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The Second Muafaka: A Ceasefire or Conflict Resolution?¹

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Introduction

Since later part of the colonial era in Zanzibar, multi-party elections have been closely associated with grassroots communal tensions and political violence. The four colonial era elections held from 1957 to 1963, with the aim of deciding who would rule Zanzibar after the British departed, had the following notable features: large scale evictions from farms of people thought to belong to the Afro-Shirazi Party (ASP) by landlords who supported the Zanzibar Nationalist Party (ZNP); boycotts of businesses by supporters of ASP because their owners were presumed to support ZNP; deadly riots; extensive political mobilization along ethnic/racial lines; and the inability of the losing party to accept the results. After a thirty-one year hiatus in political party competition following the Zanzibar Revolution of 1964 suffocated partisan confrontations, the pre-independence pattern of rising tensions and sporadic violent confrontations was again reproduced with the re-introduction of multi-party elections in 1995.

The October 1995 elections in Zanzibar were tense with both domestic and international observers disputing its validity. In this election CCM's Salmin Amour was declared the President of Zanzibar with an official margin of victory of only 1,565 votes or just 0.2%, but CUF refused to concede defeat or to recognize Amour as the President, thereby throwing the islands into a violent political impasse lasting from the end of the 1995 elections until March 2001, five months after the second multi-party general elections were held in October 2000. The political violence associated with the second generation of multi-party elections followed a general pattern where CCM supporters were harassed in Pemba with CUF supporters encountering difficulties in Unguja. For example, soon after the 1995 elections some high profile CCM members were physically assaulted in Pemba and others had their property destroyed. In response, CUF members, including elected officials,

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were arrested and others victimized by such means as the demolition of their homes by state authorities on the pretext that they were living in unplanned neighborhoods. Tensions further escalated in November 1997 when seventeen CUF activists and elected officials were arrested and charged with treason, a capital offence. By 1998, Juma Duni, a CUF representative in the Zanzibar House of Representatives, was added to the list of treason trail suspects with Zanzibar's Attorney General calling for the arrest of CUF's top officials including the party's Zanzibar Presidential Candidate and General Secretary Seif Shariff Hamad (Bakari, 2001: 258-268). Finally, after a prolonged detention, when the defendants were finally brought before a judge in 2000, battles erupted between the police and pro-CUF demonstrators (Ng'wanakilala, 2000).

In an effort to end the political impasse, a Commonwealth mediated reconciliation agreement called *Muafaka* was reached between CUF and CCM in June 1999. While the aim of the *Muafaka* was to create a more peaceful environment for the upcoming 2000 elections, the agreement was not implemented and after a brief moment of hope, tensions quickly returned, although this time at an increased level. The 2000 elections saw the worst political violence in Zanzibar since the 1964 revolution. The campaign period was characterized by police vs. CUF confrontations, some turning violent. A botched polling-day again produced an electoral outcome that CUF refused to accept. Violence surrounding a January post-election protest organized by CUF, to press for their demand for a new election, resulted in at least 23 deaths and hundreds fleeing Pemba seeking refuge in Kenya. This unprecedented politically motivated lethal violence propelled CCM and CUF to go to the bargaining table again, with preliminary negotiations starting in March 2001. After intense negotiations, what is known as the second *Muafaka* between the ruling party (CCM) and opposition party (CUF) was signed on October 10, 2001.

Unlike the first *Muafaka*, its reincarnation seemed to have a strong commitment from the mainland and Zanzibar governments, the ruling party, and CUF that led to a significant reduction of tensions and offered the prospect for a reconciliation of the long running political conflict that has plagued Zanzibar. However, to interpret *Muafaka* (English equivalent "agreement") as a political reconciliation is premature and somewhat misleading because the underlying cause of the conflict on the islands, namely who will control the

Zanzibar state and the process by which this will be decided, have not yet been resolved. The true test of the second *Muafaka* will come in October 2005 when Tanzania and Zanzibar hold their general elections for the third time since the reintroduction of multiparty politics.

The literature on "conflict resolution" makes a fundamental distinction between reconciliation, or the resolution of a conflict, and conflict management. Typically conflict resolution and reconciliation refer to the time when parties to a conflict "enter into an agreement that solves their central incompatibilities, accept each other's continued existence ... and cease all violent action against each other" (Wallenstein, 2001: 8). In contrast, conflict management entails reducing, or keeping at acceptable levels, violence and hostile confrontations, without reconciling the parties (Schellenberg, 1996:9). The difference between conflict resolution and conflict management highlights the fundamental problem facing the second *Muafaka*, namely that it is possible for conflicting parties to reach a ceasefire or understanding to reduce violent confrontations without actually agreeing on how to solve the incompatibility that caused their conflict in the first place. As an instrument of conflict management the second *Muafaka* has been successful in reducing violent confrontations and alleviating tension in Zanzibar.

Nevertheless, although the second *Muafaka* embodies two key aspects of conflict resolution, namely the acceptance of each other's continued existence and the cessation of violence, it has not yet "resolved" the issue of who should exercise power in Zanzibar. This is not to say that the second *Muafaka* has sidestepped the core issue of who should control the Zanzibar state and the process by which they should be chosen. However, it leaves the test of whether the two competing parties are equally committed to the solution embodied in the second *Muafaka* until the 2005 elections. Rather than reconciling the two sides, the second *Muafaka* embodies a shared interest of CCM and CUF to reduce the violence and animosity between their two parties prior to the 2005 elections. If a peaceful 2005 election takes place producing an outcome acceptable to both CUF and CCM, then reconciliation can be said to have taken place. However, if the parties cannot agree on an electoral process for choosing the islands' president and legislators or they are unprepared to accept the results of an election, as has been the case for nearly all of Zanzibar's multi-party elections, then

the second *Muafaka* will be remembered as brief interlude of peace. Its legacy will be of a limited and ephemeral exercise in conflict management, rather than a breakthrough that transforms Zanzibar's politics.

