

## **PARLIAMENTARY ENGAGEMENT WITH CIVIL SOCIETY IN TANZANIA**

### **Introduction:**

This paper is a product of a study that investigates the practice of parliamentary democracy in general, and the ability of the parliament to continue being accountable to society in particular, with reference to the United Republic of Tanzania. Such a continuing accountability is referred to in the study as parliamentary engagement with civil society. The paper explains the concept of parliamentary democracy, including definitions and identifications of parliamentary systems; compares parliamentary systems with presidential systems in certain key areas; and attempts to identify mechanisms for the accountability of representative systems, including parliamentary systems. The paper then uses these 'theoretical' constructs as guiding principles for the presentation of the Tanzanian case, using them to help assemble a picture of parliamentary democracy in Tanzania.

### **Characteristics of Typical Parliamentary Systems:**

- Legislative power is clearly the province of the legislature
- Government is formed by a voluntary agreement of a majority party or a coalition forming a majority.
- Executive power is exercised chiefly by the Prime Minister (PM), who heads a cabinet.
- Cabinet forms an essential part of the executive branch.
- Both PM and his cabinet must be drawn from the legislature.
- More often than not the head of government is separate from the head of state, and where one is dominant in power it is typically the head of government or the prime minister.

If one was to say it in a sentence, a parliamentary system is characterized by the (so-called) supremacy of Parliament and the dominant power of the PM. Nearly all of Europe has such a system. But there are variations. One of these variations is the Westminster system, which is practised by Britain. The Westminster system's uniqueness tends to derive, first, from the existence of a monarchy who, as head of state, is formally vested with a considerable amount of authority and power, but who by convention holds that power considerably in reserve, letting his/her chief adviser,

the Prime Minister, wield most of it in practice. In other European systems, heads of state have very little formal power to start with, thus prompting a common reference to them as ceremonial. In both Westminster and other parliamentary systems, however, heads of state play a background, arbitral and stabilizing role. Secondly, the Westminster system of Britain typically produces only two or three prominent parties at election, often creating a clear, winning party and a clear, oppositional party, with regimes in government ruling without a coalition and tending to last longer. That seems to be one of the results of a majoritarian electoral system often referred to as winner-take-all. It is often argued that the non-Westminster parliamentary systems of continental Europe, whose electoral systems contain varying degrees of proportional representation and therefore ensure that, in a phrase, everyone is a winner, tend to produce coalition but unstable governments that change more frequently before the formal end of term.

In parliamentary systems prime ministers or heads of government are usually not elected directly by the people. If his or her party wins, the leader of the party assumes that position, becoming both the chief executive and the leader of government business in the legislature, though this is usually on condition of winning a constituency seat first. Since the prime minister heads government business in that House, the chief executive of the government plays an active role in the day to day business of the legislature. This has implications for the apportionment of power. In the doctrine of separation of powers, which in modern political theory has been taken as a necessary step to prevent power accumulation by any branch of government, the parliamentary system is sometimes considered as fused, meaning that the major branches of government, in this case the legislature and the executive, are not truly separated.

### **Comparison with Presidential Systems**

A significant difference between a parliamentary system and a presidential system must perhaps start from this point. First, in a presidential system there is usually no separation between the head of government and the head of state; the same person occupies both positions. Yet there is clear separation between the executive and the

legislature, since neither the president nor a cabinet minister is a member of the House. Moreover, in a democratic presidential system, the president is given a direct leadership mandate by the people through a popular vote, thus giving him/her a separate but equal legitimacy vis-à-vis the elected legislators. Since the two important powers of the executive and the legislature in typical presidential systems are designed to be separate and equal, it is said that they can only be moderated by the supremacy of the constitution.

These arrangements have implications for our general study of parliamentary democracy, and that is whether one system or the other has an in-built tendency for the executive to dominate and stifle the operation of the legislature. With regard to the parliamentary system, especially the Westminster type, there is an old and famous adage saying that the British Parliament has so much power that it can do anything but change a man into a woman. As a figure of speech representing the easy way in which a law (including a constitutional provision) can be repealed or enacted by the Parliament, the saying is accurate. It is also fairly representative of the stupendous progressive changes that inexorably led to the alienation of the power of legislation from the previous dictatorship of the monarchs and their attendant nobility. Its accuracy has, however, been seriously questioned with regard to the power of the modern British executive branch, represented by the Prime Minister and Cabinet. Not only does the British executive branch initiate policy and legislation, but, heading a modern bureaucracy, it is also unquestionably preponderant by virtue of its near-monopolistic possession of information and other resources compared to the rest of legislative members. That creates more power, intimidation and the domination of the executive over the legislature, so the argument goes, especially since the executive is in the legislature.

Others have argued that it is the presidential system that is inherently stifling of legislative initiative. It is argued that as head of both state and government, a president inherits a lot of power on being elected to office. This is in part because there is neither a check nor balance of power within the executive in the sense in which a prime minister's power may be moderated by the presence of a separate head

of state and a cabinet formed more or less by a party caucus. In principle the independence of the president in a presidential system potentially allows him/her to make a cabinet his/her exclusive creature, though in some presidential systems that may be subject to legislative approval. A lot of additional power and legitimacy is added to the executive in a presidential system because of the president's popular election and national constituency, creating probably the image of the president as being more legitimate than the legislators. With regard to the potential to monopolize information and other resources, in principle there is little, if any, difference between a prime minister and a president; all modern executive branches have this tendency.

### **Mechanisms for the Accountability of Representative Bodies**

It seems that either of these systems has a potential for making the executive not only dominant in the power equation, but also stifling of legislative growth in the democratic process. It is in recognition of this probable problem that decision-makers in various political systems have sought to institute mechanisms for checks and balances of power, especially among the major branches of government, namely the legislature, the executive and the judiciary. When such checks and balances were first mapped out by the French Baron Montesquieu it was clear that the judiciary was a residual/auxiliary power in comparison with the other two. That was for the historical and practical reasons of Montesquieu's times. The real battle for the balance of power was then between the monarch and his nobility, largely constituted in the executive and the 'upper' part of the legislature on the one hand, and the rising bourgeoisie, then largely constituting the 'lower' chamber of the legislature, on the other. Yet even in modern times the major battles for balance have been between the two branches, albeit for different reasons. The two branches are led by those who represent the people's sovereignty, are elected, and therefore claim greater legitimacy than the typically unelected judiciary.

The clearest success in efforts to reign in a potentially unanswerable prime minister and a cabinet is in the parliamentary motion of no confidence, which can be inflicted upon a non-performing political leadership of the executive branch. In the period between elections (or between successful motions of no-confidence) the legislature

has less dramatic means of calling the executive branch to account. These include approving important appointments and international agreements, debating and voting on bills or other motions (including parliamentary resolutions), question and answer sessions, presenting petitions on behalf of aggrieved groups of citizens, parliamentary enquiries, parliamentary or committee hearings, and the parliamentary institutionalization of various watchdog bodies to offer specialized scrutiny and oversight over critical areas of government activity on behalf of the legislature or the society as a whole. If all these are put in place there is a clear check on the possible lack of accountability, and a balancing of the power of the executive branch of government with that of the legislature per se.

In order to get the legislature to play its role of bringing the executive to account, as outlined above, it must first operate in an enabling politico-legal environment and possess the capacity (economic and otherwise) to perform those tasks. In very general terms the politico-legal environment must not be dictatorial, should be supportive of free and open expression, should promote free and fair elections and should generally be supportive of fair 'rules of the game' of political competition. With respect to the capacity of the legislature to perform its tasks on a 'technical' day-to-day basis, it is accepted that its members should have adequate remuneration, decent premises and attendant working facilities, proper means of communication and transport, and the means of acquiring relevant information.

The last-mentioned issue is particularly relevant to legislators, first because, as seen earlier, this area contains one of the greatest potential for tilting power among branches of government one way or the other. Long before the explosion of the current ultra-modern tools and channels of information, it was proving difficult for legislators to get relevant information in time for a meaningful scrutiny of government activity. This was largely due to the large volume of documents produced and what now seem to be primitive channels of dissemination. However, the problem has not grown any less with the super new and efficient channels of dissemination. The pace of changes and the required speed and volume of learning can be daunting to many. For all these reasons it has become desirable for all legislators not only to have

unlimited access to online computing and updated information centres, but also to employ staff who can assist in research. Although the last-mentioned requirement has proved to be difficult to implement in poorer countries, many of these requirements are achievable to varying degrees in practically every country in the world, so that a gauge that finds a country much lower on a scale of implementation may only be confirming the reluctance of that country's decision-makers to institute such facilitation of parliamentary democracy and modernization.

These day-to-day and less dramatic checks and balances between the legislature and the executive are also applicable and have been instituted in states with presidential systems that are desirous of them. The American presidential system in particular is well known for its public legislative hearings, numerous legislative staffers, a large legislative library and legislative approval of presidential appointments, to mention a few legislative roles and means of facilitating them. That system also offers the classic possibilities of a congressional rejection of the executive's legislative agenda and, of course, the possibility of removing a president from office for committing certain grave mistakes.

This discussion is a clear indication that in both parliamentary and presidential systems decision-makers have determined that there is a potential not only for the government, headed by the executive branch, not to be accountable but also to accumulate power to the detriment of the other branches, notably the legislature. As a necessary remedy they have instituted mechanisms for checking those possibilities and limiting or balancing out the power of the executive with that of the legislature. The extent of success is an object of investigation generally and for Tanzania.

