

# **PEACE AND UNITY IN THE ISLES**

PROSPECTS OF A GOVERNMENT  
OF NATIONAL UNITY IN ZANZIBAR

A Report of a Kituo cha Katiba Fact-Finding Mission

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# Abbreviations and Acronyms

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ADA-TADEA	African Democratic Alliance
ADC	Alliance for Democratic Change
AFP	Alliance for Farmers Party
ASP	Afro-Shirazi Party
ASU	Afro-Shirazi Union
AU	African Union
CA	Constituent Assembly
CAR	Central African Republic
CBO	Community-based organisation
CCM	Chama cha Mapinduzi
CEC	Central Executive Committee
CHADEMA	Chama cha Demokrasia na Maendeleo
CHAUMM	Chama cha Ukombozi wa Umma
CHRAGG	Commission for Human Rights and Good Governance
CRC	Constitutional Review Commission
CSO	Civil society organisation
CUF	Civic United Front
DP	Democratic Party
DPP	Director of Public Prosecutions
EAC	East African Community
EACJ	East African Court of Justice
EACSOF	East African Civil Society Organisations Forum
EALA	East African Legislative Assembly
EALS	East Africa Law Society

ECOWAS	Economic Community of West African States
EU EOM	European Union Election Observer Mission
EU	European Union
EXco	Executive Council
FBO	Faith-based organisation
FGD	Focus group discussion
GANHRI	Global Alliance of National Human Rights Institutions
GNU	Government of National Unity
GSO	General Security Office
HoR	House of Representatives
ICT	Information and communication technology
JPSC	Joint Presidential Supervisory Commission
KcK	Kituo cha Katiba: The Eastern Africa Centre for Constitutional Development
KMKM	Kikosi Maalum cha Kuzuia Magendo (Anti-Smuggling Unit)
Legco	Legislative Council
MKUZA 11	Mkakati wa Kukuza Uchumi na Kupunguza Umasikini Zanzibar (Zanzibar Strategy for Growth and Reduction of Poverty)
MP	Member of Parliament
NCCR	National Convention for Construction and Reform – Mageuzi
NEC	National Electoral Commission
NGO	Non-governmental organisation
NRA	National Reconstruction Alliance
PAFMEACA	Pan-African Freedom Movement for East and Central Africa
PALU	Pan-African Lawyers Association

RACR	Regional Affairs and Conflict Resolution Committee of EALA
RC	Regional Commissioners
SADC	Southern African Development Community
SAU	Sauti ya Umma
TACCEO	Tanzania Civil Society Consortium on Election Observation
TLS	Tanganyika Law Society
TPDF	Tanzania People's Defence Force
TSh	Tanzanian shilling
UKAWA	Umoja wa Katiba ya Wananchi
UN	United Nations
URT	United Republic of Tanzania
USA	United States of America
ZAN IDs	Zanzibar identity cards
ZBC	Zanzibar Broadcasting Corporation
ZEC	Zanzibar Electoral Commission
ZLS	Zanzibar Law Society
ZNP	Zanzibar Nationalist Party
ZPPP	Zanzibar Pemba People's Party



# Introduction

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## Background and Introduction

Kituo cha Katiba: The Eastern Africa Centre for Constitutional Development (KcK) sent a fact-finding mission to Zanzibar out of concern about the post-2015/16 election political developments in the country.

The major goal of the mission was to provide an avenue for Zanzibaris to express their views and exchange ideas about their country's constitutional future. The specific objectives were to:

- i) Capture, document and assess the voices of Zanzibaris on outstanding constitutional issues following the 2015 elections; the implications for the future; and recommendations for constitutional reform and the way forward.
- ii) Provide a neutral forum for popular assessment of the Government of National Unity (GNU) – its achievements and challenges in the light of Zanzibar's constitutional and political development.
- iii) Identify key strategies to move Zanzibar's constitutional agenda forward.

The overall aim of the project was to contribute to peace, stability, good governance and the constitutional and democratic development of Zanzibar.

The fact-finding mission was preceded by pre-mission consultations with key stakeholders on Tanzania Mainland and Zanzibar undertaken in August 2017. The fact-finding mission to Unguja and Pemba was conducted in three stages – the first in October 2017, the second in January 2018 and the third and final phase took place from 12-15 February 2018.

## The Problem

Zanzibar is currently faced with serious governance and constitutional issues. The GNU, which was formed in 2010 to bring the two main contending parties – the Chama cha Mapinduzi (CCM) and the Civic United Front (CUF) – together, crumbled in the face of the contested 2015 /2016 elections. The GNU was the last of several attempts at political negotiation, through home-grown political settlements (*Miafaka*). As a result, there is a political stalemate between the two parties. Sharp political differences have also re-emerged and are visible in the day-to-day lives of ordinary Zanzibaris. Underlying this polarisation are class differences and a ‘racial’ issue which, over time, has manifested as the Pemba-Unguja divide but, more discreetly, as pro-Revolution and anti-Revolution sides. The above situation is exacerbated by a poorly performing economy characterised by high levels of poverty among the majority of Zanzibaris, coupled with high unemployment among the youth. The situation obtains against the backdrop of a history of violent, controversial and hotly contested elections in Zanzibar since colonialism and an incomplete constitutional review process for the whole of Tanzania – at the root of which is the Union issue believed to be the crux of Zanzibar’s contemporary political, governance and constitutional question.

## The Mission

### **The team**

1. The team comprised the following distinguished members:
2. Prof. Frederick Jjuuko (Uganda), Professor of Jurisprudence, School of Law, Makerere University (Head of Mission);
3. Ms Florence Simbiri Jaoko (Kenya), former Chairperson, Kenya National Commission on Human Rights, Lecturer at the School of Law, Nairobi University and Special Envoy of the Geneva-based Global Alliance of National Human Rights Institutions (GANHRI);
4. Prof. Sabiti Makara (Uganda), School of Social Science, Department of Political Science and Public Administration, Makerere University; and
5. Ms Edith Kibalama, Executive Director, KcK, who provided logistical support.

### **The pre-mission consultations**

Against the backdrop of the political tension and sensitivity surrounding the mission's focus at the time, pre-mission consultations were designed as a strategic intervention aimed at seeking the advice, guidance and support of a few individuals in both Mainland Tanzania and Zanzibar on the best approach and strategies that KcK should adopt in order to successfully implement the project. Beyond this, the consultations sought to obtain an update on contemporary governance, constitutional and human rights issues in Zanzibar and the United Republic of Tanzania (URT) as a whole. The consultations took place from 21 to 22 August 2017 in Dar es Salaam and 23 to 26 August 2017 in Unguja, Zanzibar.

Views were solicited from various key actors, including individuals in government institutions, academics, leaders and members of

political parties and civil society. A list of those interviewed is appended to this report.

## **The fact-finding mission**

### ***Focus and methodology of the mission***

Before delving into the gains and shortfalls of the GNU established in Zanzibar in 2010, the mission explored the broader questions of what made the GNU necessary politically and economically, and what and who made it possible. The extent of implementation of the GNU and popular views about it were also studied. The achievements and challenges of the first GNU were also registered. In addition, the mission explored common views regarding the nature and type of the post-2015/16 election government in Zanzibar. In particular, analogies were drawn with the ‘original GNU’ in terms of structure, functionality, constitutionality and legality.

Also of special concern to the mission were the 2015 elections and the election re-run of 2016. Specifically, the mission explored whether the 2015 elections and subsequent repeat elections were conducted properly. Views on emerging constitutional issues arising from the post-2015/16 state of governance in Zanzibar were examined and solutions to outstanding political, economic and constitutional issues explored. In this context, definite strategies to best deal with the state of affairs in Zanzibar were a critical question for the mission. Possible remedies from negotiations, an interim or caretaker government, diplomatic interventions, as well as constitutional reform at both Union and Zanzibar levels were presented for discussion. Insights were also sought on key actors and their respective roles in addressing the state of affairs in Zanzibar. What should be done in the light of the next election of 2020, why and when it should be done as well as the cost of doing nothing were all thoroughly investigated by the mission.

In executing the task, the mission adopted a qualitative approach. Besides the literature reviewed on the subject, interviews were held with a wide range of people. Open-ended questions were used to solicit views from different respondents with interjections made to probe specifics and for purposes of clarity.

### ***Persons interviewed***

The mission engaged with a wide spectrum of stakeholders. These included academics; legal practitioners; religious leaders; members of parliament; leaders and members of political parties; members of non-governmental organisations (NGOs), including those working on human rights and governance issues, as well as women's and youth issues; faith-based organisations (FBOs); the media; the private sector; professional bodies, including the law society; members of trade union associations; the Zanzibar Electoral Commission (ZEC); and the Commission from Human Rights and Good Governance (CHRAGG). In addition to persons from these groups, in Pemba, the mission held discussions with ordinary people from diverse backgrounds and occupations, including fishermen, clove growers, agriculturalists and livestock farmers.

Apart from interviews with individuals, focus group discussions (FGDs) were held with youth and women in Unguja. The FGDs were disaggregated by gender and location (urban and rural), and intermixed in terms of political affiliation.

A few limitations affected the work of the mission. The mission was unable to meet with some of the key figures from the government, the ruling party and leaders and members of the Zanzibar House of Representatives (HoR), most of whom were reluctant to discuss the subject matter or proved to be too busy to fit into our tight schedule.

## Background: A Brief Colonial and Constitutional History

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The Zanzibar archipelago comprises two islands, Pemba and Unguja. Zanzibar is part of the United Republic of Tanzania.

### Arab and Colonialist Dominance

From the 2nd century AD, the Bantu settled on the islands.<sup>1</sup> During the 11<sup>th</sup> and 12<sup>th</sup> centuries, Persian seafarers established a base on the islands and intermarried with the local people. The Portuguese followed towards the end of the 15<sup>th</sup> century and controlled the islands until their ouster by the Omanis in 1698. In 1832, the ruler of the Omanis, Sultan Seyyid Said, moved to Zanzibar. He established an Arab aristocracy dependent on African slave labour and developed a thriving spice industry. With the financial support of Indians, the sultan also engaged in slave and mineral trade. As a result, the Indian population grew, and eventually Europeans established diplomatic relations,<sup>2</sup> the United States of America (USA) being the first to establish a consulate in 1836, followed by

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1 Jjuuko Frederick & Muriuki Godfrey, *Federation within Federation, The Tanzania Union Experience and the East African Integration Process*, A Report of the Kituo cha Katiba Fact-Finding Mission to Tanzania, p.2

2 Ibid., p.3

the British and French in 1844.<sup>3</sup> Today, Zanzibar is a melting pot of races, a representation of all its past visitors<sup>4</sup>— among them people of African, Arab, Indian and Chinese descent.

Although the Omani Arabs were clients of the British throughout the 19<sup>th</sup> century, with the British assisting them in dealing with troublesome subjects, this changed when Zanzibar was declared a British protectorate in June 1890. Henceforth, Zanzibar was ruled by the sultan under the tutelage of the British, with ultimate authority lying with the British. In 1913 the British put Zanzibar under the Colonial Office and appointed a British resident who took effective control until the time of independence in 1963.<sup>5</sup> From 1914 until 1925, a Protectorate Council was formed as an advisory body to the sultan. In 1925 the Executive Council (EXco) and the Legislative Council (Legco) were formed. The Protectorate Council was replaced by the EXco and the Legco headed by the British resident as the legislative arm of the protectorate. Any decree by the sultan could only be enacted on the advice and consent of the Legco. In short, the sultan's power was curtailed. For the two decades of its existence, the Legco had no 'indigenous Africans' until 1946, when, owing to a changed political climate in Western Europe, including the coming into power of the Labour Party in Britain, an African, Sheikh Ameir Tajo, joined it. The second African joined three years later in 1949.<sup>6</sup>

3 Yahya Khamis Hamad & Peter Maina Chris, 'Elections in Zanzibar and their consequences: ZEMOG and Miafaka', in Chris Maina Peter & Immi Sikand (eds), in *Zanzibar, The Development of the Constitution*, 2011, Zanzibar, Zanzibar Legal Services Centre, Publication Series Book No.3, p.122

4 *Zanzibar: A Giant cultural Melting Pot at the East African Coast*, accessed at <https://www.africantravelhub.com/zanzibar-a-giant-cultural-melting-pot-at-the-east-africa-coast/>; see also William Cunningham Bissell & Marie -Ande Fouéré (ed.), *Social Memory, Silenced Voices, and Political Struggle: Remembering the Revolution in Zanzibar*, p.328, accessed at <https://books.google.co.uk/books?id=oEZbDwAAQBAJ&pg=PA328&lpg=PA328&dq=Social+Memory,+Silenced+Voices,+and+Political+Struggle.+Remembering+the+Revolution+in+Zanzibar,+melting+post+of+races&source=bl&ots=IqRCAfXQ2d&sig=>

5 Jjuuko & Muriuki, op.cit., pp.2-4

6 Hamad & Peter, op.cit., pp.122-125

## The Run-up to Independence

### The Legco

With the promise of internal self-government, the Legco was in 1955 reconstituted to include an equal number of official and unofficial members twelve of each. Of the unofficial members, the number of Africans and Arabs was equal – four each – together with three Asians and one European. At the time, the Arabs had one association; the Indians two: the Indian Association and Muslim Association; and the African population two as well: the African Association led by Sheikh Abeid Karume, and the Shirazi Association, led by Sheikh Ameir Tajo and Sheikh Thabit Kombo.<sup>7</sup> In early 1954, the British resident then, John Rankine recommended the creation of 12 nominated seats – four each for Africans and Arabs, three for Indians and one for Europeans. The proposals would enhance popular representation but still adhere to the principle of appointing members on the basis of race. The African Associations endorsed the proposal but the younger, more educated members of the Arab Associations rejected it.<sup>8</sup> The Arabs raised several demands, including universal adult suffrage, a common role election, an official majority of elected members in the Legco, and a ministerial system.<sup>9</sup>

Glassman gives an elaborate account:

In early 1954, the resident, John Rankine, proposed constitutional changes that would enhance popular representation in the Legco (Africans and Arabs were to have an equal number of seats) but still adhere to the principle of appointing members by race. Tajo and African Association endorsed the proposal. But it produced bitter divisions among Zanzibar's most self-conscious

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7 Ibid., p.126

8 Glassman, Jonathan, *War of Words, War of Stones: Racial Thought and Violence in Colonial Zanzibar*, 2011, Indiana: Indiana University Press, p.60

9 Hamad & Peter, op.cit., p.127

nationalists, the elite intellectuals of the Arab Association. While the older men who controlled the Arab Association's executive committee voted to support the Rankine constitution, they were opposed by younger, more educated members, who had been deeply influenced from Cairo. Among these was Ahmed Lemke, editor of the Association's weekly paper, *Al-Falaq*. Lemke's editorials demanded that Legco members be elected directly from a non-communal voters roll; he couched these demands in aggressive anticolonial 'rhetoric' that was meant to embarrass the moderates who supposedly published this paper. In June 1954, his editorials prompted the British to arrest him and all of the executive committee on charges of sedition.

....Protesting the arrests, and at least endorsing *Al-Falaq*'s demand for direct non-communal Legco elections, the association proclaimed a boycott of all government advisory bodies and its members withdrew from the Legco. The sole holdout was Ali Sultan Mugheiry, a member of association's executive committee, who by apologizing to Rankine, was spared arrest. In November 1955, less than a week after taking his seat in the Legco, Mugheiry was knifed to death. His assassination would have repercussions for years to come.<sup>10</sup>

In spite of the above, the British proceeded with their proposals. The Arabs boycott the Legco for 18 months.<sup>11</sup>

In 1956, the Coutts Commission set up to recommend methods of choosing unofficial members of the Legco endorsed election on a common roll for six out of the 12 official seats, and recommended that a candidate for the Legco should be a Zanzibari subject, and that the voters should be British-protected subjects. A system of electing the six unofficial members of the Legco through the common roll system was introduced in 1957 as the major constitutional change. This period coincided with the formation of some political parties, namely the Zanzibar Nationalist Party (*ZNP*), formed in December

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<sup>10</sup> Glassman, *op.cit.*, p. 60

<sup>11</sup> Hamad & Peter, *op.cit.*, p. 127

1955, which evolved from the Nationalist Party of the subjects of the sultan (the Hizbu), and the Afro-Shirazi Union (ASU), forged out of a hasty union of the African Association and the Shirazi Association in 1957, which later became the Afro-Shirazi Party (ASP).<sup>12</sup>

### **The 1957 elections**

Although the first colonial elections of 1957 were contested by different political parties, racial and religious organisations, the real contest was between ASP and the ZNP.<sup>13</sup> The result of the 1957 elections was a win by the ASP of five out of the six constituencies. The Stone Town seat was won by a candidate fielded by the Muslim Association, one by the two Indian Association, and none by the ZNP. Although the Africans were still a minority in the Council, they for the first time outnumbered Arabs in the Lego of 1957.

The recommendations of the Blood Commission of 1960 appointed to propose constitutional steps for the islands included the introduction of a ministerial system with its leader as chief minister, a legislature of 22 seats, demarcation of constituencies, enfranchisement of women and the relaxation of property and education conditions for men.<sup>14</sup> The endorsement of the proposals led to the January 1961 elections.

### **The 1961 elections**

The 1961 elections registered more than twice the electorate of 1957. More constituencies were formed to make 22 (13 in Unguja and nine in Pemba). The ASP won 10 seats and the ZNP nine; and the Zanzibar Pemba People's Party (ZPPP), which broke away from ASP in 1959, got three seats. The expected coalition between the ZPPP and the ASP or the ZNP and the ASP never happened

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12 Ibid., pp.127-8

13 Ibid., p. 128

14 Ibid., pp.129-130

because the ZPPP itself became divided. One of its members joined the ASP and two joined the ZNP. Consequently, a stalemate ensued and new elections were called. A coalition government led by the Chief Minister with ministers from all political parties was put in place for six months.<sup>15</sup> To avoid another stalemate, a new constituency was created in Pemba ahead of the new June 1961 elections. The ZNP and the ZPPP formed an alliance. Although the elections were marred by riots, the ASP ultimately won 10 seats and increased its votes, the ZNP 10 seats, and the ZPPP retained its three seats, but the latter two had a reduced vote.<sup>16</sup> Hence a ZNP-ZPPP coalition government was formed.

### **The constitutional conference, elections and independence**

A constitutional conference to discuss Zanzibar's independence took place in London between 19 March and 6 April 1962 and was attended by all political parties. However, because of differences between the ASP and the ZNP-ZPPP alliance, the conference ended in a stalemate. While the ASP and the ZNP-ZPPP reaffirmed their loyalty to the Sultan and desire for the dynasty to continue, their ideas on the programme of taking Zanzibar into internal self-government and independence differed.<sup>17</sup> The ASP wanted a complete removal of the means and literacy conditions on elections, a reduction of minimum voting age to 18, an increase of elected members from 23 to 31, and the holding of new elections, but the ZNP/ZPPP coalition was only agreeable to the removal of the means and literacy conditions, and rejected all the other demands.<sup>18</sup>

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15 Ibid., p.131

16 Ibid.

17 Othman Haroub, *Yes, in My Lifetime: Selected Works of Haroub Othman*, Saida Yahya-Othman (ed.), 2014, Mkuki na Nyota, p.158. For more information see *Colonial Office, Report of the Zanzibar Constitutional Conference, 1962*, London

18 Ibid., p.3

On 24 June 1963, Zanzibar became internally self-governing and new elections were held from 8 to 15 July. The ZNP-ZPPP alliance won 18 seats and the ASP 13 seats, but with majority votes. The last constitutional conference was held in September 1963 in London on the Independence Constitution. The conference agreed on the formal date of independence as 10 December 1963, with the sultan, as head of state, being granted more powers, including the power to nominate his successor. On 10 December 1963, Zanzibar gained independence ending 73 years of British colonial rule.

## The Revolution and the Formation of the Union

On 12 January 1964 Zanzibar underwent a Revolution which overthrew the ZNP/ZPPP alliance, abolished the monarchy, and abrogated the Independence Constitution. The Revolutionary Council declared rule by decree. On 26 April 1964, the People's Republic of Zanzibar and the Republic of Tanganyika merged to form the United Republic of Tanganyika and Zanzibar.<sup>19</sup>

On 29 October 1964, the country was renamed the United Republic of Tanzania.<sup>20</sup> The Union was governed by the Articles of Union and immediately after their ratification, the Constitution of Tanganyika was adopted the first and interim constitution of the URT that was expected to last for one year until 1965. In spite of the Union, Zanzibar maintained a certain level of autonomy and today still has its own executive, legislature and judiciary.

The Articles of Union were originally 11 but have, over time, increased considerably. Under this arrangement, there is what is referred to as 'Union matters', which relate to both Mainland Tanzania and Zanzibar, and 'non-Union matters' that relate exclusively to Zanzibar. The Union government exercises jurisdiction over Union matters and non-Union matters for the

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<sup>19</sup> Hamad & Peter, *op.cit.*, p.135

<sup>20</sup> Jjuuko & Muriuki, *op. cit.*, p.6

Mainland, while the Zanzibar government exercises jurisdiction over Zanzibar non-Union matters. There are no provisions for a government of Tanganyika and no separate executive or legislature exists for that purpose.

## The Run-up to the GNU

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Zanzibar has had three attempts at reconciliatory accords, and two were successfully concluded. Prior to the third accord – the *Muafaka III*, were two previous *Miafaka* – *Muafaka I* concluded in 1999 and *Muafaka II* in 2001. Both *Miafaka* sought to address the post-election violence and disharmony between the government and opposition in Zanzibar which had characterised the isles. The above issues persisted and the two *Miafaka* failed to be implemented, hence *Muafaka III*. However, *Muafaka III* was never signed, leading to another initiative, the *Maridhiano*. The backdrop to these reconciliations is Zanzibar’s turbulent and controversial politics.

### Background to the *Miafaka*: A Brief History of Elections in Zanzibar

Zanzibar’s contemporary political and constitutional landscape cannot be understood without studying her electoral history, which is also a precursor to her reconciliatory efforts – the *Miafaka*, and later *Maridhiano*.

Different sources indicate that elections in Zanzibar have historically been controversial and marred by post-election violence since colonial times. The violence is traced back to the first elections of 1957. Passions ran high, and politics infected every family.<sup>21</sup>

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21 Ibid., p.130

The Report of the Provincial Administration for the year 1958 captured the mood:

The year was notable for the extent to which politics infected almost every side of life in Zanzibar and those traders, cultivators, labourers, fishermen, even housewives were affected. Villagers in the rural areas argued among themselves. Funeral and religious ceremonies were boycotted by rival parties! Women even pawned their clothing in order to raise the bus fare to political meetings. Such was the immediate result of the first common roll elections for these formerly peaceful islands.<sup>22</sup>

The above issues persisted. The 1961 elections were reportedly marred by riots for several days, with official figures putting the death toll at 68, the injured at 381 and over 1,000 arrests: many buildings were damaged and a great deal of looting was reported.<sup>23</sup>

The 1995 elections, the first after the re-introduction of multipartism in 1992, were also violent and were at the time described as the climax of political chaos in Zanzibar.<sup>24</sup>

The controversy relating to the 1995 elections began at the time of registration, with the introduction of a residence requirement of five years for any Zanzibari to be eligible to vote. Both CCM and CUF tried to bar voters perceived to belong to the other party from registering.<sup>25</sup> Other issues arose during the polling. Despite the protests raised in writing to the ZEC by both parties separately regarding irregularities,<sup>26</sup> the ZEC announced CCM as the winner with 26 seats and CUF as the runner-up with 24 seats in the HoR, and for the presidential elections, Dr Salmin Amour of CCM with 50.2 % and CUF's Seif Hamad as the runner-up with 49.8%, a narrow difference of 0.4%. CCM supported the ZEC position. The results were widely protested. Independent observers described

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22 Ibid., pp.129-130

23 Ibid., p.132

24 Ibid., p.157

25 Ibid., p.148

26 Ibid., p.149

the elections as flawed<sup>27</sup> and donors protested the discrepancies between the ZEC figures and those at polling stations.<sup>28</sup> CUF disputed the election results on the grounds of their having been manipulated by ‘a partisan Electoral Commission’ in favour of CCM. Intense brutality and hostility between the two parties ensued in the aftermath of the elections. In October, the situation became tense and volatile, with sporadic acts of violence and constant harassment of the opposition. The situation was exacerbated by the arrest and charging with treason of 18 CUF activists, including four members of the HoR, in November 1995.<sup>29</sup> As a result, houses were burnt, people were unlawfully dismissed from jobs, students were rusticated from schools and colleges, people were indiscriminately whipped on the streets by the police, and state institutions harassed people believed to be sympathetic to the opposition.<sup>30</sup> Domestic and international concerns were expressed in the wake of this state of brutality and repression against the opposition, prompting efforts to mediate the conflict, which led to *Muafaka I*.<sup>31</sup>

## ***Muafaka I and II: A Recap***

### ***Muafaka I***

The accord between CCM and CUF was brokered in the aftermath of the 1995 elections by the Secretary General of the Commonwealth, Chief Emeka Anyaoku, who assigned the task of mediating the process to Dr Moses Anafu. Its backdrop was the violence and harassment that followed the contested victory of the elections by CCM, and the intense hostility and suspicion between CCM and CUF that followed. The initiative that began in February 1998 was

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27 Ibid., pp.150, 156-7

28 Ibid., p.150

29 Ibid., p.157

30 Ibid., p.152

31 Ibid., p.157

the result of domestic and international pressure to end the state of brutality and repression.<sup>32</sup>

Following the negotiations, the parties agreed to a number of reform measures, namely: strengthening of the ZEC to make it independent and impartial; the establishment of a permanent and credible register of voters; a review of the Zanzibar Constitution and electoral laws to conform to modern multiparty democracy; ensuring that public-owned media is fair to all parties; the creation of a free environment for political parties to propagate their views and canvass support; a programme of civic education; reform of the judiciary to make it independent and professional; and the need to ensure fair treatment of public servants as prescribed by law.

Although the initial proposal was endorsed by CUF in July 1998, CCM delayed doing so. Accordingly, the pact, which would have been signed on 15 August 1998, was concluded almost a year later on 9 June 1999.<sup>33</sup>

However, the pact proved to be a dead letter. This has been attributed to lack of political will. Another reason for its failure is said to have been the absence of a provision for its monitoring and implementation. It was also argued that it lacked legal force and depended on the goodwill of the parties to enforce it – the inter-party committee established under the accord only having advisory status and the Commonwealth merely a moral guarantor. Moreover, both CCM and CUF viewed the dialogue initiators with suspicion.<sup>34</sup> Thus Zanzibar entered the 2000 elections without a broad consensus among the two major parties. The failure of *Muafaka 1* was demonstrated in bold relief by the conduct and outcome of the 2000 elections, which were widely believed to be a sham but which

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32 See J. Oloka Onyango and Maria Nassali, *Constitutionalism and Political Stability in Zanzibar: The Search for a New Vision*, A Report of the Fact-finding Mission organised under the auspices of Kituo cha Katiba. October 2003, p. 18

33 See Hamad & Peter, op. cit., p.157

34 Oloka & Nassali, op. cit., p. 19

also resulted in several actions that bespoke the hollowness of the pledge of reconciliation the *Muafaka* was supposed to represent.<sup>35</sup>

## **Muafaka II**

As already alluded to, the political chaos continued until the 2000 elections. The 29 October 2000 elections were reportedly much more flawed than those of 1995. They are described as ‘abortive’ since they never reached their final stage as 16 constituencies never voted owing to logistical problems. On this account, the ZEC announced a re-run. However, CUF refused to participate in the re-run unless there was a repeat of elections in all the constituencies in Zanzibar and threatened to reject the re-election results if its demands were not met.<sup>36</sup> The ZEC, however, ignored these demands and the re-run elections took place on 5 November 2000. CCM was announced winner and this time by a big margin – with a 67.04% win for CCM’s Dr Karume and 32.96% for CUF’s Seif Hamad in the presidential elections, and a 34-seat win for CCM and 16 seats for CUF in the parliamentary seats.<sup>37</sup> The CUF results were exclusively those of the first leg of the elections before the re-run. CUF rejected the results and refused to recognise the government. It called for demonstrations in the whole country on 26 and 27 January 2001, against ‘a flawed and gerrymandered result’. The government responded to the events of the two days with unprecedented brutality. According to the Mbita Commission appointed by the President of the URT to investigate the causes and consequences of the 26 and 27 January events, thirty people were killed, although the unofficial figure was double, several hundreds injured, and an estimated 2,300 people fled to Shimoni in Kenya, which registered the first mass flight of Tanzanians into the country.

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35 Ibid.

36 Hamad & Peter, op. cit., p.162

37 See *Zanzibar: 2000 Elections*, accessed at: <https://eisa.org.za/wep/zan2000election2.htm>

This was followed by a fortnight of beatings, mass arrests and various forms of harassment against the ordinary people.<sup>38</sup>

*Muafaka* II was prompted by the above events. The accord was a result of pressure brought to bear on CCM by, among others, ordinary people (*wananchi*), intellectuals and the donor community following the 2000 elections, and their aftermath.<sup>39</sup>

The terms of *Muafaka* II were almost similar to those of *Muafaka* I except for the emphasis on governance issues. *Muafaka* I was made an addendum to *Muafaka* II. Specifically, *Muafaka* II provided for a review of the electoral laws; the reconstitution of the ZEC to include two members of the official opposition; the establishment of the office of the Director of Public Prosecutions (DPP); the establishment of a cordial relationship between the leadership of CCM and CUF; and enhanced access to the grass roots by the opposition.<sup>40</sup> Learning from the experience of *Muafaka* I, *Muafaka* II was translated into an Act of the HoR and was entrenched in the Zanzibar Constitution by virtue of the 8th and 9th constitutional amendments.<sup>41</sup> Immediately upon its signing, a Joint Presidential Supervisory Commission (JPSC) comprising members of CUF and CCM to supervise and implement the accord was formed. By the end of 2003, nearly 80% of the accord had been implemented – an independent office of the DPP had been formed to bring about more expeditious and fair administration of criminal justice;<sup>42</sup> there was a more cordial relationship between the leaders of the two parties who were equally represented on the inter-party committee and who enjoyed a co-chairing arrangement; there was also a stimulated spirit of good neighbourliness amongst Zanzibaris who understood that competitive politics does not necessitate hatred of

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38 Oloka & Nassali, op. cit., p.19

39 Ibid.

40 Ibid., pp.xi, 20

41 Ibid., p.20

42 Hamad & Peter, op. cit., p.164

each other; and there was reduced politicisation of the civil service and victimisation of officials considered not sufficiently loyal to the [ruling party] government.<sup>43</sup>

Although Muafaka II was implemented more effectively compared to *Muafaka I*, it, too, had limitations. Notably, it did not address the historical questions that continue to affect the political situation in Zanzibar, particularly fundamental issues such as the status of the Union, governance, the rule of law, the relationship between Unguja and Pemba, education, including civic education, and socio-economic development.<sup>44</sup> Crucially, it fell short of popular participation, given that it was restricted to two parties, CUF and CCM. The people of Zanzibar were generally not involved in the debates on reconciliation or the progress towards its achievement; and it was focused on the electoral process and its outcome.<sup>45</sup>

Because the disharmony between the government and opposition in Zanzibar persisted even after the two *Muafaka*, this led to Muafaka III.

### The Third *Muafaka*

The establishment of the 2010 GNU was preceded by talks between CCM and CUF, which began on 17 January 2007 in Zanzibar. Prior to this, informal consultations were held between advisors and assistants of President Kikwete and officials of CUF beginning in December 2006 after the 2005 general elections, with a view to resolving the political standoff in Zanzibar.

In April 2007, the secretaries general of the two parties agreed to have the talks concluded by 15 August 2007. However, this did not happen. On 14 August 2007, President Kikwete undertook to guide the process personally to ensure its success and, at the end of

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43 Oloka & Nassali, op. cit., pp. 21-22; and *ibid.*, pp.164-5

44 Hamad & Peter, op. cit., pp.164-5

45 Oloka & Nassali, op. cit., p.xi

August, CCM appealed for CUF's patience to allow for the CCM party national congress and party elections slated for November 2007 to be concluded before the final leg of the talks could be held. This pushed the final meeting between the two parties to 25 to 29 February 2008 in Bagamoyo. At this meeting, the negotiating teams of the two parties agreed to submit the agreed positions to the respective decision-making bodies of their parties for approval and signing on a date to be agreed.<sup>46</sup>

Proposals for power-sharing included: the president to come from the winning party; two deputy presidents – the first deputy from the party that garners the second largest number of seats and who would be the principal assistant to the president, and the second deputy from the winning party (the president's party), who would be responsible for coordinating all ministers and be leader of government business in the HoR. In short, the second deputy would replace the chief minister.<sup>47</sup> A cabinet with members of both the winning and losing parties in proportion to their respective strengths in the HoR was also proposed. Given that the new governance structure aimed at eliminating recurring incidents of violence after every election period in Zanzibar, CCM's objective is said to have been to have the agreement ready and signed before the 2010 elections.<sup>48</sup>

On 17 March 2008, CUF's Governing Council sat in Zanzibar and approved the agreement. CUF also made public the results of the meeting at a rally at Democracy Ground in Kibandamaiti. However, in response, CCM criticised CUF for having made the announcement prematurely and for contravening procedure, since the announcement came before the National Executive Committee (NEC) of CCM had sat to receive the report from the CCM team and, secondly, the public statement should have been made by the

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46 Hamad and Peter, *op. cit.*, pp.166-7

47 *Ibid.*, pp.171-2

48 *Ibid.*, p.171

two secretaries general after both parties had received and endorsed their respective teams' reports.

Following the above incidents, CCM the same month met in Butiama. It made modifications to the proposals made by the CUF and CCM teams and recommended a referendum for the people of Zanzibar to decide on the proposed new political dispensation. The major premise for CCM's position was to have an inclusive and participatory process that would involve Zanzibaris of all political shades and opinions to take part in the critical decision-making process for a new accord and to gain widespread public support for it. This way, the mistakes of *Muafaka II*<sup>49</sup> which excluded other political parties would be avoided. CCM also emphasised the need for the new accord to conform to Zanzibar's constitution and laws and, therefore, called for constitutional amendments to accommodate the new structure.

In turn, CUF strongly rejected CCM's proposal for a referendum. CUF accused CCM of shifting from the agreed position. It is contended that CUF wanted the issues agreed on with CCM implemented immediately.<sup>50</sup> The party also expressed shock that for the 14 months of the negotiations, which involved 21 sittings, CCM had not mentioned the issue of a referendum. Yet the CCM team throughout the process claimed that it had been constantly in touch with not only their Central Executive Committee (CEC) and NEC, but also the two presidents, Kikwete and Karume. CUF referred to the move as a plot hatched well in advance to win a march over CUF and an act of scuttling and sabotaging an issue of great national importance. CUF further castigated CCM for entering the agreement without a genuine desire to resolve the political crisis in Zanzibar or of realising peace in Zanzibar, which is an integral part of the United Republic of Tanzania, and for misleading Tanzanians and

49 As noted earlier, this was not the first *Muafaka* in Zanzibar. Two accords – *Muafaka I* and *Muafaka II* – were concluded between CCM and CUF in 1999 and 2001 respectively

50 Hamad & Peter, op. cit., p.178

the international community. They considered it a ploy by CCM to strategically engage CUF in order to prolong the talks until election time without concluding the issue. CUF also maintained that CCM should have presented the issue during the negotiations rather than through the back door. However, since both CUF and CCM had acknowledged that the ZEC and the permanent voter register had shortcomings that required rectification, the issue of who would conduct the proposed referendum was a common concern.<sup>51</sup> CUF expressed disappointment over what they referred to as President Kikwete's insincerity and weakness as leader for having failed to prevail over his party despite an earlier claim that he was pained by the impasse in Zanzibar. They also castigated him for having been involved in reconciliation efforts elsewhere in Kenya and in Cameroon but showing little commitment to Zanzibar.<sup>52</sup>

## The 2005 Elections

In the 2005 general elections which followed *Muafaka* II, the incumbent president, Amani Abeid Karume of CCM, won the election with 53.2% of the vote, while Seif Hamad obtained 46.1%. In the HoR vote, CCM won 30 seats while CUF won 19 seats. CUF refused to recognise the CCM winner and announced an indefinite boycott of the HoR.

## The Maridhiano

The GNU was established after a reconciliation accord known as the *Maridhiano* was reached on 5 November 2009<sup>53</sup> between the then president, Dr Amani Abeid Karume, and the secretary general of the main opposition party, CUF, Maalim Seif Sharif Hamad. The

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51 Ibid., pp.172-4

52 Ibid., p.175

53 See Ali Uki, 'Maridhiano and the Government of National Unity, its impact on elections and constitutionalism in Tanzania', in Chris Maina Peter & Immi Sikand (eds), in *Zanzibar, The Development of the Constitution*, 2011, Zanzibar, Zanzibar Legal Services Centre, Publication Series Book No.3, p.235

details of the gentleman's agreement were never made public.<sup>54</sup> The immediate outcome of this engagement, which surprised many, was the immediate recognition by CUF of Dr Karume as president of Zanzibar, after nine years,<sup>55</sup> CUF having issued a statement after the 2005 election rejecting him as winner of the election.<sup>56</sup> The *Maridhiano* attracted mixed reactions from both CUF and CCM members.<sup>57</sup> The climax was the formation of the GNU within a year, after the arduous task of convincing CCM and CUF party members that it was in their best interest to have such a government.<sup>58</sup>

### **The 10<sup>th</sup> constitutional amendment and the referendum**

Following the *Maridhiano*, a private member's motion was tabled in the HoR by the Hon. Abubakar Khamis Bakary requiring the endorsement of the recommendations of the *Maridhiano*, namely, to have a referendum to allow Zanzibaris to decide on the GNU; for the Election Act No. 11 of 1984 to be amended to empower the ZEC to run the referendum; and for the Zanzibar constitution to be amended to pave way for the proposed constitutional amendments relating to the GNU.<sup>59</sup>

Bakary himself observes that the proposals were approved unanimously by the House after a heated debate.<sup>60</sup> He outlines the amendments to include:

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- 54 See Yahya Khamis Hamad, 'The constitutional premises of the GNU in Zanzibar', in Chris Maina Peter & Immi Sikand (eds), in *Zanzibar, The Development of the Constitution*, *ibid.*, p.247
- 55 Chris Maina Peter, 'Recent developments in Zanzibar: From Miafaka to Maridhiano and Government of National Unity', in *Zanzibar, The Development of the Constitution*; *ibid.*, p.181
- 56 Hamad & Peter, *op. cit.*, p.171
- 57 Peter, 'Recent developments in Zanzibar', *op. cit.*, p.181 and p. 215
- 58 *Ibid.*
- 59 *Ibid.*, p.258
- 60 Abubaker Khamis Bakary, 'Challenges facing the Constitution of the United Republic of Tanzania, 1977 and the 10th Amendment to the Zanzibar Constitution 1984, in *Zanzibar Yearbook of Law*, Volume 1, 2011, Zanzibar Legal Services Centre (ZLSC), Zanzibar, p.296

- Articles 1 and 2 which state that Zanzibar is a state and is one of the two independent states which united to form the United Republic of Tanzania;
- Article 93 (3) which establishes the Government of National Unity;
- The introduction of the posts of two vice presidents under Article 39(2), and the first vice president being a person proposed by the party which won the second position in the presidential election;
- Article 42(2) which establishes the cabinet of the Revolutionary Council in terms of proportional representation of the number of seats each party has obtained during the general election ;
- The appointment of regional commissioners (RCs) by the president of Zanzibar and not as it was before by the president of the United Republic in consultation with the president of Zanzibar; and that the RCs would no longer be members of the HoR, thus making them mere civil servants without playing a political role as was the case before.<sup>61</sup>
- Article 80 (A) (2) that introduced a referendum.

The effect of the amendments included the entrenchment of several provisions aimed at consolidating the GNU which ‘shall not be amended, revised or deleted unless a referendum is called’; 10 amendments of the Zanzibar constitution and the necessity to amend 14 provisions of the URT constitution; some deletions; and some dormant provisions, which all necessitate a ‘complete re-writing of the Constitution of the United Republic’ ‘which is full of patches and ambiguities’.<sup>62</sup>

Thereafter, the Referendum Act was passed<sup>63</sup> to give the people of Zanzibar an opportunity to vote and decide on the GNU. The referendum was held on 31 July 2010 and 66.4% of the voters

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61 Ibid.

62 Ibid., p.297

63 Referendum Act No.6 of 2010, Section 7(2)

accepted the GNU.<sup>64</sup> The content and power-sharing arrangement under the GNU was debated widely in the media and at various seminars by the people of Zanzibar before the bill was deliberated on and approved by the HoR.<sup>65</sup> The GNU Bill was passed on 9 August 2010<sup>66</sup> and assented to by the president of Zanzibar and the chairman of the Revolutionary Council three days later on 13 August 2010, as Act No. 9 of 2010.<sup>67</sup> A special session of the Zanzibar House of Representatives convened in August 2010 to amend the Zanzibar constitution of 1984 to accommodate the GNU through the Tenth Amendment.<sup>68</sup>

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64 Uki Ali, *op. cit.*, p.242

65 *Ibid.*

66 *Gazeti Rasmi La Serikali ya Mapinduzi ya Zanzibar, Gazeti Makhushi, Sebemu ya CXIX Namba 6380*, 26 August, 2010, p.151 cited in Uki, *ibid.*, p.243

67 *Ibid.*, p. 138, cited in Uki, *ibid.*

68 See Peter, *ibid.*, pp.215-216

# The Government of National Unity 2010

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## Meaning, Definition and Nature of the GNU

A GNU has been defined as referring to a case in which all the most notable political parties and interests in a country are part of the governing bureaucracy. This type of government is said to obtain where there is political tension relating to which party is to form government after elections either due to disputed election results or the presence of a powerful minority that cannot be left out as was the case in South Africa, or simply as a way of having an inclusive government.<sup>69</sup>

The GNU of Zanzibar is believed to be unique. Unlike the GNU of Kenya and that of Zimbabwe that were an immediate post-election violence development, the GNU of Zanzibar was a pre-election process,<sup>70</sup> though not in a historical sense.

Uki defines a GNU in the Zanzibar context as:

a government which incorporates representatives of political parties winning a seat or seats in the Zanzibar House of Representatives. GNU is a power-sharing arrangement of political parties that win seats in the legislature. A political party

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<sup>69</sup> Hamad, *op. cit.*, pp.247-248

<sup>70</sup> *Ibid* and Uki, *op. cit.*, p. 235

that does not win a seat in the legislature cannot enjoy a share of the cake.<sup>71</sup>

## The Structure of a GNU

### **The president**

Under the GNU, the person who wins the general election as president becomes the leader of the Revolutionary Government of Zanzibar, head of state and chairman of the Revolutionary Council of Zanzibar.<sup>72</sup> Subject to the law, the president shall not be obliged to take the advice of any person in the performance of his functions.<sup>73</sup>

### **The first and second vice presidents**

Below the president are two vice presidents – the first vice president and the second vice president.<sup>74</sup> This changed the pre-GNU government structure that had a president and chief minister. The first and second vice president are appointed by the president of Zanzibar within seven days of assuming office.<sup>75</sup>

### ***The first vice president***

The first vice president is appointed after consultation with the party which takes the second position in the presidential election.<sup>76</sup> To be eligible for the position, one must qualify to be a member of the HoR.<sup>77</sup>

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71 Uki, *ibid.*, p.236

72 See Section 26(1) of the Constitution of Zanzibar 1980, as amended by Section 10 of Act 9 of 2010

73 *Ibid.*, Section 52

74 Constitution of Zanzibar 1984 as amended, Section 39 (1)

75 *Ibid.*, Section 39 (2)

76 *Ibid.*, Section 39 (3)

77 *Ibid.*

Where a party taking second position in the presidential elections garners less than 10% of all the votes in the presidential election or if the president stands unopposed, the post of first vice president goes to the party which becomes second in terms of the total number of constituency seats in the HoR.<sup>78</sup> Should the party required to hold the position of first vice president fail to submit to the president the name of the person to be appointed to the post within seven days of the president assuming office, the president will leave the post vacant and proceed to appoint the second vice president.

The first vice president is the principal advisor to the president<sup>79</sup> in the execution of his duties and shall perform all duties assigned by the president.<sup>80</sup>

Though a member of cabinet,<sup>81</sup> the first vice president is not a member of the HoR.<sup>82</sup>

### ***The second vice president***

The second vice president is appointed by the president from among members of the HoR from the party to which the president belongs.<sup>83</sup> Like the first vice president, the second vice president is the principal advisor to<sup>84</sup> the president in the execution of his duties and is the Leader of Government Business in the HoR.

Both the first and second vice president are accountable to the president throughout the tenure of their office.<sup>85</sup> The president has the power to dismiss both vice presidents<sup>86</sup> and to ask the party

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78 Ibid.

79 Ibid., Section 39 (5)

80 Ibid.

81 Ibid., Section 43 (1)

82 Ibid., Section 39(4)

83 Ibid.

84 Ibid., Section 39 (5)

85 Ibid., Section 39 (9)

86 Ibid., Section 40 (1) (c)

to which the first vice president belongs to recommend another person for appointment in the position<sup>87</sup> within 14 days.

The HoR can pass a resolution of no confidence in the first vice president or second vice president as prescribed by law.

The GNU framework outlines who assumes the office of president if it falls vacant by reason of death, resignation, ill health or other reason that may cause the president to fail to perform his duties. In the above circumstances, the second vice president assumes the presidency, and in his absence the Speaker of the HoR and, in his/her absence, the Chief Justice.

Should the President be absent from Tanzania or for any other reason whatsoever, he shall under his hand in writing and subject to specified instructions, delegate the duties and functions of president to the second vice president or, if absent, to a member of the Revolutionary Council deemed fit. Evidently the first vice president cannot hold the position of president even on a temporary basis.<sup>88</sup>

Clearly, the GNU gives the second vice president more power compared to the first vice president.

## **Ministers**

Within 14 days of appointing the first vice president and the second vice president, the president, in consultation with both vice presidents, appoints ministers from among members of the HoR based on the ratio of seats each party has won in the House.<sup>89</sup> However, the GNU system offers no guide on the allocation of ministries to the ruling party or the opposition. This is done at the pleasure of the president.<sup>90</sup>

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87 Ibid., Section 40 (2)

88 Uki Ali, op. cit., p.241

89 Ibid., Section 42 (2)

90 Uki Ali, op. cit., p.240

In the event that the first vice president and or a minister from the opposition resigns or the post remains vacant for more than 90 days, the president may appoint another minister to fill the post.<sup>91</sup>

It is noteworthy that the GNU power-sharing arrangement was limited to cabinet ministers, and deputy ministers and ministers without portfolio were excluded.<sup>92</sup>

## **The 2010 General Elections and the First Cabinet of the GNU**

The 2010 elections were held on 31 October peacefully. For the first time in the history of Zanzibar's post-independence elections, CUF accepted the results and congratulated CCM on its victory despite the thin margin of the win – CCM's presidential candidate, Dr Shein, having won 50.1% of the vote and CUF's Sheif Hamad 49.1%, while in the HoR, CCM won 28 seats and CUF 22 seats. CUF's acceptance of the result was attributed to the establishment of the GNU.<sup>93</sup>

The first cabinet of the GNU had 16 ministers – nine from CCM and seven from CUF. Of the nine, only two were women – one from each party. There were six deputy ministers, five from CCM and one from CUF. Four of the six deputy ministers were women – three were from CCM and one from CUF. There were also three ministers without portfolio, who were all men – two from CCM and one from CUF.

As noted above, the GNU vests power in the president to appoint the two vice presidents and all the ministers. After the 2010 elections, the president and second vice president were from CCM, the first vice president from CUF and the cabinet was split between the two parties. GNU for the first time made CUF, the

91 Ibid., Section 42 A

92 Hamad Khamis Yahya, *op. cit.*, p.265

93 Report of the EAC Observer Mission to the 2015 Tanzania General Elections, 18-29 October 2015, EAC Secretariat, Tanzania, 18 January 2016, p.11

main opposition party, part of government. CUF took part in the making of government decisions, unlike on the Mainland where it remained one of the main opposition parties.<sup>94</sup> Despite this, it is argued that CCM dominance was maintained under the first GNU since the president was from the ruling party. Yahya Hamad notes that, although some of the ministers came from CUF, they were ‘functionally CCM government ministers’ – ‘it was merely “posts” sharing and, thus, reducing ministers from the opposition side into puppets of CCM’.<sup>95</sup>

There is a strong argument that while the GNU reduced political tensions in Zanzibar, it failed to address the fundamental divisions.<sup>96</sup> The failure of the GNU to address the unequal power relations between Pemba and Unguja was singled out as one such shortcoming. Another is its exclusion of government officials from the level of principal secretary downwards,<sup>97</sup> who presumably would have caused the required change and entrenched the spirit of GNU. Moreover, it was the CCM manifesto that applied under the first GNU; the CUF manifesto had no place.<sup>98</sup>

Given that for one to qualify as vice president one has to garner not less than 10% of the total votes during the presidential election, and that no party other than CCM and CUF have ever attained the threshold the benefits of GNU would accrue exclusively to the two major political parties.<sup>99</sup> Likewise, it has been argued that since ministerial positions are based on the proportion of seats each party wins in constituencies, other political parties are effectively excluded

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94 Khamis Bakary, *op. cit.*, p.297

95 See Yahya Hamad, *op. cit.*, p.266

96 See Throup David W., ‘Commentary: The political crisis in Zanzibar’, March 2016, accessed at <http://www.csis.org/analysis/political-cris-zanzibar>

97 Yahya Hamad, *op. cit.*, p.267

98 Uki, *op. cit.*, p.245

99 Mussa Bakari Kombo, ‘The state of constitutionalism in Zanzibar 2015’, in Mwesiga Baregu, *Annual State of Constitutionalism in East Africa 2015, 2016*, Kampala, Fountain Publishers, p.255

from securing ministerial positions in the GNU. More critically, it has been asserted that although the public participated in the 2010 referendum to decide on the establishment of the GNU, only CCM and CUF had the opportunity to discuss its framework through the bill brought under a certificate of urgency in the HoR, thereby limiting people's participation. Constitutional review was proposed as a measure to open up the GNU framework to more players other than CCM and CUF, and to allow more people's participation.<sup>100</sup>

### Why the GNU?

While the 2010 GNU has been attributed to the *Maridbiano* of 1999, some voices during the mission traced the origins of GNU to a much earlier period. One such argument was that although GNU was formed in 2010, the idea had appeared in the CUF manifesto of 1995. The other view traced GNU to the pre-Revolution period. This view presupposes that 'GNU is a grandchild', with its real roots having been the *Muafaka* of 1958 signed in Ghana. Two parties participated in this *Muafaka*, which was witnessed by one Francis Khamis, who was a Kenyan by extraction, and Karume Chume, originally from Malawi. The Mbale Conference of April 1963 organised by the Pan-African Freedom Movement for East and Central Africa (PAFMEACA) in Uganda, which had as one of its other agendas, in addition to the East African federation, the issue of Zanzibar, reconciled the two sides.

During the mission, the team heard of several and interrelated factors to which the establishment of the GNU was attributed.

First, at the electoral level was the history of violence and political tensions that had characterised elections in Zanzibar. Many respondents recalled the violent history of elections in Zanzibar since colonial times. They revealed that Zanzibaris were beaten, detained and killed in successive elections. The electoral violence was traced

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100 Ibid., p.256

as far back as the 1961 elections and the deadlock between the ASP and the ZNP, following which a caretaker government was formed, and repeat elections held in June. The mission was informed of an even split in the election results and, on repeat, the arrest of over 1,000 people and killing of several people. This violence is believed to have ‘marked the end of the political honeymoon for Zanzibar’.

Moreover, the electoral violence would persist during the post-election period until the next election in the case of all the elections of 1995, 2000 and 2005. The 2000 elections were singled out as outstanding in the history of Zanzibar’s electoral violence. During these elections, 35 people were reportedly killed and a lot of violence was meted out to the people. Notably, for the first time in history, Zanzibaris fled their country as refugees to Shimoni, Mombasa. Deep political tensions and divisions among the people were also said to exist. It was also asserted that Zanzibar’s electoral violence and tensions had in the past been exacerbated by electoral fraud, on which CCM rode to claim victory. A number of respondents were of the view that their turbulent history, marked by cycles of electoral violence that caused endless suffering to Zanzibaris, was what forced the two leaders, then president Abeid Karume and Maalim Seif Hamad Sheriff, leader of the main opposition party CUF, to enter an agreement – the *Maridhiano* and ultimately the GNU – to try and put an end to the dismal state of affairs. Furthermore, as the mission was told, ‘nothing is documented but the *Maridhiano* was a gentleman’s agreement cut out after several years of suffering’.

At the level of political organisation, the stiff political competition between the two main political parties in Zanzibar – CCM and CUF – played a part. The mission was informed that Zanzibar’s population is divided right down the middle in terms of political support, with one half supporting the ruling CCM and the other the opposition CUF. The dominance of CUF and CCM was emphasised (by referring to the outcome of the 1995 elections in

which the two parties shared 97% of the vote between them and the rest of the parties a mere 3%), as indeed another reason for the GNU.

Thus there has constantly been a very narrow margin between the election results of the two parties – 1% at the most, which according to some respondents, necessitated power-sharing. The almost equal support enjoyed by CCM and CUF became a main feature of Zanzibar's elections which, proponents of this view contend, could not be ignored. Such a narrow margin would be a ready justification for the loser to complain and reject the result. Some of the people the mission interviewed also linked the electoral chaos that characterised the isles to the competitive nature of its politics. Accordingly, Zanzibaris in search of tranquility and stability opted for a GNU rather than a one-party government.

In addition was the assertion that 'Maridhiano involved CCM and CUF – Karume and Seif and the two parties that are historically rooted'. Coupled with this, CUF was recognised as a Zanzibar party and the only party in Tanzania headquartered in Zanzibar. This places CUF high on the pedestal of Zanzibar's politics. The historical nature of both parties necessitated power-sharing, hence the GNU.

On a deeper level, the establishment of the GNU was linked to Zanzibar's unique social structure. This view presupposes that the cosmopolitan nature of the isles but, more importantly, the racial cleavages among the people of Zanzibar, dictated the embracing of the GNU. Zanzibar's social differences were traced way back to her history and politics under Arab rule. The mission was informed that under Arab rule 'indigenous' Zanzibaris were oppressed and treated like slaves. Most of the land was owned by Indians while the Africans were landless and only worked on it for a pittance. It was added that during the depression of the 1930s, most Indians, in order to maximise profits, leased most of their farmland to the

Arabs, thereby creating a misconception that the land belonged to them. Africans were at the bottom tier, working as casual labourers (*bibaruas*) for nominal pay. This, it is argued, marked the beginning of social classes in Zanzibar. As was disclosed during the mission: *There was a master-servant divide from the beginning under the sultan*. Henceforth, racial divisions between the Arabs and Africans emerged. The racial rifts were said to have been exacerbated by the indirect rule policy of the British, which, in effect, used the existing power structures already dominated by the Arabs to marginalise the African population. Political parties in the 1950s were formed along racial lines. An example given was the ASP, which was formed and affiliated to Africans and Shirazis from Persia, and the ZNP, which had Shirazis of Zanzibari origin and Africans. On these differences, a respondent noted that ‘the ZNP and the ASP had tribal and racial aspects to them’.

The 1964 Revolution led by an African, one Okello of Ugandan origin, with the support of indigenous Zanzibaris, which ousted the Arabs and overthrew the sultanate, purportedly worsened the social cleavages. The social divisions became deeper after the re-introduction of multipartism in 1992. There was a strong argument that the racial divide continues today and has a direct bearing on Zanzibar’s current politics. On this basis, it was asserted that ‘mixed blood’ Zanzibaris of Arab descent are today closely associated with the Arab colonial masters and encounter a lot of discrimination. This segregation, it was argued, is rooted in the belief that the islands belonged initially to Zanzibaris of African origin. In this context, some respondents saw in the GNU an all-embracing arrangement that would accommodate all Zanzibaris regardless of colour or racial origin.

Along similar lines, issues of deep polarisation and inequality at regional level between Pemba and Unguja were raised. The mission was informed that this, too, is historical. The disparity was explained

from different dimensions. First was the fact that the historic 1964 revolution took place in Unguja and, second, that Unguja has traditionally been the headquarters of government. These two factors are believed to have tipped the power and development scale in favour of Unguja. It was argued that since then, the people of Unguja had gained a sense of entitlement and superiority over those from Pemba, leading to segregation of sorts. Respondents narrated the overt acts of discrimination on the grounds of region between the people of Unguja and Pemba. Claims were made of cases of prejudice in the workplace against supporters of CCM in Pemba. Reports also indicated indescribable segregation against Wapemba in the civil service. The mission was informed that Wapemba were generally hired for clerical work. It was stated that *one's educational level did not matter. Moreover, for one to get a job, one had to produce a CCM party member card.* One respondent described the situation as *a kind of apartheid.* The younger respondents argued that this segregation was often based not on one's individual political position but on their family's historical political affiliation.

It is also contended that the marginalisation of Pemba compelled the Pemba people to consolidate themselves politically in a bid to overcome their disadvantaged socio-economic and political situation. In the eyes of the same respondent, it was for the same reason that the Wapemba gave their support to CUF. In fact, on the basis of this argument, the mission learnt of the common belief among the people of Pemba that in all elections CUF wins. One respondent stated that, 'except for the 2000 elections in which CCM won two ward seats, all seats in Pemba since 1995 have been won by CUF'. According to some respondents, the sharp divide between Pemba and Unguja, but especially Pemba's status as an opposition stronghold, accounts for the excessive electoral violence Pemba has encountered during elections over the years compared to Unguja.

On the other hand, there was the important revelation that Zanzibar is segregated into groups, not political parties as such – the pro-Revolution and anti-Revolution, the first favouring the 1964 Revolution and the other opposing it, which divide coincides with the Pemba-Unguja and CCM-CUF divides. It was asserted that this is the basis for a permanent confrontation, not a temporary one; and that ‘there has been no sign of change in this divide whether before, during or after the Revolution; or before, during and after the one-party rule’. This, according to this thinking, justified the creation by the GNU of the co-existence between these two groups.

The mission learnt that the GNU became necessary because political tensions, hostility and social discord among Zanzibaris from both sides of the political divide – CCM and CUF – had reached critical levels. There was untold intolerance among the people. Initiatives to foster peace, namely *Muafaka* I brokered by the Commonwealth of 9 June 1999 and *Muafaka* II of 10 October 2001, though entrenched in the constitution by virtue of the 8<sup>th</sup> and 9<sup>th</sup> amendments, proved to be dead letters.

In a country with a 95% Muslim majority and a religion that preaches togetherness, supporters of either political party could not pray in the same mosques. Followers owed allegiance only to clerics of the same political thinking – they could not attend social functions together. Revelations were made to the mission of incidents of acid attacks on clerics allegedly on political grounds during this period. Businesses of supporters of rival parties were boycotted. CUF supporters never went to shops belonging to CCM supporters and vice versa. One respondent noted: ‘They never travel in the same *dalla dallas* (public service vehicles). They could not sit together; attend a party or even a burial of a supporter of another party.’ There was talk of families breaking up because of politics. Siblings stopped talking to each other. Furthermore, party colours defined individual political affiliation even when it came to ordinary

wear. At meetings organised by civil society, participants shunned stationery of a party colour not allied to their own. In Pemba, clove farms were burnt.

As a result of the above, the mission became conscious of the existence of protracted social and political differences among Zanzibaris, which differs from the isolated view that *the problem of violence and stability in Zanzibar arises only a few months before and after elections, and is intensified by the political parties and not the people.*

In the opinion of some respondents, the GNU was a path to reconciling the existing political and social differences; it was necessary for inclusivity. Similarly, some respondents pointed out that sections of Zanzibaris thought the GNU would heal the divide between Pemba and Unguja. The protracted discrimination and bias against people from Pemba by those from Unguja would hopefully cease. In other words, there was hope that the GNU would unite the people of Zanzibar, and create a peaceful atmosphere to allow them to work and live together. This stance was taken against the backdrop of what some deemed to be a pseudo-multipartism that was in reality one-party rule by CCM – which they claimed had denied the opposition space to contribute to the country's governance. Proponents of this position told the mission that sections of Zanzibaris hoped that through the GNU, *the winner-take-all politics* would end and the opposition, which always never saw themselves as part of the development process, would have a chance to participate in government.

In the opinion of others, the GNU was a natural progression arising out of Zanzibar's history. The GNU was seen as an inevitable consequence of Zanzibar's status as a sovereign state which only became part of the Union after the 1964 revolution – a revolution carried out by people from without, i.e. Mainlanders and foreigners. As such, an initially self-governing Zanzibar was sooner rather than later bound to make independent decisions about its governance

outside the framework of the Union. Accordingly, proponents of this view consider the GNU as a historic event symbolising a rare exercise of choice on the part of the people of Zanzibar. They contrast the GNU with the Union on which the views of Zanzibaris, particularly whether they wished to belong to it or not, had never been sought. As some of them note: ‘We have never been asked if we wanted to be in the Union.’

### Who and What Made GNU Possible

An isolated view during the mission claimed that the ‘search for common ground came from Washington’. However, the majority of respondents credited the formation of the GNU primarily to the statesmanship and goodwill of two men, the then president Abeid Karume and CUF’s Seif Sharif Hamad, whose love for a peaceful, stable and prosperous Zanzibar compelled them to bury the hatchet and conclude the *Maridhiano*.

Both principals played a key role in making the GNU happen. The two also faced hurdles and made sacrifices. Some respondents notably singled out the goodwill of Seif Hamad who, they argued, went along with the GNU despite its lopsidedness in favour of CCM. A related view was that *Seif deeply cared, he understood the history and the people, and took the courageous effort to make the GNU work*. Another perception implies a big concession on the part of Seif despite his having won the 2010 elections on condition that he assumes the presidency at the next election: *Discussions between Karume and Maalim were secret, nobody knows what transpired. Since there was an understanding under the GNU, Seif was prevailed upon not to insist on his win and the point was to let him prevail in 2015*.

However, others recognised the role and contribution by President Karume. As the incumbent, President Karume was thought to have had an uphill task in convincing his people in government and CCM to accept a GNU.

The work of the Committee of Six with members comprising the Hon. Hassan Moyo, the Hon. Mansour Yusuf Himid and the Hon. Eddy Riyami from CCM and Abubakar Khamis Bakary, the Hon. Salim Bimani and the Hon. Ismail Jussa from CUF was mentioned. The ‘committee of initiators’, as some called it, was commended. The mission was informed that the committee worked behind the scenes, held meetings and tussled with formalities to make the GNU work.

