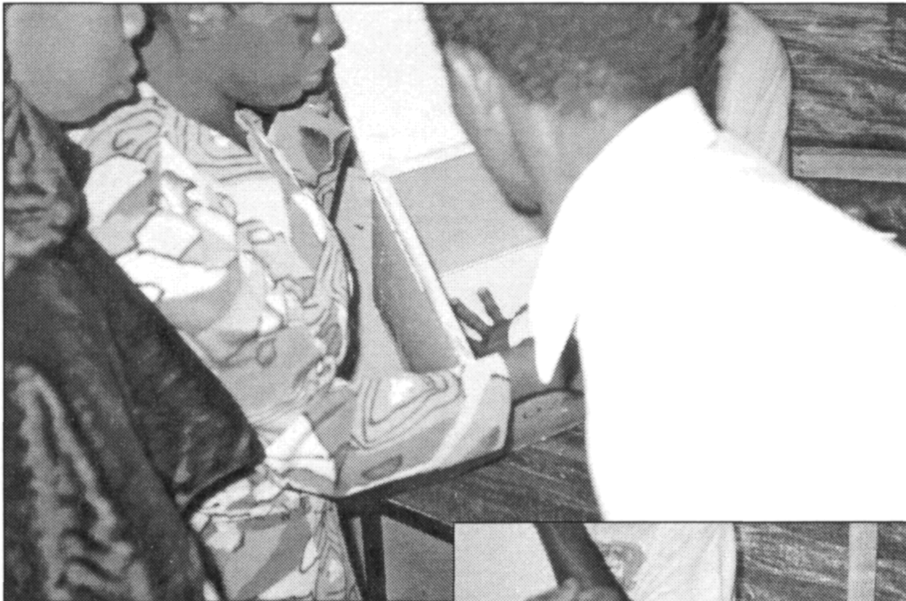


CHAPTER 4

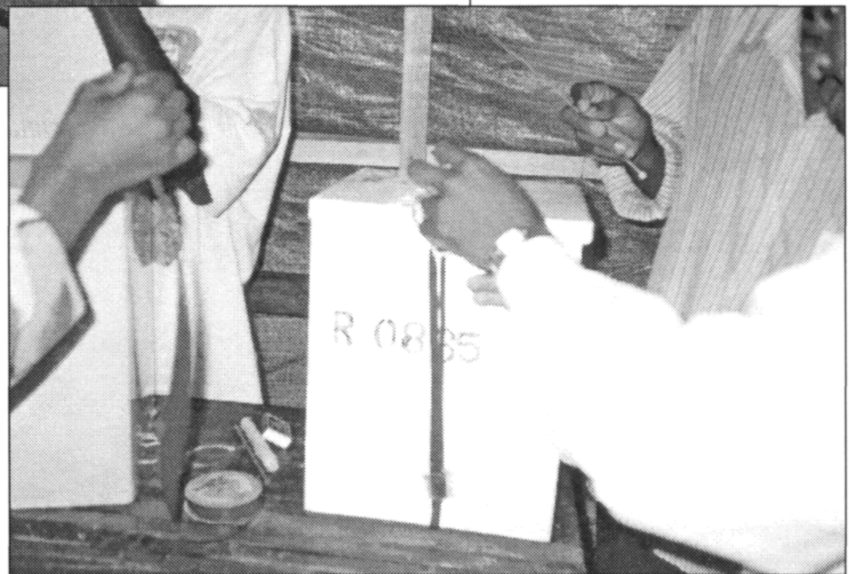
The Poll and Count

The weather was good. The voters were present, in large numbers. The polling stations were laid out and ready. The election officials, police and party agents were at the ready. But the ballot papers were not there.

For all too many Zanzibari voters that was the situation when the polls were supposed to open, at 7 a.m. on Sunday, 29 October. Unfortunately, the problem was very often not temporary. At some polling stations ballot papers were still not there in the afternoon, only an hour or so before the polls were supposed to close. At others, though some eventually arrived they ran out again after only a short time and as darkness fell replacements had still not arrived. Some polling stations had ballot papers, while other stations just a



29 OCTOBER . . . polling day. Before the polling station opens Zanzibar Electoral Commission officials demonstrate to party agents that the ballot box is empty (*left*), and then apply the seals (*below*)



short distance away – sometimes within the same centre – were without.

