GRAPPLING WITH THE DEMOCRATIC TRANSITION: PARLIAMENTARY ACCOUNTABILITY AND THE HOUSE OF REPRESENTATIVES OF ZANZIBAR, TANZANIA

Submitted in fulfilment of the requirement for the degree of Doctor of Philosophy in Politics

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STATEMENT OF ORIGINALITY

The thesis contains no material which has been accepted for the award of any other degree or diploma in any university or other tertiary institution and, to the best of my knowledge and belief, contains no material previously published or written by another person, except where due reference has been made in the text. I give consent to this copy of my thesis, when deposited in the University Library, being made available for loan and photocopying subject to the provisions of the Copyright Act 1968.

(Signed):………………………………………………………………………. 
DEDICATION

This Thesis is dedicated to my late Father and Mother

And

My Family: My Wife Safia and my children Ahmad, Fahmy, UmmyAyman, Khayrat and Abdul-Samad

With the greatest love and affection
ACKNOWLEDGEMENTS

I put the name of the almighty God above everything which deserves a space in this acknowledgement, for his blessing and guidance that have always been the essence of my academic and non-academic success.

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None of the persons mentioned above, however, should be held responsible for the views expressed in this study. The responsibility for any weakness, error, or omission remains entirely mine.
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<tr>
<td>ASP</td>
<td>Afro-Shiraz Party</td>
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<tr>
<td>CCC</td>
<td>Construction and Communication Committee</td>
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<tr>
<td>CCM</td>
<td>Chama cha Mapinduzi</td>
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<td>CPA</td>
<td>Commonwealth Parliamentary Association</td>
</tr>
<tr>
<td>CUF</td>
<td>Civic United Front</td>
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<tr>
<td>DPP</td>
<td>Director of Public Prosecutions</td>
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<td>LHRC</td>
<td>Legal and Human Rights Centre of Tanzania</td>
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<tr>
<td>LSP</td>
<td>Legislative Support Programme</td>
</tr>
<tr>
<td>MHRs</td>
<td>Members of the House of Representatives</td>
</tr>
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<td>MP</td>
<td>Member of Parliament</td>
</tr>
<tr>
<td>NEC</td>
<td>National Executive Committee</td>
</tr>
<tr>
<td>OAU</td>
<td>Organisation of African Union</td>
</tr>
<tr>
<td>PAC</td>
<td>Public Account Committee</td>
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<tr>
<td>PBZ</td>
<td>People’s Bank of Zanzibar</td>
</tr>
<tr>
<td>REDET</td>
<td>Research on Education for Democracy in Tanzania</td>
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<tr>
<td>RPCEDOPS</td>
<td>Report of the Presidential Commission on the Establishment of a Democratic One-party State</td>
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<tr>
<td>SOHRs</td>
<td>Senior Officials of the House of Representatives</td>
</tr>
<tr>
<td>SPOs</td>
<td>Senior Public Officials</td>
</tr>
<tr>
<td>TANU</td>
<td>Tanganyika African National Union</td>
</tr>
<tr>
<td>TEMCO</td>
<td>Tanzania Elections Monitoring Committee</td>
</tr>
<tr>
<td>TPDC</td>
<td>Tanzania Petroleum Development Corporation</td>
</tr>
<tr>
<td>UNDP</td>
<td>United Nations Development Program</td>
</tr>
<tr>
<td>URT</td>
<td>United Republic of Tanzania</td>
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<tr>
<td>ZEMOG</td>
<td>Zanzibar Elections Monitoring Group</td>
</tr>
<tr>
<td>ZLSC</td>
<td>Zanzibar Legal Service Centre</td>
</tr>
<tr>
<td>ZNP</td>
<td>Zanzibar Nationalist Party</td>
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<td>ZPPP</td>
<td>Zanzibar and Pemba People’s Party</td>
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ABSTRACT

The introduction of a multiparty political system in Tanzania in the early 1990s signalled a major step towards establishing a democratic polity. This democratic transition aimed to create an environment for political participation at all levels of politics, to enhance political accountability of elected leaders, to foster responsible leadership, to aid in consensus building, and to enhance civil liberties. A consequence of realising these aims in practice would mean a significant shift in the relationships between the executive and legislative branches of government. That is, the process of democratisation would result in scaling back the significant powers vested in the Executive during a one-party system and relocating them appropriately among the other organs of the government, specifically the legislature. One key indicator of this shift is the extent to which the legislature has been empowered to hold the executive accountable. Even in well-established democracies, the task of ensuring that the executive is accountable to the legislature is not that simple and consensus has not been reached on the extent to which the legislatures are able to fulfil this task effectively. Shortfalls such as constitutional and procedural weaknesses, lack of transparency, and informational inaccessibility together with the phenomenal proliferation of state activities in modern times have made enforcing legislative accountability very complex.

The problem tends to be more severe in new democracies like Tanzania due to its historical experiences of poor economic conditions, social unrest, corrupt leadership, and deep political and social divides. Although recent studies have noted some gains in a number of countries in Africa, very little attention has been paid to the issue of parliamentary accountability of the executive in Tanzania. The situation in Tanzania is complicated by the fact that its political system also includes Zanzibar which has its own parliamentary system that in many respects exercises a significant degree of autonomy. The present study examines the impact of democratisation on Zanzibar’s political system and in particular on the relationship between the executive and the legislature. The primary aim was to identify the extent to which the powers of the House of Representatives of Zanzibar have been enhanced to hold the executive accountable. While the study examined the changing systemic arrangements, in particular constitutional changes, its main focus was gaining an understanding of the
ways in which those directly involved in the legislature—the elected and appointed members and the senior officials of the parliament—interpreted the nature and effectiveness of these changes. In so doing, the study identified various factors influencing the ability of Zanzibar’s legislature, the House of Representatives, to hold the executive accountable. These factors include an ongoing constitutional imbalance of power between the two branches of government, technical and organisational constraints, and a highly charged political atmosphere within the House (mirroring a history of political conflict within Zanzibar society).

The study found that the democratic reforms have improved the legislative accountability of the Executive in Zanzibar. However, although the House of Representatives has gradually been improving its powers and capacity, the Executive is still extremely powerful. Many areas in which the House has been empowered to oversee the working of the Executive are still very indistinct and not clearly stipulated within the Constitution. By contrast, the powers of the Executive over the House are clearly expressed in the Constitution. Nevertheless, the parliamentary system in Zanzibar has moved from its subordinated position within the now defunct one-party system where it was little more than a rubber stamp for executive pronouncements. After 20 or so years of democratisation the Zanzibar parliament has become a key organ of government. Thus this study’s findings contribute to the scholarship on democratic transitions, in particular to discussions on the nature of the legislature and its powers, and perhaps most importantly, to the ongoing practical development of the institutions of democratic governance in Zanzibar (and Tanzania).
INTRODUCTION

Though elections are liberal representative democracy’s means for keeping its rulers answerable to citizens, they occur only periodically. In the period between elections other institutions take on this role, and chief among them is the legislature (Barkan 2009; Close 1995). However there is no real consensus about the extent to which the legislature in representative democracy is able to fulfil this role effectively. But it is reasonable to suggest that in principle, the legislature remains a major mechanism in both parliamentary and presidential systems of holding democratically elected governments accountable during their tenure, and that “stronger legislatures mean stronger democracies” (Barkan 2009; Fish 2006).

In Africa, the prospects for the liberal representative democracy (and by extension legislative accountability) had already raised the concerns of several scholars (Mwakyembe 1995, xix; Hill and Whichelow 1964, 15) as early as the 1960s following sweeping constitutional reforms which made substantial inroads into the Westminster style of government left by the British colonialists when granting independence to their former colonies. Many of these newly independent countries opted for more or less republican constitutions which not only weakened the central authority of the parliament in the policy formulation and decision-making processes but also tremendously increased the powers of the executive branch of government. Further changes involving the introduction of one-party systems meant that democracy and democratic accountability became marginalised in many African countries.

However, the introduction of multiparty systems in almost all African countries has reenergised some legislatures to become effective in enhancing legislative accountability of the Executive. Hence, as suggested by Barkan (2009, 01) African legislatures matter in the context of multiparty politics and democratisation due to the fact that they remain strong mechanisms for achieving horizontal as well as vertical accountability of the rulers to the ruled. Also, examining and viewing democratic transitions from a legislative perspective in new democracies is significant for the reason that the legislature remains as an essential part of liberal
representative democracy. And the fact is that at least in theory, many countries that currently embarked on democratisation have opted for liberal representative democracy and legislatures have become prominent parts of the process.

On attaining independence in 1963 Zanzibar, like many other former British colonies, inherited a Westminster style of government in which the parliament featured as the key political authority within the Independence Constitution. As Rhodes and Weller have observed, the Westminster system varies considerably in practice, but its key elements include: the concentration of political power in a collective and responsible Cabinet; the accountability of ministers to parliament; constitutional bureaucracy with a non-partisan and expert civil service; an opposition acting as a recognised executive in waiting as part of the regime and; parliamentary sovereignty with its unity of the executive and legislature (Rhodes and Weller 2005, 7). The Independence Constitution of Zanzibar provided for a parliament consisting of 31 elected members. The executive powers were vested in the Sultan as head of State, while a Prime Minister as head of government was appointed by the Sultan. The Prime Minister was to be a leader of the party which had a majority representation in the parliament. Also, the parliament was sovereign and had direct control over the actions of the Executive through the principle of ministerial responsibility. This political system was a typical example of an implanted Westminster as described by Rhodes and Weller (Rhodes and Weller 2005, 3) in that it inherited British constitutional arrangements as part of decolonisation process. Only minor changes were made to the system to suit local political environment.

However, the implanted system did not last long. A revolution in 1964 led to the abrogation of the Constitution and the abolition of the parliamentary legislature. In its place emerged a Revolutionary Council which combined legislative, executive and judicial authority. It was to be a further 15 years before a new constitution was enacted. This new post-revolution constitution in 1979 paved the way for the establishment of the House of Representatives as a sole legislative organ in Zanzibar for all non union matters within Tanzania. But by this time Zanzibar was not only already under a one-party political system but also a hybrid system of government in which the Cabinet, though entirely drawn from the parliament, was not directly
accountable to the parliament, largely as a consequence of the union with mainland Tanganyika to form the United Republic of Tanzania. During the single-party system the parliamentary authority in Tanzania became largely subordinate to the control of the Executive and the ruling party (Wanyande 1995; Mwansasu and Cranford 1979; Thoden Van Belzen and Sterkenburg 1972; Tordoff 1965). Similarly, the House of Representatives of Zanzibar had turned into a place where hard questions were left unasked and credible answers were not given. The Executive was not scrutinised in any meaningful manner. Members of the House of Representatives were scared of being disciplined and punished by the strong party organs such as the National Executive Committee, NEC, (Mgaya 1990, 62; Mwakyembe 1985). As a result the Executive was often left to pursue whatever it wanted with little opposition.

The introduction of the multiparty system in 1992 heralded radical changes to the political landscape of the House of Representatives. Far reaching constitutional amendments were made in order to enhance the power of both the National Assembly (Union Parliament) of Tanzania as a whole and the House of Representatives of Zanzibar. The aim was to make them truly the supreme state institutions with the capacity to exercise control and supervisory functions over the Executive’s activities (Tambila 2004). However, it is not clear to what extent the House of Representatives has been freed from less obvious constraints on its authority. This is due to the fact that this area is the most unexplored terrain of Tanzanian politics and in particular in Zanzibar. Having been regarded as a rubber stamp institution during the period of a single-party system, the role of the parliament seemed to draw little academic interest. Relatively few studies have been conducted on the relationship between the legislature and the executive. Those few studies which have been done in this area in Tanzania, such as Kilian (2004), Kelsal (2003), Donge and Livigha (1990), and Okema (1990), mostly focused on the Union Parliament of Tanzania of which Zanzibar is a part. In most of these studies the recurrent theme has been on the relative power between the Parliament and the Executive i.e. how much power did the Parliament have vis-à-vis the Executive. The issue of executive accountability, though part of these analyses, remained a secondary consideration.
The present study aims to correct this deficit by investigating the current working of the House of Representatives of Zanzibar in the context of Tanzania’s transition to democracy. This transition is regarded, in theory at least, as a process in which Tanzania aims to transfer sovereignty from the party to the Parliament (Kelsall 2003, 62). One indicator of the sovereignty of the parliament would be its capacity to oversee the working of the government in ways that hold its actions accountable to the parliament. Hence accountability is the concept that provides the means to explore the changing relationship between the House of Representatives and the Executive. However, the concept of accountability is not straightforward and there is considerable scholarly debate over its definition, scope and meaning. This issue is taken up in more depth in the next chapter but here it is necessary to note briefly that in this thesis accountability is a political issue concerning the “relationship between an actor and a forum, in which the actor has an obligation to explain and to justify his or her conduct, the forum can pose questions and pass judgement, and the actor may face consequences” (Bovens 2007, 450). Indeed, as Mulgan (2003) has noted, consequences or sanctions must form a part of the concept of accountability. This is basically an agent-principal relationship that is concerned less with “whether the agents have acted in an accountable way, but whether they are or can be held accountable ex post facto by accountability forums” (Bovens 2010, 948).

Hence the key questions in this study are:

1. How have the democratic reforms in Tanzania:
   - Affected the parliamentary authority of the House of Representatives in Zanzibar?
   - Enabled the House of Representatives in Zanzibar to provide effective oversight of the Executive?

2. What might be the key factors affecting the ability of the House of Representatives in Zanzibar to hold the Executive government accountable?

These questions and developments in Zanzibar must be seen in the context of the democratisation process in sub-Saharan Africa. This will provide a background context to enable a clearer understanding of how the process has stimulated political
accountability in this period of transition. However, it is important from the outset to appreciate that there is no single recipe for democratic transitions; different countries have attempted to democratise using different methods and have ended up with more or less the same democratic institutions but with varying degrees of democratic quality and achievements. As Schmitter has suggested:

Many countries having left from different points of departure and chosen different modes of transition have been ending up, not with the same type of democracy, but with similarly stable and consolidated institutions. Why should there not be multiple ways of exercising political accountability and translating that accountability into improvements along the various measures of quality according to which democracy can be assessed? (Schmitter 2004, 59).

It is thus possible for African countries to develop mechanisms of political accountability despite having different points of departure depending on the nature and historical background of their transitions to democracy. Some countries such as Congo, Burundi and Rwanda have started their journey to democratisation without a stable political environment while others like Tanzania, Zambia, Malawi and Ghana have had a less bumpy road. Thus, the latter countries may be better situated to develop mechanisms of political accountability more smoothly than the former. Also, while different points of departure might mean that political accountability may have multiple interpretations, nevertheless all countries at least in theory, share a common assumption that all public office holders must be held to account for their deeds. The problem of accountability might be more severe in new democracies with historical experiences of poor economic conditions, social unrest, and deep political and social divides. This is the case with the political system in Tanzania which has experienced varying degrees of political clientalism, corruption, misuse of power by executive officials, executive control of the legislature, and weak parliamentary opposition (LHRC 2008; Kilian 2004; Kelsall 2003). These characteristics render the task of democratisation difficult in Tanzania and by extension, in Zanzibar.

**Nature of Democratic Transition in Sub-Saharan Africa**

Although the years up to the early 1960s could be described as the years of colonial rule in Africa, and the three decades thereafter as the years of independence and one-party and military rule or authoritarian regimes, the 1990s onward certainly will go into African history books as the years of democratisation in Africa (Msekwa 2004;
Dzimbiri 2000; Ake1991). The process of democratisation can be understood as part of a trajectory which is placed between authoritarian regime and democratic governance (Conteh-Morgan 1997). It is a transitional process as manifested in countries establishing a form of government in which mechanisms are created to ensure some degree of participation at all levels of politics, responsible leaderships, and civil liberties. It is a move away from coercive rule characterised by political authority being the exclusive preserve of a powerful autocrat, or a small group of intolerant political elites whose interests are quite contrary to the mass of people it claims to represent. Since the end of the Cold War, the institutions of representative liberal democracy and its various values have provided the dominant framework both for the discussions and means for achieving genuine democracy (Carter and Stokes 2002; Held 1993). Liberal representative democracy was promoted as the solution to Africa’s political, economic and social problems (Rugalabamu 1996, 371), and its theories came to dominate democratic discourse everywhere on the African continent (Mpangala 2004, 4). Thus the model (of which there are many contested versions) of liberal representative democracy becomes the starting point for almost every process (and discussion of) democratic reforms in Africa and widely accepted as a suitable model of democracy compared with others such as Marxism’s one-party democracy, or various forms of participatory democracy.

It is difficult to determine the precise time at which an authoritarian regime is breaking down and a democratic entity is emerging. However, the following conditions would indicate when the process might be said to begin: free and fair elections at all levels are held, the establishment of civil liberties, political rights, state institutions that operate according to the rule of law, and intermediate organisations that mediate between the citizens and the state (Dawisha and Parrot 1997, 42). In Africa these conditions were contextualised by the introduction of multiparty politics, abolition of life presidencies, convening of national conferences, greater basic freedoms of the press and of the citizens, and growth of the civil society organisations and social movements (Mpangala 2004, 7; Olukoshi 1998, 8-9). These indicators accord with what many political scientists would regard as outcomes of successful democratic transitions. It also needs to be noted that these indicators approximate the ideals of a democracy, but nevertheless where they might appear in
a given country they entitle that country to be described as a democracy (Lijphart 1984; Dahl 1971). It is also important to note that the idea of democracy has now been almost fully accepted across the globe (Dunn 1979). The myth that democracy is just for a few developed nations in the West has been dispelled. Ordinary people in new democracies at least understand democracy, its meaning and contribution in the socio-economic development of the society (Dalton, Shin and Jou 2007). Over 80% of Africans are in favour of competitive, free and fair elections, but many are well aware that this is not the reality since only 47% think that elections are actually held in a competitive free and fair environment (Diamond 2008, 138-144).

The winds of democratic change emerged after the collapse of communism in Eastern Europe and signalled the end of the Cold War. Challenges to political monopolies grew and people began questioning the legitimacy of the political authority of leaders who ruled without popular mandates (Sharma 1994, 3). This has had a great impact on African political development (Msekwa 2004; Dzimbiri 2000). But it was not just the end of the Cold War that propelled this wave of democratisation. There were other external pressures exerted on virtually every African country, particularly by multilateral and bilateral aid agencies. These agencies made political democratisation an important part of aid conditionality for each recipient country (Msekwa 2004). The hegemony of Western values of democracy could also be interpreted as part of a renewed strategy to consolidate and perhaps extend Western economic and strategic interests in Africa (Ake 1991). The strategic alliances, sought at any cost by the West in its war against communism, became far less useful when the Cold War ended. Even so, the West still found it in its own interests to foster relations with African countries, albeit with a new stress on democratic principles.

However, it was not only external pressures that contributed to these changes: there were other internal factors. These internal pressures varied from one country to another but in general, poor economic performance, corruption, bad governance, and authoritarian regimes were among the internal factors that intensified the pressure for political reforms (Lewis 2008; Msekwa 2004; and Dzimbiri 2000). Challenges to political monopolies and poor governance grew. People increasingly questioned the
legitimacy of the political authority of monarchs, dictators, and military juntas who held no popular mandate (Sharma 1994, 3). In that context, declining economic fortunes have made people more sceptical and critical of their governments. Elites were pressed to deliver on promises of economic growth and prosperity made in order to encourage acceptance of structural adjustment policies supported by international financial institutions. On the other hand new conditions on “good governance” set by external donors and creditors also provided a window of opportunity for African democrats to push for transparency and accountability in their countries. At the same time the world-wide democratic revolution and fight for human rights protection and promotion have contributed to lobbying from outside African countries against regimes accused of encouraging corrupt practices and committing human rights abuses. Even the Organisation of African Unity (OAU) had shifted its emphasis from decolonisation to a priority for economic recovery and good governance. Addressing the 26th OAU summit in 1990, the then OAU Secretary General Salim Ahmed Salim spoke in favour of democratisation stressing that the process should be home-grown despite the fact that African countries could not ignore the global consensus on the value of democracy (Kpundeh 2000).

Although the nature and circumstances vary from one country to another, two basic patterns in the modes of transition to democracy in Africa can be identified: transitions from above where functioning rulers responded to an impending or actual crisis by initiating democratic reforms, and transitions from below as a result of mounting popular pressures from the people, which resulted in national conferences, popular revolutions and pact formations all with the goal of moving towards a more democratic society (Kpundeh 2000). The assumption is that transitions from above, as occurred in Tanzania, would be more promising in terms of their ability to deliver democracy because they tended to be more specific about time-frames, procedural steps, and overall strategies. Transitions from below, which involved countries such as Kenya, Zambia and Malawi, would be plagued with a great deal of uncertainty. However, even in countries in which elites initiated reforms this did not necessarily promote peaceful and democratic change, but rather served to obstruct the entire process (Bakari 2001). Most rulers and their regimes were unlikely to give up their positions of power and advantage voluntarily.
Baregu (1994, 158) categorises African countries into four groups based on the nature of responses of the ruling elites to mounting pressures for democratisation. One group could be described as the reformers who yielded to organised pressures, permitted the formation of competing political parties, and held multiparty elections in which new parties have come to power. Benin, Cape Verde, Mauritius, Sao Tome and Principle, and Zambia belong to this group. A second group could be described as transitionists. Countries like Congo and Ethiopia set up national conferences to work out the details and oversee the transition to democracy. A third group were the resisters, of which Kenya and Zaire were cases in point. Kenya, for example, strongly resisted domestic pressure for change, but the government eventually succumbed due to considerable coercive diplomacy from donor countries. A fourth group, to which Tanzania belongs, comprised the hesitators. In 1990, Tanzania reluctantly allowed an open public debate in the press, while resisting demands for constitutional reform. In March 1991, however, it set up a presidential commission to recommend whether to continue with a one-party system or to adopt a multiparty system, and by May 1992, the national constitution had been amended, setting up a timetable to establish a multiparty system.

