

Government Power Sharing in Zanzibar: A Solution to Political Conflicts?

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Abstract

Since the reinstatement of multiparty politics in Zanzibar, political conflicts between the ruling party Chama Cha Mapinduzi (CCM) and the main opposition party Civic United Front (CUF) has characterized the electoral politics. There have been sporadic incidents of violence, hostilities and mutual distrust leading to increasing destabilization of the current political system. Power sharing agreements have been widely used in Africa as paths out of civil and political conflicts. This article expounds on the pattern of political conflict, disputed elections and electro violence experience in Zanzibar after each year of election prior to the revolution of 1964 and thereafter. The article also focuses on examining the establishment of power sharing government after the disputed elections and electro violence as a solution to political conflict with a view to establish its viability in guaranteeing sustainable peace and democracy. Informing this discussion is an assertion that while addressing the grievances and curing problems of election mismanagement is an important prerequisite for establishing viable power sharing governments some African countries including Zanzibar. While in real sense it is true to say that the Zanzibar political conflict is historical base since it has started before revolution and the main source of such conflict is election dissatisfaction which divided the people of the islands. Thus, the independence of electro commission in relation to election management is an important aspect to be taken care so as to avoid potential political conflicts, which destruct the peace and security in the country.

Keywords: Power sharing, Government of National Unity, Political Conflict, The House of Representatives, Muafaka Peace Accord.

1.0 Introduction

Zanzibar is a semiautonomous islands located on the East African Coast about 32 nautical miles from mainland East Africa close to Tanzania Mainland.¹ The Zanzibar islands united with Tanganyika in 26th April 1964 to form Tanzania.

Since before the independence and post independence the country (in this paper Zanzibar and the country will be used interchangeably) has experienced political conflicts resulted by election dissatisfaction, Many attempt to solve the conflict has been taken for example through the commonwealth peace accord of 1999 and that of 2001 together with the stating of GNU in 2010, however the islands still experience political problems in each year of election.

In August 2010 the Zanzibar House of Representative passed the bill for constitutional amendment to enable the formation of the Government of National Unity known as (GNU) hereinafter each year of election in Zanzibar². However the establishment of GNU without combating and solving the reasons for such political conflict is bring doubtful whereas the establishment of GNU by it self can not solve all problems, failure to combat and resolve causes of political conflicts before GNU's establishment minimizes chances for its viability .

Thus, the new trend pioneered by Zanzibar in 2010 to stop political unrest caused by previous election dispute through the establishment of power sharing Government, remains debatable for ignoring the reasons for such political conflict.

This paper consists six parts, starting with the abstract and the general introduction, while part two shows the overview of power sharing government and its nature, the third part is about historical background of Zanzibar political conflict, while part four extract about the steps taken to resolve the conflicts through the 1999 and the 2001 peace accords, part five is explaining about the position of the laws, while the next part is about the challenges facing the GNU and its advantages while the final part provides the conclusion of this work.

2.0 Power sharing Government: An overview

Power sharing governments are designed to guarantee stability through the accommodation of the disparate

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¹ Mohd A. A. A Short History of Zanzibar. (1991) Alkhayria Press ltd. Pg 40

² The house of representative hansard of August 2010, retrieved on April 2016

segments of a deeply divided society¹. Accordingly there are number of power sharing system of the government but the most famous one under Africa context are coalition governments and the Government of National Unity (GNU).

Government of National Unity is a power sharing system of political parties who won seats in the legislature. In other words political party which does not win a seat in the legislature can not enjoy the share of the cake.

The formation of the GNU system is not a new phenomenon, Countries like Kenya and Zimbabwe², for example have formed GNU. However, the style of the formation of a GNU of the aforementioned countries differs with that of Zanzibar. This is because Zanzibar worked out mechanisms like conducting people's referendum prior to the elections and it was not a result of the immediate post election violence like in Kenya and Zimbabwe.

Many African countries are experience civil and political conflicts. In order to solve those conflicts it is commonly suggested that all parties to previous conflict and any potential spoilers included in power sharing arrangement such as grand coalitions, federal institutions and proportional allocations of government positions and benefits. In other words, to give all relevant parties a share of the political pie for the purpose of reducing the reoccurrence of conflict by lessening the stakes of democratic contestation.³

Power sharing is therefore taken as a merely one variety of political inclusion, understood as purposeful distribution of government posts among the powerful political parties or groups. It is mainly adopted as a direct response to a history of violent conflict which resulted in social, political and economic division in a given society such as Zanzibar society.

