



What do people really think of the constitution?

Findings of a nationally representative survey



1. Introduction

On 30 December 2013, the Constitutional Review Commission (CRC) presented the second draft of the constitution. This marked the end of a period of collecting and synthesising inputs, and creating the revised draft and signalled the start of the formation of the Constituent Assembly (CA). The second, revised version of the draft constitution, along with numerous reports developed by the CRC, were the final outputs of a participatory and reflective process. How do citizens view this process and will they support the second draft constitution in a referendum?

This brief reports the most recent views of citizens, from the Mainland and Zanzibar, on the draft constitution and views on the CA. The principal findings from the Mainland are based on the 14th 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 12 February 2014 and 4 March 2014; data include responses from 1547 households. Some facts are based on data from the fifth round of *Sauti za Wananchi*, for which calls were made between 16 July and 30 July 2013; these data include responses from 1708 households on Mainland Tanzania. For Facts 4, 5 and 6, data was collected between 16 and 30 July, 2013 on the Mainland only.

The findings from Zanzibar come from the sixth round of *Wasemavyo Wazanzibari*, a representative mobile phone survey conducted in Zanzibar. Data were collected from a panel of respondents from across Zanzibar. Calls were made between 24 February and 1 March 2014; data include responses from 445 households.

The second draft of the constitution covers 271 articles spanning a wide breadth of issues. Given the need to limit the number of questions, we were able to gather views on a small subset of these issues, which were selected on the basis of what was topical in the media and of general governance interest. Many important areas, such as matters related to ownership of land, natural resources, education and other services, dual citizenship and the Bill of Rights could not be covered. This brief should therefore be viewed as providing robust public opinion on a subset of issues, rather than a comprehensive picture of citizen priorities in relation to the draft constitution. Its purpose is to generate thoughtful dialogue and debate rooted in citizen priorities.

This brief's key findings are:¹

- One quarter of Tanzanians know where they can get a copy of the second draft of the constitution and large numbers have followed the debate in the media
- The majority of Tanzanians are supportive of clauses around the public right to information, and increased accountability and transparency of public officials
- Proposals for checks on MPs and separation of powers to avoid conflicts of interests are widely supported
- Opinion on the structure of the Union is divided across the Mainland and Zanzibar
- A majority of Tanzanians support the second draft of the constitution

These findings are further elaborated below. In the conclusion we reflect on the implications for the way forward, and comment on the leadership that will be required from the Constituent Assembly (CA) members and others to forge a constitution that is worthy of the people of Tanzania.

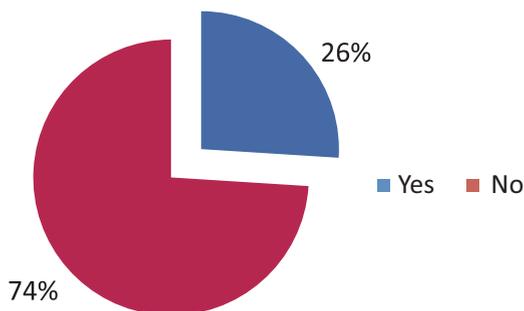
2. Eight facts about the second draft of the constitution

Fact 1: Six out of ten Tanzanians have listened to discussions about the new draft constitution

On 30 December 2013, the Constitutional Review Commission (CRC) launched the second draft of the constitution of the United Republic of Tanzania. As was the case with the first draft of the constitution just over one in four (26%) citizens nationally knew where they could find a copy. Looking in more detail, 87% of Zanzibaris did not know where to get a copy of the second draft of the constitution, as compared to 76% on the Mainland.

¹ For the sake of readability Sauti za Wananchi briefs report means without confidence intervals. However, these are available on request.

