign exchange earner.

### **Gender Issues**

The 2002 Census revealed that females are in the majority on both the mainland and in Zanzibar (17,112,834 females and 16,349,015 males on the mainland; and 500,908 females and 480,846 males in



Zanzibar). The total population is 34,443,603 (2002). Tanzania defines youth as persons aged between 15 and 24. This age category constitutes 19.6% of the total population. Tanzania ranks 127<sup>th</sup> out of 177 in the 2005 UNDP Gender-related development index. Women have a higher life expectancy (46.3 versus 45.5 for males). Adult literacy for females aged 15 and above stands at 62.2% versus 77.5% for males. Women have had the right to vote since 1959. In the last parliament, 21.4 % of seats were held by women while 15.4% of positions at ministerial level are held by women.

### **Human Rights**

Tanzania has signed and ratified the following global Treaties: International Covenant on Economic, Social and Cultural Rights 1966, the International Covenant on Civil and Political Rights, 1966, the Convention on the Elimination of All Forms of Discrimination against Women 1979, the UN Convention on the Rights of the Child 1989, the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, the International Convention on the Elimination of All Forms of Racial Discrimination 1972, the Conventions of 1954 and 1967 relating to the Status of Refugees, the Rome Statute of the International criminal Court 1999, and the Optional Protocol to the Convention on the Elimination of Discrimination against Women.

Local and international human rights organisations report that positive progress has been made in consolidating human rights in Tanzania. However, concern continues to be expressed in human rights reports about the retention of the death penalty, reports of extra-judicial killings, mob justice, incidents of torture, and the slow dispensation of justice<sup>1</sup>. Some concern has also been raised by a broad spectrum of individuals and organisations about restrictions on the civil and political rights of opposition supporters on Zanzibar, and the excesses of the security forces when managing political protests.

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<sup>1</sup> For example see the Conclusion of the Tanzania Human Rights Report 2004, produced by the Legal and Human Rights Centre of Tanzania.

## **CHAPTER THREE**

### **The Electoral Framework and Preparations for the Elections**

#### **The Electoral Framework**

The electoral framework of Zanzibar is established under the Constitution of Zanzibar 1984, Elections Act 1984 as amended, Zanzibar Municipal Council Act 1995, and District and Town Councils Act 1995. The Elections Act 1984 governs the overall conduct and management of the Zanzibar Presidency, House of Representatives and local councils in Zanzibar.

Zanzibar has its own electoral commission established under the Zanzibar Constitution, the Zanzibar Electoral Commission (ZEC). ZEC retains autonomy over the elections for the Zanzibar Presidency, House of Representatives and local councils, and the promotion and regulation of voter education.

The National Electoral Commission of the United Republic of Tanzania (NEC) is responsible for the registration, supervision and conduct of the elections for the Union Presidency and Parliament on the mainland and in Zanzibar. NEC, however, utilises the personnel of ZEC, as well as the constituency boundaries and the electoral registers devised by ZEC in the administration of Union Polls in Zanzibar.

#### **The Constitution**

ZEC is established under Article 119 of the Zanzibar Constitution and comprises seven commissioners appointed by the Zanzibar President. Commission members include the Chairperson, Vice-Chairperson, two Commissioners nominated by CCM, two nominated by CUF, and one independent Commissioner. The inclusion of Commissioners nominated by the two main political parties reflects provisions agreed under the 2001 *Muafaka II Accord*.

The independence of the Commission is intended to be guaranteed in the Zanzibar Constitution which states that 'in the exercise of its functions...the Electoral Commission shall not be subject to the order or directions of any person, department of Government or view of a political party'. The inclusion of political appointees does, however, appear to have politicised the institution, leading to some delays in the

decision making process, as illustrated in determining the nature and extent of the process used for verifying the permanent voters register.

Some controversy also surrounded the awarding of the contract for the printing of the ballot papers for the Zanzibar elections, calling the independence of the Commission into question. An earlier agreement that ZEC would contract the company used by NEC to print ballot papers for the Union elections to print those for the Zanzibar elections was overturned by the Zanzibar government. The Commission was directed to award the contract to a different company citing procedural irregularities and financial constraints as the basis for awarding the contract to a different printer.

The Group welcomes reforms made within ZEC since the 2000 elections, including the introduction of formal mechanisms for political parties to liaise with the Commission in addition to the appointment of Commissioners nominated by political parties. The independence and impartiality of the Commission could be enhanced further if the majority of the Commissioners were independent and not nominated or aligned with any political party. We recommend that consideration should be given to ways of strengthening the independence, impartiality and credibility of the Zanzibar Electoral Commission.

Section 118 of the Election Act as amended provides for election petitions and the validity of the elections to be adjudicated by the High Court. The Court has the power to direct the Director of Elections to hold new elections if required. The Group was unable to verify whether it is possible to challenge the results for the Presidential election announced by ZEC in the High Court.

### **Electoral Legislation**

The Election Act of 1984 was amended extensively in 2000, 2002 and 2004. The Group welcomed these amendments to the Act, which reflected changes recommended by the Commonwealth Observer Group for the 2000 Zanzibar Elections, including:

- introducing a Permanent Voters Register (PVR);
- abolishing the recording of the registration number of the voter on the ballot counterfoil;
- providing for each agent (representing political parties or candidates) the right to receive an authenticated result from election officials at polling stations and collation centres;

- limiting the role of *shehas* to the registration process; and
- providing for all officials carrying out electoral duties to comply with directions issued by the Director of ZEC.

The Group welcomed the consolidation of all electoral laws into a single piece of primary legislation, and the availability of a single set of electoral regulations, which could be used for reference by all stakeholders. As in 2000, the absence of an official English text of the Constitution served as a constraint on our understanding of the proper interpretation and application of the provisions of the amended Constitution in the legislative electoral instruments.

### **Constituency Delimitation**

Section 120 of the Zanzibar Constitution empowers the Commission to demarcate constituencies in Zanzibar on the basis of: density of population and the need to ensure adequate representation of urban and sparsely populated areas; population trends; means of communication; and geographical features. The number of inhabitants ascertained by the last census in 2002 should be used for this purpose. There is no requirement on 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.

The constituencies for the Union National Assembly are coterminous with those for the Zanzibar House of Representatives elections, and changes to constituency boundaries must be agreed with NEC. The Group noted that changes in the demarcation of constituencies during the voter registration process following public consultations resulted in the reduction of constituencies in Pemba from 21 to 18, and an increase from 29 to 32 constituencies in Unguja. Unguja is considered to be a CCM stronghold, whereas Pemba is known to be a CUF stronghold.

Whilst some commentators have endorsed these changes as necessary and in accordance with Constitutional and legislative provisions, the main opposition party alleged the changes were unconstitutional and an attempt to 'gerrymander' the registration process to maximise the ruling party's electoral victory. ZEC advised that there were no maps available to show the detail of the changes and that the changes had been made to redress the imbalances of these areas. The Group was not able to comment on the validity of the process.

### **Qualification for Registration**

Under Article 11 of the 1984 Election Act as amended, any Zanzibar citizen who has attained the age of 18 years is entitled to be registered under and in accordance with that Act as a voter, unless disqualified by that or any other law. However, to qualify to register and vote in Zanzibar House of Representatives and local elections, such qualified citizens must also be ordinarily resident within the constituency for three consecutive years immediately preceding the registration for the election. The Group welcomed the reduction of the residency requirement from five years (which obtained at the time of the last elections in 2000) to three years.

The electoral law does not provide specifically for the registration of absentee voters, such as the infirm and hospitalised, and citizens outside the country. The Group recommends that the Zanzibar authorities may wish to explore ways of enabling electors who are in the country but away from their place of registration to vote, so that no citizen is disenfranchised.

The Group welcomed provisions made under Section 68 (3) of the Election Act as amended which allows for the provision of assistance to disabled voters. The Group recommends that the use of special folders for assisting blind or partially sighted voters that were to be used by NEC in the Union elections be utilised in future Zanzibar elections.

### **Voter Registration**

The Group considered the establishment of a PVR as a significant improvement in the electoral landscape of Zanzibar. The Zanzibar authorities and ZEC are encouraged to ensure sufficient resources and capacity is provided on a continuous basis to enable the register to be updated and verified regularly.

Voter registration was carried out at registration centres from 29 November 2004 to 26 April 2005. Registration Officers appointed by ZEC carried this process. Under Section 11 (2 -3) of the Election Act as amended, the role of the *Sheha* was limited as an *ex-officio* registration agent of the Commission, to one of co-operating with the Registration officer and other registration officials 'to secure the smooth compliance of the law and procedures pertaining to the conduct of the registration of voters at the registration office'.

In any election, the credibility of the voter register is key to ensure trust in the transparency of the electoral process. The Group was not present during the registration period, but domestic observers from TEMCO, Commonwealth Secretariat staff and other observers did witness the registration process. Observers present during this period reported witnessing a number of irregularities and violations of procedures. As a result, the Group paid particular attention to concerns expressed both by opposition parties and other observers.

There were widespread and numerous reports during the registration process of *shehas* usurping the authority of registration officers and determining people's eligibility to register in a highly partisan fashion. Even the Presidential candidate for the main opposition party was initially denied registration as a voter, though he was later permitted to register. The role of *shehas* in the registration process had also been an area of complaint in previous elections.

