

TANZANIA ELECTION MONITORING COMMITTEE (TEMCO)

INTERIM STATEMENT ON THE REFERENDUM HELD IN ZANZIBAR ON 31ST JULY, 2010

(Released on Sunday, August 1st, 2010)

The purpose of this interim statement is to provide immediate feedback on the Referendum held in Zanzibar on 31st July, 2010. TEMCO will produce a detailed report on the Referendum in the near distant future.

The Tanzania Election Monitoring Committee (TEMCO) led by the Research on Education for Democracy in Tanzania (REDET) deployed a team of observers in Zanzibar (Pemba and Unguja) since November, 2009 to observe the electoral processes leading to both the referendum on 31st July 2010 and general elections on 31st October 2010. Regarding the referendum the observers focused on voter registration and updating of the Permanent Voter Register (PVR); the activities of the House of Representatives' Committee of Six; the efficacy of the Zanzibar Electoral Commission (ZEC) in the management of the referendum; voter education; campaigning, polling/voting and vote-counting processes as well as the declaration of results.

TEMCO wishes to express its sincere thanks to the Revolutionary Government of Zanzibar, particularly the Zanzibar Electoral Commission for the permission and accreditation to observe the Referendum processes and close cooperation; the American people through USAID for the financial support to observe the Zanzibar electoral processes and the Referendum; and the House of Representatives' Committee of Six" and leaders of political parties for providing useful information to us and other Referendum Observers mission, particularly the UNDP team for cooperation.

This interim report highlights the major issues, including strengths and weaknesses, arising from the referendum process. A more detailed assessment will follow in a comprehensive Referendum Observation Report which is now under preparation.

Methodology

TEMCO deployed 380 Observers in both Unguja and Pemba. The Long Term Observers were 20 and 350 were Short Term Observers (STOs). Each region had one LTO who also served as Regional Referendum Observation Coordinator (RROC). Other LTOs were placed in districts to serve as District Referendum Observers (DROs) and they were also responsible for referendum observation activities in all constituencies in the district, including recruitment, training and supervision of STOs-cum-poll watchers who were deployed at each polling centre on the Referendum Day. All observers received the required training in order to ensure that they had sufficient knowledge on their role and responsibilities; TEMCO code of ethics and conduct and ZEC's "Guidelines for Local and International Observers". The observers collected the desired data by using three mutually reinforcing instruments, namely the questionnaires, interviews and observation guidelines.

Voter Registration and Updating of the Permanent Voter Register for the Referendum and 2010 General Elections

In most constituencies the registration clerks did their work competently and with a sense of duty and responsibility. The supply of registration materials was in general adequate; the registration centres were opened and closed on the prescribed time. Defective devices were repaired or replaced in good time; and most of those who wanted to register were able to do so in accordance with the provisions of the law and regulations governing the registration and updating of the PVR. The supervision of the registration clerks was carried out effectively and there was no shortage of registration materials at the centres. TEMCO observers' reports do not show cases of double registration or under-age registration. Two major political parties, CCM and CUF placed agents almost at all registration centre but other parties did not. Security at the registration centres was adequately provided by Uniformed Policemen and Policewomen. There were no reported cases of harassment or intimidation.

Updating of the PVR was concluded on 5th May, 2010 as planned by ZEC. ZEC conducted a special registration exercise on 8th and 9th May, 2010 to register potential voters who were identified on 22 to 28th February 2010 as having missed the official registration period due to the lack of a ZAN ID. A total of 3368 voters who were in the 2005 Permanent Voters Register were identified as qualified voters but were not in the new PVR due to a lack of ZAN IDs. TEMCO observed that the exercise was done peacefully in all centers observed. However, the estimated number of potential voters by ZEC was far from the number who actually registered. ZEC estimated 1,984 voters but the actual turnout during registration was 436.

TEMCO observed the display of the PVR by the Zanzibar Electoral Commission (ZEC) from 14th June to 20th June, 2010. The exercise was conducted in all Zanzibar constituencies. ZEC publicized the exercise through Television Zanzibar (TVZ), Sauti ya Tanzania Zanzibar (STZ) and Zanzibar Leo Newspaper. The political parties also sensitized their members of the importance of checking their names and taking the necessary measures to address any problems. TEMCO observed that the exercise was conducted peacefully and effectively compared to the 2000 and 2005 elections where voters were given a very short time to check their names prior to voting. Unlike previous elections, there were no complaints of registration of unqualified voters such as foreigners and persons below 18 years of age. Most of the complaints were related to typographical errors. However those problems were solved in time by the ZEC technical team. On 25th June, 2010 voter identity cards were distributed at the registration centers. No deadline was given for collecting the voter registration cards.

