

# #DemokrasiaYetu: Making politics fit for the future

Twaweza, May 2022

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## Introduction

The President of the United Republic of Tanzania, Samia Suluhu Hassan, recently established a task force to examine questions about the state of democracy in Tanzania, and to make recommendations to the government on how the country's politics and democracy can be improved. This follows several years during which opposition parties, the media, civil society and others have experienced increased restrictions on their activity, and seven years after the most recent constitutional review process ended inconclusively. It therefore represents an ideal opportunity to open up a public discussion on what citizens want their democracy, their government and their politics to look like.

The task force has invited stakeholders, including members of the public, to submit their ideas. With this in mind, this paper has three purposes:

1. To present Twaweza's own ideas for concrete, achievable steps to kick start the process of political reform in Tanzania: to rebuild trust, fairness and engagement in our democracy
2. To present citizens' views on democracy and governance in Tanzania, as collected in Twaweza's nationally-representative *Sauti za Wananchi* mobile phone panel surveys as well as other sources
3. To promote debate among citizens about the ideas and issues raised

## Vision of government

What is a government for, what character should it have and what form should it take? These are fundamental questions that underpin any discussion of politics, democracy and governance. It is often stated that democracy means government *for the people* and *by the people*, as well as government *of the people*. In practice, however, this principle is stated more often than it is applied. Nevertheless, it is an ideal worth striving for.

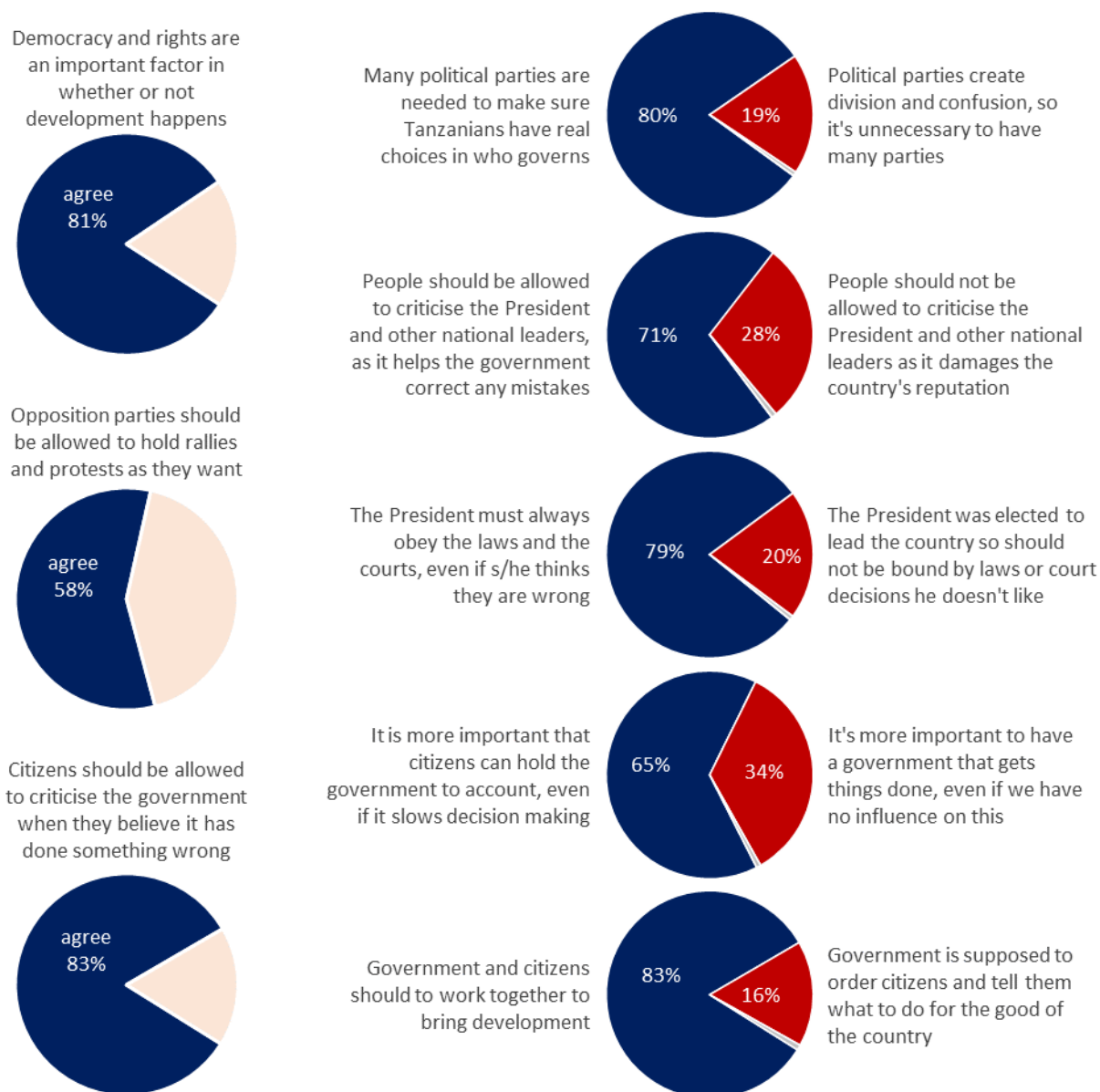
When asked, citizens show a clear pro-democracy view: 81% say that democracy is a key factor in whether or not development happens, and 80% say that having a real choice between different political parties is a good thing.