With the democratic reforms in the 1990s, sub-Saharan African countries began to put in place institutional mechanisms with the aim of encouraging political accountability. Institutions such as parliaments and courts, once often no more than the rubber stamps for government decisions, were gradually empowered to scrutinise and challenge executives and other government departments. Civil liberties and political rights began to emerge and be enshrined in many new democracies. Although democratic institutions are still relatively weak and at an infant stage when compared with the West and the more progressive countries in Asia and Latin America, this achievement is significant considering the history of abusive governments in most parts of the continent (Barkan 2009; Prempeh 2008). Between 1990 when Africa’s “second liberation” began up to 1995, over 30 sub-Saharan African countries, including Tanzania, made transitions to democracy or at least were on the way to it (Diamond 2008, 139-40; Mpangala 2004, 8). In much of Africa,
formal constitutional rules to govern and guide the powers to be exercised have been implemented to place limits on different political institutions.

However, some interpretive caution needs to be exercised here because political liberalisation which is a common feature of transitions to democracy in Africa is not to be confused with democratisation. Political liberalisation could be used by authoritarian regimes to create sham democracies. As Kpundeh (2000) observed, this type of liberalisation entails the partial opening up of an authoritarian regime, but falls short of choosing governmental leaders through competitive elections. Kpundeh’s observations note what happened since the mid 1990s in a number of African countries. Events in Kenya and Zimbabwe (and perhaps Zanzibar as part of Tanzania) may justify the assertion that democratic reforms in most African countries remain limited to the introduction of the multiparty system and its elections. It does not necessarily change the regime but rather gives it a legitimacy it would otherwise lack. Multiparty elections, in themselves, do not prevent abuses of power by political leaders, violations of human rights, misuse of public resources, rampant corruption and bad management of public institutions.

Democratisation implies changes that have a particular end point, namely, the creation of regimes that citizens recognise as democratic, with open elections, broad rights to associate and to run for office, freedom of speech, and a clear link between the results of elections or the views of elected representatives and the public policy choices that the governments pursue (Widner 1994, 8). Given the uncertainty that democratic reforms in Sub-Saharan Africa will endure, it is preferable to use the term political liberalisation, since many of the changes stop short of creating fully democratic governments. Although demanded domestically, the push towards democracy usually took place only in conjunction with international pressure. Foreign governments and international organisations used the threat of media attention and reduced economic assistance to force incumbent heads of state to embark on a political liberalisation agenda as distinct from the changes that citizens might have championed.
The ongoing trend of democratic transitions toward liberal or representative democracies and their consolidation is also reversible and some scholars have suggested that it is starting to lose momentum in Africa. For example, Bratton (2007, 98) has become sceptical that democratisation in Africa can produce its desired results. The existence of very powerful informal institutions such as corruption, clientelism, neopatrimonialism, charisma, and trust in “Big Men” often overshadow the formal democratic institutions and undermine democratisation in Africa. It is interesting to note that in Tanzania before the period of transition to democracy, the power of the so-called informal institutions such as clientelism and neopatrimonialism was less dominant, partly because the state was well institutionalised under a strong socialist party and because recruitment and promotion in the system mainly depended on ideological fluency and loyalty to the party and the President. But the introduction of multiparty politics has led to the emergence of these informal institutions which in turn vie for dominance with newly established democratic institutions (Kelsall 2002, 598).

Diamond (2008) offers a similar argument to Bratton by suggesting that the wave of democratisation in Africa has faced strong opposition from well-established single-party and military state systems ruled by a few powerful elites and guided by hierarchical informal networks of patron-client relations rooted in ethnic bonds. Out of six indicators used by the World Bank to determine the quality of governance of a country, Diamond observed that only one, “voice and accountability”, is performed slightly better by most of new democracies in Africa. As for the rest, the rule of law, corruption, regulatory quality and governmental effectiveness, if anything, are relatively worse. He added that the involvement of China as an alternative provider of aid, investment, and resources in Africa gives authoritarian regimes new energy to resist Western pressure for democratic reforms (Diamond 2008, 138-144). Other scholars (Mansfield and Snyder 2007, 5-6) relate failures in the process of democratisation in Africa to the lack of preconditions for democratic politics, such as relatively competent and impartial state institutions. They argue that sequencing democratic changes is a necessary condition to avoid uncertainty in the process, and to democratised peacefully and successfully, a country needs to start its journey by building up effective and competent democratic institutions before embarking on
competitive electoral politics. The institutions which in turn help to construct a sound legal system and a strong mechanism to sustain democratic changes further reduce the risks of civil war, ethnic and sectarian bloodshed and also limit autocrats who resist pressure for democratic change. Mansfield and Snyder cited Great Britain and South Africa among others as examples of old and new democracies respectively, whose paths towards democracy were cleared and smoothed by the formation of effective democratic institutions.

While Kwasi Prempeh notes that African countries have made considerable changes in their political and constitutional landscape, he also notes that the phenomenon of the autocratic regime still exists. He describes this as “president untamed”, and points out that:

Constitutional changes in several African states have brought important new players onto the political scene. Notably, traditional legislative oversight functions have been restored to African’s now representative and multiparty parliaments, and the courts once passive instruments of legitimation for Africa’s “big man”, are now empowered to adjudicate constitutional challenges to executive acts…A growing number of non-governmental organisations are similarly revitalising African civil societies …[But] Still, power in the African state, and with it control of resources and patronage, continues to rest with the president, making the capture and control of the presidency the singular ambition of Africa’s politicians. Presidents in contemporary Africa routinely pronounce “laws” and announce major policy decisions without recourse to parliamentary legislation (Prempeh 2008, 109-110)

For democracy to thrive, a strong commitment is needed from politicians and ordinary citizens to establish credible and effective institutions at national and local levels to control the African presidents who, although constrained by terms of office, have nonetheless not yet been fully tamed (Prempeh 2008, 110).

In Tanzania, and in particular in Zanzibar, the road towards democratisation has had its share of difficulties. The aim of democratic reforms was to open up channels of political representation by creating an environment for political participation at all levels of politics, enhancing political accountability of elected representatives, fostering responsible leadership, and enhancing civil liberty (Msekwa 2004).
However, in Zanzibar for much of the time since 1992, the reforms have been marred by political hostility, state repression and electoral violence (Bakari 2001). The electoral politics have been characterised by conflict between the ruling party Chama cha Mapinduzi CCM and the main opposition party Civic United Front CUF. The climate of mutual distrust and sporadic hostilities has been a key factor in undermining the credibility of the democratic reforms (Bashiru and Hanif 2010; Othman, Mukandala, Makaramba and Per Tidamand 2003). This political failure in Zanzibar was partly due to the political leadership in Zanzibar being determined to maintain the status-quo. It has been compounded also by the Union Government of Tanzania which is ruled by the same political party as in Zanzibar, and it has tended to support the undemocratic attitude of the Zanzibar Government instead of helping to find a lasting solution to the political failure (Bakari 2001).

**Representation and Tanzanian Democracy**

Writing specifically about Tanzania, Mushi (2004, 28) has suggested five key principles of representation which have been incorporated into its political system as part of its efforts to democratise. These principles are

- popular sovereignty (ultimate power lies with the people);
- deputation (popular power is exercised by the few on behalf of the many);
- popular consent (representatives are elected by the people on a regular basis);
- governance (decisions made and actions carried out by these deputies are binding on the community); and
- accountability (the people remain the final judge of the performance of the government and its deputies).

These are clearly consonant with the various sets of democratic ideals and indicators that will be discussed in Chapter One. However, these principles raise some basic theoretical and practical issues on questions of representation and decision-making in a parliamentary democracy. The main issue concerns the multiple relationships between the representatives, the electorate, their party, and the government. A number of questions need to be addressed. For example once elected, are representatives free to speak and act according to their consciences, or are they bound by party policies, or do they act in such a way as to secure their re-election to office? Should they behave more like delegates or agents instead of representatives
of their constituents (Mallya 2004, 117)? This is the perennial debate that recalls Rousseau (1968) on the one hand (who favoured a delegate bound by a rigid mandate), and Burke (1774) on the other (who argued for a representative with discretionary authority). Within most accounts of representative democracy it has usually been the Burkean view that has prevailed.

The relationship between the representatives and the represented sits within a wider context that also shapes it (Bratton and Logan 2006; Mushi 2004; Held 1993; Huntington 1991; Lijphart 1984; and Dahl 1971). Political structures, political culture and economic factors impinge upon the efficacy of representation in any political system (Mushi 2004). Under political structural factors Mushi mentions the party system (whether one-party or multiparty), the political system (whether presidential or parliamentary, bicameral or unicameral), the electoral system, and the distribution of powers between the branches of government. The political culture factors include the level of political awareness, expectations, and civic competence among the citizens, the expectations of the political parties, and the MPs’ perception of their role and power. The economic factors relate to the capability of the political system to respond to the demands of the population in terms of the resources needed. Within this context MPs act with discretion, usually in response to local, national and personal exigencies in fulfilling their role (Meny 1990). However, no representative in Tanzania and in particular in Zanzibar has yet gone so far as to act with total autonomy. Most MPs are constrained by the demands of their party and recognise that failing to act according to the declared party policies can have serious, even career-ending, consequences. In almost all polities, political parties are powerful actors. Tanzania is no exception.

Despite the fact that the principle of popular sovereignty should mean that the loyalty and accountability of representatives should naturally be to the voters, within the Tanzania parliamentary system this principle is compromised by the fact that there is relatively strong executive control over the parliament. Indeed, the introduction of a multiparty system in 1992 has strengthened party discipline in the parliament. In such a system the Executive President, who is himself not responsible to the parliament, can dissolve it while the political parties have strong party whips to
induce members to toe the party line (Liviga 2004). The Whip and the power of the Executive President to dissolve the parliament undermine oversights powers of the representatives which include the power of the purse and the motion of no confidence. Mallya (2004) adds that in Tanzania, where the party central office stands as the top authority to determine which candidates can contest an election, and where independent candidates are not allowed to stand, it is necessary for incumbent MPs to maintain good relations with their parties at the expense of their voters.

**Legislative Accountability in Africa**

Despite the fact that some scholars, notably Diamond (2008), Prempeh (2008), and Bratton (2007), are sceptical on the on-going reforms in Africa, this does not mean that there have not been any gains in African nations, including Tanzania, as a result of the adoption of liberal representative democracy. There has been growing awareness that people can influence policies and sometimes assume political power peacefully. The public bureaucracies are gradually becoming more depoliticised and are adopting more rational approaches (in a Weberian sense), rather than a politics driven methods in decision making. There is also increasing effectiveness and efficient management of public affairs. These in turn improve transparency and accountability that facilitate and promote good governance (Mukandala 2002, 11-12). However, Africans are still suffering massive poverty, human rights violations, corruption, and bad political and economic decisions made by ruling elites. At a global level, Africa is victim of an unequal international economic system (Mpangala 2004). Therefore, Africa should go beyond liberal representative democracy—this does not mean abandoning it altogether—by deepening and widening it to ensure greater local autonomy which will give people power and a say in their own lives, more respect for human rights and the rule of law. Also, as suggested by Mpangala (2004, 10) African democracy should be installed within the context of concrete cultural values and traditions, and way of life of the people of Africa. The transition to democracy in Africa should not be taken as an end to endemic political and socioeconomic problems facing the continent, but rather must be seen as a means to an end (Kelsall 2003; Sandbrook 2000).

In Africa, struggles to demand a form of democracy which suits the needs of its people have begun, and scholars (Msekwa 2006; Mpangala 2004; Mukandala 2002) have tried to suggest its essence as demands by people for greater autonomy for civil
society, greater basic freedoms, and greater observance of human rights, and even increased participation in decision-making processes. Some scholars, as cited by Mpangala (2004, 10), have interpreted these developments as the emergence of democracy of popular masses (Shivji 2000; Anyang’Nyong’o 1989) or people-centred democracy or social democracy (Mafeje 1998) which in addition to electoral democracy also includes empowering the people to ensure the provision of basic social necessities of life, and the raising of the standard of living of the majority.

While competitive elections traditionally stand as an important tool for vertical accountability, the legislature is regarded by many scholars as a key institutional mechanism for realising horizontal accountability (Welzel and Inglehart 2008; O’Donnell 1994). Institutions of horizontal accountability if properly instituted may help to persuade the government and its institutions to reveal to citizens the true conditions of their operation. This information in turn, will enable citizens to exercise accordingly their vertical accountability rights in forthcoming elections (Manin, Przeworski and Stokes 1999).

However, in Africa, the road to legislative accountability may be a long one. Democratic reforms in Africa have difficulty in balancing relations between the executives and the legislatures (Prempeh 2008). Executives continue (largely uncontrolled) to dominate politics and restrain the legislatures from checking and disciplining the public officials, elected and nonelected. Prempeh identifies several factors that have led to this state of affairs. These include: the unwillingness of the legislatures to exercise their oversight role over executives; the nature of constitutional design in many countries provides leeway for executive dominance; and past experience of a single-party system that has left legislatures without a tradition of legislative autonomy and hence sometimes they relinquish their legislative prerogatives to the executives (Prempeh 2008, 110-122). In many cases legislatures are used to shape constitutional designs which empower executives to work unrestrained even if their conduct is against the wishes of the citizens. For example in Ghana, the legislature gave the President the prerogative of establishing or abolishing government offices without its prior permission. Prempeh adds that in some instances, presidents in Africa are involved in appointing the Speakers of the
legislatures which then makes it easier for leaders to interfere with the affairs of the legislatures.

It has become common practice in many countries in Africa for the executives to exercise their prerogative powers of initiating legislation, including the national budget. Legislatures often only have a right of approval, or as has very rarely happened, rejection of the budget or the bills. The legislatures in most cases are handicapped to make any amendment to the proposals, thus marginalising their position in the whole process of policy making. Another setback of constitutional design is in the form of government. Many African countries have opted for “a hybrid” presidential model, although the model sometimes is not directly stipulated in the constitution. This model allows a combination of some elements of presidentialism in which the Executive President and cabinet cannot be removed from office by the legislature through any ordinary procedure of parliamentary censure or vote of no confidence. It also includes some other elements of the parliamentary system in which the cabinet is appointed from among the members of the legislature, who still remain serving as members of the legislature. The situation tends to impede the capacity of the legislature to make decisions which are against the interests of the executive. In some instances of the hybrid system in Africa, the presidents use the opportunity to appoint nearly half of the legislators to hold ministerial positions, as once happened in Ghana and Zambia. As a result, legislators frequently act to support the executive in order to win ministerial appointment instead of serving the interests of their constituencies and the people.

Burnell (2003) links Zambia’s failure of legislative accountability with the constitutional provisions which were set under that country’s hybrid form of government. Burnell argues that the system is more or less closer to a presidential model with delegated powers. The President of Zambia may at any time suspend the parliamentary session or dissolve the National Assembly, initiate legislation, appoint cabinet members from among the MPs, and also can exercise a veto power against any legislation which is passed by the National Assembly. Another impediment to legislative accountability is the predominance of the party system in the National Assembly which has existed since the introduction of the multiparty system in
Zambia in 1991. Although the 2001 elections changed the composition of the National Assembly for the first time when opposition parties secured an overall majority of seats to create a truly competitive party system, other impediments still remain.

In his part Levy (2007) suggests that legislatures have to assume a significant role in boosting horizontal accountability in Africa. He identifies and comments on factors which he suggests cause variation in performance between legislatures in different countries. He finds that the dominant factors include: level of patronage and the give and take behaviour between legislators and executives; differences in legal frameworks which guide the working of the legislatures; resources availability and accessibility to parliamentarians; and the composition of legislatures as defined by the ratio between ‘reformers’, who are always supposed to be young, better educated, and more supported globally, and ‘incumbent authoritarians’. Focusing on these influencing factors, Levy’s research suggests that out of four parliaments in Africa, the Kenyan parliament is more independently assertive, followed by Ghana and Benin respectively, while the Senegalese parliament fares the worst.

Attempts to improve the state of governance in Africa are not likely to succeed in a narrowly focused approach of organisational and public management reforms, rather the attempts should also look to an integrated approach which could address issues such as improvements in systems of accountability which consequently increase pressure for good performance in public sectors (Levy 2007). Improvements can be realised by developing capacities of accountability mechanisms and systems including hierarchical control structures within public bureaucracies, and perpendicular accountable governance structures through which bureaucratic actions are directly checked by political representatives of the people. In building the capacity of accountability mechanisms and systems, African countries should not rely on alleged best practice or a cookie-cutter approach. Country-specific realities such as constitutional structure, and patterns of political, social, and economic backgrounds should be the basis for determining the best approach to fit the process (Levy 2007).
Although the above discussion has revealed that many scholars are of the view that legislatures in Africa are still weak in relation to their executives and hence are pessimistic in terms of their power to enforce accountability (Prempeh 2008; Kilian 2004; and Burnell 2003), there are legislatures, though not many, which have become very vibrant and participate effectively in the policy making process and consequently are able to be an effective counterweight to the powers of the executive. Legislatures in Africa are arguably more powerful and autonomous today than at any time since independence and their power tends to increase as they develop the capacity to expand their authority (Barkan 2009, 2).

The few studies that have been done in this area in Tanzania reveal that in spite of the introduction of multiparty politics, the Union Parliament in Tanzania is still overwhelmingly controlled by one party due to the fact that in all parliamentary elections, the ruling party has consistently gained a two-thirds majority (LHRC 2008; Kilian 2004; and Kelsall 2003). Unlike in the single-party parliament in which an intraparty mode of political rule guided the behaviour of the legislators and created a set of compelling incentives for an intra-elite competition for policy influence and institutional autonomy, interactions among legislators in the multiparty parliament are primarily guided by an inter-party mode in which an MP’s party affiliation comes first before anything else (Kilian 2004). The behaviour of MPs and government ministers is largely influenced by their membership in a party. Through party discipline, party members are expected to support the party line on almost all issues in the parliament. Cabinet ministers and MPs from the majority party would then have incentives to cooperate in designing institutional arrangements that would benefit a dominant party (Kilian 2004). This situation tends to reduce the autonomy and effectiveness of the parliament to uphold government accountability. This is despite the fact that the democratic transition in Tanzania was preceded by changes to the national Constitution and the Standing Orders of the Union Parliament, and enactment of relevant legislation (Kelsall 2003). According to Msekwa, the then Speaker of the Union Parliament, the changes aimed to enhance the sovereignty of the parliament and to make it more effective in supervising the affairs of the government (Msekwa 2004).
However, subsequently, in both parliamentary and presidential elections, the opposition parties have been outnumbered by the incumbent party Chama cha Mapinduzi (CCM) – the revolutionary party. Other factors that acted to impede a more accountable functioning of the Union Parliament include a shortage of resources—financial, material, and human—to support MPs to carry out their oversight role. A multiparty parliament also introduced the discipline of strong party whips which tends to control radical MPs, particularly from the ruling party, thereby reducing the opportunities for criticism of the government. As a result, some observers, including parliamentarians themselves, claim that the last single-party parliament 1990-1995 performed relatively better than the multiparty parliament (Gasarasi 2004; Kilian 2004). They contend that the multiparty parliament lacks the rigour and drama of the 1990-1995 parliament to the extent that its debates are seen to be dull and boring with a lack of critical analysis and automatic approval of legislation. Indeed some have concluded that the multiparty parliaments (1995-2000, and 2000-2005) are a sign of parliamentary decay and decline (Kilian 2004, 197).

The Parliamentary Watch Annual Report published by the Legal and Human Rights Centre of Tanzania (LHRC) provided additional support for Kilian’s views. It noted that a number of problems confronted the Union Parliament of Tanzania such as the unhealthy majority enjoyed by the ruling party, partisan politics, contradictory provisions of the Constitution which provide for overlapping authorities between the Executive and the Parliament, the relative weakness of opposition parties, and the misuse of parliamentary powers. The ruling party in Tanzania still enjoys an absolute majority in the Parliament and the Cabinet Ministers and Deputy Ministers make up almost 20% of all MPs. This has implications for the effective performance of the Parliament. Further, the LHRC report has indicated that the ruling party uses its majority in the Parliament to threaten anyone who tries to criticise the working of the Parliament and to silence opposition members who question the poor conduct of the government (LHRC 2008, 35). The LHRC also noted that the Parliament is vested with the constitutional power to make its own Standing Orders for its effective operation. The Parliament, for so long dominated by the ruling party, thus has the capacity to misuse its power for making rules to curb MPs from questioning or criticising the judgements of the President in power (LHRC 2008, 34). However,
while scholars have pointed out weaknesses of the Union Parliament, most of them have acknowledged that by all accounts the multiparty parliament has performed relatively better than during a one-party system (LHRC 2008; Msekwa 2004; and Tambila 2004). Although the changes were not totally satisfactory, they slightly sharpened the teeth of the Parliament. Apart from constitutional and structural reforms which have been regarded as key factors which have helped improve the multiparty parliament, scholars also have pointed out that the existence of opposition parties within the parliament as another factor which enhances effectiveness of the parliament. In a parliamentary democracy, one main responsibility of the Opposition is to ensure that the policies and actions of the Executive are subjected to constant scrutiny and challenge.

In Zanzibar, there has been no serious study of this issue. But in the period following its incorporation into the national polity of Tanzania, it has had a mixed record in which its government and the rule of law were less than optimum. The initial constitutional reforms in 1979, 1984 and the subsequent introduction of multiparty democracy in 1992, were welcomed by the people of Zanzibar. These reforms were consistent with the view that the legislature embodies the popular will and in some way must have the institutional means to hold the executive branch of the government politically accountable. However, it was thought that the House might be facing more challenges than the Union Parliament given that it was established just 30 years ago. And since the inception of multiparty politics the House has endured several interparty conflicts between the two main rival parties: the ruling party CCM and the main opposition party CUF. In addition, in Zanzibar public complaints have been increasing in recent years concerning the lack of responsiveness of the leaders with respect to their actions and decisions (Nassor 2003). Given that this is unexplored terrain in Tanzanian politics, and in particular in Zanzibar, the central focus of this study is designed to consider the extent of the effectiveness of the House of Representatives of Zanzibar, in the period of democratic transition in Tanzania in enhancing the legislature’s power to hold the executive accountable.

