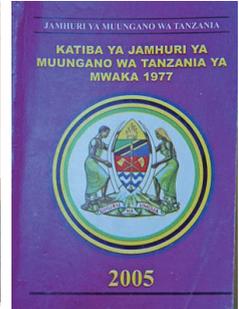




Drafting the Law of the Land

Reflections of citizens in mainland Tanzania on the draft constitution



1. Introduction

On 3 June 2013, the Constitutional Review Commission (CRC) presented its draft constitution. This follows popular demand for a complete overhaul of the 1977 Constitution. Since the launch of the draft constitution, ordinary citizens as well as representatives of various interest groups have given their opinions on the draft constitution, creating a broad public debate.

This brief reports the most recent views of citizens on the draft constitution. The findings are based on the fifth round of *Sauti za Wananchi*, Africa's first nationally representative mobile phone survey (www.twaweza.org/sauti). Data were collected from a panel of respondents from across *Mainland Tanzania*. Calls were made between 16 July and 30 July 2013; data include responses from 1708 households.

This brief's key findings are:

- 67% of mainland Tanzanians know that the draft constitution was launched
- 36% of mainland Tanzanians engaged with the constitutional review process
- 46% of mainland Tanzanians would vote for the current draft constitution
- 70% of mainland Tanzanians want cabinet ministers appointed outside of Parliament
- 65% of mainland Tanzanians believe the country will have a new constitution by 2015

This brief was written and produced by Twaweza, housed by Hivos Tanzania. Released November 2013

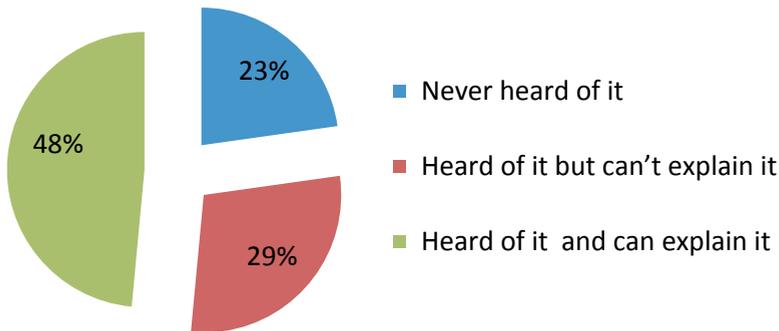
P.O. Box 38342, Dar es Salaam, Tanzania.
Te: +255 22 266 4301 F: +255 22 266 4308.
uwazi@twaweza.org www.twaweza.org/sauti

2. Seven Facts about the Draft Constitution

Fact 1: 48% can explain what a constitution is

Citizens are the main beneficiaries of a constitution because it defines relationships between them and government structures. Consequently, citizen awareness about the constitution is critical. However, as illustrated in Figure 1, 52% of citizens in mainland Tanzania have either never heard of the constitution or cannot explain what a constitution is. That said, about half (48%) were able to provide an accurate description of the purpose of the constitution.

Figure 1: What do you know about the Constitution?

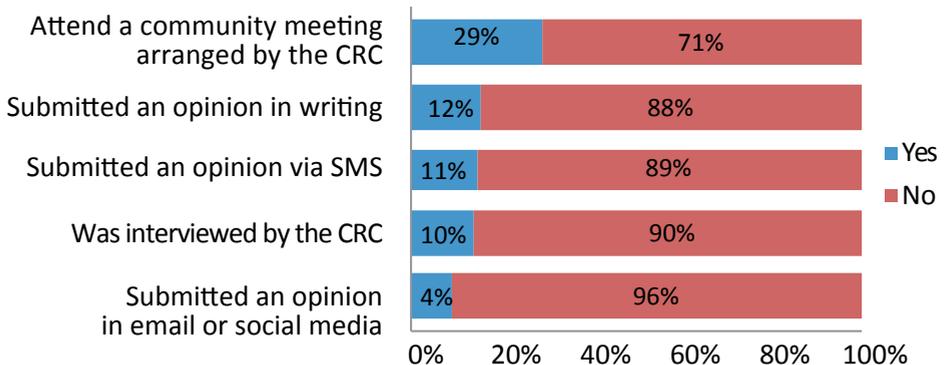


Source of data: *Sauti za Wananchi*, Mobile Phone Survey – Round 5, July 2013.

Fact 2: 29% of mainland Tanzanians attended a CRC community meeting

The Constitutional Review Commission (CRC) community meetings managed to capture close to a third of the adult population. As is outlined in Figure 2, the Tanzanian mainland adult population was engaged with the CRC process through meetings, writing an opinion, SMS, interviews, email or social media. Counting all citizens doing any of these activities 36% of mainland Tanzanians participated in the process.