This means working towards a relationship between government and citizens that is built on trust, openness and respect, rather than directives and command. This view is supported by the vast majority of Tanzanian citizens: 83% say the government and citizens should work together to bring about development, compared to 17% who say the government should tell people what needs to be done for the good of the country. Further, two thirds of citizens (65%) say it is important that the government is open and accountable to citizens, even if this slows things down, compared to one third (34%) who say it is more important that the government gets things done quickly.

A very practical example of this is the transformation of the school inspectorate under the Ministry of Education, Science and Technology into the School Quality Assurance Department. Under the previous

arrangements, school inspectors were required to conduct surprise visits and send observational reports about head teachers, teachers and schools to their superiors. In contrast, School Quality Assurance Officers are tasked with sharing their observations with teachers and school leaders and providing advice and guidance on how to improve. These previously autocratic civil servants, police-like in posture, have been transformed into nurturers of the education system and of teachers in particular. Early evidence from teachers and School Quality Assurance Officers suggests the change has created a more positive and supportive working environment for both, lending itself to greater motivation and engagement. We could learn from this example to change the wider mindset of how government works: from top-down, strict and controlling to positive and supportive.

**Figure 1. Citizens' views on democracy and rights in Tanzania**



**Source:** *Sauti za Wananchi* mobile phone panel survey, special panel round 2 (2020); n=3,000

It also means respecting and valuing differences of opinion. Dissent and criticism should not be seen as damaging or unpatriotic, as has sometimes been the case, but as valuable ways for citizens to help the government identify and solve problems. Again, the vast majority of citizens support this view: 83% agree

that citizens should be free to criticise the government, and 71% say they should be free to criticise the President and other leaders because this helps the government avoid and correct any mistakes. A good friend helps you back on track when you've made a mistake: this is what patriotic citizenship look like too.

Further, encouraging freedom of expression means more than respecting critical views – it also means taking practical steps to protect the spaces where those views can be expressed. For example, political parties should be free to hold meetings and rallies when and where they choose – it is reasonable to ask that they inform the authorities, including the police, of planned large-scale public events, but not that they must get permission. A majority of citizens (58%) agree with this view. Similarly, the media, the research community and civil society – including trade unions and student groups – should be as free as possible of restrictions on their activities, enabling them to speak and to provide a platform for others to do so. As with political parties, restrictions on such freedoms should only cover the most obvious and extreme cases, where there is clear risk of harm.

Protecting democracy and freedom of expression also means ensuring that key institutions are not politicised in any way. The police, the justice system and the electoral commission are the most obvious examples here. As an indication of citizens' support for this, the vast majority (79%) hold the view that the President should not be above the law.

Even a well-designed democratic system will at times run into disagreements. The best-designed system accepts this and builds institutions and norms into the system that seek to resolve disputes. Regular dialogue between the senior figures from competing political parties, ideally hosted by a respected neutral party, would be a good way to achieve this.

