

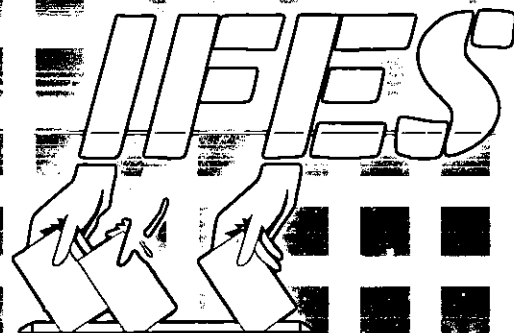
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**IFES International Observer Report:
The October 29, 2000 General Elections in Zanzibar**

January 16, 2001

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EXECUTIVE SUMMARY

This report documents the observations of the international mission of the International Foundation for Election Systems (IFES) to the October 29 Presidential, House of Representatives and local council elections in Zanzibar. The mission took place from October 1 through November 3, 2000, and was implemented by a group of fourteen elections and country experts from around the world. Funding for the mission was provided by the US Agency for International Development (USAID) through the Consortium for Elections and Political Process Strengthening (CEPPS) Cooperative Agreement.

IFES agreed to observe the Zanzibar elections for several reasons. First, the Foundation felt that it was important to play a modest role in signaling the continued interest within the international community in Zanzibar's second series of multiparty elections. Second, the IFES international observers were there to ascertain that the results as announced truly reflected the choices made by voters at the polling stations, unlike what transpired in 1995. Finally, IFES knew that by virtue of having observed the Union elections in 1995 in Tanzania and Zanzibar, the Foundation brought a valuable comparative perspective to the international observation effort for the 2000 elections in Zanzibar.

As in 1995, poor management and inadequate service delivery characterized Zanzibar's 2000 elections. Logistics problems on the day of the election, in contrast to the experience of the National Electoral Commission (NEC) in Zanzibar, ultimately served to reinforce this conclusion. On election day, the Zanzibar Electoral Commission (ZEC) suspended voting throughout Unguja and Pemba upon learning that there were insufficient ballots to conduct the election in the Urban and West districts. Police and military troops collected boxes from polling stations all over the Isles in a haphazard fashion. The ZEC's directions to returning officers and Presiding Officers in the wake of the suspension were carried out inconsistently. The elections were re-run on in the most severely affected districts on November 5, with the votes from the October 29 election counted simultaneously with the tabulation of the November 5 election.

The measures taken by the ZEC (with the implicit approval of the NEC) were a poorly planned and wholly inappropriate response to the situation. The ZEC's actions compromised ballot security throughout the archipelago, calling the validity of the entire election process into question. The ZEC's refusal to take a transparent approach to the problem contributed to IFES' decision not to observe the re-run of the elections and the final vote count. IFES therefore cannot confirm that the declared results of the elections in

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Zanzibar truly reflect the will of the Zanzibari people. The IFES international observer delegation issued a statement to this effect on November 1, 2000.

This report includes a description of the framework for the 2000 elections, the administrative preparation for the election events, and a summary of the IFES delegation's observations from October 1 through November 3. The conclusions and recommendations of the team, which form Section V of the report, are listed below:

- Within six months before the elections, the ZEC should publish a detailed calendar indicating the dates of civic education programs, voter registration, voter register display, and nomination and campaign deadlines for general use.
- The redrawing of constituency boundaries, and other changes to the election system, should be completed in consultation with the NEC.
- The ZEC should devote more resources to civic education, to reduce the common perception that only political parties provide civic education services.
- The ZEC should instruct Presiding Officers and polling assistants more consistently in the completion of all ballot-related forms, and monitor them for compliance with the relevant regulations. In particular, forms 14A and 14B, which detail the number and type of ballots received at the beginning of the polling day, the number of ballots issued, and the number of ballots remaining after the close of poll, are the essential ingredients in preserving the security of the ballots.
- The polling staff members who wrote voters' registration numbers on the ballots instead of the counterfoil are of similar concern; these staff must be instructed that ballot secrecy for all voters must be protected.
- The inter-party meetings hosted by the ZEC prior to the elections represent a significant step forward in election administration on the islands. However, the fact that controversies arose between the parties on the activities of polling agents within 24 hours of election day indicates that more discussions (and agreements) are necessary, well in advance of the next election.
- The NEC has considerable experience in election management from which the ZEC would greatly benefit. The consultative relationship between the two commissions should be more formalized, and implemented on a proactive basis by both groups. Implementation could take the form of periodic planning meetings, training sessions, and other opportunities for collaboration.

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- Further discussion regarding the issue of voter registration and residency requirements and the variations between mainland Tanzania and Zanzibar is essential to facilitate the smooth running of future elections.
- In a village, the *sheha* is widely perceived as partisan. His or her presence can have a detrimental effect on the neutral atmosphere of the polling station. If the ZEC intends to use them in future elections, it should develop and publicize training programs for the *shehas* that clearly specify their roles and their responsibility to carry out their duties impartially.
- Civil society organizations (CSOs) such as faith-based groups, human rights organizations, TEMCO and the Journalists' Association of Zanzibar should be supported in their efforts to provide continuous information to Zanzibaris in the area of their basic rights and freedoms, to break the government monopoly on such information.
- The GOZ should review the composition of and requirements for appointment to the Zanzibar Electoral Commission (and the senior level staff) as soon as possible, taking the importance of multipartisanship into account. The partisan behavior of the returning officer and staff is a stark indicator of the consequences of identifying personnel who are not competent to manage this very important process.
- To ensure that all of the political parties have ample opportunity to conduct research into the voting and vote counting processes, the ZEC should make all polling station results forms, counting center forms and final compilation forms available for inspection and results tracking.
- The ZEC should publish a detailed report on the 2000 elections, including information on the investigation into the ballot theft, what security measures were taken and which measures will be taken in future.
- The governments of Zanzibar and Tanzania should collaborate in the thorough investigation and prosecution of all proven perpetrators of election-related violence.
- The governments of Tanzania and Zanzibar should meet, perhaps in a forum similar to a constituent assembly, to discuss the Union, the relationship, and how the relationship can be improved.
- For this election only, the ZEC and the government of Zanzibar should waive costs for and otherwise facilitate legal actions taken as a result of these elections. If the political

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parties or the election authorities have evidence of fraud, they must gather and present it to the authorities.

- Tanzania or Zanzibar's leadership must engage in a credible effort to create the environment for sustainable peace, and to establish representative government in Zanzibar.

The recommendations listed here and reflected in the report represent steps that the NEC, the ZEC and the international community can take to begin to solve some of the systemic problems in election administration in Zanzibar. However, these steps will ultimately not achieve their objectives without demonstrated political will, not only on the part of the election institutions involved, but also most importantly by the executive branches and the political decision makers in the Tanzania and Zanzibar governments.

I. INTRODUCTION

From October 1 through November 3, 2000, the International Foundation for Election Systems (IFES) observed the October 29 general elections in Zanzibar. The Zanzibar Electoral Commission (ZEC) conducted elections for the Zanzibar President, House of Representatives and local councils; the National Electoral Commission of Tanzania (NEC) administered elections for the Union President and Zanzibar's representatives for the Union Parliament.

A three-person advance observer team traveled to Zanzibar in early October to assess the conditions under which the elections would take place and to lay the groundwork for the observation activity. The advance team was joined on October 24 by eleven international observers. Tom Bayer, IFES Director of Programs for Africa and the Near East, served as the delegation leader. Seven two-person teams were deployed throughout the urban, central and northern districts on Unguja Island and on Pemba Island. Together, the delegation observed the elections at more than 80 polling stations in 25 of Zanzibar's 50 constituencies.

The observer team was briefed in Dar es Salaam by the Vice Chairman of the NEC, by the Joint Electoral Assistance Secretariat (JEAS) and by prominent members of the academic community, journalist and local monitoring organizations. While in Zanzibar, the team briefed with members of the ZEC, both of the presidential candidates, the political parties contesting the election on the Isles, and prominent civil society leaders, including religious figures. The team coordinated its briefing information and deployment with those observer groups present in Zanzibar – the Commonwealth Observer Group, the Organization of African Unity (OAU), the Southern African Development Community (SADC) and the Tanzania Elections Monitoring Consortium (TEMCO).

Many Zanzibaris inside and outside the political sphere viewed the 2000 elections as a unique opportunity to repair the rift between the Isles' two largest political parties, and to perhaps begin a dialogue to address the status of Zanzibar within the United Republic of Tanzania. The elections' procedural shortcomings plus reported and witnessed acts of violence and intimidation provided the opposition and majority stakeholders with justification for their respective positions on the elections and their outcome. The opposition Civic United Front (CUF) boycotted the re-run of the elections and to date has refused to claim the 16 seats that it won in spite of its boycott. The current president of Zanzibar has made conciliatory gestures to CUF, including the long-awaited release of 18 members of the party from jail on treason charges that were ultimately shown to be without

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merit, and the inclusion of Pemba residents in his Cabinet. Nevertheless, the atmosphere in Zanzibar remains tense months after the elections. Three bomb explosions, two of them on the island of Pemba, and the subsequent arrest of nearly 20 opposition activists, have exacerbated the climate of fear, retaliation and reprisal.

This report details the observations of the IFES team from early October, the legal and procedural framework of the elections, the immediate pre-election climate, the election day, voting and selected counting activities. In addition, the report provides recommendations for the Government of Tanzania and the international community on the steps needed to move beyond the politics of impasse.

IFES has prepared this report in hope that the information offered is of use to political party members, government officials and civil society leaders committed to the establishment of peaceful, participatory multiparty democracy in Zanzibar. Where appropriate, this report places the IFES delegation's observations in context of current events. Because the delegation was in Zanzibar for such a brief period, the report does not include direct observations on the August voter registration period, nor does it provide Zanzibar-specific coverage of the immediate aftermath of the November 5 elections, including the final declaration of results.

IFES is grateful to many individuals who facilitated the work of the observer delegation and made themselves available for consultations. Among these are Justice Augustino Ramadhani, Vice-Chairman of the National Electoral Commission, Abdulrahman Mwinyi Jumbe, Chairman of the Zanzibar Electoral Commission; Hassan Said Mzee, Vice-Chairman of the Zanzibar Electoral Commission; Mosa Mohamed Mbaye, head of the International Observers committee of the Zanzibar Electoral Commission; Ame Khamis, Director of Elections, Zanzibar Electoral Commission; the Reverend Charles Stith, US Ambassador to Tanzania; Wanda Nesbitt, Deputy Chief of Mission; Mike Heath, Political Officer; Lucretia Taylor, Mission Director, USAID/Tanzania; Sean Hall, Democracy and Governance Advisor; and Dr. Bruce Heilman, Professor of Political Science at the University of Dar Es Salaam. The delegation also acknowledges the information and support provided by the United Nations Development Programme, the Joint Electoral Assistance Secretariat and the Commonwealth Observer Group.

II. BACKGROUND TO ELECTIONS IN ZANZIBAR

A. The Islands of Zanzibar

Zanzibar has been a semiautonomous archipelago since 1963, allied as part of the United Republic of Tanzania with mainland Tanzania (also referred to as "the Union") in 1964. The largest of the islands that make up Zanzibar (Unguja) is approximately 60 miles long and 20 miles wide; Pemba, the next-largest island, is home to nearly 50% of the total population. Zanzibar has a total area of 650 square miles.

Approximately 97% of Zanzibar's population practices some form of Islam. Within the Muslim population is a majority of Sunnis, a smaller population of Ibadhis and a minority of Ismailis and Itthnasheris. There are also small populations of Christians (mostly Goan Catholic Zanzibaris and immigrants from the mainland, both Catholic and Protestant), and Hindus. The numbers attest to the diversity of people and cultures living together on the Isles.

Zanzibar elects its own House of Representatives, which has jurisdiction over all non-Union matters. There are currently 78 constituency seats in the House of Representatives in Zanzibar, including 52 elected by the people, 10 appointed by the president of Zanzibar, 5 ex-officio members, 10 women appointed by political parties commensurate with constituency seats won, and an attorney general appointed by the president. Zanzibar's House of Representatives can make laws for Zanzibar without the approval of the Union government. The terms of office for Zanzibar's President and members of the House of Representatives are both 5 years. No president may serve more than two consecutive 5-year terms.

B. Zanzibar and the Mainland

The sources of the conflict between Tanzania and Zanzibar, and between Unguja and Pemba islands, are rooted in historic inequalities in their relationships since the last days of the Sultanate. Control of the islands, long in the hands of Zanzibaris of Middle East origin, was transferred to mainland Tanzanians, or Zanzibaris with roots in continental Africa. Intermarriage has muddied the ethnic and some cultural divisions but not necessarily the political ones. Since independence and the subsequent creation of the Union, the struggle of so-called "Arab" Zanzibaris to regain the power that they lost, and the struggle of

“African” Zanzibaris and mainland Tanzanians to retain this control, underpins the strategies that each side has employed to achieve its objectives over the past 35 years.

Before and after the 1964 revolution, mainland Tanzanians traveled to Zanzibar to assist with spice cultivation (Zanzibar’s primary source of wealth), sending their pay back home. However, the revolution’s origins in anti-colonialist struggle included elements of anti-mainland sentiment. Further, the architects of the 1964 uprising did little to facilitate interchange between the Isles and the mainland.

As a result, a high degree of mistrust characterizes most relations between Zanzibar and the mainland. Lacking economic infrastructure, Zanzibar maintains an economic dependence on the mainland. Zanzibaris have to some extent been protected from the real price fluctuations of spices by the Union, but many farmers believe that the mainland does not compensate them for their goods at the world market price. The absence of a mutually satisfactory trade accord between Zanzibar and the mainland is a cornerstone of the appeals that both CCM and CUF use, from different angles, in their campaigns.

C. Historic Tensions Between Unguja and Pemba

Political actors in and outside the Zanzibar government used the occasion of the 2000 elections to exacerbate the divisions between Unguja and Pemba. Pembans make up approximately 50% of the archipelago’s total population of nearly one million. The smaller island has not benefited significantly from the recent tourist-based economic development on Unguja, and its infrastructure remains rudimentary. Since clove farming is the major income-generating activity in Pemba, the majority of Pembans’ views toward Unguja and the mainland are colored by the perception that profits are unfairly controlled by mainland Tanzania’s export policies.

Following independence in 1963, the two-group alliance of the Zanzibari Nationalist and Zanzibar and Pemban People’s Parties came to power briefly after independence. The alliance was attractive to those groups who opposed colonialism, and to a lesser extent, dealings with the mainland, which was perceived as still under colonial rule. This alliance was soon overthrown by the Afro-Shirazi and UMMA parties, which in 1977 joined the Tanzania African National Union (TANU) on mainland Tanzania to form the Chama Cha Mapinduzi, or CCM. Within that party’s leadership, the memory of the role the Pembans

played in supporting the old ZNP-ZPPP alliance was a bitter one. When the political system opened in 1992, many Pembans supported the opposition CUF. Following the 1995 elections, Zanzibaris known to have (or suspected of having) connections to Pemba were systematically removed from government jobs and forced out of business.

D. Political Parties Contesting the 2000 Zanzibar Elections

Zanzibar is home to nine registered political parties, all but one of which came into being after 1992. The two largest parties in Zanzibar are CCM and CUF. These were the only two parties to put forth presidential candidates.

Chama Cha Mapinduzi (Party of the People) vs. Civic United Front

During the campaigning in both the 1995 and the 2000 general elections, CCM members claimed that the CUF was and is funded by "Arabs", with the aim of returning Zanzibar to the days of slavery and the Sultanate of Oman. This assertion runs counter to the emergence of CUF as a political party. When the Tanzanian government began to open the political system in 1992, lawyers, activists, and politicians from various communities including Zanzibar, formed the CUF on the Tanzanian mainland. The party was not based on a religious ideology, but rather on the coalescence of the visions of opposition supporters in Tanzania and Zanzibar. Its members emphasized the word "civic" in the party's name to stress the fact that it was not regional, religious, nor necessarily united ideologically. The party's members desired to challenge the state in a concerted manner, to reform the constitution, and to review the state of the Union. While other Tanzanian parties focused on a variety of community and regional issues were forming on the Tanzanian mainland, support for the CUF came primarily from the Tanzanian coast's urban areas and from Zanzibar. Geographical proximity and the relative ease of communication and travel among these areas have fostered social and philosophical commonalities.

Since 1992, CUF has gained the majority of its support in Zanzibar. However, the party has substantial support on mainland Tanzania, in areas as far away from the coast as Mwanza and Bukoba, once former president Julius Nyerere's stronghold. Since Zanzibar's population is overwhelmingly Muslim, it is convenient to categorize any party with substantial support in Zanzibar as a Muslim party. The CUF leadership, while significantly

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Muslim, is not exclusively so. At least two members of its Executive Committee are Christians from mainland Tanzania. CUF leaders consistently stress that their party seeks support from all Tanzanians for the benefit of all Tanzanians, and does not include anti-Christian statements in its campaign rhetoric.

The most notorious case of political harassment sponsored by the CCM government after the 1995 elections was the arrest and incarceration of eighteen CUF leaders in November 1997. Originally charged with sedition, the charge was upgraded to treason and conspiracy to overthrow the Government following the submission of a request for bail. The timing of the upgraded sentences raised questions regarding the actual motivation of the judiciary. Under the Zanzibar penal code, persons charged with treason are not eligible for bail. At the time of the arrests, newspapers reported that Attorney General Hon. Ali Mohammed Umar had ordered further arrests including that of CUF President Seif Shariff Hamad and other CUF leaders. Following local and international protests, the police denied that they intended to arrest Hamad or other CUF leaders.

For the next two years, the Zanzibar government delayed bringing the accused to trial. The prosecution requested adjournment on grounds such as the need for further investigations, the lack of funds to proceed with trial, lack of competent judges, and the need for more time to amend the charges. In March 1999, the prosecution finally submitted its evidence to the Zanzibar High Court. The defense was denied copies of the evidence file on the grounds of national security. International human rights groups, local civil society organizations and CCM Union Members of Parliament denounced the delays as an attempt by the government to disenfranchise the 18 leaders in an attempt to weaken CUF in the run-up to the October 2000 elections.

Tension between CCM and CUF reached its highest point in the final weeks before the elections. "Volunteers" – young CCM militants – attacked suspected CUF sympathizers on their way to and from meetings. Police were sent to the island from mainland Tanzania to quell disturbances arising from the August 8-18 voter registration process, which was conducted amid the ongoing controversy around the determination of Zanzibari residence and voting eligibility. Zanzibari police, acting on rumors that CUF supporters were armed, began conducting spot-searches of attendees at CUF political rallies in early September. The searches, which were reportedly carried out only for suspected CUF members,

provoked several incidents of stone throwing between CCM and CUF supporters. Appendix A includes illustrative news articles from this time period.

Many political observers suggest that Zanzibar needs a political "third way" to break the cycle of standoff politics between CCM and CUF, which has been the most serious impediment to development on the islands. The National Convention for Construction and Reform – Original (NCCR-M) party attempted to play this role during the 2000 elections. Naila Jidawi was nominated as the NCCR-M presidential candidate for the October 29 elections, the first time that a woman has been put forward for the post. Before joining NCCR-M late in 2000, Mrs. Jidawi served as a nominated CUF MP in the House of Representatives. The party dismissed her in June 1998. Mrs. Jidawi filed a lawsuit protesting the action and requesting an injunction against her dismissal pending the outcome of the lawsuit. The injunction was granted, and she continued to serve in the House of Representatives as a member of CUF. After the House was dissolved, Mrs. Jidawi announced that she would stand for the presidential election on the NCCR-M ticket. Interestingly, CUF objected to Mrs. Jidawi's candidacy on the grounds that she was still a member of CUF, at least until the lawsuit was settled – although the CUF leadership had actively opposed her membership in the party for at least two years. The ZEC concurred with CUF's objection, and Mrs. Jidawi's candidature was rejected. Despite appealing this decision in the High Court, Mrs. Jidawi ultimately did not stand as a presidential candidate in the 2000 elections.

Remaining Political Parties Contesting the 2000 Elections

In addition to CCM and CUF, a number of other parties fielded candidates for the House of Representatives elections. The following lists the party names and the number of constituencies in which they competed:

- Chama Cha Mapinduzi (CCM) (Party of the Revolution); former sole political party until 1992 (50 constituencies).
- Chama Cha Demokrasia na Maendeleo (CHADEMA) (Party of Democracy and Development) (4 constituencies; 2 on Pemba).
- Civic United Front (CUF) (50 constituencies).
- National Convention for Construction and Reform – Original (NCCR-Mageuzi) (17 constituencies; 10 on Pemba).
- National Reconstruction Alliance (NRA) (1 constituency; 0 on Pemba).

- Tanzania Democratic Alliance (TADEA) (3 constituencies; 0 on Pemba).
- Tanzania Labour Party (TLP) (14 constituencies; 6 on Pemba).
- Union for Multiparty Democracy of Tanzania (UMD) (2 constituencies; 0 on Pemba).
- United People's Democratic Party (UPDP) (15 constituencies; 0 on Pemba).

E. The Zanzibar Electoral Commission

According to the Elections (Amendments) Act, 2000, the Zanzibar Electoral Commission is the administrative organ responsible for the management of elections in Zanzibar, with duties as follows:

- Organization and supervision of the general conduct of presidential, house of representative and local authorities elections.
- Promotion and regulation of voter education.
- Demarcation of constituency boundaries (the number of constituencies is set by the Constitution, which states that a minimum of 40 and a maximum of 55 constituencies may be demarcated).
- Consultation with the National Electoral Commission (NEC).

Composition and Structure of ZEC

The Zanzibar Electoral Commission consists of seven members appointed by the president of Zanzibar. The President selects one of the seven as the chairman of the commission. The remaining six members elect the vice-chairman from their midst. The act provides that at least one of the Commissioners must be a lawyer. The President also appoints the director of elections, who is the only member with security of tenure. By contrast, Tanzania law stipulates that the NEC be headed by a Chief Justice of the High Court of Tanzania. The current vice-chair of the NEC is from Zanzibar, and is also a High Court Justice.

The ZEC appoints returning officers and assistants, who in turn appoint presiding officers and their assistants. Returning officers are responsible for tabulating election results from polling centers, announcing the election results for house of representative and local

authorities, and compiling the presidential election results by constituency and submitting them to the ZEC. Of the 12 ROs appointed for the 50 constituencies on the two islands, 11 are district administration officers; the twelfth is a district-level administrative officer in the Education Department. The ZEC invited the administrators to apply, interviewing and then selecting the final persons. None of the administrators for the 2000 elections had served previously in an electoral capacity, nor had they been involved in the 2000 voter registration process.

The Elections (Amendments) Act names the *sheha*, or traditional chief, as a member of the ZEC staff. The traditional authority, or *shehia*, covers the same geographic area as a polling center. According to the Act, the *sheha* is an officer of the ZEC, appointed by the ZEC under the Regional Administration Act. The duties of the *sheha* are to "advise" the presiding officer and polling assistants, and to ensure compliance with election laws and regulations. During the voter registration period, the *shehas* determined which residency criteria a prospective voter met, and therefore in which elections (Zanzibar and/or Union) the voter could participate. Many Zanzibari political activists and observers view this consolidation of appointed authority with traditional authority as a political strategy by the GOZ to disenfranchise potential opposition voters. Their view is supported by a 1994 census that the *shehas* conducted in each Zanzibar village. The *shehas* directly asked people which party they supported, and kept records of the responses.

F. Relationship between NEC and ZEC

As stated earlier, the electoral law describes the ZEC as working "in consultation" with the NEC. However, it appears that in at least two areas, the consultative process consists of the NEC merely approving actions already taken by the ZEC. For example, less than six months before the elections, the ZEC redrew boundaries within the existing constituencies, created two new constituencies, presenting the resultant constituency map to the NEC for its concurrence. The NEC accepted the ZEC's restructured constituencies. The election law of Tanzania stipulates that the NEC must approve the ZEC voters' list. However, members of the NEC expressed the opinion that the Zanzibar voter registration regulations create a double standard for Tanzanian citizens temporarily resident in Zanzibar, although *all* citizens, whether resident in Zanzibar or Tanzania, are Tanzanian citizens. Polling stations in Zanzibar were to be equipped with two voter registers. The first would be for the

Zanzibaris who were deemed eligible to cast ballots in the Zanzibar presidential, house of representatives and *diwani* elections, as well as for the Union president and parliament. The second would be for Zanzibaris and/or mainland Tanzania residents who did not fulfill the residency requirements, but who were eligible to vote in the Union elections. The NEC has suggested that one unified register might reduce confusion and needless disenfranchisement of Tanzanian citizens, but had not revisited that issue with the ZEC before the elections.

G. Administrative and Legal Framework of the October 29 Elections

Zanzibar is divided into 11 districts. Unguja has 6 districts, Pemba has five. The districts are divided into 50 constituencies, 21 of which are in Pemba. Each constituency serves as a polling district and is divided into polling centers, which are subdivided into 1,400 individual polling stations, hosting an average of 350 voters per station. The District Commissioner is the principal administrative authority in the district. The returning officer is the senior electoral official in the district.

The laws governing elections in Zanzibar are found in a series of acts and instruments, some of which are included in this report as Appendix B:

- *The Constitution of Zanzibar, 1984.*
- The Constitution of the United Republic of Tanzania of 1977, which incorporates and consolidates all amendments made to the Constitution since its enactment by the Constituent Assembly, through June 30, 1995.
- *The Political Parties Act, 1992.*
- *The Election Act No. II of 1984*, which incorporates all amendments made up to March 31, 1995.
- *The Election (Amendments) Act, 2000* passed in the House of Representatives on July 17, 2000.
- *The Code of Conduct for National and International Observers - Zanzibar Electoral Commission.*
- *The Zanzibar General Elections 2000: A Brief Guide.*

- *Directives for State Media during Campaigns for the Zanzibar General Elections 2000.*

Tanzania has a five-level judiciary combining the tribal, Islamic, and British common law traditions. Appeal is from the primary courts through the district courts, resident magistrate courts, to the high courts, and Court of Appeals. The Chief Justice appoints judges, except those appointed by the president for the Court of Appeals and the High Court. The Zanzibari court system parallels the legal system of the Union, and all cases tried in Zanzibari courts, except for those involving constitutional issues and Islamic law, can be appealed to the Court of Appeals of the Union.

H. Voter Registration

The election law stipulates the following criteria for voter registration:

Eligibility

- At least 18 years of age.
- Tanzania citizen.
- No prior judgment of insanity.
- Not incarcerated with a sentence longer than 6 months, or with a sentence of death.

Residency Requirements

- A person is eligible to register in whatever constituency he or she currently resides and has resided for the past five years, or in whatever constituency he or she works and has worked for the past five consecutive years.
- Service qualification covers members of the military, police force or special units and their spouses, assigned to a particular constituency. These persons are eligible to vote in their assigned constituencies.
- A person who is not in their constituency of residence during voter registration has the right to travel to that constituency in order to be eligible to vote in as many elections as possible.

Voters that met all of the residency requirements would cast ballots in five elections – the Union President, the Union Parliament, the Zanzibar President, Zanzibar House of Representatives and *Diwani* (local authority) offices. Voters that met some of the requirements would cast ballots for the Union and Zanzibar presidential elections, but not the House of Representatives or local elections. Mainland Tanzanians stationed in Zanzibar

for fewer than five years would be denied the right to vote in their own constituency, and in any election other than the Union President.

The IFES observer delegation consulted with a number of political activists, members of civil society and ordinary citizens regarding the August 2000 voter registration, including allegations of abuse of this system by ZEC personnel, and by the *shehas* in particular. The IFES team was unable to obtain evidence of complaints filed, and to confirm the substance of the allegations. However, the number of and consistency of complaints from all of the political party representatives with whom the delegation met and the problems with the voting list on election day led IFES to believe that the voter registration was not a smooth process.

I. Polling Station, Voting and Vote Counting Operations

Copies of the laws and regulations of polling station operation are attached to this report as Appendix B. A brief summary of polling station operations is as follows:

Before Opening

- Presiding Officer (PO) inspects assigned polling station to ensure that appropriate furniture is available.
- PO trains assigned polling station assistants (ballot clerk, registration clerk, ink clerk, secretary).
- PO receives non-sensitive polling station materials (voting booth, educational posters, twine, scissors, lamps, sealing wax, t-shirts, badges, etc) one to two days before the election.
- PO receives sensitive materials (ballots, boxes, ink, ballot boxes) between midnight and 6:30 am on the day of the election.
- PO prepares polling station for opening as indicated in the instructions.

Opening

- Recording secretary fills out Forms 14A and B.
- Presiding officer shows box is empty, seal with wax and lock.
- Presiding officer allows polling agents to put their own seals on the box.
- Polling assistant or security officer controls flow of voters at polling station entrance.
- Polling assistant checks voter's name against register(s), check next to his/her name.
- Polling assistant notes the voter registration number on the ballot counterfoil.
- Ballot clerk stamps ballot on both folded sides before handing it to voter.
- Presiding officer offers assistance to voters if requested.

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- Ink voter's fingers and ensure that they have registration card prior to their departure from the station.
- Ensure that any polling agents in station have filled out appropriate forms.

Closing

- Presiding officer declares station closed at 5 pm, but allows persons waiting in line at 5 to complete voting.
- Recording secretary records the number of ballots issued, spoiled etc in order to determine how many should be in box.
- Presiding officer packages remaining ballot books, stubs, spoiled ballots as directed for return to returning officer.
- Polling staff proceeds with counts as instructed.
- Presiding officer and recording secretary complete ballot reconciliation forms.
- Presiding officer packages ballots in bundles as instructed.
- Presiding officer posts results of elections at polling station.
- Presiding officer seals boxes and package remaining polling station materials for pickup.

Tabulation of Results

- Returning Officer (RO) reconciles any disputes with votes at constituency level.
- RO receives polling station materials and records vote totals.
- RO generates results by constituency.
- RO publicly posts results of Presidential and House of Representatives elections by constituency and the district.

III. OBSERVATION OF THE 2000 GENERAL ELECTIONS IN ZANZIBAR

A. Accreditation

The Government of Tanzania and the NEC issued a general invitation to international election observers in late July 2000, permitting long-term monitoring of the registration and election preparation process. Zanzibar's ZEC took a narrower approach to observation delaying key decisions until the voter registration process was complete. ZEC invited intergovernmental organizations of which Tanzania is a member state. All other organizations were required to apply for an invitation. In early September, the ZEC developed a Code of Conduct for international observers, stating that organizations without expressed invitations would have to apply to the ZEC for accreditation. The late date of the Code's release prevented the organization of the long term monitoring effort that IFES had hoped to mount in Zanzibar. The differences between the manner in which the NEC and ZEC worked with the local and international observer community are a testament to the organizational capacity, commitment to a transparent election process and level of general preparedness of both Commissions.

IFES and the National Democratic Institute (NDI), two of the three partners in the Consortium for Elections and Political Processes Strengthening (CEPPS), had for some time considered mobilizing monitors for the elections. The two organizations reviewed the ZEC Code of Conduct for International Observers against internationally accepted norms of election observation, consulting as well with the Commonwealth Secretariat. The Commonwealth shared IFES' and NDI's concern that the ZEC not seek to unduly limit the scope of the election observers. Having recently encountered an uncooperative election authority in Zimbabwe, national and international organizations were particularly sensitive to this issue.

The salient concepts that the code of conduct communicated were a number of potential restrictions on the movement of election observers. The reality of these restrictions hinged on one's interpretation of the Code of Conduct and of course, on the Code's application in practice by the Zanzibaris. According to the code, the ZEC would retain the right to approve or deny each individual observer's accreditation; opening the door to selective accreditation of observers based on nationality and related criteria, regardless of whether or not they were put forth by a well-qualified organization. The code also stated that observers would be assigned to specific constituencies for the entire observation period; suggesting

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that observers would be prevented from circulating freely. Furthermore, the Code suggested that all observer reports were to be provided to the ZEC prior to being released to a broader audience. Finally, IFES learned that the ZEC intended to use the accreditation process to control the total number of observers that would be in Zanzibar during the elections, limiting the overall coverage of the elections by the observers.

Considering the strictures explicit in the code of conduct, and on consultations with other international organizations involved in international observation, IFES adopted a "two-test" strategy to determine the rigidity of the code. First, an advance team would travel to Zanzibar to meet with the ZEC, obtain accreditation for the advance team members, and present a provisional list of delegation members. If it appeared that the restrictions would be enforced such that the observers would not be able to complete their scope of work, the advance team would recommend against mobilizing the full delegation. If the team made a recommendation to expand the delegation, the second "test" was in the receipt of the accreditation for the full team. Delays in this process beyond a reasonable time would make observation of the elections impossible. IFES decided that if the ZEC were to fail to produce accreditation to the full team by 10 days before the election, IFES would cancel its observation mission.

During the first week of October 2000, the three-person advance team traveled to Zanzibar to discuss the accreditation process with the ZEC. Over the course of several meetings with the ZEC leadership, the IFES team learned that the Code of Conduct was not designed to deliberately restrict the movements of observers, who would be free to travel anywhere that they wished in Zanzibar. ZEC members acknowledged that the language of the code of conduct was stronger than had been intended. The ZEC encouraged the IFES team to provide an advance deployment plan, to ensure that the islands would be adequately covered and that observers would not end up crowded in a particular area. Based on these meetings, the IFES team recommended that the delegation be duly expanded to 20 members, and presented a formal request for accreditation of the entire delegation to the ZEC on October 7.

From that point, the accreditation process became more-rather than less complicated. First, the ZEC requested that reduction of the number of delegates from twenty to sixteen, despite the fact that this would reduce IFES' coverage of the two islands. Although provided with

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the requested information on October 7, ten more days passed until the ZEC would confirm the "approval" of the remaining delegation members. (Appendix D) The final IFES delegation included fourteen members, due to an October 17 denial of accreditation of two qualified observers and the unavailability of suitable alternates at that late date. When the IFES delegation learned upon arrival that the ZEC polling station personnel might demand even more credentials than those issued by its own governing authority, IFES requested NEC observer credentials. Those credentials were issued within 24 hours of the submission of the request.

The IFES observer delegation was composed of eight Americans, one Comorian, one Dutch, one German, one Kenyan, one Ugandan and one Zambian; eight women, six men; and seven fluent KiSwahili speakers. Five of the delegates had been members of the IFES international observation delegation in Tanzania in 1995. The composition of the delegation and its linguistic capability were key factors in the success of the observation effort. A full list of observers is attached as Appendix C.

Based on information gathered from the ZEC, members of the Tanzania Election Monitoring Consortium (TEMCO), the Commonwealth Observer Group, political party activists, and other relevant groups and individuals, IFES drew up a list of key constituencies to visit on election day. Two teams were deployed to Pemba, one team to the North Coast region, one to the West region, and three teams in Unguja Urban region. The delegation received voter registration data and a list of candidates and constituencies from the ZEC's information technology department, and constituency maps plus election laws from the Commonwealth Observer Group.

B. IFES Team Arrival, Briefing and Deployment

The IFES delegation arrived in Dar es Salaam on October 23, and participated in briefings hosted by the Joint Electoral Assistance Secretariat. Justice Lewis Makame, Chairman and Justice Augustino Ramadhani, Vice-Chairman of the National Electoral Commission, provided background information on the Tanzania election process. In addition, the delegation listened to presentations by representatives of the University of Dar Es Salaam, the Tanzania Gender Networking Program, the Media Institute of Southern Africa, and

TEMCO. Justice Ramadhani, the NEC member with direct responsibility for the Zanzibar Electoral Commission, briefed the delegation on October 24.

On October 25, the IFES delegation traveled to Zanzibar. The group was briefed upon arrival by Regina Larson and Jane Michuki, members of the IFES advance team. That afternoon, the delegation formed small groups to attend political rallies. During the next four days, the delegation met with members of the political parties, the Journalists' Association of Zanzibar, and numerous academic and religious leaders.

C. Pre-Election Observations

The IFES advance team used its on-site presence to attend as many pre-election events as possible. The team's observations served to provide the newly arriving delegation with essential information on the climate of elections in the earlier days of the process.

Provisional Voters' List

Although the election regulations require the ZEC to produce a provisional voters' list within two weeks of the close of voter registration, the list was only made available from October 7-10. The stations where voters could come and check the lists were not designed to facilitate the process: the lists were posted too high on the wall for most people to see, let alone read their names. Two people were present at each station to try to assist voters. A list of the final voter registration figures for each constituency is attached to this report as Appendix F.

Pollworker Training

The hiring of pollworkers took place during the final two weeks of October. The training sessions typically were organized to accommodate 300 or more presiding officers. The sessions included practical exercises in polling station operation, plus handouts. This was an improvement over the 1995 process, where Presiding Officers were trained under even more crowded conditions and no materials were provided.