The Historical Development of the Conflict

Struggles to control the Zanzibari state are rooted in the historical development of Zanzibari society, necessitating some consideration of the past. As a number of excellent histories exist, therefore only a brief overview of Zanzibar's political history is provided here with the goal of highlighting the close interconnector between election, political violence, and ethnic/racial/regional political mobilization.

In Zanzibar the anti-colonial struggle did not unite the island's population against British colonial occupation. Instead, it divided the society over the issue of who should take power after the British left. On the eve of independence, two nationalist movements were poised to take control of the state. Each was based on a different interpretation of Zanzibar's past and each offered its own vision for the future. The movements were represented by two different political parties with strong grassroots and electoral support. One party was based on a more continental African orientation and was spearheaded by the Afro-Shirazi Party. The second embodied a more Middle Eastern identity with its political aspirations represented by the Zanzibar Nationalist Party.

The nature of the political divide in nationalist politics in colonial Zanzibar grew out of social divisions that developed in the pre-colonial era and were purposefully exacerbated by colonial policies. In 1832 the Omani Sultan Seyyid Said moved the seat of his government from the Persian Gulf to Zanzibar. Under the Omani Sultans Zanzibar grew into the commercial center of an East African trading network that linked the region to a larger Indian Ocean and global economy. A prosperous Asian business community evolved whose leaders largely ran the Sultans financial affairs. Affluent Arabs turned to plantation agriculture using African slaves on clove and coconut estates.

In 1890 the British claimed sovereignty over Zanzibar and, as with their other colonial possessions, constructed a political and economic order along strict racial lines. The pervasive nature of the racial cum class divisions was perhaps best illustrated during

World War II when the nature and quality of wartime rations depended on a racial classification scheme that reinforced and solidified existing socio-economic divisions. Asians, for example, were allowed to purchase higher status rice, sugar and designed clothes while Africans were only allowed to buy maize flour and plain black cloth (Bakari 2001: 56). According to Othman (1993), the British saw Zanzibar as an 'Arab state' and throughout the colonial occupation, while Arabs were clearly on a lower level than the ruling British colonial elite, they were nonetheless extended more privileges than the islands' other racial groups. This can be seen in the composition of the colonial administration where the British controlled positions of authority but incorporated the Sultan and an Arab elite into the government. The colonial state also lent its support to an Arab landed aristocracy who with the decline of clove plantation agriculture were falling into increasing debt to Asian merchants (Shao 1992). Asians, for their part, occupied important positions in the colonial administration and economy as traders and financiers at all levels.

At the bottom of the socio-economic scale were mainland Africans and the indigenous African population, many of whom were alienated from their land, especially in western and southern Unguja. It was members of this group who were engaged as laborers on farms, in towns and factories, as well as engaging in small-scale farming and fishing (Shao 1992). As Mukangara (2000: 39) reminds us, the landed Arab aristocrats and the wealthy Asian merchants were generalizations. There were Asian and Arab wage laborers as well as a sizable group of less well off Arab peasants and small traders. Despite the heterogeneity in these identity groups, lower class Arabs and Asians identified with the better off members of their own communities rather than with the lower class Africans (Bakari 2001: 56). However, Shao (1992: 134) and Bakari (2001: 58) argue that some higher class Africans and the more wealthy African peasants, especially those identifying themselves as Shirazi, were willing to cross racial-political divides and felt more comfortable with ZNP.

The British tried to organize colonial Zanzibar politics along strict racial lines. During the early days of colonial rule the British Governor General consulted with leaders drawn from the African, Arab, Shirazi (Zanzibari's who claim to be indigenous to the islands or have some Persian ancestry) and Asian communities. In 1926

the British created a Legislative Council made up of government officials and nominated members appointed by the Sultan from lists submitted to him by the Asian and Arab associations (Othman 1993). It was not until 1946 that the first African was nominated to the Legislative Council.

Although, as Bakari (2001: 56) notes, there were attempts to create a broad-based nationalist movement to oppose colonialism, nationalist politics proved incapable of transcending racial/ethnic lines. Colonial authorities did not introduce elections based on competing political parties until the later part of the 1950s, after it became clear that the days of British rule were numbered. A series of four bitterly contested decolonization elections (July 1957, January 1961, June 1961 and July 1963) were held revealing deep divisions in the island's population over who should exercise power after the departure of the British. The two main political parties, popularly seen as being divided along Arab-African lines, fought for the opportunity to take power at independence.

This first era of multi-party elections is remembered in Zanzibar as the "time of politics" due to the intense, violent, and all encompassing nature of electoral competition (Meyers 2000). The Zanzibar Nationalist Party was formed in 1955 and was strongly associated, especially from the ASP standpoint, with the Arab Association. The other major party, the Afro-Shirazi Party, was formed two years later with the merger of the African Association (representing Africans from the mainland) and the Shirazi Association, which claimed to represent the Wahidimu, Watumbatu, and Wapemba, or the Zanzibari Africans (Othman 1993).

