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Tanzania's Constitutional Reform Predicament and the Survival of the Tanganyika and Zanzibar Union

by

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Abstract

A Constitution is the most important piece of legislation that any country has. It reflects the history of the nation and mirrors the interests and aspirations of its people with regard to how they wish to be governed. In its simplest form a Constitution is the social contract between those who govern and the governed. As such, the making and remaking of a Constitution is a societal and national project in which all sectors of society must participate. Tanzania embarked on a Constitutional reform process in 2011. However, the move to write a new Constitution has been a contentious issue in Tanzania especially over the structure of the union. This paper assesses the contextual factors that precipitated Tanzania's Constitutional reform of 2014 and its implication on the status of the union. It identifies the weaknesses in the methodology used by the Constitutional Review Committee in gathering, processing and interpreting public opinions. Literature on previous constitutional reforms in Tanzania, the data set of Tanzania's Constitutional Review Committee of 2014 and the special parliament Hansards were content analysed. It has been found that the current constitutional reform in Tanzania has been mostly dominated by partisan interests.

Majority of the Tanzanians did not rank the union as the top most important issue in the constitutional review. The process of data collection, analysis and interpretation was marred by serious methodological shortcomings such as excluding the rural population, excluding those who cannot read and write; failure to specify the sampling methodology, the over and under sampling in some regions as well as interviewing the minors. It is recommended that people should be cautious when interpreting data of the 2014 Tanzania's Constitutional Review Committee and its resultant conclusions.

Key words: Union, Tanganyika and Zanzibar, Constitutional Review, Partisan Interests.

Introduction

Tanzania is a union of two formerly sovereign African states, namely, the Republic of Tanganyika and the People's Republic of Zanzibar. Tanganyika became a sovereign state on 9th December 1961 and became a republic the following year. Zanzibar became independent on 10th December 1963, and the People's Republic of Zanzibar was established after the revolution of 12 January 1964. The two sovereign states concluded a treaty called articles of the Union on 22 April 1964 and became one sovereign republic known as the United Republic of Tanzania from 26 April 1964 (Nchalla, 2013). The calls for a Constitutional reform process in Tanzania date back to 1980s. The most formal calls for the new Constitution are reported by the Nyalali Commission and the Kisanga Committee (Baregu, 2000).

A Constitution is the most important piece of legislation that any country has. Ideally, a Constitution should reflect not only the history of the nation but also, and in my view most importantly, it must mirror the interests and aspirations of its people with regard to how they wish to be governed (Chissano, 2000). He further argues that, the Constitution should define the type of government people want, the powers their government should have and the limits of those powers. A Constitution is, in its simplest form, the social contract between those who govern and the governed. As such, the making and remaking of a Constitution is a societal and national project in which all sectors of society must participate. In other words, the process leading to a new or revised Constitution is as important as the content if both of these (the process and content) are to be regarded not only democratic and legitimate, but also inclusive and popularly accepted. Constitutional reform processes within a particular country are often about responding to broad challenges of peace building, reconciliation, inclusion and socio-economic development in a way that is seen as legitimate and is widely accepted (Bruning *et al.*, 2000).

Tanzania embarked on a Constitutional reform process in 2011 (Collord, 2011). However, the move to write a new Constitution has been a contentious issue in Tanzania especially over the structure of the union. The *Chama Cha Mapinduzi-CCM* (Revolutionary Party) prefers to continue with the current two government structure (government of Zanzibar and the union government) while the opposition led by the Civic United Front, *Chadema* and *NCCR-Mageuzi* who together form “*Umoja wa Kutetea Katiba ya Wananchi-UKAWA*” loosely translated as “coalition to defend public Constitution” supporting the proposed three government structure (the government of Zanzibar, Tanganyika and the Union Government). The opposition coalition “*Ukawa*” have resolved to boycott the assembly pending reconciliation over the union issue. CCM argue that the three government structure is costly and that; the idea did not emanate exclusively from the public neither is it supported by the Constitutional Review Committee’s (CRC) statistics which UKAWA claim to be the case. Several questions need to be answered:

What contextual factors necessitated the 2014 Tanzanian Constitutional reform? What do the Constitutional Review Committee’s statistics tell on the structure of the union? Was the methodology used in data collection, analysis and interpretation sound? What ought to be adopted to improve future Constitutional reform processes?

