ZANZIBAR: KEY HISTORICAL AND CONSTITUTIONAL DEVELOPMENTS

1832: The modern history of Zanzibar started, with the establishment of Omani rule.

1832: After consolidating his position in his Omani Sultanate, Seyyid Said moved his seat from the Persian Gulf to Zanzibar for commercial and strategic reasons.

1890, June 14: Zanzibar became a British protectorate, immediately after becoming a protectorate, a British Representative was appointed as a First Minister to Zanzibar Sultan where he took charge of Posts, Labour Office, Customs, Harbours, Treasury and Police.

The powers of the Sultan were whittled down, and he could not remove or transfer British officials at will, and his own annual salary was set by the British authorities.

1913, July 1: Zanzibar was removed from the Foreign Office and placed under the Colonial Office.

1914, April 21-1925: A Protectorate Council was established. This council was advisory to the Sultan, and composed of the Sultan as chairman, the British Resident as vice-chairman, attorney general, chief secretary, financial secretary and three nominated members. There was no African representation.

1926: The Legislative and Executive Councils were formed in Zanzibar by Order-in-Council. The formation of these two bodies put the administration of the Zanzibar Government in the hands of the British Resident, and required that no decree be enacted by the Sultan without the advice and consent of the Legislative Council.

1926: a constitutional change was made requiring the British Resident to receive his instructions from the Secretary of State for the Colonies in London and not from the Sultan.
1936: By the Order-in-council of 1936, the people of Zanzibar could, in certain cases, appeal to the British Court of Appeal for Eastern Africa.

1946: First legislative body with an African. It consisted of eight official and seven unofficial members with the British Resident as its president. Of the seven unofficial members, three were Arabs, two Indians, one European and one African. The first African member to join the legislative body was Sheikh Ameir Tajo who remained in parliamentary politics till the 1964 Revolution.

In the 1950s: the Legislative Council was reconstituted to consist of twelve officials and an equal number of unofficial members with the British Resident as its president. The African representatives and Arab ones were equal in number, being four each, the remaining four were three Indians and one European.

1955 December: The Zanzibar Nationalist Party (ZNP) the first political party was formed.

1957 February 5: The Afro-Shirazi Party (ASP) was founded.

1957: There were elections with only about 40,000 people registered to vote. The 1957 elections were won by ASP.

1959: ZPPP broke away from ASP.

1960: the British Government appointed Sir Hillary Blood as Constitutional Commissioner to propose future constitutional steps for the islands.

The Blood recommendations included the introduction of a Ministerial system in which the leader with a majority of elected seats in the legislature was to become the Chief
Minister; the legislature to have an elected majority of twenty-two seats; the demarcation of constituencies; and, not only the enfranchisement of women but also the relaxation of the property and education conditions for men.

January 1961: elections were held, with 85,000 people registered to vote, which was twice as many people as those of the 1957 election, thanks to the enfranchisement of women and the relaxation of property and other qualifications. The islands were divided into 22 constituencies, 13 in Unguja and 9 in Pemba.

In the 1961 elections: ASP won 10 seats; ZNP 9 and ZPPP won 3 seats.

June 1961: another set of elections was held which had almost 90,000 voters. The ZNP and ZPPP contested the elections as an alliance. The ASP retained its 10 seats and increased its majority by almost 10,000 votes; the ZNP won 10 seats, one seat more than in the January elections, though its total vote was reduced by almost 1,000 votes; and the ZPPP retained its 3 seats with its total vote reduced by almost 3000.

The June 1961 elections were marrired by riots that went on for several days. Armed reinforcements came in from outside to help the security forces in Zanzibar to restore order. The official death toll was said to be 68, those who sustained injuries were estimated to be 381, while over 1000 where arrested and many buildings were damaged, as there was also a good deal of looting.

19th March - 6th April 1962: A constitutional conference was held in London and was attended by all the political parties in the Legislative Council with the Colonial Secretary as chairman. At the conference the ZNP/ZPPP alliance and the ASP showed very diverged views on future constitutional development. The conference ended in a stalemate. ASP wanted the complete removal of means and literacy conditions in elections, a reduction of minimum voting age to 18, an increase of elected members from 23 to 31, and the holding of new elections before independence. While the ZNP/ZPPP coalition agreed on the removal of means and literacy conditions, they rejected the other demands.

