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# Zanzibar after the Elections: Perspectives on the Political Future

**Speaker: Seif Sharif Hamad**

Secretary-General, Civic United Front; First Vice President of Zanzibar (2010–15)

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## Introduction

The following document provides a summary of a meeting held at Chatham House, with Seif Sharif Hamad, the secretary-general of the Civic United Front (CUF) and first vice president of Zanzibar from 2010 to 2015.

The speaker gave an overview of the events surrounding the elections in Zanzibar in 2015 and of the CUF's point of view on further steps to be taken. He emphasized that Zanzibar is in a constitutional crisis, and proposed that a mediator should be appointed to establish an interim government that can start the process to elect a new government of national unity. The speaker said that if Zanzibar is destabilized the ramifications will reach the mainland, and thus he appealed to the international community to take the matter in its hands.

The meeting was held on the record. The following summary is intended to serve as an aide-mémoire for those who took part and to provide a general summary of discussions for those who did not.

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## Seif Sharif Hamad

Elections were held in Zanzibar on 25<sup>th</sup> October 2015, and they were observed by several organizations from within and outside of Africa. Among them were the Commonwealth, the European Union, the African Union, the Southern African Development Community and the East African Community. There were also domestic observers. The verdict of all observers was that the election was the best since the re-introduction of a multiparty system in Zanzibar, and referred to it as free, fair and transparent.

However, when Chama Cha Mapinduzi (CCM) found out that it was losing the elections, it instructed the chairman of the electoral commission to nullify the election results. The speaker stated that this is unconstitutional, as the chairman does not have the power to do so. Even the commission itself does not have such power. Grievances can only be expressed to the High Court. If a candidate feels that there are irregularities, he or she may file a petition in the High Court of Zanzibar. The judge can then nullify the results in that particular constituency. This is the only case in which the constitution of Zanzibar allows for elections to be nullified.

The constitution also requires that, when the electoral commission makes a decision, at least five out of seven members should be present, of which one should be either the chairman or vice chairman. The nullification of the 2015 elections was done by the chairman alone. Furthermore, the chairman was not present at the polling station where the election results were announced, and the vice chairman who had taken over his tasks was taken away from the polling station by the police. This threw Zanzibar into a constitutional crisis.

In accordance with the constitution, a president will be in office for five years. The current president started on 3 November 2010 and should have completed his term on 2 November 2015. However, he remained in office. The speaker met with the incumbent and presidential candidate of the CCM together with the president, the second vice president and the former presidents of Zanzibar. After eight sessions, no progress was made. Before a solution was found, a re-run was announced, which the vice president did not agree with.

The re-run was held 20 March 2016 and was boycotted by the CUF because the nullification was unconstitutional. The majority of Zanzibaris did not vote. Of 402,000 registered voters, only 58,000 turned out on the day, less than 15 per cent of the electorate. After the election, the CUF stated that it would not cooperate with the government.

Zanzibar is not far from Somalia and Mombasa, where extremist organizations are based. There is a danger if young, frustrated youth are faced with a democracy that does not work. The CUF has done its best to restrain them from violence and to find a peaceful solution. However, how long can this continue? With terrorism nearby and a large number of restless young people, it is not impossible for terrorist organizations to find recruits.

Zanzibar is predominantly a Muslim society. If democracy is allowed to flourish, it could be a model for other parts of the world. If the resources of Zanzibar are utilized well, Zanzibaris can be very successful. The right policies can make Zanzibar a hub for the rest of Africa, with a service industry for gas and oil in the region. The current impasse needs to be acted upon.

The perspective of the CUF is that, in order to find a solution, there should be a mediator appointed from within Africa who is respected and fair-minded. An interim government has to be established and led by a respected Zanzibari who enjoys the confidence of both parties. Ministers must be drawn from both parties. One of the tasks of such a government will be to reform the electoral law in order to enable the establishment of an independent body that is capable of running the elections. The interim government has to organize elections whose results will be respected by every party. Whoever wins should then, in accordance with the constitution of Zanzibar, establish a government of national unity.

Ideology is the main cause for division in Zanzibar. For the past five years, Zanzibar was peaceful; people began to work together irrespective of their ideologies. The government led by the CCM had to work with a new system that faced problems, but at least Zanzibaris were united, peaceful and working together. Zanzibar must revert to such a government of national unity. The current president's government is run solely by the CCM, which makes it unconstitutional. The international community should take action. There is a need for intervention, rather than waiting until there is bloodshed. A solution acceptable to both parties needs to be reached, ensuring that Zanzibar and Tanzania remains peaceful. If Zanzibar is destabilized, the ramifications will reach the mainland.

## Summary of Question-and-Answer Session

### Question

What are the speaker's reflections on the responses from Tanzania and the international community at the time, and what should have been different?

**Ismail Jussa, [CUF?] director of foreign affairs and international relations**

The initial response of the international community was very positive. International and national representations openly stated that there was no ground for the nullification and that a winner had to be announced. Seventeen heads of diplomatic missions in Dar es Salaam made a joint statement calling for the restoration of the electoral process.

The government's response was very heavy. Tanks and armed military personnel were deployed on the streets of Zanzibar. Seif Sharif Hamad is now trying to mobilize support so that imminent chaos can be prevented.