Many of the voters remained, determined to cast their ballots. At the Amaani Stadium in Zanzibar town hundreds of people were still there at 9.30 p.m., sitting in queues on the ground, complaining – many had been there since 6 a.m. – but nevertheless waiting for the ballot papers. To defiant cheers one man walked in with his bed on his head, ready to wait the night if necessary. At other polling stations people waited until after midnight. Others, understandably, did not wait but went

home, without exercising their right to vote. Invariably there was no explanation for the delay in the delivery of ballot papers. Some of our observers spoke of the voters being 'abandoned'.

In the event the optimism of those voters who were still present at polling stations some 14 or 15 hours after polling was due to begin proved unwarranted. At 11.30 p.m. the Chairman of the Zanzibar Electoral Commission, Mr Abdulrahman Mwinyi Jumbe, announced on television and radio that due to the shortage of ballot papers and the late opening of the stations voting had been stopped in 16 of Zanzibar's 50 constituencies. It later emerged that in addition to the organisational failure ZEC was also aware of a number of serious irregularities which might have had a major impact on the elections, in particular the disappearance of ballot papers. In the other 34 constituencies, citing an order from ZEC, counts were stopped and ballot boxes removed.

The following day Mr Jumbe admitted "gross inefficiency" on the part of the Zanzibar Electoral Commission and apologised. He also expressed the fear that some books of ballot papers had disappeared and stated that the police were investigating.

It was a sad end to a day which many had hoped would demonstrate that elections in Zanzibar could go well, and thereby strengthen democracy on the islands.

Prior to election day it was not the delivery of essential materials that was the focus for those who feared that the elections would disappoint. Opposition parties highlighted two other items: the registration of voters and arrangements for party agents. They feared that many voters who had been registered and who were in possession of a Registration Certificate would find that their names were not on the list, and then be denied their vote.

At the same time, both CCM and CUF alleged that the other had brought people from the mainland to register, and then vote on 29 October, and would 'bring in' voters from other constituencies. The opposition parties were also concerned that although the law said that one agent could be present per party for each candidate in the five elections, ZEC was trying to reduce that number to just one per party for the Union elections and one for the Zanzibar elections.

On election day itself the widespread scenes of uproar and protest that had been feared as voting began, when hundreds of properly registered voters found that their names were missing, did not occur. However, we did come across voters who had been registered but whose names were not on the list. At some polling stations a mechanism was in place to assist such voters. At many others we found people who, their name not having appeared on the list at the first station they visited, were sent to stand in another queue. Sometimes this happened more than once, with the voters finding that after several hours no list could be found bearing their name, even though they had registered properly in August. We also noted that, although ZEC had ruled that those whose names were not on the list would be able to consult the register itself and thereby be able to have their right to vote confirmed, very often the register was not available.

Elsewhere, suspicions were aroused in a number of places when people who were identified as from the mainland were seen at or near polling stations.

Women in clothing that is not usual in Zanzibar, but is on the mainland, were seen being transported to polling stations in large numbers and subsequently observed in voting queues; in one case there were as many as 70. At one polling station outside Zanzibar town some 20 or so people who appeared to be from the mainland had spent the night before the elections in a building next to the polling station, within the fenced enclosure which the following morning was keeping out hundreds of local people who were waiting for the arrival of ballot papers.

At one polling station in Pemba, mainland 'recruits' in red T-shirts, linked with the anti-smuggling marine unit (KMKM) and the national service organisation (JKU), appeared at one polling station in their hundreds. At other polling stations we witnessed truckloads of voters arriving together; we were not able to establish whether the people concerned were or were not legitimate voters. We have direct evidence of attempted multiple voting at one polling station.