Finally, it is worth remembering that much of the political appeal of restrictions on opposition parties, the media, civil society and others drew upon widespread dissatisfaction among citizens with the direction of government – specifically with a sense that those in senior positions in government were acting in their own interests rather than with the public interest in mind. It is therefore important to ensure that the relaxation of restrictions on political activity and freedom of expression is not accompanied by a return to the problems of the past.

## Eleven practical measures to strengthen democracy in Tanzania

The previous section spoke largely of principles, and presented evidence of what most citizens feel about the issues. However, while it is important to strive towards such a vision, it is equally important to take practical steps that put us, as a nation, on a road heading in the right direction. This section therefore lists the measures we propose should be taken as a matter of urgency to strengthen democracy in Tanzania.

### **1. Establish an independent police oversight authority, to ensure the police are accountable and non-political**

Recent years have seen increasing politicisation of the police that is clearly inconsistent with genuine democracy. It is also against the interests of the police if they lose public respect as a result of being seen as unaccountable and politicised.

The best protection against politicisation of the police would be an independent body tasked with overseeing the police – to investigate complaints about policing and play a role in recruitment of senior officers. Kenya's Independent Police Oversight Authority (IPOA) offers useful lessons for how this such a body can play a valuable role.

## **2. Protect the rights of citizens by applying the law on pre-charge detention and by making bail always a matter for the court's discretion**

More broadly, elements of the justice system in its current form fail to protect the rights of citizens, particularly those accused of committing a crime. In some cases, this reflects laws that exist but which are widely ignored in practice – such as time limits on charging suspects after their arrest. In other cases, the law does not reflect natural justice – such as with non-bailable offences and unnecessarily harsh bail conditions.

Addressing the first issue would probably only require a clear statement from the President and/or the Minister of Home Affairs, noting that pre-charge detention laws must be properly applied. And changing the law on non-bailable offences to remove the list of non-bailable offences would address the second part. Instead, the courts should have full discretion over bail, and should be guided to refuse bail only in cases where there is a clear risk of violence.

Further, given the range of other concerns in this area, bringing diverse stakeholders together to discuss more wide-ranging changes would be valuable. However, this should not be used to delay the changes suggested here, that can and should be made as soon as possible.

## **3. Engage in multi-party dialogue forums at high level and with genuine will to find consensus to protect the freedom and operational independence of political parties**

Restrictions on opposition political parties in recent years are among the clearest examples of falling short of democratic standards. This includes some restrictions that were introduced as part of reforms to the Political Parties Act and others that were introduced in practice without any legislation.

High-level dialogue between political parties is the essential first step towards remaking multi-party democracy as meaningful in Tanzania. This can then identify both short term and medium term reforms to be introduced. Concretely, this means revitalising shared spaces such as the Tanzania Centre for Democracy and demonstrating good will towards opposition parties concretely to help rebuild trust and restart engagement.

In the long run re-establishing and protecting democratic norms requires both legislative amendments and protections – ideally in legislation (or even in an amended Constitution) – against extra-legal restrictions on political party activity.

## **4. Amend the laws that currently restrict freedom of expression and association, protecting the rights and independence of the media, social media users, and civil society**

Several laws and regulations introduced or amended in recent years – including the Media Services Act, Cybercrimes Act and regulations under the Electronic and Postal Communications Act (EPOCA), Societies Act, Companies Act and more – have contravened democratic principles of freedom of expression and freedom of association. Indeed, the number of problems with these laws is such that it is not possible to list all the specific problems here. Further, some of these laws have been judged in court to be in contravention of the Treaty for the Establishment of the East African Community.

While the government has already taken some valuable steps towards protecting civic freedoms, there is more still to be done. Reversing recent changes to the Companies Act and Societies Act would be a relatively straightforward step on freedom of association. Amending the various laws that restrict freedom of expression is a little more complicated, but there are many partners ready and willing to provide suggestions on what would be required.

## **5. Listen to citizens' views on public services and other policy matters**

Good government is responsive and accountable. It listens to the needs, experiences and opinions of citizens, both when making policy and when delivering services. In a true democracy, citizens' are ultimately in charge of the government. However, in recent years, the government has taken a different approach, issuing top-down instructions and actively working to block initiatives that provide platforms for citizens' voices to be heard.