After the reconciliation talks and gentleman’s agreement between Karume and Seif Hamad, the GNU had to be brought to the people. This, according to the different people the mission met, was made possible by various actors. Some respondents highlighted the role of the Zanzibar HoR, which amended the constitution to allow the people of Zanzibar to vote in a referendum on the GNU. Others attributed the success of the GNU to the goodwill of the people of Zanzibar who, through the referendum – *kura za mauri* – endorsed the process. According to one view, ‘the 33% who voted against GNU see politics as a career.’ Religious leaders and civil society, too, were applauded for the role they played. Sheiks reportedly mobilised and encouraged their followers to vote for and support the GNU. They convened many workshops and seminars but also used religious platforms to pass on the message, both in Unguja and Pemba. On their part, youth NGOs were commended for having popularised the GNU as a project for the future generation.

The political will on the part of the then president of the URT, Jakaya Mrisho Kikwete, was said to have been pivotal to the formation of the GNU. Displeased with the political situation in Zanzibar – the political divide (*Mpasuko wa kisiasa ya Zanzibar*) – Kikwete was quoted as having highlighted it in his inaugural speech and promised to address it. Indeed, it was maintained that it was under his regime that the *Maridhiano*, the referendum and subsequent constitutional amendment, occurred without interruption in Zanzibar. The same

sentiment about Kikwete was shared regarding the constitutional review process. A respondent stressed that *the people knew Kikwete wanted to free Zanzibar*.

However, the same respondents noted with disappointment what they considered a lacklustre attitude on the part of President Kikwete demonstrated by his alleged failure to stand his ground and finalise the constitutional review process which, the mission learnt, many Zanzibaris fervently hoped would resolve outstanding democracy and governance issues in Zanzibar.

Although the people of Zanzibar, through a referendum, gave the GNU a nod, the GNU was short-lived.

## Gains and Challenges of the GNU

### Gains

Various scholars have outlined the immediate gains of the GNU. Most notable were peace and stability.<sup>101</sup> For the first time in two decades, the 2010 elections were conducted in a peaceful atmosphere, and peace has generally ensued since. The GNU is also said to have united Zanzibaris who, hitherto, had been divided along partisan and regional lines.<sup>102</sup> At the commemoration of the second anniversary of the formation of the GNU on 3 November 2012, the big three top leaders of Zanzibar – President Ali Mohamed Shein, Seif Sharif Hamad and Seif Ali Iddi – joined the majority of the people of Zanzibar to hail peace and stability as the biggest achievement by the GNU.<sup>103</sup> The impressive growth of the tourism

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101 See Yusuf Issa, 'Tanzania: Concerns over Zanzibar's Govt of National Unity', *Tanzania Daily News*, 31 October 2012, accessed at <http://allafrica.com/stories/201210310157.html>

102 Hamad Khamis Mohamed, 'The state of constitutionalism in Zanzibar 2011', in Makulilo B. Alexander (ed.), *Annual State of Constitutionalism in East Africa 2011*, Kampala, Uganda, Fountain Publishers, 2013, p.201.

103 Yussuf Issa, op. cit.

sector since the formation of the GNU;<sup>104</sup> the improved welfare of the people on account of improved prices of cloves and seaweed; salary increments for civil servants; the launch of the Zanzibar Strategy for Growth and Reduction of Poverty (MKUZA 11); and the increase in per capita income in 2011 were also credited to the GNU.<sup>105</sup> Other benefits attributed to the GNU are a US\$40 million grant from the World Bank to Zanzibar to improve access to and the quality of education; the enactment of the anti-corruption law; the formation of the Zanzibar Bureau of Standards; increased loans to students joining higher institutions of learning; and the promotion of farming.<sup>106</sup>

In addition to the above gains outlined in the literature, the mission was informed of other benefits that accrued from the GNU. Some of the gains articulated by different writers were confirmed during the interviews.

The fact that the GNU idea did not come from outside was applauded for having created a sense of ownership of the process which facilitated its implementation. *The GNU was not imposed, which helped in its implementation.* The widespread awareness among the people about the GNU since ‘they were educated about it’ was also celebrated. Some women were of the view that the GNU raised the level of participation by women, youth and PWDs in different political processes, through the creation of special seats.

The general perception among the majority of people the mission engaged with confirmed that the five years of the GNU from 2010 to 2015 went well. Peace and stability were defined by many as the major hallmark of the GNU. People pointed to a general stability in government and peace on both islands, and particularly noted that there was calm in Pemba, the stronghold of CUF.

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104 ‘Zanzibar: Power-sharing mechanism proves successful’, *The Citizen*, 21 January 2013, accessed at <http://unpo.org/article/15390>

105 See Hamad Khamis, op. cit., p. 202

106 See UNPO news reports, available at <http://www.unpo.org/article/15390>

Describing the security situation, it was acknowledged *that there were no police beatings, arbitrary arrests and no rapes. There was no fear. There was a sense of justice.*

Others noted:

Under GNU there were no arrests, detentions or beatings of the opposition.

GNU was very, very good; previously people were killed and houses burnt.

People were not scared even when there was a boycott; there was no violence.

The peace and security was said to have ensued even during elections – previously marked by widespread and egregious turbulence and violence. A respondent observed that *people voted and went back home safely.*

Overall, the people felt at ease and were optimistic about the situation. And as one respondent stated: *There was a feeling that things can only get better.* For some women the mission met, the GNU brought hope to women and they were hopeful that there would be sustainable peace and harmony.

Many noted that the first elections under the GNU in 2010 were the only ones in many years that were not marked by chaos and were held peacefully. Some people confirmed that despite some issues during the 2010 elections, the leader of CUF overlooked them, paving way for an election that was for the first time not contested by CUF and eventually to a CCM-CUF-led government. A more explicit allegation by a number of respondents was that President Shein had lost the 2010 election, but the Committee of Six pleaded with and persuaded Maalim Seif Hamad not to dispute the election in order to preserve the GNU and to avert an outbreak of violence. The mission was informed that a virtual absence of harassment of opposition politicians and a more pleasant environment for doing politics ensued under the GNU. This feeling was captured in this

observation to the mission: *One could practice one's political belief freely and fairly. People felt equal. There was a sense of ownership.*

A range of views elucidated the peaceful and friendly environment ushered in by the GNU. One of the points made was that with the GNU came more social cohesion among the people. Tensions and hatred among Zanzibaris due to political differences subsided. This mood as soon as the GNU came into place was described by a respondent thus:

There were festivities in town and on the streets. The celebrations lasted a month after the leaders agreed to talk. In the ensuing excitement, one person was said to have died in the stampede. Zanzibari refugees from Mombasa and many from the Diaspora came home after a long time.

Another respondent told the mission that the celebrations to commemorate the Revolution which happened soon after the GNU was established – previously a CCM-dominated event – brought together people from different political parties and walks of life. The GNU was said to have brought a sense of unity and brotherhood between the people of Pemba and Unguja.

Tensions between the two parties also reduced. It is said that they co-existed peacefully. The mission also learnt that pockets of resistance to CUF by some in CCM that occurred at the onset of the GNU gradually faded. In addition, there were claims that government institutions worked better under the GNU. It was argued that without an opposition, there was less hostility in the HoR. Work with backbenchers flowed smoothly and with marked progress. Similarly, the almost equal share of cabinet positions between CCM and CUF – seven and six respectively – led to much better working relations. A lot of compromise was said to have occurred.

The quotes below are instructive:

Things went smoothly, everyone was represented in government. There was no enmity. The HoR was most active during GNU and it was generally nice because people were talking to each other.

There was limited partisanship, backbenchers and the CCM side in the House worked together, there was no CCM-CUF divide. Even cabinet was sitting together with no CCM-CUF side.

HoR proceedings improved in quality, there were active and vibrant debates and people benefited from this. For example, inflated budgets were tackled; they would be scrutinised in the HoR irrespective of the party. A CUF minister would be queried by CCM MPs and vice versa.

Even respondents who felt that the non-existence of an official opposition in the HoR undermined the quality of legislation and policy made at the time, generally accepted the situation in the interest of a successful GNU. In fact to some, a sense of collegiate responsibility in the HoR across party lines was refreshing. Underscoring the sense of unity ushered in by the GNU, the respondents linked the common Zanzibar stand in the Union constitutional review process to the GNU.

Another important observation was the reduced politicisation of the public service during the GNU. A respondent noted that the GNU *was a wonderful experience; even police were doing police work not CCM work; security was doing its work, not CCM doing security*. It was believed that equity in employment greatly improved. The GNU was understood to have opened up opportunities for people from Pemba to join the civil service, unlike before when they were strongly discriminated against.

The respondents also attested to visible economic revival in the isles. They referred to increased investments in the country by both foreigners and Zanzibaris in the Diaspora based in Europe

and the Arab countries. The mission also heard that people readily paid taxes and willingly contributed to charity and development initiatives. A respondent was quick to state that having CUF in government saw an end to sabotage of government projects and a reduction in unlawful activities on the part of CUF supporters. Some respondents, especially in Pemba, claimed that, unlike during the CCM one-party rule when government services were directed to CCM adherents, there was no discrimination in the provision of services under the GNU. There were claims that more government development projects were in place, including infrastructural developments being taken to Pemba during the GNU. Benefits from the government accrued to supporters of both CCM and CUF. It was also observed that enterprises belonging to CCM businessmen in Pemba thrived under the GNU because CUF businessmen, who are the majority, began trading with their CCM counterparts.

### **Challenges**

Some scholars have observed that the GNU was strained long before the 2015 elections. Two incidents are cited: The first was the CCM Youth Symposium held on 11 January as part of the events to mark Revolution Day at which one of the facilitators aggressively opposed the GNU. The statement is claimed to have been cheered by the youth. The second incident was the refusal by CCM members to allow the first vice president, Seif Sharif Hamad, to enter the House on the occasion of dissolving the 8<sup>th</sup> House.<sup>107</sup> Since the first vice president is not a member of the HoR, members, in accordance with the standing orders, were required to endorse his attendance of the HoR proceedings through a vote, something which members of CCM voted against.

On top of the challenges outlined by the different writers, some reservations about the GNU were revealed to the mission. There

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107 See Kombo, *op. cit.*, pp. 254-5

were assertions that there were misgivings about the GNU in the first place. There was the general concern that sealing the *Maridhiano* had not been a smooth process. But more specifically, President Karume himself was said to have encountered some hurdles. Since he was concluding his second and final term in office and was due to step down, this, in the opinion of some respondents, prevented him from seeing the GNU process through.

More significantly, CCM Mainland was said to have been disinclined to the idea of a GNU. Moreover, CCM's resistance to the GNU was open and continuous. According to one respondent, the hostility towards the GNU by elements within CCM was hinged on the fact that they did not want to share power at all. *They wanted absolute power. It is moderate CCM supporters who welcomed GNU.* In the eyes of others, CCM's unwillingness to share power is apparent in the lack of substantial power in the office of the first vice presidency, which was assigned to the opposition.

Taking the same argument forward, the mission was informed that some *shehas* (local government leaders) and government officials expressed open dissent towards the GNU, which forced President Karume to dismiss them. In fact, some respondents informed the mission that such leaders who detested the GNU from the beginning continued to work towards its collapse. An attempt in 2014 by the then CCM Chief Whip, the late Salim Ujuzo, to bring a motion on the floor of the HoR to get rid of the GNU was referred to. Another view was that cracks in the GNU began to show immediately before the Constituent Assembly (CA) when CUF members proposed participation in the CA proceedings as Zanzibaris in order to speak with one voice as opposed to representation through individual political parties, on which CCM insisted. The disagreement is said to have worsened relations in the HoR when the legislators returned from the CA after the opposition coalition for the Defence of the People's Constitution – the Umoja wa Katiba ya Wananchi

(UKAWA) – walked out of the CA in April 2014. It is believed that CCM stalwarts who hate GNU continue to undermine GNU today.

A number of views in this regard were captured. Some of those who oppose the GNU condemn the process through which it was formed. They fault former president Karume on a number of issues. Scared of CCM's next presidential candidate in Zanzibar – 'the powerful' Dr Bilal – as early as 2009, President Karume is said to have hijacked the CCM-CUF committee negotiations in Butiama, and then gone ahead to invite Seif for secret talks, in what was believed to have been 'working behind CCM'. In similar vein, Karume was accused of appointing the six-member committee (three from CCM and three from CUF) that 'campaigns for GNU' individually and not with the involvement of the party. Accordingly, it was maintained that *the people never trusted Karume or Seif, nor the process*; and that the civic education on the GNU should have lasted about eight years and not three, as was the case.

Others, though claiming support for the GNU, contested its entrenchment in the constitution. In contrast to the strong belief to safeguard the GNU by entrenching it in the constitution, proponents of this position expressed preference for a statutorily provided GNU on the grounds that nowhere in the world except Zanzibar has a GNU been entrenched in a constitution. They were of the view that statutory as opposed to constitutional entrenchment would have built the required cohesion.

Another view dismissed the GNU in its entirety for lack of relevance and recommended its outright abolition basing on the belief that CUF's aim under the GNU was to wipe out CCM and not to work with it or help the people.

However, beyond individuals within CCM who disliked the GNU, the mission detected a strong conviction that the Union government was itself averse to the GNU. *They were not happy to see the GNU*. There were strong claims that it is not in the interest of

the Union government to see a united Zanzibar. Arguably, a united Zanzibar would become too strong to control. Indeed for a number of respondents, it is the reason the GNU collapsed.

The second drawback of the GNU mentioned was the limited nature of its implementation. Many confirmed that the GNU was applied only at the vice presidency and ministerial levels as well as in the HoR. Of the 13 cabinet ministerial positions in the GNU, seven were designated as CCM and six as CUF. The same ratio applied to deputy ministerial positions. Except for an isolated view that at levels below the ward, including *shebas*, a number of officials during the GNU were from the opposition, the broad view was that all positions considered the nucleus of government business, such as permanent secretaries and directors, to have remained occupied by people sympathetic to the ruling party, who hitherto held them. Thus the GNU structure did not also percolate to the local government (*Baraza la kilishi*) level nor did it filter down to the grass roots. This, according to one view, was because the constitution simply states the GNU in general terms and does not outline in detail what the GNU means. The same idea was echoed this way: *GNU is not exactly GNU because it is confined to some levels. There is need to elaborate it in more detail in the constitution.* In the opinion of those who share this thinking, the GNU 'should cover deputy ministers, regional commissioners, district commissioners, principal secretaries, *shebas*, directors, and speaker and deputy speaker'. In fact, another expectation was that CCM and CUF were supposed to work in cooperation even at community level.

According to some members of the opposition CUF who engaged with the mission, CUF's several requests to the government for the GNU to be expanded at various levels fell on deaf ears, though they conceded to the failure to have made the requests in writing.

A related concern was that it was the CCM manifesto that was implemented under the GNU. Yet, at the inauguration of the HoR, the president in his speech had stated that the CUF and CCM manifestos would be integrated and the merged version would be implemented by the GNU.

On account of this, some of the people interviewed during the mission were of the view that the GNU could simply not take care of the key social issues affecting Zanzibaris, such as the marginalisation of Pemba, the grievances of minority Zanzibaris such as Indians, Christian and Hindu that feel excluded. Yet, for proponents of this view, the GNU structure should have taken care of the different political and social problems. Equally, it was asserted that no special gains accrued to women and youth out of the GNU. Indeed, according to most respondents, the benefits of the GNU were general. It was opined that women were instead marginalised by the GNU since none was at the helm of power. To this end, there was a proposal that beyond the constitutional and legal amendments for the GNU, more open discussions about the GNU ought to have occurred in order to accommodate all views, including those of marginalised groups.

Another idea was for more efforts to have been made to engage the security personnel about the GNU, in order for them to understand the GNU better so as not to contravene it.

As noted earlier, political stability was ushered in by the GNU. Though this was appreciated as a positive development in the main, there were some expressions of dissatisfaction among some sections of Zanzibaris. Some, especially those who hitherto relied on CUF as a critic of government legislation and policy, felt that the GNU undermined the existence of a vibrant opposition. They expressed displeasure at the manner in which laws were passed during the GNU. Key stakeholders could no longer make an input into new laws and policy. Individual associations informed the mission that while

non-state actors previously relied on the opposition CUF which, before the GNU always dissected, critically analysed and pushed for new legislation and policy as well as reform, it now formed part of government under the GNU and the party toed the collective GNU line. A case in point was when proposals to improve the marketing of cloves were made. The mission learnt that although CUF previously had in its manifesto prior to the GNU a proposal to change government policy aimed at improving the marketing of cloves through privatisation, once in the GNU, it sided with the Ministry of Trade and Marketing, which rejected the idea in the spirit of give and take. In the same regard, the Civil Servants Act and the labour rights law were mentioned as having been passed without the contribution of trade unions. In this respect, the absence of an opposition in the HoR under the GNU was regrettable for some. For some proponents of the GNU, this was a wasted opportunity by CUF to exploit their presence in government to strengthen their policies in the absence of a merged manifesto.

## The 2015 Elections and 2016 Election Re-Run

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### The 2015 Elections

The general elections were held on 25 October 2015 in Zanzibar, and were the fifth period since the restoration of multiparty democracy. The elections were preceded by an inconclusive constitutional review process of the URT, which commenced in 2011 with the enactment of the Constitutional Review Act and the appointment of the Constitutional Review Commission (CRC) in April 2012. The CRC prepared a draft Constitution Bill based on views collected from various stakeholders in a transparent, inclusive and participatory process. A draft constitution, hailed as pro-people, was submitted to the president in December 2013. Differences, however, arose during the CA, leading to the opposition under the Coalition for the Defence of the People's Constitution (UKAWA) abandoning the process in April 2014 after accusing the ruling CCM party of hijacking the process and ignoring people's views. The Proposed Constitution was adopted on 2 October 2014 in the absence of the opposition. Despite its adoption, the Proposed constitution was not validated as the referendum which had been scheduled for April 2015 was postponed sine die. The CRC impacted on the electoral calendar, leading to a shorter campaign period of 64 days

instead of the 90 days stipulated in the 2015 elections.<sup>108</sup> As was the case in previous elections, the 2015 elections were conducted by the ZEC and involved voting for five positions: the president of Zanzibar, members of the HoR, councillors, the Union president and members of the Union Parliament.

A total of 64,770 new voters were registered, exceeding the expected 50,000, to make an overall total of 503,860 voters.<sup>109</sup> Fourteen parties nominated candidates for the presidential elections. However, the major contest was between CCM and CUF.<sup>110</sup> A total of 180 candidates vied for the 54 seats for the HoR and 354 candidates contested for the Local Council positions as councillors.<sup>111</sup>

In spite of the good voter turnout for registration, reports have documented a few issues surrounding the elections. First were some isolated incidents of violence that occurred in Southern Unguja, occasioned by the alleged refusal to issue Zanzibar identity cards (ZAN IDs) to CUF voters.<sup>112</sup> This prompted CUF to table a private member's motion in the HoR on 30 March 2015 to seek a just and fair issuance of the IDs. The motion was unanimously rejected by CCM legislators, which caused tensions between CUF and CCM; and when the motion was refused again at a subsequent re-tabling, CUF boycotted the final sessions of the House, including the occasion of dissolving the House by the president on 26 June 2015.<sup>113</sup>

Violations of human rights in Tumbatu village in the run-up to the elections by militia groups affiliated to the government, the

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108 See EAC Observer Mission Report, op. cit., pp.13-14

109 See Kombo, op. cit., p.241; See also *European Union Election Observation Mission, United Republic of Tanzania, Final Report, General Elections 2015*, p.5. The same figure of voters is quoted as the ZEC official figure in the *Election Observation Mission, Zanzibar 2015*, Friedrich Nauman Stiftung, accessed at <http://www.scribd.com/document/289609067/Report-Zanzibar-2015>

110 Kombo, *ibid.*, p.245; EU EOM Report, *ibid.*, p.5

111 EU EOM Report, *ibid.*

112 Kombo, op. cit., p.242

113 *Ibid.*, p.243

Kikosi Maalum cha Kuzuia Magendo (KMKM) (Anti-Smuggling Unit), who raided the village and took away members of the village on election eve night, were also reported to the mission. The situation was recounted:

People were crying as they were being taken away and dumped in a forest. The people beaten were opposition; excessive force was used towards elections. The ruling party used force and threats against people from the opposition.

The demarcation of new constituencies was another area of contention. The exercise saw an increase in the number of constituencies from 50 (28 in Unguja and 22 in Pemba) to 54, the additional four being created only in Unguja.<sup>114</sup> Although the exercise conformed to the law, the concern was its timing. The ZEC is empowered to review the boundaries of constituencies after a period of eight to 10 years and to increase them to 55 and not below 40 in case of a population census or changes in administrative boundaries. Both situations had occurred, a national population census had taken place in 2012 and administrative boundaries had been amended following the enactment of the Local Government Act and the Regional Administration Act in 2014. However, the exercise was conducted in July, a few months to the elections, when some of the parties had already finalised their primaries based on the old constituencies. CUF had completed the process in June but had to obtain candidates for the newly formed constituencies.<sup>115</sup> The other complaint was that the new boundaries did not take into account the principle of equal distribution of the electorate.<sup>116</sup>

Furthermore, the late demarcation of boundaries, coupled with the blurred new boundaries, prevented political parties from clearly

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114 Ibid., p.244; EU EOM Report, p.6

115 Kombo, *ibid.*

116 Ibid.; see also EU EOM Report, p.6

defining their electorate for purposes of the campaign and voters from determining the constituency to which they belonged.<sup>117</sup>

Reports indicate that presidential campaigns were generally peaceful. CCM and CUF presidential candidates engaged in ‘civilised’ campaigns.<sup>118</sup> On Election Day, almost all polling stations opened on time, opening procedures were followed, and voting was conducted in a generally calm atmosphere.<sup>119</sup>

Overall, the general elections were held peacefully.<sup>120</sup> The various election observers (foreign and local), including the European Union (EU), the African Union (AU), the Commonwealth, the East African Community (EAC) and the Tanzania Civil Society Consortium on Election Observation (TACCEO), confirmed that the elections were free and fair.<sup>121</sup>

Counting started immediately voting ended, returning officers tabulated the election results and certificates of election were provided to all elected candidates for the HoR. The final tallying of presidential election results was done in the presence of members of the ZEC and a representative of each of the contesting political parties.<sup>122</sup> The EU EOM Report further notes that results verified by ZEC were continuously announced at the tallying centres and the majority of results forms held by ZEC concurred with those the party agents had.<sup>123</sup>

However, on the afternoon of 27 October, security forces from the Tanzania People’s Defence Forces (TPDF), together with those from the special security departments of Zanzibar, prevented entry into and exit from the central tallying centre, denying access to even

117 EU EOM Report, *ibid.*, p.6

118 *Ibid.*, p.7; Kombo, *op. cit.*, p.245

119 EU EOM, *ibid.*, p.8

120 *Ibid.*, p. 7; see also Kombo, *op. cit.*, p.246

121 Kombo, *ibid.*, p.247; see also EU EOM Observer Report; EAC Observer Report, p.21

122 EU EOM Report, p.8

123 *Ibid.*, p.41

observers and other international missions. Access was restored five hours later with no explanation from the ZEC or the security officials. By the evening of 27 October, the ZEC had announced 31 out of the 54 constituency results for the presidential election, and none of the results were from Pemba.<sup>124</sup> The EU EOM Report disclosed that the tabulation process at the ZEC central tallying centre was generally transparent in the first two days when the observers had access to the centre until the ZEC's chair's decision on 28 October to nullify the Zanzibar elections.<sup>125</sup>

Before the results were cancelled, the ZEC held an internal meeting on 28 October following the postponement of further announcement of results. Following this, the ZEC chair left the tally centre. The vice chair attempted to continue with the tallying but was stopped and was escorted outside the centre by security forces. The ZEC chairman subsequently announced on the Zanzibar Broadcasting Corporation (ZBC) a message nullifying the elections of Zanzibar.<sup>126</sup> It has been argued that, given the past behaviour of the ZEC in denying the opposition victory, the 28 October 2015 suggested that nothing had changed.<sup>127</sup>

The statement of the chairman of the ZEC, Mr Jecha Salim Jecha, came on the last day the ZEC is by law required to announce election results.<sup>128</sup>

The main ground for the nullification of the elections was that the elections were not free and fair. The ZEC chairman cited, as the reasons for his decision, double voting, cheating and interference in the process by political parties.<sup>129</sup> More specifically, it was alleged that the votes cast in some constituencies, especially in Pemba,

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124 Ibid.

125 Ibid., p.8

126 Ibid., p.41

127 Throup, op. cit.

128 Kombo, p.246

129 EAC Observer Report, p.33

exceeded the number of registered voters and that, in some places, ballot boxes with cast votes had been moved out of the counting stations, contrary to Section 42(1) of the Election Act No. 11 of 1984. The ZEC chairman also announced that there would be re-elections on a date to be determined.<sup>130</sup>

The EU EOM Report outlined other reasons that the ZEC chair put forward for nullifying the results as: disagreements between ZEC commissioners; and ZEC commissioners failing to perform their duties and instead acting like party representatives; the fact that some parties were not represented at the ZEC; polling stations, especially in Pemba where the number of ballots exceeded the number of registered voters; ballot boxes being removed from and counted outside polling stations; party agents, especially from TADEA, being removed from polling stations and beaten; the raiding of polling stations by youth; restricted access to polling stations; political parties interfering with the ZEC's duties, including announcing victory; complaints by different political parties, which expressed dissatisfaction with the results of the general elections; and tampering with figures on results forms in some polling stations, particularly in Pemba.<sup>131</sup>

Much as there was doubt as to whether ZEC simply acted on the instructions of President Shein and CCM hardliners in Zanzibar or with the agreement of the Union Government, Dar es Salaam's subsequent silence and newly elected President Magufuli's refusal to intervene did not help matters.<sup>132</sup>

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130 Kombo, *op. cit.*, p.246

131 EU EOM Report, *op. cit.*, p. 41

132 Throup, *op. cit.*

## Events Following the Nullification of the Election Results

### **Reactions by different actors**

On 29 October, local and international election observers, including the EU EOM, the AU, the Southern African Development Community (SADC) and the Commonwealth, issued a joint statement in which they expressed concern over the nullification of the results and requested the ZEC to specify in which particular stations the irregularities had occurred and appealed to it to act with full transparency in its decision to nullify the elections.<sup>133</sup> On the same day, the heads of the diplomatic missions of the EU and of the EU member states, Norway, Switzerland, Canada and the US in Tanzania issued a joint statement reaffirming their belief that the political impasse in Zanzibar would best be addressed through a mutually accepted and negotiated solution, and urged President Magufuli to exercise leadership to ensure a peaceful outcome and integrity of the electoral process.<sup>134</sup>

CUF and six smaller parties – the Demokrasia Makini, Chama cha Ukombozi wa Umma (CHAUMM), Sauti ya Umma (SAU), National Reconstruction Alliance (NRA), Jahazi Asili and the Democratic Party (DP) – opposed the grounds for nullifying the elections as unfounded and maintained that ZEC should have been in a position to address the problems instead of resorting to nullifying the elections.<sup>135</sup>

CUF's presidential candidate, Maalim Seif announced that his party would not participate in the re-elections and set an initial 48-hour deadline – by 2 November 2015 – for the crisis to be resolved. However, the deadline lapsed without developments.<sup>136</sup> He called for

133 EU EOM Report, *op. cit.*, p.8

134 *Ibid.*, p.9; EAC Observer Report, *op. cit.*, p.33

135 Kombo, *op. cit.*, p.247

136 *Ibid.*; and EU EOM Report, *op. cit.* p.8

calm among CUF members and urged them to wait for the outcome of the dialogue between the CUF and CCM presidential candidates aimed at resolving the issue.<sup>137</sup> CUF's position was supported by UKAWA while CCM supported the decision of the chairman of the ZEC to nullify the elections.<sup>138</sup>

The actions of the ZEC chairman also became the subject of immediate discussion and scrutiny by lawyers and civil society within and outside Zanzibar, particularly the legality of the decision.<sup>139</sup> The Zanzibar Law Society (ZLS) and the Tanganyika Law Society (TLS) opposed the nullification on the grounds that no law empowered the chairman of the ZEC to do so.<sup>140</sup> Other arguments were that the statement was made singularly with no sitting or resolution of ZEC, contrary to Section 119 (10) of the Constitution which requires that any decision of ZEC should be supported by the chairman or vice chairman and four members; and that even if the ZEC had complied with this provision, the body had no legal authority to nullify the elections since the votes had already been cast, partly tallied and announced, with the only remedy having been to allocate three more days to rectify the anomalies and announce the results.<sup>141</sup> Other sources pointed to the absence of any legal provision for nullification of an entire election.<sup>142</sup> Although the EAC EOM Report cites Section 51(2) of the Zanzibar Election Act 1984 as amended as granting the ZEC the authority to postpone an election in case of any impediments to holding such an election, it qualifies it by stating that this power rests with the High Court in line with Articles 117 and 118 of the Act.<sup>143</sup>

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137 Kombo, *ibid.*

138 *Ibid.*

139 *Ibid.*; and EU EOM Report, p.8

140 Kombo, *ibid.*, p.248

141 *Ibid.*, pp.248-9

142 EU EOM Report, *op. cit.*, p. 42

143 See 'Election Observation Mission to the 20th March 2016 Re-Run General Elections in Zanzibar Statement, Zanzibar 21st March, 2016', appended to the *Report of the EAC*

## **ZEC approval of the nullification**

On 1 November, ZEC held a meeting with all the commissioners and the nullification of the election results was approved retrospectively. The ZEC meeting was reportedly sharply split along political party lines – with the CCM appointees, one other member and the chairman approving the decision with a majority of four votes, and the CUF representatives and the vice chair voting against it.<sup>144</sup>

By a notice dated 6 November 2015, the ZEC published the nullification of the results in the official gazette of 11 November 2015. The ZEC decision was based on Article 119 (10) of the Constitution, which relates to the required quorum and approval of any decision of the commission; and Articles 3(1) and 5(a) which state that all regulations, directives and notices the ZEC is empowered to make shall be deemed to have been validly made under the signature of the chairman or director of elections; and that the ZEC is responsible for the overall supervision of the conduct of elections.<sup>145</sup> The notice, however, did not specify the grounds for the nullification or the powers conferred on the ZEC to nullify the elections.<sup>146</sup>

## **The dialogue between CCM and CUF**

On 9 November, talks between the leading presidential candidates of CUF and CCM, Maalim Seif Sharif Hamad and Dr Shein, commenced. This was the first of a series of nine meetings on the legality of the ZEC decision. The meetings were also attended by former Zanzibar presidents, Alhaji Ali Hassan Mwinyi and Dr Amani Abeid Karume, and the second vice president, Seif Ali Iddi. A request by CUF to bring the ZEC chairman to the meetings was rejected by CCM on the grounds that they had no authority

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*Observer Mission to the 2015 Tanzania General Elections, 18-25 October 2015*, op. cit.

144 EU EOM Report, op. cit., p.42

145 Ibid.

146 Ibid.

to summon him. The ZEC, though responsible for election management and administration, was not part of these meetings. These meetings were preceded by a meeting between President Kikwete and Seif Sharif Hamad on 4 November.<sup>147</sup>

Even after several meetings, the two parties stuck to their positions – CCM to have new elections held, while CUF insisted that the nullification of election results was illegal, rejected suggestions for the holding of new polls, and called for the resumption of the tallying and consequent announcement of the presidential results.<sup>148</sup> Although the dialogue had raised hopes of reviving the GNU, by the end of 2015, no consensus had been reached between the two political parties.<sup>149</sup> The meetings continued into January 2016, but no agreement was reached. On 22 January, before the bilateral talks were concluded officially, the ZEC chairman announced 20 March 2016 as the date for the repeat elections. The results of the deliberations of these meetings were kept secret. In fact, the EU EOM notes that this was intentionally done.<sup>150</sup> On 28 January, CUF officially declared that they would not participate in the repeat elections.<sup>151</sup>

Although a number of people the mission talked to mentioned these meetings and the fact that they ultimately did not achieve much, the fact that none of them could provide concrete details of what transpired confirmed to the mission the assertion regarding the secrecy surrounding the proceedings. Some respondents attributed the initiative to Maalim Seif. However, they also lamented the fact that Seif was the only CUF member who attended the meetings and, being alone, he was clearly outnumbered.

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147 *Ibid.*, p.43

148 *Ibid.*, p.9

149 Kombo, *op. cit.*, p.255

150 EU EOM Report, *op. cit.*, p.9, p.45

151 *Ibid.*, p.45

## Consequences of the Nullification

The literature discloses that the nullification had social, economic, political<sup>152</sup> as well as constitutional ramifications.

### **Constitutional issues**

Following the annulment of the elections, questions relating to the constitutionality of the continued tenure of the president arose. The ZLS issued a statement in which they argued that, in line with Section 28 (1) (b) of the Constitution which provides for a five-year tenure for the president from the day he is sworn in, the president's tenure should have ended on 2 November 2015, having been sworn in on 3 November 2010. In response, the government cited Section 28(1) of the Constitution that provides that the president in power shall continue until the next president is sworn in.

The second issue related to the life of the HoR – the 8<sup>th</sup> and 11<sup>th</sup> HoR. According to Article 92 of the Constitution, the life of the HoR is five years from its first meeting, although the House can be dissolved in between. After the 2010 elections, the 8<sup>th</sup> House convened on 11 November 2010 and should have lapsed on 9 November 2015. However, it was dissolved before the expiry of its five-year term, on 13 August 2015. And with the nullification of the 2015 elections, there was no legislature in place by end of 2015 though the Speaker and deputy Speaker, by virtue of Sections 73 and 74, remained in office.<sup>153</sup> Consequently, the question of the legitimacy of the 11<sup>th</sup> HoR also came into play. According to Section 90 (1), the House should convene not later than 90 days from the day the previous House was dissolved, which should have been on 11 November 2017, but this did not happen owing to the

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152 Kombo, *op. cit.*, p.248

153 *Ibid.*, pp.250-1

nullification of the elections.<sup>154</sup> The new House convened after the repeat elections in March 2016, more than three months later.

Having had the Zanzibar elections that were held simultaneously with those of the Union nullified, the legality of the Union election results, the legality and legitimacy of the Union Parliament without representatives from Zanzibar and President Shein's tenure all became issues at the official inauguration of the 11<sup>th</sup> Parliament of the United Republic of Tanzania on 20 November 2015. CUF, Chama cha Demokrasia na Maendeleo (CHADEMA) and The National Convention for Construction and Reform–Mageuzi (NCCR) parties protested against President Shein's attendance on the grounds that his term had expired, and also pushed for the attendance of Maalim Seif, whom they claimed was the legitimate winner of the 2015 election. This led to their expulsion from the House and to an escalation of tensions between CCM and the opposition.<sup>155</sup> Additionally, the validity of the Union presidential and MPs elections was disputed on the basis that the two elections, like the Zanzibar elections, had run concurrently and had been organised and managed by the ZEC, and could, therefore, not stand when Zanzibar's elections had been cancelled.<sup>156</sup> Since the Union Parliament had until the end of 2015 been holding sessions in the absence of Union MPs from Zanzibar, its legality and legitimacy became an issue. The argument was that to be fully constituted, the Union Parliament should have the five members elected by the Zanzibar HoR, which representation is mandatory, and that this should be done when the Zanzibar HoR is in place, but which in this case had not happened.<sup>157</sup>

In spite of statements of protest with respect to the nullification of the elections by different institutions and bodies, including

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154 Ibid. p.252

155 Ibid.

156 Ibid., p.253

157 Ibid., p.254

CSOs, political parties, religious institutions and other organisations, no one invoked the appropriate constitutional provisions to seek interpretation by the courts. A case has been made for a judicial solution to the 2015/16 election. It was argued that relief could have been sought under Article 25 A of the Constitution, which provides that any person can file a case on the grounds of violation or impending violation of the constitution.<sup>158</sup> It was also pointed out that the argument or excuse of lack of trust and confidence in the judicial system, especially for organisations such as the ZLS which has a statutory mandate to deal with constitutional issues and public interest litigation, cannot hold. Moreover for the ZLS, having never engaged in public interest litigation, a claim of being victimised for such action cannot be sustained.<sup>159</sup> With regard to the ZLSC, as a leading human rights and legal NGO, this would have been the opportune time to test their public interest advocacy. Besides, even if justice was denied at the High Court of Zanzibar, a remedy could have been sought in regional courts such as the East African Court of Justice (EACJ) and the African Court on Human and People's Rights.<sup>160</sup> The ZLS's and the ZLSC's failure to institute public interest litigation after the 2015/16 elections was challenged vehemently despite their lack of experience and capacity in public interest litigation. It was also argued that public interest litigation on the issue would promote and enrich jurisprudence on constitutional issues.<sup>161</sup>

On the other hand was the argument that judicial intervention in solving the impasse arising out of the nullification of the elections was unfeasible owing to perceived lack of judicial independence. This view underscored the limited confidence the judiciary in Zanzibar enjoys and the likelihood of it being pressured not to

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158 *Ibid.*, p.261

159 *Ibid.*

160 *Ibid.*, pp.261-2

161 *Ibid.*, pp.264-265

nullify the elections. This view was exacerbated by the manner in which the vice chairman, himself a High Court judge, was treated by the security forces. It was also presumed that tactically the courts could indeterminately delay the outcome of legal challenges to the issue, thus making a judicial remedy in the matter improbable.<sup>162</sup>

### **Security consequences**

On 28 October, following the announcement of the nullification of the elections, there were reports of violence against perceived CUF supporters on the island of Tumbatu and of two explosive devices being found near Stone Town.<sup>163</sup> Another report indicated incidents of explosions of locally made bombs with no injuries sustained.<sup>164</sup> In addition to these incidents, heavy security deployment of Union forces and from the different security forces of Zanzibar on the isles followed, which terrified citizens.<sup>165</sup> Nonetheless, it was reported that the political environment remained calm largely because of consistent appeals for calm and restraint by CUF to its members.<sup>166</sup>

### **Economic consequences**

The nullification of the elections prompted donors to withdraw funding to Tanzania. The USA, terming the action as unjustified, withheld the Millennium Challenge Account grant worth millions of dollars meant for the country's development programmes. This led to an increase in inflation in Zanzibar, from 8.7% to 10.9% in the months of October to November 2015. The inflation, in turn,

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162 EU EOM Report, op. cit., p.43

163 Ibid., p.41

164 Kombo, op. cit., p.254

165 Ibid., p.256; see also Lowry Willy, 'Zanzibar bombings may be related to a disputed election', *The New York Times*, 1 November 2015, accessed at [www.nytimes.com/2015/11/02/world/africa/zanzibar](http://www.nytimes.com/2015/11/02/world/africa/zanzibar)

166 EU EOM Report, op. cit., p.42

spurred an increase in food prices by about 4%, which negatively affected people's welfare.<sup>167</sup>

## Views on the 2015/16 Elections

The events surrounding the 2015/16 elections and the after-effects of their annulment were further expounded on during the mission as follows:

### **The 2015 elections**

The majority of respondents confirmed that the 2015 elections, unlike previous ones, proceeded well until they were annulled, an account which largely correlates with those in the various scholarly works referred to above.

The mission was informed that in the run-up to the elections, a rigorous nation-wide civic education programme was carried out by civil society organisations (CSOs) and religious institutions aimed at securing lawful and peaceful elections. The programme also urged the people to comply with voting requirements and to maintain law and order. Muslim clerics brought in their counterparts from Angola, Rwanda, Malawi, Mozambique and Zambia to share experiences about the downside of electoral violence and to preach against it. Indeed, many confirmed the free and wide participation of people in the elections. There was general consensus that the elections were held peacefully. Local institutions that monitored the elections confirmed the absence of any reports of outstanding incidents of chaos or electoral offences. Many respondents referred emphatically to the reports of international election observers which validated the elections as free and fair. An observation about the 2015 election was that *they were very transparent and calm compared to the previous elections of 1995, 2000 and 2005*. The cancellation

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167 Kombo, *ibid.*, p.257

of the elections, therefore, came as a big surprise to most of the respondents.

### ***The annulment***

The respondents informed the mission that prior to the annulment of the results, the chairman of ZEC was called out of the tallying centre and whisked away by security personnel, only for him to be seen hours later in a pre-recorded media programme announcing the cancellation of the results. In the view of one respondent, *for the first time, the army was more actively involved in the electoral process*. Meanwhile, the vice chairman of the ZEC and the rest of the commissioners stayed behind and continued with the vote counting and tallying. However, the respondents revealed that the vice chairman was also later called out of the room by security personnel and taken to some unknown destination. There were allegations he was roughed up. Pundits argued that taking the vice chairman away was done to circumvent the possibility of him announcing the correct election results, given that he had the legal mandate to do so in the absence of the chairman. Thus, his absence left no one legally competent to announce the correct final results.

The unusual events that surrounded the 2015 elections, and especially the manner in which the elections were invalidated, were strongly and widely condemned by many respondents. The cancellation of all the results, including those of Members of Parliament (MPs), was found to be quite astounding by many. Moreover, the announcement to cancel the election came after the election of members of the HoR had been finalised and the results released. Three days had lapsed since the parliamentary elections; victors had duly received their certificates of verification, and only awaited swearing-in. Furthermore, although the chairman of the ZEC, Mr Jecha, cited election fraud and double voting in Pemba as the basis for cancelling the results, these grounds were strongly contested during the mission. The unilateral decision by

the chairman to cancel the results was criticised and viewed as his own personal determination. Indeed, the mission learnt that the rest of the ZEC commissioners publicly disowned him and his actions. In a press release, the Commission for Human Rights and Good Governance (CHRAGG) denounced and disapproved of the annulment. They contended that the ZEC had no powers under the law to nullify the elections and pointed out that, in any case, the law clearly prescribes remedies for each and every election irregularity. It was added that there is no legal basis for annulling an entire election. *You may postpone a constituency election, not a whole election.* Nor did the law in this instance empower the chairman to act on behalf of the entire commission. It was stated that Jecha had no express power to annul the election.

The respondents described the annulment variously:

For many the cancellation was defined as *grossly flawed, occasioned by grave inconsistencies, criminal, outright illegal* and others as *unconstitutional*.

Another voice told the mission:

Seif announcing his results was not criminal or against the law.

ZEC was wrong to cancel elections. In Pemba people cried because of this.

When you tally the vote, the CUF candidate had 20,000 votes more than the CCM presidential candidate, a margin bigger than the usual 2,000 votes. So Seif should be president.

Summing up the situation, one respondent stated: ‘The will of the people was not respected.’

The mission also found a sense of hopelessness surrounding the cancellation of the elections. One respondent in despair noted:

Seif won. But the command to cancel the results came from the top – from the Mainland. We have no *jeshi*, no police in Zanzibar. The people could not do anything. They would be killed.

Only a few supported the annulment. One such view was:

Seif had announced himself winner. There were more votes than expected in constituencies in Pemba; there was intimidation.

For many, the invalidation of the elections, therefore, remains an issue of great concern and a source of dissatisfaction. Many respondents told the mission that many Zanzibaris remain perplexed by the nullification of the entire Zanzibar election. They questioned why the elections for the Union President and members of the Union Parliament held simultaneously with the ones for the president of Zanzibar and the Zanzibar HoR were not affected at all. Interestingly, the mission confirmed that subsequent investigations into the allegations of electoral fraud proved the claims to be baseless. An interview with the CHRAGG clarified that the claim of double voting in Pemba was simply a case where a voter was mistakenly given two ballot papers. The allegation of a ballot box having been moved out of the voting station illegally was equally dispelled as it emerged that agents of all the candidates at that particular polling station had unanimously agreed to do the counting in a more spacious room.

### ***Reasons for the annulment***

There were varied views and explanations from the respondents as to why the elections were nullified. The strongest argument was that it was because CCM had lost. According to this point of view, by the time of the annulment, CCM had already registered a defeat in Unguja, hitherto its stronghold. The win by CUF, according to the testimonies of some respondents, had occurred despite gerrymandering to favour the ruling party. According to these arguments, for the first time CUF won nine constituencies in Unguja, in addition to which they had won 18 constituencies in Pemba, giving them a total of 27 out of the 54 constituencies in the whole of Zanzibar for the HoR. Moreover, a 50-50 win between CCM and CUF in the Zanzibar HoR elections had already

been announced. No longer confident of a win, it was said, CCM had no choice but to rescind the election results. Besides, the announcement by the ZEC of the results of Unguja, a known CCM stronghold, before those of Pemba, a CUF support base, was considered a serious miscalculation on the part of CCM. It was elaborated that, with CUF in the lead in Unguja, the outcome of the vote in Pemba in favour of CUF was a given. Indeed, as was disclosed during the mission, by that time, CUF was already privy to the results of Pemba.

Emphasising why CCM could not accept a CUF win, some respondents strongly argued that a CUF-led government in Zanzibar cannot be accepted under the Union. In fact, a respondent stated that ‘GNU is good only when CCM is in power.’ Another perception was that an opposition-led government on either side of the Union is not feasible in the current political milieu. A CCM supporter openly confessed during the mission that ‘if you give CHADEMA and CUF government, the Union will be over.’ Moreover, there was an assertion that the opposition had, for the first time in the country’s history, won twice over. They had carried the Union presidency vote in Zanzibar as well as the Zanzibar presidency vote. Opposition candidate Lowassa was assumed to have received the most votes in Zanzibar for the position of Union president and Seif Hamad for the Zanzibar presidency.

Furthermore, the mission was informed that CUF had, prior to the elections, been authorised to monitor and tally the election results. Some respondents confirmed that, on voting day, CUF had people moving from one polling centre to another collecting the final election results and copies of duly signed final result forms. As a matter of fact, CUF itself boasted of having established an effective, expeditious and airtight mechanism for monitoring the elections, on account of which it declared itself winner. CUF also disclosed that the absence of credible means of proving its win

over the years necessitated having in place an incontestable election monitoring mechanism. The party confirmed receiving support from the International Democratic Movement that enabled it to prepare comprehensively, train personnel and establish a system that would enable it to closely monitor the vote in order to eliminate voter fraud. A respondent confirmed this:

The strategy was simple but secret. It involved collecting results booth by booth. And by 11.00 pm on 26 October 2015, Hamad, equipped with the results, went to the press and declared himself winner.

Additionally, it was argued that the CUF win could no longer be disguised because the final results were already in the public domain. Statements of various respondents indicated that the election results had been openly and swiftly publicised on Election Day. Many attested to the fact that the final election results were conspicuously displayed at the various polling stations. As was pointed out:

The results were known and made public. It was possible for each contestant to know their result. It was open.

It was also stated:

Every agent at every polling station received the final election results before midnight on polling day. The final tally was hung up on the wall. Agents had signed.

On the other hand, there were those who held the belief that even without CUF's 'indisputable' election monitoring and tallying mechanism, the ZEC would have, had it not been for the annulment of the results, officially announced the rightful winner, since it had systematically collected and tallied the final results in a transparent manner.

While some of the respondents blamed the annulment on the Government of Zanzibar or the Union Government, which of the two was directly responsible remained unclear. While some

respondents, as earlier indicated, applauded Kikwete for making the GNU happen, a few blamed him for the annulment of the results:

Every Zanzibari knows the elections were not rigged but were nullified on the orders of Kikwete.

They deployed the army to the hotel where the whole process of nullification occurred. We are a colony of Tanganyika; leaders here are puppets of Tanganyika. Magufuli has inherited the political wound inflicted by Kikwete.

### ***Immediate effects of the annulment***

This section aggregates views on the political, economic and social consequences of cancelling the 2015 election results.

Some people shared with the mission their views on the immediate effect of the annulment. There was an assertion that media rights and the rights to information suffered. This conclusion was premised on the fact that when Maalim Seif announced his results, nothing happened to him *but the radio station that reported was banned for three months*.

A fairly strong opinion considered the nullification of the elections as inconsequential. It was considered as neither a solution to the Zanzibar question nor in any way as weakening the opposition but instead as fortifying it:

Nullification is not a solution or remedy. It won't heal the situation in Zanzibar. It only makes matters worse. The opposition is still there. Nullification makes the opposition more active and stronger. You cannot stop or kill the opposition. Zanzibar has the most active opposition within East Africa.

What the mission found disturbing was the absence of any challenge to the 2015 elections. Evidently, no legal action whatsoever was initiated to contest the annulment of the 2015 elections or to remedy the situation. A few reasons were given during the mission to explain this state of affairs. First is the absence of a constitutional court in the URT. While the court is provided for

under the constitution it has never been established. As such, there is no legal avenue through which to channel constitutional issues such as those that emerged from the 2015/16 elections. Second is the absence of a legal basis to challenge presidential election results in Tanzania. The argument was that, unlike her neighbours Kenya and Uganda, Tanzania's legal framework does not provide room for disputing presidential elections. The mission learnt that both the Union constitution and the Zanzibar constitution have no such provision. In the case of Zanzibar, they cited Section 119 (13) of the Constitution of Zanzibar which provides that:

No court shall have jurisdiction to enquire into anything done by the Zanzibar Electoral Commission in the performance of its functions in accordance with the provisions of this Constitution.

Thus, without *locus standi*, presidential election results once declared are final. Some of the election observers noted this lacuna and made recommendations aimed at its rectification.<sup>168</sup>

Lastly, a number of people expressed a strong lack of confidence and trust in the judiciary on account of its partisanship. It was claimed that the judiciary in Zanzibar serves the interests of the ruling party and government. On this basis, several respondents told the mission that they could not envisage the judiciary reversing the decision of the ZEC. One perception was explicit: *Courts are pro-CCM and cannot entertain public interest litigation to challenge election results*. To support these fears the mission was repeatedly told of an incident where, after the cancellation of the election results, a senior member of the judiciary stated publicly that no positive outcome would emerge from any such court action related to the elections. In the words of one respondent: 'How can a judicial officer talk as if he is a politician? How can you expect a fair trial and confidence in the court?'

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168 See EAC Observer Report, p.38; the EU EOM Observer Report, pp.47-48

Another respondent not only raised issues of partisanship but also serious capacity issues affecting the judiciary in Zanzibar. In his opinion, judges are not up to the task and are in some cases not adequately judicious. In stressing this point, reference was made to the 2001 incident where the ZLS challenged the quality of judges appointed by the president over lack of proper qualifications and competence.

### **The 2016 repeat elections**

The mission notes that the events surrounding the 2016 repeat elections have been captured in various reports.

Following the cancellation of the election results, the government announced a repeat of the elections, which took place on 20 March 2016. It was, however, boycotted by nine of the 14 political parties that participated in the presidential October elections, including the main opposition party - CUF.<sup>169</sup> CUF had earlier, on 24 November, at the fourth meeting of the dialogue with CCM, made two proposals to resolve the situation in Zanzibar. The first proposal was that in case of a repeat of all three Zanzibar elections, at the presidential, HoR and local government levels, CUF would participate only on condition that the elections would be administered by a United Nations (UN)-led independent commission. The second proposal was that only a partial repeat of the presidential elections be held in the 14 constituencies in Pemba where there were claims of irregularities. However, CCM rejected the first proposal on the grounds of lack of a legal basis for a UN-led commission, and never considered the second one.<sup>170</sup>

In spite of the parties' communication in writing to the ZEC of their refusal to participate, the commission did not remove the names of the boycotting candidates or party affiliations from the

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169 EU EOM Report, *op. cit.*, p.9 & p.45

170 *Ibid.*, p.43

ballot papers, nor were participating political parties allowed to conduct campaigns prior to the election repeat.<sup>171</sup> The outcome of the repeat election was a 91.4 % victory for the ruling CCM party and the declaration of the incumbent, Dr Ali Mohamed Shein, winner.

In addition to the information from the available literature above, the mission heard various views about the 2016 repeat elections, including CUF's explanation as to why it refused to participate in the re-run.

Most of those who spoke to the mission denounced the re-run as a sham, not only owing to the contested manner in which the 2015 results were cancelled but also because of CUF's refusal to participate. One respondent observed: 'The 2016 election involved a bunch of hooligans pretending there was an election going on.'

The respondents also confirmed a very low voter turnout in the repeat elections. The mission was informed that in Pemba, an opposition stronghold, virtually no voting occurred, except by a handful of CCM supporters. According to one respondent, *there was less than 20% turnout in the re-run*. A related view was that in some constituencies in Pemba, some MPs were declared winners without any voting taking place.

CUF articulated the reasons for boycotting the repeat elections. At the core was the unconstitutionality of the annulment of the elections, in the first place. In their view, participating in the repeat elections would have negated their stand on the unconstitutionality and illegality of cancellation and the declaration of a repeat election. This, they argued, was based on the fact that there is no legal provision in Zanzibar's Election Act or any other law that authorises the chairman or any member of the ZEC to annul an election. Only presiding officers had such powers with respect to constituency elections, within three days of the elections.

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171 Ibid., p.45

Their second argument was political. They contended that the fact that CCM had lost the elections, annulled them, and heavily deployed security forces on Election Day, were clear indications of CCM's determination to take power by all means and, therefore, CUF's engagement in the re-run would have been an exercise in futility. They also strongly believed that had CUF participated, there would have been a lot of violence against the opposition. This position was corroborated by a respondent during the mission:

The opposition did not participate in the re-run because ZEC chair cancelled the election just because the opposition had won. There was doubt whether if they had participated, the elections would have been free and fair. The boycott was also because the opposition feared to be tortured, intimidated or even killed by soldiers because many soldiers had been deployed to 'secure' the elections.

In the opinion of another respondent, the absence of chaos during the re-run, the boycott notwithstanding, was attributed to the GNU. Violence could have emanated from the process of boycott.

## The Post-2016 Situation

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To gain a good understanding of the situation, the mission sought the views of Zanzibaris on the social, political and economic situation in Zanzibar in the aftermath of the 2016 elections. Their insights are outlined in this chapter.

There were mixed reactions about the situation pertaining in Zanzibar. Only a few people seemed content with the current regime and state of affairs. The mission found a sense of frustration and anxiety about the future among most respondents. A general sense of dejection among a section of Zanzibaris over the collapse of the GNU was also expressed. As was noted: *We are tired of losing our loved ones; we are just watching them* [referring to those in power].

### Type/Nature of the Post-2016 Government

After the repeat elections, the main opposition party, CUF, shunned the government and the HoR.

President Shein appointed three members of the smaller political parties to cabinet. Except for these three, the rest of the cabinet comprises members of the ruling CCM. Since CUF did not participate in the 2016 repeat elections, it currently has no members in the HoR and, naturally, no CUF members are ministers because ministers should be members of the HoR. Accordingly, the HoR is now dominated by a CCM majority.

The three ministers from the smaller political parties are Mr Hama Rashid of the Alliance for Democratic Change (ADC), who is Minister for Agriculture, Natural Resources, Livestock and Fishing; while Mr Juma Ali Khatib from the African Democratic Alliance (ADA-TADEA) and Mr Said Soud Said from the Alliance for Farmers Party (AFP) were both named ministers without portfolio. The last two are new faces in the cabinet. Mr Rashid, however, is a veteran politician who previously served as a minister during the first Union government under Mwalimu Julius Nyerere, but was later expelled from the CCM and joined CUF until 2015, when he was also expelled and then went on to join the ADC.

Among the three parties the ADA-TADEA is the oldest, having been founded in 1990 but only fully registered and officially recognised in 1992, and is currently led by John D. Lifa Chipaka. The second oldest is the AFP founded in 2009 and headed by Said Soud Said. The newest party, and the one from which President Shein appointed the only substantive minister, is the ADC, founded in 2012 by Said Miraji Abdallah, a former CUF member in the Zanzibar HoR. Otherwise, none of the three parties had ever won a seat in the HoR before.

The mission collected a variety of views about the current Zanzibar government. On the whole, only a couple of people described the existing government as a GNU. Those who did compared it to the 2010 GNU only in the sense that it took on board members of opposition parties. Others of the same view described the present government as a much stronger GNU on account of its inclusion of three opposition parties, unlike the previous GNU that had only one.

However, the popular view was to the contrary. Averse to the current government, several respondents confessed openly that they could not define in exact terms the nature of Zanzibar's post-2016 government as it does not conform to the constitutionally prescribed

GNU, which requires that the government is composed of the winning party and the second party that garners 10% of the votes as well as elected members of HoR. Others rejected the existence of a GNU outright. One observer simply stated: ‘The sense of GNU is not there.’ The main line of reasoning behind this outlook lay in the constitutionality of the current GNU. One argument was that the fundamental guarantee of a GNU was its constitutional recognition, which would ensure its survival irrespective of which party won. However, all these guarantees to the GNU ceased with the 2016 elections; therefore, that is why most respondents referred to the current Zanzibar government as illegal and unconstitutional.

This has undermined the spirit and essence of the original GNU of 2010 which envisaged reconciling the two major parties – CCM and CUF.

A CUF official explained the situation:

CUF seeks real peace and unity at the core of the party and its policies but now we are faced with an illegitimate, unconstitutional government. The Zanzibar constitution is not adhered to. The government is unconstitutional, not elected, not GNU. We have reverted to the partisan situation prevailing before GNU – with no professionalism.

By the time of the mission, the position of first vice president, previously held by Seif Hamad, remained vacant. However, since the GNU remains ingrained in the constitution and the laws of the country, the prominent view during the mission was that the current government is *de facto* a mono-party CCM-led government.

More specifically, it was argued that the current government falls short of the constitutional definition of a GNU which provides for two vice presidents, because the current government has only the second vice president and no first vice president. Reference was also made to the constitutional provision that for a party to qualify to join the GNU, it must have attained second position during the election and must have garnered more than 10% of the vote to qualify to

be part of the cabinet, which threshold the three opposition parties that are now part of the current government never acquired. In the words of one respondent: ‘The three parties never even won a ward seat.’ Others described the three minority parties in government as ‘puppets’ of CCM. An even more fundamental argument was that without CUF, which wields substantial support in the country, in government, the current government does not by any means match the characterisation of a GNU under Zanzibar’s constitution.

Hence, in addition to having been reduced to a de facto one-party state, its illegality and unconstitutionality were raised. A respondent summed it up thus:

A government of a single party was formed because there was no opposition party that won a seat in HoR. Opposition has challenged such government as illegal and boycotted government. There is a discrepancy – there is a GNU in law but not in reality. This situation creates enmity.

## Human Rights and the Political Situation

Serious concern was raised about the human rights situation after the 2016 repeat elections. The mission learnt that since the re-run:

CUF supporters have been harassed and beaten, doors have been broken if one does not open. Wives have been raped and husbands beaten, some to death, and others have been disabled. All this has been documented. Some leaders have been arrested. Those who won elections are arrested, tortured, kicked and beaten. We hear there are orders from the Mainland to stop this.

In Unguja, a general picture of great fear and tension among Zanzibaris was painted. The apprehension was associated with the ensuing political environment which, respondents claimed, has denied the people the right to speak out freely on issues affecting the political situation. The mission’s interviews revealed an increase in the number of incidents of torture, and of disappearances and killings linked to the state. Widespread and growing intimidation

among the people is commonplace. Though disowned by the government, there was resounding reference to the Zombis, a group cited for its notoriety of picking up, torturing and sometimes killing whoever speaks against the regime. The death of a CUF publicity secretary in October 2017 allegedly at the hands of the Zombis was mentioned frequently. Reports claimed that he died after being severely beaten and left for dead following accusations of treason being levelled against him.

In Pemba, the mission was informed of an incident in which one person was picked up from his home by unknown people believed to be security personnel and taken to Unguja. This was linked to his speaking against the government. It was also feared to be the work of the Zombis. Apparently, great fear for personal and family security hovers over many Zanzibaris. CSOs are also terrified of the Zombis. As pointed out, *most CSOs cannot speak out for fear of being branded anti-government, suspension by the government and facing the wrath of the Zombis who can beat you up, kill you or burn your house.*

Some women respondents informed the mission that the collapse of the GNU and subsequent uncertainty had resulted in a general loss of hope for peace and harmony for women. This has led to increased human rights violations, such as the destruction of houses, which affect women in a special way. They decried the manner in which those whom they accused of carrying out the destruction of property, such as security officials, local administrators and Zombis, harassed and violated the rights of women. They also noted the indescribable hardship they experience resulting from displacement – including being forced to seek shelter in their maiden homes –, a humiliating experience for adult women with their own families. The proponent of this view strongly believed that the government supports displacement rather than assisting the internally displaced.

In addition to the specific concerns related to the repeat elections, there was a general view that those in authority had little or no regard

for ordinary citizens. There were complaints that the decisions and policies were only made by a few people at the top without consulting those at the grass roots or securing their participation. As a result, the needs of the community were not sought or taken into account. Besides, citizens are given empty promises, especially during campaigns, which are never fulfilled at the end of a political term, only for the same politicians to return to the community in the next election cycle. The result is that most rural communities lack basic social amenities. More disproportionately affected are the women who, amidst a vicious cycle of poverty, have to carry the heavy burden of taking care of the children and the home, given that polygamy is widely practised in Zanzibar.

The mission also received information that people were being prevented by the government from expressing themselves freely about the post-2015 election developments and the shortcomings of the current government. Reports of trumped-up charges against those who criticise the current regime or downplay the 2016 elections were made. Owing to this fear, CSOs in Zanzibar were so intimidated that they could hardly speak out about the ongoing political developments. A member of civil society openly admitted to the mission that CSOs in Zanzibar were not bold enough to even engage in advocacy on incidental issues such as reviving the constitutional review process within Zanzibar. They feared that doing so would be going against the wishes of both the government in Zanzibar, which is believed to support a two-tier government, and the URT government, and specifically President Magufuli, who does not consider a constitutional review an urgent matter. To some people, the ongoing unlawful incidents and human rights violations are reminiscent of the pre-GNU days and many were quick to relate them to the absence of the GNU. A statement by a respondent explains the gravity of the situation: 'It is a headache as to what comes next without GNU. The situation is bad and although people

are silent, they are bleeding inside.’ A number of respondents also expressed the fear that a population with bottled-up emotions is a time bomb that will sooner, rather than later, explode.

Others believe that the above-mentioned situation has been aggravated by the silence of the opposition. Beyond the messages of hope and calls for calm and patience CUF has conveyed to the people, there was concern that, overall, CUF has been tight-lipped about ongoing events as well as its next steps. This has created great anxiety among some Zanzibaris, who are uncertain about CUF’s next move. For some, it remains unclear whether CUF will participate in the 2020 elections.

This was well articulated during one of the interviews:

The fact that they are trying to give their supporters hope without time limits has created suspense, and due to the vivid absence of concrete answers from CUF on its next steps, this has subjected the party leadership to a lot of pressure.

This situation, according to the information received, is exacerbated by the fact that CUF has to deal with very angry supporters because of the election nullification, mainly the youth – a group that is unemployed, difficult to contain, and that are looking towards a better future. It was also evident from the discussions that calming the supporters down, especially the youth, was difficult. *They want change, a better life, employment. They want to know what will happen after the last set of elections.*

One of the leaders from the opposition confessed to this reality, and said this of the youth in this respect: ‘You have told us to wait for two years. What next?’

There are fears of youth being radicalized, especially given the growing signs of terrorism in East Africa. Some warned of the cost of terrorism to Zanzibar in terms of human life, given its low population, where killing 100 people would be devastating.

In addition to the above, a return to the harsh realities of a politically contested country emerged as a major worry for many respondents. The mission was informed that the political divide and tensions between CCM and CUF supporters have re-surfaced. Some of the youth the mission talked to conceded that political divisions among Zanzibaris have re-emerged, even among professionals and on a regional basis between Pemba and Unguja.

