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Beyond polarity in Zanzibar? The 'silent' referendum and the government of national unity

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On 31 July 2010 the Revolutionary Government of Zanzibar held a referendum to decide on the government of national unity so as to end the impasse between the two main political camps, each dominating one of the two islands of Unguja and Pemba. The outcome of the referendum was that the majority of Zanzibaris voted in favour of the government of national unity. This article revisits how the referendum was carried out in terms of observing the basic principles of a democratic referendum and whether the referendum would be a panacea for the polarisation between the two islands. The main argument held here is that the referendum fell short of observing some of the basic principles of a democratic referendum since it systematically suppressed the voices of those who opted for a 'No' vote. Besides this, the government of national unity created after the referendum was in essence the unity of the two major political parties, namely the Chama Cha Mapinduzi (CCM) and the Civic United Front (CUF). Relatedly, some of the fundamental issues causing polarisation are yet to be tackled, a situation which, if not addressed in time, would make this polarity a likely facet of Zanzibar's future politics.

Keywords: Zanzibar; referendum; government of national unity; CCM; CUF

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Introduction

On 31 July 2010 Zanzibar conducted a referendum to decide whether or not Zanzibar should form a government of national unity after the October 2010 general elections. This episode was unprecedented in Zanzibar's politics as well as in the politics of the entire United Republic of Tanzania.[1] Zanzibar and Tanzania as a whole had never conducted a referendum before, neither during the colonial period nor during the post-independence era. In Tanzania and Zanzibar's political history major political decisions with far-reaching implications on the structure of the state and the political system as a whole were being made without being subjected to popular opinion in the form of a referendum. Such major and fundamental decisions include the decision to unite the two sovereign states – Tanganyika and Zanzibar – into one sovereign republic in 1964, and the decision to merge the two ruling parties – Tanganyika's African National Union (TANU) and Zanzibar's Afro Shirazi Party (ASP) – into one party: Chama cha Mapinduzi (CCM) in 1977. Besides this,

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constitutions have been promulgated (before and after independence) and major constitutional amendments have been made periodically after independence, but none of these has ever been subjected to a popular referendum.[2]

Against this backdrop, one might be curious as to why and how the political authorities in Tanzania and Zanzibar decided to hold a referendum on the formation of the government of national unity (GNU) after the 2010 general elections. This paper seeks to situate the Zanzibar referendum in its immediate political context, i.e. that of the post-1995 election crises. In so doing, it attempts to chronologically review the political dynamics of reconciliation initiatives from the first accord in 1999 (*Muafaka* I) to the latest initiative (*Maridhiano*) in November 2009. In that context, the analysis of the process of the referendum will be undertaken by subsequent sections on the Zanzibar referendum.

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Background to the referendum

A synopsis of Zanzibar's political history

Zanzibar was part of the United Republic of Tanzania from 1964 following the union with Tanganyika.[3] However, under the Union arrangement Zanzibar retained its own government to run non-Union affairs. This government (the Revolutionary Government of Zanzibar) is headed by the President of Zanzibar. It has its own legislature called the House of Representatives and its own judiciary up to the High Court.[4] Zanzibar consists of two main islands and several small islets. Unguja and Pemba islands are located about 35 kilometres and 50 kilometres off the Indian Ocean coast respectively. Zanzibar has a total land area of 2232 square kilometres. Unguja, where the seat of government and the main commercial centre are located, occupies 63%; and Pemba, which has been considered a peripheral region since the colonial days, occupies 37% of the total land area.

According to the 2002 census, Zanzibar had a population of about 1 million people, about 63.2% of whom live on Unguja and 36.8% live on Pemba. According to the population projections of 2002, it was estimated that by 2010 Zanzibar would have a population of 1,279,756 (NBS 2002). The Zanzibar population is conspicuously multiracial and multi-ethnic; religiously, however, it is relatively homogeneous. Over 96% of the population are Muslims and the majority of them (about 90%) are Sunni (Lofchie 1965, 72). In the absence of up-to-date statistics of racial distribution, the pre-independence statistics (GoZ 1948) that are still used by researchers indicate that the Shirazi[5] constituted about 56.2%, Africans[6] 19.5% and Arabs 16.9%. Others were Asians (5.8%), Comorians (1.1%) and others.

Zanzibar's history, particularly from the early nineteenth century to the time of independence, was characterised by deep-seated social divisions based on social classes and racial identities (Campbell 1962; Lofchie 1965; Sheriff 1991; Glassman 2000). The divisions were already entrenched during Arab colonial rule when Zanzibar was a leading centre of the slave trade in East Africa and when the Arabs introduced a plantation economy of clove and coconut trees which relied extensively on slave labour. When Zanzibar became a British protectorate from 1890, the prevailing socio-economic divisions were further cemented under the famous British colonial strategy of divide-and-rule (Bakari 2001, 53–6). As a result of socio-economic divisions that existed during the colonial time, the nationalist struggles

that began in the 1950s did not crystallise into a broad-based social movement for liberation. Instead, they widened the already existing social polarisation. Class, racial, regional and ideological orientations of the political parties and the leading nationalist leaders glaringly polarised the political landscape on the islands (Anglin 2000; Bakari 2001).

Thus, to a large extent, the parties that emerged were associated with social classes, racial identities and geographical origins. The Zanzibar Nationalist Party (ZNP) which was founded in 1955 was largely considered a party of the upper class (landed aristocracy) representing mostly Zanzibaris of Arab origin. Admittedly, however, the relative success of the ZNP was largely due to by its appeal to multi-ethnic Zanzibari nationalism rather than Arab nationalism (Sheriff 2001; Shivji 2008) or what Glassman (2011) would refer to as 'civilizational nationalism'. The Afro-Shirazi Party (ASP) was founded in 1957 following the merger of the African Association and Shirazi Association. The ASP was considered a party of the lower classes, representing mostly Africans and relatively poor sections among the Shirazis.[7] The ideological disposition of the ASP was African nationalism as opposed to broad-based pan-Zanzibari nationalism (Glassman 2011; Shivji 2008). This interpretation of the ASP's ideological disposition, however, has often been disputed by CCM politicians who see the ASP as an integrative force in Zanzibar politics (Mrina and Mattoke 1980; Mapuri 1996).

Following internal squabbles within the ASP in 1959, a new party, the Zanzibar and Pemba People's Party (ZPPP), was founded. This party largely represented the wealthy and better-off Shirazi community, predominantly in Pemba and some parts of Unguja. Later, in 1963, a splinter group from the ZNP formed another party, the Umma Party, with a Marxist-socialist ideology under the leadership of a renowned African Marxist, Abdulrahman Babu. Although the Umma Party was not able to mobilise a numerically significant proportion of Zanzibaris and participate in the electoral process, it had a great impact on the politics of Zanzibar before and after the 1964 revolution.[8] Neither the 1963 independence nor the 1964 revolution was able to successfully deal with the issue of the political polarisation of society (Triplett 1971; Sheriff 2001). That is why, to some extent, the two main political parties on the islands, CCM and the Civic United Front (CUF), to some extent carry with them some vestiges of colonial times in the wake of multiparty politics re-introduced in 1992.[9]

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The failure of electoral politics

One of the critical questions to be addressed is: what is the rationale for a government of national unity in Zanzibar? Although elections in themselves are not an underlying or root cause of the political conflict, it cannot be disputed that Zanzibar has been consistently negatively affected by election processes and outcomes. Of the six multiparty competitive elections (January 1961, June 1961, 1963, 1995, 2000 and 2005) held in Zanzibar from the colonial days to date, none has provided an outcome acceptable to all major contestants (IFES 1995; ZEMOG 1995; TEMCO 2000; TEMCO 2006; Bakari 2001). The aftermath of each competitive election has been characterised by not conceding defeat, increased hostility, exclusion of a section of the community and suppression of political opponents (Kaiser 1999; Killian 2008). In other words, none of the six competitive elections in the political

history of Zanzibar has produced a 'legitimate' government acceptable to the major political camps. Each competitive election produced a political stand-off or impasse, so to speak. There has never been a major breakthrough, whereby the defeated party would concede defeat and vow to cooperate honestly with the victor for the well-being of the country. This negative outcome could be attributed to one of two factors or both, namely, contesting the fairness of the electoral game and/or a logical consequence of a winner-takes-all electoral system in a society that is highly polarised politically. Related to the foregoing, the two major political parties in Zanzibar have been almost equal in terms of electoral support. That is to say, the electoral system of winner-takes-all has amounted to the exclusion of roughly half of the population from government affairs.

