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EISA ELECTION OBSERVER MISSION REPORT

ZANZIBAR



ZANZIBAR PRESIDENTIAL, HOUSE OF REPRESENTATIVES AND LOCAL GOVERNMENT ELECTIONS

30 OCTOBER 2005



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EISA's mission is to strengthen electoral processes, good governance, human rights and democratic values through research, capacity building, advocacy and other targeted interventions.

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EXECUTIVE SUMMARY

In line with its vision of promoting credible elections and democratic governance in Africa and beyond, EISA deployed a regional observer mission to the Zanzibar presidential, House of Representatives and local authority elections held on 30 October 2005. This report outlines the EISA observer mission's assessment, findings and analysis of the electoral processes during the pre-election, election day and post-election phases.

The EISA mission to Zanzibar was led by Justice Anastasia Msosa, Chairperson of the Malawi Electoral Commission and a board member of EISA. Members of the EISA mission were present in Zanzibar to observe proceedings from 19 October to 1 November 2005. Justice Msosa was assisted by EISA Executive Director, Mr Denis Kadima, and the Manager of EISA's Election and Political Processes Department, Mr Martinho Chachiua, during the mission. The delegation was composed of members drawn from civil society organisations (CSOs) and electoral management bodies from six Southern African Development Community (SADC) states: the Democratic Republic of Congo, Lesotho, Malawi, Mozambique, South Africa and Zambia.

EISA deployed a pre-election observation mission to Zanzibar between 29 August and 8 September 2005 to assess in detail the pre-election activities in Tanzania and Zanzibar.

The members of the observation mission started to arrive on 19 October 2005 and were deployed in three teams throughout Zanzibar, with two teams on Unguja Island and one team on Pemba Island. In total, the three teams visited 42 polling stations on the polling day. The EISA mission remained in Zanzibar until 2 November 2005.

The mission used the Principles for Election Management, Monitoring and Observation in the SADC region (PEMMO) as the basis for its assessment of the Zanzibar presidential, House of Representatives and local authority elections in 2005. PEMMO is a document developed under the auspices of EISA and the Electoral Commissions Forum (ECF) of SADC countries. It

outlines standards and good practices for the conduct and assessment of elections in the SADC region.

The 2005 Zanzibar elections were the third multiparty elections to be held since the reintroduction of multiparty politics in Zanzibar. Controversy surrounding the 2000 elections, and violent protests which ended in tragedy in 2001, provided the backdrop against which the 2005 elections in Zanzibar took place. Based on a 2001 negotiated settlement between the two major contesting parties in Zanzibar, Chama Cha Mapinduzi (CCM) and the Civic United Front (CUF), the 2005 elections introduced a number of innovations. These included the use of a permanent voters' register, voter registration cards and redrawn constituency boundaries. The major concern for election observers was the potential for violent conflict between the party supporters of rival political parties, and between party supporters and the security forces. Despite concerns that the elections would be contested in an environment of fear and intimidation, the citizens of Zanzibar turned out in large numbers to cast their votes peacefully and ensure that their voice was heard. Whilst sporadic incidents occurred on both Unguja and Pemba islands, the overall conduct of the 2005 elections in Zanzibar was vastly improved, compared to the 2000 elections.

This EISA report summarises the major findings of the mission and makes appropriate recommendations to the relevant stakeholders in Zanzibar, with a view to improving the electoral process and encouraging necessary reforms. The report will be shared with the Zanzibar Electoral Commission (ZEC), political parties, CSOs and all other electoral stakeholders in Zanzibar. In addition, EISA will disseminate the findings of this mission to government authorities, political parties, CSOs and election management bodies throughout SADC and the African continent so that lessons can be drawn.

On the basis of the guidelines enshrined in PEMMO and the findings of its observations, and compared to the previous elections held in Zanzibar, the mission concluded that the 2005 presidential, House of Representatives and local authority elections in Zanzibar were relatively free and fair, with room for significant improvement in several areas.

ACKNOWLEDGEMENTS

The EISA mission to Zanzibar would not have been successful without the assistance and co-operation of many people and institutions. The mission would like to express its sincere gratitude to all those who directly or indirectly contributed to the success of the mission's work.

We would like to express our special thanks to the ZEC, not only for inviting EISA to observe the 2005 Zanzibar presidential, House of Representatives and local authority elections, but also for providing critical information to the mission and for agreeing to meet us on various occasions to share information with us as the electoral process evolved. The information provided, as well as the meetings held, proved to be of great importance to the mission's understanding of the complex issues underpinning the electoral process in Zanzibar.

Our special thanks also go to political parties and CSOs in Zanzibar who made time to meet the mission to exchange information on the electoral process.

Ultimately, the mission is indebted to the people of Zanzibar for their willingness to share their experiences, thoughts, opinions and views on the electoral process and the broad democratisation process in the country. The hospitality and support extended to the mission are deeply appreciated.

The mission is grateful to the Swiss Development Agency and the British Department for International Development (DFID) in Luanda and Kinshasa for their generous funding that allowed the deployment of this mission.

Thanks go to the Elections and Political Processes Department of EISA as organisers and coordinators of the mission, and to Grant Masterson for drafting this report.

THE EISA OBSERVER MISSION'S TERMS OF REFERENCE

The terms of reference of the EISA election observer mission describe the role and responsibilities of the mission during its deployment for the 2005 presidential, House of Representatives and local government elections in Zanzibar. Essentially, they provide a summary of the mission's objectives and outline the activities that were expected to be carried out by all EISA observers.

EISA and all other international observers were invited guests in Zanzibar, at the invitation of the ZEC and the Zanzibar government, and the election and related processes were for the people of Zanzibar to conduct. As observers, EISA mission members were expected to support and assess these processes, but not to interfere. EISA believes that international observers can play a critically important supportive role by helping to enhance the credibility of the elections, reinforcing the work of domestic observer groups and eventually increasing popular confidence in the entire electoral process.

The overall objective of this mission was in line with EISA's vision of promoting credible elections and democratic governance in Africa. Specific objectives for this particular mission included the following:

- To assess whether conditions existed for the conduct of elections that reflect the will of the people of Zanzibar;
- To assess whether the elections were conducted in accordance with the electoral legislative framework of Zanzibar; and
- To assess whether the elections met the benchmarks set out in PEMMO.

In order to achieve the above, the mission sought to undertake the following activities:

- Obtain information on the electoral process from the ZEC;
- Meet with political parties, CSOs and other relevant stakeholders to acquaint itself with the electoral environment;
- Report accurately on its observations and refer any irregularities to

the relevant authorities;

- Observe all aspects of the election in the areas visited;
- Assess if all registered voters had easy access to voting stations and whether or not they were able to exercise their vote in freedom and secrecy;
- Assess the logistical arrangements to confirm if all necessary materials were available for voting and counting to take place efficiently;
- Find out if all the competing parties and candidates were given an equal opportunity to participate in the elections.

THE EISA APPROACH TO ELECTION OBSERVATION

EISA seeks to realise effective and sustainable democratic governance in Africa through strengthening electoral processes, good governance, human rights and democratic values. In this regard, EISA undertakes applied research, capacity building, advocacy and other targeted interventions. It is within this broad context that EISA fields election observer missions to assess the context and the conduct of elections in the SADC region.

In order to assess the presidential, House of Representatives and local government elections of 30 October 2005 in Zanzibar, EISA established a regional observer mission whose members were drawn from electoral management bodies, CSOs and academic institutions in the SADC region. The mission conducted a range of activities covering the pre-election, election and post-election phases. In the main, these activities included:

Election Update and Election Talk

As a result of limited financial resources, EISA was not able to field a long-term observer mission in Zanzibar. As a palliative measure, EISA used its innovative method of gathering and sharing information that ensures that members of the mission and other interested parties were fully informed on major events which occurred during the electoral process. In this regard, EISA contracted Zanzibar-based researchers to gather information and analyse significant election-related issues. This information was published fortnightly in the *Election Update* series, which was extensively disseminated electronically and in print. Much of the pre-election information contained in this report is drawn from *Election Update*.

As a supplementary resource, EISA researchers, using primarily desk research, monitored the build-up to the elections and produced a fortnightly publication whose issue-based content focussed on pre-election, election day and post-election topics. The *Election Talk* series was extensively disseminated electronically and in print. The series, whose content was presented in such a way as to make it accessible to the widest variety of interested stakeholders, supplements the *Election Update* series as well as the information contained in this report.

EISA Pre-Election Assessment Mission to Zanzibar

The EISA pre-election assessment mission to Zanzibar was conducted from 29 August to 8 September 2005. The mission's objectives were: to meet with relevant electoral stakeholders from government, civil society and political parties; to gather relevant electoral information and materials; and to gain a better sense of the general context in which the 2005 Zanzibar presidential, House of Representatives and local authority elections were to take place. The mission was also tasked with preparing background materials for the main EISA election observation missions to Zanzibar.