There were other controversial issues related to the voter registration process which were noted by the Group and which, if true, are of concern. TEMCO reported registration of over 100% of estimated voters in some constituencies, and noted that 9 registration centres in Pemba were closed for 12 days owing to confrontations between security personnel and opposition party supporters. The registration of military personnel was a source of dispute, with some observers of the process alleging that the Government had brought in a significant number of security personnel from the mainland to register in constituencies in Zanzibar (the law provides for the registration of security personnel at their duty station).

The two main political parties were alleged to have brought persons to register in constituencies in which they are not resident, and allegations were made of intimidation by security personnel of voters at registration centres, which created a sense of insecurity. The Group was unable to substantiate these allegations.

Section 5 of ZEC's Handbook on Voter's Registration Procedure for the Permanent Voters Register stipulates six days as the timeframe for display of the provisional voters register. The Group believes that this provides insufficient opportunity for voters and other stakeholders to scrutinise the provisional register and allow claims for inclusion in the register, and objections to the registration of ineligible voters, to be lodged. The Group recommends that the period during which electors may object to the Provisional Voters' Register should be extended from six to fourteen days.

A number of irregularities in the procedures for handling voter registration objections and the availability of materials were reported by TEMCO. Objections (against the denial of registration or challenge to the registration of another voter by a registered voter) had to be submitted on a specific form (Form 2D). The scarcity of the form at registration centres, in Urban West region in particular, inhibited the ability of citizens or registered voters to submit complaints. In addition, there have been claims that registration officers were partisan in their consideration of objections.

The number of voters on the provisional PVR released by ZEC at the close of the registration process amounted to 499,007. This figure was revised soon afterwards by ZEC to 509,906, representing 93.2% of eligible voters.

ZEC confirmed that a total of 4,001 objections (including claims by voters for inclusion on the register and objections to the presence on the register of others) were filed with Registration Officers in Zanzibar as a whole. Of these, 2,402 were filed in Pemba. 161 voters in Pemba initially denied registration successfully appealed the decision in the courts and were subsequently placed on the register. 1,599 objections were filed in Unguja. Of these, only 54 challenged an initial denial of registration successfully in the courts and were subsequently placed on the register. In total, 2,007 voters were removed from the provisional voters register. The final PVR released by ZEC and used on polling day contained 507,225 registered voters.

The Group noted concerns expressed by the main opposition party following the release of the provisional PVR in August 2005. It was claimed that 12,000 voters had been denied registration; a request to reopen the register was apparently denied by ZEC. They went on to allege that 10,000 voters had been added to the final PVR used on polling day<sup>2</sup>. ZEC stated that the addition of the number of voters in the first provisional PVR released in August was hastily done and incorrect. The Director of Elections confirmed that the subsequent provisional PVR reflected corrections made in the original collation of voters, and that the final PVR to be used on polling day reflected corrections made after objections had been considered. While the Group was not in a position to evaluate the concerns that had been expressed, these concerns must be taken seriously, as they could

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<sup>2</sup> These allegations were also reported in the TEMCO Interim Statement on General Elections in Zanzibar, released on 3 November 2005.

impact significantly on trust in the fairness and legitimacy of the electoral process.

The verification of the PVR in Zanzibar was to comprise a comparison of names, facial recognition where the photographs of registered voters were compared, and fingerprint comparison. ZEC stated that political interference led to delays in determining the extent of the verification process and commencement of the verification process. This in turn led to allegations by the main opposition party of attempts to compromise the validity of the register. ZEC stated that it was not possible to undertake a fingerprint comparison because of lack of time; a facial verification process with manual verification checks was undertaken which was time consuming.

The final register used by ZEC officials on polling day contained a total of 507,225 registered voters compared with 451,881 registered voters in 2000. Section 41 of the electoral regulations stipulates that details of the voter register for each polling station should be displayed publicly eight days prior to polling. The Group was concerned at the delays in producing and verifying the PVR which resulted in extracts from the register only being displayed publicly the day before, or on polling day itself. This led to confusion among many voters as to whether they were on the final verified register, and at which polling station they were supposed to cast their ballot.

We recommend that:

- the register should be publicly available for inspection, including at ZEC offices, and that the whole process of access to the register should be characterised by openness and transparency;
- the register should be produced in good time before the election.

Given the number and nature of the concerns expressed by many stakeholders as to the accuracy and completeness of the PVR, the Group recommends that a review of the implementation of the registration procedures be undertaken by ZEC. This would help to ensure that the integrity of the PVR is not called into question in future.

### **Voter Education**

Article 5(b) of the Election Act 1984 as amended places responsibility for voter training and education with ZEC. ZEC did provide limited voter education, which was supported through donor funding. A



number of civil society groups also provided extensive voter education and training programmes with the support of donor funding. All voter education materials used by such groups are required by law to be approved by ZEC prior to use. The Group welcomed these programmes and commended the work of civil society groups in conducting voter education and training. The Group was concerned, however, that limited resources constrained the scope and scale of these programmes. The lack of sample ballot papers also affected negatively the ability of ZEC and other groups to provide comprehensive education on all aspects of voting procedures.

The Group recommends that voter education and training programme be provided as early as possible prior to future elections to ensure all voters, particularly those in rural areas and voters with disabilities, are aware of their rights and electoral procedures. The Group noted that political parties provided some voter education to their own supporters throughout the campaign. Additional training for party agents on their rights and responsibilities as representatives of the party during the electoral process would assist in strengthening confidence in the integrity of the system.

### **Administration**

Some concern was expressed in the Report of the Commonwealth Observer Group on the 2000 Elections regarding the role of District Administrative Officers in carrying out the role of Returning Officers and other electoral staff. The Group welcomed the provisions of Part IV of the 2005 electoral regulations which empower the Commission to appoint Returning Officers who, in turn, recruited electoral staff.

### **Nomination of Candidates**

The House of Representatives comprises the President, who is Head of the Zanzibar Executive, and 50 members elected directly by universal suffrage to serve five-year terms. The House of Representatives makes laws specifically for Zanzibar. The House of Representatives also includes ten members nominated by the President (two in consultation with the opposition) and the Attorney-General. Article 5 of the Constitution also allows for the appointment by parties on a pro-rata basis to ensure that 30% of the total membership are women.

Every Presidential candidate must be sponsored by a political party. Each candidate must be nominated in writing by not less than 200 nominators which are registered as voters under the Electoral Act 1984 as amended, from each of the regions of Zanzibar. The nomination must be received by ZEC within the prescribed deadline on

a specified nomination day along with payment of a deposit. Nominations must be submitted on approved forms and contain specific data on candidates and their nominators.

Parliamentary candidates must also be sponsored by a political party and qualify under the provisions of the Constitution. They must be nominated by not less than 25 voters registered in the polling districts within the constituency for which that person is a candidate. Nominations must be submitted on approved forms and contain specific data on candidates and their nominators.

Local authority candidates must also be sponsored by a political party, and be ordinarily resident in the area of jurisdiction of the local authority. She/he must be nominated in writing by not less than fifteen voters registered in the polling districts within the area for which she/he is a candidate. No deposit is required.

In Zanzibar, the following presidential candidates, including one woman, stood for the office of President of Zanzibar:

CCM:	Amani Abeid KARUME
CUF:	Seif Shariff HAMAD
DP:	Abdalla Ali ABDALLA
Jahazia Asilia:	Ali Haji KITOLE
NLD:	Rashid Ahmed RASHID
National Reconstruction Alliance (NRA):	Simai ABDULRAHMAN
SAU:	(Ms) Maryam Ahmed OMAR
Union for Multi-Party Democracy of Tanzania (UPDP):	Ameir Ali HAJI

Sixteen political parties contested the House of Representatives elections for the 50 seats in Zanzibar. There were 219 candidates representing the following parties of which 23 were women:

CCM:	50	TADEA:	4
CUF:	50	UDP:	4
Jahazi Asilia:	24	CHAUSTA:	3
UPDP:	14	Demokrasia Makini:	3
NCCR-Mageuzi:	13	PPT Maendeleo:	2
CHADEMA:	10	UMD:	
NRA:	10		
TLP:	8		
NLD:	6		
DP:	4		

The Group welcomed the provision for ensuring 30% of seats within the House of Representatives for women. Nonetheless political parties are encouraged to explore further how to attract and support more women as candidates in all elections.

### **Political Parties**

The Group welcomed the implementation of the *Muafaka II Accord*, which established the Joint Presidential Supervisory Committee as a formal mechanism for consultation and dialogue between the main political parties. While noting that the mandate of the JPSC has expired, the Group urges the political parties to continue to meet regularly to facilitate political dialogue. The Group also encourages the Zanzibar authorities to consider making provision for independent candidates.

There is some provision of state funding for eligible parties. We noted that private party fundraising is not regulated. The lack of regulation raises issues about the transparency of funding of political parties. The Group recommends that all political parties contesting elections should be required by law to submit to ZEC within six months of elections accounts on electoral and campaign expenditure, and details on the source of revenue. All such accounts should then be published. This would facilitate greatly the transparency and accountability of party and campaign funding.

### **Voting Systems and Procedures**

The electoral system currently in use is mainly 'First Past the Post', with some provision for special seats for women and nominees of the President.

The Group welcomed changes introduced by ZEC reducing the number of registered voters for each polling station to 350, from 400 as used in the 2000 elections. This facilitated the speed of vote counting and collation of results within each election at each polling station, as well as the efficiency of the voting at polling stations. The consolidation of all regulations pertaining to the nomination procedures for candidates in the electoral regulations of 2005 is noted. The Group considered the use of registration centres as the locations for polling stations as a good choice, as the locations were already known widely among voters. The use of schools was also considered to be a good choice of location as these institutions are well known focal points within communities; this was particularly important in rural areas.