Civic Education

The ZEC stated as early as July 2000 that the absence of donor support would directly affect the size and scope of the government-sponsored civic education program. The main feature of the program was the commissioning of a theater group to develop a skit for education and entertainment of voters, and a separate video on the election process. The theater group was assigned to perform in Zanzibar's more remote villages, while the video was shown in the urban areas. Despite repeated requests to the ZEC, the IFES advance team was unable to obtain a copy of the video, or a schedule of the theater performances. In addition, the ZEC oversaw the production of political party television programming, but deferred to the government of Zanzibar to develop civic education messages for television. Persons that the IFES delegation interviewed informally stated that the television programs all sounded as if they came from the political parties, rather than from an objective news source.

Political leaders and church leaders with whom the IFES team met also implemented civic education activities at rallies and during religious services.

D. ZEC Perspectives on the Zanzibar Elections

Zanzibar Electoral Commission

The IFES delegation met with Abdulrahman Mwinyi Jumbe, Chairman and Ame Khamis, Director of Elections at the Zanzibar Electoral Commission on October 26. The Director of Elections provided an overview of the voting procedure and election regulations. Mr. Jumbe, who was appointed as the Chairman in August 2000, highlighted specific areas of concern to the ZEC in the final hours before the election. Elaborating on one of the differences between the administration of the 1995 elections and the upcoming ones, Mr. Jumbe described the process by which the ballots were prepared for October 29. This year, the ballots, most of which arrived on October 22, had been produced in South Africa and shrink-wrapped at the factory prior to shipment. The ballots were first packed by district, and then again packaged within the districts by constituency. The final breakout of ballots by polling station and voting table was to be facilitated by the ZEC at the constituency level. The Chairman stressed that the political parties were invited to have their agents monitor the

entire distribution chain. Ballots for Pemba were arriving on October 26, to be delivered on the same day. Final distribution of ballots and secure materials to Unguja was planned for October 28.

Mr. Jumbe discussed the introduction of a forum for interparty dialogue as another improvement in the Zanzibar election process since 1995. The forum was originally convened for the parties to discuss civic education program issues, but both parties took advantage of the opportunity to raise other campaign and election-related issues. In the final days before the election, the parties were focused on the issue of polling agents in the polling station. The election law specifically called for one polling agent per candidate in any given polling station. However, the law was enacted before the Tanzania government determined that both the Union and Zanzibar elections would be conducted on the same day. With five ballot boxes in each polling station, and one polling agent for each party contesting each election, the number of people in the polling station could lead to uncomfortable crowding, inhibiting the passage of voters. The ZEC convened a meeting to suggest that all parties interpret the law to mean one agent per *party*, so that nine polling agents would be the maximum number of agents in any one station. However, Mr. Jumbe stated that CUF refused to agree with the proposed compromise.

The role of the *sheha* is highlighted elsewhere in this report as a source of controversy. The combination of traditional authority with a government function, albeit temporary, has caused many observers to question whether the loyalty of the *sheha* is to his (or her) village or to the government of Zanzibar. Mr. Jumbe stated that the role of the *sheha* in the polling station would be substantially different from the activities that the *shehas* carried out in August. While still important, the *sheha*'s position in the polling station would be much more low profile, in effect serving as a last resort (behind the party agents) to confirm the identity of voters who did not have proper identification. Mr. Jumbe reminded IFES that the *sheha* would not be in a position to deny a duly registered voter the right to vote, since he or she would have already supervised the voter registration process and could have lodged any relevant objection at that time.

Staffing

Regional election coordinators (RECs) are responsible for the administration of the elections, one level below the national electoral commission. In addition to the five RECs, the NEC assigned two RECs from the mainland to manage the Union elections in Zanzibar.

Constituency-level coordination was the responsibility of returning officers (RO), one per constituency. Each RO was assisted by an assistant RO. A presiding officer, and three polling assistants, formed the staff at each voting table. In polling stations that included multiple tables, one presiding officer was tasked with oversight of operations for the entire station. The Assistant Presiding Officers managed the individual voting tables, aided by polling assistants, and party agents.

Ballots

As a ballot security measure, the ZEC's ballot specifications included the sequential serial numbering of all of the ballots. The ballots were prepared in booklets of 50 ballots and 100 ballots. Each page was perforated to allow for easy separation of the individual ballots from the booklets, leaving a stub, or "counterfoil." Both the counterfoil and the ballot carried the same number. The ballots for the Union elections prepared by the NEC also had numbered ballots and counterfoils. This system offered an easy way for poll workers, party agents, and observers to rapidly determine whether "foreign" or illegal ballots had been added to the ballot box over the course of election day.

Unlike the NEC, the ZEC required an additional control on the 2000 ballot. Immediately below the ballot serial number on the counterfoil of the Zanzibar ballots was a blank on which the election worker responsible for providing ballots to voters was to record the voter's identification number. This control system was highlighted by the international community as a clear violation of the individuality and secrecy of the ballot. With the voted ballot, its counterfoil, and the voter register, one could, with some effort, identify the choice of an individual voter.

In 1995, the NEC employed this same system, noting each voter's identification number on his respective ballot counterfoil. For the 2000 election, the NEC suspended this step, citing

the commission's position that the recording of a voter's number on the ballot counterfoil constituted clear violation of ballot secrecy. IFES learned that in informal discussions prior to the ZEC's determination of the 2000 election regulations, NEC representatives had encouraged the ZEC to follow its lead. A ZEC official suggested to IFES that it would be worthwhile to revisit the design and security of the Zanzibar election ballot following the 2000 election.

The notation of the voter's number on the counterfoil became an issue of concern for IFES and the other international groups and donor representatives that were monitoring the preparations for Zanzibar's elections. It is interesting to note that a majority of the Zanzibari stakeholders interviewed by the IFES team indicated that they had not focused on the counterfoil issue, suggesting that other aspects of the process were for them a more significant preoccupation.

Ballot Arrival

The final shipment of ballots arrived in Zanzibar on the afternoon of October 23. ZEC representatives were on hand to verify delivery. Cardboard boxes of different sizes were packed on a total of 7 pallets. Computerized printouts indicating the various locations for the boxes and the type of ballots were attached to each box. The loading of the boxes onto trucks was performed under tight security. The ZEC representatives opened one box for the observers to see. The box contained polling station supplies, sample ballots, security stickers, and two extra boxes (one for Unguja, one for Pemba) with 9,000 spare ballots each for the Zanzibar Presidential election.

On October 25, members of the IFES delegation met with representatives from the NRA, PNU, TADEA, and UDP. They recounted their confusing experience with the ZEC in the observation of the delivery of the ballots. First, the parties were informed that the ballots would arrive on October 20, but when they traveled to the airport, a ZEC representative told them to come back on October 22, and then again on October 23. Although they were not permitted to see the ballots actually unpacked, they were permitted to copy information from the packing slips. All but two party representatives, who left the airport in frustration, accompanied the ballots to the warehouse. The ZEC representatives offered to allow the remaining party activists to view the opening of one of the boxes. This offer heightened the

activists' suspicion of the ZEC and they chose not to observe the contents of the box, fearing that their certification of the box's contents might be used to implicate them later.

Rallies

The observer accreditation issue proved to require most of the advance team's time and energy, limiting the team's ability to observe the election campaign. Upon arrival in Zanzibar, and prior to field deployment, the full observer delegation covered all rallies scheduled during that time in Stonetown. Following field deployment, the delegation teams observed last-minute political activity in their respective locations. The teams operating out of Stonetown were able to attend the final CUF and CCM rallies.

Rally scheduling by the parties was flexible, posing a challenge to the observers. Rally date, time, and location as communicated to observers were subject to last-minute change. As a result, the team relied mostly on input from local contact persons to enable them to locate and observe the campaign events. Overall, the occurrence of rallies appeared to be tied to the location and availability of the party leaders versus to a pre-determined schedule.

Although invitations were extended, the IFES observers did not allow themselves to be incorporated into the rally proceedings. They remained at the fringes of meetings, looking closely at participation and the conduct of the crowd, and listening to the content of the stump speeches.

The following excerpts from observation notes prepared by the IFES observers speak to the conduct of some of the rallies:

CUF Rally, Amani Constituency, Urban "B" District, October 12. Before an October 12 CUF meeting in Kilima Hewa, CUF filed official notice and sought permission to hold the meeting at Kibanda-Maiti grounds. When they arrived at Kibanda-Maiti, police denied them permission to hold the meeting, although the correct paperwork had been filed, and turned them away. CUF members then decided to hold the meeting in front of one of their offices. Video footage of the meeting showed police arriving and shooting without notice into the seated crowd of CUF supporters. As the shots were fired, the meeting conveners exhorted their audience to remain calm, to stay seated, and not to respond with violence.

The police ran away shortly thereafter. Six men were wounded in the shooting. As of October 28th, two of the six men were still in the hospital, one of who was shot in both legs.

CCM Rally, Mlandege Constituency, Urban "A" District, October 25. This rally was held to support a House of Representatives candidate named Kamal Bashir Basliu. Eight hundred people crowded into the courtyard and several hundred more lined the alleyways leading to the courtyard. The candidate continually reminded the crowd that CCM (or its progenitors) had secured the revolution and CUF had no role in it. His comments when describing his opponent were derisive in a reasonably good-humored fashion. At one point he accused his opponent of resembling a white man and having ideas that were not relevant to Zanzibaris. The rally was peaceful; the only incident occurred when a man openly supported CUF and was chased by police. He was let off with a warning.

CUF Rally, Mnazi Moja, Urban District, October 25. Approximately 5,000 people attended this rally. There were many policemen around the area. More than 70 former CCM supporters handed their party cards to the CUF candidate. The content of the rally's message was basically: turn out to vote on October 29; who is responsible for what at the polling station; and, desist/refrain from violence, a message aimed particularly at young men. The speakers stated that CUF would accept the results of the elections, whatever they are, if the polling, counting and announcement of results are done in a fair and transparent manner.

CUF Rally, Mkoani Constituency, Mkoani District, October 26. We went to observe a CUF rally for Seif Shariff Hamad, the CUF presidential candidate. The meeting was reportedly scheduled for 11:00 am, which was around the time we arrived, but then was postponed until 2:00 pm. According to people we met there, this was because permission to hold the rally was still pending, although the police had been notified the required 48 hours in advance.

CCM Rally, Tumbatu Constituency, North "A" District, October 28. The crowd was about 1,200-1,400 people. After several dance groups performed, the candidate asked all those who had CUF party cards to surrender them for CCM cards. A person claiming to be a prominent CUF supporter tore up his CUF membership card in a dramatic manner and was given a hero's welcome. The candidate then introduced local council candidates. The meeting ended peacefully without incident.

E. Election Day Observations

Between October 29 and 30, IFES observed operations at more than 80 polling stations in 25 of Zanzibar's 50 constituencies on Unguja and Pemba. The majority of polling stations were arranged to accommodate several "streams" of voters at individual voting tables. According to ZEC statistics at the time of the elections, Zanzibar was home to 451,881 registered voters. (Unguja 313,351; Pemba 138,350) The ZEC established 288 polling stations (Unguja 200; Pemba 88) and 1,493 voting tables (Unguja 988; Pemba 505).

A maximum of 350 voters was assigned to each voting table within the polling station. Schools were frequently used as polling stations, with a voting table located in each individual classroom. For the 2000 election, the largest polling station was home to 15 voting tables, and thus intended to service a maximum of 5,250 voters. Most stations incorporated between one and six tables.

Team members recorded their observations on a series of checklists prepared by IFES staff. Three different single-page checklists were prepared: voting operations; close of polling and vote count; and, results tabulation. (Appendix E) The forms were prepared drawing on IFES experience on similar observation activities worldwide, and on discussions with the other groups involved in observing the elections on the mainland and in Zanzibar. IFES staff briefed the team members in the use of the forms prior to field deployment. Each deployment team returned its completed forms, accompanied by a brief observation report, to IFES staff following the election.

Upon arriving in their respective location, each pair of IFES observers went about meeting with key government, ZEC, political party, and civil society figures. Each team also met with other international observers present in their respective zones to share information and

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discuss election day logistics. The deployment teams used the final afternoon prior to the election to map out their deployment routes, determining at which polling station they would witness the opening of voting. From that first station, the teams were to travel to polling stations in their assigned areas over the course of the day, with the intention of arriving back at the station where the team opened its day, to observe the close of voting and the vote count.

To remain responsive to the evolution of events prior to and through the elections, a call-in schedule was set for each team. Each team was equipped with a cellular telephone, and where possible, information on communication alternatives, such as regular telephone, fax, and high-frequency radio. In spite of technical glitches, IFES staff in Stonetown maintained regular contact with the deployment teams, a fact that proved valuable once the elections were underway.

The election regulations stated that once the results were recorded at the polling station level, including the results of the individual voting tables, those results were to be transmitted to constituency-level "counting centers." Results for each of the 50 constituencies was to be tabulated at each of the counting centers. From the counting centers, results were to be transmitted to the ZEC headquarters in Stonetown for Zanzibar-wide tabulation and announcement of Union and Zanzibari election results. In 1995, the elections were fundamentally flawed following the close of polls. In recognition of that fact, the IFES team, and other international observer groups, made plans to pay special attention to voting table, polling station, counting center, and national vote counting and results tabulation.

The late opening, and in some cases the non-opening, of polling stations, coupled with the ZEC's decision to suspend polling archipelago-wide late on the 29th, threw the observation tactics of IFES and other observation groups into disarray. Some IFES delegation members witnessed vote counts. Others were told to vacate the polling station premises as the order to suspend voting had been received from ZEC headquarters. Still others stood with befuddled political party agents and voting table officials as vehicles accompanied by representatives of public security or the armed forces arrived unannounced to collect and carry away the ballot boxes, forms, and all polling station supplies and equipment.

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The IFES team's observations focused on all aspects of the voting operations vis-à-vis Zanzibar's election law and applicable regulations issued by the ZEC up to and through election day. As has been noted earlier, there were five elections taking place on the 29th: president of Zanzibar, Zanzibari house of representatives, Union president, Zanzibari representation to the Union parliament in Dar Es Salaam and Zanzibari local councils. Each polling station and the individual voting tables within each station was supposed to be equipped for all five elections. The IFES observation focused on the two Zanzibari elections.

Level of Preparation

The success or the failure of the election administration body's preparations can be immediately ascertained at the opening of the polls. Traveling through their respective deployment zones on October 29th prior to the 0700 opening of polling, IFES observers noted that voters were already gathering at the polling stations. The pre-opening crowd at some of the stations numbered in the hundreds, with men and women collecting in separate queues, each keen to accomplish his or her civic duty in the cooler part of the day.

Inside the polling stations, IFES found that a majority of the voting tables were arranged, and all materials were in place. A number of stations lacked adequate numbers of voting day forms. IFES teams observing outside of the Urban and West districts on Unguja and on Pemba reported that voting kicked off at or near 0700.

Chake Chake District Office. ZEC officials informed us on October 28 that the ballots had arrived in Pemba late on the evening of October 27, had been taken from the port at Mkoani and would be distributed later in the day. Union ballots, which had not been routed through the ZEC headquarters on Unguja, were scattered around the district office, bundled by tape that was neither signed nor sealed.

Wawi Constituency. Although the polling center was located two miles from the ZEC RO's office, the ballots did not arrive at the polling center until 0720.

Urban A District. Mlandege Constituency. Patrice Lumumba School Polling Station. We arrived at the school at 0650 to find the school building already surrounded by several hundred voters, sitting quietly in the morning shade, awaiting the opening of the polls. The men congregated near the east end of the school, the women at the west end. Inside, we located the senior voting official, who introduced

himself to us as the *sheha*. He encouraged us to visit all of the voting tables, and told us that he had no problems to report, apart from the fact that he had yet to receive ballots. In the classrooms and the main auditorium we found all 14 voting tables arranged and ready to open once ballots were available.

According to the ZEC, the ballots had been bound into both 100-ballot and 50-ballot booklets. In a pre-election meeting with IFES, Chairman Jumbe said that the ballots in the final shipment to the ZEC were shrink-wrapped by district. When IFES observed the unloading of the air shipment of ballots, the packaging method was not immediately verifiable. It was clear to IFES that the ballots as shipped would have to be broken down at some point by the ZEC into smaller lots for eventual delivery to the constituency, *shehia*, polling station, and voting table levels. Ballot distribution was further complicated by the fact that the Union ballots followed a different delivery and distribution chain until they arrived at the district level.

On October 29, most of the stations that IFES visited in Urban/Town and West districts possessed neither Zanzibari nor Union ballots prior to 0700. Very few stations in either district, an area that is home to approximately 42% of Zanzibar's eligible electorate, were able to open on time. The queues grew longer as 0700 came and went. Expectant voters gathered patiently, waiting to cast their ballots. Communicating with each of the deployment teams and the ZEC, IFES determined that ballot distribution in Urban and West posed a serious problem. The ZEC belatedly reported to local media, national and international observers that vehicles were circulating to all polling stations to deliver ballots. The uneven dissemination of this important information left polling station officials unable to respond satisfactorily to demands for information from political party representatives and voters.

Urban A District. Mlandege Constituency. Patrice Lumumba School Polling Station. Communicating with other team members in Stonetown, we learned that voting had not started in most voting stations due to the non-availability of ballots. We decided to visit some other polling stations in our assigned zone to see how others were managing the delay. When we returned to the Lumumba school later in the morning, we learned that a ZEC official visited the station at 0820 to report that ballots would soon be delivered and to verify that each party had the right to one single party agent at each voting table.

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Urban B District. Amani Constituency. Kilimahewa School Polling Stations. At 0810, on the dirt track leading up to the school, we pulled over to allow an oncoming dump truck to pass. We noted that there were several uniformed persons in the truck cab. A group of armed police and civilians were sitting on the boxes in the truck bed; several more clung to the sides of the truck as it bounced down the hill. A moment later we were at the school. One of the presiding officers verified that the truck had delivered the ballots for the two polling stations and their 18 voting tables. We were ushered into an unused classroom, where a crowd surrounded a disorganized pile of ballots where the crew on the truck had deposited them. The officials struggled to distinguish between the four ballot types and divide them between the 18 voting tables. Several armed soldiers, some police, and the *sheha* and his representatives competed for space with the election officials, adding to the confusion. One individual, who was identified as the *sheha*'s son, kept close watch on our movements, moving close as we exchanged verbal observations on the process.

An official would go away with a stack of ballot books, only to return a few minutes later to claim an additional book of ballots, or to return an extra book in exchange for another ballot type. No one in the room was maintaining a master list of the serial numbers of the ballots as they were distributed. We left the room to visit some of the voting tables. Voting had started in several. Ballot serial numbers had yet to be noted on the voting table forms as the voting table presidents hurried to begin processing the large queues of voters crowding at the entry of each classroom and filling the school courtyard.

In addition to the presence of voting materials, IFES relied on several indicators to assess the ZEC's level of preparedness for the elections. In completing the observation forms, the team members were reminded to verify that the layout of the polling station and the voting tables followed ZEC directives, while being accessible to the electorate and arranged in such a way as to preserve the secrecy of the vote. Note was made as to whether or not voting table staff, political party agents, and security agents were present. The polling station and the surrounding area were scanned to verify that neither armed individuals or political campaign propaganda were in the immediate vicinity, as demanded by the election regulations.

Vitongoji Constituency. CCM campaign posters could be found within 50 meters of the polling station.

Amani Constituency. We saw no campaign materials in the immediate vicinity of Kilimahewa School, the location of two polling stations that between them housed

18 voting tables. The stations could not open due to the lack of ballots. We took advantage of the delay to walk among the hundreds of voters expectantly queued up before the classrooms that served to house the individual voting tables. Among those in the crowd, we noted no one who wore any clothing, material, or buttons identifying them as the member of one party or another. Police were present, all armed with sticks. At least four also carried rifles. The police with rifles stood within four meters (five yards) of the lines of voters.

Jang'ombe Constituency. Five stations never received voting supplies. At 2230, two stations visited had just begun the voting process.

Mfenesini Constituency. Polling materials arrived at 0615, but voting did not take place because there were still no Union ballots at 1530.

Urban A District. Mlandege Constituency. Patrice Lumumba School Polling Station. Prior to the opening of the polls, a contingent of local police was making the rounds of the tables. The senior officer was issuing instructions to his cadre, placing appropriate importance on how he expected the officers to behave, stressing that they were to respect the authority of the election officials and the *sheha*. We saw one officer outside of the school and within 50 meters of the building with a firearm. The rest of the officers inside and outside of the school carried wood batons.

Mji Mkongwe Constituency. Three navy officers (KMKM) and three police officers guarded the front gate of the Tumekuja School. People in line reported that considerable numbers of people not known to be from the Stonetown area had been brought in to vote under Field Force Unit (FFU) escort. IFES did take note of approximately thirty young women in tracksuit pants and blue shirts, scattered through the line of women waiting to be let into the polling station. The women's apparel was not typical of town fashion, nor was it typical of any group in Zanzibar. The same women were either unveiled or haphazardly veiled, making them stand out from the other urban women in line.

Each of the 9 voting tables had a police officer stationed at the doorway. At least four of them were armed with rifles. Armed FFU units in riot gear remained conspicuous, passing near the polling station in vehicles at regular intervals, and even coming onto the grounds of the school.

Voter Register and Access to Polls

The management of the voting register was complicated by the conduct of simultaneous elections. All eligible voters in Zanzibar, who were in possession of valid voter identification, were allowed to vote in the Union elections. However, to qualify to vote in the Zanzibari presidential, parliamentary, and local elections, an individual of legal voting age was required to demonstrate that she had lived in Zanzibar, and in the constituency in which she was seeking to vote, continuously for five years.

The NEC produced a special registry for use in Zanzibar for citizens who did not meet the residency requirement, to cast votes for the Union elections. As stated earlier, the Union Elections Act assigned the NEC the responsibility to approve the ZEC's voter registry. Sources close to the NEC suggested that this responsibility had become one that the NEC did not relish due to the ZEC's maintenance of the five-year residency rule, a more limiting restriction than that observed on the mainland.

Registration statistics are always a lightning rod for positive or negative commentary by all actors in the electoral process. As is demonstrated in the attached list of voter registration figures (Appendix F), the results of the 2000 registration process yielded a significantly higher percentage of eligible voters than the ZEC originally predicted, as much as 105% of the estimate. The ZEC chairman reminded IFES that the predictions were based largely in Zanzibar's last demographic census (1992) and the 1995 voter register. To these figures, the ZEC added the results of the voter register revision that took place from August 8-18. The next census for Tanzania and Zanzibar is scheduled for 2002.

In their pre-election briefings, the IFES team was told that each voting table in Zanzibar would be in possession of both a Union election voter register and a Zanzibar election voter register. The participation of a voter qualified to vote in both elections would be recorded on both registers. In practice, the IFES team reported seeing very few instances where a voting table was using both lists.

On election day, a voter who was not in possession of his voter registration card could vote if his name was on the voter register and if his identity could be verified. Through the course of election day, team members witnessed voters moving from one voting table to the

next, trying to find the table at which they were registered to vote. The better-organized stations positioned an official at the entrance to the polling station that controlled the flow of voters and tried to direct traffic, pointing voters toward the table indicated on their voter registration card.

Mkoani Constituency. The voter register for the 2000 election represents the beginning of permanent registered voters' list. The list is supposed to contain the voter's registration number, name, address and gender. However, the registers we saw did not all fulfill these criteria. Voters were not able to find their names because they were either listed out of alphabetical order or not listed at all. We observed a large number of people being turned away because their names could not be found on the register. All of the voters stated that they had verified that their names were on the register before polling day.

Jang'ombe Constituency. Voter registration lists were handwritten rather than computer printouts. We were unable to obtain a clear explanation as to why the printed lists were unavailable.

Mji Mkongwe Constituency. Tumekuja School Polling Station. During a 30-minute period in the morning, we witnessed four voters who had voter registration cards, but whose names did not appear on the voter register at the voting table indicated on their cards. They were not allowed to vote. Passing by the same station later in the day, the presiding officer at one of the voting tables where there had been a problem volunteered that several more people came with cards but were not on the list and were not allowed to vote.

Mlandege Constituency. Vikokotoni Polling Station. This was the only station that we visited where the polling officials were using two voter lists. No one at the station could explain why none of the neighboring locations possessed dual lists.

Bumbwini Constituency. Around 2:45 p.m., approximately 15 women had been told that they could not vote yet, because no station had been set up for voters whose last names began with the letters T through Z. Despite the fact that they had been at the center all day, they would have to wait until all of the other voters had cleared out before they would be accommodated.

Procedural Issues – Voting

To help voters distinguish between the different elections, the ballots and the ballot boxes were color-coded. For the Zanzibar elections, the presidential box was blue, the house of

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representatives box was black, and the local government ballot box was off-white. The ballot paper and/or the print used on the ballots were intended to assist the voter in matching the correct ballot with the correct box.

The IFES team noted that in most cases, in voting stations that were properly equipped, either in time for the opening of the poll or later in the day, voting proceeded in an orderly fashion. Polling assistants and party representatives worked together to move the voters through the process.

Other presiding officers experienced material shortages and considerable problems. Those problems increased in complexity as voting day went on and large crowds of expectant voters became hot, tired, hungry, and impatient. Some of these crowds were quite large, such as those witnessed at voting locations in Chumbuni, Mlandege, Mwera and Jang'ombe constituencies. In some cases, voters waited well into the night, never having an opportunity to cast a ballot because ballots, ballot boxes, or both were never delivered by the ZEC.

Over the course of election day, IFES team members passed by the ZEC to share information regarding equipment shortages and other problems noted across Zanzibar. Each time, IFES was told that relevant ZEC authorities were either: "In a meeting," "Out of the office," or, "In the field." Meanwhile, in the field, sightings of senior ZEC officials were rare. IFES was unaware of any coordinated effort by the ZEC to address the multitude of administrative failures, leaving poll workers, voters, and political parties in the dark as to what was going on.

Amani Constituency. The setup of the voting tables differed slightly from constituency to constituency, perhaps reflecting the different approaches taken by the returning officers in training their respective presiding officers. In Amani, by and large, the ballot boxes for the Zanzibar ballots were sealed with ribbon and wax seals. The mainland boxes were sealed with the nylon seals.

Amani Constituency. Once voting was underway, individual voters demonstrated that nearly seven minutes was required to complete the voting process, from voter identification to the deposit of the ballot. Circulating among the voting tables, the IFES team noted a marked shortage of ballots for the *diwani* elections. For example, tables reporting 350 registered voters had only received 150 ballots—one book of 100 and one book of 50.

Chumbuni Constituency. CUF party agents monitoring the vote at the Skuli ya Maandalizi Saateni approached IFES to report that the presiding officer had prevented them from affixing their ballot box seals. A truck from the ZEC delivered materials and equipment for Saateni's 8 voting tables between 0200 and 0300 on election day—except for the ballots, which arrived almost two hours after the opening of the polls. Saateni voting table #3 began voting at 0930, following ballot paper delivery. The presiding officer suspended voting at 1300, when the last available ballots for the Zanzibari legislative and local elections were cast. 180 voters had been processed. Voting continued at some of the other 7 tables located at Saateni School. Some of the other tables had suspended voting in the afternoon due to shortages of other ballots.

Chumbuni Constituency. We stopped back by Kiwanda Cha Karakana at around 1630. 12 temporary voting tables were crowded along each side of a large machine shop area. Approaching the station we passed long lines snaking up the surrounding roads, onto the facility's grounds, and into the shop area. The crowd inside made it difficult to circulate between the stations, but almost everyone was sitting down, so we could see all of the tables. Heavily armed riot police were conspicuous outside of the building. A few were inside, moving from one voting table to the next, weapons in hand. A presiding officer explained that the station had exhausted its supply of mainland ballots at 1500. Party agents offered that they had been told that more ballots were expected shortly.

Voting continued at the one table closest to the entry to the shop area. No one could explain why that table still had ballots in its possession. Two trucks came into the courtyard, each carrying approximately 20 people. The riot police moved in to assist people out of the trucks and into the line at the table where voting continued. We estimated that over 600 voters sat patiently on the floor of the shop area. Approximately 1,700 stood outside.

As 1730 approached, the riot police began to move the all of the waiting voters into the courtyard. We were told that they would be allowed to vote as soon as the ballots arrived. More trucks arrived at the station, discharging their passengers outside of the one operating voting table.

Chumbuni Constituency. At a large center in a fairly isolated area with about twenty polling stations, we saw two truckloads of people brought to the center and ushered in to vote by FFU armed with teargas launchers and assault rifles. They were escorted inside the station and cut in front of voters who were waiting in line.

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Vitongoji Constituency. Polling assistants cast ballots on behalf of elderly, illiterate or disabled voters. If the voters did not bring someone to help them, the voters waited in the center of the polling station while the polling assistant voted in the booth.

Mlandege Constituency. When we returned to the Lumumba school in the afternoon, the party agents had been allowed back into the station by the *sheha*, with their accreditation, at around 1300. However, voting had stopped in all stations for the Gulioni ward, and continued fitfully in the stations for Makadara ward. Party agents reported that unregistered voters from rural areas had been trucked in while they were away seeking their accreditation. Many tables were reporting a shortage of presidential ballots.

The forms 14a and 14b were either not filled out, or had been filled out with figures that revealed glaring discrepancies between the numbers of ballots received, ballots cast, and remaining voters in line. The *sheha* approached the IFES team and stated, "Haven't I already told you that you cannot be talking to these people. You will have to leave or they (the party agents) will." We clarified with the *sheha* that we were acting within the limits of our rights as international observers as stipulated by the ZEC and the NEC. We added that if it were an issue of party agents vs. observers, we would gladly leave to permit the party agents to exercise their rights to monitor the process. Other matters attracted the *sheha's* attention, and he left us to continue our observations.

We passed by Lumumba School at 1840. Voting had been suspended at all of the voting tables. Standing shoulder to shoulder, voters packed the stairwells and halls. Moving around the polling station was almost impossible. Some voters noted our credentials and called out to us to help them be able to vote. There was considerable confusion among poll workers, party agents, and voters. The *sheha*, trailed by a policeman, approached the IFES team members, declaring that we could not speak with the party agents, and warning that anyone who spoke with us would be kicked out of the polling station.

At 1855, the *sheha* declared the election over. An angry buzz rose from the crowd of +/-300 waiting voters in his immediate vicinity. After first ordering everyone, including observers, to go home (the observers stayed), the *sheha* then stated that people could vote until the ballots ran out. He then ordered the ranking police official at the polling station to contact his superiors to, "Send more police."

At 2230, voters remained in line at most of the voting tables, but most of the crowd witnessed earlier had reportedly either voted or left without casting their ballots. We saw voters casting ballots from time to time at a few of the tables—but only after

protracted discussion—discussions that invariably included the *sheha*. At other tables, the staff, party agents, and police slept. Some were filling in forms and preparing to count ballots. Others had closed their ballot boxes and awaited instructions from “the *sheha* or the ZEC or someone” for the next step.

Role of the Sheha

As a result of the observation project start date, IFES was unable to monitor the *shehas*' activity during voting registration. Nevertheless, the IFES team received reports from a variety of sources suggesting that the *shehas*' real influence was felt during the registration exercise as they presided over voter identification and over the verification of the voter register.

One of the distinguishing characteristics of the Zanzibari election was the role assigned to the *sheha* for both the registration and the voting exercises. Some people viewed these quasi-traditional leaders as direct representatives of the government. The *shehas*' role relative to that of ZEC officials, polling station and voting table officials, and political party representatives, was unclear. IFES found that individual *shehas* designed their respective roles. Some were clearly in charge of all activity at the polling station, going so far as to appoint their own representatives to oversee activity at each voting table.

IFES witnessed *shehas* make determinations as to the conduct or the non-conduct of the elections in individual polling stations. *Shehas* were directly involved in resolving disagreements over voter identity, often overriding election officials and political party representatives. IFES also observed *shehas* issuing conflicting interpretations of the instructions granting political party and candidate representatives' access to the polls.

Amani Constituency. The ZEC representatives described themselves as *naibu wa sheha*, or “assistants to the *Sheha*”, rather than personnel hired in their own capacity by the ZEC.

Mlandege Constituency. The *sheha* had assigned one “*sheha*'s representative” to each of the voting tables at Lumumba School. When asked by IFES to explain the role of the *sheha* representatives, the *sheha* explained that they represented the *sheha* and the ZEC.

Party Agents/Activities

The number of party or candidate agents allowed in each polling station was a major source of disagreement between the various parties and the Zanzibar government leading up to the election, and in some locales, through most of election day. On the mainland, and for the Union elections, the governing election regulations stipulate that each party could have one agent per voting table. The Zanzibari law permitted one agent per candidate—versus per party.

On October 26, the ZEC chairman told IFES that the party agent issue was his number one pre-election headache. He explained that it would be almost impossible to allow one party agent per candidate, as many of the polling stations and voting tables were of limited size. He said that the ZEC would be in dialogue with the parties in an attempt to gain their approval to post one representative per voting table who would monitor all of the elections at that table on behalf of the agent's party.

IFES team members reported finding only limited consensus on the party agent issue. Team members visited Urban District, zone "A" on the night before the election to meet with the returning officer and discuss election preparations. IFES arrived at the returning officer's office at Eacrotanal to find the spacious courtyard filled with hundreds of men, and some women, seeking accreditation as party agents. At first it was difficult to determine who belonged to what party. IFES did meet a CUF parliamentary candidate who pointed out one area of the courtyard where the people were all CUF supporters, grouped according to constituency, in order to expedite accreditation.

On election day, the debate over the number of permitted party agents continued in the polling stations. Observers around Stonetown reported that some presiding officers were not accepting party agent accreditation letters that had not been signed by the candidate or his recognized representative, thereby declaring that the accreditations issued at Eacrotanal the night before to be void. IFES was told that local CUF candidates made themselves available to sign new attestations on election day.

Amani Constituency. The debate over the permissible number of party agents became livelier as election morning wore on. The presiding officer at Kilimahewa

School was prepared to permit two agents per party per voting table. A ZEC official, who accompanied the vehicle delivering ballots in mid-morning told the presiding officer and the party agents that CUF and CCM could have two agents per voting station. One person each per voting table could represent the remaining parties.

Mkoani Constituency. Party agents were prohibited from recording the registration numbers of the voters as they were called out or taking notes of any kind.

Mji Mkongwe Constituency. As the presiding officer and other polling station agents were filling out forms 14A and 14B, a disagreement started to mount between party polling agents regarding the number of agents per party allowed in the station. A police officer, supporting a polling assistant, stated that only two agents per party would be allowed to remain. IFES later returned to the polling station to find that the situation had been resolved. Each voting table featured party agents from several parties, including TLP and PONA, while CCM and CUF were each represented by two agents per table. Agents were invariably polite and even cooperative even when pressing a point or raising a question. One example of this was the objection raised by a CUF agent to the presence of a policeman in the polling station. The presiding officer read from the book of electoral procedures and regulations, explaining as he did that the police were officially allowed. The man who raised this objection quietly accepted that ruling and everyone moved on to other business. Agents were vigilant generally, although not all of them took careful written notes.

Nungwi Constituency. A CUF representative was moving through the polling stations, handing out blue ballot box seals to CUF party agents, without interference from polling station staff.

Procedural Issues-Vote Counting

IFES observers witnessed a wide range of poll closing and vote counting procedures. At polling stations or voting tables that had been outfitted with adequate materials, the voting operation ended at 1730 as scheduled. In the event that voters remained in line at 1730, they were allowed to vote, or at least invited to remain in line and wait for eventual delivery of ballots, at which time they would be able to vote. IFES was impressed by the patience exhibited by the poll workers and party agents through the procedurally laborious vote counting protocol, as well as the remarkable calm displayed by the tens or the hundreds of voters who remained in line late into the evening, hoping to have the opportunity to cast their ballots. In some cases, ballots were never delivered, and the voters returned home peacefully, after a full day of standing in line.

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IFES team members stationed on both Unguja and Pemba reported successful vote counts. They also reported witnessing poorly managed, chaotic vote counts. The realities of the ZEC's organizational shortcomings became starkly evident to Zanzibaris and international observers alike as 1730 approached on October 29.

The ZEC's decision to suspend voting operations was communicated in an ad-hoc and inconsistent fashion. This was clearly displayed by the reports of the IFES team members. At polling stations where voters remained in line, IFES found the polling station officials to have no information about whether more ballots could be expected. IFES observers stopped by ZEC headquarters from time to time over the course of the evening. The ZEC offices were quiet. The few staff members present were uncertain as to the location of the commissioners or the department heads.

Dimani Constituency. At around 1815, voters who were still in line at 1700 had voted. For reasons that we were unable to determine, the actual closing procedures, including the preparation of the forms, counting of remaining ballots, reporting discrepancies did not begin until 2115, when darkness posed a serious obstacle to a proper count.