The mission team consisted of the following EISA staff members: Mr Grant Masterson (Researcher – Research & Information Department, EISA); Mr Zefanias Matsimbe (Programme Officer – EISA Mozambique); Ms Zahira Seedat (Personal Assistant to the Executive Director); Ms Nosipho Khumalo (Senior Programme Assistant – Elections & Political Processes).

EISA Regional Observation Mission to Zanzibar for the 2005 Elections

The EISA regional observer mission to Zanzibar arrived in Zanzibar on 19 October 2005, 11 days before polling day, with the main aim of assessing the final period of the pre-election phase and acquainting itself with the degree of preparedness of all the stakeholders. The mission was present from 19 October to 2 November, including the election day on 30 October 2005. The mission engaged in a number of activities during its stay in Zanzibar in order to gather first-hand information and resources pertaining to the 2005 elections. The mission was not present in Zanzibar for the announcement of results, but EISA continued to monitor the announcement through the media and its contacts in Zanzibar during the announcement period.

Stakeholder Meetings and Political Party Rallies

During the EISA regional observation mission to Zanzibar, members of the mission held meetings with various electoral stakeholders, including officials of the ZEC, representatives of political parties, CSOs and other observer missions and the media on both Unguja and Pemba islands where EISA teams were deployed. These meetings provided first-hand information and valuable insight on the different stakeholders' assessment of the process, as well as their preparedness for the elections. In addition, EISA teams attended election-related press conferences and political party rallies.

Observation of Voting and Counting

The EISA mission was split into three teams of three observers, two of which were deployed on Unguja Island from 21 October to 2 November 2005, and one team which was deployed on Pemba Island from 22 October to 1 November 2005. Besides holding further meetings with election stakeholders in these areas, EISA teams observed voting on 30 October 2005 as well as the counting of ballots that followed on 31 October 2005.

Based on its observations during the pre-election phase, the voting and partial counting stages, the mission released a provisional statement on 1 November 2005 containing its preliminary conclusions and recommendations. EISA continued to follow all political and social developments in the post-election phase, including the proclamation of the final results.

Resulting from the above-mentioned activities, this report depicts the findings of the EISA regional observer mission deployed in Zanzibar for the 2005 presidential, House of Representatives and local government elections.

1

Historical Overview



- Political and electoral background
- The 2000 Presidential, House of representatives and Local Government Elections

I.I. POLITICAL AND ELECTORAL BACKGROUND

The first democratic elections held in Zanzibar took place in 1957, under the supervision of the British-backed sultan, whose Zanzibar Nationalist Party (ZNP) contested the polls against the largely African-supported Afro-Shirazi Party (ASP). The ASP won the 1957 elections by a narrow margin, with the subsequent elections in 1961 producing a contested outcome. Elections in 1963 returned power to the sultan's ZNP. The results were contested by the ASP, who claimed that the elections were rigged with the support of the British to legitimise the continued rule of the sultan's government. Fuelled by the anger that resulted from the election outcomes, the ASP staged a successful revolution in 1964, overthrowing the sultan's government and scrapping the British-backed Constitution. The ASP assumed control of all state and government structures, installing its leader, Sheikh Amani Abeid Karume, as the president of the People's Republic of Zanzibar. All other political parties were banned subsequent to the revolution.

On 26 April 1964, Zanzibar joined with the Mainland state of Tanganyika to form the Union of Tanzania. Julius Nyerere became the Union's first president, with Karume as vice-president, whilst concurrently maintaining his position as president of Zanzibar. The Constitution of the Union, created in 1965, established the Union as a one-party state, with the Mainland's Tanganyika African National Union (Tanu) and the ASP as the only legal political parties in the Union. In 1977, the two parties merged to form the Chama Cha Mapinduzi (CCM) party (Movement for the Revolution). Nyerere, as president of CCM, ruled the Union until 1985.

Nyerere's successor, Ali Hassan Mwinyi, commissioned the Nyalali commission in 1991 to examine the continued viability of the one-party state. The Nyalali commission recommended that measures be taken to implement multiparty reforms in the Republic, and enunciated certain measures to ensure that such reforms would be successful. As a result of these recommendations, Tanzania's first multiparty elections were held in 1995. Predictably, the CCM was comfortably the biggest party in the Mainland; however, the elections in Zanzibar were closely contested between the CCM and the newly formed Civic United Front (CUF). The elections were narrowly won by the CCM (by a margin of less than 0,5%) and in the Zanzibar House of Representatives, the CCM won 26 seats to the CUF's 24 seats. Because of alleged irregularities during the counting and tabulation process, the CUF rejected the results of the polls and boycotted the new government.

1.2. THE 2000 PRESIDENTIAL, HOUSE OF REPRESENTATIVES AND LOCAL GOVERNMENT ELECTIONS

The subsequent elections, held on 29 October 2000, once again confirmed the dominance of the CCM in the Mainland, where it won comfortably in all of the Mainland's provinces. However, the CCM again faced fierce opposition in Zanzibar, particularly in the CUF stronghold of Pemba Island. The elections were marred by significant acts of violent protest, and several observer groups returned fairly critical reports of the quality of the election procedures. At several polling stations, counting was halted and then delayed for several days in 16 out of the 50 districts. The controversy that arose from the delays sparked further protests by the defeated CUF, which embarked on a vigorous campaign of civil activities and protest marches calling for new elections. The situation escalated out of control in January 2001. Political tensions in the country peaked during demonstrations on 26 and 27 January 2001, when police, in dispersing crowd protests, killed at least 30 people (although some reports place the number higher) on Pemba island.

As a result of these events, the CCM and the CUF returned to the bargaining table, eventually coming to an agreement known as the Muafaka II Accords. The original Muafaka Accord, an agreement resulting from the political impasse in 1995, had been entered into in 1999 by both parties, and the basic premises of this agreement, as well as some constitutional and electoral reforms, formed the basis of Muafaka II. The Muafaka II Accords created

the legal basis for the electoral framework in which the 2005 elections took place and included several provisions which are discussed at length later in this report.

2

Electoral Framework



- The legal framework
- Opposition protests and the 2001 Muafaka II Accord
- The Zanzibar Electoral Commission

2.1. THE LEGAL FRAMEWORK

The Union arrangement of 1964 created a single entity from the formerly separate and sovereign states of Zanzibar and Tanganyika. The Union between the two states was structured in such a manner as to ensure that the smaller Zanzibar islands retained a degree of autonomy and would not be marginalised in relation to the much larger Mainland population. The Union agreement ensured that Zanzibar would keep its own president, legislature and local government structures, in addition to representation in the Union National Assembly. The articles of the Union stipulate which matters are to be treated as Union matters, whilst all other governance decisions are directed by the president of Zanzibar and the House of Representatives. Zanzibar also retains its own cabinet, judiciary, electoral commission and security forces. The Zanzibar High Court is the supreme arbitrator on Zanzibar's legal matters. The Union Court has the power to overturn High Court judgements, but only if these judgements relate to Union matters.

The presidential and House of Representatives elections in Zanzibar are regulated by the following Acts:

- a) The Zanzibar Constitution of 1984, with amendments up to 1985;
- b) The Ninth Constitutional Amendment Act, 2002;
- c) The Zanzibar Elections Act of 1984, with amendments up to 1995;
- d) The Election (Amendment) Act, 2000;

- e) The Election (Amendment) Act, 2001;
- f) The Election (Amendment) Act, 2002;
- g) The Political Parties Act, 1992.

Additionally, the Local Authorities (Elections) Act, 1979 (Act No 4 of 1979) governs local authority elections for the Union, including the local authority elections in Zanzibar.

2.2. OPPOSITION PROTESTS AND THE 2001 MUAFAKA II ACCORD

Following the 2000 elections, the CUF organised mass protests throughout Zanzibar. These demonstrations were met with violent actions by the police in dispersing protesters on 27 January 2001, which precipitated angry reprisals by civilians against police officers throughout Zanzibar, to the extent that some residents fled to Kenya to escape the worsening political situation in Zanzibar. Although the violence was suppressed through the coordinated efforts of the security forces, the political situation in Zanzibar remained tense.