### **The Legislature and the Executive Called to Account by Society**

Reducing the power of the executive branch and making it accountable by means of the checks and balances provided by the legislature is one way in which society keeps track of the performance and responsibility of their government. Yet all branches need to be monitored. In the scheme of separation of powers, the other branches of the government can likewise provide a check on the possibility of excesses of power

in the legislature. We have already talked about the almost natural overgrowth of executive power in any modern governmental arrangement, which without design serves to whittle down the power of the legislature. There are, however, formal means by which the other branches do this, for example in the possibility of a rejection of a bill by the executive and in the judicial nullification of laws passed by the legislature if they are inconsistent with the constitution. This checking and balancing, back and both, is all very good for preventing tyranny, and it contributes greatly to the democratization process. However, these 'in-house' vetting mechanisms are not sufficient, for although each branch has a legitimate claim to representing the people when performing a power-restraining act vis-à-vis another, it is nevertheless a fact that such a calling to account is done among peers.

Between elections, not just the executive but in fact all representative bodies may cease to be representative, becoming alienated from the people who placed them in those positions in the first place. For our purposes, the legislature in particular is required to respond to and represent society's needs as they arise, and to be forthcoming ( or transparent) in providing information as well. In this way the people who elected them remain with a good idea of whether their representatives continue to represent them or not. This is at the very core of representative democracy that modern societies have.

It is these two principles of representative democracy that compel a democratic and responsive society to have a parliament that engages with its civil society and continually improves on that engagement. The two principles are responsiveness and transparency. In concrete terms the legislature is required to perform the societal task of responsiveness by competently carrying out the usual legislative tasks outlined above. Secondly the legislature is required to be transparent not merely in terms of willingness to provide information – which is the fashionable meaning of that term - but also with respect to making genuine efforts to generate, acquire and provide relevant information to its members and to society in general.

## **Investigating Parliamentary Engagement with Civil Society in Tanzania**

The foregoing discussion should serve as a general framework within which an investigation of Parliamentary Engagement with civil society in Tanzania is situated. First, it is necessary to look at the background or history of the legislature in Tanzania, albeit briefly, and to highlight the characteristics of Tanzanian parliamentary democracy, the electoral system, and the administrative system. This is done with a view to drawing out the extent to which several features of parliamentary democracy exist in Tanzania. At a very general level a question on the nature of representation is usually relevant and in this case the electoral system is briefly examined. Attendant to it is the composition of the legislature (called Parliament or Bunge in Tanzania)<sup>1</sup> which is or has been produced by recent elections. One value of looking at this aspect is to determine to an extent the strength of opposition parties in parliament and, by proxy, the potential for an effective legislative scrutiny of government actions. In this background it is also expected that an examination of the extent of legislative checks and balances of executive power in Tanzania can be made, and this in part stems from the thinking that a parliament that is completely overwhelmed in power by the executive would feel too emasculated and diffident to effectively hold the executive to account.

Secondly, it is imperative that an examination of how the Tanzanian parliament performs in the commonly known tasks of the legislature is made, both to test the competence and effect of the Tanzanian legislative scrutiny of government and the extent of the parliament's responsiveness to society's needs.

Thirdly and most relevant to this paper is the examination of the extent to which the Tanzanian parliament really engages with society, and vice, versa, to ensure that its activities remain relevant and representative of the people, and that there is adequate flow of information between the two.

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<sup>1</sup> The concept of Parliament in Tanzania is the same as it is in Britain in the sense that it refers to both the legislature and the head of the executive - the President in Tanzania and the Crown in Britain. As in Britain, Parliament or Bunge also refers to the legislature alone.



## **A note on the political profile of Tanzania**

**INSERT HERE the political profile**

### **The structure of public administration in Tanzania**

Tanzania is a semi-unitary state; with regard to the mainland part, it is wholly unitary. It becomes somewhat federal due to the existence of an autonomous government of Zanzibar. Although Tanzanians are sensitive to calling Zanzibar a state, which it fully was until 1964, it nevertheless fulfills all the conditions of a component state in a federation, with the traditional federal functions of foreign affairs, defense and home affairs reserved to the Union government. On the mainland there is only one indivisible government, which allows very limited functional antinomy to local authorities. At the apex is the national government, politically headed by the president, who is assisted by a vice-President and a prime minister. The prime minister is charged with the day to day running of the government (article 52). The national government is run functionally and sectorally by ministries that are politically led by ministers, under whom permanent secretaries, who are public servants, serve to run the administrative part of the government. These functional or sectoral duties have representative offices in the regions (which are administrative provinces). In the very long past these functional offices used to be fully answerable to their parent ministries. Since 1972 they are supposed to be largely answerable to the regional commissioner - a political appointee who heads the regional governmental administration at the same time as he politically represents the President in the region. This regional structure is replicated at the lower district level. The three major hierarchies of administration mentioned here – national regional and district – are collectively referred to as the central government, though the last two are sometimes referred to separately as regional administration. Local government starts at the district level, where the political head is either the chairperson of the district council or, if it is an urban area, the mayor. These councils are supposed to appoint the chief administrators at the district level, the lower ward level, and much lower village level.

Just as the central government generally performs the task of implementing rules passed by the national legislature, there is in a sense its equivalent in local government. District councils resemble the legislature, as they are elected policy and legislative bodies from which the local authority administrations get their rules and directives for implementation.

### **The Electoral System**

The Tanzania system is a majoritarian first-past-the post (FPTP) electoral arrangement. Only a small number of legislators are elected through a watered-down proportional representation (PR) system, which produces a number of women legislators as a form of affirmative action. This system is not anywhere close to the required proportionality expected of PR systems, largely because it does not address the skewing of representation which comes from the first-past-the post system and its wasted votes. Instead it compounds precisely this problem by allocating the affirmative action seats in correspondence with constituency seats, not votes, obtained by each political party. It has been obvious to many who have called for a change of the Tanzanian electoral system from majoritarian to PR that, in addition to the skewing of representation of the “first-stage” constituency election, the “second-stage” PR election is downright unfair. A change to true PR with better representation and fairer proportionality has therefore seemed justified. Tables 1-2 and 4-5 below are indicative of such skewed electoral results in terms of parliamentary seats.

**INSERT HERE the explanation of the vote skewing as per tables**

### **Background to the Tanzanian legislature**

#### **Colonial administration and the first rubber-stamp legislature**

Colonial administration was essentially a dictatorship in which the legislature and the judiciary were fused into the executive branch for most of that period. However, near the end of colonialism there were efforts to at least create an advisory policy and legislation body with a distinct, if not independent, identity. That body, known as the legislative Council (LegiCo), was composed of members who were by and large

appointed by the colonial administrator, and its sessions were dominated by government officers both in numbers and in deed.

### **Colonialism designs Parliament to check the executive**

As colonial officers were departing, to give way to political independence, the British colonial power designed a parliamentary system for Tanganyika in which the chief executive's power could be checked both in the executive branch by the Governor-General and the cabinet, and within the government as a whole by the parliament through a motion of no confidence.

### **Single-party rule and the second 'rubber-stamp' legislature**

In 1962 the constitution was changed to bring in the now well-known half-presidential and half-parliamentary system. By these changes the position of Governor-General, representing the Crown, was removed. Henceforward the head of state and government was the President. The President was to be directly and separately elected by the people, and he had to have full executive powers. This arrangement, in principle, remains to this day, and it is this that gives the Tanzanian system its presidential character. At the same time the constitution maintained and has continued to maintain - save for the period of the 1965-77 interim constitution - the position of a prime minister, who is appointed by the President. The Prime Minister leads government business in Parliament, and all ministers must be members of Parliament. Although the concept of a vote of no confidence was not enshrined in the constitution in explicit words until 1992, it nevertheless remained a feature of the Tanganyikan, later Tanzanian, parliament. This is because the parliament would be dissolved if it did not change its stand on a bill rejected by the president. It was argued that as the president was the head of government, differing twice with him meant a vote of no confidence by Parliament in his government.<sup>2</sup> These are some of the factors that make the Tanzanian system part-parliamentary.

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<sup>2</sup> In the single-party period this "implied" provision of a vote of no confidence was used not to put the executive branch's house in order, but to threaten parliamentarians with a premature end to their relatively enviable position in society with Parliament's dissolution.

As we saw earlier, having a separate source of legitimacy through an independent presidential vote creates the potential for a president to acquire relatively more power with respect to the legislature. To some parliamentarians in 1962 the new presidential system was beginning to look imperial. It was to look more so after 1965 with the abolition of the opposition in parliament as the country became a one-party state, eventually espousing the doctrine of party supremacy in all political activities. With this major constitutional change, the parliament began to share the role of rule-making with party organs, eventually becoming subordinate to them. In turn the legislature became much weaker in power vis-à-vis the executive, since the latter was headed by the president, who invariably was also the head of the party. To many the Tanzanian parliament became a rubber stamp with little incentive to scrutinize government or make it accountable.<sup>3</sup>

These arrangements were carried into the permanent constitution of 1977, but starting in 1984 certain changes in the constitution began to play in the direction of enhancing the role of Parliament. The 1984 changes introduced the all-important Bill of Rights into the constitution. With the insertion of the Bill of Rights into the constitution in 1984, Parliament limited the authority of the government and protected the rights of the governed. Both the constitution and Parliament were made the protectors of the newly spelt-out relationship. This is seen, among others, in the power of the President to derogate from the exercise of human rights in times of emergencies, which has to receive final sanction from Parliament when it is exercised (article 32)<sup>4</sup>.

The 1984 also clearly pronounced the separation of powers of the major branches of government, though all of them were still doctrinally subordinate to the party.

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<sup>3</sup> That does not necessarily mean that there was a complete lack of such scrutiny and accountability. It simply refers to the then diminishing power of the legislature with respect to the executive branch of government and the party. A large part of the function of scrutiny was not lost; it was simply taken over by the party.

<sup>4</sup> Similarly, as this right and authority of Parliament to protect the rights of the governed was to be expanded later, committing people to such a serious engagement as war requires approval by Parliament (article 44).

It is stated in articles 33 and 34 of the Tanzanian constitution that the President shall have what we know to be the traditional powers of an executive president, namely the Head of State, Government and Armed Forces. In vesting the President with governmental authority, the constitution expects him/her to exercise it himself or by delegation. He however, is under no constitutional obligation to delegate that authority. At the outset it appears as if the president has total governmental authority, but the constitution provides a limitation to that in the following way.

