

# CHAPTER 6

## THE ZANZIBAR CONFLICT: A SEARCH FOR DURABLE SOLUTIONS

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### **Introduction**

It is generally accepted that any reference to the Zanzibar conflict concerns the conflicts that followed the multi-party elections of 1995 and 2000. Both of these arose from the conflictual relationship between two strong political parties, the ruling party, Chama cha Mapinduzi (CCM) and one of the opposition parties, the Civic United Front (CUF). Whereas the post-1995 conflict was latent, that of post-2000 erupted into the violence of January 2001.

Efforts have been made to resolve both conflicts. These culminated in the peace negotiations and agreements commonly referred to as Muafaka I, which followed the 1995 conflict and Muafaka II, which followed the 2000 conflict. While Muafaka I proved a failure in terms of implementation, Muafaka II shows some signs of succeeding. However, even if the second Muafaka has been well implemented, on its own it is unlikely to provide a durable solution to the Zanzibar conflict. Other measures have to be taken at both the macro- and micro-levels. At the macro-level, normal democratic multi-party politics, specifically democratic developmental multi-party politics, must be established. At the micro-level it is essential to go beyond Muafaka I and Muafaka II if other measures are to be implemented.

### **The emergence and escalation of the Zanzibar conflict**

As noted in the introduction, the Zanzibar conflict has been closely linked with multi-party politics, in particular with multi-party elections. This section will examine the post-1995 and post-2000 election periods, and will trace their emergence from the multi-party elections that took place during the nationalist struggles for independence during the 1950s and early 1960s.

### **The emergence of conflict during the multi-party elections from 1957 to 1963**

The Zanzibar nationalist movements began in the 1950s,<sup>1</sup> when anti-colonial consciousness was at its height. During that period, four nationalist political

parties were formed: the Zanzibar Nationalist Party (ZNP, formed 1955), the Afro-Shirazi Party (ASP, 1957), the Zanzibar and Pemba People's Party (ZPPP, 1959) and the Umma Party (UP, 1963).

During this period, four elections were held in 1957, January 1961, June 1961 and July 1963. It was during the last two elections that conflict erupted into violence, which had not been the case in the first two elections. The ASP won the 1957 election decisively, taking five out of six seats, with the majority of votes. During the second elections, in January 1961, the ASP once again won more seats than the other parties, but the coalition between the ZNP and the ZPPP gave them an equal number of seats, 11 each.

This situation called for a third election to be held in June 1961. Although the ASP and the ZNP each gained 10 seats, the coalition between the ZNP and the ZPPP gave them 13 seats. In terms of votes, the ASP had gained the highest number, and complained that its victory had been snatched by coalition manipulation, supported by the British Colonial Government. Riots erupted, with 8 dead, 400 injured and 1000 arrested in Unguja.<sup>2</sup>

Violence escalated even further during the elections of July, 1963. With the coalition still in place, the ZNP and the ZPPP won 18 seats to the ASPs 13 seats, and so formed the government. Once more, the ASP, with the majority of votes, complained, which resulted in fierce riots. Sixty eight people died and hundreds more were injured.<sup>3</sup>

It must be noted that the emergence of conflict during this period was due not only to fierce multi-party competition, but also to the colonial legacy of ethnic and racial politics.<sup>4</sup> While the ASP was identified with Africans of Mainland origin, the ZNP was identified with the Arabs and the ZPPP with the Shirazi people. This identification also had a class dimension. The Arabs could be associated with the rich landowning aristocracy, the Shirazi with the clove-producing peasantry and the Africans of Mainland origin with the working class.

### **The multi-party elections of 1995 and 2000 and the Zanzibar conflict**

The multi-party elections of 1995 and 2000 were another source of conflict in Zanzibar, mainly because neither election was considered free and fair, characterized as they were by political corruption and vote rigging. This corruption was rife in the 2000 elections than in those of 1995.<sup>5</sup> Worse

still, political corruption and vote-rigging were most evident in areas where competition between the CCM and the CUF was particularly high.