Conceptual Framework
Legislatures in new democracies, particularly in African countries, have experienced remarkable reforms in the past two decades to prevent political and non-political
power holders from abusing their powers given by the people. However, the reforms still have not yet enabled the legislatures to gain the upper hand over the executive arm of government. A brief recapitulation of the literature establishes that the main setback in the legislative performance can be summarised into two parts: weaknesses in institutional and structural set-up and a lack of enduring legislative democratic norms and values. Although no study in Zanzibar has drawn this conclusion, it is likely that its House of Representatives is characterised by some of the same problems. This thesis focuses on the first of these to examine the accountability relationship between the House and the executive.

Close (1995, 5) has suggested that a study of this nature basically should adopt an institutional approach that is substantially state-centred. But showing the legislature in its full political context demands going beyond institutional description to identify and trace the development of the array of forces that affect political life. Hence, this thesis is not a typical legislative study which examines the functioning of the House as an end in itself. Rather it aims to examine the extent to which institutional and structural factors affect the ability of the House of Representatives of Zanzibar to exercise effective accountability (in the sense noted above). The focus was with the constitutional framework, organisational pattern of the House and the availability of adequate resources including material, financial and human resources. Also, the study examined the extent to which institutionalisation of a legislative democratic culture, norms and values affected the performance of the House of Representatives of Zanzibar. Indicators here included the degree of tolerance in the House, the degree of the partisan politics in the House, independence of the House in making its decisions, and the extent of freedom of expression of the members of the House. The examination was in the context of democratic reforms which have taken place in Tanzania since 1992 when the multiparty system was officially introduced. These factors and their interrelationships are represented in Figure 1.1.
Figure 1.1: The Frame Model of the Effective Legislative Accountability of the Executive

From the above model we can postulate that the pattern of the institutional setup has a great impact on the effectiveness of the House of Representatives to render the Executive accountable. Three sets of indicators are established here for analysis. First is the availability of adequate resources (human, financial, and material) that may lead to the effective performance of the House. It is of critical importance to have qualified members’ staff who act professionally and are capable of providing administrative and procedural assistance to the House. However, having competent staff alone does not ensure effectiveness of the House. The House also needs to be adequately resourced with funds in order to be able to spend more time for thorough scrutiny of the Executive. More money also leads to availability of more facilities such as computers, transport, and library facilities for research.
Another independent variable under an institutional setup is the legislative framework. For legislative accountability to be enhanced, adequate power must be given to the House to enable it to be the supreme organ of the government. The power may be in terms of privileges, rights and immunities enshrined in the Constitution, or detailed in specific parliamentary acts such as the Parliamentary Act on the Immunities, Powers and Privileges of the House of Representatives, or the Standing Orders of the House or some combination of all three. The organisational arrangement of the House is also an independent variable which may impact on the performance of the House. Leadership patterns, composition of the House, budgetary autonomy, and the criteria required for one to qualify to become a member of the House are essential to enable the House to perform its accountability function.

Another important area of investigation concerns the influence of the legislative democratic culture-norms and values. Effective performance of the House may to some extent depend on the behaviour of the House and the way the members of the House observe the democratic norms and values of legislature. Within this context three other factors were examined. One is the extent to which deliberations within the House are based on consensus-building rather than partisan politics. In order to reduce the domain of partisan politics in the House, members should adopt the culture of consensus-building, tolerant behaviour and respect among each other.

Independence of the House is another factor which may lead to effective performance of the House. One would expect that, in order for legislative accountability to work properly, the House and its members need to be free from the influence of any outside forces while making its decisions. Any interference from outside the parliament, especially from the executive arm of the government, may inhibit its effectiveness. The same applies for freedom of expression. Members of the House should work without any external influence, motive or force which may make them act differently from usual. The combination of the above sets of institutional, structural, and cultural factors are important for the effective performance of the House in upholding accountability of the executive.
Method of Inquiry
The thesis was informed by a qualitative research approach (Gergen and Gergen 2002; Schwandt 2002), principally employing the method of interpretive analysis. Interpretive analysis is an appropriate methodological approach because it “does not prescribe a particular method of creating data” but rather “prescribes a particular way of treating any type of data” (Bevir and Rhodes 2002, 157). It can also be applied to the meanings embedded in archival and policy documents, parliamentary records, and other sources including the secondary scholarship. Further, it takes seriously “the meanings embodied in political activity” (Bevir, Rhodes and Weller 2003, 192) making it ideally suited for examining the meanings expressed in (and by) the views, practices and perspectives of the political actors themselves.

Data were developed from several sources: library and archival repositories, direct observation of the parliamentary members and staff, and a field survey. Searches in library and archives produced primary and secondary evidence. Of particular relevance were parliamentary documents and reports, the Constitution of Zanzibar, the Standing Orders of the House, Hansard reports and other related publications. Documents held in publicly accessible repositories such as the House of Representatives’ files, the Zanzibar Archive, relevant government archives and so on were examined. Similarly, documents held in research institutions such as the University of Dar es Salaam, the Research on Education for Democracy in Tanzania (REDET) of the University of Dar es Salaam, and the Zanzibar Legal Service Centre (ZLSC) were also examined. In the case of these types of documents the following questions were posed before a decision to use any of this material was made: Who collected the data? What were the sources of the data? Were the data collected appropriately? When was it collected?

The qualitative data gained from the questionnaire informed the analysis of political accountability in Zanzibar. The data enabled key aspects of the accountability issue to be explored. In particular it provided a means to explore how the members of the House of Representatives and the Executive perceived the factors affecting the accountability of the Executive to the Parliament and the extent to which they felt that this relationship had changed following the introduction of multiparty politics in
Zanzibar. This source of data enriched the final findings of the study. The questionnaire was not intended to provide statistical data for the thesis, but to provide a means to develop a greater understanding of political accountability, as an issue, from the perspective of those involved in the decision-making process within the Zanzibar Parliament and political system. The questionnaire also served as a recruitment tool for participants for the follow-up interviews. Key ideas, themes and insights that emerged from the qualitative survey data were then used to develop the interview questions. The semi-structured, open-ended approach of these interviews allowed participants freedom to develop an account of their experiences and to express their understanding of how political accountability works (or could be made to work).

The content of the questionnaires for this study was developed to enable the researcher to collect only the minimum information needed which is relevant to the purpose of this study. Each question in the survey had an explicit rationale for inclusion. The respondents were mostly requested to provide information regarding their experience, insight, and knowledge of legislative accountability. The respondents—members of the House of Representatives and Senior Public Officials—were served with a Swahili copy of the survey as some of them were non-English speakers. It was intended that the questionnaire would be sent by mail to the respondents. When actual field work started, the Speaker of the House of Representatives advised that due to the sometimes erratic postal service and the intermittent reliability of the email system in Zanzibar that it would be more prudent to distribute the questionnaires through the registry offices of the relevant institutions.

Non-participant observation also was used in the sense that the researcher attended various sessions of the House of Representatives and observed their deliberations. The main purpose of these observations was to collect data relating to parliamentary procedure and the behaviour of the members of the House during deliberations. Specifically, the researcher observed the pattern of members’ contributions to motions and issues tabled by the government and how those contributions conformed (or not) to partisan politics and executive discretion. In addition, the researcher
observed the way in which the Speaker presided over the House deliberations. One advantage of observation in this study was that the researcher’s ongoing daily presence in the House while it was in session meant that for the most part the respondents were unselfconscious about being observed and hence they behaved in a natural manner, thus enabling an insight to be gained into actual, not pretend, behaviours (Burns and Bush 1998). During the observation, the researcher had the opportunity to have conversations and follow up discussions with some respondents to clarify some important issues which emerged during interviews.

Interpretation of information collected from observation of the House’s sessions was guided by the requirements of the Standing Orders of the House and Constitutional provisions governing the working of the House. This meant that the interpretation focused on how or if attitudes and behaviours of the members and the Speaker of the House during deliberations conformed to the requirements of the Standing Orders and other legal provisions and, to a lesser extent, to legislative democratic norms and values. Findings which were obtained from these observations were used to supplement and complement findings from other sources. Each technique acted as a check on the findings obtained by the other (Burns and Bush 1998).

The participants in this study were selected from five strata within the political system which include leadership of the House (the Speaker, the Deputy Speaker, Leader of Opposition, and the Chief Whips from the ruling and opposition party), all other members of the House of Representatives; senior employees of the House; members of the Cabinet; senior employees of public service departments; and leaders of the main political parties in Zanzibar, CCM and CUF. Judgmental sampling methods were applied to secure sampling elements from the stratum which involved employees of the House. This enabled the researcher to deal with only a specific number of respondents with the particular systemic characteristics that identified them as important for the study (Kumar 1997, 161), namely they were involved directly in the management of the House. Based on this method, the Clerk (Secretary) of the House and his assistants, secretaries of the Standing Committees of the House, and senior officials of the House were asked to participate.
Limitations of the Study
A few problems emerged in the course of collecting data for this study. The main constraint was the secrecy and confidentiality that surrounds many aspects of the political system of Zanzibar. It took more than a month to process the research clearance to conduct field work in the House of Representatives of Zanzibar and other government institutions. Some key informants, particularly Cabinet Ministers, were very busy and this limited the opportunities for them to be interviewed. Consequently their turnout for interview was below expectation. In other situations, sheer bureaucratic red tape and last minute cancellations by some respondents of scheduled interviews were a frequent source of frustration. In yet other instances, missing or misplaced files or records as well as withholding of required information under the guise of confidentiality was also a rather regular phenomenon. In addition to that, given the sensitivity of the political climate and small geographical size of Zanzibar in which all people know each other, the researcher opted not to use some primary data specifically collected during observations due to the sensitive nature of its contents. The data of this nature were only used when documentary and other existing sources were available to support and supplement their contents. These shortcomings have at least slightly affected the process of data collection. Nevertheless, while the researcher acknowledges these shortcomings, the data that was available, and the multiple methods of data collection to enrich its reliability and validity, has meant that the final findings have not been adversely affected.

Organisation of the Chapters
Chapter One discusses relevant theoretical issues of representative democracy and political accountability. It explores democracy and representation in an historical perspective in order to situate the relationship between democracy and political accountability and to show that the principle of political accountability is fundamental and essential in democratic consolidation. Further, it discusses some experiences from new democracies. Finally, it surveys some of the controversial issues which have emerged in current debates on accountability. This lays the basis for exploring the central issues in this study of political accountability in the Zanzibar political system in the context of a transition to multiparty democracy.
Chapter Two is devoted to a discussion of Zanzibar’s political history in the context of parliamentary sovereignty. It begins with a brief overview of the historical development of the legislature in Zanzibar during the colonial period with the aim of understanding the colonial contribution and impact on the consolidation of parliamentary democracy after independence. The core focus of the chapter is upon the period of the one-party politics in Tanzania and its implications for the legislative accountability of the Executive. This will also involve some discussion of the background and nature of the Union of Tanzania and the forces behind the introduction of one-party system. For it is in this context that the system of government of Zanzibar is formed and it provides the necessary backdrop for a discussion of the place and status of the legislature after Zanzibar’s 1964 Revolution and, following its creation in 1980, the working of the one-party House of Representatives of Zanzibar. The chapter will thereby clarify the legacy which has been left by the one-party system and the 1964 revolution which in one way or another slows down progress of the present efforts to democratise Zanzibar’s political system.

Analysis of the democratic transition in Zanzibar and Tanzania as a whole is presented in Chapter Three. It examines the nature of the transition and looks at key constitutional changes and structural reforms which took place in Tanzania immediately following the introduction of the multiparty system. It discusses steps which were taken by the ruling party and the Union and Zanzibar Governments to guide the transitions in order to try to keep the process within its control. Discussion and analysis on the founding multiparty elections in Zanzibar and the impact this made to the working of the House of Representatives are also explored. This chapter gives a foundation to understand the nature and character of the democratic reforms in Tanzania and Zanzibar and their impacts on the legislative accountability.

Chapter Four provides further discussion of the reforms taking place in Tanzania and specifically in Zanzibar after the introduction of the multiparty system. The focus here is on specific reforms to the Executive-Parliament relationship. It examines how reforms on the systemic nature of relationships between the House and the Executive and the representative character of the House have been improving progressively
since the introduction of the multiparty system, albeit the Executive still maintains a significant number of votes which may be used to influence the House’s decisions. The Chapter concentrates on reforms to the Legislative-Executive power relationship and the Committees system of the House in order to set the stage for further discussion and analysis in subsequent chapters concerned with evaluating and assessing the strengths and weakness of the reforms in enhancing effectiveness of the House in its accountability role.

Chapter Five deals with the power of the House of Representatives versus the Executive. It evaluates how the constitutional as well as structural reforms made since 1992 have managed to influence changes in the working of the House of Representatives. Discussions on the current Executive’s powers of dissolution, appointment of senior public officials including the Clerk of the House, powers to establish or remove public office without prior consultation with the House, and the power to control information are given and analysis is provided on how these powers continue to hamper the House from holding the Executive accountable. Furthermore, analysis is provided on how the Executive has benefited from the current state of partisan politics within the House of Representatives to exercise more influence over decisions taken by the House. Also, it examines how the ruling party at the Executive level has grappled with trying to maintain its dominance in the House in the changed environment of multiparty politics. In doing so, the focus is on information provided in the surveys and interviews with the Members of the House of Representatives, Senior Officers of the House of Representatives, and the Executive and other documentary data collected in the House and other public institutions in Zanzibar and Tanzania.

Like any other institution, effective performance of the House of Representatives depends among other things on the availability of sufficient resources allocated specifically for the House activities. Also, the effectiveness depends on the ability of the House to determine and control its own resources. In Chapter Six, a detailed account is provided on the availability of resources and degree of freedom of the House to determine and control its resources. In addition, the Chapter examines the power of the Executive to control resources over the House of Representatives.
Discussion in this Chapter focuses on both constitutional and institutional constraints in order to understand clearly their impact on the availability of adequate resources for the House and how it would affect its ability to oversee the functions of the Executive.

In combination these chapters enable the research questions of this study to be answered. To recapitulate, these questions are:

1. How have the democratic reforms in Tanzania:
   - Affected the parliamentary authority of the House of Representatives in Zanzibar?
   - Enabled the House of Representatives in Zanzibar to provide effective oversight of the Executive?

2. What might be the key factors affecting the ability of the House of Representatives in Zanzibar to hold the Executive government accountable?

Discussion of these answers is undertaken in the final chapter. This will enable some conclusions to be drawn about the nature of executive accountability in Zanzibar’s parliamentary system in the context of multiparty democracy. This will also provide a basis for suggestions about future directions for research.
CHAPTER 1 REPRESENTATION, DEMOCRACY AND ACCOUNTABILITY

1.1 Introduction
This Chapter discusses some theoretical aspects of representative democracy and political accountability. It starts by looking at democracy and representation in an historical perspective. It looks at the relationship between democracy and political accountability in order to show that the principle of political accountability is fundamental and essential in democratic consolidation. Further, it analyses issues of legislative accountability and discusses some experiences from new democracies. Finally, it conceptualises the term “accountability” in order to address some of the controversial issues which have emerged in current debates on accountability. The aim of this discussion is to lay the basis for exploring the central issues in this study of political accountability in the Zanzibar political system in the context of a transition to multiparty democracy. It also assists in contributing to the development of the theoretical basis for the thesis.

1.2 Representation and Democracy: Historical Perspective
Despite the fact that a universally accepted definition of the term ‘democracy’ is yet to be realised, as it is still being contested in both analytical and ideological discourse (Wiseman 1996), it remains to be the most significant and essential form of government (Shastry 1990). However, there is one common widely accepted feature which defines democracy. The feature is that, in a democratic system, power is said to be derived in some way from the people over whom it is exercised. This common element of democracy is derived from the term itself which has its origin from two Greek words, namely Demos meaning people and Kratos meaning power. Hence democracy means the power of the people and that the people rule themselves (Held 1993; Shastry 1990). It is generally accepted that both the concept and practice of democracy originated in Athens in ancient Greece of the 5th Century (REDET 2004, 03). However, the idea of representation was not part of the Athenian understanding of democracy. There was no need for representation in ancient Athens as democracy was conducted on a face-to-face basis, a situation that was possible in the small city states like Athens. All freeborn citizens could afford the time for direct participation
in politics and government. At that time, the citizens of the city states of Athens, Sparta and Corinth had a tradition of holding town meetings which were open for all citizens. At those meetings various decisions concerning the laws, rights and duties of both citizens and slaves were made. The freeborn citizens participated in the discussions and passed resolutions. Decisions which had the support of the majority carried the day and became binding. Slaves had no right to participate in those meetings. Similarly, women were denied the right to participate in the decision-making (Mushi 2004; REDET 2004; and McLean 1986). This was the major shortcoming of that kind of democracy.

The form of democracy in ancient Athens allowed for the highest level of participation and is called “direct democracy”. Direct democracy works best in a less-populated community where citizens have consensual views of their goals and interests. The fewer citizens, the more effective and applicable is direct democracy. Where individual interests conflict seriously or where such interests are given priority over the community interests, social contradictions become insoluble, even if the community is small. Furthermore, this type of democracy is only possible in societies with enough freedom to make their own decisions. Another requisite characteristic of direct democracy is relative homogeneity among the members of the community. Such homogeneity may take the form of shared values and culture, and comparable income levels (Liviga 2009; REDET 2004).

However, in the course of time and with the increase in population and geographical boundaries, societies transformed into extensive nation-states. Because of the size and complexity of modern societies, direct democracy is no longer practicable (though with the development and advancement of contemporary information technologies some scholars (McLean 1986) have put the possibility of its reinstatement back into consideration). In its place, what one might call “representative democracy” has developed whereby the citizens elect their representatives to several democratic institutions to exercise governing powers and to make decisions on their behalf. The elected representatives become the ultimate authority, deciding national political and other issues. Democratic governments derive their power and authority, and hence their legitimacy, from the people (Held
While democracy in general is a political system which vests the political authority in the hands of the people at large, representative democracy transfers that power and authority to govern from the hands of the many to the hands of a few, who then govern in the name of the many. Elections and parliaments consisting of the people's representatives have become very vital instruments and institutions of representative democracy in modern times (Wanyande 1995, 81).

1.3 Representative Democracy
Ideas of representation began to emerge from the political theories of the Middle Ages. These theories were borrowed mainly from corporation law and the religious notion that the Head of the Catholic Church represented God on earth (Friedrich 1968). The European medieval constitutional order had to include representative elements because unlike the Greek city states, it applied to large territorial units in which direct participation by entitled citizens was not possible. The unitary organisation of the Catholic Church necessitated the creation of representative assemblies in the form of councils. This practice was extended to the secular feudal order by giving corporate representation to cities, municipalities, towns and some rural shires in the emerging parliaments and monarchs (Friedrich 1968). However, this representation was quite different from representation in the modern democratic state. It was simply a political strategy of the monarchs to get and keep the powerful interests of the nobility, clergy and merchants on their side and working for them. Although the rest of the population participated in the system economically as producers and tax payers, they were restricted in their participation in politics and therefore were not represented in the institutions of governance. In addition, the representatives were accountable to the monarch who appointed them. At best they defended the monarch’s interests, which were seen as synonymous with a country’s national interests (Mushi 2004, 26).

The present day institutions of representative democracy are the outcome of historical power struggles between the people and their rulers. Its nearest history can be traced back as early as 17th century in Europe during the protest against the absolute monarchy. The social contract political theorists of the time took the idea of representation seriously, making it the pivot of their governance schemes and constructs. The political writings of Thomas Hobbes (1588-1675) and John Locke
(1632-1836) had great influence on the development of liberal representative democracy (Mallya 2004; Held 1989). These political thinkers contributed a lot in the transition from the absolutist to the liberal state in Europe. They tried to define the boundaries of the state authority as against the freedom of the civil society—the individual, the family, and to some extent business life. Liberalism came to be associated with a range of freedoms in matters of daily life. It was related to ‘free and equal’ individuals who had natural rights as human beings. The means to safeguard these rights, while at the same time regulating individual behaviour in the state context, was through a constitutional state, private property and the competitive market economy (Mallya 2004, 114).

Hobbes was among the first of those who are now termed “social contract theorists”. He tried to explain that the state was a creation of a deliberate and voluntary agreement among men and it was not a divine creation or a product of nature, but a human creation. Hobbes insisted on the necessity of a state for organising the activities of human beings. His basic argument was that the state (Leviathan) was necessary to avoid the chaos that can emanate from what he regarded as humans’ natural proclivities to act only in their own interests. His entire conception of the state rested upon the idea of representation (Plamenatz 1963). He argued that the only way to understand or achieve the unity of the state is in the context of all people agreeing on a covenant to make one person or assembly of persons their representative and to be bound by the decisions and actions of that representative person or assembly. This avoids the chaos that would result from the multitude of people who differ greatly in their views and ambitions and who would search for ‘power after power unto death’ (Mushi 2004, 27). This idea of super imposition of one person over all others was consonant with the age of monarchical absolutism.

Hobbes’s ideas of the social contract, though narrow, had some elements of what was to be known as “liberalism”. These included the concept of being free and equal when it comes to human beings, the nature of human beings of being egoistic and self-interested and the need for consent by participants in deciding how human beings should be regulated and how individuals should pursue their private affairs.
Hobbes advocated a sovereign that was ultimately absolute but established by the authority conferred by the people (Hobbes 1651).