Where platforms exist for citizens to air their views – whether in government or elsewhere – these should be encouraged. Where they do not, they should be established. In either case, the guiding principle should be that citizens' views on policy matters and their feedback on public services should be encouraged, listened to, and acted upon.

## **6. Re-join the Open Government Partnership**

Perhaps the simplest but most symbolic act the government could take in order to signal its intention to re-establish democratic norms would be to re-join the Open Government Partnership (OGP). The OGP has become a leading global institution of democracy and good governance, bringing together governments and civil society organisations from across the world to discuss and agree on concrete reforms to establish transparent, accountable and participatory governance. And at practical level, it also provides a mechanism by which government can access support and ideas from civil society to enact reforms.

## **7. Establish mandatory and transparent wealth declarations, transparency in business ownership, and transparency in public procurement**

Preventing a return to widespread corruption is an essential element of democratic strengthening. Three relatively straightforward measures have been widely adopted around the world in recent years that can have a major impact on corruption: transparent wealth declarations by political leaders and senior officials, transparent registers of the beneficial owners of businesses, and transparency in public procurement. In all three cases, there are multiple examples of good practice from around the world that Tanzania could learn from, including procurement transparency initiatives in Kenya and Uganda.

## **8. Conduct a national Presidential Tour, building trust with citizens through open dialogue with citizens, involving listening, feedback and action**

Given the extent of practices inconsistent with democracy in recent years, there is a need to re-establish trust with citizens. With this in mind, we recommend a new initiative to build trust with citizens through dialogue, involving listening, feedback and action. Ideally, this would involve senior figures in government, led by the President, conducting townhall-style meetings, and would seek to achieve honest and open discussion by dropping many of the formalities and protocol normally associated with senior politicians' trips.

## **9. Establish a large-scale multi-stakeholder initiative to conduct nationwide education and training on consensus-building, conflict resolution and trust**

The task force represents an important step towards addressing many of the concerns with politics in Tanzania, and will hopefully deliver wide-ranging reforms to strengthen the country's democracy. Looking forward, it is important to establish mechanisms through which future conflicts can be prevented or resolved before they become too serious. This should recognise that it is ok for people to have differences of opinion, that disagreement is an essential component of vibrant debate and healthy democracy, and that it is far better for differences to be aired and discussed than for grievances to fester in the dark.

A multi-stakeholder initiative, involving civil society as well as government and opposition parties, conducting education and training across the country could help establish a culture of inclusive, vibrant public debate that works to resolve disputes harmoniously through consensus building and trust. Citizenship gives people

both rights and responsibilities. An initiative of this kind could enable people to exercise their rights while also asking them to deliver on their responsibilities to respect differences, to resolve disputes peacefully and to engage constructively, online and offline, with building a better democracy for Tanzania.

#### **10. Establish a truly independent electoral commission before the 2024 civic and 2025 national elections**

Many of the complaints of opposition parties around the civic elections in 2019 and general elections in 2020 were entirely justified. The playing field for these elections was not level, and the consequences were seen in the election results. While several of the reforms proposed here would help to address this, the single most effective measure to protect the integrity of elections would be to establish a truly independent national electoral commission. This means a commission that is not dependent solely on the approval of the government or the ruling party for its activities, including for budgets, senior appointments and major policy decisions.

#### **11. Pro-actively seek to include women and other traditionally excluded groups in democratic strengthening initiatives**

Politics in Tanzania has, in the past, largely consisted of conversations between men, whether at national level, in local government or at community level. There have always been women involved in politics, sometimes in prominent roles, not least in the form of the current President. However, this should not be used as an excuse to escape the reality that a large majority of politicians are men and political debate at all levels has generally been dominated by men. And similarly, other disadvantaged groups – poorer citizens, people living with a disability, those with lower levels of education – are under-represented in public debate.

The President has already made good strides in using her historic position as the first woman in the role to empower women at all levels. This should be both applauded and extended. In particular, those measures proposed here that relate to dialogue with citizens or listening to citizens' views should make extra effort to prioritise the inclusion of women and other traditionally disadvantaged groups. This includes the ideas presented on listening to citizens, on a Presidential tour for dialogue with citizens and on nationwide training on consensus building and conflict resolution.

