



Promoting Credible Elections and
Democratic Governance in Africa

ELECTION · TALK

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Constitution: Tanzania and Zanzibar

Article 5 of the Constitution of the United Republic of Tanzania states that every citizen who has attained the age of 18 years is entitled to vote in any of the public elections. This right is to be exercised in accordance with other relevant provisions of the Constitution and electoral laws pertaining to the public elections. The Principles for Election Management, Monitoring and Observation in the SADC Region (PEMMO) recommend that the Constitution and electoral acts must uphold the fundamental right and freedom that allows for multi-party elections that are free, fair, credible and

TANZANIA: CONSTITUTIONAL AND LEGAL FRAMEWORK

Selby Matloga

The Zanzibar Electoral Commission (ZEC) and Mainland Tanzania National Electoral Commission have jointly set the date for the general elections to be held on 30 October 2005. One of the fundamental issues during this election is the Constitution and the legal framework governing the electoral processes. These decrees are important principles in setting conditions under which elections are conducted in a country. The constitution of a country should provide the legal framework for the conduct and delivery of free, fair and legitimate elections.¹ This brief explores fundamental aspects of the United Republic of Tanzania's constitutional and legal framework governing these elections.

legitimate elections.² The United Republic of Tanzania repealed the single-party clause in February 1992 and paved the way for a multiparty democratic environment. This is stipulated in Section 3 (1) of the Constitution. Mainland Tanzania and Zanzibar retain two particular autonomous Constitutions and there is also one for the United Republic. Thus, both governments retain autonomous legislature, executive and judiciary. Mainland Tanzania and Zanzibar also have two different electoral laws. In Tanzania, the applicable law is the Election Act 1985 (Act No. 1 of 1985). This law covers the election of the President and Members of Parliament of the United Republic of Tanzania. Local government and town council elections are regulated by the Local Authority (Elections) Act, 1979 (Act No. 4 of 1979).³ As for Zanzibar, all elections are governed by the Election Act, 1984 (Act No. 11 of 1984). This covers presidential, legislative and local council elections. These laws facilitated the establishment of the Zanzibar and Mainland Tanzania Electoral Commissions. The Zanzibar Electoral Commission was established under Article 9 of the Zanzibar Constitution, whereas Mainland Tanzania's Electoral Commission Act is stipulated in Articles 74(7) and (11) of the

¹ The Principles for Election Management, Monitoring and Observation in the SADC Region, Electoral Handbook 13, EISA/ SADC-ECF, 2003. p7

² Ibid.

³ Lodge, T, Kadima, D & Pottie, D. Compendium of Elections in Southern Africa. Zanzibar. 2002 p416

Constitution of Tanzania.⁴ Both Electoral Commissions are stipulated as independent neutral institutions in Articles 74(7) and (11) of the Constitution of Tanzania.

Electoral Management Bodies

Article 74(1) of the Tanzania Constitution and article 9 of the 1984 Zanzibar Constitution provides the president with the power to appoint member of the Electoral Commissions.⁵ Both the Tanzania and Zanzibar Electoral Commission's consists of seven members appointed for a five year term. *See Tables 1 and 2.* The functions of the NEC are to supervise and coordinate voter registration, the delimitation of electoral districts and to declare elected Members of Parliament and councillors for women's special seats. The ZEC on the other hand, is accountable to oversee transparent, legitimate and free and fair presidential, legislative and local authority elections in Zanzibar. In addition, ZEC duties include the demarcation of constituencies and coordination of registration, among others, as stipulated in Article 119 of the 1984 Constitution of Zanzibar as amended in 1995 and the Election Act of 1984 as amended in 2002.⁶

**Table 1
Tanzania Electoral Commission**

Justice LM Makame	Chairperson
Justice ASL Ramadhani:	Vice-Chairperson
Mr H Mahudi:	Commissioner
Mr. MY Masaunu:	Commissioner
Ms. JC Manning:	Commissioner
Mr B Lobulu:	Commissioner
Dr AE Chaligha:	Commissioner