Historical Overview of Tanzanian Constitutional Reform

The history of Constitutional reform in the country dates back to 1960s when an interim Constitution was adopted. Since 1961 Tanzania has had four Constitutions namely: the Independence Constitution (1961), the Republican Constitution (1962), the Interim Constitution of the United Republic of Tanganyika and Zanzibar (1964) and the Permanent Constitution (1977). These Constitutions are discussed in the subsequent sections.

The Independence Constitution (1961-1962)

After independence from the United Kingdom, Tanganyika adopted her first Constitution based on the Westminster Model (with the exclusion of the Bill of Rights). This defined a Governor General, representative of the Queen of Tanganyika, Elizabeth II, to be the formal head of state, while the executive was led by the First Minister or the Prime Minister, chosen from the majority party. This Constitution also established the independence of the judiciary (Nchalla, 2013). Mbondenyi (2013) noted that, the weakness of this constitution was that Tanganyika was given a written constitution in the sense that Tanganyikans did not participate in its making. This fact inevitably excluded our shared values or national ethos, in the then Tanganyika.

The Republican Constitution (1962-1964)

In 1962, the Tanzanian Parliament (made solely of nominees from the Tanganyika African National Union party) formed itself into a constituent assembly and drastically revised the 1961 Constitution, most notably with the establishment of a strongly presidential system (Shivji, 2011 cited in Nchalla, 2013). This was the second Constitution of Tanganyika. The Tanganyika National African Union (TANU), the then ruling party, had expressed its wish to have a republican form of government with an executive president. The most important feature of the republican Constitution was that it concentrated powers in the executive president, who was the head of state and head of government, commander-in-chief of the army and part of the Parliament but not a member of the National Assembly. No law could be passed without the assent of the President (Nchalla, 2013). Nchalla (2013) further argues that, the way the Republican Constitution was adopted and the unrepresentative nature of the Constituent Assembly signified a continuation of the exclusionary process of Constitution-making in the country. In other words, while during the colonial era, law-making was the exclusive right of the colonial leadership, in the post-independence era, it was the exclusive right of the ruling party leadership. According to the author, it is worth mentioning that the *modus operandi* which was followed in adopting the Republican Constitution as a new Constitution altogether and not an amendment of the 1961 Independence Constitution was eccentric. The Republican Constitution set the precedent for the concentration of power in the presidency, which was later to become the hallmark of the subsequent Constitutions.

The Interim Constitution (1964-1977)

According to Enonchong (2012) the interim Constitution came into being by amending version of the 1962 Constitution of the former Republic of Tanganyika (Acts of Union No. 22, s. 5). The author further argues that, the interim Constitution was meant to govern the Union until a constituent Assembly was summoned with powers to ratify and adopt a new Constitution for the Union (Acts of Union, s. 9(1)). The interim Constitution was in force until 1977 when a permanent Constitution was adopted (Msekwa, 2002).

The Interim Constitution was modified several times after its first layout. A major change was made in 1965 to formalize the single-party nature of the Tanzanian government. Coherent to the double government structure defined in 1964, the 1965 Constitution identified two government parties, TANU for the Union and ASP for Zanzibar (Nchalla, 2013).

The Permanent Constitution (1977-todate)

The 1977 Constitution, with its subsequent amendments (which will be discussed in the subsequent paragraphs), is the current Constitution of Tanzania (Nyanduga, 1985). Under the 1977 Constitution, the Head of State and head of Government of Tanzania is the president (s. 33(1) (2)) assisted by a vice-president (s. 47(1)). There is a Prime Minister of the Republic appointed by the President (s. 51(1)) the former is leader of government business (s. 52(1) (2)). There is a National Assembly (Bunge) which enacts legislation for the entire Republic and mainland Tanzania (ss. 62(1) & 64(1)) and a Cabinet composed of the Vice-President, the Prime Minister, the President of Zanzibar and all ministers (s. 54(1)). While the government of Tanganyika was subsumed under the government of the Republic in 1964 (Acts of Union, s.7. cf s. 34(1) 1977 Constitution) Zanzibar maintained an autonomous status, with its Constitution, a House of Representative, a president, a revolutionary council and a judiciary (1977 Constitution, ss. 64(2), 102, 103, 105, 106 and Constitution of Zanzibar, ss. 26(1), 42(1), 43(1), 63(1) and 93(1)). Thus, Tanzania operates under two governments, the government of the United Republic and the Revolutionary Government of Zanzibar (Enonchong, 2012).