In order to use such power sharing practices, models of institutions to achieve peaceful transition or prevent further violence, the parties involved must decide on it democratically and with their full willingness.

The justification for power sharing arrangements, which are sometimes referred to as consociations, traces its premise from the fact that internal conflicts arise from an unequal allocation of resources between communities or regions, the dominance of one or more groups over others, the exclusion of some groups, or the denial of the language, culture or religion of minorities.⁴

Therefore, power sharing deal which enjoys the maximum support of international community normally aim at stabilizing the system by restoring political stability in a highly divided society or countries emerging from civil wars or which suffer from serious political conflict which can result into a war.

2.0 Background of Zanzibar political conflict – The Pre Independence era

The post election conflict of Zanzibar can be traced back before the revolution the revolution of 1964⁵, This is due to anti colonial struggle of Zanzibar which started in early 1950s characterized by racial relations based on political affiliation which was then became the driving force for formation of political parties.⁶

Political parties appearing in the 1950s polarized along racial lines, reinforcing ethnic and regional division. Thus all political parties formed were traced back to previous racial based groups formed mainly in 1920s to cater for specific interests of the group. For example the Africans and Shirazi of Unguja Island formed the Afro Shirazi Party (ASP) in 1957, Arabs and some indigenous people of Zanzibar formed the Zanzibar Nationalist Party (ZNP) In 1955 and the Shirazi of Pemba splinted from ASP to form Zanzibar and Pemba Peoples Party (ZPPP) in 1959⁷.

During the struggle for independence, four elections were organized by the British government from 1957 to 1963 where by the issues of ethnicity and racial division dominated political campaigns with parties desperately struggling to win popular support. Whereby in the last pre – independence election of 1963 ZNP and ZPPP colluded to form the government which was overthrown by the 1964 revolution undertaken by ASP.⁸

From 1957, to 1963 four general elections were conducted and the competition between these political parties was very bitter and stiff. Significantly the election were marred with violence, chaos, political unrest and

¹ Lijphart. A (2004) 'Constitutional design for divided societies' 15 Journal of Democracy 96. See also Lijphart. A (2002) 'The wave of power-sharing democracy' in A Reynolds (ed) The architecture of democracy constitutional design, conflict management, and democracy

² Japheth Biegon (2008) "The advent of unholy alliances? Coalition governments in the aftermath of disputed election and electoral violence in Africa: a case study of Kenya.

³ Ibid. Pg 24

⁴ Yash, G., *Ethnic Conflicts and Power Sharing*, Adalah's Newsletter, Volume 13, May 2005, p.1

⁵ <http://en.wikipedia.org/wiki/Zanzibar-General-election,1957-1961> cite-note-EISA 3-2 (viewed on 20th May 2015)

⁸ <http://en.wikipedia.org/wiki/Zanzibar-General-election,1957-1961> cite-note-EISA 3-2 (viewed on 20th May 2015)

⁹ Ibid

⁸ Ali Nabwa, *Reigning Climate of uncertainty in Zanzibar*, (2005) Pg 1

disputes.¹

The last election before independence was that of 1963 where by political parties such as the Zanzibar National Party (ZNP) The Zanzibar and Pemba Peoples Party (ZPPP) all together formed the coalition government after the election.

However the government last for one month only because in January 1964 the government was overthrown by blood shed revolution headed by Afro Shirazi Party (ASP) after the revolutionary, The revolutionary government banned all political party except the Afro Shirazi Party which had takeover the power.

3.0 Background of Zanzibar Post Independence political conflicts

Following the 1964 revolution of Zanzibar, the revolutionary council revoked the 1963 independence constitution of Zanzibar and proceed to govern Zanzibar under the Presidential Decree.²

Pursuant to such Presidential Decrees, all democratic institutions such as political parties, trade unions and other civil societies organizations were abolished.

In middle 1980's there was the democratization pressure from outside the countries especially from western countries required the African countries to establish the multiparty system in their countries.