**Table 2
Zanzibar Electoral Commission**

Masauni Y Masauni	Chairperson
Justice Augustino Ramadhani	Vice-Chairperson
Ussi Khamis Haji	Commissioner
Nassor Seif Amour:	Commissioner
Halima Tawakal Khairalla	Commissioner
Mosi Kassim Shamte	Commissioner
Khatib M. K Mwinyichande	Commissioner

Sources: Eisa Web Encyclopaedia Tanzania and Zanzibar. www.eisa.org.za

Composition and Structure of the NEC and ZEC

In terms of Article 74(7) the NEC must attain its independence from other state structures. The statute relevant to the establishment of the NEC is the Elections Act 1 of 1985 as amended in 1990 and 1992.⁷ The President of the United Republic of Tanzania has the power to appoint the Chairperson of the Commission, the Vice-Chairperson and five other commissioners according to certain legislative requirements. The Chairman and the Vice-Chairman have to be judges of the High Court or the Court of Appeal of Tanzania. Either of the two has to come from the other side of the Union, for instance if the Chairman is from the mainland then the Vice-Chairman has to come from Zanzibar, or vice versa. Section 4(1) (c) of the Act states that another member of the Commission has to come from the Tanganyika Law Society. Section 4(1)(d) provides for the appointment of four other members who have experience in the conduct or supervision of parliamentary elections, or who have other qualifications considered necessary by the President for the effective performance of the Commission's functions. Notwithstanding, on the recommendation of the commission, a Director of Elections is appointed by the President. The Constitution describes the role of the Director as "its chief executive". The Director heads up the Secretariat of the Commission which is responsible for executing the decisions of the NEC. In Mainland Tanzania, the current holder of

⁴ Ibid. p361 and 416

⁵ Ibid. p361 and 417

⁶ Eisa Web Encyclopedia: Tanzania. www.eisa.org.za

⁷ Kiravu, R. Improving Elections in Tanzania, National Electoral Commission of Tanzania. February 2005. p3

the position is Mr. R.R. Kiravu whereas in Zanzibar is Mr About Taup About.⁸

Conclusion

The United Republic of Tanzania's legislative framework retains the Constitution and electoral laws which are of particular relevant to the electoral processes. Over the past years electoral laws have been amended a number of times, addressing most of the concerns raised by oppositions and independent observers, thus strengthening good conduct in the upcoming elections. In addition, the electoral laws of both parts of the United Republic demonstrate the capacity to carry out electoral processes in an efficient and professional manner. However, the Electoral Commissions have affected public perceptions concerning its independence, impartiality and objectivity, due to the fact that only the President can unilaterally appoint and/ or dismiss the commissioners. Tanzania should, therefore, consider designing an inclusive and representative electoral field that can ensure legitimate, transparent and free and fair elections.

⁸ Eisa Web Encyclopedia: Tanzania. www.eisa.org.za

THE INSTITUTIONAL CONTEXT OF ELECTIONS IN TANZANIA

Sydney Letsholo

Introduction

The United Republic of Tanzania is the last of the three countries in the SADC region to hold parliamentary elections in 2005. The other countries are Zimbabwe (March) and Mauritius (July). Without a transparent and consistent institutional framework, the elections would indeed, be chaotic. Most SADC countries have committed themselves to upholding the fundamental rights and freedoms embodied in their constitutions as well as to multi-party elections that are free, fair, credible and legitimate⁹. The aim of this article is to examine the Union of Tanzania's constitutional and legal framework, electoral system, the election management body (EMB) and conflict management mechanisms pertaining to elections.