Constitutional Reform and Political Parties' Interests: A Literature Review

The Constitutional reform process in any country is shaped by three main aspects (as presented in figure 1) namely: Personal or private ambitions, public interests and partisan interests (van Vliet *et al.*, 2000).

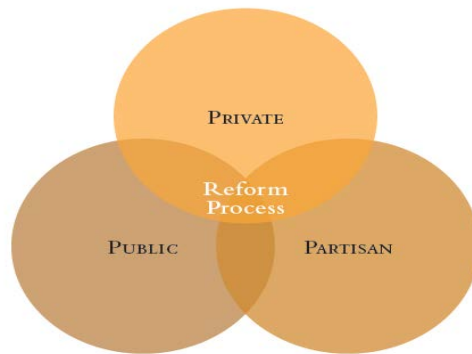


Figure 1: Constitutional reform process as adopted from van Vliet *et al.* (2000)

The agenda of a political party within a Constitutional reform process is partly shaped by the personal ambitions (private interests) of its main representatives. This has been illustrated by attempts by incumbent presidents to extend the limits of their Constitutional terms.

While such efforts have been successfully blocked in Malawi, Nigeria, Zambia (van Vliet *et al.*, 2000) and Philippine (Rocamora, 1998). Rocamora (1998) further reports that in Philippine for instance, ambitions of President Ramos to extend his term past 1998 were stopped by a powerful popular movement led by the Catholic Church and former President Corazon Aquino. Long-term presidents in Zimbabwe, Uganda, Togo and Chad have been able to maintain their personal position in power beyond the original length allowed (van Vliet *et al.*, 2000).

The on-going (2014) Constitutional reform in Tanzania is partly driven by the desire of president Kikwete to leave behind a legacy even if evidences show that some leaders within his party (CCM) did not see the need for such reforms arguing that such undertaking would be “unnecessarily expenses.” (Tairo, 2011).

Regarding public interests, it is argued that the involvement of individual political parties in Constitution-building goes well beyond the private interests of their representatives. Political parties can also significantly contribute to safeguarding the public interests of Constitutional reform processes (van Vliet *et al.*, 2000). The exact manner in which this is done is highly context-specific but generating commitment to a core set of basic democratic values within individual political parties is crucial. Authors further argue that values that encourage political parties’ participation in Constitutional reform processes to safeguard the public interest include: Inclusivity of the main political and social voices, including minority groups; tolerance for divergent viewpoints and interests; transparency of the reform process; participation of citizens (information, consultation and representation); and consensus building with other stakeholders involved.

This paper argues that the call for Constitutional reform and even the current Constitutional reform in Tanzania have been largely dominated by partisan interests. Political parties have different interests in the kind of electoral system selected, whether it be a first-past-the-post, proportional representation, multi-member constituency or single-member constituency system. This applies also to the political system selected – for example, a presidential, semi-presidential or parliamentarian system – as well as the degree of devolution they favour (level centralisation, decentralisation, or federalism) or the role of religious matters (secular state, state religion). As noted by van Vliet *et al.* (2000) divergent views on these and many other issues are founded on specific partisan interests. Agreeing on a new Constitution requires a delicate process of inter-party negotiations, which in Tanzania has failed and consequently putting a country into an unnecessary constitutional crisis.

Strength and Weaknesses of the Tanzania's Proposed New Constitution

To the majority of common Tanzanians the proposed new constitution has many good things than bad. Even though Tanzania's electoral commission postponed a constitutional referendum which was planned to be held on April 30 2015 until after the general elections, most of these citizens believe that the exercise will still be undertaken and eventually they will have a new constitution. According to the National Electoral Commission (NEC) chairman Damian Lubuva it was important to finish up with the voters' registration first before the referendum.