In his writings on politics and government John Locke had a different opinion on human beings’ capacity to organise their politics. Unlike Hobbes, Locke’s view of humans was more optimistic. He posited a state of nature as one of peace, goodwill and mutual assistance and preservation. Humans were social and sympathetic towards others because the law of nature directed them to be like that. Reason was the soul and substance of the law of nature which governed the state of nature. Reason teaches all humankind that all being equal and independent, no one should harm another in their life, liberty nor property. From the law of nature, flowed certain natural rights—rights to life, liberty, and property. Also, it imposed corresponding duties alongside these natural rights. Thus everyone in the state of nature enjoyed their life, liberty, and property and at the same time allowed others to enjoy the natural rights (Shastry 1990, 65).

Locke rejected the notion that a great Leviathan should control every social aspect, that it should have an uncontested unity and establishing and enforce laws according to the sovereign’s will. According to Locke, the state should be for the defence of life, liberty and property of its citizens (Dunn 1969). Inherent in this position are some key principles such as the right of individuals to have freedom, property and to participate in political affairs. Government should thus be by consent and when it does not live up to the aspirations of the people, it should be replaced (Singleton et al. 2009, 19; Mallya 2004, 115).

Writing on liberalism and representation Mallya (2004), Mushu (2004), and Held (1989) have suggested that John Locke is regarded as a key contributor to the development of liberalism and prepared the way for the tradition of popular representative and responsible government. He placed emphasis on such values as personal freedoms and rights, government by consent of the governed and the right of the people to call their government to account, including a right to revolt if the government failed to protect the life, liberty and property of the governed. While Locke’s idea of who should be included as part of the ‘governed’ was probably
narrower than what is now the norm in the twenty-first century, many of the values that he argued for are today seen as central to our understanding of modern representative democracy.

In the 19th century, English philosophers Jeremy Bentham and John Stuart Mill advocated further advances on these values of liberal democracy. For them, liberal democracy was associated with a political apparatus that would ensure accountability of the governors to the governed. Only through democratic government would there be the means to choose, authorise and control political decisions commensurate with the interests of the mass of individuals. They argued that only through some sort of ballot and electoral process, a separation of powers, liberty of the press and free speech, and public association could the interest of the community in general be sustained. In terms of the accountability of those in public office, they looked to elections to reinstate or depose incumbents (Mallya 2004; Held 1989; Bentham 1960). These liberal values underpin contemporary understandings of mass democracy in which representatives are understood to be elected by and accountable to the people in electoral constituencies.

The works of Hobbes, Locke, Bentham and Mill greatly contributed to the emergence of the liberal democratic states in Europe and America. However, their perceptions on democracy came to develop controversial debates. Several notions of liberal democracy have been generated. The variations on what exactly constitute liberal representative democracy have been debated by different theorists such as Schumpeter, Lasswell, Truman, Held, Dahl, Lijphart and Huntington. For example Lijphart (1984) and Dahl (1971) believe that an ideal representative democratic government which is completely responsive to the wishes of its people has never existed and cannot be easily achieved. Even so, Dahl suggests that governments can be considered to approximate an ideal democracy if they meet certain criteria. Dahl prefers to call them “polyarchies”. These criteria include such characteristics as: freedom to form and join organisations; freedom of expression; right to vote; right of political leaders to compete for support and votes; alternative source of information; eligibility for public office; free and fair elections; and institutions for making
government policies depend on votes and other expressions of preference (Dahl 1971, 03).

In contrast, some have argued that representative democracy is not practicable at all because as societies become more complex, and with differentiation and division of labour, each individual develops a different set of preferences and ambitions. Furthermore, as Michels (2001) argued, there is a tendency for career politicians to form elites from which the majority of the people are excluded. With such a situation, one cannot imagine even a rudimentary form of representation working as envisaged by Bentham or Mill. Given the impossibility of true representation and participation in modern complex societies, some have argued that democracy should be understood simply as a means through which people confer power to agents who would represent them without necessarily representing what the conferees want or are interested in. Put differently, democracy should be the means to produce government through competitive struggle for the votes of the conferees. Therefore, democracy should be understood, as Schumpeter argued, simply as a system of competitive elections for choosing rulers for finite periods of time (Schumpeter 1947).

Writing nearly 50 years later, Huntington (1991) echoes Schumpeter’s minimal perception on democracy that a government can be democratic without necessarily being representative and responsive. He argues that governments which come about because of elections may be inefficient, corrupt, short-sighted, irresponsible, incapable of adopting policies demanded by the public and dominated by special interests. While such qualities make such governments undesirable, they do not automatically make them undemocratic (Huntington 1991, 10-11). It seems to him that the challenge for any system of government, therefore, is to reduce the undesirable qualities while emphasising the common interests that appeal to all citizens, including bringing minority views on board. There have been criticisms, nevertheless, of Schumpeter and Huntington’s views on representative democracy. Held has argued that representative democracy cannot be complete without having a system of government in place which is responsible and accountable to its citizens (Held 1993). The kernel of any democratic government is its responsiveness to the
wishes of the people or their representatives. In other words, the fundamental component of democratic government is the extent to which in reality the institutions of government are responsible and accountable to the citizens directly or through their representatives. Such accountability should refer to, among other things, the possibility for the representative body (parliament) to supervise the policy decisions and actions of the government (Newell 2006; Uhr 1993). This should include freedom to question, and the government’s (executive’s) duty to explain and justify its conduct, and the availability of sanctions for unsatisfactory or unjustifiable conduct. This reflects the key aspects of the rudimentary definition of accountability noted in the Introduction.

In summarising these debates, Held (1993) has argued that liberal democratic theory places the sovereign power of the state under constant control of the citizens. He justifies the need for the state to have a monopoly of coercive power in order to ensure peace and security of citizens in all spheres of life. However, by granting the state this coercive capability, it could deprive citizens of political and social freedoms. Therefore, to overcome this dilemma, representative democracy should enable limits to be placed on the state’s power. Held identifies a number of distinctive features which shape liberal representative democracy. These include a system of rules and institutions permitting the broadest participation of the majority of citizens in the selection of representatives who alone can make political decisions on behalf of the community; presence of elected government; free and fair elections in which every citizens’ vote has an equal weight; a suffrage which embraces all citizens irrespective of distinctions of race, religion, class, sex, and so on; freedom of conscience, information, and expression on all public matters broadly defined; the right of all adults to oppose their government and stand for office; and associational autonomy—the right to form independent associations including social movements, interest groups and political parties (Held 1993, 21).

Despite some constraints that the system of representation and liberalism has placed on the process of democratisation, there is no doubt that its institutions and characteristics have remained quite indispensable for modern understandings of democracy. Beetham (1993) has suggested five different components of liberalism
that are key features of the modern democratic state. These are firstly, a constitutional guarantee and protection of individual rights (such as freedoms of expression, movement, association and so on) to enable citizens to secure popular control over the process of collective decision-making. Secondly, there is an institutional separation of powers to foster the idea of the rule of law and to guarantee subordination of public office holders to the law and the possibility of legal action against maladministration and abuse of the office. A third feature is the institutions of representative assemblies, elected periodically through open competition for popular votes, which is conferred with powers to approve taxation, to make laws, and to scrutinize the actions of the executive. Fourthly, there is the principle of a limited state, and a separation between public and private spheres in order to enhance pluralism of power centres. Finally, there is the principle that there is no single formula to determine what is good for society as the public good can only be determined by free and well-organised people themselves (Beetham 1993, 57). Though these principles of liberalism are both necessary and important for the operation of democracy, they simultaneously constrain democratic practices. This means that the liberal form of representative democracy may also constrain the process of democratisation. Among the limits of liberal democracy which need to be addressed is that of representation and how it places limits on individual autonomy and popular control.

Edmund Burke (1774) commented specifically on representation in liberal democracy in his celebrated speech to his electors at Bristol in 1774. He made a clear distinction between delegation and representation. In his view, an elected member of parliament was not a delegate of the electors and hence bound by an implicit agreement to act directly on their behalf. Rather, he argued that a member of parliament was the electors’ representative who had discretion to decide on issues as they arose. In his view, an elected member of parliament was to be guided by four things: constituency opinions, rational judgement, consideration of the national interest, and personal convictions. In principle this has been the basis of representation in most parliamentary democracies, the degree to which accountability features within this representative schema is debatable (Andeweg 2003). However, the subsequent rise of party politics has seen the subordination of representatives to
the demands of their party. Representatives tend, though not always, to act and
decide according to the will of their respective parties regardless of whether the acts
and decisions made are of the interest of their constituents (or even the national
interests). This means that they are often called upon to act and decide on issues even
when this might be against their personal convictions or conscience (Liviga 2004;
Mushi 2004; Lipton 1997). While representation in liberal democracies varies
between countries, the reality of party politics has meant that the political
accountability of elected representatives (to the electors) remains an unresolved
problem for democratic practice. Yet accountability would appear to be a crucial
aspect of a democracy, though it is understood that representation does not
necessarily mean that those doing the representing are themselves accountable to
those who have elected them. In what follows the relationship between
accountability and democracy is discussed. It will be argued that two key senses of
accountability, of the elected to the electors and the executive government to the
parliament, are essential for a healthy democracy.

1.4 Accountability as Democratic Principle
In his book “Holding Power to Account” Mulgan (2003) suggests that accountability
has in recent years emerged to be understood as one of the core values of
representative democracy. Accountability means that elected leaders and public
officials are obliged to be responsible for their political decisions. The rationale to
hold accountable those who hold public offices can be broadly observed in two
dimensions. One concerns the rights of ownerships possessed by citizens. It is
justifiable for the one who grants or delegates authority to another, an agent, to call
the agent to account. Accountability in this sense, when applied to governments,
means that a government which is granted its authority by the people should be
ultimately owned by the people. In this case the representatives of the people thus
constitute a forum which becomes the means to hold an agent accountable, whether
that agent be the Executive, the government as a whole, or individual politicians and
office holders. In an ideal sense, democratically elected governments and their
agencies that draw their authority from the people must be responsible to the wishes
and interests of the people. Acting otherwise is a form of breach of contract and the
owner has the right to call the agent to account. The second dimension concerns
affected rights and interests. The rationale is that those whose rights and interests are
affected by the actions of others who are actually supposed to improve their welfare have the right to hold them to account (Mulgan 2003, 12-13). Based on this justification, accountability remains an essential feature which traditionally distinguishes a democratic regime from others such as dictatorships or authoritarian regimes.

In a comparative analysis of democracies, Lijphart (1991) has shown that the quality of democracy is only measured by examining the degree to which a particular system meets democratic norms: representativeness, accountability, equality, and participation. A country can opt for plurality elections or proportional representation and can adopt a parliamentary or presidential form of government but it can still remain undemocratic if it does no more than go through the motions of meeting these fundamental democratic norms. Lijphart’s views are echoed by Fish (2006) who suggests that the quality of democracy cannot be measured by using the lens of constitutional design whether it be presidentialism, parliamentarianism, or semi-presidentialism. Rather they must be examined by looking at the capacity and power of political institutions and how they can influence the advancement of democracy. Specifically, focusing on power relations between the legislature and executive, he maintains that the more powerful the legislature, the more the quality of democracy is guaranteed. He cited the examples of the USA, Mexico, and Uzbekistan, where all exercise a kind of presidentialism but only in the USA, where the Congress is relatively stronger, is democracy at least guaranteed. Russia, Kazakhstan, Poland, and Mongolia, could be described as semipresidentialist, with the difference that in Poland and Mongolia powerful legislatures influence the politics while in Russia and Kazakhstan, the executive overshadows the national legislature. In Tanzania the constitutional framework has developed a hybrid political system in both the Union and Zanzibar governments.

The prime accountability mechanism in a representative democracy is the general election, in which an incumbent government surrenders itself to voters and requests approval for another term. In this way citizens can hold their government accountable directly through the exercise of their votes. However, as a rule, elections are held periodically and are a very blunt way of holding governments accountable.
Another strong and authoritative mechanism is required between elections to exercise the accountability function on behalf of the citizens. There is no doubt that the mechanism is a legislature, though in reality its exercise may also be performed by ombudsmen, anti-corruption bodies, auditors general, and human rights commissions. The legislature is supposed (though it is not always the case) to have the constitutional power and the citizens’ mandate to scrutinise the actions of the executive through various channels (Mulgan 2003, 40). However, the system of accountability within which modern democratic governments operate is highly complex. Individually or collectively, every public institution is accountable for its acts through various procedures and institutions. No one mechanism or procedure can oversee the accountability of every activity of a public institution or official. Rather, the institution and the official answers to different mechanisms of accountability. As a result, accountability remains incomplete, since some issues are thoroughly covered by more than one accountability mechanism while others avoid any form of effective accountability (Newell and Wheeler 2006; Mulgan 2003).

Bratton and Logan (2006) give prominence to the role of political accountability in representative democracy. They suggest that political accountability is a basic criterion of representative democracy and it should involve the decisions and actions taken by public officials such as politicians, bureaucrats, civil servants as well as the judiciary, police, and military. Explaining the idea of political accountability in its broader perspective they state that:

The obligation of political leaders to answer to the public for their actions and decisions—the obligation of accountability—is a cornerstone of a well functioning democratic system. In principle, political accountability serves a dual purpose. It checks the power of political leaders to prevent them ruling in an arbitrary or abusive manner, and helps to ensure that governments operate effectively and efficiently. Moreover, accountability is intimately linked to citizen participation, leadership responsiveness, and the rule of law, three other pillars that both define and reinforce the practice of democracy (Bratton and Logan 2006, 02).

This argument shows that political accountability is not only essential for the advancement of democracy but it is also necessary for good governance and the development of a country. Effective and efficient government under strong
leadership which acts according to the wishes of the citizens is more likely to achieve the country’s developmental needs.

Effective political accountability differs from other forms of accountability such as legal, financial and ethical accountability in which actions and punishments are only imposed after direct violation of the law and regulations. Rulers can be held politically accountable, not necessarily because they have broken the law and regulations, but just by making bad political decisions which in turn fail to produce the desired outcome as initially expected or as announced to the citizens (Schmitter 2004, 48). Schmitter and Kart (1991, 76) assert that a regime cannot be regarded as democratic unless its rulers are held accountable for their actions in the public domain by citizens acting directly through the competition and indirectly through cooperation of their elected representatives. Lewis concurs that democratic systems always rely on accountability, that acts and actions of political leaders should reflect the wishes of their voters and civic constituencies of improving the economy and better popular welfare (Lewis 2008). Even from a development perspective, accountability, transparency, participation, and consensus-building have been mentioned as necessary preconditions for economic regeneration and successful achievement of development (Lewis 2008; Ake 1991). While acknowledging the shortcomings of liberal (representative) democracy, Carter and Stokes (2002, 01-02) note that this form of democracy involves popular choice and governmental accountability to citizens through periodic, competitive, and free and fair elections. They also note that this requires strong parliaments capable of exercising control over governments and a framework of the rule of law as other important ingredients of the liberal democracy. However, having strong legislatures has become a great challenge facing many legislatures in recent years. Barkan (2009) observes that most African legislatures, like legislatures in other parts of the world, remain weak and their powers have been subjugated to the executive. As a result only a few legislatures have become real participants in the policy making process in the sense of being institutions which provide a power that acts as a counter-balance to the executive.
Political accountability is also regarded as a basic criterion for effective democracy. Welzel and Inglehart (2008) argue that the level of effective democracy can be measured by combining Freedom House scores which measure the extent of civil and political rights and the World Bank’s “good governance” indicators, especially control of corruption and integrity. However, they point out that the Freedom House scores tend to emphasise only free, fair, and competitive elections—what they call vertical accountability—while the institutions of horizontal accountability (i.e. the legislature, judiciary, anticorruption commissions, and ombudsmen etc) are also essential for control of corruption and to enhance integrity. Similarly, O’Donnell (1994, 61) argues that horizontal and vertical accountability are the fundamentals of the modern representative democracy. This is because horizontal accountability involves control imposed by a formal network of relatively autonomous state institutions that has been constituted to some degree by a systemic separation of power with checks and balances within the principle of constitutionalism and rule of law. Vertical accountability is basically about electoral accountability in which elected leaders are answerable through the ballot box and regular competitive elections. Both vertical accountability and horizontal accountability are very crucial tools in building accountable governance and representative democracy (Diamond and Morlino 2004).

Where vertical accountability is largely about power relations between citizens, representatives and rulers, horizontal accountability involves a different relationships. It points to relationships between different arms of the state which act within a legal framework based on a constitution and other laws and regulations. In exercising their power, the institutions of horizontal accountability are believed to ensure greater accountability and sustain regular checks and balances (Schmitter 2004). If organised and operated in effective ways, the government as a whole will be induced to reveal to citizens the true conditions of its operation. In turn this information will enable citizens to exercise their vertical accountability rights at election times (Manin, Przeworski, and Stokes 1999, 19). Similar views are also expressed, though with differing emphases by O’Donnell (1998) and Dahl (1989), amongst others. Hence effective horizontal accountability is not just a good in itself, it is also an integral part of the ongoing effectiveness of vertical accountability.
The practicality of different forms and mechanisms of political accountability rely on their enforcement mechanisms (Mulgan 2003). Accountability is only as effective as the mechanisms it employs, and inconsequential accountability is not accountability at all (Schedler 1999, 17). Sanctions are often the key to holding public officials to account for their actions (Newell and Wheeler 2006, 46). Also, it should be noted that the concept of accountability or rather political accountability cannot be confined to representative democracy alone. Every stable political system has some degree and form of accountability. Even in absolute monarchies, the rulers are accountable to God. The main distinction between democratic accountability and that of other regimes is that in democratic accountability, citizens are the main principals while the rulers are the agents. Notwithstanding, the citizens more often rely greatly on the specialised representatives—who themselves are agents to their voters—who act as principals to ensure some degree of accountability to political and nonpolitical executive officials. This accountability relation which involves citizens as principals and their representatives as agents-cum-principals, and rulers as agents, has shortfalls such as procedural weaknesses, lack of transparency and informational inaccessibility. This has made enforcing democratic political accountability a very complex process. However, the complexity of political accountability does not mean that its analysis should be ignored, but rather it should be institutionalised so that it can work effectively (Schmitter 2004).

1.5 Legislative Accountability

Thus far the above discussion has sketched some of the key issues concerning the relationship between democracy and political accountability. It is now time to look more closely at the issue of legislative accountability since this is the issue being examined in this thesis. Of particular concern is how the new or more recent democracies have addressed this issue. The legislatures in the older democracies of the UK and the USA carry out five functions: law making, overseeing the executive, publicising issues, representing varied currents of opinions, and managing and solving conflicts (Close 1995, 2-3). In this regard, holding the Executive accountable is a significant function of an efficient legislature. And indeed in a period between elections—traditionally known to be major mechanism of political accountability in representative democracy—an effective legislature can be used as a substitute to
ensure rulers are answerable to citizens. The legislature assumes a particular role for scrutinising the executive parts of government (Close 1995). John Stuart Mill, gives great prominence to this function in representative government:

The proper office of a representative assembly is to watch and control the government; to throw the light of publicity on its acts; to compel a full exposition and justification of all of them which any one considers questionable; to censure them if found condemnable (Mill 1910, 239, cited in Close 1995, 3).

Thus the legislature remains a major mechanism of holding elected governments accountable during their tenure in both parliamentary and presidential systems of government. In recent years, activities of governments in representative democracies have increased and citizens cannot directly manage to supervise entire functions of their governments (Mulgan 2003, 12). Mechanisms of accountability become increasingly significant at this stage to act as a means on behalf of the citizens to keep the governments in line. Mechanisms such as Auditors and courts can be put in place to oversee the conduct of the government on financial and legal procedures while legislature and media can bring the government to constant scrutiny and debate.

It is useful at this juncture to mention the agency model of democratic accountability as propounded by Ferejohn (1999, 133-134). This model was developed under the auspices of representative democracy and provides a more traceable reason of the need for legislative accountability of the executive. The agency model has arisen as a way of conceptualising the need to hold public officials accountable. Its basic assumption is that public officials (agents) are in an agency relationship with their electors (principals) but the electors hold limited information, for one reason or another, and hence are limited in their ability to figure out what their agents are doing and why they are doing it. Even if the voters observe the actions of their agents and do not agree with what the agents have done, they still remain ill-equipped to punish the agents’ behaviour. Thus, the agents would be able to secure economic rents from the relationship. According to this model, the agents are accountable to their principals only when the principals have the means to hold them accountable. Executive agencies are similarly in a relationship with the legislature, which again is at an informational disadvantage in observing how the agency behaves. However, in
this setting the principal has more influence to hold the agents accountable since the legislature is usually organised along party lines and, in so far as the majority party can remain cohesive, it may be able to act as a unified principal with respect to executive agencies. Secondly, the range of rewards and punishments available to the principal is relatively large compared with those available to ordinary voters, and thirdly, the principal is not as disadvantaged in regard to information as the electorate with respect to governmental institutions. Therefore, one would expect that the legislature would be relatively more successful than voters in controlling agencies.

Ferejohn here overlooks the possibility that executive agents in most majoritarian and presidential systems in which the party of the president controls the legislature do not tend to be accountable to minorities in the legislature even if the latter have a genuine case to present. This remains a drawback for legislative accountability in a democratic system. The model also does not clarify the limits that can emerge when principals have conflicting interests over which measure should be used to evaluate agent performance before imposing sanctions. It is obvious the party as a whole could have interests contrary to those of the individual agent. However, the model provides a useful insight into the role of the legislature as a principal to uphold the accountability of the executive as an agent.

In parliamentary systems the executive needs the support of the legislature to authorise its expenditure and enact its legislation. In return, the legislature subjects the executive to a degree of critical public investigation and engages it in debate. However, in a presidential system the legislature shares powers more equally with the executive and plays a more active role in the formulation of policy. Nonetheless, the performance of legislative accountability is influenced by a number of factors such as institutional setting and structure, composition of the legislature, and resources availability to legislature to perform its accountability function. For instance Mulgan (2003) argues that in a majoritarian system in which there is a clear division between government and opposition, a legislature is mostly likely to exercise an accountability role against the executive than via a consensus system in which power-sharing and compromise is highly emphasised. Again, a majoritarian system may be less conducive to accountability if the governing party enjoys an
absolute majority within the legislature (as mostly happens) and thus accountability is likely to be much more effective in a situation where the governing party does not wholly control the legislature. Likewise, he adds that a presidential system in which the president’s party does not control the legislature is more favourable for legislative accountability than in the situation where a president’s party controls the legislature. Ideally, accountability can be best observed whereby strong partisan politics is not allowed to have room to interfere with the operation of an independent powerful legislature.