The Constitution of Tanzania 1997

The constitutional and legal frameworks are fundamental documents of the state that provide the context and legal environment in which elections take place¹⁰. Likewise, the Constitution of the Union of Tanzania provides for the election of both the President and Members of Parliament (MPs). The President is elected by the people, both in accordance with the provisions of this Constitution and with the law enacted by Parliament pursuant to the provisions of this Constitution, pertaining to the election of the President¹¹. Concerning Members of Parliament (MPs), Article 76 (1) states after every dissolution of Parliament, there shall be held an election of an MP in every constituency.

Electoral System

An electoral system encompasses procedures, laws, rules and regulations for the electorate to exercise their democratic right to choose their leaders and translate those ballots into actual representation in the National Assembly¹². The Union of Tanzania uses the First-Past-the-Post (FPTP) electoral system, which in some cases is referred to as the Single Member Plurality (SMP). Under this system, the country is divided into different, albeit relatively equal electoral zones known as the constituencies from which contestants have to emerge in order to occupy their seats in the legislature¹³. See Table 1 below for further details on the FPTP model.

⁹ *ibid*

¹⁰ See PEMMO

¹¹ Constitution of Tanzania 1997

¹² Matlosa, K. 2003. Survey of Electoral Systems and Reform Imperatives in the SADC Region. EISA, OP No.12

¹³ *ibid*

Just as is the case with other electoral systems, the FPTP model that the Union of

Tanzania uses has both its fair share of strengths and weaknesses. This model was also used in the previous elections of 2000.

Table 1: The Union of Tanzania’s Electoral Model

Advantages	Weaknesses
Clear choice between two main parties	Excludes minor parties
Ensures single party governments	Exaggerates electoral dominance of the ruling party
Gives rise to coherent parliamentary opposition	Problem of waste votes which amounts to disenfranchisement
Excludes extremists parties	Amenable to minority government problem
Links MP to constituency	Unresponsive to changes in public opinion
Allows independent candidates to contest elections	Open to manipulation of election boundaries
Allows floor crossing	Less conducive to women’s participation
Simplicity and familiarity in Africa	Problem of single party parliament

Source: Matlosa. K. 2003. A Survey of Electoral Systems & Reforms Imperatives in the SADC Region. EISA OP No.12

Electoral Authorities

The electoral laws mandate that there be two bodies that deal directly with elections. These are the National Electoral Commission (NEC) and the Secretariat of the Commission. Article 74 of the 1997 Constitution of the United Republic of Tanzania provides for the establishment of the NEC. This is the body that is responsible for the details of the elections in Tanzania. The NEC is appointed by the President of the Republic according to Article 74 (1) of the Constitution of Tanzania¹⁴. Furthermore, Article 74 (1) (a) states that the Commission is to be chaired by a Judge of the High Court or of the Court of Appeal of Tanzania. The rest of the members consist of a Vice Chairperson, and other members to be specified by law enacted by Parliament. For

the more efficient implementation of its functions, the Electoral Commission is an autonomous department¹⁵. These remaining members can be appointed if they have experience in supervising parliamentary elections or other qualifications which the President deems relevant¹⁶.

There are disqualifications for appointments of members of the NEC: Article 74 (3) (a) and (d) of the Constitution respectively, clearly states that no persons is eligible for consideration if they are either a Minister or Deputy Minister; or if the individual is a leader of any political party. On the other hand, there is the Secretariat of the Commission which is the administrative body of the NEC. The Secretariat of the Commission administers the elections in the field and undertakes other related activities on behalf of the Commission¹⁷. The secretariat is under the authority of the Director of Elections who, in turn, is the Chief Executive of the NEC.

Conflict Management

Election-related conflict is one of the major threats to democracy and political stability in SADC¹⁸. The 2000 elections in Tanzania produced election-related conflict which threatened the stability of the country. This resulted from the opposition parties rejecting the electoral outcome. Much of the blame for this turmoil has been largely attributed to the country’s EMB for its failure to make it imperative that all contesting parties comply with the Rule of Law that enforces an environment conducive to free and fair elections. In addition, the establishment of party liaison committees or any other

¹⁴ Compendium of Elections in Southern Africa, 2002.