The proposed constitution if approved by Tanzanians it will set limits on how many cabinet ministers the president can appoint and introduce equal representation of men and women in parliament. This move is in-line with the move to reduce the power of the president, which many Tanzanians have been requesting for long time. It would also grant women equal land ownership rights another good move to support women empowerment. Likewise, the proposed constitution is that it will guarantees media freedom and rights. The draft constitution would also impact the autonomous government in Tanzania's Zanzibar, amid calls by some islanders to end the 50-year union with the mainland¹. To most supporters of the union, this is right move to strengthen the union between the two countries.

Political Scientists believe that the ruling party, CCM and the opposition have real differences on the Proposed Constitution. The bone of contention between the ruling party CCM and opposition is the structure of the union. While CCM defends the incumbent two governments the opposition wants three governments, the possibility of a consensus is to be achieved is very minimal. According to the dons the postponement doesn't mean that the room for debates is open and that the process is supposed to continue from where it stopped when NEC solves the current challenges. In the meantime they do caution politicians that they should not hijack the process which started with people's opinions and which would end with the mass decision on referendum. Fears that if the process is to continue after the General Election it might not be a priority of the new government are unfound. The constitution is not a preserve of the President; it is the President who is made of the constitution. The next president might influence the process, but would not change or halt the whole process they believe². To this end, we argue that every constitution has its own strength and weaknesses and that there is no a single constitution in the world which is completely a super constitution. The proposed constitution is good than the current one in several fronts. It is better to have this one than amend the old one or not having done anything on the 1977 constitution which majority believe it is outdated. We are not arguing in terms of tax payers' money spent in the process even if is the fact wealth mentioning; we think that this is the first time Tanzanians have been given an opportunity to write their constitution and they should not waste it.

Methods

Content analysis was the only method applied in gathering the information for this study. Literature on past Tanzania's Constitutional reforms, the 2014 Tanzania's Constitutional Review Committee's data set and the special parliament's Hansards were content analysed. In total 11 literatures and 1 data were analysed. The literature ranges from journal papers to books. Content analysis is considered a scholarly method in the humanities by which texts are studied as to authorship, authenticity, or meaning³. In this study we concentrated on the meaning of the facts presented. We were particularly interested in the methodology adopted, conceptual analysis, relational analysis and the commentary because we were interested in establishing the reliability and validity of the contents.

Findings and Discussion

In this paper we argue that when it comes to the need for the new Constitution Tanzanians were divided right from the beginning and they remain so. There are people who believe that the new Constitution was and is still not necessary in the country. To them mere weaknesses in the current Constitution or transition to multi-partyism are not sufficient reasons to require a new Constitution, amending the Constitution would be a wise idea. They further argue that the established practice here in Tanzania and in other commonwealth countries, is that a new Constitution is normally enacted where any of the following events occurs: Where there is a change of sovereignty, where there is a merger of sovereignty (e.g. Tanganyika & Zanzibar 1964); where the previous Constitution was abrogated by a dictatorial regime; where a new Constitution has to be enacted to replace a totally unacceptable one which was put in place by an apartheid regime, when that regime is removed from power by the forces of democracy (e.g. South Africa 1990s) and where special circumstances arise, requiring a new Constitution to be enacted which was the case in Tanzania. Whereas, on the other hand others believe that though there is no Constitution in the world which is perfect, Tanzania's document is time barred; which can't be perfected through dozens of amendments. The legitimacy of the Constitution does not emanate from its good clauses. Its legitimacy is drawn from the full participation of its people in all the processes - that is from the social and political debates at all levels to adoption process.

It is important to report that, despite these huge divisions the Government eventually initiated the process to enact the new Constitution in the country. The following circumstances might have necessitated this: First, the literature have shown that people had the concern that, the current (1977) Constitution has undergone so many (14) amendments and all of them did not take on board the public concerns such as free electoral commission, independent candidature and separation of power to name just few. Second there were concerns on participation that in all four constitutions enacted in this country people did not participate.