Some collation centres were found to be unsuitable for collation purposes, as insufficient space was available to accommodate all ZEC officials, party agents, media and other observers.

## **Training**

Section 17(1) of the Electoral Regulations 2005 stipulates that ZEC should provide training for all Returning Officers. Section 17(2) stipulates that Returning Officers provide training for Assistant Returning Officers and other polling staff. The Group welcomed the mandate for ZEC to provide such training, but recommends that comprehensive training is provided early and repeatedly to ensure all electoral and polling staff display professionalism and knowledge in their management of the electoral process. This in turn will enhance public confidence in the electoral process.

## **Distribution of Materials**

The Group welcomed the provision of clear guidelines on the polling procedures and polling station layout in the 2005 Polling Station Procedures Manual. We were somewhat concerned at the limited communication between ZEC and polling station officials who were unsure as to when materials would be distributed to polling station. As a result, some polling station staff were waiting for materials from mid-day on the day before the poll with no information of when materials would arrive. ZEC is encouraged to establish a timetable for the distribution of all materials within an agreed timetable which is communicated to all electoral staff.

The use of the army in transporting electoral materials was also a matter of concern to the Group. The use of the army to transport materials was a ZEC initiative. The logistics of transporting materials to and from polling centres appeared to be controlled by the army and not ZEC officials, many of whom appeared to be uninformed as to when the army would distribute materials. It is important that ZEC is at all times in control of all aspects of the electoral process, including managing the transportation of materials to and from the polling and collation centres.

## **CHAPTER FOUR**

### **Campaign and Media**

#### **THE CAMPAIGN**

##### **Campaign Period**

The official campaign period, as designated by the Zanzibar Electoral Commission, began on 5 September 2005 and ended on 29 October, the day before polling. Members of the Group were present in Unguja and Pemba during the last three weeks of the campaign period.

##### **Election Campaign Procedures**

According to the Electoral Law<sup>3[1]</sup>, election campaigns were to be conducted as follows:

- in a constituency, the election campaign is organised by the candidate, the candidate's political party or his/her agent. The candidate or the candidate's political party or agent must submit an election campaign programme to the Returning Officer
- after receiving such campaign programmes, the Returning Officer must convene a meeting of all candidates, political parties or agents for the purpose of co-ordinating the campaign programme so as to avoid clashes. Immediately after this meeting, the Returning Officer must submit a copy of the Co-ordinated Programme to the District Commissioner for information only and to the police officer commanding the District (OCD) in which the Constituency is situated for the purposes of organising security. The agreed programme constitutes a notice of the campaign meetings. No other formalities are required to organise election meetings and events.
- Presidential election campaign programmes are co-ordinated by the Commission in the same manner as parliamentary election campaigns.
- candidates or political parties participating in an election are allowed to undertake door to door canvassing during the election campaign period.

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<sup>3[1]</sup> "A Handbook of Tanzania Electoral Laws and Regulations 2005", Chapter 6: Election Campaigns, Section 6.1

- election campaigns are not allowed on election day.

### **Code of Ethics**

A *Code of Ethics for Elections (2005)* was adopted by political parties during the election campaign period<sup>4[2]</sup>. This regulated such matters as the right to conduct election campaign meetings, stipulated times when campaigns could be conducted (between 10am and 6pm) and provided for the civic education of voters. In addition to the *Code of Ethics*, training programmes for journalists were also conducted.

### **Conduct of the Campaign**

Eighteen parties were registered for the elections in Zanzibar. Of the eighteen parties registered, sixteen parties contested the elections. This was a marked increase of 50 percent from the 2000 elections. The Electoral Law<sup>5[3]</sup> on campaigning provides that the agent or candidate's party is required to provide the Zanzibar Electoral Commission (with a copy to the District Commissioner) with a schedule, indicating the proposed programme for his/ her public meetings/ rallies. There was a harmonisation of campaigns among the parties, so no two parties campaigned at the same time in the same place<sup>6[4]</sup>.

Despite the existence of the schedule, only the Chama Cha Mapinduzi (CCM), the ruling party, and the Civic United Front (CUF), the main opposition party, were visibly conducting rallies. Campaigns were vibrant with party colours prominently on display. They also featured music and dancing. Posters were utilised extensively, but the ones most dominantly on display were those of the CCM party. Flags, banners and t-shirts (with photographs of the presidential candidate) were also utilised in abundance, once again overwhelmingly by the ruling party.

The rallies, in general, were an opportunity for the parties to educate the voters on how to vote. Door-to-door campaigns, termed "mobilisation of supporters", were embarked upon by the parties. Generally, parties conducted their campaigns freely and in an orderly manner. CUF employed slogans such as "CCM is Dead", signifying that victory was sure for them, whereas CCM used the slogan "CCM Forever". However, given the tension under which the campaigns took place and the marked polarisation of the people, we noted that the inflammatory statements made by speakers of the

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<sup>4[2]</sup> Code of Ethics for Election, 2005 (Articles 3.1 and 3.2). See also "A Handbook of Tanzania Electoral Laws and Regulations 2005", Chapter 6: Election Campaigns, Section 6.4

<sup>5[3]</sup> Article 56 (2), Election Act (1984), Act No.11 of 1984

<sup>6[4]</sup> Some could start at 10am and end by 2pm, while others could start at 2pm and end at 6pm, but no campaigning was allowed beyond 6pm.

two principal parties at some rallies, were not conducive to generating a positive atmosphere during the campaigns.

We also noted that the campaigns took place by and large in the month of Ramadan. Given the challenges to those who were fasting in a society that is 98 percent Muslim, we commend the fortitude and determination of the Zanzibar electorate during this period.

There were, however, reports of violations of the agreed *Code of Ethics* such as sporadic clashes which occurred during some campaigns. The rising tension was, however, much doused by external inputs such as the appeals made by the international community, urging on political leaders the need to make the electoral process peaceful. Another influence was the significant presence of international and domestic observers.

A further source of tension was when CUF took the position during the campaign period that its supporters should “guard the vote” by remaining just beyond 200 metres of polling stations - a position which the Government regarded as provocative and a threat to law and order. A few days prior to polling day, a boost was given to the peaceful conduct of the election when CUF reversed its position and asked its supporters to go about their business after voting. This later CUF advice reduced tension and a possible source of violence on polling day.

### **Usefulness of Campaigns to Voters**

We found that at many rallies, candidates imparted “on-the-spot” voter education to their supporters, viz. how to vote and the value of their vote. The parties also sought to promote their manifestos and, quite significantly, and commendably, to make strong calls for peaceful conduct throughout the electoral process.

### **The Role of Security Forces during Campaigns**

The distinct presence of the army and police was in evidence throughout Zanzibar. We recognise that it was a difficult balancing act for the authorities. On the one hand, there were allegations of heavy-handedness in the beefing up of the security forces, while on the other, there was the clear need by the government to maintain law and order. In Pemba, it was evident that the presence of the military and the police was on a great and possibly intimidating scale.

For reasons we could not determine at the time of writing this report, though the police had agreed to the schedule of rallies (a copy of which was provided to us by ZEC), we noted that in one instance of violation of this agreement, a major campaign rally

which was scheduled to have been held in Skuli ya Donge in Unguja by CUF on 9<sup>th</sup> October from 10am till 2pm was disallowed. When the CUF supporters tried to go to the school, the police had blocked the area. The day before, the police had informed ZEC that the venue could not be used for the CUF rally on the grounds that church and mosque premises and schools should not be used for rallies.

Also, the area was pronounced too small to accommodate the rally. While ZEC was of the view that the police were in a position to determine whether the use of an area breached security, they were surprised that the police directive came only a day before the rally, when the rally schedule had been agreed to more than a month earlier by the police, the political parties and ZEC. Given that the CCM had already used school compounds for campaigns, the police claim that the school compound could not be used on this occasion appeared to be an attempt to prevent CUF from access to the same privilege. The breach of the understanding of the agreement on the conduct of campaigns fuelled an air of thick tension which resulted in violence during which the police opened fire on CUF supporters. Some 19 persons sustained injuries, four seriously. Though denied by the police, wounds were reported to have been from gunshots.

### **Use of Public Resources**

The elections, in terms of use of public resources, were characterised by the blurring of the lines between government and the ruling party. There were strong allegations by opposition parties that the government was putting state resources at the disposal of the ruling party, namely government vehicles, to transport supporters to political rallies. We received a litany of complaints that the playing field was not level. In Pemba, we received complaints of the abuse of incumbency. However strident as the claims were, we were not able to substantiate them.

We recommend that there should be a review of the use of public resources during the campaign period and that measures should be introduced to ensure a level playing field in this respect.

### **Issues of Concern**

During our briefing sessions with political parties, CUF complained that women and youth did not have access to adequate civic and voter education. They also complained that the elections were not taking place in an atmosphere of calm. The party was of the view that though the Muafaka Accord is in existence, the political and democratic structures have not been liberalised to set arms and departments of state free from party control and to enable the Muafaka Accord to be implemented to the letter.



NGOs expressed a lack of faith in the system and felt that the playing field was not level during campaigns. They claimed there were bottlenecks for women's candidacy; in spite of the fact that special seats were reserved for women they still played subservient roles in political parties. The women nominated by the political parties, they claimed, were not candidates who could gain wide support in their own right.

As Zanzibar is essentially dominated by two major parties, it is our view that there is an urgent need to emphasise civic education so that the electorate gains a deeper understanding of key issues which emerge in campaigns.