First, it categorically states that such apparent grant of immense authority does not amount to a transfer to the President of legal authority given to another person. Neither does it prevent Parliament from granting any legal authority to a person other than the President. So, Parliament very clearly reserves to the constitution and to itself the right to limit the president's authority. In the past, once it had established this potential limitation in the President's authority, it left him free to create or abolish offices, and to appoint or dismiss people constituting those offices (article 35).<sup>5</sup>

### **The Multiparty Constitutional Amendments and the Enhanced Role of Parliament**

The introduction of a multi-party political system in 1992 necessitated a major review of the constitution, which resulted in the 8<sup>th</sup> amendment of the constitution. This amendment affected at least 40 of the 152 articles of the constitution. Among the major changes was the removal of the concepts of single-party rule, party supremacy and the monopoly of politics by the party.<sup>6</sup> The amendment enhanced the authority and esteem of Parliament, for example by making the speaker a decision-taker in verifying the sanity and ability of the president to perform his duties, and by returning the authority to declare war to Parliament. Both these roles used to belong to the

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<sup>5</sup> Since the 13<sup>th</sup> amendment of the year 2000, Parliament has limited the president's power in these areas too, by confining his power of appointment to those top executive positions in the Union civil service that are specified by law.

<sup>6</sup> Though another form of party supremacy – the supremacy of all parties over electoral candidates – was retained, since all must be sponsored by parties. As some personal interviews of parliamentarians have shown in recent times, this creates difficulties for parliamentarians wishing to take an independent or a different stand from that of the party, with important implications for effective scrutiny of government activity.

party. In the same year more constitutional provisions alienating power to the Parliament were added. Among them was the re-introduction of a clear legislative right to mount a vote of no confidence in a prime minister who performs badly, the requirement that the president choose the prime minister from the largest party, and the right of Parliament to impeach a president for serious wrong-doing. Also, for the first time the constitution required that all treaties without an automatic application be ratified by the National Assembly in order to operate in Tanzania.

### The cabinet

Within the executive, one of the potential limitations of power of the President is the clear establishment of the institution of 'cabinet' in the Constitution and the constitutional duty of the President to call regular meetings of it (article 54). Moreover it is this cabinet that first proposes the removal of an infirm president if that happens, giving it significant potential power. Another constitutional provision, article 55, obligates the President to choose cabinet and other ministers in consultation with the Prime Minister, thus chipping away at some of the power the President had before 1985. Although this power of the Prime Minister is watered down by reason of his being an appointee of the President in the first place, that is so only where the President leads his party and that party has a huge majority in Parliament. Were Parliamentary elections to be won by another party, the President would be constitutionally obligated to appoint a politically adversarial person from that other party or the most popular parliamentarian as the prime minister. This could 'neutralize' the presidential hold on the prime minister and cabinet, thus actuating what is already a reduced power of the President constitutionally. In sum the Tanzanian president is no longer as 'imperial' powerful as he used to be within the executive, and therefore faces Parliament already with significantly reduced formal authority.

Of course an executive president such as Tanzania's still holds much power in that he presides over the armed forces; confers important offices on people; runs a large civil administration right up to the district and, by a preponderant influence, much beyond; and he enjoys immense esteem and privilege by reason of having won a national

electoral constituency and being the highest ranked officer in the land. The point about the power of the legislature in relation to the president, though, is whether it is able to hold his in check.

The re-apportionment of authority among the major branches of the Tanzanian government that came with the 1984 and 1992 changes in particular reached at least the threshold of the formal legislative checking and balancing of the power of the executive, including that of the President, more freedom of parliament to operate and a greater potential for the legislature to be responsive to society's needs.

#### The strength of the opposition in Parliament

The tables below fully indicate the strength of the opposition in Tanzania and its electoral strength in Parliament.

**Table 1: Tanzanian Parliamentary Election Results - 1995**  
**Votes Per Party**

<b>Party</b>	<b>Votes</b>	<b>%</b>
CCM	38,14206	59.22%
CHADEMA	39,6825	6.16%
CUF	32,3432	5.02%
NCCR-MAGEUZI	1,406,343	21.83%
NLD	26,666	0.41%
NRA	60,707	0.94%
PONA	18,155	0.28%
TADEA	76,636	1.19%
TLP	27,963	0.43%
TPP	15,335	0.24%
UDP	213,547	3.32%
UMD	41,257	0.64%
UPDP	19,841	0.31%
<b>TOTAL</b>	<b>6,440,913</b>	<b>100.00%</b>

Source: National Electoral Commission

**Table 2: Tanzanian Parliamentary Election Results – 1995**  
**Seats Per Party**

No	Name of the party	No. of seats	Percentage (%)
1	CCM	186	80.2%
2	CUF	24	10.3%
3	NCCR-MAGEUZI	16	6.9%
4	CHADEMA	3	1.3%
5	UDP	3	1.3%

Source: National Electoral Commission

**Table 3: Tanzanian Presidential Election Results – 1995**  
**Votes Per Candidate/Party**

No	Name of the candidate	Party	Votes	Percentage (%)
1	CHEYO, John Momose	UDP	258,734	4.0%
2	LIPUMBA, Prof. Ibrahim	CUF	418,973	6.4%
3	MKAPA, Benjamin William	CCM	4,026,422	61.8%
4	MREMA, Augustine Lyatonga	NCCR-MAGEUZI	1,808,616	27.8%

Source: National Electoral Commission

**Table 4: Tanzanian Parliamentary Election Results - 2000**  
**Votes Per Party**

No.	Party	Votes	%
1	CCM	4,628,127.00	65.19%
2	CUF	890,044.00	12.54%
3	TLP	652,504.00	9.19%
4	UDP	315,303.00	4.44%
5	CHADEMA	300,567.00	4.23%
6	NCCR- MAGEUZI	256,591.00	3.61%
7	UPDP	14,789.00	0.21%
8	PONA	11,731.00	0.17%
9	TPP	10,206.00	0.14%
1	TADEA	9,647.00	0.14%
11	UMD	7,550.00	0.11%
12	NLD	2,507.00	0.04%
13	NRA	70.00	0.00%
<b>Jumla</b>		<b>7,099,636.00</b>	<b>100.0%</b>

Source: National Electoral Commission



**Table 5: Tanzanian Parliamentary Election Results - 2000**  
**Seats Per Party**

<b>No.</b>	<b>Party</b>	<b>Seats</b>	<b>%</b>
1	CCM	202	87.45%
2	CUF	17	7.36%
3	CHADEMA	4	1.73%
4	TLP	4	1.73%
5	UDP	3	1.30%
6	NCCR-MAGEUZI	1	0.43%
	<b>TOTAL</b>	<b>231</b>	<b>100.00%</b>

Source: National Electoral Commission

**Table 5: Tanzanian Presidential Election Results – 2000**  
**Votes Per Candidate/Party**

<b>No.</b>	<b>Name of Candidate</b>	<b>Party</b>	<b>Votes</b>	<b>Percent. (%)</b>
1	John Cheyo	UDP	342,891	4.2
2	Augustin Mrema	TLP	637,115	7.8
3	Prof. Ibrahim Haruna Lipumba	CUF	1,329,077	16.3
4	Benjamin William Mkapa	CCM	5,863,201	71.7
	<b>TOTAL</b>		<b>8,172,284</b>	<b>100</b>

Source: National Electoral Commission

**The Composition of the National Assembly Required by the Constitution**

According to Article 66 of the Constitution, the National Assembly of Tanzania consists of the following categories of members:

- (1) Members elected to represent constituencies.
- (2) Women members whose number shall increase progressively starting with twenty per cent of the members named in sub-paragraphs (1), (3) and (4) of this paragraph, to be elected by the political parties that are represented in the National assembly in terms of Article 78 of the Constitution and on the basis of proportional representation amongst those parties.
- (3) Five members elected by the Zanzibar House of Representatives from among its members.

- (4) The Attorney General.
- (5) Not more than ten members appointed by the President.

**Table 7: Numerical Strength of Parties in the Tanzanian Parliament – NOV 2004**

<b>Party</b>	<b>Consti tuency Members</b>	<b>Special Women Seats</b>	<b>President Appoint</b>	<b>From House of Reps</b>	<b>Attorn Gen</b>	<b>Total</b>	<b>%</b>
<b>CCM</b>	202	41	9	5	1	<b>258</b>	85.4
<b>CUF</b>	17	4	1	0	0	<b>22</b>	7.5
<b>CHADEMA</b>	4	1	0	0	0	<b>5</b>	1.7
<b>TLP</b>	4	1	0	0	0	<b>5</b>	1.7
<b>UDP</b>	1	1	0	0	0	<b>2</b>	0.7
<b>Present Strength</b>	228	48	10	5	1	<b>292</b>	98.9
<b>Vacant Seats</b>	3	0	0	0	0	<b>3</b>	1.0
<b>Required Strength</b>	231	48	10	5	1	<b>295</b>	100

Source: The Parliament of Tanzania website: [www.parliament.go.tz/bunge/bunge.asp](http://www.parliament.go.tz/bunge/bunge.asp)

As can be seen, the Tanzanian parliament has a significant number of legislators who are not directly elected by the constituency voters. These include the affirmative action women legislators, those appointed by the president, members from the Zanzibar House of Representatives, and the Attorney General – altogether numbering 64 or 21.7% of the total. Although the procedure for getting nominated for an affirmative seat is becoming progressively more transparent and competitive in some parties, notably in CCM, party leaders still have a substantial appointive power over the special ‘women seats’ parliamentarians. In any case the existence of the non-constituency group of parliamentarians tends to cast doubt on their predisposition to challenging the government on non-performance and on behalf of civil society.

As a matter of interest, there are 63 women representatives in Parliament, which is 21.4 % of the total. Among them, only 12 (or 4.1%) are constituency representatives. The ruling party, CCM is represented by 56 (or 89%) of those 63, and it is the only party with women who competitively won constituency seats.