Mji Mkongwe Constituency. Everyone in the school compound before about 1730 was allowed to vote. The outside gate was locked and those inside completed their votes. To begin the count, the polling officials and the agents present filled out all the appropriate forms indicating how many ballots were received, how many were issued and how many remained unused. The actual count was laborious, even tedious, but utterly transparent. All ballots were counted from the first box, that containing the ballots for president of Zanzibar. Then each ballot was unfolded and openly displayed to everyone in the room and put into a stack for either the CUF or CCM candidate. After this was done, each stack was counted. There was one spoiled ballot, and a ballot for the House of Representatives placed into the box of presidential ballots by a voter. The final count was CUF 206, CCM 51, 1 spoiled and one misplaced ballot. This was agreed to and certified by everyone present.

Tumbatu Constituency. Shortly after midnight, the final count of the Union House of Representatives Elections was complete. The presiding officer filled out the remaining forms. However, the party agents did not receive copies of the forms. We were told that since CUF had put its own seals on the boxes after the count was finished, they did not feel that they needed an official duplicate of the results. When

the equipment, people and ballots were loaded onto trucks to go to the Returning Office, the polling agents did not accompany them.

Amani Constituency. We had been stopping by Sebleni Ilioko Sebleni school on and off since the mid-afternoon of election day. By around 1830, one or two voting tables had completed their vote counts. Others were not counting as they had been forced to suspend voting due to a shortage of ballots. Sebleni School was the counting center for Amani constituency. As such, the other three polling stations were to bring their results to Sebleni for constituency collation. As of 1900, the presiding officer had yet to receive results from the other polling stations. He was not sure when they would arrive.

We returned to Sebleni at 0030 on October 30. In the center of the outside area around which the voting tables had been arranged was a small mountain of election equipment. Ballot boxes, voting screens, documents, and even some tables and chairs had evidently been collected in haste. A truck carrying a number of policemen pulled up next to the pile of material. The policemen descended, forming a "bucket brigade" to load the materials into the truck. A senior officer supervised the operation. We located the presiding officer. He reported that he had heard an announcement on the radio at approximately 2300, stating that polling and counting were officially suspended, and instructing presiding officers that the ZEC would be collecting all voting materials for transfer to the regional ZEC offices.

Some of the pollworkers from the voting table where we had earlier watched part of the vote count approached us to register their concern with the removal of the materials prior to the collation of the results. We asked where the party agents were, and were told that they had been told to leave by the presiding officer.

The truck left the area, accompanied only by the policemen with which it had arrived. We followed the truck back to Eacrotanal. There we found the returning officer supervising the offloading of trucks and cars packed with election materials at the regional storage area. Materials were being arranged by type, rather than by voting table or polling center. The security presence was moderate. There were a couple of international observers present, but no party agents. The returning officer took a break directing traffic to speak with us. "This is a mess, and I am very tired," he said. He could offer no information as to next steps and acknowledged that he had received no guidance from the ZEC.

From Eacrotanal, we returned to Mlandege constituency. It was 0130 on October 30. Counting continued at Vikokotoni. There was no sign whatsoever that word of the 2300 "announcement" had made it to officials at that polling station.

Leaving Vikokotoni, a local CUF candidate flagged down our vehicle. He asked if we had heard the news. We said that we had. He reported that he was visiting the polling stations in his constituency to communicate the news to his party agents, and to tell them to prepare for the voting materials to be collected.

Suspension of Vote and Vote Count

The deployment of the IFES team afforded it the opportunity to see the election process unfold in several areas on both islands, and most importantly enabled the group to see how the suspension of the election affected ballot security in many of the polling stations.

Mji Mkongwe Constituency. Around midnight, word came that the ZEC had declared that the elections in Urban and West Districts were to be nullified and the counting suspended throughout Zanzibar. The earlier calm was replaced by confusion and disorder. No one knew why the decision was made and most people got the news by word of mouth, which in many cases was incomplete or inaccurate. The presiding officers moved to secure their boxes and to put the forms and other materials in containers. The party agents, however, insisted that they would continue to guard the boxes lest any cheating occur. The mood was one of utter suspicion. At 0115 on October 30, security personnel removed the boxes with some party agents following, in private vehicles. Voting day ended on that note with most people unsure about what had happened – and a great many of them convinced that whatever had happened was either inappropriate or illegal.

Wawi Constituency. During the vote count, at approximately 2015, a ZEC official arrived to announce that all actions were to be stopped pending further notification. Only one of the stations had begun the counting process. Officials and polling agents reacted calmly and waited patiently.

Chake Chake District Headquarters. Some party agents were able to accompany the trucks carrying the ballots and in some cases were allowed to put on their own blue plastic seals and mark down the numbers of the boxes. However, once the ballot boxes were transported to the ZEC office, the polling agents could not accompany the ballots to where they were going to be stored.

Mkoani Constituency. At approximately 0100 on October 30, we learned that an assistant returning officer had come to the polling center and attempted to take away the ballot boxes, notwithstanding the fact that some stations at the center were still open and processing voters. This caused serious commotion. The party agents insisted that the law specified that the ballots should be counted in the polling station

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and refused to relinquish the boxes. The ARO left, and shortly afterwards, armed military police came to the station, attempted to seize the boxes and ordered the remaining voters to go home. Everybody (voters and party agents in particular) stood his/her ground and refused to move or hand over the ballot boxes. Upon arrival to the polling center, we were informed that the police had beat up one man, kicking and bashing him about, but that the victim was finally able to escape. The atmosphere at the polling station was still extremely tense when we got there and many people expressed their concern that the police would return, perhaps with reinforcements. We remained at the station until about 0300, leaving about 20 people still waiting to vote for the UN president, as the additional ballots had only been delivered around 0230. By this time, we had been able to confirm and it was understood by all the concerned parties at the polling center that counting was not going to take place that evening. Party agents and polling and security staff in those stations, which had closed, remained, although many were already asleep by the time we left the premises.

North "A" District Headquarters. Around 0115 on October 30, we arrived at the RO's office in Gamba. He informed us that he had been instructed not to proceed with the tabulation of results before 0600. When we returned at 1145, he had not yet begun the tabulation process, nor was he making any record of the ballots or equipment that had arrived up to that point.

Donge Constituency. On October 30, around noon, we found stations still counting ballots. The presiding officer at the center told us that at 2300 the previous evening, he was instructed to suspend the counting and resume it at 0600 today. There were armed police moving around the stations.

IV. ELECTION DAY AFTERMATH

A. ZEC Response

As indicated by the observer reports, news of the ZEC cancellation of the election in 16 constituencies in the Urban and West districts, and the suspension of the voting process throughout Zanzibar, was delivered on the radio and by word of mouth on October 29. This information was received at different times throughout the night on the two islands. October 30 dawned to find voters, political parties and electoral officials registering confusion, tension, and unwillingness to share information. Amani Karume, CCM candidate for Zanzibar president, appeared on national television on several occasions to appeal for calm and to state that he saw no need for the elections to be re-run outside the 16 affected constituencies. Seif Shariff Hamad, the CUF presidential candidate, stated that new elections should be held throughout the country, and complained that the election had been suspended on the orders of CCM, versus in response to a ZEC directive.

On October 30, the ZEC invited the international observers to a meeting to provide some details about the events leading to the suspension of the election on October 29 and to solicit input from the observers about possible responses to the crisis. During the presentation, the ZEC maintained that in the 34 remaining constituencies, there had been "a few hiccups," but no serious problems. According to the ZEC chairman, the delays in opening the polling stations in the Urban and West constituencies occurred because the responsible returning officer, disobeying orders, opened the shrink-wrapped ballots to distribute them and in so doing not only interfered with their distribution, but also compromised the security of all of the ballots. ZEC felt that it had to make a choice between allowing the voting to continue in the 16 constituencies, thereby taking a risk that the ballots would run out prematurely, or force a constitutional crisis by canceling the election in all 50 constituencies. By interrupting the voting and counting process and confiscating the ballots, the ZEC felt that it could manage a potentially explosive situation until the second run of the elections in Urban and West districts. The Union elections in the affected constituencies would also have to be re-run, because it was not clear which polling stations experienced shortages of any particular ballots. The ZEC would refrain from announcing the election results until after November 5.

The Chairman of the ZEC admitted that while 16 constituencies were most severely affected by the ballot shortage, the integrity of the process was also somewhat compromised in the

surrounding areas. Despite this, he asserted that it would be more destabilizing for the ZEC to cancel the elections in more or all of the remaining constituencies since CUF and CCM were already squaring off over the outcome of the elections all over the Isles. In addition, a ZEC decision to re-run elections throughout Zanzibar would further postpone the tabulation of the final results of the Union election.

Several international observers at the meeting commented that they had witnessed the closing of the poll and the count in the unaffected stations, and that the process had gone according to law and regulation. The observers expressed concern that the confiscation of the ballots from the other 34 constituencies, and their removal to undisclosed locations for an unspecified period, would severely compromise the integrity of the votes cast. The ZEC took note of the observations but did not indicate a change from the earlier position. Finally, the ZEC stated that it would "consult" with the NEC regarding this issue (noting that the NEC had not been informed about the process of suspension or the re-run before these issues were announced at the meeting), but that it was unlikely that the decision to re-run the elections in only 16 constituencies would be overturned. On October 31, Justice Makame, the NEC Chairman, announced on national television that the elections would be re-run only in the 16 Urban and West constituencies.

Parenthetically, the ZEC chairman stated that the attachment of additional ballot box seals by CUF party agents following the sealing of the ballot boxes by the voting table officials constituted the use of political propaganda on election day, a violation of the election regulations. The CUF agents attached the seals as an additional check against premature opening of the ballot box prior to the public close of the polls and the ballot count. The pale blue plastic seals featured the party acronym. The ZEC determined that the combination of the party color and the party acronym constituted party propaganda that could exert influence on a voter. As noted in the observer report excerpts, the CUF seals were seen in some areas and not in others. In some cases, the agents had been prevented from attaching their seals, in others, it was not clear that the CUF agents had been equipped with the seals in the first place. In a limited number of locations, IFES observers noted white plastic seals that had been attached by TLP agents. The TLP's seals were not customized with the party abbreviation.

B. Development of Observer Statement

With the information available at hand, IFES developed an observer statement and issued it on November 1, 2000. The statement noted the difficulties encountered by the ZEC in conducting the elections in the Urban and West constituencies, and the security problem caused by the summary confiscation of ballots. IFES encouraged the ZEC to reinstate the dialogue with CCM and CUF in an effort to reach a decision about how the election problems should be addressed. However, IFES could not support the ZEC's decision to interrupt the voting process, especially the count. Nor could IFES support the ZEC's decision to withhold information about the results of the count in the remaining 34 constituencies. IFES delivered its observer statement to the ZEC offices and to representatives of the other observer groups in Zanzibar. Copies of the statement, as well as statements from other groups, are attached to this report as Appendix G. On November 3, the IFES delegation concluded its formal observations and departed from Zanzibar.

C. Post-Election Violence

Two members of the IFES advance team witnessed the violent crackdown that took place on November 2, following a peaceful demonstration of supporters of Seif Shariff Hamad. The footage of the attack was carried on CNN and served as the lead story for the news channel's Africa focus report, and was picked up by other news services and repeated throughout the weekend.

On Pemba Island, the Government of Zanzibar declared a 7:00 p.m. curfew, which was broadcast on the national radio station. The curfew coincided with evening prayers. Anyone outside his or her home after 7 was ordered to go home or risk being beaten. When mosque leaders urged people to pray at home instead, and avoid confrontation with the police, the GOZ inexplicably announced that the mosque leaders were guilty of mixing religion with politics and turning mosques into sites of political conflict.

Between November 4 and November 9, three bombs went off in Zanzibar, one of which exploded in the house of the Pemba member of the ZEC. He was reported to have been injured, but not seriously. Approximately 16 people remain in custody in connection with

the bombings, but no further information about the investigation was available to the IFES team.

D. National Electoral Commission Remarks on the Zanzibar Election Process

On November 7, Justice Ramadhani addressed the Joint Electoral Assistance Secretariat in a review of the lessons learned from the 2000 election process. The Vice-Chairman of NEC stated that the election official who stole the Zanzibar ballots had been identified. He also reiterated that the ZEC had not consulted with the NEC before ordering the suspension. Nevertheless, the NEC gave no official indication of questioning the ZEC's final decision. When questioned about the security of the confiscated ballots in the 34 constituencies, Justice Ramadhani stated that the results of the Pemba elections (showing a predictably very strong CUF victory) demonstrated that the votes were counted properly.

One lesson that Justice Ramadhani anticipated that both commissions would take to heart was the complexity of conducting five elections, governed by two separate election laws, on the same day. The reduced levels of logistics and management problems that the NEC encountered in transporting ballots to and from Zanzibar might offset the higher monetary cost of holding elections on different days. The complexity is of course exacerbated by the existence of two separate voter registers. In conclusion, he recommended that the relationships between the NEC and ZEC, Presidents Karume and Mkapa, and between Zanzibar and the mainland, be examined in light of the continued chaos surrounding elections on the Isles.

V. CONCLUSIONS AND RECOMMENDATIONS

As a gesture of reconciliation, Zanzibar President Karume ordered the release of the CUF 18 in early November. He also included two prominent MPs from Pemba in his Cabinet. Given Karume's and the CCM's condemnation of CUF during the final days of the campaign as irrational, violent and regressive, it is difficult to imagine that he and his party will move quickly towards a reconciliation process, although this is exactly what is needed. For its part, CUF declared that it would not take the seats that it won in the House of Representatives.

A. Opportunities for Legal Recourse

Opportunities for legal challenges to the Zanzibar election results are extremely limited. It appears unlikely that CUF has the resources or the legal recourse to file suit. Once the ZEC declared President Karume as duly elected, the Constitution prohibits any legal exploration as to the validity of the election.

The election regulations permit a person to bring a petition charging election irregularities within 14 days of the declaration of results. (At the time of the completion of this report, IFES had no knowledge of the filing of such challenges.) Once filed, the High Court may take up to 24 months to consider the case. Politically, it may not be in CUF's interest to further obstruct the governance process in a battle the party would probably lose. Also, given the nature of the complaint, the party would have to prepare separate court filings for each seat contested.

B. Post-Election Reconciliation: Procedural and Political Recommendations

IFES suggests a number of options to consider for the short-term improvement of future elections in Zanzibar and for the longer-term peaceful political transition:

Procedural Recommendations

- Within six months of an election, the ZEC should publish a detailed calendar indicating the dates of civic education programs, voter registration, voter register display, and party/candidate nomination and campaign deadlines for general use.
- The redrawing of constituency boundaries, and other changes to the election system, should be completed in consultation with the NEC.

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The October 29 General Elections in Zanzibar
January 16, 2001

- The ZEC should devote more resources to civic education, to reduce the common perception that only political parties provide civic education services.
- The ZEC should instruct Presiding Officers and polling assistants more consistently in the completion of all ballot-related forms, and monitor them for compliance with the relevant regulations. In particular, forms 14A and 14B, which detail the number and type of ballots received at the beginning of the polling day, the number of ballots issued, and the number of ballots remaining after the close of poll, are the essential ingredients in preserving the security of the ballots.
- The polling staff members who wrote voters' registration numbers on the ballots instead of the counterfoil is of similar concern; these staff must be instructed that ballot secrecy for all voters must be protected.
- The inter-party meetings hosted by the ZEC prior to the election represent a significant step forward in election administration on the islands. However, the fact that controversies arose between the parties on the activities of polling agents within 24 hours of election day indicates that more discussions (and agreements) are necessary, well in advance of the next election.
- The NEC has considerable experience in election management from which the ZEC would greatly benefit. The consultative relationship between the two commissions should be more formalized, and implemented on a proactive basis by both groups. Implementation could take the form of periodic planning meetings, training sessions, and other opportunities for collaboration.
- Further discussion regarding the issue of voter registration and residency requirements and the variations between mainland Tanzania and Zanzibar is essential to facilitate the smooth running of future elections.
- In a village, the *sheha* is widely perceived as partisan. His or her presence can have a detrimental effect on the neutral atmosphere of the polling station. If the ZEC intends to use them in future elections, it should develop and publicize training programs for the *shehas* that clearly specify their roles and their responsibility to carry out their duties impartially.
- Civil society organizations (CSOs) such as faith-based groups, human rights organizations, TEMCO and the Journalists' Association of Zanzibar should be supported in their efforts to provide continuous information to Zanzibaris in the area of their basic rights and freedoms, to break the government monopoly on such information.

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January 16, 2001

- The GOZ should review the composition of and requirements for appointment to the Zanzibar Electoral Commission (and the senior level staff) as soon as possible, taking the importance of multipartisanship into account. The experience of the 2000 elections is a stark indicator of the consequences of cherry-picking election staff who are not competent to manage this very important process.

If the Zanzibar Electoral Commission is to move beyond the political stalemate of the 1995 elections and the social and business conflicts that followed, interested actors will have to assume responsibility for major changes in the way elections are handled on the islands. The GOT needs to clarify the relationship between the National Electoral Commission and the Zanzibar Electoral Commission. Some elements of the relationship (such as the adoption of a voters' register) are codified in election legislation. Others have developed as a result of historic misperceptions and differences of opinion between Tanzania and Zanzibar, to the point that the National Electoral Commission is not mandated-nor appears to have the interest-to support the improvement of the ZEC's election administration practices. The events of October 30 and 31 demonstrated the isolation of the ZEC from the NEC. Until the governments of Tanzania and Zanzibar take an active role in improving that relationship, foreign technical assistance alone cannot achieve those improvements.

Towards Reconciliation

- To ensure that all of the political parties have ample opportunity to conduct research into the voting and vote counting processes, the ZEC should make all polling station results forms, counting center forms and final compilation forms available for inspection and results tracking.
- The ZEC should publish a detailed report on the 2000 elections, including information on the investigation into the ballot theft, what security measures were taken and which measures will be taken in future.
- The governments of Zanzibar and Tanzania should collaborate in the thorough investigation and prosecution of all proven perpetrators of election-related violence.
- The governments of Tanzania and Zanzibar should meet, perhaps in a forum similar to a constituent assembly, to discuss the Union, the relationship, and how the relationship can be improved.

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January 16, 2001

- For this election only, the ZEC and the government of Zanzibar should waive costs for and otherwise facilitate legal actions taken as a result of these elections. If the political parties or the election authorities have evidence of fraud, they must gather and present it to the authorities.
- Tanzania or Zanzibar's leadership must engage in a credible effort to create the environment for sustainable peace, and to establish representative government in Zanzibar.

The IFES delegation departed Tanzania in early November amongst rampant speculation as to the impact of the election process on future development assistance to Tanzania and to Zanzibar. Some donors went on record stating that the improved relationship between the Union and Zanzibari government would be a criterion for resuming or initiating assistance to the country as a whole.

It is conceivable that the election process could have followed a more transparent and participatory path had Zanzibar not been on the receiving end of an international assistance embargo since the 1995 elections. The provision of targeted assistance to Zanzibar's political parties, civil society organizations, and election authority between 1996-2000 could have reduced the slope of the political playing field in the favor of Zanzibar's population. The political violence leading up to and through the elections offers no long-term benefits for either the majority or the opposition. In fact, the repercussions of the post-election violence have begun to impact Zanzibar's and Tanzania's neighbors, particularly Kenya, which is on the trajectory for Zanzibaris leaving from Pemba.

To lose out on future development opportunities will only accelerate the downward spiral. However, to be effective, assistance must benefit from a clear indication of positive political will from Tanzania and Zanzibar. The signature of an accord between the CCM and CUF in the first quarter of 2001 is the first tangible step toward an arrangement to accommodate the key features of the political landscape.

Political/governance development assistance alone will not address the realities of Zanzibar's situation. Such assistance should be accompanied by efforts to assist Zanzibar in making itself more attractive to foreign investment and tourism in a manner that does not take advantage of its population to the benefit of political barons and elite decision makers.

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Support for increased party outreach between Tanzania and Zanzibar might establish a climate for alternative political outlets for committed and concerned citizens caught in the middle of the CCM-CUF dynamic.

In the past five years, the government of Zanzibar has continued to seize daily editions of newspapers or impede (bureaucratically or otherwise) the transmission of electronic media running afoul of inconsistent subjective criteria, and thus deemed to be too politically sensitive. The Isles' nascent civil society institutions could benefit from basic assistance in organizational development, advocacy, message creation, and project monitoring. So equipped, CSOs could play a more effective role in educating Zanzibaris about their rights, freedoms, and responsibilities as guaranteed by the Constitution, as well as those of the state. A menu of focused support efforts beyond the government sector will strengthen the voices calling for reform in Zanzibar, fostering a climate for genuine democratic development on the Isles.

Appendix A: News Articles on Election Campaign

From: Mutale M. Chilangwa
To: Laurie A Cooper; Tom C Bayer
Date: 8/28/00 9:57AM
Subject: Tanzania/Zanzibar news 2

Document Date: 01 Aug 2000
Division: East Africa
Subdivision: Tanzania
Sourceline: AFP20000801000185 Dakar PANA (Internet Version-WWW) in English 01
Aug
00
AFS Number: AFP20000801000185
Citysource: Dakar PANA (Internet Version-WWW)
Language: English
N/A
Subslug: Unattributed Report

[FBIS Transcribed Text] DAR ES SALAAM, Tanzania (PANA) - Tanzania's opposition party, the Civic United Front, has nominated five partisans facing a mandatory death penalty if found guilty of treason to contest in the 29 October general elections for parliamentary seats in the semi-autonomous state of Zanzibar.

Juma Duni Haji, Soud Yusuf Mgeni, Hamad Rashid Mohamed, Hamad Masoud Hamad and Said Zam Ali are detained on treason charge.

The party's secretary general, Seif Sharif Hamad, Tuesday said the party made the nominations based on the suspects' inalienable rights to vie for legislative posts as enshrined in the constitution.

Four of the five are former members of the recently dissolved House of Representatives but were arrested even before their parliamentary immunity was lifted through any proper procedure.

Along with 13 others, including two women and several senior civil servants, the defendants have been in detention since 1997.

"The Revolutionary Government of Zanzibar could, however, be tempted to deny them this right by fixing their trial on important electoral dates to bar them from contesting," Hamad told reporters in Dar Es Salaam.

"We have had a similar experience," Hamad added, recalling how a bill for the amendment of the Zanzibar constitution was debated in the absence of the incarcerated legislators.

"We tried to have them released to attend house sessions but it was impossible," Hamad, against whom similar treason charges had been drafted, added.

As such, he said, the five had been nominated as stand-ins in case "the Zanzibar government initiated any political skulduggery."

"These persons shall assume the role of those in prison should we fail to have them registered as voters in good time," he said.

It is mandatory for all vying for political positions to register as voters.

Amnesty International has condemned the trial as a travesty of justice and labelled the defendants as prisoners of conscience, "imprisoned on account of their non-violent opinions and political activities."

It is, therefore, calling for their immediate and unconditional release, as there are even reports of some being in ill state of health.

From: Mutale M. Chilangwa
To: Laurie A Cooper; Tom C Bayer
Date: 8/28/00 9:58AM
Subject: Tanzania/Zanzibar news 3

Title: Tanzania: Mkapa Asked To Intervene in Pre-election Conflict in Zanzibar

Document Number: FBIS-AFR-2000-0815
Document Type: Daily Report
Document Title: FBIS Transcribed Text
Document Region: Sub-Saharan Africa
Document Date: 14 Aug 2000
Division: East Africa
Subdivision: Tanzania
Sourceline: AFP20000815000151 Dakar PANA (Internet Version-WWW) in English 14
Aug
00
AFS Number: AFP20000815000151
Citysource: Dakar PANA (Internet Version-WWW)
Language: English
N/A
Subslug:

[FBIS Transcribed Text] DAR ES SALAAM, Tanzania (PANA) - The Tanzanian government is strengthening security forces in Zanzibar amid rising tension and separatist sentiments ahead of the country's 29 October elections.

Unconfirmed reports said Monday that at least 200 police officers were being deployed from the mainland to beef up security on the island.

The move comes as skirmishes between supporters of the ruling Chama Cha Mapinduzi and those of the opposition Civic United Front threatened to heighten security concerns on the island.

Tension has been growing between supporters of the two parties as members kept vigil at voter registration centres with the aim of stopping each other from entering unwarranted names in the voters register.

The Zanzibar Electoral Commission has outlawed the stance taken by the two parties leaving the issuance of residence and election identity cards, another cause of concern, yet to be resolved.

The Civic United Front has protested the exercise saying it was a ploy to intimidate voters and has prevailed upon President Benjamin Mkapa to suspend the exercise until after the polls.

"We are asking President Mkapa to intervene and ask the Zanzibar government to suspend this exercise because we know it will be a source of chaos," the party's secretary general, Seif Sharif Hamad, told journalists.

He said the exercise would interfere with voter registration and was likely to disenfranchise many eligible voters no matter how noble the idea.

From: Mutale M. Chilangwa
To: Laurie A Cooper; Tom C Bayer
Date: 9/12/00 9:18AM
Subject: Police search women CUF members

Police search women
CUF members

Tuesday, September 12, 2000
By PST Correspondent, Zanzibar

In a peculiar incident on Sunday, police searched women members of the opposition party Civic United Front (CUF) who were going to attend their party's campaign rally at Mfenesini contrary to election regulations.

The development is believed to be connected to allegations that some CUF members carry weapons when they attend campaign rallies. CUF presidential candidate, Seif Shariff Hamad described the incident as unfair, humiliating and embarrassing.

"...But I am prepared for anything because I am fighting for the freedom of the Zanzibaris just like the late Mwalimu Nyerere was fighting against the colonialists," he said.

Police mounted road blocks at Bububu area to enable them to search on CUF members and supporters who were heading for the campaign meeting. The exercise was supervised by Urban West Regional Police Commander, Ramadhan Mgeni Mwinyi. PST witnessed people being searched by police. Some of them had to disembark from motor vehicles to facilitate the exercise. However, people who were going to attend a CCM rally at Donge were not searched, neither were they required to get out of their vehicles.

Seif Shariff Hamad, who is also CUF's Secretary General was on Sunday forced to hold a campaign rally at a cemetery because "the government refused to grant me permission to use the Mwakaje ground for the rally."

Hamad promised during the rally that, if elected president, he will solve the problem of unemployment and deteriorating civil services within a short time of his being in office.

However, he blamed the Union government for not giving Zanzibar its fair share of aid and grants meant for the Union government.

"That is why as soon as I get into office, I will have to change the structure if the Union so that Zanzibar gets its rights," he said.

He claimed that Zanzibar has not received Union donor funds for the Ministries of Agriculture, Health and Education as per Constitution.
Hamad also accused the Zanzibar government for unplanned construction of houses in urban areas.

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From: Mutale M. Chilangwa
To: Laurie A Cooper; Tom C Bayer
Date: 9/12/00 9:18AM
Subject: Five injured as CCM supporters pelted with stones in Zanzibar

Five injured as CCM supporters
pelted with stones in Zanzibar

Tuesday, September 12, 2000
By Guardian Reporters

Several members and supporters of Chama Cha Mapinduzi were on Sunday evening attacked with stones when they were coming from a campaign rally addressed by Vice-President, Dr Omar Ali Juma and Zanzibar CCM presidential candidate, Amani Abeid Karume.

The CCM members who were coming from Donge were pelted with stones by people suspected to be CUF members at Bububu and Kihina in Kaskazini B District of Unguja Kaskazini Region at about 6.30 pm.

The attack left five people injured, two of whom had to be admitted to hospital for treatment.

Those injured are Ramadhan Ashirak, Khamis Ali, Pili Juma, Mussa Hussein and Francis Maganga.

Pili Juma and Khamis Ali have been admitted for further treatment to Mnazi Mmoja hospital after sustaining severe head injuries.

Eye witnesses said the attack began when the CCM members and supporters were heard singing in praise of President Benjamin Mkapa and Amani Abeid Karume.

It is then that stones were hurled at the supporters from both sides of the road. It was not easy to identify the attackers as they had hidden behind the bush close to the road.

However the CCM supporters were not the only ones who were attacked. Islamic college students who were coming from a Maulid festival in Unguja Kaskazini region were also attacked.

Earlier in the day, the supporters had passed along the same road on their way to Donge to attend a campaign rally.

The Mjini Magharibi Regional Police Commander was not available for comment but people believe that the incident is a result of a thorough search which police conduct on CUF members.

On Sunday afternoon the police mounted a

road block at Bububu so as to conduct a search on CUF members and their vehicles on the suspicion they were carrying firearms. CCM members who passed the same place on their way to Donge were not searched. This situation seems to have angered some CUF members.

MEANWHILE MWINYI SADALA REPORTS FROM ZANZIBAR that Dr. Omar Ali Juma has urged Zanzibar residents to fight segregation which can lead to disharmony in the country. Addressing a CCM campaign rally in Donge on Sunday, Dr Omar said the opposition is bent on dividing the people as one of their strategies to win the October elections. However, Zanzibaris should avoid such tricks which are designed by a few power-hungry individuals.

He accused opposition parties of committing a crime by fomenting rivalry between Zanzibar and Tanzania Mainland. This, he said, was against the wish of Tanzanians who have always lived in peace.

Dr Omar also urged the people of Zanzibar to be careful in the general elections so that they vote into office leaders who are capable of bringing development to the country, fight corruption and alleviate poverty.

To that end, the Vice-President said, the CCM Union Government was bent on improving the economy by stepping up revenue collection.

Such efforts have won appreciation from international financial institutions such as the World Bank.

Dr Omar Juma, who is also the Union presidential running mate, took time to explain that President Benjamin Mkapa had transferred Ali Ameir from the Ministry of Home Affairs to the Prime Minister's Office because of poor health.

He also touched on the question of the Union, saying that CCM intends to maintain the two-government system. Problems affecting the union would be discussed basing on the two constitutions.

During the rally, Karume said that if elected president he would put special emphasis in agriculture.

He promised to mechanise agriculture by enabling as many people as possible to use tractors.

He also said that he would form a government that would work diligently for the people's development. Dr Omar left yesterday for

Kigoma to continue with CCM campaign rallies.

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From: Mutale M. Chilangwa
To: Laurie A Cooper; Tom C Bayer
Date: 9/13/00 9:42AM
Subject: September 13, 2000--ZEC to mediate between CUF, Police

ZEC to mediate between
CUF, Police

Wednesday, September 13, 2000
By Guardian Reporters, Zanzibar

The chairman of the Zanzibar Electoral Commission, Abdulrahman Jumbe Mwinyi, expects to call a meeting between the Isles Police commanders and Civic United Front leaders to resolve misunderstandings which have arisen between them.

The Isles main opposition party, CUF, has repeatedly been complaining against harassment of its members and officials by the Police Force, contrary to election campaign regulations.

However, members of other political parties, especially Chama Cha Mapinduzi, are not being harassed by the police, the Kiswahili Service of Radio Deutsche Welle was quoted yesterday as saying.

Mwinyi expects to call police commanders and members of the CUF Election Commission to discuss the problem.

CUF complaint arises from the recent search of its members which police have been doing for the past four days.

CUF members going to campaign rallies and their vehicles are thoroughly searched by police on allegations that some of them carry weapons.

However, the exercise seems to concentrate on CUF members only.

According to Radio Deutsche Welle, CUF leaders complain the search is not only embarrassing but also humiliating its members.

The CUF presidential candidate for Zanzibar, Seif Shariff Hamad, has been quoted as saying women were being searched by policemen contrary to Police Force regulations which require women to be checked by women police.

On Monday, CUF sent a strong delegation to the Inspector General of Police Omar Mahita to protest against the harassment of its members by police.

The delegation has yet to reveal the outcome of its meeting with the IGP or whether they met him.

However, women attending a CUF rally at Mkwajuni yesterday were searched by women police.

It has also been reported that some posters, bearing the photograph of the Zanzibar CCM presidential candidate, Amani Abeid Karume, are being stuck on walls of houses without the consent of owners.

The exercise is conducted hand in hand with the

removal of posters bearing the photograph of CUF
presidential candidate, Seif Shariff Hamad.

From: Mutale M. Chilangwa
To: Laurie A Cooper; Tom C Bayer
Date: 9/19/00 9:32AM
Subject: Police accuse Blue Guards of fomenting chaos Sept. 19, 2000

Police accuse Blue Guards
of fomenting chaos

Tuesday, September 19, 2000
By Guardian Reporters

Police in Zanzibar has said the security wing of the Civic United Front party, the Blue Guards, is responsible for the fomenting chaos during the on-going election campaigns in Zanzibar, reports Mwinyi Sadala.

According to the Director of Criminal Investigations in Zanzibar, Omar Ali, incidents of violence which have been occurring since the voter registration exercise started last August are being perpetrated by the Blue Guards.

Omar has instructed officers in his department to follow up the activities of the group so that the situation is put under control.

Addressing investigation officers from the three regions of Zanzibar, the Director said that the responsibility to protect people and their property lies on the shoulder of defence and security forces. It was, therefore, illegal for any other group to assume this role, he said.

He said the Blue Guards were the cause of frequent breaches of the peace in Zanzibar since the election process began last month.

He warned the officers to abide by regulations in the course of their duties so as to win the trust of the people.

"Do not be scared by threats that you will lose your jobs when they come to power because they claim you are assisting the ruling party. Do your job faithfully as the law requires of you," he said.

He also requested all political parties to observe the law when conducting their campaigns so that the elections would be peaceful.

MEANWHILE LWAGA MWAMBANDE REPORTS FROM SINGIDA that Chama Cha Mapinduzi presidential candidate, President Benjamin Mkapa, asked voters to elect the CCM aspirant because opposition parties candidates were bent on wrecking national unity by advancing tribal and religious differences.

Addressing campaign rallies in Singida and Iramba Districts on Sunday, Mkapa repeated claims he made last week in Songea that one opposition party was promoting tribal rifts.

He said the party's presidential candidate was campaigning in only one part of the country since the

beginning of election campaign rallies on August 19. "One party is founded on tribalism and its presidential candidate has not campaigned anywhere else except in one zone," he said.

Mkapa also accused another political party and its presidential nominee for conducting a campaign, backed by religious sentiments. He did not mention the parties nor their candidates.

However, of the four presidential candidates, only John Cheyo of the United Democratic Party has been campaigning in the Lake Victoria zone, comprising Mwanza Mara and Shinyanga regions.

The Civic United Front party has often been accused of conducting campaigns based on religious sentiments. But CUF has repeatedly dismissed the accusations as false.

Mkapa warned that if wananchi (Tanzanians) voted such parties into power, they would invite tribal, gender and religious divisions in the country.

Explaining why people should vote for CCM, Mkapa said the party had the qualities which could boost development.

He said only CCM had the type of leadership capable of maintaining national unity and strengthening the union between Zanzibar and Tanganyika.

As an example, he said, there were 13 professors vying for parliamentary seats.

He reminded the electorate to avoid voting for people who have never held any leadership posts and whose parties were characterized by internal conflicts.

President Mkapa argued that if a party could not solve internal conflicts then it was not capable of maintaining peace, order and national unity.

On Sunday Mkapa addressed rallies at Ilongero, in Singida North Constituency, Iguguno and Kinyangiri in Iramba East, Mshenga and Nduguti also in Iramba East and Kiomboi in Iramba West.

FROM MOSHI, ALLY MKOREHA REPORTS that the CCM campaigns coordinator for Northern Zone, Peter Kisumo, has claimed that the NCCR-Mageuzi chairman intends to join Chama Cha Mapinduzi.

Kisumo made the statement on Sunday during a CCM campaign rally held at Langasani in Moshi rural constituency which was also addressed by the Vice-President, Dr Omar Ali Juma.

Word has reached him, Kisumo said, that the NCCR-Mageuzi boss intended to cross over to CCM. However, Kisumo was not specific if he was referring to the national or the regional chairman of NCCR-Mageuzi.

At the same rally Kisumo said that there was no way the Tanzania Labour Party presidential candidate, Augustine Lyatonga Mrema, could win the October elections.

Kisumo claimed that Mrema managed to convince

Kilimanjaro residents in 1995 not to vote for CCM but he would not be able to do so now.

"People know him better now. He can't cheat them any more," Kisumo claimed.

Addressing the same rally, the Vice-President Dr Omar Ali Juma said that the CCM government would go on paying the foreign debts even after being elected for another term of five years.

He said that paying debts had earned the country credibility to donor countries which had extended debt relief.

The government would use the relief to improve social services in the country, he said.

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Appendix B. Selected Election Regulations, Polling Station Layout and Forms

Assembly by way of a petition, bill, motion or otherwise.

*Preservation
and enforce-
ment of
freedom of
debate and
procedure
Act No. 15
of 1984
s. 14*

101. Parliament may enact a law making provisions to enable the court and the law to preserve and enforce freedom of opinion, debate and procedure of business in the National Assembly which interms of Article 100 is guaranteed by this Constitution.