In order to address the situation, the leaders of the CUF and the CCM met to negotiate a settlement between the parties to establish a framework to avoid future incidents of the same nature, and to enhance the credibility and fairness of future elections in Zanzibar. The Muafaka II Accord was entered into by both parties in order to 'safeguard national interests, which take into account the need to foster national unity, peace and stability, development, freedom and democracy, and the rule of law'. (Muafaka II Accord, p.2)

In order to end the crisis and establish a framework which both parties would commit themselves to, the Accord stipulated that the following measures would be implemented; that

- a) The Zanzibar Electoral Commission be reformed, in order to enable the body to carry out its duties in an impartial way and ensure transparency and credible election management practices;
- b) A permanent voters' register be established;
- c) A review of the Zanzibar Constitution and the electoral laws be

- undertaken in order to ensure that they conformed with the requirements of a modern multiparty democracy;
- d) The public media be reformed with the purpose of avoiding favouritism and bias while covering electoral and political party activities;
 - e) Political activity within the law be subject to legal protection, and the right of political parties to express their views and canvass for support be respected and protected under the law;
 - f) The Zanzibar judiciary be reformed to enhance its independence and professionalism in the eyes of the Zanzibar community;
 - g) Appropriate mechanisms of redress be established for all politically motivated acts for which an aggrieved party might seek such redress;
 - h) All government employees be protected from any form of discrimination on the basis of their political affiliations or support for political parties;
 - i) It be ensured that all political parties respect and agree to uphold the Constitution and other Zanzibar laws, and refrain from inciting violence, ethnic hatred or political intolerance.

In order to achieve these stated aims, the two parties agreed to a number of measures, including:

- a) The establishment of a Joint Presidential Supervisory Council (JPSC), composed of five commissioners from both the CCM and the CUF to advise the president of Zanzibar on matters relating to: the implementation of the Muafaka Accord; additional/supplementary suggestions on how to enhance mutual cooperation between the two parties; and to advise on potential amendments to the Zanzibar Constitution and electoral laws.
- b) The reform of the Zanzibar Electoral Commission (ZEC) to allow for two commissioners to be appointed by the CUF.
- c) The establishment of a permanent voters' register (PVR).
- d) The establishment of an independent commission of inquiry to investigate the events of 26 and 27 January 2001.

2.3. THE ZANZIBAR ELECTORAL COMMISSION

The ZEC, established under Article 119(1) of the Zanzibar Constitution of 1984 and the Elections Act 4(1) of 1984, is responsible for all elections relating to the president of Zanzibar, the Zanzibar House of Representatives and the local authority elections, as well as all voter education activities on the islands. According to the Muafaka II Accord, the ZEC is composed in such a way as to comply with the following:

- The chairman of the ZEC is appointed by the president of Zanzibar. This candidate should either have a legal background or be a person who is held in high regard by the Zanzibar people;
- Two members of the ZEC are appointed from the CCM;
- Two members of the ZEC are appointed from the CUF;
- Two members are appointed by the president of Zanzibar in consultation with the House of Representatives.

Under the terms of the Muafaka II Accord, the ZEC has been responsible for introducing a PVR for the 2005 elections. During the 1995 and 2000 elections, no such voters' register existed in Zanzibar.

3

The Pre-Election Phase



- Voter registration
- Party registration and nomination of candidates
- Women and gender representation
- Voter education and information
- The electoral campaign
- Media coverage during the election

3.1. VOTER REGISTRATION

Under the terms of the Muafaka II agreement, the ZEC is required to establish a permanent voters' register for the purposes of voter identification and verification. This exercise was conducted by the ZEC, and was launched on 29 November 2004. The registration process was conducted in five phases, allowing for 21 days of registration in each of Zanzibar's seven regions. Registration ended on 26 April 2005. This process was conducted by the ZEC with the assistance of *shehas*, or respected community leaders, acting as agents of the ZEC in the local registration offices.

The use of *shehas* during the registration process is a system which is unique to Zanzibar, and the EISA mission encountered a number of complaints regarding the conduct of the *shehas* during the registration process. Because the Zanzibar Electoral Act stipulates that a person should have resided in the district where he or she wishes to vote for a period of not less than three years, the ZEC makes use of *shehas* to determine the legitimacy of each voter's request for registration. This is supposed to ensure that no-one is able to register in a district in which they have not resided for three years.

Although the EISA team was not present to witness the registration process, in interviews with local observers, media, election officials and political

parties, the team noted that there were complaints regarding the process of registration in some areas. The team noted with concern allegations regarding:

- Security forces (police and national guard) denying eligible registrants access to the registration centres;
- *Shehas* interfering in the registration process in an inconsistent and partisan manner;
- Registration turnouts of more than 100% of estimated voters in several districts;
- Intimidation of registrants by political party agents in several areas;
- Intimidation of registrants by security forces in several areas;
- Security forces and ZEC officials denying persons access to complaint forms in the event that they should wish to lay a complaint;
- Scarcity of available complaint forms at several registration centres.

The final revised PVR released by the ZEC after the close of registration contained 509 906 eligible voters. The ZEC estimated that this represented 93% of all eligible voters in Zanzibar, based on best estimates. The CUF challenged this figure, based on the alleged irregularities during the voter registration process, claiming that 10 000 additional voters had been fraudulently added to the register and that approximately 10 000 voters had been denied the legitimate right to register for the elections.

The ZEC, in compliance with the revised Elections Act, received complaints regarding the registration process for a period of 30 days after the close of the registration process. This period was then extended for a further 30 days in some areas where complaint forms were not initially available. In total, the ZEC received 4 001 objections, of which 215 complaints were upheld. The rest of the complaints were dismissed.

The PVR verification process was successful in removing 2 007 voters due to either multiple or fraudulent registrations. The verification, which was initially supposed to be conducted by a South African company, Waymark

Ltd, the same company that had conducted the verification process in the Mainland, was delayed after the Zanzibar government intervened. The final verification process was conducted by the ZEC using a comparison of names, fingerprints and facial recognition. The exact reasons for the cancellation of the Waymark contract were not made clear; this may have undermined confidence in the transparency of the voters' register verification process.

3.2. PARTY REGISTRATION AND NOMINATION OF CANDIDATES

In accordance with the Elections Act, 1984 Section 37, all nominations for president of the Union, president of Zanzibar, candidates for either the Union National Assembly or Zanzibar House of Representatives and all local authority elections can only be made by political parties that are registered with the registrar of political parties, and have satisfied various requirements to qualify as legitimate political parties in the Union. These regulations include nominations from 200 signatories in each of Tanzania's 10 regions in favour of the political party as well as correctly completed nomination forms submitted to the appropriate electoral commission.

In the 2005 elections, six candidates competed in the presidential elections in Zanzibar and 17 parties contested seats in the House of Representatives and local authority elections.

The following candidates contested the presidential elections in Zanzibar:

- Abdulla Ali Abdulla – Democratic Party
- Simai Abdulramhman Abdulla – National Reconstruction Alliance
- Seif Shariff Hamad – Civic United Front
- Amani Abeid Karume – Chama Cha Mapinduzi
- Haji Mussa Haji Kitole – Jahazi Asilia
- Mary Ahmed Opmar – Sauti ya Umma

Of the 17 parties contesting seats in the House of Representatives, only the CCM and the CUF contested all 50 constituencies. Five other parties contested seats in more than 10 constituencies. For the local authority elections, 340 candidates contested 141 seats, with the CCM competing in all the wards, and the CUF contesting in all but one ward. The only other political party to compete in more than 10 wards was Jahazi Asilia.

3.3. WOMEN AND GENDER REPRESENTATION

The Union Constitution makes special provision in the legislature, cabinet and other state bodies for a stipulated percentage of seats to be reserved for women. During the 2000 elections, this percentage was set at 20% of all seats to be reserved for women. In the 2005 elections, this quota of seats reserved for women was raised to 30%. Whilst this quota is in line with the Southern African Development Community's (SADC) Declaration on Gender and Development, it also distorts the reality of gender representation in Zanzibar. During the 2005 elections, only 10.5% of the candidates for the 50-seat House of Representatives were women. In regards to the composition of ZEC staff at polling stations, the EISA mission noted with approval the generally balanced gender representation in most polling stations.

3.4. VOTER EDUCATION AND INFORMATION

In accordance with the Election Act of 1984, Article 5(b), all voter education activities are the responsibility of the ZEC. The majority of the civic and voter education in Zanzibar was conducted by civil society organisations (CSOs) and political parties. The ZEC maintained an oversight role in voter education initiatives by requiring that all materials used during the campaign be approved by the ZEC. Although the EISA team was not present during the entire voter education campaign, the advance mission was able to observe the preparations for the campaign in Zanzibar, as well as consult with several CSOs regarding the initiative. The major constraints facing CSOs included:

- Delays in receiving approval from the ZEC regarding the suitability of voter education materials;
- Lack of access to sample ballot papers and other election day sample materials in advance of the elections;
- Funding and human resource constraints.

Political parties and religious groups also conducted voter education campaigns during the pre-election period, primarily focussing on their supporters/congregants in these efforts.

3.5. THE ELECTORAL CAMPAIGN

Prior to the election campaign period, all 18 of the political parties contesting the elections in Zanzibar signed a Code of Ethics for Elections, which guided

their actions during the 2005 elections, on such matters as the behaviour of the parties during the campaign period and the polling day.