**8th to 15th July 1963:** Elections were held for a legislature of 31 members. The ZNP/ZPPP alliance won 18 seats, and the ASP 13.

**September 1963:** The last constitutional conference was convened in London on the Independence Constitution. This conference agreed on the date of Zanzibar’s formal independence from Britain as 10 December 1963.

**10th December 1963:** The British colonisation of Zanzibar ended after seventy-three years.

**December 1963:** Formal independence from Britain on December 10th, 1963, saw the Sultan as the Head of State, with power to nominate his successor.

**12th January, 1964:** Barely a month after formal independence, Zanzibar experienced a revolution that overthrew the ZNP/ZPPP coalition government; immediately abolished the monarchy; the rule of Al-Busaidy dynasty and abrogated the Independence Constitution 1963.

**1964:** After the revolution, Abedi Amani Karume was declared the first African President of Zanzibar and the country became a one party state under the Afro-shirazi party.

**26th April 1964:** the People’s Republic of Zanzibar and the Republic of Tanganyika announced a merger to form a United Republic of Tanzania.

**December 1964:** by an Act of the Union Parliament, a new name for the United Republic was adopted, i.e. Tanzania [Act No.61 of 1964].
December 1964: Immediately after the ratification of the ‘Articles of Union’, the Constitution of Tanganyika was adopted as the first Constitution of the United Republic. The Interim Constitution of Tanganyika and Zanzibar, 1964, was to operate until a new Constitution was to be adopted.

The initial “Union Matters” included the following eleven areas as Union matters:

- The constitution and government of the United Republic;
- External affairs;
- Defense;
- Police;
- Emergency powers;
- Citizenship;
- Immigration;
- External trade and borrowing;
- The Public service of the United Republic;
- Income tax, corporation tax, customs and excise duties, and
- Harbours, civil aviation, posts and telegraph.

Between 1964 – 1977: through an amendment of the Interim Constitution which had reproduced the list of union matters and not an amendment of Acts of Union, new items were added to the list of Union matters giving the Union parliament and executive more powers.

Other issues added to the list to make the Union matters 22 were:

All matters concern coinage, currency for the purposes of legal tender (including notes), banks (including savings banks) and all banking business; foreign exchange and exchange control Industrial licensing and statistics, Higher education, Mineral oil resources, including crude oil and natural gas.

The National Examinations Council of Tanzania and all matters connected with the functions of that Council
Thus Zanzibar retains jurisdiction over issues which include: Information, Agriculture, Natural Resources, Environment and Cooperatives, Trade, Industry, Marketing, Tourism, Education, Culture and Sports, Health and Social Welfare, Water, Construction, Energy and Land, Communication and Transport and finally, youth, employment, women and children development, etc

7th April 1971: Zanzibar’s founder President Sheikh Abeid Amani Karume was assassinated and was succeeded by Aboud Jumbe as President of Zanzibar and Vice President of Tanzania

1977: The Interim Constitution was repealed and replaced by the Constitution of Tanzania (1977).

1977: the two ruling parties: TANU and Afro Shirazi Party merged to form Chama Cha Mapinduzi (CCM)
1979: The first post-revolution Constitution of Zanzibar was enacted. It was modelled after the Union Constitution providing the same format and organization for government, dividing into executive, legislative and judicial branches and also endorsed all provisions in the Union Constitution relating to Zanzibar, with only modest modifications where appropriate.

5th October 1979, (fifteen years after the revolution): the Revolutionary Council passed the Zanzibar Constitution that established a House of Representatives as the country’s legislature. It had only 10 directly elected members out of 109.

14th January 1980: The House of Representatives established in 1979 started to function.

1984: as result of a “polluted political atmosphere” in Zanzibar, Sheikh Aboud Jumbe had to resign his state and party positions namely, as President of Zanzibar, Chairman of the Revolutionary Council, Union Vice-President and CCM Vice Chairman.