The re-emergence of the earlier hostility and divisions among the people was described thus:

As days go by, the situation becomes worse. Now people's houses are demolished. No attendance at funerals because of the political divide; some relatives do not greet each other because of politics; people travel in different boats because of politics. The situation of hostility is back. People have withdrawn into their own activities because they are disappointed because when they vote they do not get what they want.

There were also intimations of marginalisation of Pemba after 2016. A respondent pointed out: 'Soon after the 2016 elections, the single-party government began to ignore the people of Pemba and the people's response is "if you ignore us, we also ignore you".'

The inequity was also reported to have re-emerged in employment. The majority of the youth the mission met confirmed the stiff vetting of youth on grounds of political affiliation and regional origin for purposes of securing employment. They called it the *Ndugunisation* of jobs. According to the youth, the process of acquiring employment in government is politicised and discriminatory. They were categorical that, as was the case before the GNU, currently members of CUF or those affiliated to it cannot be employed in government. Expressing their frustration, many youth from the opposition informed the mission that they do not get employment even when they have the necessary qualifications. The result is that many university graduates are unemployed. They lamented the hard life they face. As one respondent remarked: 'It is

difficult to be a head teacher if you belong to the opposition. I faced problems establishing an environmental NGO. I was being asked: Who are you?’

A number of youth described the process of vetting for recruitment and disclosed that the General Security Office (GSO) plays a big part in it. They described the process as involving a two-stage interview: first a face-to-face interview with a special security officer from the GSO; then an officer from the same agency is sent to your home area to ask local leaders about the particulars of the applicant’s parents, their political affiliation and other details. In the circumstances, some youth have now resorted to acquiring CCM party membership cards in order to secure jobs in government.

This statement by one youth is insightful:

The GSO asks which party you belong to. If you are CUF there is no job, so people now reply they are CCM but then the GSO goes down to the community to verify the answer. They say there is good reason to screen people because CUF does not recognise the government. Some youth are therefore trying to get CCM cards for purposes of employment but the authorities also try to dig up family roots and political affiliation.

The youth referred to the system as undemocratic and yearned for a more democratic Zanzibar and a change in the state of governance in Zanzibar. According to one youth:

Democracy is a daydream in Zanzibar. Like in Uganda, CCM has been here forever. Most youth are aware of this situation and do not want a one-party state to continue forever.

However, one respondent defended the exclusion of the opposition from being government employees and the mode of recruitment. According to him:

Why give a job to a member of the opposition if they are going to hijack government, leak secrets and go against the public service regulations?

The above situation was linked to the political situation in Mainland Tanzania. They believe that the human rights situation pertaining on the Mainland impacts on developments in Zanzibar. According to one respondent:

Only indoor meetings for the opposition are allowed. Live broadcasts of parliamentary proceedings are banned. Criticising Magufuli on social media gets you into trouble. Lots of people were killed in Kibiti; the journalist investigating the matter disappeared.

Alluding to the existing political undercurrents, another person pointed out that although *things are quiet, and no political meetings are held, still people are very bitter inside.*

A good number of people the mission held discussions with in both Unguja and Pemba also attributed the current political situation in Zanzibar to manipulation by the Union government – the cancellation of the 2015 election results, the 2016 repeat elections and even the kind of government Zanzibar currently has. For those who hold this point of view, the people of Zanzibar had taken the bold and giant step of forming a GNU in 2010 and were clear on the type of government they wanted but because of the interference of the Union government, the GNU was scuttled.

## Economic Situation

A few indications pointed to an improvement in the economy after the 2016 elections. One such example was that President Shein had raised the price of cloves per kilo from TSh. 3500 to TSh. 14,000, then to TSh. 16,000, which, in turn, led to a reduction in the smuggling of cloves through Mombasa. These are indications that the economy improved after the 2016 elections. Another isolated view was that a lot of infrastructural development has taken place in Pemba under President Shein's government but that this is not appreciated by people with negative perceptions, who are *fixated on*

*the historical and continued discrimination against the people of Pemba by successive CCM-ruled governments.*

The general view was, however, the contrary. Besides the negative impact on the economy caused by the withdrawal of donor funding by the West after the 2016 elections, some respondents thought that the 2016 re-run led to a distortion of the country's budget and depressed the economy owing to the generally high cost of conducting elections, especially since they were an unanticipated event. Indeed, it was contended that it is on account of the poor performance of the economy that the government was giving away land to Azam (a privately owned company, which, according to some respondents, seemed to enjoy unparalleled business opportunities in both Zanzibar and the Mainland) in order to repay a loan which, the respondents claimed, the company had extended to the government to pay salaries.

For many of the people the mission met in Pemba, the overall situation on the island remains grim. The mission was informed that there had been no significant economic change in Pemba in the recent past. Many lamented that most development projects go to Mainland Tanzania. They further lamented that even within Pemba, most project funding and initiatives go to CCM supporters. A situation of general economic hardship, high unemployment, high cost of living, high taxes but meagre salaries and limited economic opportunities pervades the islands. A decline in jobs within the NGO sector was also mentioned. The mission learnt that agricultural ventures such as livestock and poultry farming, which comprise the economic mainstay of Pemba, are experiencing a slump. Complaints were raised about the absence of adequate and cheap raw materials for industries, and the lack of basic infrastructure such as the requisite industries for animal and poultry feed production. Consequently, animal and poultry products are currently unaffordable to many and are seen as a luxury.

The situation of the youth in Pemba was reported to be even more precarious compared to Unguja. There were testimonies of high levels of poverty, vulnerability, criminality and hopelessness among the youth. General idleness, escalating levels of early pregnancy and manipulation of youth by politicians were rife. There was serious apprehension regarding the youth in Pemba falling victim to extremism. While there is a yearning among many youth in Pemba to improve their lives and to work using ICT and learn from experiences from elsewhere, this, according to sources in Pemba, is frustrated by both lack of funding and proper organisation. In addition, existing initiatives geared at improving youth livelihoods through youth associations, such as those for promoting tree and fruit planting and animal keeping, supposedly benefit youth from the ruling party more than their counterparts from the opposition. One youth confessed that to benefit from such projects, youth from the opposition have to conceal their political affiliation. Even then, the mission learnt, such projects are few and far between.

In the assessment of some of the respondents in Pemba, it is the dismal environment in Pemba that explains why many Wapemba, including the educated and skilled and those in the Diaspora – all over the world in Europe, the Middle East, America and Japan – are not inspired to return to the islands to live and work there in spite of its extraordinary beauty and the abundance of natural resources. It is also for the same reason that many Wapemba in the Diaspora who would have supported the development of the isles have not done so. Sadly, in the view of many of the respondents in Pemba, the deplorable socio-economic conditions, but especially the restrictive political environment in the isles, is unlikely to change in the near future.

To respond to the economic situation, CUF is reported to have taken a number of measures. The party introduced a skills development programme in entrepreneurship which offers training

to youth. Money is collected from youth to create revolving funds to facilitate self-employment. Projects in agriculture, fisheries, boat-building, fishnet and salt production were also mentioned. However, the programmes have been limited by resource constraints.

## Social Situation

The mission was informed of some of the positive aspects of Zanzibar's social life. Singled out is the government programme of free primary education and affordable fees for secondary education, which makes education generally accessible. In addition, family ties in Zanzibar are still strong and, therefore, mutual support systems still exist.

On the other hand, the mission learnt that most Zanzibaris do not enjoy basic social services. Medical services are poor. Medical personnel and medicines are inadequate, which has led to high child mortality. The women especially observed that *children are dying every day*. The situation is exacerbated by the high levels of poverty, where many cannot afford two dollars a day and cannot have three meals a day.

It was also revealed to the mission that it is those in government and the ruling party who have the economic means to access the basic social services: *It is only leaders in government and the ruling party that are all right*. The mission was informed that because of the prevailing socio-economic condition, a number of children in the rural areas are lured into the tourism industry and fishing, and some go to school only to please their parents. In other words, for some children the prospect of prosperity through education has dwindled. As one respondent put it: 'Why go to school when at the end of it all one cannot access a job?'

## The 2020 Elections

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### Introduction

The next general elections in Tanzania are due in 2020. The electorate in Zanzibar participates in five elections: the election of the president of the United Republic, the members of the Union Parliament, the president of Zanzibar, the members of the Zanzibar HoR, and local government councillors. The first two elections which relate to the Union are conducted and managed by the National Electoral Commission (NEC) and the last three by the ZEC. The two types of elections are supposed to be conducted on separate days within a week of each other, starting with Zanzibar-specific elections.<sup>172</sup>

Much as it would be expected that the NEC would have a full presence in Zanzibar to organise and conduct the Union elections, it does not. The NEC, under Section 12 A of the Election Act 1985 of the United Republic of Tanzania, cedes all its powers to ZEC<sup>173</sup> and, in practice, all matters relating to the two types of elections are handled by the ZEC in this ‘agency’ relationship.<sup>174</sup> This includes registration and the use of the Zanzibar permanent voter register

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172 Hamad & Peter, *op. cit.*, p.148. See also Peter, *Recent developments in Zanzibar*, *op. cit.*, p.182.

173 Peter, *ibid.*, p.206 & p.214

174 *Ibid.*, p.214

and campaign rules in both types of elections. This has implications. For example, a person denied the right to vote in the Zanzibar elections by the ZEC for whatever reason automatically loses their right to vote for the Union president and members of the Union Parliament. Also, the NEC has in the past automatically adopted the ZEC's decision when it comes to demarcations of constituencies.<sup>175</sup> In 2010, for example, candidates for the Union Parliament in Zanzibar began their campaigns two weeks after their counterparts on the Mainland because the ZEC shortened the campaign period on the isles.<sup>176</sup> Interestingly, this cooperation between the NEC and the ZEC is not acknowledged by the laws of Zanzibar.<sup>177</sup>

## The Run-up to the 2020 Elections

### General perceptions

Many people the mission met were uncertain about what will happen in 2020. For many the future is bleak. Many expressed despair over the current and future state of affairs. They did not have much hope in the 2020 elections. Yet a good majority stressed the need for change of government after 50 years in the hope that the opposition will be allowed to rule. Only a few were optimistic that something can be done to address the country's current political situation. A handful also expressed confidence that while nothing was so far being done, with goodwill and courage, concrete steps to address the political impasse would soon be taken. A plea for a non-violent 2020 election was made to avoid a recurrence of the 2015/16 situation because elections in general are costly and negatively affect the economy. On account of this, some people believe that the issues should be left to the politicians to resolve. This statement clearly captures the issue: *Government goes on. The country is in the hands of politicians.*

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<sup>175</sup> Ibid., p.207

<sup>176</sup> Ibid., p.214

<sup>177</sup> Ibid.

The general feeling, however, was one of despair, cynicism and fatalism. Many people see no more meaning in elections. Some expressed cynicism towards politicians and politics. Disillusioned by the pseudo nature of democracy in Africa in general and Zanzibar in particular, statements like ‘The politics in Tanzania is a dirty game’ and ‘Politics in Zanzibar is a nightmare’ were made. Others expressed the dishonesty and selfishness of politicians this way: ‘Politicians in Zanzibar, whether from the ruling party or opposition, engage in politics as a business and do so for their own selfish and personal interest’; ‘They do not work for the people’; ‘Both CCM and CUF can cheat during elections’; ‘Some people seek greener pastures in CCM. They join to get positions’.

### **The persona of Seif Sharif Hamad**

A good number of people had a lot of trust and hope in Seif Hamad as an individual. They drew comfort and hope from his consistent message that the country needs to heal first in order for everyone to participate in its democracy and development. A lot of inspiration was also drawn from Seif’s pledge that the GNU was a prerequisite for any government he would form in future. There was a prevalent belief that Seif’s messages had greatly helped to calm down an otherwise politically unsettled population. Indeed, many people saw in him a steadfast and reliable politician compared to some of his compatriots and party supporters. It was claimed that some of his supporters had lost patience and would like him to make amends with CCM. The mission was also informed that the overwhelming confidence some CUF supporters have in Seif had made them believe that he would become president before 2020. Some of the sentiments expressed are indicative of this: ‘People love Maalim Seif’; ‘People on the street hope Maalim will be president before 2020. We call people with that hope “Drip”.’

However, there was also the view that unless power was handed to Seif before 2020, he would not stand as president.

There are many who do not believe there will be a level playing field in 2020 without an independent ZEC. They are convinced that currently CCM controls the electoral process and that the ZEC is not independent – it is affiliated to CCM. In their view, only radical changes to the way the ZEC is constituted and allowed to operate independently can offer hope.

On the other hand, there are those who intimated that the volatile political situation in Zanzibar had been relatively mitigated by President Magufuli's anti-corruption drive, one which has seen a reduction in the misuse of public funds and a rise in tax collection and, therefore, improved the economy and created a sense of hope among the people.

### **Violent or peaceful?**

In terms of peace and stability, only a few people predicted a peaceful and stable 2020. Some of those who believe that there will be no violence in the build-up to the 2020 elections are of the view that the status quo would be maintained. They are convinced that CCM's power of incumbency will enable the current government to ably quell any resistance by the opposition and/or the people. Stressing this point, one respondent strongly argued that the power equation in Zanzibar has, in fact, never been tipped in favour of CUF – not even during GNU. He stated: 'GNU did not change anything – it was just a mindset. Ideally the power equation did not change.' Proponents of this line of thought also expressed confidence that for now the current government was on course – meaning it cannot falter. Another observation made along this line was that the electoral law had already been changed to allow CCM to work with smaller opposition parties and that *if CUF sincerely works for the people, it should join the CCM government. Otherwise, the smaller parties will continue working with CCM. If they keep away, then they just have to just accept whatever deal.* This implies that CCM will continue to have an upper hand.

Conversely, many people predict violence during the 2020 elections. Some vehemently argued that, given the voting pattern in Zanzibar, CCM was not likely to win the 2020 elections in a free and fair manner and, in the event, it is likely to unleash a lot of force in order to stay in power. Others pointed out that, as has been the trend in the past, the Union government will intervene to ensure a CCM win at all costs. Furthermore, there was concern that if Seif does not become president before the 2020 elections, as some sections believe will be the case, violence may erupt. There was also the thinking that the 2020 elections will be violent if CUF participates.

The mission is of the view that the idea of the current government quelling resistance, especially with the use of security forces, may create a violent situation and a repeat of what happened in previous elections. Zanzibar needs to refrain from militarism since once such methods are adopted, it is usually difficult to reverse the situation. This is amply demonstrated by the example of Uganda and other countries in the region.

### **CUF boycott of the 2020 elections**

Another projection was that the apathy among CUF supporters, accumulated after voting in four elections – in 1995, 2000, 2005, 2010 and 2015 – without a win, will actively refrain from registering to vote in the 2020 elections. Some of those who shared this view linked it to the fact that elections in Zanzibar have not been a vehicle for democracy nor for the desire for peace. As one respondent noted, ‘Most people will not participate in the 2020 elections because what we choose is not what we get. We will stay at home; we won’t launch protests because we want peace.’

Others’ views carried threats to peace or a resort to violence: ‘The supporters of the opposition will “kill” their leadership if they ask them to register and participate in the 2020 elections’; ‘The future is very bleak and very dark’; ‘CCM is going to see the consequences; all

of us are going to suffer'; 'The peace we have enjoyed in Zanzibar will disappear'. In a similar vein, another respondent told the mission that there is no way people will be asked to participate in the 2020 elections. He pointed out that some youth have threatened: *If you ask us to go into the 2020 elections we will deal with you.*

From the above, it is clear that, in many ways, the views of the people do not correlate with those of their leaders and that their demands, too, outstrip those of the leaders. The people seem to be ahead of their leaders in this situation. The trepidation expressed by the leaders in the views above may be a sign that the leadership may lose control over their followers.

### **On the future of CUF**

A few respondents envisage a stronger opposition – in fact a stronger CUF in future. They believe that the people of Pemba have a high potential to change the demography of elections in Zanzibar owing to their high fertility rate. They also talked of a changing demography in terms of the migration of a number of people from Pemba to Unguja because of economic hardships. Such migration would enable the opposition to take more seats even in Unguja in case free and fair elections are held. Emphasising the same point, it was observed that *Zanzibar is now surrounded by Pembans who are in opposition.* In 2015, the opposition got an unprecedented eight seats in Unguja and CCM got none in Pemba. In short, more seats in 2020 would go to CUF. This would make CUF the undisputed dominant party over time. This argument should be assessed against claims that CCM is allowing migration from the Mainland to bolster their number as well.

On the other hand, for some of the respondents, the road to 2020 is not a smooth one for CUF. There was concern over a number of legal and political hurdles aimed at stifling the party. There was fear that, in addition to the curtailment of the opposition by a Union government directive limiting political party activity to

the election period, the post-2016 electoral reforms in Zanzibar favour the ruling party and undermine the proper functioning of CUF.

More perturbing are the challenges CUF currently faces as a party. The mission learnt that CUF is split into two – with one faction led by its former chairman, Prof. Ibrahim Lipumba on the Mainland, and another by the secretary general, Maalim Seif Hamad in Zanzibar. To some respondents, the party is in limbo. There was also trepidation that CUF's internal woes threaten its survival as a party and, consequently, its participation in the 2020 elections. Yet, besides losing its track record and identity built over the years, there was disquiet over the hardships of registering a new party. The exercise was said to be long and tedious. Not only does the process involve many formalities in both the Mainland and Zanzibar; of greater concern is the fact that such effort would be thwarted by the government, given that CUF is an opposition party but, furthermore, a powerful one in Zanzibar. Moreover, without a name, CUF could lose the bigger part of its membership –whose loyalty is deemed an asset and the reason for the party's 'continued victory'.

Coupled with the above, the Zanzibar CUF faction faces big financial challenges after the Lipumba-led faction withdrew TSh. 369 million out of the party's subsidies from the government. The situation is particularly challenging given the litany of cases now in court (estimated to be close to 14) relating to the party split and against the Lipumba-led faction, which definitely signifies a high cost in terms of both time and finances. Equally disturbing is the unease some respondents expressed to the mission about the support the Lipumba faction allegedly enjoys from the government and the ruling CCM party. Indications of this support were demonstrated by what was described as the extraordinary recognition from the government that the Lipumba faction received when Prof. Lipumba

sprang back and withdrew his earlier resignation as chairman of CUF. The Registrar of Political Parties was said to have allowed this amidst circumstances considered irregular. This assertion was elaborated by some respondents.

According to the leadership of CUF, the party constitution has clear procedures for the resignation of its top leadership. The official is required to submit their resignation to the national congress of the party. Prof. Lipumba resigned as national chairman of CUF on the 5 August 2015 amidst claims that he was opposed to Lowassa's candidature as opposition candidate for UKAWA because he did not support the draft constitution. However, he stated he would remain a party member. The mission was informed that having resigned in the middle of the election season, no resources were available to call the national congress to endorse his resignation. Almost a year later in June 2016, Prof. Lipumba wrote to the secretary general of CUF withdrawing his resignation and stated that he had resumed his position as national chairman of the party. An extraordinary meeting of the CUF national congress was convened on 21 August 2016 after he had resurfaced, and endorsed his resignation. A fortnight later, the CUF's supreme governing body resolved to temporarily suspend Lipumba from the party along with 10 members, of whom two were MPs. However, Lipumba dismissed the expulsion and referred the matter to the Registrar of Political Parties for determination. The registrar confirmed that Prof. Lipumba was still chairman of the party after he withdrew his resignation. The registrar further contended that the national congress of August and subsequent meetings to discuss the matter were null and void because Lipumba had already withdrawn his resignation. CUF considered the registrar's decision illegal and went to court to challenge it. Relying on a previous High Court decision, they argued that the Registrar of Political Parties had no power over internal political decisions.

The hasty manner in which the eight CUF women representatives were in July 2017 withdrawn from Parliament and quickly replaced by appointees of the Lipumba faction was also a case in point. An account of these events to the mission was instructive: *It took only two days for the Registrar of Political Parties to approve the withdrawal of the eight CUF women representatives from Parliament, moreover a role usually played by court; two days for the EC to appoint replacements; and one week to have the new women representatives sworn in by Parliament.*

The above developments have since led to a number of cases in court.

Another respondent, expressing concern about this state of affairs, noted: ‘The chair resigned but has now reclaimed the chair, and is being assisted by government, police and the registrar of political parties. There are 22 cases in respect of this dispute.’

Another issue was the imminent amendment of the law, which is likely to have an oppressive effect on the opposition. People believe that the recent amendment to the Election Act to grant the ZEC powers to annul elections points to a likelihood of government reviewing and changing different laws with a view to oppressing the opposition. Some people were of the view that had it not been for the requirement for a referendum, the GNU would also have been expunged from the constitution. Others held the notion that there was an imminent amendment of the law designed to bar or disqualify any candidate that has in the past contested in presidential elections and lost. This was interpreted as a move specially targeting four-time contender and leader of CUF, Maalim Seif Hamad, and one designed to frustrate his 2020 presidential bid. There was fear that without Hamad, CUF would be emasculated. *CUF would be dead*, as one respondent put it.

The daunting questions about the future of the party’s name and legal identity, its continued existence and, crucially, its participation in the 2020 elections, coupled with the party’s continued silence on

its next steps, linger and were a major source of anxiety for many during the mission.

At a more general level, the constraining manner in which President Magufuli has treated the opposition in Tanzania as a whole forced some respondents to think that there will be no opposition to speak of in 2020. They believe that President Magufuli hates the opposition. It was thought that 'he wants it crushed so that there is no challenge in 2020'. Coupled with this was the thinking that the two strongest opposition parties had serious challenges: *CHADEMA has its own problems, and so does CUF.*

## Conclusion and Recommendations

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The need to address the situation in Zanzibar is unquestionably urgent. In the opinion of the mission, there were clear indications that the majority of respondents want the political situation in Zanzibar to be addressed as a matter of urgency, well before 2020. In the mission's judgement, the absence of the GNU as prescribed in the constitution is a serious detraction from a well-considered home-grown solution to the endemic electoral violence in a society riven in the middle on account of its racial, class, social and political attributes. The mission is of the strong opinion that the crisis may escalate to unprecedented levels come 2020, given Zanzibar's history of violent elections. It is best that a solution is sought long before then.

### ***Forms of Interventions***

The mission recommends the following interventions to address the current situation in Zanzibar:

1. Restoration of the GNU
2. Negotiations between CUF and CCM and other stakeholders in Zanzibar/a national dialogue
3. Public interest litigation
4. Constitutional amendments

5. A caretaker/an interim government
6. Electoral reforms

## **The Different Actors**

While the mission proposes the above measures, the primary and final responsibility for resolving the problems of Zanzibar lies with the people of Zanzibar themselves. Other actors can only play a facilitative role.

### **The international community**

While only a couple of respondents had faith in a UN intervention to solve Zanzibar's problems, the majority clearly felt that the solution does not lie with foreigners outside the continent: 'We cannot rely on the international community – foreigners cannot solve Zanzibar's problems'. Some expressed frustration with the international community for abandoning Zanzibar after the cancellation of the 2015 elections and the 2016 elections re-run. There is no doubt that the international community has diplomatic resources that they can employ to address situations such as Zanzibar's. However, these entail both carrot and stick measures.

And these carrot and stick measures have limitations and ramifications. Sometimes international interventions bear conditionalities. Indeed, the question of whose interests the foreigners would be serving if they were to intervene in the situation of Zanzibar featured prominently during the mission. In addition, is the challenge of consistency in applying and sustaining sanctions over time, or even reaching a common consensus by all countries involved since 'stick' measures require a consortium approach. But, more profoundly, these measures are inappropriate because the victims are usually the ordinary people who suffer economic hardship and social disruption as a result of economic embargoes.

In the event, they should only be a last resort. Persuasion and bringing parties to the negotiation table should come first.

In the Zanzibar situation, the ‘stick’ was applied when funding to Tanzania was withdrawn after the 2016 re-run, and the ordinary people wrestled with the soaring inflation and high food prices. Otherwise, after the 2016 re-run, the local international missions in Tanzania in their last joint statement relegated the Zanzibar issues to a mutual agreement between the key actors. No direct interventions have been made since. CUF’s international campaign, aimed at catching the attention of the UN and big countries in the West, too, has not yielded much fruit. The West is currently more inward-looking and is preoccupied with its own challenges, and interventions in Africa and elsewhere are only a remote possibility. The mission also recounts, as one of the issues believed to have led to the failure of *Muafaka I*, the unease and suspicion among Zanzibaris and even both CCM and CUF about the mediatory role of the Commonwealth which, naturally, necessitated a home-grown mediation in *Muafaka II*.

Further, oftentimes, international interventions are dismissed on grounds of interfering in the affairs of sovereign states.

Although positive diplomatic efforts, where possible, should be made to address the situation in Zanzibar, they should take into account the fact that they are viewed with suspicion and as a negative intervention in promoting consensus. The mission reiterates that the primary players should be the people of Zanzibar.

### **Regional organisations**

The mission strongly believes in interventions from the continent, as they would normally be brotherly and sisterly help and do not mean domination. The mission also notes, basing on the history of Zanzibar, that mediatory interventions from the African continent, and particularly East Africa, are not new. The first *Muafaka* of

1958 was signed in Ghana, and the 1963 Mbale Conference in Uganda, supported by the PAFMEACA, attempted to reconcile the contesting Zanzibar parties.

However, although the AU, SADC and the EAC observed the Zanzibar 2015 elections and made reports which were commended by Zanzibaris for appraising the elections as free and fair, these reports, like the rest made by foreign election observer teams, were restricted to the elections, and their recommendations related strictly to election processes. None of the reports dwelt on the more fundamental underlying issues responsible for the current political situation in Zanzibar. More important, and as was clearly raised during the mission, no subsequent interventions have since come forth from any of the regional organisations in the Zanzibar situation.

While the EAC has recently been sending election observer missions to Partner States during elections, its conscious absence in mediating the Zanzibar situation was noted during the mission. Zanzibaris were disillusioned that even their own regional body had abdicated this noble role. At the end of the 2015 electoral process, the statement issued by the EAC Observer Mission on the post-election situation in Zanzibar following the cancellation of the presidential election results merely urged the political stakeholders to resolve the stalemate amicably.<sup>178</sup> Like the rest, no positive intervention has since been made.

This disappointment was clearly articulated during the mission: *You cannot compare the EAC to ECOWAS in terms of regional solutions. The EAC is a club of dictators; and also SADC (at the time Mugabe and Zuma were there).*

Yet, the Treaty for the Establishment of the East African Community is clear on its obligations to Partner States in ensuring peace and good governance in the region. It not only underscores

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178 EAC Observer Report, op. cit., p.38

adherence to good governance under its fundamental and operational principles; it recognises peace and security as prerequisites to social and economic development within the community and provides that the community shall ensure the promotion of peace, security and stability within and good neighbourliness among Partner States. The treaty also obliges Partner States to preserve peace and strengthen international security amongst them under the common foreign and security policies.<sup>179</sup>

The mission believes that these provisions sufficiently oblige the EAC to follow up on crises such as that in Zanzibar instead of merely stopping at observing elections. Lessons from the Economic Community of West African States (ECOWAS) are instructive and scuttle the common argument of non-interference in national sovereignty.

Be that as it may, the mission saw better prospects of the AU playing a greater and more objective role in Zanzibar than the EAC. Although the AU interventions did not solve the crisis in Burundi, the AU Peace and Security Council made several pronouncements about the situation in the country on 17 October, 13 November and 17 December 2015. Furthermore, in an effort to ensure the wellbeing of the citizens, the AU sent a high-level mission to Burundi to discuss the deployment of an AU preventive and protection force.<sup>180</sup> Under Article 4(h) of its Constitutive Act, the AU adopted a shift of principle from *non-interference* to *non-indifference* in matters of grave violation of human rights and unconstitutional assumption of power in any of its member states. In July 2013, the AU suspended Egypt when the military overthrew the elected

179 See Articles 5 (3) (f); 6; 123 (3) (d), & 124 (1)

180 See 'EALA concerned about Republic of Burundi', accessed at <https://www.eac.int/press-releases/356-387-916-eala-concerned-about-republic-of-burundi>; and 'EALA to hold public hearing workshop on Republic of Burundi', accessed at [sosteneslekule.blogspot.com/2016/01/eala-to-hold-public-hearing-workshop-on.html](https://sosteneslekule.blogspot.com/2016/01/eala-to-hold-public-hearing-workshop-on.html)..

government of President Mohamed Morsi El Ayat. The AU had in March of the same year suspended the Central African Republic (CAR) after rebels forcefully took over government. Some regional organisations have successfully prevailed over undemocratic leaders wanting to overstay their time in power. For example, ECOWAS, through its military mission codenamed ‘Operation Restore Democracy’, successfully forced defeated Gambian President Jammeh when he tried to cling on to power after losing elections.

Ideally, the EAC would have played a role. Even out of self-interest, the EAC should have played a role in finding solutions to the Zanzibar crisis in order to avert the likelihood of growing terrorism that has shown its ugly face through bombings in virtually all Partner States – Tanzania itself, Kenya, Uganda, Burundi, Somalia in the neighbourhood and, most recently, Mozambique –, given the fear that Zanzibar may be fertile ground for radicalism because of its large, idle and politically disgruntled youth population.

However, there are too many glass houses at the EAC level. All the countries are involved in undemocratic and unconstitutional practices and have challenges comparable to those pertaining to Zanzibar, such as electoral fraud, violence, intolerance, ethnic tensions and bad governance. Intervening in the Zanzibar situation might, therefore, be regarded by leaders in East Africa as opening a Pandora’s Box. It is, thus, unlikely that the issue of Zanzibar would be taken up at the level of the Summit of the East African Community Heads of State because the current leadership in the region lacks the credibility to mediate such processes. In Uganda and Kenya, presidential elections have been challenged repeatedly. With states and leaders in the region faced with serious credibility issues, with states in a crisis of democracy and legitimacy, the region in its present form is unlikely to be very helpful.

Perhaps the East Africa Legislative Assembly (EALA), the legislative body of the EAC, whose membership is not confined

to ruling parties, can make an intervention in Zanzibar as part of its representative and outreach role. Albeit not fully successful, the EALA made an intervention in the political and humanitarian situation in Burundi. From 14 to 15 January 2016, the EALA Regional Affairs and Conflict Resolution Committee (RACR) held a public hearing workshop in Arusha on the humanitarian crisis in Burundi. This followed a petition presented to the Speaker of EALA on 16 November 2015 by the Pan-African Lawyers Association (PALU) and four regional CSOs, namely the East African Civil Society Organisations Forum (EACSOF), Atrocities Watch Africa, the Centre for Citizens' Participation on the African Union, the East Africa Law Society (EALS) and Kituo cha Katiba, requesting the EALA to urgently intervene in the situation in Burundi. The petitioners wanted the EALA to request the AU to intervene in the political and humanitarian crisis in Burundi, and also urged the Assembly to make strong recommendations to the Summit of the East African Community Heads of State not to allow the country to assume the rotating chair of the EAC until it resolves the political, human rights and humanitarian situation in the country. The committee engaged with stakeholders from Burundi on 15 January 2016 and a high-powered delegation from the Government of Burundi made its submissions to the committee on 25 January 2016. The report of the committee was debated and adopted by the full House, following which the Assembly urged the EAC Summit to affirm its duty of care and responsibility to protect the people of Burundi from violence and to guarantee their safety and security.<sup>181</sup>

The option of using the EALA needs to be urgently and actively pursued.

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181 Ibid.

## Regional leaders

The mission took note of the role of past leaders, such as the late Mwalimu Nyerere and the late Nelson Mandela, in the Burundi and Rwanda crises of the mid-1990s and the Burundi Arusha Talks, and attributes it to their credibility and statesmanship. Although some respondents expressed some skepticism about the availability of mediation skills in the region in situations like that of Zanzibar, the mission holds a contrary view. In recent times, leaders from the region, such as President Mkapa, joined others from the continent under the leadership of Kofi Anan to mediate in the 2007 post-election crisis of violence in Kenya. Even though there is a paucity of former leaders outside Tanzania and Kenya, one can look further on the continent for the likes of former president of Mozambique, Joachim Chissano, who has been involved in facilitating the crisis in South Sudan, and other such leaders. The intervention of such leaders in the Zanzibar situation needs to be seriously explored. It does not have to take actual deaths and suffering for efforts of this nature to be invoked. The history of electoral violence in Zanzibar is sufficiently consistent to enable one to anticipate danger and to take practical measures to forestall it.

The EACJ can play a role. The regional court has adjudicated a number of issues relating to governance and constitutional matters arising from the Partner States. Among these are cases relating to the composition of EALA itself, election disputes and human rights violations, not to mention one instituted by Zanzibaris recently: *Rashid Salum Adiy & Ors vs. The Attorney General of the Revolutionary Republic of Zanzibar; the Chief Minister of the Revolutionary Republic of Zanzibar and The Attorney General of the Republic of Tanzania*,<sup>182</sup> in which Adiy and 39,999 other Zanzibari citizens applied to the EACJ to challenge the legality of the Union of Tanzania.<sup>183</sup>

182 EACJ Application No.07 of 2017, determined by court on 8 March 2018

183 Court dismissed the application on grounds that the agent appointed by the applicants

## **The role of Zanzibaris**

While some role can be assigned to regional actors, the primary responsibility to resolve the current crisis lies with the people of Zanzibar. All other efforts can only be facilitative. Indeed, the people of Zanzibar, in crafting the different *Miafaka* and the GNU, have amply demonstrated a capacity to solve their problems.

### ***Political parties***

It is the firm belief of the mission that, as the ruling party, the CCM in Zanzibar needs to consider a power-sharing formula that should take into account the views of the people of Zanzibar.

CCM Zanzibar, as was the case with the *Maridbiano*, should take this bold step in the national interest. CCM should extend an olive branch to CUF and CUF should, in turn, reconcile with the ruling party for the good of the country.

### ***Party leaders***

Critical to the process are the party leaders. The party leaders of CCM and CUF bear a special responsibility to bring this crisis to an end. It is the considered opinion of the mission that reconciliation is plausible, given that it has happened before – with the *Miafaka* and the GNU when Maalim Seif and former President Karume buried the hatchet and agreed to form the GNU in the interest of a peaceful, stable and progressive Zanzibar. Notwithstanding some misgivings on the part of the respondents, there was a general consensus that had the GNU been practised earlier during the presidency of Karume, it would have had a firmer foundation. Currently, it is not clear what role he, as one of the initiators of the GNU, engages in or is engaged in by the government of Zanzibar and/or the Union, in the predicament facing Zanzibar. The search for home-grown solutions can benefit from someone of his stature, who obviously cannot run for political office and might have had

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had no *locus standi* because of a defective power of attorney

time to reflect on the complexities of the situation since leaving office.

Maalim Seif's role at this particular time is especially crucial. This is not only because of the support base he has built over time but also because of his persona which has, thus far, helped to calm down CUF's angry and frustrated supporters, especially the youth. Indeed, as one scholar notes: 'It is not an exaggeration to say that Seif is an important factor in these islands and in Tanzania in general. He commands respect and the following of hundreds of thousands of Zanzibaris'.<sup>184</sup> Further, as one CCM supporter confessed with respect to Maalim's overwhelming support in Pemba: 'It is difficult to bring the people of Pemba on board unless Maalim is dead!'

Maalim's tenacity can shape or break Zanzibar at this critical time.

The mission believes that individuals acceptable to both sides from CCM Mainland Tanzania can be invited to facilitate the mediation process. Given the nature of the Union, the involvement of CCM Mainland may be inevitable. However, this should be only after mutual agreement by Zanzibaris. CCM can identify such individuals in consultation with the people of Zanzibar.

In the interest of inclusivity and, as indeed raised during the mission, Zanzibar politics should cease being a two-party affair – exclusive to CCM-CUF. Although it is recognised that CCM and CUF bear the special responsibility for resolving the impasse, the initiative of both parties should involve other parties. The small parties and their leadership should be brought on board. However, caution should be taken to ensure that only credible parties are involved in the inter-party dialogue.

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<sup>184</sup> See Othman, Haroub Miraji: Book reviews, Burgess, Gut Thomas (ed.) 'Race, revolution and the struggles for human rights in Zanzibar: Memoirs of Ali Sultan Issa and Seif Sharif Hamad', in *Zanzibar Yearbook of Law*, Vol.1, 2011, op.cit., p.388

### ***Accommodative individuals***

In our interviews with respondents during the mission, accommodative individuals across the political divide that can give traction to the talks between the leadership of CCM and CUF were identified. Such individuals should be acceptable to the two contending sides. The mission challenges Zanzibaris to self-reflect and, without delay, identify such individuals. Identifying and bringing such people together can be a good starting point.

Crucially, the culture of secrecy that has characterised past mediation processes needs to be avoided. To eliminate suspicion and to foster accountability, future mediation processes should adopt a culture of openness and the communication of key information to the public. This matters even for the opposition. This is, however, not to say that all steps and proceedings in the process should be conducted in public. Considering the high levels of political engagement and debate that are part of Zanzibari culture, public discourse on such crucial issues can only enhance the credibility of both CCM and CUF to their supporters in particular and to the citizens generally.

### ***Civil society***

#### **■ *Religious leaders***

Although religious leaders are said to be paid by the state and are believed by many to serve the interests of the ruling CCM party, the mission believes that they can play an important role in mobilising the population for unity and social cohesion since Zanzibaris are predominantly Muslim and Islam is a way of life. Indeed, religious leaders played an instrumental role in mobilising the people to accept the GNU and vote in the referendum. They have also engaged in programmes to end violence in Zanzibar, as was the case with their campaign to end acid attacks. Further, as was underlined during the mission, Zanzibaris, regardless of political party affiliation, pray

together. The mission was also informed of an inter-faith platform that incorporates the minority Christians and Hindus in seeking solutions to socio-political challenges in Zanzibar.

### ■ *NGOs*

The mission noted that, notwithstanding apprehensions and fears from claw-backs to their operations by the state, NGOs and community-based organisations (CBOs) bringing together the youth, women and special interests such as human rights, governance and environmental issues do exist in Zanzibar. Just like religious leaders, NGOs can engage in advocacy work aimed at building cohesion and unity, and mobilise the people towards embracing those objectives. Although the mission notes a general dearth of public interest litigation cases in Zanzibar, regardless of the subject, NGOs, such as the ZLSC, working on issues of governance can undertake public interest litigation on key issues relating to the 2015/16 elections and on constitutional issues. This is even more apt for the ZLS, which is statutorily mandated to engage in public interest litigation.

The mission notes the positive step taken in public interest litigation in the recent case of *Rashid Salum Adiy*.<sup>185</sup> It is a good and innovative effort that went beyond the national level and reached out to regional dispute resolution mechanisms, even though the case was dismissed on technicalities.

While the mission appreciates the intimidating political environment that deterred the ZLS and CSOs such as the ZLSC from engaging in public interest litigation on constitutional matters arising from the Zanzibar 2015/16 situation, and the capacity issues that bedevil the organisations, the mission urges the ZLS, in particular, to embrace its statutory role of promoting good governance and constitutionalism in Zanzibar more proactively. To this end, the ZLS should work towards strengthening its capacity

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185 Op. cit.

in this area by, among others, drawing on best practices from the region. The ZLS should tap into the available professional resources in the region, particularly the EALS, both in case of litigation and through the use of its good offices, to reconcile Zanzibaris.

The resources of regional organisations such as the EALS and KcK can be useful in making the negotiation settlement a reality by, among other things, identifying credible leaders and individuals in the region to promote and steer the mediation process. As noted above, the regional CSOs petitioned the EALA to intervene in the Burundi crisis.

### ***Private sector***

We believe, considering the critical role the private sector in Zanzibar plays or ought to play in job creation and collaborating with the state to provide social services, it is in a position to address a number of the issues that have caused discontentment amongst the youth and citizens generally. There is great business potential in both islands, which can only thrive in a peaceful and stable political environment.

## **Constitutional Review**

As KcK's previous missions and, indeed, the vast body of information on the Union of Tanzania indicates, underlying the governance and constitutional issues of Zanzibar is the Union question. Indeed, the mission received views on the Union and on the impact of the stalled constitutional review process on the isles. Ultimately, solutions that do not address the Union structure are only solutions in part. Postponing the resolution only solidifies the belief among most Zanzibaris that only the Mainland gains from the Union while they, Zanzibaris, are oppressed under it. The reality is that a number of them conceded that a properly structured and well managed union is in the interest of both the isles and the Mainland. The mission, therefore, recommends that the constitutional review process of the Union constitution should

be revived and, in particular, on the basis of its findings and earlier KcK missions, proposes the adoption of the three-tier Union government as recommended by the Warioba Commission.

The mission also proposes a review of the Zanzibar constitution. This can precede the review of the Union constitution. The process would enable Zanzibaris to tackle and resolve constitutional issues unique to Zanzibar, such as the GNU. Other issues that can be addressed include strengthening the ZEC and the judiciary. There is urgent need to make the ZEC independent and impartial. In equal measure, the judiciary should be independent of other arms of the state. In particular, in relation to elections, the courts should be empowered to hear petitions challenging presidential election results.

## **A Negotiated Settlement**

The mission noted, on the whole, that Zanzibaris are immensely proud of the GNU not only because it was home-grown, but also because it was the first time the issues of exclusion and discrimination in government and public life were concretely addressed by both the ruling party and the main opposition. The despondency that now characterises Zanzibaris reflects great disappointment that their sense of unity and tolerance brought on by GNU so quickly slipped away and seems to be fading into oblivion. It is the mission's view that all the above issues require a negotiated settlement and concrete efforts by all the actors mentioned above. The mission noted a need for a national dialogue to resolve the historical contentious issues in Zanzibar. The mission reiterates that electoral reforms and elections are not enough to resolve the problem of Zanzibar, given the political divide, even if elections were to be free and fair. The reform of the ZEC is necessary but is not a sufficient condition for ensuring peace. Such matters, in addition to the general idea of a GNU, how it percolates to the lowest level of government as

well as the idea of a rotational presidency, need to be discussed. At electoral level, a system of proportional representation to include marginalised groups could also be considered. Furthermore, although the split in the middle of Zanzibari society which manifests during elections preceded the formation of the Union, the latter, since its formation, has contributed substantially to the shape the problem has assumed in Zanzibar today. The resolution of the Union question is, therefore, part and parcel of the Zanzibar question as well.

The dialogue should ensure the holistic involvement of the people of Zanzibar, including political parties, civil society, NGOs, professional associations, trade unions, the private sector, religious leaders and elders. The national dialogue should put in place mechanisms for reconciliation at all levels from the grass roots, to ensure co-existence and mutual accommodation at all levels – whether or not embedded in the constitution or law. It is hoped that such a dialogue would lead to a negotiated settlement.

As already mentioned, the GNU as well as the *Miafaka* were negotiated settlements and achieving reconciliation in the current scheme of things is feasible; it is what Zanzibaris yearn for. A negotiated settlement is an inevitable option in view of the nature of Zanzibar's history and politics and, in particular, the split in the middle between the political support of the two major parties – CCM and CUF. Furthermore, the negotiated settlement should seriously address the issue of power-sharing. It is also clear from the mission findings that the critical issue in Zanzibar is the presidency. Accordingly, fundamental to the discussions would be issues such as how to make the GNU work, and particularly a rotational presidency as opposed to an elected one, and the powers of the two vice presidents under the GNU. This approach assumes that elections for members of the HoR would stay.

In the opinion of the mission, once the issue of the power map at the level of the presidency is resolved, many of the subsidiary matters would be settled easily. The idea of modifying the GNU to extend to local government level or to non-political appointments, such as the civil service, as proposed by some respondents during the mission, would not be necessary. The proposal to extend the GNU to the civil service, which arises because of the existence of a civil service biased towards the ruling party, can be addressed by streamlining and putting in place a non-partisan and transparent recruitment process to demonstrate inclusivity and affirmative action for the marginalised. Moreover, the spirit of a GNU may require quick interventions to adjust the public service to the mutual accommodation of the parties under the GNU dispensation.

It is important to note that, while the mission appreciates that the GNU structure was evolved on the basis of Zanzibar's history, the GNU needs to accommodate possible future developments. It needs to look beyond CCM and CUF, as new political forces may emerge in future.

The mission reiterates that the ultimate decision on the future of Zanzibar lies with the Zanzibaris. As such, the mission's proposals are open to further discussion and scrutiny by Zanzibaris. Some or all the above proposals can be implemented, but a negotiated settlement remains the core to Zanzibar's political and constitutional future.

# List of People Interviewed

---

## **Dar es Salaam**

Deus Kibamba	Chair, Jukwaa la Katiba
Dr Helen Kijo Bisimba	Executive Director, Legal and Human Rights Centre (LHRC)
Harold Sungusia	Human rights activist, consultant, Sung Consultants
Hon. Bahame Tom Nyanduga	Chairman, Commission for Human Rights and Good Governance (CHRAGG)
Hon. Ibrahim Lipumpa	Chairman, Civic United Front (CUF)
Hon. J.S. Warioba	Former Chairman, Tanzania Constitutional Review Commission (CRC)
Hon. Pole Humphrey	National Executive Secretary of Ideology and Publicity, CCM
Prof. Chris Maina Peter	Professor of Constitutional Law
Prof. Mwesiga Baregu	Professor of Political Science

## **Zanzibar**

Abeid Abdullah	Executive Director, Zanzibar Youth against Youth Challenges
Asha About	Association of Non-governmental Organisations of Zanzibar (ANGOZA)

Awadh Ali Said	Former member of the CRC and advocate
Commissioner Mohamed Khamis	CHRAGG, Zanzibar
Dr Abdulla Mohammed Juma	Journalist, Zanzibar Broadcasting Corporation
Dr Mzuri Issa Ali	Tanzania Media Women Association (TAMWA) and coordinator ZANGG
Dr Yahya Khamis Hamad	Chief Legal Counsel, Zanzibar Law Reform Commission
Dr Moh'd Makame Haji	School of Law, Zanzibar University
Hassan Ali Mzee	Board member, Zanzibar National Chamber of Commerce Industry and Agriculture and chairman Zanzibar Association of Tour Operators (ZATO)
Hon. Ali Mzee	Member CCM and member of the Committee of Six
Hon. Ally Saleh	Journalist, former member of CRC and member of Union Parliament
Hon. Bakary Khamis Abubaker	Judge, former Attorney General, former member of HoR, member GNU Committee of Six
Hon. Fatuma Fereji	Chairperson, CUF Women's Organisation
Hon. Himid Yusuf	Former minister and member of GNU Committee of Six
Hon. Ismail Jussa	Director of Foreign Affairs and International Relations

Hon. Maalim Seif Hamad	Officer CUF, former member of the Committee of Six and former member of HoR
Hon. Mohammad Yussuf	Sharif Secretary general, CUF
	Former member of the CRC and Executive Director, Zanzibar Institute for Research and Public Policy
Hon. Nassor Ahmed Mazrui	Deputy secretary general, CUF
Hon. Nassor Mohammed	Member Zanzibar Electoral Commission, former member CRC and advocate
Hon. Othman Masoud Othman	Former Attorney General
Hon. Simai	Member of HoR, Tunguu
Jamila Juma	Zanzibar Female Lawyers Association (ZAFELA)
Judge Msibe	Chairman, Zanzibar Law Reform Commission
Lulu Abdallah Omar	Friends of Zanzibar
Lusungu Leonard Mbilinyi	Zanzibar Inter-faith Centre
Musa Omar Tafurwa	Zanzibar Trade Union Congress (ZATUC)
Mustafa Sherif	Member, Executive Committee of Zanzibar Youth against Youth Challenges
Nik Bredholt	Coordinator, Zanzibar Inter-faith Centre
Omar Said Shaaban	Zanzibar Law Society (ZLS)
Prof. Abdul Sherif	Professor of History
Saida Abdallah	Ag. Executive Director, Zanzibar Legal Service Centre (ZLSC)
Sheikh Soraga	Office of the Imam

## **Pemba**

Abubakar M. Ali	Executive Director, Zanzibar Clove Producers Organisation
Ali Mohammed Ali	Emir, Imam Association
Feisal Abdalla Saidi	Chairman/educationist, Livestock Farmers Services Organisation (LIFSOPE)
Haji Dawa Haji	Mwambe Fishermen Development Organisation
Kassim Khamis Rashid	Chairperson, Zanzibar Clove Producers Organisation
Kombo Ahmed Issa	Youth
Mohamed Ali Masoud	Veterinary/Programme Officer, Livestock Farmers Services Organisation
Nassor Haji Nassor	
Rahim Simai Makame	Mwambe Fishermen Development Organisation
Said Bakar Hamza	Secretary, Mtakata Farmers (MCCOS)
Saleh Abdalla Mohammed	Youth
Suleiman Said Mohammed	Vice chairman, Mtakata Farmers
Sumaya Othman Ibrahim	Youth
Yusuf Abdalla Ramadhan	JUMAZA, Imam Association of Zanzibar

## **Focus Groups**

### ***Youth (Rural)***

Haji Ussi Pandu  
Kazija Ali Shauri  
Maryaam Abdi  
Rabia Fadhi  
Raya Ali Nyange  
Sheha Ali Khamis  
Suleiman Habib  
Zubeir Daud

### ***Youth (Urban)***

Aysha Juma Mussa  
George Mkwaya  
Iddi Haji  
Lailat Abed  
Mohammed Ibrahim  
Saadat Soud  
Seif Gharib  
Shadida Omar Ali

### ***Women (Rural)***

Amne Khamis  
Arafa Hamad Mwinyi  
Maryam Jafar Said  
Maryam Khamis Ngwali  
Miza Fom Mwadini  
Nuru Nyange Makame  
Rusina Salum Ali  
Ummulkultum Ambar Ujud

### ***Women (Urban)***

Amne Khamis Ahmada  
Badria Salim  
Barke  
Hanifa Sali  
Khadija  
Khayrat Zahor  
Rusan Salum Ali  
Safia  
Shemsa Salahdin  
Ummul Kultham Ambar  
Zaituni

# Bibliography

- Ali Uki, 'Maridhiano and the Government of National Unity, its impact on elections and constitutionalism in Tanzania', in Chris Maina Peter & Immi Sikand (eds), in *Zanzibar, The Development of the Constitution*, 2011, Zanzibar, Zanzibar Legal Services Centre, Publication Series Book No.3
- Bakari Kombo Mussa, 'The state of constitutionalism in Zanzibar 2015', in Mwesiga Baregu, *Annual State of Constitutionalism in East Africa 2015*, 2016, Kampala, Fountain Publishers
- Bakary Khamis Abubaker, in *Zanzibar YearBook of Law*, Vol., 1, 2011
- 'Election Observation Mission to the 20th March 2016 Re-Run General Elections in Zanzibar Statement, Zanzibar 21st March, 2016', appended to the *Report of the EAC Observer Mission to the 2015 Tanzania General Elections, 18-25 October 2015*
- European Union Election Observation Mission*, United Republic of Tanzania, Final Report, General Elections 2015
- Glassman, Jonathan, *War of Words, War of Stones: Racial Thought and Violence in Colonial Zanzibar*, 2011, Indiana: Indiana University Press
- Hamad Khamis Mohamed, 'The state of constitutionalism in Zanzibar 2011', in Makulilo B. Alexander (ed), *Annual State of Constitutionalism in East Africa 2011*, Kampala, Uganda, Fountain Publishers, 2013
- Hamad Khamis Yahya & Peter Maina Chris, 'Elections in Zanzibar and their consequences: ZEMOG and Miafaka', in Chris Maina Peter & Immi Sikand (eds), in *Zanzibar, The Development of the Constitution*, 2011, Zanzibar, Zanzibar Legal Services Centre, Publication Series Book No.3
- <https://eisa.org.za/wep/zan2000election2.htm>
- Jjuuko Frederick & Muriuki Godfrey, *Federation within Federation, The Tanzania Union Experience and the East African Integration Process*, A Report of the Kituo cha Katiba Fact-Finding Mission to Tanzania

- Lowry Willy, 'Zanzibar bombings may be related to a disputed election', *The New York Times*, 1 November 2015, accessed at [www.nytimes.com/2015/11/02/world/africa/zanzibar](http://www.nytimes.com/2015/11/02/world/africa/zanzibar)
- Oloka Onyango Joe and Nassali Maria, *Constitutionalism and Political Stability in Zanzibar: The Search for a New Vision*, A Report of the Fact-finding Mission organised under the auspices of Kituo cha Katiba, October 2003
- Othman Haroub, Yes, in *My Lifetime: Selected Works of Haroub Othman*, Saida Yahya-Othman (ed), 2014, Mkuki na Nyota
- Othman, Haroub Miraji: Book reviews, Burgess, Gut Thomas (ed) 'Race, revolution and the struggles for human rights in Zanzibar: Memoirs of Ali Sultan Issa and Seif Sharif Hamad', in *Zanzibar YearBook of Law*, Vol.1, 2011
- Peter Maina Chris, 'Recent developments in Zanzibar: From Miafaka to Maridhiano and Government of National Unity', in *Zanzibar, The Development of the Constitution*; 2011, Zanzibar, Zanzibar Legal Services Centre, Publication Series Book No.3
- Report of the EAC Observer Mission to the 2015 Tanzania General Elections, 18-29 October 2015. EAC Secretariat, Tanzania, 18 January 2016
- The *Election Observation Mission, Zanzibar 2015*, Friedrich Nauman Stiftung, accessed on <http://www.scribd.com/document/289609067/Report-Zanzibar-2015>
- Thrup David W, 'Commentary: The political crisis in Zanzibar', March 2016, accessed at <http://www.csis.org/analysis/political-cris-zanzibar>
- UNPO news reports, available at <http://www.unpo.org/article/15390>
- Yahya Khamis Hamad, 'The constitutional premises of the GNU in Zanzibar', in Chris Maina Peter & Immi Sikand (eds), in *Zanzibar, The Development of the Constitution*; 2011, Zanzibar, Zanzibar Legal Services Centre, Publication Series Book No.3
- Yusuf Issa, 'Tanzania: Concerns over Zanzibar's Govt of National Unity', *Tanzania Daily News*, 31 October, 2012, accessed at <http://allafrica.com/stories/201210310157.html>

‘Zanzibar: Power-sharing mechanism proves successful’, *The Citizen*, 21 January 2013, accessed at <http://unpo.org/article/15390>

## **Cases**

*Rashid Salum Adiy & Ors vs. The Attorney General of the Revolutionary Republic of Zanzibar; the Chief Minister of the Revolutionary Republic of Zanzibar and The Attorney General of the Republic of Tanzania*, EACJ Application No.07 of 2017

# AMANI NA UMOJA VISIWANI

UWEZEKANO WA KUUNDWA SERIKALI  
YA UMOJA WA KITAIFA ZANZIBAR

Ripoti ya Tume ya Kuchunguza Ukweli wa  
Mambo ya Kituo cha Katiba

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# Vifupisho

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ADA-TADEA	African Democratic Alliance
ADC	Alliance for Democratic Change
AFP	Alliance for Farmers Party
ASP	Afro-Shirazi Party
ASU	Afro-Shirazi Union
AU	African Union Umoja wa Afrika
CA	Constituent Assembly Bunge la Katiba
CAR	Central African Republic Jamhuri ya Afrika ya Kati
CBO	Community-based organization Jumuiya ya Kiraia
CCM	Chama cha Mapinduzi
CEC	Central Executive Committee Kamati Kuu
CHADEMA	Chama cha Demokrasia na Maendeleo
CHAUMM	Chama cha Ukombozi wa Umma
CHRAGG	Commission for Human Rights and Good Governance Tume ya Haki za Binadamu na Utawala Bora
CRC	Constitutional review Commission Tume ya Kuipitia Upya Katiba
CSO	Civil society organization Jumuiya za Kiraia

CUF	Civic United Front Chama cha Wananchi
DP	Democratic Party Chama cha Kidemokrasia
DPP	Director of Public Prosecutions Mkurugenzi wa Kuendesha Mashtaka
EAC	East African Community Jumuiya ya Afrika ya Mashariki
EACJ	East African Court of Justice Mahakama ya Afrika ya Mashariki
EACSO	East African Civil Society Organisations Forum Jukwaa la Jumuiya za Kiraia la Afrika ya Mashariki
EALA	East African Legislative Assembly Bunge la Afrika ya Mashariki
EALS	East Africa Law Society Chama cha Wanasheria cha Afrika ya Mashariki
ECOWAS	Economic Community of West African States Jumuiya ya Kiuchumi ya Nchi za Afrika ya Magharibi
EU EOM	European Union Election Observer Mission Kikundi cha Watazamaji Uchaguzi cha Umoja wa Ulaya
EU	European Union Umoja wa Ulaya
EXco	Executive Council Baraza la Utendaji
FBO	Faith-based organization Chama cha Kidini

FGD	Focus group discussion Majadiliano na Makundi Yaliyolengwa
GANHRI	Global Alliance of National Human Rights Institutions Umoja wa Kimataifa wa Taasisi za Haki za Binadamu za Kitaifa
GNU	Government of National Unity Serikali ya Umoja wa Kitaifa
GSO	General Security Office Idara ya Usalama
HoR	House of Representatives Baraza la Wawakilishi
ICT	Information and communication technology Teknolojia ya Habari na Mawasiliano
JPSC	Joint Presidential Supervisory Commission Tume ya Usimamizi ya Pamoja ya Rais
KcK	Kituo cha Katiba: The Eastern Africa Centre for Constitutional Development
KMKM	Kikosi Maalum cha Kuzuia Magendo (Anti- Smuggling Unit)
Legco	Legislative Council Baraza la Kutunga Sheria
MKUZA 11	Mkakati wa Kukuza Uchumi na Kupunguza Umasikini Zanzibar (Zanzibar Strategy for Growth and Reduction of Poverty)
MP	Member of Parliament Mbunge
NCCR	National Convention for Construction and Reform – Mageuzi
NEC	National Electoral Commission

	Tume ya Uchaguzi ya Taifa
NGO	Non-governmental organization Chama Kisichokuwa cha Kiserikali
NRA	National Reconstruction Alliance
PAFMEACA	Pan-African Freedom Movement for East and Central Africa Chama cha Kupigania Uhuru cha Afrika ya Mashariki na ya Kati
PALU	Pan-African Lawyers Association Chama cha Wanasheria cha Afrika
RACR	Regional Affairs and Conflict Resolution Committee of EALA Kamati ya Mambo ya Kikanda na Usuluhishi wa Migogoro ya Bunge la Afrika
RC	Regional Commissioners Mkuu wa Mkoa
SADC	Southern African Development Community Jumuiya ya Maendeleo ya Kusini mwa Afrika
SAU	Sauti ya Umma
TACCEO	Tanzania Civil Society Consortium on Election Observation Umoja wa Taasisi za Kiraia za Tanzania za Kuangalia Uchaguzi
TLS	Tanganyika Law Society Chama cha Wanasheria cha Tanganyika
TPDF	Tanzania People's Defence Force Jeshi la Wananchi wa Tanzania
TSh	Tanzanian shilling Shilingi ya Tanzania

UKAWA	Umoja wa Katiba ya Wananchi
UN	United Nations Umoja wa Mataifa
URT	United Republic of Tanzania Jamhuri ya Muungano wa Tanzania
USA	United States of America Marekani
ZAN IDs	Zanzibar identity cards Vitambulisho vya Wazanzibari
ZBC	Zanzibar Broadcasting Corporation Shirika la Utangazaji la Zanzibar
ZEC	Zanzibar Electoral Commission Tume ya Uchaguzi ya Zanzibar
ZLS	Zanzibar Law Society Chama cha Wanasheria cha Zanzibar
ZNP	Zanzibar Nationalist Party
ZPPP	Zanzibar Pemba People's Party



# Utangulizi

## Usuli na Utangulizi

Kituo cha Katiba, Kituo cha Afrika ya Mashariki cha Maendeleo ya Katiba (KcK) kilituma tume ya kuchunguza ukweli wa mambo Zanzibar kufuatia wasiwasi wa hali ya kisiasa iliyojitokeza nchini humo katika kipindi cha baada ya uchaguzi wa 2015/16.

Lengo kuu la ujumbe huo lilikuwa ni kuwapatia nafasi Wazanzibari kutoa maoni yao na kubadilishana mawazo kuhusiana na mustakabali wa kikatiba wa nchi yao. Madhumuni mahasusi yalikuwa ni:

- i) Kuangalia nyaraka na kusikiliza maoni ya Wazanzibari kuhusiana na mambo nyeti ya kikatiba yaliyojitokeza baada ya chaguzi za 2015, athari zake kwa mustakabali wa nchi hiyo; mapendekezo juu ya marekebisho ya kikatiba na namna ya kusonga mbele.
- ii) Kuendesha mjadala usioegemea upande wowote utakaowawezesha wananchi kuitathmini Serikali ya Umoja wa Kitaifa (GNU) – mafanikio na changamoto zake kuhusiana na maendeleo ya kikatiba na ya kisiasa ya Zanzibar.
- iii) Kuainisha mikakati muwafaka ili kuendeleza mbele suali la kikatiba la Zanzibar..

Madhumuni ya jumla ya mradi huu yalikuwa ni kuchangia katika upatikanaji wa amani, utulivu, utawala bora na maendeleo ya kikatiba na ya kidemokrasia ya Zanzibar.

Tume ya kutafuta ukweli wa mambo ilitanguliwa na mashauriano yaliyofanyika kabla ya tume kuanza kazi yake na wadau kutoka Tanzania Bara na Zanzibar. Mashauriano yalifanyika mwezi Agosti 2017. Tume ya kutafuta ukweli wa mambo ilifanya shughuli yake Unguja na Pemba mnamo vipindi vitatu – cha kwanza mwezi Oktoba 2017, cha pili mwezi Januari 2018 na cha tatu ambacho ni cha mwisho kilikuwa kutoka tarehe 12 hadi tarehe 15 Februari 2018.

## Tatizo liliopo

Hivi sasa Zanzibar inakabiliwa na matatizo makubwa ya kiutawala na ya kikatiba. Serikali ya Umoja wa Kitaifa (GNU), iliyoungwa mwaka 2010 ili kuzileta pamoja pande mbili zinazopingana – Chama cha Mapinduzi (CCM) na Civic United Front (CUF) – iliporomoka wakati wa uchaguzi wa mwaka 2015 /2016. Serikali ya Umoja wa Kitaifa ilikuwa ndiyo suluhisho la mwisho la majaribio kadha ya kuleta usuluhishi wa kisiasa kwa kupitia maridhiano ya hapahapa nchini (*Muafaka*) Matokeo yake ni kuwepo kwa mdororo kati ya vyama hivyo viwili. Pamejitokeza tena suitafaham kubwa za kisiasa zinazoonekana wazi katika maisha ya kila siku ya Wazanzibari. Kutokana na mvutano huu pamejitokeza mvutano wa kitabaka na wa ukabila ambao kwa muda mrefu ulionekana kuwa ni mgawanyiko kati ya Pemba na Unguja lakini kwa undani zaidi kati ya wanaounga mkono Mapinduzi na wanaopinga Mapinduzi. Hali hiyo inazidi kuchochewa na uchumi mbaya na kujionesha wazi kutokana na hali ya umasikini mkubwa miongoni mwa Wazanzibari wengi pamoja na kiasi kikubwa cha ukosedfu wa ajira miongoni mwa vijana. Hali hii inatokana na historia ya machafuko, chaguzi zenye utata na ushindani mkubwa za Zanzibar tokea wakati wa ukoloni na kutokuwepo kwa mchakato wa mapitio ya mara kwa mara ya katiba kwa Tanzania nzima – kiini chake ikiwa ni suali la Muungano linaloaminika kuwa ndiyo chanzo cha matatizio ya hivi sasa ya kisiasa, kiutawala na ya kikatiba ya Zanzibara.