The campaign period for political parties was marred by repeated allegations of violence, intimidation and looting/vandalism. The EISA team noted with concern several reports of violent conduct against political party supporters of both the CCM and the CUF, as well as several of the other smaller parties. The EISA team also noted allegations of security forces involved in acts of violent intimidation and brutality, and finally, the mission received reports of unidentified youths, colloquially referred to as the 'Janjaweed', who were alleged to have been responsible for several acts of violence, intimidation and vandalism.

Whilst the incidents of violence and intimidation during the campaign period are unfortunate, and every effort should be made by all parties and officials to ensure that future elections in Zanzibar avoid any further such incidents, it was widely acknowledged by political parties, ZEC officials and the security forces that the 2005 campaign period was markedly less violent than was the case in previous elections. Whilst the EISA team acknowledges this improvement, incidents of violence and intimidation have a detrimental effect on the democratic and open nature of elections and every effort should be made to uproot this practice from the Zanzibar electoral culture once for all.

3.6. MEDIA COVERAGE DURING THE ELECTION

Zanzibar is dominated by state-owned media (both electronic and print), and there are only a handful of independent newspapers distributed on the islands. Whilst this dominance of state-owned media is a potential stumbling block in Zanzibar's developing democracy, access to media has improved since previous elections, where media access and coverage was heavily biased in favour of particular political parties. In accordance with the Elections Act of 1984, Section 53, all political parties were allocated time slots on Zanzibar TV, as well as on state-owned radio stations, which were used at the discretion of the political parties concerned.

The EISA pre-election mission noted that there were a number of political parties who did not make use of their allocations in the state media, largely due to a lack of resources and organisational infrastructure.

Despite greater access to state-owned media by all political parties, the Media Institute of Southern Africa–Tanzania (MISA-Tanzania) noted that media coverage of the political parties remained heavily biased in favour of the ruling CCM, indicating that there is still room for improvement in regard to media access in Zanzibar.

4

Election Day



- The voting process
- Opening of the polling stations
- Permanent voters' register
- Polling stations
- Voter turnout
- Voting staff, party agents and security personnel
- Observers
- Counting

4.1. THE VOTING PROCESS

The 2005 elections took place in the context of high levels of political tension, particularly between the two largest parties, the CCM and the CUF, and against the backdrop of violent conduct during the 2000 elections and the 2001 violent protests. The atmosphere during the 30 October election day was for the most part more peaceful and orderly than was the case in the 2000 elections. Whilst the conduct of the voters, political parties, ZEC officials and security forces was in general far more conducive to a successful polling day, violent clashes and other irregularities did occur in some constituencies, and allegations of vote rigging and multiple voting times persisted throughout the polling day. However, the overall conduct of the voters was peaceful and orderly, and reflects positively on the commitment of the citizens of Zanzibar to democratic elections and processes.

The overall improvement in the conduct of the 2005 elections was however marred by several acts of violence and intimidation by partisan supporters of political parties. The EISA mission observed violent clashes between supporters of the CUF and a group of unidentified youths which occurred in

Dharajani constituency in Stone Town at 15h25 on the polling day. The CUF supporters attempted to challenge the right of the unidentified youths to cast their ballots, contesting that the youths were not residents of the Dharajani district and therefore should not be allowed to vote. When the CUF supporters attempted to pursue the youths, police and security forces intervened with force, injuring several CUF supporters in the process.

The EISA mission interviewed the Dharajani station returning officer and party agents, and determined that the youths had not presented legitimate voters' registration cards and had been denied permission to cast their ballots. The mission noted that the safeguards to prevent fraudulent voting appeared to have successfully identified and thwarted the attempt by the youths to cast votes in an area in which they could not prove that they resided. This made the intimidation of the youths by CUF supporters, and the subsequent actions of the police, even more regrettable, given that the safeguards in place to prevent election fraud were effective.

4.2. OPENING OF THE POLLING STATIONS

Polling stations were scheduled to open at 07h00 on the polling day, according to the procedures stipulated in the Elections Act, 1984, Section 49, and the majority of polling stations opened on time, with all necessary materials available. There were slight delays in the opening of some polling stations in the Urban West district, mainly in Stone Town, although these delays were quickly resolved and voting was able to commence and proceed smoothly. At the opening of the polling stations, the EISA mission observed long and orderly queues of voters at most stations, with voters queuing patiently, assisted by security forces and police. The long queues at the opening were consistently observed at all polling stations, indicating both the commitment of the voters to the election process, and the fairly equitable distribution of voters between the various polling stations.

The procedures prior to the opening of the polling stations, such as the sealing of the ballot boxes and the checking of the election materials, were carried out in a consistent and transparent manner at all stations which the EISA mission observed. There were minor discrepancies in the execution of the opening procedures between the various polling stations, which the EISA mission attributed to inconsistencies during the training of election officials.

At all stations which the EISA mission observed, the opening procedures were conducted in a transparent and participatory manner, in full view of party agents and international observers.

4.3. PERMANENT VOTERS' REGISTER

The introduction of the PVR as part of the Maufaka II Accords contributed in a significant way to the improvement in the transparency and accuracy of the 2005 elections. Whereas previously a completely new voters' roll would have to be produced prior to elections, the PVR will significantly reduce the workload of the ZEC during the pre-election phase in future, and will also enhance the transparency of the voters' roll in general. Although the mission noted concerns over the accuracy of the final voters' register, the implementation of a permanent register is a positive step forward for democracy in Zanzibar.

In addition to the introduction of the PVR, the use of voter registration cards was also a significant and positive development during the 2005 elections. In particular the inclusion of an ID photo and fingerprints as well as other biographical details on the voter registration assisted polling station staff in accurately identifying legitimate voters and improved in detecting fraudulent voters. The registration cards also assisted in determining the correct constituency and polling station at which persons were registered, and assisted polling staff in directing persons who had presented themselves at the wrong polling station towards the correct one. The introduction of these elements to the voting process contributed positively towards the accuracy and efficiency of the 2005 elections.

Despite improvement in the accuracy of the voters' register, the EISA mission noted persistent allegations of inaccuracies and double registrations on the PVR, as well as voters presenting fraudulent voter registration cards to ZEC officials. These allegations detract from the overall positive outcome of the introduction of the PVR and in order to enhance the transparency and accuracy of future elections, the ZEC should ensure that the PVR is kept up-to-date and is periodically refreshed.

The legal requirement that a person may only register as a voter in a constituency that he or she has resided in for at least three years makes it

particularly important that regular reviews of the PVR are conducted to account for the migration of citizens between different districts and constituencies.

4.4. POLLING STATIONS

According to the Elections Act, 1984, Section 47 and the Local Authorities (Elections) Act, 1979, Section 49, the polling stations in Zanzibar should be established to ensure that each polling station has between 300 and 450 voters registered for that station. The Acts stipulate that at no stage should more than 450 registered voters be registered at a single polling station. The EISA mission did not encounter any stations, where more than 350 persons were registered to vote, and noted that in most areas, the distribution of polling stations catered for between 250 and 350 voters.

The layout of the voting stations, which were mostly located in schools and other public buildings, were generally set out logically and were well designed. At some stations, the EISA mission noted that police personnel were deployed to direct the flow of voters, including controlling access to the polling booths and ballot boxes. This practice, although widespread, was inconsistently applied throughout the islands, and did not appear to impact on the outcome of the vote. However, the heavy police presence (in most cases at least one officer per polling station, may seem intimidating to some voters, and a less visible police presence would be advisable in future elections.

4.5. VOTER TURNOUT

The voter turnout for the Zanzibar presidential, House of Representatives and local authority elections in 2005, announced by the ZEC, was 460 581 voters, or 91% of the total of registered voters. The figures for Pemba Island were slightly higher than the national average at 93%, whilst the turnout on Unguja Island was slightly lower at 90%.

The majority of voters appeared to cast their votes during the morning of the polling day, and by 15h00 the EISA mission noted a significant decline in the number of voters presenting themselves at the voting stations. Although the polling stations remained open until 17h00, most officials interviewed concurred with the mission's observations that voting was slower in the afternoon.

The high voter turnout figures are a positive reflection of the significance afforded to the elections by the people of Zanzibar. The mission was pleased to note the high voter turnout figures in all constituencies and congratulates the people of Zanzibar for turning out in large numbers to make their voices heard.

4.6. VOTING STAFF, PARTY AGENTS AND SECURITY PERSONNEL

The mission noted that the composition of the polling station staff included a high proportion of women, and was satisfied that the ZEC has endeavoured to promote gender equality in the management of these elections.