A significant element of the composition of the Tanzanian parliament from the 2000 elections is the substantial lowering of the number of opposition members directly elected into Parliament – only 29, down from 46 in 1995. They have since lost two seats to the ruling party in by-elections. Even with the affirmative action seats the opposition now has only 34 seats in Parliament (or 11.5%). At some point, for more than a year, when CUF members had been expelled from Parliament for non-attendance, there were only 23 members of the opposition there (or 7.8%). All of this is bound to have a noticeable impact on the effectiveness of the opposition in scrutinizing the government and making it consistently accountable.

#### **THE NATIONAL ASSEMBLY’S ABILITY TO PERFORM ITS DUTIES**

**How much power does the parliament have, and how effective is it, to propose, debate and modify legislation?**

**How does an act of parliament come into being and what are the functions and make-up of legislative committees?**

**How may lower levels of governance and civil society actively participate in legislation?**

The Parliament has various committees but for legislative purposes, the relevant committees are usually the Parliamentary Standing Committees. There are 15 parliamentary standing committees, namely:

(i) **Steering Committee** which is composed of the Speaker, his deputy, the Leader of Government Business in Parliament, the Leader of the Opposition in Parliament, Chairpersons of the Parliamentary Standing Committees, the Attorney General and the Clerk of the National Assembly. Its main function is to advise the Speaker on various Parliamentary activities, including charting out ways and means that will enhance efficiency of the Parliament and its various committees.

(ii) **The Finance and Economic Affairs Committee** consists of not more than 30 members appointed by the Speaker. Its functions include to scrutinise bills related to finance and the economy, to discuss government reports on development and recommendations and to follow up implementation of the various national development plans. The committee also must evaluate various projects in the private sector and relate or contrast them with national plans.

(iii) **The Legal and Constitutional Affairs Committee** has not less than 12 but not more than 15 members appointed by the committee. Its main functions include to scrutinise relevant bills, to investigate issues of breach of the constitution as directed by the Speaker, to investigate all secondary or delegated legislation.

(now constitutional legal and public admin)

(iv) **Public Accounts Committee** has not less than 12 but not more than 15 members appointed by the Speaker. The Chairman of this committee must necessarily come from among Members of Parliament from opposition parties (according to section 87(5) of the parliamentary standing orders). Its main functions include to scrutinise government expenditure and the Controller and Auditor General report. The committee must satisfy itself that government money was spent as intended and that the expenditure was authorised by proper officers.

(v) **The Public Investment Committee** has not less than 12 but not more than 15 members appointed by the Speaker. Its main functions include to scrutinise parastatal accounts as well as evaluating their efficiency and viability. The committee also must investigate various parastatal projects. (Now Investment and trade)

(vi) **Foreign Affairs Committee** must have not more than 30 members appointed by the Speaker. Its functions include to discuss reports on foreign affairs and international cooperation, to analyse the implementation of the foreign policy and to

follow up and discuss various foreign incidences and conflicts and advise the government accordingly.

(vii) **Parliamentary Standing Orders Committee** is composed of the Speaker, his deputy and not less than 10 but not more than 13 legislators appointed by the Speaker. Its functions include to recommend amendments in the National Assembly's Standing Orders, to investigate complaints on standing orders lodged by any member or the Speaker and to investigate and report on a complaint on a decision by the Speaker which has aggrieved a member of Parliament.

(viii) **Defense and Security Committee** is composed of the Leader of the Government Business in Parliament, a minister responsible for defence and not less than 12 but not more than 15 members appointed by the Speaker. Its functions include discussing budgetary estimates for defense and security organs, discussing citizens' security and other issues related to defense and security.

(ix) **Parliamentary Immunity and Privilege Committee** consists of not less than 12 but not more than 15 members appointed by the Speaker. Its main functions include to design better ways of service delivery to Members of Parliament, to discuss issues related to salaries, allowances and other remuneration packages to Members of Parliament as well as to investigate issues related to rights, immunity and powers of the Parliament.

(now parliamentary privileges, ethics and powers)

(x) **Social Service Committee** consists of not more than 30 members appointed by the Speaker. Its main functions include follow up of issues related to social welfare and social services including issues related to science and technology. It may also discuss any issue as directed by the Speaker.

(xi) **Environmental Committee** consists of not more than 30 members appointed by the Speaker. Its main functions include following up of implementation of the national environmental policy and following up of environmental conservation. (now natural resources and environmental)

(xii) **Women Affairs and Selected Groups Committee** consists of not more than 30 members appointed by the Speaker. Its main functions include to follow up implementation of the women development policy and that of over underprivileged groups; and follow up of service delivery to these groups.

(now social welfare and community development)

(xiii) **Local Government Accounts Committee** consists of not less than 12 but not more than 15 members appointed by the Speaker. Its major functions include to scrutinise local government expenditures and the report of the Controller and Auditor General on local government, to ensure that money allocated to the local government councils is used as approved by the relevant authorities. (now local authority accounts)

(xiv) **Agriculture and land development**

(xv) **Economic Infrastructure**

**Availability of facilities to members of the legislature to perform their legislative and scrutiny functions.**

To enable them to comfortably discharge their duties, an MPs are paid a salary, which is just below that of a deputy government minister. They are paid allowances to maintain offices back in their constituencies and they are provided with funds for paying personal drivers. The MPs are also paid handsome daily allowances whenever the Parliament is in session. By and large, the Tanzanian MP is arguably well facilitated financially to perform his or her legislative and scrutiny functions.

As regards transport, Tanzanian MPs are very well facilitated in that area. The government extends a loan of up to 20 million Tanzanian shillings to every MP to purchase a personal vehicle. The loan is recovered by way of deductions from the legislators' monthly salary. Apart from the loan to acquire the vehicle, an MP is also paid a monthly allowance to foot fuel costs. The vehicle and the fuel allowances adequately equip the MP to enable him to travel in his constituency to canvas for opinion as well as visiting other places for consultancy. MPs are also paid gratuity of some 20 million shillings after completion of each parliamentary term of five years

All of the MPs are equally treated in all these financial aspects except the women special seats (legislators) and presidential appointed parliamentarians. These do not represent election constituencies and they are, as such, not paid office maintenance allowances.

The Office of the Parliament is equipped with various facilities including library, telephone, fax, internet, medical services and secretarial services. All members of Parliament be they from the ruling party, opposition parties, men or women are free to use the facilities.

(Expand and qualify with the NDI study, the UNDP consultancy and interviews)

According to Act No 3. of 1998, Members of Parliament are also allowed to have access to important information in government offices. Under this Act, all members are treated equally. The presence of the Act notwithstanding, there have been instances where some MPs have been denied access to information or cooperation all together. Opposition Members of Parliament are usually the victims in this aspect. On several occasions they have been denied cooperation by government officials. Some government officials especially at regional and district level fear that cooperating with an opposition member can be interpreted as an act aiming at weaken the ruling party (Mosi, REDET 2000) .

The biggest problem as regards to access to facilities by Members of Parliament arises when they go back to their respective election constituencies. Many of the MPs' offices in the regions have no basic office equipment such as computers, typewriters etc. This makes it difficult for MPs to process opinions gathered from the electorate. Such limitation undermines the effectiveness of the MP to discharge his or her duties.

One area in which the office of a Member of Parliament is enormously under-resourced is in regard to human resources in the form of staff or aides. In developed countries like Britain and the United States of America, legislators have aides who advise them on policy matters, undertake research, organise civic functions, do fund-raising as well as lobbying local councils and the other actors (Gasarasi 2000). Tanzanian legislators do not have this facility, an omission that has immense bearing on their efficiency and effectiveness in legislative and scrutiny functions.

## **Legislative capacity for performing functions**

Article 4(2) and 63(2) of the Constitution of the United Republic recognises the legislature as the only branch of the government empowered with legislative functions. The articles also empower the legislature to scrutinise government performance and advise the government and its organs in the implementation of its various tasks.

This not only makes the Parliament a law making body but also a watchdog, a capacity that always keeps the executive in constant check.

The Constitution of the United Republic guarantees the legislature freedom of expression and discussion, which cannot be impeached or questioned by any court or any organ outside the Parliament. In the same vein, a Member of Parliament cannot be prosecuted for anything uttered or done in Parliament.

Article 101 of the Constitution of the United Republic empowers the Parliament to enact any law to enable courts and the judiciary system to protect procedures and the freedom of expression and discussion in Parliament.

The legislature is also provided with its own budget to undertake its activities. It also has facilities including offices, trained manpower, vehicles, equipment etc to help it discharge its duties smoothly. Most of the legislators are professionals in various fields, thus making the legislature a multi-disciplinary organ capable of tackling any problem.

However, there are several constraints affecting the capacity of the legislature. These are constitutional, legal, functional and procedural constraints.

### **(i) Constitutional constraints**

The legislative process of the Parliament in Tanzania is never complete without the involvement of the President. According to Article 62(1) of the Constitution of the United Republic, the Parliament consists of two parts - the President and Members of



Parliament or the National Assembly. While the National Assembly is an organ which actually makes laws, not a single law in Tanzania can function without being assented by the President. This is a limitation of a kind.

The legislative capacity of the National assembly is also limited by Article 64(2) of the Constitution of the United Republic which only allows it to legislate laws related to the union matters. Other laws in Zanzibar are legislated by the Zanzibar House of Representatives.

Unless a minister has made a presentation in Parliament on behalf of the President, the following issues cannot be deliberated upon by the Parliament.

- (a) A bill concerning changes of tax rates unless the changes bring about tax reduction; ordering payment or expenditure from the Consolidated Fund or making changes on expenditure for money from the fund in any manner rather than reduction of that expenditure; Ordering that money which was not budgeted be withdrawn from the Consolidated fund; or cancellation of any debt which the government is owed.
- (b) Any motion with intention to change the above.