## Tume husika

### Wajumbe wa Tume

Tume ilikuwa na wajumbe waheshimiwa wafuatao:

1. Prof. Frederick Jjuuko (Uganda), Profesa wa Sheria, Chuo cha Sheria, Chuo Kikuu cha Makerere (Kiongozi wa Tume);
2. Bi. Florence Simbiri Jaoko (Kenya), aliyekuwa Mwenyekiti, Tume ya Taifa ya Haki za Binadamu ya Kenya, Mhadhiri wa Chuo cha Sheria, Chuo Kikuu cha Nairobi na Mjumbe Maalumu wa Global Alliance of National Human Rights Institutions (GANHRI); iliopo Geneva;
3. Prof. Sabiti Makara (Uganda), Chuo cha Sayansi ya Jamii, Idara ya Sayansi ya Siasa na Utawala, Chuo Kikuu cha Makerere; na
4. Bi. Edith Kibalama, Mkurugenzi Mtendaji, KcK, aliyetoa msaada wa nyenzo na vifaa.

### Mashauriani kabla ya Tume kuanza kazi

Kutokana na wasiwasi wa kisiasa na hali nyeti ya yale ambayo tume iliyalenga wakati ule, mashauriano ya kabla tume kuanza kazi yaliandaliwa yakiwa ni mkakati wa kutafuta ushauri, maelekezo na msaada wa watu wachache Tanzania Bara na Zanzibar juu ya namna nzuri ya kulikabili tatizo hilo na mikakati ambayo KcK kingeliweza kuitumia ili kuutekeleza mradi huo kwa mafanikio. Zaidi ya hayo, mashauriano hayo yalitaka kujua yaliyojiri hivi punde juu ya utawala wa hivi sasa, masuali ya kikatiba na haki za binadamu Zanzibar na Jamhuri ya Muungano wa Tanzania (URT) kwa jumla. Mashauriano haya yalifanyika kuanzia tarehe 21 hadi 22 Agosti 2017 Dar es Salaam na tarehe 23 hadi 26 Agosti 2017 Unguja, Zanzibar.

Yalichukuliwa mawazo ya watu mashuhuri mbali mbali pamoja na watu binafsi katika asasi za serikali, wanataaluma, viongozi na wanachama wa vyama vya siasa na jumuiya za kiraia. Orodha ya waliohojiwa imeambatishwa na ripoti hii.

## **Tume ya kutafuta ukweli wa mambo**

### ***Yaliyolengwa na tume na mtindo uliotumiwa***

Kabla haikuchunguza juu ya mafanikio na udhaifu wa Serikali ya Umoja wa Kitaifa iliyoundwa Zanzibar mwaka 2010, tume ilianguka kwa upana nini kilicholazimisha kuundwa kwa serikali hii kisiasa na kiuchumi, na nini na nani aliyelifanya hilo livezekane. Kiwango cha utekelezaji wa Serikali ya Umoja wa Kitaifa na maoni ya wananchi kuhusu serikali hiyo pia yalianguka vile vile. Mafanikio na changamoto za Serikali ya kwanza ya Umoja wa Kitaifa vile vile yalizingatiwa. Zaidi ya hayo, tume ilitafuta maoni ya jumla kuhusiana na tabia na aina ya serikali iliyokuwepo Zanzibar kabla ya uchaguzi wa mwaka 2015/16. Yalifanywa malinganisho na ‘Serikali halisi ya Umoja wa Kitaifa’ hasa kuhusiana na muundo, utendaji wa shughuli, ufuataji wa katiba na uhalali.

Kilichoishughulisha zaidi tume zilikuwa ni uchaguzi wa mwaka 2015 na marudio ya uchaguzi wa mwaka 2016. Tume ilianguka kwa makini ikiwa uchaguzi wa mwaka 2015 na uchaguzi wa marudio uliofuatia uliendeshwa ipasavyo. Maoni yaliyojitokeza juu ya ya masuala ya kikatiba kuhusiana na hali ya utawala wa Zanzibar baada ya uchaguzi wa -2015/16 yalichunguzwa na masuluhisho kuhusiana na masuala muhimu ya kisiasa, kiuchumi na kikatiba kuibuliwa. Kwa muktadha huu, suala muhimu kwa tume lilikuwa ni juu ya mikakati mahasusi ya kushughulikia vizuri zaidi hali ya mambo Zanzibar. Masuluhisho yanayowezekeka kutokana na makubaliano, serikali ya muda, uingiliaji kati wa kidiplomasia pamoja na mabadiliko ya kikatiba katika ngazi ya muungano na Zanzibar, yote haya yaliwasilishwa kwa majadiliano. Yalipendekezwa majina ya wahusika wakuu na majukumu yao katika kuishughulikia hali ya mambo ya Zanzibar. Nini kifanyike kuhusiana na uchaguzi ujao wa mwaka 2020, kwa nini na lini uchaguzi huo ufanyike na gharama ya kutofanya lolote, yote haya yalizingatiwa kwa kina na tume.

Katika kufanya shughuli hii, tume ilichukua mtazamo wa kujumuisha watu walio bora zaidi. Zaidi ya machapisho yaliyopitiwa kuhusiana na mada hiyo, yalifanywa mahojiano na watu wengi. Yaliulizwa maswali ya wazi ili kupata maoni kutoka kwa wasailiwa mbali mbali ukiwemo uingiliaji kati wa mara kwa mara ili kupata majibu yaliyo wazi zaidi.

### ***Watu walihojiwa***

Tume iliwahoji wadau wengi. Wadau hao walikuwa ni pamoja na wanataaluma; wanasheria; viongozi wa kidini; wabunge; viongozi na wanachama wa vyama vya siasa; wanachama wa vyama visivyo vya kiserikali (NGOs), pamoja na wale wanaojishughulisha na masuala ya haki za binadamu na utawala, pamoja na wanaojishughulisha na masuala ya wanawake na vijana; vyama vya kidini (FBOs); vyombo vya habari; sekta binafsi; vyombo vya kiuledi, kikiwemo chama cha wanasheria; wanachama wa vyama vya wafanyakazi; Tume ya Uchaguzi ya Zanzibar (ZEC); na Tume ya Haki za Binadamu na Utawala Bora (CHRAGG). Zaidi ya watu kutoka katika makundi haya, huko Pemba wajumbe wa tume walifanya mazungumzo na watu wa kawaida kutoka katika makundi mbali mbali na wanaofanya shughuli mbali mbali, pamoja na wavuvi, wakulima wa karafuu, wakulima na wafugaji.

Zaidi ya mahojiano na watu mmoja mmoja, tume ilifanya mahojiano na Makundi ya Walengwa Mahasusi (FGDs). Makundi hayo yalikuwa ni ya vijana na wanawake kisiwani Unguja. Makundi ya Walengwa Mahasusi yaligawiwa katika jinsia na sehemu wanzotoka (mjini na vijijini), na kujumuishwa pamoja bila ya kujali vyama vyao vya siasa.

Kasoro chache ziliathiri kazi ya tume. Tume haikuweza kukutana na viongozi muhimu kutoka serikalini, chama tawala, viongozi na wajumbe wa Baraza la Wawakilishi la Zanzibara (HoR). Wengi wao walikataa kuizungumzia mada husika au walionekana kuwa na shughuli nyingi na kushindwa kuifuata ratiba yetu iliyojaa shughuli.

## Usuli: Historia Fupi ya Ukoloni na Katiba

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Visiwa vya Zanzibar ni mkusanyiko wa visiwa viwili, Pemba na Unguja. Zanzibar ni sehemu ya Jamhuri ya Muungano wa Tanzania.

### Utawala wa Waarabu na Ukoloni

Wabantu waliweka maskani yao katika visiwa hivi tokea karne ya 2 Baada ya Kuzaliwa Nabii Issa.<sup>1</sup> Wakati wa karne ya 11 na 12, Mabaharia wa Kiajemi walijenga kituo chao katika visiwa hivi na kuoana na wenyeji. Walifuatiwa na Wareno mnamo mwisho wa karne ya 15 na walividhibiti visiwa hivi mpaka walivyotimuliwa na Waarabu kutoka Omani mwaka 1698. Mwaka 1832, mtawala wa Omani, Sultan Seyyid Said, alihamia Zanzibar. Alianzisha utawala wa mamwinyi wa Kiarabu uliotegemea nguvukazi ya watumwa na kujenga uchumi madhubuti wa biashara ya viungo. Kwa msaada wa fedha kutoka kwa Wahindi, Sultani alijihusisha vile vile na biashara ya watumwa na madini. Matokeo yake ni kuwa idadi ya Wahindi ilizidi, na baadaye Wazungu walianzisha mahusiano ya kidiplomasia,<sup>2</sup>

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1 Jjuuko Frederick & Muriuki Godfrey, *Federation within Federation, The Tanzania Union Experience and the East African Integration Process*, Ripoti ya Tume ya Kutafuta Ukweli wa Mambo Tanzania ya Kituo cha Katiba, uk.2.

2 Ibid., uk.3

Marekani (USA) ikiwa ndiyo ya kwanza kufungua ofisi yake ya ubalozi mwaka 1836, ikifuatiwa na Wingereza na Ufaransa mwaka 1844.<sup>3</sup> Hivi sasa, Zanzibar in mchanganyiko wa makabila mbali mbali, wawakilishi wa wageni wake wa hapo kale<sup>4</sup>– miongoni mwao ni watu wenye asili ya Afrika, Waarabu, Wahindi na Wachina.

Ijapokuwa Waarabu wa Oman walikuwa ni wateja wa Waingereza katika kipindi chote cha karne ya 19, Waingereza wakiwasaidia katika kuwashughulikia raia wake wakorofi, hii ilibadilika pale Zanzibar ilipotangazwa kuwa himaya ya Wingereza mwezi Juni mwaka 1890. Kuanzia hapo, Zanzibar ilitawaliwa na sultani aliyelelewa na Wingereza, huku madaraka kamili yakiwa ni ya Waingereza. Mwaka 1913 Waingereza waliweka Zanzibar chini ya Ofisi ya Makoloni na kuteua Balozi Mkaazi ambaye alikuwa na madara kamili mpaka Zanzibar ilipopata uhuru mwaka 1963.<sup>5</sup> Kuanzia mwaka 1914 hadi 1925, liliundwa Baraza la Mahamia likiwa ni chombo cha ushauri kwa sultani. Mwaka 1925 liliundwa Baraza la Utendaji (EXco) na Baraza la Kutunga Sheria (Legco). Nafasi ya Baraza la Mahamia ilichukuliwa na Baraza la Utendaji (EXco) na Baraza la Kutunga Sheria likiongozwa na Balozi Mkaazi wa Wingereza likawa ndiyo chombo cha kutunga sheria cha mahamia hiyo. Sheria yoyote ya sultan iliweza kupitishwa tu baada ya ushauri na ridhaa ya Baraza la Kutunga Sheria. Kwa ufupi, madaraka ya sultan yalipunguzwa. Kwa miongo miwili ya kuwepo kwake, Baraza la Kutunga Sheria

3 Yahya Khamis Hamad & Peter Maina Chris, 'Elections in Zanzibar and their consequences: ZEMOG na Miafaka', katika Chris Maina Peter & Immi Sikand (eds), in *Zanzibar, The Development of the Constitution*, 2011, Zanzibar, Zanzibar Legal Services Centre, Publication Series Book No.3, uk.122

4 *Zanzibar: A Giant cultural Melting Pot at the East African Coast*, accessed at <https://www.africantravelhub.com/zanzibar-a-giant-cultural-melting-pot-at-the-east-africa-coast/>; see also William Cunningham Bissell & Marie -Ande Fouéré (ed.), *Social Memory, Silenced Voices, and Political Struggle: Remembering the Revolution in Zanzibar*, uk.328, imepatikana katika <https://books.google.co.ug/books?id=oEZbDwAAQBAJ&pg=PA328&lpg=PA328&dq=Social+Memory,+Silenced+Voices,+na+Political+Struggle.+Remembering+the+Revolution+in+Zanzibar,+melting+post+of+races&source=bl&ots=1qRCAfXQ2d&sig=>

5 Jjuuko & Muriuki, op.cit., uk.2-4

halikuwa na wajumbe ‘Waafrika Wazawa’ hadi mwaka 1946, ambapo kutokana na mabadiliko ya hali ya kisiasa katika Ulaya ya Magharibi, ikiwa ni pamoja na kuingia madarakani kwa Chama cha Labour huko Wingereza, Mwafrika, Sheikh Ameir Tajo, alijiunga na Baraza hilo. Mwafrika wa pili alijiunga na Baraza hilo miaka mitatu baadaye mwaka 1949.<sup>6</sup>

## Kuelekea uhuru

### **Baraza la Kutunga Sheria**

Kwa ahadi ya kupata serikali ya ndani, Baraza la Kutunga Sheria lilibadilishwa muundo wake mwaka 1955 kwa kuwa na wajumbe sawa walio rasmi na wasiokua rasmi, kumi na mbili kila upande. Kwa wajumbe wasio rasmi idadi ya Waafrika na Waarabu ilikuwa ni sawa – wane kila upande – pamoja na Waasia watatu na Mzungu mmoja. Wakati huo, Waarabu walikuwa na chama kimoja; Wahindi walikuwa na vyama viwili: the Indian Association na Muslim Association; na Waafrika walikuwa na vyama viwili vile vile: the African Association kikiongozwa na Sheikh Abeid Karume, na the Shirazi Association, kikiongozwa na Sheikh Ameir Tajo na Sheikh Thabit Kombo.<sup>7</sup>

Mwanzoni mwa mwaka 1954, Balozi Mkaazi wa Wingereza, wakati huo akiwa, John Rankine alipendekeza kuwepo kwa wajumbe 12 wa kuteuliwa – wanne kila upande, kwa Waafrika na Waarabu, Wahindi watatu na Mzungu mmoja. Pendekezo hili lingeliimarisha uwakilishi wa wananchi lakini bado liliheshimu uteuzi wa wajumbe kwa mujibu wa makabila yao. Chama cha African Association kililikubali pendekezo hili lakini Waarabu wasomi, vijana kutoka chama cha Arab Association walilikataa.<sup>8</sup> Waarabu walikuwa na madai kadha, ikiwa ni pamoja na uchaguzi wa mtu mmoja kura

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6 Hamad & Peter, op.cit., uk.122-125

7 Ibid., uk.126

8 Glassman, Jonathan, *War of Words, War of Stones: Racial Thought and Violence in Colonial Zanzibar*, 2011, Indiana: Indiana University Press, uk.60

moja, uchaguzi mkuu, uwakilishi rasmi wa wachaguliwa walio wengi katika Baraza la Kutunga Sheria na kuwepo kwa mawaziri.<sup>9</sup>

Glassman anaelezea kwa kina:

Mapema mwaka 1954, balozi mkaazi, John Rankine, alipendekeza kuwepo kwa mabadiliko ya katiba yatakayoengeza uwakilishi wa wananchi katika Baraza la Kutunga Sheria (Waarfrika na Waarabu wawe na idadi sawa ya viti) lakini yaendeleo kuheshimu kanuni ya kuteua wajumbe kwa mujibu wa makabila yao. Tajo na African Association waliliunga mkono pendekezo hilo. Lakini pendekezo hili lilisababisha mgawanyiko mkubwa miongoni mwa wananchi wakereketwa, Waarabu wasomi katika Arab Association. Wakati wazee ambao walikuwa wengi katika Kamati ya Utendaji ya Arab Association walipiga kura ya kuiunga mkono katiba ya Rankine, walipingwa na wajumbe vijana, wasomi ambao walishawishiwa sana na siasa za Kairo. Miongoni mwao alikuwa Ahmed Lemke, mhariri wa gazeti la kila wiki la Arab Association, Al-Falaq. Makala ya mhariri yaliyoandikwa na Lemke yalidai kuwa wajumbe wa Baraza la Kutunga Sheria wachaguliwe moja kwa moja na wapiga kura watakaorodheshwa katika daftari la wapiga kura bila ya kujali makabila yao; alitoa madai haya kwa lugha kali ya kupinga ukoloni iliyokuwa na nia ya kuwaaibisha wale wanaofuata siasa za mrengo wa kati ambao walikuwa ndiyo wachapishaji wa gazeti hilo. Mwezi Juni 1954, makala yake ya mhariri yaliwalazimisha Waingereza wamkamate yeye na wajumbe wote wa kamati ya utendaji kwa makosa ya uchochezi.

...Kwa kupinga ukamataji huo na kwa kiasi fulani kuunga mkono madai ya Al-Falaq ya kuwepo kwa uchaguzi wa Baraza la Kutunga Sheria bila ya kujali makabikla ya wapiga kura, Arab Association ilitangaza mgomo katika vyombo vyote vya ushauri vya serikali na wajumbe wake kujitoa kutoka katika Baraza la Kutunga Sheria. Mjumbe pekee ambaye hakujitoa alikuwa Ali Sultan Mugheiry, mjumbe wa Kamati ya Utendaji, ambaye baada ya kumwomba radhi Rankine, hakukamatwa. Mwezi Novemba 1955, hata haikutimia wiki moja tokea aingie katika Baraza la

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9 Hamad & Peter, op.cit., uk.127

Kutungua Sheria, Mugheiry aliuawa kwa kuchomwa kisu. Kuuawa kwake kumekuwa na athari kubwa miaka mingi baadaye.<sup>10</sup>

Juu ya yote hayo yalioelezwa hapo juu, Waingereza waliendelea na pendekezo lao. Waarabu waligoma kuingia katika Baraza la Kutungua Sheria kwa miezi 18.<sup>11</sup>

Mwaka 1956, Tume ya the Coutts iliyoundwa ili kupendekeza namna ya kuwapata wajumbe wasiokuwa rasmi wa Baraza la Kutungua Sheria ilipendekeza kuwepo kwa uchaguzi kwa viti sita kati ya viti 12 vya wajumbe rasmi, na kupendekeza kuwa mgombea wa Baraza la Kutungua Sheria awe raia wa Zanzibar, na mpiga kura awe raia aliye chini ya himaya ya Wingereza. Utaratibu wa kuwachagua wajumbe sita wasiokuwa rasmi wa Baraza la Kutungua Sheria kwa kutumia daftari la orodha ya wapiga kura ulianzishwa mwaka 1957 likiwa ni badiliko kubwa la katiba. Kipindi hiki kilisadifu kuwa ndicho baadhi vyama vya siasa viliundwa, Zanzibar Nationalist Party (ZNP), kiliundwa Desemba 1955, kutokana na chama cha the Nationalist Party of the subjects of the sultan ( Hizbu), na Afro-Shirazi Union (ASU), kilichotokana na muungano wa haraka wa African Association na Shirazi Association mwaka 1957. Chama hiki baadaye kilitwa Afro-Shirazi Party (ASP).<sup>12</sup>

## **Uchaguzi wa 1957**

Ijapokuwa chaguzi za mwanzo za kikoloni za mwaka 1957 zilikuwa na wagombea kutoka vyama mbali mbali vya siasa, vyama vya kikabila na kidini, wagombea hasa walikuwa ni vyama vya ASP na ZNP.<sup>13</sup> Katika uchaguzi huu wa 1957 ASP ilishinda majimbo matano kati ya majimbo sita. Mshindi wa Kiti cha Mji Mkongwe alikuwa ni mgombea kutoka Muslim Association, kimoja kati ya vyama viwili vya Wahindi wakati ZNP haikupata hata kiti kimoja.

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10 Glassman, *op.cit.*, uk. 60

11 Hamad & Peter, *op.cit.*, uk. 127

12 *Ibid.*, uk.127-8

13 *Ibid.*, uk. 128

Ijapokuwa Waafrika walikuwa wachache katika Baraza la Kutunga Sheria, kwa mara ya kwanza idadi yao iliwashinda Waarabu katika Baraza la Kutunga Sheria la mwaka 1957.

Tume ya Blood ya 1960 iliteuliwa ili kutoa mapendekezo ya hatua za kikatiba visiwani humo ikiwa ni pamoja na kuwa na wadhifa wa mawaziri, watakaoongozwa na waziri kiongozi, Baraza la Kutunga Sheria lenye wajumbe 22, kugawa majimbo ya uchaguzi, kuhlalisha ushiriki wa wanawake katika uchaguzi na kupunguza masharti ya kumiliki mali na kiwango cha elimu kwa wanaume.<sup>14</sup> Kukubaliwa kwa mapendekezo hayo kumepelekea kufanyika kwa uchaguzi wa Januari 1961.

### **Uchaguzi wa 1961**

Katika uchaguzi wa 1961 idadi ya wapiga kura walioandikishwa ilikuwa marudufu ya ile ya walioandikishwa mwaka 1957. Majimbo zaidi yalianzishwa na kuyafanya yafikie 22 (13 Unguja na tisa Pemba). Chama cha ASP kilishinda viti 10 na ZNP viti tisa; na Zanzibar Pemba People's Party (ZPPP), ambacho kilijitoka kutoka katika ASP mwaka 1959, kilipata viti vitatu. Ule muungano uliotarajiwe kuwepo kati ya ZPPP na ASP au ZNP na ASP haukutokea kwa sababu ZPPP yenyewe ilikuwa imegawika. Mjumbe wake mmoja alijiunga na ASP na wawili walijiunga na ZNP. Hii ilisababisha kutokea kwa mdororo uliosababisha kuitishwa kwa uchaguzi mwengine. Iliundwa serikali ya mseto ilioyoongozwa na Waziri Kiongozi na na mawaziri kutoka vyama vyote. Serikali hiyo ilidumu kwa muda wa mieazi sita.<sup>15</sup> Ili kuepuka mdororo mwengine, lilianzishwa jimbo jipya la uchaguzi huko Pemba kabla ya uchaguzi mwengine wa mwezi Juni 1961. Vyama vya ZNP na ZPPP viliunda umoja wao. Ijapokuwa uchaguzi huo ulivurugwa kwa kutokea fujo, hatimaye ASP ilishinda viti 10 na kura zake kuongezeka, ZNP ilishinda viti 10, na ZPPP ilidhibiti

<sup>14</sup> Ibid., uk.129-130

<sup>15</sup> Ibid., uk.131

viti vyake vitatu lakini kura za vyama hivyo viwili zilipungua.<sup>16</sup> Kwa hivyo, iliundwa serikali ya mseto kati ya ZNP na ZPPP.

### **Mkutano wa katiba, uchaguzi na uhuru**

Mkutano wa katiba wa kuzungumzia uhuru wa Zanzibar ulifanyika London kati ya tarehe 19 Machi na tarehe 6 April 1962 na ulihudhuriwa na vyama vyote vya siasa. Hata hivyo, kwa sababu ya tofauti zilizokuwepo kati ya chama cha ASP na muungano wa ZNP-ZPPP, mkutano huo ulimalizika bila ya mafanikio yoyote. Wakati chama cha ASP na ZNP-ZPPP waliahidi utiifu wao kwa Sultan na kutaka utawala wake uendelee, maoni yao kuhusu programu ya kuipeleka Zanzibar kwenye serikali ya ndani hadi kufikia uhuru yalitofautiana.<sup>17</sup> Chama cha ASP kilitaka kuondolewa kabisa suala la uwezo wa kiuchumi na kiwango cha elimu katika uchaguzi, kupunguzwa kwa umri wa kuweza kupiga kura na kuwa miaka 18, kuongezwa kwa idadi ya wajumbe wa kuchaguliwa kutoka 23 hadi 31, na kufanyika uchaguzi mwengine. Lakini muungano wa ZNP/ZPPP uliyakubali mashari ya kuondoa uwezo wa kiuchumi na kiwango cha elimu tu na kuyakataa madai mengine yote.<sup>18</sup>

Tarehe 24 Juni 1963, Zanzibar ilipata uhuru wa kuwa na serikali ya ndani na uchaguzi mwengine ulifanyika kuanzia tarehe 8 hadi tarehe 15 Julai. Muungano wa ZNP-ZPPP ulishinda viti 18 na ASP viti 13, lakini ikiwa na wingi wa kura. Mkutano wa mwisho wa katiba ulifanyika London mwezi Septemba 1963. Ulikuwa juu ya Katiba ya Uhuru. Mkutano ulikubaliana kuwa tarehe rasmi ya uhuru ni tarehe 10 Desemba 1963 sultani akiwa mkuu wa serikali na akipewa madaraka zaidi ikiwa ni pamoja na madaraka ya kumteua mrithi

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16 Ibid.

17 Othman Haroub, *Yes, in My Lifetime: Selected Works of Haroub Othman*, Saida Yahya-Othman (ed.), 2014, Mkuki na Nyota, uk.158. Kwa taarifa zaidi angalia Colonial Office, report of the Zanzibar Constitutional Conference, 1962, London

18 Ibid, uk.3

wake. Tarehe 10 Desemba 1963, Zanzibar ilipata uhuru na kumaliza miaka 73 ya utawala wa wakoloni wa Kiingereza.

## Mapinduzi na Kuundwa kwa Muungano

Tarehe 12 Januari 1964 yalitokea mapinduzi Zanzibar ambayo yaliipindua serikali ya mseto ya ZNP/ZPPP, yaliondoa ufalme na kuifuta Katiba ya Uhuru. Baraza la Mapinduzi lilitangaza utawala wa amri. Tarehe 26 April 1964, Jamhuri ya Watu wa Zanzibar na Jamhuri ya Tanganyika ziliungana na kuunda Jamhuri ya Muungano wa Tanganyika na Zanzibar.<sup>19</sup>

Tarehe 29 Oktoba 1964, nchi hiyo ilibadilishwa jina na kuwa Jamhuri ya Muungano wa Tanzania.<sup>20</sup> Muungano uliendeshwa kwa Mkataba wa Makubaliano ya Muungano na kuridhiwa mara baada ya hapo. Katiba ya Tanganyika ilikubaliwa kuwa ndiyo katiba ya kwanza na ya muda ya Jamhuri ya Muungano wa Tanzania URT na ilitarajiwa kutumika kwa mwaka mmoja hadi 1965. Hata baada ya Muungano, Zanzibar iliendelea kuwa na uhuru wa kiasi fulani na hadi sasa bado ina serikali yake, chombo chake cha kutunga sheria na mahakama.

Hapo mwanzo Mkataba wa Makubaliano ya Muungano ulikuwa na mambo 11 lakini baada ya muda yameongezeka sana. Chini ya utaratibu huu kuna yale yanayoitwa ‘Mambo ya Muungano’, ambayo yanazihuzu zote, Tanzania Bara na Zanzibar, na ‘Mambo Yasiyokuwa ya Muungano’ yanayoihusu Zanzibar tu. Serikali ya Muungano ina madaraka ya kushughulikia mambo ya Muungano na mambo yasiyokuwa ya Muungano kwa Tanzania Bara wakati Serikali ya Zanzibar ina madaraka ya kushughulikia mambo yasiyokuwa ya Muungano ya Zanzibar. Hakuna serikali ya Tanganyika na hakuna serikali na chombo cha kutunga sheria kwa ajili ya serikali hiyo.

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<sup>19</sup> Hamad & Peter, op.cit, uk.135

<sup>20</sup> Jjuuko & Muriuki, op. cit., uk.6

## Kuelekea Serikali ya Umoja wa Kitaifa (GNU)

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Zanzibar imekuwa na majaribio matatu ya kuleta muafaka na mawili yalimalizika kwa mafanikio. Kabla ya suluhisho la tatu – *Muafaka III*, palikuwepo na *Miafaka* miwili – *Muafaka I* wa 1999 na *Muafaka II* wa 2001. *Miafaka* yote miwili ilikuwa na nia ya kushughulikia vurugu za baada ya uchaguzi zilizotokea Zanzibar na hali ya kutoelewana kati ya serikali na upinzani. Matatizo hayo yaliendelea na *Miafaka* miwili haikutekelezeka kwa hivyo ukawepo Muafaka III. Hata hivyo, Muafaka III haukutiwa saini na hii ilisababisha kuwepo kwa jaribio jingine yaani *Maridhiano*. Asili ya upatanishi huu ni siasa za ubishani na vurugu za Zanzibar.

### Usuli wa *Miafaka*: Historia Fupi ya Uchaguzi Zanzibar

Hali ya sasa ya kisiasa na ya kikatiba ya Zanzibar haiwezi kueleweka bila ya kusoma historia yake ya uchaguzi ambao ndiyo kiini cha juhudi zote za upatanishi – *Miafaka*, na baadaye *Maridhiano*.

Vyanzo vyote vinadhihirisha kuwa kihistoria, tokea wakati wa ukoloni, chaguzi zote za Zanzibar zimekuwa za utata na kutawaliwa na machafuko ya baada ya uchaguz. Machafuko hayo yalianza tokea

wakati wa uchaguzi wa kwanza mwaka 1957. Jazba zilipanda na siasa ziliathiri kila familia.<sup>21</sup>

Ripori ya Idara ya Utawala kwa mwaka 1958 inaielezea hali hiyo:

Mwaka huu umeshuhudia namna siasa zilivyoathiri kila sehemu ya maisha ya Zanzibar na wafanyabiashara, wakulima, vibarua, wavuvi na hata wake wa majumbani waliathirika. Wanavijiji mashambani walibishana. Mazishi na sherehe za kidini ziligomewa na vyama vinvyopingana! Wanawake waliweka rahani nguo zao ili kupata pesa za nauli ya kuwafikisha kwenye mikutano ya kisiasa. Hayo yalikuwa ndiyo matokeo ya uchaguzi mkuu wa kwanza katika visiwa ambavyo hapo zamani vilikuwa na amani.<sup>22</sup>

Hali hiyo iliendelea. Uchaguzi wa mwaka 1961 ulikumbwa na mapigano kwa siku kadha, na idadi rasmi ilionesha kuwa waliokufa walikuwa 68, waliojeruhiwa 381 na zaidi ya 1,000 walikamatwa: nyumba nyingi ziliharihiwa na iliripotiwa kuwepo kwa uporaji mkubwa.<sup>23</sup>

Uchaguzi wa 1995, wa kwanza baada kurudishwa tena mfumo wa vyama vingi mwaka 1992, nao pia ulikuwa na vurugu na kwa wakati huo ulielezewa kuwa ndiyo kilele cha vurugu za kisiasa Zanzibar.<sup>24</sup>

Mabishano kuhusiana na uchaguzi wa mwaka 1995 yalianza wakati wa uandikishaji, kwa kumtaka Mzanzibari mpiga kura kuwa mkazi katika eneo lake kwa kipindi cha miaka mitano. Wote CCM na CUF walijaribu kuwapinga wasiandikishwe wapiga kura waliodhaniwa kuwa ni wa chama pinzani.<sup>25</sup> Matatizo mengine yalijitokeza wakati wa kupiga kura. Juu ya malalamiko yaliyotolewa kwa maandishi kwa Tume ya Uchaguzi ya Zanzibar (ZEC) na vyama vyote viwili kuhusiana na kasoro zilizojitokeza,<sup>26</sup> ZEC

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21 Ibid., uk.130

22 Ibid., uk.129-130

23 Ibid., uk.132

24 Ibid., uk.157

25 Ibid., uk.148

26 Ibid., uk.149

ilikitangaza CCM kuwa mshindi kikiwa na viti 26 na kufuatiwa na CUF kikiwa na viti 24 katika Baraza la Wawakilishi (HoR), na kwa uchaguzi wa Rais, Dk. Salmin Amour wa CCM alipata asilimia 50.2 % akifuatiwa na Seif Hamad wa (CUF) aliyepata asilimia 49.8%, tofauti finyu ya asilimia 0.4%. CCM aliunga mkono uamuzi wa ZEC. Matokeo hayo yalipingwa kila upande. Waangalizi wa uchaguzi wa kujitegemea walielezea uchaguzi huo kuwa na dosari<sup>27</sup> na wafadhili walilalamika kuhusu dosari zilizokuwepo kati ya tarakimu za ZEC na zile za katika vituo vya kupigia kura.<sup>28</sup> CUF kiliyapinga matokeo hayo ya uchaguzi kwa sabu ya matokeo hayo kuchezeza na ‘Tume ya Uchaguzi iliyochukua msimamo wa kichama’ kwa kukipendelea CCM. Baada ya uchaguzi pametokea ukatili na uhasama mkubwa kati ya vyama viwili hivyo. Mwezi Oktoba, hali ilikuwa tete, ikiambatana na vitendo vya vurugu na wapinzani kunyanyaswa. Hali ilizidi kuwa mbaya kwa kukamatwa na kushtakiwa kwa uhaini wanaharakati 18 wa CUF, pamoja na wajumbe wanne wa Baraza la Wawakilishi mwezi Novemba 1995.<sup>29</sup> Matokeo yake ni kuwa nyumba zilichomwa moto, watu walifukuzwa kizini kinyume cha sheria, wanafunzi walizuliwa kwenda shule na vyuoni, watu wakichapwa viboko ovyo na polisi barabarani, na vyombo vya dola viliwanyanyasa watu walioaminika kuwa ni wapinzani.<sup>30</sup> Hali hii ya kikatili na ya ukandamizaji dhidi ya upinzani ililalamikiwa kitaifa na kimataifa, na kulazimisha kuwepo kwa usulihisi wa mgogoro huu na matokeo yake ni *Muafaka I*.<sup>31</sup>

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27 Ibid., uk.150, 156-7

28 Ibid., uk.150

29 Ibid., uk.157

30 Ibid., uk.152

31 Ibid., uk.157

## **Muafaka I na II: Muhtarasi**

### **Muafaka I**

Makubaliano kati ya CCM na CUF yalifikiwa baada ya uchaguzi wa 1995 na yalisimamiwa na Katibu Mkuu wa Jumuiya ya Madola, Chifu Emeka Anyaoku, ambaye alimkabidhi Dk. Moses Anafu kazi ya kuendesha mchakato wa kutafuta makubaliano hayo. Sababu yake ilikuwa ni vurugu na unyanyasaji uliofuatia upinzani dhidi ya ushindi wa CCM katika uchaguzi na uhasama mkubwa na hali ya wasiwasi iliyokuwepo kati ya CCM na CUF. Mchakato huo ulioanza mwezi Februari 1998 ulikuwa ni matokeo ya shinikizo la ndani na la kimataifa kumaliza hali ya ukatili na ukandamizaji.<sup>32</sup>

Kutokana na makubaliano hayo, pande mbili hizo zilikubaliana juu ya marekebisho kadha yakiwemo kuiimarisha Tume ya Uchaguzi ya Zanzibar ili kuifanya iwe Tume huru isiyopendelea upande wowote; kuwepo kwa daftari la kudumu na kuaminika la orodha ya wapiga kura; kupitiwa tena kwa Katiba ya Zanzibar na sheria ya uchaguzi ilingane na hali ya sasa ya mfumo wa demokrasia ya vyama vingi; kuhakikisha kuwa vyombo vya habari vinvyomilikiwa na serikali vinatenda haki kwa vyama vyote; kutengeneza mazingira huru kwa vyama vyote vya siasa kutangaza maoni yao na kutaka kuungwa mkono; mpango wa elimu kwa umma; kufanyiwa marekebisho mahakama ili kuifanya iwe huru na ya kiuledi; na kuwatendea sawa watumishi wa serikali kwa mujibu wa sheria.

Ijapokuwa pendekezo la awali liliridhiwa na CUF mwezi Julai 1998, CCM ilichelewa kufanya hivyo. Vile vile, mkataba ambao ulikuwa utiwe saini tarehe 15 Agosti 1998, ulitiwa saini mwaka mmoja baadaye tarehe 9 Juni 1999.<sup>33</sup>

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32 Angalia J. Oloka Onyango na Maria Nassali, *Constitutionalism and Political Stability in Zanzibar: The Search for a New Vision*, Ripoti ya Tume ya Kutafuta Ukweli wa Mambo iliyoundwa chini ya usimamizi wa Kituo cha Katiba. Oktoba 2003, uk. 18

33 See Hamad & Peter, op. cit., uk.157

Hata hivyo, mkataba huo ulibaki kuwa ni wa maneno matupu. Hii ilisababishwa na kutokuwepo kwa nia ya kisiasa. Sababu nyengine ya kutofanikiwa kwa mkataba huu ni kutokuwepo kwa utaratibu wa kuufwatilia na utekelezaji wake. Ilitolewa hoja vile vile kuwa haukuwa na nguvu ya kisheria na kutegemea nia njema ya vyama husika katika kuutekeleza – kamati ya vyama mbalimbali iliyoundwa kwa mujibu wa mkataba huu ilikuwa na hadhi ya kuwa mshauri tu na Jumiya ya Madola ni mdhamini wa huruma tu. Zaidi ya hayo, vyama vyote viwili CCM na CUF vilikuwa na wasiwasi na waendeshaji hao wa majadiliano.<sup>34</sup> Kwa hiyo Zanzibar iliingia katika uchaguzi wa mwaka 2000 bika ya ridhaa kamili ya vyama vikuu hivyo viwili. Kutofanikiwa kwa *Muafaka* 1 kulionekana wazi wazi kwa namna ya uchaguzi wa mwaka 2000 ulivyoendeshwa na matokeo yake ambayo kwa kiwango kikubwa yalionekana kuwa ni aibu pamoja na kuwepo kwa matukio kadha yaliyodhihirisha ukiukwaji wa matakwa ya usuluhishi ambayo *Muafaka* uliyataka.<sup>35</sup>

## **Muafaka II**

Kama ilivyoenezwa, machafuko ya kisiasa yaliendelea hadi uchaguzi wa mwaka 2000. Uchaguzi wa tarehe 29 Oktoba 2000 ulionekana kuwa na dosari zaidi kuliko ule wa mwaka 1995. Ulielezwa kuwa ‘haukukamilika’ kwa kuwa haukufikia hatua yake ya mwisho kwa vile majimbo 16 hayakupiga kura kwa sababu ya tatizo la nyezo na vifaa. Kwa sababu hii, Tume ya Uchaguzi ya Zanzibar (ZEC) ilitangaza kurudiwa kwa uchaguzi huo. Chama cha CUF kilikataa kushiriki katika kurudiwa huko kwa uchaguzi mpaka uchaguzi urudiwe katika majimbo yote ya Zanzibar na kutishia kuyakataa matokeo ya kurudiwa kwa uchaguzi ikiwa madai yao hayajakubaliwa.<sup>36</sup> Tume ya Uchaguzi ya Zanzibar iliyapuuza madai hayo na uchaguzi ulirudiwa tarehe 5 Novemba 2000. CCM kilitangazwa kuwa mshindi na mara

<sup>34</sup> Oloka & Nassali, op. cit., uk. 19

<sup>35</sup> Ibid.

<sup>36</sup> Hamad & Peter, op. cit., uk.162

hii kwa asilimia kubwa Dk. Karume wa CCM akishinda kwa asilimia 67.04% na Seif Hamad wa CUF asilimia 32.96% kwa uchaguzi wa Rais na ushindi wa viti 34 kwa CCM na viti 16 kwa CUF kwa uchaguzi wa wabunge.<sup>37</sup> Matokeo ya CUF yalikuwa ni yale ya uchaguzi wa awali tu kabla ya kurudiwa kwa uchaguzi. CUF iliyakataa matokeo hayo na kukataa kuitambua serikali. Kiliitisha maandamano ya nchi nzima tarehe 26 na 27 Januari 2001, ili kupinga matokeo ya uchaguzi uliokuwa na kasoro na 'majimbo yaliyotengenezwa kwa kuipendelea CCM'. Serikali ilijibu matukio haya ya siku mbili kwa ukatili mkubwa. Kwa mujibu wa Tume ya Mbita iliyoteuliwa na Rais wa Jamhuri ya Muungano wa Tanzania kuchunguza sababu na athari za matokeo ya tarehe 26 na 27 Januari. Katika matokeo hayo watu thalathini waliuliwa, ijapokuwa tarakimu zisizo rasmi ni marudufu ya idadi hiyo, mamia walijeruhiwa na kiasi cha watu 2,300 walikimbilia Shimoni, Kenya, hili likiwa ni wimbi la kwanza la Watanzania wengi kukimbilia nchi hiyo. Haya yalifuatiwa na wiki mbili za vipigo, ukamatwaji holele na aina mbali mbali za unyanyasaji dhidi ya raia wa kawaida.<sup>38</sup>

*Muafaka II* ulichochea na hayo yaliyoelezwa hapo juu. Mkataba huu ulikuwa ni matokeo ya sinikizo kwa CCM kutoka kwa wananchi wa kawaida, wasomi na wafadhili, Ni kutokana na uchaguzi wa mwaka 2000 na baada ya hapo.<sup>39</sup>

Masharti ya *Muafaka II* yalikuwa yanafanana na yale ya *Muafaka I* isipokuwa yale masuala yanayoihusu serikali. *Muafaka I* ulikuwa ni merekebisho ya ziada kwa *Muafaka II*. Kwa umahasusi hasa, *Muafaka II* ulitaka kufanyiwa marekebisho sheria ya uchaguzi ; kuundwa upya Tume ya Uchaguzi ya Zanzubar (ZEC) ili wawemo wajumbe wawili rasmi kutoka upande wa upinzani; kuanzishwa ofisi ya Mkurugenzi wa

37 Angalia *Zanzibar: 2000 Elections*, inayopatikana katika :<https://eisa.org.za/wep/zan2000election2.htm>

38 Oloka & Nassali, op. cit., uk.19

39 Ibid.

Kuendesha Mashtaka (DPP); kuwepo kwa mahusiano mema kati ya uongozi wa CCM na CUF; na kuzidisha fursa kwa vyama vya upinzani ya kuweza kuwafikia wanachama wake.<sup>40</sup> Kutokana na yale yaliyojiri katika kipindi cha *Muafaka I*, *Muafaka II* ulifanywa kuwa Sheria na Baraza la Wawakilishi (HoR) na kuigizwa katika Katiba ya Zanzibar ukiwa marekebisho ya 8 na 9 ya katiba.<sup>41</sup> Mara baada ya kutiwa saini, iliundwa Kamati ya Pamoja ya Usimamizi ya Rais (JPSC) ikiwa na wajumbe wa CUF na CCM ili kusimamia na kutekeleza makubaliano ya Muafaka huo. Ulipofika mwisho wa mwaka wa 2003, takriban asilimia 80% ya makubaliano hayo yalitekelezwa – ofisi huru ya Mkurugenzi wa Kuendesha Mashtaka ilianzishwa ili kuharakisha utoaji wa haki;<sup>42</sup> palikuwepo na mahusiano mazuri kati ya viongozi wa vyama hivyo viwili ambao waliwakilishwa kwa idadi sawa katika kamati ya vyama vyote na kuwa na utaratibu wa uwenyekiti wa pamoja; kadhalika, ilijengeka ari ya ujirani mwema miongoni mwa Wazanzibari walioelewa kuwa siasa za ushindani hazina maana ya kuchukiana; na ushabiki wa kisiasa na uonevu kwa wale walioaminika kuwa si watiifu kwa [chama tawala] na serikali ulipungua.<sup>43</sup>

Ijapokuwa Muafaka II ulitekelezwa vizuri zaidi ukilinganisha na *Muafaka I*, nao pia ulikuwa na matatizo yake. Lililo wazi ni kuwa haukushughulikia suala la kihistoria ambalo bado linaathiri hali ya kisiasa Zanzibar. Hayo ni masuala muhimu kama vile hadhi ya muungano, utawala, utawala wa sheria, uhusiano kati ya Unguja na Pemba, elimu pamoja na elimu ya uraia na maendeleo ya kiuchumi na kijamii.<sup>44</sup> La muhimu kabisa ni kuwa haukujumuisha umma wote kwa jumla kwa kuwa

40 Ibid., p.xi, uk.20

41 Ibid., uk.20

42 Hamad & Peter, op. cit., uk.164

43 Oloka & Nassali, op. cit., uk, 21-22; na ibid.,uk.164-5

44 Hamad & Peter, op. cit., uk.164-5

ulihusisha vyama viwili tu CUF na CCM. Kwa jumla, watu wa Zanzibar hawakujumuishwa katika mijadala juu maelewano au jinsi ya kupatikana maelewano hayo; na Muafaka ulilenga kwenye mchakato wa uchaguzi na matokeo yake.<sup>45</sup>

Kwa kuwa hali ya kutoelewana kati ya serikali na upinzani Zanzibar iliendelea hata baada ya *Miafaka* miwili, hilo ndilo lililosababisha kuwepo kwa Muafaka III.

### ***Muafaka wa tatu***

Kuundwa kwa Serikali ya Umoja wa Kitaifa (GNU) mwaka 2010 kulitanguliwa na mazungumzo kati ya CCM na CUF, ambayo yalianza tarehe 17 Januari 2007 Zanzibar. Kabla ya hapo, yalifanyika mashauriano yasiyokuwa rasmi kati ya washauri na wasaidizi wa Rais Kikwete na maafisa wa CUF kuanzia mwezi Desemba 2006, baada ya uchaguzi mkuu wa 2005, kwa madhumuni ya kuondoa mdororo wa kisiasa visiwani Zanzibar.

Mwezi April 2007, makatibu wakuu wa vyama hivyo viwili walikubaliana kumaliza mkutano huo tarehe 15 Agosti 2007. Hata hivyo, hilo halikuwa. Tarehe 14 Agositit 2007, Rais Kikwete alijitolea kuongoza mchakato huo yeye mwenyewe binafsi ili kuhakikisha kuwa unafanikiwa na mwisho wa mwezi Agosti, CCM iliwaomba CUF wawe na subira ili kutoa nafasi ya kufanyika kwa mkutano mkuu wa CCM na uchaguzi wa chama hicho mwezi November 2007 na umalizike kabla ya hatua ya mwisho ya mazungumzo kufanyika. Hii iliusukuma mbele mkutano wa mwisho kati ya vyama hivyo viwili ili ufanyike Bagamoyo tarehe 25 hadi 29 Februari 2008. Katika mkutano huu, vikundi vya kufanya mashauriano vya vyama vyote viwili vilikubaliana kuwasilishi yaliyokubaliwa kwenye vyombo vya kufanya maamuzi vya vyama vyao ili yaidhinishwe na kutiwa saini tarehe itakayokubaliwa.<sup>46</sup>

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45 Oloka & Nassali, op. cit., uk.xi

46 Hamad na Peter, op. cit., uk.166-7

Mapendekezo ya mgawanyo wa madaraka yalikuwa ni pamoja na rais atoke kutoka chama kitakachoshinda; makamo wawili wa rais – makamo wa kwanza atoke kutoka katika chama kitakachoshika nafasi ya pili ya wingi wa viti na ambaye atakuwa msaidzi mkuu wa rais na makamo wa pili kutoka katika chama kitakachoshinda (chama cha rais), ambaye atakuwa na jukumu la kuratibi mawaziri wote na kiongozi wa shughuli za serikali katika Baraza la Wawakilishi. Kwa ufupi, makamo wa pili atachukua nafasi ya waziri kiongozi.<sup>47</sup> Ilipendekezwa pia kuwa liwepo baraza la mawaziri litakalokuwa na wajumbe kutoka chama kilichoshinda na vyama vilivyoshindwa kwa muiano wa wingi wao katika Baraza la Wawakilishi. Kwa kuwa muundo mpya wa serikali ulikuwa na madhumuni ya kuzuia matokeo ya vurugu baada ya kila uchaguai Zanzibar, CCM ilitaka mkataba uwe tayari na utiwe saina kabla ya uchaguzi wa 2010.<sup>48</sup>

Tarehe 17Machi 2008, Baraza la Utawala la CUF lilifanya kikao chake Zanzibar na kuuidhinisha mkataba. CUF pia kilitangaza hadharani matokeo ya mkutano katika mkutano wa hadhara uliofanyika Kiwanja cha Demokrasia, Kibandamaiti. Hata hivyo, CCM ilikikosoa CUF kwa kutangaza hayo kabla ya muda na hivyo kukiuka taratibu kwa kuwa tangazo hilo lilitolewa kabla ya kikao cha Kamati ya Utendaji ya CCM (NEC) kukaa na kupokea ripoti kutoka kwa wawakilishi wa CCM. Pia, kauli hiyo iliyotolewa hadharani ilipasa itolewe na makatibu wakuu wote wawili baada ya vyama vyote kupokea na kuidhinisha ripoti za wajumbe wao.

Kufuatia matukio yaliyoelezwa hapo juu, mwezi huo huo CCM ilikutana Butiama. Iliyafanyia marekebisho mapendekezo yaliyotolewa na wawakilishi wa CUF na CCM na kupendekeza iwepo kura ya maoni ili watu wa Zanzibar waamue kuhusu muundo wa serikali unaopendekezwa. Sababu kubwa ya CCM kuwa na msimamo huu ni kuwa na mchakato shirikishi ambao utawajumuisha

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47 Ibid., uk.171-2

48 Ibid., uk.171

Wazanzibari wenye mawazo na itikadi mbali mbali za kisiasa kushiriki katika mchakato huu wa kufanya maamuzi ya makubaliano mapya na kupata uungwaji mkono na wananchi wengi. Kiliamini kuwa kwa namna hii, yataepukwa makosa yaliyofanyika wakati wa *Muafaka II*<sup>49</sup> ambao ulivitenga vyama vingine vya siasa. CCM ilitilia mkazo pia haja ya mkataba mpya kulingana na katiba na sheria za Zanzibar na kwa hiyo ilitaka yafanyike marekebisho ya katiba kulingana na muundo mpya.

Chama cha CUF kiliyapinga kwa nguvu mapendekezo ya CCM ya kutaka iwepo kura ya maoni. CUF ilikituhumu chama cha CCM kwa kukiuka yale yaliyokubaliwa. Chama cha CUF kilitaka kuwa yale masuala waliyokubaliana na CCM yatekelezwe mara moja.<sup>50</sup> Chama hicho pia kilieleza kushitushwa kwake kwa kuwa katika kipindi chote cha miezi 14 ya majadiliano ambacho kilikuwa na vikao 21, CCM hakikuwahi kulitaja suala la kura ya maoni. Hata hivyo katika kipindi chote cha mchakato huu wawakilishi wa CCM walieleza kuwa si kama wamekuwa wakiwasiliana na Kamati Kuu (CEC) na Halmashauri Kuu NEC yao tu lakini wamekuwa pia na mawasiliano na maraisi wote wawili, Kikwete na Karume. CUF kilieleza kuwa hizo zilikuwa ni njama zilizoandaliwa mapema kabisa ili kukivuruga chama cha CUF na kitendo cha kulivuruga suala muhimu sana la kitaifa. Zaidi ya hayo CUF kilikituhumu CCM kwa kuingia katika makubaliano hayo bila ya nia thabiti ya kutatua mgogoro wa kisiasa na kuwepo kwa amani visiwani Zanzibar, ambayo ni sehemu ya Jamhuri ya Muungano wa Tanzania na kuwapotosha Watanzania na jumuiya ya kimtaifa. Walilichukulia hilo kuwa ni hila ya CCM ya kukishughulisha chama cha CUF na kurefusha mazungumzo hayo mpaka wakati wa uchaguzi ufike bila ya kulimaliza suala hilo. Kadhalika CUF kilishikilia kuwa CCM ingelilileta suala hilo wakati wa majadiliano na siyo kwa mlango wa nyuma. Hata hivyo, kwa

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49 Huu haukuwa *Muafaka* wa kwanza Zanzibar. Mikataba miwili – *Muafaka I* na *Muafaka II* – ilitiwa saini kati ya CCM na CUF mwaka 1999 na 2001 mutawalia

50 Hamad & Peter, op. cit., uk.178

kuwa wote CUF na CCM walikubali kuwa Tume ya Uchaguzi ya Zanzibar na daftari la kudumu la wapiga kura vilikuwa na dosari zilizohitaji kurekebishwa, suala la nani angeliendesha kura hiyo ya maoni lilikuwa ni la wasiwasi kwa wote.<sup>51</sup> CUF kilieleza kukatishwa tama kwao kwa kile walichokiita udhaifu na utovu wa uaminifu wa Rais Kikwete akiwa kiongozi kwa kushindwa kukipinga chama chake juu ya kuwa alieleza hapo awali kwamba anakerwa na hali ya kutoelewana ya Zanzibar. Pia walimpinga vikali kwa kujishughulisha na juhudi za kuleta maelewano sehemu nyengine za Kenya na Cameroon huku akiyapuza ya Zanzibar.<sup>52</sup>

## Uchaguzi wa 2005

Wakati wa uchaguzi mkuu wa 2005 uliofuata *Muafaka II*, rais aliyekuwa madarakani, Amani Abeid Karume wa CCM, ilishinda uchaguzi kwa kura asilimia 53.2% , wakati Seif Hamad alipata asilimia 46.1%. Kwa uchaguzi wa Baraza la Wawakilishi, CCM kilishinda viti 30 wakati CUF kilishinda viti 19. CUF kilikataa kuutambua ushindi wa CCM na kutangaza mgomo usiokuwa na kikomo kwa Baraza la Wawakilishi.

## Maridhiano

Serikali ya Umoja wa Kitaifa iliundwa baada ya mkataba wa masikilizano ambao uliitwa *Maridhiano* uliotiwa saini tarehe 5 Novemba 2009<sup>53</sup> kati ya aliyekuwa rais, Dk. Amani Abeid Karume, na katibu mkuu wa chama kikuu cha upinzani, CUF, Maalim Seif Sharif Hamad. Yaliyokuwemo katika makubaliano haya ya kistaarabu hayakutangazwa hadharani.<sup>54</sup> Matokeo ya kwanza ya makubaliano

51 Ibid., uk.172-4

52 Ibid., uk.175

53 Angalia Ali Uki, 'Maridhiano and the Government of National Unity, its impact on elections and constitutionalism in Tanzania', katika Chris Maina Peter & Immi Sikand (eds), katika *Zanzibar, The Development of the Constitution*, 2011, Zanzibar, Zanzibar Legal Services Centre, Publication Series Book No.3, uk.235 ;

54 Angalia Yahya Khamis Hamad, 'The constitutional premises of the GNU in Zanzibar',

haya ambayo yaliwashangaza wengi yalikuwa ni CUF kumtambua Dk' Karume kuwa ni Rais wa Zanzibar, baada ya miaka tisa,<sup>55</sup> wakati baada ya uchaguzi wa 2005 CUF ilitoa tamko la kutomtambua kuwa ndiye mshindi wa uchaguzi huo.<sup>56</sup> Watu walikuwa na mawazo mchanganyiko kuhusu *Maridhiano*. Wote, wanachama wa CUF na wa CCM.<sup>57</sup> Matokeo yake yalikuwa ni kuundwa kwa Serikali ya Umoja wa Kitaifa mnamo kipindi cha mwaka mmoja, baada ya kazi kubwa ya kuwashawishi wanachama wa CCM na CUF kuwa serikali hiyo ilikuwa ni kwa maslahi yao.<sup>58</sup>

### **Marekebisho ya 10 ya katiba na kura ya maoni**

Kufuatia *Maridhiano*, iliwasilishwa hoja binafsi katika Baraza la Wawakilishi na Mhe. Abubakar Khamis Bakary iliyotaka kuridhiwa kwa mapendekezo ya *Maridhiano*, ambayo ni kuwa na kura ya maoni ili kuwaruhusu Wazanzibari waamue kuhusu Serikali ya Umoja wa Kitaifa; Sheria ya Uchaguzi Na. 11 ya 1984 ifanyiwe marekebisho ili kuipa madaraka Tume ya Uchaguzi ya Zanzibar kusimamia kura ya maoni; na katiba ya Zanzibar ifanyiwe marekebisho ili kuruhusu marekebisho ya katiba yanayopendekezwa kuhusiana na Serikali ya Umoja wa Kataifa GNU.<sup>59</sup>

Bakary mwenyewe anaeleza kuwa mapendekezo hayo yalipitishwa na Baraza la Wawakilishi kwa kauli moja baada ya mjadala mkali katika Baraza hilo.<sup>60</sup> Anayaelezea marekebisho hayo kuwa ni pamoja na :

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katika Chris Maina Peter & Immi Sikand (eds), katika *Zanzibar, The Development of the Constitution*, Ibid., uk.247

55 Chris Maina Peter, 'Recent developments in Zanzibar: From Miafaka to Maridhiano and Government of National Unity', katika *Zanzibar, The Development of the Constitution*, Ibid., uk.181

56 Hamad & Peter, op. cit., uk.171

57 Peter, 'Recent Developments in Zanzibar; op. cit., uk.181 na uk. 215

58 Ibid.

59 Ibid., uk.258

60 Abubaker Khamis Bakary, 'Challenges facing the Constitution of the United Republic of Tanzania, 1977 and the 10th Amendment to the Zanzibar Constitution 1984, katika

- Ibara ya 1 na ya 2 zinazoeleza kuwa Zanzibar ni nchi na ni moja ya nchi mbili huru zilizoungana na kuunda Jamhuri ya Muungano wa Tanzania;
- Ibara ya 93 (3) inayoanzisha Serikali ya Umoja wa Kitaifa;
- Kuanzishwa kwa vyeo vya makamo wa rais wawili kwa mujibu wa Ibara ya 39(2), na makamo wa kwanza wa rais akiwa mtu aliyependekezwa na chama kilichoshika nafasi ya pili katika uchaguzi wa rais;
- Ibara ya 42(2) inyoanzisha baraza la mawaziri la Baraza la Mapinduzi kulingana na uiano wa uwakilishi kwa idadi ya viti ambavyo kila chama imeshinda wakati wa uchaguzi mkuu ;
- Uteuzi wa wakuu wa mikoa (RCs) kufanywa na rais wa Zanzibar na siyo kama ilivyokuwa hapo kabla yaani kuteuliwa na rais wa Jamhuri ya Muungano kwa kushauriana na rais wa Zanzibar ; na Wakuu wa Mikoa (RCs) hawatakuwa tena wajumbe wa Baraza la Wawakilishi na kwa hivyo kuwa watumishi wa serikali tu bila ya kuwa na jukumu lolote la kisiasa kama ilivyokuwa hapo zamani.<sup>61</sup>
- Ibara ya 80 (A) (2) iliyotaka kuwepo kwa kura ya maoni.

Athari za marekebisho haya ni pamoja na kuingizwa katika katiba vipengele kadha kwa nia ya kuiimarisha Serikali ya Umoja wa Kitaifa vipengele ‘ambavyo havitabadilishwa, havitapitiwa upya wala havitafutwa mpaka ifanyike kura ya maoni’. Athari nyengine ni kuwepo kwa Marekebisho 10 ya katiba ya Zanzibar na ulazima wa kuvifanyia marekebisho vipengele 14 vya katiba ya Jamhuri ya Muungano wa Tanzania; pamoja na kufutwa kwa baadhi ya vipengele huku vipengele vingine vikiwa havihitajiki, yote haya yakionesha haja ya ‘kuiandika upya Katiba ya Jamhuri ya Muungano ’ ‘ambayo imejaa viraka na mambo yenye utata’.<sup>62</sup>

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*Zanzibar Yearbook of Law*, Juzuu ya 1, 2011, Zanzibar Legal Services Centre (ZLSC), Zanzibar, uk.296

61 Ibid.

62 Ibid., uk.297

Baada ya hapo, Sheria ya Kura ya Maoni ilipitishwa<sup>63</sup> ili kuwapa watu wa Zanzibar fursa ya kupiga kura na kuamua juu ya Serikali ya Umoja wa Kitaifa. Kura ya maoni ilifanyika tarehe 31 Julai 2010 na asilimia 66.4% ya wapiga kura waliikubali Serikali ya Umoja wa Kitaifa.<sup>64</sup> Utaratibu wa mgawanyo wa madaraka katika Serikali ya Umoja wa Kitaifa ulizungumzwa kwa upana na watu wa Zanzibar katika vyombo vya habari na katika semina mbali mbali kabla ya mswada haukujadiliwa na kupitishwa na Baraza la Wawakilishi.<sup>65</sup> Mswada wa Serikali ya Umoja wa Kitaifa ulipitishwa tarehe 9 Agosti 2010<sup>66</sup> na kuridhiwa na Rais wa Zanzibar na Mwenyekiti wa Baraza la Mapinduzi siku tatu baadaye tarehe 13 Agosti 2010, ukiwa Sheria Na. 9 ya 2010.<sup>67</sup> Kikao maalum cha Baraza la Wawakilishi la Zanzibar kilifanyika mwezi Agosti 2010 ili kuifanyia marekebisho katiba ya Zanzibar ya 1984 ili kuingiza Serikali ya Umoja wa Kitaifa kuwa Rekebisho la Kumi.<sup>68</sup>

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63 Sheria ya Kura ya Maoni Na. 6 ya 2010, Ibara ya 7(2)

64 Uki Ali, op. cit., uk.242

65 Ibid.

66 Gazeti Rasmi La Serikali ya Mapinduzi ya Zanzibar, *Gazetu Makhsusi, Sehemu ya CXIX Namba 6380*, 26 Agosti, 2010, uk.151 cited in Uki, Ibid., uk.243

67 Ibid, uk. 138, imechukuliwa katika Uki ibid.

68 Angalia Peter, ibid., uk.215-216

## Serikali Ya Umoja Wa Kitaifa 2010

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### Maana, Ufafanuzi na Muundo wa Serikali ya Umoja wa Kitaifa

Ikifafanuliwa, Serikali ya Umoja wa Kitaifa imeelezwa kuwa ni serikali inayotokana na tukio ambalo vyama vikuu vyote vya siasa na wenye maslahi mbali mbali katika nchi kuwa ni sehemu ya mfumo wa serikali inayotawala. Serikali ya namna hii inasemekana kuwa hutokea pale penye mvutano wa kisiasa kuhusiana na chama kipi kiunde serikali baada ya uchaguzi kwa sababu ya matokeo ya uchaguzi yanayopingwa au kuwepo kwa upinzania wenye nguvu ambao hauwezi kuachwa nje ya serikali kama ilivyokuwa Afrika ya Kusini, au ikiwa ni njia ya kuwa na serikali inayojumuisha wote.<sup>69</sup>

Serikali ya Umoja wa Kitaifa ya Zanzibar inaaminika kuwa ni ya aina ya pekee. Tofauti na Serikali ya Umoja wa Kitaifa ya Kenya na ya Zimbabwe ambako kumetokea machafuko mara baada ya uchaguzi, Serikali ya Umoja wa Kitaifa ya Zanzibar ilitokana na mchakato wa kabla ya uchaguzi,<sup>70</sup> ijapokuwa si kwa maana ya kihistoria.