While the main political division emerged along "African" and "Arab" lines, Bakari (2001) and Othman (1993) caution against thinking too dogmatically about Zanzibar politics in terms of race, thereby missing significant nuances. In this regard it is important to consider that although ZNP was portrayed as an Arab party, most of its supporters were African. While the ASP was formed in 1957 through the merger of the African and Shirazi associations, Bakari (2001) argues that many Shirazi were not comfortable with the African Association's overt pro-African and anti-Arab ideology. In Pemba land alienation was not a critical problem and the Wapemba in general had cordial relations with Arabs, who were well integrated into that island's society (Shao, 1992: 8; Mukangara 2000: 35).

Likewise, in northern Unguja the Watumbatu also maintained their land. It was from this group of better off Shirazi that the impetus came to form the Zanzibar and Pemba Peoples Party (ZPPP), which entered into an electoral alliance with the ZNP (Bakari 2001: 58; Mukangara 2000: 41). Likewise, a faction of leftists, who were considered 'Arabs' in Zanzibar's ethnic classification scheme, split off from the ZNP to form the Umma party, which later played an important role during the January 1964 Zanzibar Revolution that put ASP into power.

Despite attempts to overcome the African-Arab racial divide, it was nonetheless strongly evident in the pre-independence elections and the accompanying riots and communal violence that polarized the islands. Othman (1993: 10) notes that the July 1957 election, in which ASP won five out of the six elected seats in the Legislative Council, divided Zanzibari society down to the grassroots with rival political parties boycotting funerals, busses, and religious services associated with members of the opposing party. More seriously, African squatters, believed to support ASP, were evicted from Arab owned land while Africans boycotted Arab shops that they believed were owned by ZNP supporters.

The January 1961 elections produced a stalemate when twenty-two legislative seats were split evenly between ASP and ZNP after ASP won ten seats, ZNP nine, and ZPPP won three - with two of its legislators deciding to support ZNP and one aligning with the ASP. With neither side able to form government, new elections were held in June 1961. In order to prevent another stalemate the colonial government added a new seat in Pemba. This upset ASP because it felt the colonial authorities purposefully created a new electoral constituency in Pemba to ensure that ZNP-ZPPP would control the legislative council due to ZPPP's strong support there. The rerun elections found ASP doing better at the polls (winning 50.6% of the votes) but still only winning ten seats. ZNP also won ten seats with ZPPP winning three, thus allowing ZNP and ZPPP to form a coalition government. ASP felt they were robbed of their electoral victory and violent riots broke out in which 68 people, mainly Arabs, were killed and 400 injured (Bakari 2001: 59).

The last election held under colonial rule occurred in July 1963. ASP gained 54.2% of the votes but ZNP-ZPPP with 45.7% of the

ballots won more parliamentary seats allowing it to form the independence government on December 10, 1963 (Bakari, 2001: 59-61). Unwilling to accept the electoral outcome, a violent revolution toppled the ZNP-ZPPP government on January 12, 1964 and installed the ASP into power. During the revolution hundreds, perhaps thousands, died. Almost all the deaths were Arabs and known ZNP supporters (Bakari 2001: 105-106). After the revolution Karume and his Revolutionary Council quickly took steps to eliminate political rivals. Bakari (2001: 106-111) describes a climate of fear and intimidation following the revolution where a "number of people were persecuted, detained, imprisoned, and others were mysteriously assassinated." In particular, Bakari claims Pemba was targeted for repression due to ZPPP's alliance with ZNP. In the aftermath of the revolution Karume replaced the constitutional government with a system of authoritarian personal rule. Human rights abuses persisted throughout Karume's reign and continued after his assassination in April 1972.³

Conflicts and Struggles for Power during the Second Wave of Multi-party Elections

In the aftermath of Karume's death, Zanzibar slowly moved to re-establish rule of law and representative government. A constitution was created in 1979 (previously the Revolutionary Council ruled by decrees) and in 1980 elections were held within the single party for the newly created House of Representatives (prior to 1980 there were elections within the single party for representation in the Union Parliament but there were no elections for Zanzibar's leaders). In 1992 multi-party politics were re-introduced in Tanzania, including Zanzibar, with general elections held in October 1995. Although the number of parties in Zanzibar exceeded ten, only CUF and CCM had substantial followings and a serious chance to gain power on the islands. The reintroduction of multi-party politics in Zanzibar was characterized by intense electoral competition, violence, disputed results, arrests of opposition party members, and an open polarization of society along partisan political lines.

As the above historical account of Zanzibar's politics helps to highlight, the cause of the conflict in Zanzibar is the struggle between two competing groups to control political power on the islands.⁴ As with the pre-independence era, during the latest phase of multi-party elections, these two groups fundamentally differ in their

interpretations of Zanzibar's history (slavery vs. benign Sultanate) and what the nature of Zanzibari society should be. Mukangara (2000: 44) also notes a striking similarity in the geographic bases of support for CCM in the 1990s and ASP forty years earlier. Likewise, CUF has its strongest support in areas that were ZNP-ZPPP strongholds in the 1950s and 1960s. Campaign themes in recent multi-party elections draw heavily on topics that were part of the first generation of competitive elections under British colonial rule. In some campaign speeches CCM leaders have threatened that a CUF victory would lead to the return of the Sultan. While this does not seem realistic, the underlying message is that 'Africans' stand to lose out under a CUF government. CCM offers a vision of pre-revolutionary Zanzibari society built on Arab racial privileges, which is also a view of the future should CCM lose power. In brief, CCM, the party in power, favors the Union with the mainland and it is deeply suspicious of those groups that it feels played a role in maintaining the social order that prevailed before the revolution.⁵

CUF, for its part, has accused CCM of selling out Zanzibar's interests by ceding the islands' autonomy to the mainland. CUF has been critical of the social order ushered in by the revolution, calling attention to human rights abuses by the government. Its view of pre-revolutionary Zanzibar places an emphasis on a unique harmonious cosmopolitan society of different ethnic and racial groups. In regard to the Union, many CUF members are hostile to it and the party officially supports more autonomy for the islands vis-à-vis the mainland.