Figure 2: Participation of citizens in the constitutional review process



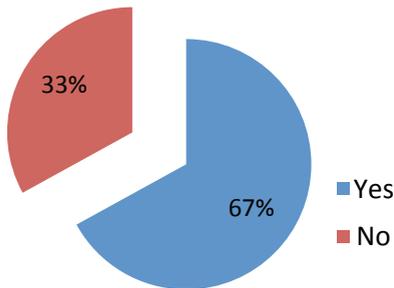
Source of data: *Sauti za Wananchi*, Mobile Phone Survey – Round 5, July 2013.

Fact 3: 67% of mainland Tanzanians know the draft constitution was launched

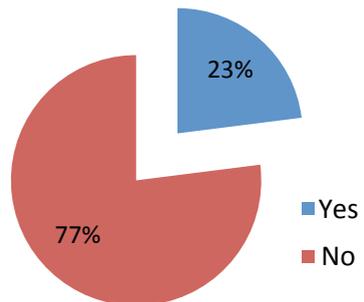
On 3 June 2013, the CRC launched a draft constitution for the United Republic of Tanzania at the Karimjee Gardens in Dar es Salaam, Tanzania. About one and a half months later, 67% of respondents reported being aware of the launch.

Figure 3: Launch of the draft constitution

Panel A: Are you aware that the Government of Tanzania recently launched a draft constitution?



Panel B: Do you know where you can get a copy of the draft Constitution?



Source of data: *Sauti za Wananchi*, Mobile Phone Survey – Round 5, July 2013.

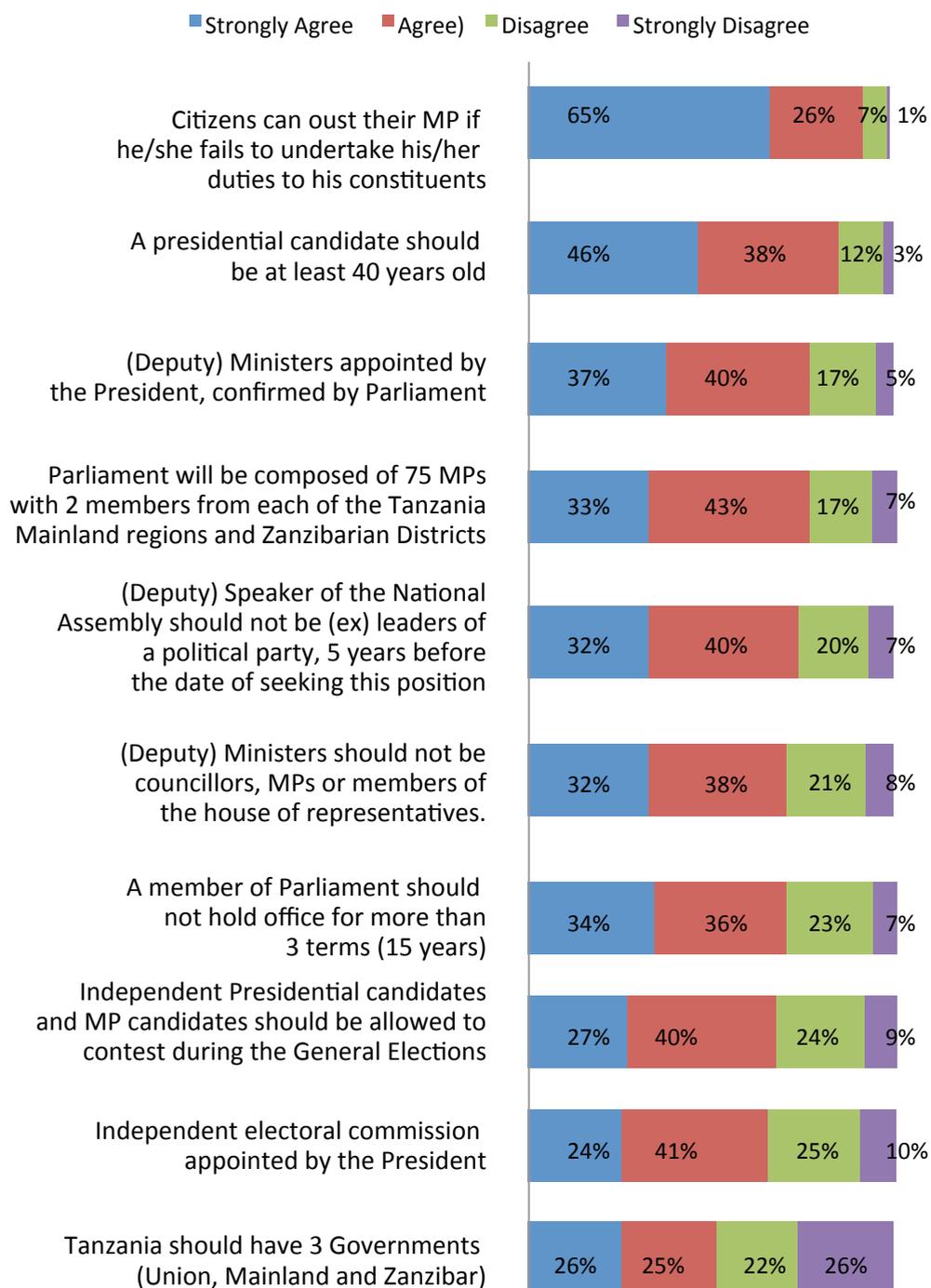
The CRC has sought to make paper and digital versions of the draft constitution available to citizens. As Figure 3 (panel b) illustrates, 23% of the citizens know where to obtain a copy.