The third reason is mainly on the excessive powers of the President. They argue that, too much power is vested on the Presidency; the President is the commander in chief of the armed forces and the head of the state. At the same time the President appoints nearly all senior government officials including the Chief Justice, the Prime minister, Ministers, Chief of Defense Forces, Inspector General of Police, Controller and Auditor General, Regional and District Commissioners. The fourth and probably the most controversial explanation is on the structure of the government. Some politicians both within the ruling party CCM and from the opposition parties such as CUF and Chadema argue that the current structure of the government is not efficient and is the cause of daily controversies (referred to as *kero za muungano*-challenges of the union) between the union government and the semi-autonomous government of Zanzibar. The fifth reason is founded on the partisan interest theory. The current process to enact the new Constitution was made possible due to mounting pressure from the opposition parties. Since the re-introduction of multiparty democracy in Tanzania opposition leaders have been losing elections and most of them if not all attribute the failure to lack of free and fair elections due to lack of well-established independent institutions one of such issue is independence of the Judiciary. Presidential elections in Tanzania once announced cannot be contested in the court.

Constitution Review Committee's Statistics and the Structure of the Union

The public opinion on structure of the Union between Tanganyika and Zanzibar as reported by the Tanzania Constitution Review Committee (CRC) are presented in Table 1. According to this table most responses (37.2%) were on three governments or federation structure followed by the two government structure (29.8%) and contractual union (25.3%). Very few (7.7%) responses were on one government. However, care must be taken when interpreting the statistics presented in this table, because alone it cannot give the whole picture of the opinion of the public on the union issue as presented by the CRC. A total of 772,211 responses were directed to 10 important issues. Out of which the structure of the union gathered 10.4%; human rights 13.7%; social services 8.2%; the Presidency 7.8%; local government 7.3%; legal institutions 6.9%; natural resources 5.8%; representation 5.4%; ministers 3.9%; electoral commission 3.3% and others 27.3%. It is important also to note here that only 80,119 responses were directed on union matters and out of which 59.7% were on structure of the union, 19.1% on union partners' status and 12.4% were on existence of the union.

Table 1: Public Opinion on Structure of the Union

| Proposed structure | Parts of the Union | | | | | | Total | |
|-------------------------------|--------------------|--------------|-------------------|--------------|-----------------|--------------|---------------|------------|
| | Tanzania Mainland | | Tanzania Zanzibar | | Did not respond | | | |
| | Responses | % | Responses | % | Responses | % | Responses | % |
| One Government | 3,564 | 13.4 | 25 | 0.1 | 85 | 4.6 | 3,674 | 7.7 |
| Two Governments | 6,459 | 24.3 | 6,693 | 34.6 | 1,082 | 58.7 | 14,234 | 29.8 |
| Three Governments /Federation | 16,321 | 61.3 | 960 | 5.0 | 502 | 27.2 | 17,783 | 37.2 |
| Four Governments | 3 | 0.0 | 13 | 0.1 | 0 | 0.0 | 16 | 0.0 |
| Contractual Union | 264 | 1.0 | 11,657 | 60.2 | 171 | 9.3 | 12,092 | 25.3 |
| Other structures | 14 | 0.1 | 3 | 0.0 | 4 | 0.2 | 21 | 0.0 |
| Total | 26,625 | 100.0 | 19,351 | 100.0 | 1,844 | 100.0 | 47,820 | 100 |

Note 1: Out of 772,211 total responses directed to 10 important issues, the structure of the union gathered 10.4%; human rights 13.7%; social services 8.2%; the Presidency 7.8%; local government 7.3%; legal institutions 6.9%; natural resources 5.8%; representation 5.4%; ministers 3.9%; electoral commission 3.3%; others 27.3% (CRC, 2013: 57). **Note 2:** A total of 80,119 responses were directed on union matters and out of which 47,820 (59.7%) were on structure of the union, union partners' status 15,302 (19.1%) and existence of the union 9,935 (12.4%) (CRC, 2013: 65). **Source:** Tanzania Constitution Review Committee (2013).