The first general election in Zanzibar (1995) after the reintroduction of multi-party politics was characterized by intense competition and opposition charges that the ruling party systematically used state institutions in a partisan fashion to ensure electoral victory. One of the most contentious issues was voter registration. According to Zanzibar's electoral laws voters must be Zanzibaris⁶ and have lived in their constituency for at least five years. CUF argued that these laws were selectively enforced to disenfranchise its supporters. CCM countered with an accusation that CUF was registering underage voters in Pemba (Bakari 2001: 215). During the campaign period CUF complained that at times it was denied permission by state officials to hold rallies, intimidated by a strong and hostile police presence, and that the state controlled TV and radio were

biased in favor of CCM (Bakari 2001: 221-223). However, the biggest controversy surrounded the counting of the votes and the announcement of results. CUF maintains that it actually won the election. According to CUF, ZEC unofficially conveyed the preliminary results on October 24th to representatives of the two parties, prompting DTV to announce that CUF won the elections. CCM's campaign manager, Ali Ameer Mohammed, publicly denounced the results and declared his party's desire for new elections (Bakari, 2001: 227; TEMCO 2001, 105,106). However two days later the Zanzibar Election Commission released the official results showing that Salmin Amour of CCM won the election by 50.2% to 49.8% for CUF's Seif Sheriff Hamad.

CUF refused to accept the election results, which were also questioned by international and domestic election observation groups. In the months after the election the situation deteriorated. Bakari (2001, 259-268) catalogues a host of tit for tat attacks and reprisals carried out by activists of the two parties and the Zanzibar government. These include: arson and vandalism attacks against property belonging to well-known CCM supporters, the state, and the ruling party; an acid attack against a CCM Youth Wing official causing serious injury; attacking and taking weapons from security force personnel; a reprisal security sweep of the village where an attack on security personnel took place in which arbitrary beatings and theft of property were carried out; the arrest and detention of CUF supporters and elected officials - most notably the prolonged detention of the 18 treason suspects; state destruction of homes owned by Pembans in Unguja under the pretext that they were built contrary to city regulations; and countless rumors, accusations and counter accusations about which side was responsible for acts of vandalism or subversive plots.

Failure of the first Muafaka

The wave of political violence, coupled with the problematic nature of the 1995 elections, prompted many donors to withdraw aid from Zanzibar and to urge the Union and Zanzibar Governments to work out a compromise with CUF. Efforts to bring CCM and CUF together began with a respected Tanzanian Judge and former prime minister, Joseph Warioba, holding discussions with the parties and urging dialogue (Bakari, 2001: 287). However, the positions of CCM and CUF left little room for compromise. CCM steadfastly maintained

that Salmin Amour won the elections, that he should be recognized as Zanzibar's President, and that no re-run elections would be permitted. CUF, in contrast, insisted that the elections were fraudulent and new free and fair elections had to be held. Three years with no breakthrough prompted the Commonwealth Secretary General, Chief Emeka Anayaoku and his special envoy to become involved in mediation efforts in February 1998. After consulting with CCM and CUF, the Commonwealth developed a proposal to end the political impasse centering on CUF recognizing the election results and participating fully in the Zanzibar House of Representatives in return for reforms in the Zanzibar Electoral Commission, the judiciary, laws, and the Constitution to ensure their compatibility with "a modern multi-party democracy" (*Muafaka* 1999). The ruling party further pledged to appoint an Independent Assessor to investigate the validity of claims of political victimization. In order to oversee the implementation of the agreement an Inter-Party Committee was set up with its members drawn from CCM and CUF legislators in the Zanzibar House of Representatives.

CUF decided to accept the *Muafaka* in July 1998. This represented a major compromise on the part of CUF because they agreed to drop their central demand for a new election. It is likely that as time passed, and especially by 1998, it was becoming clear to CUF that there was no chance of overturning the 1995 results. Additionally, even if new elections were held and CUF won, this would mean that CUF could only exercise power for a short period of time because regularly scheduled elections were just around the corner scheduled for October 2000. With CCM's 1995 election victory accepted as a *fait accompli*, CUF hoped that it could gain reforms to create an electoral process that would allow it to enjoy a victory in 2000.

CCM, however, showed signs that it was ambivalent about the Commonwealth brokered deal with some of its leaders even refusing to admit that mediated negotiations with CUF were taking place (Bakari 2001: 284). In fact, the Zanzibar government dragged its feet by refusing to accept the *Muafaka* until the end of February 1999 when President Salmin Amour indicated that he would go along with the agreement in a speech to the Zanzibar House of Representatives. Symbolic of the CCM's lukewarm reception of the *Muafaka* was that neither Union President Benjamin Mkapa nor

Zanzibar President Salmin Amour turned up for the signing ceremony. As Wallenstein (2002: 36) points out, in situations where trust between conflicting groups is low, signing ceremonies provide an opportunity for parties to an agreement to demonstrate their commitment, which in this case was a chance not taken. Other signs that all was not well were: the continuation of the treason trail; Salmin Amour's effort to change the constitution to remove term limitations, thus allowing him to continue to be Zanzibar's president; and the demand by the Speaker of Zanzibar's House of Representatives that boycotting CUF legislators should not be able to return unless they wrote letters of apology (Bakari 2001: 292-293). Riots in which scores of people were injured marked the start of the treason trail of the 18 long detained CUF supporters in January 2000 and further signaled that all was not well with the first *Muafaka* as Zanzibar entered the election year (Ng'wanakilala 2000: 1.5).