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69 Hamad, op. cit., uk.247-248

70 Ibid. and Uki, op. cit., uk. 235

Uki anaifafanua Serikali ya Umoja wa Kitaifa kwa muktadha wa Zanzibar kuwa:

Ni serikali inayojumuisha wawakilishi wa vyama vya siasa vinavyoshinda kiti au viti katika Baraza la Wawakilishi la Zanzibar. Serikali ya Umoja wa Kitaifa ni utaratibu wa kugawana madaraka wa vyama vya siasa vinvyopata viti katika chombo cha kutunga sheria. Chama cha siasa kisichokuwa na kiti katika chombo cha kutunga sheria hakiwezi kufurahia sehemu ya mkate huu.<sup>71</sup>

## Muundo wa Serikali ya Umoja wa Kitaifa

### **Rais**

Kwa mujibu wa Serikali ya Umoja wa Kitaifa, mtu anayeshinda kuwa Rais katika uchaguzi mkuu anakuwa kiongozi wa Serikali ya Mapinduzi ya Zanzibar, mkuu wa serikali na Mwenyekiti wa Baraza la Mapinduzi la Zanzibar.<sup>72</sup> Kwa mujibu wa sheria, rais hatolazimika kuchukua ushauri wa mtu yeyote katika kutekeleza kazi zake.<sup>73</sup>

### **Makamo wa kwanza na wa pili wa rais**

Chini ya rais wapo makamo wa rais wawili – makamo wa kwanza wa rais na makamo wa pili wa rais.<sup>74</sup> Hii imebadili muundo wa serikali iliyokuwepo kabla ya Serikali ya Umoja wa Kitaifa ambayo ilikuwa na rais na waziri kiongozi. Makamo wa kwanza na makamo wa pili wa rais wanateuliwa na rais wa Zanzibar mnamo siku saba za kushika kwake madaraka.<sup>75</sup>

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71 Uki, *ibid.*, uk.236

72 Angalia Ibara ya 26(1) ya Katiba ya Zanzibar ya 1980, kama ilivyofanyiwa marekebisha na Ibara ya 10 ya Sheria Na. 9 ya 2010

73 *Ibid.*, Ibara ya 52

74 Katiba ya Zanzibar ya 1984 kama ilivyofanyiwa marekebisha, Ibara ya 39 (1)

75 *Ibid.*, Ibara ya 39 (2)

### ***Makamo wa kwanza wa rais***

Makamo wa kwanza wa rais anateuliwa baada ya mashauriano na chama kinachoshika nafasi ya pili katika uchaguzi wa rais.<sup>76</sup> Ili kuweza kushika nafasi hiyo mtu lazima awe na sifa ya kuwa mjumbe wa Baraza la Wawakilishi.<sup>77</sup>

Pale ambapo chama kinachoshika nafasi ya pili katika uchaguzi wa rais kitapata chini ya asilimia 10% ya kura zote katika uchaguzi wa rais au kama rais atagombea bila ya kupingwa, nafasi ya makamo wa kwanza wa rais itakwenda kwenye chama kitakachoshika nafasi ya pili kwa idadi ya viti vya majimbo yote ya uchaguzi katika Baraza la Wawakilishi.<sup>78</sup> Pale ambapo chama kitakachotakiwa kushika nafasi ya makamo wa kwanza wa rais kitashindwa kuwasilisha kwa rais jina la mtu atakayeteuliwa kushika nafasi hiyo mnamo siku saba za rais kushika madaraka, rais ataiwacha nafasi hiyo ibaki wazi na kuendelea kumchagua makamo wa pili wa rais.

Makamo wa kwanza wa rais ndiye mshauri mkuu wa rais<sup>79</sup> katika kutekeleza kazi zake na atafanya shughuli zote atakazopangiwa na rais.<sup>80</sup>

Ijapokuwa ni mjumbe wa baraza la mawaziri,<sup>81</sup> makamo wa kwanza wa rais si mjumbe wa Baraza la Wawakilishi.<sup>82</sup>

### ***Makamo wa pili wa rais***

Makamo wa pili wa rais anateuliwa na rais miongoni mwa wajumbe wa Baraza la Wawakilishi kutoka katika chama cha rais.<sup>83</sup> Kama makamo wa kwanza wa rais, makamo wa pili wa rais ni mshauri

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76 Ibid., Ibara ya 39 (3).

77 Ibid.

78 Ibid.

79 Ibid., Ibara ya 39 (5)

80 Ibid.

81 Ibid., Ibara ya 43 (1)

82 Ibid., Ibara ya 39(4)

83 Ibid.

mkuu wa rais<sup>84</sup> katika utekelezaji wa kazi zake na ni Kiongozi wa Shughuli za Serikali katika Baraza la Wawakilishi.

Wote, makamo wa kwanza na makamo wa pili wa rais wanawajibika kwa rais kwa kipindi chote watakachokuwa madarakani.<sup>85</sup> Rais ana madaraka ya kuwafukuza makamo wa rais wote wawili<sup>86</sup> na kukitaka chama cha makamo wa kwanza rais kupendekeza mtu mwingine ili ateuliwe katika nafasi hiyo<sup>87</sup> mnamo siku 14 .

Baraza la Wawakilishi linaweza kupitisha azimio la kutokuwa na imani na makamo wa kwanza wa rais au makamo wa pili wa rais kama inavyoelezwa katika sheria.

Muundo wa Serikali ya Umoja wa Kitaifa unaeleza ni nani wa kushika madaraka ya urais pindi nafasi hiyo inapokuwa wazi kwa sababu ya kifo, kujiuzulu, maradhi au sababu nyengine ambayo itamfanya rais ashindwe kufanya kazi zake. Kwa hali kama iliyoelezwa hapo juu, makamo wa pili wa rais atashika nafasi ya urais, na kama atakuwa hayupo, Spika wa Baraza la Wawakilishi na kama atakuwa hayupo, basi ni Jaji Mkuu.

Pindi rais atakapokuwa hayupo Tanzania au kwa sababu nyengine yoyote ile, ataagiza kwa maandishi, yatakayo kuwa na maagizo mahasusi, kukabidhi kazi na shughuli za urais kwa makamo wa pili wa rais au, kama hayupo, kwa mjumbe wa Baraza la Mapinduzi atakayeonekana anafaa. Ni wazi kuwa makamo wa kwanza wa rais hawezi kushika nafasi ya rais hata kwa muda.<sup>88</sup>

Ni dhahiri kuwa Serikali ya Umoja wa Kitaifa inampa makamo wa pili wa rais madaka zaidi ukilinganisha na makamo wa kwanza wa rais.

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84 Ibid., Ibara ya 39 (5)

85 Ibid., Ibara ya 39 (9)

86 Ibid., Ibara ya 40 (1) (c)

87 Ibid., Ibara ya 40 (2)

88 Uki Ali, op. cit., uk,241

## **Mawaziri**

Mnamo siku 14 za kuwateua makamo wa kwanza wa rais na makamo wa pili wa rais, rais kwa kushauriana na makamo wa rais wote wawili, atateua mawaziri miongoni mwa Wajumbe wa Baraza la Wawakilishi kulingana na uiano wa viti ambavyo kila chama kimeshinda katika Baraza.<sup>89</sup> Hata hivyo, mfumo wa Serikali ya Umoja wa Kitaifa haina mwongozo kuhusu mgawanyo wa wizara kwa chama tawala au upinzani. Hili hutegemea matakwa ya rais.<sup>90</sup>

Inapotokea kuwa makamo wa kwanza wa rais na au waziri kutoka upande wa upinzani atajiuzulu au itakuwepo nafasi iliyo wazi kwa zaidi ya siku 90 rais anaweza kuteua waziri mwingine ili kujaza nafasi hiyo.<sup>91</sup>

Inafaa izingatiwe kuwa utaratibu wa mgawanyo wa madaraka wa Serikali ya Umoja wa Kitaifa uliishia kwa mawaziri na naibu mawaziri na mawaziri wasiokuwa na wizara maalum hawakuwemo.<sup>92</sup>

## **Uchaguzi Mkuu wa 2010 na Baraza la Mawaziri la Kwanza la Serikali ya Umoja wa Kitaifa**

Uchaguzi mkuu wa 2010 ulifanyika kwa amani tarehe 31 Oktoba. Kwa mara ya kwanza katika historia ya chaguzi za baada ya uhuru Zanzibar, chama cha CUF kiliyakubali matokeo na kukipongeza CCM kwa ushindi wake hata kama ulikuwa ushindi mwembamba – mgombea urais wa CCM Dk. Shein, alishinda asilimia 50.1% ya kura zote na mgombea wa CUF Seif Hamad alishinda asilimia 49.1%, wakati kwa uchaguzi wa Baraza la Wawakilishi, CCM ilishinda viti 28 na CUF viti 22. Kukubali matokeo kwa CUF kulitokana na kuundwa kwa Serikali ya Umoja wa Kitaifa.<sup>93</sup>

89 Ibid., Ibara ya 42 (2)

90 Uki Ali, op. cit., uk.240

91 Ibid., Ibara ya 42 A

92 Hamad Khamis Yahya, op. cit., uk.265

93 Ripoti ya kikundi cha waangalizi cha Jumuiya ya Afrika ya Mashariki kwenye uchaguzi mkuu wa Tanzania wa 2015. Uchaguzi mkuu wa Tanzania 18-29 Oktoba 2015. Ofisi ya

Baraza la Mawaziri la kwanza la Serikali ya Umoja wa Kitaifa lilikuwa na mawaziri 16 – tisa kutoka CCM na saba kutoka CUF. Katika mawaziri tisa hao, ni wawili tu ndio waliokuwa wanawake – mmoja kutoka kila chama. Walikuwemo manaibu waziri sita watano kutoka CCM na mmoja kutoka CUF. Miongoni mwa manaibu waziri sita, wanne walikuwa wanawake – watatu kutoka CCM na mmoja kutoka CUF. Walikuwemo vile vile mawaziri wasiokuwa na wizara maalum watatu, ambao wote walikuwa wanaume – wawili kutoka CCM na mmoja kutoka CUF.

Kama ilivyoielezwa hapo juu, Serikali ya Umoja wa Kitaifa imetoa madaraka kwa rais kuwateua makamo wa rais wote wawili na mawaziri wote. Baada ya uchaguzi wa 2010 rais na makamo wa pili wa rais walikuwa kutoka CCM, makamo wa kwanza wa rais kutoka CUF na baraza la mawaziri liligawiwa miongoni mwa vyama viwili hivyo. Serikali ya Umoja wa Kitaifa kwa mara ya kwanza ilikifanya CUF, kuwa ndiyo chama kikuu cha upinzani, sehemu ya serikalit. CUF kilishiriki katika kufanya maamuzi ya serikali, tofauti na Bara ambako kilibakia kuwa kimoja ya vyama vikuu vya upinzani.<sup>94</sup> Juu ya haya inaaminika kuwa udhibiti wa CCM uliendelezwa chini ya Serikali ya kwanza ya Umoja wa Kitaifa kwa sababu rais alitoka kutoka katika chama tawala. Yahya Hamad anaeleza kuwa, ijapokuwa baadhi ya mawaziri walitoka kutoka chama cha CUF, ‘kiutendaji walikuwa mawaziri wa serikali ya CCM’ – ‘ulikuwa ni mgawanyo wa “vyeo” tu na hivyo kuwafanya mawaziri kutoka upande wa upinzani kuwa ni vibaraka wa CCM’.<sup>95</sup>

Kuna hoja kubwa inayotolewa kwamba ijapokuwa Serikali ya Umoja wa Kitaifa ilipunguza mvutano wa kisiasa Zanzibar, lakini ilishindwa kuushughulikia mgawanyiko mkubwa uliokuwepo.<sup>96</sup>

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Jumuiya ya Afrika ya Masharuki, Tanzania, 18 Januari 2016, uk.11

94 Khamis Bakary, *op. cit.*, uk.297

95 Angalia Yahya Hamad, *op. cit.*, uk.266

96 Angalia Throup David W., ‘Commentary: The political crisis in Zanzibar’, March 2016, imepatikana katika <http://www.csis.org/analysis/political-crisis-zanzibar>

Kushindwa kwa Serikali ya Umoja wa Kitaifa kushughulikia mahusiano ya kimadaraka yasiyokuwa sawa kati ya Pemba na Unguja imeelezwa kuwa ni upungufu mmojawapo. Upungufu wa pili ni kutowaingiza watumishi wa serikali kuanzia ngazi ya katibu mkuu na kuteremka chini,<sup>97</sup> watu ambao labda wangelisababisha kuleta mabadiliko yaliyotarajiwa na kuimarisha ari ya Serikali ya Umoja wa Kitaifa. Zaidi ya hayo ni ilani ya uchaguzi ya CCM ndiyo iliyotekelezwa chini ya Serikali ya awali ya Umoja wa Kitaifa; ilani ya uchaguzi ya CUF haikuwa na nafasi.<sup>98</sup>

Kwa kuwa ili awe na sifa ya kuwa makamo wa rais mtu ilimbidi apate si chini ya asilimia 10% ya kura zote katika uchaguzi wa rais, na kwa kuwa hakuna chama chochote isipokuwa CCM na CUF kilichoweza kufikia kiwango hicho, basi faida za Serikali ya Umoja wa Kitaifa zitakuwa ni kwa vyama vikuu viwili hivyo tu.<sup>99</sup> Kadhalika, imetolewa hoja kuwa kwa kuwa nafasi za uwaziri zinategemea uiano wa viti ambavyo kila chama kitashinda katika majimbo ya uchaguzi, ina maana kuwa vyama vingine vya siasa vimetengwa kabisa katika kupata uwaziri katika Serikali ya Umoja wa Kitaifa. La muhimu zaidi, imeelezwa kuwa ijapokuwa wananchi walishiriki katika kura ya maoni ya 2010 ili kuamua juu ya kuundwa kwa Serikali ya Umoja wa Kitaifa, ni CCM na CUF tu ndio waliopata fursa ya kuzungumzia muundo wake kufuatia mswada ulioletwa kwa hati ya dharura katika Baraza la Wawakilishi, na kwa hivyo kupunguza ushiriki wa wananchi. Ilipendekezwa kuwa katiba ipitiwe upya ili kuupanua muundo wa Serikali ya Umoja wa Kitaifa kwa wadau wengi zaidi na siyo CCM na CUF tu, na hivyo kuruhusu ushiriki wa wananchi zaidi.<sup>100</sup>

97 YahyaHamad, op. cit., uk.267

98 Uki, op. cit., uk.245

99 Mussa Bakari Kombo, 'The state of constitutionalism in Zanzibar 2015', katika Mwesiga Baregu, *Annual State of Constitutionalism in East Africa 2015, 2016*, Kampala, Fountain Publishers, uk.255

100 Ibid., uk.256

## Kwa nini iwepo Serikali ya Umoja wa Kitaifa?

Wakati Serikali ya Umoja wa Kitaifa ya 2010 inatokana na *Maridhiano* ya 1999, wakati tume ikifanyakazi, baadhi ya watu wameihusisha Serikali ya Umoja wa Kitaifa na kipindi cha mapema zaidi. Hoja moja ni kuwa ijapokuwa Serikali ya Umoja wa Kitaifa iliundwa mwaka 2010, wazo la kuwa na serikali kama hiyo lilijitokeza katika ilani ya uchaguzi ya CUF ya mwaka 1995. Maoni mengine yanaihusisha Serikali ya Umoja wa Kitaifa na kipindi cha kabla ya Mapinduzi. Maoni haya yanaeleza kuwa 'Serikali ya Umoja wa Kitaifa ni mjukuu', ambaye mizizi yake hasa ni *Muafaka* wa 1958 uliotiwa saina Ghana. Vyama viwili vilishiriki katika *Muafaka*, huu ambao ulishuhudiwa na mtu aliyetitwa Francis Khamis, Mkenya, na Karume Chume ??, mwenye asili ya Malawi. Mkutano wa Mbale uliofanyika mwezi April 1963 na kuandaliwa na Umoja wa Kupigania Uhuru wa Nchi za Afrika Mashariki na ya Kati (PAFMEACA) nchini Uganda, moja ya mambo yaliyokuwemo katika ajenda yake, pamoja na Shirikisho la Afrika ya Mashariki, lilikuwa ni suala la Zanzibar, ulizisuluhisha pande mbili hizo.

Wakati tume ikiwa kazini, wajumbe wa tume walisikia maoni mengi yanayokubaliana kuhusu sababu ya kuundwa kwa Serikali ya Umoja wa Kitaifa.

Kwanza, kwa wapiga kura ni historia ya vurugu na wasiwasi wa kisiasa uliokuwepo wakati wa uchaguzi Zanzibar. Waliohojiwa wengi wanakumbuka historia ya vurugu za uchaguzi Zanzibar tokea siku za ukoloni. Wamebainisha kuwa Wazanzibari walipigwa, waliwekwa ndani na kuuliwa katika mfululizo wa chaguzi. Vurugu za uchaguzi zilikuwepo tokea wakati wa uchaguzi wa mwaka 1961 na kufuatiwa na mvutano kati ya ASP na ZNP, uliosababisha kuundwa kwa serikali ya muda na marudio ya uchaguzi uliofanyika mwezi Juni. Tume ilielezwa juu ya matokeo sawa ya uchaguzi na uchaguzi uliporudiwa watu zaidi ya 1,000 walikamatwa na wengine kadha

waliuliwa. Machafuko haya yanaaminiwa kuwa ‘ndiyo mwisho wa fungate ya kisiasa kwa Zanzibar’.

Zaidi ya hayo, vurugu za uchaguzi zingeliendelea katika kila kipindi cha baada ya uchaguzi hadi cha uchaguzi mwengine kuhusiana na uchaguzi zote za 1995, 2000 na 2005. Uchaguzi wa 2000 ulionekana kuwa ni wa aina yake katika historia ya vurugu za uchaguzi za Zanzibar. Wakati wa uchaguzi huu iliripotiwa kuwa watu 35 waliuliwa na wananchi walifanyiwa vurugu kubwa. Lililokuwa la wazi kabisa ni kuwa kwa mara ya kwanza katika historia, Wazanzibari waliikimbia nchi yao wakiwa wakimbizi huko Shimoni, Mombasa. Inasemekana kuwa ulikuwepo wasiwasi mkubwa wa kisiasa na watu waligawanyika. Inaaminika pia kuwa hapo zamani vurugu za uchaguzi za Zanzibar zilisababishwa na udanganyifu katika uchaguzi ambao CCM kilidai ushindi. Waliohojiwa wengi waliamini kuwa historia yao ya vurugu zilizooneka katika fujo za wakati wa uchaguzi zilisababisha maafa yasiyokuwa na mwisho kwa Wazanzibari na hayo ndiyo yaliyowafanya viongozi wawili hao, aliyekuwa rais Abeid Karume na Maalim Seif Hamad Sheriff, kiongozi wa chama kikuu cha upinzani CUF, kuingia katika makubaliano yaliyozaa – *Maridhiano* na baadaye Serikali ya Umoja wa Kitaifa – ili kujaribu kumaliza hali hiyo ya kuhuzunisha. Zaidi ya hayo, tume ilielezwa kuwa, ‘hakuna kilichoandikwa lakini Maridhiano yalikuwa ni makubaliano ya kistaarabu yaliyotokana na miaka mingi ya mateso’.

Katika ngazi ya maandalizi ya kisiasa ya vyama, mvutano mkali wa kisiasa kati ya vyama vikuu viwili Zanzibar – CCM na CUF – ulikuwa na nafasi yake. Tume ilielezwa kuwa wananchi wa Zanzibar wamegawika nusu kwa nusu kuhusiana na ushabiki wa kisiasa, nusu wakikiunga mkono chama tawala cha CCM na nusu wakikiunga mkono chama cha upinzani CUF. Ushawishi wa CUF na CCM umethibitishwa kwa (kuangalia matokeo ya uchaguzi wa mwaka 1995 ambao vyama viwili hivyo viligawana baina yao asilimia 97%

ya kura na vyama vingine vikipata asilimia 3% tu), hii ikiwa ni sababu nyengine ya kuwepo kwa Serikali ya Umoja wa Kitaifa.

Kwa hivyo, wakati wote pamekuwepo na tofauti finyu katika matokeo ya uchaguzi ya vyama viwili hivyo, tofauti ya asilimia – 1% kwa wingi, ambayo kwa mujibu wa baadhi ya waliohojiwa, imesababisha mgawanyo wa madaraka. Ule ushabiki ulio sawa kati ya CCM na CUF umekuwa ndiyo taswira ya kila wakati wa chaguzi za Zanzibar, taswira ambayo waumini wa maoni haya wanasema kuwa haiwezi kudharauliwa. Tofauti finyu kama hiyo inaweza kuwa ni sababu ya kutosha kwa aliyeshindwa kulalamika na kuyakataa matokeo. Baadhi ya watu ambao tume imewahoji, vile vile wamezihusisha vurugu za uchaguzi ambazo zimekuwa za kawaida visiwani na hali ya ushindani wa siasa zake. Kadhalika, Wazanzibari, katika kutafuta utulivu na amani wameamua kuwa na Serikali ya Umoja wa Kitaifa kuliko kuwa na serikali ya chama kimoja.

Zaidi ya hayo, kuna madai kuwa ‘Maridhiano yalikusisha CCM na CUF – Karume na Seif na vyama viwili ambavyo kihistoria vimetia mizizi’. Pamoja na hayo, CUF kimetambuliwa kuwa ni chama cha Zanzibar na ni chama pekee cha Tanzania ambacho makao makuu yake yapo Zanzibar. Hii inakifanya chama cha CUF kiwe juu katika jukwaa la siasa za Zanzibar. Historia ya vyama vyote viwili hivi imelazimisha kuwepo kwa mgawanyo wa madaraka na ndiyo maana imekuwepo Serikali ya Umoja wa Kitaifa.

Kwa undani zaidi, kuanzishwa kwa Serikali ya Umoja wa Kitaifa kumehusishwa na hali isiyokuwa ya kawaida ya mfumo wa jamii ya watu wa Zanzibar. Maoni haya yanadhani kuwa mchanganyiko wa watu wenye asili ya nchi mbali mbali wa visiwani lakini muhimu zaidi pia mgawanyiko wa kikabila miongoni mwa watu wa Zanzibar umelazimisha kuwepo kwa Serikali ya Umoja wa Kitaifa. Tofauti za kijamii kwa watu wa Zanzibar ni za kihistoria na kisiasa chini ya utawala wa Waarabu. Tume iliarifiwa kuwa chini ya utawala wa Waarabu Wazanzibari ‘wazawa’ walikandamizwa na kufanywa kama

watumwa. Ardhi kubwa ilimilikiwa na Wahindi wakati Waafrika hawakuwa na ardhi bali wakifanya kazi kwenye ardhi hiyo kwa ujira mdogo. Ilizidi kuelezwa kuwa wakati wa mdororo wa uchumi wa miaka ya 1930, wahindi wengi waliyakodisha mashamba yao kwa Waarabu ili kupata faida kubwa zaidi na hivyo kujenga dhana potofu kuwa ardhi hiyo ni yao. Waafrika walikuwa katika hali duni kabisa, wakifanyakazi ya kuwa (*vibarua*) kwa malipo ya chini kabisa. Inaelezwa kuwa huu ulikuwa ndiyo mwanzo wa kuibuka kwa matabaka katika jamii ya Zanzibar. Kama ilivyoielezwa kwa tume wakati ikiwa kazini: *Chini ya utawala wa kisultani, pamekuwepo na mgawanyiko kati ya mabwana na watwana tokea mwanzo*. Baada ya hapo mgawanyiko wa kikabila kati wa Waarabu na Waafrika ulianza. Inasemekana kuwa mgawanyiko wa kikabila ulizidishwa na sera za utawala usiokuwa wa moja kwa moja wa Wingereza, ambao waliutumia muundo wa madaraka uliokuwepo wa kuwapa uwezo Waarabu kuwabagua Waafrika. Vyama vya siasa vilianzishwa katika miaka ya 1950 kwa misingi ya kikabila. Mfano uliotolewa ulikuwa ni ASP, kilichoundwa na Waafrika na Washirazi kutoka Uajemi, na ZNP, kilichojumuisha Washirazi wenye asili ya Zanzibar na Waafrika. Kwa tofauti hizi mmoja miongoni mwa waliohojiwa alisema kuwa ‘ ZNP na ASP vilikuwa na sura ya kikabila’.

Mapinduzi ya 1964 yaliyoongozwa na Mwafrika aliyetitwa Okello mwenye asili ya Uganda, akisaidiwa na Wazanzibari wazawa, yaliwapindua Waarabu na kumwondoa Sultani. Inasemekana kuwa mapinduzi hayo yaliuzidisha mpasuko wa kijamii. Mgawanyiko wa kijamii ulizidi baada ya kurudishwa tena mfumo wa siasa ya vyama vingi mwaka 1992. Kuna hoja kubwa inayotolewa kuwa mgawanyiko wa kikabila bado unaendelea mpaka sasa na una athari kubwa kwa siasa za hivi sasa za Zanzibar. Kwa mantiki hii imeelezwa kuwa Wazanzibari ‘waliochanganya damu’ yaani Wazanzibari wenye asili wa Uarabu hivi sasa wanahusishwa na wakoloni wa Kiarabu na wanabaguliwa sana. Imeelezwa kuwa ubaguzi huu unatokana na imani

kuwa visiwa hivi vilimilikiwa na Wazanzibari wenye asili ya Afrika hapo awali. Kwa muktadha huu, baadhi ya waliohojiwa wameiona Serikali ya Umoja wa Kitaifa kuwa ni mfumo utakaowajumuisha wote na kuwakusanya pamoja Wazanzibari wote bila ya kujali rangi au asili ya makabila yao.

Kwa misingi hiyo hiyo, yaliibuliwa masuala ya mfarakano mkubwa na hali ya kutokuwepo kwa usawa katika ngazi ya kimkoa kati ya Pemba na Unguja. Tume ilielezwa kuwa, hili pia ni la kihistoria. Tofauti zilielezwa katika pande mbali mbali. Kwanza, ni ukweli kuwa mapinduzi ya kihistoria ya mwaka 1964 yalitokea Unguja na la pili ni kwamba Unguja kwa desturi imekuwa ndiyo makao makuu ya serikali. Mambo haya mawili yanaaminika kuwa ndiyo yaliyotoa madaraka na kuzidisha kasi ya maendeleo kwa kuipendelea Unguja. Imeelezwa kuwa kuanzia wakati huo, watu wa Unguja wamekuwa na hisia za ukubwa na kujiona bora kuliko wale wa Pemba, na hili limesababisha ubaguzi wa aina fulani. Waliohojiwa walielezea kuhusu vitendo vya wazi vya kibaguzi kwa sababu za maeneo kati ya watu wa Unguja na Pemba. Yalitolewa malalamiko kuhusiana na matukio ya chuki katika sehemu za kazi dhidi ya wafuasi wa CCM huko Pemba. Taarifa zilizopatikana zinaeleza pia kuhusu ubaguzi mkubwa dhidi ya Wapemba katika ofisi za serikali. Tume ilielezwa kuwa kwa jumla Wapemba walijiririwa kwa kazi za ukarani. Ilielezwa kuwa *kivango cha elimu cha mtu hakikutiliwa maanani. Zaidi ya hayo ili mtu apate kazi ilimlazimu atoe kadi ya unanachama ya CCM.* Muhojiwa mmoja alielezea hali hiyo kuwa ni *aina ya ukaburu.* Walio vijana miongoni mwa waliohojiwa walieleza kuwa ubaguzi huu haukuwa kwa mujibu wa ushiriki binafsi ya kisiasa wa muhusika bali kwa mujibu wa historia ya kisiasa ya familia zao.

Inaelezwa vile vile kuwa ubaguzi dhidi ya Pemba uliwalazimisha wananchi wa Pemba kujijimarisha kisiasa ili kuepukana na kutengwa kwao kijamii, kiuchumi na kisiasa. Kwa mujibu wa wahojiwa hao hao sababu hii hii ndiyo iliyowafanya Wapemba kukiunga mkono chama

cha CUF. Kwa mujibu wa hoja hii, tume imebaini juu ya imani ya wananchi wa Pemba kuwa chama cha CUF kimekuwa kikishinda katika chaguzi zote. Muhojiwa mmoja alieleza kuwa ‘ukiacha uchaguzi wa mwaka 2000 ambao chama cha CCM kilishinda viti viwili katika kata, tokea mwaka 1995 viti vyote vya Pemba vimekuwa vikichukuliwa na CUF’. Kwa mujibu wa baadhi ya wahojiwa, mpasuko mkubwa uliopo kati ya Pemba na Unguja, na hasa nafasi ya Pemba kuwa ndiyo ngome ya upinzani, ndiyo uliosababisha kuwepo kwa fujo zaidi za uchaguzi huko Pemba kwa miaka mingi ukilinganisha na Unguja.

Kwa upande mwengine, kuna jambo muhimu lililobainika kuwa Zanzibar imegawanyika katika makundi, siyo ya kisiasa bali ya – wale wanaounga mkono Mapinduzi na wale wanaopinga Mapinduzi, la kwanza likiyaunga mkono Mapinduzi ya mwaka 1964 na jingine likiyapinga na mpasuko huu umesadifu kuwa ni kati ya Pemba-Unguja na CCM-CUF. Inaaminika kuwa hii ndiyo sababu ya uhasama wa kudumu na siyo uhasama wa muda; na kuwa ‘hapajakuwepo na dalili ya mabadiliko ya mgawanyiko huu kabla, wakati wa au baada ya Mapinduzi; au kabla, wakati wa na baada ya utawala wa chama kimoja’. Hilo, kwa mujibu wa maoni haya ndilo lililoisababisha Serikali ya Umoja wa Kitaifa kujenga maelewano kati ya makundi mawili haya.

Tume imebaini kuwa Serikali ya Umoja wa Kitafa imebidi iwepo kwa sababu mvutano wa kisiasa, uhasama na kutoelewana kwa jamii miongoni mwa Wazanzibari kutoka pande zote mbili – CCM na CUF – umefikia mahali pabaya. Watu wamekosa subira. Juhudi za kuleta amani, ambazo ni *Muafaka I* uliosimamiwa na Jumuiya ya Madola tarehe 9 Juni 1999 na *Muafaka II* wa tarehe 10 Octoba 2001, ijapokuwa imeingizwa katika katiba ikiwa ni marekebisho ya 8 na ya 9 zimeonekana kuwa ni makaratasi matupu.

Katika nchi ambayo asilimia 95% ya wananchi wake ni Waisilamu na dini ambayo inahubiri umoja, wafuasi wa vyama mbali mbali

vya siasa hawasali pamoja ndani ya msikiti mmoja. Waumini wamekuwa wakiwaheshimu mashekhe waliokuwa na mawazo ya kisiasa kama yao tu – hawakuwa pamoja katika shughuli za kijamii. Tume imeelezwa kuwa katika kipindi hiki viongozi wa dini wamekuwa wakishambuliwa kwa tindikali kwa sababu za kisiasa. Biashara za wafuasi wa vyama kinzani ziligomewa. Wafuasi wa CUF hawakwenda kwenye maduka ya wafuasi wa CCM na kinyume yake. Muhojiwa mmoja alieleza kuwa: ‘Hawakuwa wakisafiri katika *dalla dalla* moja. Hawakuwa wakikaa pamoja, au kuhudhuria sherehe ya mfuasi wa chama kinzani au hata maziko ya mfuasi wa chama kingine.’ Pamekuwepo na habari za familia kutengana kwa sababu ya siasa. Ndugu wamekuwa hawasemeshani. Zaidi ya hayo, rangi za vyama ndizo zilizobainisha ufuasi wa vyama na hii ilikuwa hata kwa mavazi ya kawaida. Katika mikutano iliyoandaliwa na jumuiya za kiraia, washiriki walikataa kutumia makaratasi yenye rangi ambazo hazihusiani na vyama vyao. Huko Pemba mashamba ya mikarafuu yalichomwa moto.

Kutokana na hayo yalioelezwa hapo juu, tume ilibaini juu ya kuwepo kwa tofauti kubwa za hapa na pale za kijamii na kisiasa kati ya Wazanzibari, tofauti ambazo zinatofautiana na yale mawazo yaliyopo kuwa *tatizo la vurugu na utulivu Zanzibar lilijitokeza miezi michache tu kabla na baada ya uchaguzi, na linachochewa na vyama vya siasa siyo wananchi.*

Kwa maoni ya baadhi ya wahojiwa, Serikali ya Umoja wa Kitaifa ikiwa ni njia ya kuelekea kwenye usuluhishi wa tofauti za kisiasa na kijamii ziliopo, ulikuwepo ulazima wa kujumuisha wote. Kadhalika, baadhi ya wahojiwa walieleza kuwa baadhi ya makundi ya Wazanzibari walidhani kuwa Serikali ya Umoja wa Kitaifa itaondoa mgawanyiko kati ya Pemba na Unguja. Ubaguzi na chuki za watu wa Unguja dhidi ya watu wa Pemba huenda zikasita. Kwa maneno mengine, palikuwa na matumaini kuwa Serikali ya Umoja wa Kitaifa itawaunganisha wananchi wa Zanzibar na kujenga mazingira ya

amani yatakayowawezesha kufanyakazi na kuishi pamoja. Msimamo huu umechukuliwa kutokana na dhana ya kile kilichodhaniwa kuwa ni mfumo bandia wa siasa ya vyama vingi ambao kwa ukweli ulikuwa ni utawala wa chama kimoja cha CCM – ambao umewanyima wapinzani nafasi ya kuchangia katika utawala wa nchi. Watetezi wa maoni haya waliambia tume kuwa baadhi ya Wazanzibari waliamini kuwa kwa kupitia Serikali ya Umoja wa Kitaifa, ile siasa ya kuwa *mshindi huchukua kila kitu* itamalizika na upinzani ambao siku zote haukujiona kuwa ni sehemu ya mchakato wa maendeleo utakuwa na nafasi ya kushiriki katika serikali.

Kwa maoni ya wengine, Serikali ya Umoja wa Kitaifa ni mchakato wa kimaumbile unaotokana na historia ya Zanzibar. Serikali ya Umoja wa Kitaifa ilionekana kuwa ni matokeo yasiyoepukika ya hadhi ya Zanzibar kuwa ni nchi huru ambayo imekuwa sehemu ya Muungano baada ya mapinduzi ya 1964 – mapinduzi yaliyofanywa na wananchi na siyo watu wa kutoka nje, yaani Wabara na wageni. Kwa hali hiyo, Zanzibar ambayo ikijitawala wenyewe, wakati wote ingeliweza kufanya maamuzi huru kuhusu utawala wake nje ya mfumo wa Muungano. Kadhalika, watetezi wa maoni haya wanaiona Serikali ya Umoja wa Kitaifa kuwa ni tukio la kihistoria linaloonyesha nafasi adimu kwa watu wa Zanzibar kufanya chaguo lao. Wanaitofautisha Serikali ya Umoja wa Kitaifa na Muungano ambao Wazanzibari hawakupata nafasi ya kutoa maoni yao kama waliutaka au la. Kama baadhi yao walivyosema : ‘Hatukuulizwa ikiwa tunautaka Muungano.’

## **Nani na Nini Kilichowezesha Kuwepo Serikali ya Umoja wa Kitaifa**

Kuna maoni yaliyotolewa wakati tume ikifanyakazi yakidai kuwa ‘maoni ya kuwa na mtazamo wa namna moja yalitoka Washington’. Hata hivyo, waliohojiwa wengi wametoa shukrani zao kwa kuundwa kwa Serikali ya Umoja wa Kitaifa kwa uongozi na nia njema za wawu

wawili, aliyekuwa rais Abeid Karume na Seif Sharif Hamad wa CUF, ambao mapenzi yao ya kuwepo kwa Zanzibar ya amani, yenye utulivu na iliyobariki yaliwalazimisha kupatana na kufikia *Maridhiano*.

Viongozi wote hawa walikuwa na jukumu kubwa katika kuifanya Serikali ya Umoja wa Kitaifa itokee. Viongozi wawili hawa walikutana na vikwazo na iliwabidi wajitolee. Baadhi ya waliohojiwa waliisifu hasa nia njema ya Seif Hamad ambaye walisema kuwa alikubaliana na Serikali ya Umoja wa Kitaifa ijapokuwa iliegemea upande mmoja na kukipendelea CCM. Maoni kama hayo yalikuwa ni kwamba *Seif alijali sana, alielewa historia na wananchi, na alifanya juhudi ya kijasiri kuifanya Serikali ya Umoja wa Kitaifa ifanye kazi*. Maoni mengine yanaeleza juu ya kujitolea kwa Seif juu ya kushinda uchaguzi wa 2010 kwa masharti kuwa awe rais wakati wa uchaguzi ujao: *Majadiliano kati ya Karume na Maalim Seif yalikuwa ya siri, hapana anayejua nini kilitokea. Kwa kuwa yalikuwepo makubaliano kwa mujibu wa Serikali ya Umoja wa Kitaifa, Seif alikubali asing'ang'anie ushindi wake na kilichokubalwa ni kuwa akubalwe kushinda mwaka 2015*.

Hata hivyo, wengine wanatambua jukumu na mchango wa Rais Karume. Akiwa ndiye Rais aliyekuwa madarakani, Rais Karume alionekana kuwa na kazi kubwa ya kuwashawishi watu wake katika serikali na katika CCM kuikubali Serikali ya Umoja wa Kitaifa.

Kazi ya Kamati ya Watu Sita wajumbe wake wakiwa Mhe. Hassan Moyo, Mhe. Mansour Yusuf Himid na Mhe. Eddy Riyami kutoka CCM na Abubakar Khamis Bakary, Mhe. Salim Bimani na Mhe. Ismail Jussa kutoka CUF nayo pia ilitajwa. 'Kamati ya Waanzishaji', kama wengine walivyoita, pia ilipongezwa. Tume ilielezwa kuwa kamati hii ilifanyakazi chini kwa chini, ilifanya mikutano na kupambana na taratibu zilizokuwepo ili kuifanya Serikali ya Umoja wa Kitaifa ifanyekazi.

Baada ya mazungumzo ya upatanishi na makubaliano ya kistaarabu kati ya Karume na Seif Hamad, Serikali ya Umoja wa Kitaifa ilibidi iwasilishwe kwa wananchi. Hili, kwa maoni ya watu

mbali mbali ambao tume ilikutana nao, lilifnywa liwezekane na watu mbali mbali. Baadhi ya waliohojiwa waliipongeza kazi iliyofanywa na Baraza la Wawakilishi la Zanzibar, ambalo lilifanyia marekebisho katiba na kuwaruhusu wananchi wa Zanzibar kupiga kura katika kura ya maoni juu ya Serikali ya Umoja wa Kitaifa. Wengine wameyaeleza mafanikio ya Serikali ya Umoja wa Kitaifa kuwa yanatokana na nia njema ya wananchi wa Zanzibar ambao kwa kupitia kura ya maoni –*kura za maoni*– waliuridhia mchakato huo. Kwa mujibu wa maoni ya mtu mmoja, wale asilimia ‘33% walioipinga Serikali ya Umoja wa Kitaifa wanaichukulia siasa kuwa ni kazi.’ Viongozi wa kidini na jumuiya za kiraia nao pia walipongezwa kwa kazi waliyoifanya. Inasemekana kuwa Mashekhe waliwaandaa na kuwashajiisha wafuasi wao kuipigia kura na kuiunga mkono Serikali ya Umoja wa Kitaifa. Waliandaa semina na makongamano mengi na kuyatumia majukwaa ya kidini vile vile ili kuwasilisha ujumbe, Unguja na Pemba. Kwa upande wao Jumuiya Zisizokuwa za Kiserikali za vijana zilipongezwa kwa kuitangaza Serikali ya Umoja wa Kitaifa kuwa ni mradi wa kizazi kijacho.

Nia ya kisiasa ya aliyekuwa rais wa Jamhuri ya Muungano wa Tanzania, Jakaya Mrisho Kikwete, inasemekani kuwa ndiyo iliyokuwa muhimili katika uundwaji wa Serikali ya Umoja wa Kitaifa. Akiwa hafurahishwi na hali ya kisiasa ya Zanzibar – (*Mpasuko wa kisiasa ya Zanzibar*) – Kikwete alinukuliwa akiisema hali hiyo katika hotuba yake ya ufunguzi na kuahidi kuwa angeliishughulikia. Ni wazi kuwa ilikuwa wakati wa utawala wake ndipo ambapo *Maridbiano*, kura ya maoni na marekebisho ya katiba yaliyofuatia yalitokea bila ya kikwazo hapo Zanzibar. Mawazo hayo hayo kuhusu Kikwete ndiyo yaliyotolewa kuhusiana na mchakato wa kuifanyia marekebisho katiba. Mtu mmoja aliyehojiwa alitilia mkazo kuwa *watu walijua kuwa Kikwete alitaka kuipa uhuru Zanzibar*.

Hata hivyo, muhojiwa huyo huyo alieleza huku akiwa amevunjika moyo kwa kile walichokiona kuwa ni hali ya kushangaza kwa upande

wa Rais Kikwete kushindwa kusimama imara na kukamilisha mchakato wa kuipitia upya katiba mchakato ambao tume iliamini kuwa Wazanzibari wengi walitegemea kuwa ungeliyasuluhisha masuala muhimu ya demokrasia na utawala Zanzibar.

Ijapokuwa wananchi wa Zanzibar, kwa kupitia kura ya maoni waliikubali Serikali ya Umoja wa Kitaifa, Serikali ya Umoja wa Kitaifa imekuwa na maisha mafupi.

## Mafanikio na Changamoto za Serikali ya Umoja wa Kitaifa

### Mafanikio

Wanataaluma mbali mbali waliyaelezea mafanikio yaliyopatikana kwa haraka ya Serikali ya Umoja wa Kitaifa. Ya wazi kabisa yalikuwa ni amani na utulivu.<sup>101</sup> Kwa mara ya kwanza katika kipindi cha miongo miwili, uchaguzi wa mwaka 2010 ulifanyika katika mazingira ya amani na tokea wakati huo amani imekuwa ni kitu cha uhakika. Inasemekana pia kuwa Serikali ya Umoja wa Kitaifa iliwaunganisha Wazanzibari ambao wakati wote walikuwa wamegawika kwa misingi ya kisiasa na kikanda.<sup>102</sup> Katika kusherehekea mwaka wa pili wa kuundwa kwa Serikali ya Umoja wa Kitaifa tarehe 3Novemba 2012, viongozi wakuu watatu wa Zanzibar – Rais Ali Mohamed Shein, Seif Sharif Hamad na Seif Ali Iddi – waliungana na wananchi wa Zanzibar kuadhimisha amani na utulivu yakiwa ndiyo mafanikio makubwa ya Serikali ya Umoja wa Kitaifa.<sup>103</sup> Kukua kwa sekta ya utalii tokea kuundwa kwa Serikali ya Umoja wa Kitaifa;<sup>104</sup> kuboreka

101 Angalia Yusuf Issa, 'Tanzania: Concerns over Zanzibar's Govt of National Unity', *Tanzania Daily News*, 31 October 2012, imepatikana katika <http://allafrica.com/stories/201210310157.html>

102 Hamad Khamis Mohamed, 'The state of constitutionalism in Zanzibar 2011', katika Makulilo B. Alexander (ed.), *Annual State of Constitutionalism in East Africa 2011*, Kampala, Uganda, Fountain Publishers, 2013, uk.201.

103 Yussuf Issa, op. cit.

104 'Zanzibar: Power-sharing mechanism proves successful', *The Citizen*, 21 January 2013,

kwa ustawi wa wananchi kwa sababu ya bei nzuri ya karafuu na mwani; kuongezwa mishahara watumishi wa serikali; kuzinduliwa kwa Mkakati wa Zanzibar wa Maendeleo na Kupunguza Umasikini (MKUZA 11); na kuongezeka kwa pato la mtu binafsi mwaka 2011 yote haya ni mafanikio ya Serikali ya Umoja wa Kitaifa.<sup>105</sup> Mafanikio mengine yaliyoletwa na Serikali ya Umoja wa Kitaifa ni pamoja na ruzuku ya Dola za Kimarekani milioni US\$40 kutoka Benki ya Dunia kwa Zanzibar ili kuendeleza upatikanaji na ubora wa elimu; kupitishwa kwa sheria ya kupambana na rushwa; kuundwa kwa Shirika la Viwango la Zanzibar; kuongezwa mikopo kwa wanafunzi wanaojiunga na taasisi za elimu ya juu; na kuendeleza kilimo.<sup>106</sup>

Zaidi ya mafanikio yaliyoelezwa hapo juu ambayo yameandikwa ndani ya machapisho, tume ilielezwa manufaa mengine yaliyopatikana kutokana na Serikali ya Umoja wa Kitaifa. Baadhi ya munufaa yaliyoelezwa na waandishi mbali mbali yalithibitishwa kwenye mahojiano.

Ile kuwa wazo la Serikali ya Umoja wa Kitaifa halikuwa wazo la kutoka nje, hilo lilipongezwa kwa kuleta hisia za umiliki wa mchakato uliotoa fursa ya utekelezwaji wake. *Serikali ya Umoja wa Kitaifa halikuwa wazo lililopandikiwa kutoka nje na hii imesaidia katika utekelezwaji wake.* Mwamko mkubwa wa wananchi kuhusu Serikali ya Umoja wa Kitaifa tokea ‘wananchi walipoelimishwa juu ya serikali hiyo’ hilo pia lilishangiliwa. Baadhi ya wanawake wamekuwa na mawazo kuwa Serikali ya Umoja wa Kitaifa imeinua ari ya ushiriki wa wanawake, vijana na Watu Wenye Ulemavu (PWDs) katika michakato mbali mbali ya kisiasa kwa kuanzishwa kwa viti maalum.

Hisia za jumla za wengi miongoni mwa wale ambao tume imezungumza nao zimethibitisha kuwa miaka mitano ya Serikali ya Umoja wa Kitaifa, kuanzia 2010 hadi 2015 ilikwenda vizuri. Wengi

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imepatikana katika <http://unpo.org/article/15390>

105 Angalia Hamad Khamis, op. cit., uk. 202

106 Angalia UNPO news reports, inapatikana katika <http://www.unpo.org/article/15390>

wameeleza kuwa amani na utulivu ndiyo mafanikio makubwa ya Serikali hiyo. Wananchi wameeleza kuhusu utulivu serikalini na kuwepo kwa amani katika visiwa vyote viwili, na hasa wametilia mkazo kuwa pamekuwepo na utulivu Pemba, ngome ya CUF.

Wakielezea juu ya hali ya usalama, imethibitishwa kuwa *hapajakuwepo na kipigo kutoka kwa polisi, wala hapajakuwepo kamatakamata wala hapajakuwepo ubakaji. Haijakuwepo hofu. Ilikuwepo hali ya kuwepo kwa haki.*

Wengine wameeleza:

Chini ya Serikali ya Umoja wa Kitaifa hapajakuwepo na kamata kamata, kutiwa ndani au kupigwa kwa wapinzani.

Serikali ya Umoja wa Kitaifa ilikuwa nzuri sana; kabla ya hapo watu wakiuliwa na nyumba zikichomwa moto.

Watu hawakuogopa hata pale waliposusia kitu; hapajakuwepo na vurugu.

Pamekuwepo na amani na usalama hata wakati wa uchaguzi – wakati ambao hapo zamani umekuwa na fujo na vurugu kubwa. Mtu mmoja aliyehojiwa alisema kuwa *watu walipiga kura na kwenda zao nyumbani kwa amani.*

Kwa jumla, watu walikuwa na utulivu na kujenga matumaini mema ya hali ya mambo. Kama mtu mmoja aliyehojiwa alivyosema: *Palikuwepo na hisia kuwa mambo buenda yakawa mazuri zaidi.* Kwa baadhi ya wanawake ambao tume ilikutana nao, Serikali ya Umoja wa Kitaifa ilileta matumaini kwa wanawake na walikuwa na mategemeo kuwa ingelikuwepo amani ya kudumu na utulivu.

Wengi walieleza kuwa uchaguzi wa kwanza kufanyika katika kipindi cha Serikali ya Umoja wa Kitaifa mwaka 2010 ulikuwa ndiyo uchaguzi pekee katika kipindi cha muda mrefu ambao haukuwa na vurugu na ulifanyika kwa amani. Baadhi ya watu walithibitisha kuwa, juu ya kuwepo mambo fulani fulani wakati wa uchaguzi wa mwaka 2010, viongozi wa CUF waliyapuuza ili kutoa nafasi kwa mara ya

kwanza kufanyika uchaguzi ambao haukulalamikiwa na CUF na baadaye kuwepo kwa serikali iliyoongozwa na CCM-CUF. Tuhuma ya wazi iliyotolewa na idadi kubwa ya waliohojiwa ni kuwa Rais Shein alishindwa katika uchaguzi wa 2010 lakini kamati ya watu sita ilimbembeleza na kuweza kumshawishi Maalim Seif Hamad asiyapinge matokeo ya uchaguzi ili kuinusuru Serikali ya Umoja wa Kitaifa na kuepukana na kutokea kwa vurugu. Tume ilielezwa kuwa hapajakuwepo na unyanyaswaji wa wanasiasa wa upinzani na chini ya Serikali ya Umoja wa Kitaifa pamekuwepo na mazingira mazuri ya kuendesha siasa. Maoni haya yalielezwa wakati mhojiwa akitoa maoni yake kwa tume: *Mtu aliveza kushabikia imani yake ya kisiasa kwa uhuru na kwa haki. Watu walijibisi kuwa wako sawa. Palikuwepo na hisia za umiliki.*

Maoni kadha yalitolewa kuhusiana na mazingira ya amani na urafiki yaliyokuwepo wakati wa Serikali ya Umoja wa Kitaifa. Moja miongoni mwa mambo yaliyoelezwa ni kuwa chini ya Serikali ya Umoja wa Kitaifa pamekuwepo na mshikamani zaidi wa kijamii miongoni mwa wananchi. Wasiwasi na chuki miongoni mwa Wazanzibari kwa sababu ya tofauti zao za kisiasa vilitoweka. Mara baada ya kuundwa kwa Serukali ya Umoja wa Kitaifa mmoja wa waliohojiwa alieleza kuwa:

Pamekuwepo na sherehe mjini na mitaani. Sherehe hizo zilichukua mwezi mzima baada ya viongozi kukubali kungumza. Katika hali ya msisimko kama hiyo, inasemekana mtu mmoja alifariki katika mkanyagano. Wakimbizi wa Kizazibari kutoka Mombasa na wengine wengi kutoka Ughaibuni walirudi nyumbani baada ya muda mrefu.

Muhojiwe mwengine aliiambia tume kuwa sherehe za kusherehekea Mapinduzi ambazo zilifanyika mara baada ya kuundwa kwa Serikali ya Umoja wa Kitaifa – ambazo huko nyuma zilikuwa zimetawaliwa na CCM – ziliwaleta pamoja watu wa aina mbali mbali kutoka vyama vya siasa mbali mbali. Ilisemekana kuwa Serikali ya Umoja wa Kitaifa ilileta hisia za umoja na udugu kati ya watu wa Pemba na Unguja.

Mvutano kati ya vyama viwili vya siasa ulipungua vile vile. Ilisemekana kuwa vyama hivyo viliishi pamoja kwa amani. Tume ilibaini kuwa vikundi vya upinzani vya CCM dhidi ya CUF, vikundi ambavyo vilijitokeza mara baada ya kuundwa kwa Serikali ya Umoja wa Kitaifa, vilipotea taratibu. Zaidi ya hilo, pamekuwepo na kauli kuwa asasi za serikali zilifanya kazi vizuri zaidi chini ya Serikali ya Umoja wa Kitaifa. Ilielezwa kuwa bila ya kuwepo kwa upinzani katika Baraza la Wawakilishi pamekuwepo na mvutano mdogo ndani ya Baraza hilo. Shughuli kati ya Serikali na wawakilishi wa upinzani ndani ya Baraza zilikwenda vizuri na kwa maendeleo. Kadhalika, ile kuwepo kwa idadi sawa ya nafasi za uwaziri kati ya CCM na CUF – saba na sita mutawalia – kumesababisha kuwepo kwa mahusiano mazuri katika kufanyakazi. Inasemekana kuwa yamekuwepo maridhiano mengi.

Nukuu za hapo chini zinajieleza:

Shughuli zilikwenda vizuri, kila mtu aliwakilishwa ndani ya serikali. Hapajakuwepo na uhasama. Baraza la Wawakilishi lilifanyakazi vizuri zaidi wakati wa Serikali ya Umoja wa Kitaifa na hali ilikuwa nzuri kwa vile watu walikuwa wakisemeshana.

Pamekuwepo na ushabiki mdogo wa kisiasa, upande wa upinzani na CCM walifanyakazi pamoja ndani ya Baraza la Wawakilishi, hapajakuwepo na mgawanyiko kati ya CCM na CUF . Hata Baraza la Mawaziri limekuwa likikaa pamoja bila ya kujali upande wa CCM au CUF.

Shughuli za Baraza la Wawakilishi zilikuwa bora zaidi, pamekuwepo na majadiliano yaliyochangamka na watu walinufaika kwa hayo. Kwa mfano, bajeti zilizoongezwa zilishughulikiwa; zilichambuliwa ndani ya Baraza la Wawakilishi bila ya kujali chama. Waziri kutoka CUF huhojiwa na Wawakilishi kutoka CCM na kinyume yake.

Hata wahojiwa waliohisi kuwa kutokuwepo kwa upinzani rasmi ndani ya Baraza la Wawakilishi kulidhoofisha ubora wa sheria na sera zilizopitishwa wakati huo, kwa jumla waliikubali hali hiyo ya ufanisi

kwa maslahi ya Serikali ya Umoja wa Kitaifa. Kusema kweli, baadhi yao, waliipongeza hali ya usuhuba kwa misingi ya vyama ndani ya Baraza la Wawakilishi. Akielezea hisia za umoja zilizojitokeza wakati wa Serikali ya Umoja wa Kitaifa, mhojiwa mmoja alizihusisha hisia hizo na Serikali ya Umoja wa Kitaifa na msimamo wa pamoja wa Zanzibar wakati wa kuipitia upya katiba ya Muungano.

Jambo jingine lililodhihirika lilikuwa ni kupungua kuhusishwa na vyama vya siasa shughuli za utumishi serikalini wakati wa Serikali ya Umoja wa Kitaifa. Muhojiwa mmoja alieleza kuwa *wakati wa Serikali ya Umoja wa Kitaifa ulikuwa ni wakati mzuri; hata polisi wakifanyakazi ya polisi na siyo kazi ya CCM; usalama wakifanya kazi yao na siyo CCM kufanyakazi ya usalama*. Iliaminika kuwa usawa kazini uliboreka sana. Serikali ya Umoja wa Kitaifa ilionekana kuwa iliwapa fursa watu wa Pemba kuingia katika utumishi wa serikali tofauti na zamani walipokuwa wakibaguliwa sana.

Wahojiwa hao walieleza vile vile juu ya kuonekana waziwazi kwa hali ya kufufuka kwa uchumi visiwani. Walieleza juu ya kuongezeka kwa uwekezaji nchini wa wageni na Wazanzibari walio Ughaibuni, Ulaya na katika nchi za Kiarabu. Tume ilielezwa kuwa watu walilipa kodi na kwa hiari yao walichangia katika michango na shughuli za maendeleo. Muhojiwa mmoja alieleza kuwa kuwemo kwa CUF serikalini kulimaliza hujuma dhidi ya miradi ya serikali na kupungua kwa vitendo vya kuvunja sheria kwa upande wa wafuasi wa CUF. Baadhi ya wahojiwa, hasa wale wa Pemba, walieleza kuwa tofauti na wakati wa utawala wa chama kimoja cha CCM pale huduma za serikali zilipoelekezwa kwa wafuasi wa CCM, chini ya Serikali ya Umoja wa Kitaifa hapajakuwepo na ubaguzi. Ilielezwa kuwa ilikuwepo miradi mingi ya kimaendeleo ya serikali, pamoja na miradi ya miundombinu ambayo ilipelekwa Pemba wakati wa Serikali ya Umoja wa Kitaifa. Wafuasi wa vyama vyote CCM na CUF, walinnufaika na miradi ya serikali. Ilielezwa vile vile kuwa miradi iliyokuwa ikimilikiwa na wafanyabiashara wafuasi wa CCM Pemba ilibariki wakati wa Serikali

ya Umoja wa Kitaifa kwa sababu wafanyabiashara wafuasi wa CUF ambao ndio wengi, walianza kufanyabiashara na wenzao wa CCM.

## Changamoto

Baadhi ya wanazuoni walieleza kuwa Serikali ya Umoja wa Kitaifa ilianza kupata msukosuka muda mrefu kabla ya uchaguzi wa 2015. Inatolewa mifano miwili: Wa kwanza ni Kongamano la Vijana wa CCM lililofanyika tarehe 11 Januari likiwa ni moja ya shughuli za kuadhimisha Mapinduzi, ambapo mtoa mada mmoja aliipinga vibaya Serikali ya Umoja wa Kitaifa. Inasemekana kuwa kauli hiyo ilishangiliwa sana na vijana. Tukio la pili ni lile la wanachama wa CCM kukataa kumruhusu Makamo wa Kwanza wa Rais, Seif Sharif Hamad, kuingia katika Baraza la Wawakilishi wakati wa kulivunja Baraza la 8.<sup>107</sup> Kwa kuwa Makamo wa Kwanza wa Rais si mjumbe wa Baraza la Wawakilishi, kwa mujibu wa kanuni za Baraza, wajumbe walitakiwa kuridhia kuhudhuria kwake katika shughuli za Baraza hilo kwa kupiga kura na wajumbe wa CCM walipiga kura dhidi ya hilo.

Zaidi ya changamoto zilizoelezwa na waandishi mbali mbali, baadhi ya pingamizi dhidi ya Serikali ya Umoja wa Kitaifa zilielezwa kwa wajumbe wa tume. Yalikuwepo madai kuwa tokea mwanzo zilikuwepo pingamizi dhidi ya Serikali ya Umoja wa Kitaifa. Palikuwepo na wasiwasi kuwa kuyakubali *Maridhiano* haukuwa mchakato rahisi. Lakini vile vile, inasemekana kuwa Rais Karume mwenyewe alikutana na vikwazo. Kwa kuwa alikuwa akimaliza awamu yake ya pili na ya mwisho akiwa madarakani na alikuwa yumo katika kutaka kuachia madaraka, hili, kwa maoni ya baadhi ya waliohojiwa lilimzuia asishiriki kikamilifu katika mchakato wa uundwaji wa Serikali ya Umoja wa Kitaifa.

La muhimu zaidi ni kuwa CCM Bara haikukubaliana na wazo la Serikali ya Umoja wa Kitaifa. Zaidi ya hilo, upinzani wa CCM dhidi ya Serikali ya Umoja wa Kitaifa ulikuwa ni wa wazi na wa kuendelea.

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107 Angalia Kombo, op. cit., uk. 254-5

Kwa mujibu wa mhojiwa mmoja, upinzani dhidi ya Serikali ya Umoja wa Kitaifa kwa baadhi ya watu ndani ya CCM ulikuwa ni kwa sababu wapinzani hao hawakutaka kabisa mgawano wa madaraka. *Walitaka madaraka kamili. Ni wale wanachama wa CCM waliokuwa na msimamo wa wastaan tu ndio walioikaribisha Serikali ya Umoja wa Kitaifa.* Kwa maoni ya wengine, kukataa kugawana madaraka kwa CCM kuko wazi kwa ile kutokuwepo na madaraka yoyote ya maana katika ofisi ya Makamo wa Kwanza wa Rais waliyopewa wapinzani.

Kwa kuendeleza hoja hiyo hiyo, tume imeelezwa kuwa baadhi ya *masheba* (viongozi wa serikali za mitaa) na maafisa wa serikali walionesha upinzani wa waziwazi dhidi ya Serikali ya Umoja wa Kitaifa, jambo lililomlazimisha Rais Karume awafukuze. Kusema kweli, baadhi ya waliohojiwa waliieleza tume kuwa viongozi hao walioipinga Serikali ya Umoja wa Kitaifa tokea mwanzo waliendelea kufanyakazi dhidi ya serikali hiyo. Jaribio la 2014 lililofanywa na kiongozi wa wakilishi wa CCM marehemu Salim Ujuzo, la kuleta hoja Katika Baraza la Wawakilishi kuikataa Serikali ya Umoja wa Kitaifa, lilishindwa. Mawazo mengine ni kuwa nyufa zilianza kuonekana ndani ya Serikali ya Umoja wa Kitaifa mara kabla ya Mkutano wa Katiba pale wajumbe wa CUF walipopendekeza kuwa wajumbe wa Zanzibar washiriki katika shughuli za Mkutano wa Katiba wakiwa Wazanzibari ili wazungumze kwa sauti moja badala ya kuwa wawakilishi wa chama kimoja kimoja, jambo lililotakiwa na CCM. Inasemekana kuwa tofauti hiyo iliyachafua mahusiano ndani ya Baraza la Wawakilishi pale wawakilishi waliporudi kutoka katika Mkutano wa Katiba baada ya muungano wa wapinzani – Umoja wa Katiba ya Wananchi (UKAWA) – kutoka nje ya Mkutano wa Katiba mwezi April 2014. Inaaminika kuwa wana CCM wanaoichukia Serikali ya Umoja wa Kitaifa wanaendelea kuipinga serikali hiyo hadi hivi sasa.

Yametolewa maoni kadha kuhusu hili. Baadhi ya wale wanaoipinga Serikali ya Umoja wa Kitaifa waliulaani mchakato uliopitiwa hadi kupatikana kwa serikali hiyo. Wanamkosoa aliyekuwa

Rais, Karume kwa mambo mbali mbali. Akiwa na hofu ya mgombea urais mwingine wa Zanzibar – Dr. Bilal ‘aliyekuwa tishio’ – tokea mwaka 2009, inasemekana kuwa Rais Karume aliyateka nyara majadiliano ya Butiama ya CCM-CUF na aliendelea kumwalika Seif kwa mazungumzo ya siri kile kilichoelezwa kuwa ni ‘kuizunguka CCM’. Katika hali hiyo hiyo, Karume alituhumiwa kwa yeye binafsi kuteua kamati ya watu sita (watatu kutoka CCM na watatu kutoka CUF) kamati ambayo ilifanya kampeni ya kuiunga mkono Serikali ya Umoja wa Kitaifa’ bila ya kukishirikisha chama. Kadhalika, iliaminika kuwa *wananchi hawakumwamini Karume wala hawakumwamini Seif wala hawakuuamini huo mchakato wenyewe*; na kuwa elimu kwa raia juu ya Serikali ya Umoja wa Kitaifa ingelichukua kiasi ya miaka minane na siyo miaka mitatu kama ilivyokuwa.

Wengine, ijapokuwa walidai kuiunga mkono Serikali ya Umoja wa Kitaifa, walipinga kuingizwa kwake katika katiba. Kinyume na imani kubwa ya kuilinda Serikali ya Umoja wa Kitaifa kwa kuiingiza katika katiba, watetezi wa msimamo huu walipendekeza itungwe sheria ya Serikali ya Umoja wa Kitaifa kwa sababu hakuna pahala popote duniani isipokuwa Zanzibar ambapo Serikali ya Umoja wa Kitaifa imeingizwa katika katiba. Waliamini kuwa kuliko kuiingiza katika katiba sheria ingelileta mshikamano uliohitajika.