Party agents were present at all of the 42 voting stations visited by the mission, although only CCM and CUF agents were encountered at all voting stations. The party agents appeared to be vigilant and aware of the voting procedures, and in general contributed positively to the voting process. There was no evidence of party agents attempting to unduly influence voters during the elections, and there was no evidence of any other such interference from the party agents in the election process.

Police were also present at every polling station visited by the mission, and additionally, the mission observed a heavy security presence on the roads and gathering points throughout Zanzibar. In light of the history of violence during elections in Zanzibar, the presence of the security forces was understandable, if regrettable. The mission felt that in general the security forces contributed in maintaining order at most polling stations.

However, the events witnessed by the EISA team in Dharajani district were unfortunate, and the mission condemns the use of violence by all parties involved in the eruption which occurred. From what the team could observe, it appeared as though the security forces reacted prematurely and used excessive force in restoring order. In particular, once the crowd of protesters had been dispersed, the police continued to beat and harass certain individuals in plain sight of the EISA team, despite the fact that the individuals in question no longer posed a realistic security threat.

Events such as this one can undermine the confidence of the electorate in the security forces, and should be avoided at all costs.

4.7. OBSERVERS

International Observers

Due to the death of the Chadema running mate for the Union presidential elections, Mr Jumbe Rajab Jumbe, and the subsequent postponement of the Union elections, the 2005 elections in Zanzibar experienced a late influx of international observers who transferred from the Mainland after the elections there were postponed. The ZEC performed admirably in accommodating a number of late requests for accreditation, despite the late notice given by a number of international observers. As a result, the number of international observers present during the 2005 elections was higher than anticipated, ensuring that all the major districts of both Unguja and Pemba were covered by international observers.

The international community included the following groups:

- The African Union (AU);
- The Commonwealth;
- The Electoral Commissions Forum of SADC Countries (ECF);
- The National Democratic Institute for International Affairs (NDI);
- The Southern African Development Community (SADC);
- The SADC Parliamentary Forum (SADC-PF); and
- Various European embassy missions.

Local Observation

Local observation was coordinated by the Tanzanian Elections Monitoring Committee (TEMCO), an umbrella body sponsored by the United Nations Development Programme's donor basket to conduct observation in Zanzibar and Tanzania during the elections. TEMCO adopted a strategy of distributing its observers from the Mainland to observe the elections in Zanzibar, and vice versa. Of the 42 polling stations visited by the EISA mission, TEMCO observers were encountered at 17 stations. TEMCO was also responsible for conducting various voter education and awareness campaigns during the pre-election period.

4.8. COUNTING

Polling stations in Zanzibar closed at 17h00 on election day. Counting was conducted at the polling stations by the polling station staff, in full view of

the party agents and international observers, to comply with the legal requirements set out in the Elections Act, 1984. At the stations where the EISA team observed the closing of the polls and the count, the election staff demonstrated a good awareness of the stipulated ZEC procedures and conducted the count in a transparent and consistent manner, and the provisional results sheet was posted immediately after the count outside the polling station. The EISA mission noted that the staff at the polling stations performed their duties faithfully despite the fact that the election day fell during the holy month of Ramadan, and the staff had been fasting throughout the day. At all stations that the EISA mission observed, the conduct of the polling station staff and officials was exemplary and EISA congratulates both the ZEC and its permanent and temporary staff for their excellent conduct.

5

The Post-Election Phase



- Transmission of results
- The results

5.1. TRANSMISSION OF RESULTS

After the provisional count was concluded, all the election materials were collected and transported by Army personnel to the regional counting centres for verification and tabulation. Polling staff, party agents and observers were refused permission to accompany the ballot boxes and election materials to the regional counting centres, and in light of allegations of ballot loading during the transmission of results to the regional counting centre during previous elections, this decision by the armed forces detracted from the transparency of the counting process.

The EISA mission also felt that the use of the Army to transport the materials was ill-advised, and that it would be more appropriate for ZEC officials, escorted by security personnel, to transmit the result to the counting centres.

Furthermore, in the assessment of the EISA observers, the authority of the ZEC officials was undermined by the heavy presence of the Army during the transmission of the materials to the regional centres, and although the returning officer is supposed to remain in charge at the polling station throughout the transmission process, the EISA observers noted that the Army was treated as the highest authority at the polling station on arrival there.

This undermining of the authority of the returning officer is inexcusable and in future elections the role of the Army and National Guard should be considered carefully.

5.2. THE RESULTS

The Zanzibar Electoral Act stipulates that the results of the presidential elections must be announced within three days of any election. A peculiar provision within the Zanzibar Electoral Act is the declaration that once the ZEC has announced the winner of the presidential elections, the result may not be appealed or overturned by any authority in Zanzibar. The ZEC announced the results of the election on the afternoon of 1 November 2005, declaring the CCM candidate, Amani Abeid Karume, the winner of the presidential elections. After the announcement, CCM supporters took to the streets to celebrate the election victory. The mission was not able to verify reports of clashes between the police and protesting opposition CUF supporters in Pemba.

Table 1
Presidential Results

President	Party	Votes	% Vote
Amani Abeid Karume	Chama Cha Mapinduzi (CCM)	239 832	53.2
Seif Sharif Hamad	Civic United Front (CUF)	207 733	46.1
Abdulla Ali Abdulla	Democratic Party (DP)	509	0.1
Haji Mussa Haji Kitole	Jahazi Asilia	2 110	0.5
Simai Abdulrahman Abdulla	National Reconstruction Alliance (NRA)	449	0.1
Maryam Ahmed Omar	Sauti ya Umma (SAU)	335	0.1
Total valid votes		450 968	97.9
Spoilt ballots		9 613	2.1
Total votes		460 581	90.8
Total registered voters		507 225	

Table 2
House of Representatives Results

Party	Votes	% Votes	Seats Won
Chama Cha Mapinduzi (CCM)	228 159	52.0	30
Civic United Front (CUF)	197 810	45.0	19
Other parties	12 653	2.8	0
Total valid votes	438 622	86.5	
Spoilt ballots	6 251	1.4	
Total votes	444 873	87.7	
Total registered voters	506 985		

5

Conclusions and Recommendations



6. CONCLUSIONS AND RECOMMENDATIONS

The preceding sections of this report have given a detailed analysis of the mission's observations during the pre-election, election and post-election phases of the Zanzibar elections in 2005. As indicated in the EISA mission's interim statement on 1 November 2005, the 2005 elections, when compared with the previous elections in Zanzibar, were relatively free and fair, with room for improvement in several areas. The mission noted that in contrast to previous elections in Zanzibar, the majority of voters cast their ballot in a peaceful and orderly manner and did not demonstrate any disruptive intent or action during the polling. The mission did however note that a small number of malcontents attempted to undermine the peaceful nature of the elections by attempting to engage in fraudulent voting activities or retaliating against suspected abuses. Whilst these incidents were regrettable, the mission did not feel that they contributed significantly to the overall results of the elections.

Based on its observations during both the EISA pre-election observation mission and the official observer mission to Zanzibar, this report makes the following recommendations in areas where the mission felt that some improvement can be made for future elections.

The EISA mission encourages all stakeholders to build on the positive outcomes of these elections and learn from and address the deficiencies which were observed.

6.1. THE PERMANENT VOTERS' REGISTER

The accuracy and transparency of the voters' register is an essential component of a transparent and democratic election. During the build-up to the 2005 elections in Zanzibar, complaints and allegations of multiple and fraudulent registrations persisted. In order to ensure that future election results are not tainted by doubt, the PVR should be made available to all stakeholders for periodic review, and the ZEC should ensure that the PVR is periodically renewed and updated.

Furthermore, the introduction of voter registration cards should be entrenched, as this would eliminate the need for the controversial system of using *shehas* to verify residents, which caused so much controversy during the registration process.

6.2. THE MUAFKA II ACCORD

The mission notes that the Muafaka II Accord has now lapsed, and that at the same time, the spirit of cooperation and consensus building that emerged from the Muafaka II Accord was a positive development in the consolidation of democracy in Zanzibar. The EISA mission calls for the principles and stipulations of the Muafaka II Accord to be entrenched in Zanzibar's legislation, especially the Zanzibar Elections Act, to ensure that the progress made during the Muafaka negotiations is not lost now that the agreement has lapsed.

6.3. THE ROLE OF THE ARMY AND SECURITY FORCES

In the view of the mission, the level of involvement of the Army and other security forces was unnecessary during the 2005 elections, due largely to the heavy police presence at all polling stations and the efficiency with which order was maintained without resorting to the use of the Army. The EISA mission is concerned with the involvement of the Army in the transmission of the results from the polling stations to the regional counting centres, as this process lacked an appropriate level of transparency.