The lack of a good faith and commitment to the agreement eroded the little trust that existed between the two sides, setting the tone for a confrontational second multiparty election. Although ZEC was remodeled to allow for more CUF participation, the lack of implementation of other reforms meant that the conduct of the 2000 elections was more contentious than in 1995. CUF charged police harassment, which was verified by reports in independent newspapers and by TEMCO election monitors. In particular, TEMCO (2001: 117) noted that on a number of occasions the police set up roadblocks and checkpoints to search all those wishing to attend CUF rallies, causing long delays that resulted in rallies being postponed or cancelled. Physical violent confrontations between the police and CUF supporters occurred sporadically throughout the campaign period. In one incident CUF supporters beat and took the weapons of three police officers at Kilimahewa. At a later date, at the same venue, during a campaign rally police were again confronted by CUF supporters with officers shooting into a crowd wounding five (TEMCO 2001: 117). The day after polling day, national TV showed pictures of police beating pro-CUF demonstrators in the Darajani area of Stonetown.

On the campaign trail CUF and CCM leaders urged their supporters to take a hard-line stand against the opposing party through such slogans as *Mapinduzi Daima* (revolution forever/CCM) and *Jino kwa Jino* (a tooth for a tooth/CUF). Both sides, as during the 1995 elections, made provocative statements along the lines 'that due to

their popularity, it was impossible for them to be defeated in the elections,' explicitly creating the justification for not accepting the election results should their party lose (TEMCO, 2001: 116-119). However, the major problem with the elections was the disruption of voting in 16 constituencies in the Stonetown and Urban West districts and the postponement of vote counting throughout Zanzibar that included the forcible separation of the ballot boxes from party agents whose job was to stay with ballots to help protect the integrity of the vote counting process. In light of these fundamental problems, both foreign and local election observers concluded that once again the elections were fundamentally flawed (TEMCO, 2001: 119-129). CUF, just like in 1995, called for new elections.

By January 2001 relations between CCM and CUF had reached a low point, or what James Schellenberg (1996: 70-71) would term a "destructive spiral", where each side looked to use its power and force to win the conflict. CUF called for a campaign of mass civil disobedience and planned a nationwide demonstration on Saturday January 27th. This was a direct challenge to President Mkapa who had earlier placed a moratorium on demonstrations and political activities saying the country needed to concentrate on development and economic activities after the elections. In an effort to suppress the demonstration, on Thursday January 25th, police arrested CUF Chair, Professor Ibrahim Lipumba, and over fifty supporters at Kigamboni in Dar es Salaam. During the arrest and in police custody, the detained CUF members were beaten. The following day in Stonetown police opened fire at a Mosque after Friday prayers and killed two people. On the day of the demonstration, the police violently suppressed marches in Dar es Salaam, Pemba, and Unguja and the government reported that 23 were killed during the demonstrations, mainly in Pemba. The government maintained that demonstrators attacked police posts and the security forces responded appropriately. CUF and human rights organizations claim that security forces used excessive force to repress the demonstrations, which started out peaceful until provoked by police. In the aftermath of the demonstrations, around two thousand people, including CUF elected officials, fled Pemba for Kenya. Zanzibar's President Karume threatened to arrest all of the demonstration organizers, reminding CUF that the arm of the law was long.

The Second Muafaka: Reaching an Agreement by Redefining the Issues

In *Understanding Conflict Resolution*, Peter Wallensteen (2002) identifies important aspects in the process of conflict resolution. For the purpose of analyzing how the second *Muafaka* came about, its content, and its prospects for bringing a lasting resolution to the conflict in Zanzibar, four aspects noted by Wallensteen are particularly important. They are: 1. establishing a dialogue, 2. building confidence between the parties, 3. convincing the most powerful elements within each conflicting party to act as 'custodians' of the agreement, and 4. making sure that the underlying cause of the conflict, or the basic incompatibility between the two sides is resolved. The rest of the article examines each of the four aspects of conflict resolution identified above in relation to the second *Muafaka*.

Establishing a Dialogue

Given the failure of the 1999 *Muafaka* to reduce tensions on the islands, it is not surprising that both sides turned to an escalation of their conflict in an attempt to achieve their objectives. As Seif Shariff Hamad, chief negotiator and Secretary General of CUF, jokingly recounted some months after the signing of the second *Muafaka*; prior to January 27th CCM was unwilling to talk to 'terrorists' and CUF was too suspicious of the ulterior motives of the ruling party's 'immoral power mongers'.⁷ As the dust began to settle after the January 27th killings, the leaders of CCM and CUF came to see their conflict in a new light. Both of the principal negotiators - Phillip Mangula, the Secretary General of CCM, and Seif Shariff Hamad - agreed that events surrounding January 27th signaled a significant escalation in the conflict.⁸ This turning point event raised fears among both parties' leaders that unless steps were taken to de-escalate tensions, Zanzibar was poised for a descent into a spiral of violent confrontations and reprisals, which if unleashed could take on a life of its own and be difficult for political leaders to control.