### **Overall Assessment**

Based on the Code of Conduct and campaign schedule as agreed among the political parties, on balance they were able to campaign freely. The campaign playing field seems to have been tilted in favour of the ruling party, which exploited to the full the advantages of incumbency. Since the 2000 elections, adherence, to some degree, to the code of conduct has contributed considerably to a general improvement in the campaign environment.

The latter part of the campaign exercise that we were able to observe was generally calm, though sporadic incidents of violence and intimidation appeared in evidence. While some campaigns took place in an atmosphere of tension, this did not undermine the election as a whole. The political parties' commitment to the Muafaka Accord may have tended to respect the letter of the law generally but in spirit, there was much to be desired for a fair and encouraging campaign environment.

## **THE MEDIA**

### **Overview**

Since 1992 when the Communication Act was enacted, the media environment has been significantly liberalised on the mainland, leading to a mushrooming of the private media. As at today, there are some 15 operational television stations and over 30 radio stations, most of which are privately owned. *TV Tanzania* and *Radio Tanzania* are owned by the Union Government. In Zanzibar, *TV Zanzibar* and the *Voice of Zanzibar*, a radio station, are state-owned. These state-owned electronic media have wide-range coverage and frequencies.

Specifically, radio and television in Zanzibar are regulated by the Zanzibar Broadcasting Commission Act of 1997. Unlike in mainland Tanzania where the 1992 Communication Act has led to the emergence of private TV and radio stations, only state-owned stations exist in Zanzibar. The same is true of the print media. While the *Daily Star* and *Sunday Star* group owned by the Union Government have been complemented by a great array of private newspapers (in Swahili and English) on the mainland, *Zanzibar Leo*, owned by the Zanzibar Government, is the only newspaper published in the Isles. However, the private newspapers published on the mainland circulate in Zanzibar as well.

### **Media Access**

In Zanzibar, as well as the rest of Tanzania, the radio is the most influential news medium on account of its relative cheapness and wide coverage. Television is next in influence as it tends to reach only more affluent households or areas where electricity is readily available. The print media provides the least access in Zanzibar. Newspapers have limited circulation, with the *Daily News* having the largest circulation, though *The Citizen*, *The Guardian*, *The African* and a host of Swahili and English newspapers are quite visible as well. It must be further emphasised that in Zanzibar there is limited access to information through independent media.

### **Party Political Broadcasts**

At the advent of the political campaigns, on account of the great reach and influence of state-owned electronic media, each political party was granted a 30-minute slot per week to air its campaign programmes on TV and radio. Only CCM, the ruling party, and CUF, the main opposition party, were able to make use of the slots as the small parties, lacking funds and expertise, were unable to create programmes for broadcast.

### **Code of Conduct**

As a further attempt to ensure fair and equitable reporting of the political parties and electoral process, a *Media Code of Conduct for Election Reporting in Zanzibar*<sup>7[5]</sup>, was instituted. It provides for ethical and professional standards in journalistic practice for media houses from both the mainland and Zanzibar. It also seeks to remove shortcomings which in the past blurred the image of the press in matters of credibility and balance. However, there has been limited compliance with the Code, as there is no mechanism for enforcement.

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<sup>7[5]</sup> As adopted by the Stakeholders' Conference at Mazsons Hotel, Old Stone, Shangani, Zanzibar, 6 October 2005.

### **Authority, Influence and Reach**

In spite of the above developments, we noted that there were widespread complaints that press coverage of political parties and the electoral process was skewed in favour of CCM. There were also claims that coverage of activities and campaigns of opposition parties was biased and did not give full play to issues raised by the parties. For instance, CUF claimed that one of its 30-minute slots was edited to 13 minutes and was rendered meaningless, a reason for which it withdrew from further use of the slot.

This favourable coverage of the ruling party by media owned by the state is captured in a recent *Media Monitoring Report*<sup>8[6]</sup> which found that:

- more time was devoted to CCM;
- media were weak on issues;
- media were not familiar with electoral laws;
- media were poor in reporting the concerns of people living in rural areas.

The media industry, especially in its private sub-sector, is still nascent and largely poorly organized. For newspapers, circulation figures are low and so is revenue, a fact made more graphic by low advert placement and consequent low advert earnings. If the government, the chief advertiser in the industry, withholds advertisements from any media house, it critically affects its finances. This has tended to make the industry depend unduly on government patronage and has therefore become susceptible to subtle and sometimes overt state influence.

The press corps in Zanzibar informed us that the industry operates in a difficult climate, one of harassment and intimidation of journalists and media houses which tend to be critical. Practitioners, it claimed, therefore feel demoralised. One other reason for this sense of disenchantment, we found, is the poor remuneration for working Tanzanian journalists and the low capacity of the industry. Private media houses are lean of resources and working tools. For instance they lack transport and depend on state and sometimes third parties to get them to event venues and political rallies. This has tended to make both journalists and media houses the piper whose tune is dictated by his payer.

### **Overall Assessment**

In the context of the political campaigns, the media, including those privately owned, was State dominated. The State dominated the media landscape, was biased towards the ruling party, and voters

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<sup>8[6]</sup> Tanzania Media Monitoring Project 2005, Weekly Report, 07-13 October 2005.

had limited access to information from independent sources. Therefore there was a failure to provide a level-playing field for all stakeholders. Yet, there were encouraging developments. These included capacity-building programmes sponsored by the Tanzanian Chapter of the Media Institute of Southern Africa (MISA-Tan). Another is the internally generated code of ethics for media practitioners. These developments, together with civic education for media houses, are trends, in our view, that we recommend should be sustained and improved upon in the years ahead.

We recommend that measures be introduced to ensure balance in media coverage and that there should be arrangements for equitable access to the media by all contesting parties.

## **CHAPTER FIVE**

### **The Poll, Count and Results Process**

Polling day began with a mixture of hope and fear. The hope was that the poll, count and results process would be characterised by transparency, credibility and a fresh start after the disaster of the 2000 elections. The fear was that there would be failings, irregularities or worse on such a scale and of such a nature as to again deny the people of Zanzibar conditions in which they could express their will through the electoral process. In the three days that followed we were to find out.

In this chapter we first provide an account of our observations of the voting, counting and results collation process. We then evaluate and analyse what we saw.

#### **Observations of the Process**

At the outset we should point out that Commonwealth observers were allowed to visit any polling station we wished, in Unguja and Pemba. We saw as many as we could, given our numbers (see page three for details). Our visits during the day to the polling stations varied in duration according to the situation at the station.

There were 1,560 polling stations, each staffed by three election officials (who were required to be present from 6.00 am at the latest). We were present for the opening at eight of these stations<sup>9</sup>, having identified our 'opening' stations the previous day and arrived well in advance on election morning itself. Stations were grouped together in polling centres, each comprising from one to fourteen stations. Where there were more than two stations at the same location an additional official, known as the Senior Presiding Officer, was in charge.

Each station had around 350 voters. Stations were normally to be found in schools. Facilities were often basic, but adequate. The ballot boxes were new and made from transparent plastic.

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<sup>9</sup> Altogether we had eight two-person teams in Zanzibar on election day, each accompanied by an interpreter, and one one-person team. Two teams were present in Pemba and six in Unguja. Of the Unguja teams there was one each in Urban District, Urban West District, North 'A' District, North 'B' District and Central District, while two roved across the island.

ZEC, assisted by the army, was able to ensure that the ballot papers and other key materials were generally delivered to the right places in the right numbers<sup>10</sup>. This represented a marked improvement on the arrangements made for the 2000 election day, when the main problem had been that the ballot papers were not available at many of the polling stations.

Each ballot paper bore the candidates' names, those of their parties, and the candidates' photographs, with a space for the voter to mark her/his vote.

It was clear from early in the day that turnout would be very high: figures produced by the Zanzibar Electoral Commission later would show that for the Presidential Election 90.8% of registered voters voted. Queues were long, with voters prepared to stand in the sun in an orderly fashion, waiting to get into the polling station to receive their ballot papers.

The Zanzibar Electoral Commission had prescribed that polling stations should open at 7.00am. In most places they opened at or very soon after that time, and the correct procedures were followed; before voting began the empty ballot boxes were shown to the party agents (known in Zanzibar as polling agents) and plastic numbered seals were applied.

At most stations the voters were able to check their names against a list which was fixed to the outside of the polling station. We were told by Presiding Officers that this was displayed that morning, before voting began.

Voting was peaceful and orderly, but at first was very slow. The first task for the polling station staff was to establish whether the person presenting her or himself at the polling station should be allowed to vote.

At a briefing for international observers on 28 October we had been told by ZEC Director of Elections Mr Khamis Ame that electors had to be on the register in order to be able to vote: possession of the voter identification card – a credit-card sized white card issued by ZEC showing their name and photograph - would not itself be sufficient.

ZEC had also made clear that those who were on the register but did not have their voter identification card would be allowed to vote on presentation of other 'satisfactory evidence' such as a passport,

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<sup>10</sup> In seven local authority elections this was not the case and the elections were cancelled to be re-run in December 2005

a drivers licence, a photographic ID card or, exceptionally, on presentation of a letter from the police. In practice we found that voters almost always had their voter identification cards with them.

According to the procedure stipulated by ZEC, the procedure inside the station was that the voter would first be asked to show her/his voter identification card. Her/his name would then be checked by an official against the register, which consisted of a photo-copied list of the voters' names, numbers, dates of birth and black and white passport-sized photographs. We noted that the photographs were often not clear.