¹⁵ Article 74 (&0 of the Constitution of the United Republic of Tanzania

¹⁶ *ibid*

¹⁷ A Handbook of Tanzanian Electoral Laws and Regulationa 2000.

¹⁸ see PEMMO

similar structures would go a long way to preventing future conflict arising between supporters of different contesting parties and organisations at voting stations and during the counting process. This is due mainly to the exclusion and marginalisation of CSOs and party supporters from electoral processes¹⁹

Conclusion

This article has examined the electoral environment in Tanzania, citing relevant laws. Even though the country has an electoral management body that oversees the whole electoral exercise, much more still needs to be done in order to effectively handle election-related conflict. With the elections scheduled for 30 October 2005, only time will tell whether the EMB will be up to the task. Further to that, the article has also elucidated on the electoral model that Union of Tanzania uses, which has both advantages and disadvantages. Once again, the stage is now set for these laws to be put to test, come October.

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¹⁹ Karume, S. 2004. *Eisa Research Report No.7*

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DELIMITATION OF CONSTITUENCIES FOR THE 2005 ELECTIONS IN THE UNITED REPUBLIC OF TANZANIA AND ZANZIBAR

Claude Kabemba

Introduction

There can be no fair election without a clear and balanced delimitation of boundaries. Elections cannot happen before a proper delimitation of boundaries has been undertaken. The delimitation allows for a fair subdivision of constituencies to ensure equal weight for the voting power. In the SADC region, in most instances, this responsibility falls under the Election Management Bodies (EMBs).

Legal Basis for the Delimitation of Constituencies in Both United Republic of Tanzania and Zanzibar

In the Tanzania Mainland, the responsibility for reviewing the boundaries and demarcate the United Republic into various areas for the purpose of parliamentary elections, rests with the National Electoral Commission (NEC). Article 75 (4) of the Constitution of 1977, empowers the Commission to review the constituency boundaries after at least ten years. The NEC reviewed the boundaries for the first time in 1977. The last delimitation took place in the 1995 elections following the introduction of multiparty democracy in 1992, but there were no revisions of constituencies for the 2000 elections.

In Zanzibar, the responsibility is left to the Zanzibar Electoral Commission (ZEC). The rules and regulations for the exercise are entrenched in the Constitution.²⁰ One key requirement is to ensure that population is fairly divided into the constituencies to ensure that they are relatively the same size.

In both Zanzibar and the Mainland, the judiciary has no power to intervene in the work of the NEC and the ZEC. Both bodies, when demarcating these constituencies, take into account the following

²⁰ See Section 120 sub-section 3 of the 1984 Constitution. It sets the guidelines when formulating and reviewing electoral boundaries.

criteria: “geographical features, means of communication and adequate representation of urban and sparsely populated areas.”²¹

The 2005 Elections and the Delimitation of Boundaries

The NEC has, for the 2005 elections, introduced some realignment of the districts and town councils in the Mainland. The changes are not very significant in terms of numbers. In the 2000 elections, there were 231 and 2538 constituencies and wards respectively. In 2005, they have been increased by one constituency and 16 wards. This takes the number of wards to 232 and 2554 for the constituencies.

While the current delimitation seems to be accepted by all stakeholders, there have been discussions around the possibility of increasing the number of districts in some areas. Those who want this increase make reference to the population increase. Indeed it has been 10 years since the last delimitation was done. The population must have increased to warrant a major delimitation. In addition, the movement of people mainly from rural to urban areas must have shifted the population balance in certain areas. This explains why earlier this year a request was made in Parliament for the establishment of five new

districts.²² Five new districts were recommended for the following areas: Namtumbo, Kilolo, Mvomero, Kilindi and Kishapu.