So far as ZEC's limit of two agents per party was concerned, almost everywhere the decision was reluctantly accepted and the scale of the upset which ensued was less than had been feared. However, there was no doubt as to the anger the decision aroused, especially when agents had already been accredited by ZEC only the night before. Protests were made at many of the polling stations we visited, both by voters and by the agents themselves. At several stations CUF agents were ejected by the police. At one polling centre, two CUF agents complained that they were badly beaten by police when they attempted to observe the dispatch of materials, and they displayed their injuries to our observer.

Party agents were present at all the polling stations we visited. CCM was represented everywhere, CUF in most places and in some polling stations agents from the other parties were present too. We noted with concern, however, that the positioning of party agents within the polling stations was not always such as to enable them to see clearly. Generally, agents were not treated well by Presiding Officers. At some military bases where polling stations were sited agents were not allowed to enter. The voter's details were not always called out, making it difficult for the agents to observe the process properly.

It should be added that the party agents did not always appear to understand their duties and responsibilities: we believe that their training could and should be improved before future elections. In order to foster confidence in the process they should also be provided with a copy of the voters' list being used by the officials in the polling station. Finally, we noted a persistent complaint by party agents concerning the lack of forms held by the Presiding Officers. For instance, the Presiding Officer had only one form on which the agents could register complaints, and there was usually just one copy of the Presiding Officer's Statement of Result form, when each of the party agents was entitled to receive a copy.

Generally there was a good atmosphere at polling stations and the election staff were courteous, efficient and committed to their task. The conduct of the polling stations was transparent and effective and the polling station officials must take much of the credit for this. We noted that many Presiding Officers were women and that female officials played an important role in the process.



VOTING . . . some polling stations had ballot papers and voting proceeded normally, as at these two polling stations in Pemba



Our Observers noted, however, that officials did not always treat male and female voters equally. Often there were separate queues, by gender; but the ratio of those being called up to vote was biased in favour of the men (perhaps five men were called up for every two women) so that their queue moved more quickly; at the end of the day it was often mainly women voters who were still waiting. We also noted that a large number of those who were registered but not on the list were women.

In general, the polling station officials, especially the Presiding Officers, could have benefited from

more training. We believe that the role of the Presiding Officer should be considered before future elections: rather than play a supervising role Presiding Officers were often submerged in one or other aspect of the process itself and were therefore invariably unable to oversee the procedure effectively. We noted that none of the Presiding Officers had sufficient opportunity to check the contents of the boxes of election materials with which they were issued.

The sheha – a government-appointed official, present at the stations to ‘advise’ the election officials on voters’ identity – was present at many, though not all, polling stations. We were pleasantly surprised to find that in most cases the individuals concerned were not intrusive. Nevertheless, we continue to believe that these government-appointed local officials should not have the role in the electoral process which is presently assigned to them.

Security was mostly discreet but effective and police were present at almost all polling stations. Those inside the polling station were mainly unarmed in Unguja but often armed in Pemba. However, even when armed they did not appear to be intimidating.

The media reported a number of incidents in which police beat people outside polling stations. During the course of the day one of our observers saw uniformed police administering a severe beating to a man who was then thrown bodily and forced into the trunk of a car. Officers of the KMKM were also present at the scene.