Various observer groups expressed their views on the vote-rigging and other irregularities in the 1995 election. The OAU Election Observer Group, the Non-Represented People's Organization and the then United Nations Coordinator for the UN group, Victor Angelo, were not satisfied with the presidential election results. The International Foundation for Election Systems (IFES), a US-based organization, felt that the elections had not represented the will of the people. The Zanzibar Elections Monitoring Group (ZEMOG) failed to affirm that the elections had been free and fair.<sup>6</sup>

The main problems concerning these elections emerged when the election results were announced. The results for the House of Representatives were announced on time, but those for the President of Zanzibar were delayed for two days after some media had already informed the public that the CUF candidate, Seif Sharrif Hamad, had won. But when the two days came to a close, the Zanzibar Electoral Commission (ZEC) announced that it was the CCM candidate, Salmin Amour, who had won the elections by a narrow margin of 0.4%.<sup>7</sup>

These developments gave rise to the opinion of both external and internal observers that the 1995 elections had not been free and fair. The CUF complained bitterly that the ZEC had snatched their victory and given it to CCM by manipulating the vote counting and delaying the announcement of the Presidential election results by two days. The CUF refused either to accept the results or recognize the President and the government. They also boycotted meetings at the House of Representatives. This resulted in serious latent political conflict between the CCM and the CUF.

Observer views on the 2000 elections were even more serious. Both internal and external observers were extremely negative, indicating as a whole that the elections had been characterized by high levels of vote-rigging and other irregularities. The OAU Observer Group could not endorse the elections as having been free and fair, saying that the ZEC had not followed the cardinal principles of transparency and credibility during the elections.<sup>8</sup> The International Forum for Electoral Supervision (IFES) saw the elections as having been mismanaged, particularly as far as the voting and counting processes were concerned. The group consequently called for new elections.

The Commonwealth Observer Group strongly criticized the way in which the elections had been conducted, regarding them as a 'shambles'. It therefore

called for the cancellation of the elections and recommended that new ones be conducted under a reformed ZEC and electoral laws.<sup>9</sup> The main local observer, the Tanzania Electoral Monitoring Committee (TEMCO), issued a strongly-worded statement calling the elections abortive. It emphasised that the state instruments responsible for managing the elections in Zanzibar had let down the people and multi-party democracy. TEMCO, therefore, like the Commonwealth Group, called for the cancellation of the elections and recommended that fresh elections be held (TEMCO, 2000).

Although there were some irregularities during the registration, nomination and campaign phases of the election processes, these were not serious, and in most cases they were resolved. The most serious problems arose during the vote counting and the announcement of results. On 29 October, 2000, the voting process went smoothly from early morning to evening. Counting at the polling stations also began smoothly, but midway during the process orders came from the ZEC headquarters in Zanzibar that counting should be stopped and the boxes should be collected and sent to the offices of the District Commissioners, where the counting was carried out anew a week later.

Further, in 16 constituencies in Unguja, the elections were cancelled and postponed for a week on the pretext that certain ballot papers were insufficient. The one-week elections in 16 constituencies and counting in the constituencies of Unguja and Pemba resulted in a victory for the CCM in the Presidential, Parliamentary and House of Representatives elections.<sup>10</sup>

Opposition parties, particularly the CUF, expressed bitterness about all the measures and results. For them it signified the ZEC's manipulations to ensure an outright win for the CCM at any cost, even though the counting on 29 October indicated a CUF victory at all levels. The intention to rob the CUF of its victory was also indicated by excessive use of state military organs during the measures taken to postpone counting and the election in the 16 constituencies. The state organs included the ordinary Police, the Field Force Unit Police, the Defence Army and the Security.<sup>11</sup>

The CUF refused to recognise the election results, the President and the government, and it also decided to boycott meetings of the House of Representatives and Parliament. Another serious political crisis had developed, culminating in the bloodshed of 26 and 27 January, 2001, mainly in Pemba. This was the consequence of clashes between the police and CUF demonstrators. According to the Presidential Commission investigating the incident, 31 were killed, while the CUF claimed the death toll to be more than 70. Over 2000 people fled as refugees to Shimoni, near Mombasa in Kenya.