**CHAPTER FOUR
THE REVOLUTIONARY GOVERNMENT
OF ZANZIBAR.
THE ZANZIBAR REVOLUTIONARY
COUNCIL AND THE
HOUSE OF REPRESENTATIVES
OF ZANZIBAR**

**PART I
THE REVOLUTIONARY GOVERNMENT
OF ZANZIBAR
AND THE PRESIDENT OF ZANZIBAR**

*The
Revolutionary
Government
of Zanzibar
and its
jurisdiction
Act No. 45
of 1980.
s. 55
Act No. 15
of 1984.
s. 14
Act No. 34
of 1994
s. 16*

102.-(1) There shall be an Executive for Zanzibar which shall Government be known as "the Revolutionary Government of Zanzibar" which shall have authority in Zanzibar over all matters which are not Union Matters in accordance with the provisions of this Constitution.

(2) Subject to the provisions contained in this and the following Articles in this Chapter of this Constitution the Revolutionary Government of Zanzibar shall be constituted and shall exercise its authority in accordance with the provisions of this Constitution and the Constitution of Zanzibar, 1984

103.-(1) There shall be a Head of the Executive for Zanzibar who shall be the President of Zanzibar and Head of the Revolutionary Government of Zanzibar and also the Chairman of the Zanzibar Revolutionary Council.

(2) The Head of the Revolutionary Government of Zanzibar shall, before assuming office, subscribe the oath before the Chief Justice of Zanzibar to protect and defend the Constitution of the United Republic and any other oath in accordance with the Constitution of Zanzibar in connection with the execution of his duties, and then shall assume office and discharge those functions in accordance with the provisions of this Constitution and the Constitution of Zanzibar 1984.

(3) In addition to his other powers, the Head of the Revolutionary Government of Zanzibar shall have the power to appoint and assign responsibilities to Ministers and Deputy Ministers of the Revolutionary Government of Zanzibar.

104.-(1) The Head of the Revolutionary Government of Zanzibar shall be elected by the people in Tanzania Zanzibar in accordance with the provisions of the Constitution of Zanzibar 1984, and in accordance with the procedure prescribed by legislation enacted by the House of Representatives of Zanzibar which relates to the election in general or to the election of the Head of the Revolutionary Government of Zanzibar

(2) Subject to the other provisions of this Constitution, the office of the Head of the Revolutionary Government of Zanzibar shall be vacant, and the election of the Head of the Revolutionary Government of Zanzibar shall be held to fill the vacancy upon the occurrence of any of the following events:

- (a) the dissolution of the House of Representatives;
- (b) the resignation of the Head of the Revolutionary Government of

*Head of the
Revolutionary
Government of
Zanzibar and
his authority*

*Act No.15
of 1980*

s.14

*Act No.34
of 1994*

s.17

*Election of
the Head of the
Revolutionary
Government of
Zanzibar*

*Act No.1
of 1980*

s.11

*Act No.15
of 1984*

s.14

*Act No.16
of 1990*

s.2

*Act No.20
of 1992*

s.14

The Zanzibar Revolutionary Council

- Zanzibar without first dissolving the House of Representatives;
- (c) the disqualification of the Head of the Revolutionary Government of Zanzibar from holding an elective office;
 - (d) the impeachment of the Head of the Revolutionary Government of Zanzibar by the House of Representatives in accordance with the Constitution of Zanzibar, 1984, and his removal from office;
 - (e) the certification pursuant to the Constitution of Zanzibar, 1984, that the Head of the Revolutionary Government of Zanzibar is unable to discharge his duties and functions; or
 - (f) the death of the Head of the Revolutionary Government of Zanzibar.

PART II**THE ZANZIBAR REVOLUTIONARY COUNCIL**

*The Zanzibar
Revolutionary
Council;
and its
functions
Act No.1
of 1980
s.12
Act No.15
of 1984,
s.18*

105.-(1) There shall be a Zanzibar Revolutionary Council which shall consist of the following members:

- (a) the Chairman of the Revolutionary Council;
- (b) the Chief Minister of the Revolutionary Government of Zanzibar;
- (c) all Ministers of the Revolutionary Government of Zanzibar; and
- (d) other members to be appointed by the Chairman of the Revolutionary Council in accordance

with the provisions of the Constitution of Zanzibar, 1984.

(2) Without prejudice to the powers of the Chairman of the Revolutionary Council as Head of the Revolutionary Government of Zanzibar, the Revolutionary Council shall be the principal organ for advising the Head of the Revolutionary Government of Zanzibar regarding all matters concerning the exercise of his functions of leadership and supervision over the affairs of the Executive for Zanzibar and also in the discharge of his functions over all affairs of Government concerning all matters which are not Union Matters in accordance with the provisions of this Constitution and those of the Constitution of Zanzibar, 1984.

**PART III
THE HOUSE OF REPRESENTATIVES OF
ZANZIBAR**

106.-(1) There shall be a House of Representatives of Zanzibar. The House of Representatives shall comprise two parts: one part shall consist of Members of the House elected or appointed in accordance with the provisions of the Constitution of Zanzibar, 1984, and who shall be referred to as Representatives; the other part of the House of Representatives shall be the Head of the Revolutionary Government of Zanzibar in the exercise of his functions pursuant to the provisions of this Constitution and the provisions of the Constitution of Zanzibar, 1984.

*The House of
Representatives
of Zanzibar
and its
legislative
functions
Act No.1
of 1980
s.93*

(2) Whenever pursuant to the provisions of this Constitution, the provisions of the Constitution of Zanzibar, 1984, or the provisions of any law enacted and in force in Zanzibar, any matter requires to be decided or done by both parts of the House of Representatives, then that matter shall not be deemed to have been duly decided and done unless it is decided or done by the Members of

the House of Representatives and also by the Head of the Revolutionary Government of Zanzibar in accordance with their respective authority in relation to that matter

(3) All legislative authority in Zanzibar over all matters which are not Union Matters is hereby vested in the House of Representatives of Zanzibar

*Authority of
House of
Representatives
Act No. 15
of 1984,
s. 20*

107.-(1) The President of Zanzibar as one part of the House of Representatives of Zanzibar shall exercise all the authority vested in him by this Constitution and also by the Constitution of Zanzibar, 1984, for that purpose.

(2) The Members of the House of Representatives as the second part of the House of Representatives shall be the principal organ for Tanzania Zanzibar which shall have authority on behalf of the people in Tanzania Zanzibar to oversee and advise the Revolutionary Government of Zanzibar and all its organs in the discharge of their respective responsibilities in accordance with this Constitution and the Constitution of Zanzibar, 1984.

(3) For the purposes of discharging its functions, the House of Representatives may-

- (a) put to any Minister of the Revolutionary Government of Zanzibar any question concerning public affairs in Tanzania Zanzibar which are within his responsibility;
- (b) debate on the performance of each Ministry of the Revolutionary Government of Zanzibar during the annual budget session of the House of Representatives;
- (c) deliberate upon and authorize any long or short term plan which is intended to be implemented in Tanzania Zanzibar and enact a law to regulate the implementation of that plan;

- (d) enact legislation where implementation requires legislation.

**CHAPTER FIVE
THE HIGH COURT OF THE UNITED REPUBLIC,
THE JUDICIAL SERVICE COMMISSION FOR
MAINLAND TANZANIA, THE HIGH COURT
FOR ZANZIBAR, THE COURT OF
APPEAL OF THE UNITED REPUBLIC AND
THE SPECIAL CONSTITUTIONAL
COURT OF THE UNITED REPUBLIC**

**PART I
THE HIGH COURT OF THE UNITED REPUBLIC**

108.-(1) There shall be a High Court of the United Republic (to be referred to in short as "the High Court") the jurisdiction of which shall be as specified in this Constitution or in any other law

(2) If this Constitution or any other law does not expressly provide that any specified matter shall first be heard by a court specified for that purpose, then the High Court shall have jurisdiction to hear every matter of such type. Similarly, the High Court shall have jurisdiction to deal with any matter which, according to legal traditions obtaining in Tanzania, is ordinarily dealt with by a High Court; save that, the provisions of this subarticle shall apply without prejudice to the jurisdiction of the Court of Appeal of Tanzania as provided for in this Constitution or in any other law

*High Court of
the United
Republic and
its jurisdiction
Act No.14
of 1979
s.6*

*Judges of the
High Court
and their
appointment
Act No.14
of 1979*

s.6

*Act No.15
of 1984,
s.22*

*Act No.14
of 1990
s.5*

109.-(1) There shall be a Principal Judge of the High Court (who in the following provisions of this Constitution shall be referred to as the "Principal Judge") and other Judges of the High Court who shall be not less than fifteen.

(2) The Principal Judge and other Judges of the High Court shall be appointed by the President after consultation with the Judicial Service Commission.

(3) Subject to the provisions of this Constitution or any other law concerning the powers of the Chief Justice who is referred to in Article 118, the Principal Judge shall be the special assistant to the Chief Justice in the administration of the High Court and of all the other courts subordinate to it, and in the discharge of the functions of that office, the Principal Judge shall perform such functions and duties as he may, from time to time, be instructed or directed by the Chief Justice and, for the purposes of this Article, the Principal Judge shall also be known as the Head of the High Court.

(4) In addition to his ordinary powers as a Judge of the High Court, the Principal Judge shall also have power to perform all such duties and functions related to the jurisdiction of the High Court which, in accordance with the legal traditions applicable, are matters which are required to be performed by the head of the High Court: save that the provisions of this subarticle shall not apply in relation to the discharge of duties or functions which, in terms of the provisions of this Constitution or of any other law or in accordance with legal traditions obtaining in Tanzania are expressly stated or are deemed to be the duties or functions required to be performed only by the Chief Justice.

(5) For the avoidance of doubt in relation to the interpretation or application of the provisions of subarticles (3) and (4), of this Article, it is hereby declared that except where this Constitution or any other law provides otherwise, the Chief Justice may, from time to time, give to the Principal Judge directions or instructions concerning the discharge of his duties and functions as head of the High

Court. Likewise the Chief Justice may delegate to the Principal Judge some of his administrative and supervisory powers in relation to the discharge of functions in the High Court and in all other courts subordinate to it, and whenever necessary the Chief Justice may himself discharge directly any of the functions so delegated to the Principal Judge.

(6) The office of Judge of the High Court shall not be abolished while there is a person holding that office.

(7) Subject to the provisions of subarticle (9) of this Article a person may only be appointed Judge of the High Court if he has special qualifications as defined in Subarticle (8) of this Article, and has held one of those special qualifications for a period of not less than five years.

(8) For the purposes of construing subarticles (7), (9) and (11) of this Article "special qualifications" means the qualifications prescribed in the Advocates Ordinance (or any other law amending or replacing that Ordinance) one of which a person must possess in order to qualify for enrolment as an advocate in M a i n l a n d Tanzania.

Cap 341

(9) Where the President is satisfied that a person holding one of the special qualifications has not held that qualification for a period of not less than five years, but that that person has the ability, knowledge and in every respect is suitable for appointment as Judge of the High Court, and there are reasons which make such person deserve to be so appointed, then the President may dispense with the requirement that such person shall have held the special qualifications for a period of not less than five years, and may after consultation with the Judicial Service Commission, appoint that person Judge of the High Court.

(10) In the event that the office of Principal Judge falls vacant or that the Principal Judge is for any reason unable to perform the functions of his office, then,

those functions shall be performed by one of the Judges who shall be appointed by the President for that purpose and that Judge so appointed shall perform those functions until a new Principal Judge is appointed and assumes the office of Principal Judge, or until the Principal Judge who was unable to perform his functions resumes office.

(11) In the event that the office of any Judge falls vacant or that any Judge is appointed Acting Principal Judge or is for any reason unable to perform the functions of his office, or if the Chief Justice advises the President that the state of business then obtaining in the High Court requires the appointment of an Acting Judge, the President may, after consulting the Chief Justice in the usual manner, appoint an Acting Judge from amongst persons holding the special qualifications:

Provided that-

- (a) a person shall not be deemed to be disqualified from appointment in accordance with the provisions of this subarticle for the reason only that he has attained the age specified in subarticle (1) of Article 110 of this Constitution;
- (b) for the purpose of appointing an Acting Judge in accordance with the provisions of this subarticle, the President may dispense with the requirement of holding the special qualifications for a period of five years for the same reasons as those set out in subarticle (9) of this Article.

(12) Any person appointed Acting Judge pursuant to the provisions of sub-article (1) of this Article shall continue to hold the office of Acting Judge for any period so specified in his appointment or if no period is specified, until his appointment is revoked by the President, but notwithstanding that his term of office has expired or that his appointment has been revoked, that

person may continue to perform functions as Acting Judge until he has completed the preparation and delivery of a decision or until he completes any other business connected with matters which he had started hearing before his term of office expired or before his appointment was revoked.

110.-(1) Every Judge of the High Court shall vacate his office on attaining the age of sixty years, but the provisions of this subarticle shall apply subject to the subsequent provisions of this Article.

(2) Any Judge of the High Court may vacate office in the service of the United Republic at any time on attaining the age of fifty five years except where the President directs that he should not vacate office, and if the President so directs, then the Judge to whom the directions of the President relate shall not be entitled to vacate office until the expiry of the period specified by the President for that purpose.

(3) In the event that the President considers it to be in the public interest that a Judge who has attained sixty years of age continue in office, and the Judge agrees in writing to continue in office, then the President may direct that the judge continue in office for any period which may be specified by the President.

(4) Notwithstanding that a Judge has attained the age at which he is required by the provisions of this Article to vacate office, a person who was holding the office of Judge of the High Court may continue to perform the functions of that office after attaining that age until he completes the preparation and delivery of the decision or until he completes any other business in connection with matters which he had started hearing before attaining that age.

(5) A Judge of the High Court may be removed from office only for inability to perform the functions of his office (either due to illness or to any other reason) or for misbehaviour inconsistent with the ethics

*Tenure of
office of
Judges of the
High Court
Act No.14
of 1979
s.6,
Act No.15
of 1984,
ss.22
and 23
Act No.12
of 1995,
s.17*

of office of Judge or with the law concerning the ethics of public leaders and he shall not be so removed except in accordance with the provisions of subarticle (7) of this Article.

(6) If the President considers that the question of the removal of a Judge from office needs to be investigated, then the procedure shall be as follows:

- (a) the President shall appoint a Special Tribunal which will consist of a Chairman and not less than two other members. The Chairman and at least half of the other members of such Special Tribunal shall be persons who are Judges of the High Court or of the Court of Appeal in any country within the Commonwealth;
- (b) the Special Tribunal shall investigate the matter and make a report to the President, advising on the whole matter, and shall advise him whether or not the Judge concerned should be removed from office in accordance with the provisions of this Article on the grounds of inability to perform his functions due to illness or any other reason or on grounds of misbehaviour.

(7) If the Special Tribunal appointed in accordance with the provisions of subarticle (6) advises the President that the Judge the subject of investigation by the Special Tribunal be removed from office on grounds of inability to perform functions due to illness or any other reason or on grounds of misbehaviour, then the President shall remove that Judge from office.

(8) If the question of removing a Judge from office has been referred to a Special Tribunal for investigation pursuant to the provisions of subarticle (6) of this Article, the President may suspend the Judge

concerned from duty, and the President may at any time rescind the decision to suspend such Judge, and in any case such decision shall lapse if the Special Tribunal advises the President that the Judge be not removed from office.

(9) The provisions of this Article shall be without prejudice to the provisions of subarticle (12) of Article 109 of this Constitution.

111. A Judge of the High Court shall not assume the functions of his office until he has first taken and subscribed the oath of allegiance and also such other oath concerning the discharge of his duties as may be prescribed in accordance with a law enacted by Parliament.

*Judges' oath
of office
Act No.14
of 1979,
s.6
Act No.15
of 1984,
s.22*

**PART II
POWER TO APPOINT MAGISTRATES AND
OTHER
JUDICIAL OFFICERS IN MAINLAND
TANZANIA AND
THE JUDICIAL SERVICE COMMISSION**

112.-(1) There shall be a Judicial Service Commission for Magistrates and other Judicial Officers in Mainland Tanzania. The members of the Commission shall be the following:

- (a) the Chief Justice who shall be the Chairman;
- (b) the Attorney-General;
- (c) a Justice of the Court of Appeal of Tanzania who shall be appointed in that behalf by the President after consultation with the Chief Justice;
- (d) the Principal Judge of the High Court; and

*Judicial
Service
Commission
Act No.14
of 1970,
s.7
Act No.15
of 1984,
s.22
Act No.14
of 1990
s.6*

Membership in political parties

- (e) two members who shall be appointed by the President.

(2) A person shall not qualify to be appointed member of the Commission under the provisions of paragraph (e) of subarticle (1) of this Article, if he is a Member of Parliament or the holder of any other office prescribed in that behalf by a law enacted by Parliament.

Power to appoint Magistrates and other judicial officers
Act No.14 of 1979
s.7.
Act No.15 of 1984
s.22

113.-(1) Subject to the provisions of any law enacted by Parliament concerning the appointment of magistrates and other Judicial officers, the division of power for that purpose shall be as follows:

- (a) the power to appoint persons to hold offices prescribed in subarticle (2) of this Article (including the power to confirm such persons in office and to promote them) is hereby vested in the President;
- (b) the exercise of disciplinary power over such persons and the power to remove them from office, is hereby vested in the Judicial Service Commission referred to in Article 112 of this Constitution.

(2) The offices to which this Article applies are the offices of the Registrar of the Court of Appeal of Tanzania and his Deputy of any grade, the offices of the Registrar of the High Court and his Deputy of any grade, the office of Resident Magistrate and of a magistrate of any other category, and any other office connected with any court (other than a court-martial) as may be specified by a law enacted by Parliament in accordance with the provisions of this Constitution.

Membership of judicial officers in

113A. It is hereby prohibited for a Justice of the Court of Appeal, a Judge of the High Court or a magistrate of any grade to join any political party save only that he

shall have the right to vote which is specified in Article 5 of this Constitution.

*political
parties
Act No.34
of 1994,
s.19*

**PART III
THE HIGH COURT OF ZANZIBAR**

114. For the purposes of construing the provisions of this Chapter of this Constitution, it is hereby declared that the provisions contained in this Chapter do not prevent the continuance or establishment, in accordance with the law applicable in Zanzibar, of the High Court of Zanzibar or courts subordinate to it.

*The High
Court of
Zanzibar
Act No.15
of 1984
s.22*

115.-(1) Subject to Articles 83 and 116 of this Constitution, the jurisdiction of the High Court of Zanzibar shall be as specified in the laws applicable in Zanzibar.

*Jurisdiction
of the High
Court of
Zanzibar
Act No.15
of 1984
s.22 and
s.25*

(2) Subject to the provisions of this Constitution or of any other law enacted by Parliament, where any law enacted by Parliament and which is applicable in Mainland Tanzania and also in Tanzania Zanzibar vests any power in the High Court, then the High Court of Zanzibar may exercise that power concurrently with the High Court of the United Republic.

**PART IV
THE COURT OF APPEAL OF THE UNITED
REPUBLIC**

116.-(1) In this Fourth Part of the Fifth Chapter of this Constitution, and in the other parts of this Constitution, unless the context requires otherwise-

“the Judiciary” means the Court of Appeal of the United Republic referred to in Article 117 of this Constitution (or in short the Court of Appeal), the High Court of the United Republic referred to in Article 108 of

*Interpretation
Act No. 15
of 1984
s.25 and
s.26*

this Constitution (or in short the High Court) together with any other court subordinate to the High Court;

"Chief Justice" means the Chief Justice of the Court of Appeal, and includes an Acting Chief Justice or a Justice of Appeal temporarily deputizing for or performing the functions of Chief Justice;

"Justice of Appeal" means a Justice of the Court of Appeal.

(2) Subject to the provisions of subarticle (3), the Chief Justice shall have no power over any matter concerning the structure and administration of the day-to-day business of the courts established in accordance with the Constitution of Zanzibar, 1984, or any law of Tanzania Zanzibar.

(3) The Chief Justice shall from time to time consult with the Chief Justice of Zanzibar concerning the administration of the business of the Court of Appeal in general, and also concerning the appointment of Justices of Appeal.

Court of Appeal of the United Republic and its jurisdiction Act No.14 of 1979, the s.8 Act No.15 of 1984 s.27

117.-(1) There shall be a Court of Appeal of the United Republic of the (to be referred to in short as "the Court of Appeal") which shall have the jurisdiction of the Court of Appeal as provided in this Constitution or any other law

(2) The Court of Appeal shall not have any jurisdiction in arbitration of any matter which is to be dealt with in accordance with the provisions of Article 126 of this Constitution concerning a dispute between the Government of the United Republic and the Revolutionary Government of Zanzibar.

(3) The functions of the Court of Appeal shall be to hear and determine every appeal brought before it arising from the judgment or other decision of the High Court or of a magistrate with extended jurisdiction.

(4) A law enacted in accordance with the provisions of this Constitution by Parliament or by the House of Representatives of Zanzibar may make provisions stipulating procedure for lodging appeals in the Court of Appeal, the time and grounds for lodging the appeals, and

the manner in which such appeals shall be dealt with.

118.-(1) There shall be a Chief Justice of the Court of Appeal (who in the subsequent Articles of this Constitution shall be referred to in short as "the Chief Justice") and not less than two other Justices of Appeal; save that a full bench of the Court of Appeal shall consist of not less than five Justices of Appeal.

(2) The Chief Justice shall be appointed by the President, and shall be the Head of the Court of Appeal and of the Judiciary as defined in Article 116 of this Constitution.

(3) The other Justices of Appeal shall be appointed by the President after consultation with the Chief Justice, from among persons who qualify to be appointed Judges of the High Court of the United Republic as provided for in Article 109 of this Constitution, or from among persons who qualify to be appointed Judges of the High Court of Zanzibar in accordance with the laws applicable in Zanzibar.

(4) Whenever -

- (a) the office of Chief Justice is vacant, or
- (b) the Chief Justice is absent from Tanzania; or
- (c) the Chief Justice, for any reason, fails to discharge his duties,

and if, in the duration of any of these three events, the President considers it appropriate to appoint a Chief Justice, the President may appoint an Acting Chief Justice from among persons who qualify to be appointed Justices of Appeal, and such Justice of Appeal shall perform the duties of the Chief Justice until another Chief Justice is appointed and assumes the functions of the office of Chief Justice, or until the Chief Justice who was absent from Tanzania or was unable to discharge his duties resumes duty.

(5) In the event that any office of Justice of

*Justice
of Appeal
and their
appointment
Act No.14
of 1979
s.8
Act No.15
of 1984
s.28*

Appeal falls vacant or that any Justice of Appeal is appointed Acting Chief Justice or is for any reason unable to exercise the functions of his office, or if the Chief Justice advises the President that the state of business then obtaining in the Court of Appeal requires the appointment of an Acting Justice of Appeal, the President may, after consulting with the Chief Justice in the usual manner, appoint a person Acting Justice of Appeal from among persons holding special qualifications in accordance with the provisions of subarticle (3) of this Article.

(6) Any person appointed Acting Justice of Appeal pursuant to the provisions of subarticle (5) of this Article shall continue to hold the office of Acting Justice of Appeal for any period specified at the time of his appointment, or where no period has been specified, until his appointment is revoked by the President, but not withstanding that the period of appointment has expired or that the appointment has been revoked, such person may continue to work as Acting Justice of Appeal for as long as may be necessary to enable him to prepare and deliver judgment or to do any other thing in relation to appeals or any other proceedings which were commenced before him prior to the expiration of such period, or the revocation of his appointment.

(7) For the avoidance of doubt over the construction of the provisions of subarticle (1) of Article 118 of this Constitution (which stipulates the number of substantive Justices of Appeal) and the provisions of Article 119 of this Constitution (which specifies the jurisdiction of Justices of Appeal) it is hereby declared that an Acting Justice of Appeal appointed in accordance with the provisions of subarticle (5) of this Article, shall have full power of a Justice of Appeal and shall discharge duties as Acting Justice of Appeal notwithstanding that his appointment is in excess of the number of substantive Justices of Appeal specified in subarticle (1) of Article 118 of this Constitution, save that the provisions of this subarticle shall apply subject to the provisions of Article 122 of this

Constitution in relation to the quorum at sittings of the Court of Appeal.

(8) The office of Justice of Appeal shall not be abolished while there is a person holding that office.

119. No Justice of Appeal of shall have jurisdiction to hear any matter in the High Court or in any magistrates' Court of any grade:

Provided that where a Judge of the High Court is appointed Justice of Appeal he may, notwithstanding such appointment, discharge his functions in the High Court until he completes the preparation and delivery of the decision or until he completes any other business in connection with matters which he had started hearing before his appointment as a Justice of Appeal, and for that purpose it shall be lawful for him to deliver judgment or any other decision concerned in the exercise of the jurisdiction he had before he was appointed Justice of Appeal; provided that where ultimately that judgment or decision is challenged by way of appeal to the Court of Appeal, then in such circumstances that Justice of Appeal shall not have jurisdiction to hear that appeal.

120.-(1) Every Justice of Appeal shall vacate his office upon attaining the age of sixty-five, but the provisions of this subarticle shall apply subject to the subsequent provisions of this Article.

(2) Any Justice of Appeal may vacate office in the service of the United Republic at any time on attaining the age of sixty five years except where the President directs that he should not vacate office, and if the President so directs, then the Justice to whom the directions of the President relate shall not be entitled to vacate office until the expiry of the period specified by the President for that purpose.

(3) In the event that the President considers it to be in the public interest that a Justice of Appeal who has attained sixty-five years of age continue in office, and

*Jurisdiction
of Justices of
Appeal
Act No.14
of 1979
s.8
Act No.15
of 1984
s.29*

*Tenure of
office of
Justices
of Appeal
Act No.14
of 1979
s.8.
Act No.15
of 1984
s.30*

the Justice of Appeal agrees in writing to continue in office, then the President may direct that the Justice of Appeal continue in office for any period which may be specified by the President.

(4) Notwithstanding that a Justice of Appeal has attained the age at which he is required by the provisions of this Article to vacate his office, a person who was holding the office of Justice of Appeal may continue to perform the functions of that office after attaining that age until he completes the preparation and delivery of decision or until he completes any other business in connection with matters which he had started hearing before attaining that age.

(5) A Justice of Appeal may be removed from office only for inability to perform the functions of his office, (either due to illness or to any other reason) or misbehaviour and shall not be so removed from office save in accordance with the procedure similar to that provided in relation to the removal from office of a Judge of the High Court as specified in subarticles (6) and (7) of Article 110 of this Constitution and for that purpose the provisions of subarticle (8) of Article 110 shall apply in relation to a Justice of Appeal in the same manner as they apply to a Judge of the High Court.

(6) The provisions of this Article shall be without prejudice to the provisions of subarticle (5) of Article 118 of this Constitution.

*Oath of office
of Justices
of Appeal
Act No.14
of 1979,
s.8
Act No.15
of 1984,
s.31*

121. A Justice of Appeal shall not assume office unless he has taken and subscribed the oath of allegiance and such other oath as may be prescribed by legislation enacted by Parliament.

122.-(1) The quorum at every sitting of the Court of Appeal shall be not less than three of Appeal Justices

(2) In every appeal a matter which requires the decision by the Court of Appeal shall be decided on the basis of the majority opinion of the Justices of Appeal hearing the appeal.

123. A single Justice of Appeal may exercise any power vested in the Court of Appeal not involving the determination of an appeal; except that-

- (a) in criminal matters, where a Justice of Appeal on an application for the exercise of those powers makes a decision which the applicant is dissatisfied with, then the applicant shall be entitled to require to have his application determined by the full Court;
- (b) in civil matters, the Court of Appeal may nullify or alter an order, direction, or decision of any other kind made by a single Justice of Appeal in accordance with the provisions of this Article.

*Quorum at
sittings the
Court of
Appeal.
Act No.14
of 1979,
s.8
Act No.15
of 1984,
s.32*

*Jurisdiction
of a single
Justice of Appeal
Act. No.14
of 1979,
s.8
Act No. 15
of 1984
s.33*

PART V PROCESS OF THE COURTS

124.-(1) The criminal and civil process, including warrants of arrest issued by the Courts in Mainland Tanzania and in Tanzania Zanzibar may be served and may be executed in any place in Tanzania subject to the following provisions-

- (a) where the court issues process to be

*Execution of
court process
in the whole of
Tanzania
Act No.15
of 1984
s.34*

Execution of court process

served or executed in a place where it has no jurisdiction, such process shall be sent to that place and the service or execution shall be effected in accordance with the procedure obtaining for service or execution of process issued by the court having jurisdiction in that area; and

- (b) where the law applicable in the place where the process is sent requires that a process issued by a court which has no jurisdiction be authenticated first by the court having local jurisdiction, then every process issued by the court elsewhere has to be authenticated first in accordance with the law before service or execution of such process.

(2) Where a person is arrested anywhere in Tanzania in accordance with an arrest warrant issued by a court having no jurisdiction in the area of arrest, then the person so arrested shall be deemed to be in lawful custody and be brought before the court which issued the arrest warrant, but the provisions contained in this subarticle shall apply without prejudice to the provisions of the law applicable in the place of the arrest.

(3) The provisions contained in this Article shall not prevent the enactment of a law providing for the procedure of sending process outside Tanzania issued by the courts in Mainland Tanzania or Tanzania Zanzibar.

**PART VI
THE SPECIAL CONSTITUTIONAL COURT OF
THE UNITED REPUBLIC**

125. There is hereby established the Special Constitutional Court of the United Republic whose jurisdiction, constitution and procedure shall be as specified in the provisions of Articles 126, 127, and 128 of the Constitution.

*Special
constitutional
Court
Act No.15
of 1984
s.35*

126.-(1) The sole function of the Special Constitutional Court of the United Republic is to hear and give a conciliatory decision over a matter referred to it concerning the interpretation of this Constitution where such interpretation or its application is in dispute between the Government of the United Republic and the Revolutionary Government of Zanzibar

*Jurisdiction
of the
Special
Constitutional
Court
Act No.14
of 1979,
s.9*

(2) In the exercise of its functions in accordance with the provisions of this Article, the Special Constitutional Court shall not have power to inquire into or to alter the decision of the High Court or the decision of the Court of Appeal which has been given in accordance with the provisions of Article 83 of this Constitution or the decision of the Court of Appeal which has been given in accordance with Article 117 of this Constitution.

*Act No.15
of 1984,
s.36*

(3) Every conciliatory decision given by the Special Constitutional Court pursuant to this Article shall be final; there shall be no right of appeal to any forum.

127.-(1) The Special Constitutional Court shall consist of members of whom one half shall be appointed by the Government of the United Republic and the other half shall be appointed by the Revolutionary Government of Zanzibar.

*Composition
of the Special
Constitutional
Court
Act No.15
of 1984
s.37*

(2) A person may be appointed to be a member of the Special Constitutional Court only if he holds or has

previously held the office of Justice of Appeal, or of Judge of the High Court of the United Republic of Tanzania or of the High Court of Zanzibar, or he is a person who has the ability and experience which qualify him to be appointed to the office of Judge or Acting Judge under the law for the time being in force, in Mainland Tanzania or in Zanzibar, as the case may be.

(3) A person may be appointed to be a member of the Special Constitutional Court for the purposes of hearing one dispute only or for hearing two or more disputes should they arise. A member shall continue to hold office as member of the Special Constitutional Court until the determination of the dispute in relation to which he is appointed or his appointment is revoked or until he fails to perform his duties as a member due to illness or any other reason.

*Procedure at
sittings of the
special
Constitutional
Court
Act No.15
of 1984
s.37*

128.-(1) The Special Constitutional Court shall hold its sittings only when there is a dispute to be heard, and shall sit in any place to be decided upon in accordance with the procedure applicable for the purposes of hearing disputes submitted to the Special Constitutional Court.

(2) The quorum for every sitting of the Special Constitutional Court shall be all its members, and where any member is absent or the seat of any member is vacant, then the Government which had appointed that member who is absent or whose seat is vacant shall appoint another member to replace him. A temporary member appointed in accordance with this subarticle shall continue to hold office in the Special Constitutional Court until the substantive member resumes duty or until a person is appointed to fill the vacancy or until the dispute is determined, whichever of these events occurs earlier.

(3) Every matter requiring a decision of the Special Constitutional Court shall be determined on the basis of the opinion of two-thirds of the members appointed from Mainland Tanzania and two-thirds of the members appointed

from Tanzania Zanzibar.

(4) Parliament may enact legislation providing for the election of the Chairman of the Special Constitutional Court, the procedure for the submission of disputes to the Court, the procedure for the hearing of disputes and the procedure for the transmission of the decisions of the Court to the Governments:

Save that where any matter is referred to the Special Constitutional Court before the enactment of the legislation referred to in this subarticle, the matter will be heard and decided in accordance with the procedures to be decided upon by the Court itself before hearing the matter, or if members of the Court fail to agree on such procedure, then the matter shall be heard and decided in accordance with the procedure to be decided upon by the Government of the United Republic in collaboration with the Government of Zanzibar.

CHAPTER SIX

THE PERMANENT COMMISSION OF ENQUIRY AND THE PUBLIC LEADERS' ETHICS SECRETARIAT

PART I

THE PERMANENT COMMISSION OF ENQUIRY

129.-(1) There is hereby established a Permanent Commission of Enquiry which shall have jurisdiction to enquire into the conduct of any person to whom this Article applies, and such enquiry shall be made into the conduct of such person in respect of the ordinary performance of his duties or abuse of the authority of his office.

*Permanent
Commission
of Enquiry
Act No.15
of 1984
s.39
Act No.4
of 1992
s.33*

(2) The Commission shall enquire into the conduct of any person concerned whenever it is directed by the President to do so; and may, unless the President directs otherwise, carry out an enquiry whenever it deems it appropriate that an enquiry be made into the conduct of any person to whom this Article applies and in respect of whom allegations exist of abuse or misuse of the authority of his office.

(3) Upon the conclusion of an enquiry, the Commission shall, pursuant to the procedure prescribed by a law enacted by Parliament in that behalf, submit to the President or to the Head of the Revolutionary Government of Zanzibar, as the case may be a report on the proceedings of the enquiry, the views of the Commission on the whole matter, and its recommendations.

(4) The provisions of this Article shall apply to persons employed in the service of the Government of the United Republic and those in the Revolutionary Government of Zanzibar, employees and leaders of political parties who deal with public affairs, members and employees of all Commissions in the Government of the United Republic and the Revolutionary Government of Zanzibar, persons holding office in the departments of those Governments, public corporations, and such other public authorities as may be specified in a law enacted by Parliament, but these provisions shall not apply to the President or to the Head of the Revolutionary Government of Zanzibar.

(5) The Commission shall not have any power either under the provisions of this Article or those of any law enacted by Parliament for the purpose of this Chapter of this Constitution to enquire into the decision of any Judge, magistrate or court registrar where such decision was made in the discharge of the functions of his office; likewise the Commission shall not have power to enquire into any decision made by any quasi-judicial body established in accordance with law where such decision was made in the discharge of its authority.

130.-(1) The Commission shall consist of a Chairman and not more than four other members who shall be appointed by the President.

(2) Any person on being appointed member of the Commission shall be obliged to vacate forthwith the office of Minister, Deputy Minister, or office in any political party, or the office of any other kind specified in that behalf by a law enacted by Parliament.

(3) A person who ceases to be a member of the Commission may be reappointed, but notwithstanding the provisions of Article 74(3) of this Constitution a person who has held office of member of the Commission for a continuous period of six years may not be reappointed member until after the expiry of three years since he ceased to hold such office.

(4) Subject to the provisions of this Article, a member of the Commission shall cease to be such member and shall vacate office upon the occurrence of any of the following events:

- (a) the completion of three years since his appointment; or
- (b) the assumption of any office the holding of which, would if he were not a member of the Commission, disqualify him from being appointed member of the Commission.

(5) The President may remove a member of the Commission from office only for failing to discharge the functions of his office (either due to illness or any other reason) or due to misconduct.

(6) The Commission may carry out its functions notwithstanding any vacancy in its membership or the absence of some member.

131. Parliament shall enact a law in accordance with the provisions of this Constitution for the purpose of making provisions concerning the authority of the Commission, the procedure for

*Members
of the
Commission
Act No.1
of 1980,
s.14
Act No.15
of 1984,
s.39*

*Jurisdiction
and procedure
of the
Commission*

Act No.15 of 1984 s.36 conducting its business, and legal immunities of its members which shall enable them to discharge their duties without legal disabilities.

**PART II
PUBLIC LEADERS' ETHICS SECRETARIAT**

Public Leaders' Ethics Secretariat Act No.12 of 1995 s.18

132.-(1) There is hereby established a Public Leaders' Ethics Secretariat which shall have power to inquire into the behaviour and conduct of any public leader for the purpose of ensuring that the provisions of the law concerning the ethics of public leaders are duly complied with.

(2) For the purposes of this Article, the meaning of "public leader" and "code of ethics for public leaders" shall be construed in accordance with the provisions of the law concerning the ethics of public leaders or the provisions of any other law enacted by Parliament in so far as such provisions relate to the question of leadership and its interpretation.

(3) The Public Leaders' Ethics Secretariat shall consist of the Ethics Commissioner and such other employees whose number shall be as specified by a law enacted by Parliament.

