



Towards the Referendum Tanzanians' views on the proposed draft constitution



1. Introduction

A constitution reflects the compact between citizens and the state, setting out the rights and responsibilities of each side and establishing a framework by which the country is governed. The constitutional review process in Tanzania began in earnest in 2013 and was set to come to a climax in a national referendum scheduled for April 2015.

The proposed draft is the product of a long journey. On 3 June 2013, after an extensive process of collecting citizens' views through meetings, interviews and written submissions, the Constitutional Review Commission (CRC) presented a first draft of a revised constitution. This generated significant public debate as citizens gave their feedback on the proposals through numerous formal and informal channels. The document was subsequently revised by the CRC and a second draft was presented on 30 December 2013. The second draft marked the start of the Constituent Assembly. MPs and selected members of civil society gathered in Dodoma to debate the articles proposed in the second CRC draft. The Constituent Assembly was characterised by significant disagreements which ultimately led to a boycott of the process led by opposition parties. For a time, there seemed to be consensus that the process would be put on hold. However, the remaining members of the Constituent Assembly (CA), consisting largely of ruling party MPs and some civil society representatives, continued their discussions and presented a revised version of the second CRC draft constitution on 8 October 2014.

This proposed draft is now mired in controversy, and with it, the entire constitutional review process. On the positive side, some citizens have noted the increased constitutional protection for traditionally marginalized groups: women, minorities, persons with disabilities. On the negative side: the "Union Question" –the relationship between

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Mainland Tanzania and Zanzibar – remains to be resolved to the satisfaction of both sides. Similarly, issues related to enhancing transparency and public accountability and limiting presidential powers that were raised during the public consultations were watered down during the Constituent Assembly. Critics complain that the proposed draft constitution is little more than a ruling party-approved document. Its supporters maintain that it largely represents citizens' wishes.

At this critical crossroads in Tanzania's political journey, Twaweza used *Sauti za Wananchi* to seek citizen views on the constitutional process. Are they aware of the controversy surrounding the proposed draft? Do they support the opposition's attempts to block the process? How do they feel about the changes made between the CRC's second draft and the Constituent Assembly's proposal? Will they approve or reject the proposed draft?

This brief reports the most recent nationally representative data from Mainland Tanzania around citizens' views on the proposed draft constitution. Data are from the 29th round of *Sauti za Wananchi*, Africa's first nationally-representative high-frequency mobile phone survey (www.twaweza.org/sauti). A total of 1,399 respondents were reached between January 27 and February 17, 2015. In addition to this, the fifth round (1,708 respondents; called between July 16 and July 30, 2013) and the 14th round (1,550 respondents; called between February 12 and March 4, 2014) of *Sauti za Wananchi* are used to track trends.

The key findings are:

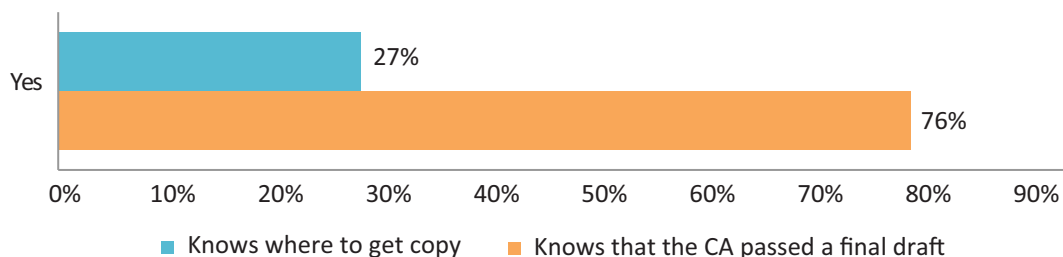
- Citizens are evenly split between the current proposed draft (39% support it) and the second CRC draft (41% are in favour) of the constitution
- Citizens continue to be in favour of clauses that increase accountability
- Seven out of ten citizens (68%) are against the Ukawa boycotts
- Three out of four citizens (75%) do not plan to adhere to the Ukawa call to boycott the referendum on the proposed draft of the constitution
- One out of two citizens in Mainland Tanzania (52%) plan to vote **For** the proposed draft of the constitution during the referendum.

