

**AGREED MEMORANDUM BETWEEN CHAMA CHA MAPINDUZI (CCM)
AND
THE CIVIC UNITED FRONT (CUF)**

THE CURRENT IMPASSE

1. Chama Cha Mapinduzi (CCM) and the Civic United Front (CUF) realise that there is a political impasse in Zanzibar. They also realise that if the impasse is allowed to continue, it will exacerbate social divisions, retard the orderly socio-economic development of Zanzibar and undermine its nascent democracy.
2. CCM and CUF have therefore agreed to put the past behind them and, in the higher interest of Zanzibar, to work together in the spirit of national reconciliation to consolidate democracy in Zanzibar, promote human rights and good governance and ensure that the elections scheduled for the year 2000 and all other subsequent elections are free of controversy and in which the will of the electorate will be respected.
3. For the achievement of these ends, they have agreed a programme of action designed to assist democratisation, the promotion of human rights and good governance, the reform of the judiciary, national reconciliation and reconstruction, the immediate restoration of normal political life in Zanzibar by dialogue through an Inter-Party Committee (IPC) of CCM and CUF members of the House of Representatives. Over time, the parties can consider broadening the membership of the IPC to include party members from outside the House of Representatives

B. MEASURES TO END THE IMPASSE

4. Programme of democratisation.

Reform of the Zanzibar Electoral Commission (ZEC)

To ensure that all future elections are transparent, credible and free of controversy in all important respects, the ZEC is to be reformed well in time before the elections due in the year 2000, taking into account the now accepted practice in other parts of the Commonwealth.

It is of the utmost importance that the independence of the ZEC of both the government of the day and of all the political parties is assured. *Inter alia*, such independence is to be guaranteed by appropriate constitutional and legal protection and the provision of timely and adequate budgetary and financial resources.

The technical competence of the ZEC is to be enhanced, among other measures, through the establishment of a Secretariat of properly qualified staff.

The ZEC and its Secretariat will institute a formal mechanism for regular consultations with representatives of all registered political parties and other players involved in the electoral process. Such consultations are particularly necessary in the run-up to any election.

5. Other aspects of the agreed programme of democratisation include

- the compilation of a credible register of voters;
- a sustained programme of voter and civic education;
- a review of the Constitution and the Electoral Laws to enhance harmonisation with the requirements of a modern, multi-party democracy as well as a general review of the laws of Zanzibar with a view to removing or amending those laws which detract from the cause of democracy.

6. Promotion of human rights and good governance

The parties agree that the promotion of human rights and good governance in Zanzibar is to include:

- equitable access to the publicly owned media for all political parties and for the media in general to be encouraged to give balanced coverage to the legitimate political activities of all political parties;
- free political activity within the law in which all political parties are able to propagate their views and canvass support for their respective positions and policies free of harassment and intimidation.

7. Reform of the judiciary

The judiciary of Zanzibar is to be reformed to enhance its independence, its professionalism and its standing in the eyes of the community as the fount of justice. The exercise should involve consultations between the Government, the judiciary itself and the legislature.

8. Reconciliation and reconstruction

Since the elections of October 1995, there have been allegations and counter allegations of abuses of human rights, of properties damaged or destroyed for political reasons, of civil servants demoted or dismissed on political grounds and of students denied scholarships, also on political grounds.

Accordingly and in furtherance of the cause of national reconciliation, the President will appoint an Independent Assessor to establish the validity of the claims of those who allege that their properties were destroyed or damaged and make recommendations on the nature and scope of Government assistance to those deserving assistance. The President will also appoint a small committee of retired

senior civil servants to look into the claims of civil servants arbitrarily dismissed or demoted and students whose scholarships were either withheld or denied and recommend appropriate redress. It will be for the individuals concerned to present their claims to the Independent Assessor or the Committee as the case may be. In the case of the allegations about human rights abuses, the parties agree that these matters properly belong to the courts of law.

9. To facilitate the expeditious resolution of all these claims, the Government has agreed to establish a Fund for Reconciliation and Reconstruction within an appropriate Ministry.

10. On the signing of this agreement, the Government will take the necessary steps to ensure that all former Zanzibar public office holders, whether they are CCM or CUF members, receive uniform treatment as prescribed by the law and regulations of the Zanzibar Government.

Restoration of normal political life

11. The parties agree that the ending of the impasse calls for the resumption of normal political life in Zanzibar. Accordingly, and in the interest of the speedy implementation of this agreement, the CUF members of the House of Representatives will resume their seats in the House upon the commencement of the next session.

As part of the process of restoring normal political life in Zanzibar, the parties also agree on the obligations of all citizens to respect the Constitution and the laws of the land and to refrain from inciting ethnic hatred, hostility and political intolerance.

For his part, and in the same spirit, the President of Zanzibar has agreed to appoint two new members into the House of Representatives from the ranks of CUF.

C. CONFIDENCE-BUILDING MEASURES

12. The parties agree to the establishment of an Inter-Party Committee (IPC) composed of CCM and CUF members of the House of Representatives. This Committee will have no constitutional or legal status but it will play a useful role in national reconciliation through the promotion of dialogue and the fostering of mutual confidence between the parties.

13. The IPC will facilitate the implementation of this Agreement.

14. As convenor of the talks which have led to this Agreement and as moral guarantor of the said Agreement, the Commonwealth Secretary-General, HE Chief Emeka Anyaoku, assures the parties that the Commonwealth, with their co-operation, will assist in every practicable way in the implementation of this Agreement in good faith.

15. CCM and CUF express their highest appreciation to the Commonwealth Secretary-General, HE Chief Emeka Anyaoku, for his initiative and continued efforts to restore normal political life in Zanzibar within the framework of the Constitution and the law of the land. The two parties therefore undertake to avail to each other their full and whole-hearted co-operation towards the realisation of the Secretary-General's initiative for the benefit of the people of Zanzibar.

(Initialled by)

Hon Kingunge Ngombale-Mwiru (CCM) Member of the House of Representatives
Minister of Regional Administration and
Regional Development
Hon Abubakar Khamis Bakary (CUF)

Dr M Anafu
Special Envoy of the Commonwealth Secretary-General

Dar es Salaam, 29 April 1999