(4) Parliament shall enact a law stipulating basic rules of ethics for public leaders which shall be complied with by all persons holding public office which shall be specified by Parliament.

(5) Basic rules of ethics for public leaders shall-

- (a) spell out public offices the holders of which shall be subject thereto;
- (b) require persons holding certain public offices to make a formal declaration from time to time concerning their income, assets and liabilities;
- (c) prohibit conduct and behaviour which tend to portray that a leader is dishonest,

practices favouritism or lacks integrity or which tends to promote or encourage corrupt practices in public affairs or jeopardizes public interest or welfare;

- (d) prescribe penalties which may be imposed for breaches of the code of ethics;
- (e) provide for procedure, powers and practice to be applied in order to ensure compliance with the code of ethics;
- (f) prescribe any other provisions as are appropriate or necessary for the purpose of promoting and maintaining honesty, transparency, impartiality and integrity in the conduct of public affairs and for the protection of public funds and any other public property.

(6) Parliament may, by law, provide for the dismissal or removal of a person from office for breaches of the code of ethics regardless of whether the office is elective or appointive.

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THE ELECTION ACT NO. II OF 1984



THIS VOLUME INCORPORATES
ALL AMENDMENTS MADE UP TO
31ST MARCH, 1995

(A. T. ABOUD)
DIRECTOR OF ELECTIONS.
1 JUNE, 1995



- (d) if he is a party to, or partner in a firm or manager of a company which is a party to any subsisting contract with the local authority to which he seeks election and has not, within one month before the date of election, published in the Kiswahili or English language newspapers circulating within the area of authority concerned, a notice setting the nature of the contract and his interest or the interest of the firm or company in the contract;
- (e) if he is disqualified from becoming a member of a local authority by or under any written law;
- (f) if he is disqualified from registering as a voter under this Act or disqualified from voting at any election under this Act or under any written law relating to offences connected with any election;
- (g) subject to such exceptions and limitations as the President may, by order published in the Gazette, prescribe if he holds or acts in any offices or appointment in Zanzibar or a local authority;

(2) For the purpose of sub-paragraph (1) of paragraph (c) of sub-section (1):-

- (a) two or more sentences that are required to be served consecutively shall be regarded as separate sentences if none of them exceeds six months but if any of them exceeds six months they shall be regarded as one sentence; and
- (b) no account shall be taken of a sentence of imprisonment imposed as an alternative to, or in default of, the payment of a fine.

Nomination of candidates.

60. In order to be validly nominated at a nomination to stand as a candidate for an area, a person must be nominated in writing by not less than fifteen voters registered in the polling districts within the area, for which he is a candidate.

Application of chapter IV.

61.—(1) The provision of Chapter IV of this Act relating to nomination of candidate, election day, withdrawal, death and absence of candidates and the election campaign in respect of members of the House of Representatives shall, mutatis mutandis, apply to elections in respect of the members of the local authority, except that reference to constituency shall be area or ward in this part.

(2) Notwithstanding the provision of subsection (1) of this section, the Commission may make regulations, rules, or procedure relating to the elections of local authority.

(3) Any regulations, rules or procedures made under this section shall be published in the Gazette.

CHAPTER VI ELECTION AND VOTING PROCEDURE

PART I

ELECTION PROCEDURE

62. In a contested election polling shall take place in each polling district in the manner hereinafter prescribed on the day appointed for polling in that polling district pursuant to the provisions of section 52.

Polling days and times.

63. The Returning Officer shall:

Arrangements for contested elections.

- (a) provide a sufficient number of polling stations in each polling district in accordance with the terms of any notice given under the provisions of section 52;
- (b) appoint in respect of each polling district such persons, to be known as polling assistants, as he may think fit to assist at the voting in the election;
- (c) appoint from among such polling assistants a person to be in charge of the polling station to be known as the presiding officer;
- (d) furnish each polling station with such number of compartments as in the opinion of the Returning Officer may be necessary in which the voters can, screened from observation, record their votes;
- (e) place or cause to be placed outside each polling station in a conspicuous place a notice showing the names in alphabetical order of surnames, or in such other order as the Commission may direct, addresses, occupations and representative photograph and part symbol, if any, of the candidate;
- (f) provide both within and without each polling station notices containing instructions relating to the voting procedure to be followed;
- (g) provide each presiding officer with such number of ballot boxes and ballot papers as in the opinion of the Returning Officer may be necessary;
- (h) provide each polling station with writing materials and instruments with which the voters can mark the ballot papers and for making official marks;

(i) subject to any direction the Commission may give in that behalf provide each polling station with copies of the register of voters for the polling district or such part of such register as contains the names of the voters allowed to vote at that polling station.

(j) do such other Acts and thing as he may be directed to do by the Commission.

Polling agent.

64.—(1) Each candidate may appoint one person to be known as polling agent to attend at each polling station within the constituency for which he is a candidate for the purposes of:-

- (a) detecting personation;
- (b) representing and safeguarding the interests of a candidate at the polling station, and
- (c) co-operating with the presiding officer and polling assistants to secure the smooth compliance with the law and procedure pertaining to the conduct of the voting and the elections at the polling station.

(2) Notice in writing of the appointment, stating the names and addresses of the polling agents, together with the polling station to which they have been assigned shall, in so far as it may be possible, be given to the Returning Officer not later than seven days before election day or within such shorter time as the Commission may allow.

(3) If any polling agent dies or becomes incapable of acting as such, the candidate may appoint another polling agent in his place, and shall forthwith give to the Returning Officer and the presiding officer concerned notice in writing of the name and address of the polling agent so appointed and the polling station to which he is appointed.

(4) The presiding officer shall, with the assistance and cooperation of the polling agent, solve or deal otherwise with each complaint in his polling station as soon as it arises and is brought to his attention by a candidate, a polling agent, a voter or other person registered and entitled to vote at the polling station concerned.

Ballot boxes.

65.—(1) Every ballot box shall be constructed in a manner which allows a voter to put ballot paper in it but can not withdraw them.

(2) Immediately before the commencement of voting the presiding officer at each polling station shall show the empty ballot box to persons lawfully present so that they may see that it is empty, and shall then close it and place a seal upon it in such manner as to prevent it being opened without breaking the seal, and shall place it in view for the receipt of ballot papers and shall keep it so closed and sealed.

66. Every ballot paper shall:

- (a) contain the full names, addresses and occupations of the candidates as shown in their respective nomination papers arranged in the order in which they appear in the notice placed in accordance with section 46 and their photographs;
- (b) capable of being folded up;
- (c) have a serial number printed thereon;
- (d) be attached to a counterfoil bearing in the same serial number that printed on the ballot papers.

Form of ballot paper.

67. No person who has voted at an election shall, in any legal proceeding to question the election return, be required to state for whom he voted;

Prohibition of disclosure of vote.

Provided that this section shall not apply in any legal proceeding in which the question whether a presiding officer acting under the provisions of paragraph (h) or (i) of section 68 acted bona fide is in issue.

PART II VOTING AND COUNTING PROCEDURE

68. The voting at an election shall be conducted in the following manner:-

Methods of voting.

(1) Without prejudice to the provisions of section 52 (4) and 91, each polling agent shall be present at the opening of the voting at the polling station in respect of which he is appointed polling agent. Provided that absence of the polling agent shall not invalidate the votes.

(2) Before the Commencement of the voting at a polling station the polling agent shall be required by the presiding officer to submit to him in the prescribed manner any complaint that he has or has received, or any expression of his satisfaction with regard to the arrangements for voting in the polling station.

(3) (a) every voter who wishes to vote shall present himself at the polling station allocated to him in the polling district for which he is registered, and shall satisfy the presiding officer or a polling

assistant at such polling station that he is the voter he claims to be and that he has not voted already at such polling station or elsewhere. A person may satisfy the presiding officer or a polling assistant that he is the voter he claims to be by producing to such officer or assistant such documentary evidence as to his identity as such officer or assistant may find satisfactory;

- (b) upon being satisfied as to the identity of the voter and that such person's name appears on the register for the polling district in which such polling station is situated, the presiding officer or polling assistant shall deliver to the voter concerned a ballot paper;
- (c) immediately before the presiding officer or polling assistant delivers a ballot paper to any person:-
 - (i) the ballot paper shall be perforated or stamped with an official mark;
 - (ii) the number and particulars of the voter, as stated in the copy of the register of voters or part thereof maintained at the polling station, shall be called out;
 - (iii) the number of the voter in the copy of the register of voters or part thereof shall be marked on the counterfoil; and
 - (iv) a mark shall be placed against the number of the voter in the copy of the register of voters or part thereof to denote that a ballot paper has been received by such voter;

Provided that the number of the ballot paper delivered to such voter shall not be shown on the register:

And provided further that where no copy of the register or part thereof available at the polling station, the presiding officer or the polling assistant shall, in lieu of complying with the provisions of sub-paragraphs (ii), (iii), and (iv), comply with such directions as the Commission may give in that behalf;

- (d) subject to the provisions of paragraph (h) a voter on receiving a ballot paper shall go immediately into one of the screened compartments in the polling station, secretly record his vote in the manner provided in paragraph (e), fold up the ballot paper so as to conceal his vote and shall then show to a polling assistant the back of the paper so as to reveal the official mark and shall then put the folded ballot paper into the ballot box;

- (e) a voter shall record his vote by putting a mark against the name of the candidate for whom he wishes to vote thereby recording no more than one vote;
- (f) a voter shall not place on the ballot paper any writing or mark by which he may be identified;
- (g) a voter shall vote without undue delay;
- (h) if a voter is incapacitated by blindness or other physical cause, or is unable to read, he may call the presiding officer or a companion aside, and shall tell him, no other person being present or within hearing, the name of the candidate for whom he wishes to vote, and the presiding officer or a companion shall mark the ballot paper accordingly and shall in the presence of the voter, place the ballot paper in the ballot box and every ballot paper marked in accordance with this paragraph shall be deemed to have been marked by the voter in accordance with paragraph (e);
- (i) if a voter is illiterate or does not understand how to record his vote; the presiding officer may, in the presence of the polling agent, explain to the voter the procedure;
- (j) subject to the provisions of paragraph (h) and (i), a voter shall not show the mark which he has placed upon his ballot paper to any person, and if he does so the ballot paper shall be treated as a spoiled ballot paper;

Provided that the provisions of this paragraph shall not apply if a ballot paper is shown by a voter to the presiding officer for the purpose only of ascertaining if the voter has carried out his duties correctly;

(k) Voting by disabled persons.

- (i) If a voter makes an application to the presiding officer to be allowed on the ground of disability to vote with the assistance of another person by whom he is accompanied (hereinafter referred to as the "companion"), the presiding officer shall require the voter to declare orally whether he is so incapacitated by his disability as to be unable to vote without assistance.

(ii) If the presiding officer:-

- (a) is satisfied that the voter is so incapacitated; and

(b) shall be satisfied by a written declaration made by the companion (in this provision referred to as "the declaration made by the companion of a disabled voter") what the companion -

(i) is a qualified person within the meaning of this provision; and

(ii) has not previously assisted more than one disabled person to vote at the election; the presiding officer shall grant the application, and then anything which is by this provision required to be done to or by that voter in connection with the giving of his vote may be done to, or with the assistance of, the companion;

(iii) For the purpose of this provision, a person shall be qualified to assist a disabled voter to vote, if that person is either:-

(a) a person who is entitled to vote as an elector at the election;

(b) the father, mother, brother, sister, husband, wife, son or daughter of the disabled voter and has attained the age of 18 years.

(iv) The name and number in the register of electors of every voter whose vote is given in accordance with this provision and the name and address of the companion shall be entered on a list (in this provision referred to as "the list of disabled voters assisted by companions").

(v) The declaration made by the companion:-

(a) shall be in the prescribed form;

(b) shall be made before the presiding officer at the time when the voter applies to vote with the assistance of a companion and shall forthwith be given to the presiding officer who shall attest and retain it.

(vi) No fee or other payment shall be charged in respect of the declaration.

(b) a voter who has accidentally dealt with a ballot paper in such manner that it cannot conveniently be used as valid ballot paper may, on delivering such ballot paper to the presiding officer and after satisfying the presiding officer that the ballot paper has been spoiled by accident, obtain another ballot paper in the place of the

paper so delivered up, and the spoiled ballot paper and its counterpart shall be immediately marked as cancelled.

(4) If any voter has any complaint in relation to the conduct of the voting in the polling station or district in which he is registered he may, before or immediately after voting but before leaving the polling station, submit his complaint in the prescribed form to the presiding officer or a polling assistant; if the complaint concerns the conduct of the Presiding officer it shall be recorded in the presence of the polling agent.

69.- (1) Notwithstanding the provisions of section 68, a person appointed as a polling agent for the purpose of a House of Representatives election may vote for the election concerned and any other election taking place simultaneously with such first-named election, in a constituency in which he is registered as a voter by writing the name of the candidate of his choice on the special ballot paper and sending it to the Returning Officer for that constituency in a sealed envelope marked 'Ballot'.

Voting by
Polling agent.

(2) Ballot papers for the purpose of this section shall be provided by the Commission or the Director of Elections and may be obtained by polling agent from the Returning Officer in the constituency for which they are appointed.

(3) The Commission may issue directions for the purposes of ensuring that ballot papers issued under this section to any Polling agent to vote at the polling station at which they would have been required to vote in accordance with section 68, had this section not been enacted are properly utilized and are taken into account during the counting of votes.

(4) A Returning Officer shall account to the Commission for every special ballot paper issued to him under this section and shall return to the Commission any such papers received by him and not issued.

70.- (1) No person shall be admitted to vote at any polling station except the polling station assigned to him in the polling district in which he is registered is a voter.

Admission to
polling station

(2) No person other than the following shall be admitted into a polling station:-

- (a) presiding officer;
- (b) polling assistant;
- (c) polling agent;
- (d) voter.

- (e) a person assisting an incapacitated voter pursuant to section 67;
- (f) observer duly authorized in writing by the commission;
- (g) candidate;
- (h) member of the commission;
- (i) Director of Elections;
- (j) police officer or person responsible for security at the polling station.

(3) The Commission may give direction regulating the conduct of observers.

(4) If any person misconducts himself in the polling station or fails to obey the lawful orders of the presiding officer, he may immediately, by order of the presiding officer, be removed from the polling station by any police officer in or near the station or by any other person authorized in writing by the presiding officer or by the Returning Officer to remove him, and the person so removed shall not unless with the permission of the presiding officer, again be allowed to enter the polling station.

(5) Any person so removed as aforesaid if charged with the commission in such station of any offence, may be kept in custody until he can be brought before a magistrate. The powers conferred by this section shall not be exercised so as to prevent any voter who is otherwise entitled to vote at any polling station from any opportunity of voting at such station.

Allegation of irregularities.

71.—(1) Where the presiding officer at any polling station has reason to believe, or where a candidate or a polling agent present at any polling station alleges that any person wishing to vote at that polling station is not a voter entitled to vote at that polling station, the presiding officer shall warn such person that he may commit an offence under this Act by so voting.

(2) If, notwithstanding such warning, such person persists in his wish to vote and:-

- (a) produces any evidence to show that he is entitled to vote at the polling station in question, and
- (b) being thereto required as prescribed by section 64 makes and subscribes one or both of the declarations to which that section refers;

the presiding officer shall deliver a ballot paper to such person and permit him to vote at such polling station.

(3) A presiding officer shall record in writing the full name and address which a person warned under-subsection (1) gives as his name and address and, if such person has voted the presiding officer shall state that fact in such record.

(4) Before warning a person under sub-section (1), a presiding officer shall state to such person the reasons for his belief that such a person is not a voter entitled to vote at the polling station in question or, in the case of an allegation as mentioned in subsection (1) having been made by a candidate or polling agent present in the polling station in question, shall require such candidate or polling agent to state in his presence and the presence of the person wishing to vote, and so as to be heard by both of them, the reasons for the allegation. If a candidate or a polling agent refuses to comply with such requirement the presiding officer shall disregard the allegation made by him.

72.—(1) If a person representing himself to be a voter entitled to vote a polling station applies for a ballot paper after another person has voted as such voter, the applicant shall, upon identifying himself to the satisfaction of the Presiding officer as the person named in the register, and being thereto required as prescribed by section 64 makes and subscribes one or both of the declarations to which that section refers, be entitled to vote in the same manner as any other voter, but such ballot paper, hereinafter called a tendered ballot paper, shall be a colour different from the ordinary ballot papers, and instead of being put into the ballot box, shall be given to the presiding officer and endorsed by him with the name of the voter and his number in the copy of the current register or part thereof, and set aside in a separate packet, and shall not be counted by the Returning Officer as hereinafter provided, and the name of the voter and, where a copy of the register or part thereof is available at the polling station, such person's number on such register or part thereof, shall be entered on a list, and this list shall be admissible in any legal proceedings arising out of the election.

Tendered ballot papers.

(2) The presiding officer may require any person to whom a tendered ballot paper is delivered to make and subscribe one or both the declarations to which section 64 applies.

73.—(1) The presiding officer at any polling station may, in his discretion, and shall, on the request of a candidate present at the polling station or the polling agent, require any person wishing to vote, before he is given a ballot paper, to furnish such evidence of his identity with the person described in the certificate of registration which he presents, as the presiding officer may deem necessary and to make and subscribe one or both of the prescribed declarations.

Declaration by voters.

(2) If any person fails to furnish such evidence of his identity or refuses to make any such declaration, the presiding officer may refuse to give him a ballot paper.

Adjournment
of polling in
case of riot.

74.—(1) Where the proceedings at any polling station are interrupted or obstructed by riot or open violence, the presiding officer shall adjourn the proceedings until the following day and shall forthwith give notice to the Returning Officer.

(2) Where the poll is adjourned at any polling station:

(a) the hours of polling on the day to which is adjourned shall be the same as for the original day; and

(b) references in this Act to the close of poll shall be construed accordingly.

Closing of the
poll.

75. If at the hour of the closing of the poll at any polling station there are voters present who have not had an opportunity to vote, the poll shall be kept open a sufficient time to enable them to vote.

Procedure on
closing of poll.

76.—(1) Before the closing of the polling station after the closing of the poll, the polling agent shall be given the final opportunity to submit in the prescribed form whether or not and what complaint he has in relation to the manner the voting was conducted in the polling station, and any complaint reported shall be solved or dealt with otherwise in the best possible manner.

(2) At the Conclusion of the polling, the presiding officer shall prepare a report, detailing all Complaints raised during and after the close of the poll and the steps taken in respect of each of them. The report shall then be read before and be Confirmed and signed by the polling agent, the presiding officer and a polling assistant, and shall be submitted to the Returning Officer in accordance with sub section (3).

(3) The presiding officer of each polling station shall as soon as practicable after the closing of the poll, in the presence of such number of the candidates as attend, and of the polling agent if any, make upon into separate packets, sealed with his own seal and the seal of the candidates if they desire to fix their seals;

(a) the unused and spoilt or cancelled ballot papers placed together.

(b) the counterfoils of the used ballot paper;

(c) tendered ballot papers;

(d) the marked copies of registers of parts thereof;

(e) the tendered voters list.

(f) the keys for the locks to the ballot boxes used at the polling station.

(g) the report prepared under subsection (2)

(4) The packet shall be accompanied by a statement, to be called the ballot papers account, prepared by the presiding officer in the prescribed form.

(5) The unopened ballot boxes shall be secured by the presiding officer and sealed with his seal and with the seals of such of the candidates, as attend and desire to affix their seals, in such manner that the boxes cannot be opened and nothing can be inserted there without the seals being broken.

(6) The presiding officer shall despatch each such packet and the ballot boxes in safe custody to the Returning Officer.

77.—(1) Each candidate may appoint one person to be known as a counting agent, to attend at the counting of votes.

Counting
agent.

(2) Notice in writing of the appointment stating the name and address of the counting agent, shall be given by the candidate to the Returning Officer not later than one day before election day, and the Returning Officer may refuse to admit to the place where the votes are counted any person purporting to be a counting agent in respect of whom such notice has not been given.

(3) If a counting agent dies or becomes incapable of acting as such the candidate may appoint another counting agent in his place, and shall immediately give to the Returning Officer notice in writing of the name and address of the counting agent so appointed.

78.—(1) The Returning Officer as the case may be, Assistant Returning Officer shall, before embarking upon the procedure for counting votes brief the candidates of any important occurrences reported to him from polling stations, and then require each candidate to submit in the prescribed manner and before the other candidate and the counting agents of both candidates, whether or not and what complaint he has, other than that contained in the report aforesaid, in relation to the conduct of the voting in the constituency.

Counting of
votes.

(2) Any complaint submitted under subsection (1) shall be settled or dealt with otherwise, and the Returning Officer or, as the case may be, Assistant Returning Officer shall make out a report, in the prescribed form concerning this stage of the proceedings in the elections which shall then be read out to, confirmed and signed by both candidates their respective counting agents and the Returning Officer or Assistant Returning Officer, as the case may be.

(3) At the conclusion of every stage in the process of counting votes the candidate if present or their counting agents shall be required to state in the prescribed form whether or not and what complaint they have, or their satisfaction, in relation to each such stage concluded. Each complaint raised shall be settled or otherwise decided at that stage, and the Returning Officer shall then prepare an account in the prescribed form detailing the situation at that stage. This shall be confirmed and signed by the Returning Officer and later submitted to the commission.

(4) The Returning Officer shall make arrangements for counting the votes in the presence of the counting agents as soon as practicable after the close of the poll in the constituency and shall, so far as practicable proceed continuously with the counting, allowing only reasonable time for refreshment, until it is complete.

(5) The Returning Officer shall appoint such number of persons as he shall consider necessary to assist him in counting the votes and such persons shall be known as enumerators.

79. No person other than the following shall be present at the counting of votes:-

- (a) the Returning Officer;
- (b) assistant Returning Officer;
- (c) Enumerator;
- (d) Counting agent;
- (e) Candidate;
- (f) police officer or other person responsible for security at the place of counting of votes;
- (g) a member of the commission;
- (h) Director of elections or an electoral officer; and
- (i) observer duly authorised in writing by the Commission.

Person who may be present

80. Before the Returning Officer and Assistant Returning Officer proceed to count the votes, they shall, in the presence of the counting agents, if any, open each ballot box and taking out the ballot papers, shall ascertain the number thereof, and then mix together the whole of the papers contained in the ballot boxes.

Method of counting votes

81. (1) The Returning Officer or an Assistant Returning Officer shall count and recording the number of ballot papers in each ballot box and shall keep the ballot papers with their faces upwards.

Method of counting of ballot papers

(2) Any ballot papers:-

- (a) which does not bear the official mark;
- (b) on which votes are recorded otherwise than as provided in section 68 on which is to be treated as spoilt under the provisions of that section; or
- (c) on which anything is written or marked in any manner not identified otherwise than by the printed name of the candidate;
- (d) which is unmarked or void for uncertainty. This shall be counted. Provided that special ballot issued under the provisions of section 69 shall be counted if it complies with the provisions of that section and any direction given by the Commission under that section.

82. (1) The Returning Officer or an Assistant Returning Officer shall endorse the word 'rejected' on any ballot paper which is not counted under section 83 is not counted.

Method of counting of rejected ballot papers

(2) The Returning Officer or Assistant Returning Officer shall endorse the words 'rejection objected to' on any ballot paper if a decision is made by any counting agent.

83. The Returning Officer shall prepare a statement in writing of the number of ballot papers rejected under the following heads:-

Method of counting of rejected ballot papers

- (a) want of official mark;
- (b) voting record otherwise than as provided in paragraph (2) of subsection (1) of section 68 or to be treated as spoilt under the provisions of paragraph (1) of that section.

(d) unmarked or void for uncertainty and shall on request allow any counting agent to copy the statement.

Equality of votes and recount in contested elections.

84.—(1) Where an equality of votes is found to exist between the candidate in a contested election so that an addition of a vote would entitle any of them to be a declared elected, the Returning Officer shall make a recount of the votes cast.

(2) If there is again an equality of votes as ascertained by such a recount, the Returning Officer shall, subject to the provisions of section 85, report the fact to the Commission which shall by notice published in the Gazette, appoint some other convenient day, not later than thirty days after the election day, for the nomination of candidate for the constituency and electoral procedure for such vacancy shall be commenced afresh.

Candidate or counting may require recount.

85.—(1) A candidate or his counting agent may, if present when the counting or any recount of the votes is completed, require the Returning Officer to have the votes recounted or again recounted but the Returning Officer may refuse to make a third or subsequent recount if the result of the last two recount were the same.

(2) No step shall be taken on the completion of the counting or any recount of votes until the candidates and counting agents present at the completion thereof have been given a reasonable opportunity to exercise the right conferred by subsection (1).

Returning Officer's decision final.

86. The decision of the Returning Officer as to any question arising in respect of any ballot paper shall be final, and shall be subject to review only on an election petition questioning the election pursuant to Chapter VII of this Act.

Returning Officer's duties of conclusion of counting.

87.—(1) Upon the conclusion of the counting of the votes the Returning Officer, with the Assistant Returning Officers, shall seal up in separate packets the counted and rejected ballot papers.

(2) The Returning Officer shall not open the sealed packet of tendered ballot papers or the sealed packet containing the marked copy of the register of voters or part thereof, or the sealed packet containing the counter foils of used ballot papers but shall proceed, in the presence of the counting agents, to verify the ballot paper account given by each presiding officer by comparing it with the number of ballot papers recorded in accordance with section 68 the unused and spoilt papers in his possession and the tendered voters list and shall re-seal each packet after examination.

(3) The Returning Officer shall prepare a statements as to the result of the verification and shall on request allow any counting agent to copy such statement.

(4) At the conclusion of the counting of the votes each candidate or his counting agent shall, in the prescribed form, state whether or not and what complaint he has in relation to the counting of the votes. All complaints submitted at this stage shall be settled or dealt with otherwise, and shall then each be incorporated in the report of the Returning Officer to be submitted to the Commission under section 88, which shall be confirmed and signed by the candidates or their counting agents and the Returning Officer.

88. When the result of a contested election has been ascertained the Returning Officer shall:- Declaration of result.

(a) forthwith declare to be elected the candidate for whom the majority of votes has been cast; and

(b) send a notification of election in writing to the successful candidate; and

(c) report the result of the election to the Commission which shall cause such results, together with the number of votes recorded for each candidate in each constituency to be published in the Gazette.

89.—(1) The Returning Officer shall ensure the safe custody of all documents relating to the conduct of an election. Custody of documents.

(2) The Commission shall ensure the safe custody of all documents relating to the conduct of an election which are forwarded to it under any of the provisions of this Act.

(3) The Returning Officer and the Commission shall cause all documents to which this section applies to be destroyed after the expiration of six months from election day unless otherwise directed by an order of the High Court arising from any proceedings relating to the election.

90. A polling assistant may be authorized by the presiding officer to do any act or thing which the presiding officer is required or authorized to do at a polling station by this Act, except that he may not order the arrest of any person or the exclusion or removal of any person from the polling station. Power of polling assistants.

91. A candidate may do any act or thing which the polling agent may be authorized or required to do, and may assist the polling agent or counting agent in the doing of any such act or thing. Candidate has power of his polling agent or counting agent.

- (a) shall delete the name of such person from the register of voters in which he is registered;
- (b) shall inform in writing the Returning Officer for the polling district concerned of such deletion;
- (c) forthwith upon being so informed such Returning Officer shall take all such steps as in the case of deletion of a name from the register under section 27 or section 29, he is required by subsection (2) of section 30 to take.

(2) Every person who:-

- (a) votes or induces some other person to vote at any election knowing that he or such other person is not entitled to, or is prohibited from, under or by this Act or any other law, voting at such election; or
- (b) for the purpose of procuring the issue to himself of a ballot paper knowingly tenders and invalid certificate of registration; or
- (c) before or during an election, knowingly publishes any false statement of the withdrawal for the purpose of promoting the election of another candidate;

shall be guilty of an illegal practice and shall be liable on conviction to a fine not exceeding ten thousand shillings or to imprisonment for a term not exceeding twelve months or to both such fine and imprisonment.

CHAPTER VIII PROCEDURE AND JURISDICTION OF COURT.

115.-(1) Every election petition shall be tried by the High Court in accordance with the provision of this Act. Petition triable by High Court.

(2) Witness shall be subpoenaed and sworn in the same manner as nearly as circumstances admit as in a trial by the High Court in the exercise of its original civil jurisdiction and shall without prejudice to the provision of any other law, be subject at the same penalties for giving false evidence or for non-attendance.

(3) On the trial of an election petition under this Act, the court may by order compel the attendance of any person as a witness who appears to it to have been concerned in the election to which the petition refers, and any person refusing to obey such order shall be guilty of a contempt of court. The court may examine any witness so compelled to attend or any party to the petition. After the examination of a witness as aforesaid by the court such witness may be cross-examined by or on behalf of the petitioner the respondent and the Attorney General or his representative, if present or any of them.

(4) At the hearing of an election petition the court shall have power to compel the attendance of any person as a witness who appears to it to have been concerned or involved in the election in question or whose evidence may assist the court to reach a just and fair decision in the matter before it.

116. An election petition may be presented by any one or more of the following persons, namely:- Who may present petition.

- (a) A person who lawfully voted or had a right to vote at the election to which the petition relates;
- (b) a person claiming to have had or had a right to be nominated or elected at such election;
- (c) a person alleging himself to have been a candidate at such election;
- (d) the Attorney General.

117. All or any of the following reliefs to which a petition may be entitled may be claimed in an election petition, namely:- Reliefs in Election Petition.

- (a) a declaration that the election is void;
- (b) a declaration that the nomination of the person elected was invalid;
- (c) a declaration that any candidate was duly elected;
- (d) Where the seat is claimed for an unsuccessful candidate on the ground that he had a majority of lawful votes, a scrutiny.

Certificate of a court as to validity of election.

118. At the conclusion of the trial of an election petition the court shall determine whether the member whose nomination or election is complained of or any other and which person, was duly nominated or elected, or whether the election was void, and shall certify such determination to the Director. Upon such certificate being given, such determination shall be final, and the election shall be confirmed or a new election shall be held, as the case may require, in accordance with such certificate.

Reports to the Director at the end of hearing of election petition.

119.-(1) Where the High Court determines that a person is guilty of any illegal practice, it shall certify the same to the Director and if the person concerned is registered as a voter:-

- (a) the Director shall delete his name from the register of voters in which he is registered;
- (b) the Director shall inform in writing the Returning Officer for the polling district concerned of such deletion;
- (c) forthwith upon being so informed, the Returning Officer shall take all such steps as, in the case of deletion of a name from the register under section 27 or section 29, he is required by section 30 (2) to take.

(2) At the conclusion of the trial of an election petition, the High Court shall also certify to the Director:-

- (a) whether any illegal practice has not been proved to have been committed by or with the knowledge and consent or approval of any candidate at the election, and the nature of such practice, if any; and
- (b) the name and descriptions of all persons, if any, who have been proved to the satisfaction of the High Court to have been guilty of any illegal practice.

(3) Before any person, who is neither a party to an election petition, nor a candidate on behalf of whom the seat is claimed by an election petitioner, is certified by the High Court under this section, the court shall give such person an opportunity of being heard and of giving and calling evidence to show cause why he should not be so certified.

(4) Where the High Court certifies that an illegal practice has been committed by any person, that person shall be subject to the same disqualifications as if at the date of the said certificate he had been convicted of that practice of offence.

(5) When the High Court certifies that an illegal practice has been committed by any person with the knowledge and consent or approval of a candidate, then in addition to any other consequences, the candidate shall be subject to the same disqualifications as if at the date of the said certificate he had been convicted of that practice.

(6) The Director shall forthwith:

- (a) cause a copy of such certificate to be Published in the Gazette;
- (b) delete from the register the name of any person registered in it who appears from the record to be disqualified from voting at an election;
- (c) inform in writing the Returning Officer for the relevant polling district of every such deletion of the name of the person who is registered as a voter in that polling district.

(7) Forthwith upon being so informed, the Returning Officer shall take all steps as may be necessary for ensuring that the person concerned returns the certificate of Registration and any other relevant document for cancellation.

120.-(1) Every election petition shall be presented within fourteen days from the date of the declaration of the results of the election by the Returning Officer.

Time for presentation and determination of election petition.

(2) The High Court shall hear and determine each election petition within two years from the date of presentation of the election petition before it.

121.-(1) On a scrutiny at the trial of an election petition, the following votes only shall be struck off, namely:-

Votes to be struck off at a scrutiny.

- (a) the vote of any person (other than a candidate or official voting under subsection (4) or subsection (5) of section 14 whose

name was not in the register of voters of the polling district in which he voted;

- (b) the vote of any person whose vote was procured by bribery, treating or undue influence;
- (c) the vote of any person who committed or procured the commission of personation at the election;
- (d) the votes of any person proved to have voted more than once at such election save the first vote recorded by such person, where such first vote can be identified to the satisfaction of the court;
- (e) the vote of any person who, by reason of conviction for a corrupt or illegal practice or by reason of the report of the court, or by reason of any conviction for an offence against this act or any other law, was disqualified from voting at an election.

(2) On a scrutiny at the trial of an election the court may take into account any vote recorded on a tendered ballot paper if in the opinion of the court there is justification for doing so.

(3) The vote of a registered voter shall not except in the case specified in paragraph (e) of subsection (1) of this section, be struck off at a scrutiny by reason only of the voter not having been or not qualified to have his name entered on the register of voters.

Rules of court. 122.-(1) The Chief Justice may make Rules of Court regulating the procedure and practice to be followed and prescribing the fees to be paid on and in relation to petitions and applications under this Part.

(2) Rules made under this Part shall be published in the Gazette.

Avoidance of election and petition. 123.-(1) The election of a candidate as a member shall not be questioned save on an election petition.

(2) The election of a candidate as a member shall be declared void on any of the following grounds which are proved to the satisfaction of the High Court namely:-

- (a) that, during the election campaign, statements were made by the candidate, or on his behalf and with his knowledge and consent or approval with intent to exploit tribal, racial or religious issues or differences pertinent to the election or relating to any of the candidates, place of his origin or where the candidates are not of the same sex, with intent to exploit such difference;
- (b) non-compliance with the provisions of this Act relating to election if it appears that the election was not conducted in accordance with the principles laid down in such provisions and that such non-compliance effected the result of the election;
- (c) that the candidate was at the time of his election a person not qualified for election as a member.

(3) Notwithstanding the provision of subsection (2), whereupon trial of an election petition respecting an election under this Act the High Court finds that an illegal practice in connection with the election has been committed by or with the knowledge and consent or approval of any of the candidate's agents and the court further finds, after giving the Attorney-General or his representative an opportunity of being heard, that the candidate has proved to the court :-

- (a) that no illegal practice was committed by candidate by himself or with the knowledge and consent or approval of such candidate or his agent;
- (b) that the candidate took all reasonable means for preventing the commission of any illegal practices at such an election;
- (c) that in all other respects the election was free from any illegal practice on the part of the candidate and his agents.

Then, if the court so recommends, the election of such candidate shall not by reason of any such practice be void.

124. When it appears to the High Court either on application or upon an election petition:-

- (a) that any act or commission of a candidate at any election or of his agent or another person which but for this section would be an illegal practice, has been done or made in good faith through inadvertence or accidental miscalculation or some other reasonable cause of a like nature; and

When High Court held certain acts or commissions to be exempt.

(b) that upon taking into account all the relevant circumstances it would be just that the candidate or his agent or another person, or any of them, should not be subject to any of the consequences under this Act of such act or omission, the High court may make an order allowing the act or commission to be an exception from those provisions of this Act which would otherwise make this act or commission an illegal practice, and thereupon the said candidate, agent or person shall not be subject to any of the consequences under this Act of the said act or omission, and the election of any candidate shall not by reason only of such act or omission, be void.

CHAPTER IX FINANCIAL AND MISCELLANEOUS

125. No misnomer or inaccurate description of any person or place named or described in any other document whatsoever prepared or issued under or for the purposes of this Act shall in any way effect the operation of this Act as respects that person or place if that person or place is so designated in such register, notice or document as to be identifiable. Inaccurate descriptions.

126.-(1) In the exercise of their respective duties under this Act, the Director of Elections, and Returning Officers shall at all time have power to demand from any person any information necessary to ascertain what persons are qualified to stand as candidate, and to identify any person or the place of abode of any person, and to ascertain whether any person has become disqualified from voting or standing as a candidate. Powers of Director of elections, Registrars and Returning Officers to demand information

(2) Any person who, after any lawful demand made under the provisions of subsection (1) of this section fails to give such information as he possesses or unreasonably delays in giving the same, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding two thousand shillings.

127. A Returning Officer, the Director of Elections, and other persons employed under this Act, and for the purpose of the Act, shall, if not holding an office of employment in the service of the United Republic, receive such reasonable remuneration for the services as the Commission sees fit to authorize. Provided that person holding an office of employment shall be entitled to such allowance and sitting allowances as the Director of Elections may determine. Remuneration of staff.