In Zanzibar, we have witnessed some major demarcation changes for the 2005 elections. In 2000, Unguja had 29 constituencies, it has today 32 constituencies; Pemba Island had 21 constituencies, but today has 18. Contrary to the overall acceptance of the demarcation status in the Mainland, in Zanzibar, opposition parties have criticised the move by the ZEC. ZEC has had difficulties in justifying certain constituencies in Pemba and the creation of new constituencies in Unguja.

Conclusion

Although the delimitation of boundaries process in Zanzibar has created contestations from opposition parties, disputes that arise over these elections will not necessarily come about as the result of the problematic delimitation process but as the result of other problems in the election process.

TANZANIA’S ELECTORAL MANAGEMENT BODIES

Bertha Chiroro

Establishing a credible and depoliticised electoral management body is critical for election integrity. Election managers are expected to perform their duties without fear, favour or prejudice. However, Election Management Bodies in the SADC region are afflicted by problems of lack of impartiality, institutional capacity, inadequate staffing, funding, or experience. In Tanzania the management and administration of elections is the responsibility of two bodies: the National Electoral Commission (NEC) and the Zanzibar Electoral Commission (ZEC). However, the NEC and the ZEC had to go through stages of transformation since the inception of multiparty politics in Tanzania in 1992, from operating in a non competitive political environment to a much more inclusive and competitive environment beginning with the 1995 elections. Whilst both Commissions are faced with the major challenge of adequate finance, the ZEC still seems to be faced with problems regarding their institutional and administrative capacity to be able to implement free and fair elections. The violence in Zanzibar between the CCM and the CUF also places the ZEC in a precarious position as it is locked in a dispute with the CUF over the verification of voter lists.²³

The National Electoral Commission

Section 74 (1) of the Tanzania Constitution provides for an independent Electoral Commission. Members of the Commission are

²¹ See Shumbana Karume; Election Update No. 2, EISA, 2005

²² See Shumbana Karume; Election Update: United Republic of Tanzania, EISA, 2005

²³ Regional Roundup EISA 4 October 2005

barred from being members of political parties. The NEC has seven members of which the chairperson must be a judge of the High Court or the Court of Appeal and all seven are appointed by the President on five year terms. The functions of the NEC are to co-ordinate the registration of voters in the presidential and parliamentary elections and councillors elections in Mainland Tanzania; supervise and co-ordinate the conduct of the presidential and parliamentary elections; review and demarcate boundaries; declare elected Members of Parliament for women special seats. Since 1995, the NEC has also been involved in how best to improve the electoral process. For example, the Commission made suggestions on how best to demarcate constituency boundaries and the establishment of a permanent national voters' register.

In June 2004, the electoral laws were amended to allow for the establishment of the permanent national voter's register which will now be used in the 2005 elections²⁴. The NEC further made several recommendations that were implemented and that have contributed to the efficient and smooth running of elections. These include the counting of votes at polling stations rather

²⁴ Kiravu R. R. 'Improving the quality of Election Management' Paper presented at a Conference of Commonwealth Chief Election Officers. New Delhi India, 24-26 February 2005

than at a counting centre; the coordination of the campaign programme by the Commission jointly with political parties; and the initiation of a Code of Conduct to be signed by all participating political parties. For the 2005 elections, the Code of Conduct for Political Parties was signed in August 2005 as an agreement between political parties, the government and the National Electoral Commission. Those in Zanzibar also signed their Code of Conduct with the ZEC. The Code of Conduct prohibits political violence, hatred and mudslinging. Six parties opposed the Code and did not sign, accusing the NEC to be a weak institution that will not be able to check on the violations of the country's constitution or even regulate the ruling party.²⁵

The Zanzibar Electoral Commission (ZEC)

Zanzibar has its own internal government with a Constitution and Parliament known as the House of Representatives, and also its Electoral Management Body. The functions of the ZEC are to supervise the general conduct of the presidential elections, the House of Representatives elections and local authorities' elections in Zanzibar. This involves the demarcation of constituencies into polling districts and co-ordination of the registration process. The ZEC structure and conduct of elections in both the 1995 and 2000 elections was criticised by the different political stakeholders in Zanzibar. The main Zanzibar opposition party, the CUF declared the 1995 CCM victory fraudulent and proceeded to boycott the House of Representatives sessions. The 2000 elections were also held in an environment of mistrust and suspicion at the way the ZEC conducted electoral administration and led to the annulment of results in 16 constituencies and violent clashes ensued between security organs and opposition party supporters.