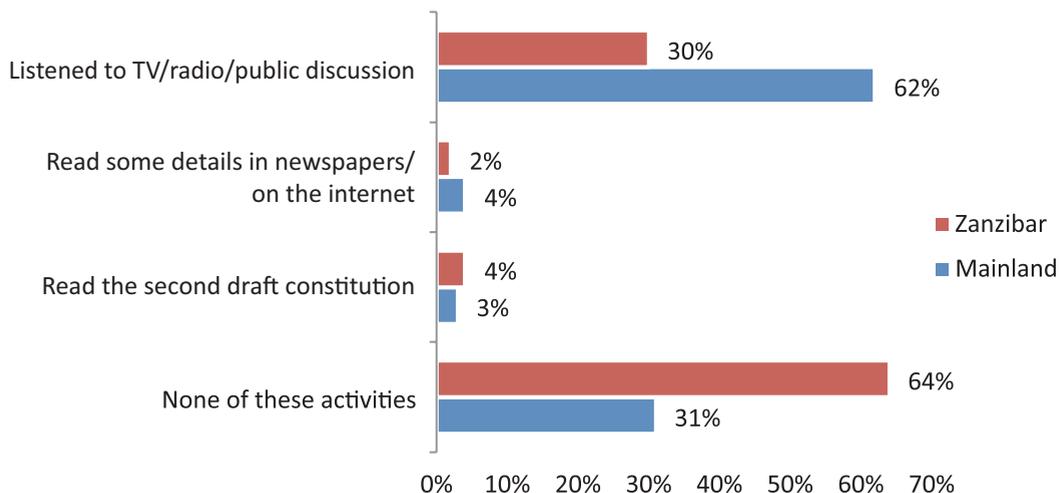
Figure 1: Do you know where you can get a copy of the second draft constitution of the United Republic of Tanzania?



Source of data: *Sauti za Wananchi*, Mobile Phone Survey – Round 14, February 2014 & *Wasemavyo Wazanzibari*, Mobile Phone Survey – Round 6, February 2014

Given these numbers, it is not surprising that few citizens have actually read the revised draft constitution (about 3%, Figure 2). However, six out of ten Tanzanians indicate that they have listened to discussions about the second draft constitution on TV, radio and in public.² A majority of Zanzibaris mentioned that they had not interacted with the draft constitution in any way.

Figure 2: Citizen engagement with the second draft constitution



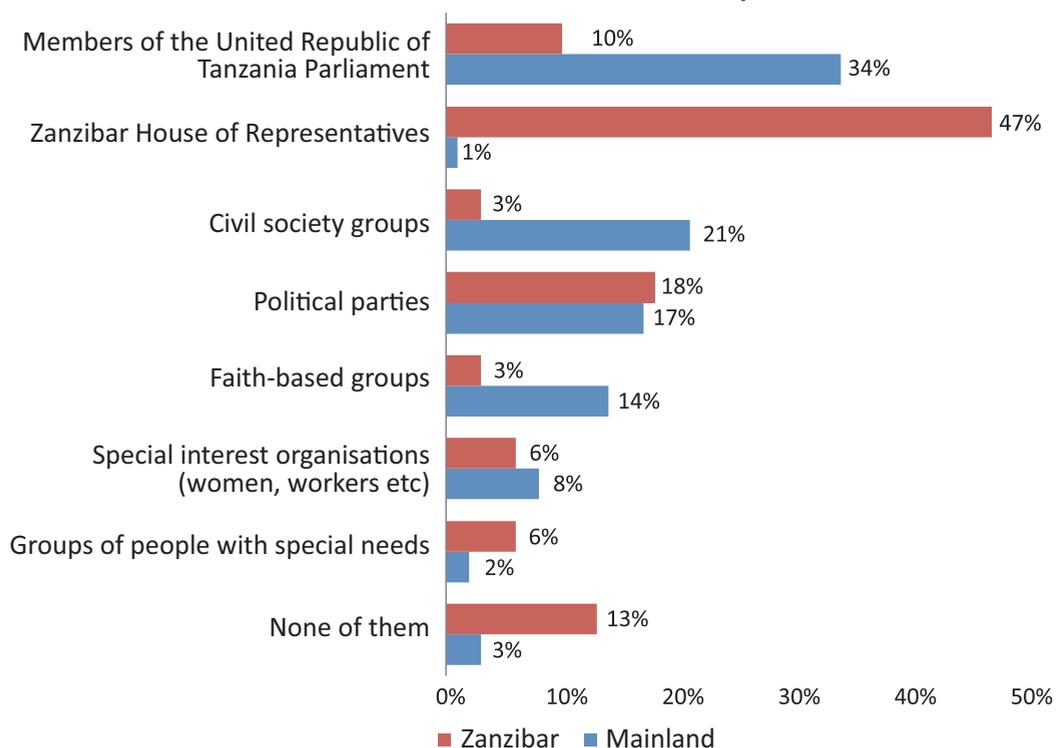
Source of data: *Sauti za Wananchi*, Mobile Phone Survey – Round 14, February 2014 & *Wasemavyo Wazanzibari*, Mobile Phone Survey – Round 6, February 2014

Fact 2: Citizens trust MPs to represent their interests in the CA

The Constituent Assembly (CA) is composed of representatives from various groups including parliamentarians, interest groups, academics and trade unions. Citizens from the Mainland and Zanzibar identified MPs as the group that would best represent their interests in the CA. It is worth noting that the CA was just being convened when these questions were asked.

