The Zanzibar Electoral Commission and Its Feckless Independence

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Abstract

Free and fair elections are some of the essential qualities of a mature democratic and stable society. Ideally, losers in an election normally concede defeat, an outcome that is more likely if they feel that the election was fairly managed. The situation is different in a deeply divided society lacking a consensus over the rules of the political game and where the main political actors do not trust each other or the institutions that manage elections. In such a society, and especially when one actor has a monopoly over the rules of the game, chaos is likely to occur. Viewed from the perspective of a divided society, an independent and impartial electoral body as one of the requirements for a tree and fair election is crucial for reducing the likelihood of post-election violence.

In Zanzibar, the main opposition party, the CUF (Civic United Front) accuses the electoral management body of being partial and hence contributing to the regular political conflicts that characterize elections in those East African islands. Zanzibar elections are characterized by a pattern of confrontations between the major competing parties, i.e. Chama cha Mapinduzi (CCM) and CUF and between the opposition party and state officials, including security forces, local government officials, and (ZEC) the Zanzibar Electoral Commission. The conflicts that are associated with the 1995, 2000 and 2005 elections led to a series of unfinished peace accords between CCM and CUF. One feature of the peace accords, popularly known as '"Muafaka"' is that the independence and impartiality of ZEC formed a key part of the agenda. Paradoxically, the inclusion of CUF and CCM representatives in ZEC as commissioners, following the peace accord of 2001, did not reduce tensions. CUF is quite aware that the electoral playing field is still tilted in favor of the ruling party (CCM) and CUF is bitter about the commission. This is because, despite the skewed rules of the game, the party starting with the elections in 1995, had managed to come close to victory. From this backdrop, the article examines the extent to which ZEC is independent and impartial in managing elections. After a discussion of the parameters of a free and fair election, the basic tenets of an independent and impartial electoral body are examined. These standard measures of an independent and impartial electoral administration are then applied to ZEC and used to analyze its ability to manage a free and fair election.

FREE AND FAIR ELECTION: A THEORETICAL DISCUSSION

The "Third Wave" of democracy marked a watershed of democratization in the global south. Starting with Portugal and Spain, the wave swept through thirty countries globally and doubled the number of democracies in the world. Huntington described this phenomenon as a "Global Democratic Revolution." (1) The wave, according to Huntington, was essentially founded on

elections. He asserts that "Elections are the way democracy operates. In the third wave they were also a way of weakening and ending authoritarian regimes. They were a vehicle of democratization as well as the goal of democratization ... The lesson of the third wave is that elections are not only the life of democracy: they are also the death of dictatorship." (2) While modern democracy cannot operate without elections, elections alone are insufficient to end authoritarianism. Brownlee argues that elections are not like lifting the lid off of Pandora's Box, unleashing a torrent of political change: they are a safety valve for regulating societal discontent and confining the opposition. The durable authoritarianism of Egypt and Malaysia support this view of elections as a mechanism of control. (3) Thus there is no direct causal relation between elections and the death of authoritarian regimes. (4)

Since the publication of the third wave, elections in the Third World have remained a subject of controversy. Patel aptly argues that in many countries incumbents reluctantly concede to a multiparty framework, but then proceeded to weaken, obstruct, harass and divide the opposition. …