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The failure of reconciliation initiatives

Since the re-introduction of multiparty politics and the 1995 elections, two reconciliation accords were signed but neither was implemented. One of the pertinent questions is why the first two accords (*Muafaka* I of 1999 and II of 2001) were not implemented. Was it because these accords misinterpreted the problem at hand and hence provided solutions which were not logically congruent with the underlying issues? *Muafaka* I and II actually embodied two key attributes of conflict resolution, notably the acceptance of each other's continued existence and the cessation of hostilities. However, the most fundamental issue, notably governance – determining who should control the Zanzibar government and the process by which such outcome would be determined – was never properly addressed (Heilman 2004, 57).

At the heart of the conflict are the two parties fighting for political power. The parties do not trust each other, and one of the parties does not have trust in the current process of choosing leaders (Kaiser 1999; Makulilo 2008Makulilo 2011). This is the reason none of the past multiparty elections has produced outcomes acceptable to both parties. The CUF was not prepared to accept electoral defeat because it did not believe in the integrity of the electoral process in place. On the other hand, CCM was not prepared to accept electoral defeat, not because it did not have trust in the electoral process, but because of specific political interests, which, according to CCM, should not be subjected to electoral outcomes: 'We cannot surrender power which we acquired in 1964 through a piece of paper [i.e. ballot paper].' To this group, the stakes were 'too high' (including the defence of the revolution, its history, the group and personal interests of its members) to be left to unpredictable electoral outcomes, however free and fair they may be. Those stakes, according to that group, ought to be guarded by whatever means possible, including excessive use of force (Myers 2000; Bakari 2001; Suhonen 2009).

Those concerns and fears among the key political actors could be reasonably addressed and accommodated under power-sharing arrangements in the form of a government of national unity. However, both *Muafaka* I and II did not entrench the idea of a government of national unity into the Zanzibar Constitution. But, above all, the top political leadership, particularly the Zanzibar presidents, and the presidents of the United Republic as individual actors with their specific interests, were not yet seriously committed to the agreement. Thus, in the absence of strong domestic and international pressure, the political leadership in Zanzibar and in the

Union Government could still find a way of temporarily defusing the problem or at least postponing its solution for some time.

Gentlemen's agreement (Maridhiano)[10]

The collapse of the negotiations for the third peace accord created a situation of uncertainty and apprehension among the key political actors. President Kikwete and CCM's Secretary General were persistently urging their counterparts to go back to the negotiation table, but the latter had resolved not to proceed with the process, arguing that they had been betrayed by their counterparts and returning to the negotiation table would amount to losing their credibility as leaders in the eyes of their followers, who had been anxiously waiting for quite a long time without any tangible success.

The process leading to *Maridhiano*, and consequently the passing of the bill for a referendum on the government of national unity, brings to the fore an aspect of political dynamics beyond institutional arrangements. *Muafaka* 1 and II and negotiations for *Muafaka* III, which ultimately collapsed before reaching a final agreement, were all, strictly speaking, carried out within the existing institutional arrangements of the party structures of the two parties. Select committees composed of members from the two main rival parties were instituted under the co-chairmanship of the two Secretaries General. These committees engaged in structured negotiations and formal agreements (in the case of *Muafaka* I and II) with clear terms were ultimately signed by the leaders of the two parties in official ceremonies at the House of Representatives. In the case of *Maridhiano*, however, the process leading to it was fundamentally different. The process and the agreement were basically informal and were, by and large, a product of two main architects, notably Zanzibar's President Amani Karume and CUF Secretary General Seif Shariff Hamad. No clear terms of the agreement under *Maridhiano* were ever made public. The two leaders simply declared their broad statement of intent after they had met in camera at the Zanzibar State House. This does not suggest that there were no intermediaries who might have facilitated the rapprochement between the two leaders, but the entire process was informal and clandestine.

President Amani Karume of Zanzibar and CUF Secretary General Seif Shariff Hamad met for the first time on 5 November 2009 and concluded an agreement locally and popularly known as '*Maridhiano*' to forget the past and open up a new page of Zanzibar's political history. The agreement between the two leaders was basically informal and verbal. The exact terms of the agreement, if any, were a secret between the two leaders. Thereafter, a series of measures were taken which signalled a commitment to the reconciliation agenda. Such measures included the unanimous passing of a private bill on 28 January 2010 by the House of Representatives for the holding of a referendum on formation of a government of national unity in Zanzibar after the October 2010 general election. Such a power-sharing deal is not unique to Zanzibar. Several countries in Africa have employed some form of inclusive government, though the practice and effectiveness have varied. These countries include Kenya, Zimbabwe, Angola, Comoros Islands, Burundi, Central African Republic, Congo, Chad, Côte d'Ivoire, Democratic Republic of Congo, Djibouti, Liberia, Mali, Senegal, Somalia and Sudan (Cheeseman 2010).

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Referendum revisited

A referendum is a ballot on a political issue in which citizens are directly consulted to make decisions on either accepting or rejecting a proposal considered of great importance in their respective polity. At its bottom line, therefore, a referendum is based on the principle of majority rule to legitimise a political agenda (Qvortrup 2002, 19). Many countries, particularly in the Western world, use referendums, though infrequently. Butler and Ranney (1994) observe that about 799 national referendums were held in the world up to 1993, of which half took place in Switzerland and another 20% in other European countries.

As the phenomenon has been sweeping across developed democracies in the West, the African continent has not been completely spared. A number of African countries have been increasingly adopting this process, particularly in the wake of multiparty political systems since the early 1990s. In March 1992 South Africa held a referendum where white South Africans were asked to vote to determine whether or not they supported the negotiated reforms that would end the apartheid regime. The outcome was a large victory for the 'Yes' side (68.73%) with those opposed constituting 31.27%.[11] The same year, in its 1992 Constitution (Article 5), Ghana provided for the holding of referendums in, among other things, the creation and alternation or merger of regions; as well as in cases involving recalling an elected member of a District Assembly (Constitution of the Republic of Ghana, 1992, as amended). In January 2011, South Sudan held a referendum to determine whether the region should remain a part of Sudan or become independent. The outcome was a sweeping victory for the 'Yes' vote (98.83%) with only 1.17% voting against (SSRC 2011). On 24 November 2011, following the street protests in Tahrir Square in Cairo, the Head of the Military Council, Field Marshal Mohamed Hussein Tantawi, called for a referendum, claiming that the military was 'completely ready to hand over responsibility immediately, and return to its original mission to protect the nation if the nation wants that, via a popular referendum, if need be' (Perry 2011).

In East Africa, the referendum is becoming increasingly institutionalised. Zanzibar has joined Uganda, Kenya, Burundi and Rwanda in enacting referendum legislation and holding public referendums to decide on major political issues. Uganda held its first referendum in 2000 to decide whether or not the country should go multiparty. Uganda's referendum question and that of South Africa remotely resemble that of Zanzibar, where people were asked whether they want a government of national unity or not. Kenya held its first referendum in 2005 to determine whether or not to effect constitutional changes and the second one on 4 August 2010 to endorse a new constitution. Similarly, Burundi held its first referendum in 2005 to endorse a new constitution. Rwanda has a longer history of conducting referendums. It held its first referendum in 1961 to decide whether the Monarchy should be preserved in independent Rwanda, it held the second one in 1978, which in effect institutionalised the one-party state, and the last one in 2003 to pass the new constitution. Tanzania, in spite of all its credentials of participatory politics under single-party rule, lags behind other countries in the region in directly involving its citizens in deciding on major constitutional issues through a process of a popular referendum.