Two important facts concerning the multi-party elections must be noted. First, the elections were a source of conflict because they were not free and fair and therefore not democratic. Second, in multi-party free and fair elections, each political party should be prepared to win or to lose. It is very difficult to avoid conflict if the elections are not free and fair. Although election problems have their roots in the multi-party elections during the nationalist struggles for independence, given the changing circumstances, parties should not cling on to past grievances. The positive aspects of the past should be used to enrich the present, leaving the negative behind, so that Zanzibar can now be certain of undergoing free, fair and democratic elections. However, this calls for durable solutions.

### **The search for durable solutions: macro-level solutions: multi-party politics and the building of a democratic developmental society**

The search for durable solutions to the Zanzibar conflict should be carried out at two levels, the macro- and the micro-levels. At the macro-level, the most important step is to take measures to establish a democratic developmental society in Zanzibar as well as in Tanzania as a whole. At the micro-level, Muafaka I and II must be implemented, along with all the other recommended measures.

In terms of the macro-level solution, the process of building multi-party democracy began in 1992, with the establishment of the multi-party political system.<sup>12</sup> It must be noted that the multi-party democratic system adopted in Tanzania and most other third-world countries is based on the liberal model developed in the Western capitalist system.

This model was first used during the 17<sup>th</sup> century in Western Europe, with the emergence and growth of capitalism, and was later adopted in North America.<sup>13</sup> Liberal democracy emphasizes republican multi-party politics, with individual freedoms and rights. Liberal politics can be seen together with liberal economics, which are concerned with economic competition in the private sector and the market economy.

Although the Tanzanian multi-party political system is to a great extent based on the liberal model, it is necessary to fight for a new model that goes beyond that. If Tanzanians wish to achieve this, they must study other models of democracy that have been experimented with at different times in history. Among the models attempted in Africa are socialist democracy and African democracy. Although these models are viewed as having failed, they

contain important elements that could be incorporated into the multi-party system Tanzania has adopted.

Such elements include raising the standard of living for the majority, adhering to principles of social and economic equality, cooperation, social justice and respect for the dignity of the individual. Since the beginning of the democratization process, there has been a great deal of discussion and debate as to which model of democracy would be the most appropriate for Africa, given the reality of African conditions. So far, suggestions have been democracy of the popular masses,<sup>14</sup> social democracy<sup>15</sup> and democracy based on the traditional African way of life.<sup>16</sup>

All these suggestions point to the crucial necessity of adopting a new type of democracy that goes beyond the parameters of liberal democracy. Perhaps the most important suggestion so far has been to develop democratic developmental societies.<sup>17</sup> It means that socio-economic development should be at the centre of the process of building democracy. It must be emphasized that building democracy in Africa without swift socio-economic development cannot succeed. Further, such development should be based on the principles of equity and the eradication of poverty. If Zanzibar is to solve the problem of conflict, it must build such a democratic society.

### Micro-level solutions

Muafaka constitutes the principle of reconciliation. The word Muafaka means reconciliation in the form of peace agreements arising out of peace negotiations. Muafaka I was a peace agreement following peace negotiations between the CCM and the CUF and took place from February 1998 to June 1999. Muafaka II followed the peace negotiations between the same parties held from March to October 2001. Normally, steps taken in conflict resolution processes include peace negotiations, the signing of peace agreements and the implementation of such agreements.<sup>18</sup>