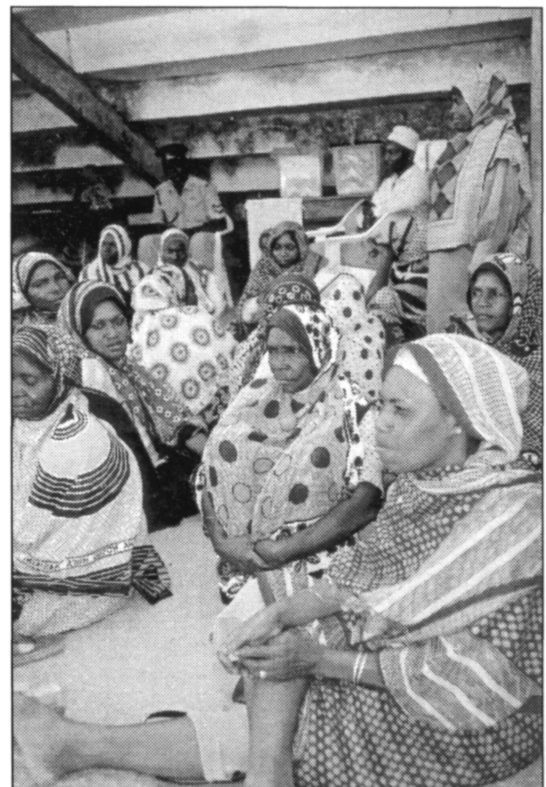


WAITING . . . but other polling stations did not have ballot papers at all or some arrived but ran out soon afterwards: (*left*) the scene in the afternoon at a polling station outside Zanzibar town, and (*below*) at the Amaani Stadium, Zanzibar town. At 11.30 p.m. the Chairman of the Zanzibar Electoral Commission announced that voting had been stopped in 16 of Zanzibar's 50 constituencies

As darkness fell and ballot papers still did not arrive armed police, including the 'riot police' of the Field Force Unit, were present at some centres.

We were pleased to see domestic observers from the Tanzania Election Monitoring Committee at a number of polling stations. Though the numbers allowed by ZEC were much smaller than had been requested by TEMCO, it had been feared that they would not be able to be present at all. Given the benefits that effective domestic election observation can bring we hope that in future they will be able to play an even more extensive role in the process and, in particular, be present not only as mobile observers but as static observers too, assigned to as many polling and counting stations as possible for the whole day.

We have nothing but praise for the voters themselves. The turnout was good. Where voting did take place they participated eagerly, following the procedures properly and calmly. Where it did not they waited for the ballot papers, sometimes for twelve or more hours, with resignation and frustration, but with none of the violence that in the circumstances might have occurred. As we noted in our



Interim Statement, they are to be commended for their extraordinary patience, orderliness and dignity.

The layout of most polling stations visited followed the guidelines issued by the Director of Elections, the control of the flow of voters was often good and the stations were generally orderly. The procedure, as observed by our Group, was that having been checked against the voters' list the voter collected first three ballot papers for the Zanzibar presidential, parliamentary and local elections, marked them at the voting booth and deposited these papers in the metal ballot boxes. The voter then collected a further two ballot papers for the Union elections, marked them and deposited them in two separate transparent ballot boxes. The voter's left thumb (or in some cases finger, or both) was then dipped in indelible ink and the voter left the vicinity of the polling centre.

The mechanism for voting was complicated and therefore potentially confusing, given that five elections were taking place in one polling station. However, in practice, though changes may be considered for the future, we found that it worked well. We suggest that in future it would be preferable for all ballot boxes to be transparent.

We noted that the colour used in the ballot papers was matched with that of the ballot boxes, which we consider to be a positive practice. We also noted that everywhere the voting booth was properly screened, although it was sometimes badly positioned, thereby possibly compromising the secrecy of the ballot. New cardboard booths made specially for the purpose were used, as well as older canvas and metal constructions.

The ballot boxes were well sited and there was transparency in the way they were handled by the officials. Agents were generally brought in at key times to verify that procedures were being followed and the opening and closure procedures were adhered to – although the demonstration that the ballot boxes were empty was normally confined to the agents rather than the whole voters' queue. We noted that not all the ballot boxes were labelled, nor did they bear the name or number of the polling station. The station's name and voting procedures were not always displayed and the rooms in which voting was done were frequently very small, allowing little space for the officials and agents, let alone the voters. In some the space was so confined that the secrecy of the ballot was seriously endangered.

In our observation conditions at constituency centres – both at the time materials were being dispatched before the poll and at the end of the day – were worse than at the polling stations themselves: both physical arrangements and organisation were poor.

Concerning procedures, we noticed a number of inconsistencies and deviations from those stipulated. In particular, although at the start of the process officials were supposed to check voters' fingers for traces of indelible ink nowhere did we observe this happening. In several polling stations ballot boxes were not sealed or locked – in four the tops were completely open. At a large number of stations in different parts of the country the voter's Registration Certificate number was written not only on the ballot paper counterfoil but also on the ballot paper itself; we disapprove of the recording of the Registration Certificate number on the counterfoil, but regret even more that it should also be written on the ballot paper itself. This practice

impinges on the secrecy of the ballot and may deter voters from expressing their choice freely.