Responding to that pressure. The Tanzania President in 27 February 1991 inaugurated a commission under the leadership of Tanzania Chief Justice , Hon Francis L. Nyalali for the purpose of assessing public pinion on whether or not to continue with one – party state.³

The commission after inquiring the people's opinion came to the recommendation that there was a need to establish multiparty system. However majority of people preferred one party system but it was seemed that there was a need on the side of the people to be given an opportunity to participate in the nation's affairs and in democratic process.⁴

Therefore, multiparty system was established in 1992 followed by the Political Parties Act⁵ which was enacted to allow the registration of political parties. Since then there are more then 20 political parties which have been established for the said purpose.⁶

Since 1992, the country has conducted five multiparty elections. The first election was conducted in 1995, the second in 2000, the third one in 2005 ,the fourth one was conducted in 2010 where by the fifth one was recently conducted in October 2015.

All of the above aforementioned multiparty elections especially in Zanzibar were marred with violence and in fact were disputed by the opposition party Civic United Front (CUF), alleging on election irregularities and electro mismanagement from the registration process up to the counting process and announcing of the winner. The opposition party believe to have won all the post – independence elections of 1995,2000 and that of 2005,except the 2010 general election was gone undisputed. However the history has repeated it self recently election of October 2015 has disputed and the Zanzibar electro commission has annul the whole election and recalling new election which was held in 20th March 2016.

Because of the dissatisfaction of those multiparty election, the Zanzibar society divided and enter into a conflict which lasted at least for one decade although different measure to solve the conflict were taken.

However those measure to resolve the conflict could not succeeded until now since the political crisis is still subsist.

4.0 The attempt to solve the conflict through the 1999 and 2001 Muafaka Peace Accord

Following the political conflict in Zanzibar, There were some step taken by the Commonwealth, where by the Secretary General of the Commonwealth, Chief Emeka Anyaoku assigned this task to Dr. Moses Anafu. The Commonwealth mediation initiatives started in February 1998 and CUF endorsed the initial proposals on July 19, 1998.⁷

This 1999 Muafaka peace accord did not succeed, hence paved the way to the formation of the 2001 Muafaka. In turn, this paper now focuses on a discussion of the two accords separately

4.1 The 1999 Muafaka Peace Accord

The genesis of this accord accelerated by the election of 1995, where by Zanzibar entered into a political conflict

¹ Ibid <http://en.wikipedia.org/wiki-Zanzibar-election,1957-1961>

² Decree no 5 and 6 of 1964

³ Shumbana Karume(2004) Dilemmas of political transition towards institutionalization of multiparty democracy in Tanzania. EISA. First Edition. South Africa. Pg 56

⁴ Ibid Shumbana Karume pg 81

⁵ Act No 5 of 1992

⁶ Amir A. M (1994): Zanzibar facts figure and finctions. Zanzibar pg 8

⁷ Frederic Elbert Stifling, Political handbook and NGO, 2009, Zanzibar, pg 21

especially when the main opposition party CUF refused to recognize the official results announced by the ZEC . The country witnessed several acts of human rights violations and harassment to the opposition followers. This is evidenced by the action of government to dismiss people from employment, the withdrawals of students scholarships, beating and torturing the innocent people especially in Pemba island because it is an opposition stronghold.¹

The opposition party on the other hand refused to attend the House of representatives (HOR) sittings and in early 1997, 18 CUF prominent leaders were charged with treason and stayed in custody without bail for more than three year.² Thus, in the aftermath of 1995 multiparty election in Zanzibar, the situation was extremely volatile. It remained very tense and was characterized by sporadic acts of violence and human rights violations.

Due to the increase of tension and hostility between two rival political parties, the domestic and international concern about the crisis started. Hence call for negotiation and political reconciliation in order to promote human rights and request for good governance.

Therefore, the first initiative to mediate the Zanzibar conflict between CCM and CUF was undertaken by the Secretary General of the Commonwealth, Chief Emeka Anyaoku through his envoy Dr Moses Anafu whereby after a long delay from 1998, the Muafaka (peace accord) was signed on 9th June 1999. The party committee was also established which consists of 14 members, seven from CCM and seven from CUF. This committee was given the responsibility of ensuring that the agreement was implemented.³

In short, the Muafaka was a wide ranging agreement that contained 15 items that includes:

1. Reform of Zanzibar Electro Commission to make it independent and impartial
2. Establishment of permanent and credible register voter book
3. To review the Zanzibar constitution as well as the electoral laws to make them conform to the requirements of modern multiparty system
4. To reform of public owned media with the purpose of avoiding favoritism and bias which covering political parties activities.
5. Ensuring free political activities within the law in which all political parties are able to propagate their views freely without harassment and intimidation
6. Reform of Zanzibar judiciary to enhance its independence, its professionalism and its standing in the eyes of the community as the fountain of justice
7. Ensuring all former public office holder receive uniform treatment as prescribed by the laws and regulations of Zanzibar.
8. Political parties to respect the constitution and other laws of the land to reform from inciting ethnic hatred, hostility and political intolerance.⁴

The October 2000 election was supposed to be the benchmark for the implementation of such Commonwealth Brokered Peace Accord (Muafaka). However, the accord could not be implemented, Zanzibar entered into the second multiparty election in 2000 without broad consensus on the rules of the game.

No provision was made for monitoring the agreement, not only that but also there was no mechanism for the implementation.

Instead the accord depended on good will of the parties and the inter party committee having only an advisory status and common wealth become just a moral guarantor of the accord.⁵

4.2 The 2001 Muafaka Peace Accord

Failure of the 1st Muafaka of June 1999 was demonstrated by the conduct and outcome of 2000 multiparty election. The peace negotiation which lead to the second Muafaka of 2001 was largely demonstrated by the January 26th and 27th violence which cost more then 30 peoples life and hundred of them were injured followed by the demonstration which was called by the opposition party CUF through out Tanzania to protest against the 2000 multiparty election results.

Accordingly, the physical clashes, death and exile of political opponents following the 2000 multiparty election together with the impasse and the events of January 26th and 27th obviously hurt Tanzanian's pride and tarnished its image as an island of peace. The events threatened the country's political stability and peace, therefore it was on this background that CCM and CUF initiated direct talks in February 2001, aimed at finding a

¹ Lupa Ramadhani, Identity politics and complexities of conflict resolution in Zanzibar. IBS Discussion paper, Institute for British –Irish studies University College Dublin. Pg 14

² see the case of Machano Khamis Vs SMZ. Court of Appeal of Tanzania at Zanzibar, Criminal Application No 8 of 2000

³ Mpangala .G.P.(2000) Ethic in the Regional of Great Lakes Origin and Prospect for change ,Dar es Salaam pg 27

⁴ Political Accord (MUAFAKA) between Chama Cha Mapinduzi CCM ,and Civic United Front CUF, signed in Zanzibar in 9th June 1999.

⁵ Opcit. Mpangala . G. P pg 28

lasting solution to political crisis.¹

The union government on the other hand took more steps in finding the solution to the Zanzibar crisis by admitting that there was a serious crisis in Zanzibar and hence it was prepared a constructive dialogue with CUF with the aim to easing the political tension and resolving the crisis.²

To a large extent the terms of 2001 Muafaka accord were quite similar to that of 1999 Muafaka accord referred to above. However, few things were added in that accord such as the emphasis on the recognition of 2000 political problems. They included events of January 26th and 27th of 2001 and the question of refugees who fled to Shimoni Kenya.

Apart from that the accord was supervised by a joint commission to ensure its implementation, therefore two constitutional amendment were take place in the House of Representatives, the 8th and 9th amendment which provided for a review of electoral laws, the reform of composition of ZEC to include Commissioners from both parties CCM and CUF, as well as the establishment of the office of Director of Public Prosecution DPP, which aimed at bringing about more expeditions and fair administration of the system of criminal justice.³

The 2001 Muafaka peace accord was some how implemented compared to its predecessor, for example it introduced significant changes in the government framework for in example the office of the director of public prosecution. However there are some terms of such Muafaka could not be implemented completely especially the issues concerning ZEC election management, ie the registration process, which resulted to post political violence and lack of joint implementation between the government and the opposition party CUF, the situation remained alike until the period of 2005 multiparty election conducted.

5.0 The examination of the Constitution regarding the Power of the President on appointing the members of Zanzibar Electro Committee.

The possibility of the elections being manipulated in Zanzibar, traced its roots from the Constitution itself, specifically on the unlimited powers of the President. The President of Zanzibar is vested with enormous powers of appointment including of that of the Zanzibar Election Committee (ZEC) members and in doing so; he is not obliged to consult any institution like the Zanzibar House of Representative or the High Court of Zanzibar or even the judicial service commission. Indeed it is interesting to note, that there was no any legal criteria set to guide the said President in making such appointments whether in terms of professional profile, representation of diverse interests or otherwise.