Nonetheless, the practice worldwide has been varied. The most significant differences depend on who initiates the referendum and who defines its agenda. When the public initiates a referendum and sets its agenda, there is high participation

and a sense of ownership of the outcome. In contrast, when the representatives or any other government institution initiates the referendum and its agenda, the chance is that the referendum would be controlled, thereby undermining citizens' participation (Gallagher and Uleri 1996). Be that as it may, the outcome of referendums can either be binding or non-binding. In line with this view, LeDuc (2003, 39) identifies four models of referendum. The first is a mandatory constitutional referendum in which a vote is required in order to effect a change in the constitution or basic law. The second type of referendum is called abrogative, in which a vote of the people is needed on a law already passed by the legislature. The third is a citizen-initiated referendum in which a group of people draft a petition and move the referendum process. The fourth type is consultative, initiated by the government or legislature. While in the first three types of referendum results are binding, in the fourth they are non-binding.

As moments of democracy, just like elections, referendums are regarded as democratic to the extent that they adhere to the principles of freedom and fairness. Article 25 of the United Nations International Covenant on Civil and Political Right (CCPR) 1966 addresses the fundamental question of rights related to participation in public affairs. It provides for universal and equal suffrage and free expression. However, in 1996 Article 25 was further elaborated through the UN General Comment No. 25.[12] The following specific issues were detailed:

(i) The right to vote at elections and referenda must be established by law and may be subject only to reasonable restrictions, such as setting a minimum age limit for the right to vote. It is unreasonable to restrict the right to vote on the ground of physical disability, literacy, property, or party membership requirements;
(ii) Effective measures should be put in to ensure that all persons entitled to vote are able to exercise that right. Where registration of voters is required, it should be facilitated and obstacles to such registration should not be imposed. If residence requirements apply to registration, they must be reasonable;
(iii) Any abusive interference with registration or voting as well as intimidation or coercion of voters should be prohibited by penal laws and those laws should be strictly enforced;
(iv) Voter education and registration campaigns are necessary to ensure the effective exercise of rights by an informed community;
(v) Freedom of expression, assembly and association are essential conditions for the effective exercise of the right to vote and must be fully protected;
(vi) Persons entitled to vote must be free to vote for any candidate for election and for or against any proposal submitted to referendum or plebiscite, and free to support or to oppose government, without undue influence or coercion of any kind which may distort or inhibit the free expression of the elector's will. Voters should be able to form opinions independently, free of violence or threat of violence, compulsion, inducement or manipulative interference of any kind;
(vii) Independent electoral authority should be established to supervise the electoral process and to ensure that it is conducted fairly, impartially and in accordance with established laws which are compatible with democracy;

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(viii) Free press and other media should be able to comment on public issues without censorship or restraint and to inform public opinion. Besides, they should accord equal opportunity to parties or groups competing in an election.

Specific to the conduct of a referendum, the Venice Commission and Code of Good Practice on Referendums (1990) provides international standards for a democratic referendum. The standards can be applicable to both new and old democracies. They include: universal voter suffrage, freedom of voters to form and express opinion, and of an impartial media to broadcast and print views of supporters and opponents, a clearly framed and unbiased question to be voted on, voters' right to be adequately informed of the impact of their votes and the effects of the referendum, freedom of assembly and association for political purposes, respect for human rights, impartial referendum management body, an effective and accessible system of appeal, and fair rules guiding the referendum.

In this article, we evaluate the referendum alongside the criteria suggested by the international instruments of democracy. Our interest is to understand how the referendum in Zanzibar was carried out and the consequences it may have for the political polarisation between Pemba and Unguja as represented by the two main political parties on the islands. Hence the focus is put on the following: the right to vote in the referendum, campaigns, the referendum management body, and results.

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The right to vote

Section (8) of the Referendum Act No. 6 of 2010 (hereinafter the Referendum Act) provides the right to vote. It states that 'any person who at the time of referendum is registered as voter in the Zanzibar Permanent Voters Register shall be entitled to vote at a referendum'. The question is, how does one qualify for such registration? Article 7(1) of the Constitution of Zanzibar 1984 states that every Zanzibari who has attained the age of 18 is entitled to vote in elections held in the country. Yet Section 3(1)–(4) of the Legislative Act No. 5 of 1985 defines who is a Zanzibari. According to this provision, a Zanzibari must be a person who resided in Zanzibar prior to 12 January 1964; must be born in Zanzibar and at least one of his or her parents is a Zanzibari; or must be a Tanzanian citizen since 26 April 1964 and have not lost such citizenship; or must have acquired citizenship by naturalisation. These conditions are repeated in Section 12(1) of the Zanzibar Election Act No. 11 of 1984 (hereinafter the Election Act). The spirit of the cited statutes is that for one to vote, one must have attained the age of maturity and must be a citizen. In our view, these conditions do not disenfranchise potential voters.

However, restrictions on registration were imposed since 1995 when there was a requirement of five-year residence on the islands. After the 2000 general elections, restrictions continued but with some modifications. Section 12(2) and (3)(ii)(a)–(e) of the Election Act as amended by Act No. 12 of 2002 changed the criterion of residence. A resident, according to this provision, is someone who resides permanently in a constituency, and he or she must have lived there for the period of not less than 36 months consecutively prior to the registration day. Exception is accorded to students, security officers, government employees and people who serve in the international organisations. After 2005, stringent measures were taken by

law – Section 12(1) of the Zanzibar Election Act 1984 – requiring a potential voter to carry an identity card issued under the Legislative Act No. 7 of 2005. To get the Zanzibar identity card (ZAN ID), however, one must produce a birth certificate which costs Tshs 2500 and a letter of introduction from the street/village executive officer (*Sheha*).

We must note that voter registration is highly contested and usually politicised around the two major political parties, the CCM and CUF. Admittedly, CCM and its government dominate the process of defining who is an eligible voter, mainly to the advantage of CCM. The requirement of a Zanzibar identity card has posed two critical problems for franchising. One is that the whole process of securing the identity card is relatively expensive: TEMCO (2009, 4) estimates the total cost in the region of Tshs 32,000 (about US$22), as well as being time-consuming – a couple of days are needed for a follow-up. In a way, potential voters have to buy their right to vote. Second, the *Shehas* who initially have to issue a letter of introduction as a gateway to registration are die-hard CCM members. To be specific, at *Shehia* (village) of Machui in Unguja South region, the *Sheha* was at the same time the CCM branch publicity secretary (TEMCO 2010a, 4).

Indeed, *Shehas* occupy a strategic position to deny registration to potential voters. It must be emphasised that in Zanzibar, party identification is known by individuals and even by houses, making it easier for the *Shehas* to play politics of exclusion, mainly to the detriment of CUF members. When interviewed, Hamad Rashid Mohamed emphasised that 'registration is highly restrictive and CUF members have always been the most victims'.[13] He claimed that about 30,000 CUF supporters were not registered in Chake Chake District in Pemba. This claim might be plausible, although it is difficult to ascertain the exact number of the disenfranchised, as TEMCO (2010a, 3–4) observed that the requirement of the Zanzibar identity card was a hindrance and prevented a significant number of potential voters from registering. The overwhelming powers of the *Shehas* interfered with the voter registration process since they were the ones who determined the eligibility of potential voters by instructing who was entitled to receive the identity card. The CUF Director for Elections, Juma Said Sanane, for example, remarked that about 200,000 CUF supporters in Unguja and Pemba were refused a ZAN ID by the *Shehas* (TEMCO 2010b, 4).