The constitution of the United Republic empowers the President to dissolve the Parliament. By utilising Article 90(2)(b), the President can dissolve the Parliament if it refuses to pass the annual budget of the government; if the national assembly refuses to pass a bill deemed important to the government especially when the government thinks its is logical to call for a general election rather than appoint another Prime Minister.

The President can also dissolve the Parliament if the National Assembly passes a bill which is rejected by a President, but upon taking it back to Parliament, the same bill is passed again by more than two-thirds of the members.

This presidential power of dissolution dents the capacity of the legislature because it instills fear within the house as well as impairing MPs effectiveness as spokespersons of the people.

**(ii) Political system**

The political system in Tanzania, which lays emphasis on “party government”, constrains the functions of the legislature. This creates room for both the government and political parties to control legislators.

Very often, a legislator is expected to support party decisions even when they work contrary to the wish of his people. It must be remembered that a legislator must be sponsored by a political party and he is, therefore, expected to return favours by supporting the party wholesomely. A Member of Parliament who loses a party membership, he/she automatically loses his seat because all legislators must be members of political parties. In other words, all members of parliament are indirectly coerced to be submissive to their relevant parties if at all they intend to remain Members of Parliament and keep alive their aspiration for the re-election.

On the other hand, since the government controls most of the resources which Members of Parliament need to service their constituencies, they must somehow toe the line of the government. In so doing they compromise their capacity to authorise the budget, approve key appointments, scrutinise government performance and to initiate impeachment process against a lame president.

**(iii) Bureaucracy and procedural problems**

The legislative capacity of legislatures is limited by the practice on the part of the government (the major sponsor of bills) which has failed to ensure that Members of Parliament receive bills on time. Bills rarely reach the constituency in time to solicit views that can help the MPs to contribute meaningfully in parliamentary debates. This hinders the effectiveness of the MPs to ensure that the bills passed reflect the wishes of their people.

This problem is exacerbated by lack of a firm legislative calendar. Some bills are presented under a certificate of urgency, a trick that is often used by the executive to deny oversight committee members and legislators enough time to make consultations that can enable them to thoroughly analyse government bills.

The legislative process is also limited by the presence of section 69(2) of the Parliamentary standing orders which denies members of oversight committees the powers to make changes to any government bill and any other bill for that matter. This means that the committees can only deliberate and make recommendations that the government can accept or ignore.

#### **(iv) Limitation of resources**

Though the parliament is provided with its own budget, the funds set aside for various activities, especially those involving the committees are always not enough. As a result the committees are obliged to meet for only a few days so that their expenditure remain within the budget. This hinders research and investigation which is important in putting the government to task.

The government's ability to bulldoze standing committees and hoodwink the whole assembly into accepting its position undermines the parliament's constitutional responsibility to supervise the government.

For example, when discussing the Loans and Advances Realisation Trust (Amendments) Bill, 1996, Hon. Juma Akukweti, then Chairman of the Finance and Economic Affairs Committee complained that the government had denied them the opportunity to research and make expert consultation. The committee refused to discuss the bill and asked for at least a month to discuss it. The government ignored the committees' recommendations and presented the bill to the full house plenary of parliament. It was discussed and passed by the parliament. (Hansard, 18 April, 1996, pp 90-96)

#### **What is the extent of the power of the National Assembly**

**to oversee and supervise the executive?**

**Can you describe the composition and activities of the National Assembly's specialist oversight Committees?**

Article 4(2) and 63(2) of the Constitution of the United Republic of Tanzania empower the legislature to scrutinise performance of the government in various activities. The legislature can do that by asking a government minister questions related to a certain public activity and by deliberating on budgetary estimates of each ministry during the annual budget session. The Parliament is also empowered to discuss and approve plans of the government of the United Republic as well as enacting laws to supervise the implementation of those plans. The legislature also discusses and ratifies all conventions involving the United Republic of Tanzania.

Leave for questions, which are posed by individual Members of Parliament or private motions, the rest of the scrutiny of government activities are done by committees. The most common committees for scrutinising government activities are the Parliamentary Standing Committee, the Parliamentary Sectoral Committee - which mainly deals with government budget, and the Parliamentary Select Committee. In the following paragraphs we shall explain in details how each of those procedures are used to check the government.

**(i) Questions**

A government minister may be asked any question related to issues under his ministry. According to section 33 of the Parliamentary Standing Orders, the question must aim at obtaining a particular information or emphasizing that certain measures should be taken or an obligation be fulfilled in a certain area.

Normally questions in Parliament are responded to orally unless the questioner is not present during question time, in which case if the Speaker does not allow another legislator to ask the question on his/her behalf, then the responsible minister will have

to send a written answer to the Clerk of the National Assembly so that it is documented. A member of Parliament will not be allowed to pose more than four questions in one session, except in the budget session. On the other hand, a Member of Parliament is allowed to ask not more than two supplementary questions for each principal question.

**(ii) Parliamentary Standing Committees**

According to section 90(1) of the Parliamentary Standing Orders, every Parliamentary Standing Committee must follow up promises given by the executive in the Parliament. The committees must investigate and report on the efficiency of the government in its various activities and point out issues that demand attention of the legislature. This role enables the committees to act as watchdog in that they scrutinise government performance.

Each committee follows up issues related to its jurisdiction. The task of each committee is given in **8.1 above**

**(iii) Parliamentary Sectoral Committee**

These are committees that are tasked with going through budgetary estimates for various ministries. All government budget estimates must be subjected to scrutiny by these committees before they are presented in Parliament. The committees analyse the estimates and make recommendations so that the budgetary estimates can be improved upon. There are eight such committees each consisting of an average of 30 members. The committees are:

- (a) **The Finance and Economy Sectoral Committee** which will discuss estimates from the ministries of finance and that of the President's Office (Planning and privatisation).
  
- (b) **The Social Development Sectoral Committee** which will discuss estimates from the ministry of The Vice President's Office (Environment and poverty

alleviation), ministry of community development, women affairs and children, ministry of labour, Youth Development and Sports.

**(c ) Infrastructure Sectoral Committee** which will discuss estimates from the ministry of works and the ministry of Communications and transport.

**(d) Production Sectoral Committee** which will discuss estimates from the ministry of Agriculture and Food Security, the ministry of Cooperatives and Markers, the ministry of Livestock Development and Water, and the ministry of Land and settlement development.

**(e)The Administration Sectoral committee** will discuss estimates from the Prime Minister's Office, the Central establishment, the ministry of justice and Constitutional Affairs, and the ministry of regional administration and local governments.

**(f)The Foreign, Defence and Security Sectoral Committee** will discuss estimates from the ministry of home affairs, the ministry of defence and National Service, and the ministry of Foreign Affairs and International Cooperation.

**(g)The Commerce Sectoral Committee** will discuss estimates from the ministry of industry and trade, the ministry of natural resources and tourism and the ministry of mineral and energy.

**(h)The Social Services Sectoral Committee** will discuss estimates from the ministry of health, the ministry of education and culture, and the Ministry of Science, Technology and Higher Education.

After scrutiny, these committees make recommendations which are tabled in Parliament for discussion. The recommendations sometime lead to amendment of certain sections of the budget.

**(iv) Parliamentary Select Committee**

The Parliament can form a select committee if a motion has been moved in Parliament to that effect. A notification of an intention to form a parliamentary select committee is usually given orally by a legislator during discussion of any matter. The motion is then filed in writing with the Clerk of National Assembly and it will be scheduled for presentation in Parliament.

A Parliamentary Select Committee consists of not more than five members, all appointed by the Speaker. It must necessarily be chaired by a Member of Parliament who moved a motion to form the committee.

The committee will be tasked to investigate the issue which led to its formation. The committee is empowered to summon government officials or individuals to appear before it. After completion of its investigation, the committee will submit its report in Parliament, including its recommendations. Through such committees, the parliament can investigate certain acts of the executive and recommend measures to rectify anomaly.

**(v) Private motions**

A Member of Parliament may move a private motion suggesting that a certain issue relating to the activities of the government or any other issue be discussed by the Parliament. The relevance of the motion will be decided by the Parliament by acclamation.

Unless the Speaker decides otherwise, a motion which has been accepted for discussion by the Parliament will be sent to the relevant Standing Committee for scrutiny. The committee is not allowed to amend the motion (Parliamentary Standing Order Section 43).

Upon presentation in the Parliament, the motion will be discussed, starting with presentations from the Chairman of the committee which scrutinised the motion. If the motion was moved by the government, then the opposition spokesperson will be required to comment on it and if it was not moved by the government, the

spokesperson for the government will be required to give the government opinion on the motion.

After discussion the Speaker will have to ask the members if they support the motion. Acceptance will be made by acclamation.

**(vi) House debates**

When an issue (whether it is a bill, a private motion, policy, an annual report or an international convention) is tabled in Parliament and found worth discussing, it is ultimately brought before the entire house for debate. These plenary sessions provide Members of Parliament with an opportunity to criticise and find fault with the government for its actions. This procedure keeps the government in check because it forces the executive to be clean least it is censured by legislators.

**The powers of the National Assembly to question ministers, to demand information and to consult experts in particular areas or issues.**

As stated above the legislature (be it through a Member of Parliament or a committee) can question a minister or require him to disclose information. Such information is sought by way of asking a question or by an order of by a parliamentary committee.

**(i) Questions**

A government minister may be asked any question related to issues under his ministry. Among other things, the question must aim at obtaining a particular information. Normally answers to the questions are given orally but if the legislator who wrote the question is present during question time, and the Speaker does not allow another legislator to ask the question on his/her behalf, then the responsible minister will have to send a written answer to the Clerk of the National Assembly so that it is documented.

According to section 37A of the Parliamentary Standing Orders, a government minister is obliged to answer each question thoroughly well. Unless the answer to the



question is very long or involves a lot of statistics, the minister must give the questioner a written copy of the answer short after the start of the question time but before the question is asked in Parliament. Other ministers may give supplementary replies to the answers given by their fellow minister. This is all aimed at ensuring that the legislature (legislator) gets the information needed.