6.4. VIOLENCE AND INTIMIDATION DURING THE ELECTION PERIOD

The EISA mission noted repeated allegations both prior to and during the elections of violence, violent conflict and intimidation by numerous political parties, private citizens, medical personnel, and security forces. Members of

the mission witnessed a violent clash in Dharajani constituency, Stone Town on election day. Whilst some of the allegations received by the EISA mission were not verified, the mission was satisfied that there remains a need to improve the conduct of political parties, the police and all other security forces to ensure that future elections can take place in a secure and peaceful environment.

As a related matter, the EISA mission was repeatedly informed of the existence of a group of youths, referred to colloquially as the 'Janjaweed militia', who it is alleged were responsible for various acts of intimidation, violence and vandalism. The EISA mission strongly recommends that these allegations be investigated by the appropriate authorities to ensure that the existence of private militias does not undermine the stability of the democratic process.

APPENDICES**Appendix I**
Composition of the EISA Observer Mission

	Name	Organisation	Gender	Country
1	Justice Anastasia Msosa	Malawi High Court	Female	Malawi
2	Martinho Chachiua	EISA	Male	Mozambique
3	John Hampinda	FODEP	Male	Zambia
4	Tsebo Matsasa	LECONGO	Male	Lesotho
5	Robyn Smith	EISA	Female	South Africa
6	Samson Lembani	KAF	Male	Malawi
7	Judith Mulenga	SALAN	Female	Zambia
8	Grant Masterson	EISA	Male	South Africa
9	Nosipho Khumalo	EISA	Female	South Africa
10	Denis Kadima	EISA	Male	DRC

Appendix 2

Code of Conduct for EISA Regional Election Observers

Election observation is widely accepted around the world. It is conducted by intergovernmental and international, regional and national non-governmental organisations in order to provide an impartial and accurate characterisation of the nature of election processes. Much therefore depends on ensuring the integrity of election observation.

All observers invited to be part of an EISA regional election observation mission must subscribe to and follow this Code of Conduct.

Respect Sovereignty and International Human Rights

Elections are an expression of sovereignty, which belongs to the people of a country. Genuine elections are a human right, and they require the exercise of a number of other human rights and fundamental freedoms. Election observers must respect the sovereignty of the host country and the human rights and fundamental freedoms of its people.

Respect the Laws of the Country and the Authority of Electoral Bodies

Observers must respect the laws of the host country and the authority of the bodies charged with administering the electoral process. Observers must follow any lawful instruction from the country's governmental, security and electoral authorities. Observers must also maintain a respectful attitude towards electoral officials and national authorities. Observers must note if laws, regulations or the actions of state and/or electoral officials unduly burden or obstruct the exercise of election-related rights guaranteed by law, constitution or applicable international human rights instruments.

Respect the Integrity of the Election Observation Mission

Observers must respect and protect the integrity of the election observation mission. This includes following this Code of Conduct, any written instructions (such as terms of reference, directives and guidelines) and any verbal instructions from the observation mission's leadership. Observers must: attend all of the observation mission's required briefings, training and

debriefings; become familiar with the election law, regulations and other relevant laws as directed by the observation mission; and carefully adhere to the methodologies employed by the observation mission. Observers must also report to the leadership of the observation mission any conflicts of interest they may have and any improper behaviour they see conducted by other observers that are part of the mission.

Maintain Strict Political Impartiality at All Times

Observers must maintain strict political impartiality at all times, including leisure time in the host country. They must not express any bias or preference in relation to national authorities, political parties, candidates, referenda issues or in relation to any contentious issues in the election process. Observers also must not conduct any activity that could be perceived reasonably as favouring or providing partisan gain for any political competitor in the host country, such as wearing or displaying any partisan symbols, colours, banners or accepting anything of value from political competitors.

Do Not Obstruct Election Processes

Observers must not obstruct any element of the election process, including pre-election processes, voting, counting and tabulation of results and processes transpiring after election day. Observers may bring irregularities, fraud or significant problems to the attention of election officials on the spot, unless this is prohibited by law, and must do so in a non-obstructive manner.

Observers may ask questions of election officials, political party representatives and other observers inside polling stations and may answer questions about their own activities, as long as observers do not obstruct the election process. In answering questions observers should not seek to direct the election process. Observers may ask and answer questions of voters but may not ask them to tell them for whom or what party or referendum position they voted.

Provide Appropriate Identification

Observers must display identification provided by the election observation mission, as well as identification required by national authorities, and must present it to electoral officials and other interested national authorities when requested.

Maintain Accuracy of Observations and Professionalism in Drawing Conclusions

Observers must ensure that all of their observations are accurate. Observations must be comprehensive, noting positive as well as negative factors, distinguishing between significant and insignificant factors and identifying patterns that could have an important impact on the integrity of the election process. Observers' judgements must be based on the highest standards for accuracy of information and impartiality of analysis, distinguishing subjective factors from objective evidence. Observers must base all conclusions on factual and verifiable evidence and not draw conclusions prematurely. Observers must also keep a well documented record of where they observed, the observations made and other relevant information as required by the election observation mission and must turn in such documentation to the mission.

Refrain from Making Comments to the Public or the Media before the Mission Speaks

Observers must refrain from making any personal comments about their observations or conclusions to the news media or members of the public before the election observation mission makes a statement. Observers may explain the nature of the observation mission, its activities and other methods deemed appropriate by the observation mission and should refer the media or other interested persons to those individuals designated by the observation mission.

Cooperate with Other Election Observers

Observers must be aware of other election observation missions, international, regional and domestic, and cooperate with them as instructed by the leadership of the election observation mission.

Maintain Proper Personal Behaviour

Observers must maintain proper personal behaviour and respect others, including exhibiting sensitivity for host-country cultures and customs, exercise sound judgement in personal interactions and observe the highest level of professional conduct at all times, including leisure time.

Violations of This Code of Conduct

In a case of concern about the violation of this Code of Conduct, the election

observation mission shall conduct an inquiry into the matter. If a serious violation is found to have occurred, the observer concerned may be expelled from the election observation mission. The authority for such determinations rests solely with the leadership of the election observation mission.

Pledge to Follow This Code of Conduct

Every person who participates in this election observation mission must read and understand this Code of Conduct and must sign a pledge to follow it.

Pledge

I have read and understand the Code of Conduct for Election Observers that was provided to me by the EISA Regional Election Observation Mission. I hereby pledge that I will follow the Code of Conduct and that all of my activities as an election observer will be conducted completely in accordance with it. I have no conflicts of interest, political, economic nor other, that will interfere with my ability to be an impartial election observer and to follow the Code of Conduct.

I will maintain strict impartiality at all times. I will make my judgements based on the highest standards for accuracy of information and impartiality of analysis, distinguishing subjective factors from objective evidence, and I will base all of my conclusions on factual and verifiable evidence.

I will not obstruct the election process. I will respect national laws and the authority of election officials and will maintain a respectful attitude towards electoral and other national authorities. I will also respect the human rights and fundamental freedoms of the people of the country. I will maintain proper personal behaviour and respect others, including exhibiting sensitivity for host-country cultures and customs, exercise sound judgement in personal interactions and observe the highest level of professional conduct at all times, including leisure time.

I will protect the integrity of the election observation mission and will follow the instructions of the observation mission. I will

attend all briefings, trainings and debriefings required by the election observation mission and will cooperate in the production of its statements and reports as requested. I will refrain from making personal comments, observations or conclusions to the news media or the public before the election observation mission makes a statement.

Print Name:

Signed:

Date:

Appendix 3

EISA Observer Mission to Zanzibar – Arrival Statement



ARRIVAL STATEMENT

EISA ELECTION OBSERVER MISSION TO THE GENERAL ELECTIONS IN ZANZIBAR SUNDAY, 30 OCTOBER 2005

EISA is pleased to announce the official launch of its Election Observer Mission to the 2005 General Elections in Zanzibar scheduled for Sunday, 30 October 2005. The Mission, led by Justice Anastasia Msosa, chairperson of the Malawi Electoral Commission and Member of the Board of EISA, is present in the country at the invitation extended by the Zanzibar Electoral Commission to observe the 2005 general and local elections.

The EISA Mission in Zanzibar consists of nine members, which include representatives from Electoral Commissions and Civil Society Organisations (CSOs) from Southern African Development Community countries (namely Lesotho, Malawi, Mozambique and Zambia).

The overall objective of the Mission is in line with EISA's vision of promoting credible elections and democratic governance in Africa.

Specific objectives for this particular Mission include the following:

- To assess whether the conditions exist for the conduct of elections that express freely the will of the people of Zanzibar;
- To assess and determine whether the elections are conducted in accordance with the electoral legislative framework of Zanzibar;
- To determine whether the final results of the electoral process as a whole reflect the wishes of the people of Zanzibar;

- To assess whether the elections met the benchmarks set out in the 'Principles for Election Management, Monitoring and Observation in the SADC Region' (PEMMO), developed under the auspices of EISA and the Electoral Commissions Forum (ECF) of SADC countries.