128. All expenses incurred:

- (a) in the preparation of the registers, the issue of certificates of registration and in doing such other matters or things as may be required to be done for expenses to be charged on general revenue the purpose of carrying out the provisions of this Act, Expenses to be charged on general revenue.
- (b) By the Commission, the Director of Elections, and Returning Officers in the conduct of an election;
- (c) in the remuneration of the officers specified in section 127, and
- (d) by any public officer in connection with any official matter connected with or arising out of an election, shall be a charge on, and paid out of, the consolidated fund.

TOUFIQ

Acts Nos:
5 of 1992
1 of 1993
10 of 1994
32 of 1994
18 of 1995

THE POLITICAL PARTIES ACT, 1992

An Act to provide for the terms, conditions and procedure for the registration of political parties and for incidental or connected matters

[1ST JULY, 1992]

ENACTED by the Parliament of the United Republic of Tanzania.

Short title and commencement.

1. This Act may be cited as the Political Parties Act, 1992 and shall come into operation on 1st July, 1992.

Application

2. This Act shall apply to Tanzania Zanzibar as well as to Mainland Tanzania.

Interpretation .
Act No. 10 of
1994
Sch.

3. In this Act, unless the context otherwise requires—
"Minister" means the Minister for the time being responsible for matters relating to political parties;
"political party" means any organized group formed for the purpose of forming a government or a local government authority within the United Republic through elections or for putting up or supporting candidates in such elections;
"Registrar" means the Registrar of Political Parties appointed under section 4 and includes the Deputy Registrar and an Assistant Registrar.

Appointment
of Registrar

4.—(1) There shall be a Registrar of Political Parties in the office of the Prime Minister or in such other office as the President may determine who shall be appointed by the President.

(2) There shall be a Deputy Registrar who shall be appointed by the President.

(3) The Registrar shall be responsible for the registration of political parties in accordance with the provisions of this Act and shall perform any other function conferred by this Act.

(4) In the performance of his functions under this Act the Registrar shall from time to time consult the Minister.

Appointment
of Assistant
Registrars and
other officers

5. The Minister may appoint Assistant Registrars and such other officers in such numbers as may from time to time be required to carry out the purposes of this Act.

ction
Officers

6. No suit shall lie against the Registrar, the Deputy Registrar, an Assistant Registrar or any other officer appointed under this Act for any thing done or omitted to be done in good faith and without negligence in the performance of any function under this Act.

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gister

7.—(1) Subject to subsection (2) of this section, every political party formed in any part of the United Republic shall apply to the Registrar in the prescribed manner to be registered as a political party.

(2) Notwithstanding the provisions of subsection (1) of this section, Chama cha Mapinduzi, also known by the acronym CCM, which was immediately before this Act the sole political party for the whole of the United Republic shall, on the coming into effect of this Act and without further requirement, be deemed to have been fully registered as a political party and shall be issued with a certificate of registration in accordance with this Act.

(3) No organization shall operate or function as a political party unless it has first been registered in accordance with the provisions of this Act.

gistration

8.—(1) Every political party, other than the political party registrable pursuant to subsection (2) of section 7, shall apply and be registered in two stages after fulfilling all the conditions prescribed for each stage.

(2) Every political party shall first be provisionally registered and issued with a certificate of provisional registration upon fulfilling the conditions prescribed in section 9.

(3) Every political party which has been provisionally registered and which, in addition to the conditions prescribed in section 9, has fulfilled the conditions prescribed in section 10 shall, not later than one hundred and eighty days from the date of provisional registration, apply to the Registrar for full registration.

(4) The provisional registration of every party shall lapse and every provisional registration certificate shall cease to be of any effect at the expiry of one hundred and eighty days from the date of provisional registration.

(5) The Registrar shall register and issue a certificate of provisional registration or, as the case may be, a certificate of full registration to every party which fulfils all the conditions for registration.

Conditions for
provisional
registration

- 9.—(1) No political party shall qualify for provisional registration unless—
- (a) the founding members have applied for registration of the party in the prescribed manner;
 - (b) the application is accompanied by a copy of the constitution of the proposed party;
 - (c) its membership is voluntary and open to all the citizens of the United Republic without discrimination on account of gender, religious belief, race, tribe, ethnic origin, profession or occupation.
- (2) Without prejudice to subsection (1) of this section, no political party shall qualify for provisional registration if by its constitution or policy—
- (a) it aims to advocate or further the interests of—
 - (i) any religious belief or group;
 - (ii) any tribal, ethnic or racial group; or
 - (iii) only a specific area within any part of the United Republic;
 - (b) it advocates the breaking up of the union constituting the United Republic;
 - (c) it accepts or advocates the use of force or violence as a means of attaining its political objectives;
 - (d) it advocates or aims to carry on its political activities exclusively in one part of the United Republic; or
 - (e) it does not allow periodic and democratic election of its leadership.

Conditions
for full
registration

10. No political party shall be qualified to be fully registered unless—
- (a) it has first been provisionally registered;
 - (b) it has obtained not less than two hundred members who are qualified to be registered as voters for the purposes of parliamentary elections from each of at least ten Regions of the United Republic out of which at least two Regions are in Tanzania Zanzibar being one Region each from Zanzibar and Pemba;
 - (c) it has submitted the names of the national leadership of the party and such leadership draws its members from both Tanzania Zanzibar and Mainland Tanzania; and
 - (d) it has submitted to the Registrar the location of its head office within the United Republic and a postal address to which notices and other communications may be sent.

Rights and
privileges of,
and meetings
by, political
parties
Act No. 1 of
1993
Act No. 32 of
1994
Sch.

Cap. 322

- 11.—(1) Every party which has been provisionally or fully registered shall be entitled—
- (a) to hold and address public meetings in any area in the United Republic, after giving notification to the police officer in charge of the area concerned, for purposes of publicising itself and soliciting for membership;
 - (b) to the protection and assistance of the security agencies for the purposes of facilitating peaceful and orderly meetings:

Provided that provisional registration shall not entitle any party to put up a candidate or to campaign for any candidates in any parliamentary or presidential election or in a local authority election.

(2) Notwithstanding any other written law to the contrary, sections 40, 41, 42 and 43 of the Police Ordinance shall apply and have effect as to all meetings to be held in any part of the United Republic by any political party whether provisionally or fully registered.

(3) Every party which has been fully registered shall be entitled to put up candidates and to campaign for any candidates in any parliamentary or presidential election or in a local government authority election.

(4) When a political party is desirous of holding a meeting or procession in any open public place in any area it shall, not less than forty eight hours before the meeting or procession, submit a written notification of its impending meeting or procession to the police officer in charge of the area where the meeting is to take place.

(5) The written notification referred to in subsection (4) shall specify —

- (a) the name of the political party submitting the notification;
- (b) the place and time at which the meeting is to take place;
- (c) the agenda or purpose, in general, of the meeting;
- (d) such other particulars as the Minister may from time to time, by notice published in the *Gazette*, specify.

(6) Where a political party submits a notification in accordance with subsection (4), it may proceed to hold the meeting or procession in question as scheduled unless and until it receives an order (in this Act referred to as "a stop order") from the police officer in charge of the area directing that the meeting or procession should not be held as notified.

(7) A police officer to whom a notification is submitted pursuant to subsection (4) shall not issue a stop order under subsection (6) in relation to the notification unless he is satisfied that —

- (a) a previous notification has been submitted by another political party or some other person for holding a meeting, procession or other function at the same place and at the same time as is intended by the later notifier;

- (b) the meeting or procession is intended to execute, or to be used for, an unlawful purpose;
- (c) the meeting or procession is likely or intended to cause a breach of the peace or to prejudice the public safety in the area; or
- (d) the group of persons giving the notification or on whose behalf the notification is submitted is not a registered political party or, in the case of a registered political party, the person submitting the notification is not appropriately identified as an authorised representative of the political party concerned.

(8) A stop order issued under subsection (6) shall be in writing and in such form as easily discloses the reasons for its issuance and shall state whether or not the political party concerned may hold the meeting or procession at the venue at another time or date convenient to it in the same area.

Prohibition of the revival of former parties; and establishment of branches, etc.

12.—(1) No party formed or existing in any part of the United Republic prior to the Union of Tanganyika and Zanzibar or prior to 5th February 1977 shall be revived nor shall the name or acronym of such party be used by any political party to be registered under this Act.

(2) Subject to subsection (3), no person shall establish, form or allow to be established or formed any branch, unit, youth or women's organization or other organ of any political party in any place of work, school or other place of learning.

(3) For the purposes of this section, places of residence for employees provided by the employer shall not be regarded as places of work.

(4) Any person who contravenes the provisions of subsection (2) of this section commits an offence and shall be liable on conviction to a fine not exceeding forty thousand shillings or to imprisonment for a term not exceeding twelve months or to both such fine and imprisonment and the court shall order the closure or disbanding of the branch, unit, youth or women's organization or other organ of the party relating to the offence.

Funds and other resources of a party

13.—(1) The funds and other resources of political parties which have been fully registered shall derive from —

- (a) membership fees;
- (b) voluntary contributions;
- (c) the proceeds of any investment, project or undertaking in which the party has an interest;
- (d) subvention from the Government;
- (e) donations, bequests and grants from any other source.

(2) Every party shall disclose to the Registrar information relating to any funds or other resources obtained by the party —

- (a) from sources outside the United Republic, whether obtained directly or through sources within the United Republic;
- (b) from foreign organizations stationed within the United Republic; or
- (c) from any person resident in the United Republic who is not a citizen of the United Republic.

(3) Any official of any party or other person liable to disclose information to the Registrar on behalf of any party relating to the funds or other resources of the party who fails to disclose such information or gives false information in relation to such funds or resources obtained by a party from sources outside the United Republic, shall be guilty of an offence and shall be liable on conviction to a fine equal to the amount or the value of the resources not disclosed or in relation to which false information was given or to imprisonment for a term not exceeding twelve months or to both such fine and imprisonment.

Submission of
accounts and
declaration of
property

Act No. 23
of 1972

14.—(1) Every political party which has been fully registered shall —

- (a) maintain proper accounts of the funds and property of the party; and
- (b) submit to the Registrar—
 - (i) an annual statement of the accounts of the party audited by an auditor registered as an authorized auditor under the Auditors and Accountants (Registration) Act, 1972 and the auditor's report on those accounts; and
 - (ii) an annual declaration of all the property owned by the party.

(2) The Registrar, after inspecting any accounts or report submitted pursuant to this section may, for the benefit of the members or the public, publish any matter relating to the funds, resources or property of any party or the use of such funds, resources or property.

(3) The Registrar shall publish in the *Gazette* an annual report on the audited accounts of every party.

Party to
maintain bank
account
Act No. 18
of 1995
Sch.

15.—(1) Every political party which has been fully registered shall, through its trustees, maintain a bank account of the party in which all the money received by the party in accordance with section 13, shall be deposited.

(2) Any subvention from the Government which is payable to any political party under this Act shall not be paid to any political party which does not maintain a bank account in accordance with this section.

Granting and
purposes of
subvention
Act No. 18 of
1995
Sch.

16.—(1) Subvention from the Government may be granted to a fully registered political party for all or any of the following purposes —

- (a) to assist a political party to defray expenses necessary for, and which relate to, the participation of the political party in an election by nominating and campaigning for a candidate of the party;
- (b) to enable a political party which has members in Parliament to carry out its parliamentary functions; and, for this purpose, the subvention shall be an amount to be computed on the basis of the number of Members of Parliament who are members of the political party;
- (c) to assist a political party which, in the preceding general election, won not less than five percent of all the votes cast in the United Republic in relation to either a parliamentary or a Presidential election, to defray such reasonable and necessary office expenses of the party other than expenses for such matters as travelling, salaries, allowances, house rent, acquisition or maintenance of motor vehicles or entertainment.

(2) Subvention granted under paragraph (a) of subsection (1) shall be in two equal instalments —

- (a) the first instalment being an amount computed on the basis of the number of candidates which a political party has nominated, to be paid soon after the nomination of the candidates in accordance with the Elections Act, 1985 or the Local Government (Elections) Act, 1979;
- (b) the second instalment being an amount to be computed on the basis of the number of candidates nominated by the political party which participated in the whole electoral process up to the announcement of final results.

(3) The amount which is payable as subvention to political parties shall be prescribed from time to time by regulations under section 22, after taking into consideration the prevailing economic conditions and financial capability of the Government.

(4) The Registrar shall be responsible for the management and payment of subventions payable to political parties under this Act.

17.—(1) Without prejudice to section 14, any subvention granted by the Government to any political party shall be accounted for separately in accordance with regulations made under section 22.

(2) Where any subvention has been granted by the Government for any of the purposes specified under section 16, such subvention shall be spent only for the purpose so specified.

(3) Where the specified purpose is the furthering of an election—

- (a) if the political party does not take part in the election;
- (b) if a candidate of the party withdraws from the election; or
- (c) if for any reason the subvention is not spent on the election,

Act No. 1 of
1985
Act No. 8 of
1979

Subvention to
be accounted
for
Act No. 18 of
1995
Sch.

the political party to which the subvention was granted shall refund the whole amount of the subvention or so much of it as has not been spent on the election.

(4) In assessing any account submitted by a political party in relation to subvention granted for the purpose of furthering an election, the Registrar may take into consideration any complaint or other representation in writing made by a candidate of the party in that election and which relates to the subvention being accounted for.

Forfeiture of
rights on failure
to account for
subvention
Act No. 18 of
1995
Sch.

18.—(1) Where any political party neglects or otherwise fails to account for any money granted pursuant to the provisions of section 16 —

- (a) the political party shall not be entitled to any subsequent subvention or instalment on any subvention payable under this Act;
- (b) where the subvention which has not been accounted for is also refundable to the Government in accordance with section 17, the political party shall forfeit the right to nominate a candidate in any subsequent election, until such subvention has been refunded.

(2) The Registrar shall, for the purposes of paragraph (b) of subsection (1) of this section, certify to the National Electoral Commission as soon as practicable, the occurrence of any event by which a political party forfeits the right to participate in an election.

(3) If by reason of failure to submit an account or for any other reason, the Registrar suspects that any offence under the Penal Code may have been committed in relation to the money which has not been accounted for, he may make a report to a police station, and the officer in charge of that police station shall cause the matter to be investigated.

Power of
Registrar to
cancel registra-
tion of a party

19.—(1) Subject to subsection (2), the Registrar may cancel the registration of any political party which has contravened any of the provisions of this Act or which has otherwise ceased to qualify for registration under this Act.

(2) The Registrar shall not cancel the registration of any party unless —

- (a) he has, in writing, informed the party concerned of the contravention or the loss of qualification and of his intention to cancel the registration;
- (b) he has not received, within the time prescribed by him, any representations from the party concerned; and
- (c) he has communicated to the Minister his intention to cancel the registration of the party together with any representations made by the party,

and the Minister has agreed to such cancellation.

Decision of
Registrar to be
final

20.—(1) The decision of the Registrar on the registration or the cancellation of the registration of any party shall be final and shall not be the subject of appeal in any court.

(2) Nothing in subsection (1) shall be construed so as to preclude judicial review of the decision of the Registrar.

Parties to
appoint trustees

21.—(1) Every political party which has obtained a certificate of full registration shall appoint a board of trustees to manage the properties and any business or investment of the party.

Cap. 375

(2) Every board of trustees shall be duly incorporated under the Trustees Incorporation Ordinance and every party shall, not later than sixty days from the date of full registration, submit to the Registrar—

- (a) the names and addresses of the members of the board of trustees; and
- (b) a copy of the certificate of incorporation.

Regulations

22.—(1) The Minister may make regulations for the purpose of carrying out or giving effect to any provision of this Act.

(2) In particular and without prejudice to the generality of the power conferred by subsection (1), the Minister may make regulations —

- (a) prescribing the manner of registration of political parties under this Act;
- (b) regulating or restricting the use, or the changing, of names of political parties;
- (c) prescribing the forms which may be used for carrying out the provisions of this Act;
- (d) for securing the submission to the Registrar of accounts relating to the assets and liabilities, income and expenditure of political parties;
- (e) prescribing the fees in respect of anything to be done under this Act;
- (f) securing the submission to the Registrar of annual or other periodic returns relating to the constitution, objects and membership of political parties;
- (g) prescribing the rate and the manner in which subvention may be granted to political parties;
- (h) prescribing anything which is required, or is necessary or desirable for the better giving effect to this Act.

Amendment of
the Societies
Ordinance Cap.
337

23. The Societies Ordinance is hereby amended in subsection (2) in the definition "society" by deleting paragraph (h) and substituting for it the following new paragraph

"(h) a political party registrable under the Political Parties Act, 1992."

THE POLITICAL PARTIES (REGISTRATION)

REGULATIONS, 1992

GOVERNMENT NOTICE No. 111 OF 1992
published on 19th June, 1992

THE POLITICAL PARTIES (REGISTRATION) REGULATIONS, 1992

(Under section 22)

Arrangement of Regulations

<i>Regulation</i>	<i>Subject</i>
1.	Title.
2.	Interpretation.
3.	Application for provisional registration of a political party.
4.	Application for full registration of a political party.
5.	Notice of change of office-bearers.
6.	Notice of change of location of head office or postal address.
7.	Application to change name, constitution or rules of party, or to become branch or affiliate.
8.	Notice of change of name of party, to become branch or affiliate.
9.	Register of particulars of political parties.
10.	Notification of cancellation of registration of a political party.
11.	Record of funds and other resources received by a party.
12.	Annual accounts.
13.	Returns and reports.
14.	Notices, etc., to be signed by two office-bearers.
15.	Notices by Registrar sent by registered post.
16.	Offences and penalties.

FIRST SCHEDULE

Forms.

SECOND SCHEDULE

Fees.

THIRD SCHEDULE

Register of Particulars of Political Parties.

G.N. No. 111
of 1992

THE POLITICAL PARTIES (REGISTRATION) REGULATIONS, 1992

Title

1. These Regulations may be cited as the Political Parties (Registration) Regulations, 1992, shall come into operation on the first day of July, 1992 and shall apply throughout the United Republic.

Interpretation
Act No.5
of 1992

2. In these Regulations, unless the context otherwise requires—

“Act” means the Political Parties Act, 1992;

“Assistant Registrar” means an Assistant Registrar appointed under section 5 of the Act;

“political party” means a political party provisionally or fully registered under the Act;

“register” means the register of particulars of political parties kept by the Registrar for registering political parties;

“Registrar” means the Registrar of Political Parties appointed under section 4 of the Act and includes the Deputy Registrar and an Assistant Registrar.

Application
for provisional
registration of a
political
party

3.—(1) Any person applying for the provisional registration of a party shall submit to the Registrar an application in duplicate in Form PP.1 set out in the First Schedule with two copies of the constitution and rules of the party, and two founding members of the party shall subscribe a declaration in support of the application in Form PP.2 set out in the First Schedule.

(2) The Registrar, on receipt of an application made under paragraph (1) of this Regulation, shall scrutinize it and shall, within thirty days of receipt of a valid application, issue a certificate of provisional registration on payment of the fees specified in the Second Schedule if he is satisfied that the prescribed conditions for registration have been fulfilled.

(3) The certificate of provisional registration of a political party shall be in Form PP.3 set out in the First Schedule.

Application
for full registra-
tion of a politi-
cal party

4.—(1) Any person applying for full registration of a party shall submit to the Registrar an application in duplicate in of Form PP.4 set out in the First Schedule, and two office-bearers of the party shall subscribe a declaration in support of the application in Form PP.5 set out in the First Schedule.

(2) The Registrar, on receipt of an application made under paragraph (1) of this Regulation, shall scrutinize it and may issue a certificate of full registration on payment of the fees specified in the Second Schedule if he is satisfied that the conditions prescribed for registration have been fulfilled.

(3) The certificate of full registration of a party shall be in Form PP.6 set out in the First Schedule.

Notice of
change of
office-
bearers

5.—(1) Where an office-bearer of a registered party ceases to hold office or a person is appointed to be an office-bearer of a registered party, the party shall, within fourteen days, send notice thereof to the Registrar.

(2) A notice sent under the provisions of paragraph (1) of this Regulation shall be in duplicate in Form PP.7 set out in the First Schedule.

Notice of
change of
location of
head office
or postal
address

6.—(1) Where a registered party changes the location of its head office or changes its postal address it shall, within fourteen days, send notice thereof to the Registrar.

(2) A notice sent under the provisions of paragraph (1) of this Regulation shall be in duplicate in Form PP.8 or Form PP.9, as the case may be, set out in the First Schedule.

Application
to change
name of
party,
to become
branch or
affiliate

7.—(1) A registered party shall apply for the prior written approval of the Registrar if it intends —

(a) to change its name; or

(b) to become a branch or an affiliate of an

organization or group of a political nature established outside the United Republic.

(2) Where a registered party amends any of the provisions of its constitution or any of its rules it shall, within fourteen days, send notice thereof to the Registrar.

(3) Any registered party that desires to obtain approval under paragraph (1) of this Regulation shall send to the Registrar an application in duplicate in Form PP.10 set out in the First Schedule; and the Registrar shall notify, in writing, the party of his decision on the application.

(4) A notice of any change in any of the provisions of the constitution or rules of a party shall, within fourteen days, be made in duplicate in Form PP.11 set out in the First Schedule.

(5) The Registrar shall refuse an application by a registered party to change its name where the proposed name—

- (a) is identical to that of any other existing registered party; or
- (b) so nearly resembles the name of another existing registered party as, in the opinion of the Registrar, is likely to deceive, mislead or confuse the public or the members of either party; or
- (c) is, in the opinion of the Registrar, undesirable; or
- (d) is prohibited under section 12(1) of the Act or under any other written law.

(6) Subject to paragraph (7), the Registrar may, in his discretion, refuse an application by a registered party to become a branch or an affiliate of an organisation or group of a political nature established outside the United Republic.

(7) The Registrar shall, prior to refusing an application, notify his intention and reasons to the party concerned and shall give it an opportunity to submit reasons, if any, why the application should not be refused.

Notice
of change
of name
of party,
to become
branch or
affiliate

8. Every registered party which —

- (a) changes its name; or
- (b) becomes a branch of, or affiliated to, or connected with, any organization or group established outside the United Republic, shall, within fourteen days from the date of such change of name or of becoming a branch or an affiliate or of being so connected, send to the Registrar notice thereof in duplicate in Form PP.13 set out in the First Schedule.

Register of
particulars
of political
parties

9.—(1) The Registrar shall maintain a register for recording information furnished to him in compliance with the Act and these Regulations.

(2) Where the name of a registered party is changed, the Registrar shall issue a fresh certificate of registration upon the original certificate being surrendered to him unless its absence is accounted for to his satisfaction.

(3) Where an application is made for full registration of a party, the applicants shall surrender the certificate of provisional registration to the Registrar unless they account for its absence to his satisfaction.

(4) The register prescribed under this Regulation shall be in the form set out in the Third Schedule.

10. Where under section 19 of the Act the Registrar cancels the registration of a party, he shall give notification of the cancellation to the party in Form PP.15 set out in the First Schedule.

Notification of cancellation of registration of a political party

*11.—(1) Every fully registered party which receives money from any source whatsoever within or outside the United Republic, whether by way of fees, contributions, interest or return on any investment, subvention or donation, shall keep one or more books of account in which shall be entered details of all moneys received and payments made by the party.

Record of funds and other resources received by party

(2) Every fully registered party shall disclose to the Registrar any funds or other resources obtained by the party from sources outside the United Republic in Form PP.16 set out in the First Schedule.

Annual accounts

12.—(1) Every party which is fully registered shall submit to the Registrar, not later than six months after the end of its financial year, a copy of an audited statement of accounts and the auditors' report on those accounts.

(2) The accounts referred to in paragraph (1) of this Regulation shall be accompanied by a statement in duplicate in Form PP.17 set out in the First Schedule.

Returns and reports

13.—(1) The Registrar may at any time require a party to submit to him a return or report relating to the constitution, objects, office-bearers or membership as well as the finances of the party.

* Note: See also S.13 of the Political Parties Act, 1992.

(2) Every office-bearer and every person managing or assisting in the management of a party shall forthwith comply with any requirement made by the Registrar under paragraph (1) of this Regulation.

Notices to
be signed
by office-
bearers

14. Every notice, application, statement or other document required under the Act or these Regulations to be furnished or sent to the Registrar shall be signed by at least two office-bearers of the party concerned.

Notices by
Registrar
sent by regis-
tered post

15. Any notice which the Registrar is required under these Regulations to give to any party shall be deemed to have been given to the party if sent by registered post addressed to the party at its postal address.

Offences
and penalties

16. In the event of a breach by a party of the provisions of Regulation 6, 7, 8, 11, 12 or 13, every office-bearer of the party concerned shall be guilty of an offence and shall be liable on conviction to a fine not exceeding thirty thousand shillings or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

FIRST SCHEDULE

FORMS

FORM PP.1

The Political Parties (Registration) Regulations, 1992

APPLICATION FOR PROVISIONAL REGISTRATION
OF A POLITICAL PARTY

(Regulation 3)

Application is hereby made for provisional registration of
(name of political party) (hereinafter called "the party") under the Political Parties Act, 1992.

1. The principal office of the party is situated at.....
.....

2. The postal address of the party is

3. We annex hereto marked "A" two true copies of the constitution and rules or by-laws of the party.

4. We annex hereto marked "B" a declaration in Form PP.2 in support of this application.

Dated this day of.....19...

Names and signatures of two (1)(Name)
founding members:(Signature)

(2)(Name)
.....(Signature)

NOTE: The attention of applicants is drawn to the need to complete and submit Form PP.2 to indicate their compliance with section 9 of the Political Parties Act, 1992.

FORM PP.2

The Political Parties (Registration) Regulations, 1992

DECLARATION IN SUPPORT OF AN APPLICATION FOR PROVISIONAL REGISTRATION OF A POLITICAL PARTY (Regulation 3)

We, the founding members, whose signatures are subscribed hereto, do hereby solemnly declare as follows:

- 1. That the constitution or policy of our party - (a) does not advocate or further the interests of - (i) any religious belief or group; or (ii) any tribal, ethnic or racial group or gender; or (iii) only a particular area within any part of the United Republic; (b) does not advocate the breaking up of the Union constituting the United Republic; (c) does not accept or advocate the use of force or violence as a means of attaining its political objectives; (d) does not advocate or aim to carry on its political objectives exclusively in one part of the United Republic.

2. That the party will allow periodic and democratic elections of its leadership as is duly provided in the constitution submitted with the application for provisional registration.

This declaration is made to the best of our knowledge, information and belief.

Made this day of.....19...

Names and signatures of two (1)(Name) founding members:(Signature) (2)(Name)(Signature)

In the presence of:

Name:.....

Address:.....

Qualification:.....

Signature:.....

Notary Public/Commissioner for Oaths

FORM PP.3

The Political Parties (Registration) Regulations, 1992

CERTIFICATE OF PROVISIONAL REGISTRATION
OF A POLITICAL PARTY
(Regulation 3)

I hereby certify that
has this day been provisionally registered as a political party under the Political Parties Act, 1992
Dated this day of 19....

This certificate is valid for one hundred and eighty days
from the date of issue.

.....
REGISTRAR OF POLITICAL PARTIES

The Political Parties (Registration) Regulations, 1992

APPLICATION FOR FULL REGISTRATION
OF A POLITICAL PARTY
(Regulation 4)

Application is hereby made for full registration of

.....
(Name of the party) as a political party under the Political Parties Act, 1992.

1. The political party has been provisionally registered under Certificate of Provisional Registration No. which is annexed hereto, marked "A".
2. The party has fulfilled all the conditions as regards:
 - (a) the minimum number of registered members in both parts of the United Republic; and
 - (b) the nomination and territorial disposition of the party leadership, as stated in our declaration in Form PP.5 which is annexed hereto, marked "B".
3. We annex hereto, marked "C", two true copies of the revised constitution and rules of the party (where applicable).

Dated this day of 19...

Names and signatures of (1) (Name)
 applicants: (Signature)
 (2) (Name)
 (Signature)

FORM PP.5

The Political Parties (Registration) Regulations, 1992

DECLARATION IN SUPPORT OF AN APPLICATION
FOR FULL REGISTRATION OF A POLITICAL PARTY
(Regulation 4)

..... (Name of the political party)

We, the applicants whose signatures are subscribed hereto do hereby solemnly declare as follows:

1. The political party in respect of which we seek full registration has been provisionally registered and the provisional registration is subsisting.
2. The party has obtained not less than two hundred registered members who are qualified to be registered as voters for purposes of Parliamentary elections from each of at least ten Regions of the United Republic out of which at least two Regions are in Tanzania Zanzibar, being one Region each in Zanzibar and Pemba, as indicated in Part I of this Form.
3. The names of the national leaders of the party from both parts of the United Republic are indicated in Part II of this Form.

Further, we undertake that the party—

- (a) shall appoint a board of trustees to manage the properties and any business or investment of the party and shall, not later than sixty days from the date of full registration, submit to the Registrar the names and addresses of the trustees as well as a copy of the certificate of incorporation issued under the Trustees Incorporation Ordinance; and
- (b) shall submit every year an audited statement of accounts of the party, the auditors' report on those accounts, as well as an annual declaration of all the property owned by the party.

FORM PP.5

PART I. NUMBER OF MEMBERS OF THE PARTY
ACCORDING TO REGIONS

A. MAINLAND TANZANIA:

Name of Region		Number of Members	Name of Region		Number of Members
1.	11	.....	.....
2.	12.	.....	.....
3.	13.	.....	.....
4.	14.	.....	.....
5.	15.	.....	.....
6.	16.	.....	.....
7.	17.	.....	.....
8.	18.	.....	.....
9.	19.	.....	.....
10.	20.	.....	.....

B. TANZANIA ZANZIBAR:

Name of Region	Number of Members
1.
2.
3.
4.
5.

PART II. PARTICULARS OF NATIONAL LEADERS OF THE PARTY

Name	Address	Designation	Position Held	Date of Appointment/ Election	Place of Origin*
1.
2.
3.
4.
5.
6.
7.
8.
9.
10.

*State whether Mainland Tanzania or Tanzania Zanzibar

This declaration is made to the best of our knowledge, information and belief.

Made this.....day of..... 19..

Names and signatures of founding members:

1.(Name)
.....(Signature)

2.(Name)
.....(Signature)

In the presence of:

Name:.....

Address:.....

Qualification:.....

Signature:.....

Notary Public/Commissioner for Oaths

PART III. - PARTY MEMBERSHIP VERIFICATION*

Name of Region.....

Name of Member

Age

Sex

Occupation

Profession

Tribe/Ethnic group

Religion

Residence (State District, town, village).....

Postal Address

Cell/Kitongoji/Ward or other Local Leader.....

Party Membership Card No.....issued on (date)at..... (place)

Name of father or guardian.....

*Note: These particulars must be given in respect of at least 200 party members per Region in at least ten Regions of the United Republic out of which at least two Regions are in Tanzania Zanzibar, being one Region each in Zanzibar and Pemba.

FORM PP.6

The Political Parties (Registration) Regulations, 1992

CERTIFICATE OF FULL REGISTRATION

OF A POLITICAL PARTY

(Regulation 4)

I hereby certify that.....
has this day been fully registered as a political party under the Political Parties Act, 1992.

Dated this.....day of.....19....

REGISTRAR OF POLITICAL PARTIES

FORM PP.7

The Political Parties (Registration) Regulations, 1992

NOTICE OF CHANGE OF OFFICE-BEARERS
OF A POLITICAL PARTY
(Regulation 5)

Name of political party.....

1. The following persons have ceased to be office-bearers of the party:

Full Name	Designation	Date of Vacating Office
.....
.....
.....
.....

2. The following persons have been appointed/elected office-bearers of the party:

Full Name	Designation	Date of appointment/election to office
.....
.....
.....
.....

Dated this.....day of19.....

Name	Designation	Signature
(1)
(2)

NOTE: "Office-bearer", in relation to a party, means any person who is the chairman, deputy chairman, secretary or treasurer of that party, or who is a member of the governing or executive body thereof or who holds in the party any office or position similar to any of those offices.

FORM PP.8

The Political Parties (Registration) Regulations, 1992

NOTICE OF CHANGE OF LOCATION OF HEAD
OFFICE OF A POLITICAL PARTY
(Regulation 6)

Notice is hereby given that the the location of the head office of the political party known as was on the.....day of.....19...
changed from.....to

Dated this.....day of.....19....

Full Name	Designation	Signature
(1).....
(2).....

FORM PP.9

The Political Parties (Registration) Regulations, 1992

NOTICE OF CHANGE OF POSTAL ADDRESS
OF A POLITICAL PARTY
(Regulation 6)

Notice is hereby given that the postal address of the political party known as
was on the.....day of.....19... changed from
.....to

Dated this.....day of.....19....

Name	Designation	Signature
(1).....
(2).....

FORM PP.10

APPLICATION FOR APPROVAL TO CHANGE THE NAME OF
A POLITICAL PARTY
(Regulation 7)

The Political Parties (Registration) Regulations, 1992

Application is hereby made for approval to change the name of the political party known as
.....
to.....

The reason why this change is desired is.....
.....
.....

Dated this.....day of.....19....

Name	Designation	Signature
(1).....
(2).....

NOTICE OF CHANGE OF CONSTITUTION OR RULES OF
A POLITICAL PARTY
(Regulation 7)

The Political Parties (Registration) Regulations, 1992

Notice is hereby given that the political party known as.....
.....
has changed its constitution/rules in the following respects, that is to say:.....
.....

Dated this.....day of.....19...

Name	Designation	Signature
(1).....
(2).....

The Political Parties (Registration) Regulations, 1992
NOTICE OF INTENTION TO CANCEL THE REGISTRATION
OF A POLITICAL PARTY
[Omitted, in view of Regulation 10 and Form PP.15]

The Political Parties (Registration) Regulations, 1992

NOTICE OF CHANGE OF NAME OF PARTY
TO BECOME BRANCH OR AFFILIATE

(Regulation 8)

Notice is hereby given that the political party formerly known as.....

.....
s changed its name to.....

.....
ated this.....day of.....19..

Name	Designation	Signature
.....
.....
.....
.....

Note - The written approval of the Registrar is required before a registered political party changes its name. Application for approval should be made in Form PP.10.

The Political Parties (Registration) Regulations, 1992

NOTICE OF CHANGE OF OBJECTS OF A
POLITICAL PARTY

[Omitted, in view of Regulation 7 and Form PP.11]

FORM PP.15

The Political Parties (Registration) Regulations, 1992

NOTIFICATION OF CANCELLATION OF THE REGISTRATION OF A POLITICAL PARTY (Regulation 10)

To:.....

I hereby give you notice that, in exercise of the powers conferred upon me by section 19 of the Political Parties Act, 1992, I have this day cancelled the registration of the political party known as on the ground that.....

Dated thisday of.....19..

REGISTRAR OF POLITICAL PARTIES

FORM PP.16

The Political Parties (Registration) Regulations, 1992

DISCLOSURE OF FUNDS AND OTHER RESOURCES OBTAINED BY A POLITICAL PARTY FROM WITHIN OR OUTSIDE THE UNITED REPUBLIC* (Regulation 11)

We, the undersigned office-bearers, hereby declare as follows:

The political party known as.....

which is fully registered under Certificate No.....

has received from within or outside the United Republic the following funds or other resources:

Table with 4 columns: Date of Receipt, Currency and Amount, Other resources and value, Benefactor's Name and Address. Includes multiple rows of dotted lines for data entry.

Dated this.....day of.....19..

Table with 3 columns: Name, Designation, Signature. Includes two rows labeled (1) and (2) for signature entries.

*Note: See also section 13 of the Political Parties Act, 1992.

The Political Parties (Registration) Regulations, 1992

RETURN OF ANNUAL ACCOUNTS OF A POLITICAL PARTY FOR THE YEAR ENDED.....19.....

(Regulation 12)

We, the undersigned, being authorised office-bearers of the political party known as do hereby submit herewith a copy of the audited statement of accounts for the year stated above and the auditors' report on those accounts.

Dated this.....day of.....19..

Table with 3 columns: Name, Designation, Signature. Rows (1) and (2) with dotted lines for entries.

SECOND SCHEDULE

FEES

Table with 3 columns: Item, Matter, Rate Shs. Rows 1-3 describing registration fees.

THIRD SCHEDULE

REGISTER OF PARTICULARS OF POLITICAL PARTIES

(Regulation 9)

FOLIO No.....

A. Name of Political Party..... File No.....

B. Postal Address of Party.....

C. Location of Head Office of Party.....

D. Particulars of Provisional Registration:

Date of receipt of application for provisional registration	Date when application refused	Certificate Serial No. (Form PP.3)	Date of issue

E. Particulars of Full Registration of Political Party:

Certificate of Full Registration Serial No..... (Form PP. 6)	Date of issue	Date of cancellation

F. Change of name of Political Party:

(i) New name

(ii) Date of change of name.....