The constitution empower the wide and discretionary power upon the President to appoint the chairman of the electro committees and other commissioners as the members of that committee. The Zanzibar Election Committee referred as ZEC was established under the Zanzibar Constitution of 1984. Section 119(1) (a –d) reads:

“There is hereby established the Commission of Election of Zanzibar that shall comprise of: a) The Chairman, who shall be appointed by the President on the procedure that he deems appropriate; b) Two Members that shall be appointed by the President following the recommendations of the Leaders of the Government’s business in the HOR; c) Two Members that shall be appointed by the President following the recommendations of the Leader of opposition in the HOR, if there is no Leader of Opposition in the House, in consultation with Political parties; d) One Member who shall be appointed by the President from among the Judges of the High Court and e) One Member who shall be appointed by the President in the manner that he deems appropriate.”⁴

Electoral commissions being institutions vested with supervision of elections in any country need be independent from both internal and external influences when discharging their functions. However, with President being given absolute powers of appointment of the commissioners, it is obvious that the Electoral commission’s independence will always be questionable. Any failure, however bonafide, by the commission to meet the expected standards will be interpreted as being purposely done in favour of the appointing authority which is also a part in elections.

Composition wise, ZEC has seven Members who are appointed by the president in accordance with the procedure laid down in the Zanzibar Constitution of 1984. The Chairman of the ZEC is supposed to be or qualifies to be a Judge of the High Court of Court of Appeal in any Commonwealth Country or a respected person.⁵At this juncture, a judge or a person qualified to be a judge to be the Chairman of the Commission raise no problem, as far as, the nature of the work and functions of the Commission are concerned. The question arises

¹ Onyoka, J. O and Nasali M, (1998) Constitutional and Political Stability in Zanzibar, Zanzibar press pg 18

² Muafaka wa Kisiasa baina ya Chama Cha Mapinduzi CCM na Chama Cha Wananchi CUF Kumaliza Mgogoro wa Kisiasa Zanzibar October 10th 2001.

³ Ibid, Onyoka J.O and Nasali M, pg 20

⁴ Section 119(2)(a-e)

⁵ The Zanzibar Constitution of 1984, section 119(2)

as to who is a respected person under the Laws of Zanzibar? Quick survey in the Laws of Zanzibar provides no answer as to who is a respected person.

This gives rise to many questions. What are the criteria to select such person? May a respected person of one society be the same with the other? Can a respected person be equated with a judge or person qualified to be a judge? Definitely the answer shall be negative. Does the option between a judge and a respected not lead to misuse of powers by the president? Therefore, qualifications of the ZEC Chairman need to be reviewed so as to remove uncertainty and ambiguity.

Vice chairman of ZEC is appointed from one amongst its Members.¹ The functions of the vice Chairman are to assist the Chairman and chairing of ZEC's sessions in the absence of the Chairman. There is no qualification provided for a person to be appointed Vice Chairman.

The qualifications of two members of ZEC, who are appointed by the President upon the recommendations of Leader of Government Business in the House of Representatives and that of two members to be appointed by the President upon the recommendations of Leader of Opposition in the HOR or in case no Leader of Opposition in consultation with Political Parties. Again, here the Constitution is silent regarding the qualification of such person. The aggregate view that the qualifications of these four members who shall be appointed by the President in consultation with other authorities are not lay down by the constitution. Apart from that, the leader of movement business in the House of Representatives is coming from the same party with the President himself, the question might be raised as to how those commissioner could avoid the political commitment rather than possessing any other qualification they can even be illiterate.

How can such presidential appointee enhance the independence of the ZEC? Can they resist pressure to act according to the whims of the President? While it is important to acknowledge that such an appointment does not necessarily mean subservience to the appointing authority, the mode of appointment creates an impression that the commissioners might be susceptible to the influence of the executive. This is especially so in a society characterized by politics of competition between conflicting parties.

Accordingly, the Zanzibar Constitution grants unlimited powers to the President to appoint one Member of the Commission.

