

THE JOINT PRESIDENTIAL SUPERVISORY COMMISSION ACT, 2001

ARRANGEMENT OF SECTIONS

SECTION	TITLE
1.	Short title and commencement.
2.	Interpretation.
3.	Establishment of the Commission.
4.	Appointment of the Commissioners.
5.	Functions of the Commission.
6.	Executive Secretary to the Commission.
7.	Commission to report to the President.
8.	Implementation of the recommendation from the Commission.
9.	Immunity and Privileges of the Commissioners.
10.	Terms of Office for the Commissioners and life of the commission.
11.	Office and Staff Commission.
12.	Oaths of the Commissioners and other Staff.
13.	Funds of the Commission.
14.	Commission to regulate its won procedure.

ACT MP/ 10 OF 2001

1 ASSENT

**[AMANI ABEID KARUME]
PRESIDENT OF ZANZIBAR**

AND

CHAIRMAN OF THE REVOLUTIONARY COUNCIL

5TH DECEMBER, 2001

**AN ACT TO ESTABLISH A JOINT PRESIDENTIAL SUPERVISORY COMMISSION
FOR THE IMPLEMENTATION OF THE AGREED MEMORANDUM BETWEEN
CHAMA CHA MAPINDUZI CCM AND THE CIVIC UNITED FRON (CUF) AND TO
PROVIDE FOR OTHER MATTERS CONNECTED THEREWITH AND
INCIDENTAL THERETO**

ENACTED by the House of Representatives of Zanzibar

Title, Commencement Operation

1. This Act may be cited as a joint Presidential Supervisory Commission Act, 2001 and shall come into operation immediately upon being assented to by the President.
2. In this Act, unless where the context requires otherwise: -
“Agreed Memorandum” means the Agreed Memorandum entered into between the Chama cha Mapinduzi (CCM) and the Civic United Front (CUF Chama cha Wananchi) on the 10th day of October, 2001.

“Commission” means a Joint Presidential Supervisory Commission established under section 3 of this Act.

“President” means the President of Zanzibar and Chairman of the Revolutionary Council.

“Party” means the political party of CCM and CUF as the case may be.

“Programme of Implementation” means a programme of Implementation of the Agreed Memorandum as outlined in Schedule V of the Agreed Memorandum.

“Relevant Government Authority” means any government authority directly concerned with the implementation of the Agreed Memorandum with the exception of the security and armed forces units and judicial officials.

“Secretary to the Commission” means the Executive Secretary of the Commission appointed under section 6 of the Act.

3. There is hereby established a Commission to be known as the Joint Presidential Supervisory Commission which shall be composed of ten Commissioners.
- 4.(1) The President shall appoint five of the Commissioners from Chama Cha Mapunduzi (CCM) and five of the Commissioners from the Civic United Front (CUF) (Chama Cha Wananchi), provided that at least one of the Commissioners from each party shall be a lawyer by profession.
- (2) Chama Cha Mapunduzi (CCM) and the Civic United Front (CUF) shall each submit to the President a list of more than five of its members amongst whom the President shall appoint five members from each list as Commissioners
- (3) Each Party shall indicate on the list submitted to the President the names of two persons amongst whom one shall be appointed by the President as a Co-Chairman of the Commission.
- (4) There shall be two Co-Chairmen to the Commission who shall chair the meetings and other deliberations of the Commission in such a way as may be agreed upon by the Commission
- (5) The Decisions of the Commission shall be reached by consensus.

Functions of the Commission

5(1) The Functions for which the Commission is established are: -

- a) To facilitate, assist and supervise a speedy implementation of the Agreed Memorandum.
- b) To arrange and conduct with the heads of relevant government authorities for purposes of obtaining information on the steps taken in implementing the Agreed Memorandum and advise them accordingly, provided that the heads of the security and armed forces units and Judicial Officials shall be exempted.
- c) To ensure that the Zanzibar Electoral Commission ZEC is formed as soon as possible and in accordance with the agreed programme of implementation and its technical competence is enhanced and its independence is assured and guaranteed.
- d) To ensure that a credible permanent register of voters is established and that the provisions of both voters and civic education is implemented.
- e) To ensure that laws which detract from the cause of democracy and amended or otherwise repealed.

- f) To ensure that a review of the Constitution of Zanzibar and the electoral laws is carried out in accordance with the agreed programme of implementation
- g) To ensure that state organs operate within the framework of the Constitution and other laws of the law which govern these institutions and that human rights and good governance are observed;
- h) To see to it that publicly owned media provide equitable access to all political parties and that a balanced coverage is maintained;
- i) To ensure that independence of the judiciary in Zanzibar is strengthened and that a complete reform of the judicial system in Zanzibar is done.
- j) To prepare its annual budget for allocation of its income and expenditure.