Fact 4: 70% of mainland Tanzanians want the Cabinet to be independent from Parliament

The draft constitution contains 240 articles – almost twice as many articles as the 1977 constitution – and some of them are “hot topics” that have been debated regularly in the media. Figure 4 lists ten of these issues and reports citizens’ views and preferences. From these numbers it appears that a majority of citizens agree with most of the proposals found in the current draft.

Out of the 10 sections probed by *Sauti za Wananchi*, 91% of the citizens were in agreement with a section of the draft constitution which gives citizens the right to oust their Members of Parliament if he/she fails to undertake his/her duties to the constituents, indicating that citizens would like to hold their representatives to account. Opinions are split over the proposal to create three governments.

Figure 4: Opinions of citizens of mainland Tanzania on “hot topics”

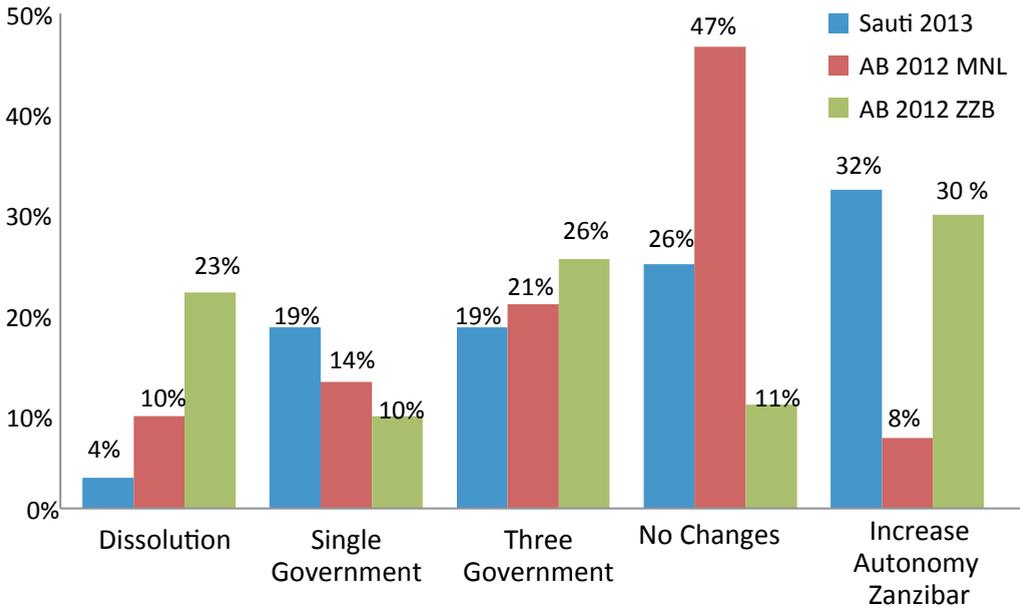


Source of data: *Sauti za Wananchi*, Mobile Phone Survey – Round 5, July 2013.

Fact 5: A quarter prefer status quo in union matters

Sauti za Wananchi sought to find out what changes, if any, citizens in mainland Tanzania would like to see in the 1964 Union between Tanganyika and Zanzibar. To this end a question was used from the 2012 Afrobarometer survey (<http://www.afrobarometer.org/>) so that data can be compared directly between this and last years' views. Moreover, Afrobarometer 2012 included views of respondents from Zanzibar.

Figure 5: What changes if any would you like to see in the union between Tanzania Mainland "Tanganyika" and Zanzibar



Source of data: *Sauti za Wananchi*, Mobile Phone Survey – Round 5, July 2013 & Afrobarometer Survey 2012

Figure 5 above compares the support for various Union options as reported by Afrobarometer (2012, Mainland and Zanzibar) and by *Sauti za Wananchi*. Note that in this question respondents could give only one answer, which explains why support for three governments is lower here than in Fact 4 above.

