



**EAST AFRICAN COMMUNITY**

**ELECTION OBSERVATION MISSION TO THE 20<sup>TH</sup> MARCH 2016 RE-RUN GENERAL ELECTIONS IN ZANZIBAR**

**STATEMENT**

**Zanzibar, 21<sup>st</sup> March 2016**

**Introduction**

The East African Community (EAC) deployed an Election Observation Mission (EOM) to Zanzibar for 20<sup>th</sup> March 2016 re-run general elections as a follow up to the EOM deployed during the 25<sup>th</sup> October 2015 general elections in the United Republic of Tanzania. The EAC observed both in Mainland and Zanzibar during the October 2015 polls. The re-run elections in Zanzibar were held following the cancellation on 28<sup>th</sup> October 2015 of results of the October 2015 elections by the Zanzibar Electoral Commission (ZEC). The EAC EOM had issued a post-election statement on 29<sup>th</sup> October 2015 and urged the political leadership of the United Republic of Tanzania to expeditiously resolve the situation for the sake of democracy and stability of the country.

The EAC EOM in Zanzibar was led by His Excellency Moody Awori, former Vice-President of the Republic of Kenya. The EOM had a total of 12 observers drawn from the East African Legislative Assembly, Human Rights Commissions, Election Management Bodies, Registrars of Political Parties and Ministries responsible for EAC Affairs from EAC Partner States namely, Burundi, Kenya, Rwanda and Uganda. The EOM was on the ground from 17<sup>th</sup> to 21<sup>st</sup> March 2016. Five teams of observers were deployed to Unguja and Pemba islands to observe voting and counting processes. Prior to deployment, the EAC EOM undertook stakeholder consultations with ZEC, Zanzibar Law Society, Police and political party representatives from Chama Cha Mapinduzi (CCM) and Civic United Front (CUF). The findings of the EOM constitute an addendum to the final report of the EAC EOM to the 25<sup>th</sup> October 2015 general elections in the United Republic of Tanzania submitted to the EAC Secretary General on 18<sup>th</sup> February 2016.

## **Political and Legal Context**

The cancellation of the 25<sup>th</sup> October 2015 general elections in Zanzibar by the ZEC was premised on gross irregularities in some constituencies in the island of Pemba, amidst a declaration by one of the candidates to have won the presidential elections for Zanzibar. This was in contravention to the electoral law which only mandates ZEC to announce the winner of an election.

The cancellation of the results of the October 2015 elections was opposed by some political stakeholders including political parties. According to Article 51 (2) of the Zanzibar Electoral Act 1984 as amended, ZEC has the authority to postpone an election if there are impediments to holding such an election. Once the elections are held, the jurisdiction to determine and duly declare the elections as null and void rests with the High Court in line with Articles 117 and 118 of the Electoral Act.

The EAC EOM also noted that Article 119 (3) of the Constitution of Zanzibar of 1984 as amended provides that “no court shall have jurisdiction to enquire into anything done by the Zanzibar Electoral Commission in the performance of its functions in accordance with the provisions of this Constitution”. There are, therefore, different interpretations as to the legality of the cancellation of the elections.

Following the cancellation, ZEC announced a re-run of the polls which was accepted by some parties and rejected by others. In an effort to resolve the political stalemate a political dialogue was initiated.

ZEC published the same names of candidates and parties which participated in the October 2015 elections in the ballot papers despite some of them announcing a boycott.

## **Election Day Observation**

EAC observers visited 70 polling stations of which 80% were located in Unguja and 20% in Pemba. All polling stations visited by EAC observers opened on time at 7am. The polling officials followed the opening procedures as provided for in the Electoral Act. All polling materials were available during the opening of polls and in sufficient quantity throughout polling process in the visited stations.

A high presence of security personnel in polling stations was witnessed in stations visited of which some EAC observers noted were disproportionate and somehow intimidating. The polling environment was generally peaceful and calm.

There were generally short queues observed and evidently no congestion in polling stations. In some stations, the EAC observers did not witness any voters presenting themselves to cast their votes.

Citizen observers whose presence was noted in polling stations visited include Veteran Young Pioneer Observers, Serta, Zanzibar House of Inspiration, and Zanzibar Legal Services Centre. Party agents whose presence was visible in all stations visited were from CCM political party. In

isolated cases, the EAC observers met with party agents from AFP, Sauti Ya Umma, Africa Democratic Alliance, Tanzania Labour Party, Alliance for Democratic Change, and Alliance for Tanzania. However, there was absence of agents of the main opposition party, CUF, in all stations visited.

All polling stations visited closed on time at 4pm as per the procedures, which was followed by counting after voters who were in the queue had cast their votes. The presiding officers emptied ballot boxes prior to counting and ensured that the used ballots papers tallied with the number of voters that turned out to vote. The EAC observers noted that there were high number of rejected votes in some stations where they witnessed the counting process. Party agents present in polling stations were given copies of the results as per the procedures.

### **Recommendations**

Based on the above findings, the EAC EOM makes the following recommendations:

#### **To political stakeholders:**

- Pursue political dialogue to achieve peaceful, inclusive and sustainable solution to the political stalemate that remains unresolved.

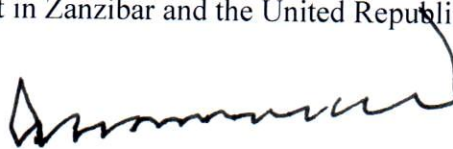
#### **To the Revolutionary Government and House of Representatives:**

- Engage in legal and institutional reforms in order to improve the legal framework governing the conduct of elections in Zanzibar.

### **Conclusion**

The EAC EOM would like to thank the people of Zanzibar for upholding peace during the re-run elections despite the divergent political opinion and positions regarding the conduct of the polls. This is a strong symbol of political maturity and tolerance which are key ingredients of democratic values. The people of Zanzibar are duty bound to consolidate these gains as part of a broader democratic process underpinned by the respect for divergent opinions within a nation/state context.

The EAC EOM urges all parties to embark on dialogue towards finding sustainable solution to the cyclical electoral challenges that have been experienced in Zanzibar in the past. This is in the interest of sustainable development in Zanzibar and the United Republic of Tanzania in general.



**His Excellency Arthur Moody Awori, EGH, EBS  
Former Vice President of the Republic of Kenya  
and Head of EAC Election Observation Mission**