5(2) Upon completion of the Implementation Programme as outlined in Schedule V to the Agreed Memorandum, the Commission shall: -

- a) Continue to advise on issue relating to voter and civic education as and where it deems necessary.
- b) Initiate and engage on dialogue involving CCM and CUF with the aim of opening different areas of co-operation which includes the possibility of forming a government of national unity by consent of the people, and the need of determining the future of Zanzibar in the spheres of politics, democracy and other matters.
- c) Continue to advise the government on issues pertaining to democratization and good governance.
- d) Prepare and publish the final report on the implementation of the Agreed Memorandum and submit it to the President.
- e) Prepare and publish, before the expiry of the Commission's term of office, a full and final report on the work of the Commission and submit it to the President and the relevant parties;
- f) Perform any other functions, as the President may deem fit and expedient.

Executive Secretary to the Commission

6(1) There shall be an Executive Secretary to the Commission who shall be appointed by the President on the recommendations of the Commission.

(2) The Executive Secretary to the Commission shall be responsible for the day-to-day administration of the affairs of the Commission and shall in addition to this duty be responsible.

- a) For a follow-up action of the Commission's decisions.
- b) For the keeping of the minutes of all deliberations of the Commission.
- c) For keeping up to date the books of accounts of the Commission.
- d) For all expenditure of the Commission
- e) For the welfare of the members of the Commission and other employees.
- f) For any other thing the Commission may assign him.

(3) The Executive Secretary's term of office, which shall include the tenure of office, terms of service, salary, allowances and other benefits and emoluments shall all be determined and paid by the Commission.

Commission to report to the President

7. (1) The Commission shall be under the President and shall report directly to him.

- (2) The Commission shall meet with the President at least once every month for the purpose of briefing him on the stages of implementation of the Agreed Memorandum and advise him accordingly.
- (3) The Commission shall submit to the President, and in writing a quarterly report on the implementation of the Agreed Memorandum.
- (4) No person other than the President shall have powers to direct the Commission on its duties provided that the Commission may if it deems necessary consult any person or institution for an effective execution of its duties and functions.

Implementation of the recommendation from the Commission

8. (1) Where recommendation from the Commission requires that a law be enacted for an effective implantation, such recommendations appended with a Draft Bill where necessary shall be submitted to the President for further action through the normal Government Procedures.

(2) Where a recommendation from the Commission requires that implementation be carried out by a government institution, ministry or any other person, such a recommendation shall upon receiving the approval of the President be implemented by such an institution, ministry or any other person, as the case may be.

Immunity and Privileges of the Commission

9. Immunities and Privileges of the Commissioners shall be determined by the President as and where necessary.

10 (1) Every member of the Commission shall hold office until the expiration day of the Commission but may be removed by the President before the end of his term for misconduct.

(2) Where a Commissioner has been removed for misconduct, dies or resigns before the expiration of the Commission term of offices the President shall after consultation with the party from which the Commissioner comes from, appoint another one in his stead.

(3) All duties and obligations of the Commission pertaining to the implementation of the Agreed Memorandum shall be completed within eighteen months from the date of the signing of the Agreed Memorandum.

(4) The life of the Commission shall expire on the nomination day for the next general elections in Zanzibar.

Office and Staff of the Commission

11(1) The office of the Commission shall be provided by the Revolutionary Government of Zanzibar in Zanzibar town and a sub-head office shall be in Pemba.

(2) All employees of the Commission shall be appointed through the governments laid down procedures of recruitment and their salaries and other emoluments shall be charged under and out of the Commissions funds.

(3) In the process of appointing the staff of the Commission emphasis shall be placed on the employees of the Revolutionary Government of Zanzibar, but where it is necessary to recruit any person from outside the government, the Commission may do so on terms and conditions which it may think appropriate.

Oaths of the Commissioners and other Staff

- 12 (1) Every Commissioner and the Executive Secretary to the Commission shall take Oath of Office before the President for the execution of these duties as prescribed in the Schedule to this Act.
- (2) The Commission may prescribe which category of the staff of the Commission shall take oath before discharging their duties and every member of the staff so prescribed shall take oath to the effect that he will not be an active member of any political party and that he shall be faithful and impartial in the execution of all duties assigned to him by the Commission.
- (3) Such oath of the staff shall be taken before the Co-chairman of the Commission.

Funds for the Commission

- 13(1) There is hereby established a special presidential fund for the commission for the purposes of meeting all expenditure of the Commission.
- (2) Funds for the Commission shall come from one or more or all of the following: -
 - a) The Consolidated Fund of the government of the United Republic of Tanzania.
 - b) The Consolidated fund for the Revolutionary Government of Zanzibar.
 - c) Contributions from any other person or group of persons, organization, institution or other sources which may volunteer to contribute to the fund.
- (3) Books of Account shall be kept for all income and expenditure of the Commission and all accounts shall be subject to government auditing at regular intervals.

Commission to regulates its own procedure

14. For the better carrying out its functions and duties under the Act, the Commission may from time to time, as it deems necessary.
 - a) Regulate its own procedures.
 - b) Do any other thing, which it may deem fit and proper for the smooth running or, execution of its functions and duties.