1984: Ali Hassan Mwinyi was elected to replace Aboud Jumbe in Zanzibar

1984: A new Constitution was adopted for Zanzibar under a one-party system. The 1984 Zanzibar Constitution differed very much from the 1979 one, for it had a bill of Rights, defined a Zanzibari, stipulated state directives and made a House of Representatives that consists mostly of elected members.

1984: The new Zanzibar Constitution Chapter V established the House of Representatives.

1985: The first elections after the 1964 Revolution were held.
1985: Idriss Abdul Wakil became President of Zanzibar, replacing Ali Hassan Mwinyi who became Head of State of Tanzania

1990: having completed one term, Idriss Abdul Wakil declined to stand for second term in Zanzibar. He was replaced by Salmin Amour as President of Zanzibar and 2nd Vice President of the Union.

February 1991: The Presidential Commission on Single Party or Multiparty System in Tanzania, 1991 popularly known as the Nyalali Commission, was established by President Mwinyi

March 1991: The Nyalali Commission was inaugurated. It was constituted of 22 Commissioners, with equal membership of ten members each from both the Mainland and the islands, and one Chairperson and a Vice Chairperson. Its main terms of reference were to collect people’s views on whether Tanzania should continue with the Single Party System or adopt a Multi-party system.

1992: amendments were made to both the Union and Zanzibar Constitutions, as a result of the recommendations of the Nyalali Commission, to make the whole of Tanzania to a multi-party state.


29 October 1995: The first multiparty elections in 30 years were held. CUF won 21 seats and CCM won 26. Dr. Salmin Amour won the CCM candidature by 1%. Following the election results, CUF boycotted the Zanzibar legislature where it had won 24 out of 50 seats.

1998: the Union President appointed Justice Kisanga to head a Committee to look at the Union Constitution and make necessary recommendations. The Kisanga
Committee recommended a three government system, reduction of presidential powers, the maintenance of the provision that required the President to win by an absolute majority, independent candidates for parliament, enhancement of the independence of the judiciary and Parliamentary approval of the Electoral Commission. The Zanzibar Government adopted some of the recommendations of the Kisanga Committee, and made changes to the Zanzibar Constitution.

**June 9, 1999:** The first Muafaka (The Commonwealth brokered Agreement) was signed between CCM and CUF.

Muafaka 1 followed increased tensions between the two parties, CUF and CCM, which had resulted from domestic and international pressure in the wake of the state repression against the opposition in the aftermath of the 1995 elections. It was an agreement to cooperate in the spirit of reconciliation, democratisation, the promotion of human rights and the quest for good governance. Specifically, the two parties agreed to a programme of action involving a review of the electoral laws, reform of the Zanzibar Electoral Commission (ZEC), the compilation of a credible voters register, equal access to state owned media, freedom for all parties to seek voter support unhindered by government obstruction, reform of the judiciary, the institution of a program of civic education as well as a review of the Constitution and ending CUF’s boycott of the Zanzibar legislature.

**1999 June:** CUF ended its boycott of the Zanzibar legislature and recognized the government of Salmin Amour. In the meantime, CCM refused its side of the agreement, including creation of an independent Zanzibar Electoral Commission.

**2000 Elections campaigns:** were dominated by violence, rioting, intimidation, abusive language, character assassination and threats

**January 26-27, 2001:** Riots occurred in Zanzibar. The government response to the events of January 26th and 27th, 2001, was marked by unprecedented brutality.

Several hundreds were injured and Tanzania produced several refugees, numbering 2300, most of whom fled to Shimoni on the Kenyan coast.
Following the 2000 elections: a Commission of eight members, chaired Brig. General (Rtd) Hashim I. Mbita, was appointed by the President of the United Republic of Tanzania on 16th January, 2002. Its major terms of reference were to investigate the causes and consequences of the events of January 26th and 27th 2001, and make recommendations to government on the humanitarian assistance required as well as how to prevent the reoccurrence of similar events.

October 10th 2001: the second Muafaka was signed. Muafaka 2 was a home-grown peace pact amongst the main contending political parties, viz., Chama Cha Mapinduzi (CCM) and Civic United Front (CUF), signed following police killings in January 2001 of several opposition party supporters on the islands of Pemba and Ungujja, over flawed 2000 elections. Muafaka was also translated into an Act of the House of Representatives and entrenched in the Zanzibar Constitution by virtue of the 8th and the 9th Constitutional amendments.