However, TEMCO observers identified a few problems which should be highlighted here:

- i. Throughout the new voter registration and PVR updating processes the lack of ZAN IDs was the major constraint that left a large number of potential voters unregistered. Through the interviews and observations voters attributed the failure to secure ZAN IDs to the following factors:
 - That Some *Shehas* discretionally and illegitimately refused to provide application forms to potential voters to enable them to obtain ZAN IDs;
 - That there were those who had no birth certificates (*targisi*) and the process of obtaining them cost time and a significant amount of money – including the costs of transport because applicants were put in a ‘go and return again’ mill. This entailed going to the district headquarters to make a follow up and paying

penalties for a late application. The amount involved was alleged to vary between 30,000/= and 45,000/= shillings, a considerable burden for common people.

- That those born in 1963 or earlier faced the requirement of obtaining a legitimate ZAN ID by obtaining affidavits in a court of law, which also had high costs in terms of financial expenses, time and cumbersome bureaucratic procedures.

Management of the Referendum

The management of the Referendum was the responsibility of the Joint Committee of Six people which was formed following the resolutions of the House of Representatives on 29th January paving the way for the creation of a Government of National Unity. As well, the Zanzibar Electoral Commission by virtue of its constitutional mandate had the obligation to manage the referendum processes. The referendum was not carried out in a vacuum; it was informed and governed by the Referendum legislation (i.e. Act No. 6 of 2010).

TEMCO observations revealed that both the Committee of Six and ZEC carried out their activities consonant with the requirements and provisions of the law. The Committee of six organized a number of sessions in order to educate the people on the rationale of a referendum and political benefits of the Government of National Unity. They held meetings with several groups in Unguja and Pemba. In Unguja these included the Zanzibar Press Club, involving all media institutions on 19th July 2010; Civil Society Organizations on 20th July 2010; Higher Learning Institutions on 21st July, 2010; Shehas on 26th July 2010 and Religious Leaders on 22nd, July 2010 and later (27-30th July, 2010) the Committee of six left Unguja for Pemba for similar meetings. Moreover, useful information on the Referendum was communicated to the wide public through the electronic (Radio and Televisions) and print media (News papers) as well as posters. The Committee of six and ZEC were funded by the Revolutionary Government of Zanzibar to implement the Referendum activities. TEMCO observers noted that:

- Despite a short period of only two weeks the Committee of Six was able to meet and educate and discuss issues pertaining to the referendum and GNU with different groups of people of Zanzibar society.
- ZEC recruited and selected the referendum personnel in a manner which was transparent and competitive, abiding by the principles of merit staffing.
- Qualifications of potential candidates for the post of District Referendum Officers; Assistant District Referendum Officers; Constituency Referendum Officers; and Assistant Constituency Referendum Officers were spelt out clearly.
- Selected applicants received adequate training on their role and responsibilities. TEMCO observers were satisfied with the performance of the ZEC personnel at all levels.
- The distribution of referendum materials was carried out efficiently and effectively using the assistance of the Tanzania Peoples Defense Forces (TPDF). TEMCO observers' reports reveal that there was no single polling stations which had insufficient materials for the Referendum Day.

Despite the good work that was carried out by the Committee and the electoral management body, ZEC, TEMCO noted the following shortcomings which are worth pointing to:

- The financial resources that were disbursed by the Revolutionary Government of Zanzibar to the Committee and ZEC to run the referendum were too inadequate to meet the referendum requirements. For instance, ZEC required Tshs 3 billion but only 2 billion was made available to the Referendum management body;

- The time which was spent to educate the public on the rationale and objectives of the referendum and GNU was somewhat inadequate.
- Some Government officials including the *Shehas* and District Commissioners to some extent undermined the initiatives to educate the public on the referendum in different significant ways;
 - Some did not allow some CSOs which were contracted by ZEC to provide voter education to carry out their activities without hurdles.
 - Some posters carrying messages on the referendum that were sent to government officials for distributing and posting to public places never found the way out of their offices.
- The use of military personnel for distribution of referendum materials is not sacrilege taking into account the concrete conditions of ZEC. However, electoral processes including referenda are political-cum-civilian activities which do not necessarily call for the use of armed military personnel. There is an urgent need to build and enhance the efficiency and effectiveness of ZEC in logistic management.

TEMCO observations reveal that despite of these isolated shortcomings here and there the integrity of the referendum process in its entirety was not affected.

Voter Education

TEMCO noted that UNDP provided funds to ZEC to facilitate voter education specifically for the Referendum. Sixteen CSOs (8 in Unguja and 8 in Pemba) were contracted by ZEC to offer Voter Education. Moreover, there were 3 groups also contracted by ZEC to offer voter education through Street displays and performing arts. Both the Electronic and the print media played a significant role in providing Voter education.