Negotiations leading to Muafaka I were, therefore, a product of the conflict between CCM and CUF brought about by the 1995 multi-party elections. The initiative to get the two parties to sit around the table and negotiate for peace began with some respected Tanzanian elders in 1996. In February 1998, the Commonwealth Secretary General, Chief Emeka Anyaoku, through his representative Dr Moses Anafu, began the task of mediating in the negotiations between the CCM and the CUF. With the support of the Tanzanian Union Government, a peace agreement was reached between

the two political parties and signed on 9 June, 1999, in the House of Representatives in Zanzibar.<sup>19</sup>

The agreement contained 15 items that included aspects of the ZEC, the constitution, the judiciary, the electoral laws, the state media organs, a permanent voters' register, the freedom of political parties, civic education, attendance in the House of Representatives, promotion of good governance and democratization.<sup>20</sup> However, with the exception of the CUF recognizing the Zanzibar President and government and CUF members of the House of Representatives, the other clauses of Muafaka I were not implemented until the elections of October, 2000.

Explanations for the failure to implement Muafaka are various. Many essential conditions are absent. For instance, there was a lack of political will, and there were no provisions for monitoring the agreement or mechanisms for implementing the accord. The weaknesses of the Inter-Party Committee, which played an advisory role, and suspicion among the conflicting political parties, were not addressed.<sup>21</sup> The problems arising during the 2000 elections were to a large extent caused by the failure to implement Muafaka I.

The eventual signing of Muafaka II was due to the initiative and pressure from the people in general, the civil society organizations, intellectuals, respected elders and the donor community. All these urged the CCM and CUF parties to begin negotiating. The Union Government also took a proactive stand in finding a solution to the Zanzibar crisis. A negotiating team was established under the co-leadership of the Secretaries-General of the two political parties, which meant that the negotiations were internally based, without an external mediator, as had been the case with the negotiations that led to Muafaka I.

All items in the agreement that had not been implemented in Muafaka I were taken up in Muafaka II. A few new items were also included, like the return of the Shimoni refugees, carrying out the Pemba by-elections, establishing a cordial relationship between the two parties and establishing the office of the Director of Public Prosecutions (DPP).

Unlike Muafaka I, Muafaka II has to a great extent been implemented. Soon after the signing, a joint Commission was established to supervise the implementation of the accord. It was then translated into an Act of the House of Representatives. In 2002 it was entrenched in the Zanzibar Constitution through the 8<sup>th</sup> and 9<sup>th</sup> Constitutional Amendments. By the end of 2003, nearly 80% of the requirements of the Muafaka had been implemented.<sup>22</sup>

This included the normalization of the political situation, trust and reconciliation, good governance and establishing the right conditions for free and fair elections. A matter of even greater significance was the implementation of items relating to the improvement of electoral conditions. Among these were the amendment of electoral laws, the reformation of the ZEC into a more independent organ and the Pemba by-election of May 2003. Despite all that, Seif Sharrif Hamad, the Secretary General of the CUF, regarded the implementation process as very slow.<sup>23</sup>

It is estimated that more than 90% of the Muafaka II has been implemented. This includes completion of the permanent voters' register, which took from 2004 to the beginning of 2005. The exercise caused a great deal of friction, even resulting in two deaths in Pemba. The ZEC Secretariat has also been established.

### **Going beyond Muafaka I and II**

Various stakeholders have observed that, even if Muafaka II has been fully implemented, it is still not enough to ensure durable solutions to the Zanzibar conflict and building sustainable peace. This is because the Muafaka has been concerned mainly with election issues. Zanzibar society must be looked at in its totality. Solutions must be examined in terms of the Union, governance, the rule of law, education, including civic education, and socio-economic development.

Even within the context of issues on elections there are a number of things that the Muafaka did not deal with. Since the main cause of the Zanzibar conflict has been elections, views on how to improve the election processes will be given greater emphasis by discussing issues beyond Muafaka II. Efforts will be made to harness views from the people of different social groups, such as views expressed in reports from local and international election-monitoring groups, in research, consultancy studies and published materials, as well as views from regional organizations like the SADC.