Successes of 2nd Muafaka: the promulgation of the 8th and the 9th constitutional amendments; reconstitution of the Zanzibar Electoral Commission (ZEC) to include two members of the official opposition; establishment of the office of Director of Public Prosecutions (DPP); development of a cordial relationship between the leaderships of Chama cha Mapinduzi (CCM) and the Civic United Front (CUF), and enhanced access to the grassroots by the opposition.

May 18, 2003 Bye-elections: were prompted by the refusal of CUF to recognize the 2000 elections as free and fair. A law was passed that there shall be no bye-elections for a period of two years, in seventeen out of the twenty one constituencies in Pemba. The May elections were held to fill these vacant seats.

2004: The office of the ‘Registrar of Political Parties’ was introduced so that political parties could submit their grievances and complaints there instead of Dar es Salaam. Freedom to form political parties was exercised; however three parties (Safina Political Party, Safi Political Party and Soft Political Party) with temporary registration were
deregistered. Safina Political Party, for failure to manage internal conflicts and the two for failure to obtain 200 sponsors from the 10 regions of Tanzania.

2004 January 12: Zanzibar marked 40 years since the Zanzibar revolution.

2004 February: The Election (Amendment) (Act No. 3 of 2004) was assented to by President Amani Abeid Karume. The Act granted the Presiding Officer powers to announce election results at his or her polling station and to enable interested groups including the media and political parties to tally the votes from each polling station and prepare an official result before the announcement of the result by the Zanzibar Electoral Commission.

2004 October: The Zanzibar Flag Act passed.

2004 October: The Presidential Flag and Seal of the President Act was enacted.

2004 December: The registration of voters in the Permanent Voters register commenced.

2005 January: President Amani Abeid Karume inaugurated the new Zanzibar flag.

2005 January: The Zanzibar Social Security Act was passed in law. It set up a board of trustees for the Zanzibar social security fund that covers private, public sector employees and self employed persons.

2005 March-April: Political violence broke out ahead of the voter registration for the October poll.
2005 April: The Registration of Zanzibaris Resident Act passed to enable registration of Zanzibaris and provide identity cards.

2005 October: Elections were conducted and CCM the governing Party won the elections, restoring the incumbent Amani Karume to power. The opposition CUF claimed vote-rigging and announced an indefinite boycott of Zanzibar's parliament.

2005 November 1: Police surrounded opposition headquarters and clashed with protesters as the ruling party was declared the winner of presidential and parliamentary elections causing the death of 9 people in the violence.

2005 November: The East African Community (EAC) announced that the Zanzibar general elections were well conducted and free and fair.

2006: Rashid Salum Adiy & 9 Others vs. Attorney General of the Revolutionary Government & 4 Others brought in the High Court of Zanzibar sought to have the Union declared null and void and for the restoration of Zanzibar sovereignty. The court held that the Union could not be declared null and void.

2007 January: Dialogue began between the top officials of the CCM and CUF to resolve disagreements between the two parties.

2007 April: The Wangwe Commission aimed at soliciting views of Tanzanians on the fast-tracking the East African federation did not receive a positive response from Zanzibar. Zanzibaris reopened the debate on the status of Zanzibar in the EAC.

2007 April: The government tabled a bill to repeal the 'Rights, Privileges and Immunities of the Members of the House of Representatives Act of 1990' and to enact a new law to the same effect. The proposed law would have the effect of barring journalists from entering the House of Representatives premises without prior approval or issuance of a permit from the speaker. It made publishing of any report on the business of the House without prior permission of the House punishable.

2007 August 7: Chairman of CUF, Prof. Ibrahim Lipumba announces CUF and CCM had reached a deadlock in the negotiations.

2007 August 14: President Jakaya Kikwete urges CUF to return to negotiations and pledges to personally supervise the negotiation process.

2007 August 18: CUF agrees in principle to return to negotiations with CCM, on condition that the time frame for conclusion of the process is agreed upon by the two parties and that President Jakaya Kikwete keeps his pledge to supervise the process.