However, TEMCO noted that:

- Some of the CSOs were denied opportunity to provide voter education to the people;
- Due to inadequate funding they did not reach the targeted areas and population
- The conditions attached to the disbursement of funds to the CSOs were too stringent to allow effective facilitation of voter education.

Campaigns

According to ZEC and the Committee of Six there were no official campaigns in terms of pro-“YES” camp and pro-“NO” camp. It was argued that the existence of such campaigns would create divisions and misunderstandings among the people. However, TEMCO observations revealed that there were both “open” and “underground” campaigns. The open campaigns were carried out by the ‘YES’ camp, including leaders of the major political parties, the architectures of *Maridhiano*; Tanzania Centre for Democracy; the Committee of Six and other pro-YES supporters. Moreover, a number of posters with Pro-“YES” messages were distributed in public places.

The “underground” campaigns were carried out by the pro-“NO” camp. The anti-referendum and GNU messages were read by TEMCO observers mainly at Kisonge CCM Maskani. Some *Shehas* were also accused of carrying out underground campaigns. However, TEMCO observers did not gather evidence to justify the allegations. Some of the pro-“NO” crusaders wrote and distributed pieces of papers with “character assassination”, defamatory and “intimidatory” messages targeting specific innocent individual leaders. One of the pieces

carried a title “ Ilinde Nchi Yako Julai 31 kwa Hapana” (Defend your country with a ‘NO’ vote on 31st July) and the second was titled “Barua ya Wazi kwa Spika – Kificho” (Open Letter to Speaker-Kificho). TEMCO is of the view that:

- Such messages were a threat to peace, tranquility and political tolerance in Zanzibar
- The negative campaign messages could fuel antagonism and undermine the drive to building political consensus in Zanzibar
- The Committee of Six and ZEC had noble responsibility to condemn such malpractices in the referendum campaigns.

Referendum Day

Reports of TEMCO observers show that the polling centres and polling stations were opened and closed on the required time. Names of voters in the PVR were displayed as stipulated by the Referendum Act. There were sufficient polling stations; hence the voters did not spend much time on queues. The referendum materials were adequate enough to allow smooth polling. The Referendum Polling Assistants, by and large, carried out their duties and responsibilities as required. However, TEMCO is of the view that:

- Voters should have been encouraged to verify their names before the Referendum Day.
- Names of the voters in the PVR at the Polling Centres should have been displayed in legible alphabetical letters visible from a distance to avoid overcrowding.
- Some Referendum Assistant officers who were appointed to assist the voters who had difficulties in reading and writing (including the illiterate voters) were not effective as they should have been.
- TEMCO noted that ZEC did permit the presence of the agents of political parties in polling stations. However, it allowed political parties to apply for accreditation to observe the referendum processes. TEMCO observed that only CUF had accredited observers in most polling centres and polling stations.

Policing the Referendum

TEMCO observers’ reports reveal the presence of adequate uniformed and unarmed policemen and policewomen at polling centres and polling stations. TEMCO wishes to state that, in comparison with previous elections, the Police personnel demonstrated acceptable level of professionalism and integrity in executing their duties and responsibilities at the polling centres and stations. Some of the good conduct of the Police is worth pointing to:

- Some police personnel helped the voters and the disabled to locate their polling stations
- They helped the elderly, expecting mothers, the sick and the disabled
- Almost all police officers used a voter-friendly language
- There was satisfactory cooperation and interaction between the police officers and Referendum Assistant Officers as well as Referendum Observers

In light of the preceding, TEMCO is able to point out that in comparison with the 1995, 2000 and 2005 elections the Tanzania Police Force showed improved professional conduct and competencies in policing elections.

Vote Counting and Declaration of Results

TEMCO observers revealed that the required procedures for transforming the polling stations into poll counting stations were followed. The votes were counted as required by the

Referendum law. Results were displayed at the polling stations as required. TEMCO noted that:

- The number of spoilt/invalid votes was significant, TEMCO observers reports reveal that, on average, 2.9 percent of all votes were spoilt. This calls for more Voter Education interventions.
- There were no enthusiasm and eagerness of the public to know the results as soon as they were posted at the polling stations;
- ZEC with the assistance of UNDP had established the Observers, Media and Results Centre at Bwawani Hotel. This was a commendable initiative to extend access of the results declaration process to the media, observers and the public.

Gender

The elections revealed a male-female balance in the politics of the country. Women role as Referendum Presiding Officers/electoral officials and voters at polling stations was very prominent. However, the participation of women as ZEC commissioners, ZEC officials Constituency Referendum Officers, District Referendum Officers was acutely very low.

VERDICT

In the light of the preceding context, TEMCO is able to conclude that despite anomalies stated above, TEMCO is in position to state unreservedly that the 31st July 2010 Referendum held in Zanzibar had the necessary hallmarks of democratic referenda; hence the referendum qualifies for TEMCO certificate of a **Transparent, Free and Fair**.

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