² The exact figures are 61% nationally and 62% for Mainland Tanzania. The Mainland has a greater population weight which is reflected in all average national figures.

Figure 3: Who do you think will best represent your personal interests in the Constituent Assembly?



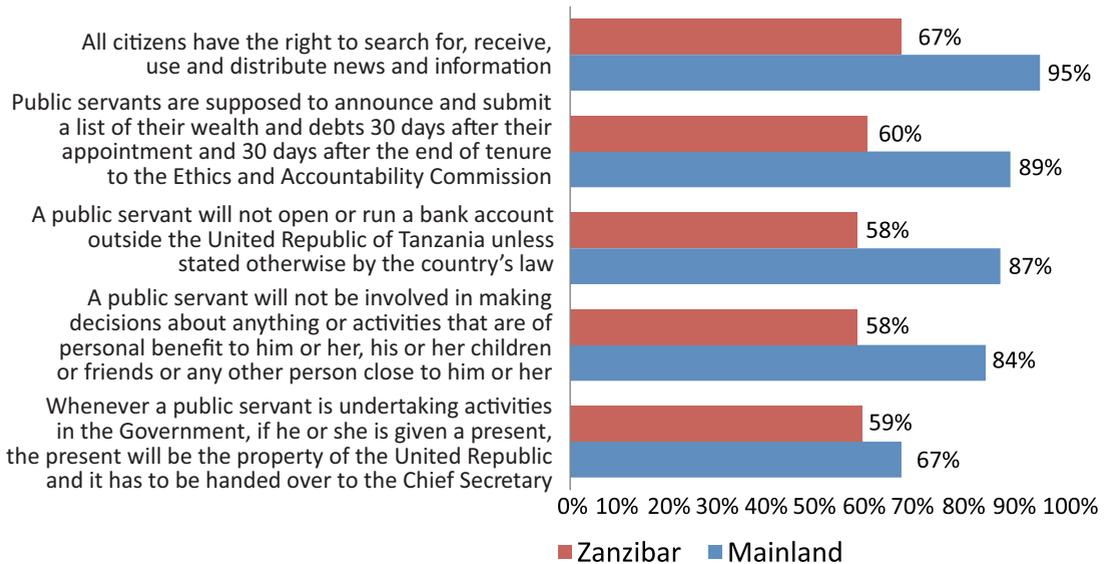
Source of data: *Sauti za Wananchi*, Mobile Phone Survey – Round 14, February 2014 & *Wasemavyo Wazanzibari*, Mobile Phone Survey – Round 6, February 2014

Fact 3: Proposals for greater transparency have wide support

On 3 June 2013, the Constitutional Review Commission (CRC) launched the first draft of the constitution and thereafter collected public reactions to it. Following those reactions and further consultation processes they revised the draft. In the second draft, the number of articles has increased from 240 to 271. *Sauti za Wananchi* and *Wasemavyo Wazanzibari* identified five proposals in the second draft constitution that concern transparency and accountability, particularly regarding public servants. These proposals have attracted relatively little attention in the public debate.

However, Figure 4 shows that these measures are supported by the majority of citizens on the Mainland and Zanzibar. Tanzanians from Zanzibar give slightly lower approval ratings compared to those from the Mainland. Overall, however, there is significant support for proposals that promote open access to information as well as transparency regarding private assets – either in the form of presents, wealth increases or foreign bank accounts - for public servants.