The mere fact that union matters received only 80,119 responses (10.4%) out of 772,211 total responses indicate that many Tanzanians did not rank the union as the top most important issue in the constitutional review. Majority of Tanzanians (89.6%) had concerns about other things; to them the most important issue was human rights (13.7%). CRC data further shows that 24.5% of responses directed to human rights reported the freedom of religion as the top most important issue to be included in the new constitution (CRC, 2013: 59). These statistics could be interpreted in the other way to mean majority of the Tanzanians were satisfied with the way union matters are handled by the current government and that they did not see any reason to change the current structure that is why they did not mention it. The CRC misinterpreted the findings to mean majority of the Tanzanians had preferred the three governments or federation structure. We say this because the 37.2% of responses which has been used by the CRC as the justification came from only 10.4% of the total responses.

Methodological Weaknesses of the Committee's Statistics

Critical analysis of the CRC data set reveals several methodological errors. First is on the methods of data collection. The CRC adopted public meetings, sms, emails, postal mails, community networks, posting on the CRC website and meetings with special groups as methods of data collection (Table 2). While we acknowledge the versatility and complementarities of the methodologies applied there are few things to note. One of them is the possibility of excluding the rural population (more than 75% of Tanzanians live in rural areas) who by nature are poor; most of them have no mobile phones and they live in remote areas where the only means of transport is to walk on foot. This is because most of the public meetings were held on urban areas and town centers.

Two, is the possibility of excluding those who cannot read and write. Very few Tanzanians (mostly urbanites) know how to use website and send emails. In fact the language of communication in the community networks is largely English and most Tanzanians cannot speak, read or write in English. These facts imply that actually many Tanzanians might have been excluded from the whole process of opinion gathering.

Table 2: Data Collection Methods

| Data Collection Methods | N | % |
|---|----------------|--------------|
| Public Meetings (<i>Face to Face Interview</i>) | 323,001 | 91.8 |
| SMS | 8,631 | 2.5 |
| Emails | 3,058 | 0.9 |
| Postal mails | 7,246 | 2.1 |
| Community Networks (Facebook) | 2,729 | 0.8 |
| Posting on CRC Website | 6,703 | 1.9 |
| Meeting with special groups | 296 | 0.1 |
| Total | 351,664 | 100.0 |

Source: Tanzania Constitution Review Committee (2013)

Second methodological error is on sampling. Table 3 presents the interviewees' sex and regional distribution. The first error here is the fact that the CRC did not specify the sampling methodology as a result sampling units and sample size determination are not clear. Secondly, the CRC over sampled some regions and under sampled others. The reasons for the over and under sampling were not provided, leaving a room for anyone to interpret the way s/he likes. For instance, the CRC sampled 23,895 from Kigoma region and 10,408 from Dar es salaam. Likewise, the CRC sample 8,750 people from Kaskazini Pemba (Pemba North) and 2,458 people from Kusini Unguja (Unguja South). Furthermore, the committee sampled 9,624 people from Iringa whereas only 1,944 people were sampled from Ruvuma. We call this an error because the regions differ in terms of population composition and one need to take care of that. The Dar es Salaam region had a population of 4,364,541 as of the official 2012 census while Kigoma region in 2012 had a population of 2,127,930. Unguja South had 115,588 people while 211,732 people lived in Pemba North. A total of 1,495,333 people lived in Iringa in 2012 while Ruvuma had a population of 1,376,89⁴. Among the prevailing interpretation of this scenario is that the CRC over sampled in regions where opposition parties were dominant and under sampled where CCM was active. But the technical interpretation can be the CRC entered into this important exercise without having in mind the clear sample size and the methodology of determining it.