Laver and Shepsle (1999) observe that in most parliamentary democracies, governments as institutional agents, are not directly accountable to the citizens but to the parliament. In their view, accountability of executive agents to the legislature remains the essence of parliamentary democracy. Citizens do not have the opportunity to sanction their government directly through elections. Their observation focuses on the motion of no confidence as the strong privileged mechanism used by the parliament to hold the executive accountable. However, it should be cautiously noted that the effectiveness of legislative accountability and the use of the motion of no confidence by the parliament depend upon the credibility of the motion, which in turn, also depends upon the feasible alternatives available to replace the existing government or minister. In a parliamentary majority, the parliament is often reluctant to undertake a vote of no confidence against a sitting cabinet or minister if it does not agree on a likely successor. This implies that an imperfect agent can survive untouched by such measures even though the parliament is not happy with their performance.

The fact is that an independent legislature must be empowered to control and prevent the abuse of power by the executive and to ensure a certain degree of checks and balances. Reliable systems of information should be put in place to show how public institutions and officials perform and that the legislature and its members have access to the required information when the need arises. Therefore, for a legislature to perform its role properly, it should be able to work hand-in-hand with other agents of horizontal accountability which are legally and physically capable, and willing to act accordingly to any action of the government and its agencies which is seen as having
gone beyond the interest of the citizens. In addition to that issue, there is also the need for the legislature to ensure that its members are themselves accountable to their constituents and to the electorate as a whole (Moncrieffe 2001).

Fish (2006) has come up with a new version of democratic accountability that stronger legislatures yield stronger democracies. He presents research on several post-communist countries which has revealed that countries which opted for powerful legislatures have achieved high scores of the Freedom House’s Survey on Democracy which basically reflects average levels of a country’s political rights and civil liberties. Fish’s research shows that an empowered legislature is more assertive in checking the executive’s powers and is a more reliable guarantor of horizontal accountability, and that this can establish a conducive ground for the development of political parties. Further, in these post-communist countries people tend to be more politically active and easily invest in strengthening political parties which, in turn, promote the strength of the legislature. In addition, stronger parties create more favourable conditions to link people and their politically elected leaders and promote vertical accountability (Fish 2006). However, the task of ensuring legislative accountability of the government is not that simple, and it has become more complex in modern times due to the phenomenal proliferation of state activities (Moncrieffe 2001; Malhotra 1999).

In old democracies such as Great Britain, Australia, and the USA, the influence of party politics, more state involvement in economic and social sectors, and tremendous expansion of bureaucracy, have affected legislative scrutiny over government. Uhr (1993) observes that measuring parliamentary accountability in Australia has become considerably more complex as more researchers in the area have focused only on an agent’s ability to provide an appropriate account while less attention has been given to examining the ability of the principal to take due account. This deficit puts parliamentary accountability at risk. Measuring effective accountability requires both agent and principal to be able to give a required account and equally important to take due account respectively. Uhr further argues that three sets of practices of accountability—purpose, focus, and leverage—need to be readdressed to give the parliamentary accountability its intended scope. By purpose
of accountability Uhr suggests that it means verification to assess the performance of the agents as opposed to control which intends to command or direct; focus of accountability should be on assessing administrative qualities of public officials as accountability agents; and leverage of accountability should extend to both public officials as well as ministers in order to facilitate direct official accountability. As Parliament holds ultimate power of supply, it is inevitable to have direct access to responsible officials and requires justification and verification on the way public monies have been spent (Uhr 1993, 11-13).

The problem is more severe in new democracies with historical experiences of poor economic conditions, social unrest, and deep political and social divides. Studies of legislatures in some new democracies in Latin America such as Brazil, Argentina, Nicaragua and Chile have revealed that their legislatures are still unable or unwilling to exercise their powers against executives who are not held to account (Close 1995; Wynia 1995; and Zirker 1995). Although the transitions witness several attempts of constitutional strengthening of legislatures, they remain reluctant to control powers of strong presidents in their respective countries. Sometimes legislatures use their mandate to retard democracy by enforcing elite agendas and frustrating popular initiatives. For example in Brazil and Venezuela, the congresses pursued seriously the process of impeachment of the Presidents Collor de Mello and Carlos A. Perez respectively in the early 1990s, but in 1993 in Brazil the same institution was involved in a massive corruption scandal, which drastically undermined its reputation. Similar problems occurred in Mexico, Nicaragua, and Chile. However, the actions which have been taken represent a genuinely new stage in the political development of the democratic legislatures. What is required now is that the legislatures should bring together the nations’ significant political interests while ensuring that historically unaccountable executives begin to answer for their decisions. These can only be accomplished if legislative institutions are equipped with substantial legal, material, and human resources. Legislatures, thus, must be powerful, and wherever power exists, so does the chance that it can be turned to wicked ends (Close 1995).
Summarising the legislative behaviour of the Congress in Brazil, Zirker (1995) suggests that the Brazilian National Congress has been vested with considerable power to perform its role in the democratisation process. Nonetheless, it has never assumed the responsibility to do so. Instead it has opted to act very narrowly and tentatively in the wider questions of democracy including upholding accountability of the executive while using extraordinary and democratically unacceptable powers in retaining its own elitist agenda and prerogatives. Soon after the impeachment of President Collor De Mello in 1992, the Congress was rocked by a massive corruption scandal which seriously eroded its legitimacy. It is arguable that the 1988 Brazilian Constitution gave the Congress relatively broad powers without responsibility for governing, while leaving the President with insufficient powers for complete responsibility to govern. In a situation where both institutions are polluted by serious corruption scandals, the outlook for democratisation in Brazil remains unpredictable.

In Argentina, a country accustomed to being dominated by its President, the legislature still lacks influential capability. Although it is not totally ignored, because occasionally it debates some major issues of national interest, it exists by the will of the President, who often needs popular support for his programme. The Congress in Argentina, as in other developing democracies, is quite weak institutionally. It is characterised by partisan politics that have relied on ineffectual verbal attacks within the Chamber and Senate toward one another and with the executive branch. As a result, limited time is set to deal with real issues of public interest. Other common practical problems facing the Congress include minimal information about executive policies, a lack of material and human resources, and unnecessary and outdated bureaucratisation within legislature. This in turn reflects on the working of the Congress which mostly performs like notary publics who merely sign documents submitted from the executive (Wynia, 1995).

Although scholars have identified several impediments in legislative reforms in new democracies, in Bangladesh the reforms are not totally useless. It is a step forward in the consolidation of parliamentary democracy. Sustaining parliamentary supremacy requires continuous procedural reforms on a regular basis to overcome hindrances which prevent the parliament from properly exercising its authority. The equilibrium
between the main opposing parties in the parliament facilitated constructive reforms in the fifth and seventh parliaments. This also strengthened opposition voices and influenced unpredictable behaviour of backbenchers from the ruling party (Ahmed 1998, 73). However, the initiatives are constrained by unethical behaviour of some parliamentarians who are reluctant to act against ministers and bureaucrats who misuse their powers hoping that in return they will be personally favoured (or at least their constituencies might benefit). In addition, the executive still retains the upper hand to determine which information should be accessible to the parliament and which withheld. Ministers are still members of oversight committees, though are now not chairpersons of the committees. Nevertheless as members of the committees they can influence the agenda and as senior members of the governing party definitely will influence behaviour and stand of the committees’ members from their party. Thus in Bangladesh for the democratic reforms to be consolidated required more action to deal with the structural and procedural constraints which faced the parliament (Ahmed, 1998).

Commenting on the reforms which took place in Hong Kong to replace civil servants with political appointees to hold over the policy portfolios with the aim of enforcing government accountability, Kwok (2003) suggests that it is fruitless to hope that the reforms would produce the desired outcomes in a situation where administrative and executive powers are centralised in the hands of the Chief Executive. These powers which are exercised in a highly secretive state include the power to appoint and remove the new politically appointed ministers. Any attempt to enhance the success of measures of accountability in Hong Kong should involve institutionalisation of a democratically responsible government which is directly responsible to the people, or indirectly through the legislative council which is the representative organ of the people. In addition, freedom of information legislation must be enacted to provide access to information about what the government is doing to the people and the legislative council. The present situation in which the Chief Executive has discretionary power to decide which information should be accessed by the public and the legislative council undermines the essence of political accountability (Kwok 2003).
Based on the above discussion this study situates its discussion within theories of representative democracy in which the principle of accountability is a key feature. As Tim Kelsall notes that:

In liberal [representative] democratic theory parliament is supposed to act as an organ for representing the people, as a forum for debate and as a watchdog of the executive, even if it is accepted that parliaments in modern democracies have a comparatively minor role when it comes to making law. For proponents of Governance, parliament can be important for representing and defusing different conflictual points of view in society, and for holding the executive to account on its record of development administration (Kelsall 2003, 63).

However as noted earlier, this study was not intended to examine the functioning of the House where it could confine itself to assessing specific accountability mechanisms of a parliament such as Questions &Answers, Reviews, Petitions, Motions, and Parliamentary Committees in order to understand their nature and character in enhancing parliamentary accountability of the Executive. Rather, it is a generic study to examine the extent to which institutional and structural factors within the Zanzibar political system as a whole affect the ability of the House to exercise effective accountability in the context of Tanzania’s democratic transition.

1.6 Conclusion: Accountability Conceptualised

Accountability is one among the most contentious yet important and fundamental components of democratic governance (Uhr 1993). The current debates have historical roots which go back to those of the ancient Greek philosophers. The political philosophers had the intention to prevent abuse of powers by restraining political actors within established rules. In contemporary usage, the concept of accountability, though manifested in different ways, still promotes this concern through attempts to apply several mechanisms such as checks, oversight, and institutional constraints on the exercise of power. It deals with power relations between holders of delegated powers (agents) and legitimate power holders (principals), and the relationship which involves obligations owed by agents to their principals (Bovens 2007; Newell and Wheeler 2006; Mulgan 2003; Uhr 1993).

However, the debate on the actual meaning of accountability remains inconclusive. In recent years there has emerged a growing tendency among scholars to use the
concepts “accountability”, “responsibility”, and “responsiveness” interchangeably. Although the concepts are closely linked, they are not synonymous. A public institution or official can be responsive if it puts in place policies or programmes which reflect the preferences of the citizens. The citizens may use election campaigns, public opinion polls, demonstrations and similar activities to signal their priorities which the public institutions and officials may feel obliged to acknowledge in order to be responsive to their wishes. Accountability, on the other hand, is a procedure that holds those institutions and officials up to scrutiny if their actions are not responsive to the wishes of the citizens. It involves sanctions on the poor performers and rewards to those who have done well (Manin, Przeworski and Stoke 1999). It is about an exchange of responsibilities in which predetermined sanctions are imposed for any breach of the agreement between the rulers and the citizens (Schmitter 2004, 47).

Mulgan (2003, 21) puts it another way: responsiveness is an end while accountability is a means to reach that end. Responsiveness is based on identified needs of the citizens and thus can be predictable while accountability involves investigation of actions which have already happened and imposes remedies and sanctions for those who have breached rules and instructions. In this manner, accountability is a mechanism which is set to influence the future as well as to judge the past. Based on the principal-agency relationship, Mulgan (2003, 22-27) discusses several dimensions of accountability. These dimensions are intended to answer various questions which have become the centre of controversy in the current debate of accountability. These include: i) Who is accountable? Agents are the ones who are held to be accountable. If they decide to act or not to act in the performance of certain duties, they are liable for rewards or punishments. ii) To whom are the agents accountable? They are accountable to a forum or account holders or principals either individually or collectively. In the case of executive, the ultimate account holders are citizens mainly through elections or their representative body. iii) For what are the agents accountable? The agents are accountable for the functions or duties they are obliged to perform. Accountability is basically looked on as the performance of the agents in the task they are required to perform. iv) How are the agents accountable? The agents are accountable by means of several mechanisms involving several stages
which can be categorised into three main parts: initial reporting and investigation (information stage); justification and critical debate (discussion stage); and the imposition of remedies, punishments, and sanctions (rectification stage) (Mulgan 2003; Schedler 1999).

Further, Uhr (1993, 3-4) suggests that accountability is about an obligation to display one’s honesty through performance of one’s actions in a position of responsibility. Under the sphere of public policy, the responsible official is the one authorised to act but only within the boundaries and conditions set out by the accountability regime (authoriser). Responsibility involves conditional freedom in which the acts of a public official are subject to the scrutiny by the community representatives. However, it should be asserted that in ordinary manner and usage, these terms are often used interchangeably even in formal and academic forums and thus it is difficult to demarcate a clear direct boundary between them in their meaning and usage.

For the specific purpose of this study, accountability is a term which implies obligation to verify and justify one’s actions based on acceptable performance standards, and that failure to comply will result in the imposition of remedies, punishments and sanctions. It focuses on assessing answerability (ie giving account of actions taken) and enforceability (ie sanctions for failure or poor performance). This definition helps simplify the process of assessing the performance of the House of Representatives of Zanzibar in its accountability role with the Executive. In so doing the study is guided by three sets of practices which are central to parliamentary accountability in the way outlined by Uhr (1993, 10-13), namely that parliamentary accountability involves verification, focus, and leverage in the senses discussed above. It applies to both parts of the executive—to ministers and to public officials—who participate directly in exercising political power and make decisions on behalf of its citizens.

However, it should be noted that the study was undertaken within the context of a hybrid system of government. Even though within this system the cabinet ministers are drawn entirely from the House, they are not entirely accountable to the House.
They are also accountable to the President by virtue of his being the appointing authority. It is possible, in Barkan’s view (2009. 10) that this practice need not be a barrier to the exercise of effective parliamentary accountability where there is a clear division between governing and opposition parties. Yet in Zanzibar there is no clear division in the sense intended by Barkan. Yes, there is a division between two opposing parties but not such as to undermine the authority and privileged power position of the ruling party. The context is one where the ruling party has to grapple with trying to maintain its dominance and influence in the House while appearing to implement a multiparty environment. Hence this study focused on the existing context in order to identify and understand impediments to the House being able to realise the stated objectives of the democratic reforms.
CHAPTER 2 ZANZIBAR’S POLITICAL HISTORY

2.1 Introduction
This chapter is devoted to discussion on Zanzibar’s political history in the context of parliamentary sovereignty. It mainly focuses on the period of one-party politics in Tanzania and its implications for legislative accountability of the Executive. It begins by exploring the background and nature of the Union of Tanzania and the forces behind the introduction of a one-party system. It then traces the historical development of the legislature in Zanzibar during the colonial period with the aim of understanding the colonial contribution and its impact on the consolidation of parliamentary democracy after independence. It further analyses the place and status of the legislature after Zanzibar’s 1964 Revolution and, following its creation in 1980, and the working of the one-party House of Representatives of Zanzibar. In doing so it is contended that over time, in collaboration with the Executive, the Party has constantly usurped some powers of the legislature in Zanzibar, making the former more powerful than the latter. The chapter explores all major constitutional changes since independence up to 1992 when Tanzania officially reinstated multiparty politics. It also examines how these changes (compounded by other strategies used by the Executive) enhanced the supremacy of the Party and the Executive over the legislature and made it difficult for the House to realise its accountability role.

2.2 Background and Nature of the Union of Tanzania
Zanzibar is a semi-autonomous state within the United Republic of Tanzania. Prior to gaining independence, Zanzibar in 1963 and Tanganyika (now Tanzania Mainland) in 1961 were separate entities. The People’s Republic of Zanzibar and the Republic of Tanganyika merged on 26th April, 1964, to form the United Republic of Tanzania. However, the circumstances in which the Union was formed have raised a lot of questions. A number of issues regarding the Union were not clearly resolved, and many of these still affect the conduct of Tanzania politics today (Othman 2006; Shivji 1990; and Fimbo 1981). The Union between the People’s Republic of Zanzibar and the Republic of Tanganyika was a casual decision taken in an ordinary meeting between the Tanganyika President, Mwalimu Nyerere, and Abeid Karume, the first President of Zanzibar after the revolution (Kabudi 1985). It was the outcome
of a one hour courtesy visit by the President of Tanganyika to the President of Zanzibar (Maalim 2006, 124). This is surprising in some respects because the decision followed just three months after President Nyerere put down an army mutiny (Hatch 1972). In so doing, Nyerere accepted not only responsibility for a revolutionary situation in Zanzibar but also risked exposing his new coalition government to elements of orthodox communist ideas held by those members of the Zanzibar government who became ministers in the Union Government. However, one thing is clear: negotiations for the Union involved only the two Presidents and very few of their top confidantes. The citizens of the two sides were completely disregarded (Maalim 2006).

A question which remains unanswered is whether the Union was an outcome of Pan Africanism or was it propelled by cold war rivalry since the western press had already started to characterise Zanzibar as the “Cuba” of Africa? (Othman 2006; Wilson 1989). It was felt that the revolution in Zanzibar could lead to the spread of communism in the East African region. The United States, Great Britain and West Germany (which Tanganyika was heavily dependent on at the time) viewed the revolutionary government in Zanzibar as having a close affinity with the communist bloc. This would also be consistent with an interpretation in which Karume sought the union with Tanganyika as a mechanism to defend himself against his powerful left-wing opponents within the ruling party, Afro-Shiraz Party, ASP (Othman 2006).

The Union agreement, signed by the presidents of Tanganyika and Zanzibar on 22nd April, 1964 is known as the “Articles of Union” (Othman 2006, 52). It remains unclear to this day whether this agreement was ratified by the relevant legislative bodies, the National Assembly in Tanganyika and the Revolutionary Council in Zanzibar. While there is no doubt that the National Assembly of Tanganyika ratified the Articles of Union on 25th April 1964, there is no direct evidence that the Revolutionary Council, the then legislature of Zanzibar, had ratified the Articles of Union. Nonetheless, Othman (2006) and URT (1992) are of the opinion that the Articles of Union were ratified by both legislative bodies in Tanganyika and Zanzibar and therefore the agreement was legally valid.
On the other hand Shivji (1990), Dourado (2006), the Attorney-General of Zanzibar at the time of the agreement, and Bakary (2006), the Attorney-General of Zanzibar between 1984 to 1989, argue differently. They agree that, as per Tanganyika’s legal Notice no. 243 of 1964, ratification was legally made in Tanganyika. But in the case of Zanzibar no similar document can be found in the Statute Books of Zanzibar between 1964 and 1979. The only evidence that the Zanzibar Revolutionary Council had ratified the Union was certification in the Tanzania Official Gazette by the then Acting Solicitor General of Tanganyika (P.R.N. Fifoot) that the law for the ratification of the Articles of Union had been passed by the Revolutionary Council. However, what is meant by “law” in this context is ambiguous. Between 1964 and 1979 the Revolutionary Council did not enact laws but issued Decrees. On this basis Bakary (2006), Dourado (2006), and Shivji (1990) have concluded that the Articles of Union were not properly ratified in Zanzibar.

Irrespective of the constitutional basis for the Union, the Articles of Union established two governments in the United Republic of Tanzania. The first was the national union government of the United Republic of Tanzania which deals with all union and non-union matters in Tanganyika (later to be known after 1977 as Mainland Tanzania). The other government was for Zanzibar to deal in all non-union matters in Zanzibar, excepting those matters established as exclusive prerogatives of the Union Government. At the time of Union in 1964 only 11 items were stipulated as Union matters, but this has now increased to more than 22 items (Shivji 1990). The form of the Union was unique. It had no precedent in the Anglo-Saxon legal system.

...there is no way one can construe the “Articles of Union” as a basis for a federal set up. Nor can they be seen as an interim arrangement towards a unitary state. They intended to create a single state with two authorities, but with one of these authorities having a limited geographical jurisdiction. The intention was to retain the identity of the smaller unit... What might have confounded some of the law experts looking at the relationship between Zanzibar and Tanzania Mainland was the fact that no such example existed in the Anglo-Saxon legal system. The closest they could think of then was that of the UK and Northern Ireland (Othman 2006, 55-56).
The Constitution of the Republic of Tanganyika, slightly amended, was adopted in 1965 as an interim constitution for the United Republic of Tanzania. Then in 1977, the first Union Constitution was adopted in Tanzania. It recognised the existence of the government of the United Republic of Tanzania with two jurisdictions, and the existence of the Revolutionary Government of Zanzibar with the jurisdiction over Zanzibar as noted above (Dourado 2006).

2.3 Introduction of the One-party System and its Impact on Parliamentary Democracy

Both Tanganyika and Zanzibar at the time of independence had something approximating a multiparty system and a British style of constitution (Hatch 1972). The system lasted barely a month in Zanzibar. It was interrupted by the revolution which put into power the Afro-Shiraz Party (ASP), the revolution regarded by the majority of Zanzibaris of African origin as the beginning of true independence for Africans (Mapuri 1996). Immediately after the revolution, the Revolutionary Government renounced the Independence Constitution of 1963 and declared that Zanzibar would be ruled under a single-party system (Othman and Shaidi 1981). Also, in Tanganyika the Westminster model of parliamentary government did not last long. Tanganyika became a republic with a hybrid system with an executive president a year after independence in December, 1962. Shortly after that, another step was taken to transform the constitution to end the multiparty system instituted by British colonial administration (Hatch 1972; Glickman 1965).