**Figure 4: Citizens views on transparency and accountability
(percent shown: “Agree”/”Strongly agree”)**

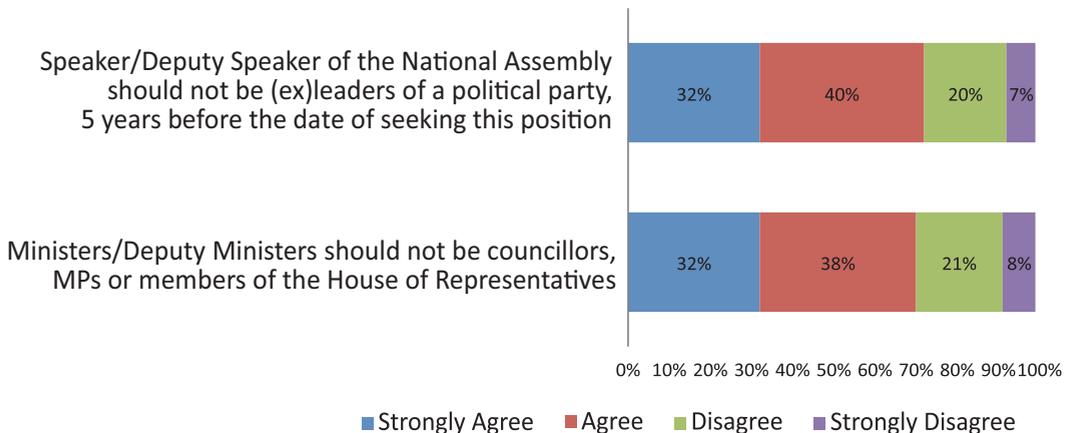


Source of data: *Sauti za Wananchi*, Mobile Phone Survey – Round 14, February 2014 & *Wasemavyo Wazanzibari*, Mobile Phone Survey – Round 6, February 2014

Fact 4: Constitution proposals for checks on MPs are widely supported

There is also wide and strong support from citizens (70% or more agree) for a level of accountability and control over MPs. Figure 5 shows that citizens feel strongly that MPs should be held accountable for their duties towards their constituents.³

Figure 5: Citizen views on checks and balances for MPs



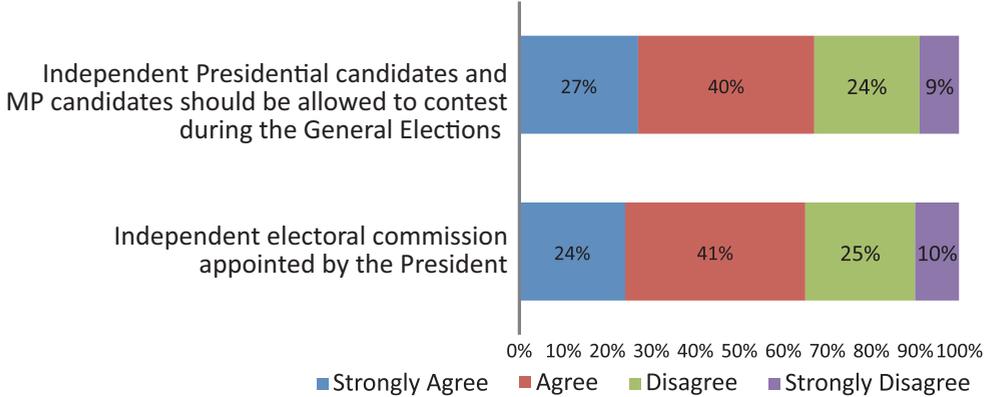
Source of data: *Sauti za Wananchi*, Mobile Phone Survey – Round 5, July 2013

³ Facts 4, 5 and 6 are based on the survey round of July 2013 and contain responses from Mainland citizens only. The proposals covered appeared in the first draft and remained for the second draft of the constitution.

Fact 5: Proposals for more electoral competition are widely supported

A majority of citizens support measures to strengthen political competition and have an independent authority overseeing the elections. Figure 6 shows that 67% agree with independent candidates competing for the presidency. Once chosen, the President should appoint an independent body to oversee the elections, according to 65% of Tanzanians.