As a reminder, PEMMO is the result of three years of work by ECF and EISA, in consultation with CSOs who work in the field of elections. Subsequently, the election principles which serve as benchmarks in the conduct and assessment of elections in the SADC region were adopted on 6 November 2003 in Johannesburg, South Africa. PEMMO has been applied for the assessment of almost all elections held since April 2004 to date in the SADC region.

On Monday, 23 October 2005, EISA will deploy teams throughout the Isles of Unguja and Pemba, where they will meet electoral stakeholders, including electoral officials, representatives of political parties, CSOs and the voters ahead of the Election Day. The EISA Mission will remain in Zanzibar until Wednesday, 2 November 2005 in order to observe the voting and counting processes, as well as post-polling activities, including hopefully the announcement of results.

On Monday 31 October 2005, all EISA teams will reconvene in Unguja where an interim statement expressing the Mission's preliminary views and recommendations on the 2005 general and local elections in Zanzibar will be issued. The principles enshrined in the PEMMO will be taken into account to direct not only the Mission's observations on the polling and results processes, but also the electoral environment as a whole.

The Mission undertakes to cooperate closely with the Zanzibari electoral stakeholders and other observers, and strives to act, at every stage of the electoral process under scrutiny, with impartiality, objectivity and independence.

EISA is a regional non-profit organisation established in 1996 and headquartered in Johannesburg, South Africa. The vision of the organisation is to promote credible elections and democratic governance throughout

Africa. The vision is executed through the organisational mission to strengthen electoral processes, good governance, human rights and democratic values through research, capacity building, advocacy and other targeted interventions. EISA services electoral commissions, political parties, civil society organisations, governments and other institutions operating in the democracy and governance fields in Africa.

The EISA Mission is based at Zanzibar Serena Hotel where it has established a Secretariat.

For further information, please contact **Mr Martinho Chachiua**, the EISA Mission Coordinator, on **+255 787434889**.

Anastasia Msosa
Chairperson of Malawi Electoral Commission
Mission Leader

Appendix 4

EISA Observer Mission to Zanzibar – Interim Statement

FOR IMMEDIATE RELEASE
1 NOVEMBER 2005

Interim Statement by the EISA Election Observation Mission: Zanzibar Presidential, House of Representatives and Local Authority Elections, 30 October 2005

I INTRODUCTION

At the invitation of the Zanzibar Electoral Commission (ZEC), EISA deployed a mission to observe the Zanzibar Presidential, House of Representatives and Local Authority Elections held on 30 October 2005. This is the mission's preliminary assessment of the elections and covers the pre-polling, polling, and the early counting stage. However, EISA will continue to follow the process so that the final report can provide a comprehensive assessment of the electoral process, including the announcement of the results.

1.1 About EISA

EISA is a regional organisation which seeks to strengthen and promote electoral processes, good governance and democratic values through research, capacity building and advocacy. The head office is located in Johannesburg, with field offices in Angola, Burundi, the Democratic Republic of Congo (DRC) and Mozambique. The scope of EISA's work covers the entire Southern African Development Community (SADC) region and extends beyond.

1.2 Mission Composition

The mission was composed of 10 members drawn from electoral commissions, civil society organisations (CSOs) and scholars from six SADC countries, namely the DRC, Lesotho, Malawi, Mozambique, South Africa and Zambia. Justice Anastasia Msosa, Chairperson of the Malawi Electoral Commission and an EISA board member, led the mission. Members of the EISA mission were present in Zanzibar to observe the elections from 19 October 2005 to 1 November 2005.

1.3 Deployment

After the briefing session, teams were deployed in the field from 21 October 2005. Deployment was as follows: (a) two teams on the main island of Unguja, one team covering the Urban, North A and North B district, whilst the other team covered the Urban, Central and South districts of Unguja; (b) one team on Pemba island, covering the Wete, Chake Chake, Mkoani and Micheweni districts. The mission visited 42 voting stations in urban and rural areas throughout the islands.

1.4 Method of Work

In order to assess the Zanzibar Presidential, House of Representatives and Local Authority Elections, EISA conducted various activities. These included:

Fact-Finding Mission to Zanzibar

In order to satisfactorily assess the pre-election conditions for democratic elections in Zanzibar, EISA deployed a fact-finding mission to the islands between 29 August and 8 September 2005. The purpose of the mission was to gather information and meet with election stakeholders to gauge the pre-conditions for satisfactory elections in Zanzibar. The mission met with both the National Electoral Commission (NEC) and the ZEC, as well as political parties, CSOs, the media and scholars. The mission also met domestic observer groups. The EISA delegation's findings were used to assist in the preparation and planning of the full election observation mission to Zanzibar.

Election Update

EISA contracted Zanzibar-based researchers to gather information on critical election-related matters. This information was published fortnightly in the *Election Update* series, widely distributed electronically and in print.

Pre-Election Briefings and Party Rallies

On the arrival of the EISA observer mission, briefing sessions were held with various electoral stakeholders, including representatives of the ZEC, political parties, CSOs, the media and scholars. The mission also met domestic observer groups as well as other international observer teams. Meetings were held in Unguja and Pemba. These meetings provided first-hand information on the different stakeholders' assessment of the process. The teams also attended political party rallies.

Observation of Voting and Counting

The teams observed the polling on 30 October 2005 from the opening of the stations at 07h00, throughout the day until the close at 17h00. The teams also observed the counting at the polling stations and the transferring of the ballot boxes and materials to the district centre.

1.5 Principles for Election Management, Monitoring and Observation in the SADC Region

The EISA observer mission's assessment of the Zanzibar 2005 elections was based on the Principles for Election Management, Monitoring and Observation in the SADC Region (PEMMO). PEMMO is a set of objective guidelines against which an election can be measured to assess whether it is credible and legitimate and if the outcome reflects the will of those who cast their ballots. PEMMO was developed by EISA in partnership with the Electoral Commissions Forum of SADC Countries (ECF), which comprises all the electoral management bodies in the SADC region. These principles are the result of a region-wide consultation process with electoral stakeholders, in particular electoral management bodies and CSOs for whom election observation is a core activity. The principles contained in the PEMMO are compatible with the legal framework governing elections in Zanzibar. The principles cover the whole electoral process including the period before, during and after the poll. They constitute a useful tool in the post-election review and for electoral reforms. For the observer, PEMMO also serves as guidelines for how to conduct oneself as an observer during the electoral process.

2 FINDINGS OF THE MISSION

The EISA Election Observer Mission, basing itself on the PEMMO as a guideline, made the following findings.

2.1 Constitutional and Legal Framework

The constitutional and legal framework in Zanzibar guarantees fundamental freedoms and human rights. The Muafaka II Accord, although now lapsed, was also instrumental in improving the pre-conditions for the 2005 elections. The mission applauds the principles on which the Muafaka II Accord was based, and recommends that these principles be included in the legal framework for elections in Zanzibar.

2.2 The Zanzibar Electoral Commission

The ZEC is constitutionally empowered to supervise and deliver credible, free and fair elections. However the mission noted concerns that the ZEC was not acting in an impartial manner. While the Muafaka II Accord has improved the political representation of the commission, the ZEC should demonstrate greater transparency and independence in its work to fully restore its credibility and the perception of its impartiality.

2.3 Voter Registration and the Voters' Roll

The mission noted that there were numerous concerns regarding the voter registration process. These concerns tended to focus largely on two issues, namely: the denying of registration to eligible persons, and the multiple registration of some persons.

The EISA mission received consistent reports of various malpractices during the registration of eligible persons which were cause for confusion and were open to abuse. In particular, the use of *shehas* in verifying the eligibility of persons to register created both confusion and allegations of bias against some voters. The mission noted allegations that *shehas* had denied voters the right to register for these elections despite legitimate claims that the persons in question were legally eligible to do so. This situation may have disenfranchised some persons who were otherwise eligible to register to vote. The mission is concerned that the role of *shehas* can undermine the electorate's confidence in the accuracy of the permanent voters' register, and should be reviewed in order to establish good practice during the registration process.

The mission also noted that the cancellation of the contract with Waymark, a private firm contracted by the ZEC to conduct a thorough verification of the voters' register, was not handled in a manner that promotes transparency and confidence in the verification process. The mission noted that the resulting delay in conducting the verification did not allow all stakeholders sufficient time to examine the register to their satisfaction, as the final register was released only days before the poll.

The mission further noted allegations of fraudulent representations by some persons with the aim of registering multiple times on the voters' register,

either through registering under separate identities at the same registration centre, or through registering at several registration centres under the same identity, despite the ZEC's precautions. These voters were reportedly assisted in some instances by registration staff. The mission was not in a position to verify the allegations. These complaints highlight the importance of a transparent and timely process of verifying the voters' roll which satisfies all stakeholders.