In some instances, *Shehas* facilitated under-age voter registration in favour of CCM. In Donge Vijibweni in Unguja North B, TEMCO witnessed

> a large number of under-ages appearing for registration. They were brought in groups by a person who, upon request by the TEMCO Observer, refused to identify himself. Interestingly, even when the observer tried to inquire about the issue with the Registration Officials, the officials were uncooperative and simply said that they are not allowed to answer any question. (TEMCO 2009, 2)

What this implies is that the *Shehas* cleared them for the ZAN ID registration. The fact that the officials concerned admitted that they were not allowed to answer any questions suggested that the deal had already been reached among themselves. The problem of under-age voting was pervasive and constant throughout the registration process. TEMCO (2010a, 5) contends that

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> the allegation of registering the under-age voters persisted at several registration centres. Some of the people who came for registration appeared too young to be 18 years old. Indeed, registration of the under-age was one of the common objections raised by the CUF party agents.

From the above paragraph, it seems that under-ages worked largely in favour of CCM rather than CUF. Another problem associated with registration was violence. TEMCO (2009, 1) posits that since its beginning, the voter registration process was marred by chaos and civil unrest that culminated in the suspension of the exercise on 4 August 2009. The source of that chaos was the issuance of the Zanzibar identity card in which CUF supporters felt discriminated. The CUF waged a kind of boycott. In a way, this situation of unrest discouraged people from registering. Similarly, the time for registration was not enough. Stakeholders, particularly the major opposition party, the CUF, demanded the extension of the exercise. The Zanzibar Electoral Commission (ZEC) did not allow much time. This obviously had a negative impact on the registration process (TEMCO 2010b, 9). At any rate, the highlighted problems such as the acquisition of the Zanzibar identity card, the cost of obtaining it, under-age registration, violence, and the role of *Shehas* in the registration processes together disenfranchised quite a significant proportion of potential voters. By March 2010, Pemba island, which is the stronghold of the CUF, had registered 63,327 voters as opposed to 156,719 in 2005. By contrast, Unguja island, which is generally viewed as the stronghold of CCM, had registered 208,049 as opposed to 350,506 voters in 2005 (TEMCO 2010a, 5). Despite all the clear irregularities identified by TEMCO on registration, the organisation commented in its interim statement on the referendum and in its special newsletter for the referendum that

> 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. (TEMCO 2010c, 2; TEMCO 2010d, 6)

The glaring inconsistency between the verdict and reality makes it a perplexing and flawed observation.

The 'silent' campaigns: actors and influences

The Referendum Act is purportedly silent on campaigns. Indeed, there is no express provision in the Act that addresses the question of campaigns. However, upon reading Section 14(1) of the Referendum Act we discovered that it prohibits incitement to public disorder during a referendum. It states that 'a person shall not, while canvassing in a referendum, use any language which is defamatory or which constitutes incitement to public disorder, hatred or violence'. The term 'canvass' is defined in *Black's Law Dictionary* (2004, 219) as 'to solicit support from voters or a voting district'. In simple terms it means political campaigns. It is our considered view that Section 14(1) of the Act allows campaigns in a referendum. The only restriction is on the use of any language which is defamatory or which would trigger hatred and violence. In exercising its powers under Section 19(1) and (2) of the Referendum Act, the ZEC proposed a draft of regulations containing matters pertaining to campaigns.

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Part III of the regulations provided for referendum committees (ZEC 2010a). These were simply organised groups of citizens, not under political parties, who would agree or disagree with the issue to be voted on in the referendum. The groups could mobilise people around a 'Yes' or a 'No' vote. Admittedly, the regulations were rather elaborate on how, where and when campaigns would be convened. Nonetheless, this proposition[14] was rejected by the government on the grounds that such campaigns would further divide Zanzibaris.[15] Besides this, the Minister of State in the Chief Minister's Office, Hamza Hassan Juma, argued that the referendum was mainly meant for citizens and not political parties. It would imply that campaigns by political parties during the referendum or party agents during voting and vote counting processes were not allowed (SMZ 2010). This reasoning is not convincing. Firstly, there is no way one would have detached the interests of the major political parties, the CUF and CCM, from the referendum since they initiated the referendum and its agenda.[16] It is interesting to note that during the 30 March 2010 session members of the House of Representative from the two parties unanimously endorsed the referendum bill on the government of national unity. Secondly, even during elections, it is the individual citizens who vote for a candidate of their choice. So, at the core of both referendums and elections are citizens.

The 'legal lacuna' on campaigns gave different institutions and individuals leeway to mobilise people for a 'Yes' or a 'No' vote based on their discretion. This means that the groups with political powers and resources could have advantages over those without. While campaigns for a 'Yes' vote were overt, those for a 'No' vote remained covert. This was owing to a number of factors. Firstly, society was normatively made to believe that a 'Yes' vote meant wishing the country good, peace and development while a 'No' vote connoted violence and conflict. Indeed, the peace message was the main pillar of the referendum as was initially discussed in the House of Representatives (SMZ 2010). The major political parties also popularised this message. For example, on 17 July, when introducing Ali Mohammed Shein as CCM presidential candidate for Zanzibar and Mohamed Gharib Bilal as CCM presidential running-mate for the United Republic of Tanzania at the Gombani Kongwe grounds in Pemba, the President of the Revolutionary Government of Zanzibar, Amani Abeid Karume said,

> Usually, it is a bad thing which is rejected such as marijuana, liquor and narcotic drugs, but this issue of a government of national unity is a good thing, and therefore there is no reason of rejecting it. Anyone who will reject it is insane.[17]

Similarly, one of the resolutions by the CCM National Executive Committee (CCM 2010a) held on 14–15 February 2010 was that:

> The National Executive Committee has endorsed and praised the decision by the Zanzibar Special Committee on the formation of a government of national unity for this is a sound means of ending hatred, hostility and violence in Zanzibar's politics and instead promoting peace, harmony, unity and cooperation among Zanzibaris thereby hastening the pace of development.

Secondly, the nominee for the CCM presidential post, Ali Mohammed Shein, was considered to be a '*Maridhiano*' candidate and hence leaders, particularly from the ruling party, were afraid to campaign for a 'No' vote in order to safeguard their

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political careers in case he was the next president after the October 2010 general elections.[18] During the Gombani rally on 17 July, for example, Dr. Shein was quoted as saying, 'On this issue, I am open, I support the government of national unity by my yes vote; and I urge you all to cast a yes vote on the polling day'. Thirdly, for '*Wapemba*', irrespective of their party affiliation, a 'Yes' vote meant a power shift from Unguja to Pemba since for any results after the general elections, the president and the first vice president would come from Pemba.[19] Since the 1964 revolution, there has been a limited inclusion of Pembas in the high-profile government posts. Hence a derogatory saying by CCM hardliners that 'having a president from Pemba is synonymous to having a dog entering a mosque'. Fourthly, while CCM as a party supported the referendum and the government of national unity, it had not come out and stood for either a 'Yes' or a 'No' vote.[20] Only individual leaders supported it while others seemed to be indifferent.[21] The party believed that the '*Wananchi*' (citizens) should be left to decide the type of government system (CCM 2010b). Fifthly, owing to the CUF dominance in Pemba, and the fact that the party supported a 'Yes' vote as a strategy of being included in the government, other people were afraid for their safety if they campaigned for a 'No' vote.[22]

As already stated, the July 2010 referendum was primarily designed to seek the approval of Zanzibaris on the formation of a government of national unity. The Referendum Act provides a guide to the question to be voted on. Section 3(3)(a) states that the order of referendum should specify the question or issue to be put to voters at the referendum in the form of a question to be answered by 'Yes' or 'No'. In the July referendum, the main question was 'Do you accept the new Government structure after the General Election 2010?' (ZEC 2010b). As can be seen, this question was vague and unclear. In the first place one wonders if the electorate knew the current government structure and how it works. On the other hand, it assumes that the new structure after the general election of 2010 was also known to voters. But the fact was that even the CUF as a key party knew little about it. The question itself was open-ended and could result in a government that one did not expect. It is surprising that after the referendum, apart from dealing only with the government of national unity, the amended laws brought one major shift related to stateness[23] as per Section 3(1) of the 10th Constitution Amendment Act No. 9 of 2010. Besides this, the CUF came to understand the actual distribution of powers in that law. It can be noted that the activities of the first vice president are not stipulated. The arrangement of power distribution does not suggest that the ruling power was ready to concede defeat once defeated at the ballot box. The CUF was still uncertain whether the government of national unity would really be formed after the October 2010 elections. During campaigns, CUF Secretary General Seif Shariff Hamad expressed his fears: firstly, that the CCM presidential candidate, Ali Mohamed Shein, did not seem to campaign around the GNU (*Habari Leo*, 8 October 2010); secondly, Hamad claimed that there were still some CCM cadres who were organising underground campaigns against the GNU (*Habari Leo*, 11 October 2010).