Table 3: Interviewees by Sex and Regional Distribution

| Region | Did not state | | Sex | | Female | | Special Groups | | Total | |
|------------------|---------------|------------|----------------|-------------|---------------|-------------|----------------|------------|----------------|--------------|
| | N | % | N | % | N | % | N | % | N | % |
| | | | | | | | | | | |
| Dodoma | 20 | 0.3 | 5,480 | 83.4 | 1,069 | 16.3 | | | 6,569 | 100.0 |
| Arusha | 11 | 0.2 | 4,359 | 75.8 | 1,382 | 24.0 | | | 5,752 | 100.0 |
| Kilimanjaro | 0 | 0.0 | 1,403 | 87.5 | 201 | 12.5 | | | 1,604 | 100.0 |
| Tanga | 7 | 0.4 | 1,438 | 83.9 | 269 | 15.7 | | | 1,714 | 100.0 |
| Morogoro | 2 | 0.1 | 1,371 | 87.0 | 202 | 12.8 | | | 1,575 | 100.0 |
| Pwani | 10 | 0.5 | 1,543 | 82.4 | 319 | 17.0 | | | 1,872 | 100.0 |
| Dar es Salaam | 8 | 0.1 | 8,229 | 79.1 | 2,086 | 20.0 | 85 | 0.8 | 10,408 | 100.0 |
| Lindi | 8 | 0.1 | 4,979 | 82.7 | 1,036 | 17.2 | | | 6,023 | 100.0 |
| Mtwara | 9 | 0.3 | 2,672 | 80.9 | 622 | 18.8 | | | 3,303 | 100.0 |
| Ruvuma | 3 | 0.2 | 1,722 | 88.6 | 219 | 11.3 | | | 1,944 | 100.0 |
| Iringa | 5 | 0.1 | 7,010 | 72.8 | 2,609 | 27.1 | | | 9,624 | 100.0 |
| Mbeya | 18 | 0.3 | 3,823 | 74.0 | 1,327 | 25.7 | | | 5,168 | 100.0 |
| Singida | 5 | 0.4 | 1,222 | 89.3 | 141 | 10.3 | | | 1,368 | 100.0 |
| Tabora | 0 | 0.0 | 1,547 | 80.4 | 376 | 19.6 | | | 1,923 | 100.0 |
| Rukwa | 0 | 0.0 | 1,357 | 87.7 | 190 | 12.3 | | | 1,547 | 100.0 |
| Kigoma | 43 | 0.2 | 15,046 | 63.0 | 8,806 | 36.9 | | | 23,895 | 100.0 |
| Shinyanga | 5 | 0.3 | 1,593 | 86.5 | 243 | 13.2 | | | 1,841 | 100.0 |
| Kagera | 41 | 0.4 | 7,852 | 76.2 | 2,408 | 23.4 | | | 10,301 | 100.0 |
| Mwanza | 1 | 0.1 | 1,255 | 77.2 | 369 | 22.7 | | | 1,625 | 100.0 |
| Mara | 7 | 0.5 | 1,300 | 85.8 | 208 | 13.7 | | | 1,515 | 100.0 |
| Manyara | 5 | 0.3 | 1,697 | 85.0 | 295 | 14.8 | | | 1,997 | 100.0 |
| Njombe | 3 | 0.0 | 6,126 | 73.5 | 2,201 | 26.4 | | | 8,330 | 100.0 |
| Katavi | 1 | 0.1 | 1,531 | 88.5 | 198 | 11.4 | | | 1,730 | 100.0 |
| Simiyu | 9 | 0.4 | 2,053 | 90.0 | 220 | 9.6 | | | 2,282 | 100.0 |
| Geita | 4 | 0.1 | 2,627 | 84.2 | 490 | 15.7 | | | 3,121 | 100.0 |
| Kaskazini Unguja | 0 | 0.0 | 1,302 | 66.0 | 671 | 34.0 | | | 1,973 | 100.0 |
| Kusini Unguja | 7 | 0.3 | 1,452 | 59.1 | 999 | 40.6 | | | 2,458 | 100.0 |
| Mjini Magharibi | 11 | 0.2 | 3,438 | 52.9 | 3,006 | 46.2 | 50 | 0.8 | 6,505 | 100.0 |
| Kaskazini Pemba | 7 | 0.1 | 5,278 | 60.3 | 3,465 | 39.6 | | | 8,750 | 100.0 |
| Kusini Pemba | 14 | 0.4 | 2,091 | 54.6 | 1,728 | 45.1 | | | 3,833 | 100.0 |
| Did not state | 3,461 | 31.3 | 5,467 | 49.5 | 2,114 | 19.1 | | | 11,042 | 100.0 |
| Total | 3,725 | 2.5 | 108,263 | 71.4 | 39,469 | 26.0 | 135 | 0.1 | 151,592 | 100.0 |

Source: Tanzania Constitution Review Committee (2013)

The third methodological error is on interviewing the minors. Table 4 presents interviewee's age and sex distribution. The table shows that the CRC interviewed people who were under 18 years of age. This could imply some of the critical recommendations including the three government structure came from children. Studies have cautioned against depending on children's information.