Once identified as a legitimate voter, the voter's left thumb would be checked to ensure that she/he had not voted before and – assuming they had not – it would be marked with indelible ink at the point at which the cuticle and skin met.

The voter would then be given her/his ballot papers – one each for the election of the President of Zanzibar, the members of the House of Representatives and local councillors. A tick would be placed next to the voter's photograph on the register. We had understood that at this point the voter's name would be announced for the benefit of the polling agents – the law says that the official "shall read out the name loudly". In fact this happened only rarely.

We noted that in certain cases the ballot papers had been 'pre-folded' – for efficiency, the election official had torn the ballot papers from the book and had a set of three ready for each voter. Each paper was marked twice with an official stamp. We noted that the counterfoil and the ballot paper had the same number.

The voter then marked these ballot papers by pen, within a screened voting compartment, deposited the papers in the ballot boxes and left. We noted that polling station staff helped voters to identify the correct box for each ballot paper.

There were variations from station to station. In some places the ink was applied at the end of the process, for instance, rather than at the beginning. In some places the screened voting compartments were positioned with the open side visible to the election officials, agents and other voters. While not in line with procedure this did not in our view compromise the overall secrecy of the ballot. We also noticed that in some stations only one compartment was provided, slowing the processing of the voters. In general, however, the procedures were followed properly.

As we noted in our Interim Statement the voters were eager and responsible participants in the process – keen to exercise their franchise and prepared to wait many hours in the sun to do so.

At all stations we visited the voters formed two queues – one for men and one for women. Police or ZEC officials managed the queues well, ensuring an even flow of voters.

We were pleased to note that many of the voters were women. We also noted that the old, those with disabilities and pregnant women were helped by officials and often allowed to the front of the queue. At some polling stations we observed the presence of the Red Cross, helping voters for whom the sun was too much or who otherwise needed medical assistance.

At every station we visited polling agents were present – almost always from the two main parties, but often from others as well. None of those we met had copies of the register. We noted that there was no hostility, and often a very good relationship, between the agents. When we asked the agents if they had any concerns they usually told us that they did not.

Police were visible but low-key. They were usually helpful and rarely intrusive. At some stations soldiers were also present. At many there were domestic observers from the main domestic observer coalition, TEMCO (Tanzania Election Monitoring Coalition) and at some we also met other international observers<sup>11</sup>.

ZEC polling station staff and party polling agents present at the polling stations were due to wear identification badges issued by ZEC. Invariably they did so. However, in at least one place we noticed that polling agents were wearing ZEC caps and t-shirts. There was an appreciable presence of women amongst ZEC polling station staff and party polling agents.

With very few exceptions the polling stations had the required materials. Where there were difficulties these seemed to be cleared relatively quickly, in part due to the efficiency of senior ZEC officials who moved around each constituency in order to check on and assist in the process. The Senior Presiding Officer at the larger polling centres also assisted in this, as well clarifying procedures for individual polling officials and assisting in overall co-ordination.

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<sup>11</sup> The main international observer groups were from the National Democratic Institute, the African Union, SADC, the SADC Parliamentary Forum, the SADC Electoral Commissioners' Forum and the Electoral Institute of Southern Africa. Over 100 others were co-ordinated by the United Nations Development Programme. The international observers were accredited by ZEC, which in return insisted on their impartiality, provided background material and briefed observers in Zanzibar Town on 28 October.



Voting was very slow at first but sped up later, so that most votes had been cast by mid-afternoon. Where this was not the case and there were still queues at 5.00pm (the stipulated time for the closure) we noted that those present at that time were allowed to vote. Presiding Officers either placed an official at the end of the queue or brought all the voters in to the immediate environs of the station.

The closing of the polling stations was generally done according to procedure. The key elements in the closure were the sealing of the aperture in the ballot box into which votes had been cast during the voting, the issuing to the polling agents of the certificate for the closure and the reconciliation of unused ballot papers and the counterfoils of the used papers.

After the Presiding Officer declared the station closed the count began – but not always immediately. The decision to count the votes at the polling station was one of the major changes this time and was widely welcomed as an improvement to the process.

Usually the ballot papers for the Presidential election were counted first, then those for the House of Representatives and finally those for the local authority. Party counting agents were sometimes actively involved in handling the ballot papers during the count. Each ballot box was emptied one at a time, the papers unfolded and counted and the figures agreed amongst those present. This sometimes took some time.

Wherever we were present the required materials were available, counting took place in the presence of party counting agents and was transparent, although slow. At the end the agents – now known as counting agents - were to be given a copy of the results sheet: where we were present they were. The Presiding Officer was to announce the results inside and outside the station and to place a copy of the results sheet on the outside of the station. In many cases this was done, but in many others it was not. Part of the explanation for this may have to do with the lack of clarity in the initial guidance issued to polling station staff.

At the end of the count and after completion of the paperwork, the polling station materials were packed away and the ballot papers re-sealed into the ballot boxes. The materials and – crucially – the official results sheet were then to be transported to the district collation centre, accompanied by the station's officials, the police and party agents.

We should note at this point that, as for the polling during the day, we were allowed to be present for the count at the polling stations that evening. However, at one count in Zanzibar Town the Presiding Officer attempted to remove Commonwealth and other international observers and one of the stations under her control initially refused admission to international observers.

The process of transporting the ballot papers, counting materials and results to the collation centres should not have taken long. In fact, however, in many cases the vehicles did not arrive until many hours after the count had concluded; in such cases the collection and transportation often did not take place until the following morning, after the officials had spent most of the night with the boxes and the results sheets. In one the collection and delivery process continued until lunchtime of the day after the count. The army assisted in this process. In some cases ZEC was clearly in control; in others, however, it was the army.

On arrival at the district collation centres the results sheets and other items were to be taken to the relevant room for that constituency and guarded by police. The Returning Officer would then add all the results from the polling stations and check that each Presiding Officer had accounted properly for all the material with which she/he had originally been issued. At the end of this process the Returning Officer would announce the results of the elections to the House of Representatives and the local authority. The figures for the presidential election would be sent to the ZEC headquarters in Zanzibar Town where they would be added to those from the other five district centres and an announcement made.

## **Evaluation**

For the most part the arrangements made by the Zanzibar Electoral Commission for the voting went well. Similarly, at the count facilities may often have been rudimentary and the process slow, but it was transparent and the conduct of the count was broadly in line with the guidelines.

However, we are concerned at reports that some counting agents appear not to have received a copy of the results of their count and that the results were not always publicly displayed or announced. Both are important aspects of the counting process and critical to the ability of the parties to check on the final results.

We have further concerns about the collation process:

- **After the Count** – the collation process began with the transportation of the materials and transmission of the results from the counts to the collation centres. This left a great deal to be desired. Even at this stage it was not always clear to us exactly what was happening to these materials prior to their transportation to the collation centre. There often appeared to be no plan. Sometimes agents were present, sometimes they were not. Some items were guarded by the police, others were not. Some staff remained (often exhausted because they had been on duty all day), others went home. Some boxes were sealed, others were not. The timetable for transportation was a matter of conjecture and speculation. The exact process that awaited at the collation centre did not appear to be clear, even to the officers presiding over the transfer from the count.
  
- **At the Collation Centre** – at the collation centre itself there was often confusion and sometimes disorder. The process was difficult to follow: it was not always clear to us exactly what was happening, even though we were accompanied by an interpreter. Because of the very long - sometimes 13 hour – delay in transporting the results and materials to the centre, we had usually been unable to follow the results and the boxes from the counts. When we returned to the centres the morning after it was often difficult for us to pick up the trail and to obtain satisfactory explanations of exactly how the results had been transmitted and then added into the totals for the constituency and presidential results. When we enquired further we were told that nothing could be made available to us which would show the process of adding up the individual figures from the individual counts. No ‘scoreboards’ or other step-by-step results information was on display. No sheets were handed out or posted at the collation centre recording the numbers that had come in from the counts. We should add that the staff often lacked basic skills, facilities were poor and, in our view the process took much too long. In at least one case the ballot boxes were not secured by the police at the collation centre. Party agents were entitled to be present but often were not.
  
- **At ZEC Level** – we discovered as time went on that various of the party agents themselves had not always been issued with copies of the original results sheets from the counts. Similarly, the figures from the counts had often not been posted at the counting centres. Neither at the collation centre nor at the ZEC offices were any measures taken to compensate for this by publishing the figures. Observers

therefore could not see a clear picture of what had been going on. Indeed, at the time of writing ZEC has still not published the figures from the polling station counts. The figures which ZEC has produced centrally relate only to the aggregate numbers for the constituency and presidential results and show no breakdown at polling station level.

In summary, the transportation of the materials and transmission of the results to the collation centres left much to be desired. Conditions at the collation centres were often poorly organised and sometimes disorderly. In short, there are many ways in which arrangements can be improved for the future.

The key point, however, is that the transparency which characterised the earlier voting and counting elements of the process was lacking when it came to the collation stage.

The central problem for us as observers – and for the process – was that it was not possible to establish exactly how the final results figures for each constituency and the presidential election were compiled.

We have no evidence of impropriety or malpractice in the collation of the results. Eventually our teams found that the figures they had obtained at the small number of counts they had sampled had been faithfully transmitted to the collation centre level. We should add that we were shown the documents we asked to see at the collation centres and ZEC offices while we were checking on the collation process. However, none of this satisfies us regarding the transparency of the way in which the constituency and presidential figures were aggregated.