In fact, during campaigns no one bothered to describe the concrete structure of the new government because that had not yet been determined by the House of Representatives. To some extent, the referendum was based on a 'blind' vote – that is, voting for the 'unknown'. The only pressing concern for the CCM and CUF was to get the proposal endorsed. No one would tell people the advantages and

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disadvantages of the 'current' structure of the government and the one anticipated after the October 2010 general election. Yet the philosophy of the entire referendum was clear among its proponents: that is, a 'Yes' vote meant peace and development, while a 'No' vote was equated to violence. Arguably, it was what Thomas Hobbes would call 'the state of nature', where people were forced to enter into a social contract due to fear of death (Hobbes 1651/2004). In our view, the referendum was a highly restricted process. The opposing side was not allowed to argue their case in public, a process that could have provided an opportunity for an interactive dialogue between the two contending positions, or what Habermas (1984) would call 'the theory of communicative action'. This raises a critical question about the credibility of the process in spite of the fact that many valued its outcome. The Define Research and Insight report (2010) emphasises that the referendum question must be as clear as possible. This is because voting for 'Yes' or 'No' requires one to be aware of what the options and their associated consequences really mean. Having clarified issues about the question, the next section revisits actors and their respective campaigns.

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Political parties

To begin with, CCM did not hold specific rallies to influence its members and non-members to vote 'Yes' to the GNU. However, some factions within the party came out and urged the public to vote 'Yes'. These were Aman Karume, the Zanzibar President, Ali Mohammed Shein, the Vice-President of the Union government and CCM presidential candidate for Zanzibar, Shamsi Vuai Nahodha, the Chief Minister of the Revolutionary Government of Zanzibar, Pandu Kificho, the Speaker of the House of Representatives, and Saleh Ferouz, the CCM Deputy Secretary General for Zanzibar. Interestingly, during the Gombani rally of 17 July, Mohammed Gharib Billal, who had been defeated in the intra-party nomination process for the Zanzibar presidential candidate did not make any reference to the referendum that would suggest he might be against it, as claimed by the CUF.[24]

In contrast, the CUF was clear in its support for the referendum. It launched a 'Yes Campaign' in all five regions of Zanzibar. The campaigns were addressed in open rallies by the CUF Secretary, Seif Shariff Hamad. In Pemba South region, the rally was held at Mtambile on 19 July 2010. Hamad urged all Zanzibaris to vote 'Yes' in order to bring peace and development to Zanzibar. Though the rallies were attended by a good number of people, this method was not considered to be effective. The CUF chairperson for Chakechake District, Saleh Juma, opined that the major weakness with this method is that the law is silent on formal campaigns by those who would either support or oppose the government of national unity. It was difficult to ascertain who was really campaigning for 'No'. However, he stated that some senior leaders within CCM were totally against the government of national unity. He mentioned some key figures including Billal, Salmin Amour and Ali Juma Shamhuna.[25] Another campaign strategy was the 'door-to-door' campaign. This was regarded as more effective owing to the fact that it made it possible for the party to contact its supporters and encourage them to vote 'Yes'. According to the CUF chairperson for Chakechake, the party made effective use of its structure and presence all over the country. Instructions on how to vote ran from the national office to the district party conferences; down to constituencies and wards. The final level of implementation was '*Mratibu*' (coordinator) which has 20 houses. '*Mratibu*'

was supposed to go door-to-door to instruct members on how to vote. Other parties did not have significant presence in Zanzibar and therefore they had little impact on the referendum. These included Demokrasia Makini, CHAUSTA, the Democratic Party (DP), Jahazi Asilia, and the Tanzania Labour Party (TLP). Generally speaking, the other parties are extremely weak and only exist in patches. Of the mentioned parties, none supported a 'Yes' vote. However, individual leaders expressed their personal stance. The DP regional party chairperson, Juma Ridhiwani, said that he supported a 'Yes' vote. He cited a popular saying in Pemba '*Mkataa wengi mchawi*' (He who opposes the majority is a witch). By this, he simply meant that opposition parties have no representatives in the government. He further stated that he used leaflets distributed by the ZEC to campaign and influence people to vote 'Yes'. The campaign normally took place on an individual basis at the market, in farms and homes.[26] For her part, the TLP regional party chairperson, Ziada Khalfan Saleh, said that she supported a 'Yes' vote but did not try to influence others to vote either 'Yes' or 'No'.[27] This was the same as Demokrasia Makini regional party chairperson Ussi Hamisi Ussi, who claimed to support a 'Yes' vote.[28] Interestingly, the CHAUSTA regional party chairperson, Ali Khalfan Salehe, said that he supported a 'No' vote on the grounds that the referendum carried a hidden agenda of rejecting the Union between Tanganyika and Zanzibar. He said that this would be the likely outcome once the government of national unity is formed in Zanzibar.[29] The Jahazi Asilia regional party chairperson, Saleh Khalfan Salehe,[30] went as far as to say that there is no such a thing as a government of national unity but rather a 'CCM–CUF' government. He emphasised that the referendum was strategically there for the interests of the two parties and it excluded other parties. For that reason he supported a 'No' vote. When asked whether he influenced other people for a 'No' vote, he said: 'my friend that is impossible in Pemba. If you are caught by CUF supporters campaigning for a "No" vote, you'll be killed. These guys are so mad and could not allow any forces that seem to resist the government of national unity'. This respondent wore a cap that was distributed to many Pembans by the Tanzania Centre for Democracy (TCD) with a clear message '*Ndiyo kwa Zanzibar Mpya Tuitakayo*' (Yes for the Zanzibar we want). When asked about this contradiction, he insisted that that was the only way he could sit and talk with his other many friends who belong to the CUF.

The House of Representatives

The House of Representatives (HoR) is constituted by members from CCM and the CUF, the key parties that brokered the deal on the government of national unity. Certainly, they are the ones that initiated and defined the agenda of the referendum. We should however emphasise here that of the two parties, CCM stood a relatively better chance in determining this agenda since it is in power. The main interests of the two parties were for the GNU to be endorsed by the majority of Zanzibaris. Members of the House had already agreed and unanimously passed the private motion on the GNU as suggested by the leader of opposition party, Abubakar Khamis Bakary. Issue (ix) of the motion proposed the formation of a committee of six people: three being from the government and the other three from the opposition, to take charge of implementing the motion. The Committee of Six was formed, composed of Ali Mzee Ali (CCM) as Chairman, Abubakar Khamis Bakary (CUF)

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as Deputy Chairman, and other members were Ali Abdalla Ali (CCM), Haji Omar Kheir (CCM), Nassor Ahmed Mazrui (CUF), Zakiya Omar Juma (CUF), and Mdungi Makame Mdungi as Secretary to the Committee. The main activity of this committee was to provide education related to the referendum.