### **Improving the election system to ensure free and fair elections**

A number of people in Zanzibar are of the opinion that full implementation of Muafaka II is vital to the realization of free and fair elections during the 2005 elections and in the future. They have also emphasised the necessity of

acknowledging lessons from all past elections, including those held during the one-party-system period. In the process of harnessing such lessons and experience, it will be necessary to understand the conflicts occurring during all the elections to date.

TEMCO (2004), as a local monitoring organization, has made the recommendations that electoral laws and regulations should further be improved and that the residence qualification should be totally abolished. Although, through Muafaka II, a new Zanzibar Electoral Commission has been established, further steps must be taken to make this body more independent and autonomous. All efforts should be made and strategies followed to make sure that the elections are free and fair.

Research and consultancy reports and publications by institutions such as the Eastern and Southern African Universities Research Programme (ESAURP) and the Kituo cha Katiba (Constitutional Centre) have come up with suggestions as to how elections could be improved in Zanzibar. One suggestion is that ethnic and racial considerations be avoided. Secondly, given the close ties between the CCM and the CUF, Zanzibar should adopt the system of government of national unity. This would reduce tension caused by election competition. Thirdly, the CCM and the CUF should practise greater tolerance towards each other during elections.

SADC (2003) has worked out comprehensive principles and guidelines for its member countries. Tanzania, as a member of SADC, is likely to benefit by adopting principles and guidelines suitable to its conditions. This could be particularly conducive to the amelioration of election conditions in Zanzibar. The development of principles and guidelines was a result of the Southern African Electoral Forum Conference in Windhoek, Namibia, held from 11-14 June, 2000, and adopted at the regional conference in Johannesburg, South Africa, in November, 2003. This was under the auspices of the Electoral Commission's Forum of SADC countries, incorporating participants from 14 SADC countries and the Electoral Institute of Southern Africa.

### **Issues of democratic rule and governance**

First, it has been emphasized that Zanzibar should establish a truly democratic society characterized by respect for human rights, the rule of law, and good governance. In order to establish such a system, the public has to forget old ethnic and racial divisions and antagonistic relations. Furthermore, the people of Zanzibar should conduct a comprehensive

dialogue on constitution and government, and the Tanganyika (Tanzania Mainland) Government, all with sovereign powers.

The second challenge pertains to economic relations. Complaints from Zanzibar have been increasing, and include things like over-centralization of the Bank of Tanzania, taxation, and customs union arrangements, while the small share of donor funding and information on the existence of oil reserves around Pemba have also raised complaints pointing out that issues of gas and oil are a union matter. This means that exploration for oil will be carried out under the Union government rather than the Zanzibar government. Tanzania Mainland complaints are contingent on its being a small country with a concomitantly small population, so Zanzibar is favoured in terms of economic benefits. The 4.5% share of donor funding is thought to be too high.

Third, there are concerns over the issue of sovereignty. Despite political divisions and conflict on the issues of sovereignty, Zanzibaris are united. There are concerns that the current set-up of the Union is marginalizing the sovereignty and identity of the people of Zanzibar. A separate Zanzibar flag and national anthem are a reflection of this. Zanzibar also demands autonomy of membership in the international organizations defensive. As the country aspires to the rule of law and democracy, there should be no cause for concern.

A fourth problem relates to articles of the Union. When the Union was established in 1964, it contained 11 articles of the Union. By now the number has increased to 22. Last but not least, electoral commissions should maintain responsibility for the management of vote-counting and announcements on overall election results by making known the procedures for counting and announcements. This would obviate potential sources of suspicion and fraud. Zanzibar's experiences during the 1995 and 2000 multi-party elections make this principle specifically relevant.

### **The handling of the Union issues**

On 26 April 2004, Tanzanians celebrated 40 years of Union. In these four decades, the Union has experienced both successes and challenges. In terms of success, there are a number of observations.