Maoni mengine yaliipinga moja kwa moja Serikali ya Umoja wa Kitaifa kwa kuwa haikuwa na umuhimu na walipendekeza iondolewe moja kwa moja. Waliamini kuwa nia ya CUF chini ya Serikali ya Umoja wa Kitaifa ni kukiangusha CCM na siyo kufanya nacho kazi au kuwasaidia wananchi.

Hata ukiacha watu mmoja mmoja ndani ya CCM ambao hawakuipenda Serikali ya Umoja wa Kitaifa, tume ilibaini kuwa Serikali ya Muungano yenyewe haikuitaka Serikali ya Umoja wa Kitaifa. *Hawakufurabishwa na Serikali ya Umoja wa Kitaifa*. Yalikuwepo malalamiko makubwa kuwa Serikali ya Muungano isingelipenda kuiona Zanzibar iliyoungana. Hoja iliyotolewa ni kuwa itakuwa

vigumu kuidhibiti Zanzibar iliyoungana. Kwa wahojiwa wengi, hii ndiyo sababu iliyoifanya Serikali ya Umoja wa Kitaifa isambaratike.

Udhaifu mwengine uliotajwa wa Serikali ya Umoja wa Kitaifa ni utekelezwaji wake mdogo. Wengi walithibitisha kuwa Serikali ya Umoja wa Kitaifa ilifanyakazi katika ngazi ya umakamo wa rais na uwaziri na katika Baraza la Wawakilishi. Kati ya nafasi za uwaziri 13 katika Serikali hiyo, saba zilikuwa ni kwa CCM na sita kwa CUF. Uiano huo huo ndio uliotumiwa kwa nafasi za naibu mawaziri. Isipokuwa kwa maoni ya watu wachache kuwa nafasi zilizokuwa chini ya kata, ikiwa ni pamoja na *masheba*, watumishi wake wengi walitoka upande wa upinzani, mawazo ya wengi ni kuwa, nafasi zote ambazo zilionekana kuwa ndiyo kiini cha shughuli za serikali, kama vile makatibu wakuu na wakurugenzi, ziliendelea kushikwa na watu wanaokiunga mkono chama tawala na wanazishikilia nafasi hizo hadi hivi sasa. Kwa hivyo, muundo wa Serikali ya Umoja wa Kitaifa haukutiririka hadi kwenye ngazi ya serikali ya mtaa wala haukufika chini kabisa kwenye mashina. Kwa mujibu wa maoni ya mtu mmoja, hii ni kwa sababu katiba inataja Serikali ya Umoja wa Kitaifa kwa jumla tu na haielezi kwa ufasaha Serikali ya Umoja wa Kitaifa ni nini. Maoni namna hayo hayo yalieleza kama ifuatavyo: *Serikali ya Umoja wa Kitaifa haikuwa Serikali ya Umoja wa Kitaifa hasa kwa sababu ilijikita katika ngazi fulani tu. Kuna haja ya kufafanua kwa ufasaha zaidi katika katiba.* Kwa mujibu wa wale wenye maoni haya, Serikali ya Umoja wa Kitaifa 'lazima iwe ni pamoja na naibu mawaziri, wakuu wa mikoa, wakuu wa wilaya, makatibu wakuu, masheha, wakurugenzi, spika na naibu spika'. Kusema kweli, jengine lililotegemewa ni kuwa CCM na CUF vilitakiwa vifanyekazi kwa ushirikiano hata katika ngazi ya jamii.

Kwa maoni ya baadhi ya wanachama wa chama cha upinzani CUF ambao walifanya mazungumzo na tume, maombi kadha ya CUF serikalini ya kuomba Serikali ya Umoja wa Kitaifa ipanuliwe hadi kufika ngazi mbali mbali hayakusikilizwa, ijapokuwa kinatolewa kisingizio kuwa maombi hayo hayakuwa kwa maandishi.

Jambo jingine lililoonekana ni kuwa iliyokuwa ikitekelezwa na Serikali ya Umoja wa Kitaifa ilikuwa ni ilani ya uchaguzi ya CCM. Ijapokuwa wakati wa uzinduzi wa Baraza la Wawakilishi, katika hotuba yake, Rais alieleza kuwa ilani za uchaguzi za CUF na CCM zitaoanishwa na ile iliyooanishwa ndiyo itakayotekelezwa na Serikali ya Umoja wa Kitaifa.

Kwa sababu hiyo, baadhi ya watu waliohojiwa na tume walieleza kuwa Serikali ya Umoja wa Kitaifa isingeliweza kuyashughulikia masuala muhimu ya kijamii yanayowahusu Wazanzibari, kama vile kutengwa kwa Pemba na malalamiko ya jamii za Wazanzibari walio wachache kama vile Wahindi na Wakiristo ambao wanajihisi wametengwa. Kwa hivyo, kwa maoni ya wale wenye mtazamo huu Serikali ya Umoja wa Kitaifa ingelishughulikia matatizo mbali mbali ya kisiasa na kijamii. Kadhalika, imeelezwa kuwa Serikali ya Umoja wa Kitaifa haikuwa na maslahi maalum yoyote kwa wanawake na vijana. Kusema kweli, kwa maoni ya wengi waliohojiwa, maslahi ya Serikali ya Umoja wa Kitaifa yalikuwa ni ya jumla tu. Ilisemekana kuwa badala yake, wanawake walitengwa na Serikali ya Umoja wa Kitaifa kwa kuwa hakuna hata mmoja aliyekuwa katika kilele cha madaraka. Kwa sababu hiyo, limekuwepo pendekezo kuwa zaidi ya marekebisha ya katiba na sheria kwa Serikali ya Umoja wa Kitaifa, lazima yawepo majadiliano ya wazi zaidi juu ya Serikali hiyo ili kujumuisha maoni yote, pamoja na yale ya makundi yaliyotengwa.

Wazo jingine ni kuwa ifanywe juhudi kubwa zaidi ya kuwaelimisha wale walio kwenye vyombo vya usalama juu ya Serikali ya Umoja wa Kitaifa, ili waelewe serikali hiyo vizuri zaidi na wasifanye yaliyo kinyume na serikali hiyo.

Kama ilivyoelezwa hapo awali, utulivu wa kisiasa uliletwa na Serikali ya Umoja wa Kitaifa. Ijapokuwa hilo lilipongezwa kuwa ni maendeleo chanya, kwa jumla pamekuwepo na malalamiko ya kutoridhika kwa baadhi ya Wazanzibari. Baadhi yao, hasa wale waliokitegemea CUF kuwa ni mkosoaji wa sheria na sera za serikali,

walihisi kuwa Serikali ya Umoja wa Kitaifa imeviza hali ya kuwepo kwa upinzani uliochangamka. Walieleza juu ya kutoridhika kwao na namna sheria zilivyopitishwa wakati wa Serikali ya Umoja wa Kitaifa. Wadau wakuu hawakuweza tena kuchangia katika sheria na sera. Vyama vya kiraia vya watu binafsi waliarifu tume kuwa wadau ambao si wa serikali hapo awali wakiutegemea upinzani wa CUF ambao kabla ya Serikali ya Umoja wa Kitaifa walichambua, walikosoa na kushinikiza kuwepo kwa sheria na sera pamoja na kuzifanyia marekebisho, sasa chama hicho kimekuwa sehemu ya serikali chini ya Serikali ya Umoja wa Kitaifa na kufuata msimamo wa pamoja wa serikali hiyo. Mfano mzuri ni pale lilipotolewa pendekezo la kuboresha uuzaji wa karafuu. Tume ilibaini kuwa juu ya kuwa hapo awali kabka ya Serikali ya Umoja wa Kitaifa chama cha CUF ndani ya ilani yake ya uchaguzi kilikuwa na pendekezo la kubadili sera ya serikali iliyokuwa na nia ya kuboresha uuzaji wa karafuu kwa kupitia watu binafsi, baada ya kuingia katika Serikali ya Umoja wa Kitaifa, CUF kiliungana na Wizara ya Biashara na Masoko, ambayo ililikataa pendekezo hilo kwa ari ya nipe nikupe. Katika hali hiyo hiyo, inasemekana kuwa Sheria ya Wafanyakazi wa Serikali na Sheria ya Haki za Wafanyakazi zilipitishwa bila ya mchango wowote kutoka katika vyama vya wafanyakazi. Kwa hivyo, kukosekana kwa upinzani katika Baraza la Wawakilishi chini ya Serikali ya Umoja wa Kitaifa kilikuwa ni kitu cha kusikitisha kwa baadhi ya watu. Kwa wale wanaoikubali Serikali ya Umoja wa Kitaifa, hii ilikuwa ni fursa iliyopotea kwa CUF kuitumia nafasi ya kuwemo kwao serikalini ili kuimarisha sera zao pale ambapo ilani ya pamoja haikuwepo.

# Uchaguzi wa 2015 na Kurudiwa Kwa Uchaguzi wa 2016

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## Uchaguzi wa 2015

Uchaguzi mkuuu ulifanyika Zanzibar tarehe 25 Oktoba 2015 na ilikuwa ni kwa mara ya tano tokea kurudishwa mfumo wa demokrasia ya vyama vingi. Uchaguzi huo ulitanguliwa na mchakato usiokamilika wa kuipitia upya katiba ya Jamhuri ya Muungano wa Tanzania ambao ulianza mwaka 2011 kwa kupitisha Sheria ya Kuipitia Upya Katiba na kuteuliwa Tume ya Kuipitia Upya Katiba (CRC) mwezi April 2012. Tume ya Kuipitia Upya Katiba ilitayarisha rasimu ya katiba kwa mujibu ya maoni yaliyokusanywa kutoka kwa wadau mbali mbali kufuatia mchakato uliokuwa wa uwazi, jumishi na shirikishi. Rasimu ya katiba, iliyosifiwa kuwa ni ya maslahi kwa wananchi, iliwasilishwa kwa Rais mwezi Disemba 2013. Palitokea kutoelewana wakati wa Bunge la Katiba na kutoelewana huko kulisababisha upande wa upinzani chini ya Umoja wa Kuilinda Katiba ya Wananchi (UKAWA) ujioe katika mchakato huo mwezi April 2014 baada ya kukituhumu chama tawala cha CCM kuwa kimeuteka nyara mchakato huo na kudharau maoni ya wananchi. Katiba iliyopendekezwa ilipitishwa tarehe 2 Oktoba 2014 bila ya kuwepo kwa upinzani. Juu ya kuwa ilipitishwa, Katiba pendekezwa haikuridhiwa kwa kuwa kura ya maoni iliyokuwa ifanyike 2015

iliahirishwa na kufa kabisa. Tume ya Kupitiya Upya Katiba ilifuata kalenda ya uchaguzi na kusababisha kuwepo kwa muda mfupi zaidi wa kufanya kampeni wa siku 64 badala ya siku 90 zilizoelzwa wakati wa uchaguzi wa mwaka 2015.<sup>108</sup> Kama ilivyokuwa katika chaguzi zilizopita, uchaguzi wa 2015 uliendeshwa na Tume ya Uchaguzi ya Zanzibar na ulikuwa wa kuzipigia kura nafasi tano: rais wa Zanzibar, wajumbe wa Baraza la Wawakilishi, madiwani, raisi wa Muungano na wajumbe wa Bunge la Muungano.

Waliandikishwa wapiga kura wapya 64,770, na kupita idadi iliyotarajiwa ya 50,000, na kufanya jumla ya wapiga kura kuwa 503,860.<sup>109</sup> Vyama vya siasa Kumi na nne viliveka wagombea kwa uchaguzi wa rais. Hata hivyo, ushindani mkubwa ulikuwa kati ya CCM na CUF.<sup>110</sup> Jumla ya wagombea 180 waligombea viti 54 vya Baraza la Wawakilishi na wagombea 354 waligombea nafasi katika Serikali za Mitaa ili kuwa madiwani.<sup>111</sup>

Juu ya kujitokeza wapiga kura wengi wakati wa kujiandikisha, ripoti zimeandika masuala machache kuhusiana na uchaguzi. Kwanza pamekuwepo na vurugu za hapa na pale zilizotokea Unguja Kusini, pamoja na wapiga kura wa CUF kukataliwa kupewa vitambulisho vya Zanzibar (ZAN IDs).<sup>112</sup> Hili liliilazimisha CUF kuwasilisha hoja ya mjumbe binafsi katika Baraza la Wawakilishi tarehe 30 Machi 2015 ili kudai haki ya kupatiwa vitambulisho. Hoja hii ilikataliwa kwa kauli moja na wajumbe wa CCM na kusababisha kuwepo kwa wasiwasi kati ya CUF na CCM; hoja hiyo ilipokataliwa tena pale ilipowasilishwa tena katika kikao kilichofuata. CUF kiligomea vikao

108 Angalia EAC Observer Mission Report, op. cit., uk.13-14

109 Angalia Kombo, op. cit., uk.241; Angalia vile vile *European Union Election Observation Mission, United Republic of Tanzania, Final Report, General Elections 2015*, p.5. Idadi hiyo hiyo ya wapiga kura inaelezwa kuwa ndiyo idadi rasmi ya Tume ya Uchaguzi ya Zanzibar katika *Election Observation Mission, Zanzibar 2015*, Friedrich Nauman Stiftung, imepatikana katika <http://www.scribd.com/document/289609067/Report-Zanzibar-2015>

110 Kombo, Ibid., uk.245; EU EOM Report, Ibid., uk.5

111 EU EOM, Ibid.

112 Kombo, op. cit., uk.242

vya mwisho vya Baraza, pamoja na kikao cha rais kulivunja Baraza tarehe 26 Juni 2015.<sup>113</sup>

Tume ilielezwa pia juu ya ukiukwaji wa haki za binadamu katika kijiji cha Tumbatu wakati wa uchaguzi pale vikosi vya wanamgambo wa serikali na Kikosi Maalum cha Kuzuia Magendo (KMKM) walipokivamia kijiji na kuwachukua wanakijiji siku ya usiku wa kuamkia uchaguzi. Hali hii ilielezwa ifuatavyo:

Watu walikuwa wakilia pale walipokuwa wakichukuliwa na kutelekezwa porini. Watu waliopigwa walikuwa ni wapinzani, nguvu kubwa ilitumika wakati wa kuelekea kwenye uchaguzi. Chama tawala kilitumia nguvu na vitisho dhidi ya wapinzani.

Ugawaji wa majimbo mapya ya uchaguzi lilikuwa ni eneo jengine la ushindani. Zoezi hilo lilishuhudia kuongezeka kwa idadi ya majimbo ya uchaguzi kutoka 50 (28 Unguja na 22 Pemba) hadi kufikia 54, majimbo manne ya ziada yakiundwa Unguja tu.<sup>114</sup> Ijapokuwa zoezi hili lililingana na sheria, wasiwasi ulikuwa ni wakati lilipofanyika. Tume ya Uchaguzi ya Zanzibar ina madaraka ya kuipitia upya mipaka ya majimbo ya uchaguzi katika kipindi cha miaka minane hadi 10 na kuyaongeza hadi kufikia 55 na si chini ya 40 pale inapotokea kuhesabiwa watu au kuwepo kwa mabadiliko ya kiutawala kuhusiana na mipaka ya kiutawala. Hali zote mbili hizi zilitokea. Watu walihesabiwa mwaka 2012 na mipaka ya kiutawala ilirekebisha kufuatia kupitishwa kwa Sheria ya Serikali za Mitaa na Sheria ya Tawala za Mikoa mwaka 2014. Hata hivyo, zoezi hili lilifanyika mwezi Julai, miezi michache kabla ya uchaguzi, pale baadhi ya vyama vilipokwisha maliza uchaguzi zao za ngazi za chini kulingana na katiba ya zamani. Chama cha CUF kilimaliza mchakato huu mwezi June lakini ilibidi kipate wagombea kwa majimbo mapya yaliyoundwa.<sup>115</sup> Lalamiko jengine ni kuwa mipaka mipya

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113 Ibid., uk.243

114 Ibid., uk.244; EU EOM, uk.6

115 Kombo, ibid.

haikuzingania kanuni ya mgawanyo sawa ya wapiga kura.<sup>116</sup> Zaidi ya hayo, kuchelewa kuwekwa mipaka mipya, pamoja na kuwepo mipaka mipya yenye dosari kulivifanya vyama vya siasa vishindwe kuainisha wapiga kura wao waziwazi kwa sababu ya kampeni na wapiga kura kushindwa kutambua wamo katika jimbo gani la uchaguzi.<sup>117</sup>

Ripoti zinaeleza kuwa kampeni za uraisi kwa jumla zilikuwa za amani. Wagombea urais wa CCM na CUF walifanya kampeni za 'kistarabu'.<sup>118</sup> Siku ya Uchaguzi takriban vituo vyote vya kupigia kura vilifunguliwa kwa wakati, taratibu za ufunguaji vituo zilifuatwa na upigaji kura ulifanyika katika hali ya utulivu.<sup>119</sup>

Kwa jumla, uchaguzi mkuu ulifanyika kwa amani.<sup>120</sup> Waangalizi wa uchaguzi mbali mbali (wa kigeni na wa hapa nchini), wakiwa ni pamoja na Umoja wa Ulaya (EU), Umoja wa Afrika (AU), Jumuiya ya Madola, Jumuiya ya Afrika ya Mashariki (EAC) na Umoja wa Taasisi za Kiraia za Tanzania za Kuangalia Uchaguzi (TACCEO), walithibitisha kuwa uchaguzi ulikuwa huru na wa haki.<sup>121</sup>

Kura zilianza kuhesabiwa mara baada ya upigaji kura kumalizika. Wasimamizi wa uchaguzi walijumlisha matokeo ya uchaguzi na vyeti vya uchaguzi vilitolewa kwa wagombea wote waliochaguliwa kuingia katika Baraza la Wawakilishi. Hesabu ya mwisho ya matokeo ya uchaguzi wa rais ilifanywa mbele ya wajumbe wa Tume ya Uchaguzi ya Zanzibar na wakala wa kuwakilisha kila chama kilichogombea uchaguzi.<sup>122</sup> Tume ya Waangalizi wa Uchaguzi wa Umoja wa Ulaya (EU EOM) ilieleza kuwa matokeo yaliyothibitishwa na Tume ya Uchaguzi ya Zanzibar yalitangazwa mfululizo katika vituo vya kuhesabu kura na fomu nyingi za matokeo walizokuwa nazo

116 Ibid.; angalia pia EU EOM Report, uk.6

117 EU EOM Report, ibid., uk.6

118 Ibid., uk.7; Kombo, op. cit., uk.245

119 EU EOM, ibid., uk.8

120 Ibid., uk. 7; angalia pia Kombo, op. cit., uk.246

121 Kombo, ibid., uk.247; angalia pia EU EOM Observer Report, EAC Observer Report, uk.21

122 EU EOM Report, uk.8

Tume ya Uchaguzi ya Zanzibar zililingana na zile walizokuwa nazo mawakala wa vyama.<sup>123</sup>

Hata hivyo, ilipofika jioni ya tarehe 27 Oktoba, vikosi vya usalama vya Jeshi la Wananchi la Tanzania (TPDF), pamoja na vile vya Idara za Usalama za Zanzibar, viliwazuia watu kuingi na kutoka katika kituo kikuu cha kuhesabu kura, na kuwazuia kuingia hata watazamaji na wajumbe wengine wa kimataifa. Ruhusa ya kuingia na kutoka ilitolewa baada ya saa tano bila ya maelezo yoyote kutoka katika Tume ya Uchaguzi ya Zanzibar au maafisa wa usalama. Ilipofika magharibi ya tarehe 27 Oktoba, Tume ya Uchaguzi ya Zanzibar ilitangaza matokeo kutoka majimbo ya uchaguzi 31 kati ya majimbo 54 ya uchaguzi wa rais, na hapakuwepo na matokeo kutoka Pemba.<sup>124</sup> Ripoti ya Tume ya Waangalizi wa Umoja wa Ulaya ilieleza kuwa mchakato wa kuhesabu kura katika kituo kikuu cha kuhesabu kura cha Tume ya Uchaguzi ya Zanzibar ulikuwa ni wa wazi katika siku mbili za mwanzo pale waangalizi walipoweza kuingia na kutoka katika kituo hicho, mpaka pale mwenyekiti wa Tume ya Uchaguzi ya Zanzibar alipoamua kuufuta uchaguzi wa Zanzibar tarehe 28 Oktoba.<sup>125</sup>

Kabla matokeo hayakufutwa, Tume ya Uchaguzi ya Zanzibar ilifanya mkutano wake wa faragha tarehe 28 Oktoba kufuatia uahirishwaji wa kutangazwa matokeo zaidi ya uchaguzi. Kufuatia hili, mwenyekiti wa Tume ya Uchaguzi ya Zanzibar aliondoka katika kituo cha kuhesabu kura. Makamo wa mwenyekiti alijaribu kuendelea na kuhesabu kura lakini alizuiliwa na kusindikizwa nje ya kituo na vikosi vya usalama. Baadaye, mwenyekiti wa Tume ya Uchaguzi ya Zanzibar alitangaza kupitia Shirika la Utangazaji la Zanzibar (ZBC) kuwa uchaguzi wa Zanzibar umefutwa.<sup>126</sup> Ilielezwa kuwa, ukiangalia tabia ya Tume ya Uchaguzi ya Zanzibar ya kuunyang'anya ushindi

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123 Ibid., uk.41

124 Ibid.

125 Ibid., uk.8

126 Ibid., uk.41

upinzani siku zilizopita, tukio la tarehe 28 Oktoba 2015 liliashiria kuwa hakuna kilichobadilika.<sup>127</sup>

Taarifa ya mwenyekiti wa Tume ya Uchaguzi ya Zanzibar, Bwana Jecha Salim Jecha, ilitolewa siku ya mwisho ambayo kisheria Tume ya Uchaguzi ya Zanzibar ilitakiwa kutangaza matokeo ya uchaguzi.<sup>128</sup>

Sababu kubwa ya kuufuta uchaguzi ni kuwa uchaguzi haukuwa huru na wa haki. Sababu zilizotolewa na mwenyekiti wa Tume ya Uchaguzi ya Zanzibar za kuamua kuufuta uchaguzi ni, kupiga kura mara mbili, udanganyifu na vyama vya siasa kuingilia kati mchakato wa kupiga kura.<sup>129</sup> Na la muhimu hasa ni kwamba imetuhumiwa kuwa kura zilizopigwa katika baadhi ya majimbo ya uchaguzi, hasa Pemba, zilizidi idadi ya wale walioandikishwa na kuwa katika baadhi ya sehemu masanduku ya kura yaliyokuwa na kura zilizokwishapigwa yalitolewa nje ya vituo vya kupigia kura, kinyume na Ibara ya 42(1) ya Sheria ya Uchaguzi Na. 11 ya 1984. Mwenyekiti wa Tume ya Uchaguzi ya Zanzibar pia alitangaza kuwa utakuwepo uchaguzi mwengine tarehe itakayoamuliwa.<sup>130</sup>

Ripoti ya Tume ya Waangalizi wa Uchaguzi ya Umoja wa Ulaya ilieleza kuwa sababu nyengine za kuufuta uchaguzi ambazo zilitolewa na Mwenyekiti wa Tume ya Uchaguzi ya Zanzibar ni: kutokubaliana kati ya wajumbe wa Tume ya Uchaguzi ya Zanzibar; wajumbe wa Tume ya Uchaguzi ya Zanzibar kushindwa kufanya kazi zao na badala yake kujifanya kama wawakilishi wa vyama; ukweli kuwa baadhi ya vyama havikuwakilishwa katika vituo vya kupigia kura vya Tume ya Uchaguzi ya Zanzibar, hasa Pemba ambako idadi ya kura ilizidi ile ya wapiga kura walioandikishwa; masanduku ya kura kuondolewa vituoni na kura kuhesabiwa nje ya vituo; mawakala wa vyama, hasa wale wa chama cha TADEA, kuondolewa kutoka katika vituo vya kupigia kura na kupigwa; vituo vya kupigia kura kuvamiwa

127 Throup, op. cit.

128 Kombo, uk.246

129 EAC Observer Report, uk.33

130 Kombo, op. cit., uk.246

na vijana; kuzuiliwa kuingia na kutoka katika vituo vya kupigia kura; vyama vya siasa kuingilia shughuli za Tume ya Uchaguzi ya Zanzibar, ikiwa ni pamoja na kutangaza ushindi; malalamiko ya vyama mbali mbali vya siasa, vilivyoeleza kutoridhika na matokeo ya uchaguzi; na kuchezea tarakimu kwenye fomu za matokeo katika baadhi ya vituo vya kupigia kura, hasa Pemba.<sup>131</sup>

Juu ya kuwepo kwa shaka kuwa Tume ya Uchaguzi ya Zanzibar ilipokea maagizo kutoka kwa Rais Shein na wakereketwa wa CCM Zanzibar au ilifanya hivyo kwa makubaliano na Serikali ya Muungano, ukimya wa Dares Salaam na Rais mpya Magufuli kukataa kuingilia kati hakukusaidia kitu.<sup>132</sup>

## **Yaliyotokea Kufuatia Kufutwa kwa Matokeo ya Uchaguzi**

### **Hisia za wadau mbali mbali**

Tarehe 29 Oktoba, waangalizi wa uchaguzi wa hapa nchini na wa kimataifa, pamoja na Tume ya Waangalizi wa Uchaguzi ya Umoja wa Ulaya, Umoja wa Afrika, Jumuiya ya Maendeleo ya Kusini mwa Afrika (SADC) na Jumuiya ya Madola, walitoa taarifa ya pamoja ambayo walieleza wasiwasi wao juu ya kufutwa kwa matokeo ya uchaguzi na kuiomba Tume ya Uchaguzi ya Zanzibar kueleza kinaganaga ni katika vituo gani kulikotokea dosari na kuiomba iwe wazi kwa uamuzi wake wa kufuta uchaguzi.<sup>133</sup> Siku hiyo hiyo, mabalozi wa Umoja wa Ulaya na wa nchi wanachama wa Umoja wa Ulaya waliopo Tanzania, Norway, Uswizi, Canada na Marekani walitoa taarifa ya pamoja wakisisitiza imani yao kuwa mgogoro wa kisiasa Zanzibar unaweza kusuluhishwa vizuri zaidi kwa suluhisho lililokubaliwa na wote na kumwomba Rais Magufuli kutumia nafasi

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131 EU EOM Report, op. cit., uk. 41

132 Throup, op. cit.

133 EU EOM Report, op. cit., uk.8

yake ya uongozi ili kuhakikisha kuwepo kwa matukio ya amani na heshima kwa mchakato wa uchaguzi.<sup>134</sup>

Chama cha CUF na vyama vingine sita vidogo – Demokrasia Makini, Chama cha Ukombozi wa Umma (CHAUMM), Sauti ya Umma (SAU), National Reconstruction Alliance (NRA), Jahazi Asili na Democratic Party (DP) – walizipinga sababu za kufuta uchaguzi na kueleza kuwa hazikuwa za msingi huku wakisisitiza kuwa Tume ya Uchaguzi ya Zanzibar ingelikuwa katika hali ya kuyashughulikia matatizo badala ya kuamua kuufuta uchaguzi.<sup>135</sup>

Mgombea urais wa chama cha CUF, Maalim Seif alitangaza kuwa chama chake hakitoshiriki katika marudio ya uchaguzi na kutoa muda wa saa 48- hadi kufikia tarehe 2 Novemba 2015 – mgogoro huo uwe umesuluhishwa. Hata hivyo, muda huo ulipita bila ya maendeleo yoyote.<sup>136</sup> Aliwataka wanachama wa CUF watulie na kuwasihi wasubiri matokeo ya mazungumzo kati ya wagombea urais wa CUF and CCM uliokuwa na nia ya kutatua suala hilo.<sup>137</sup> Msimamo wa CUF uliungwa mkono na UKAWA wakati CCM waliunga mkono uamuzi wa mwenyekiti wa Tume ya Uchaguzi ya Zanzibar kuufuta uchaguzi.<sup>138</sup>

Hatua iliyochukuliwa na mwenyekiti wa Tume ya Uchaguzi ya Zanzibar ilikuwa ni mada ya mjadiliano ya haraka na ya kufanyiwa uchambuzi kwa wanasheria na jumuiya za kiraia ndani na nje ya Zanzibar, na hasa uhalai wa kisheria wa uamuzi huo.<sup>139</sup> Chama cha Wanasheria cha Zanzibar (ZLS) na Chama cha Wanasheria cha Tanganyika (TIS) vilipinga kufutwa kwa uchaguzi kwa sababu hakuna sheria inayompa madaraka mwenyekiti wa Tume ya Uchaguzi ya Zanzibar kufanya hivyo.<sup>140</sup> Hoja nyengine ni kuwa

134 Ibid., uk.9; EAC Observer Report, op. cit., uk.33

135 Kombo, op. cit., uk.247

136 Ibid.; na EU EOM Report, op. cit. uk,8

137 Kombo, ibid.

138 Ibid.

139 Ibid.; na EU EOM Report, uk.8

140 Kombo, ibid., uk.248

kauli hiyo ilikuwa ni ya mtu mmoja bila ya kuwepo kikao au azimio la Tume ya Uchaguzi ya Zanzibar, kinyume na Ibara ya 119 (10) ya katiba inayotaka kuwa uamuzi wowote wa Tume ya Uchaguzi ya Zanzibar lazima uungwe mkono na mwenyekiti au makamo mwenyekiti na wajumbe wanne; na hata kama Tume ya Uchaguzi ya Zanzibar ingeliheshimu ibara hiyo, chombo hicho hakina uwezo wa kisheria wa kufuta uchaguzi kwani kura zilikwishapigwa, baadhi yake kuhesabiwa na kutangazwa, na njia pekee ya kusuluhisha hilo ikiwa ni kutoa siku tatu zaidi ili kurekebisha kasoro zilizojitokeza na kutangaza matokeo.<sup>141</sup> Vyanzo vingine vilieleza kutokuwepo kwa kipengele chochote cha sheria kinachohalalisha kufuta uchaguzi wote.<sup>142</sup> Ijapokuwa ripoti ya Tume ya Kuangalia Uchaguzi ya Jumuiya ya Afrika ya Mashariki inanukuu Ibara ya 51(2) ya Sheria ya Uchaguzi ya Zanzibar ya 1984 kama ilivyofanyiwa marekebisha, kuwa inaipa Tume ya Uchaguzi ya Zanzibar uwezo wa kuahirisha uchaguzi pindi vikiwepo vikwazo vyovyote katika kufanya uchaguzi huo, inaifafanua ibara hiyo kwa kueleza kuwa madaraka hayo ni ya Mahakama Kuu kwa mujibu wa Ibara ya 117 na 118 za Sheria hiyo.<sup>143</sup>

## **Tume ya Uchaguzi ya Zanzibar kuidhinisha kufutwa uchaguzi**

Tarehe 1Novemba, Tume ya Uchaguzi ya Zanzibar ilifanya mkutano na wajumbe wote wa tume na hatua ya kufuta uchaguzi iliidhinishwa kinyumenyume. Inasemekana kuwa mkutano huo uligawanyika sana kwa misingi ya vyama vya siasa – wajumbe wa CCM na mjumbe mmoja mwingine na mwenyekiti wakiunga mkono hatua hiyo kwa

141 Ibid., uk.248-9

142 EU EOM, op. cit., uk. 42

143 Angalia 'Election Observation Mission to the 20th March 2016 Re-Run General Elections in Zanzibar Statement, Zanzibar 21st March, 2016', imeambatanishwa na the *Report of the EAC Observer Mission to the 2015 Tanzania General Elections, 18-25 October 2015*, op. cit.

wingi wa kura nne huku wawakilishi wa CUF na makamo mwenyekiti wakipiga kura ya kuipinga hatua hiyo.<sup>144</sup>

Kwa tangazo la tarehe 6 Novemba 2015, Tume ya Uchaguzi ya Zanzibar ilichapisha taarifa ya kufutwa matokeo ya uchaguzi katika gazeti la serikali la tarehe 11 Novemba 2015. Uamuzi wa Tume ya Uchaguzi ya Zanzibar ulifanywa kwa mujibu wa Ibara ya 119 (10) ya Katiba, inayotaka kuwepo kwa akidi katika kuidhinisha uamuzi wowote wa tume hiyo; na Ibara ya 3(1) na 5(a) zinazoeleza kuwa kanuni zote, maagizo na matangazo ambayo Tume ya Uchaguzi ya Zanzibar ina madaraka ya kufanya itakuwa zimefanyika kihalali kwa idhini ya mwenyekiti au mkurugenzi wa uchaguzi na kuwa Tume ya Uchaguzi ya Zanzibar ina madaraka ya kusimamia mchakato wote wa uchaguzi.<sup>145</sup> Tangazo hilo halikufafanua sababu za kufutwa kwa uchaguzi au madaraka ya Tume ya Uchaguzi ya Zanzibar ya kufuta uchaguzi.<sup>146</sup>

### **Majadiliano kati ya CCM na CUF**

Tarehe 9 Novemba, yalianza majadiliano kati ya wagombea wakuu wa nafasi ya urais wa CUF na CCM, Maalim Seif Sharif Hamad na Dk Shein. Haya yalikuwa ni majadiliano ya kwanza ya mfululizo wa mikutano tisa juu ya uhalali wa uamuzi wa Tume ya Uchaguzi ya Zanzibar. Mikutano hiyo ilihudhuriwa vile vile na waliokuwa marais wa Zanzibar, Alhaji Ali Hassan Mwinyi na Dk Amani Abeid Karume, na makamo wa pili wa rais, Seif Ali Iddi. Ombi la CUF la kutaka mwenyekiti wa Tume ya Uchaguzi ya Zanzibar aitwe kwenye mkutano huo lilikataliwa na CCM kwa sababu hawakuwa na madaraka ya kumwita. Tume ya Uchaguzi ya Zanzibar, ijapokuwa ndiyo msimamizi na mwendeshaji wa uchaguzi haikuhusika na

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144 EU EOM, op. cit., uk.42

145 Ibid.

146 Ibid.

mikutano hii. Mikutano hii ilitanguliwa na mkutano kati ya Rais Kikwete na Seif Sharif Hamad tarehe 4 Novemba.<sup>147</sup>

Hata baada ya mikutano kadha, vyama viwili hivyo vilishikilia misimamo yao – CCM kikitaka uchaguzi mpya ufanyike, huku CUF kikishikilia kuwa kufutwa kwa matokeo ya uchaguzi hakukuwa halali, kilipinga pendekezo la kufanya uchaguzi mpya na kutaka kura za uchaguzi wa rais zihesabiwe tena na matokeo kutangazwa.<sup>148</sup> Ijapokuwa mazungumzo haya yalitoa matumaini ya kufufuliwa kwa Serikali ya Umoja wa Kitaifa, hadi kufikia mwisho wa mwaka 2015, hakuna makubaliano yoyote yaliyofikiwa kati ya vyama viwili hivi vya siasa.<sup>149</sup> Mikutano hii iliendelea hadi Januari 2016, lakini hakuna makubaliano yoyote yaliyofikiwa. Tarehe 22 Januari, kabla ya mazungumzo kati ya pande mbili hizo hayakuhitimishwa rasmi, mwenyekiti wa Tume ya Uchaguzi ya Zanzibar alitangaza kuwa uchaguzi wa marudio utafanyika tarehe 20 Machi 2016. Makubaliano ya mikutano hii yalikuwa ni siri. Kusema kweli Tume ya Kuangalia Uchaguzi ya Umoja wa Ulaya ilieleza kuwa hili lilifanywa makusudi.<sup>150</sup> Tarehe 28 Januari, CUF kilitangaza rasmi kuwa hakitashiriki katika uchaguzi wa marudio.<sup>151</sup>

Ijapokuwa baadhi ya watu ambao tume hii ilizungumza nao waliitaja mikutano hii na kueleza kuwa haikuzaa lolote lakini ukweli kuwa hapana yeyote aliyeweza kueleza ni nini hasa kilichotokea kumethibitishia madai ya tume kuhusu siri ya mikutano hii. Baadhi ya waliohojiwa walieleza kuwa hizo zilikuwa ni juhudi za Maalim Seif. Hata hivyo, walilalamika kuwa Seif alikuwa ndiye mwanachama pekee wa CUF aliyehudhuria mikutano hiyo na kwa kuwa alikuwa peke yake ni wazi kuwa alizidiwa.

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147 Ibid., uk.43

148 Ibid., uk.9

149 Kombo, op. cit., uk.255

150 EU EOM Report, op. cit., uk.9, uk.45

151 Ibid., uk.45

## Matokeo a Kufutwa Uchaguzi

Taarifa zinaeleza kuwa kufutwa kwa uchaguzi kumekuwa na athari za kijamii, kiuchumi, kisiasana <sup>152</sup> pamoja na athari za kikatiba.

### Masuala ya kikatiba

Kufuatia kufutwa kwa uchaguzi, masuala kuhusu uhalali wa kikatiba wa rais kuendelea kuwa madarakani yalianza kuibuka. Chama cha Wanasheria cha Zanzibar kilitoa taarifa na kueleza kuwa, kwa mujibu wa Ibara ya 28 (1) (b) ya Katiba inayotoa muda wa miaka mitano kwa rais kuanzia siku anayoapishwa, muda wa rais kubaki madarakani ungelimalizika tarehe 2 Novemba 2015, kwa kuwa aliapishwa tarehe 3 Novemba 2010. Kwa kujibu hilo, serikali ilinukuu Ibara ya 28(1) ya Katiba inayoeleza kuwa rais aliye madarakani ataendelea kubaki madarakani mpaka hapo rais mwingine atakapoapishwa.

Suala jengine lilihusu uhai wa Baraza la Wawakilishi – Baraza la Wawakilishi la 8 na la 11. Kwa mujibu wa Ibara ya 92 ya Katiba, uhai wa Baraza la Wawakilishi ni miaka mitano kuanzia siku ya mkutano wake wa kwanza, ijapokuwa Baraza linaweza kuvunjwa kati ya muda huo. Baada ya uchaguzi wa 2010, Baraza la 8 lilikutana tarehe 11 Novemba 2010 na lingelimaliza muda wake tarehe 9 Novemba 2015. Hata hivyo, lilivunjwa kabla ya kumaliza muda wake wa miaka mitano, tarehe 13 Agosti 2015. Na kwa kufutwa kwa uchaguzi wa mwaka 2015 hapajakuwepo na Baraza la Wawakilishi ilipofika mwisho wa mwaka 2015 ijapokuwa Spika na Naibu Spika, kwa mujibu wa Ibara ya 73 na ya 74, walibakia madarakani.<sup>153</sup> Wakati huo huo, suala la uhalali wa Baraza la Wawakilishi la 11 lilijitokeza vile vile. Kwa mujibu wa Ibara ya 90 (1), Baraza lilitakiwa likutane si baada ya siku 90 kuanzia siku ambayo Baraza lililokuwepo lilipovunjwa, siku ambayo ingelikuwa tarehe 11 Novemba 2017, lakini hili halikutokea

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152 Kombo, op. cit., uk.248

153 Ibid., uk.250-1

kwa sababu ya kufutwa kwa uchaguzi.<sup>154</sup> Baraza jipya lilikutana baada ya kurudiwa kwa uchaguzi mwezi Machi 2016, zaidi ya miezi mitatu baadaye.

Kwa kuwa uchaguzi wa Zanzibar uliofanyika sambamba na ule wa Muungano ulifutwa, uhalali wa matokeo ya uchaguzi wa Muungano, uhalali wa Bunge la Muungano bila ya kuwemo wajumbe kutoka Zanzibar na muda wa Rais Shein kuwa madarakani, yote haya yalijitokeza wakati wa kufunguliwa rasmi Bunge la 11 la Jamhuri ya Muungano wa Tanzania tarehe 20 Novemba 2015. Vyama vya CUF, Chama cha Demokrasia na Maendeleo (CHADEMA) na The National Convention for Construction and Reform–Mageuzi (NCCR) vilipinga kuhudhuria kwa Rais Shein kwa sababu muda wake wa kuwa madarakani ulimalizika, na walishinikiza kuwepo kwa Maalim Seif, ambaye walidai kuwa ndiye aliyekuwa mshindi halali wa uchaguzi wa 2015. Hili lilisababisha kufukuzwa kwao Bungeni na kuongezeka kwa mvutano kati ya CCM na upinzani.<sup>155</sup> Zaidi ya hayo uhalali wa uchaguzi wa rais na wabunge nao pia ulihojiwa kwa sababu chaguzi mbili hizo, kama ulivyokuwa uchaguzi wa Zanzibar ziliendeshwa sambamba na ziliendeshwa na kusimamiwa na Tume ya Uchaguzi ya Zanzibar na zisingeliweza kuwa halali wakati uchaguzi wa Zanzibar ulifutwa.<sup>156</sup> Kwa kuwa hadi kufikia mwisho wa mwaka 2015 Bunge la Muungano limekuwa likiendesha vikao bila ya kuwepo kwa Wabunge wa Bunge la Muungano kutoka Zanzibar, uhalali wake umekuwa ni suala lenye utata. Hoja iliyotolewa ni kuwa ili liwe limetimia kamili, Bunge la Muungano lilipaswa liwe na wajumbe watano waliochaguliwa na Baraza la Wawakilishi la Zanzibar ambao uwakilishi wao ni wa lazima na kuwa hili lingelifanyika wakati Baraza la Wawakilishi lipo na kwa hali hii hilo halikutokea.<sup>157</sup>

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154 Ibid. uk.252

155 Ibid.

156 Ibid., uk.253

157 Ibid., uk.254

Juu ya taarifa na kauli za kupinga kufutwa kwa uchaguzi zilizotolewa na vyombo na taasisi mbali mbali, pamoja na Jumuiya za Kiraia, vyama vya siasa, asasi za kidini na vyama vingine, hakuna hata mmoja aliyetumia vipengele vya katiba kuomba tafsiri sahihi kutoka mahakamani. Yamefunguliwa mashtaka ya kutaka usuluhishi wa kisheria wa uchaguzi wa 2015/16. Ilielezwa kuwa ligeliweza kupatikana suluhisho kwa mujibu wa Ibara ya 25 A ya Katiba, inayoeleza kuwa mtu yeyote anaweza kufungua mashtaka kwa sababu ya ukiukwaji au ukiukwaji unaotarajiwa wa katiba.<sup>158</sup> Imeelezwa vile vile kuwa ile hoja ya au kisingizio cha kukosa imani na mfumo wa kisheria, hasa kwa chama kama Chama cha Wanasheria cha Zanzibar ambacho kina uwezo wa kisheria wa kushughulikia masuala ya kikatiba na kufungua madai kwa maslahi ya uma haina mantiki yoyote. Zaidi ya hilo, kwa Chama cha Wanasheria wa Zanzibar, ambacho hakikuwahi kufungua mashtaka kwa maslahi ya umma, dai la kudhalilishwa kwa hatua kama hiyo haliweza kukubalika.<sup>159</sup> Kuhusu Chama cha Wanasheria cha Zanzibar, Chama cha sheria Kisichokuwa cha Kiserikali kinachoongoza cha utetezi wa Kisheria na haki za binadamu, huu ungelikuwa ni wakati mwafaka wa kujaribu uwezo wao wa kutetea maslahi ya umma. Zaidi ya hilo, hata kama haki haikupatikana katika Mahakama Kuu ya Zanzibar, suluhisho lingelitafutwa katika mahakama za kanda kama vile Mahakama ya Afrika ya Mashariki (EACJ) na Mahakama ya Afrika ya Haki za Binadamu na Haki za Wananchi.<sup>160</sup> Kushindwa kufungua mashtaka kwa maslahi ya umma kwa Chama cha Wanasheria cha Zanzibar baada ya uchaguzi wa 2015/16 kulipingwa kwa nguvu zote, juu ya kuwa chama hicho hakina uzoefu na uwezo katika kutetea maslahi ya umma. Imetolewa hoja vile vile kuwa kufungua mashtaka ya

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158 Ibid., uk.261

159 Ibid.

160 Ibid., uk.261-2

kutetetea maslahi ya umma kwa suala hilo kungeliendeleza na kuimarisha mfumo wa sheria kwa masuala ya kikatiba.<sup>161</sup>

Kwa upande mwingine, kuna hoja kuwa uingiliaji wa kisheria katika kutatua migogoro inayotokana na kufutwa kwa uchaguzi usingelikuwa na tija yoyote kwa hisia kuwa mahakama hazina uhuru. Maoni haya yanaonesha imani ndogo waliyonayo wananchi wa Zanzibar kwa mahakama na uwezekano wa mahakama hizo kusinikizwa zisifute uhaguzi. Maoni haya yamezidi kuchochewa kwa ile namna makamo mwenyekiti, ambaye ni jaji wa mahakama kuu alivyotendewa na vikosi vya usalama. Ilidhaniwa vile vile kuwa zingelifanywa mbinu na mahakama, kwa makusudi kuchelewesha matoke ya changamoto za kisheria kuhusu suala hilo na kwa hivyo kulifanya suluhisho la kisheria lisiweze kupatikana.<sup>162</sup>

## **Matokeo ya kiusalama**

Tarehe 28 Oktoba, kufuatia tangazo la kufutwa uchaguzi, zimekuwepo taarifa za kufanyiwa fujo wale waliodhaniwa kuwa wafuasi wa CUF katika kisiwa cha Tumbatu na mabomu mawili yalionekana karibu na Mji Mkongwe.<sup>163</sup> Taarifa nyengine zimeelezea juu ya kuripuka kwa mabomi ya kienyeji bila ya kuwepo kwa majeruhi.<sup>164</sup> Zaidi ya matukio haya, visiwani pamekuwepo na ulinzi mkali wa vikosi vya Muungano na vya vikosi mbali mbali vya usalama vya Zanzibar hali iliyowatisha wananchi.<sup>165</sup> Hata hivyo zimekuwepo taarifa kuwa mazingira ya kisiasa yaliendelea kuwa tulivu kwa sababu ya chama cha CUF kuwataka wanachama wake kuwa watulivu kila wakati.<sup>166</sup>

161 Ibid., uk.264-265

162 EU EOM, op. cit., uk.43

163 Ibid., uk. 41

164 Kombo, op. cit., uk.254

165 Ibid., uk.256; angalia vile vile Lowry Willy, 'Zanzibar bombings may be related to a disputed election', *The New York Times*, 1 November 2015, imepatikana katika [www.nytimes.com/2015/11/02/world/africa/zanzibar](http://www.nytimes.com/2015/11/02/world/africa/zanzibar)

166 EU EOM Report, op. cit., uk.42

## **Matokeo ya kiuchumi**

Kufutwa kwa uchaguzi kuliwafanya wafadhili wazuie ufadhili wao kwa Tanzania. Marekani iliyokiita kitendi hicho kuwa si cha halali, ilizuia ruzuku katika akaunti ya Changamoto za Milenia iliyokuwa na thamani ya mamilioni ya dola kwa madhumuni ya miradi ya maendeleo. Hii ilizidisha mfumko wa bei kwa Zanzibar, kutoka asilimia 8.7% hadi asilimia 10.9% katika miezi ya Oktoba hadi Novemba 2015. Mfumko wa bei ulisababisha kupanda kwa bei za vyakula kwa kiasi cha asilimia 4%, na kuathiri vibaya ustawi wa wananchi.<sup>167</sup>

## **Maoni Kuhusu Uchaguzi wa 2015/16**

Matukio yaliyouzunguka uchaguzi wa 2015/16 na athari za baadaye za kufutwa kwake yalielezwa zaidi wakati tume ikiwa kazini kama ifuatavyo:

### **Uchaguzi wa 2015**

Walioulizwa wengi walithibitisha kuwa uchaguzi wa 2015, tofauti na uchaguzi uliopita, ulikwenda vizuri mpaka pale ulipofutwa, maelezo ambayo yanafanana kwa kiasi kikubwa na yale maelezo mengine ya kitaaluma yaliyoelezwa hapo juu.

Tume ilielezwa kuwa wakati wa kuelekea kwenye uchaguzi, vyama vya kiraia na asasi za kidini waliendesha programu kubwa ya kitaifa ya elimu kwa raia kwa madhumuni ya kuwepo kwa uchaguzi ulio halali na wa amani. Programu hiyo vile vile iliwataka wananchi kuheshimu mahitaji ya uchaguzi na kuheshimu sheria na kanuni. Mashehe wa Kiisilamu waliwaleta mashehe wenzao kutoka Angola, Rwanda, Malawi, Msumbiji na Zambia ili kubadilishana mawazo kuhusu athari za fujo wakati wa uchaguzi na kuhubiri dhidi ya fujo hizo. Kusema kweli, wengi walithibitisha juu ya uchaguzi kuwa huru na kuwepo ushiriki mkubwa wa wananchi katika uchaguzi. Wananchi

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167 Kombo, *ibid.*, uk.257

walikubaliana kuwa uchaguzi ulifanyika kwa amani. Asasi za hapa nchini zilizofuatilia uchaguzi huo zilithibitisha juu ya kutokuwepo kwa taarifa zozote za matukio makubwa ya vurugu au makosa ya kuhusiana na uchaguzi. Waliohojiwa wengi walinukuu maeleza yaliyotolewa na watazamaji wa uchaguzi wa kimataifa yaliyothibitisha kuwa uchaguzi ulikuwa huru na wa haki. Yaliyobainika kuhusu uchaguzi wa 2015 ni kuwa *uchaguzi huo ulikuwa waizi kabisa na tulivu ukilinganisha na chaguzi nyengine za 1995, 2000 na 2005*. Kwa hivyo, kufutwa kwa uchaguzi kumetokea kuwa ni mshangao mkubwa kwa waliohojiwa wengi.

### ***Kufutwa Uchaguzi***

Waliohojiwa waliarifu tume kuwa kabla ya kufutwa kwa matokeo ya uchaguzi, Mwenyekiti wa Tume ya Uchaguzi ya Zanzibar alitwa nje ya kituo cha kuhesabu kura na kuondolewa na maafisa wa usalama mpaka pale alipoonekana tena saa kadha baadaye katika kipindi kilichorekodiwa kabla cha vyombo vya habari akitangaza kufutwa kwa matokeo. Kwa maoni ya muhojiwa mmoja, *kwa mara ya kwanza, jeshi lilishiriki kikamilifu katika mchakato wa uchaguzi*. Wakati huo huo, makamo mwenyekiti wa Tume ya Uchaguzi ya Zanzibar na wajumbe wengine wa tume walibakia na kuendelea na kuhesabu kura. Hata hivyo, waliohojiwa walibainisha kuwa baadaye, makamo mwenyekiti naye alitwa nje ya kituo na maafisa wa usalama na kupelekwa mahali pasipojulikana. Palikuwepo na tuhuma kuwa aliteswa. Magwiji walieleza kuwa kutolewa nje kwa makamo mwenyekiti kulifanyika ili kuondoa uwezekano wa makamo mwenyekiti huyo kutangaza matokea yaliyo sahihi kwa kuwa alikuwa na madaraka ya kisheria ya kufanya hivyo pale mwenyekiti anapokuwa hayupo. Kwa hivyo, kutokuwepo kwake kumefanya asiwepo mtu yeyote aliyekuwa na uwezo wa kisheria wa kutangaza matokeo ya mwisho yaliyo sahihi.

Matukio yasiyo ya kawaida yaliyouzunguka uchaguzi wa 2015 na hasa ile namna uchaguzi ulivyofutwa, yalilaaniwa kwa nguvu na waliohojiwa wengi. Kufutwa kwa matokeo yote, pamoja na yale ya

Wabunge kuliwashangaza wengi. Zaidi ya hayo, tangazo la kuufuta uchaguzi lilitolewa baada ya kumalizika uchaguzi wa wajumbe wa Baraza la Wawakilishi na matokeo kutangazwa. Siku tatu zilipita tokea kufanyika kwa uchaguzi wa wabunge, washindi walikwishapata vyeti vyao wakisubiri kuapishwa tu. Zaidi ya hayo, ijapokuwa mwenyekiti wa Tume ya Uchaguzi ya Zanzibar, Bwana Jecha, ameeleza kuwa udanganyifu katika uchaguzi na kupiga kura mara mbili huko Pemba kuwa ndiyo sababu za kuyafuta matokeo, sababu hizi zilipingwa kwa nguvu wakati tume ikiwa kazini. Uamuzi wa mtu mmoja wa kuyafuta matokea uliofanywa na mwenyekiti ulikosolewa na kuonekana kuwa ni uamuzi wake mwenyewe binafsi. Tume ilibaini kuwa wajumbe wengine wa Tume ya Uchaguzi ya Zanzibar walimpinga hadharani yeye na vitendo vyake. Katika taarifa yake iliyotolewa kwa vyombo vya habari, Tume ya Haki za Binadamu na Utawala Bora (CHRAGG) ililaani na kupinga hatua ya kufuta uchaguzi. Ilikeza kuwa Tume ya Uchaguzi ya Zanzibar, kwa mujibu wa sheria, haikuwa na madaraka ya kufuta uchaguzi na kueleza kuwa, kwa lolote lile, sheria inatoa suluhishi kwa kila dosari ya uchaguzi. Ilizidi kuelezwa kuwa hapajakuwepo na sababu za kisheria za kufuta uchaguzi wote. *Unaweza kuabirisha uchaguzi wa jimbo, na siyo uchaguzi wote.* Na kwa tukio kama hili sheria haimpi madaraka mwenyekiti kuchukua hatua kwa niaba ya tume yote. Ilikezwa kuwa Jecha hakuwa na madaraka ya kufuta uchaguzi.

Waliohojiwa waliielezea hatua ya kufuta uchaguzi kwa namna mbali mbali:

Kwa wengi kufutwa kwa uchaguzi kulielezwa kuwa ni *dosari kubwa, ukiukwaji mkubwa wa taratibu, ubalifu, si halali kabisa* na wengine wamesema *ni kinyume na katiba.*

Mhojiwa mwingine aliiambia tume:

Seif kutangaza matokea yake haukuwa uhalifu wala si kinyume na sheria.

Tume ya Uchaguzi ya Zanzibar ilifanya makosa kufuta uchaguzi. Huko Pemba watu walilia kwa sababu hiyo.

Ukizihesabu kura, mgombea wa CUF alikuwa na kura 20,000 zaidi kuliko mgombea wa urais wa CCM, tofauti iliyo kubwa kuliko ile ya kawaida ya kura 2,000. Kwa hivyo Seif anatakiwa awe rais.

Akifanya majumuisho ya hali ilivyokuwa, mhojiwa mmoja alieleza: ‘Uamuzi wa wananchi haukuheshimiwa.’

Tume ilibaini pia hali ya kukata tamaa iliyolizunguka tukio la kufuta uchaguzi. Mhojiwa mmoja, katika hali ya kuvunjia moya alisema:

Seif alishinda. Lakini amri ya kufuta matokeo ilikuja kutoka juu – kutoka Bara. Zanzibar hatuna *jesbi*, wala polisi. Wananchi hawakuweza kufanya lolote. Wangeliuliwa.

Ni wachache tu ndio waliounga mkono kitendo cha kufuta uchaguzi. Mmoja wao alikuwa na maoni haya:

Seif amejitangaza kuwa mshindi. Zilikuwepo kura zaidi katika majimbo huko Pemba kuliko ilivyotarajiwa; vilikuwepo vitisho.

Kwa wengi, kufutwa kwa uchaguzi limebakia kuwa ni suala la wasiwasi mkubwa na chanzo cha hali ya kutoridhika. Wengi miongoni mwa waliohojiwa waliambia tume kuwa Wazanzibari wengi wamefadhaishwa na kufutwa kwa uchaguzi wote wa Zanzibar. Waliuliza kwa nini uchaguzi wa Rais wa Muungano na ule wa Wabunge wa Bunge la Muungano ambao ulifanyika sambamba na ule wa Rais wa Zanzibar na wa Wajumbe wa Baraza la Wawakilishi la Zanzibar haukuathirika kabisa. La kushangaza ni kuwa, tume ilithibitisha kuwa uchaguzi uliofanywa baadaye kuhusu tuhuma za udanganyifu wa uchaguzi umebainisha kuwa malamiko hayo hayakuwa na msingi. Mahojiano na Tume ya Haki za Binadamu na Utawala Bora yalifafanua kuhusu malamiko ya kupiga kura mara mbili huko Pemba na kueleza kuwa hilo lilikuwa ni pale mpiga kura, kwa makosa alipopewa karatasi mbili za kupigia kura. Tuhumu ya

sanduku la kura kutolewa nje ya kituo cha kupigia kura kinyume na sheria nayo pia ilikataliwa kwa kuwa hilo lilitokea pale wawakilishi wa wagombea wote katika kituo fulani cha kupigia kura walipokubaliana kwa kauli moja kuhesabu kura mahali pengine penye nafasi kubwa zaidi.

### ***Sababu za kufuta uchaguzi***

Yamekuwepo maoni na maelezo tofauti kutoka kwa waliohojiwa juu ya kwa nini uchaguzi ulifutwa. Hoja kubwa ilikuwa ni kwa sababu chama cha CCM kilishindwa. Kwa mujibu wa maoni haya, wakati uchaguzi ukifutwa, chama cha CCM kilikuwa kimeshashindwa Unguja, ngome yake. Ushindi wa CUF, kwa mujibu wa maelezo ya baadhi ya waliohojiwa, ulipatikana juu ya kuwepo kwa hila za kugawa majimbo kwa kukipendelea chama tawala. Kwa mujibu wa hoja hizi, kwa mara ya kwanza chama cha CUF kilishinda majimbo tisa, Unguja, ukiongeza majimbo 18 Pemba, kwa jumla wakiwa na majimbo 27 kati ya majimbo 54 kwa Zanzibar yote kwa Baraza la Wawakilishi. Zaidi ya hayo, ushindi wa 50 kwa 50 kati ya CCM na CUF kwa uchaguzi wa Baraza la Wawakilishi ulikwishatangazwa. Kikiwa hakina tamaa ya kupata ushindi, ilisemekana kuwa chama cha CCM hakikuwa na jengine la kufanya isipokuwa kuyafuta matokeo ya uchaguzi. Zaidi ya hilo, kutangazwa matokeo ya uchaguzi wa Unguja, ngome maarufu ya CCM kabla ya kutangazwa yale ya Pemba, ngome ya chama cha CUF kulionekana kuwa ni kosa kubwa kwa upande wa CCM. Ilizidi kuelezwa kuwa, wakati CUF kikiongoza Unguja, ushindi wa kura kwa CUF huko Pemba ulikuwa ni wa wazi. Kusema kweli, kama ilivyoelezwa wakati tume ikiwa kazini, hadi wakati huo CUF haikujua chochote kuhusu matokeo ya Pemba.

Wakitilia mkazo kwa nini CCM isingelikuwa tayari kuukubali ushindi wa CUF, baadhi ya waliohojiwa walieleza kuwa serikali ya Zanzibar itakayoongozwa na CUF isingelikubalika ndani ya Muungano. Mhojiwa mmoja alieleza kuwa ‘Serikali ya Umoja wa Kitafa ni nzuri pale CCM inapokuwa madarakani tu.’ Hoja

nyengine iliyotolewa ni kuwa serikali inayoongozwa na upinzani, upande wowote ule wa Muungano iisingelikuwa na maslahi chini ya mfumo wa hivi sasa wa kisiasa. Mfuasi mmoja wa CCM alikiri waziwazi wakati tume ikiwa kazini kuwa ‘ukiitoa serikali kwa vyama vya CHADEMA na CUF Muungano utavunjika.’ Zaidi ya hayo kumekuwa na imani kuwa kwa mara ya kwanza katika historia ya nchi, upinzani umeshinda mara mbili. Umeshinda katika kura za rais wa Muungano Zanzibar, pamoja na kura za rais wa Zanzibar. Mgombea wa upinzani Lowassa inasemekana kuwa alipata kura nyingi zaidi Zanzibar kwa nafasi ya rais wa Muungano na Seif Hamad kwa nafasi ya rais wa Zanzibar.

Tume imeelezwa vile vile, kuwa chama cha CUF kabla ya uchaguzi, kiliruhusiwa kufuatilia na kuhesabu kura za matokeo ya uchaguzi. Baadhi ya waliohojiwa walithibitisha kuwa, siku ya kupiga kura, chama cha CUF kimekuwa na watu waliokuwa wakiranda kutoka kituo kimoja cha kupigia kura kwenda katika kituo kingine, wakikusanya matokeo ya mwisho ya uchaguzi na nakala za fomu za matokeo ya mwisho ya uchaguzi zilizotiwa saini. Kusema kweli, CUF chenyewe kilijigamba kuwa kilikuwa na utaratibu madhubuti wa kufuatilia uchaguzi na kwa sababu hiyo ndiyo maana kilijitangaza kuwa mshindi. CUF kilikiri vile vile kuwa kutokuwepo namna yoyote ile ya kuthibitisha ushindi wake kwa miaka yote iliyopita kimelezimika kuwa na mfumo madhubuti wa kufuatilia uchaguzi. Chama hiki kilithibitisha kuwa kilipata msaada kutoka Umoja wa Kimataifa wa Kidemokrasia ambao umekiwezesha kujiandaa vizuri, kutoa mafunzo kwa watumishi wake na kutengeneza mfumo utakaowawezesha kufuatilia kwa makini upigaji kura ili kuepukana na udangayifu katika kupiga kura. Muhojiwa mmoja alithibitisha hilo:

Mkakati huo ulikuwa rahisi lakini wa siri. Ulikuwa ni pamoja na kukusanya matokea kutoka sanduku moja moja. Na ilipofika saa 5 usiku, tarehe 26 Oktoba 2015, Hamad, akiwa na matokeo, alivita vyombo vya habari na kujitangaza kuwa mshindi.

Zaidi ya hilo, ilielezwa kuwa ushindi wa CUF usingeliweza kufichika kwa kuwa matokeo ya mwisho yalikuwa tayari yanajulikana na wananchi. Maelezo ya waliohojiwa mbali mbali yalieleza kuwa matokeo ya uchaguzi yalisambaa kwa urahisi Siku ya Uchaguzi. Wengi walithibitisha kuwa matokeo ya mwisho ya uchaguzi yalioneshwa waziwazi katika vituo mbali mbali vya kupigia kura. Kama ilivyoelezwa:

Matokeo yalijulikana na yalitangazwa. Kila mgombea aliweza kujua matokea yake. Yalikuwa wazi.

Ilielezwa vile vile:

Kila wakala katika kila kituo cha kupigia kura alipata matokeo ya mwisho ya uchaguzi kabla ya saa sita usiku ya siku ya kupiga kura. Matokeo ya mwisho yalibandikwa ukutani. Mawakala walitia saini.

Kwa upande mwingine, kuna wale walioamini kuwa hata bila ya kuwepo mfumo 'usio na shaka'wa CUF wa kufuatilia uchaguzi na kuhesabu kura, Tume ya Uchaguzi ya Zanzibar ingelimtangaza rasmi mshindi halai kama matokeo yasingelifutwa kwa kuwa Tume hiyo ilikusanya na kuhesabu kura za matokeo ya mwisho ya uchaguzi kwa utaratibu mzuri na kwa namna iliyokuwa wazi.