Several of our teams noted that ballot papers were not being stamped twice, as laid down in the regulations. At a number of polling stations in both Unguja and Pemba the Presiding Officers or party agents suggested that they might 'help' the voters: a surprising number, although not disabled, accepted this offer and the Presiding Officer or agent accompanied them into the booth and helped them mark their ballot papers. At two polling stations there was no voters' list: the names of voters with Registration Certificates were being written down as the voters arrived. There were inconsistencies in the way in which indelible ink was applied (sometimes different fingers, sometimes to the cuticle and on other occasions not) and one of our teams saw many voters leaving polling stations without indelible ink having been applied.

There are several ways in which some of the arrangements might be easily improved. For instance, it took some polling station officials up to seven minutes to find a particular voter's name on the list: identifying names would have been much easier had they been listed by their Registration Certificate number. And in our view the inking of voters' fingers should take place at the beginning of the process, not the end.

Regarding our own observation, we had total freedom of movement. When we met other international and domestic observers we exchanged notes and avoided unnecessary duplication, in an effort to maximise coverage. Relations with the other observers were good. The presence of observers occasioned no hostility or concern on the part of voters or officials, sometimes provoked mild curiosity on the part of the former and was occasionally enthusiastically welcomed.

Several of our observer teams were unable to visit a count, since voting had not finished at their polling stations at the time the elections in the 16 constituencies were cancelled by ZEC, and the counting of votes therefore did not take place. At those we did observe agents were present and the procedures were followed, except at one in Pemba where – without explanation – the officials halted the counting. There was one major exception to this adherence to procedure: nowhere did we see the issuing of Statements of Result forms to the party agents. Presiding Officers we spoke to about this told us that they had not received forms for this purpose. Finally, we noted that very often the lighting was inadequate.

We have dealt in some detail with the process, where we saw polling and were able to observe the counts. As we have noted, there were some positive features. But the hallmark of these elections was the massive organisational failure which led to the cancellation of the poll in 16 constituencies, together representing over 40 per cent of the registered voters, and the subsequent decision to suspend election operations in the other 34 constituencies.

We noted that the suspension operated in different ways at different times in different constituencies and that the transmission of ZEC's decisions appears to have been inadequate. Many observers were unable to observe the process which followed the suspension. The suspension also raised question marks over the security of the ballot papers in the 34 seats once election operations there had been suspended. In this context we noted that polling agents were

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invariably not allowed to accompany the boxes following suspension and no party seals were allowed on the boxes, a decision we regret. It was not always clear exactly where the boxes would be kept and under what conditions. This highlighted a general failure by ZEC to operate in a transparent and consensual manner.

We took such a serious view of ZEC's organisational failure that in our Interim Statement issued the day after the poll we called for the elections to be held again, in their entirety, but only after the "top to bottom" reform of the existing election management machinery. ZEC's decision to suspend electoral operations everywhere and the manner in which it was carried out confirmed us in our view.

The Zanzibar Electoral Commission explained the day after the elections that the source of the original organisational problem was the incorrect unpacking of boxes of materials at distribution centres, though it also feared that books of ballot papers had found their way into "the wrong hands", a matter which the police had been called in to investigate.

We are still not in a position to know to what extent ZEC's organisational failure was the result of malign intent on the part of at least some of those who were in positions of responsibility in the election management machinery, and to what extent it can be explained by straightforward, albeit scandalous, inefficiency. Was it simply appallingly bad management, or a deliberate ploy? For this to occur in so many polling stations in so many constituencies raises doubts and suspicions that the cause goes beyond maladministration. One of the most unfortunate legacies of these elections is that the cloud of suspicion will now be very difficult to dispel from the existing Electoral Commission.

What concerns us, even on the most generous interpretation of events, is the effect on democracy in Zanzibar and the outcome so far as the voters are concerned. On that score there can be no doubt. The organisational shambles on polling day seriously undermined the democratic process in Zanzibar. The voters were treated with contempt. Both deserve much better.