Table4: Interviewee's Age and Sex Distribution

| Age group | Did not state | | Sex | | Female | | Special Groups | Total | |
|----------------|---------------|--------------|----------------|--------------|---------------|--------------|----------------|----------------|--------------|
| | N | % | N | % | N | % | | N | % |
| 7-9 | 0 | 0.0 | 9 | 0.0 | 8 | 0.0 | | 17 | 0.0 |
| 10-19 | 32 | 0.9 | 6,723 | 6.2 | 4,645 | 11.8 | | 11,400 | 7.5 |
| 20-29 | 172 | 4.6 | 20,623 | 19.0 | 7,769 | 19.7 | | 28,564 | 18.8 |
| 30-39 | 158 | 4.2 | 25,583 | 23.6 | 8,780 | 22.2 | | 34,521 | 22.8 |
| 40-49 | 105 | 2.8 | 22,940 | 21.2 | 8,569 | 21.7 | | 31,614 | 20.9 |
| 50-59 | 49 | 1.3 | 15,320 | 14.2 | 5,127 | 13.0 | | 20,496 | 13.5 |
| 60+ | 45 | 1.2 | 13,325 | 12.3 | 3,054 | 7.7 | | 16,424 | 10.8 |
| Did not state | 3,164 | 84.9 | 3,740 | 3.5 | 1,517 | 3.8 | | 8,421 | 5.6 |
| Non-applicable | | | | | | | 135 | 135 | 0.1 |
| Total | 3,725 | 100.0 | 108,263 | 100.0 | 39,469 | 100.0 | 135 | 151,592 | 100.0 |

Source: Tanzania Constitution Review Committee (2013); **Note:** Age and sex distribution exclude special groups

Research has shown that it is difficult to obtain accurate information from young children because of the potential inaccuracies that are associated with hearsay testimony⁵. In most cases, minors report issues based on hearsay not from what they experienced or read themselves. It is not logical that a 5 year old kid would know the costs and advantages associated with the three government structure live alone the question if s/he knows what a government is.

Conclusion

This paper concludes that the CRC data and its collection procedures raise more questions than answers on the structure of the union. Sweeping interpretation of the CRC findings cannot give the public a true picture on the call for three government structure. A critical analysis of the data set has shown that reliability of the CRC data is wanting. Methodological errors (the possibility of excluding the rural population, the possibility of excluding those who cannot read and write, failure to specify the sampling methodology, the over and under sampling, interviewing the minors) deny the right of people to have a good data set. What we can say is that the CRC denied Tanzanians their right to know how many people actually preferred three governments or continuation of the current two government structure. We firmly believe that the Union is an important issue which ought to have had its own survey question in a referendum. Including it in so many issues (or leaving it to the will of an individual to mention or not to mention as the CRC did) alters its importance than strengthening it. The paper hence concludes the call for the current constitutional reform in Tanzania has been mostly dominated by partisan interests. It is recommended that people should be cautious when interpreting data of the 2014 Tanzania's Constitutional Review Committee and its resultant conclusions.

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The African Studies Centre, 60pp.

Endnotes

¹ Read this at [<http://news.yahoo.com/tanzania-postpones-constitutional-referendum-election-commission-200337155.html>]

² These can be read from the citizen, Katiba process in limbo available at
[<http://www.thecitizen.co.tz/magazine/political-reforms/Katiba-process-in-limbo/-/1843776/2686650/-/9awvjz/-/index.html>]

³ Joubish, Muhammad Farooq; Muhammad Ashraf Khurram (2011). "Outlook on Some Concepts in the
Curriculum of Social Studies". *World Applied Sciences Journal* 12 (9): 1374–1377.

⁴ One Can Read These 2012 Census Statistics From Population Distribution by Administrative Units,
United Republic of Tanzania, 2013.

⁵ You can read the issues of interviewing children in Judith K. Adams, "Interviewing Methods and
Hearsay Testimony in Suspected Child Sexual Abuse Cases: Questions of Accuracy". http://www.ipt-forensics.com/journal/volume9/j9_1_4.htm