For example, in February, this year (2002), the Member of Parliament asked the government to disclose the articles of the union as signed by Mwalimu Julius Nyerere (former president of Tanganyika) and Abeid Amani Karume (former president of Zanzibar) when the two countries united in 1964. Following irresponsible responses from the minister for justice and constitutional affairs, other legislators joined in to demand the same which made the minister to apologise and issued the whole house with copies of the document. (Daily News February, 13, 2002).

#### **(ii) Parliamentary committees**

Parliamentary Standing Committees are allowed by section 88(6) of the standing orders to invite experts and other people to discussion any issue tabled before the committees. The invited people will, however, have no right to vote. Every committee is obliged to table reports of its activities in Parliament.

During the budget session, revenue and expenditure estimates are scrutinised by parliamentary sectoral committees. These are committees that are tasked with going through budgetary estimates for various ministries. All government budget estimates must be subjected to scrutiny by these committees before they are presented in Parliament. The committees analyse the estimates and make recommendations so that the budgetary estimates can be improved upon. There are eight such committees each consisting of an average of 30 members.

The sectoral committees may invite professionals from government ministries to explain some technical issues before the committees draw their recommendations. This enables the legislature to get specialised expertise on various in the budget. The committees are empowered to summon any accounting officers of any government ministry or department for questioning. The committee may recommend that

measures be taken against any government officer who caused the government to under-perform.

The only shortcoming in this arrangement is that only experts in the civil service are usually invited by these committees. This weakness has its roots in the Parliamentary standing orders which do not provide for inviting resource persons or experts in the relevant field other than government civil servants or parastatal employees. The civil servants (government experts) invited by the committees tend to become government accomplices and defend the government at any cost. This arrangement denies the committees an opportunity to get independent specialised expertise from professionals outside the government.

## **How is Civil Society Involved in Amending the Constitution?**

### **Rules and the practice of amending the constitution**

#### **Initiation of constitutional amendments**

The initiation of the amendment of the constitution in Tanzania is to a large extent made by the government on its own willingness though sometimes the public, through the media can provoke the government to do so. Whatever the case, the initiation of the amendments is always undertaken through a commission, a government white paper or an act of parliament. We shall examine each of these methods in details.

#### **i. The constitutional commission.**

This method was employed in the making of the 1977 Constitution of the United Republic of Tanzania. A constitutional commission was appointed by the President and its proposals were initially presented to the party National Executive Committee (Tanzania was then a one party system where the party reigned supreme). The cabinet then prepared and discussed the constitutional bill before a Constituent Assembly deliberated on and passed the bill.

Amendments to the Constitution of the United Republic have, on several occasions, been initiated by commissions other than the Constitutional Commission. In 1991-1992 a commission appointed by President Ali Hassan Mwinyi and headed by the Chief Justice Francis Nyalali initiated a constitution debate in which the broad masses of the population were extensively involved. The commission also known as the Nyalali Commission was mandated to find out whether Tanzania should continue with the one party system or adopt a multiparty system. The commission traveled all over the country to gather opinions through public meetings, academic research, and direct submission. Through its recommendation the multiparty system was adopted and the 1977 constitution was amended accordingly.

## **ii. Government's White Paper**

The government can also initiate constitutional amendments by way of a White Paper as it did in 1999. Through the White Paper, the government identified some of the controversial constitutional issues and asked people to comment on them. The paper also contained the government's position on each of the issues.

Opinion canvassing was done by a presidential commission led by Justice Robert Kisanga (then) of the Court of Appeal. The commission, otherwise known as the Kisanga Commission, presented its report on the basis of which the government prepared a bill to effect the 13<sup>th</sup> amendment of the Constitution of the United Republic.

## **iii. An Act of Parliament**

Sometimes the government just prepares a bill to amend the constitution without forming a commission or preparing a White Paper. It has done so several times in the past. The bill is debated on by the Parliament and passed according to the requirements as stipulated in the constitution.

From the above discussion it can be concluded that by and large constitutional amendments in Tanzania are always initiated by recommendations of the executive on its own terms and pace.

### **Debate on constitutional amendments**

The debate on constitutional amendments largely depends on the method used to initiate the amendments. If a commission is appointed to collect views of the people on the intended amendment then this is likely to attract a huge debate in the media and in public meetings. The debate might take several months, depending on the time frame given to the commission to complete its task. The same would be the case for the White Paper.

This public debate would then be followed by a debate in the National Assembly. This kind of debate will however involve only Members of Parliament and would be conducted under the guidance of the Parliamentary Standing Orders.

### **Approval of Constitutional Amendments**

The approval of constitutional amendments is usually done by the Parliament after the house has debated on a bill containing the amendments. The approval must be made in accordance with article 98 of the Constitution of the United Republic. If the amendment is about issues related to union matters, the existence and authority of the United Republic, the Office of the President of the United Republic, the existence of the Parliament, the authority of the Zanzibar Government, the High Court of Zanzibar, the number of MPs from Zanzibar, then the bill must be supported by at least two-thirds of Members of Parliament from Tanzania Mainland and two-thirds of Members of Parliament from Tanzania Zanzibar. If the bill is about amendments of any other issue then it will have to be supported by two thirds of all Members of Parliament.

In order for amendments to take effect they must be assented by the President of the United Republic of Tanzania.

### **Parliament's public information dissemination mechanisms:**

#### **An illustration with the example of the website**

- (1) The Web. [www. parliament.go.tz/bunge/bunge.asp](http://www.parliament.go.tz/bunge/bunge.asp).

Content of the website:

- (a) Usual basic information, eg. functions, admin, structure, background geography, some FAQ and addresses
- (b) Invites online comments, and therefore invites public interaction with parliament, first on the website itself, then on the Parliament generally, the parliamentary bills and any other matter worth bringing to the attention of parliament.
- (c) It has the calendar of sessions and sittings of the full National Assembly and those of its committees. It has an item on what is new; and here any important item, such as the dates of an ongoing or impending parliamentary session, may be announced.
- (d) It advertises its own Parliamentary Online Information System (POLIS),
- (e) It both announces and (for those who can track URLs) provides details of all pending bills, describing quite clearly what they are about and showing at which stage (1<sup>st</sup>, 2<sup>nd</sup> or 3<sup>rd</sup> Reading) they are.
- (f) The web has information on the make-up of the Parliament, and it is able to disaggregate it to such categories as membership by region, party, gender, etc.
- (g) Beyond bills currently at issue, the parliamentary website both lists and (for those who can track URLs and tolerate a lengthy download time) reproduces all parliamentary acts of recent enactment. This is probably the most important information source on the website, as it contains all of 222 web pages of information on such an important matter as the laws of Tanzania. It also carries all national budget bills/speeches from 1994 to 2004.
- (h) It publishes the order and content of the business of the day of the National Assembly and the verbatim record of the subsequent proceedings, known to all as “Order paper” and Hansard respectively.
- (i) The website gives information on all parliamentary committees, their members, their terms of reference and, more importantly, reproduces some of the committee reports of recent. For example seven committee

reports for the years 2003 – 04 are currently available on the parliamentary website.

- (j) There is in the website a publications site. This is one of the most important information sources on the site, since by visiting it you can actually read or download the constitution in both English and Kiswahili, some parliamentary reports<sup>7</sup>, the Members Handbook, and all papers thought by their authors or sponsors, usually government ministries, to be worthy of reading or even debate by parliamentarians in session (see standing order nos 31 – 32). Parliamentarians refer to such papers as “papers laid on the table”. Other downloadable publications on this site are the articles in the various journals of the parliament, which include the more substantial Bunge newsletter and Bunge News, and the less substantial Fact sheets. Both the Bunge Newsletter and Bunge News carry topical and informative debates<sup>8</sup> on the Tanzanian political system, democratization, and relations among the major branches of the government. The drawback of the journals is that no issue newer than volume 8 (2001) of the Newsletter and volume 16 (2002) of the News has been posted on the web. Many of the articles of the Newsletter and the News have been reproduced in four books by the current speaker of the parliament. The books written by the speaker are likewise downloadable from the website. Although the speaker’s writings dominate the publications site, and this may not excite those opposed to his views, the speaker is among the foremost in knowledge about the relations among major governmental branches,

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<sup>7</sup> The parliamentary reports currently posted there and downloadable in PDF are the First Medium Term Plan for Growth and Poverty Reduction (2004/05 – 2006/07, and Important Macro-Economic Indicators.

<sup>8</sup> Examples of such debates in Bunge Newsletter on the Website are: The use of standing orders, aspects of lobbying, and the power of parliament to punish a member. In Bunge News you get such debates as separation of powers between the legislature and the judiciary, the parliamentary back-bench rebellion, and the constitution-making process in Tanzania.

the constitution and the internal rules of Parliament in Tanzania, about which he debates informatively.

- (k) The parliament (or Bunge) website also offers links to other related sites. These include the National Website, which posts, among the usually short descriptions of sectoral or ministerial activities, downloadable details of all up-to-date tax exemptions; economic surveys; the census; important policy or development papers, such as reports on poverty reduction; and information on HIV/AIDS

## **RECENT OPINIONS OF PARLIAMENTARIANS AND CIVIL SOCIETY ORGANISATIONS ON PARLIAMENTARY ENGAGEMENT WITH SOCIETY**

### **Is the Time Available for Citizen Consultation on a Bill Adequate?**

In this survey of opinions we asked civil society organizations whether the time between the first publication of a proposed bill and its passing by Parliament is adequate for consultation between parliamentarians and the rest of society. All of them (100%) said no. The one reason advanced is the difficulty of a wider dissemination of information due to the large size of the country and poor communications. They argue that this keeps crucial information on the bill, including its announcement, from reaching people in time

On the other hand the majority (60%) of parliamentarians who were asked the same question felt that there was adequate time for consultation. The explanations they gave for the response was tied to their detailed knowledge of the process, with some arguing that there is usually a minimum of two months from the time of first publication to the time it may be discussed as Second Reading. In general though, it was pointed out, apart from the requirement of a lapse of at least 21 days from first publication to the time it reaches the Office of Clerk of the National Assembly, no formal discussion will take place until the committee stage, which often meets just

before and adjacent to the next session of Parliament. Serious parliamentarians and civil society members interested in discussing the bill will have had enough time to consult, and may have the opportunity to make committee presentations, before the 2<sup>nd</sup> reading in parliament. Perhaps a brief description of the process of passing a bill may shed light on the accuracy of these views.