G. Change of Constitution/Rules (date)



Fomu Nam. 14

SERIKALI YA MAPINDUZI YA ZANZIBAR

UCHAGUZI WA DIWANI

HESABU ZA KARATASI ZA KURA

SHERIA YA UCHAGUZI NAM. 11 YA 1984

(Chini ya kifungu 130)

• WILAYA YA UCHAGUZI YA

JIMBO LA

Kituo Nambari

Tarehe ya Uchaguzi Sanduku la Kura Nambari

IJAZWE KABLA YA UPIGAJI KURA HAUJAANZA		IJAZWE BAADA YA KUFUNGA KITUO CHA KURA			
Karatasi za Kura zilizopelekewa	Jumla	Idadi ya Karatasi za Kura zilizotumika mbali ya zilizoharibika	Idadi ya Karatasi za Kura zilizoharibika	Idadi ya Karatasi za Kura zilizotumika	Jumla ya Safu Na. Hadi 5 (Hii ilingane na Safu Na. 2)
(1)	(2)	(3)	(4)	(5)	(6)
Nambari za kufuatana kuanzia:-					
(a) hadi					
(b) hadi					
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(d) hadi					
(e) hadi					
(f) hadi					
(g) hadi					
(h) hadi					
(i) hadi					
(j) hadi					
JUMLA					

Nathibitisha kuwa hii ni hesabu sahihi ya Karatasi za Kura zote nilizopewa.

Tarehe

.....
Msimamizi wa Kituo cha Kura.

• Futa isiyohusu.



SERIKALI YA MAPINDUZI YA ZANZIBAR

UCHAGUZI WA RAIS

HESABU ZA KARATASI ZA KURA

SHERIA YA UCHAGUZI NAM. 11 YA 1984

(Chini ya kifungu 130)

• WILAYA YA UCHAGUZI YA

JIMBO LA

Kitao Nambari

Tarehe ya Uchaguzi Sanduku la Kura Nambari

IJAZWE KABLA YA UPIGAJI KURA HAUJAANZA		IJAZWE BAADA YA KUFUNGA KITUO CHA KURA			
Karatasi za Kura zilizopelekewa	Jumla	Idadi ya Karatasi za Kura zilizotumika mbali ya zilizoharibika	Idadi ya Karatasi za Kura zilizoharibika	Idadi ya Karatasi za Kura zilizotumika	Jumla ya Safu Na. Hadi 5 (Hii ilingane na Safu Na. 2)
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JUMLA					

Nathibitisha kuwa hii ni hesabu sahihi ya Karatasi za Kura zote nilizopewa.

Tarehe

.....
Msimamizi wa Kituo cha Kura.

• Futa isiyohusu.



MAWAKALA WA VYAMA

MAWAKALA WA VYAMA

JINA	CHAMA	TAREHE	SAHIHI
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SERIKALI YA MAPINDUZI YA ZANZIBAR

UCHAGUZI WA WAWAKILISHI

HESABU ZA KARATASI ZA KURA

SHERIA YA UCHAGUZI NAM. 11 YA 1984

(Chini ya kifungu 130)

• WILAYA YA UCHAGUZI YA

JIMBO LA

Kituo Nambari

Tarehe ya Uchaguzi Sanduku la Kura Nambari

IJAZWE KABLA YA UPIGAJI KURA HAUJAANZA		IJAZWE BAADA YA KUFUNGA KITUO CHA KURA			
Karatasi za Kura zilizopelekewa	Jumla	Idadi ya Karatasi za Kura zilizotumika mbali na zilizoharibika	Idadi ya Karatasi za Kura zilizoharibika	Idadi ya Karatasi za Kura zilizotumika	Jumla ya Safu Na: Hadi 5 (Hii ililinganwe na Safu Na. 2)
(1)	(2)	(3)	(4)	(5)	(6)
Nambari za kufuatana kuanzia:-					
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(j) hadi					
JUMLA					

Nathibitisha kuwa hii ni hesabu sahihi ya Karatasi za Kura zote nilizopewa.

Tarehe

.....
Msimamizi wa Kituo cha Kura.

- Futa isiyohusu.

MAWAKALA WA VYAMA:

	JINA	CHAMA	TAREHE	SAHIHI
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ZANZIBAR PRESIDENTIAL



UCHAGUZI MKUU, 2000
Uchaguzi wa Rais ZANZIBAR

UCHAGUZI MKUU, 2000
Uchaguzi wa Rais ZANZIBAR

AMANI ABEID AMANI
KARUME
S.L.P. 875 ZANZIBAR
WAZIRI



CCM



SEIF
SHARIF HAMAD
P.O. Box 3637 ZANZIBAR
KATIBU MKUU (CUF)

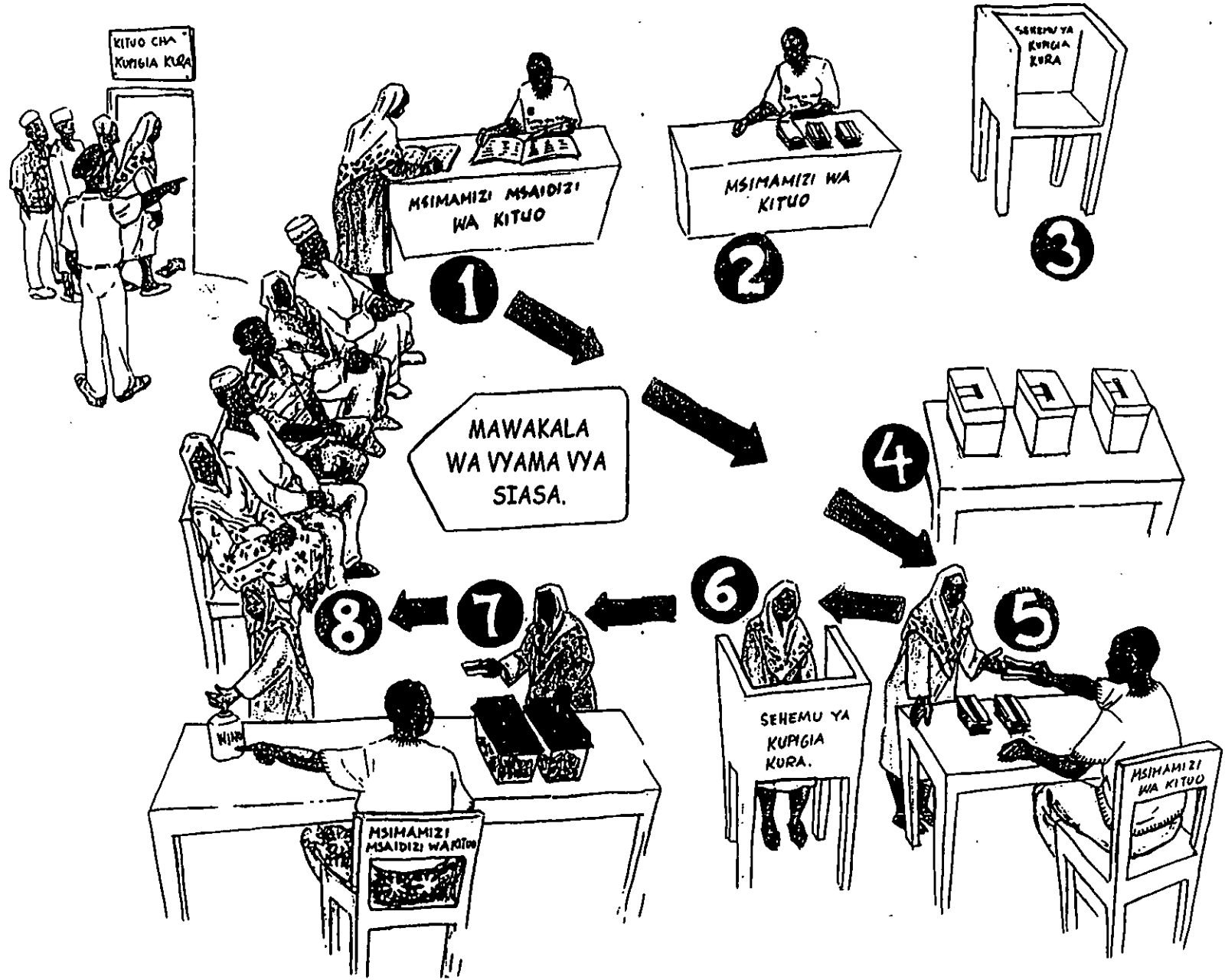


CUF

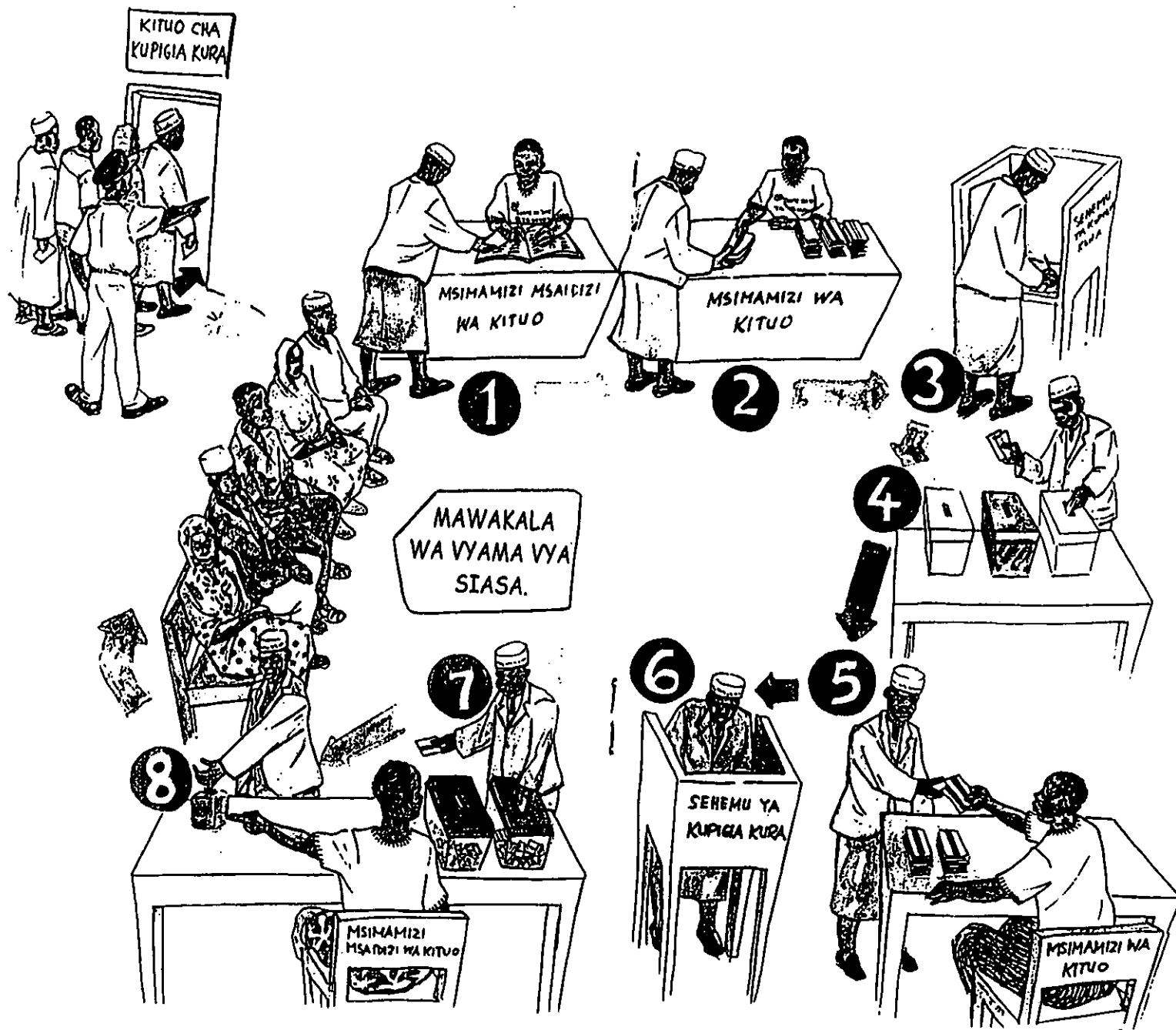


KITUO CHA KUPIGIA KURA - TANZANIA ZANZIBAR

(MPIGA KURA MWENYE SIFA YA KUMCHAGUA RAIS WA JAMHURI YA MUUNGANO)



KITUO CHA KUPIGIA KURA - TANZANIA ZANZIBAR



Appendix C. List of IFES Observers

Alwahti, Ali

Mr. Alwahti is currently employed in US in the administration department of the DELIVER Project (formerly Family Planning Logistics Management Project: FPLM) at John Snow, in Arlington, Virginia. Prior to his current occupation, Mr. Alwahti worked as the Comoro Islands Associate U.S. Peace Corps Director for Administration from 1990 and 1995 and supported the management of international elections and democracy related projects for IFES between 1996-1999 serving as point of contact for IFES projects and field offices in Benin, Burkina Faso, Cameroon, Cote d'Ivoire, the Republic of Congo, Madagascar and Mali. In addition to serving as one of IFES' observers to Cameroon's presidential and parliamentary elections in 1997, Mr. Alwahti had co-coordinated and supervised logistics for the UNDP's 40-member team of international observers through a joint project of the United Nations, the European Union, and the Organization of the African Unity for the Comoro Islands March 1996 presidential elections. A citizen of the Comoro Islands, Mr. Alwahti is fluent in English, French and Kiswahili.

Arnold, Nathalie

A Ph.D. candidate in Social Anthropology at Indiana University in the United States, Ms. Arnold has served as an Associate Instructor in the Anthropology Department at her university since 1995. As part of her doctoral studies, Ms. Arnold has on several occasions conducted research on Pemba Island, Zanzibar and on mainland Tanzania. From August-December 1995, Ms. Arnold served as a long-term observer for IFES' 1995 observation mission to Zanzibar and Tanzania's presidential and parliamentary elections. A Dutch national, Ms. Arnold is fluent in French, English and Kiswahili.

Bayer, Tom

Mr. Bayer is the director of programs for Africa and the Near East for the International Foundation for Election Systems (IFES) in Washington, DC. Mr. Bayer joined IFES in 1991 as program manager for the Mali Election Support Project, the Foundation's first on-site technical democratic support program on the African continent. As deputy director of programs for Africa and the Near East from 1995 through 1998, Mr. Bayer supervised all stages of regional democracy and governance programs developed and managed by the twelve-member regional program staff in sub-Saharan and North Africa. Mr. Bayer has contributed to broadening the scope of IFES' work beyond traditional technical elections assistance, providing creative and technical support to Foundation-wide programs and regional department initiatives. With IFES, he has also held positions and program officer and senior program officer for Africa and the Near East. Prior to joining IFES, Mr. Bayer spent four years in the United States Peace Corps in Mali as a water resources management technician and as a technical training director. Mr. Bayer received his M.P.A. in environmental policy and international affairs from Indiana University and has a B.A. in English composition and studio design from DePauw University. A US national, Mr. Bayer speaks fluent English, French and Bambara.

Browne, Dallas

A professor of Anthropology focusing on urban East Africa at the Southern Illinois University, Dr. Browne has conducted extensive fieldwork in Africa, South America and the Caribbean. In addition to consulting for USAID, the UN and other international organizations in Zanzibar and Kenya, Dr. Browne has published numerous articles and papers on developmental issues facing African nations. A US national, Dr. Browne is fluent in English, Kikuyu, French and Kiswahili.

Chaka, Malik

Mr. Chaka is a policy analyst with U.S. Congress House International Relations Committee's Africa Subcommittee. Involved in African Affairs for three decades, Mr. Chaka has traveled in all regions of the continent and has written articles and analysis that have appeared in publications including the Zambia Daily Mail, the Times of Zambia, Tanzania Daily News, African World, Black Scholar, Race and Class and Ufahamu. Mr. Chaka also has extensive experience in US electoral campaigns and has served as an election observer in Haiti, Angola and Equatorial Guinea. A US national, Mr. Chaka is fluent in English and Kiswahili.

Chilangwa, Mutale

Mr. Chilangwa has supported the management of international elections and democracy related projects for IFES since May 1995. As a Senior Program Assistant at IFES, Mr. Chilangwa has served as a point of contact at IFES' Washington, DC headquarters for IFES projects and field offices in Cameroon, Chad, Côte d'Ivoire, the Democratic Republic of Congo, Equatorial Guinea, Ghana, Liberia, Malawi, Republic of the Congo, Sierra Leone, South Africa, Tanzania, Uganda, West Bank/Gaza and Yemen. In addition to his work at IFES' home office, Mr. Chilangwa has participated in IFES election observation missions to Tanzania (1995) and Malawi (1999). Mr. Chilangwa is a Zambian national.

Cooper, Laurie

Ms. Cooper has directly provided advice on numerous aspects of election management; civil society (and other organizational) capacity building; political party monitor training; gender issues; and election observation missions for IFES for over ten years. Currently an IFES Senior Program Officer for Africa and the Near East, Ms. Cooper has developed and managed projects in Angola, Comoros, Congo, Ethiopia, Kenya, Ghana, Malawi, Mozambique, South Africa, Tanzania, Togo, Uganda, Yemen and Zimbabwe. Ms. Cooper is a US national.

Ford, Michael

Dr. Ford is the Dean of Multicultural Affairs at Hampshire College in Amherst, MA. His primary responsibility is the creation and implementation of college-wide programs to enhance diversity in the makeup of the college community, as well as in the work and programs and study of its members. He has taught courses at the college for the past twenty years in subjects including African politics, the

Politics of Black America, and the Politics of Education. Dr. Ford has conducted research in Kenya for a number of years. In addition to serving as election observer for missions in Kenya and Uganda, Dr. Ford was a member of IFES' 1995 observation mission to Zanzibar and Tanzania's presidential and parliamentary elections. Dr. Ford is a US national fluent in English and Kiswahili.

Frankel, Nina

An independent consultant for almost 20 years, Ms. Frankel is an expert in health, development and democracy related issues. In addition to consulting on health related programs for international organizations in Thailand, Mexico and the US, Ms. Frankel has served as an election observer in Haiti for the Organization for American States (OAS) in 1995, an Electoral Officer for the UN in Mozambique in 1994 and in Cambodia in 1993. Ms. Frankel is a US national.

Larson, Regina

An election observer with the German Foreign Office in Bonn, Germany, Ms. Larson has worked with the United Nations as a trainer and as an observer in South Africa and in Cambodia, and has observed the Haitian legislative and local elections as a member of the Organization of American States delegation in 1995. Ms. Larson also has experience in a number of relevant areas including poll worker and election official training, elections logistics and planning, and civic education in southern Europe with the UN. In 1995, Ms. Larson served as a long-term observer for IFES' 1995 observation mission to Zanzibar and Tanzania's presidential and parliamentary elections. Ms. Larson is a German national fluent in German, English and French.

Michuki, Jane

A lawyer for nearly 20 years, Ms. Michuki has also worked as an independent consultant on human rights, gender and development for United Nations Mission in Liberia (1994), Center for Reproductive Rights Under Law (1996), Federation of Women Lawyers, Kenya (1997, 1998), World Bank (1997, 1998), Coalition for the International Criminal Court (1998), Kangemi Women's Empowerment Center (1997 - 1998), and International Commission of Jurists (Kenya Section) (1993, 1998). A Kenyan national, Ms. Michuki is fluent in English and Kiswahili.

Okille, Pamela

As Coordinator of the Ugandan Joint Christian Council (UJCC), Ms. Okille assists in designing and implementing programs to monitor elections, promote reconciliation in the Great Lakes Region (in collaboration with the Fellowship of Christian Councils in the Great Lakes Region and Horn of Africa) and assist in building consensus amongst Uganda's politicians and citizens in general. Recently, Ms. Okille coordinated the implementation of a national comprehensive election monitoring program for the Ugandan 2000 Referendum that consisted of deploying members of 6 national NGOs, 45 district coordinators, and 428 monitors throughout the country. A Ugandan national, Ms. Okille is fluent in English and speaks basic Kiswahili.

Robins, Melinda

Assistant Professor at Emerson College in the US, Ms. Robbins written extensively on issues facing Tanzanian women. In addition to conducting field studies in Tanzania, Ms. Robins has done extensive research in areas of media and development, theories of the press, ethnography, critical/cultural studies and women's issues. In 1995, Ms. Robins served as an observer for IFES' 1995 observation mission to Zanzibar and Tanzania's presidential and parliamentary elections. Ms. Robbins is a US national fluent in KiSwahili.

Snyder, Margaret

Margaret Snyder is currently a Senior Fellow with the Phelps Stokes Fund in New York City. Her focus is on gender and development, as well as East African studies. She is a Founding Director of UNIFEM. Dr. Snyder is a US national.

Appendix D: Accreditation correspondence

ZANZIBAR ELECTORAL COMMISSION

**CODE OF CONDUCT FOR
NATIONAL AND INTERNATIONAL OBSERVERS**

**ZANZIBAR ELECTORAL
COMMISSION
P. O. BOX 1001
ZANZIBAR
AUGUST 2000**

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**ZANZIBAR ELECTORAL COMMISSION
CODE OF CONDUCT FOR
NATIONAL AND INTERNATIONAL OBSERVERS**

1.0 INTRODUCTION

This code of conduct is drawn in accordance with Section 2 of the Election Act. No. 11 of 1984 and shall apply to all electoral observers in Zanzibar, Tanzania

The objective of this Code is to establish general guidelines for individuals wishing to apply for observer status during Zanzibar General Elections, and in the performance of their duties, to be guided by the underlying spirit of the Code. The Code shall therefore serve as guide to all observers and that each, member shall be required to adhere to it.

2.0 OBSERVER STATUS:

- 2.1 There shall be accredited observers (both international and domestic) appointed by their respective governments, international and professional bodies and local non-governmental organisations. The observer status shall be granted to on, individual only upon application by the individual and subsequent approval by the Zanzibar Electoral Commission.
- 2.2 An observer shall at all times be required to adhere to the General Rules of this Code and to refrain from taking any role in the actual administration of the election process. He /she shall also be required to be guided by the principle of impartiality and confine him/herself to finding facts that will assist ZEC to make informed judgement with regard to fairness and freeness during the election. Areas of the electoral process that an observer may wish to observe shall include; polling administration, registration, campaigning by political parties, role of media, civic education, voting process, and counting of votes.
- 2.3 Each observer shall be allocated specific electoral constituency. He/she shall not be allowed to perform the observer activities outside the Electoral Commission.
- 2.4 All foreigners presently or previously resident in Zanzibar shall not be accredited as observers.

3.0 OBSERVERS' RELATIONSHIP WITH THE ELECTORAL COMMISSION

- 3.1 The Zanzibar Electoral Commission shall be responsible for the co-ordination of all the observers and allocation of the duty stations.
- 3.2 Upon arrival, all observers shall report to the Commission for briefing on geography, electoral constituencies, procedures and other specific details on each constituency where they will be allocated.
- 3.3 Each observer shall be required to arrange for himself entry visa, hotel accommodation, transport to and from the allocated area and meet the costs for the same.

4.0 PERMISSIBLE OBSERVER ACTIVITIES:

For purposes of judging fairness and freeness during elections, observers shall be allowed to perform the following activities:

- i) Visit allocated constituencies for familiarisation before the elections.
- ii) Observe fairness and freeness on the electoral day.
- iii) Observe and collect information on the conduct of the electoral process.
- iv) Express opinion on the stability of location or distribution of polling station. In this respect however, each observer needs to work very closely with Returning Officers.
- v) Observe transportation of ballot boxes and counting of votes.
- vi) Evaluate the electoral process after the election.
- vii) Present a copy of final report on electoral process to the ZEC.

5.0 GENERAL RULES:

- 5.1 All observers shall be required to adhere at all times to the Laws of Zanzibar and the Electoral Commission Act in particular.
- 5.2 International Observers shall be regarded as visitors to the country where elections are taking place and domestic observers as citizens of the country concerned.
- 5.3 The role of the observer during the elections shall be to follow objectively the fairness and freeness of the electoral process.
- 5.4 All observers shall undertake to report objectively the results and the electoral process and inform/submit as appropriate to the Electoral Commission noted irregularities.
- 5.5 All observers shall at all times observe the principle of impartiality to political parties.
- 5.6 Observers shall respect the role, status and authority of the Returning, Registration and Presiding Officers.
- 5.7 Observers should refrain from communicating with voters at any time within the premises of the polling stations.
- 5.8 Observers shall avoid at any time interfering with the electoral process.
- 5.9 Observers must agree to attend briefing organised by the Electoral Commission
- 5.10 Observers shall at all times be required to wear the Electoral Commission's Observer Badge or other identification mark approved by the Commission.
- 5.11 Observers shall adhere to their deployments as determined by their appointing/sponsoring authorities in conjunction with the Electoral Commission.
- 5.12 Observers should refrain from taking photographs inside polling stations or other prohibited areas.
- 5.13 The Electoral Commission reserves the right of accepting or rejecting any application and withdrawal of accreditation in the event of non-compliance by observers.
- 5.14 Approved observers shall be required to express their respective readiness to comply with terms and conditions of the Code of Conduct by signing the appended statement.

6.0 MODE OF APPLICATION:

- 6.1 All applications for the observer status shall be addressed to the:

Director of Elections
P.O. Box 1001
Tell: 255-24-2231489

Fax: 255-24-2233828
E-mail: zec@twiga.com

6.2 The following details shall be required for consideration on any request for observer status;

- i) Name, address, fax, telephone numbers and E-mail address of the applicant.
- ii) Name, address, fax and telephone numbers of sponsoring institution.
- iii) Source and nature of funding
- iv) Brief outline on aims and objectives of the sponsoring institution or organisation.
- v) Brief outline on rules of the sponsoring institution
- vi) Statement of non-partisanship to any political parties in Zanzibar.
- vii) Brief Statement on available knowledge by the applicant and the sponsoring institution about Zanzibar, its history and political development.
- viii) Evidence of working knowledge of English or Kiswahili.
- ix) Two passport size photographs.

Appendix

STATEMENT OF COMPLIANCE

I.....(print name) hereby agree and accept without reservations the terms and conditions set forth in the Code of Conduct for the Zanzibar General Elections and understand that in the event of breach of the conditions my observer's accreditation may be terminated by the Zanzibar Electoral Commission

Signature

Date

**INTERNATIONAL
FOUNDATION FOR
ELECTION SYSTEMS**

1101 15th Street, N.W.
Third Floor
Washington, D.C. 20005

Tel: 202.828.8507
Fax: 202.452.0804
www.ifes.org

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MAKING DEMOCRACY WORK

Washington D.C., September 12, 2000

Mr. A.T. Aboud
Director of Elections
Zanzibar Electoral Commission
PO Box 1001
Zanzibar

Dear Mr. Aboud:

On behalf of the International Foundation for Election Systems (IFES), I respectfully request an invitation from the Zanzibar Electoral Commission (ZEC) to observe Zanzibar's October 29, 2000 presidential, parliamentary and local elections.

A nonpartisan, nonprofit, international assistance organization devoted to the support and strengthening of democratic institutions, IFES has been involved in election events worldwide. Since its establishment in 1987, IFES has worked in more than 110 nations. Today, the Foundation maintains over 20 field offices, from which it implements a variety of democracy promotion programs; ranging from technical elections support and civil society development, to improved governance and rule of law.

IFES has followed the consolidation of democracy in Tanzania and on Zanzibar for a number of years. In 1995, IFES fielded an observer delegation for the October 22 and 29 elections on Zanzibar and in Tanzania. Members of that delegation remained in country through the November 19 elections in Tanzania. In August 1997, IFES conducted a symposium on election administration in Arusha. Justice Makame and the Tanzania Electoral Commission hosted the meeting, at which Hassan Said Mzee was a participant.

IFES has monitored the preparations for the 2000 elections since 1999. This past July, Laurie Cooper, IFES Senior Program Officer for Africa and the Near East made a brief visit to Tanzania and Zanzibar. At that time she had the opportunity to meet with Mrs. Moza Mbaye and Justice Ramadhani. In those meetings, Ms. Cooper communicated IFES' keen interest in observing the October elections.

IFES has obtained a copy of the ZEC's Code of Conduct. In light of Articles 4.0 and 6.2 of the Code, I would like to provide some background information on how we propose to organize the IFES observation effort.

IFES has applied to the US Agency for International Development (USAID) for funding for an election observation mission to Zanzibar. If the requested funds are received, IFES proposes to deploy approximately 20 observers. IFES will assume responsibility for all costs associated with the observers' travel, lodging and related expenses.

In keeping with the Foundation's election observation efforts elsewhere in Africa and around the world, our international delegation will combine a variety of individuals with skills including, but not limited to, election planning, organization, and administration; socio-political and cultural familiarity with the East African region and Tanzania and Zanzibar; and conversational Kiswahili.

Upon the issuance of an invitation from the ZEC to IFES, and prior to the dispatching of our team, we will provide you with information on the observation team members for the purposes of observer team member accreditation. That list would include each team member's: name, address, fax, telephone number, e-mail, and linguistic capacities, as requested in Article 6.2 of the Code. Two passport-size photographs of each team member can be sent to your attention via express mail.

To maximize the effectiveness of the proposed observation effort, IFES would implement its mission in two stages. First, an advance team of four members would travel to Zanzibar in late September. The advance delegation would meet with the ZEC to become familiar with election procedures and regulations; to discuss any issues of particular concern to the ZEC; and to make preparations for the second stage, the arrival of the full IFES delegation approximately 5 days prior to the election.

The IFES team would be divided into two-person teams, with at least one of the two team members possessing functional fluency in Kiswahili. To facilitate our delegation's access to Zanzibar's five regions, IFES would seek to coordinate--with the ZEC's assistance--our observation team's deployment with all national and international organizations involved in the observation of elections on the island.


Some portion of the delegation will remain on Zanzibar after election day, through the final vote tabulation and the announcement of the election results. The teams' observation experiences will be recorded as a written report, to be finalized following the elections. That report will be shared with the ZEC.

If you are interested in additional information on IFES and you have internet access, I encourage you to visit us at <http://www.ifes.org/>. Otherwise, we would be pleased to include additional written information on IFES prior to sending--or along with--the team members' information.

IFES looks forward to your response to this communication. Please let Laurie Cooper or me know if you have any questions regarding IFES' request for an invitation from the ZEC to observe the October elections. You may reach me via e-mail at tbayer@ifes.org. Ms. Cooper's e-mail is laurie@ifes.org. Alternatively, we may be contacted by telephone at 202-828-8507, or by fax at 202-452-0804.

Thank you for your time and your consideration.

Sincerely,



Thomas C. Bayer

Director of Programs, Africa/Near East



ZANZIBAR ELECTORAL COMMISSION

FAX: 255 - 24 - 233828
TEL: 231489
REF. NO: ZEC//2000/2001/

P. O. BOX 1001
ZANZIBAR
TANZANIA

DATE: 18 September 2000

Ms. Laurie Cooper
Senior Programme Officer
Africa/Near East
IFES

RE: OBSERVING ELECTIONS IN ZANZIBAR:

I acknowledge the receipt of your fax on information regarding your interest to observe the 2000 general elections.

The Zanzibar Electoral Commission (ZEC) has planned to invite only few international organisations that include the Commonwealth Secretariat and the OAU to observe the 2000 elections in Zanzibar. All other organisations that are interested in observing the 2000 elections is required to apply. The application should include the number of observers your organisation intends to send for ZEC consideration and approval. You will be informed other processes that follows after ~~the~~ your approval.

Yours Sincerely

(Saadun A. Khamis)
For: Director of Elections
Zanzibar Electoral Commission
Zanzibar



ZANZIBAR ELECTORAL COMMISSION

P. O. BOX 1001
ZANZIBAR
TANZANIA

FAX: 255 - 24 - 233828
TEL: 231489
REF. NO: TUZ/44/2000/2001/83.

DATE: 11 October 2000

Ms. Laurie Cooper
Senior Program Officer
IFES
Africa/Near East

RE: ACCREDITATION OF IFES OBSERVERS FOR ZANZIBAR GENERAL ELECTION 2000.

Please refer to the above heading.

The Zanzibar Electoral Commission has carefully considered your requests, and had come with the following decisions, that;

- i) Considering that there will also be other observers from other organisations and the size of Zanzibar that the number of observers from IFES should be decreased from the proposed number of 20 observers to 16 observers.
- ii) The deployment of observers should consider that there are at least 3 two observers' teams in the island of Pemba and the remaining teams will be based in Unguja.
- iii) We have cleared the accreditation of three observers; Ms. Larson Gina, Ms. Jane Michuki and Ms. Laurie Cooper, and we are awaiting the photographs of others so that we could do the same with 13 others.
- iv) The deployment of the IFES observer teams awaits the completion of the process of the accreditation of 13 other observers and on receipt of your deployment plan.
- v) We strongly advise that the other members of the team should come to Zanzibar for Electoral Observation Mission until their accreditation status is accepted.

Thank you.


Yours Sincerely

(KHAMIS A. AME)
DIRECTOR OF ELECTION)
ZANZIBAR ELECTORAL COMMISSION
ZANZIBAR.

Intl Foundation for Election
Systems
1101 15th Street NW #300
Washington, DC 20005
Ph: 202-828-8507
Fax: 202-452-0804

IFES facsimile transmittal

To: Mr. A. Khamis, Director of
Elections, Zanzibar Electoral
Commission **Fax:** 255 24 2233828

From: Tom Bayer, Director of  Programs, Africa/Near East **Date:** 10/18/00

Re: Your letter to Laurie Cooper of
Oct. 16 **Pages:** 2

CC: Michael Heath, US Embassy,
Dar es Salaam

Dear Mr. Khamis:

On behalf of the International Foundation for Election Systems, I want to thank you and your colleagues on the Zanzibar Electoral Commission for your patience and receptivity to the IFES advance team during its work in Zanzibar. We appreciate the ZEC's attention to the important task of accrediting the IFES delegation members. I know that my colleagues working in Zanzibar are providing you with the required information about the IFES observer delegation, and that the ZEC has been proactive in clarifying the relevant portions of the Observer Code of Conduct and your accreditation procedures.

IFES believes that an election observation delegation made up of professionals in election management issues and in regional analysis will provide the most accurate, balanced and articulately expressed view of the planning and administration of the Zanzibar elections. For this reason, our selection process has been quite rigorous, and we have ensured that all of the delegates meet the qualifications as laid out by your Code of Conduct. The proposed sixteen-person delegation for the 2000 elections includes a diverse group of individuals who combine election management experience, regional, country and language experience, and election observation experience.

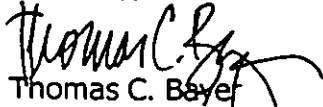
I understand that my colleagues are working to deliver photographs for Charles Nyachae and Midiwo Aoko, the two of the sixteen individuals included in the initial list provided to the ZEC by IFES for whom photos were not presented. I am confident that once those two dossiers are complete, that the ZEC will expedite those accreditations as you have for the remainder of our team.

I note that accreditation has not been forthcoming for two out of 16 team members. IFES understands why Mr. Mohammed, a Tanzanian national, would not be appropriate for an international delegation, particularly when we expect to see a significant presence of national observers in Tanzania and Zanzibar. We will turn to our list of alternates to identify and propose a qualified individual to take his place. I must admit that I am unclear on the decision not to accredit Ali Alwahti. Mr. Ali Alwahti meets and exceeds the qualifications required for this work, as you will note from his background notes. Formerly a valued member of our regional staff in Washington, Mr. Alwahti has a sound understanding of the principles and practices of election administration and observation, as well a key knowledge of comparative systems and regional awareness. I therefore respectfully request that the International Observer Committee on the ZEC reconsider Mr. Alwahti's application, and accredit him as an IFES observer for the October 29 elections.

I am available to discuss this with you further. I know that you have a very busy schedule. Please let me know what time I may be able to reach you for a phone call on October 19, or if you prefer, I encourage you to send a response via fax (202-452-0804) or E-mail (tbayer@ifes.org).

Thank you for your time and your consideration. I look forward to hearing from you.

Sincerely,



Thomas C. Bayer

Director of Programs, Africa/Near East



ZANZIBAR ELECTORAL COMMISSION

P. O. BOX 1001
ZANZIBAR
TANZANIA

FAX: 255 - 14 - 255828
TEL: 231489
REF. NO: TUZ/44/2000/2001/

DATE: 20 October 2000

Mr. Tom Bayer
Senior Program Officer
IFES
Africa/Near East

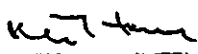
**RE: ACCREDITATION OF IFES OBSERVERS FOR ZANZIBAR GENERAL
ELECTION 2000.**

Please refer to the above heading.