Arrangements at the collation stage are clearly not sufficiently robust. They may not have been manipulated or abused on this occasion. But we believe that the lack of transparency means that the collation arrangements are open to abuse. They must be made both more transparent and more robust for the future.

For the long-term we believe that public confidence can and should be increased by a thorough review of the collation process. In the short term we believe that trust in the 2005 electoral process and in the results of this particular election can only be assisted by publication not only of the overall figures for the presidential and constituency results but also by publication of all the polling station figures which were combined to produce those results. We hope that these will be made public as soon as possible.

We have two further main concerns: the register and security.

With respect to the register, as a rule we observed that voters found that their names were there. There were regional variations in turnout figures, suggesting that in some places some potential voters simply stayed away. From our observation all we can say is that only relatively small numbers of people went away from the polling station disappointed because they were not on the list.

However, we were disappointed that the voters' register was not produced much earlier. It would have greatly enhanced the transparency of the process if it had been made available much earlier: it is of limited value to the voters to display it only on the morning of the election, or on the day before in some cases. We were also struck by the poor quality of the photographs (since photo-copies were being used). Finally, there appeared to be no procedure for certifying that the copy of the register at a station was actually the certified and official copy: we believe that such a procedure should be introduced for the future.

There are two senses in which we are concerned about security. First, there was the provision of security for the voting and counting processes. In many places this was conducted efficiently and sensitively. However, there were places where the presence of the security forces escalated tensions and where they used excessive force. We believe that the actions of the security forces in Zanzibar were not always appropriate and proportionate and we urge restraint in the future.

Our second concern is with the security of the process from the end of the count onwards. This was well-provided for in some respects, but haphazard and lax in others. We were especially concerned that the results sheet and the re-sealed ballot boxes, for instance, were often poorly protected. We believe that security from the end of the count onwards needs to be looked at again for the future.

Our evaluation of other particular elements in the process is as follows:

**Logistics:** the timely delivery of the materials was an important test for ZEC and they passed it, with the assistance of the army. However, for the future we believe that ZEC needs to build up its own capacity to undertake such tasks without having to call on soldiers, especially given the mistrust which can be occasioned by the involvement of the army in election matters.

**Secrecy:** notwithstanding the cases we observed of poor positioning of the screened voting compartment, the secrecy of the ballot was preserved.

**Irregularities:** we did come across apparent irregularities. We referred in our Interim Statement to three incidents in Zanzibar Town when groups of men who it was claimed were outsiders voted at polling stations in Forodhani, Mtoni and Kiwanda cha Madawa. We believe that ZEC must investigate to establish whether what occurred did impair the electoral process at these particular stations. These were not the only incidents that caused concern. We heard frequent allegations regarding the *Jangawe* militia. We ourselves saw a group of fifteen uniformed policemen attempt to vote after the polls had closed; a large group of prison officers was brought to another station and voted; at several stations we saw people voting when they were not on the register. However, while these incidents were dramatic we do not believe that any irregularities which may have been involved were on a scale such as to invalidate the process.

**Adherence to Procedures:** we noted earlier that there were variations in and departures from the proper procedure. In our observation these were again not such as to invalidate the outcome of the election. But they do indicate a significant need for enhanced training. On a positive note, we welcome the publication of the Polling Station Handbook.

**Ballot Paper:** we believe that the design of the ballot paper could be simpler and that this should be looked at again before the next election. We did not observe special assistance with the ballot paper for blind voters and hope that this can be considered for the future.

**Polling Station Staff:** while we were impressed with the efficiency of some of the more senior officials the polling station staff themselves were not as effective as they should have been. Sometimes they lacked the most basic of organisational skills and, as noted earlier, there were deviations from the prescribed procedure such as failing to call out the names as electors were checked on the register. We believe that ZEC needs to consider how these matters can be addressed for the future and in particular to consider ways of improving training. Given the instances noted earlier of confusion as to exactly who was and was not a ZEC official we believe that ZEC must do more in future to ensure clear identification for staff as opposed to polling agents and others. Finally, we welcomed the assistance provided by the staff to illiterate voters, the old, those with disabilities, pregnant women and women with young children.

***Polling Agents:*** we were pleased that polling agents from different political parties related well to one another, but impressed by how few concerns they reported to us. While allowance needs to be made for natural reticence and straightforward fear, we believe that at both the poll and the count the agents were not sufficiently concerned with the integrity of the process: in general, the agents paid much more attention at the count to the numbers voting for a particular party than to the fairness of the process.

For the future – and assuming that the register can be produced in good time - we believe that the polling agents should be provided with extracts from the register.

Finally, we believe that polling agents should not themselves handle ballot papers at the count and that ZEC needs to enforce this strictly in future.

*The Voters:* we have nothing but praise for the voters themselves, who were responsible and enthusiastic participants in the process. Their contribution was entirely positive. We did not find evidence of obstacles to the participation of or efforts to unfairly influence women voters: on the contrary they seemed to us to be confident and relaxed. As voters, polling officials and agents women played a major role in the proceedings: we look forward to the day when they will play as important a role as candidates.

*The Count:* the counts we saw were conducted well. The facilities were often basic and the lighting conditions in particular were poor. But the procedures were followed and the process was transparent, if slow. This good practice during the count itself was, however, marred by the fact in many places the result was not placed on the wall at the end of the count and that at least some stations the counting agents of the political parties did not receive their copy of the statement of the result.

Finally, we welcomed the presence of the TEMCO domestic observers and hope that it will be possible for TEMCO to field larger numbers in Zanzibar in future years. Those we met during the voting were generally diligent and helpful. We worked closely with other international observers, while maintaining our own independence.

## **CHAPTER SIX**

### **Conclusions and Recommendations**

#### **CONCLUSIONS**

Our Terms of Reference require the Observer Group to:

- consider the various factors impinging on the credibility of the electoral process as a whole;
- determine in its own judgment whether the conditions existed for a free expression of will by the electors; and to
- determine whether the results of the election reflected the wishes of the people.

In our Interim Statement, issued the day after the election, we expressed the view that the part of the process which we had seen up to that point – the voting and the counting of the votes on 30 October – provided conditions which were such as to enable the electors to freely express their will. The body of this report includes reference to various shortcomings. But there were more positive than negative features. Overall, it was a good election day and we remain of the view we expressed on 31 October.

Following the release of our Interim Statement, we turned to two further matters: our observation of the remaining key part of the process, the collation of the results at the district collation centres and ZEC's offices; and consideration of the various factors impinging on the credibility of the electoral process as a whole.

We undertook the first of these tasks while we were still in Zanzibar. Between 31 October and 2 November our teams made considerable efforts to check that the results from the counts we had attended had been faithfully transmitted to the centres. We found that they had been. In one case we were able to check the results figures for the counts of a whole constituency against those at the collation centre and again found that they matched.

Our sample was small and we are conscious of the limitations of any observation exercise of a results process such as Zanzibar's. But the minimum we can do as observers is to at least check the figures we had ourselves obtained. We did that and we were reassured.

However, as we have described in the previous chapter, we found the collation process not to be sufficiently transparent. We did not



find any evidence of the manipulation of the results figures from the counts at the polling stations. But we are concerned that the system is insufficiently robust. We call on the Zanzibar Electoral Commission to publish the results sheet from the count at each polling station, in order to remove suspicion.

The remaining task from our Terms of Reference is to “consider the various factors impinging on the credibility of the electoral process as a whole”. We began this when we returned to Dar es Salaam on 2 November to write our report.

Any judgement as to the credibility of the process as a whole depends in part on what we saw of the poll, count and results process. We have already set out our view on this. It also requires consideration of the electoral environment as a whole – including the legal framework, the voter registration process, civic and voter education, the media and the campaign.

We have therefore considered all these matters and the results of our discussions are to be found earlier in this report. It can be seen that, in common with many others, we believe that the Zanzibar media – all of which is State-owned and without any independent alternative from within Zanzibar itself – is biased in favour of the ruling party.

We also considered the voters’ register. We were satisfied that the register used on polling day had been ‘cleansed’ of many of the duplications resulting from the multiple registrations and the inclusion of minors and others ineligible to vote, which had been made earlier in the year. ZEC said there were over 2,000 of these. We are conscious of the force of the charges that more people may have wanted to be on the register than were actually finally on it; that the “shehas” had interfered in the registration process; and that for this and other reasons the process was not considered by others to have been fair.

The judgement as to whether the process taken as a whole was ‘credible’ is therefore difficult to make, because there is a mixed picture. Eventually there was a reasonably reliable register, and a satisfactory polling day and count. But the Zanzibar media was biased towards the ruling party and the collation process, in our view, was not sufficiently transparent. The overwhelming presence of the security forces was also of concern to us.

This election provided clear evidence of the determination of the people of Zanzibar to make the most of their democratic rights. We know, like them, that the building of a democracy is more than a

matter of a single election: it is a process which takes place over time. We are confident that the people of Zanzibar and its leaders are reading the signs of the times and will succeed in consolidating their democratic achievements in the years to come.

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## **RECOMMENDATIONS**

We recommend that all concerned in the democratic process in Zanzibar take the opportunity of reflection on this election to strengthen all aspects of their democracy – through the Muafaka process and in other ways – and to promote inclusiveness and respect for human rights.