There was total mismanagement as the ZEC failed to deliver election materials on time and some polling stations had no officials. The violence and disagreements over the 2000 election results led to a peace accord known as Muafaka II. This led to the restructuring of the ZEC. Muafaka II provided for the amendment to the Constitution to allow for the restructuring of the ZEC. Under the amendment, two members of the Commission were to be appointed by the President upon the advice of the opposition in the House of Representatives. Two more members were to be appointed upon the recommendation of the leader of government business in the House.²⁶ Furthermore under these reforms, the chairperson of the ZEC was to be a High Court judge of the Court of Appeal. The ZEC is now much more inclusive as it involves political parties in different consultative committees in the conduct of election activities.

²⁵ IRIN News Thursday 6 October 2005. <http://www.irinnews.org/report.asp?>

²⁶ *Tanzania Election Update 2005*, Number 1 26 September 2005.

Independence, Trust and Confidence in the EMBs

The EMBs in the SADC region are normally put under serious scrutiny by political parties, especially the opposition who accuse them of lack of impartiality and independence and also bias towards the incumbents. In Tanzania, the method of appointment is usually a controversial issue as the sitting president is responsible for appointing the commissioners, whilst at the same time, he is also the leader of a contending party and may choose commissioners loyal to his party.

In Tanzania, the NEC is still regarded as weak when dealing with the ruling CCM and the ZEC has been accused of inefficiency and being biased towards the ruling party. However in seeking to build trust and confidence in the two Commissions, consultative committees have been established. These include members from political parties, government, NGOs and the EMBs and they deliberate on various issues that will form the basis of EMB decisions.

By this inclusion, Tanzanians are beginning to build trust and confidence in their institutions.

Conclusion

Transparency of the EMB activities is essential in

building its institutional credibility and legitimacy. The EMBs in Tanzania have tried to achieve legitimacy and transparency by identifying problems encountered and making suggestions for improvement in the management of elections, for example the maintenance of a permanent voter's register which is a source of contention at election time. Regular meetings by the Commissions with political parties and other and consultative meetings with stakeholders, dissemination of information and input on regulations and suggestions for improvement have minimised irregularities and sources of conflict between the EMBS and the election stakeholders. So far, in terms of the NECS performance on issues of the nomination process, the release of election timetables, and the voter's register, the NEC's performance has been said to have been commendable.²⁷

However the ZEC experienced some problems especially in the areas of registration centres, security, supervision and the competence of registration officials. In spite of the problems faced by the ZEC, the two Commissions seem to be always making an effort to be more transparent and inclusive in the management of elections.

THE TANZANIAN ELECTORAL SYSTEM

Grant Masterson

Introduction

An electoral system is the means by which a country translates votes into parliamentary seats/political party representation in Parliament. The two most popular electoral systems in the Southern African Development Community (SADC) are the single-member plurality system and the Proportional Representation system. In Tanzania, the Single Member Plurality system, often also referred to as the First-Past-the-Post (FPTP) system is used to elect parliamentary representatives in each constituency²⁸. The country also conducts concurrent presidential elections in which the candidate with the highest percentage of votes is elected President. The Tanzanian system is a unique arrangement in Southern Africa, due to political arrangements between the Mainland of Tanzania and the island of Zanzibar. This arrangement is designed to allow for a degree of autonomy for Zanzibar, due to the island's size in comparison to the Mainland, along the lines of a federal state.