2. Seven facts about citizens' views on the draft constitution

Fact 1: Three out of four citizens are aware of the proposed draft

In general, awareness of the constitutional review process is high, though citizens are less familiar with specific details. Three out of four citizens are aware that the Constituent Assembly (CA) passed a final revised draft of the constitution in October 2014. That said, 76% are unaware of where they can get a copy of this final draft. And 60% are unsure of what the next steps in the process to revise the constitution will be (data not shown).

Figure 1: Do you know about the Constituent Assembly's proposed draft and where you can get a copy?

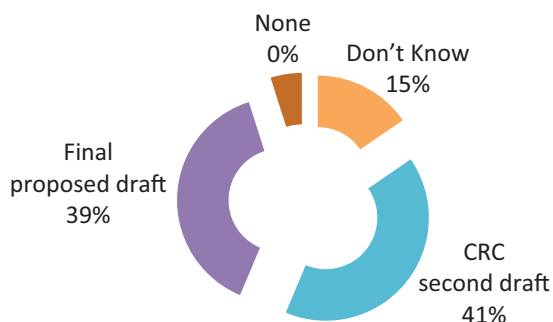


Source of data: *Sauti za Wananchi* Mobile Phone Survey- Round 25 (September-October 2014)

Fact 2: Citizens are evenly split between the proposed draft and the CRC's second draft of the constitution

Twaweza asked citizens for their views on the second and third drafts of the constitution. While a significant minority (20%) of citizens have no clear opinion about the different drafts, those that do are evenly split: 39% prefer the final draft, and slightly more, 41%, prefer the previous version (Figure 2). When asked what made them pick one draft over the other, responses were too general to identify any specific trends: most respondents replied with a variation of it being "better for the country" (data not shown).

Figure 2: If you could choose, which constitution would you prefer?

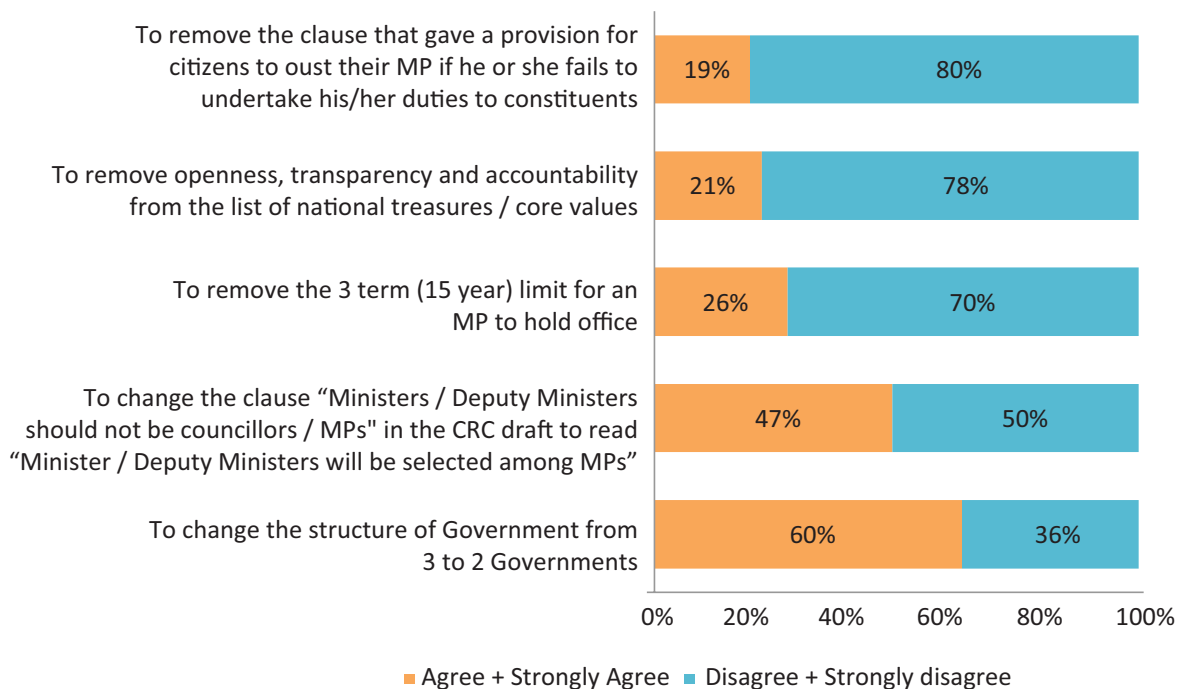


Source of data: *Sauti za Wananchi* Mobile Phone Survey- Round 29 (January-February 2015)