We know that ideas on a for proposing a new rule or amending or repealing an older one comes from various enlightened stakeholders, inspired by the interests of groups in society. Some of these stakeholders, such as the Law Review Commission, are formalised think tanks. Sometimes the ideas coalesce into cabinet policy papers, on which `insiders' continue to comment. Such ideas take the shape of a proposed bill at the hands of `parliamentary' drafts people in the office of the Attorney-General. It will still be commented upon and probably modified by government-based stakeholders until the cabinet formally passes it as a bill. The bill must be published twice in the government Gazette at least seven days apart, and must reach the Clerk of the National Assembly at least 21 days before the 1<sup>st</sup> Reading of the Bill in Parliament. Bills are ordinarily referred to standing committees after the 1<sup>st</sup> reading, and most of these sit just before the next session of the Assembly. It is in these Standing Committee meetings that a thorough discussion ought to take place and submissions by the rest of civil society, or public hearings, conducted if the speaker has approved them *apriori*. Extensive discussions by all parliamentarians are then carried out in the 2<sup>nd</sup> Reading, commonly held in the ensuing session of the Assembly. The 2<sup>nd</sup> Reading consists of two distinct stages. The first one involves a general discussion of merits and principles of the bill, together with declarations or suggestions for amendments. Serious amendment proposals are at this time attached by the proposer of the bill, or recorded with the Clerk so that the intention for amendments is known to all. The second stage, known by parliamentarians as the Committee of the Whole, involves a discussion, amendment and passing of each clause of the bill separately. When this is concluded the 2<sup>nd</sup> Reading has been passed. As can be seen, a lot of discussion of the bill by parliamentarians ought to take place between the 1st Reading and the conclusion of the 2<sup>nd</sup> Reading. Quite a lengthy time



is involved here, and more can be obtained if the bill is referred to the committee for the second time, which is provided for by the rules.

If enough controversy is generated on a bill at the 2<sup>nd</sup> Reading it will take much longer to pass, or it will not pass at all, though that is rare.

It is with this knowledge that probably parliamentarians have tended to get satisfied with the time available for the bill. Although many parliamentarians may not get to see the Gazette early within the 21 days required prior to the 1<sup>st</sup> reading, there may be time yet for going back to society for consultation, provided the bill is not 'put on the fast track' of a certificate of urgency.

### **Certificate of Urgency**

It is the issue of the Certificate of Urgency that most of the knowledgeable parliamentary respondents in our survey who thought the time was not enough were concerned with. They seemed to argue that bills are passed under that certificate frequently enough to impact on the whole process of Tanzanian legislation, and to affect citizen participation. We were unable in the time available to track bills and acts to sort out those passing by this route from the rest, and so this remains a grey area of research. Essentially parliamentary standing rule 67(3) allows the bill to skip publication, without a question raised, if a certificate of urgency has been signed by the President.

### **Civil Society and Parliamentary Scrutiny**

With regard to the process of committing the country to treaties and other international commitments, especially loans and investment contracts, the verdict of respondents is that there is no transparency, and that there is little engagement of both civil society and parliamentarians themselves to scrutinize the process. While the majority (70%) of parliamentarians feel that there are adequate mechanisms for their own scrutiny of treaties, the opposite is true for loans. The majority (70%) of parliamentarians feel that the mechanisms for their own scrutiny of public loans are inadequate. A much higher percentage (83%) of civil society organizations feels that

the mechanisms for civil society's scrutiny of all these important international commitments are inadequate. The integrated view of parliamentarians and others in civil society therefore is that the mechanisms for society's scrutiny of the process of international commitments are not adequate, and are worse in such areas as loans and investment contracts.

This finding is consistent with previous studies (Klevenas, et al, 2003). The favourable appraisal of the treaty ratification process given here by parliamentarians reflects the fact that the right of parliament to scrutinize this process, granted by the constitution since 1992, has been put in practice.

### **Standing Committee Hearings**

Another striking contrast is found in perceptions concerning the usefulness of standing committee hearings, which have gained prominence in recent times, are becoming more frequent and are getting better known in enlightened civil society. Civil society organizations are divided on this question, with a quarter not really able to tell, another quarter thinking that the hearings are useful, and the rest (50%) feeling that they are not useful. Prevalent reasons for the latter view are that the duration of the hearings is too brief, the procedure is new and largely unknown, and the minister responsible for a bill around which hearings are held has the final say. This is in reference to the procedure of the second Reading, which allows for no amendment of the Committee but those of the Minister alone. The final say on a bill, however, does not lie with the minister but the Whole House, although he may have a preponderant influence.

In contrast with the prevalent view of civil society organizations, an overwhelming majority (90%) of parliamentarians think that Standing Committee hearings are useful in Tanzania. This is because issues of great interest to the public are discussed there, the committees at hearings inevitably call upon experts to explain important issues, the hearings attract the attention of stakeholders, and most hearings become crucial sensitization sessions, as the hearings on the sexual offenses Bill of 1998 did.

### **Adequacy of Time to Debate a Bill**

While parliamentarians differ significantly from civil society organizations with regard to the adequacy of the time for consultation on the entire legislation process, they agree on the inadequacy of time allocated to actually debating a bill. Both groups consider it inadequate, with 70% and 75% percent of parliamentarians and CSOs, respectively, saying so. The issue is that every parliamentarian allowed to speak may do so only for a maximum of 15 minutes during the first stage of the 2<sup>nd</sup> Reading and for no more than 5 minutes in the second stage in the Committee of the whole, unless he/she is a prime mover of the bill or amendment. Parliamentarians proposing a lengthier contribution may have to address the question of balancing that with the number of contributions possible, or with the length of time the parliament may use for a sitting and its cost implications. It is said that at the moment, despite the limitation of debating time, only about 20 parliamentarians routinely are able to make verbal contributions before closure. Others presumably contribute in writing. Clearly the extension of debating time desired by the majority of enlightened citizens, as represented by these respondents, would either require a corresponding extension of session time or cut down the number of contributions.

### **Assessment of the Adequacy of the ‘Question and Answer’ Session in Parliament**

There is an interesting contrast in perceptions of whether the structure of the ‘question and answer session’ is adequate for public scrutiny of government activity and the education of the public on parliamentary activities. A large majority (80%) of parliamentarians feel that it is adequate, while a significant number (66.6%) of civil society organizations feel that it is not. The majority of parliamentarians feel that the structure is adequate for two main reasons, the first relating to the time allocated and the second to coverage and information dissemination. As to the first, they argue that the duration of one and a half hours allocated to the ‘question and answer’ session, which is an improvement on the previous time of one hour, is enough to present original questions, get basic answers and generate additional questions and answers. With regard to the second, they cite the decision of recent years to allow ‘media intrusion into the chamber’, and the technological revolution in communication adopted even in Tanzania, both of which have enabled a live and instantaneous

telecasting and broadcasting of deliberations to the public. They argue that these have been very effective in raising the quality of questions and answers, and the transmission of the same, making for a tremendous improvement in the public's understanding of parliamentary work.

On the other hand, the tendency of civil society organisations to discount the adequacy of the 'question and answer session' appears to rest primarily in a conviction that the answers are 'sanitized' of sticky points well in advance, are choreographed, and they are repetitive (the word used by one CSO is 'photocopied').

### **Improvement in Information Sources and Facilities**

In the survey we also asked parliamentarians to assess whether there had been an improvement in the provision of information in three key areas, namely the upgrading and facilitation of the parliamentary library or information center; access to computers, email and the internet; and the availability of government publications. An overwhelming majority of them said that there was an improvement in these areas. This matches our own desk research and empirical observation of facilities that we have talked about above.

### **Challenges Facing Opposition Parties in Parliament**

In this research we also tried to find out from respondents what their views were on the challenges confronting parliamentary opposition in Parliament. Here our respondents were exclusively parliamentarians, both ruling and opposition in roughly a 70% to 30% proportion. Both groups agree that opposition parties are weak in Parliament. As separate groups, they differ on the reasons for that weakness. Although there are 'balanced' views on both side, the majority on each side tend to blame the other side for that weakness. Nearly all opposition parliamentarians argue that they are weak because they are repressed and suppressed by the ruling party, while the majority of ruling party parliamentarians think that the weakness of opposition parliamentarians is internal to themselves. Though carrying some danger of distortion, we combined the 21 responses involved in this question. The overall

picture of the views of (opposition and ruling) parliamentarians on the reason for the weakness of opposition parties in parliament was as follows. 19% felt that the reason was the repression and suppression of opposition parties by the ruling party and the government. Presumably this occurs even in Parliament. In contrast, 47.6% felt that opposition members of parliament were too lowly educated and politically inexperienced to be influential in Parliament. Alongside this was the view held by some (23.8%) that parliamentarians in the opposition were just badly organized and without clear policies.

Somewhat surprisingly but perhaps profound was that the most obvious factor to those having a glance at the composition of the Tanzanian National Assembly, that of extremely low opposition numbers, was mentioned in only two responses. The whole of the opposition in Parliament now is constituted by only 35 of the official total of 295 parliamentarians. That is only 11.5% of the total. At some point, when CUF members were expelled from Parliament for non-attendance, there were only 23 members of the opposition there – a mere 7.8% of the total. It is possible that what all parliamentarians were saying in these views is that although numbers matter, they are not the only factors. Influence in Parliament may increase or lessen even disproportionately depending on the other factors.