So far as the electoral arrangements are concerned, in the course of this report we have made the following recommendations:

### **Election Management**

***Zanzibar Electoral Commission*** – consideration should be given to ways of strengthening the independence, impartiality and credibility of the Zanzibar Electoral Commission;

### **The Voters' Register**

***Review*** – a review of the implementation of the registration procedures should be undertaken by ZEC, so that the integrity of the voters' register is not called into question in future;

***Inspection*** – we believe that the register should be publicly available for inspection, including at ZEC offices, and that the whole process of access to the register should be characterised by openness and transparency;

***Objections*** - the period during which electors may make objections to the Provisional Voters' Register should be extended from six to fourteen days;

***Production*** – the register should be produced in good time before the election;

### **Preparations for the Election**

***Ballot Paper*** – the design should be simplified;

***Independent Candidates*** – the Zanzibar authorities should consider making provision for independent candidates;

***Training of Polling Station Staff*** – consideration should be given to ways of improving training and in other ways increasing the effectiveness of polling station staff;

***Logistics*** – ZEC should build up its logistical capability, so that in future it does not need to call on assistance from the army;

***Women Candidates*** – we recommend that the political parties find ways of putting forward more women candidates in future.

## **The Campaign**

***Campaign Finance*** - all political parties contesting elections should be required by law to submit to ZEC within six months of the elections accounts on electoral and campaign expenditure and details on their sources of revenue;

***Use of Public Resources*** – there should be a review of the use of public resources during the campaign period and measures should be introduced to ensure a level playing field in this respect;

## **The Media**

***Balance*** - measures should be introduced to ensure balance in media coverage;

***Access*** – there should be arrangements for equitable access to the media by all the contesting parties;

## **Poll, Count and Results Process**

***Role of security forces*** – that the actions of the security forces should be appropriate and proportionate and the use of riot police and soldiers kept to a minimum;

***Maximising the Vote*** - that ZEC should explore ways of enabling electors who are in the country but away from their

place of registration to vote, so that no citizen is disenfranchised;

***Ballot Papers*** – ZEC needs to ensure that its own officials are in control of the ballot papers so that polling agents, for instance, are not involved in handling them at the count;

***Polling agents*** - should be provided with extracts from the register;

***Results of the Counts*** - we recommend that ZEC publish all the figures from counts at the polling stations which were combined to produce the constituency and presidential election results;

***Collation*** – we recommend that ZEC review the collation arrangements to ensure a transparent and more robust system in future;

The election held on 30 October represents a significant improvement on previous elections. We hope that these recommendations will help to ensure the strengthening of electoral arrangements for the future.

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## **ACKNOWLEDGEMENTS**

We wish to acknowledge and thank the many people who have helped us during our time here.

We appreciate the co-operation and assistance of the Directors of the National and Zanzibar Electoral Commissions and their staff. We thank the political parties, non-governmental organisations and others who briefed us in Dar es Salaam and Zanzibar and during our deployment, and the domestic and other international observers with whom we worked closely in the field. Without our drivers and interpreters we would not have been able to accomplish this mission: we very much appreciate their assistance.

We are grateful to the Commonwealth High Commissioners for their helpful advice. We express our thanks to the members of the staff support team from the Commonwealth Secretariat for their hard work, ever ready assistance and dedication.

Finally, above all, we want to express our appreciation to the people of the United Republic of Tanzania, but especially those of Zanzibar, for their kindness and hospitality. We hope that this report will help them in their efforts to strengthen their democracy.

## **ANNEXES**

## **Composition of the Commonwealth Observer Group**

### **Professor Guido de Marco (Malta – Chairperson)**

Professor de Marco was President of Malta from 1999 to 2004. He has also served as Deputy Prime Minister, Minister of the Interior, Minister of Justice, and the Minister of Foreign Affairs. Professor de Marco was elected President of the General Assembly of the United Nations in 1990. In September 2004 he was appointed chairman of the Commonwealth Foundation, an intergovernmental organisation which works to strengthen civil society in the Commonwealth.

### **Mr Rengaraju Balakrishnan (India)**

Mr Balakrishnan is the Deputy Election Commissioner of India. He joined the Indian Administrative Service in 1984 and has served in various capacities in the fields of District administration, Tribal Development, Industrial Financing, Disaster Management, Tourism and Culture, and Media and Public Relations. Prior to being appointed as the Deputy Election Commissioner of India he worked as Chief Electoral Officer of Orissa State. He has been a General Observer of the Election Commission of India and served as an international observer in 2005 in Palestine. Prior to joining the civil service Mr Balakrishnan was a journalist and he has published several research papers on Onomastics (the study of names).

### **Ms Dolores Balderamos Garcia (Belize)**

Ms Balderamos Garcia is a Senator in the National Assembly of Belize. Ms Balderamos Garcia is an Attorney-at-Law and has been active in community and voluntary work for the advancement of women and gender issues. She was Minister for Human Development, Women, Children and Civil Society from 1998 to 2003. She now serves as an Ambassador/Special Envoy of the Government of Belize for Children, Gender Affairs and HIV/AIDS, and is Chairperson of the National AIDS Commission. She has wide experience in political work and in advocacy for women, gender and development.

### **Mr Roger Creedon CBE (United Kingdom)**

Mr Creedon was Chief Executive of the Electoral Commission for the United Kingdom from its launch in 2000 until his retirement at the end of 2004. Prior to this he was a career civil servant with the Home Office, undertaking a range of policy, finance and service delivery posts on matters dealing with electoral issues, police, information technology, gaming and forensic science.

**Ms Simone de Comarmond (Seychelles)**

Ms de Comarmond is a founding member and Chairperson of the Forum for African Women Educationalists. She has served as Secretary of State in the Presidents Office, Government of Seychelles, and held various Ministerial portfolios including Education, Tourism and Transport, Tourism and Civil Aviation, Tourism and Transport. Ms de Comarmond has also held senior positions in a number of public bodies including as Chairperson of the Indian Ocean Tourism Organisation, as a member of the Executive Council of the World Tourism Organisation, a founding member and Chairperson of the Seychelles Association of Women Professionals and a founding member of the Commonwealth Association for Public Administration and Management.

**Hon Audrey McLaughlin PC OC (Canada)**

Ms McLaughlin was the Federal Member of Parliament for the Yukon, Canada, from 1987 to 1997. Ms McLaughlin served as Leader of the New Democratic Party of Canada from 1989 to 1995, the first woman elected to lead a federal party in Canada. She retired from politics in 1997. Ms McLaughlin was appointed in 1999 to the President's Advisory Committee of the Northern Research Institute, Yukon College, and is a member of the Board of Governors of the University of the Arctic. She was appointed Circumpolar Envoy for the Government of Yukon from 1997 to 2000. In addition, Ms McLaughlin served as President of Socialist Women International from 1996 to 1999 and has worked with women in political parties across the world. She has had a number of careers as a farmer, social worker, teacher, entrepreneur and community worker.

**Dr Khabele Matlosa (Lesotho)**

Dr Matlosa is the Senior Advisor, Research, at the Electoral Institute of Southern Africa (EISA) based in Johannesburg, South Africa. EISA has field offices in Angola, Burundi, the Democratic Republic of Congo and Mozambique. He is a governance specialist, and has undertaken research and written widely on democracy, elections and governance. He has observed various elections including the Namibia 2004 General Elections, the Mozambique 1999 and 2004 General Elections, 2002 Zimbabwe Presidential and 2000 Parliamentary Elections.

**Justice (Rtd) Majida Razvi (Pakistan)**

Justice Razvi has practiced as an Advocate of the Supreme Court and High Court of Pakistan since 1964. She was elevated to the Bench of the High Court of Sindh at Karachi, and was the first woman judge appointed to the High Court. After retiring in 1999, Justice Razvi was appointed the Chairperson of the National Commission on the Status of Women, a Federal Government post. Justice Razvi has given reports on 'Haddud Laws', 'Law



of *Qisas* and *Diyat* (Islamic concepts/laws) and women's employment in public sector organizations, among others. She is human rights activist, giving lectures extensively within and outside of Pakistan, and is involved in various social work activities.

**Ms Christiana Ayoka Mary Thorpe (Sierra Leone)**

Ms Thorpe is the Chief Electoral Commissioner and Chairperson of the National Electoral Commission of Sierra Leone. She has also served as Secretary of State for Education, and National Coordinator of the Sierra Leone Catholic Women's Association. Ms Thorpe is a member of the Executive Committee of the West African Civil Society Forum (WACSOF), and the founding Chairperson of the Forum for African Women Educationalists (FAWE). She has served on the Boards of several secondary and tertiary institutions, and served as a religious leader and counsellor.

**Mr Onome Osifo-Whiskey (Nigeria)**

Mr Osifo-Whiskey is the Managing Editor of 'Tell', Nigeria's independent weekly news magazine, and Managing Editor of 'Broad Street Journal', a business news weekly. Both magazines are published by Tell Communications Ltd, a media organisation he co-established in 1990, with corporate headquarters in Lagos. Mr Osifo-Whiskey's media experience spans some twenty-five years. He is a member of the Nigerian Guild of Editors and of the Nigerian Union of Journalists.

**Mr Daryl Wight (Australia)**

Mr Daryl Wight was a career civil servant before his appointment as the Australian Electoral Officer for Victoria in 2001. He is a career civil servant of the Australian Government. Mr Wight is the Returning Officer for Senate elections in the State of Victoria. He is also responsible for all Federal Elections conducted for the House of Representatives in Victoria. He is also responsible for setting the Federal electoral boundaries in Victoria. Prior to this he was Secretary to the Australian Political Exchange Council.