Wakati baadhi ya waliohojiwa waliilaumu Serikali ya Zanzibar au Serikali ya Muungano kwa kufutwa kwa uchaguzi, nani hasa aliyehusika moja kwa moja bado ni kitendawili. Baadhi ya waliohojiwa, kama ilivyoelezwa hapo awali, walimpongeza Kikwete kwa kusababisha kuwepo kwa Serikali ya Umoja wa Kitaifa, wachache walimlaumu kwa kufutwa kwa matokeo ya uchaguzi:

Kila Mzanzibari anajua kuwa uchaguzi haukuwa na udanganyifu lakini ulifutwa kwa amri ya Kikwete.

Walipeleka jeshi katika hoteli ambayo mchakato wote wa kufuta uchaguzi ulifanyika. Sisi ni kolini ya Tanganyika; viongozi wa hapa ni vibaraka wa Tanganyika. Magufuli amerithi donda la kisiasa lililosababishwa na Kikwete.

### ***Athari za kufuta uchaguzi***

Sehemu hii anaeleza maoni yaliyotolewa juu ya athari za kisiasa, kiuchumi na kijamii zilizojitokeza mara baada ya kufutwa kwa matokeo ya uchaguzi wa 2015.

Baadhi ya watu walieleza kwa tume maoni yao juu ya athari zilizojitokeza mara baada ya kufutwa kwa uchaguzi. Yalikuwepo maoni kuwa haki ya vyombo vya habari na haki ya kupata habari zilikiukwa. Maoni haya yamefikiwa kutokana na ukweli kuwa pale Maalim Seif alipotangaza matokei yake, hakuna lolote lililomtokea *lakini kituo cha radio kilichotoa taarifa hiyo kilifungwa kwa muda wa miezi mitatu.*

Mawazo madhubuti yameeleza kuwa kufutwa kwa uchaguzi hakukuwa na mantiki yoyote. Kumelezwa kuwa hakukuwa suluhisho kwa suala la Zanzibar au kwa namna yoyote ile la kuudhofisha upinzani na badala yake limeuimarisha upinzani huo:

Kufuta uchaguzi si suluhishi. Hakutoirekebisha hali ya Zanzibar. Kunaifanya hali iwe mbaya zaidi. Upinzani bado upo pale pale. Kufuta uchaguzi kunaufanya upinzani ufanye kazi zaidi na kuzidi kuwa na nguvu. Huwezi kuuzuia au kuuu upinzani. Zanzibar ina upinzani ulio imara zaidi katika Afrika ya Mashariki.

Jambo ambalo tume imeliona linakera ni kule kutokuwepo kwa upinzani wowote dhidi ya uchaguzi wa 2015. Ni wazi kuwa hakuna hatua yoyote ya kisheria iliyochukuliwa kupinga kufutwa kwa uchaguzi wa 2015 au kuweka hali ya mambo sawa. Zimetolewa sababu chache wakati tume ikiwa kazini za kuelezea hali hii. Ya kwanza ni kutokuwepo kwa mahakama ya katiba katika Jamhuri ya Muungano wa Tanzania. Wakati mahakama hiyo inatajwa katika katiba haikupata kuanzishwa. Katika hali hiyo, hakuna namna yoyote ya kisheria ya kushughulikia masuala ya kikatiba kama yale yaliyojitokeza kutokana na uchaguzi wa 2015/16. La pili ni kutokuwepo kwa msingi wa kisheria wa kupinga matokea ya uchaguzi wa rais nchini Tanzania. Hoja iliyopo ni kuwa, tofauti na majirani zake Kenya na Uganda,

mfumo wa sheria wa Tanzania hautoi fursa ya kupinga matokeo ya uchaguzi wa rais. Tume imebaini kuwa katiba zote mbili, ya Muungano na ya Zanzibar hazina vipengele kama hivyo. Kwa hali ya Zanzibar, walinukuu Ibara ya 119 (13) ya Katiba ya Zanzibar inayoeleza kuwa:

Hakuna mahakama itakayokuwa na uwezo wa kisheria wa kuhoji kitu chochote kitakachanywa na Tume ya Uchaguzi ya Zanzibar wakati ikifanya shughuli zake kwa mujibu wa Katiba hii.

Kwa hivyo, bila ya uhalali wa kisheria (*locus standi*), matokea ya uchaguzi wa rais, yakishatangazwa, huo ndio mwisho. Baadhi ya watazamaji wa uchaguzi wameiona dosari hii na kutoa pendekezo la kuirekebisha hali hiyo.<sup>168</sup>

Mwisho, watu wengi wameeleza juu ya kutokuwa na imani na mahakama kwa kiasi kikubwa kwa sababu ya ushabiki wake wa kisiasa. Wamelalamika kuwa mahakama ya Zanzibar inatumikia maslahi ya chama tawala na serikali. Kwa mantiki hii waliohojiwa wengi waliambia tume wasingelitegemea kuwa mahakama kutengua uamuzi wa Tume ya Uchaguzi ya Zanzibar. Jambo moja lilikuwa wazi: *Mahakama zinapendelea - CCM na zisingelijali kutetea maslahi ya umma kwa kupinga matokeo ya uchaguzi.* Kwa kutetea hofu hii tume mara kwa mara ilielezwa kuhusu tukio ambalo, baada ya kufutwa kwa matokeo ya uhaguzi, kiongozi mmoja mkuu wa mahakama alieleza hadharani kuwa hakuna lolote lililo chanya litakaloweza kutokea kutokana hatua yoyote ya mahakama kuhusiana na uchaguzi. Kwa maneno ya muhojiwa mmoja: 'Inakuwaje afisa wa mahakama azungumze kama kwamba yeye ni mwanasiasa? Utategemeaje kesi ya haki na kuwa na imani na mahakama?'

Muhojiwa mwengine hakuzungumzia suala la ushabiki wa kisiasa tu bali alizungumzia pia masuala nyeti ya uwezo yanayoihusu mahakama ya Zanzibar. Kwa maoni yake, majaji hawaimudu kazi yao na kwa baadhi ya mashauri hawatoi haki ipasavyo. Akitilia

168 Angalia EAC Observer Report, uk.38; the EU EOM Observer Report, uk.47-48

mkazo hili, alitoa mfano wa tukio la mwaka 2001 pale Chama cha Wanasheria cha Zanzibar kilipohoji ubora wa majaji wanaoteuliwa na rais kuhusiana na kutokuwa na sifa zinazotakiwa na uwezo wao.

## **Uchaguzi wa marudio wa 2016**

Tume imebaini kuwa matukio yanayohusiana na uchaguzi wa marudio wa mwaka 2016 yameelezwa katika ripoti mbali mbali.

Kufuatia kufutwa kwa matokeo ya uchaguzi, serikali ilitangaza kurudiwa kwa uchaguzi, ambao ulifanyika tarehe 20 Machi 2016. Uchaguzi huo uligomewa na vyama tisa kati ya vyama vya siasa 14 vilivyoshiriki katika uchaguzi wa rais wa mwezi Oktoba. Vyama hivyo vilikuwa ni pamoja na chama kikubwa cha upinzani - CUF.<sup>169</sup> Chama cha CUF katika mkutano wa nne wa majadiliano na CCM uliofanyika tarehe 24 Novemba, kilitoa mapendekezo mawili ya kuituliza hali ya Zanzibar. La kwanza lilikuwa ni kwamba pindi chaguzi zote tatu za Zanzibar zikirudiwa, uchaguzi wa rais, wa Baraza la Wawakilishi na wa ngazi ya serikali za mitaa, chama cha CUF kitashiriki tu kama chaguzi hizo zitaendeshwa na Tume Huru itakayoongozwa na Umoja wa Mataifa. Pendekezo la pili lilikuwa ni kuwa irudiwe sehemu ya uchaguzi wa rais katika majimbo 14 ya Pemba yalipokuwepo madai ya kujitokeza dosari. Hata hivyo, CCM ililikataa pendekezo la awali kwa sababu ya kutokuwepo hoja za kisheria kwa tume itakayoongozwa na Umoja wa Mataifa, na hakikulizangatia pendekezo la pili.<sup>170</sup>

Juu ya kuwa vyama viliwasiliana kwa maandishi na Tume ya Uchaguzi ya Zanzibar juu ya kukataa kwao kushiriki, tume haikuyaondoa majina ya wagombea waliogoma au vyama vyao kutoka kwenye karatasi za kupigia kura, na vyama vya siasa vilivyoshiriki havikuruhusiwa kufanya kampeni kabla ya marudio ya uchaguzi.<sup>171</sup> Matokea ya uchaguzi wa marudio yalikuwa ni ushindi wa

<sup>169</sup> EU EOM Report, *op. cit.*, uk.9& uk.45

<sup>170</sup> *Ibid.*, uk.43

<sup>171</sup> *Ibid.*, uk.45

asilimia 91.4 % kwa chama tawala cha CCM na kutangazwa rais aliye madarakani Dk. Ali Mohamed Shein, kuwa mshindi.

Zaidi ya taarifa kutoka katika maandishi yalioletajwa hapo juu, tume ilisikia maoni mbali mbali juu ya uchaguzi wa marudio wa 2016 ikiwa ni pamoja na maelezo ya CUF juu ya kwa nini chama hicho kilikataa kushiriki katika uchaguzi wa marudio.

Wengi miongoni mwa wale waliozungumza na tume waliulaani uchaguzi wa marudio na kusema kuwa ulikuwa ni aibu, siyo kwa namna ya ushindani ulivyokuwa ambapo matokea ya 2015 yalifutwa lakini pia kwa sababu chama cha CUF kilikataa kushiriki. Muhojiwa mmoja alisema: ‘Uchaguzi wa 2016 ulishirikisha kundi la wahuni waliojidai kuwa kuna uchaguzi uliokuwa ukiendelea.’

Waliohojiwa walithibitisha pia juu ya idadi ndogo ya wapiga kura waliojitokeza kwenye uchaguzi wa marudio. Tume ilielezwa kuwa huko Pemba, ngome ya wapinzani, hawakupiga kura kabisa, isipokuwa kwa wafuasi wachache wa CCM. Kwa mujibu wa muhojiwa mmoja, *wapiga kura waliokuwepo wakati wa uchaguzi wa marudio walikuwa chini ya asilimia 20%*. Maoni yanayohusiana na hayo yameeleza kuwa katika baadhi ya majimbo huko Pemba, baadhi ya wabunge walitangazwa kuwa washindi bila ya kupigiwa kura.

Chama cha CUF kilifafanua sababu zilizokifanya kisusie marudio ya uchaguzi. Sababu kubwa ni ukiukwaji wa katiba katika kufuta uchaguzi. Kwa maoni yao, kushiriki katika marudio ya uchaguzi kungelikinzana na msimamo wao juu ya ukiukwaji wa katiba na ubatili wa kufuta uchaguzi na kutangaza uchaguzi wa marudio. Walitoa hoja kuwa hakuna kipengele katika Sheria ya Uchaguzi ya Zanzibar au sheria nyengine yoyote ile kinachompa madaraka mwenyekiti au mjumbe yeyote wa Tume ya Uchaguzi ya Zanzibar kufuta uchaguzi. Wenye madaraka hayo ni wasimamizi wa uchaguzi tu tena kwa uchaguzi katika majimbo na mnamo siku tatu za uchaguzi.

Hoja yao ya pili ilikuwa ya kisiasa. Walidai kuwa, ni kwa sababu CCM kilishindwa katika uchaguzi ndiyo maana waliufuta uchaguzi

huo, na kusambaza vikosi vya usalama kwa wingi siku ya uchaguzi, hizo zilikuwa ni dalili za wazi za nia ya CCM kutaka kuchukua madaraka kwa namna yoyote ile na kwa hivyo kushiriki kwa CUF katika uchaguzi wa marudio kungelikua ni kitendo kisichokuwa na maana yoyote. Pia, waliamini kwa dhati kuwa kama CUF kingelishiriki, yangelitokea machafuko makubwa dhidi ya upinzani. Maoni haya yaliungwa mkono na muhojiwa mmoja wakati tume ikiwa kazini:

Upinzani haukushiriki katika marudio ya uchaguzi kwa sababu mwenyekiti wa Tume ya Uchaguzi ya Zanzibar aliufuta uchaguzi kwa sababu tu upinzani ulishinda. Walikuwa na shaka kama wangelishiriki uchaguzi huo ungelikuwa kweli ni huru na wa haki. Pia waliususia kwa sababu upinzani uliogopa kuwa wangeliteswa, wangelitishwa au hata wangeliuliwa na wanajeshi kwa sababu wanajeshi wengi waliwekwa ili 'kuulinda' uchaguzi.

Kwa maoni ya muhojiwa mwingine, kutokuwepo kwa fujo wakati wa uchaguzi wa marudio, bila ya kujali kususiwa kwa uchaguzi huo, kulitokana na kuwepo kwa Serikali ya Umoja wa Kitaifa. Fujo ingeliweza kutokea kutokana na mchakato wa kususia uchaguzi.

## Hali ya Baada ya Mwaka 2016

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Kuilewa vizuri hali hiyo, tume ilitafuta maoni ya Wazanzibari juu ya hali ya kijamii, kisiasa na kiuchumi visiwani Zanzibar baada ya uchaguzi wa 2016. Maoni yao yanaelezwa katika sura hii.

Yamekuwepo maoni mchanganyiko kuhusiana na hali ya Zanzibar. Ni watu wachache tu wanaoonekana kuridhishwa na serikali ya hivi sasa na hali ya mambo ilivyo. Kwa waliohojiwa wengi, tume ilibaini kuwepo hali ya kuvunjika moyo na wasiwasi kuhusiana na mustakibali wao. Tume imebaini vile vile kuwepo hali ya huzini kwa kusambaratika kwa Serikali ya Umoja wa Kitaifa. Kama ilivyobainika: *Tumechoka kuwapoteza wapendwa wetu; tunawatazama tu [akikusudia wale walio madarakani].*

### Aina/Tabia ya Serikali ya Baada 2016

Baada ya uchaguzi wa marudio, chama kikuu cha upinzani, CUF, kilijitenga na serikali na Baraza la Wawakilishi.

Rais Shein aliteua wanachama watatu wa vyama vidogo vya upinzani kuwa mawaziri. Ukiwaacha hawa watatu, mawaziri wengine wote ni wanachama wa chama tawala cha CCM. Kwa kuwa CUF hakikushiriki katika uchaguzi wa marudio wa 2016 hivi sasa hakina wajumbe katika Baraza la Wawakilishi kwa hivyo ni wazi kuwa hakuna mwanachama wa CUF aliye waziri kwa sababu mawaziri

lazima wawe wajumbe wa Baraza la Wawakilishi. Kwa hivyo, hivi sasa Baraza la Wawakilishi linadhibitiwa na CCM ambao ndio wengi.

Mawaziri watatu kutoka katika vyama vidogo vya siasa ni Bwana Hamad Rashid wa Alliance for Democratic Change (ADC), ambaye ni Waziri wa Kilimo, Maliasili, Mifugo na Uvuvi, wakati Bwana Juma Ali Khatib kutoka African Democratic Alliance (ADA-TADEA) na Bwana Said Soud Said kutoka Alliance for Farmers Party (AFP) wote wameteuliwa kuwa mawaziri wasiokuwa na wizara maalum. Hao wawili wa mwisho ni sura mpya katika baraza la mawaziri. Hata hivyo, Bwana Rashid, ni mwanasiasa mzoefu ambaye aliwahi kuwa waziri katika serikali ya kwanza ya Muungano chini ya Mwalimu Julius Nyerere, lakini baadaye alifukuzwa kutoka CCM na kujiunga na CUF hadi mwaka 2015, ambako pia alifukuzwa na kujiunga na ADC.

Katika vyama vitatu hivyo ADA-TADEA ndiyo kikongwe kikiwa kimeanzishwa mwaka 1990 lakini kusajiliwa kikamilifu na kutambuliwa rasmi mwaka 1992, na hivi sasa kinaongozwa na John D. Lifa Chipaka. Cha pili kwa ukongwe ni AFP kilichoanzishwa 2009 na kuongozwa na Said Soud Said. Kipya kabisa na ambacho Rais Shein ameteua waziri ni ADC, kilichoanzishwa mwaka 2012 na Said Miraji Abdallah, aliyekuwa mwanachama wa CUF na mjumbe wa Baraza la Wawakilishi. Hakuna hata kimoja katika vyama vitatu hivi kilichowahi kupata kiti katika Baraza la Wawakilishi hapo kabla.

Tume ilikusanya maoni mbali mbali juu ya serikali ya Zanzibar ya hivi sasa. Kwa jumla, ni watu wachache tu walioielezea serikali ya hivi sasa kuwa ni Serikali ya Umoja wa Kitaifa. Wale walioifananiwa na Serikali ya Umoja wa Kitaifa ya 2010 ni kwa sababu ya kuwaingiza wajumbe wa vyama vya upinzani tu. Wengine ambao walikuwa na mawazo kama hayo wameielezea serikali ya hivi sasa kuwa ni Serikali ya Umoja wa Kitaifa yenye nguvu zaidi kwa sababu ya kuvishirikisha vyama vitatu vya upinzani tofauti na ile iliyopita iliyokishirikisha kimoja tu.

Hata hivyo, maoni ya wengi yalikuwa kinyume ya hivyo. Wakichukizwa na serikali ya hivi sasa, waliohojiwa wengi walikiri waziwazi kuwa wasingeliweza kuielezea sawasawa tabia ya serikali ya Zanzibar ya baada ya mwaka 2016 kwa kuwa haiko kama vile Serikali ya Umoja wa Kitafa inavyoelezwa katika katiba ambayo inaitaka serikali hiyo iwe na chama kilichoshinda na chama cha pili kilichopata asilimia 10% ya kura pamoja na wajumbe waliochaguliwa wa Baraza la Wawakilishi. Wengine walikataa kabisa kuwepo kwa Serikali ya Umoja wa Kitaifa. Muhojiwa mmoja alisema. ‘Mantiki ya Serikali ya Umoja wa Kitaifa haipo’. Hoja kubwa inayotolewa na wale wenye msimamo huu inatokana na uhalali wa kikatiba wa Serikali ya Umoja wa Kitaifa ya hivi sasa. Hoja nyengine ni kuwa mdhamini mkubwa wa Serikali ya Umoja wa Kitaifa ni kutambulika kwake kikatiba ambayo itahakikisha kuwepo kwake bila ya kujali ni chama gani kilichoshinda. Hata hivyo, udhamini huu wa Serikali ya Umoja wa Kitaifa ulisita pamoja na uchaguzi wa 2016; kwa hivyo, ndiyo maana waliohojiwa wengi wameieleza serikali ya Zanzibar ya hivi sasa kuwa ni batili na ipo kinyume na katiba.

Hili limedhoofisha ari na kufuta maana ya Serikali ya Umoja wa Kitaifa ya asili, ya mwaka 2010 iliyokuwa na nia ya kuvisuluhisha vyama vikubwa viwili – CCM na CUF.

Kiongozi wa CUF anaieleza hali hiyo:

Chama cha CUF kinatafuta amani ya kweli na umoja kwa misingi ya chama na sera zake lakini hivi sasa tunakabiliwa na serikali haramu, iliyopo kinyume na katiba. Katiba ya Zanzibar haifuatwi. Serikali ipo kinyume na katiba, haikuchaguliwa, si Serikali ya Umoja wa Kitafa. Tumerudi katika hali ya ushabiki wa vyama iliyokuwepo kabla ya Serikali ya Umoja wa Kitaifa - bila ya uweledi.

Wakati tume hii ikiwa kazini, nafasi ya makamo wa kwanza wa rais, iliyokuwa imeshikiliwa na Seif Hamad, ilibaki wazi. Hata hivyo, kwa kuwa Serikali ya Umoja wa Kitaifa imo ndani ya katiba na sheria za nchi, maoni mengi yaliyotolewa wakati tume ikiwa kazini ni kuwa

serikali ya hivi sasa ni serikali ya chama kimoja inayoongozwa na CCM.

Kwa ufasaha zaidi, imeelezwa kuwa serikali ya hivi sasa haiendani na ufafanuzi wa Serikali ya Umoja wa Kitaifa kama ulivyo katika katiba unaoelezea kuwepo kwa makamo wawili wa rais, kwa sababu serikali ya hivi sasa ina makamo wa pili wa rais tu na haina makamo wa kwanza wa rais. Limetajwa vile vile suala la kipengele cha katiba kinachosema kuwa ili chama kiwe na sifa ya kuwemo katika Serikali ya Umoja wa Kitaifa lazima kiwe kimeshika nafasi ya pili wakati wa uchaguzi na kiwe kimepata zaidi ya asilimi 10% ya kura ili kuwa na sifa ya kuwa sehemu ya baraza la mawazri kizingiti kinachovizua vyama vitatu vya upinzani ambavyo hivi sasa ni sehemu ya serikali kwa kuwa havikuweza kuwa na sifa hiyo. Kwa maneno ya mhojiwa mmoja. 'Vyama vitatu hivyo havikushinda hata kiti cha kata.' Wengine wamevieleza hivyo vyama vitatu vya watu wachache viliomo ndani ya serikali kuwa ni 'vibaraka' wa CCM. Hoja nyengine ya msingi ni kuwa bila ya CUF, chama ambacho kina wafuasi wengi katika nchi, kwa serikali, serikali ya hivi sasa haikidhi hata kidogo ufafanuzi wa Serikali ya Umoja wa Kitaifa kama ulivyo ndani ya Katiba ya Zanzibar.

Kwa hivyo, zaidi ya kuwa imekuwa serikali ya chama kimoja, limeibuka pia suala la ubatili wake na kuwa kwake kinyume na katiba. Muhojiwa mmoja alieleza kuwa :

Imeundwa serikali ya chama kimoja kwa sababu hapajakuwepo chama cha upinzani kilichopata kiti katika Baraza la Wawakilishi. Upinzani umeipinga serikali kama hiyo na kusema kuwa ni batili na umeigomea serikali. Kuna dosari – kuna Serikali ya Umoja wa Kitaifa kisheria lakini si kiuhalisia. Hali kama hii inajenga uadui.

## Haki za Binadamu na Hali ya Kisiasa

Pamekuwepo na wasiwasi mkubwa kuhusiana na hali ya haki za binadamu baada ya uchaguzi wa marudio wa 2016 . Tume imebaini kuwa tokea kurudiwa kwa uchaguzi huo:

Baadhi ya wafuasi wa CUF wamedhalilishwa na kupigwa, milango imevunjwa pale mtu alipokataa kufungua. Wake za watu walibakwa na waume zao kupigwa, wengine hadi kufa na wengine wamefanywa vilema. Yote haya yamenakiliwa. Baadhi ya viongozi wamekamatwa. Wale walioshinda uchaguzi wamekamatwa, wameteswa, wamepigwa mateke na kupigwa. Tunasikia kuna maagizo kutoka Bara kusitisha hayo.

Unguja, imechorwa taswira ya hali ya hofu kubwa na wasiwasi miongoni mwa Wazanzibari. Hofu hiyo ilihusishwa na hali ya kisiasa iliyokuwepo ambayo waliohojiwa walidai kuwa iliwanyima watu haki ya kusema kwa uhuru juu ya masuala yanayohusu hali ya kisiasa. Mahojiano ya tume yalibaini kuwepo kwa ongezeko la matukio ya mateso, ya kupotea na mauaji ambayo yalikusishwa na serikali. Kuzagaa na kuzidi hali ya vitisho miongoni mwa wananchi lilikuwa ni jambo la kawaida. Ijapokuwa serikali ilikanusha. Limetajwa pia suala la mazezeta, kundi la kikatili lililojulikani kwa ukatili wake wa kukamata, kutesa na baadhi ya wakati kuua, kwa yeyote yule aliyesema chochote kuipinga serikali. Tukio la kifo cha katibu wa uwenzezi wa CUF mwezi Oktoba 2017 ikituhumiwa kuwa aliuliwa na Mazezeta lilitajwa mara kwa mara. Taarifa zilidai kuwa alikufa baada ya kupigwa sana na kuachwa afe kufuatia tuhuma za uhaini dhidi yake.

Huko Pemba, tume ilielezwa juu ya tukio ambalo mtu mmoja alichukuliwa kutoka nyumbani kwake na watu wasiojulikana wanaoaminika kuwa ni watumishi wa usalama na kupelekwa Unguja. Tukio hili lilihusishwa na mtu huyo kwa sababu ya kutoa matamshi ya kuipinga serikali. Palikuwa na wasiwasi kuwa hiyo ilikuwa ni kazi ya Mazezeta. Ni wazi kuwa watu wengi wa Zanzibar wana hofu kubwa kwa usalama wao binafsi na familia zao. Jumuiya za Kiraia

nazo pia zinawaogopa Mazezeta. Kama ilivyoelezwa, *Jumuiya nyingi za Kiraia haziwazi kusema kitu kwa hofu ya kuambwa kuwa ni wapinzani wa serikali, kukamatwa na serikali na kukabiliana na balaa la Mazezeta wanaoweza kukupiga, kukuua au kukuchomea moto nyumba yako.*

Baadhi ya wanawake waliohojiwa waliarifu tume kuwa kusambaratika kwa Serikali ya Umoja wa Kitaifa na hali ya wasiwasi ya baadaye imesababisha hali ya kukata tamaa ya kuwepo kwa amani na utulivu kwa wanawake. Hili limesababisha kuwepo kwa ukiukwaji mkubwa wa haki za binadamu, kama vile kuvunjiwa nyumba, jambo linalowaathiri wanawake kwa namna ya pekee. Walilalamika juu ya namna ya wale waliowatuhumu kuharibu mali, kama vile maafisa wa usalama, watumishi wa serikali za mitaa na Mazezeta, namna walivyowanyanyasa na kukiuka haki za wanawake. Walielezea vile vile shida inayowapata kutokana na kukosa makazi – ikiwa ni pamoja na kulazimika kutafuta makazi kwenye nyumba za mabinti wao –, jambo la kudhalilisha kwa wanawake watu wazima wenye familia zao. Wale wenye mawazo haya wanaamini kwa dhati kuwa serikali inaunga mkono shida ya watu kukosa makazi badala ya kuwasaidia wale waliokosa makazi makwao.

Zaidi ya hayo, hasa kuhusiana na uchaguzi wa marudio, kuna maoni ya jumla kuwa wale walio madarakani hawakuwajali au wamewajali kidogo wananchi wa kawaida. Pamekuwepo na malalamiko kuwa maamuzi na sera zinatungwa na watu wachache walio juu bila ya kuwashauri wale walio chini au kupata ushiriki wao. Matokeo yake ni kuwa, mahitaji ya jamii hayakuzingatiwa. Kadhalika, wananchi wanapewa ahadi za maneno matupu, hasa wakati wa kampeni, ahadi ambazo hazitekelezwi mpaka kumalizika kwa awamu ya kisiasa, na mwanasiasa huyo huyo hurudi tena kwa jamii wakati wa uchaguzi mwingine. Matokeo yake ni kuwa jamii nyingi za vijijini wanakosa mahitaji ya msingi ya kijamii. Wanaoathiriwa zaidi ni wanawake ambao katika hali ya umasikini mkubwa inawabidi wabebe mzigo

mzito wa kuwalea watoto na kuangalia nyumba kwa kuwa tabia ya kuwa na wake wengi imeenea Zanzibar.

Tume imepata habari vile vile kuwa serikali inawazuia watu wasijieleze kwa uhuru juu ya yale yaliyotokea baada ya uchaguzi wa mwaka 2015 na upungufu wa serikali ya hivi sasa. Zimetolewa taarifa za mashtaka ya kubuni dhidi ya wale wanaoikosoa serikali ya hivi sasa au kuubeza uchaguzi wa 2016. Kwa sababu ya hofu hii, Jumuiya za Kiraia za Zanzibar zimekuwa na hofu kiasi kwamba zimeshindwa hata kusema juu ya mwenendo wa kisiasa wa hivi sasa. Mwanachama mmoja wa jumuiya ya kiraia amekiri wazi kwa tume hii kuwa Jumuiya za Kiraia Zanzibar hazikuwa na ujasiri hata wa kufanya utetezi juu ya masuala muhimu kama vile kufufua mchakato wa kuipitia upya katiba nchini Zanzibar. Walikuwa na hofu kuwa kwa kufanyya hivyo wangelikuwa wanakwenda kinyume na serikali ya Zanzibar, ambayo inaaminika kuwa inaunga mkono mfumo wa serikali mbili, na serikali ya Jamhuri ya Muungano wa Tanzania na hasa Rais Magufuli, ambaye anaona mchakato wa kuipitia upya katiba si muhimu. Kwa baadhi ya watu, vitendo visivyo halali vinavyoendelea hivi sasa pamoja na ukiukwaji wa haki za binadamu vinawakumbusha siku za kabla ya Serikali ya Umoja wa Kitaifa na wengi wamevihusishavitendo hivyo na kutokuwepo kwa Serikali ya Umoja wa Kitaifa. Maelezo ya muhojiwa mmoja yanaeleza jinsi hali ilivyokuwa mbaya: 'Ni jambo linaloumiza kichwa kufikiri nini kitakachotokea bila ya Serikali ya Umoja wa Kitaifa. Hali ni mbaya na ijapokuwa watu wamenyamaza kimya, wanatokwa damu ndani kwa ndani.' Waliohojiwa wengi wameeleza hofu yao vile vile kuwa watu wenye hasira zilizofungwa kizibo ni bomu la mtego ambalo litaripuka wakati wowote ule, sasa hivi au halafu.

Wengine wanaamini kuwa hali iliyoelezwa hapo juu imechochewa na ukimya wa upinzani. Zaidi ya salamu za matumaini ambazo CUF imezitoa kwa wananchi pamoja na kuwataka kutulia na kuwa wavumilivu, pamekuwepo na wasi wasi kuwa kwa jumla CUF

imefumbwa mdomo kuhusu yale yanayoendelea hivi sasa na hatua gani nyengine ya kuchukua. Hilo limesababisha wasiwasi mkubwa kwa baadhi ya Wazanzibari ambao hawana hakika nini kingine CUF kitafanya. Kwa baadhi ya watu hawana hakika kama CUF itashiriki katika uchaguzi wa 2020.

Hili limeelezwa kwa ufasaha wakati wa mahojiano na muhojiwa mmoja:

Ukweli kuwa wanajaribu kuwapa matumaini wafuasi wao bila ya kuwepo kwa muda maalum umeleta wasiwasi, na bila ya kuwepo majibu madhubuti kutoka CUF juu ya nini kingine kitafanya, hili limeusababishia uongozi wa chama hicho kupata sinikizo kubwa.

Hali hii, kwa mujibu wa habari zilizopatikana, inazidi kuchochewa na ukweli kuwa chama cha CUF lazima kiwashughulikie wanachama wake waliokasirika sana, hasa vijana, kwa sababu ya kufutwa kwa uchaguzi – kundi la watu wasiokuwa na ajira si rahisi kulidhibiti na hawa ndio wenye mategemeo ya mustakibali mzuri. Wakati wa majadiliano, imeonekana dhahiri kuwa kuwatuliza wafuasi, hasa vijana ilikuwa ni shida. *Wanataka mabadiliko, maisha bora, ajira. Wanataka kujua nini kitatokea baada ya uchaguzi uliopita.*

Kiongozi mmoja wa upinza amekiri kuhusu ukweli huu, na kuseme hili kuhusu vijana: ‘Umetwambia tusubiri kwa miaka miwili. Nini kingine?’

Kuna hofu ya vijana kufanywa wawe na siasa kali, hasa ukiangalia kuzidi kwa dalili za ugaidi katika Afrika ya Mashariki. Wengine walitahadharisha juu ya gharama ya ugaidi Zanzibar kuhusiana na maisha ya watu, ukichukulia idadi yake ndogo ya watu ambapo kuuwa watu 100 itakuwa balaa.

Zaidi ya hayo yaliyoelezwa hapo juu, kurudi katika hali ya nchi yenye ushindani mkali wa kisiasa imekuwa ni jambo la wasiwasi mkubwa kwa waliohojiwa wengi. Tume ilielezwa kuwa mpasuko wa kisiasa na mvutano kati ya wafuasi wa CCM na CUF umeibuka upya. Baadhi ya vijana ambao tume imezungumza nao wamekiri

kuwa mgawanyiko wa kisiasa miongoni mwa Wazanzibari umeibuka upya, hata miongoni mwa weledi, tena kwa misingi ya kikanda kati ya Pemba na Unguja.

Kuibuka upya kwa hali ya uhasama ulikuwepo huko nyuma na mgawanyiko miongoni mwa wananchi umeelezwa kama ifuatavyo:

Kila siku zinavyokwenda, hali inazidi kuwa mbaya. Sasa nyumba za watu zinavunjwa. Watu hawendi mazikoni kwa sababu ya mgawanyiko wa kisiasa; baadhi ya ndugu hawasalimiani kwa sababu ya siasa; watu wanasafiri kwa vyombo tofauti kwa sababu ya siasa. Hali ya uhasama imerudi. Watu wanashughulika na mambo yao wenyewe kwa sababu wamekata tama kwa kuwa wanapopiga kura hawapati kile wanachokitaka.

Vile vile pamekuwepo na vitisho vya kuitenga Pemba baada ya 2016. Muhojiwa mmoja ameeleza: ‘Mara baada ya uchaguzi wa 2016, serikali ya chama kimoja ilianza kuwapuuzwa watu wa Pemba nao wanalipiza kwa kusema “mkitutenga tutakutengeni vile vile”.’

Hali ya kutokuwepo na usawa imeelezwa kuwa imejitokeza tena makazini. Vijana wengi ambao tume ilikutana nao wamethibitisha kuwepo kwa uchunguzi mkubwa kwa vijana kwa sababu ya imani za kisiasa na usuli wa kikanda kwa ajili ya kupata kazi. Waliuita *Ndugunisation* katika kazi. Kwa mujibu wa maelezo ya kijana mmoja, mchakato wa kupata kazi serikalini umekuwa wa kisiasa na wa kibaguzi. Wameeleza wazi kuwa, kama ilivyokuwa kabla ya Serikali ya Umoja wa Kitaifa, hivi sasa, wafuasi wa CUF au wale wanaohusika vyovyote na chama hicho hawawezi kuajiriwa serikalini. Wakieleza juu ya kukata kwao tamaa, vijana wengi kutoka upande wa upinzani waliambia tume kuwa hawapati kazi hata kama wanazo sifa zinazohitajika. Matokeo yake ni kuwa wahitimu wengi wa vyuo vikuu hawana ajira. Walilalamika kuhusu maisha magumu yanayowakabili. Kama muhojiwa mmoja alivyoeleza: ‘Ni shida kuwa mkuu wa shule kama wewe ni mfuasi wa upinzani. Nilipata matatizo nilipotaka kuanzisha chama kisichokuwa cha kiserikali cha mazingira. Nilikuwa nikiulizwa: Wewe ni nani?’

Vijana wengi wameuelezea mchakato wa kuchunguzwa wakati wa kutafuta ajira na kueleza kuwa Afisa wa Idara ya Usalama anakuwa na jukumu kubwa katika mchakato huo. Wameueleza mchakato huo kuwa ni wa hatua mbili za mahojiano: Kwanza ni mahojiano ya ana kwa ana na afisa mahasusi wa usalama kutoka Ofisi ya Usalama; halafu afisa wa kutoka ofisi hiyo anatuma eneo la kwenu ili kuwahoji viongozi wa hapo na kupata maelezo kuhusu wazazi wa anayeomba kazi, uwanachama wao wa kisiasa na maelezo mengine. Katika hali kama hiyo, baadhi ya vijana wameamua kuchukua kadi za uanachama za CCM ili kupata kazi serikalini.

Haya ni maelezo ya kijana mmoja:

Afisa wa Ofisi ya Usalama anakuuliza wewe ni mwanachama wa chama gani. Kama wewe ni mwanachama wa CUF basi hakuna kazi, kwa hivyo watu sasa wanajibu kuwa wao ni wanachama wa CCM lakini baadaye Afisa wa Usalama anakwenda kwenye jamii ya mwombaji kazi ili kuthibitisha jibu hilo. Wanasema kuwa kuna sababu kubwa ya kuwachunguza watu kwa sababu CUF hakiitambui serikali. Kwa hivyo, baadhi ya vijana wanajaribu kupata kadi za CCM ili kupata kazi lakini serikali inajaribu pia kuchimba mizizi ya ukoo wa mwombaji pamoja na uanachama wa kisiasa.

Kijana huyo ameeleza utaratibu huo kuwa si wa kidemokrasia na kutaka iwepo Zanzibar iliyo ya kidemokrasia zaidi na yawepo mabadiliko ya mfumo wa utawala Zanzibar:

Kwa Zanzibar, demokrasia ni ndoto ya mchana. Kama Uganda, CCM imekuwepo milele. Vijana wengi wanaielewa hali hii na hawataki serikali ya chama kimoja iendelee milele.

Hata hivyo, muhojiwa mmoja ametetea hatua ya kuutenga upinzani katika ajira serikalini na namna ya kuajiri. Kwa mujibu wa muhojiwa huyo:

Kwa nini mfuasi wa upinzani apewe kazi ikiwa wataiteka nyara serikali, watatoa siri na kwenda kinyume na kanuni za utumishi serikalini?

Hali hiyo imehusishwa na hali ya kisiasa Tanzania Bara. Wanaamini kuwa hali ya haki za binadamu iliopo Bara inaathiri yale yanayotokea Zanzibar. Kwa mujibu wa maoni ya muhojiwa mmoja:

Ni mikutano ya ndani tu ndiyo inayoruhusiwa kwa vyama vya upinzani. Matangazo ya moja kwa moja ya mijadala ya bungeni yamepigwa marufuku. Kumkosea Magufuli katika mitandao ya kijamii kutakutia matatani. Watu wengi wameuliwa Kibiti; mwandishi wa habari anayechunguza habari hiyo amepotea.

Akizungumza juu ya hali ya kisiasa ya hivi sasa, mtu mwingine ameeleza kuwa ijapokuwa *mambo yapo kimya, na hakuna mikutano ya kisiasa inayofanyika, bado watu wana basira za ndani kwa ndani.*

Watu wengi ambao tume ilifanya mazungumzo nao kote, Unguja na Pemba wanaielezea hali ya kisiasa ya Zanzibar hivi sasa kuwa inatengenezwa na Serikali ya Muungano – kufutwa kwa matokeo ya uchaguzi wa 2015, uchaguzi wa marudio wa 2016 na hata aina ya serikali iliyopo Zanzibar hivi sasa. Kwa wale wenye maoni haya, watu wa Zanzibar walipiga hatua kubwa na ya kijasiri ya kuunda Serikali ya Umoja wa Kitaifa mwaka 2010 na walikuwa wazi juu ya namna ya serikali waliyoitaka lakini kwa sababu ya kuingiliwa na serikali ya Muungano, Serikali ya Umoja wa Kitaifa ilisambaratishwa.

## Hali ya Kiuchumi

Kuna viashirio vichache vinavyoonesha kuendelea kwa uchumi baada ya uchaguzi wa 2016. Mfano mmoja ni kuwa Rais Shein alipandisha bei ya karafuu kutoka TSh. 3500 hadi TSh. 14,000, na baadaye hadi TSh. 16,000, kwa kilo na matokeo yake ni kuwa usafirishaji wa karafuu kwa magendo kupitia Mombasa umepungua. Hiki ni kiashirio kuwa uchumi umeboreka baada ya uchaguzi wa 2016. Maoni mengine ni kuwa maendeleo makubwa ya miundo mbinu yamefanyika Pemba wakati wa serikali ya Rais Shein lakini hili halikuwapendeza wale watu wenye mawazo hasi, *ambao fikera zao zimeganda kule kwenye mawazo ya kizamani ya kuendeleza ubaguzi dbidi ya watu wa Pemba chini ya serikali za utawala wa CCM.*

Mawazo ya jumla ni kuwa nchi, juu ya athari hasi za uchumi zilizosababishwa na wafadhili wa nchi za magharibi kusimamisha misaada yao baada ya uchaguzi wa 2016, baadhi ya wahojiwa wanadhani kuwa kurudiwa kwa uchaguzi wa 2016 kumesababisha kuvurugika kwa bajeti ya nchi na kuuharibu uchumi kwa sababu ya gharama za juu za kuendesha uchaguzi, hasa kwa kuwa uchaguzi huo lilikuwa ni tukio lisilotarajiwa. Inasemekana kuwa ni kwa sababu ya uchumi mbaya ndiyo maana serikali imetoa ardhi kwa Azam (kampuni ya mtu binafsi ambayo kwa mujibu wa baadhi ya wahojiwa, inaonekana kupatiwa fursa nyingi za kibiashara Zanzibar na Bara) ili kulipa deni ambalo wahojiwa wanadai kuwa kampuni hiyo iliikopesha serikali kwa ajili ya kulipa mishahara.

Kwa watu wengi ambao tume ilikutana nao Pemba, kwa jumla hali visiwani imebaki kuwa mbaya. Tume ilielezwa kuwa hapajakuwepo na maendeleo yoyote ya kiuchumi yenye maana huko Pemba kwa siku za hivi karibuni. Watu wengi wamelalamika kuwa miradi mingi ya maendeleo inakwenda Tanzania Bara. Wameendelea kulalamika kuwa, hata huko Pemba miradi mingi inayofadhiliwa inakwenda kwa wafuasi wa CCM. Visiwa vinakabiliwa na hali ngumu ya kiuchumi, kiasi kikubwa cha ukosefu wa ajira, gharama za maisha zilizo juu, kodi zilizo juu lakini mishahara ni midogo na fursa chache za kiuchumi. Wameeleza pia juu ya kutokuwepo na ajira katika sekta ya Vyama Visivyokuwa vya Kiserikali. Tume imabaini kuwa miradi ya kilimo kama vile ufugaji wa wanyama na kuku, ambao ndio muhimili wa uchumi wa Pemba inaendelea kuporomoka. Pia yametolewa malalamiko juu ya kutokuwepo kwa malighafi za kutosha na rahisi kwa ajili ya viwanda na kutokuwepo miundo mbinu ya msingi kama vile viwanda vya kutengeneza chakula cha mifugo. Matokeo yake ni kuwa kwa watu wengi mazao ya mifugo na kuku yamekuwa ghali mno na kwao yanaonekana kuwa ni anasa.

Hali ya vijana huko Pemba imeelezwa kuwa ni mbaya zaidi ukiilinganisha na ya Unguja. Umekuwepo ushahidi wa kuwepo

umasikini wa hali ya juu, hali ya kuwa hatarini, uhalifu na hali ya kukata tamaa kwa vijana. Uzururaji, kuongezeka kwa mimba za utotoni na vijana kudanganywa na wanasiasa kumeongezeka. Pamekuwepo na wasiwasi mkubwa kuhusu vijana wa Pemba kuvutiwa na siasa kali. Wakati vijana wa Pemba wana hamu kubwa ya kuendeleza maisha yao na kufanyakazi kwa kutumia Teknolojia ya Habari na kujifunza kutokana uzoefu wa nchi mbalimbali, hayo, kwa mujibu wa vyanzo vya habari vya Pemba yanakatishwa tamaa kwa ukosefu wa fedha na usimamizi mzuri. Zaidi ya hayo, juhudu za hivi sasa zenye madhumuni ya kuboresha maisha ya vijana kwa kupitia jumuiya za vijana, kama zile za kuendeleza upandaji wa miti na matunda na ufugaji wa wanyama, inadhaniwa kuwa zinawanufaisha zaidi vijana kutoka chama tawala kuliko wenzao kutoka upande wa upinzani. Kijana mmoja ameeleza kuwa ili kunufaika kwa miradi kama hiyo, vijana kutoka upande wa upinzami inawabidi wafiche uwanachama wao wa kisiasa. Hata hivyo, tume imebaini kuwa miradi kama hiyo ni michache na iko mbali.

Katika kuwatathmini baadhi ya waliohojiwa huko Pemba, ni hali ya kusikitisha ya huko Pemba ndiyo inayowafanya Wapemba wengi, pamoja na wale walio wasomi na wenye ujuzi na wale walio Ughaibuni – duniani kote Ulaya, Mashariki ya Kati, Amerika na Japan – kuwa hawana mori wa kurudi visiwani kuishi na kufanyakazi huko juu ya uzuri wake wa ajabu na wingi wa maliasili. Ni kwa sababu hiyo hiyo ndiyo maana Wapemba walio Ughaibuni ambao wangeliyaunga mkono maendeleo ya visiwani hawakufanya hivyo. Kwa bahati mbaya, kwa maoni ya waliohojiwa wengi Pemba, hali mbaya ya kiuchumi na kijamii, na hasa mazingira yenye vikwazo ya kisiasa visiwani, hayana tamaa ya kubadilika hivi karibuni.

Kufuatia hali ya kiuchumi, inasemekana kuwa CUF imechukua hatua mbali mbali. Chama hicho kiliandaa programu ya kuendeleza ujuzi katika ujasiri amali ambayo ilikuwa ikitoa mafunzo kwa vijana. Pesa zilikusanywa kutoka kwa vijana ili kuanzisha mfuko unaozunguka

ili kuwawezesha kujiajiri. Miradi mingine iliyoanzishwa ilikuwa ni pamoja na kilimo, uvuvi, utengenezaji wa mashua, utengenezaji wa nyavu za kuvulia na kutengeneza chumvi. Hata hivyo, programu hizo zimekuwa na upungufu kwa uhaba wa rasilimali.

## Hali ya Kijamii

Tume ilielezwa kuhusu baadhi ya matukio chanya ya maisha ya kijamii ya Zanzibar. Lililotiliwa mkazo ilikuwa ni programu ya serikali ya elimu ya msingi bure na ada hafifu kwa elimu ya sekondari jambo linaloifanya elimu kupatikana kwa wote. Zaidi ya hayo, mahusiano ya kifamilia Zanzibar bado yana nguvu kwa hivyo utamaduni wa kusaidiana bado ungalipo.

Kwa upande mwingine, tume imebaini kuwa Wazanzibari wengi hawapati huduma za kijamii za msingi. Huduma za matibabu ni mbaya. Watumishi wa huduma za afya na dawa hazitoshi jambo lililosababisha kuongezeka kwa vifo vya watoto. Wanawake wameeleza kuwa *watoto wanakufa kila siku*. Hali hii inazidishwa na kiwango kikubwa cha umasikini, kwani wengi hawadiriki hata kupata dola mbili kwa siku na hawawezi kupata milo mitatu kwa siku.

Tume imeelezwa kuwa ni wale walio serikalini na katika chama tawala tu ndio wenye uwezo wa kiuchumi wa kuzifikia huduma za msingi za kijamii: *Ni viongozi wa serikali na wa chama tawala tu ndio wenye hali nzuri*. Tume ilielezwa kuwa kwa sababu ya hali ya kijamii na kiuchumi iliopo hivi sasa, watoto wengi wa vijijini huvutiwa na tasnia ya utalii na uvuvi, na wengine huenda shule ili kuwafurahisha wazazi wao tu. Kwa maneno mengine, kwa baadhi ya watoto mategemeo ya kubariki kwa kupitia elimu yamedidimia. Kama muhojiwa mmoja alivyosema: 'Kwa nini niende shule wakati hatimaye mtu hawezi kupata kazi?'

## Uchaguzi wa 2020

### Utangulizi

Uchaguzi mkuu mwingine wa Tanzania unatarajiwa kufanyika mwaka 2020. Wapiga kura wa Zanzibar wanashiriki katika chaguzi tano: Uchaguzi wa rais wa Jamhuri ya Muungano, wabunge wa Bunge la Muungano, rais wa Zanzibar, wajumbe wa Baraza la Wawakilishi na madiwani wa Serikali za Mitaa. Chaguzi mbili za kwanza ambazo zinahusiana na Muungano zinaendeshwa na kusimamiwa na Tume ya Taifa ya Uchaguzi (NEC) na chaguzi tatu za mwisho zinaendeshwa na kusimamiwa na Tume ya Uchaguzi ya Zanzibar (ZEC). Aina mbili hizi za uchaguzi zinatarajiwa kufanyika katika siku tofauti baada ya wiki moja baina yao zikianza zile zinazohusiana na Zanzibar.<sup>172</sup>

Inatarajiwa kuwa Tume ya Taifa ya Uchaguzi ingelikuwepo Zanzibar kikamilifu ili kuandaa na kuendesha chaguzi za Muungano, haifanyi hivyo. Tume ya Taifa ya Uchaguzi, kwa mujibu wa Ibara ya 12 A ya Sheria ya Uchaguzi ya 1985 ya Jamhuri ya Muungano wa Tanzania, inakasimu madaraka yake yote kwa Tume ya Uchaguzi ya Zanzibar<sup>173</sup> na kiuhalisia mambo yote yanayohusiana na aina mbili hizo za uchaguzi yanashughulikiwa na Tume ya Uchaguzi ya

<sup>172</sup> Hamad & Peter, op. cit., uk.148. Angalia pia Peter, 'Recent developments in Zanzibar', op. cit., uk.182.

<sup>173</sup> Peter, ibid., uk.206 & uk.214

Zanzibar na katika hilo zina uhusiano wa ‘uwakala’.<sup>174</sup> Hii ni pamoja na uandikishaji na matumizi ya daftari la kudumu la wapiga kura la Zanzibar na kanuni za kufanya kampeni kwa aina zote mbili za uchaguzi. Hili lina matatizo yake. Kwa mfano, mtu akinyimwa haki ya kupiga kura na Tume ya Uchaguzi ya Zanzibar katika uchaguzi wa Zanzibar kwa sababu yoyote ile mtu huyo moja kwa moja anapoteza haki ya kupiga kura kwa rais wa Muungano na wabunge wa Bunge la Muungano. Kadhalika, siku za nyuma Tume ya Taifa ya Uchaguzi imekuwa ikiyafuata maamuzi ya Tume ya Uchaguzi ya Zanzibar kwa suala la ugawaji wa majimbo ya uchaguzi.<sup>175</sup> Kwa mfano, mwaka 2010, wagombea wa Zanzibar wa uchaguzi wa Bunge la Muungano walianza kampeni yao wiki mbili baada ya wenzao wa Bara kwa sababu Tume ya Uchaguzi ya Zanzibar ilifupisha muda wa kampeni visiwani.<sup>176</sup> La kushangaza ni kuwa, ushirikiano huu kati ya Tume ya Taifa ya Uchaguzi na Tume ya Uchaguzi ya Zanzibar hautambuliwi na sheria za Zanzibar.<sup>177</sup>

## Kuelekea Uchaguzi wa 2020

### **Hisia ja jumla**

Watu wengi ambao tume ilikutana nao hawakuwa na hakika nini kitatokea mwaka 2020. Kwa wengi wao mustakbali hauna matumaini. Wengi walieleza juu ya kukata tamaa kuhusiana na hali ya mambo ilivyo na itakavyokuwa hapo baadaye. Hawakuwa na matumaini makubwa ya uchaguzi wa 2020. Hata hivyo, wengi walitilia mkazo juu ya haja ya mabadiliko ya serikali baada ya miaka 50 kwa kutegemea kuwa upinzani utaruhusuiwa kutawala. Ni wachache tu ndio waliokuwa na matumaini kuwa kitafanyika kitu ili kurekebisha hali ya kisiasa ya hivi sasa. Kuna wachache walioamini kuwa wakati

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174 Ibid., uk.214

175 Ibid., uk.207

176 Ibid., uk.214

177 Ibid.

hakuna kinachofanyika hivi sasa, kwa kuwepo nia njema na ujasiri karibu zitachukuliwa hatua madhubuti za kushughulikia mgogoro wa kisiasa. Umetolewa wito wa kuwa na uchaguzi wa 2020 usiokuwa na vurugu ili kuepuka kujitokeza tena hali ya 2015/16 kwa sababu kwa jumla chaguzi ni ghali kuziendesha na zinaathiri uchumi kwa namna mbaya. Kwa sababu hiyo, baadhi ya watu wanataka suala hili waachiwe wanasiasa ili walitatie. Kauli hii inalingana na ule usemi: *Serikali inaendelea. Nchi imo mikononi mwa wanasiasa.*

Hisia za jumla ni zile za kukata tamaa, kukosa imani na hali ya kusubiri majaliwa. Watu wengi hawaoni maana ya kuwa na uchaguzi. Wengine wameeleza kuhusu hali ya kukosa imani kwa wanasiasa na siasa zenyewe. Wakiwa hawana imani na hali ya udanganyifu ya demokrasia katika Afrika kwa jumla na hasa Zanzibar, zimetolewa kauli kama vile, ‘Tanzania, siasa ni mchezo mchafu’ na ‘Zanzibar siasa ni jinamizi’. Wengine wameeleza juu ya utovu wa uaminifu na ubinafsi wa wanasiasa kama ifuatavyo: ‘Wanasiasa Zanzibar, wakiwa katika chama tawala au upinzani, wanajiingiza katika siasa ikiwa ni biashara na hufanya hivyo kwa maslahi yao binafsi’; ‘Hawautumikii umaa’; ‘Wote CCM na CUF wanaweza kufanya udanganyifu wakati wa uchaguzi’; ‘Baadhi ya watu wanatafuta kivuno kutoka CCM. Hujiunga ili kupata vyeo’.

### **Wasifu wa Seif Sharif Hamad**

Watu wengi walimwamini sana na kuwa na mategemeo makubwa kwa Seif Hamad akiwa mtu binafsi. Waliridhika na kuwa na matumaini kwa ujumbe wake wa mara kwa mara kuwa nchi inabidi itulie kwanza ili kila mmoja aweze kushiriki katika maendeleo na demokrasia yake. Watu walipata matumaini makubwa kutokana na maneno ya Seif kuwa Serikali ya Umoja wa Kitaifa itakuwa ndiyo kitu cha kwanza atakachokifanya kwa serikali yoyote ambayo ataiunda siku za mbele. Palikuwa na imani pia kuwa ujumbe wa Seif umesaidia sana watu ambao walikuwa hawakutulia kisiasa. Kusema kweli, watu wengi walimwona kuwa ni mwanasiasa wa kuaminika ukimlinganisha na

baadhi ya wenzake na wafuasi wa chama. Yalikuwepo malalamiko kuwa baadhi ya wafuasi wake wamekosa uvumilivu na wangelipenda kutaka fidia kutoka CCM. Tume imeelezwa vile vile kuwa imani kubwa waliyonayo baadhi ya wafuasi wa CUF kwa Seif imewafanya waamini kuwa atakuwa rais kabla ya 2020. Baadhi ya kauli zilizotolewa ni kama zifuatazo: ‘Watu wanampenda Maalim Seif’; ‘Watu barabarani wanaamini Maalim atakuwa rais kabla ya mwaka 2020. Tunawataka watu wawe na matumaini hayo’.

Hata hivyo, yamekuwepo mawazo pia kuwa kama Seif hatokabidhiwa madaraka kabla ya 2020, hatagombea urais.

Kuna wengi wanaoamini kuwa hapatakuwepo kiwanja kilicho sawa mwaka 2020 bila ya kuwepo kwa Tume Huru ya Uchaguzi ya Zanzibar. Wanaamini kuwa hivi sasa CCM inaudhibiti mchakato wa uchaguzi na kuwa Tume ya Uchaguzi ya Zanzibar haiko huru – imeshirikishwa na CCM. Kwa maoni yao, ni kwa kuwepo mabadiliko makubwa tu juu ya namna Tume ya Uchaguzi ya Zanzibar inavyoundwa na kuruhusiwa ifanyekazi kwa uhuru ndipo yanapoweza kupatikana matumaini.

Kwa upande mwingine, kuna wale walioeleza kuwa hali tete ya kisiasa Zanzibar imepungua kwa kiasi fulani kwa sababu ya hatua zinazochukuliwa na Rais Magufuli za kupambana na ufasidi, ikiwa ni pamoja na kupungua kwa matumizi mabaya ya fedha za umma na kuongezeka kwa makusanyo ya kodi na hivyo uchumi kuboreka na kuleta matumaini kwa wananchi.

### **Fujo au amani?**

Kuhusiana na amani na utulivu, ni watu wachache waliotabiri kuwepo amani na utulivu mwaka 2020. Baadhi ya wale wanaoamini kuwa hapatakuwepo na fujo wakati wa kuelekea kwenye uchaguzi wa 2020 wanaamini kuwa serikali iliyopo itaendelea kubaki madarakani. Wanaamini kuwa kuwepo madarakani kwa CCM kutaiwezesha serikali ya hivi sasa kuzuia fujo yoyote ya upinzani na/

au wananchi. Kwa kutilia mkazo hili, muhojiwa mmoja ameeleza kuwa mlinganisho wa uwezo Zanzibar haujawahi kuwa upande wa CUF – hata wakati wa Serikali ya Umoja wa Kitaifa. Alieleza kuwa: ‘Serikali ya Umoja wa Kitaifa haikubadili lolote – zilikuwa ni dhana tu. Kusema kweli mlinganisho wa madaraka haukubadilika.’ Wale wanaokubaliana na mawazo haya wameeleza kujiamini kwao kuwa hivi sasa serikali iliyo madarakani ipo katika njia sahihi – ikiwa na maana kuwa haitoyumba. Maoni mengine yaliyotolewa kulingana na haya ni kuwa sheria ya uchaguzi imeshabadilishwa ili kukiruhusu CCM kufanyakazi pamoja na vyama vidogo vya upinzani na kuwa *kama CUF kinafanya kazi kwa dbati kwa maslabi ya umma, basi kijiunge na serikali ya CCM. Kama si hivyo, basi vyama vidogo vitaendelea kufanyakazi na CCM. Wakijitenga, basi itabidi wakubali lolote lile.* Hii ina maana kuwa CCM kitaendelea kuwa juu zaidi.

Kinyume chake, watu wengi wanatabiri fujo wakati wa uchaguzi wa 2020. Wengine wanatoa hoja kwa nguvu kuwa, ukiangali utaratibu wa upigaji kura Zanzibar, CCM hakina dalili ya kushinda katika uchaguzi wa 2020 kwa namna iliyo huru na ya haki, na ikiwa hivyo basi kinaweza kutumia nguvu kubwa ili kubaki madarakani. Wengine wameeleza kuwa, kama ilivyokuwa hapo zamani, serikali ya Muungano itaingilia kati ili kuhakikisha kuwa CCM kinashinda kwa namna yoyote ile. Zaidi ya hayo, pamekuwa na wasiwasi kuwa kama Seif hakuwa rais kabla ya uchaguzi wa mwaka 2020, kama baadhi ya watu wanavyoamini kuwa ndivyo itakavyokuwa, fujo itatokea. Yalikuwepo maoni vile vile kuwa uchaguzi wa 2020 utakuwa na fujo kama CUF kitashiriki.

Tume inaona kuwa tabia ya serikali ya hivi sasa ya kuzima upinzani, hasa kwa kutumia vikosi vya usalama, itasababisha vurugu na kurudia yale yaliyotokea wakati wa chaguzi zilizopita. Zanzibar inahitaji kujizuia kutumia nguvu ya jeshi kwa kuwa ikitumika njia hiyo ni tabu kuirekebisha hali inayojitokeza. Haya yameonekana kwa kuchukua mfano wa Uganda na nchi nyengine katika kanda hii.

## CUF kugomea uchaguzi wa 2020

Jambo jengine ni kuwa hali ya kutojali ya wafuasi wa CUF, hali iliyojikusanya baada kupiga kura katika chaguzi nne – mwaka 1995, 2000, 2005, 2010 na 2015 – bila ya kushinda, itawafanya waache kujiandikisha kwa ajili ya kupiga kura katika uchaguzi wa mwaka 2020. Baadhi ya wale wenye maoni haya wameyahusisha na ukweli kuwa uchaguzi Zanzibar haukuwa chombo cha demokrasia wala cha kutaka amani. Kama muhojiwa mmoja alivyoeleza, ‘Watu wengi hawatashiriki katika uchaguzi wa 2020 kwa sababu kile tunachokichagua sicho tunachokipata. Tutabaki nyumbani; hatutafanya maandamano kwa sababu tunataka amani.’

Maoni ya wengine yameeleza kuwepo kwa tishio kwa amani au kutokea vurugu: ‘Wafuasi wa upinzani “watawaua” viongozi wao kama watawataka wakajiandikishe na kushiriki katika uchaguzi wa 2020’; ‘Mustakibali ni mbaya na umejaa kiza’; ‘CCM itayaona matokeo; sote tutateseka’; ‘Amani tuliyoifurahia Zanzibar itatoweka’. Kwa kauli kama hiyo ya kukata tamaa muhojiwa mwengine aliiambia tume kuwa hakuna namna yoyote ya kuwambia watu kushiriki katika uchaguzi wa 2020. Alieleza kuwa baadhi ya vijana wametishia kuwa : *Mkitambia kushiriki katika uchaguzi wa 2020 tutakushughulikieni.*

Kutokana na maelezo ya hapo juu, ni wazi kuwa kwa namna yoyote ile, maoni ya wananchi hayalingani na yale ya viongozi wao, na madai yao vile vile hayalingani na yale ya viongozi. Katika hali hii, wananchi wanaonekana kuwa wako mbele zaidi kuliko viongozi wao. Wasiwasi ulioelezwa na viongozi katika maoni ya hapo juu yanaweza kuwa ni dalili kwamba viongozi wanaweza kushindwa kuwadhibiti wafuasi wao.

## Juu ya mustakibala wa CUF

Wahojiwa wachache wanatazamia kuwepo kwa upinzani imara zaidi – yaani CUF iliyo imara zaidi kwa siku za mbele. Wanaamini kuwa watu wa Pemba wana uwezo mkubwa wa kubadili hali ya idadi ya

watu kwa uchaguzi wa Zanzibar kwa sababu ya uwezo wao mkubwa wa kuzaa sana. Vile vile, wameeleza juu ya kubadili hali ya idadi ya watu kwa watu kuhama kutoka Pemba kuja Unguja kwa sababu ya shida za kiuchumi. Uhamiaji huo utauwezesha upinzani kupata viti vingi hata Unguja kama utafanyika uchaguzi ulio huru na wa haki. Wakitilia mkazo hili, wamesema kuwa imebainika kwamba *Zanzibar hivi sasa imezungukwa na Wapemba walio katika upinzani*. Mwaka 2015, upinzani ulipata viti vinane Unguja na CCM haikupata hata kiti kimoja Pemba. Kusema kweli, viti vingi vitachukuliwa na CUF katika uchaguzi wa 2020. Hii itakifanya CUF kuwa ndiyo chama kikuu chenye wafuasi wengi baada ya muda. Hoja hii inabidi ilinganishwe na madai kuwa CCM nayo inawaruhusu wahamiaji kutoka Bara ili kuzidisha idadi yao vile vile.