The violence of January 27th made 'ripe' the environment for negotiations as the participants began to calculate that the costs of using force were unacceptably high as a strategy for defeating the other side. Under this new atmosphere there was more willingness from both sides to see themselves as common members of a larger

community (Zanzibar and Tanzania), to recognize the legitimacy of each other's continued existence, and to give the other party a greater benefit of doubt when interpreting motives. For example, Mangula admitted that after January 27th it was easier for the bitter enemies to see each other as sharing patriotism and concern for those hurt.⁹

Other factors that worked to create a conducive atmosphere for negotiations were changes within CCM that removed Zanzibar hardliners from power on the islands¹⁰ and also made the new Zanzibar leadership more dependent on the mainland. Salmin Amour was widely perceived as being a hard-liner in dealings with CUF and, as discussed earlier in this article, there were indications that he was less than supportive of the first *Muafaka* (see also Mmuya 1996: 73). However, just prior to the 2000 elections the ruling party's NEC (National Executive Committee) acted decisively to deny Amour a third term despite strong support for him from the CCM-Zanzibar delegates. Significantly, NEC also overturned the recommendation of CCM-Zanzibar delegates to nominate Amour's preferred successor, Dr. Mohammed Bilal, as the party's Zanzibar Presidential candidate. Instead, much to the dismay of Zanzibar hardliners, NEC nominated Amani Abeid Karume, who styled himself as being outside of the Amour camp and capable of healing the political divide on the islands (TEMCO, 2000: 116).

A second important difference within CCM from 1995 was that Benjamin Mkapa had consolidated his position as the Union President. Back in 1995 the nomination for CCM's presidential candidate was wide open because Ali Hassan Mwinyi, the incumbent, was stepping down after serving his constitutionally allowed two terms. During an exciting nomination procedure, Mkapa was able to beat more favored candidates, largely through the support he got from the Zanzibar delegation. Five years later Mkapa established himself as the unquestioned leader of the government and party, with Zanzibar's Karume now taking the role of the new candidate needing to build his base of support within the party. The importance in the change of the top CCM leadership in Zanzibar, coupled with Mkapa's consolidation of power, was that it made easier the task of convincing CUF that CCM was sincerely interested in an agreement and that the government had the will and means to successfully implement a new *Muafaka*.

Although not a decisive factor given that donor pressure was not enough to ensure the success of the 1999 *Muafaka*, the international community was supportive of CCM and CUF negotiations. After the 2000 elections donors signaled their willingness to resume aid to Zanzibar should an agreement be reached and were continually meeting with party leaders to give them encouragement and obtain updates on the talks after they were started. Donors also gave key financial support to facilitate the negotiations and the implementation of the agreement.

One last problem regarding the discussions was who should take part. As the conflict was defined as being between CCM and CUF, it was decided that only these two political parties should take part. This did not go over well with other political parties who wanted to participate in the talks and who had grievances of their own that they wanted to bring before the ruling party. The other opposition parties at times harshly criticized CUF and its leaders. However, as Wallensteen (2002: 48) notes, there is a tradeoff to be made between inclusiveness and efficiency in negotiations. In the case of the second *Muafaka* other parties were excluded, probably on two grounds. First, the only two parties with widespread support on Zanzibar were CCM and CUF; in short, they were the only participants that mattered. Second, by including many other actors, with their own agendas, the prospects of reaching a quick agreement to defuse tensions would be greatly complicated.

In February 2001 preliminary negotiations began between CCM's five-person negotiating team of Philip Mangula, Omar Ramadhan Mapuri, Ahmed Hassan Diria, Dr. Masumbuko Lamwai and Col. Abdi Salum Mhando and CUF's team of Maalim Seif Shariff Hamad, Abubakar Khamis Bakari, Ismail Jussa, Mohamed Dedes, and Shaibu Akwilombe. The goal of the preliminary negotiations was to prepare the agenda for the end of April meetings to reach a new *Muafaka*.

Confidence Building Measures

The preliminary meetings to set the agenda and the memorandum of understanding that preceded the second *Muafaka* negotiations served the purpose of building trust between negotiators who were, as both Mangula and Hamad admit, deeply suspicious of each other.¹¹ On March 10th- only one month after starting negotiations -

the parties agreed on a memorandum of understanding. The memorandum addressed CUF concerns by calling for the return of the refugees from Kenya and providing guarantees for their security as well as reiterating both sides commitment to implementing the 1999 *Muafaka*. It also addressed CCM concerns by calling on all parties to obey the law and respect the laid down procedures (courts, parliament etc) for airing grievances. As Wallensteen (2002, 59) emphasizes, confidence building is more than words stating positive aims, "[t]he proof of 'good intentions' is 'good actions'". Proof of 'good intentions' on the part of the government during the negotiations was a scale down of the police presence in Pemba, the repatriation of the refugees, and granting CUF permission to hold April demonstrations in Dar es Salaam and Zanzibar.

After the negotiating teams established an agenda and working relationship, private talks began with only joint statements being issued to the press. No party was allowed to contact the press unilaterally to make comments on the talks. CCM and CUF set a time limit of September 2001 to conclude their negotiations. During the formal negotiations a number of compromises had to be made on key issues. The main one being that CUF agreed to recognize Amani Karume as Zanzibar's President. In return, CUF gained promises that ZEC would be reformed and the constitution would be reviewed with the aim of making it compatible with multi-party democracy. CUF also received assurances that an independent commission would be created to investigate, with the goal of establishing suitable compensation, claims of property being destroyed, people losing state employment, and the denial of opportunities to study due to political reasons. Additionally, an independent commission was to be appointed to investigate the January 27th killings. In order to hammer out a final deal on the *Muafaka* important details had to be worked out. These included: the nature of the commission to investigate the January 27th killings (CUF wanted an international commission and CCM wanted and received a national commission), whether by-elections would be held for the constituencies in which CUF won legislative seats that were declared vacant due to a boycott of proceedings (they were to be held), and the nature of the commission that would be charged with implementing the second *Muafaka*.