- The fact that the Union has existed for 40 years itself represents a success, seeing that the first East African Community collapsed after only one decade.

- The historical cultural ties between the people of Zanzibar and the Tanzania Mainland have been strengthened.
- Economic ties between the two sections of the Union have been greatly strengthened. Both have benefited from the economic links.
- Both parties to the Union have benefited from the joint system of defence and security and from international relations.

The challenges are numerous, starting with complaints about the structure of the Union. The Tanzania Mainland complaints include demands that they are contributing more to the Union than the Islands, while the complaints from Zanzibar are based on fears of being marginalised in the two-government system. For this reason, some of the opposition parties are in favour of changing the current system to one that appropriates proportional but equal responsibility to both the Mainland government and the Zanzibar Revolutionary Government.

A number of principles are at stake:

- One of the principles is that electoral systems should be adopted in each SADC state in accordance with its own political system.
- The electoral commissions should not only be independent and autonomous, but should also be representative of the composition of the society, including at least 30% for women.
- The commissions should be accountable to national assemblies with budgets decided by vote in the national assemblies.
- Voter registration processes should promote broad participation without inhibiting the participation of eligible voters. This principle is specifically relevant for Zanzibar, particularly in relation to issues of qualifications for residence and nationality.

Further guidelines are given. Nomination processes should be transparent and gender sensitive and there should be sufficient time for the public to inspect candidate nomination lists. Nomination processes should be transparent and gender sensitive and there should be sufficient time for the public to inspect candidate nomination lists. Candidates themselves should be given enough time to comply with the requirements of the nomination process. During campaigns, political parties should abide by the electoral

code of conduct. There should also be equal access to the public and private media and other public resources to avoid giving the ruling parties unfair advantage. All stakeholders should promote and commit themselves to a culture of peace and tolerance at all times to ensure that the electoral process is carried out in a climate free from political violence and intimidation. If this can be achieved, the electoral process will be free, fair, credible and legitimate. Regarding matters of security, the roles of the army, the police and intelligence forces should be neutral and they should pay attention to impartial governance issues. The constitution must ensure independence of the judiciary, promotion of human rights and good governance.

### Ensuring fast and sustainable socio-economic development

The promotion of a democratic developmental society in Zanzibar calls for policies and strategies that ensure fast socio-economic development. The history of Zanzibar has been over-dependence on cloves as a cash crop, and efforts so far have been focused on diversifying economic activities by, for instance, expanding the tourist sector. Such diversification needs to be expanded within the agricultural and other sectors, notably the industrial. It must be pointed out, however, that fast economic development should be based on the principle of equity and social justice.

Economic development requires human development, which calls for the development of social services like education, health, water supply, food, security and good housing. The educational curriculum should emphasize civic education to ensure a democratic culture and consciousness. Civic education should also bring about the ideological transformation from divisive and segregative ideology into a uniting national ideology.

### The role of security organs during elections

Since this workshop was about civil security relations, it is important to look at the role of security and military organs during elections. That role is also essential to ensuring durable solutions to the Zanzibar conflict. Records of election-monitoring groups on the roles of security and military organs during the 1995 and 2000 elections indicate that these organs were not impartial. Favouring the ruling party was rife during the elections of 2000. It can be said, though, that thanks to Muafaka II during the Pemba by-elections in 2003, the security forces, particularly the police, were impartial and friendly to parties and voters alike.

### Conclusion

It is our belief that durable solutions are quite possible if the macro-level and micro-level measures are dealt with seriously. The various problems experienced in Zanzibar during the permanent voter registration should not make us lose hope but should inspire us to look for better solutions. The coming October general elections provide serious challenges. All efforts should be made to make sure that the elections are free and fair. The experience of the elections of 1995 and 2000 indicates that free and fair elections require fair articulation between the military and civil society.

### Notes

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- 7 ZEMOG, 1995, p.176.
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