Figure 6: Citizen views on electoral competition

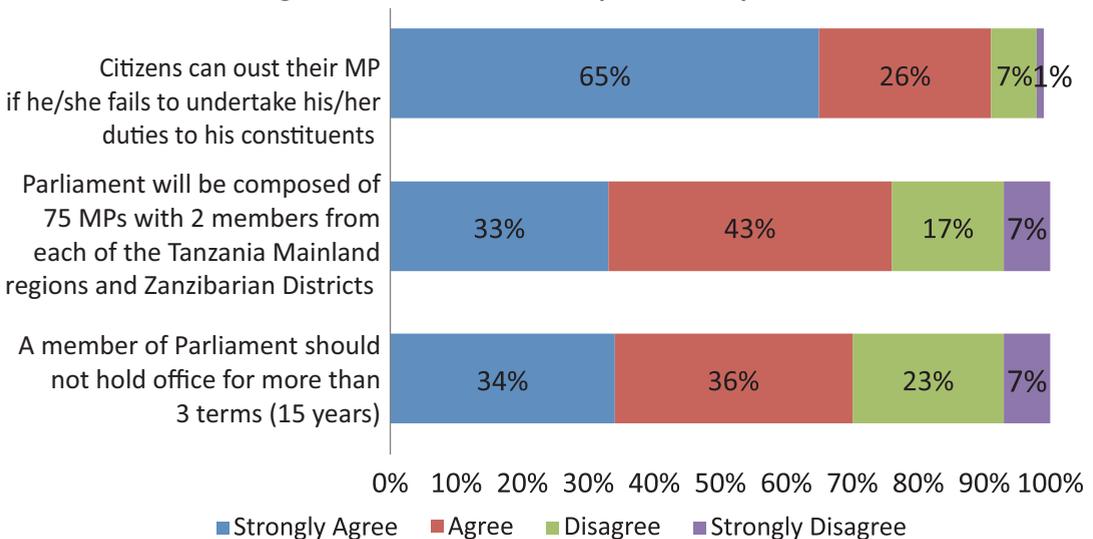


Source of data: Sauti za Wananchi, Mobile Phone Survey – Round 5, July 2013

Fact 6: Separation of powers in draft constitution widely supported

There is overwhelming support for measures in the new draft constitution that enhance the separation of powers in government. First, the Speaker or Deputy Speaker should be (seen to be) an independent actor, not a former party leader, according to 72% of Tanzanians. Second, there is majority support for making a clear distinction between the democratic role of the executive (Ministers or Deputy Ministers) on the one hand, and the role of controlling the executive (MPs, Councillors) on the other. Seven out of ten (70%) Tanzanians support this separation of powers.

Figure 7: Citizen views on separation of powers



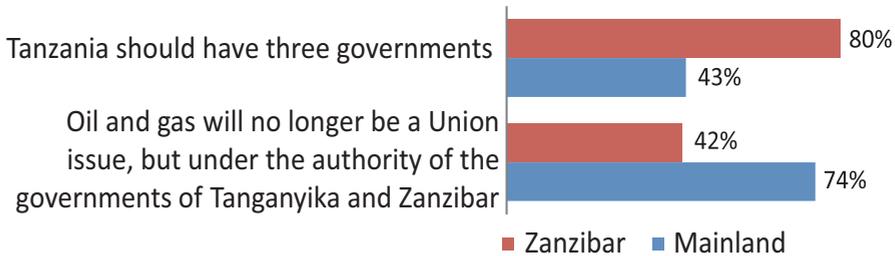
Source of data: Sauti za Wananchi, Mobile Phone Survey – Round 5, July 2013

Fact 7: Opinion is divided on government structure

A further two proposals failed to garner broad consensus across the Mainland and Zanzibar: these were proposals that had something to do with the structure of the Government of the United Republic of Tanzania. Figure 5 shows that a large majority (80%) of Zanzibaris are in agreement with a three government structure, while less than half (43%) of the respondents on the Mainland support it.

It should be further noted that eight months ago when the first draft proposed a three government structure, citizens on the Mainland were also split (51% supported three governments). In contrast, Zanzibaris would prefer oil and gas resources to be managed by the Union Government, while mainland Tanzanians would prefer resources to be managed by the governments of Tanganyika and Zanzibar.