Contrary to what was stated, the committee turned out to be an active forum for political mobilisation and campaigning for a 'Yes' vote to the GNU. For example, in Pemba the Committee spent only two days, 27–28 July 2010. The meetings took place at Pemba Clove Inn and were attended by various stakeholders such as *shehas*, government leaders, security forces, civil societies and religious leaders. In his endeavour to mobilise support, the Regional Commissioner of Pemba North Region, Dadi Faki Dadi, urged people to vote 'Yes', as did all other contributors. Similarly, during its meeting of 27 July the Regional Commissioner of Pemba South, Juma Kassim Tindwa, urged people to encourage each other in support for the referendum. He confessed his dislike of the past brutality and oppression of the opposition by the ruling party, his party.

The committee spent more time in Unguja. This is probably due to the fact that it was a region with many anti-GNU followers. When interviewed, the Chairman of the Committee remarked: 'this exercise is quite simple in Pemba, it doesn't have any difficulties, Pemba is a small place'.[31] The reality of the matter is not the size of Pemba but rather the fact of it being a CUF stronghold; the party had a clear position in favour of a 'Yes' vote for the GNU, and as such the committee found no reason to spend much time there. As we shall discuss in due course, the final vote indicated overwhelming support of over 85% in Pemba while Unguja recorded a higher percentage of 'No' votes. While in Unguja the committee met with several groups to solicit their active support for a 'Yes' vote, including the Zanzibar Press Club (involving all media institutions) on 19 July; civil society organisations on 20 July; higher learning institutions on 21 July; religious leaders on 22 July; and *Shehas* on 26 July 2010 (TEMCO 2010c). In all these meetings, the clear message was a 'Yes' vote. The position put forward was that the GNU would bring good governance, peace and development. In Pemba, the Chairman of the Committee urged the people to use their wisdom by uniting and cooperating for a common good (*Habari Leo*, 29 July 2010).

We need to highlight here some of the messages of the 'No' campaign. The key figures behind these could not be easily identified since they had to operate underground. Nonetheless, TEMCO (while acknowledging that it had no evidence to name the groups and individuals involved) went on to produce evidence of their existence. There were, for example, leaflets bearing titles '*Ilinde Nchi Yako Julai 31 kwa Hapana*' (Defend your country on 31 July by casting a 'No' vote) and '*Barua ya Wazi kwa Spika – Kificho*' (Open letter to Speaker Kificho). In the view of TEMCO these leaflets carried defamatory and intimidatory messages targeting specific individual leaders. The organisation concluded that 'such messages were a threat to peace, tranquillity and political tolerance in Zanzibar. The negative campaign messages could fuel antagonism and undermine the drive to building political consensus in Zanzibar' (TEMCO 2010c). It is not clear why such ineffective and isolated campaigns would have led to violence.

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Tanzania Centre for Democracy

The Tanzania Centre for Democracy is an NGO composed of mainly political parties with members of parliament in the National Assembly. The TCD played a unique role in influencing people to vote 'Yes'. The organisation used two strategies. Firstly, it held open campaign rallies or 'festivals' and invited political parties to influence people in favour of a 'Yes' vote. The invitation read '*TANZANIA CENTRE FOR DEMOCRACY. Festival for Maridhiano Zanzibar July 18, 2010 Chake Chake Pemba. YES IS FOR THE BENEFIT OF THE CURRENT AND FUTURE GENERATIONS*'. Secondly, the organisation distributed numerous caps and T-shirts that carried a message '*Ndiyo kwa Zanzibar Mpya Tuitakayo*' (Yes for a new Zanzibar we want). Similar meetings were held in Unguja. On 24 July 2010, the TCD organised a meeting at Demokrasia Grounds. It was well attended by CCM, CHADEMA, CUF and TLP. It is interesting to note that the Chairman and Secretary General of the CUF were present and helped to mobilise people towards a 'Yes' vote.

Media

According to the Zanzibar Election Act, the media are supposed to act impartially during elections. This includes both electronic and print media. Most of the time, the referendum was reported in newspapers, on radio, television, websites and blogs. The nature of information given by the media was varied. In some instances it remained instructional on how to vote. This was the case with ZEC voter education. The ZEC had a weekly education programme on Zanzibar Television (TVZ). Besides this, there was a 30-minute educational drama shown on Zanzibar Television and Zanzibar Cable TV. On other occasions information consisted of updating the general public on the ZEC's preparation for the referendum. The last category of information was basically open campaigning for a 'Yes' vote. This kind of information was posted by the http://www.mzalendo.net//.

Religious groups

Islamic religion was used effectively to campaign for a 'Yes' vote. Both politicians and religious leaders frequently appealed to Islamic teachings on unity. For example, on 25 July 2010 leaflets were distributed across Pemba with a clear message '*Kura ya Maoni Zanzibar. Shikamaneni na dini ya ALLAH nyote wala musifarikiane Qur-an: 3:103. Piga ''NDIYO'' kwa maslahi ya waislamu wa Zanzibar. Jumuiya za Kiislamu Zanzibar*' (And hold fast, All together, by the rope which Allah [stretches out for you], and be not divided among yourselves – Qur-an 3:103). About 99% of all Zanzibaris are Muslim. Moreover, on 30 July 2010, the Zanzibar Association of Imams (JUMAZA) conducted a regional prayer meeting at Tibirizi grounds with the aim of asking God to help Zanzibaris to achieve their goal of forming the government of national unity. All Muslims were urged to put aside their political differences and vote 'Yes' if they wanted to be favoured by God.

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International community

The international community, particularly the Western countries, strongly supported the GNU – implying that they were standing for a 'Yes' vote. Their statements made during the referendum had an impact for the 'Yes' crusaders. These countries included the United States, United Kingdom and Norway. Their aid support was a mechanism to push for the GNU. US Assistant Secretary of State Johnnie Carson commended the decision taken by the people of Zanzibar to vote overwhelmingly for the GNU. He further stated that the 'US will maintain its support of Zanzibar if the Zanzibaris will continue to embrace the rule of law and peaceful political participation over division and violence' (TEMCO 2010d, 4–5).

From the above observations, the following points stand out: campaigns were strategically a one-sided affair in favour of the pro-'Yes' group. They were largely premised on manipulated consent of 'fear' in which the clear message was that failure to vote 'Yes' in the referendum meant continuance of conflict and bloodshed. Yet the referendum question to be voted on was rather vague and ambiguous. The leaders of the major political parties (the CCM and CUF) as well as the top state officials (including the House of Representatives itself), who had political powers and resources at the expense of the anti-GNU group, posed threats to those who would vote 'No'. Consequently, the pro-'No' group was unable to exercise and enjoy the constitutional right of assembly and freedom of expression as enshrined in the Zanzibar Constitution of 1984. Moreover, all the media outlets were in favour of the 'Yes' vote.

The spirit of *Maridhiano* legitimised the pro-'Yes' camp's open campaigns on the Isles. Attempts were made to vilify the pro-'No' camp, which then resorted to an underground campaign. Whatever the strategies used, the pro-'No' camp managed to gain 33.6% of the total votes. This number could have been higher if an open 'No' campaign had been allowed (TEMCO 2010d, 8). Alternatively, the 'Yes' vote could have garnered a higher percentage if the concerns of those worried by the process could have been dealt with through engaging in interactive dialogue.

After a further analysis, TEMCO is of the view that one could say that out of 407,669 Zanzibaris who qualified to vote in the referendum only 188,705 (46.2%) voted for the government of national unity. Yet if one combines the number of those who voted 'No' and those who did not vote at all it gives 210,233, which is 51.5% of the total voters in Zanzibar. Hence, TEMCO concludes that 'in simple terms, we can say over 50% of Zanzibari voters did not support the *Maridhiano* initiative' (TEMCO 2010d, 8). However, this could also be a fallacious conclusion, if we bear in mind the fact that quite a significant number of potential voters, particularly those belonging to the opposition, were disenfranchised. Be that as it may, this observation shows that many African countries embraced multipartism without the will to liberalise the political space in terms of the institutional arrangement, legal framework and behavioural change. Elections are only wanted if they yield the predetermined results in favour of the governing regimes.