Hence, it was not a surprise in 1965 that Tanganyika declared itself to be a single-party state at the same time as its constitution was adopted as an Interim Constitution of the United Republic of Tanzania. Introduction of the republican constitution and hybrid system in Tanzania marked the beginning of systematic erosion of parliamentary authority. The powers of the Executive were increased at the expense of the legislature. Under the hybrid system, the President constituted one part of the Parliament and the Parliament could not pass any bill into law without presidential approval (TC 1962, §34). Also, the President was empowered to dissolve the Parliament at any time he felt necessary (TC 1962, §44). While the powers of the Executive were being increased by the republican constitution, those of the

1 TC 1962: Means the 1962 Republican Constitution of Tanganyika
Parliament were eroded. For instance, the Independence Constitution of 1961 had made the government directly accountable to the Parliament in all its actions, so the important provision of ministerial responsibility was scrapped from the republican constitution. Similarly, the power of passing a vote of no confidence against the government, which the Parliament had enjoyed under the Independence Constitution, was also withdrawn and never came up again in any subsequent constitutional changes during the single-party system. In addition, the republican constitution imposed some restrictions on financial matters to the Parliament. The Parliament could now only impose taxation which was in accordance with the wishes of the government (Mgaya 1990).

The next step was the introduction of a one-party system. The idea of a one-party system of government in Tanzania appears to have been in the minds of leaders of the ruling party, the Tanganyika African National Union (TANU), right from the time of independence. In 1962 Nyerere made a public pronouncement urging the importance of a one-party democracy in order to enable a young nation to consolidate its unity for development of the country (Glickman 1965, 138). He argued that the then Tanganyika like other new nations in Africa got its independence after a sustained struggle against colonialism. It was a nationalist struggle which united all the people in the country and did not leave room for differences. But immediately after formation of an independent government, the new government was faced with a major task of economic development and general uplifting of the standard of living of all the people through the elimination of poverty, ignorance, and diseases. For these objectives to be successfully accomplished there was as much need for unity as was required during the struggle for independence (TANU 1965, 2). Also, several of the founders of the emerging states in Africa including Nyerere of Tanzania, Kwame Nkrumah of Ghana, and Sekou Toure of Guinea feared that an immature multiparty system in these young nations would create political parties formed along ethnic or religious lines, or even on the basis of regionalism. It was therefore felt that the newly independent nations would be better and more solidly built on the basis of a one-party system which would create consensus and harmony in their societies (Msekwa 2006).
The fact is that in all the elections which were held before and after independence, the ruling party TANU won an absolute majority in almost all constituent seats while a considerable number of its candidates were returned unopposed. In such a situation it could be argued that the voters were effectively disenfranchised because they were denied the opportunity to cast their votes. In addition, voter turnout at the first presidential election in 1962 following independence was especially low (Glickman 1965, 139). It was this peculiar state of affairs that prompted Nyerere to propose that the country’s constitution be changed to a one-party constitution, so that TANU could create electoral competition by presenting more than one candidate to the electorate in each constituency (Msekwa 2006, 3). This would enable the voters to participate actively in the elections to choose their political leaders.

Nyerere (1965) pointed out that under the circumstances of the multiparty constitution which was enacted at the time of independence there could be no freedom of discussion in parliament because the TANU members were expected to follow the strict party line as laid down by their leaders in order to defend their party against weak opposition in the parliament. Therefore he argued that if statutory recognition was given to the one-party system, these irrelevant and restrictive practices of a multiparty constitution would be discarded and political competition would find its place within the party. Similarly, debate in parliament would be free of these restrictive encumbrances and a healthy opposition from among backbenchers from the ruling party would be developed. To demonstrate that this was possible, Nyerere practiced in the initial stages what has been called “the politics of accommodation” in which the party avoided taking disciplinary action against politicians who openly contradicted official government policy. However, this did not last long (Wanyande 1995).

Politically, Nyerere concurred with some other Marxist scholars in Africa that so long as a government acts in accordance with the interests of the many, where the people or their representatives choose their rulers, the government is definitely democratic. To him two basic essentials of democracy were freedom of the individual and that the government of a country be freely chosen by the people (Nyerere 1965). Nyerere strongly rejected the idea that an accountable democratic
government largely depended upon the existence of free competition between candidates of different political or social standpoints. He argued that the presence of organised opposition as a visible symbol of democracy is not universal. It is rather the Anglo-Saxon’s symbolic demonstration of its own democracy and implies the existence of class struggle. In his opinion, a two or multiparty system can only be justified where there is fundamental disagreement on national principles otherwise it only nourishes unnecessary factionalism (Nyerere 1966, 196). The problem of class divisions was an ongoing concern for Nyerere but it does not necessarily make up for his actual political practices which were often autocratic and arbitrary as exiled political activists, Mohammed Babu and Ali Mafoudh, could attest (Saul 2002, 23-4).

In addition, on various occasions Nyerere argued that a one-party state could be even more democratic than one with two or more parties. He insisted that where there is one party and that party is identified with the nation as a whole, the foundations of democracy would be firmer than if there were two or more parties each representing only a section of the community (Nyerere 1963, 200).

Indeed Nyerere defended his idea of one-party system on the basis that the system has its roots in the traditional African past. He argued that in pre-colonial African societies different political views were brought and discussed in one meeting under one leader until consensus was arrived and decisions were made. Opposition from within the party which represent all people is seen therefore to be adopted from African traditional systems of government. Hence, he insisted that a one-party system of government and opposition from within was African and democratic, while a multiparty system based on competitive elections was foreign to Africa as it was Western in origin (Wanyande 1995, 73; Nyerere 1963).

However in recent years, especially with the spread of ideas of liberal representative democracy across the globe, Nyerere’s propositions have been criticised as they are quite controversial with regards to the ideas of democratic accountability (Wanyande 1995). On Nyerere’s argument that the hallmark of a democratic government is that it should only need to be elected by the people it governs has been demonstrated as inadequate and incomplete. It is rather naïve to confine the essence of democracy with the manner of choosing the rulers (i.e. elections) alone (Mgaya 1990). There is
more to democracy than mere elections. In a truly democratic government the people must have ultimate control over such a government. Put another way, the government must be responsible and accountable to the people from whom it derives its authority. Accountable government depends upon, among other things, there being free competition between political parties (Wanyande 1995). This is one significant way in which the government can be made accountable to the ruled because this condition creates the possibility of the government of the day being replaced by another different group with alternative programmes. It is the fear of being replaced by a rival party which makes the government responsive to the wishes of the people or their representatives.

Nyerere’s conviction, that it is possible to instil such responsiveness and accountability into the government even without the existence of opposition parties has also raised some other questions as to why a government or party which has no fear of being replaced by a rival party would feel inclined to always act in accordance with the wishes of the people? How could alternative political programmes be articulated in a one-party system since ideas not supported by the government are likely to be stifled or ignored? This is not an idle question since in actual practice within a one-party state, alternative political ideas were often declared illegal (Wanyande 1995; Mgaya 1990). Under such conditions there is no constitutional way of removing a ruling party from power. People cannot be said to be able to control their rulers.

The above discussion raises the question of whether democracy was truly a major concern of Nyerere (and other champions of the one-party system of government) or whether their advocacy and defence of it amounted to anything more than just a demonstration of their desire and ability to break away from the shadow of their former colonial masters and to establish their own distinctive political identity (Wanyande 1995, 73). Alternatively, it could be suggested that they were looking for political arrangements that would ensure their firm hold of power in the face of the many challenges confronting Tanzania, some of which threatened the very basis of their power.
2.4 Towards Party Supremacy

The relationship between the Executive/Party and Parliament during the one-party system was clearly dealt with in the Report of the Presidential Commission on the Establishment of a Democratic One-party State in Tanzania formed in 1965. This Commission envisaged essentially different roles for these organs. The National Executive Committee (NEC) of the Party was taken to be the chief executive organ of the Party and had the task of formulating the broad lines of policies. According to the Commission’s report, the Parliament should give effect to party policies through appropriate legislative measures and should also exercise vigilant control over all aspects of the government expenditure. The task of questioning the basic assumptions of government policy was allocated to the NEC only. This implied an important restriction on the activities of the Parliament (Hopkins 1970).

The application of these recommendations of the Commission changed the power relationship between the three important institutions within Tanzania’s political system—the NEC of the Party, the Executive and Parliament. It marked the beginning of effective implementation of Party Discipline over its members hence its assertive role over the Parliament and the Executive. For Bienen (1970) the superiority of the Party over the Parliament became noticeable after the 1965 constitutional changes though for other scholars the Party has always been supreme over the Parliament even before the 1965 constitutional changes (Mwansasu and Cranford 1979; Thoden Van Belzen and Sterkenburg 1972; and Tordoff 1965). For them the first signs of the erosion of the parliamentary sovereignty in Tanzania were seen in 1962 when the Republican Constitution was enacted to give the President some executive powers and a discreetional veto over the Parliament.

The 1965 Constitutional changes introduced a number of changes in the political system of Tanzania. These had far reaching effects on the balance of power between the Party, the Executive and the Parliament. Firstly, it legally made Tanzania a one-party state. Thus the formation of other political parties to challenge TANU and ASP in Tanganyika and Zanzibar respectively was made illegal. In this way the platform for voicing views that were contrary to those of the ruling party was removed. In the process the party acquired substantial controlling powers over political life in the
country. Secondly, there was an elevation of the status and role of the Party and the Executive in the political system. For instance, these changes meant that only party members could contest parliamentary seats and the final vetting was to be done by the NEC. The impact of this change on the relations between the Party, the Executive and the Parliament was the subordination of the Parliament to the Party and the Executive. This is because it was now the party leadership that mostly constituted the Cabinet and Executive that could determine the composition of the Parliament. The third major change was for all important policy matters to be firstly conceived by the Executive, and then discussed and approved in party forums especially the NEC before they were brought up for public debate—if ever. In many cases the Parliament served as a means to give legislative approval to such party decisions (Mgaya 1990; Hopkins 1970). In this way, the NEC of the Party became the de facto parliament of Tanzania (Mgaya 1990, 62; Mwakyembe 1985; and Bienen 1970).

The strengthening of the party’s control of the electoral and policy processes went hand in hand with the decision of the Party to confer on itself more power and privileges than other organs of the State. On 30 October 1965 the Parliament was directed by the Party to pass an Act conferring on the NEC the power to summon witnesses, taking evidence, and production of documents. Prior to this, such a privilege was enjoyed only by the Parliament. This Act also prescribed penalties for disobedience to NEC orders, for refusing to be examined before it, or to answer questions put by the NEC, or for presenting false information or fabricated documents to the NEC with the intention of deceiving it (Msekwa 1997). This Act gave the Party new legal powers of summoning public officials and of accessing public documents and consequently placed the Party in a higher position in the decision-making process of the State. From this period the ruling class started to use the Party frequently as a forum for deliberating all important policies in the country. These included for instance the policy of Socialism and Self-Reliance contained in Arusha Declaration in 1967, the 1972 Decentralisation policy, and the 1973 decision to transfer the Capital of Tanzania from Dar es Salaam to Dodoma. The Parliament had to rubber-stamp these party decisions (Mbuya 1993, 43). The supremacy and status of the Party was elevated further by the Party Guidelines (Muongozo wa Chama) of 1971 which spelled out more clearly this position that “the responsibility
of the Party is to lead the masses, and their various institutions. … The Government and its organs, parastatals, national organisations etc, are instruments for implementing the party’s policies”.

While the 1962 constitutional changes had culminated in the concentration of powers in the Executive, those of 1965 elevated the status and role of the Party above all other organs of the state. The Executive however, due to its closer affinity with the top leadership of the Party, enhanced its powers and prestige over the Parliament. In the final analysis therefore, the Parliament became the main victim of the existing political structure. However, constitutionally, the party’s supremacy was not clearly pronounced until at least 1975. What the 1965 Interim Constitution of Tanzania clearly provided was only that Tanzania was a one-party state. The Party had no constitutional right yet to meddle in the affairs of other state organs. In other words, it was only through practice not the law that the party’s supremacy was observed and adhered to by other organs of the State. It was as a direct result of the de facto supremacy of the Party that the NEC decided to have the Constitution amended so as to make provision for party supremacy (Msekwa 1997). The required amendments were passed by the Parliament in June 1975. The concept of party supremacy in Tanzania thereby acquired formal constitutional status. Section 3 of the Constitution was amended and provided that all political activity in Tanzania would be conducted by or under the auspices of the Party; and further that the functions of all the organs of the State in Tanzania would be performed under the auspices of the Party.

The powerful position of the Party and the presidency in African one-party states, especially in relation to other institutions such as the parliament, had resulted in parliaments becoming less-effective and almost irrelevant as a source of authority and legitimacy in Africa. As a result, many members of parliament developed apathy and showed very little interest in parliamentary debates as was evidenced by the lifeless and sometimes superficial debates (Hopkins 1970, 763; RPCEDOPS 1965, 20-21), or a chronic lack of quorum. In some cases very important national issues that had direct effect upon the life of these nations were not debated by the people’s representatives. In other cases national parliaments had simply been called upon to ratify decisions or legalise policies. Perhaps the best evidence of the declining role of
parliament in a one-party state in Tanzania is where national policy decisions were not made by the national parliament but instead were made by the Party (Wanjande 1995, 82).

2.5 Legislature in Zanzibar: A Historical Overview
The history of legislature in Zanzibar goes back to the early 20th century. During the period of colonial domination in Zanzibar no genuine efforts were taken to create truly representative bodies and therefore to allow the people to participate fully in running their affairs. Instruments of government did not represent the genuine interest of the majority of the people but rather were instruments of colonial rule. A Protectorate Council was established in 1914. It became the Legislative Council in 1926 and was dominated by the executive arm of the colonial government and it was under its firm control (Othman and Shaidi 1981; Loftchie 1965). The Protectorate was an advisory body to the Sultan, with the Sultan himself the President and the British Resident as the Vice-President. The Attorney-General, the Chief Secretary, and the Financial Secretary were ex-officio members of the Council while there were four (4) un-officio members nominated by the Sultan: two Arabs, and one each from the Indian and European races (Blood 1960, 57).

In 1926 the Legislative Council and the Executive Council were formed by Zanzibar Order in Council of the Privy Council (His Majesty King in Council). The formation of these two bodies put the administration of the Zanzibar Government in the hands of the British Resident, and required that no decree could be enacted by the Sultan without the advice and consent of the Legislative Council (Ayany 1970, 15). In the same year another Order in Council was made requiring the British Resident to receive his instructions from the Secretary of State for the Colonies in London and not from the Sultan (Crofton 1953, 76). From this time forward practically all decisions made by the Sultan first needed to be approved by the British Resident in order for them to be put into effect. According to Crofton (1953), these changes were intended to safeguard the islands’ “complete autonomy and independence”, but in actual fact they greatly curtailed powers of Sultan and made him a prisoner in his own regime (Othman and Shaidi 1981).
The Sultan led the Executive Council which consisted mainly of the senior British Administrators. The British Resident led the Legislative Council which was also made up mainly of Europeans, Arabs and Indians nominated by the Sultan, but practically no Africans. The composition of the Un-official side of the Legislative Council was three Arabs, two Indians, and one European (Mrina and Mattoke 1980, 50-51; Blood 1960, 57). Even when, by Decree No. 14 of 1942, an announcement was made to enlarge the Council, no African representation was envisaged. It was only in 1946, no doubt as a result of the changed political climate in Great Britain and the World in general, that the role of Africans began to register politically. This period saw the coming into power of the Labour Government in Great Britain, the institution of left-wing governments in most of western Europe, and the spread of Socialism internationally. African representation in the legislative bodies of East Africa, including Zanzibar, began to be taken seriously. Thus in the case of Zanzibar the new Legislative Council consisted of eight Official and seven Unofficial members with the British Resident as its President. Of the seven Un-official members, there were three Arabs, two Indians, one European and one African. In an apparently deliberate effort to sustain chaos and misunderstanding among Africans, the Sultan appointed a Shirazi as a member of the Legislative Council to represent the Africans at the very time when some colonial administrators treated Shirazi as Asians (Mrina and Mattoke 1980, 51-52; Mapuri 1996). Ethnic divisions were to prove a significant aspect of the political landscape in Zanzibar. Colonial rule began to wane and the British formally renounced their political control and ethnic divisions helped shape the actual structures of government (Shivji 2008, Ch 1).

The Legislative Council was not intended to provide an opportunity for Zanzibaris to participate in running their government by expressing their views and wishes and effectively controlling the government from excessive and arbitrary use of power. Bowles (1991) argues that the Legislative Council of Zanzibar was merely a place where the colonial government moderated conflicts among its privileged groups. While the colonial state represented the interests of the absentee class in the economic sphere, it also performed the function of maintaining its own power. One way the colonial officials achieved this was through representation in the Legislative Council of privileged groups within the colony based on race, which encouraged
these groups to think in terms of racial interests, and hence divided them. Before 1946 those represented were Europeans, Arabs, and Indians. Representation of Africans was kept small until 1958 and consisted of mainly privileged Africans such as educated teachers or officials, and small clove plantation owners from Pemba Island. A further division was encouraged between the rich residents of Pemba and those of Unguja. The former expressed the sense of deprivation as compared with the latter in the provision of services such as electricity, hospitals, and tarmac roads. The Legislative Council allowed such serious conflict of interests to be resolved peacefully. Potentially the most serious conflict of interest among the privileged groups was that between the clove plantation owners (or land owning class) and the clove exporters (or merchant class). Arab representatives of the former often clashed with Indian representatives of the latter. The colonial state frequently intervened to assist the former through subsidies and legal protection against bankruptcies, but it had to balance its favours since it had the same interest of efficient production as the merchants (Bowles 1991, 79-106).

Some scholars (e.g. Mapuri 1996, Othman and Shaidi 1981, Mrina and Mattoke 1980) suggest that the British strategy was to develop Zanzibar as an Arab state. In the early 1950s the Arab Association started to make political demands. Its representatives in the Legislative Council backed those demands with a boycott in 1953 of the Legislative Council. A few constitutional concessions were then made in 1955 promising that more democratic elements would be introduced in the Legislative Council. This was virtually the only example of a specifically nationalist struggle in the Legislative Council in Zanzibar and its effectiveness appeared to have convinced the British that an independence solution must be found (Babu 1991; Bowles 1991). The major outcome of this move was the reconstitution of the Legislative Council to consist of 12 Official and an equal number of Unofficial members, with the British Resident remaining as its President. The interesting thing about the Un-official representation was that African representatives (who represented the majority of citizens) and Arab representatives were equal (four for each group). The remaining four comprised three Indians and one European (Othman and Shaidi 1981, 190).
The changes brought about by the 1955 announcement could have enabled the attainment of internal self-government in Zanzibar. However, the Senior Provincial Commissioner demurred, noting that up to November 1955 no political party had been formed to whom “responsible government” could be transferred. The declaration by the Commissioner prompted the formation of two main opposing parties: the Zanzibar Nationalist Party (ZNP) and the Afro-Shiraz Party (ASP), formed in December 1955 and February 1957 respectively. Then in 1959, senior members of the ASP broke away to form the Zanzibar and Pemba People’s Party (ZPPP), and in 1963 some of the leading members of the ZNP broke away to form the Umma Party. In 1957 constitutional changes to the Legislative Council were brought in which, for the first time, introduced elections of half of the 12 Un-official members of the Council. This was not only a novelty in Zanzibar but also was “a revolutionary step” in East Africa (Othman and Shaidi 1981, 192): in Kenya the state of emergency was still in operation, and in Tanganyika, elections of any sort were not even a promise. These changes placed Zanzibar on the path to self-rule and independence. The elections of 1957 were fought along party lines. The result was a sweeping victory for the ASP, which won five seats, the remaining one being won by the Muslim Association. After the elections, the Sultan nominated four members from the ZNP and two Indians to fill six nominated places on the Legislative Council. No African was considered in this nomination (Lofchie 1963).

Three years after the 1957 elections, the British Government appointed Sir Hilary Blood as a constitutional commissioner with clear terms of reference to bring Zanzibar to self-government. The result of this exercise was the commissioner’s recommendations which can be summarised as follows:

1. The Sultan of Zanzibar should remain a constitutional monarch and he should stay completely outside politics, his salary becoming a statutory charge instead of being voted annually in the estimates (which until then meant it was a subject of annual discussion).
2. The legislature should have its own Speaker and 29 members, 21 of whom should be elected.
3. There should be a Cabinet under a Chief Minister with seven Ministers, three ex-officio (the Civil Secretary, the Financial Secretary, and the Attorney-General) and four appointees of the Sultan from the ruling party.

4. There should be an official opposition whose leader should be entitled to a Government salary (Mapuri 1996, 30).

This could be said to be the beginning of multiparty politics of a liberal democratic form in Zanzibar. The first democratic elections toward the attainment of self-government were held in January, 1961.

The ASP emerged a narrow winner with ten seats, followed by the ZNP with nine seats, and the ZPPP winning only three seats (Zanzibar Government 1961, 62-63). The ZPPP was in a quite enviable position, with each of the other parties seeking it as a coalition partner. But the ZPPP itself became divided, with one of its elected members joining the ASP and the other two allying with the ZNP. This resulted in a political deadlock and new elections had to be called. New elections were planned for June 1961 and the Chief Secretary acted as Chief Minister for six months, with a coalition government consisting of all political parties. Before the new elections were held, a new constituency was created in Mtambile Pemba. The idea was to prevent another stalemate. However, the ASP did not enjoy great support in Pemba and the creation of a new constituency there worked against its electoral fortunes (Middleton and Campbell 1965, 57). The elections in June 1961 were marred by bloody riots which started with minor skirmishes and disturbances at polling stations, spread to the countryside and continued for the whole week, resulting in 68 deaths, 381 people injured, over 1000 arrests, and many buildings damaged. Despite fewer votes (i.e. a combined total of 44,092 against ASP’s 45,172), the ZNP/ZPPP alliance won the elections by collecting a total of 13 seats compared with ten for the ASP (Mapuri 1996, 33-34).