By October 10, 2001 negotiations were complete and the second *Muafaka* was signed. In many ways the second *Muafaka* resembled

the first with the addition of the independent commissions to investigate the January 27th killings, political victimization, and compensation; the creation of a strong presidential commission to oversee the implementation of the agreement; the creation of a permanent voters register; the holding of elections for the seats vacated due to CUF's boycott of the House of Representatives; and the appointment of CUF members to government positions.

Although there have been some disagreements between the parties over the pace and nature of the implementation of the agreement, both parties have exhibited their strong commitment. The most notable successes of the agreement has been a return to normality in Zanzibar as those held for the treason trial and other political offences have been released; the police presence on the islands has been reduced; and CUF members have taken up positions in the government. However, problems have occurred regarding the findings of the commission investigating the January 27th killings, which CUF has derided as being a whitewash of the events with the aim of clearing the government of any blame. Another problem area was the creation of a permanent voters list prior to the 2003 by-elections in Pemba.

Committed Custodians

Implementation of an agreement is just as important as reaching the initial settlement because this is the stage where many break down. This was the case during Angola's civil war and the genocide in Rwanda - which wrecked the Arusha accords (Wallensteen 2002: 44-50). One of the main problems leading to the breakdown of agreements is trying to control 'spoilers' or factions or individuals who want to ruin a peace accord. In order to ensure that 'spoilers' are contained, Wallensteen (2002: 44-50) recommends that the strongest leaders of each party to agreement must act as its 'custodians.' That is powerful actors within each party must work to ensure that the agreement is faithfully implemented and they must be able to control factions within their own camp who want to undermine the accords. One danger to any agreement is that there is often a power struggle within each party between what have been termed 'hard-liners' and 'soft-liners' or between 'spoilers' and 'custodians'. Under such conditions, 'spoilers' have a strong vested interest in making sure that a peace agreement fails, which could be argued occurred during the implementation of the 1999 *Muafaka* in which key aspects were left unimplemented.

Indeed, one of the main differences between the 1999 and second *Muafaka* centers on the commitment of leaders to it. In particular, President Benjamin Mkapa after the 2000 elections was able to consolidate his base of power within CCM enabling him to act as a strong 'custodian'. In addition to undermining CCM-Zanzibar 'spoilers' or 'hard-liners', he took a keen interest in ensuring that all the provisions of the agreement were implemented. In particular, he showed strong commitment to the second *Muafaka* by deciding to create a presidential commission charged with overseeing its implementation. The presidential commission was given direct access to the president and was made up of five representatives from CCM and five from CUF.

Resolving the Incompatibility

Clearly the second *Muafaka* has had an important impact on Zanzibar by drastically reducing political tensions and allowing normalcy to return to the islands. Although the talks and implementation proceeded in a textbook fashion, an argument can be made that they have not yet settled the basic incompatibility fueling the conflict; namely, who should control the Zanzibar state. An incompatibility, according to Wallensteen (2002: 53), is "the inability to meet the demands of two or more parties with the available resources. Giving a certain resource to A will mean that B will not receive its desired share." In this case, the resource incompatibility is who will be the President of Zanzibar. Wallensteen (2002: 63-66) argues that the state is often the object of conflict because as an organization it has the capabilities and coherence that can't be matched by any other organization. While the Zanzibar state may not be technically sovereign, it nonetheless retains considerable autonomy and authority over the legitimate use of force, the allocation of resources, and it has a profound impact on how people interpret events, like the 1964 revolution, which is aided by its influence over the media and what is taught in schools.

It is impossible to divide the presidency between CCM and CUF, only one side can exercise ultimate authority on the islands at any point in time, and this leaves the other side feeling frustrated and aggrieved. Because it is impossible to share the resource (the Presidency of Zanzibar), this leaves only a limited number of ways around the incompatibility. For example, there is the unlikely scenario that one party could give up its desire to control power.

This unlikely scenario could be made more palatable by devising a power sharing arrangement along the lines of a unity government that would give the party out of power more access to the state. While aspects of this have been incorporated into the second *Muafaka* and it offers an intriguing way of addressing the incompatibility, given the high level of mobilization within each party, by no means can it be assumed that a party's leadership or rank and file will support this option. This leaves a type of power sharing exercise that has been used since the colonial era to try to solve this incompatibility, namely multi-party elections, which offers the possibility to parties to share control over the disputed resource over time (take turns controlling the presidency). Ideally, elections should offer the hope that the losing party will have the chance to take power at a later date (Heilman and Ndumbaro, 2000). However, this solution has not been effective in Zanzibar. It did not work in 1963, 1995, or 2000 but it will nonetheless be tried again in 2005. The main problem with elections is that it has been difficult to create an electoral process that both sides feel is free and fair.