Fact 3: Most citizens have clear opinions about specific changes in the final draft

When we drill down into the details of the differences between the second and current drafts of the constitution, the story changes. We asked about five specific items which have been dropped from the second draft (Figure 3) and citizens have clear preferences. A minority (20%) agree with the removal of a clause allowing MPs to be ousted if they fail to perform their duties, meaning citizens would prefer to have this power over MPs. However, a sizeable majority (60%) agree with abandoning the three-tier government proposal and retaining the existing two-tier government, meaning that citizens on Mainland Tanzania are supportive of the current structure of government (Figure 3).

Figure 3: To what extent are you in agreement with the decision of the CA...?



Source of data: *Sauti za Wananchi*, Mobile Phone Survey- Round 29 (January-February 2015).
Bars may not sum to 100%, as "Don't Know" and "No opinion" responses were excluded.
Full dataset available at www.twaweza.org/sauti

It is worth noting that while the general sentiment among citizens on Mainland Tanzania remains broadly the same, there have been some changes in these figures since July 2013:

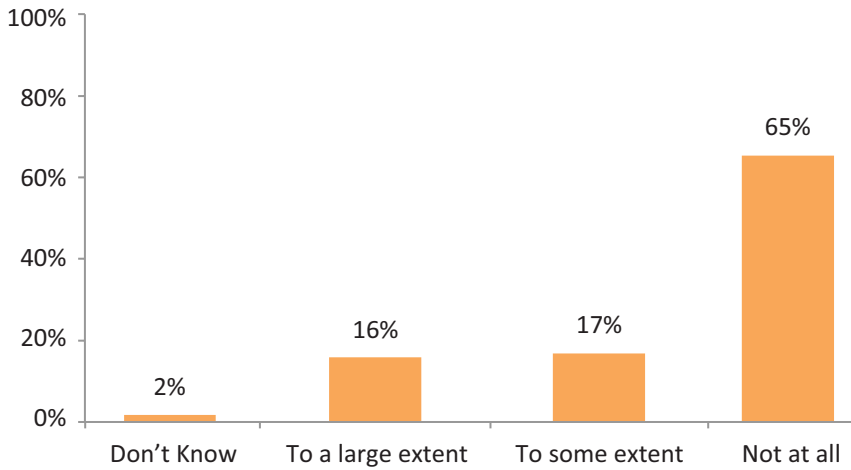
- 91% were in support of the clause allowing MPs to be ousted for non-performance (this has now dropped to 80%)
- 70% were in support of term limits for MPs (unchanged during this round)
- Between 67% and 95% were in support of the various clauses promoting transparency
- 22% were in support of the three government structure of the union (this increased to 36% in this round)

Fact 4: Seven out of ten citizens disagree with the Ukawa boycott

Most people (68%) have heard of the formation of the opposition party coalition, Ukawa, and its walk-out from the Constituent Assembly in early 2014. Yet the same number, 68%, do not agree with these actions. For those that did not know about the boycott, we informed them briefly. Of those that have heard of the walk-out, 66% disagree with it.

More recently, the Ukawa coalition has proposed boycotting the referendum itself (scheduled to take place in April 2015). Again high numbers, 65%, report that they are not in agreement with this action (Figure 4). Even more significantly, three out of four citizens (75%) do not plan to join the proposed boycott (data not shown).

Figure 4: To what are you in agreement with the decision made by Ukawa to pull out of the April referendum?