**Figure 8: Citizen views on the structure of the government
(percent shown: “Agree”/”Strongly agree”)**

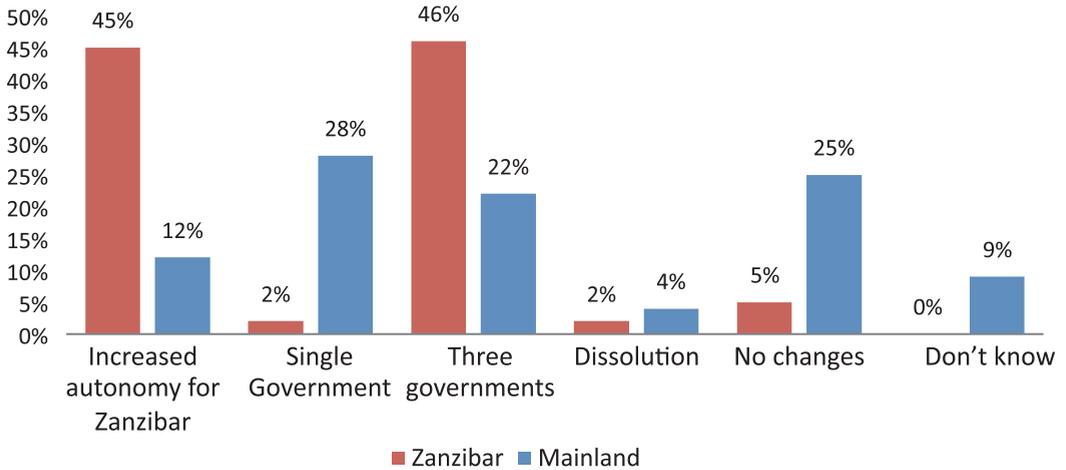


Source of data: *Sauti za Wananchi*, Mobile Phone Survey – Round 14, February 2014 & *Wasemavyo Wazanzibari*, Mobile Phone Survey – Round 6, February 2014

Given that a lot of the debate following the launch of the first and second drafts of the constitution has been around the structure of the Government of the United Republic of Tanzania, Tanzanians were asked to identify what changes (if any) they would like to see in the Union between the Mainland and Zanzibar.

Figure 9 below shows that Zanzibaris are either seeking more autonomy or a union with three governments. Citizens on the Mainland are evenly split on their preferred structure of government. Eight months ago citizens from the Mainland were more clearly in favor of increased autonomy for Zanzibar (32%).

Figure 9: What changes, if any, would you like to see in the Union between Mainland and Zanzibar?



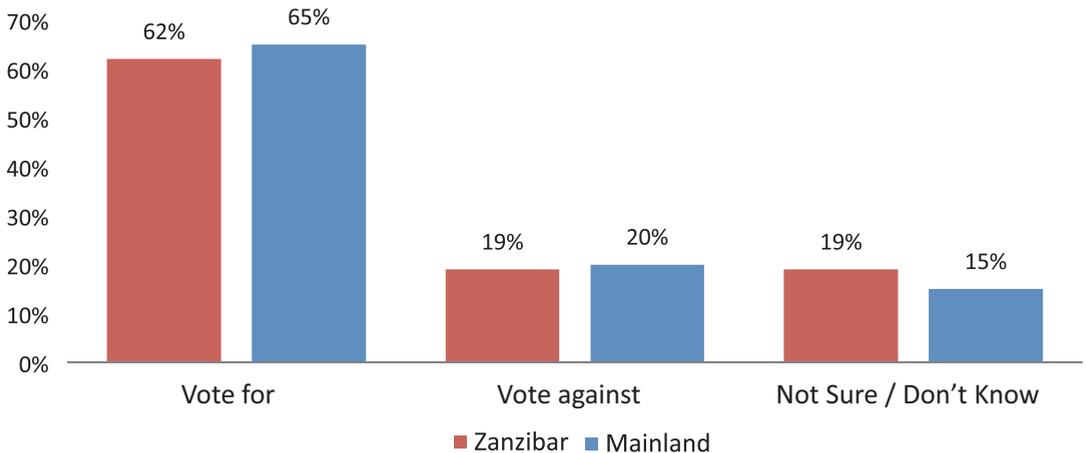
Source of data: *Sauti za Wananchi*, Mobile Phone Survey – Round 14, February 2014 & *Wasemavyo Wazanzibari*, Mobile Phone Survey – Round 6, February 2014

Fact 8: The current draft constitution has enough support to pass

After the Constituent Assembly (CA) has reviewed the second draft of the constitution they will produce a third and final draft. For that final draft to become law it has to go through a referendum where it must be approved by a simple majority (50% of ballot votes + 1) both on the Mainland and Zanzibar.

If citizens were to vote in the referendum according to their current (February 2014) views, the second draft of the constitution would be approved – even if all undecided voters decided to vote against it. As illustrated in Figure 10, more than 60% of the voters on the Mainland and Zanzibar intend to vote for the constitution in its current draft form.