Referendum management body

Section 12 of the Referendum Act vests powers in the Zanzibar Electoral Commission to manage elections. However, in order to better understand this

institution, one has to revisit the Zanzibar Constitution of 1984 and the Zanzibar Election Act No. 11 of 1984. These provide for its powers, composition, structure and functions. The most important question of interest to us is whether the ZEC is independent and impartial. Since the advent of multipartism in 1992, the ZEC has been one of the sources of problems and contestation in Zanzibar. Opposition parties and other actors in the public question its integrity (Makulilo 2008; Makulilo 2011).

The ZEC consists of seven members including its chairperson (Article 19 of the Zanzibar Constitution). The president appoints the chairperson. No specific criteria have been set in guiding that task, making it discretional. The president appoints two more members, one from among the judges of the High Court and the other as he or she wishes. Two members are proposed by the leader of government business in the House of Representatives and the other two as suggested by the leaders of opposition parties in the House. The president can dismiss any commissioner without consultation, as per Article 119(5) of the Constitution. Our argument is that the president retains extensive powers over ZEC commissioners. It should be stressed that the president is usually the deputy chairperson of the ruling party.

Article 34(7) of the Zanzibar Constitution states 'No court is allowed to inquire into the election of a presidential candidate who is declared by the commission to have been duly elected' and lastly Article 119(13) states that 'No court shall have power to inquire into anything done by the Electoral Commission in the discharge of its functions in accordance with the provisions of this Constitution'. These provisions deny aggrieved persons the right to seek remedy in the court of law. Another problem that confronts the ZEC is the source of reliable funds. It depends on the Office of the Chief Minister for its budget. Sometimes funds are not only inadequate but also not released in time. This practice undermines the independence and impartiality of the ZEC as the budget becomes a mechanism by which the CCM government can negotiate with this election management body (Makulilo 2008, Makulilo 2011).

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Beyond polarity? An interpretation of referendum results

The referendum results showed that 66.4% of valid votes endorsed the government of national unity while 33.6% rejected it. Interestingly, 28.1% of voters did not turn up to vote. Besides, 3% of cast votes were spoilt (ZEC 2011). If the number of those who voted 'Yes' and 'No' is further broken down based on regionalism, that is down to Pemba and Unguja, it is noticed that the majority in Unguja island, which is CCM's stronghold, were doubtful or opposed to the GNU. In Unguja, 99,971 (54.39%) voters gave a 'Yes' to the GNU while 83,833 (45.60%) voted 'No'. Of the three regions of Unguja, that is Unguja North, Unguja South and Mjini Magharibi, it appears that Unguja North and Unguja South were more opposed to the government of national unity. As can be seen, 66.3% and 48.9% voted 'No' in the South and North regions, respectively. It was only Mjini Magharibi that recorded an impressive score of 61.4% against a 38.6% 'No' vote. However, Mjini Magharibi, which registered 168,805 voters, had a relatively high number of voters who did not turn out to vote, that is 52,994 (31.39%); this region was followed by Unguja North, which recorded 21,550 (34.85%) votes out of 61,836 registered voters.

We can generally say that Unguja as an island was pessimistic regarding the GNU. There are several possible explanations for this. Firstly, there was a perception that the outcome of the referendum would mean a power shift from Unguja to

Pemba. The people in Unguja were reluctant about the shift. Secondly, the CCM being divided about the GNU meant it did not have a common stance as a party, which affected its mobilisation strategies. Thirdly, Unguja is also a base of CCM hardliners who were allegedly accused of waging underground but somewhat effective campaigns. One day before voting, President Karume gave a stern warning to those who accused him of having sold out the country through *Maridhiano*. He retaliated: 'They should be ashamed of their dangerous and divisive campaigns, and should be warned that we are watching. We're just ignoring them, but they will have nowhere to hide when we decide to move against them' (*Citizen*, 30 July 2010). In line with this view, the CUF Secretary General and presidential candidate Seif Sharif Hamad (*Habari Leo*, 11 October 2010) claimed that there were underground moves by some CCM members to sabotage the GNU, something which the CCM (*Uhuru*, 12 October 2010) vehemently denied.

In contrast, Pemba, which is the stronghold of the CUF, voted a clear 'Yes' to the GNU: 88,734 (88.28%) of valid votes on the island were cast for a 'Yes' while only 11,780 (11.71%) voted 'No'. Of the two regions of the island, North Pemba gave 90.1% to the GNU while South Pemba gave 86.3%. This implies very high optimism regarding the GNU. There could be several explanations for this. Firstly, Pemba is the traditional stronghold of the CUF since the advent of multipartism in 1992. For the CUF as a party, being unified by support for a 'Yes' vote helped it to campaign and mobilise supporters more effectively. It must be emphasised that the CUF has since 1992 tried to capture state power through elections, but could not, partly owing to the fact that such elections were claimed to have been rigged in favour of CCM. And therefore, despite all its shortcomings, the GNU was a golden entry point for inclusion in the government top posts. Secondly, Pemba is economically poor. It is claimed that part of such poverty is due to deliberate marginalisation by Unguja. In a way, the GNU would mean development. Thirdly, the fact that the current presidential candidates of the two major parties come from Pemba implies that after the October 2010 general elections political power would be likely to shift from Unguja to Pemba. This would have encouraged high turnout. Fourthly, during elections it is *Wapemba* compared to *Waunguja* that suffered the higher degree of chaos. This was the case, for example, on 27 January 2001 as well as during the registration of voters preceding the 2010 general elections. Therefore to most Pembans the GNU would mean peace and cooperation among Zanzibaris.

The GNU was in essence a product of the power struggle between the two major parties, the CUF and CCM. However, in terms of scope, the agenda of the GNU was narrow, focusing on power sharing in the government, particularly the presidency and ministerial posts. The central question that is not addressed is 'what is the fundamental cause of the polarisation between Pemba and Unguja?', and whether sharing power in the GNU style would solve it. Our view is that merely sharing these portfolios may not help much. The way power is reconfigured under the current arrangement, whichever party took the second place in any general elections might not necessarily have a significant impact. We should emphasise that that party would be 'invited' to share power, but all major and effective executive decisions remain with the winner. It is not certain whether CCM would be ready to define such power arrangements and concede defeat to be the second party. The most challenging question is how CCM and the CUF could make Zanzibaris feel a sense of ownership of the GNU. Otherwise the GNU would just be viewed as a way to contain the CUF

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rather than addressing the fundamental issues causing political and regional polarisation. The lessons of power sharing in Kenya and Zimbabwe are instructive (Cheeseman 2010). In light of this observation, TEMCO (2010d, 9) cautions:

> Our suggestion is that the *Maridhiano* process should not end with the triumph of the 'Yes' vote in the Referendum but should be extended to the grassroots level. It should be continuous as a nation building process to make people understand the value of peace, unity and working together to improve the socio-political and economic situation of Zanzibar. If the *Maridhiano* process will not be embraced after the coalition government is formed, the impasse may take a different form within the new government causing the backtracking of the historical progress that the Referendum outcome has launched.

The above paragraph speaks for itself. The GNU did not involve other stakeholders in initiating and setting the agenda. To be sure, other minor parties as well as civil society were sidelined. Indeed, the GNU was by and large based on a private talk between CUF Secretary General Seif Sharif Hamad and President Amani Abeid Karume. Apart from what was made public, it is not clear which other issues surrounded the GNU.