2.4 Media Coverage

The mission received reports of unbalanced coverage of the elections by the public media in favour of the ruling party, but was unable to monitor the media and form its own opinion on the matter.

2.5 Election Atmosphere

The mission noted that the electoral atmosphere in Zanzibar remains tense, although it should be stated that the present tensions are greatly reduced compared to previous elections. Incidences of violence and use of force during the electoral process were witnessed by the mission. These incidences have a severe impact on the credibility and openness of democratic elections, and are strongly condemned.

The mission also received persistent reports of intimidation and violence by gangs of youths, colloquially referred to as 'Janjaweed', and other militia groups, which promoted an atmosphere of fear during the election period. The mission takes these allegations very seriously and recommends that they be urgently investigated. If these allegations are substantiated, they should be appropriately dealt with by the authorities in order to enhance the open and peaceful nature of future elections in Zanzibar.

2.6 Campaign

The mission observed that political party rallies were generally well-attended, and that citizens took an active role in the electoral campaign process. The mission noted with some concern that the speeches and comments made by politicians from both the Chama Cha Mapinduzi and Civic United Front were on occasion inflammatory and encouraged direct action on the part of citizens in safeguarding the electoral process. The mission also viewed evidence of politicians using religious gatherings to promote their candidates, and

encourage people to take direct action to protect their vote. The mission regrets these types of statements, and calls on all political parties to promote an atmosphere of peace and tolerance during their campaigns.

2.7 Monitors and Observers

The mission commends the ZEC for the smooth accreditation of regional and international observers and the manner in which these observers were treated whilst observing the elections.

2.8 Voting and Counting

The mission deployed its teams of observers in the field which observed voting operations from the opening at 07h00 until the close at 17h00. The teams also observed the counting and the collection of the voting materials from the polling stations and their transport to the district centres for counting.

In general, the teams observed:

- that there was transparent application of the rules and procedures specified by the ZEC at polling stations;
- that voters waited peacefully and patiently for their chance to vote;
- a high turnout at the opening of the polls at many polling stations, indicating high levels of voter awareness regarding the elections;
- that the ZEC staff appeared to have a fairly good understanding of their responsibilities, and ensured that the voting process continued smoothly without major interruptions and incessant delays;
- a strong police presence at all polling centres, but the mission noted that this presence enhanced the orderly and peaceful process of the poll;
- a strong army presence, which in the opinion of the mission was unnecessary due to the efficiency and visibility of the police in maintaining order.

3 RECOMMENDATIONS

The EISA mission encourages electoral stakeholders in Zanzibar to build on the positive experiences of these elections.

At the same time, the mission calls upon all the electoral stakeholders to conduct a thorough post-electoral review which would help the country improve on the conduct of future electoral processes.

Specifically the mission recommends the following:

- The spirit of the Muafaka II Accord, especially the principles of dialogue, resolving conflict and consensus building, should continue to guide all parties in future elections and political processes;
- The role of *shehas* in the voter registration process be urgently reviewed and that an alternative means of identification of eligible voters be explored;
- The role of the army during elections be urgently reviewed;
- The alleged existence of 'Janjaweed' and other militias be urgently investigated, and if substantiated appropriate action be taken;
- The permanent voters' register should be continuously updated to ensure that it is accurate.

4 CONCLUSION

Basing itself on the guidelines enshrined in the PEMMO, and compared to the previous general elections, the EISA Election Observer Mission concludes that the elections in Zanzibar were relatively free and fair. In light of several serious shortcomings identified by the mission, electoral stakeholders in Zanzibar are invited to build on the achievements of these elections in order to improve the conduct of future elections.

Justice Anastasia Msosa, EISA Mission Leader

Mr Denis Kadima (DRC)

Ms Robyn Smith (South Africa)

Ms Judith Mulenga (Zambia)

Mr John Hampinda (Zambia)

Mr Tsebo Mats'asa (Lesotho)

Mr Samson Lembani (Malawi)

Mr Grant Masterson (South Africa)

Ms Nosipho Khumalo (South Africa)

Mr Martinho Chachiua (Mozambique)

Appendix 5

Schedule of briefing meetings

EISA ELECTION OBSERVER MISSION TO ZANZIBAR

Tripartite Elections

OBSERVERS BRIEFING

Serena Inn Hotel, Zanzibar
Friday 21st –Saturday 22nd October 2005

DAY ONE – Friday 21st October 2005

SESSION 1 WELCOME AND INTRODUCTIONS

08h30-08h45 **Welcoming remarks**
Justice Anastasia Msosa: Mission Leader and Chairperson of Malawi Electoral Commission

08h45-09h15 **Introductions**

SESSION 2 THE OBSERVATION PROCESS

Facilitator: Justice A. Msosa

09h15-10h00 **Mission Outline**
Martinho Chachiua, Mission Coordinator

10h00-10h30 **EISA Mission Photograph – Coffee/Tea Break**

SESSION 3 The Principles for Election Management, Monitoring and Observation in the SADC Region (PEMMO)
Assessing the election in accordance with PEMMO

- Discussion of the PEMMO and how it will be used to assess the elections

- Key aspects of the Zanzibar election to be placed under PEMMO scrutiny
- Checklists
Martinho Chachiua, Mission Coordinator, Manager Elections and Political Processes, EISA

12h30-14h00**Lunch****SESSION 4**
14h00-15h30**THE HISTORICAL AND POLITICAL CONTEXT**
The Political Context of the Zanzibar Elections

- Political history of Zanzibar
- The development of political parties
- Multipartyism

By Issa Ussuf, Guardian Newspaper
Facilitator: Samson Lembani

SESSION 5
15h30-16h30**The Zanzibar Electoral System**

- The system and the electoral politics
- The appointment and operation of the election management body;
- The electoral legislation

Ali Uki, Lawyer/Journalist

17h00

Press Conference

Presentation of arrival statement
Mission Leader

DAY TWO – Saturday 22nd October 2005

SESSION 6
09h00-10h30**Civil Society**

The Role of civil society organisations (CSOs) in the electoral process

Maryam Abubakar, ANGOZA

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- 10h30-11h30 **The Media and the Electoral Process**
- Independence
 - Impartiality
 - Coverage of different political parties
- Jabir Idrissa - Habari corporation*
- 11h30-13h00 **Readiness of the Zanzibar Electoral Commission**
- Preparations thus far
 - Elections in figures
 - The essential regulations
- Zanzibar Electoral Commission*
- 13h00-14h30 **Lunch**
- SESSION 7 THE PERSPECTIVE OF POLITICAL PARTIES**
- Facilitator: Robyn Smith, EISA*
- 14h30-16h00 CCM
- 16h00-17h30 CUF
- 18h00 DEPLOYMENT PLAN AND LOGISTICS**
- Martinho Chachiua*

ELECTORAL OBSERVER REPORTS

- EOR 1 Mauritius Election Observation Mission Report, 2000
- EOR 2 SADC Election Support Network Observer Mission's Report, 1999/2000
- EOR 3 Tanzania Elections Observer Mission Report, 2001
- EOR 4 Tanzania Gender Observer Mission Report, 2001
- EOR 5 Zimbabwe Elections Observer Mission Report, 2001
- EOR 6 South African Elections Observer Mission Report,
Denis Kadima, 1999
- EOR 7 Botswana Elections Observer Mission Report,
Denis Kadima, 1999
- EOR 8 Namibia Elections Report, Tom Lodge, 1999
- EOR 9 Mozambique Elections Observer Mission Report,
Denis Kadima, 1999
- EOR 10 National & Provincial Election Results: South Africa June 1999
- EOR 11 Elections in Swaziland, S. Rule, 1998
- EOR 12 Lesotho Election, S. Rule, 1998
- EOR 13 EISA Observer Mission Report: Zimbabwe
Presidential Election 9-11 March, 2002 (P/C)
- EOR 14 EISA Observer Mission Report: South Africa
National and Provincial Elections 12-14 April 2004
- EOR 15 EISA Observer Mission Report: Malawi Parliamentary and Presidential
Elections 20 May 2004
- EOR 16 EISA Regional Observer Mission Report: Botswana Parliamentary and
Local Government Elections 30 October 2004
- EOR 17 EISA Regional Observer Mission Report: Mozambique Parliamentary
and Presidential Elections 1-2 December 2004
- EOR 18 EISA Observer Mission Report Namibia
Presidential and National Assembly Elections
15-16 November 2004
- EOR 19 EISA Observer Mission Report Mauritius
National Assembly Elections 3 July 2005
- EOR 20 EISA Observer Mission Report Tanzania
Presidential National Assembly and Local Government
Elections 14 December 2005
- EOR 21 EISA Observer Mission Report: The 2005 Constitutional Referendum
in the DRC 18-19 December 2005