#### **Question**

Regarding personal security, have there been arrests, or the threat of arrests, of the speaker or his members?

#### **Ismail Jussa**

There is an atmosphere of intimidation and fright in Zanzibar. Ninety-five of the [CUF?] leaders, including all constituency chairmen, constituency secretaries and a former minister in the government of national unity are in police custody. The police is not willing to release them. There is increasing government oppression, use of force and intimidation. People are being arrested indiscriminately and no process of law is being followed. The director of criminal investigations in Zanzibar has publicly declared on state television that lawyers who would try to seek bail for those in custody would be arrested.

Furthermore beatings are the order of the day. Government paramilitary units are roaming the streets; they are infamously referred to as 'the zombies'. These special forces do not wear government uniforms and carry not only conventional weapons, but also traditional weapons such as machetes and axes.

#### **Issa Kheir Hussein, head of staff in the office of the CUF secretary-general**

No less than 150 people have been detained between the nullification of the election and the present time. Only some of them have been released on bail.

#### **Question**

When the speaker spoke in the House of Commons, what responses did his pleas get from the UK government?

#### **Seif Sharif Hamad**

There were meetings in the Foreign Office and with other UK government officials. The members of parliament were very positive. It has been proposed that a dossier should be prepared and sent to the House of Commons, which will then work on it. The government officials promised to continue following the developments in Zanzibar.

#### **Questions**

Considering the fact that Zanzibar has a history of fragile elections, should recent events not be seen in this context?

Should it be taken into account that the electoral commission is composed of representatives of political parties?

In many countries the constitution does not direct that a government of national unity be formed, instead leaving this to be determined by the results. Why does Zanzibar not subscribe to this?

Does the speaker see his requests sitting well with the constitutional provisions that a government of national unity has to be formed?

### **Ismail Jussa**

It is true that events in Zanzibar have to be put in historical context. However, this is an excuse that is used to try to camouflage what is happening. Especially since the re-introduction of multiparty politics, every five years the army uses its powers to impose leaders on Zanzibar that its people do not want. The nullification of the election did not happen because of historical circumstances; it was because of the army being deployed at the polling station to stop the continuation of the results. The defeat of the CCM in the elections was overwhelming. The results for the first 51 constituencies showed that the CCM had been beaten and had been made public.

It is true that the electoral commission is composed of party representatives. However, the majority of the commissioners had already decided on 27 October that, because the chairman was not cooperating, they would go ahead and announce the results. On this day, the vice chairman of the commission, who is not a representative of a party, was kidnapped in front of international observers in order to prevent him from announcing the results. Instead, the chairman announced the nullification by himself in a closed room where only state television was allowed.

The CUF has challenged the government to declare which constitutional provision has given them the power to rule. The EU observers published their results a month ago, stating that for the past six months they have been demanding the CCM provides evidence that the elections were rigged and had to be nullified. However, they have failed to obtain this. As such, the CUF is calling for mediation and a dialogue similar to previous amendments.

### **Questions**

What action from the international community is the speaker looking for in the current situation?

As the Commonwealth and the former president of Nigeria, Goodluck Jonathan, have been quite involved, how does the speaker see his office and the role of the Commonwealth in international efforts to work out a solution?

Has the speaker had phone conversations with President John Magufuli regarding this crisis and, if not, would he be willing to talk to him?

### **Ismail Jussa**

The support of the international community is needed because the CUF has not been given a chance by the authorities and the CCM. All attempts to reach out to President Magufuli have been ignored. As such, the international community needs to appeal to the Tanzanian leaders to understand that it is in everyone's best interest that these issues are resolved.

The Commonwealth has a history of engagement in Zanzibar and Zanzibar has been building on this relationship. The CUF calls for the Commonwealth to also take this matter into its hands and intervene.

### **Seif Sharif Hamad**

The former president of Nigeria was in Zanzibar and Tanzania during the elections, but disliked the Commonwealth observer team. The Commonwealth appointed him to look into the matter, but so far nothing has been done.

Regarding President Magufuli, the speaker wrote to him on the day that he was sworn in, requesting to meet. It was not until 30 December 2015 that this meeting happened. President Magufuli listened carefully but stated that he did not have the power to intervene. The speaker stated that, even if he did not have the constitutional power to do so, the president has the wisdom to at least advise on the steps that have to be taken. There has not been a further response from President Magufuli.

### **Question**

If the constitutional reform process were to be re-awakened and would go ahead, could this change and strengthen the relationship of the union?

### **Ismail Jussa**

This is a lost opportunity. It could have been a source of stability for Tanzania in many ways. A major issue for Tanzania has always been the relationship between Tanzania and Zanzibar in a lopsided union. The union has been established without the proper consultation of the people.

After investments of more than TZS 70 billion in it, the constitutional review commission, headed by respected members of the CCM came up with a very good draft. Unfortunately, when this draft was presented to the constitutional assembly, the CCM used the power of the president to appoint members from outside parliament to support the party. With this majority, it managed to throw out the draft. CCM members were then appointed to the commission to prepare another draft. Even after the opposition boycotted this, the draft was not agreed upon. After the elections, the CUF thought that President Magufuli would re-start the process, but there will instead be a referendum on the same draft that previously led to chaos.