Seen from this prospective, the second *Muafaka* is more of ceasefire, an exercise in conflict management, or a delaying tactic, which while successful in reducing tensions has left the real source of the conflict untouched. Phillip Mangula and Seif Shariff Hamad have emphasized how January 27th was a watershed event that fundamentally changed the perceptions of CCM and CUF leaders. After the January violence both parties increasingly saw their confrontations as being contrary to a Tanzanian way of doing things and posing a fundamental threat to the democratization process. Especially for CCM, the violence undermined the party's record of peace and stability since taking power after independence.¹² However, while January 27th forced the parties to reprioritize their interests, the *Muafaka* has not produced a new solution to transcend the main incompatibility of how to divide the Zanzibar presidency between two competing groups. Instead it relies on the old formula of allocating power through winner-take-all multi-party elections. While January 27th increased the priority for both parties to end violent confrontations, this was done by pushing off dealing with their main incompatibility until 2005 when the question of who will control the Zanzibar state will once again be decided.

The Second *Muafaka*: Conflict Management or Conflict Resolution?

Conflict management has more limited objectives than conflict resolution. It typically focuses on "bringing the fighting to an end, limiting the spread of the conflict and, thus, containing it" (Wallensteen, 2002, 53). Conflict resolution, however, "is more ambitious, as it expects the parties to face jointly their incompatibility and find a way to live with it or dissolve it" (Ibid.). While the second *Muafaka* has reduced political tensions in Zanzibar, it does not resolve the root cause of conflict, which is the struggle for political power. The second *Muafaka* seeks to resolve the incompatibility of deciding who should hold power by once again using winner-take-all multi-party elections. This solution has failed the last three times it has been tried in Zanzibar and one wonders if under the heat of electoral competition, the commitment to peaceful political competition will again melt away.

However, an election result in 2005 that is accepted by CCM and CUF would be irrefutable proof that politics on the islands have been transformed thereby escaping from the dilemma eloquently captured in Haroub Othman's (1993) phrase of the "past haunting the present." Still, there is reason to be pessimistic that such a scenario is likely given that both parties are primarily interested in winning the presidency, are divided on fundamental issues, and have strong grassroots support. This means there will be strong pressure exerted by vested interests who want to hold onto or capture power, even at the expense of maintaining peace, to undermine certain aspects of the second *Muafaka* in order to enhance their chances to occupy Zanzibar's State House. As in 2000 for the first *Muafaka*, it will be left to elections to determine whether both sides in the conflict have truly reached an agreement on a mutually acceptable means of choosing Zanzibar's political leaders; or whether force, intimidation, intrigues, threats, and fear of retribution will again prevail.

Notes

¹ This article is based on preliminary findings from a larger research project on 'Conflict Resolution in Zanzibar' carried out with Dr. Mohammed Bakari and Dr. Laurean Ndumbaro of the Political Science Department at the University of Dar es Salaam. Funding for this research was made available by the African Association of Political Science (AAPS).

² For excellent historical accounts of the evolution of Zanzibar's society and politics consult M. Bakari (2001), Shao (1992), A. Sheriff and E. Ferguson (1991), and Lofchie (1965).

³ While the motivations for Karume's assassination are not known, Bakari (2001, 111) notes that there is strong reason to believe that his killers were interested in personal revenge.

⁴ The conceptualization of Zanzibar's current conflicts being tied to the historical competition between ZNP and ASP is not unproblematic as CUF maintains that the primary problem in Zanzibar is recent and is caused by a ruling party that refuses to hand over power. CCM, for its part, has highlighted the connections between the current competition between CCM and CUF to the previous ASP vs. ZNP rivalry. For CCM's position see Mapuri (1996, 75-87).

⁵ For a comprehensive explanation of the CCM position see Mapuri (1996).

⁶ One criteria for being a Zanzibari is living in Zanzibar for at least fifteen years.

⁷ This information is based on a public talk conducted by Phillip Mangula and Seif Shariff Hamad at the University of Dar es Salaam, May 7, 2002.

⁸ Ibid.

⁹ Ibid.

¹⁰ This observation was made by Professor Haroub Othman at a public talk conducted by Phillip Mangula and Seif Shariff Hamad at the University of Dar es Salaam, May 7, 2002.

¹¹ This information was obtained at a public talk conducted by Phillip Mangula and Seif Shariff Hamad at the University of Dar es Salaam, May 7, 2002.

¹² Ibid.

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Institutions, Decentralization and Growth

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Introduction

Decentralization is in fashion and has become a fundamental concern all over the world. It is not only the central governments of developed countries which are embarking on decentralization but also other central governments of developing countries around the world. They are decentralizing fiscal, political and/or administrative responsibilities. In developing countries we have examples of Moldova (IMF, 1999 WP/99/176) which is currently undergoing a reform of its system of intergovernmental fiscal relations, decentralizing the local government; Uganda (Livingstone and Charlton, 2001); Indonesia (Brodjonegoro and Asanuma, 2000); Philippines (Eaton, 2001); and South Africa (Ahmad, 1998).

In the theoretical literature it is argued that the results of decentralization are influenced by features of political institutions. Empirical literature has tried to show that the effect of decentralization on economic growth, quality of government, and public goods provision strongly depend on two aspects of political centralization: (1) strength of national party system (measured by fractionalization of parliament and age of main parties); and (2) subordination (whether local and state executives are appointed or elected) (Enikolopov and Zhuravskaya, 2003). Successful implementation of decentralization is mostly a function of the existing institutions. Institutional development aimed at better governance, better implementation for fiscal decentralization and other policies, will take years if not decades, to complete. However, such institutions cannot be imported and must be built domestically. Since fiscal decentralization is not isolated from other challenges, the institutional changes that take place need to fully take into account the country's changing environment.

Contemporary economic literature does not seriously question whether decentralization affects the quality of government, economic growth and efficiency of public goods provision. However, the effect of decentralization depends on political and economic incentives of local public officials. Economic incentives that help to align

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