# **COMMONWEALTH OBSERVER GROUP**

**United Republic of Tanzania 2005 Elections  
30 October 2005**

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## **ARRIVAL STATEMENT BY PROFESSOR GUIDO DE MARCO, CHAIRPERSON OF THE COMMONWEALTH OBSERVER GROUP**

**Dar es Salaam, Monday 24 October 2005**

The Commonwealth Observer Group deploys around the country tomorrow. Some of us will remain in Dar es Salaam. Others will travel to new base locations, on the mainland and in Zanzibar. We will see the end of the campaign and the final preparations for the elections. On election day itself we will visit as many polling and counting stations as we can, so that we can take a representative sample of the process and arrive at a broad overview. After we have seen the count and the results process, we will write our report.

Our purpose is to consider the various factors impinging on the credibility of the electoral process as a whole; to assess whether, in our own judgement, the conditions exist for a free expression of will by the electors; and to determine if the results of the elections reflect the wishes of the people.

In reaching our view, we will take into account not only our direct observations of the polling and the results process, but also the electoral environment as a whole – the legal framework, the voter registration process, civic and voter education, the media, the freedom of the parties to campaign and the freedom of the voters to vote as they wish.

We will write our report here and sign it before we depart, on 6 November. We will then submit our report to the Commonwealth Secretary-General, who will in turn forward it to the Government of the United Republic of Tanzania, the National Electoral Commission, the Zanzibar Electoral Commission, the leadership of the political parties and then to all Commonwealth governments. Our report will be made publicly available, here and throughout the Commonwealth, in printed form and on the internet.

We are present in this country at the invitation of the Government of the United Republic of Tanzania and after a visit last month by an Assessment Mission whose purpose was to consult with your election management bodies, the political parties and civil society. That mission concluded that there would be support for the presence of Commonwealth observers and that they would be free to carry out their work.

We participate in our individual capacities and represent the whole Commonwealth, rather than the individual countries from which we have come or any organisations to which we belong. We are constituted by but are independent of the Commonwealth Secretary-General.

So that we are as fully prepared as possible before we deploy, we have had a series of briefing sessions in Dar es Salaam over the last few days. Today those pre-deployment briefings conclude.

We will be hearing later from other international observers and diplomats. We have already been briefed by our own three-person Advance Team, which has been here since 6 October. We have also had the benefits of reports from the Commonwealth Secretariat staff who have visited periodically during the run-up to these elections, especially in Zanzibar.

But most important, we have been briefed by Tanzanians - including representatives of the election management bodies, the political parties, the domestic observers, non-governmental organisations and the media.

Now we are ready to see for ourselves, at first hand. We will abide by your law. We will be impartial and objective and we will not interfere. Our concern will be purely with the electoral process and its credibility. We will, of course, co-operate closely with the other observers, both international and domestic. We will travel extensively, consult widely and take every opportunity to see the process for ourselves. We look forward to meeting as many of the people of Tanzania as possible.

**ENDS**

**Note to Editors** - the Observers' base locations will be:

<b>Dar es Salaam</b>	Mr Roger Creedon Justice Razvi
<b>Arusha</b>	Ms Simone de Comarmond Mr Linford Andrews
<b>Bukoba</b>	Mr Daryl Wight Ms Zippy Ojago
<b>Dar es Salaam Office</b>	Ms Lucie Shigikile Room 113, Royal Palm Hotel
<b>Zanzibar</b>	Professor de Marco Professor Adefuye  Ms Audrey McLaughlin Mr Rengaraju Balakrishnan  Mr Onome Osifo Whiskey Dr Khabele Matlosa  Mr Christopher Child
<b>Pemba</b>	Hon Dolores Balderamos Garcia Mr Martin Kasirye  Ms Christiana Ayoka Mary Thorpe Ms Sabhita Raju
<b>Zanzibar Office</b>	Ms Dorothy Gomez

# COMMONWEALTH OBSERVER GROUP

United Republic of Tanzania 2005 Elections

30 October 2005

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## *News Release*

### **INTERIM STATEMENT BY THE CHAIRPERSON OF THE COMMONWEALTH OBSERVER GROUP, PROFESSOR GUIDO DE MARCO**

In many parts of Zanzibar election day went well. In most constituencies it was peaceful and the stations were orderly. There was a high turnout. For the most part, the arrangements made by the Zanzibar Electoral Commission worked well: in general the ballot papers and other key materials were delivered to the right places in the right numbers, generally the staff were competent and the procedures were followed. As a rule voters found their names on the register. The secrecy of the ballot was ensured. The counting of the votes was broadly in line with the guidelines. Party agents were present at almost all stages of the process and were given copies of the polling station results sheets. The police were low-key and helpful. We were pleased to see large numbers of women amongst the voters and the polling station staff. The voters themselves were eager and responsible participants in the process – keen to exercise their franchise and prepared to wait many hours in the sun to do so.

However, in at least three places in Zanzibar town – Forodhani, Mtoni and Kiwanda cha Madawa – there was violence at polling stations between police, local people and large groups of male – sometimes uniformed – persons who, it was claimed, were outsiders and not registered at those stations and had already voted elsewhere. Tear gas was used and weapons fired. At all three locations it appears that these persons were successful in their attempts to vote. In one of the stations we were told by the Presiding Officer of irregularities in the marking of the register. Attempts were later made to deny Commonwealth and other international observers access to some of the affected polling stations. We believe that the Zanzibar Electoral Commission must now hold a thorough investigation to establish exactly what went on, whether the integrity of the electoral process at these particular stations was impaired and, if so, how seriously.

Other problems were less dramatic. At most stations where we were present the list of voters' names was displayed on the walls only that morning. In many stations the initial processing of the voters was slow. Where we were present the post-count arrangements for the transport of the results sheets and materials were not well organised. Most seriously, in some places people with voter's cards were allowed to vote, even though their names were not on the register; and in most places the results were not posted in public at the counting centres.

Overall, this was a good election. Positive changes were made in order to provide greater transparency – such as counting the votes at the polling stations. Generally, arrangements worked and conditions were such as to enable the people to express their will. The Commonwealth Observer Group will

continue to follow the results process and will remain in Zanzibar until 2 November, when we travel to Dar es Salaam to write our report.

This Interim Statement provides a broad overview on the events of election day and that part of the results process which we have been able to see so far. It does not take account of all the factors impinging on the credibility of the entire electoral process. As we said in our arrival statement, before we can make our final overall judgement we need to consider not only election day itself but also the electoral environment as a whole – including the legal framework, the voter registration process, civic and voter education, the media and the campaign. We will do that in our final report, which we will complete and sign in Dar es Salaam before we leave the country. After transmission to the Commonwealth Secretary-General, circulation by him to the Government of the United Republic of Tanzania, the Zanzibar Electoral Commission, the National Electoral Commission, the political parties and Commonwealth governments, that report will then be made public.

Zanzibar  
31 October 2005

#### **Note to Editors**

Following the postponement of the Union elections to 18 December 2005, the Commonwealth Observer Group teams which had been deployed to Dar es Salaam, Arusha and Bukoba were re-deployed to Zanzibar.

The Commonwealth Observer Group deployed 17 observers in Zanzibar yesterday, Sunday 30 October, in eight two-person teams (each accompanied by an interpreter) and one one-person team. Two teams were present in Pemba and six in Unguja. Of the Unguja teams there was one each in Urban District, Urban West District, North 'A' District, North 'B' District and Central District, while two roved across the island.

# COMMONWEALTH OBSERVER GROUP

The Elections in Zanzibar, United Republic of Tanzania  
30 October 2005

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## *News Release*

### **DEPARTURE STATEMENT BY PROFESSOR GUIDO DE MARCO, CHAIRPERSON OF THE COMMONWEALTH OBSERVER GROUP Dar es Salaam, 6 November 2005**

We leave Dar es Salaam today, having completed our report to the Commonwealth Secretary-General.

In our Interim Statement, issued the day after the election, we expressed the view that the part of the process which we had seen up to that point – the voting and the counting of the votes on 30 October – provided conditions which were such as to enable the electors to freely express their will. There were various shortcomings and we have referred to these in our report. However, overall it was a good election day and we remain of the view we expressed on 31 October.

Following the release of our Interim Statement, we turned to two further matters: our observation of the remaining key part of the process, the collation of the results at the district collation centres and the offices of the Zanzibar Electoral Commission; and consideration of the various factors impinging on the credibility of the electoral process as a whole.

We found the collation process not to be sufficiently transparent. We did not find any evidence of the manipulation of the results figures from the counts at the polling stations. But we are concerned that the system is insufficiently robust. The Zanzibar Electoral Commission should publish the results sheet from the count at each polling station, in order to remove suspicion.

So far as the credibility of the electoral process as a whole is concerned, there is a mixed picture. Eventually there was a reasonably reliable register, and a satisfactory polling day and count. But the Zanzibar media was biased towards the ruling party and, as we have already stated, the collation process, in our view, was not sufficiently transparent.

We could not fail to notice that during our time in Zanzibar there was a very heavy presence of security forces, including riot police and soldiers. We regard the maintenance of law and order as a vital task for any government. But we believe that the actions of the security forces in Zanzibar have not always been appropriate and proportionate, and we urge restraint in the future.

This election provided clear evidence of the determination of the people of Zanzibar to make the most of their democratic rights. We know, like them, that the building of a democracy is more than a matter of a single election: it is a process which takes place over time. We are confident that the people of Zanzibar and its leaders are reading the signs of the times and will succeed in consolidating their democratic achievements in the years to come.

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