6.0 The independent of the Zanzibar Electoral Commission

As it mentioned above the Zanzibar Electoral Commission was made of experts appointed by the President of Zanzibar in accordance with the constitution of Zanzibar of 1984, the President was given a free hand to choose who, could do the work, following the amendment made in 2002,² the President is appointing the seven member of the electro commission through mixed grill type where by he appoints those members of the electro commission from party representatives and mixing with experts persons to such field.

The election Act of 1984 impose an absolute discretionary power upon the election committee (ZEC) where by the law provides that he is the committee has the final decision and say regarding the precedential election results announcement, thus, the decision of the committee regarding this matter can no questioned or challenged by any organ or institution for example even a high court. This provision for a large extent violate the constitution especially when it examined with the very purpose of the principles of rule of the law and power of the judiciary in administering justice.

The below article which declare that no court can inquire into the election of a presidential candidate who has been declared by the commission to have been duly elected.³

It provides:

“Where a candidate has been declared by the Zanzibar Electoral Commission to have been elected President in accordance with this Article, no court whatsoever shall be empowered to enquire into that candidate's election.”

The above provision contradicts the role of the judiciary,⁴ it deprives the inherent power of the high court which makes the judiciary the final authority in adjudication of disputes. Therefore there is a need for the High Court to invoke inherent jurisdiction in order to circumvent the Constitution⁵ and settle disputes related to pre-election functions, the conduct of legislative elections, and their results.⁶ In order to make the power imposed upon the judiciary meaningful.

Apart from that, the independence of ZEC, is hindered by the following aspects:

Firstly, the independence of the Commission it self, is it a legal entity or not. The answer is positive since the ZEC is an organ which has been established by the constitution of 1984, which has the capacity to make

¹ section 119(3)

² See Act No 2 of 2002

³ Article 34(7) of the Zanzibar Constitution

⁴ Ibid 93(1)

⁵ Ibid., Article 119(13).

⁶ Makulilo (2011) 'The Zanzibar Electoral Commission' p. 275.

decisions relating to the election administration and also has the power to sue and to be sued.

Secondly, the issue of composition of ZEC members especially the commissioners who are mainly appointed from political parties is questionable as far as the independence of the commission is concerned, this is because there is a doubt as to those commissioners if they can discharge their duties impartially without being influenced by their political parties and party line decision which they come from.

Thirdly, the fact that the Commission is not having its own budget approved by the House of Representatives, but instead depends largely on government fund it creates doubt and it is questionable if it could discharge its duties and functions impartially and independently without being influenced and interfered in its decisions by the central government.

Fourthly, the Chairman of the electoral commission is the only person who enjoys fulltime tenure, whereby other six members of the ZEC are part timers who hold the office for three years only and other staffs of ZEC who are working during each period of election in different districts are government employees who are taken from different public offices. The doubt is raised as to the independence of ZEC since those people are the employees of government. Therefore the lack of the provision within the electoral Act¹ to allow the commission to employ its own permanent staffs further raises doubt about the independence of the ZEC.

7.0 The advantages of the establishment of GNU and its challenges

Africa nation for large extent suffers from political conflicts which arises mostly in the contemplation and the exercising of the democratic elections. In order to prevent those conflicts in most cases the countries are coming up with the proposition of establishing power sharing governments, for the purpose of stabilizing peace and security in those countries.

Power sharing is therefore taken as a merely one variety of political inclusion, understood as purposeful distribution of government posts among the powerful political parties or groups. It is mainly adopted as a direct response to a history of violent conflict which resulted in social, political and economic division in a given society such as Zanzibar society. In order to use such power sharing practices, models of institutions to achieve peaceful transition or prevent further violence, the parties involved must decide on it democratically and with their full willingness.

The justification for power sharing arrangements, which are sometimes referred to as consociations, traces its premise from the fact that internal conflicts arise from an unequal allocation of resources between communities or regions, the dominance of one or more groups over others, the exclusion of some groups, or the denial of the language, culture or religion of minorities.²

Therefore, power sharing agreements which enjoys the maximum support of international community normally aim at stabilizing the system by restoring political stability in a highly divided society or countries emerging from civil wars or which suffer from serious political conflict which can result into a war.

7.1 The advantages of Government of National Unity in Zanzibar

The Government of National Unity is a power sharing system of political parties who won seats in the legislature. In other words political party which does not win a seat in the legislature can not enjoy the share of the cake.