Similarly, the institutions that have been claimed by the CUF to be at the forefront of rigging elections, the ZEC and the security forces, have remained intact. Interestingly, there were no widespread claims of vote rigging after the referendum. The results were celebrated by the CUF and some CCM members, the international community, and domestic and international observers. The ZEC has always been accused of manipulating the electoral process, and if it is the same in its current structure then that leaves a lot to be desired. For example, one would claim that the ZEC is an institution which dances to the tune of its boss, that is the president. It works according to his or her will. During the referendum, President Aman Abeid Karume supported a 'Yes' vote. It is reported that President Karume sacked one District Commissioner, Ali Hassan Khamis for allegedly mobilising CCM ten-cell (ten houses) leaders and councillors to campaign against the GNU (*Daily News*, 30 July 2010). This would suggest that during the general elections the president would use the ZEC and government officials to ensure that he or she wins such elections. Because there are no prior arrangements addressing some of the fundamental issues affecting political contestation, including the structure and operations of the election management body, the GNU is simply a stepping stone towards resolving such issues. If those issues are not addressed and tackled in good time, the GNU may be extremely fragile.

Based on our discussion, while we do not intend to question the desirability of the final outcome of the referendum, we could conclude that it is difficult to see the referendum as fulfilling the necessary criteria of a democratic process. Like the general elections in the past, it was also a flawed process. And therefore we are hesitant to say it was 'Transparent, Free and Fair' as was celebrated by TEMCO (2010c, 2010d) and other observers. We have pointed out throughout our discussion significant irregularities with regard to registration of voters, campaigning, the referendum question itself, and the way the ZEC is constituted. We further hold that the GNU is narrow in terms of its scope, leaving some of the fundamental issues of polarity unaddressed. Following the passing of the Constitutional Review Act, 2011 by the Union Parliament in November 2011, providing for the nationwide debate on a new constitution, it is expected that some of those issues may be addressed.

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Notes

1. In East Africa, the referendum institution is becoming increasingly institutionalised. Uganda, Kenya, Rwanda and Burundi have all had a history of referendums. Kenya, for example, held its first referendum in 2005 to determine whether or not to effect constitutional changes and the second one on 4 August 2010 to endorse a new constitution.
2. Actually, in the 1980s there were some people who advocated a referendum on the Union between Tanganyika and Zanzibar. These were considered by the political authorities to have committed an act of treason.
3. However, with the 10th constitutional amendment effected in August 2010, sections 1 and 2 of the Zanzibar constitution which identified Zanzibar as part of the United Republic of Tanzania were deleted and a new section was inserted which clearly stipulates that 'Zanzibar is one of the two countries constituting the United Republic of Tanzania'. This amendment came following a controversy that arose in parliament in July 2008 over whether Zanzibar is a country or not.
4. The Court of Appeal is a Union affair. However, for matters that are strictly speaking non-Union, the High Court of Zanzibar is the ultimate adjudicator.
5. These were often considered as indigenous, a mixed group of centuries of intermarriages between Africans and Arabs.
6. These represented relatively recent immigrants from the mainland.
7. Africans in this context means Zanzibaris of Mainland origin (or recent immigrants from the Mainland).
8. Umma Party entered into technical alliance with ASP during the 1964 revolution and its members, most of whom were well educated, were integrated into the Revolutionary Government of Zanzibar, and later became one of the sources of intra-party friction within ASP.
9. CCM is a product of the merger of ASP and TANU in 1977, but the CCM-Zanzibar bloc still justifies its position on the basis of its revolutionary legacy and pre-independence politics. The CUF, on the other hand, is a conglomeration of diverse political forces, including disgruntled elements originating from ZNP and ZPPP.
10. *Maridhiano* is a Kiswahili word, which in this context would mean a kind of informal agreement or gentlemen's agreement.
11. http://africanelections.tripod.com/za.html (accessed 10 December 2011).
12. The General Comment was adopted in its fifty seventh session on 7 December 1996. See the General Comment No. 25: The right to participate in public affairs, voting rights and the right of equal access to public service (Art. 25) of the United Nations International Covenant on Civil and Political Rights.
13. Mr. Hamad Rashid Mohamed, Leader of Opposition in the National Assembly, Dar es Salaam, 21 July 2010.
14. The approved regulations missed matters in relation to campaigns. See Gazeti Rasmi la Serikali ya Mapinduzi ya Zanzibar, Tangazo la Sheria ya Kanuni za Kura ya Maoni, Tangazo Nam. 26 Sehemu ya CVIX Nam. 6375, 23 July 2010, Mpiga Chapa wa Serikali.
15. Interview with Zanzibar Electoral Commission (ZEC) Officer in Charge, Mr. Ali Mohamed Dadi, Pemba on 23 July 2010. This ground falls short. Political campaigns are commonest in democratic referendums. In Kenya, for example, despite being a fragmented society based on ethnicity, the government was able to conduct a successful and peaceful referendum on 4 August 2010. In this referendum, referendum committees were allowed as per Sections (11) and (12) of the Constitution of Kenya Review (Referendum) Regulations, 2010. Section (16) of the regulations further provided for referendum campaigns.
16. It was CCM in its Butiama Resolution that demanded a referendum in Zanzibar prior to the formation of the government of national unity. After a series of discussions by CCM Zanzibar, the National Executive Committee of the party welcomed the referendum. See 'Kikao cha Halmashauri Kuu ya Taifa ya CCM, Februari 14–15, 2010', http://www.cms.ccmtz.org (accessed 17 July 2010). However, after private talks between CUF Secretary General Seif Sharif Hamad and President Aman Abeid Karume, the CUF agreed to the referendum too. It should be noted that the CUF had struggled for inclusion in the

government but could not be successful largely due to vote rigging and coercion by the government in the previous elections of 1995, 2000 and 2005.

17. Similarly, when addressing a rally on 25 July 2010 at Kibandamaiti, CUF Secretary General Seif Shariff Hamad said 'Voting yes will save Zanzibar from returning to political conflicts. Unity is important for our development'. See Issa Yussuf, 'CUF leaders strongly push for GNU' *Daily News*, 26 July 2010. Unless otherwise stated all translations are by the authors.
18. Interview with Mr. Adam Paulo Ngalawa, CCM Regional Secretary, Zanzibar, 23 July 2010.
19. Ibid.
20. Mr. Hamad Rashid Mohamed (leader of the opposition in the National Assembly–CUF) said that he personally met and requested President Jakaya Mrisho Kikwete, as a CCM Chairman, to declare his party's stand on the referendum and influence citizens to vote towards that course. But nothing has happened so far. Interview with Mr. Hamad Rashid Mohamed on 21 July 2010.
21. There were allegations that Dr. Salmin Amor, Dr. Billal and Mr. Shamhuna were potential figures within CCM that stood for a 'No' vote. They had strong support within and outside CCM and its government. Interview with Mr. Hamad Rashid Mohamed on 21 July 2010.
22. Interview with Mr. Ussi Hamisi Ussi, Demokrasia Makini, Zanzibar, 22 July 2010.
23. The amendment came in response to the on-going debate on whether Zanzibar is a 'state' or not.
24. He did not say anything during the similar introduction rally in Unguja at Demokrasia Grounds, on 15 July 2010 (Interview with Mr. Saleh Juma, CUF, Zanzibar, 22 July 2010).
25. Interview with Mr. Saleh Juma, CUF, Zanzibar, 22 July 2010.
26. Interview with Mr. Juma Ridhiwani, Democratic Party, Zanzibar, 22 July 2010.
27. Interview with Ms. Ziada Khalfan Salehe, Tanzania Labour Party, Zanzibar, 22 July 2010.
28. Interview with Mr. Ussi Hamisi Ussi, Demokrasia Makini, Zanzibar, 22 July 2010.
29. Interview with Mr. Ali Khalfan Saleh, CHAUSTA, Zanzibar, 22 July 2010.
30. Interview with Mr. Saleh Khalfan Salehe, Jahazi Asialia, Zanzibar, 22 July 2010.
31. Interview with Mr. Ali Mzee Ali, Chairman of the Committee of Six, Zanzibar, 28 July 2010.

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