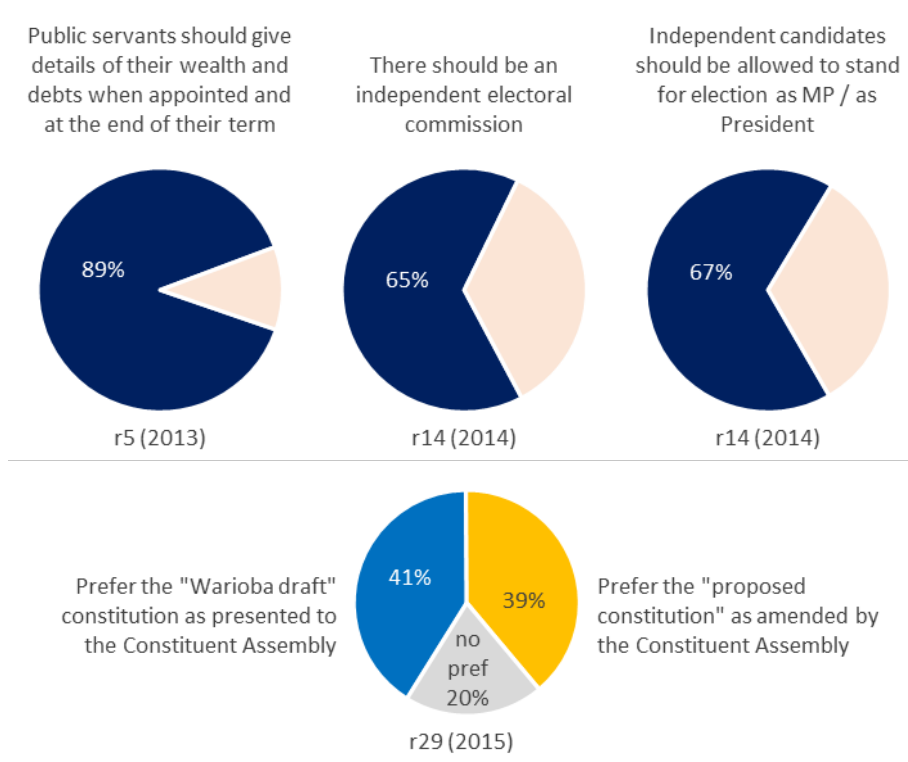
## **Constitutional reform**

In this final section of the paper, we consider where the country stands on the issue of constitutional reform. In this case, our purpose is not so much to argue for or against any particular measures, process or timeframe for constitutional changes. Instead, this section will present a selection of highlights of citizens' opinions on constitutional matters, as collected over the past few years.

Much of the debate around constitutional reform has focussed on two key issues: the structure of government for Zanzibar and the United Republic of Tanzania, and the establishment of a truly independent electoral commission. It is worth noting, therefore, that 65% of citizens (in 2014) supported the idea of introducing an independent electoral commission backed by the Constitution itself. Further, citizens were very evenly split in 2015 on whether they preferred the "Warioba draft" Constitution as submitted to the Constituent Assembly (41%) or the "Proposed Constitution" as amended by the Constituent Assembly (39%). Similarly, there is no clear conclusion on citizens' preferred view on whether Tanzania should have a two-government structure (similar to the current arrangements) or a three-government structure (as proposed by the Warioba Commission) – not shown in charts.

However, these are not the only issues of importance that will be discussed as part of any future efforts to reform the Constitution. It's worth noting, for example, that a large majority of citizens (89%) support the idea of mandatory and transparent asset declarations by public servants at the start and end of their terms of office. Similarly, there is clear majority support (67%) for allowing independent candidates to run for office – including those standing as candidate to become an MP and for the Presidency.

**Figure 2. Citizens' views on Constitutional reform in Tanzania**



**Source:** *Sauti za Wananchi* mobile phone panel survey, round 5 (2013), round 14 (2014) and round 29 (2015)

Finally, a successful constitutional review process and, more importantly, successful protection and promotion of the Constitution in any country requires a culture of constitutionalism. People and politicians alike must be aware of the 'mother law' and the rights and protections it offers, and be ready to defend it against violation. A constitutional review process must therefore be accompanied by a creative and effective program of civic education and dialogue to re-engage all citizens in protecting the law of the land and building a prosperous, fair and peaceful country.