Figure 10: Would you vote for or against the second draft of the constitution?



Source of data: *Sauti za Wananchi*, Mobile Phone Survey – Round 14, February 2014 & *Wasemavyo Wazanzibari*, Mobile Phone Survey – Round 6, February 2014

However, when respondents in Zanzibar are asked what makes them vote for the draft constitution, the Union structure appears to be a pivotal vote-deciding issue. If the three government proposal is not included, about half of Zanzibaris (53%) said that they would not support the current draft.

3. Conclusion

Since early February 2014, when much of the data in this brief was collected, many Tanzanians have keenly followed the debate in the Constituent Assembly (CA) on the second draft of the constitution. While the debate has generated great interest and significant media coverage, the tenor has often been highly polarised and rancorous, raising questions about the extent to which the CA is serving the public interest. In fact the issue of whether the views collected by the Constitutional Review Commission (CRC) represent public preferences has itself become an issue of contention. What people prefer is also important because, regardless of what is determined by the social and political elite at the CA, the people will have the final say when the draft constitution is put to a referendum.

Indeed, therefore, what do ordinary people think and prefer? The power of this brief is that it provides reliable data on citizen preferences from both sides of the Union, using a method that is objective and rigorous. This data provides CA members and the public at large an opportunity to reflect carefully on the matter and craft a new national consensus. Here we highlight the implications of citizen preferences on a few key issues.

Overwhelmingly, citizens wish to have the constitution reflect a new compact between the state and citizens. Issues related to the exercise of power, access to information and constraints on public officials are widely supported across the country. These include “a public servant will not be involved in making decisions about anything or activities that are of personal benefit,” “public servants are supposed to announce and submit a list of their wealth and debts” and “public servants may not hold bank accounts outside the country”. Other such proposals include limiting MPs to serving a maximum of three terms and the right of citizens to oust their MP should he or she fail to perform.

There is also a great deal of support for a level playing field and regulation independent of political parties and partisan interests, such as in the right of independent candidates to stand for election, establishing an electoral body that is truly independent, MPs not serving as ministers in government, and the Speaker and Deputy Speaker of Parliament being unaligned with any political party. These suggest that citizens wish to have deeper checks and balances, and have institutions of government such as the electoral commission and parliament serve as strong checks on the executive.

The fact that the CA process so far has been dominated by arguments regarding rules of procedure and the Union structure, rather than these public concerns, is worrying. The CA and the leadership in government and political parties, should they wish to do justice to the priorities of the people, would do well to give these issues related to public accountability adequate attention in their deliberations and in the final draft.

That said, the findings in this brief confirm that citizens are divided on the structure of the Union. On the Mainland 43% support the proposal for three governments; while on Zanzibar 80% support it. Moreover, 53% of Zanzibaris indicate that their support for the second draft constitution is contingent on this proposal. Should the final draft constitution revert to two governments, given current (February 2014) stated voting preferences, it is unclear whether majorities on both sides of the Union will support the new constitution.

One way out of this potential stalemate is to use the lens of core governance issues that are priorities for people in both parts of the Union – such as who has a right to know what, ownership of public resources, and accountability of public servants – to understand what the Union structure means beyond entrenched party positions. Put the other way round, what are the implications of a two or three government structure for issues such as security of tenure, freedom of expression, the right to basic services, social cohesion and minority rights?

How to navigate this terrain is not easy, but that is what is required of leadership. True leadership is not about forcefully advocating your own position, but appreciating different points of view, and crafting a new agreement based on core principles and shared interests.

Moreover, the point is not as simple as ‘do what the people want’. Members of the Constituent Assembly (CA) and others need to exercise care in interpreting data that represent citizen views, including this brief, because how the questions are framed and the context in which they are conveyed can make a world of difference. The ideal relationship between public preference and the content of the constitution is not straightforward. On one hand, the constitution should reflect the views and interests of people, while not dissolving into simple populism. On the other hand, making decisions on behalf of citizens contrary to public opinion ought to be treated with a great deal of caution and scepticism, for its obvious undemocratic risk. In between these pathways, the ideal scenario is one in which those charged with the responsibility of reviewing the constitution deliberate thoughtfully, with a great deal of humility and wisdom, and over time help develop a national consensus. Only then will we create a document worthy of being the Constitution of the People of the United Republic of Tanzania.