Formation of the GNU system is not a new phenomenon, even in the countries like Kenya and Zimbabwe, for example have formed GNU. However, the style of the formation of a GNU of the aforementioned countries differs with Zanzibar one, since Zanzibar worked out a mechanism like conducting people's referendum prior to the elections and it was not a result of the immediate post election violence like in Kenya and Zimbabwe.

Therefore the Zanzibar Government of National Unity was established in November 2010 followed by the 2010 multiparty election and the people's referendum of July 2010 which enabled the House of Representatives to make major amendment so as to accommodate the referendum results.

It is an accepted practice that in time of emergency for example when the country has entered into a serious political crisis, the political parties which opposed each other to bury their differences and join together in forming a national government.³

Accordingly, The Zanzibar Government of National Unity have advantages but also facing the definite challenges as follows:

Firstly, it helped to restore peace and security. This is the major advantage of power sharing since it has helped to restore peace and political stability in the country to the extent that the political crisis and violence in the country which was caused by political problems especially happened during the period of elections.

¹ Act no 11 of 1984

² Yash, G., (2005) *Ethnic Conflicts and Power Sharing*, Adalah's Newsletter, Volume 13, p.1

³ J Nyerere 'One Party Rule' in P Sigmund Jr (ed) *The Ideologies of the Developing Nations* (1963) 199 cited in Lijphat pg 30

However, for more than one decade in Zanzibar we have witness political crisis and violence which coupled with gross human rights violations which cost life of the people in different aspects. Therefore, following the power sharing agreement which resulted to the establishment of GNU, Zanzibar for the first time since the establishment of multiparty system in 1992 it was able to conduct a peaceful election in October 2010.

Secondly, the power sharing in Zanzibar has helped the government to gain political legitimacy because the government of national unity help to reduce political crisis and violence at large. This is because in the state where violence is the common mark of the democratic election, democratic value is deteriorated and the government losses the political legitimacy on the eyes of international community. Hence if the government is perceived to have come to power through electro irregularities, cheating, and violence its legitimacy is obviously questionable and its recognition in the eyes of international community and other counties is difficult.

Therefore such act can cost the economic growth of such country , for example if it a developing country which depend much on loans and aids from developed counties, the situation can cost that country since those donor counties can stop from helping and granting loans and aids for the economical development program of such county.

Zanzibar prior to the establishment of GNU was faced economic problems, for instance soon after the 1995 multiparty election which believed to be destructed and mismanaged by ZEC, the donor countries did not appreciate the whole electro process supervised by ZEC and some of those counties soon after the election withdrew their ambassadors and eventually stopped to donate and grant loans in economic development programmes of Zanzibar. This for high level affected the economy of Zanzibar because the budget of the country and other economic development plans of the country to a large extent depend on loans and aids from those donor countries.

Following the power sharing deal which led to the establishment of GNU in 2010 the government of Zanzibar enjoyed political legitimacy because the election has went smooth where by the internal and external observers have comment that the election was free and fair and was not marred with serious problems. On the other hand, the opposition party CUF for the first time have accept the election results of 2010 announced by ZEC and actually congratulated the CCM presidential candidate, the action which helped to regain the political legitimacy of Zanzibar government.

For such reasons it is true to say that power sharing deal which led to formation of GNU in Zanzibar is advantageous because it has help to reduce political pressure, discrimination, it has help to unite different ethnic groups as well as stabilize peace and security of the country.

7.2 Challenges facing the Government of National Unity in Zanzibar

Notwithstanding the advantages of power sharing government of Zanzibar, There are certain challenges which facing such Government of National Unity as follows:

Firstly the situation happened following the 2015 Zanzibar general election and the re run of election in 20th march 2016, is a big challenge to Zanzibar GNU because the opposition party has boycotted the second election alleging that it has worn in the first election, where by the action resulted the ruling party CCM to win all constituency seat and the presidential poll which enable it to form the government alone with few opposition leaders who appointed to become the member of the house by the president.

This situation is big challenge to the Zanzibar constitution since the constitution is silence as to which measure to be adopted to rescue the situation when it happen the main opposition party or even the ruling party boycott the election and cause the formation of government of national unity to be instake and difficult to be formed as required by the constitution.

Secondly, is the high expectation of the people of Zanzibar from their government, this is manifested by poor economic condition among the people of Zanzibar. Therefore, people expected that due to the establishment of GNU in 2010, the economic of the country would change quickly and in short period while this is not true. The situation which on the other hand lead the leaders of GNU to worked under political tension because they understanding that if the GNU could not success to stabilize the economy before the multiparty election of 2015, people would be disappointed with it.