In the immediate period following the elections the issue of independence was a frequent matter of serious discussion in the Legislative Council. There were frequent consultations between the political parties to determine how and when full independence should be granted. A constitutional conference sponsored by the British government was scheduled to be held in London between 19th March and 6th
April 1962. The conference was attended by all the political parties in the Legislative Council with the Colonial Secretary as chairman. The ZNP/ZPPP alliance demanded immediate full internal self-government to be followed shortly afterwards by full independence, without holding any further elections. The ASP also proposed that independence be granted the same year but, after fresh, free and fair elections. It also demanded a reduction of the minimum voting age to 18 and an increase of elected members from 25 to 31. Both sides reaffirmed their loyalty to the Sultan and the Throne and their desire that the dynasty should continue. They also agreed on the enfranchisement of women, removal of the property requirement and literacy conditions in elections (Middleton and Campbell 1965). However, the ZNP/ZPPP alliance rejected the ASP’s proposal for an election.

The British Government proposed that the three parties join to form a coalition government. The ZNP/ZPPP alliance agreed and offered three of nine ministerial posts to the ASP and a veto power in the deliberations of the cabinet. The ASP rejected this offer insisting that a fresh round of elections was necessary (Mapuri 1996, 35). The conference therefore, ended in a deadlock. This led the British Government to appoint Sir Robert Arundell to study the problems regarding electoral constituencies in Zanzibar. His report, released in October 1962, recommended that Zanzibar should be divided into 31 constituencies. In April 1963, the British Minister of State for the Colonies, Sir Ian Macleod announced that Zanzibar would be granted internal self government on 24 June 1963 and general elections would be held in July the same year. Relations between the parties were becoming even more strained at this time (Middleton and Campbell 1965, 61). While the ZNP and ZPPP were not happy with the recommendations of the Arundell Report probably due to the fact that it coincided with an earlier ASP proposal to increase the number of elected members from 25 to 31 (Mapuri 1996), the ASP on the other hand was worried about the new throne, Sultan Jamshid who succeeded in July 1963 following the death of his father. The ASP claimed that Sultan Jamshid was known to have strong sympathies with the ZNP (Middleton and Campbell 1965).

The elections in June once again saw the ASP win a majority of votes but ending up with fewer seats: the ZNP/ZPPP alliance won 18 seats and the ASP 13 seats. The
elections were followed by another constitutional conference which was convened in London at Lancaster House in September 1963 to discuss a post-independence Constitution. The conference was attended by both the government and opposition parties from Zanzibar. It was agreed that Zanzibar should become fully independent on 10 December 1963. During the proceedings under the chairmanship of the British Secretary of State for the Colonies, a number of constitutional changes were proposed. The debates were very heated and when differences could not be reconciled amicably the Secretary of State undertook to arbitrate, with decisions being adopted on his recommendations. One of the most significant changes was that the Sultan would be declared the Head of State of Zanzibar. A Bill of Rights was also included in the Independence Constitution (British Government, 1963, 3). The Independence Constitution, which was the first comprehensive constitutional document for Zanzibar, had 11 chapters with a clear demarcation of power and authority for the main organs of the government. However, this document functioned for only a month.

On 10 December 1963 the British Government declared the Independence of Zanzibar and handed sovereignty to the Sultan and the ZNP formed a coalition government with ZPPP. The ASP was not happy with the way the British government handled the independence issue of Zanzibar. It felt that it had been denied justice by the British Government since it had presided over a transition in which the party with the popular support (as measured by the number of votes cast in its favour nationally) was unable to secure a majority of seats. In effect, the British colonialists had left behind a political mess with the African Zanzibaris unable to secure political power in proportion to their electoral support. This prompted the consideration of alternative routes to enable the African majority to gain political power (Mapuri 1996, 38). Less than a month after the British declared Zanzibar independent, on 12th January 1964 Zanzibar experienced a revolution that not only overthrew the ZNP/ZPPP coalition government, but immediately also abolished the monarchy and suspended the Independence Constitution.

2.6 The Legislature in the Post-Revolution Period 1964-1979
Immediately after the 1964 Revolution, the Revolutionary Government replaced the Independence Constitution with the Constitutional Government and Rule of Law
The Decree which provided the constitutional basis for the rule of law in Zanzibar. The Decree spelt out the division of powers in the new Government and declared an intention of codifying Constitutional Decrees which were to form the basis of the new constitution (Othman and Shaidi 1981, 195). On the division of powers, Section 2 of the Decree provides:

The People’s Republic of Zanzibar is a democratic state dedicated to the rule of law. The President as Head of State validates legislation by his assent. As an interim measure, legislative power resides in the Revolutionary Council and is exercised on its behalf and in accordance with its laws by the President. The principal executive power is exercised on behalf of the Revolutionary Council and with its advice by the cabinet of Ministers individually and collectively; the principal judicial power is exercised on behalf of the Revolutionary Council by the Courts, which shall be free to decide issues before them solely in accordance with law and public policy.

It is clear from this account that in actual practice, legislative power was vested in an individual who was to exercise it “on behalf of the Revolutionary Council”. Judicial power was to be exercised by the courts also “on behalf of the Revolutionary Council”. The orthodox doctrine of division of powers was not strictly adhered to since the Revolutionary Council was “everything and everywhere” (Othman and Shaidi 1981, 196). At the same time the President of Zanzibar became the chairman of the Revolutionary Council. Prior to this Decree No. 5, the High Court Decree No. 2 of 1964 was passed to establish the High Court of Zanzibar which was given judicial power to work on behalf of the Revolutionary Council.

However, this absolute power vested to the Revolutionary Council of enacting Constitutional Decrees, of performing executive functions, and of exercising judicial power was presented as only an interim measure to cope with the environment of the time. This intention was stipulated clearly in Section 3 of the Decree No. 5:

… Not later than January, 11th, 1965 a Constituent Assembly of the Zanzibar People shall be convened to pass upon these and other basic provisions which after having received the assent of the Constituent Assembly, shall be the Constitution of Zanzibar.

This shows that the new government gave itself a period of one year which would appear to be reasonable according to the circumstances to prepare and then to adopt a
new Zanzibar Constitution. However, when the time came in 1965 Section 3 was amended: the phrase “January 11th 1965” was replaced by “a day to be appointed by the President”. After this amendment, the idea of an elected Constituent Assembly became a forgotten issue in Zanzibar. The Revolutionary Government clearly indicated that it was not a priority issue and the first President after the revolution publicly admitted that he had no plan for elections in the Isles (Othman and Shaidi 1981, 197). The delay in establishment of the Constituent Assembly provided room for the President to continue to exercise his absolute power of issuing Constitutional Decrees, and to carry out other executive functions until 1979 when the first post-revolution constitution was adopted in Zanzibar. Generally, in this period between 1964 to 1979 the principle of political accountability was not part of the political culture, or at least political practices of the time. Legislative, executive and judicial powers in Zanzibar were concentrated and fused in the body of the Revolutionary Council.

The orthodox doctrine of separation of powers and checks and balances was not observed and no organ on behalf of the people of Zanzibar was allowed to exist to act as a check on the arbitrary use of power by the Revolutionary Council. The only existing political party, the ASP, became supreme in all political arenas in Zanzibar. No elections were held at any level and the President alone was vested with discretionary power to appoint members of Cabinet and Revolutionary Council. It is interesting to note that before the adoption of the new Constitution of 1979, no woman was appointed as member of Revolutionary Council, and thus no woman member of Cabinet. Human rights and rule of law were not strictly adhered to. A number of immovable properties such as plantations and buildings formerly owned by people who were believed to be supporters of the overthrown government were confiscated without fair compensation. These properties then were redistributed to landless people from the ruling party ASP (Othman and Shaidi 1981).

2.7 The 1979 Constitution and the House of Representatives of Zanzibar
The first post-revolution Constitution of Zanzibar was enacted in 1979, and could rightly be called a “child” of the 1977 Union Constitution. It was modelled after the Union Constitution providing the same format and organization for Government, divided into executive, legislative and judicial branches. It also endorsed all
provisions in the Union Constitution relating to Zanzibar, making only modest modifications where appropriate. The drafting of the Zanzibar Constitution apparently reflected a desire to avoid any contradictions or inconsistencies with the Union Constitution (Othman and Shaidi 1981, 208).

Another salient feature of the 1979 Zanzibar Constitution was that for the first time since the 1964 Revolution it provided for a presidential election in Zanzibar, the procedure for which had been laid down by the 1977 Union Constitution. According to the 1977 Union Constitution a special committee of the Central Committee of the ruling party CCM was to select a candidate for the Zanzibar Presidency. Then the name was to be confirmed by the National Executive Committee (NEC) of the CCM. After such confirmation the name would be forwarded to the Revolutionary Council of Zanzibar which would have power to accept or reject the candidate selected. However, under the 1979 Zanzibar Constitution the special committee had to submit not less than two names to the NEC, which made the final selection of only one candidate. Instead of the name of the selected candidate being submitted to the Revolutionary Council it was now sent to the electorate.

Also, the 1979 Zanzibar Constitution established a “House of Representatives” as the sole law making organ on all matters other than Union matters in Zanzibar (ZC 1979, §22). Legislative power which was previously exercised by the Revolutionary Council shifted to the House of Representatives. Other functions of the House of Representatives were to put questions to the Government of Zanzibar, and to discuss and debate the performance of each Ministry during the annual budget session in the House of Representatives. These two measures, the introduction of the presidential elections and the establishment of the House of Representatives, were decisive steps towards the building of a democratic society in Zanzibar. Although the majority of members of the House were not directly elected democratically from constituents, they were in a better position to implement the House functions than the Revolutionary Council.

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2 ZC 1979: Means the 1979 Constitution of Zanzibar
Although the new Constitution retained the Revolutionary Council, it was stripped of most of its original powers. Under the Constitution, the only main function left to the Revolutionary Council was to advise the Chairman of the Council on all governmental matters other than Union matters. Its legislative functions were then assumed by the House of Representatives and it no longer had direct control over judicial matters. Also, it lost its power of electing the Zanzibar President. It can thus be seen that the adoption of the Zanzibar Constitution of 1979 was a step forward in introducing the idea of political accountability into Zanzibar political culture, but there was still a long way to go.

According to the 1979 Constitution, the legislature of Zanzibar consisted of two parts. The President of Zanzibar, who is also the chairman of the Revolutionary Council (Cabinet), formed one part and the other part was formed by the House of Representatives. Further, the President of Zanzibar was not a member of the House of Representatives. Also, according to the 1979 Constitution, the House of Representatives had about 102 members. These included: members of the Revolutionary Council with the exception of the Chairman of the Revolutionary Council; all elected constituent members of the national Union Parliament from Zanzibar; two representatives from each District Revolutionary Committee elected by such committee; two representatives from each Regional Revolutionary Committee elected by such committee; all Regional Secretaries from Zanzibar by virtue of their offices; two representatives elected by the Regional Executive Committee from among members of the NEC from the Region; two representatives from Zanzibar from each of the mass organisations of the CCM to be elected by the House of Representatives; and not more than ten members appointed by the President of Zanzibar and Chairman of the Revolutionary Council (ZC 1979, §22).

Notably, not a single member of the House of Representatives was to be directly elected by the people to represent them to the House. It has been argued that providing the majority of members of the House were elected from the Revolutionary Committees of Districts and Regions, they were in turn representatives of the people and indirectly therefore the general masses of Zanzibar took part in their elections (Luvuba 1982). However no plausible reason was given as
to why the people of Zanzibar were empowered by the constitution to participate directly in the election of their President but should not be able to do the same in determining who should sit as their representatives in the House. After nearly 20 years of revolutionary political rule, the excuse that enemies of the revolution would sneak into the House of Representatives if elections were allowed, held little water (Kabudi 1985).

The composition of the House showed clearly that the Executive retained the upper hand. As an example all 35 members of the Revolutionary Council were members of the House. The members of the Revolutionary Council owed allegiance to the Chairman of the Revolutionary Council and President of Zanzibar who appointed them. Unlike the position prior to the enactment of the 1979 Constitution, members of the Council no longer had an authority over the President because he was now not appointed by them but was elected by the people of Zanzibar (ZC 1979, §6). In addition, all ministers of the Government of Zanzibar were members of the Revolutionary Council which ensured the Executive’s dominance in the House. In a strict representative electoral sense the system used in nominating members of the House of Representatives did not represent the will and sovereignty of the people.

Another aspect in the composition of the House of Representatives was that it had no common tenure of membership. That is, there was no constitutional basis for terms of office of members for the House. There were some members whose tenure continued beyond the life of the House. The tenure of those members who were appointed by the President of Zanzibar ended together with that of their appointed authority. The same applied to the members of the Revolutionary Council. But other categories depended on the elections of their respective organs that were the Party and its mass organisations. Explaining the issue of representation and elections of the members of the House of Representatives the then President of Zanzibar, Aboud Jumbe, was reported to have viewed this as a positive feature since it ensured continuity in the House. He even tried to draw a distinction between a member of the Union Parliament of Tanzania and a member of the House of Representatives, saying that unlike a member of the Union Parliament who was elected to represent a constituency, a member of the House of Representatives was elected by a specific
interest group. Therefore he said a member would present before the House ideas, aspirations and demands of the group he represented after consulting with the particular group or organisation (*Sunday News* 1980). However, this distinction appeared superficial since it is not believed that the political climate in Zanzibar during that time allowed for the existence of different groups with different interests within the ruling party to warrant such an argument.

**2.8 The House of Representatives under a One-Party System**

Zanzibar had been a one-party state within the United Republic of Tanzania since 1965. The Interim Constitution of Tanzania of 1965 clearly stated that all political activities in Tanzania other than the organs of the Executive and Legislature in Zanzibar, or such local government authorities as may be established under law of the appropriate legislative authority, shall be conducted by or under the auspices of the Party: TANU for mainland Tanzania and ASP for Zanzibar (TC 1965, §3). Also in Zanzibar in the same year, the Afro-Shirazi Party (ASP) Decree established the ASP to be the sole political party and supreme authority in Zanzibar representing the interests of all the working people of Zanzibar.

Contrary to the National Assembly of the Union Parliament of Tanzania, in which the Party has exercised strict control in the functioning of the Parliament since 1965, in Zanzibar, the supremacy of the Party was not adhered to at least up to 1972. The Revolutionary Council dominated the political scene up to 1972, and virtually did everything. The supremacy of the Party was invigorated when a new President of Zanzibar and Chairman of the Revolutionary Council was appointed following the assassination of the first President of Zanzibar, Abeid Karume in early 1972 (Kabudi 1985). The ASP held its 5th Congress in the same year, its first since the 1964 Revolution. The Congress adopted a new constitution for the Party which declared clearly that the ASP was the supreme authority in Zanzibar and that all other political institutions in Zanzibar had to work under the auspices of the Party.

The position did not change with the merger in February 1977 of TANU and ASP resulting in the birth of Chama cha Mapinduzi (CCM). The supremacy of the CCM

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3 TC 1965: Means the 1965 Interim Constitution of Tanzania
over other organs of the state was again explicitly provided for in both the United Republic of Tanzania Constitution of 1977 and the Zanzibar Constitution of 1979. Within this background, the House of Representatives was established as a subordinate organ of the Party. Its subordination was shown in the Constitution whereby the House was regarded as a Committee of the National Conference of the Party and its function was to ensure implementation of the party policies in the activities carried out by the House of Representatives. The House of Representatives was not supposed to go against the party policies, for it was a Committee of the highest policy-making organ of the Party. And to ensure that members of the House complied with and obeyed the supreme position of the Party, the 1979 Constitution stipulated that a member of the House of Representatives must be a member of the Party who has fulfilled all membership conditions as provided in the party constitution (ZC 1979, §23). This provision shows that once one has lost party membership, they automatically lost their membership in the House.

The elevation of the status and role of the Party in Tanzania including Zanzibar had several impacts in the working of the House of Representatives as a representative organ of the people of Zanzibar. It was now the party leadership that determined the composition of the House. There was criticism on the rationality of tying a parliamentary career to party membership. This practice specifically under the one-party system tended to restrict the possibility for a parliamentary career to only a handful of people who were enjoying the party membership (Mgaya 1990; Kabudi 1985). All important issues and policy matters were discussed and decided in the party forums, especially the NEC, before being tabled for public debate in the Parliament. In many cases the Parliaments in both the Union Parliament and Zanzibar were simply required to give legislative approval to such party decisions. On other occasions the Parliament was only given reports of what had been already decided by the Party (Mgaya 1990; Mlimuka and Kabudi 1985).

In Zanzibar, the most glaring and often quoted example which illustrates this dominance occurred in early 1984. During 1983 and early 1984, extensive political and constitutional debates took place in Zanzibar which deeply probed the question of the Union. The Party accused Aboud Jumbe and his government of supporting an
underground movement in Zanzibar which demanded the restructuring of the Union and that Zanzibar should be given more freedom in determining its own affairs (Othman 2006). Many Zanzibaris at the time of the 1983/84 debate were given a chance to speak freely and their views were aired in the Zanzibar state-owned mass media. While the debate continued, and such strong feelings of demanding more autonomy and a fair share in the distribution of benefits coming from the Union were voiced, Aboud Jumbe was accused in the NEC of the CCM of planning to break up the Union and was thus forced to resign from his presidential post and all other political posts. Also, the then Chief Minister was sacked. In 1988 a similar event happened when the then Chief Minister, Seif Sharif Hamad, and several other members of the House of Representatives of Zanzibar and the Union Parliament of Tanzania from Zanzibar were sacked from their posts and dismissed from the Party. What surprised many political analysts was that during both the exercises of 1984 and 1988 the House of Representatives was not involved at any level.

Under normal circumstances of parliamentary supremacy this should have been the work of the House of Representatives. But instead, the work of the House was subsumed, constitutionally, within that of the NEC of the Party in the process known as party supremacy. In this way, the NEC in effect exercised an oversight mechanism of the Executive. In the evolving political structure the role of the House of Representatives was being reduced or rather being restricted to merely legitimising what the NEC had decided. Even the making of critical comments on such decisions of the NEC was outside the powers of the House. As such, the de facto Parliament of Tanzania [including Zanzibar] during the period of one-party system was the NEC of the party (Mgaya 1990, 62; Mwakyembe 1985). All subsequent constitutional changes and amendments up to 1992, including the enactment of the new constitution of Zanzibar in 1984, did not alter this situation.

On the other hand the Executive has benefited a lot from this political situation due to its closer affinity with the top leadership of the Party. According to the party arrangement, the President of Zanzibar was a Vice-Chairman of the Party and Chairman of the NEC special committee of Zanzibar which involved all members of the NEC from Zanzibar. Also, almost all members of the Revolutionary Council
were members of the NEC. Under this background the President had often used the powers and prestige of the NEC to push along unopposed some of the policies of the government. In so doing he pre-empted or rather circumvented any House debate on those policies. Thus the party’s supremacy represented the powers of the Executive (Mgaya 1990, 63). In effect there was no political accountability as traditionally understood.

Constitutionally, the chairman of the Revolutionary Council and the President of Zanzibar had overwhelming powers over the House of Representatives. He could exercise these wide powers at two levels: one as the Head of State and the second as a part of the House of Representatives. As the Head of State, he had powers to convene and dissolve the House at any time without any inhibition whatsoever (ZC 1979, §32). These wide powers of the President of Zanzibar were fraught with danger of abuse. The House of Representatives was put in a very precarious position as a constant fear of retribution hung over members, with the consequence that its members were reluctant to ask potentially embarrassing questions of the government or to express criticisms of the government freely.

In his capacity part of the House of Representatives, the President of Zanzibar also had an advantage. According to the Constitution he was the one with final and decisive voice in passing a law (ZC 1979, §41). According to this constitutional provision the President of Zanzibar could refuse to assent to a Bill. And if that happened, the Bill was to be returned to the House of Representatives and it could not be returned to him within a period of six months unless it was supported by a two-thirds majority of the members of the House of Representatives. If this condition could be fulfilled and the Bill was sent back before the six month term was up, then the President either had to assent to the Bill within 21 days or else dissolve the House of Representatives. It is obvious under this provision the President wielded a trump card as he could not only use the threat of dissolving the House but could also refuse to assent and finally prevent a Bill which might enjoy a two-thirds majority of the House from becoming a law if he did not like it. At the same time he could use the threat of dissolving the House in order to force it to pass legislation which the members did not initially support.
2.9 The 1984 Constitution of Zanzibar
The current constitution of Zanzibar was adopted in 1984 soon after the forced resignation of the second post-revolution President of Zanzibar from both state and party positions. The 1984 Constitution differs in a number of aspects from the 1979 Constitution. The 1984 Constitution has a Bill of Rights which articulates basic human rights and guarantees the right to elect and be elected. It also clearly defines who a Zanzibari is, limits presidential terms of office to only two, and creates a House of Representatives consisting mostly of elected members. Although at the time of its adoption, the 1984 Constitution did not change the political system outright and despite the fact that Zanzibar remained a one-party state for some time, it is apparent that most of its inputs into the political system were relatively effective in enhancing democratic reforms in Zanzibar.