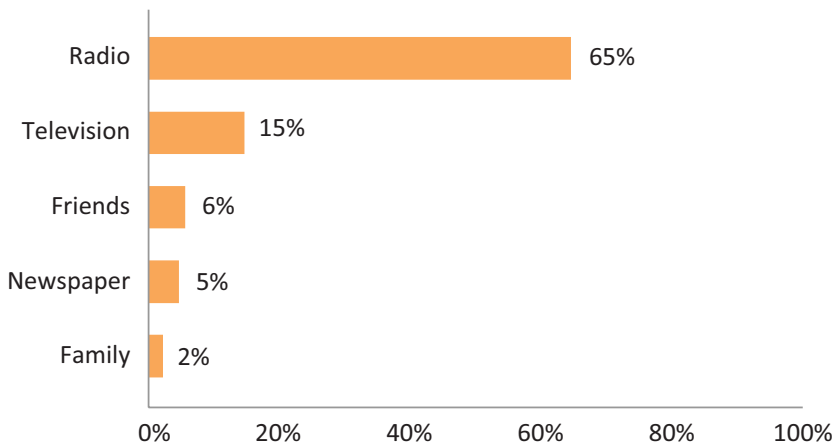


Source of data: *Sauti za Wananchi*, Mobile Phone Survey- Round 29 (January-February 2015).

Fact 5: Six out of ten citizens will take an independent decision on how they vote in the constitutional referendum

When asked about their sources of information on the constitutional review process, radio was the most popular medium for most citizens (over six out of ten mentioned it as their main source) (Figure 5). A diverse number of sources were listed but radio clearly emerged as the most significant.

Figure 5: Where do you get information about the constitutional review process?



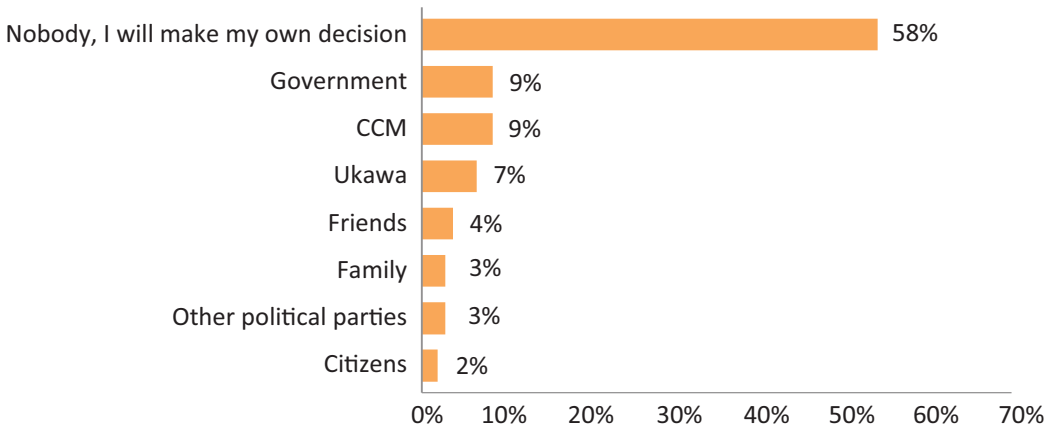
Source of data: *Sauti za Wananchi*, Mobile Phone Survey- Round 29 (January-February 2015).

Note that bars do not sum to 100%, as options with less than 2% of respondents are excluded.

Full dataset available at www.twaweza.org/sauti

When asked who would influence their decision on the day, however, citizens were unequivocal in claiming their independence. Six out of ten citizens (58%) report that they will make their own decisions in the referendum. The Government (9%), CCM (9%), Ukawa (7%) or even friends (4%) and family (3%) appear to exert limited influence (Figure 6).

Figure 6: Which group of people have the most influence on your opinion of the proposed draft constitution as well as your decision to approve or reject it?

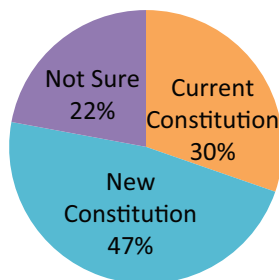


Source of data: *Sauti za Wananchi*, Mobile Phone Survey- Round 29 (January-February 2015).
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Fact 6: Half of citizens believe that the upcoming general elections will be held under a new constitution

Expectations about whether the proposed constitution will be approved and take effect this year are split. One out of two citizens (47%) believe that the next general elections, scheduled for late 2015, will take place under a new constitution (Figure 7). However, three out of ten (30%) instead expect the current constitution to remain, and one out of five (22%) are unsure what will happen (Figure 7).