### **Perceptions of constraints to a Better Engagement of Parliaments with Civil Society**

In the study we asked CSOs to assess what constrained them from a better engagement with Parliament. Among 33 responses, that stood out was that the government, including the parliament, is not facilitative of civil society organizations (36%), followed by a thinking that parliamentarians have rivalries with and dislike CSOs, which compete with them for influence (18%). Other answers included CSOs' self-doubt and ignorance (12%), a lack of material, human and financial capacity (12%) and that the government, including the parliament, is repressive, suppressive and manipulative of CSOs (9%). We decided to vary the same question a bit by asking for the views of CSOs on what they thought constrained parliament from a

better engagement with civil society. Here the percentages of CSOs' negative perception of parliament rose significantly. Those who thought the parliament was not facilitative of CSOs reached 40%, while those who saw parliamentarians as harbouring rivalry and dislike for CSOs constituted 23.3%. So, generally, civil society organizations do not think that the parliament in Tanzania is facilitative of civil society activities, and a significant percentage of them feels that Parliament dislikes them. Is the feeling mutual, though?

Before exploring the answer to this question it is important to remember that the answers of CSO on how they viewed Parliament were not pre-coded or suggested by researchers; the question was open and the answers were generated entirely by the respondents. So the identification of Parliament as the culprit in the problems of engagement was also entirely spontaneous. The same procedure of investigation was used in trying to find out from parliamentarians what they thought constrained them from a better engagement with civil society. The responses here, 22 of them, are significant in that parliamentarians seemed to be taking the trouble not to blame anyone but an abstract 'state of affairs' – certainly not civil society organizations. Instead they attributed problems of engagement with civil society to divided loyalty and party control (12.5%); underdevelopment – abject poverty, ignorance and disease (37.5%); a lack of human, material and financial resources (31.3%); and a lack of influence in the allocation of public goods in the constituencies, including development funds (18.7%). If you combine the last two to get an integrated response, you find that parliamentarians prevalently find a lack of resources and having no say in the allocation of government-sponsored resources in their constituencies the most disabling elements in parliamentary engagement with civil society, about which they spoke lamentably.

### **What Are the Effective Structures and Channels for the Dissemination of Information on Parliamentary Activities?**

We thought we should ask both parliamentarians and CSO leaders what structures and channels were effective for the dissemination of parliamentary activities. We asked

them to rate that effectiveness on a scoring scale of 1 – 5 with 1 being the least effective. The structures and channels listed were:

- a) Green papers, White papers, cabinet papers, bills
- b) Parliamentary public hearings
- c) Standing Committee hearings and submissions
- d) Bunge-sponsored seminars
- e) Public talk/education in constituencies
- f) Public education reading materials
- g) Debates in Parliament
- h) Radio
- i) TV
- j) Newspapers
- k) Hansard and Bunge journals
- l) Other (mention):

The responses varied a great deal among respondents on many items, but on a few of them a clear coalescence of respondent views occurred. Thus a very significant number (41.6%) of CSOs did not think that government proposal papers and bills were effective means of informing the public on parliamentary activities, rating them poorly with a score of 2. The same number felt that debates in Parliament were not effective means of dissemination of parliamentary activities, again scoring that item with a 2. The same number of CSOs rated Radio, TV and Newspapers slightly better, but only just, giving each a rating of 3. Generally therefore CSOs did not feel that there are means of dissemination of parliamentary activities that are unquestionably effective, even though the list of known means was nearly exhaustive.

There was a noticeable contrast with the view of parliamentarians, the majority of whom rated Radio, Debates in Parliament, TV and Newspapers very highly at 5. A significant number also felt that Parliament-sponsored seminars and constituency clinics were mildly effective, giving them a rating of 3. It is notable, however, that a large majority (70%) of parliamentarians did not think that Hansard and Bunge journals were effective in dissemination of parliamentary activities, having given them the very lowly rating of 1.

## **Effective Means for Society to Engage With Parliament**

We also asked CSO respondents what they thought were the effective means for civil society to engage with Parliament. Again we asked them to make assessments on a rating of 1 – 5 with 1 being the least effective. The means of such possible engagement were categorized follows:

- a) Engaging the Law Review Commission
- b) Proposing Questions to and lobbying parliamentarians
- c) Engaging appropriate ministries and departments
- d) Making submissions to Standing Committees of Parliament
- e) Conducting seminars for parliamentarians
- f) Conducting targeted awareness campaigns
- g) Other (mention):

Respondents tended to spread out on many items, but a clearly significant number had similar views on some items. For example, as high a percentage as 75% did not think engaging the Law Review Commission was an effective way of engaging with Parliament. Probably they did not think this belonged to the parliamentary process anyway, considering that the Commission is a think tank for the Attorney General's 'parliamentary' drafts people. Neither did CSOs judge the method of proposing questions to and lobbying parliamentarians as effective parliamentary engagement, with 41.6% of them giving it a rating of just 1. Only the submissions to standing committees are judged with relative favour - 42% of respondents giving it a mild to satisfactory rating of 3. Thus, with regard to means of CSO engagement with Parliament, the CSO views indicated no outstanding item among those listed.

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**Annex 1: QUESTIONNAIRE ON PARLIAMENTARY ENGAGEMENT WITH CIVIL SOCIETY**

Please circle or tick your answer

1. Do you think the time between the 1<sup>st</sup> publication of an impending bill and its passing is adequate for consultation between the MP and the rest of society or constituency?
  - a) Yes. How (optional): \_\_\_\_\_  
 \_\_\_\_\_
  - b) No. Why not (optional): \_\_\_\_\_  
 \_\_\_\_\_
  - c) Can not really tell.
  
2. Is there enough time for MPs to debate a bill?
  - a) Yes. Explain (optional): \_\_\_\_\_  
 \_\_\_\_\_
  - b) No. Explain (optional): \_\_\_\_\_  
 \_\_\_\_\_
  - c) Can not really tell.
  
3. Do you think there is adequate time for your own scrutiny of the budget from when it is made known to MPs to its final passing?
  - a) Yes. Explain (optional): \_\_\_\_\_  
 \_\_\_\_\_
  - b) No. Explain (optional): \_\_\_\_\_  
 \_\_\_\_\_
  - c) Can not really tell.
  
4. Do you think there are adequate mechanisms for the scrutiny of public/government loans by MPs in Parliament?
  - a) Yes. How (optional): \_\_\_\_\_  
 \_\_\_\_\_
  - b) No. Why not (optional): \_\_\_\_\_  
 \_\_\_\_\_
  - c) Can not really tell.
  
5. Are there adequate mechanisms for the MPs' scrutiny of treaties?
  - a) Yes. Explain (optional): \_\_\_\_\_  
 \_\_\_\_\_
  - b) No. Explain (optional): \_\_\_\_\_  
 \_\_\_\_\_

- \_\_\_\_\_
- \_\_\_\_\_
- c) Can not really tell.
6. Do you think the *standing committees* in themselves are constrained in debate and scrutiny of Government?
- a) Yes. How? \_\_\_\_\_
- \_\_\_\_\_
- b) No. Why not? \_\_\_\_\_
- \_\_\_\_\_
- c) Can not really tell.
7. Do you think the *sectoral committees* in themselves are constrained in debate and scrutiny of Government?
- a) Yes. How? \_\_\_\_\_
- \_\_\_\_\_
- b) No. Why not? \_\_\_\_\_
- \_\_\_\_\_
- c) Can not really tell.
8. Do you feel the structure of the "*question and answer session*" is adequate for public scrutiny of government activity and the education of the public?
- a) Yes. How? \_\_\_\_\_
- \_\_\_\_\_
- b) No. Why not? \_\_\_\_\_
- \_\_\_\_\_
- c) Can not really tell.
9. More information to an MP can be made available through the improvement of a parliamentary library or information centre, access to online (internet) computing, and the availability of government publications generally. Do you think there is an improvement in these three key areas?
- a) Yes. How? \_\_\_\_\_
- \_\_\_\_\_
- b) No. Why not? \_\_\_\_\_
- \_\_\_\_\_
- c) Can not really tell.
10. Have *Parliamentary public hearings* on important matters been useful in the Tanzanian context?
- a) Yes. How? \_\_\_\_\_
- \_\_\_\_\_
- b) No. Why not? \_\_\_\_\_
- \_\_\_\_\_
- c) Can not really tell.

11. Have *Standing Committee hearings* prior to legislation been useful in Tanzania?
- a) Yes. How? \_\_\_\_\_  
 \_\_\_\_\_
- b) No. Why not? \_\_\_\_\_  
 \_\_\_\_\_
- c) Can not really tell.
12. Mention three factors (in their order of importance) that constrain an MP from a better interaction with his/her constituency.  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
13. In the Tanzanian context, assess the effectiveness of each of the following structures and channels for the dissemination of parliamentary activities. Assess them on a rating of 1 to 5 with 1 being the least effective and 5 the most effective.
- a) Green papers, White papers, cabinet papers, bills  
 b) Parliamentary public hearings  
 c) Standing Committee hearings and submissions  
 d) Bunge-sponsored seminars  
 e) Public talk/education in constituencies  
 f) Public education reading materials  
 g) Debates in Parliament  
 h) Radio  
 i) TV  
 j) Newspapers  
 k) Hansard and Bunge journals  
 l) Other (mention): \_\_\_\_\_
14. Do you think opposition parties in Parliament are weak?
- a) Yes. Explain. \_\_\_\_\_  
 \_\_\_\_\_
- b) No. Explain. \_\_\_\_\_  
 \_\_\_\_\_
- c) Can not really tell.
15. If you think they are weak, mention three factors (in their order of importance) that make them weak.  
 a) \_\_\_\_\_  
 b) \_\_\_\_\_  
 c) \_\_\_\_\_

**Note: The questionnaire administered to leaders of NGOs and a few independent observers had substantially the same questions with a bit of variation.**