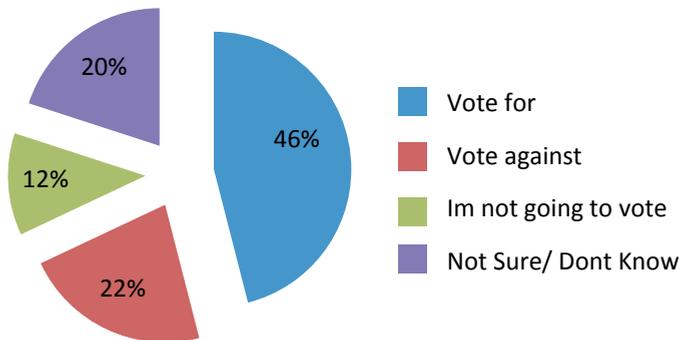
A striking result is that the *Sauti za Wananchi* 2013 data show much more appetite for constitutional change among mainlanders: support for “no changes” is 26% versus 47% in 2012. At the same time, the *Sauti za Wananchi* data show much more support for the option “increased autonomy for Zanzibar within the Union” (32% versus 8% in Afrobarometer 2012). One cannot with certainty say what drives these differences; a possible cause is the media debate around the constitution which has informed Tanzanians’ opinions.

The three government proposal in the draft constitution has the same level of support as an option for a single government, while more respondents would prefer no changes than either of these options. Interestingly, when respondents are asked about the three government option in isolation (see Fact 6 above), there is stronger support: 26% strongly agree and 25% agree.

Fact 6: More than half of mainland Tanzania voters would support the draft constitution

The new draft cannot become law unless it is voted on by the people of the United Republic of Tanzania. It must be approved by a simple majority (50% + 1 ballot of voters) both in mainland Tanzania and Zanzibar in order to become the new law of the land.

Figure 6: Would you vote for or against the draft constitution?



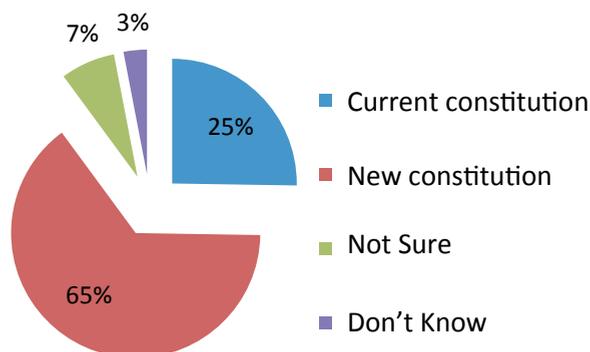
Source of data: *Sauti za Wananchi*, Mobile Phone Survey – Round 5, July 2013.

As illustrated in Figure 6 above, 46% of adult citizens would vote to adopt the current draft constitution and 22% would vote against it. In other words, even if all those who are undecided (20%) would vote against, more than half of the mainland voters would support the draft constitution.

Fact 7: 65% of citizens in mainland Tanzania believe the next election will be conducted under a new constitution

The draft constitution has proposed numerous changes, relating to the organization of elections as well as to the way government and parliament are organized after the elections. *Sauti za Wananchi* finds that a majority of citizens (65%) expects that the new constitution will be in place during the next election (Figure 7).

Figure 7: Do you think the next general election will be carried out under the current or a new constitution?



Source of data: *Sauti za Wananchi*, Mobile Phone Survey – Round 5, July 2013.

In short, despite differences of opinion across some aspects of the draft constitution, many are optimistic that the constitution will be passed before the 2015 general elections.

3. Conclusion

Debate on the draft constitution continues through Tanzania. There is uncertainty about how well this draft reflects the views of the people. Using our rigorous mobile phone survey allows us to gauge people's views in real time on this and a range of current issues and events. The survey is representative for mainland Tanzania.

In summary, mainland Tanzanians have varied views on many aspects of the draft constitution, with some areas having more or less consensus. Mainland Tanzanians reject by a majority the idea of selecting cabinet ministers from the ranks of Members of Parliament, as is current practice. The issue of three governments is practically tied between proponents and opponents on an almost 50-50 split. If the draft had been voted on by the end of July 2013 when these calls to respondents were made, and if actual voting would have followed the stated preferences, the draft constitution would have secured enough votes to pass in the Mainland.

It will be important to reflect on citizens' evolving views on the constitution, as we have done comparing our results with those of the Afrobarometer survey conducted about a year before our survey. We cannot be certain if the constitution will pass, but we hope that these findings will contribute to public debate as the process moves toward a national referendum.