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

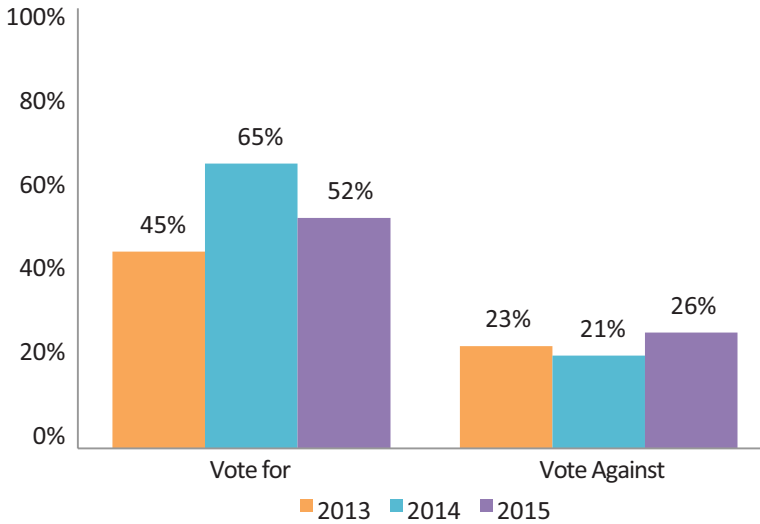


Source of data: *Sauti za Wananchi*, Mobile Phone Survey- Round 29 (January-February 2015)
Note that this does not add up to 100% as those who refused to answer are excluded.
Full dataset available at www.twaweza.org/sauti

Fact 7: One out of two citizens plan to vote Yes

Support for the proposed draft constitution has been varying over time. In 2013, 45% of citizens planned to vote in favour of the new constitution on referendum day (Figure 8). By 2014, this figure had increased to 65%. This year, it has fallen back to 52%. At the same time, the number of respondents planning to vote against the constitution has risen, from 21% in 2014 to 26% in 2015 (Figure 8).

Figure 8: If the referendum for the new constitution was to be held today, would you vote For or Against the final draft constitution which was presented to the President of the United Republic of Tanzania by the Chairman of the Constituent Assembly?



Source of data: *Sauti za Wananchi*, Mobile Phone Survey- Round 29 (January-February 2015), Round 14 (February-March 2014), Round 5 (July 2013)

3. Conclusion

The critical question for all citizens is whether or not the proposed draft constitution will be approved in the referendum. For the ruling party, this is an important show of strength in an election year. For the opposition, this moment will test the level of support for their stance and their connection with citizens' issues. Leaders, in Government, the media, civil society and the private sector, and citizens alike will be judged for many years to come on this constitutional review process, its outcomes, its politics and its legitimacy.

A number of considerations should be kept in mind:

- Data from Zanzibar are not included in this brief. We have seen from previous data that 80% of Zanzibaris supported the three-government structure and only 5% of Zanzibaris were in support of no change to the current structure of the union.¹

¹ Sauti za Wananchi, Brief No. 11, What do people really think of the constitution?, April 2014.

- Throughout the constitutional review process, citizens have consistently expressed strong support for greater transparency and accountability, but many of these clauses have been dropped from the proposed draft constitution.
- At the same time, enough citizens (52%) of Mainland Tanzania report that they would vote **For** the proposed draft constitution.

It is also interesting to note the distinct lack of citizen support for boycotting the referendum. Despite strong murmurs of discontent and a fairly widespread view that the constitutional process has been hijacked, citizens are not in favour of forceful actions to demonstrate this. Ukawa and others who wish to send a message to the current administration would do well to take note of citizens' lack of support for two of their initiatives.

To add to the uncertainty about whether citizens will approve or reject the proposed draft constitution, is the fundamental uncertainty of whether the referendum will take place as planned in April 2015. In his February 2015 month-end address to the nation, the President directed the Ministry of Finance to prioritize funding for the ongoing voter registration exercise. This suggests a refreshed determination by government to make sure that the referendum takes place.

Given this double uncertainty and the long-term implications of the choices that will be made, exemplary leadership at all levels of Tanzanian society is now needed. Government must ensure the credibility of the voter registration process, so that the conduct and outcome of the referendum are deemed free and fair, and reflective of the choice of the majority of eligible voters. Political and civic leaders must inform and persuade citizens with vigour, but without polarizing voters. Ultimately, Tanzanians have a major decision to make. It is incumbent upon them to make it as informed, responsible and engaged citizens.