Thirdly, due to the formation of GNU in 2010, which enabled the two rival parties CCM and CUF to form the government there was no official opposition in the House of Representatives to watch and criticize the government action if possible. Thus, there was no organ which is acting as a watching dog to the GNU functionality. This to large extent effected the functions of the government and hence left it to do what is like without being seriously questioned and controlled if possible. Therefore, there is a higher possibility on GNU not to discharge on its duties and functions carefully.

Fourthly, In the Zanzibar GNU style, there is no explanation has been offered on sharing responsibilities over key Ministries such as the Ministry of Finance, Ministry responsible for Local Administration and the like, actually, the power is left on the pleasure of the President to appoint those Ministers from any political party either from the ruling party CCM or from the opposition party CUF, the situation which

is quite different to other countries which having power sharing governments like Zimbabwe where by in this countries the key ministries are governed under rotational base to avoid the complain.

Fifthly, under the Zanzibar GNU, the First Vice President is appointed by the President from the opposition party, however such First Vice President lacks an executive position or mandate under the constitution because he is ordained with some functions to perform under the discretionary power of the President, actually lack the discretionary power which is enshrined in the constitution, This undermines the opposition side compared to the ruling party because the Second Vice President who is coming from the ruling party is discharging and exercise his power by the constitutional mandate, Thus the constitution is stipulating clearly that He is designed to take care of government business in the House of Representatives. Therefore it would be better if the constitution strengthen the functions of the first Vice President so as to make sure that the doctrine of check and balance is observed

8.0 Conclusions

This article intended to investigate the power sharing agreements which usually resulting in power sharing government like of Zanzibar the aim was to find out whether it a the solution to the problem of election mismanagement.

African countries have develop the behaviour of invoking power sharing arrangements, as a mechanism of unlocking political settlement in the aftermath of disputed elections and election violence with the aim of exploring its viability.

However, the article mainly focused on Zanzibar political conflict since before independence and after the independence, Whereby it has been discovered that the Zanzibar political conflict is historical and the main source of such conflict is election dissatisfaction which for large extent divided the people of Zanzibar.

The absence of independent Electoral Commission and fair political arena is the breeding ground for unfair election which results to political conflict, Thus, the experience from Zanzibar shows that the weaknesses in the Electoral Commission of Zanzibar is also to blame for the failure of the elections and the resulting to political conflict.

In this article, apart form election dissatisfaction, it has been discovered that among other factor which accelerate political violence and political hatred in the Islands is political interference on the side of security forces, the failure to adhere with constitution, Laws, and the judicial wing fails to perform its works when it come to political issues.

In order to overcome the problem of elections mismanagement there must be in place laws and institutions designed to deliver free and fair elections, meaning that there must be independent electoral commission which will discharge on its duties independently and impartially. The electro commission must be reformed and composed by higher integrated scholars such as judges, transparent and committed people who are not affiliated to any political party, also those members especial the Chairman of the electro commission should not selected by the President so as to avoid the room of bias. Apart from that it is important to be established the electro courts which shall deals with electro disputes, also the power invented on the side of the President to appoint the election commission member should be reduced and controlled by the House of the Representatives, Thus, the House has to participate in voting for proposed elected members of the commission together with the Chairman so as to avoid bias on the side of the electro commission in general.

The Election Act of 1985 should be amended and reformed to withdrew sections which seems to effect the independence and functions of the commission for instance section 10 (1) which gives the power the electro commissioner to employ part time workers of the commission during each period of election who are actually the government permanent employees. This section should be repealed and allow the commissioner to employ permanent workers of the commission so as to avoid doubt as to the independence of the electro commission.

The security forces institution should be empowered with enough knowledge on civil education, the government to employ educated candidates and empower them special skill and knowledge on peace and security monitoring and not to interfere with political activities. In addition the institutionalization of violence through a culture of impunity and state-sponsored militia groups must be stopped. In this regard, the current government of national unity must abolish those party militia groups founded in each year of election.

Finally, this article call on transparent system which holds people in power including the President, accountable for their own actions, this will help them to govern the country with precautions and adherence to the rule of law and avoid abuse of power.

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