The Zanzibar Electoral Commission is an independent body charged with the work of organising and conducting elections in Zanzibar. ZEC also has the responsibility of accrediting observers for the Zanzibar election. According to Section 2.1 and 5.13 of the Code of Conduct for Observers, the Zanzibar Electoral Commission grants the observer status upon the application and subsequent approval. The Commission made a thorough analysis of all the applicants of IFES observer team and came to the decision not to welcome Mr. Ali Alwahti for Election Observation. The Commission is not bound to disclose its reason for accepting or rejecting an accreditation for observers. As I understand, IFES provided a final list of 20 applicants in which the 16 Observers can be approved. ZEC is still ready to offer its full co-operation to ensure that it completes the accreditation for the 16-members IFES observer team.

Thank you.

Yours Sincerely


(KHAMIS A. AME)
DIRECTOR OF ELECTION)
ZANZIBAR ELECTORAL COMMISSION
ZANZIBAR.

Appendix E. Observer checklists (sample)

**IFES OBSERVATION TEAM -- POLLING STATION CHECKLIST
ZANZIBAR ELECTIONS -- 29 OCTOBER 2000**

Team	<input type="text"/>	District	<input type="text"/>	Constituency	<input type="text"/>	Arrive	<input type="text"/>
Ward	<input type="text"/>	Polling Station	<input type="text"/>	Depart	<input type="text"/>		

POLLING STATION STATISTICS

# voters on ZA register	<input type="text"/>	Time voting began	<input type="text"/>	Rate of processing (V/m)	<input type="text"/>
# voters on UN register	<input type="text"/>	Time voting ended	<input type="text"/>	# of voters processed	<input type="text"/>
# voters in queue	<input type="text"/>	UN & ZA polling material delivery date / time?	<input type="text"/>		

PEOPLE PRESENT *(Tick where present. Note comments on reverse re. people not listed AND persons not present at opening.)*

ZEC Staff: Presiding officer Polling assistant(s) NEC Staff: Presiding officer Polling assistant(s)

Sheha: Security Agents: Police Army Other Armed: Y N

Party Agents: CCM CUF NRA PONA Tadea TLP UDP UPDP
 CHADEMA NCCR-M UMD *(If more than 1 per party, note party and number on back.)*

Corresponding number of Form CF-6: Complete Incomplete

Observers: Local International

GENERAL OBSERVATIONS *(If NO, please describe on reverse)*

	Yes	No
1. Material: Is all the required material present in sufficient quantities?	<input type="checkbox"/>	<input type="checkbox"/>
2. Polling Station Management: Is layout correct and are voters efficiently processed?	<input type="checkbox"/>	<input type="checkbox"/>
3. Transparency: Is the PO or his/her designee providing information on request?	<input type="checkbox"/>	<input type="checkbox"/>
4. Conduct: Are officials, party agents, voters, security agents conducting themselves correctly?	<input type="checkbox"/>	<input type="checkbox"/>
5. Voting Information: Are the PO and PA informing voters about voting procedures?	<input type="checkbox"/>	<input type="checkbox"/>
6. Forms 14, 14 A-B: Is the top and the first section complete on all three forms?	<input type="checkbox"/>	<input type="checkbox"/>
7. Access: Is access to the polling station area properly controlled?	<input type="checkbox"/>	<input type="checkbox"/>
8. Publicity: Is campaign material absent both inside--and within 500m of--the voting station?	<input type="checkbox"/>	<input type="checkbox"/>
9. Voter ID: Are voters on the voter roll permitted to vote with registration card or alternative ID?	<input type="checkbox"/>	<input type="checkbox"/>
10. Union/Zanz: Are voters with correct identification voting in both elections?	<input type="checkbox"/>	<input type="checkbox"/>
11. Processing: Does PO/PA fold and stamp ballot immediately prior to handing it to voter?	<input type="checkbox"/>	<input type="checkbox"/>
12. Indelible Ink: Is the indelible ink used correctly on all voters?	<input type="checkbox"/>	<input type="checkbox"/>
13. Secrecy: Is a polling booth or private space made available to the voter for marking the ballot?	<input type="checkbox"/>	<input type="checkbox"/>
14. Ballot Security: Are the ballot boxes and ballots easily visible to all in station?	<input type="checkbox"/>	<input type="checkbox"/>
15. Assistance: Are disabled voters receiving the assistance of their choice?	<input type="checkbox"/>	<input type="checkbox"/>
16. Queuing: Were voters in the queue at closing allowed to remain and to vote?	<input type="checkbox"/>	<input type="checkbox"/>
17. Tendered Ballots: How many tendered ballots are noted on forms: #9 <input type="text"/> #9A <input type="text"/> #9B <input type="text"/>		
18. Special cert. and Cert. Of Service: Number of special cert. and Cert. of Service (Form 13) submitted: <input type="text"/>		
19. Irregularities: Have any voting irregularities been detected? <input type="text"/> <i>(describe on reverse)</i>		
20. Polling Station Evaluation <i>(tick applicable & elaborate on back)</i> Party Agents' View Observer Teams' View		
Polling Station functioning correctly	<input type="checkbox"/>	<input type="checkbox"/>
Minor irregularities not significant to result	<input type="checkbox"/>	<input type="checkbox"/>
Serious problems, could affect result	<input type="checkbox"/>	<input type="checkbox"/>

Where problems are indicated, give a brief description on reverse of this sheet.

**IFES OBSERVATION TEAM – CLOSING, COUNT & RESULTS CHECKLIST
ZANZIBAR ELECTIONS – 29 OCTOBER 2000**

Team	<input type="text"/>	District	<input type="text"/>	Constituency	<input type="text"/>	Arrive	<input type="text"/>
Ward	<input type="text"/>	Polling Station	<input type="text"/>	Depart	<input type="text"/>		

CLOSING PROCEDURES (If NO, please describe on reverse.)

- | | Yes | No |
|---|--------------------------|--------------------------|
| 1. Did the polling station close following voting by voters remaining in queue at close? | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Was ballot accounting procedure followed and ballot paper account form completed? | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. Were there any discrepancies noted between ballots issued, ballots used & ballots remaining? | <input type="checkbox"/> | <input type="checkbox"/> |

COUNTING PROCEDURES

- | | | |
|--|--------------------------|--------------------------|
| 4. Did the Presiding Officer manage the count correctly and efficiently? | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. Did the Presiding Officer manage the count impartially? | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. Were there any ZEC instructions or guides for Presiding Officers on hand? | <input type="checkbox"/> | <input type="checkbox"/> |
| 7. Were Polling Agents present and permitted to act as Counting Agents? | <input type="checkbox"/> | <input type="checkbox"/> |
| <i>If "YES" specify: CCM <input type="checkbox"/> CHADEMA <input type="checkbox"/> CUF <input type="checkbox"/> NCCR-M <input type="checkbox"/> NRA <input type="checkbox"/> PONA <input type="checkbox"/></i> | | |
| Tadea <input type="checkbox"/> TLP <input type="checkbox"/> UDP <input type="checkbox"/> UMD <input type="checkbox"/> UPDP <input type="checkbox"/> | | |
| 8. Were there local observers at the counting? | <input type="checkbox"/> | <input type="checkbox"/> |
| 9. Were forms 16-A, 16-B, and 16-C completed? | <input type="checkbox"/> | <input type="checkbox"/> |
| 10. Was the completed polling station result form publicly displayed? | <input type="checkbox"/> | <input type="checkbox"/> |
| 11. Was each counting agent given a copy of the result from for the Zanzibar election? (16 A-C) | <input type="checkbox"/> | <input type="checkbox"/> |
| 12. Was each counting agent provided a copy of the results from the Union election? | <input type="checkbox"/> | <input type="checkbox"/> |

TRANSMITTAL & TABULATION OF RESULTS

- | | | |
|--|--------------------------|--------------------------|
| 13. Were ballots, forms, and other secure materials packaged properly? | <input type="checkbox"/> | <input type="checkbox"/> |
| 14. Ballots, forms, and secure materials accompanied by: <i>(note if more than one of any category)</i> | | |
| Presiding officer <input type="checkbox"/> Polling assistant <input type="checkbox"/> Counting agent <input type="checkbox"/> Local observer <input type="checkbox"/> | | |
| International observer <input type="checkbox"/> Sheha <input type="checkbox"/> Police <input type="checkbox"/> Military <input type="checkbox"/> | | |
| Counting agent <input type="checkbox"/> <i>(If YES, then: CCM <input type="checkbox"/> CHADEMA <input type="checkbox"/> CUF <input type="checkbox"/> NCCR-M <input type="checkbox"/></i> | | |
| NRA <input type="checkbox"/> PONA <input type="checkbox"/> Tadea <input type="checkbox"/> TLP <input type="checkbox"/> UDP <input type="checkbox"/> UMD <input type="checkbox"/> UPDP <input type="checkbox"/> | | |
| 15. Did the Returning Officer announce aloud the results of the Polling Station? | <input type="checkbox"/> | <input type="checkbox"/> |
| 16. Were forms 17A, 17B, and 17C completed? | <input type="checkbox"/> | <input type="checkbox"/> |
| 17. Was each counting agent provided with a copy of the results of the Zanzibar election? (17 A-C) | <input type="checkbox"/> | <input type="checkbox"/> |
| 18. Was each counting agent provided a copy of the results from the Union election? | <input type="checkbox"/> | <input type="checkbox"/> |
| 19. Are the results from your Polling Station equal to the results announced by the Returning Officer? | <input type="checkbox"/> | <input type="checkbox"/> |
| 20. Are the procedures of the tabulation of votes followed as prescribed? | <input type="checkbox"/> | <input type="checkbox"/> |

Closing Procedure	Counting Procedure	Transport	Addition
✓ Completed correctly <input type="checkbox"/>	✓ Completed correctly <input type="checkbox"/>	✓ Completed correctly <input type="checkbox"/>	✓ Completed correctly <input type="checkbox"/>
✓ Minor irregularities <input type="checkbox"/>	✓ Minor irregularities <input type="checkbox"/>	✓ Minor irregularities <input type="checkbox"/>	✓ Minor irregularities <input type="checkbox"/>
✓ Serious problems, could affect result <input type="checkbox"/>	✓ Serious problems, could affect result <input type="checkbox"/>	✓ Serious problems, could affect result <input type="checkbox"/>	✓ Serious problems, could affect result <input type="checkbox"/>

Polling Station Presidential Results				
CCM	CUF			
Total Valid Votes	Blank Votes	Invalid Votes	Spoilt Ballots	Total Ballots

Polling Station House of Representatives Results										
CCM	CHADEMA	CUF	NCCR-M	NRA	PONA	Tadea	TLP	UDP	UMD	UPDP
Total Valid Votes	Blank Votes		Invalid Votes		Spoilt Ballots		Total Ballots			

Where problems are indicated, give a brief description on reverse of this sheet.

**IFES OBSERVATION TEAM – ADDITION OF VOTES CHECKLIST
ZANZIBAR ELECTIONS – 29 OCTOBER 2000**

Team	<input style="width:90%;" type="text"/>	District	<input style="width:90%;" type="text"/>	Constituency	<input style="width:90%;" type="text"/>	Arrive	<input style="width:90%;" type="text"/>
Ward	<input style="width:90%;" type="text"/>	Counting Station	<input style="width:90%;" type="text"/>		Depart	<input style="width:90%;" type="text"/>	

PROCEDURES & PRESENCE

- | | Yes | No |
|---|--------------------------|--------------------------|
| 1. Did the Returning Officer determine the validity of any disputed votes before the addition of votes? | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Are there local observers present? | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. Are there other international observers present? | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. Are there any Counting Agents present? | <input type="checkbox"/> | <input type="checkbox"/> |
| <i>If "YES" specify:</i> CCM <input type="checkbox"/> CHADEMA <input type="checkbox"/> CUF <input type="checkbox"/> NCCR-M <input type="checkbox"/> NRA <input type="checkbox"/> PONA <input type="checkbox"/>
Tadea <input type="checkbox"/> TLP <input type="checkbox"/> UDP <input type="checkbox"/> UMD <input type="checkbox"/> UPDP <input type="checkbox"/> | | |
| 5. Are there any unauthorized persons at the place of Addition of Votes? | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. Are the results of the Presidential and Parliamentary elections clearly displayed? | <input type="checkbox"/> | <input type="checkbox"/> |
| 7. Do you consider that the addition of votes took place correctly? | <input type="checkbox"/> | <input type="checkbox"/> |

Overall Assessment of the Addition Process	
✓ Completed correctly	<input type="checkbox"/>
✓ Minor irregularities	<input type="checkbox"/>
✓ Serious problems, could affect result	<input type="checkbox"/>

Counting Centre Presidential Results				
CCM			CUF	
Total Valid Votes	Blank Votes	Invalid Votes	Spoilt Ballots	Total Ballots

Counting Centre House of Representatives Results										
CCM	CHADEMA	CUF	NCCR-M	NRA	PONA	Tadea	TLP	UDP	UMD	UPDP
Total Valid Votes		Blank Votes		Invalid Votes		Spoilt Ballots		Total Ballots		

Where problems are indicated, give a brief description on reverse of this sheet.

Appendix F. Voter registration figures

TUME YA UCHAGUZI YA ZANZIBAR



IDADI YA WALIOJANDIKISHA KWA AJILI YA UCHAGUZI WA RAIS WA ZANZIBAR, WAJUMBE WA BARAZA LA WAWAKILISHI NA MADIWANI WA OKTOBA 2000

MAJIMBO	MAKADIRIO	WALIOANDIKISHWA	ASILIMIA
WILAYA YA MJINI	<i>Estimate population</i>	<i>Registered Voters</i>	<i>Percentage</i>
1. MJI MKONGWE	10,180	10,857	106.7
2. RAHALEO	7,590	8,889	117.1
3. KIKWAJUNI	12,923	9,372	72.5
4. MLANDEGE	6,760	9,907	146.6
5. AMANI	11,120	11,057	99.4
6. KWAMTIPURA	6,821	7,785	114.1
7. MWEMBEMAKUMBI	M/Makumbi na Chumbuni kwa pamoja idadi ya 17,764	6,422	inakosekana
8. CHUMBUNI		10,197	inakosekana
9. JANG'OMBE	16,663	15,508	93.1
10. MAGOMENI	11,623	10,859	93.4
11. KWAHANI	5,943	9,885	166.3
12. MIKUNGUNI	6,068	7,175	118.2
JUMLA	113,455	117,913	103.9
MAJIMBO YA WILAYA YA MAGHARIBI			
1. MWERA	28,614	29,010	101.4
2. DIMANI	16,186	14,667	90.6
3. DOLE	8,656	10,079	116.4
4. MFENESINI	16,048	16,618	103.6
JUMLA	69,504	70,374	101.3
MAJIMBO YA WILAYA YA KATI			
1. KOANI	11,613	11,996	103.3
2. UZINI	9,850	10,522	106.8
3. CHWAKA	9,380	10,908	116.3
JUMLA	30,843	33,426	108.4
MAJIMBO YA WILAYA YA KUSINI			
1. MAKUNDUCHI	7,855	6,682	85.1
2. MUYUNI	9,981	9,449	94.7
JUMLA	17,836	16,131	90.4

TUME YA UCHAGUZI YA ZANZIBAR

MAJIMBO	MAKADIPIO	WALIOANDIKISHWA	ASILIMIA
MAJIMBO YA WILAYA YA KASKAZINI 'A'			
1. CHAANI	7,215	7,295	101.1
2. MKWAJUNI	9,026	8,999	99.7
3. MATEMWE	9,969	9,263	92.9
4. NUNGWI	8,761	9,403	107.3
5. TUMBATU	7,545	8,370	110.9
JUMLA	42,516	43,330	101.9
MAJIMBO YA WILAYA YA KASKAZINI 'B'			
1. BUMBWINI	9,821	9,913	100.9
2. DONGE	8,160	10,687	131.0
3. KITOPE	7,400	8,686	117.4
JUMLA	25,381	29,286	115.4
MAJIMBO YA WILAYA YA MICHEWENI			
1. MICHEWENI	9930	7632	76.9
2. TUMBE	7951	5520	69.4
3. KONDE	9813	7733	78.8
4. MGOGONI	5,917	4,177	70.6
5. WINGWI	6381	4539	71.1
JUMLA	39,992	29,601	367
MAJIMBO YA WILAYA YA WETE			
1. GANDO	7901	6,782	85.8
2. MTAMBWE	7638	6760	88.5
3. OLE	7563	7,045	93.2
4. UTAANI	6026	7,107	117.9
5. KOJANI	8556	7,144	83.5
6. PANDANI	5396	4,970	92.1
JUMLA	43,080	39,808	92.4
MAJIMBO YA WILAYA YA MKOANI			
1. MKOANI	8517	8501	99.8
2. MKANYAGENI	7434	6027	81.1
3. MTAMBILE	11460	6679	58.3
4. KIWANI	7922	5814	73.4
5. CHAMBANI	7758	5367	69.2
JUMLA	43,091	32,388	75.2

TUME YA UCHAGUZI YA ZANZIBAR

MAJIMBO MAJIMBO YA WILAYA YA CHAKE CHAKE	MAKADIRIO	WALIOANDIKISHWA	ASILIMIA
1. CHAKE CHAKE	6268	8317	132.7
2. VITONGOJI	5061	5070	100.2
3. ZIWANI	6448	6212	96.3
4. WAWI	5646	7978	141.3
5. CHONGA	6024	6893	114.4
JUMLA	29,447	34,470	117.1
JUMLA YA ZANZIBAR	455,145	446,727	98.2

Appendix G. Observer Statements



MAKING DEMOCRACY WORK

Press Release

INTERNATIONAL FOUNDATION FOR ELECTION SYSTEMS

1101 15th Street NW, 3rd Floor - Washington, DC 20005 - (202) 828-8507 - Fax (202) 452-0804 - www.ifes.org

FOR IMMEDIATE RELEASE

November 1, 2000

CONTACT: Laurie Cooper in Stonetown

+ (255) 741.224.589 or (225) 24.223.5477

or Torie Keller in Washington

+1 (202) 872.4822

IFES Calls for Consensus in Zanzibar's Election Aftermath

Delegation Observed October 29th Elections

STONETOWN, ZANZIBAR -- This interim statement responds to the situation created by the Zanzibar Electoral Commission's (ZEC) decision to annul the elections in 16 constituencies, and to suspend the vote and the counting in the remaining 34 pending elections in the 16 constituencies on November 5. Having monitored the 1995 elections in Tanzania and Zanzibar, International Foundation for Election Systems (IFES) looked forward to observing the 2000 contest, with the expectation that the shortcomings that characterized the 1995 election would have been addressed. However, as this statement indicates, IFES considers the October 29th elections a squandered opportunity to advance Zanzibar's transition to democracy.

The combination of the 1995 elections, the failure of the Commonwealth-brokered Memorandum, and this 2000 election experience stands to have further long-term negative impact on Zanzibar—and Tanzania—on multiple levels. IFES encourages all stakeholders in this process to frame their responses to this complex and unfortunate situation with an eye toward the guarantee of conditions for peace and Zanzibar's long-term social, political, and economic sustainability.

A 14-member delegation of election experts and specialists in East African and Tanzanian politics and society from IFES arrived in Zanzibar on October 25th to observe the October 29th elections for president, house of representatives, and local council on Unguja and Pemba. An IFES pre-observation team arrived in Zanzibar on October 4th to monitor the final weeks of political campaigning and elections preparations, and to lay the groundwork for our deployment. The IFES delegation visited 7 of Zanzibar's 10 districts, observing preparations and polling in 30 of 50 constituencies.

IFES will produce a detailed report of its observations, incorporating recommendations for the organization and conduct of future electoral processes in Zanzibar. That report will be submitted to the United States Agency for International Development, which funded this IFES project. It will be shared in its entirety with the election administration bodies of Zanzibar and Tanzania and be made available to all interested groups.

On the positive side, the electorate responded to the call to the polls in impressive numbers, displaying great dignity and patience in the face of widespread organizational failure. The delegation did observe voting stations where materials and personnel were in place on time. The inclusion of Zanzibar's youth, elderly, and disabled populations as presiding officers and polling assistants is notable. The delegation was impressed by the leadership role of women in the process.

However, many polling stations, particularly those in Urban and West Districts opened well past the 0700 start time, some not commencing polling until late into the evening. Others undertook no polling at all, due to the lack of ballots for one or more of the five contests for positions in the Zanzibar and Union governments, including stations located in the constituencies of Jang'ombe, Mwanyanya, and Bububu. IFES is concerned that officials' adherence to voting procedures was inconsistent in numerous constituencies on both Unguja and Pemba.

More...

IFES Calls for Consensus in Zanzibar's Election Aftermath
November 1, 2000 – Page 2 of 2

The ZEC annulment of the Urban and West District elections will have ramifications throughout Zanzibar. It is important to note that these two districts are home to 42% of the eligible electorate. The related decision taken by the ZEC to suspend election operations in the remaining 8 districts on Unguja and Pemba called the validity of the entire election process into question. The haphazard manner in which that decision was communicated suggests a fundamental disregard for the electorate.

The ZEC's suspension of the election operations compromised the integrity of the election process archipelago-wide. The removal of ballot boxes from the voting stations in numerous locations, including but not limited to Jang'ombe, Amani, Sogea, Wawi, and Wara, without the full participation of poll workers, party agents, candidates, and others, appeared to IFES to have been hastily implemented and ill-conceived.

The delegation is of the opinion that these elections did not merit the trust of Zanzibar's citizens. New elections in all constituencies, properly conducted, could address the volatile situation created by the ZEC's October 29th and 30th decisions. Should the ZEC and Zanzibar's political and civil society leaders reach consensus on a transparent and participatory approach addressing not only Zanzibar's immediate present, but also its future, IFES would register its support.

Finally, IFES notes with deep regret the actions of the security forces witnessed by the delegation members in Jang'ombe on October 28th and in Malindi and Darajani October 30th. IFES calls on the ZEC and security officials to ensure that the behavior of all security forces reflects the maturity and commitment demonstrated by voters on election day, and by the general population since the close of polling.

#

IFES provides technical assistance in the promotion of democracy worldwide, and serves as a clearinghouse for information about democratic development and elections. Since its inception in 1987, the Foundation has worked in more than 100 countries. For more information, please visit the IFES web site at www.ifes.org.

TANZANIA ELECTION MONITORING COMMITTEE (TEMCO)

P.O. Box 35039, DAR ES SALAAM, TANZANIA
Tel 2410232 or 2410500-8 Ext. 2441, Telefax 2410270 Email : temco@udsm.ac.tz

TANZANIA ELECTION MONITORING COMMITTEE [TEMCO]

31 October, 2000

INTERIM STATEMENT ON THE ELECTIONS IN ZANZIBAR

TEMCO observers were able to monitor the campaigns, voting and vote counting in some parts of Zanzibar. The eagerness of the Zanzibar people to cast their votes on October 29, 2000 was unprecedented; most polling stations or centres were full of anxious voters by 6.00 a.m or earlier, and most of them remained in their queues for as long as it took for the election officials to get ready. Even where materials arrived late, in some cases as late as noon, the people were still in their queues. This showed that the ordinary people of Zanzibar are on the side of democracy.

However, considering the events that took place on Sunday 29th and Monday 30th October, 2000, we cannot but conclude that those state instruments responsible for managing the elections in Zanzibar have let down the people and the multiparty democracy which we are trying to nurture in Tanzania and Africa. Those events and actions cannot be explained in this interim report because they have not been fully clarified by the responsible authorities.

Much of the Zanzibar Urban West Region could not vote on Sunday 29th because of the lack of voting materials. It is difficult at this stage to say conclusively whether this was a result of managerial incompetence of ZEC or part of a plan to disrupt the elections for private gains. Whatever be the case, this occurrence led ZEC to cancel elections in all the 16 constituencies of the Urban West Region. The cancellation creates two problems for the general elections in Tanzania as a whole.

First, the overall election timetable has been disrupted, particularly in the case of the Zanzibar and Union presidential elections whose results cannot be announced piece-meal. Second, the cancellation of elections in only one region is only a partial solution which may not solve the wider problems in the Zanzibar elections as a whole.

A matter which is even more baffling and damaging to the elections in Zanzibar was the ZEC's decision to stop the counting process in Pemba and parts of

Unguja. Some of the ballot boxes were then collected by ZEC officials and the police and, reportedly, sent to ZEC district offices for safekeeping until the rescheduled elections in Urban West had been held. The ferrying of the ballot boxes was not accompanied by the party agents who had, at any rate, objected to the stoppage of the counting process. This unilateral action by ZEC will make it difficult for the elections to be considered free and fair when the counting resumes at a future date. We cannot but ask what made this action so necessary? For counting could have continued where voting had been completed and the results, verified by party agents and observers, kept. This would not only have been the easier alternative but the proper way prescribed by the Zanzibar electoral law.

Now ZEC has set Sunday 5th November, 2000 as the new date for polling in the 16 constituencies. The basis for choosing this date is still unclear. For example, is this the time required to get new materials printed or misplaced materials recovered or an attempt to beat the retirement date of the incumbent president Salmin Amour?

We note with concern that all these three important and delicate decisions have been made by ZEC without consultation with the main stakeholders, namely the contending parties. True, ZEC has the legal authority to postpone or cancel an election, to set a new date for a cancelled election, and to make a temporary stoppage of the vote counting process. However, some legal requirements have been violated by ZEC action, for example, the participating parties, candidates and their agents have been denied their legal right to ensure that the ballots remain secure until the votes are counted. In the case of Pemba, ballot boxes were forcibly seized by police against the will of the party agents and sent to district ZEC offices which are inaccessible to party agents.

Failure by ZEC to consult the key actors would also suggest a serious lack of political prudence. This denied ZEC an opportunity to get a consensus on these politically sensitive decisions. The parties have been called for a meeting today (Tuesday 31/10/2000) when all the decisions have been made.

On Monday 30th October, 2000 a most shameful episode took place at Darajani area in Zanzibar. A state force consisting of ordinary police, traffic police, plain clothes police, state security people, the special field force unit (FFU), etc, descended on a group of CUF supporters who were peacefully singing songs of praise to their party and leaders following a press statement by the CUF Zanzibar Presidential candidate, Mr. Self Shariff Hamad. These CUF supporters - men and women, young and old - were beaten up most mercilessly and handled in a manner which, to an observer, would suggest that the state instruments of law and order were carrying out a vengeance on them rather than performing ordinary arrests.

Apart from a short-lived and sporadic stone throwing when accosted by the police, the CUF supporters had been unarmed and peaceful. When the unusually armed police asked them to disperse and then fired live bullets in the air, the scared CUF supporters sought refuge in nearby houses. Under ordinary circumstances, the police would no longer pursue them in the houses because the intention of dispersing the celebrating group had already been achieved. However, the police forced these people out of the houses, beat them up, and even destroyed their property such as bicycles.

This abominable incident did not only show a high degree of disrespect for the basic political and civil rights of the people of Zanzibar but also showed clearly that those running the state in Zanzibar have not fully accepted the multiparty system. Throughout the electoral process, but especially during the campaigns, CUF leaders and leaders of other opposition parties have been complaining that the police and other state instruments (including informational ones) have consistently acted in favour of the ruling party while disrupting political activities of the opposition parties. Indeed, anybody who saw the police brutality at the Darajani episode cannot disagree with this charge.

Now the elections have been postponed or cancelled only in the 16 constituencies of Urban West Region. Does this solve the electoral problems which have faced Zanzibar since the beginning of the electoral process? A brief resume of that process will suggest that a more comprehensive solution is needed:

Let it be recalled that the registration exercise was accompanied by charges and countercharges of some unentitled people being registered and entitled ones being denied registration. The failure or refusal of ZEC to release an authoritative figure of eligible voters for the Isles as a whole would seem to suggest that the registration exercise was not done transparently and competently enough. Accreditation delays by ZEC made it impossible for the two - week registration process to be observed by domestic (TEMCO) and international observers.

Furthermore, as we have already mentioned, the campaigns were full of accusations of targeted police actions to disrupt campaign meetings of the opposition parties, especially those of CUF. The responses by the police bosses and top state authorities in Zanzibar have not sought to answer these accusations to the satisfaction of the public; in several cases the responses have condoned police action against supporters and campaigns of opposition parties, especially those of CUF. Thus both the registration and campaign processes in Zanzibar were not, strictly speaking, conducive to the holding of free and fair elections.

What about the polling day in Zanzibar as a whole? Although reports by TEMCO observers in Zanzibar indicate that shortage of voting materials was less severe in other regions than in the Urban West Region, there were still other areas where shortages led to some people not casting their vote. There were also other problems and irregularities which affected the voting process negatively. For example, reports indicate that in the southern districts of Pemba a significant number of voters could not vote due to inadequacy of ballot papers and absence of their names in the lists posted at the polling centres. Furthermore, in some centres the disabled were assisted by presiding officers rather than by people of their choice.

A serious problem is reported in the case of some polling centres in the Mkoani district where it is alleged that a big group of young men were brought from Unguja as JKU youths to vote there even though they were not residents of those areas. Such allegations would suggest that voting day problems were not only restricted to the Urban West Region.

Then, finally, the stoppage of counting in Pemba and parts of Unguja, and the keeping of the ballot boxes in places where the parties and concerned public cannot certify their safety, violated electoral practices.

Looking at the election process as a whole, from registration of voters to the Sunday 29th voting fiasco in the Urban West Region and other parts of the Isles: and considering the degree of distrust of state authorities (ZEC, police, state media, and the Salim Amour administration as a whole) which currently exists in Zanzibar, TEMCO believes that the solution is to cancel the elections in Zanzibar in totality and to organize fresh elections. This would also provide an opportunity to review the weaknesses of the state instruments involved in the electoral process, to involve the political parties more closely in decision making, and to begin a process of national healing and reconciliation. A rushed solution may create more problems than it solves.

SADC PARLIAMENTARY FORUM

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2000 TANZANIA ELECTIONS

STATEMENT OF THE SADC PARLIAMENTARY FORUM OBSERVER MISSION

The Southern African Development Community (SADC) Parliamentary Forum was established in 1996 in accordance with Article 9(2) of the SADC Treaty as an autonomous institution of SADC. It is a regional inter-parliamentary organisation composed of 12 Parliaments representing 1800 Members of Parliament in the SADC region.

The Mission comprising of 30 Members of Parliament plus 24 members of staff drawn from SADC parliaments arrived in Dar es Salaam as from 23 September to observe elections in the United Republic of Tanzania. They held discussions with various stakeholders, including the National Electoral Commission (NEC), the Zanzibar Electoral Commission (ZEC), the major political parties, civil society organisations and the Tanzania Electoral Monitoring Committee (TEMCO).

On 23 October, observers were deployed to 17 of the 25 regions throughout the country where they held meetings with local stakeholders, attended rallies and visited over 230 polling stations on the mainland and the islands of Zanzibar on the voting day.

The SADC Parliamentary Forum's observer mission made the following observations:

- The elections on the mainland were generally conducted in a peaceful atmosphere though a number of isolated acts of intimidation were reported.
- The people could and did vote freely for the party of their own choice. However, it was apparent that there was unequal access to the media, funding and other resources to the opposition parties;
- Voting and counting proceeded smoothly on the mainland;
- We observed that gender balance was maintained among the electoral staff and not among the candidates;

In respect of Zanzibar, we have noted the following:

- We recognise the commitment of the Zanzibar Electorate to the democratic Elections following their massive and impressive turnout on the voting day

- The prevailing tense atmosphere before, during and after the elections was not conducive to peaceful, free and fair elections;
- The voting process was not conducted in an efficient and competent manner as admitted by ZEC itself leading to the nullification of the election in 16 out of 29 constituencies;
- In numerous constituencies ballot papers were not delivered on time, and some polling stations opened late, or never opened at all;
- In the light of the above, it is not surprising that the Zanzibar Electoral Commission (ZEC) has admitted failure;
- The ZEC capacity to organise and manage the elections fell far short of expectations.; and
- Given the comparatively small geographical size of Zanzibar, it is difficult to believe that such problems were purely technical.

In the light of the above the SADC Parliamentary Forum observer mission recommends the following:-

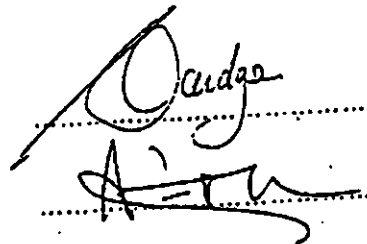
- All the political parties and the Zanzibar Electoral Commission should urgently meet to agree on fresh elections in accordance with the law.
- The Zanzibar Electoral Commission should be reconstituted to reinstate confidence in the electoral process by all stakeholders and in the long term the entire structure of the National Electoral Commission should be re-examined
- All political parties should have equal access to the media and other resources to ensure a level playing field; and
- A cessation to all acts of violence and an early peaceful resolution to the current crisis should be found

A comprehensive report containing our observations and recommendations will be submitted to the SADC Parliamentary Forum stakeholders in the United Republic of Tanzania and other member Parliaments.

Hon G Doidge, MP
Chairperson

Hon K Msiska, MP
Vice Chairperson

Date : 31st October 2000



The block contains two handwritten signatures. The first signature is 'G. Doidge' and the second is 'K. Msiska'. Both signatures are written in black ink and are positioned above two horizontal dotted lines.



Commonwealth Observer Group

Zanzibar, 29 October 2000

News Release

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

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

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

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

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

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

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

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

Zanzibar
30 October 2000



Commonwealth Observer Group

Zanzibar, 29 October 2000

News Release

3 November 2000

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

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

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

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

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

**Joint Statement of the international observer delegations
regarding the second multi-party elections
in Tanzania on 29 October 2000**

On the recommendation of the National Electoral Commission, the Government of the United Republic of Tanzania invited international observers for its second multi-party General and Civic Elections on 29 October 2000. Long-term international observers from European Union countries and Norway were in place on Tanzania mainland before the end of July 2000, and were able to observe most phases of the electoral process, including the training of Registration Assistants, the registration of voters, the nomination of candidates, civic and voter education programmes, the campaign, and the distribution of election materials for registration and polling. They were able, in addition, to speak to political party representatives and to maintain a dialogue with the National Electoral Commission at all levels.

In the days leading up to polling, teams of Short-term Observers from all the signatories of this statement, as well as other organisations, joined the observation effort, making a total of 160 observers. They were able to observe polling and counting in about 1,000 polling stations.

The following countries and organisations are signatories of this statement, which refers only to Tanzania mainland: European Parliamentarians for Africa (AWEPA), European Union in association with Switzerland, the Organisation of African Unity (OAU), Canada and Nigeria. The observer delegations commend the valuable co-ordination and logistical support provided by the Joint Electoral Assistance Secretariat of the United Nations and European Union.

The Pre-polling period

On mainland Tanzania, the Long-term Observers found that the registration process was efficiently, freely and properly carried out in the presence of party representatives, with only minor irregularities noted on a local level, and a small number of problems caused by insufficient or late distribution of registration materials. The nomination of candidates was also carried out in accordance with the regulations, and protests were properly dealt with by the National Electoral Commission. The National Electoral Commission is also to be commended for its effective training programmes for registration personnel.

International observers noted with some regret that civic and voter education throughout the country was inadequate, and recommend that the National Electoral Commission and the Government of Tanzania should regard voter and civic education as a high priority between elections, as well as in every election season.

The election campaign failed to match the high quality of the previous phases of the electoral process. Observers found that the Code of Conduct for Election Campaigns, signed by most of the parties, was frequently breached, especially by abusive, provocative or divisive language. They noted frequent use by the government party of official personnel and resources for campaign purposes, and recommend that a

clearer distinction be maintained at all times between governmental and party-political activities. Government-owned media showed a marked bias in favour of the government party: efforts by the National Electoral Commission to redress the balance were largely unsuccessful. Observers were glad to record, however, that the campaign on the mainland was carried out peacefully except for some local and minor disturbances. Although opposition parties made many allegations that the police harassed their campaign activities and favoured those of the government party, the observers concluded that any disadvantage had no material effect on overall results.

The Polling and counting process

The polling and counting of votes on 29-30 October took place in a generally calm and peaceful atmosphere. The National Electoral Commission is to be commended for its distribution of polling materials in good time for election day. With the exception of some minor and isolated irregularities, which had no bearing on the outcome, the correct procedures were followed throughout the mainland. Observers noted a high level of consensus and helpfulness between party agents and NEC staff in the polling stations. The presence of multi-party representatives ensured transparency in voting procedures. They found that with few exceptions the polling stations were properly set up and provided with sufficient materials. All of the delegations were greatly impressed and encouraged by the commitment, dedication and competence of polling station staff. The training on closing and counting procedures could, however, be improved, as could the logistics for collection of election materials. The NEC and the people of Tanzania can be congratulated on the calm, tolerant and efficient way in which polling was carried out on the mainland. However, the observers all deeply regret the problems recorded by observer delegations present in Zanzibar.

The international observers on the mainland, listed above, have noted a large degree of transparency in the different stages of the electoral process. The accuracy of the procedures followed on polling day, and immediately after, enables them to conclude that the Tanzanian Elections of 2000 in mainland Tanzania were generally peaceful, freely conducted and representative of popular opinion.

Dar Es Salaam, 31 October 2000

IFES

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