The Union Arrangement

The Constitution of the United Republic of Tanzania states that: "All state authority in the United Republic shall be exercised by two organs with executive powers, two organs with judicial powers and

²⁷ *Tanzania Election Update* p 11

²⁸ The National Electoral Commission. *A Handbook of Tanzanian Electoral Laws and Regulations 2000*. The National Electoral Commission, 2000.

two organs with legislative powers.”²⁹ This separation of powers between Mainland Tanzania and Zanzibar affords the latter greater autonomy than would be possible under alternative arrangements. There are approximately 1 million people living on the Unguja and Pemba islands that make up Zanzibar, compared to the approximately 36 million citizens who reside on the mainland. A President of Zanzibar is elected to act as the Executive in Zanzibar, and is second only to the Union President in terms of authority in the Union. In the 2000 elections, there were 296 Union Parliamentary seats available, and 50 of these seats were reserved for Zanzibar representatives, with another 5 special seats allocated to members of the Zanzibar House of Representatives.

This arrangement ensures that Zanzibar’s interests are in well represented in the Union Parliament. Additionally, Zanzibar is also accorded its own House of Representatives, elected by the citizen’s of Zanzibar to legislate on all domestic issues pertaining to Zanzibar’s internal affairs. Although the House of Representatives is bound by legislation passed in the Union parliament, it is in practice afforded a significant degree of independence in its management of Zanzibar’s internal affairs. Zanzibar has its own independent

government structures such as courts, an electoral commission and security forces.

The 2005 Elections

On 30 October 2005, five (5) separate elections will take place in various parts of the Union. On the Mainland, voters will be asked to select their preference for a candidate in the Union Presidential elections, the Union Parliamentary candidate in their constituency and a local authority leader to represent them in their relevant district. As such, citizens of constituencies on the Mainland will cast three (3) ballots at the polls. On Zanzibar, citizens will also be asked to select candidates for the Union Presidency, the Union Parliament and a local authority. In addition to casting their ballots in these elections, citizens of Zanzibar are also able to vote for the President of Zanzibar as well as their candidate for the Zanzibar House of Representatives. In these two elections, only naturalised citizens of Zanzibar are eligible to vote, and require proof that they have presently resided at their current residence in Zanzibar for a minimum period of three (3) years. This means that residents of Zanzibar will cast five ballots on Election Day, whilst those persons who reside on the mainland will cast only three ballots.

The Tanzanian constituency-based system has several advantages, one of these being the direct accountability between elected represents and the electorate that it facilitates. One of the unique aspects of the Tanzanian arrangement is the separation of powers between the union’s two electoral commissions; the National Electoral Commission (NEC) which generally handles all electoral matters on the mainland, and the Zanzibar Electoral Commission (ZEC) which handles all electoral related matters in Zanzibar. Although the two Commissions operate within almost identical frameworks, it is clear that there are unique policy differences between the two bodies. During the voter verification process, for example, the ZEC suspended the activities of the South African company Waymark, hired to verify its voter’s roll, after the NEC had used the same company to verify the mainland roll with satisfactory results.

Conclusion

The Tanzanian electoral system, a single-member plurality model, makes allowance for some unique arrangements in its government structures. The parallel existence of separate yet linked executive, legislative and judicial bodies between the Mainland and Zanzibar creates a unique governance arrangement in the country.

On the whole, the present electoral system appears to afford the smaller Zanzibar with a high degree of autonomy and independence whilst maintaining the integrity of the Union. However, the

²⁹ *The Constitution of the United Republic of Tanzania, 1997*. Chapter One. Part 1. 4-(1). p.14.

relationship between the dual legislative and judicial bodies in the Union has historically been controlled by the same political party, and there are some concerns that the relationship between these dual bodies is not sufficiently formalised to cope with a situation in which two competing political parties control separate legislatures on the Mainland and Zanzibar.

At present, this is merely a theoretical concern. However, there are strong indications that the time when this concern is no longer theoretical could potentially arrive sooner than anticipated.