2007 November: The Zanzibar Electoral Commission published a report of its activities at the end of its five year term citing its main challenge as interference from the Zanzibar Special Forces that often hijacked the electoral process and the shehas in the registration of voters.


The report was jointly written with the Tanzania Human Rights Report 2006 of the Legal and Human Rights Centre.

2007 December and March 2008: The deputy mufti of Zanzibar revoked the permit of the Daawa Islamic Youth Group, for making defamatory statements about Christianity.
2008 May: A group of 12 Wapemba elders sent a petition to the UN Secretary General requesting for secession noting the lack of recognition of Wapemba within the Zanzibar government system and the social, political and economic imbalance between Unguja and Pemba.

2008 May: Security Officers in collaboration with police officers arrested and incarcerated a group of Wapemba elders and later released them on bail but were later not charged. There were claims that the group could be charged with treason.

2008: Three legal organizations (Zanzibar Law Society, Zanzibar Female Lawyers and Zanzibar Legal Services Centre) for the first time, celebrated the Legal Aid Day at which all Zanzibaris requiring legal assistance were invited to participate and receive free services.

2009 November: The opposition party CUF, ended the four years boycott of the island's parliament ahead of the upcoming elections.

2010 July: Tanzania along with Zanzibar joined its neighbours in forming a new East African Common Market, intended to integrate the region's economy.

2010 July: A public referendum which approved the formation of a national government of unity in Zanzibar was carried out. The referendum sought to address past political disagreements between the ruling party, Chama Cha Mapinduzi (CCM), and the opposition Civic United Front (CUF).

2010 August: The 10th constitutional amendment to the 1984 constitution was passed. It declared Zanzibar one of the two countries that form the United Republic of Tanzania with the effect of emphasizing its sovereignty in United Republic of Tanzania.

2010 October: Elections were held and Ali Mohammed Shein won the election with 50.1% of the vote.
2011 March: Dialogues were conducted in Pemba, Unguja and the House of Representatives of Zanzibar to involve Civil Society Organizations, citizens and political leaders in the implementation of Local Government Reforms (LGR) in Zanzibar.

2011 April: Public hearings were held in Zanzibar over the Draft Constitution Review Bill.

2011 September 10: A tragic ferry accident in Zanzibar where approximately 200 people died as a result of a ferry sinking off the coast of Nungwi village. The accident was considered the worst maritime disaster in Zanzibar’s history. Both the Zanzibar and Tanzania governments rapidly set up rescue operations.

2011 September 17: Zanzibar Government set up a probe commission into the ferry accident. The commission is headed by the Zanzibar High Court Judge Abdulhakim Amiri Issa.

2011 September 17: A commission headed by Zanzibar High Court Judge, Abdulhakim Amir Issa was set up to investigate a tragic ferry accident that claimed the lives of many.

2011 October 27: Chama cha Maendeleo Na Demokrasia (Chadema) rejected the revised Constitution Review Bill. The party warned that it would publicly campaign against it if Parliament approves it. Chadema claimed that the party broke the law by seeking to table the new Bill in Parliament before passing it through the relevant committees.

2012 January 12: Zanzibar celebrated the 48th Anniversary of a revolution that ended 200 years of Arab dominance. This event is celebrated on the island every year with a public holiday.

2012 January 13: Zanzibar President Dr Ali Mohammed Shein urged Zanzibaris to actively participate in the Union constitution review debate. He called on them to avoid any actions and behavior that could upset the process.

2012 February 09: MPs approved amendments to the Constitutional Review Act 2011 which included empowering the President to appoint a committee where a question of removal of a member of the Constitution Review Commission for breach of conduct arises. The committee is to comprise of a judge of the Court of Appeal as chairman, a commissioner of the Commission for Human Rights and Good Governance, and a commissioner of the Public Ethics Secretariat. The rest also include an advocate of the High Court of Zanzibar recommended by the Zanzibar Law Society, and an advocate of the Mainland High Court recommended by the Tanganyika Law Society.

2012 February 20: Zanzibari MPs protested the United Republic of Tanzania’s plans to extend Marine territory. This followed a January application by the Tanzanian government to the Commission on the Limits of the Continental Shelf of the UN for an extension outside the Exclusive Economic Zone (EEZ).