Kwa upande mwingine, kwa baadhi ya wahojiwa, njia ya kuelekea uchaguzi wa 2020 haikunyooka sawa kwa CUF. Umekuwepo wasiwasi kuhusu kuwepo kwa vikwazo vingi vya kisheria na kisiasa vyenye nia ya kukidhoofisha chama hicho. Pamekuwepo na hofu kuwa, zaidi ya agizo la serikali ya Muungano kuuzuia upinzani kutoendesha shughuli za vyama vya siasa hadi wakati wa kipindi cha uchaguzi, mabadiliko ya mwenendo wa uchaguzi Zanzibar baada ya uchaguzi wa -2016 yanakipendelea chama tawala na kudhoofisha utendaji mzuri wa CUF.

La kutia wasiwasi zaidi ni changamoto ambazo zinaikabili CUF hivi sasa kikiwa chama. Tume imebaini kuwa CUF imegawika makundi mawili – kundi moja likiongozwa na aliyekuwa mwenyekiti wake, Prof. Ibrahim Lipumba upande wa Bara, na kundi jingine likiongozwa na katibu mkuu, Maalim Seif Hamad kwa Zanzibar. Kwa baadhi ya wahojiwa, chama kimo katika mtihani. Pamekuwepo na wasiwasi vile vile kuwa migogoro ya ndani ya CUF imekuwa ni tishio la kuwepo kwake kama chama na katika kushiriki kwake kwenye uchaguzi wa 2020. Hata hivyo, juu ya kupoteza kwake mwelekeo na uhai wake uliojengeka kwa miaka kadha, pamekuwepo na wasiwasi

kuhusu shida za kuandikisha chama kipya. Inasemekana kuwa zoezi la kufanya hivyo ni refu na la kuchokesha. Mchakato huo si kama unahitaji taratibu fulani Bara na Zanzibar ; kinachotia wasiwasi zaidi ni ukweli kuwa juhudi kama hiyo itawekewa vipingamizi na serikali, ukichukulia kuwa CUF ni chama cha upinzani na zaidi ni kuwa kina nguvu Zanzibar. Zaidi ya hayo, bila ya jina hilo, CUF kinaweza kupoteza wanachama wake wengi – ambao utiifu wao ni rasilimali kubwa na ni sababu ya ‘ushindi wa mfululizo’ wa chama hicho.

Pamoja na hayo yaliyoelezwa hapo juu, kundi la Zanzibar la CUF linakabiliwa na changamoto kubwa za kifedha baada ya kundi linaloongozwa na Lipumba kutoa TSh. Milioni 369 kutoka katika ruzuku ya chama kutoka serikalini. Hali ni ya changamoto zaidi ukichukulia kuwepo kwa kesi ambazo zipo mahakamani hivi sasa (zinakisiwa kuwa karibu 14) zinazohusiana na mgawanyiko wa chama na dhidi ya kundi lililojitenga linaloongozwa na Lipumba hii ikionyesha gharama zilizo juu kuhusiana na muda na fedha. Linalokera zaidi ni hali ya kutokuwepo utulivu iliyoelezwa na baadhi ya wahojiwa kuhusiana na msaada ambao kundi la Lipumba linaupata kutoka serikalini na chama tawala, chama cha CCM. Dalili za msaada huu zimeonekana kwa kile kilichoelezwa kutambuliwa kusiko kwa kawaida na serikali kwa Lipumba pale Lipumba aliporudi na kufuta kauli yake ya kujiuzulu kuwa mwenyekiti wa CUF. Insemekana kuwa Mrajisi wa Vyama vya Siasa alilikubali hili juu ya kuwepo hali ambayo ilidhaniwa kuwa si ya kawaida. Maoni haya yamefafanuliwa na baadhi ya waliohojiwa.

Kwa mujibu wa uongozi wa CUF, katiba ya chama ina taratibu zilizowazi za kujiuzulu kwa viongozi wake wa juu. Kiongozi anatakiwa awasilishe maombi ya kujiuzulu kwenye mkutano mkuu wa chama wa taifa. Prof. Lipumba alijiuzulu kuwa mwenyekiti wa taifa wa CUF tarehe 5Agosti 2015 kwa madai kuwa hakukubaliana na uteuzi wa Lowassa kuwa mgombea wa upinzani wa UKAWA kwa sababu hakuionga mkono rasimu ya katiba. Hata hivyo, alieleza kuwa ataendelea kuwa

mwanachama wa chama hicho. Tume ilielezwa kuwa baada ya kujiuzulu katikati ya kipindi cha uchaguzi, hapajakuwepo fedha za kuitisha mkutano mkuu wa taifa kuidhinisha kujiuzulu kwake. Takriban mwaka mmoja baadaye, mwezi Juni 2016, Prof. Lipumba alimwandikia katibu mkuu wa CUF ili kufuta kujiuzulu kwake na kueleza kuwa ameshika tena nafasi yake ya mwenyekiti wa taifa wa chama. Mkutano mkuu wa taifa usio wa kawaida wa CUF ulifanyika tarehe 21 Agosti 2016 baada ya Prof. Lipumba kuibuka tena na kuthibitisha kujiuzulu kwake. Wiki mbali baadaye baraza kuu la utawala la CUF liliamua kumsimamisha kwa muda kutoka kwenye chama, Lipumba pamoja na wanachama wengine 10 ambao wawili walikuwa Wabunge. Hata hivyo, Lipumba alikataa kufukuzwa na kulipeleka shauri hilo kwa Mrajis wa Vyama vya Siasa kwa uamuzi. Mrajis alithibitisha kuwa Prof. Lipumba bado alikuwa mwenyekiti wa chama baada ya kufuta kujiuzulu kwake. Mrajisi alizidi kueleza kuwa mkutano mkuu wa taifa wa mwezi Agosti na mikutano iliyofuatia ili kujadiliana suala hilo ilikuwa ni batili kwa sababu Lipumba alikwishafuta kujiuzulu kwake. CUF kiliuona uamuzi wa mrajis kuwa si wa halali na kilikwenda mahakamani kuupinga. Kulingana na uamuzi uliopita wa Mahakama Kuu, CUF kilieleza kuwa Mrajis wa Vyama vya Siasa hakuwa na uwezo kuhusiana maamuzi ya ndani ya kisiasa.

Haraka iliyofanywa kuwaondoa bungeni wawakilishi wanawake wanane wa CUF mwezi Julai 2017 na nafasi zao kuchukuliwa kwa haraka na walioteuliwa wa Lipumba ni suala la kuangaliwa. Maelezo ya tukio hili kwa tume yalikuwa wazi: *Ilichukua siku mbili tu kwa Mrajis wa Vyama vya Siasa kuidhinisha kuondolewa wanawake wawakilishi wanane wa CUF kutoka Bungeni, kwa kawaida jambo linalofanywa na mahakama; siku mbili kwa Kamati ya Utekelezaji EC kutena wawakilishi mbadala; na wiki moja kuapishwa na Bunge wawakilishi wanawake wapya.*

Matukio yaliyotajwa hapo juu yamesababisha kuwepo kwa kesi nyingi mahakamani tokea wakati huo.

Muhojiwa mwengine akielezea wasiwasi wake kuhusu hali hii, alieleza kuwa: 'Mwenyekiti amejuzulu lakini sasa amekidai tena kiti,

na anasaidiwa na serikali, polisi na mrajis wa vyama vya siasa. Kuna kesi 22 kuhusiana na mgogoro huu.’

Suala jingine ni tukio linalotarajiwa la kubadili sheria, ambazo zinaweza kuwa na athari za ukandamizaji kwa upinzani. Watu wanaamini kuwa badiliko la hivi karibuni la Sheria ya Uchaguzi kuikabidhi Tume ya Uchaguzi ya Zanzibar madaraka ya kufuta uchaguzi inaonesha uwezekano wa serikali kupitia upya na kubadili sheria mbali mbali kwa nia ya kuukandamiza upinzani. Watu wengine walikuwa na mawazo kuwa ingelikuwa haikuhitajika kura ya maoni, Serikali ya Umoja wa Kitaifa nayo pia ingelifutwa katika katiba. Wengine walikuwa na mawazo kuwa yalitarajiwa kufanywa mabadiliko ya sheria ya kumzuia au kumtoa mgombea yeyote yule ambaye huko nyuma aligombea katika uchaguzi wa rais akashindwa. Huu ulitafsiriwa kuwa ni mpango unaomlenga mahasusi mgombea urais mara nne na kiongozi wa CUF, Maalim Seif Hamad, na wenye nia ya kumkatisha tama katika kugombea uchaguzi wa rais mwaka 2020. Palikuwa na hofu kuwa bila ya Hamad, CUF itadhoofika. *CUF itakufa*, ndivyo muhojiwa mmoja alivyosema.

Swali linalotia wasiwasi ni kuhusiana na mustakbali wa jina la chama na hadhi yake ya kisheria, kuendelea kwake kuwepo na hasa kushiriki kwake katika uchaguzi wa 2020, pamoja na ukimya wa chama hicho kuhusu hatua yake nyengine. Haya yamekuwa ni chanzo kikubwa cha , wasiwasi kwa wengi wakati tume ikiwa kazini.

Kwa jumla, namna ambayo Rais Magufuli amekuwa akiutendea upinzani Tanzania imewalazimisha baadhi ya wahojiwa kudhani kuwa hautokuwepo upinzani wowote mwaka 2020. Wanaamini kuwa Rais Magufuli anauchukia upinzani. Ilidhaniwa kuwa ‘anataka ukanyagwekanyagwe ili pasiwepo na changamoto mwaka 2020’. Pamoja na hayo, ni mawazo kuwa vyama vya upinzani viwili vyenye nguvu vimekuwa na changamoto kubwa: *CHADEMA ina matatizo yake na CUF nayo vile vile.*

## Hitimisho na Mapendekezo

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Haja ya kuirekebisha hali ya Zanzibar ni kubwa sana. Kwa maoni ya tume, palikuwepo na viashirio vya dhahiri kuwa waliohojiwa wengi wanataka hali ya Zanzibar irekebishwe kwa haraka, kabla ya mwaka 2020. Kwa maoni ya tume kutokuwepo kwa Serikali ya Umoja wa Kitaifa kama ilivyoelezwa kwenye katiba ni upungufu mkubwa kwa suluhisho la watu wenyewe la vurugu za uchaguzi zisizokwisha katika jamii iliyogawika katikati kwa sababu za kikabila, kitabaka, kijamii na kisiasa. Tume inaamini kwa dhati kuwa machafuko yanaweza kuzidi kwa kiwango kisichotarajiwa ukifika mwaka 2020, ukiichukulia hali ya Zanzibar yenye historia ya chaguzi za vurugu. Ni vyema kama litatafutwa suluhisho mapema kabla ya hapo.

### Aina za Uingiliaji Kati

Tume inapendekeza uingiliaji kati ufuatao ili kurekebisha hali ya hivi sasa ya Zanzibar:

1. Kurejeshwa kwa Serikali ya Umoja wa Kitaifa
2. Majadiliano kati ya CUF na CCM na wadau wengine katika mjadala wa kitaifa wa Zanzibar
3. Kutilia maanani maslahi ya umma
4. Marekebisho ya Katiba
5. Serikali ya muda
6. Marekebisho ya uchaguzi

## **Wahusika Mbali Mbali**

Wakati tume inapendekeza hatua za hapo juu, jukumu la kwanza na la mwisho la kusuluhisha matatizo ya Zanzibar ni la watu wa Zanzibar wenyewe. Wahusika wengine wanaweza kuwa na jukumu la uwezesaji.

### **Jamii ya kimataifa**

Wakati ni wahojiwa wachache tu ndio waliokuwa na imani na uingiliaji kati wa Umoja wa Mataifa katika kusuluhisha matatizo ya Zanzibar, wengi wanahisi kuwa suluhisho halimo mikononi mwa wageni nje ya bara hili: ‘Hatuwezi kuitegemea jamii ya kimataifa – wageni hawawezi kusuluhisha matatizo ya Zanzibar’. Baadhi yao wameeleza kukatishwa tamaa na jamii ya kimataifa kwa kuitelekeza Zanzibar baada ya kufutwa kwa uchaguzi wa 2015 na marudio ya uchaguzi wa 2016. Hakuna wasiwasi kuwa jamii ya kimataifa ina rasilimali za kidiplomasia wanazoweza kuzitumia katika kusuluhisha hali kama ile ya Zanzibar. Hata hivyo, hilo linahitaji fedha lakini na fimbo mkononi.

Na hatua hizo za fedha na fimbo mkononi zina kiwango chake pamoja na kuwekewa vikwazo. Baadhi ya wakati uingiliaji kati wa kimataifa unakuwa na masharti. Kusema kweli, suala la wageni watatetea maslahi ya nani kama itawabidi waingilie kati kwa hali ya Zanzibar lilijitokeza sana wakati tume ikiwa kazini. Zaidi ya hayo, kuna changamoto ya kuweka na kuendeleza vikwazo kwa muda fulani au hata kufikia uamuzi wa pamoja kwa nchi zote zinazohusika kwa kuwa hatua za ‘fimbo mkononi’ zinataka mtazamo wa kijumuiya. Lakini la muhimu zaidi ni kuwa hatua kama hizi hazifai kwa kuwa kwa kawaida waathiriwa wanakuwa ni watu wa kawaida wanaopata shida za kiuchumi na vurugu ya kijamii kwa sababu ya vikwazo vya kiuchumi. Pale inapokuwa hilo ndilo suluhisho pekee lililobaki, ushawishi na kuzileta pamoja mezani pande husika liwe ndiyo jambo la kwanza.

Kwa hali ya Zanzibar, hatua ya ‘fimbo mkononi’ ilichukuliwa pale fedha za Tanzania zilipozuiliwa baada ya marudio ya uchaguzi wa 2016 na kufuatia hilo wananchi wa kawaida walipambana na mfumko wa bei uliokuwa ukipanda na bei za juu za vyakula. Vyenginevyo, baada ya uchaguzi wa marudio wa 2016, tume za hapa nchini na za kimataifa zilizokuwepo Tanzania katika taarifa yao ya mwisho ya pamoja waliipunguza uzito hali ya Zanzibar na kutaka yawepo masikilizano kati ya wahusika wakuu. Hakuna uingiliaji kati wa moja kwa moja uliofanyika tokea wakati huo. Kampeni ya kimataifa ya CUF iliyokuwa na nia ya kuuzindua Umoja wa Taifa na nchi kubwa za magharibi haikuzaa matunda mengi. Hivi sasa, nchi za magharibi zinaangalia ndani mwao na zimeshughulika na changamoto zao zaidi na kuingilia kati katika mambo ya Afrika na sehemu nyengine ni mambo yasiyowashughulisha. Tume inakumbuka vile vile, kuwa moja ya mambo yaliyosababisha kutofanikiwa kwa *Muafaka I*, ni shaka ya Wazanzibari na hata CCM na CUF kuhusu jukumu la upatanishi wa jumuiya ya Madola ambao ndio uliosababisha upatanishi wa ndani wa *Muafaka II*.

Zaidi ya hayo, mara nyingi, uingiliaji kati wa kimataifa unakataliwa kwa sababu ya kuingilia kati mambo ya nchi zinazojitawala.

Ijapokuwa hatua chanya za kidiplomasia inabidi zichukuliwe pale inapowezekana ili kusuluhisha hali ya Zanzibar, lazima itiliwe maanani kuwa hatua hizi zinaangaliwa kwa wasiwasi na kuwa ni uingiliaji kati ulio hasi katika kutafuta maelewano. Tume inatilia mkazo kuwa wahusika wakuu lazima wawe wananchi wa Zanzibar.

## **Vyama vya kanda**

Tume inauamini kwa dhati uingiliaji kati wa Bara la Afrika kwa kuwa uingiliaji kati huo utakuwa ni msaada wa kindugu na hautokuwa na nia ya kukandamiza. Tume inabaini vile vile, kuwa kutokana na historia ya Zanzibar, uingiliaji kati wa kuleta usuluhishi kutoka Bara la Afrika, na hasa Afrika ya Mashariki, si jambo jipya. *Muafaka* wa kwanza wa 1958 ulitiwa saina Ghana, na wa 1963 kwenye mkutano

mkuu wa Mbale, Uganda na iliungwa mkono na PAFMEACA, ikijaribu kuvipatanisha vyama vilivyokuwa vikivutana vya Zanzibar.

Hata hivyo, ijapokuwa Umoja wa Afrika (AU) , Jumuiya ya Uchumi ya Kusini mwa Afrika (SADC) na Jumuiya ya Afrika ya Mashariki (EAC) waliangalia uchaguzi wa Zanzibar wa 2015 na kutoa ripoti zilizopongezwa na Wazanzibari kwa kuuita uchaguzi huo kuwa ulikuwa huru na wa haki, ripoti hizo, kama zilivyokuwa ripoti nyengine zilizotolewa na vikundi vya watazamaji uchaguzi wa kigeni, zilihusu uchaguzi tu na mapendekezo yao yalikusiana na mchakato wa uchaguzi tu. Hakuna hata moja katika ripoti hizo iliyoelezea kuhusu masuala muhimu ya msingi ambayo ndiyo sababu ya hali ya sasa ya kisiasa ya Zanzibar. La muhimu zaidi, na kama ilivyoelezwa kwa uwazi wakati tume ikiwa kazini, hakuna uingiliaji kati wowote uliofanywa kuhusiana na hali ya Zanzibar baada ya hapo, kutoka chama chochote kile cha kanda.

Wakati Jumuiya ya Afrika ya Mashariki hivi karibuni imekuwa ikipeleka watazamaji wa uchaguzi katika Nchi Wanachama wakati wa uchaguzi, kutojihusisha kwake kwa makusudi katika kusuluhisha hali ya Zanzibar kumbainika wakati tume ikiwa kazini. Wazanzibari wamekata tamaa kuwa hata chombo chao wenyewe cha kanda kimejitoa kutoka katika jukumu hili adhimu. Mwisho wa mchakato wa uchaguzi wa 2015, taarifa iliyotolewa na Tume ya Waangalizi wa Uchaguzi ya Jumuiya ya Afrika ya Mashariki juu ya hali ya Zanzibar ya baada ya uchaguzi kufuatia kufutwa kwa matokeo ya uchaguzi wa rais imewataka wadau wa kisiasa kusuluhisha mgogoro huo kwa maelewano.<sup>178</sup> Kama walivyofanya wengine, hakuna hatua za uingiliaji kati chanya zilizochukuliwa tokea wakati huo.

Hali hii yakukata tamaa imeelezewa kwa ufasaha wakati tume ikiwa kazini: *Huwezi kuilinganisha Jumuiya ya Afrika ya Mashariki na Jumuiya ya Uchumi ya Nchi za Afrika ya Magharibi kuhusiana na usuluhishi*

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178 Ripoti ya Watazamaji wa Jumuiya ya Afrika ya Mashariki, op. cit., uk.38

*wa kikanda. Jumuiya ya Afrika ya Mashariki ni klubu ya madikteta; na SADC vile vile (wakati Mugabe na Zuma wakiva humo).*

Hata hivyo, Mkataba wa Kuanzisha Jumuiya ya Afrika ya Mashariki uko wazi kuhusu majukumu yake kwa Nchi Wanachama katika kuhakikisha kuwepo kwa amani na utawala bora katika kanda. Katika kanuni zake za uendeshaji na za msingi hautili mkazo kuheshimu utawala bora tu; bali unatambua vile vile kuwa amani na usalama kuwa ni mahitaji ya kwanza katika kuleta maendeleo ya kijamii na kiuchumi ndani ya jumuiya na kueleza kuwa jumuiya itahakikisha uendelezaji wa amani, usalama na utulivu ndani ya jumuiya na ujirani mwema kati ya Nchi Wanachama. Kadhalika, mkataba huo unazitaka Nchi Wanachama kulinda amani na kuimarisha usalama wa kimataifa miongoni mwao chini ya sera ya namna moja ya nchi za nje na ya amani.<sup>179</sup>

Tume inaamini kuwa vipemgele hivi vinaitaka Jumuiya ya Afrika ya Mashariki kufuatilia migogoro kama ule wa Zanzibar badala ya kuishia kutazama uchaguzi tu. Mafunzo yaliyopatikana kutoka Jumuiya ya Uchumi ya Nchi za Afrika ya Magharibi yako wazi na yanapinga ile hoja iliyozeleka ya kutoingilia utawala wa kitaifa.

Lakini vyovyote itakavyokuwa, tume imeona namna bora ambayo Umoja wa Afrika unaweza kutoa mchango mkubwa na muhimu huko Zanzibar kuliko Jumuiya ya Afrika ya Mashariki. Ijapokuwa uingiliaji kati wa Umoja wa Afrika haukusuluhisha machafuko ya Burundi, Baraza la Amani na Usalama la Umoja huo limetoa kauli kadha kuhusu hali katika nchi hiyo tarehe 17 Oktoba, 13 Novemba na tarehe 17 Disemba 2015. Zaidi ya hayo, katika juhudi za kuhakikisha ustawi wa wananchi, Umoja wa Afrika ulipeleka Burundi ujumbe mzito kuzungumza juu ya kupeleka kikosi cha kujihami na cha ulinzi cha Umoja wa Afrika.<sup>180</sup> Kwa mujibu wa Ibara ya 4(h) ya Sheria

179 Angalia Ibara ya 5 (3) (f); 6; 123 (3) (d), & 124 (1)

180 Angalia 'EALA concerned about Republic of Burundi', inapatikana katika <https://www.eac.int/press-releases/356-387-916-eala-concerned-about-republic-of-burundi>; na 'EALA to hold public hearing workshop on Republic of Burundi', inapatikana katika

yake, Umoja wa Afrika ulibadili msimamo kutoka *kutoingilia* na kuwa *kutojali* kuhusiana na ukiukwaji mkubwa wa haki za binadamu na kuchukua madaraka kinyume na katiba katika nchi mwanachama yoyote. Mwezi Julai 2013, Umoja wa Afrika uliisimamisha uanachama Misri pale jeshi lilipoipindua serikali iliyochaguliwa ya Rais Mohamed Morsi El Ayat. Mwezi Machi mwaka huo huo Umoja wa Afrika uliisimamisha uanachama Jamhuri ya Afrika ya Kati baada ya waasi kuchukua madaraka ya serikali kwa nguvu. Baadhi ya Jumuiya za Kanda zimefanikiwa kuwazuia viongozi wapinzani wa demokrasia waliotaka kuongeza muda wao wa kukaa madarakani. Kwa mfano Jumuiya ya Uchumi ya Nchi za Afrika ya Magharibi kwa kukitumia kikosi chake cha kijeshi kilichopewa jina la ‘Operesheni Ruridisha Demokrasia’, kwa mafanikio, ilimlazimisha kuondoka madarakani Yahya Jame Rais wa Gambia pale alipojaribu kung’ang’ania madaraka baada ya kushindwa uchaguzi.

Ilivyo, Jumuiya ya Afrika ya Mashariki ingeliweza kuchukua hatua. Hata kwa maslahi yake yenyewe, Jumuiya ya Afrika ya Mashariki ingeliweza kuchukua hatua ya kutafuta suluhisho kwa mgogoro wa Zanzibar ili kuepukana na uwezekano wa kuibuka ugaidi ambao umeanza kuonesha sura yake mbaya kwa miripuko katika takriban Nchi zote Wanachama – Tanzania yenyewe, Kenya, Uganda, Burundi, Somalia nchi jirani na hivi karibuni, Mozambique –, hii ni kwa sababu ya hofu kuwa Zanzibar inaweza kuwa ni mahali mwafaka pa kuibuka siasa kali kwa sababu ya kuwepo idadi kubwa ya vijana, wasiokuwa na kazi na wenye chuki za kisiasa.

Hata hivyo, kuna nyumba nyingi za vioo katika Jumuiya ya Afrika ya Mashariki. Nchi zote zinahusika na vitendo vya kupinga demokrasia na kuvunja katiba na zina changamoto zinazofanana na zile za Zanzibar, kama vile udanganyifu katika uchaguzi, vurugu, hali ya kukosa uvumilivu, migogoro ya kikabila na utaweala mbaya.

Kuingilia kati mgogoro wa Zanzibar, viongozi wa Afrika ya Mashariki wataweza kuona kuwa ni sawa na kufungua kisanduku cha pandora. Kwa hivyo, haiwezekani kuwa suala la Zanzibar lipelekwe katika ngazi ya kikao cha wakuu wa nchi wa Jumuiya ya Afrika ya Mashariki kwa sababu viongozi wa hivi sasa katika kanda hii hawana sifa za kuwa wasuluhishi kwa mgogoro kama huo. Huko Uganda na Kenya, chaguzi za rais zimepingwa mara kwa mara. Wakati serikali na viongozi katika kanda wanakabiliwa na masuala kama hayo ya kukosa sifa, nchi zao zikiwa na migogoro ya kidemokresia na uhalali, kanda hii kama ilivyo hivi sasa haiwezi kuwa na msaada wowote.

Labda Bunge la Afrika ya Mashariki (EALA), chombo cha kutunga sheria cha Jumuiya ya Afrika ya Mashariki ambacho wajumbe wake si wa kutoka vyama tawala pekee, linaweza kuingilia kati katika suala la Zanzibar ikiwa ni katika kutimiza jukumu lake la uwakilishi na mawasiliano. Ijapokuwa halikufanikiwa kikamilifu, Bunge la Afrika ya Mashariki liliingilia kati katika mgogoro wa kisiasa na wa kibinaadamu wa Burundi. Kuanzia tarehe 14 hadi 15 Januari 2016, Kamati ya Mambo ya Kikanda na Usuluhishi wa Migogoro ya Bunge la Afrika ya Mashariki ilifanya warsha ya hadhara mjini Arusha kuhusu mgogoro wa ubinaadamu nchini Burundi. Warsha hii ilifuatiwa na ombi lililowasilishwa kwa Spika wa Bunge la Afrika ya Mashariki na Chama cha Wanasheria wa Bara la Afrika (PAULA) na Jumuiya za Kiraia nne ambazo ni Jukwaa la Jumuiya za Kiraia za Afrika ya Mashariki, Chama Kinachoangalia Udhalilishaji cha Afrika, Kituo cha Ushiriki wa Wananchi katika Umoja wa Afrika, Chama cha Wanasheria cha Afrika ya Mashariki na Kituo cha Katiba, tarehe 16 November 2015, wakilitaka Bunge la Afrika Mashariki kuingilia kati haraka katika mgogoro wa Burundi. Waliopeleka ombi hilo walilitaka Bunge la Afrika ya Mashariki kuuomba Umoja wa Afrika kuingilia katika katika mgogoro wa kisiasa na wa kibinadamu wa Burundi, na vile vile wamelitaka Bunge hilo kupeleka maazimio madhubuti kwenye Mkutano wa Kilele wa Jumuiya ya Afrika ya Mashariki

wasiiruhusu nchi hiyo kuchukua nafasi ya uwenyekiti wa mzunguko wa Jumuiya ya Afrika ya Mashariki mpaka hapo itakaposuluhisha migogorio ya kisiasa, haki za binadamu na hali ya ubinadamu katika nchi hiyo. Kamati hiyo ilikutana pia na wadau kutoka Burundi tarehe 15 Januari 2016 na ujumbe wa ngazi ya juu kutoka katika Serikali ya Burundi ulitoa maelezo yake kwa kamati hiyo tarehe 25 Januari 2016. Ripoti ya kamati ilijadiliwa na kuidhinishwa na Bunge lote na baada ya hapo, Bunge liliutaka Mkutano wa Kilele wa Jumuiya ya Afrika ya Mashariki kutilia mkazo jukumu lake la kuwalinda na kuwahami wananchi wa Burundi dhidi ya fujo na kuwahakikishia usalama wao.<sup>181</sup>

Wazo la kulitumia Bunge la Afrika ya Mashariki inabidi lifuatiliwe kwa nguvu na kwa haraka.

### **Viongozi wa kanda**

Tume imetilia maanani jukumu la viongozi waliopita, kama vile marehemu Mwalimu Nyerere na marehemu Nelson Mandela, wakati wa machafuko ya Burundi na Rwanda katikati ya miaka ya 1990 na mazungumzo juu ya Burundi yaliyofanyika Arusha, na kuyahusisha mafanikio ya mikutano hiyo na heshima na busara zao. Ijapokuwa baadhi ya wahojiwa wameeleza wasiwasi wa kuweza kupatikana watu wenye uwezo na ujuzi wa usuluhishi katika kanda kwa hali kama ya Zanzibar, mawazo ya tume ni kinyume na hayo. Hivi karibuni, viongozi kutoka katika kanda hii, kama vile Rais Mkapu, waliungana na viongozi wengine wa bara hili wakiongozwa na Kofi Anan kusuluhisha mgogoro wa baada ya uchaguzi wa 2007 nchini Kenya. Ijapokuwa kuna uhaba wa viongozi wa zamani nje ya Tanzania na Kenya, tunaweza kuangalia kwengine katika bara hili kwa watu kama aliyekuwa rais wa Msumbiji, Joachim Chissano, aliyehusika katika kusuluhisha mgogoro wa Sudan ya Kusini, na viongozi wengine kama hao. Uingiliaji kati wa viongozi kama hao kwa hali ya

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181 Ibid.

Zanzibar inabidi utafutwe kwa juhudi. Juhudi kama hizo hazihitaji kusababisha vifo na mateso. Historia ya machafuko ya uchaguzi Zanzibar imekuwa ni ya mfululizo kiasi cha kumfanya mtu atabiri hatari na kuchukua hatua madhubuti za kuzuia hatari hiyo.

Mahakama ya Afrika ya Mashariki inaweza kutoa mchango. Mahakama hiyo ya kanda imeamua masuala kadha yanayohusiana na utawala na katiba kutoka kwenye Nchi Wanachama. Miongoni mwa masuala hayo ni mashauri yanayohusiana na muundo wa Bunge la Afrika ya Mashariki lenyewe, migogoro ya uchaguzi na ukiukwaji wa haki za binadamu, bila ya kutaja mgogoro mmoja uliowasilishwa na Wazanzibari hivi karibuni: *Rashid Salum Adiy & wengine dhidi ya Mwanasheria Mkuu wa Serikali ya Mapinduzi ya Zanzibar; Waziri Kiongozi wa Serikali ya Mapinduzi ya Zanzibar na Mwanasheria Mkuu wa Jamhuri ya Tanzania*,<sup>182</sup> ambapo Adiy na raia wengine wa Zanzibar 39,999 wameiomba Mahakama ya Afrika ya Mashariki kupinga uhalali wa Muungano wa Tanzania.<sup>183</sup>

## **Jukumu la Wazanzibari**

Wakati majukumu mengine yanaweza kukabidhiwa kwa wahusika wa kanda hii, jukumu kubwa la kusuluhisha mgogoro wa hivi sasa limo mikononi mwa watu wa Zanzibar. Juhudi nyengine zote zinaweza kuwa ni za kusaidia tu. Kusema kweli, kwa watu wa Zanzibar kuweza kufikia *Miafaka* mbali mbali na kuunda Serikali ya Umoja wa Kitaifa, wamedhihirisha wazi uwezo wao wa kutatua matatizo yao wao wenyewe.

## **Vyama vya Siasa**

Tume inaamini kuwa, kikiwa ni chama tawala, CCM Zanzibar kina haja ya kufikiria utaratibu wa kugawana madaraka utakaotilia maanani maoni ya watu wa Zanzibar.

182 Mahakama ya Afrika ya Mashariki Ombi Na.07 la 2017, limeamuliwa na mahakama tarehe 8 Mchi 2018

183 Mahakama imelikataa ombi kwa sababu wakala aliyeteuliwa na Mlalamikaji hana *ubalali wa kisheria* kwa sababu ya madaraka ya kisheria yenye kasoro

CCM Zanzibar, kama ilivyokuwa katika *Maridhiano*, lazima ichukue hatua hii ya kijasiri kwa maslahi ya taifa. CCM lazima ioneshe tawi la mzaituni kwa CUF na CUF nayo ipatane na chama tawala kwa maslahi ya nchi.

### ***Viongozi wa Vyama***

Walio muhimu katika mchakato huu ni viongozi wa vyama. Viongozi wa vyama vya CCM na CUF wana jukumu maalum katika kumaliza mgogoro huu. Ni maoni ya tume kuwa usuluhishi unawezekana kwa kuwa ulikwishapatikana hapo kabla – pale ilipopatika *Miafaka* na Serikali ya Umoja wa Kitaifa, Maalim Seif na aliyekuwa Rais Karume waliposahau tofauti zao na kukubali kuunda Serikali ya Umoja wa Kitaifa kwa maslahi ya Zanzibar ya amani, yenye utulivu na iliyoendelea. Bila ya kujali wasiwasi waliokuwa nao baadhi ya waliohojiwa, kwa jumla wanakubaliana kuwa Serikali ya Umoja wa Kitaifa ingelikuwepo mapema wakati Karume akiwa rais, serikali hiyo ingelikuwa na msingi madhubuti zaidi. Hivi sasa haijulikani Karume ana jukumu gani, akiwa ni mmojawapo wa waasisi wa Serikali ya Umoja wa Kitaifa. Haijulikani amekabidhiwa jukumu gani na Serikali ya Zanzibar na/au ya Muungano, katika hali ngumu inayoikabili Zanzibatr. Utafutaji wa suluhisho la hapa nyumbani unaweza kufanikiwa kutokana na mtu mwenye hadhi kama yake ambaye hawezi kugombea nafasi ya kisiasa na anaweza kuwa na muda wa kutosha wa kushughulikia hali ya migogoro tokea alipoacha madaraka.

Jukumu la Maalim Seif wakati huu ni muhimu sana. Siyo kwa sababu ya wafuasi wengi alioweza kuwakusanya kwa muda wote tu lakini pia kwa sababu ya wasifu wake ambao umesaidia katika kuwatuliza wafuasi waliokasirika na waliokata tamaa wa CUF, hasa vijana. Kusema kweli, kama msomi mmoja alivyoeleza: ‘Si jambo linalotiwa chumvi kusema kuwa Seif ni mtu muhimu katika visiwa hivi na Tanzania kwa jumla. Anaheshimiwa na kuungwa mkono na

mamia ya maelfu ya Wazanzibari?<sup>184</sup> Zaidi ya hayo, kama mfuasi mmoja wa CCM alivyokiri kuhusiana na kuwa kwake na wafuasi wengi sana huko Pemba: ‘Ni shida kuwapata watu wa Pemba ila kama maalim Seif amefariki!’

Ushupavu wa Maalim unaweza kuivuruga au kuijenga Zanzibar katika kipindi hiki kigumu.

Tume inaamini kuwa watu binafsi watakaokubalika pande zote mbili kutoka CCM Tanzania Bara wanaweza kuhitajika. Ukiiangalia hali ya Muungano, ushirikishwaji wa CCM Bara unaweza kuwa ni lazima. Hata hivyo, hili liwe baada wa Wazanzibari kukubaliana. CCM inaweza kuwaainisha watu hao kwa kushauriana na watu wa Zanzibar.

Kwa maslahi ya ushirikishwaji na kama ilivyoenezwa wakati tume ikiwa kazini, siasa za Zanzibar lazima ziache kuwa ni za vyama viwili – za CCM na CUF tu. Ijapokuwa inaeleweka kuwa CCM na CUF zina dhamana kubwa katika kusuluhisha mgogoro wa Zanzibar, juhudi za vyama vyote viwili lazima zijumuishe na za vyama vingine. Vyama vidogo na viongozi wao lazima vishirikishwe. Hata hivyo, lazima ichukuliwe tahadhari ili kuhakikisha kuwa ni vyama vyenye sifa tu ndivyo vinavyoshirikishwa katika majadiliano kati ya vyama mbali mbali.

### ***Watu binafsi wa kushirikishwa***

Katika mahojiano yetu na wahojiwa wakati tume ikiwakazini, waliainishwa watu binafsi kwa kuzingatia imani za kisiasa ambao wanaweza kutoa mchango katika majadiliano kati ya viongozi wa CCM na CUF. Watu hao itabidi wakubaliwe na pande zote mbili zinazopingana. Tume inawapa changamoto wazanzibari, kujiangalia na bila ya kuchelewa, kuainisha watu hao. Kuwaainisha na kuwaleta watu hao pamoja unaweza kuwa ni mwanzo mzuri.

184 Angalia Othman, Haroub Miraji: Mapitio ya kitabu, Burgess, Gut Thomas (ed.) ‘Race, revolution and the struggles for human rights in Zanzibar: Maelezo ya Ali Sultan Issa na Seif Sharif Hamad’, katika *Zanzibar Yearbook of Law*, Juzuu ya 1, 2011, op. cit., uk.388

Lililo muhimu ni kuwa ule utamadunu wa kuficha na kuufanya mchakato wa upatanishi kuwa siri kama ilivyokuwa katika upatanishi uliopita itabidi uachwe. Ili kuondoa hali ya kutiliana shaka na kuwepo uwajibikaji, mchakato wa upatanishi wa siku za mbele itabidi uwe wazi na wananchi wapatiwe habari muhimu kuhusiana na mchakato huo. Haya ni kwa upinzani vile vile. Hii haina maana kuwa hatua zote na mwenendo wa mchakato huo zifanyike hadharani. Ukutilia maanani kiwango cha juu cha ushabiki wa kisiasa na majadiliano ambayo ni sehemu ya utamaduni wa Zanzibar, majadiliano ya wazi juu ya masuala muhimu kama haya kutaongeza heshima ya vyama vyote viwili CCM na CUF kwa wafuasi wao na kwa wananchi kwa jumla.

### ***Jumuiya za kiraia***

#### **■ *Viongozi wa dini***

Ijapokuwa inasemekana kuwa viongozi wa dini wanalipwa na serikali na wengi kuamini kuwa wanatumikia maslahi ya chama tawala cha CCM, tume inaamini kuwa wanaweza kuwa na mchango muhimu katika kuwaandaa watu ili waungane na kuwa na mshikamano wa kijamii kwa kuwa Wazanzibari wengi ni Waisilamu na Uisilamu ni mtindo wa maisha. Ni kweli kuwa viongozi wa dini walitoa mchango mkubwa katika kuwaandaa wananchi kuikubali Serikali ya Umoja wa Kitaifa na kupiga kura katika kura ya maoni. Wameshiriki vile vile katika programu za kumaliza fujo Zanzibar, kama ilivyokuwa wakati wa kampeni yao ya kuzuia mashabulizi ya tindikali. Zaidi ya hayo, kama ilivyoelezwa wakati tume ikiwa kazini, Wazanzibari, bila ya kujali uanachama wao katika vyama vya siasa, wanaswali pamoja. Tume imeelezwa vile vile juu ya kuwepo kwa jukwaa la waumini wa dini mbalimbali ambalo linawajumuisha Wakiristo na Wahindu walio wachache katika kutafuta suluhisho la changamoto za kisiasa na kijamii Zanzibar.

### ■ *Vyama Visivyo vya Kiserikali*

Tume imebaini kuwa, bila ya kujali kukamatwa na vitisho kutoka serikalini kwa shughuli zao, vyama visivyo vya kiserikali na vyama vya kijamii vinavyowaleta pamoja vijana, wanawake na mahitaji maalum kama vile haki za binadamu, utawala na masuala ya mazingira vipo Zanzibar. Kama walivyo viongozi wa dini, Vyama Visivyo vya Kiserikali vinaweza kuendesha shughuli za utetezi kwa madhumuni ya kuleta mshikamano na umoja, na kuandaa wananchi katika kuyafikia malengo hayo. Ijapokuwa tume imebaini kuwepo kwa uhaba mkubwa wa kesi za utetezi wa maslahi ya wananchi Zanzibar, bila ya kujali majina yao, Chama Kisicho cha Kiserikali kama vile Chama cha Wanasheria cha Zanzibar, kinachoshughulikia masuala ya utawala kinaweza kushughulikia utetezi wa maslahi ya wananchi kwa mambo muhimu yanayohusiana na uchaguzi wa 2015/16 na masuala ya katiba. Hii ni sawa kabisa kwa Chama cha Wanasheria wa Zanzibar ambacho kisheria kina madaraka ya kushughulikia maslahi ya wananchi.

Tume inatambua hatua chanya iliyochukuliwa kwa kutetea maslahi ya wananchi katika shauri la hivi karibuni la *Rashid Salum Adiy*.<sup>185</sup> Ni juhudi nzuri na ya kutia moyo ambayo imekwenda nje ya mipaka ya kitaifa na kufikia kuwa mchakato wa kusuluhisha mgogoro wa kikanda, ijapokuwa shauri hilo lilitupiliwa mbali kwa sababu za kiufundi.

Wakati tume inatambua hali ya kisiasa inayotisha ambayo inakizuia Chama cha Wanasheria na Jumuiya za Kiraia kama Chama cha Wanasheria Zanzibar zishughulikia utetezi wa maslahi ya wananchi kuhusiana na masuala ya katiba yanayotokana na hali ya Zanzibar ya 2015/16, na suala la uwezo linalovisumbua vyama hivyo, tume inakitaka hasa Chama cha Wanasheria cha Zanzibar, kutimiza wajibu wake wa kisheria wa kuendeleza utawala bora na kuheshimu katiba Zanzibar kwa namna ya kuchukua hadhari kabla

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185 Op. cit.

ya athari. Kwa sababu hiyo, Chama cha Wanasheria inabidi kijitahidi kujenga uwezo wake katika uwanja huu kwa kujifunza kutoka katika utendaji bora katika kanda hii. Chama cha Wanasheria cha Zanzibar inabidi kichote kutoka katika rasilimali za kiuledi ziliopo katika kanda, hasa Chama cha Wanasheria cha Afrika ya Mashariki, katika kutetea maslahi ya wananchi na katika kuitumia ofisi yake adhimu kuwasuluhisha Wazanzibari.

Rasilimali za vyama vya kanda kama vile Chama cha Wanasheria cha Afrika ya Mashariki na KcK zinaweza kuwa na faida katika kuufanya usuluhishi kuwa ni tukio halisi kwa kuainisha viongozi na watu binafsui wenye sifa katika kanda ili kuendeleza na kuzidisha kasi ya mchakato wa kuleta usuluhishi. Kama ilivyoelezwa hapo juu, Jumuiya za Kiraia za Kanda zililiomba Bunge la Afrika ya Mashariki kuingilia kati katika mgogoro wa Burundi.

### ***Sekta binafsi***

Tunaamini kuwa, ukiangalia mchango mkubwa ambao sekta binafsi inatoa au inabidi itoe Zanzibar katika kuzalisha ajira na kushirikiana na serikali katika kutoa huduma za jamii, sekta hii inaweza vile vile kushughulikia masuala kadha ambayo yamesababisha hali ya kutoridhika miongoni mwa vijana na wananchi kwa jumla. Kuna uwezo mkubwa wa kibiashara katika visiwa vyote viwili, uwezo ambao unaweza kustawi kwa kuwepo mazingira ya siasa ya amani na utulivu.

### **Kuipitia tena Katiba**

Kama KcK kilivyobaini katika tume zake zilizopita na kusema kweli kama habari nyingi zinazohusiana na Muungano wa Tanzania zinavyoonesha, utawala bora na masuala ya katiba ya Zanzibar ni suala la muungano. Ni kweli kuwa tume imepokea maoni juu ya Muungano na juu ya athari za kukwama kwa mchakato wa kuipitia tena katiba visiwani. Hatimae, ni wazi kuwa usuluhishi ambao hauzingatii muundo wa Muungano ni usuluhishi usiotimia. Kuahirisha azimio

hili la kuipitia tena katiba kunazidi kuipa nguvu imani ya Wazanzibari wengi kuwa ni Bara tu ndiyo inayonufaika na Muungano wakati wao, Wazanzibari wanakandamizwa ndani ya Muungano huo. Wengi wao wanaamini kuwa Muungano uliojengeka na kusimamiwa vyema utakuwa na maslahi kwa wote Visiwani na Bara. Kwa hivyo, tume inapendekeza kuwa mchakato wa kuipitia tena katiba ya Muungano ufufuliwe na hasa kuhusiana na yale yaliyobainika, na wakati huo huo tume iliyopita ya KcK inapendekeza kuwepo kwa Muungano wa serikali tatu kama ilivyopendekezwa na Tume ya Warioba.

Tume inapendekeza vile vile kupitiwa tena katiba ya Zanzibar. Hii inaweza kutanguliwa na kuipitia tena katiba ya Muungano. Mchakato huu utaiwezesha Zanzibar kushughulikia na kusuluhisha masuala ya katiba ambayo ni ya namna ya pekee Zanzibar, kama vile Serikali ya Umoja wa Kitaifa. Masuala mengine ambayo yanaweza kushughulikiwa ni pamoja na kuimarisha Tume ya Uchaguzi ya Zanzibar na mahakama. Ni muhimu sana kuifanya Tume ya Uchaguzi ya Zanzibar kuwa ni tume huru isiyopendelea upande wowote. Katika hali hiyo hiyo, na mahakama nayo iwe huru na isitegemee mihimili mingine ya dola. Na kuhusiana na uchaguzi, mahaka ipewe uwezo wa kusikiliza maombi yanayopinga matokeo ya uchaguzi wa rais.

## **Usuluhishi Uliokubaliwa**

Tume imebaini kuwa Wazanzibari wanajivunia sana Serikali ya Umoja wa Kitaifa, siyo kwa sababu ni chimbuko la hapohapo nyumbani tu bali kwa sababu kwa mara ya kwanza masuala ya kutengana na ubaguzi katika serikali na katika jamii yalishughulikiwa ipasavyo na vyama vyote viwili, chama tawala na chama kikuu cha upinzani. Hali ya kukata tamaa inayoonekana sasa miongoni mwa Wazanzibari inadhihirisha hali ya kuvunjika moyo kuwa umoja wao na ustahamilivu ulioletwa na Serikali ya Umoja wa Kitaifa imewaponyoka haraka na inaonekana kupotea na kusahauliwa. Ni

maoni ya tume kuwa masuala yote ya hapo juu yanahitaji usuluhishi wa majadiliano na juhudi madhubuti za wahusika wote waliotajwa hapo juu. Tume imebaini juu ya umuhimu wa kuwepo mjadala wa kitaifa ili kutatua suala la mvutano wa kihistoria wa Zanzibar. Tume inatilia mkazo kuwa mabadiliko ya kiuchaguzi na chaguzi zenyewe hayatoshi katika kutatua tatizo la Zanzibar ukichukulia mgawanyiko wa kisiasa uliopo, hata kama chaguzi zitakuwa huru na za haki. Tume ya Uchaguzi ya Zanzibar lazima ifanyiwe mabadiliko lakini hiyo si sababu ya kutosha ya kuhakikisha kuwepo kwa amani. Pamoja na wazo la kuwa na Serikali ya Umoja wa Kitaifa, masuala kama vile vipi serikali hiyo inatiririka hadi kufikia ngazi za chini za serikali pamoja na kuwa na rais wa mzunguko, yanahitaji kujadiliwa. Katika ngazi ya uchaguzi, utaratibu wa uwakilishi wa uiano ukiwa ni pamoja na kujumuisha makundi yaliyotengwa unaweza ukafikiriwa vile vile. Zaidi ya hayo, ijapokuwa mpasuko wa katikati wa jamii ya Wazanzibari unaojionesha wakati wa uchaguzi umekuwepo kabla ya Muungano, muungano huo tokea kuundwa kwake umechangia sana katika matatizo yaliyopo Zanzibar hivi sasa. Kwa hivyo, usuluhishi wa suala la Muungano ni sehemu ya usuluhishi wa suala la Zanzibar vile vile.

Mjadala huo lazima uhakikishe ushirikishwaji wa watu wa Zanzibar, pamoja na vyama vya siasa, Jumiya za Kiraia, Vyama Visivyokuwa vya Kiserikali, Vyama vya Kiuledi, Vyama vya Wafanyakazi, sekta binafsi, viongoi wa dini na wazee. Mjadala wa kitaifa itabidi utengeneze utaratibu wa kuleta maelewano katika ngazi zote kuanzia ngazi za chini kabisa, ili kuhakikisha kuwepo kwa hali ya kuishi pamoja na kuvumiliana katika ngazi zote – bila ya kujali ikiwa haya yamo au hayamo katika katiba na sheria. Inategemewa kuwa mjadala kama huo utafikia kwenye usuluhishi uliokubaliwa.

Kama ilivyoelezwa hapo awali, Serikali ya Umoja wa Kitaifa pamoja na *Miafaka* yalikuwa ni usuluhishi uliokubaliwa na kupatikana maelewano katika hali ya hivi sasa kunawezekana; hilo

ndilo Wazanzibari wanalolitaka. Usuluhishi uliokubaliwa ni chaguo lisiloepukika kwa hali ya historia ya Zanzibar na siasa zake ilivyo, na hasa mpasuko wa katikati kati ya wafuasi wa vyama vikubwa viwili – CCM na CUF. Zaidi ya hayo, usuluhishi uliokubaliwa lazima ushughulikie kwa makini suala la mgawanyo wa madaraka. Kutokana na yale ambayo tume imeyaona ni wazi kuwa suala kubwa la Zanzibar ni uraisi. Kadhalika, la msingi katika majadiliano hayo ni masuala kama vile namna gani kuifanya Serikali ya Umoja wa Kitaifa ifanyekazi, na hasa urais wa mzunguko, tofautu na ule wa rais anayechaguliwa, na madara ya makamo wa rais wawili katika Serikali ya Umoja wa Kitaifa. Kwa utaratibu huu inachukuliwa kuwa uchaguzi wa wajumbe wa Baraza la Wawakilishi utaendelea kuwepo.

Kwa maoni ya tume, ikiwa suala la madaraka katika ngazi ya urais litasuluhishwa, mambo madogomadogo mengi yatasuluhishwa kwa urahisi. Wazo la kuifanyia marekebisha Serikali ya Umoja wa Kitaifa ili itiririke kufikia kwenye serikali za mitaa au kwa wateuliwa wasiokuwa wa kisiasa kama vile katika utumishi wa serikali, kama ilivyopendekezwa na baadhi ya wahojiwa wakati tume ikiwa kazini, halitakuwa jambo la lazima. Pendekezo la kuitiririsha Serikali ya Umoja wa Kitaifa hadi kufikia kwenye utumishi wa serikali, uliopo kwa misingi ya utumishi wa serikali unaoegemea upande wa chama tawala linaweza kushughulikiwa kwa kurekebisha na kuweka mchakato wa kuajiri usiokuwa na ushabiki wa vyama na ulio wazi ili kuthibitisha ushirikishwaji na upendeleo kwa wale waliotengwa. Zaidi ya hayo, ari ya Serikali ya Umoja wa Kitaifa inaweza kuhitaji uingiliaji kati wa haraka ili kuurekebisha utumishi wa umma ili uwe ni wa pande zote chini ya Serikali ya Umoja wa Kitaifa.

Ni muhimu kutambua kuwa, wakati tume inaridhika kuwa muundo wa Serikali ya Umoja wa Kitaifa umejengwa kwa misingi ya historia ya Zanzibar, Serikali ya Umoja wa Kitaifa inahitaji kuingiza masuala yanayoweza kujitokeza baadaye. Inahitaji kuangalia mbali

zaidi kuliko CCM na CUF, kwa kuwa mambo mapya ya kisiasa yanaweza yakajitokeza siku za usoni.

Tume inatilia mkazo kuwa uamuzi wa mwisho juu ya mustakibali wa Zanzibar ni wa Wazanzibari. Kwa hivyo, mapendekezo ya tume hii yako wazi kwa mjadala zaidi na uchambuzi wa Wazanzibari. Baadhi ya mapendekezo au mapendekezo yote yanaweza kutekelezwa, lakini usuluhishi uliokubaliwa unabakia kuwa ndiyo msingi wa mustakibali wa Zanzibar, kisiasa na kikatiba.

# Orodha ya Watu Waliohojiwa

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## **Dar es Salaam**

Deus Kibamba Dk. Helen Kijo Bisimba	Mwenyekiti, Jukwaa la Katiba Mkurugenzi Mtendaji, Kituo cha Sheria na Haki za Binadamu (LHRC)
Harold Sungusia	Mwanaharakati wa haki za binadamu, mshauri, Sung Consultants
Mhe. Bahame Tom Nyanduga	Mwenyekiti, Tume ya Haki za Binadamu na Utawala Bora (CHRAGG)
Mhe. Ibrahim Lipumpa	Mwenyekiti, Chama cha Wananchi (CUF)
Mhe. J.S. Warioba	Aliyekuwa Mwenyekiti, Tume ya Kuipitia Upya Katiba, Tanzania (CRC)
Mhe. Pole Humphrey	Katibu Mtendaji wa Taifa wa Itikadi na Utangazaji, Chama cha Mapinduzi (CCM)
Prof. Chris Maina Peter Prof. Mwesiga Baregu	Profesa wa Sheria ya Katiba Profesa wa Sayansi ya Siasa

## **Zanzibar**

Abeid Abdullah	Mkurugenzi Mtendaji, Vijana wa Zanzibar dhidi ya Changamoto za Vijana
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Asha About	Umoja wa Vyama Visivyo vya Kiserikali Zanzibar (ANGOZA)
Awadh Ali Said	Alikuwa mjumbe wa Tume ya Kuipitia Upya Katiba na mwanasheria
Commissioner Mohamed Khamis	Tume ya Haki za Binadamu na UtawalaBora CHRAGG, Zanzibar
Dk. Abdulla Mohammed Juma	Mwanahabari, Shirika la Utangazaji Zanzibar
Dk. Mzuri Issa Ali	Chama cha Wanahabari Wanawake (TAMWA) na mratibu ZANGG
Dk. Yahya Khamis Hamad	Mnasihi Mkuu wa Kisheria , Zanzibar, Tume ya Kuzipitia Upya Sheria
Dk. Moh'd Makame Haji	Chuo cha Sheria, Chuo Kikuu cha Zanzibar
Hassan Ali Mzee	Mjumbe wa Bodi, Chama cha Wafanya Biashara, Viwanda na Kilimo cha Zanzibar na Mweyekiti Chama cha Waendeshaki Biashara ya Utalii Zanzibar (ZATO)
Mhe. Ali Mzee	Mwanachama wa CCM na mjumbe wa Kamati ya Watu Sita
Mhe. Ally Saleh	Mwanahabari, alikuwa mjumbe wa Tume ya Kuipitia Upya Katiba na Mbunge wa Bunge la Muungano
Mhe. Bakary Khamis Abubaker	Jaji, alikuwa MwanasheriaMkuu, alikuwa Mjumbe wa Baraza la Wawakilishi, mjumbe wa Kamati

	ya Watu Sita ya Serikali ya Umoja wa Kitaifa
Mhe. Fatuma Fereji	Mwenyekiti, Umoja wa Wanawake wa CUF
Mhe. Himid Yusuf	Alikuwa waziri na mjumbe wa Kamati ya Watu Sita ya Serikali ya Umoja wa Kitaifa
Mhe. Ismail Jussa	Mkurugenzi wa Mambo ya Nje na Uhusiano wa Kimataifa wa CUF, alikuwa mjumbe wa Kamati ya Watu Sita ya Serikali ya Umoja wa Kitaifa na alikuwa mjumbe wa Baraza la Wawakilishi
Mhe. Maalim Seif Hamad Sharif	Katibu Mkuu, Chama cha Wananchi (CUF)
Mhe. Mohammad Yussuf	Alikuwa mjumbe wa Tume ya Kuipitia Upya Katiba na Mkurugenzi Mtendaji, Taasisi ya Zanzibar ya Utafiti na Sera za Umma
Mhe. Nassor Ahmed Mazrui	Naibu Katibu Mkuu, CUF
Mhe. Nassor Mohammed	Mjumbe wa Tume ya Uchaguzi ya Zanzibar, alikuwa mjumbe wa Tume ya Kuipitia Upya Katiba na mwanasheria
Mhe. Othman Masoud Othman	Alikuwa Mwanasheria Mkuu
Mhe. Simai	Mjumbe wa Baraza la Wawakilishi, Tunguu
Jamila Juma	Chama cha Wanasheria Wanawake Zanzibar (ZAFELA)
Jaji Msibe	Mwenyekiti, Tume ya Kuzipitia Upya Sheria Zanzibar
Lulu Abdallah Omar	Marafiki wa Zanzibar

Lusungu Leonard Mbilinyi	Kituo cha waumini wa dini mbali mbali Zanzibar
Musa Omar Tafurwa	Shirikisho la Vyama vya Wafanyakazi Zanzibar (ZATUC)
Mustafa Sherif	Mjumbe, Kamati ya Utendaji ya Vijana wa Zanzibar dhidi ya Changamoto za Vijana
Nik Bredholt	Mratibu, Kituo cha Waumini wa Dini Mbali mbali, Zanzibar
Omar Said Shaaban	Chama cha Wanasheria cha Zanzibar (ZLS)
Prof. Abdul Sherif Saida Abdallah	Profesa wa Historia Kaimu Mkurugenzi Mtendaji , Kituo cha Huduma za Sheria, Zanzibar Legal Service (ZLSC)
Sheikh Soraga	Ofisi ya Imam

## **Pemba**

Abubakar M. Ali	Mkurugenzi Mtendaji , Chama cha Wakulima wa Karafuu Zanzibar
Ali Mohammed Ali Feisal Abdalla Saidi	Emir, Chama cha Maimam Mwenyekiti/mwana elimu, Chama cha Kutoa Huduma kwa Wafugaji (LIFSOPE)
Haji Dawa Haji	Cha cha Kuendeleza Wavuvi Mwambe
Kassim Khamis Rashid	Mwenyekiti, Chama cha Wakulima wa Karafuu Zanzibar
Kombo Ahmed Issa	Kijana

Mohamed Ali Masoud	Daktari wa Mifugo/Afisa Mipango, Chama cha kuhudumia wafugaji
Nassor Haji Nassor Rahim Simai Makame	Chama cha Kuendeleza Wavuvi Mwambe
Said Bakar Hamza	Katibu, Chama cha Wakulima cha Mtakata (MCCOS)
Saleh Abdalla Mohammed Suleiman Said Mohammed	Kijana Naibu mwenyekiti Wakulima wa Mtakata
Sumaya Othman Ibrahim Yusuf Abdalla Ramadhan	Kijana JUMAZA, Chama cha Maimam Zanzibar

## **Makundi yaliyolengwa**

### ***Vijana (Vijijini)***

Haji Ussi Pandu  
Kazija Ali Shauri  
Maryaam Abdi  
Rabia Fadhi  
Raya Ali Nyange  
Sheha Ali Khamis  
Suleiman Habib  
Zubeir Daud

### ***Vijana (Mjini)***

Aysha Juma Mussa  
George Mkwaya  
Iddi Haji  
Lailat Abed  
Mohammed Ibrahim  
Saadat Soud  
Seif Gharib  
Shadida Omar Ali

### ***Wanawake (Vijijini)***

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# Rejea

- Ali Uki, 'Maridhiano and the Government of National Unity, its impact on elections and constitutionalism in Tanzania', katika Chris Maina Peter & Immi Sikand (eds), in *Zanzibar, The Development of the Constitution*, 2011, Zanzibar, Zanzibar Legal Services Centre, Publication Series Book No.3
- Bakari Kombo Mussa, 'The state of constitutionalism in Zanzibar 2015', katika Mwesiga Baregu, *Annual State of Constitutionalism in East Africa 2015*, 2016, Kampala, Fountain Publishers
- Bakary Khamis Abubaker, katika *Zanzibar YearBook of Law*, Vol., 1, 2011
- 'Election Observation Mission to the 20th March 2016 Re-Run General Elections in Zanzibar Statement, Zanzibar 21st March, 2016', imeambatanishwa katika *Report of the EAC Observer Mission to the 2015 Tanzania General Elections, 18-25 October 2015*
- European Union Election Observation Mission, United Republic of Tanzania, Final Report, General Elections 2015*
- Glassman, Jonathan, *War of Words, War of Stones: Racial Thought and Violence in Colonial Zanzibar*, 2011, Indiana: Indiana University Press
- Hamad Khamis Mohamed, 'The state of constitutionalism in Zanzibar 2011', katika Makulilo B. Alexander (ed), *Annual State of Constitutionalism in East Africa 2011*, Kampala, Uganda, Fountain Publishers, 2013
- Hamad Khamis Yahya & Peter Maina Chris, 'Elections in Zanzibar and their consequences: ZEMOG na Miafaka', katika Chris Maina Peter & Immi Sikand (eds), in *Zanzibar, The Development of the Constitution*, 2011, Zanzibar, Zanzibar Legal Services Centre, Publication Series Book No.3
- <https://eisa.org.za/wep/zan2000election2.htm>
- Jjuuko Frederick & Muriuki Godfrey, *Federation within Federation, The Tanzania Union Experience and the East African Integration Process*, Ripoti ya Kituo cha Katiba Tume ya Kutafuta Ukweli wa Mambo Tanzania

- Lowry Willy, 'Zanzibar bombings may be related to a disputed election', *The New York Times*, 1 November 2015, imepatikana katika [www.nytimes.com/2015/11/02/world/africa/zanzibar](http://www.nytimes.com/2015/11/02/world/africa/zanzibar)
- Oloka Onyango Joe na Nassali Maria, *Constitutionalism and Political Stability in Zanzibar: The Search for a New Vision*, Ripoti ya Tume ya Kutafuta Ukweli wa Mambo iliyotumwa na Kituo cha Katiba, Oktoba 2003
- Othman Haroub, Yes, in *My Lifetime: Selected Works of Haroub Othman*, Saidha Yahya-Othman (ed), 2014, Mkuki na Nyota
- Othman, Haroub Miraji: Book reviews, Burgess, Gut Thomas (ed) 'Race, revolution and the struggles for human rights in Zanzibar: Memoirs of Ali Sultan Issa and Seif Sharif Hamad', katika *Zanzibar YearBook of Law*, Vol.1, 2011
- Peter Maina Chris, 'Recent developments in Zanzibar: From Miafaka to Maridhiano and Government of National Unity', katika *Zanzibar, The Development of the Constitution*; 2011, Zanzibar, Zanzibar Legal Services Centre, Publication Series Book No.3
- Ripoti ya Tume ya Kutazama Uchaguzi wa 2015 Tanzania ya Jumuiya ya Afrika ya Mashariki, 18-29 Oktoba 2015. EAC Secretariat, Tanzania, 18 January 2016
- The *Election Observation Mission, Zanzibar 2015*, Friedrich Nauman Stiftung, amepatikana katika <http://www.scribd.com/document/289609067/Report-Zanzibar-2015>
- Throup David W, 'Commentary: The political crisis in Zanzibar', March 2016, imepatikana katika <http://www.csis.org/analysis/political-crisis-zanzibar>
- UNPO news reports, inapatikana katika <http://www.unpo.org/article/15390>
- Yahya Khamis Hamad, 'The constitutional premises of the GNU in Zanzibar', katika Chris Maina Peter & Immi Sikand (eds), katika *Zanzibar, The Development of the Constitution*; 2011, Zanzibar, Zanzibar Legal Services Centre, Publication Series Book No.3

Yusuf Issa, 'Tanzania: Concerns over Zanzibar's Govt of National Unity', *Tanzania Daily News*, 31 October, 2012, imepatikana katika <http://allafrica.com/stories/201210310157.html>

'Zanzibar: Power-sharing mechanism proves successful', *The Citizen*, 21 January 2013, imepatikana katika <http://unpo.org/article/15390>

## **Kesi**

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