One can argue that with the 1984 Constitution, the House began at least in theory to become and act as a true organ of state representing all the people, their rights and interests. In terms of composition, the House of Representatives became more representative. It comprised the following categories of members: 50 directly elected members, ten presidential appointees, five special seats for women, five representatives from party associations, and five regional commissioners. Elected members constituted almost 67% of all members. Those appointed by the President including regional commissioners and ten direct appointees constituted 20%. This was a huge change compared to the previous composition which did not involve any directly elected member. In terms of functions of the House of Representatives, a new provision was introduced in the Constitution which stated clearly the supervisory role of the House over the Executive (ZC 1984, §88). Also, the Constitution made the Cabinet collectively responsible to the House of Representatives regarding all matters implemented by and for the President’s order or the Chief Minister or any other Minister in the execution of his functions (ZC 1984, §43). However, the Chief Minister and any other Minister were also responsible to the President by virtue of his being the appointing authority.

\[\text{ZC 1984: Means the 1984 Constitution of Zanzibar}\]
In terms of its operation, the House of Representatives was protected by a new section in the Constitution which made the House proceedings absolutely privileged and not to be questioned anywhere outside the House. This section was later reinforced by Act No. 3 of 1990 on Immunities, Powers, and Privileges of the Members of the House of Representatives. The 1984 Constitution also set down qualifications for a person to be eligible to contest for membership of the House of Representatives (ZC 1984, §68). It provided further that a person is qualified to be elected a member of the House if, on election day, he is a Zanzibari, aged 21 years or more, and is registered or is qualified to be registered in an election constituency as a voter in an election for members of the House of Representatives. A candidate also has to be able to read Kiswahili, but if they have impaired vision or other physical infirmity must be capable of speaking Kiswahili. Another qualification was that a candidate has to be proposed by the party CCM. It is apparent that the education qualification set down by the Constitution for a person to qualify to contest for the membership in the House of Representatives was very low. But it is justifiable to argue that such low education qualifications were set in good faith. After almost two decades of a political system in which the Revolutionary Council consisted of only a few elite individuals, it was the right time to create an environment to allow more Zanzibaris to be able to participate in the government of their country.

The enhancement of the powers of the House of Representatives went along with the enhancement of the role of the Judiciary and some changes in the powers of the President. The discrentional powers of the President were now subject to the supremacy of the law (Tambila 2004). The 1984 Constitution limited the presidential tenure in office to only two terms of five years each (ZC 1984, §28). Further, the President retained the power to appoint the Chief Minister but now could only appoint the Cabinet of Ministers after consultation with the Chief Minister (ZC 1984, §42). Some of these constitutional changes looked progressive in terms of a democratisation process in Zanzibar but as Othman and others (2003) suggest, the quest for constitutional government is not just for the beauty of it. It requires readiness and political good will of all political actors especially those who hold state powers.
A close analysis of the changes brought by the 1984 Constitution to the House of Representatives has revealed that although the House composition, operation, and status changed for the better, it did not get appropriate powers to exercise an effective accountability role with respect to the activities of the Executive. The supremacy of the Party still remained intact and the Executive took advantage of being a close ally of the Party to remain in a dominant position over the House of Representatives. The House of Representatives remained a special committee of the National Conference of the Party for the purpose of supervising the implementation of party policies. The 1985 party election manifesto stated clearly that it was the CCM party that led the government and that the Party was the one with the power to select those who sought leadership positions in the government since they were expected to implement the plans and policies set by the Party. This is to say, the provision that a person has to be a party member in order to become a member of the House of Representatives was retained in the 1984 Constitution and it was used to silence those who tried to elevate the status and role of the House and challenge decisions of the Party beyond the party limits. An oft-cited case in point occurred in April, 1988 when the NEC of the CCM expelled five members of the House and two members of the National Assembly of the Union Parliament from Zanzibar for what it termed gross violations of the party creed by attitude and actions by those members. The expulsions meant an automatic loss of their House seats. This event helped to strengthen the position of Party vis-à-vis the House of Representatives. With such punitive measures no other member could dare to raise his voice against the Party or the Executive.

Further, the Executive arm of the Government, particularly the presidency, remained with enormous powers and control over the House. The President retained his discretionary power of appointing and removing the Chief Minister and other senior officials of the government and its institutions. The House of Representatives did not get its traditional power of passing a motion of no confidence in the Chief Minister. Also, a quick look at the composition of the House of Representatives following the 1984 Constitutional changes reveals that the Executive and the Party retained a considerable proportion of members in the House sufficient to influence its decisions. Out of 75 members of the House, 25 were directly from the Executive and
the Party. This constituted almost 33% of members of the House of Representatives. However, this does not reveal the full picture of the degree of executive representation in the House. The figure of those members who wholly depended on the goodwill of the President for their continued stay in the House did not include directly elected members who were also bound to support the government line in all debates in the House. These were Ministers and Deputy Ministers and all other members of the Revolutionary Council whom the President was empowered to appoint from among the members of the House (ZC 1984, §42&43). The President had discretionary powers to choose such Ministers and members of the Revolutionary Council from any category of members, be they directly elected constituents, special seats for women, or appointed members. It was possible for the President to choose a good number of his Ministers from amongst directly elected members and thus increase the representation of the Executive in the House.

Another possible consequence of the choice of Ministers from elected members was the weakening of that category of members. This was so especially because in many instances most capable and outspoken members from this category were the ones who were given ministerial posts. This occurred when the Executive and the Party opted not to take a strict stance of expulsion of their critical members but instead decided to take a less strict position in which the members were neutralised by being incorporated into the government. This strategy was mostly used between 1981 and 1984 where the political atmosphere was very tense in Zanzibar and people increasingly questioned the legality of the Union and demanded more autonomy within the Union (Othman 2006). Directly elected members such as Soud Yussuf, Hamad Khamis, and Maulid Makame, who were very critical of the Government and the Party, were all promoted to ministerial posts. In this way they were now bound to support the Government position in all House debates.

Generally, during the period of the single-party dominance, the House of Representatives had no clear constitutional control over legislation. It had not even indirect constitutional control over the actions of the Executive as had been the case for a short time at independence in 1963. Indeed, the House of Representatives was turned into a committee of the Party and used to rubber stamp party and executive
policies and decisions. Notwithstanding, on occasions, the single-party House of Representatives proved to be a livelier House where some of the members aggressively and frankly aired their views to criticise the Government and hold it accountable in its decisions. One well-remembered heated debate concerned the purchase of the presidential jet for the President championed by Soud Yussuf, a member from Wawi constituency. During the budget session of 1982/83 members criticised the Government and sought justification for purchasing the jet at the cost of more than forty eight million shillings while a number of development projects and programmes were kept on hold. The House threatened to block the Ministry of Finance budget demanding clarification on how the Government opted for the high-cost purchase of the jet over other important projects. Also, at the same session the House showed deep concern over the tragic incident that resulted in death of at least seven children and several others who were seriously injured at Kariakoo playground. Members were not satisfied with the security services provided and the limited number of emergency exit doors at the playground. They went further to suggest punitive measures against those senior officials in the respective Ministries who were directly involved in the incident (Hansard Report No. HS-30/07/1982).

Another serious incident in which the single-party House acted aggressively and frankly criticised the Government and kept it on its toes was on the Makurunge Scandal during the 1985/86 budget session. Allegations were raised by Abdallah Said Haji, an elected member of Chake Chake constituency, that the ministry of Agriculture and Livestock had not followed proper procedures in tendering of the buildings of the government ranch at Makurunge. He claimed that the tender was not competitive enough and that a suitable bidder which was recommended by the tender board was not given the tender. Instead the Minister responsible for Livestock decided to offer the tender to another bidder—Central Earth Movers—which, according to the allegation, was not capable enough to construct the ranch and its bid was not competitive. After a heated debate in the House, it was decided that a Select Committee be formed to investigate the allegation and advise the House accordingly. The Select Committee subsequently reported to the House that the then Minister of Agriculture and Livestock and other senior officials of the Ministry were directly implicated in the scandal. The Committee advised harsh punitive measures including
legal action to be taken against those officials including the Minister (Hansard Report No. HS-25/06/1985). However, as a sign of party supremacy and executive dominance over the Parliament in Tanzania, as soon as the House had passed and approved the Committee’s report and recommendations, Nyerere, the then President of Union Government of Tanzania and Chairman of the Party who himself was not accountable to the House appointed the main suspect, the Minister of Agriculture and Livestock to be a Regional Commissioner for Dodoma region, a newly established capital city of Tanzania. The appointment had interrupted the decision of the House and no more action was taken against the suspects.

Overall, the above discussion has revealed that during the colonial period, no genuine efforts were taken to create truly representative bodies which were empowered to control the working of the Executive and therefore allowed the people to participate fully in running their affairs. Steps which were taken later by the colonial power deliberately ended up in creating a sham legislature which did not represent the genuine interest of the majority of the people. After independence Zanzibar inherited a British style of constitution which ushered in a parliamentary form of government under a multiparty democracy. However, one month later, Zanzibar experience a revolution which not only abrogated the Independence Constitution but also the legislative and judicial institutions in favour of the Revolutionary Council. Between 1964 to 1979 when the first post-revolution Constitution was adopted, the principle of political accountability was not part of the political culture, or at least the political practices of the time. Legislative, executive and judicial powers in Zanzibar were concentrated and fused into the body of the Revolutionary Council.

Even the 1979 Constitution and establishment of the House of Representatives found Tanzania was already under a one-party system. This consequently put the House in a peripheral position in the national affairs and its control over the Executive remained minimal. Supremacy of the ruling party placed MPs and the House as a whole in a position where it was not possible to challenge the fundamental principles of government policies without suffering dearly. Enactment of the 1984 Constitution relatively strengthened the power and position of the House specifically by
expanding the scope of representation, though it did not manage to change the rules of the game. Then in July 1992 following the winds of democratic change which blew everywhere in the world, Tanzania abandoned the one-party system in favour of the multiparty system. The political transformation prompted far reaching constitutional changes in the Union and Zanzibar Constitutions as well as structural reforms of political institutions within both sides of the Union. The main objectives of the changes were to create an environment for political participation at all levels of politics, to enhance political accountability of elected representatives, to foster responsible leadership, to aid in consensus building, and to enhance civil liberty (Msekwa 2004). It is obvious that the above objectives can be realised if, among other things, the House of Representatives would be empowered to be able to perform its functions including oversight role effectively and efficiently. The next chapters look at the constitutional changes and structural reforms of the House of Representatives since the introduction of a multiparty system in Tanzania. The aim is to evaluate those changes and reforms in the context of parliamentary accountability and to analyse how they have improved the effectiveness of the House in holding the Executive accountable.
CHAPTER 3 INTRODUCTION OF MULTIPARTY SYSTEM IN TANZANIA

3.1 Introduction
Chapter Two established that during the one-party system the House of Representatives was constrained constitutionally as well as organisationally. The constraints included the extensive powers of the Executive over the House, and the installation of party supremacy and changes in the power structures whereby the House was subordinated to the Party and Executive. Also, the House had to rely on the Executive to recruit and pay its members of staff. The House lacked adequate physical and material resources such as office space, transport, and office equipment that could facilitate its work and effectiveness. With these constraints, the House was put in the background and the Executive-cum-the Party was in firm control of the scene. The main theme of this chapter is to look at the key constitutional changes and structural reforms that took place in Tanzania’s political landscape immediately following the introduction of a multiparty system. The chapter begins by examining the movement towards a multiparty system and discusses steps which were taken by the ruling party to guide the transition in order to ensure the process remained within the limits of its control. Then the discussion and analysis focuses on specific aspects of the constitutional changes and structural reforms of the ruling party which were made to provide a more conducive environment for effective implementation of a multiparty system and democratic accountability. Finally, it examines the first multiparty elections in Zanzibar and its impact on the working of the House of Representatives.

3.2 Transition to Multiparty Democracy
As democratisation began to spread across Africa, people in Tanzania started actively to participate in various political and academic forums to discuss the relevance of the events taking place in Eastern Europe and other countries to Tanzania (Bakari 2001, 153). During this time, several civil society organisations and movement groups were formed. These included human rights groups and women’s movements. Democratic struggles gained greater momentum when the World Bank and IMF based structural adjustment programmes began to have a
bigger impact on the society. By the early 1990s the number of political groups and movements demanding political pluralism had increased substantially. Informal debates and discussions on the need to adopt a multiparty system were also wide spread (Mpangala 2004, 13). In response to these internal struggles, together with external pressure from the donor community, rulers in Tanzania who initially were hesitant about implementing democratic reforms (Baregu 1994) resolved themselves to do so, assuming that transitions from above would be more promising in terms of their ability to deliver a democracy they could control. Managing the transition from above enabled them to be more specific about their time-frame, procedural steps, and overall strategies. However, as Bakari (2001) has noted it was found that in the course of the process, it was not always the case that the transitions from above were suitable to deliver true democracy.

In February 1991, a Presidential Commission on a One-party or Multiparty System to recommend a way forward was formed with specific terms of reference by the Union President, after consultation with the President of Zanzibar. The Commission is popularly known as the Nyalali Commission, a name of its chairman, a former Chief Justice of Tanzania, Francis Lucas Nyalali. It consisted of 22 Commissioners with an equal number of commissioners from each part of the Union. The terms of reference given to the Commission included the following: to coordinate the views which were being expressed by the public in the ongoing debate on whether to retain the present one-party system or to introduce a new multiparty system in Tanzania; to consider and make recommendations regarding the necessity, advisability and prudence of either retaining the present one-party system or changing to a multiparty system, and likely consequences of adopting either option; to consider and identify any possible advantages and disadvantages that might follow as a result of changing the existing political system particularly with regard to the stability of the Union, the unity of the people of Tanzania and, existing peace and stability; to consider and recommend appropriate constitutional and legal, as well as political strategies for protecting the nation against any political or security problems which might arise as a result of retaining or changing the political system; to consider and recommend suitable strategies for expanding and strengthening the practice of democracy in the country, irrespective of which political system is adopted; to consider and recommend any
appropriate amendments which should be made to the Union Constitution as well as the Zanzibar Constitution and any other written law, in case it is decided to change the political system; and finally in relation to Zanzibar, the terms of reference required the Commission to consider and assess the likely advantages and disadvantages of any changes to be proposed and whether it would be in the best interest of Zanzibar to implement such changes bearing in mind Zanzibar’s bitter political history. This also involved the Commission considering the position of Zanzibar in the Union (URT 1992, 10).

The Commission submitted its final report to the President on 17th February, 1992. It unanimously recommended that the Tanzanian political system should be changed from the existing one-party system to a multiparty system. Despite the fact that overall almost 80% of the people who expressed their views to the Commission were against the introduction of multiparty politics, the Commission unanimously recommended the adoption of multiparty system based on the following reasons: Firstly, many of those who rejected the introduction of multiparty system feared that the system would bring conflicts in the country, which had so far lived in peace and tranquility. Secondly, and paradoxically reflecting the fears noted above, the Commission itself were aware of the potential for that same peace and tranquillity to be disrupted should a multiparty system not be enabled to go ahead. It was thought that if the 20% who wanted multiparty system were ignored, they would not accept that in silence, especially in the changed political atmosphere of 1990s. The Commission was aware of the potential dangers the country could face if it continued to retain the one-party system. And thirdly, the Commission established that most of those who supported the one-party system did so on condition that the Party cleanse itself and implement major reforms to the political governance of the country. The Commission’s analysis showed that many of the conditions put forward could only be implemented under a multiparty system (Liviga 2009, 29; URT 1992, 10). However, it has to be noted that only 35,958 people out of a population of almost 30 million were able to express their views to the Commission. Therefore, it is not suprising that some scholars have openly challenged the scientific validity of the results because the survey was not based on a methodology of random sampling (Bakari 2001, 157).
Other recommendations of the Nyalali Commission included the following: establishment of a constitutional commission to work on the formation of new constitutions both for the Union and Zanzibar governments; Tanzania should maintain a parliamentary system of government under which the President and the Cabinet he appointed must be accountable to the people through their representatives in parliament; removal of all members of the Union Parliament and the House of Representatives who directly come from the Executive; the country’s ombudsman (the Permanent Commission of Enquiry whose main duty is to inquire into allegations of misconduct or abuse of power by the personnel in any government service or public institution) should report to Parliament and not to the President; the repeal of over 40 laws which were regarded as against fundamental rights and freedoms and that made it difficult for newly established opposition parties to function effectively and; the ruling party CCM should make internal changes in its structure in order to make it more appropriate and relevant to the new multiparty environment; and reduction of excessive presidential powers which include power of dissolution and power to appoint people to be members of Parliament while at the same time elevating powers of other organs of government to a level which is acceptable for proper functioning of democratic government (URT 1992, 103-160).

With regard to Zanzibar, the Nyalali Commission recommended that although throughout the period of consultation with the wider population, many people in Zanzibar expressed concerns about the re-emergence of pre-revolution tensions, it was in the best interests of Zanzibaris that Zanzibar also adopted a multiparty system. It was felt that it was appropriate to give people in Zanzibar a chance to participate in the running of their country. Their participation would help in the maintenance of peace, unity and concord among Tanzanians regardless of their ideological and political inclinations. Also, it was suggested that a multiparty system would enhance the accountability of the political leaders (URT 1992, 74). However, in order to avoid the pre-revolution tensions, it was recommended that the Political Parties Act should be carefully drafted to ensure certain conditions were set for all registered political parties to be of national character (any registered political party must legally be required to recruit its members and leaders from both sides of the
Union). The assumption here was that a political party of national nature would be more likely to prevent Zanzibar from recreating the political camps of the pre-revolution era as well as the emergence of political parties based on tribal, ethnic or religious groups.

Further, the Commission recommended that in order for the multiparty system to work smoothly and in a peaceful atmosphere, it would be prudent that a three-government structure of the Union be introduced in a form of federation (URT 1992, 157). It was suggested that the three-government structure would solve chronic problems of the Union which included problems with and concerns about citizenship, the control of foreign exchange, the collection and distribution of taxes and customs duties, and the formula for contributions to the Republic’s expenses (Pal Ahluwalia and Zegeye 2001). But another reason, and perhaps politically more important, was that the recommendation was intended to address the foreseeable outcome of multiparty electoral competition. It was clear that under the multiparty system, there was a possibility at one time for a presidential position of the Union Government to be held by the party which did not hold a presidential position in Zanzibar’s Government. And under the existing arrangement of the two-government system, the President of Zanzibar was the Vice-President of the Union Government by virtue of his position. In such circumstances, the President and the Vice-President of the Union Government would each belong to a different party. Also, according to the Union Constitution where the office of the Union President becomes vacant by reason of death, ill health, or by resignation, the Vice-President fills the vacancy. Hence, it was felt that this forced alliance could create difficulties in the operations of the Union Government.

However, this particular recommendation was rejected by the ruling party CCM, for reasons which unfortunately were not clearly articulated. The only reason which was repeatedly given by the CCM was that the Union of two governments was among the central pillars of its policies and that could not be changed while it was in power. Some CCM members of the National Assembly of the Union Parliament were apparently not happy with their party’s stance on the structure of the Union. As a result, in August 1993 they decided to revisit the party’s decision and the
Commission’s recommendation by tabling a private member’s motion in the National Assembly to require the Union Government to ensure that, before the conduct of the first multiparty elections in 1995, the Union structure be changed to allow for a new three-government system in Tanzania as recommended by the Nyalali Commission. However, as soon as the motion was tabled and the resolution passed, the party intervened to ensure its position was firmly observed by all MPs. Indeed it ordered any member who could not support the party decision to retain the existing union structure to renounce their party membership and form a new political party. The CCM made it clear that the National Assembly’s action had contravened the fundamental party policy of a two-government structure of the Union (in 1993, it was still a One-party Parliament, with all its members belonging to CCM). Hence, CCM ordered steps to be taken to correct the action of the National Assembly (Msekwa 2006).

Instead, and in order to deal with the issue of the Vice-President, in 1994 the Union Constitution was amended to separate the office of the Zanzibar President from that of the Vice-President of the Union Government. In its place a new system of running mates was introduced under the proviso that the President and the Vice-President must come from different sides of the Union. However, this amendment caused considerable controversy and became the subject of intensive public discussion and criticism, especially among politicians from Zanzibar. The criticism was that the power of the Zanzibar President had been abrogated by a new provision of the Constitution which stipulated that the President of Zanzibar should not at the same time be a Vice-President of the Union, as had been the case previously. It was claimed that the amendment was a breach of the 1964 Articles of the Union which clearly stipulated that the President of Zanzibar shall be a Vice-President of the Union Government by virtue of his post. Technically, it was claimed that it was a breach of the Constitution for the Union Parliament to have enacted that amendment by a two-thirds majority of the whole House, instead of two-thirds majority of the mainland MPs and two-thirds majority of Zanzibar MPs voting separately. A two-thirds majority of both sides of the Union is required when constitutional amendments deal with any matter which is stipulated as a union matter. Similarly, the Commission’s recommendations on the establishment of the Constitutional
Commission to work on the formation of new constitutions and the repeal of over 40 laws of which 12 from Zanzibar were not considered properly by both governments, the Union and Zanzibar government.

Although the Commission was set up by the CCM government, it seems some of its recommendations conflicted with the government agenda. The laws were identified as undesirable, allegedly because they restricted the fundamental rights and freedoms, particularly those concerning freedom of association, press and other certain basic rights. Generally, constitutional amendments which were made following the Commission’s recommendations for both constitutions—the Union and Zanzibar Constitutions—were deemed inadequate as they did not take into account the interests of all stakeholders (Liviga 2009; Mwakyembe 1995). Therefore, calls for new constitutions which would serve the needs of a multiparty system continued to spread to every corner of the country and in fact dominated almost all public forums and political debates. The ruling party and its governments resisted the calls but as pressure kept mounting and after the first multiparty elections conducted in 1995, eventually the Union Government in 1998 resolved to write a White Paper on constitutional changes on these issues. The Union President appointed Justice Robert Kisanga to head a Committee to collect the public’s views and then to make recommendations.

The Committee provided a number of recommendations in its report (some of them were a repetition of the Nyalali Commission’s recommendations) for constitutional changes in order to remove some systemic impediments to multiparty democracy and parliamentary accountability. These included: a reduction of executive powers while at the same time enhancing the powers of the Parliament—removal of provisions in the Constitutions which require a candidate for a parliamentary seat to be a member of and sponsored by a registered political party and; removal of provisions which empower the President to appoint people to be members of Parliament; clear separation of powers and; parliament to approve the Electoral Commissions. Other recommendations were: that a Presidential candidate needed to gain an absolute majority to win the Presidency; introduction of proportional representation; provisions in the Constitutions to allow the presidential election results to be
challenged in the court; and the increase of the special seats for women in the parliament (Onyango and Nassali 2003, 15). However, as the report was being presented, the Union Government made it categorically clear that it was not bound by the recommendations of the Committee and indeed they would disregard those which the government deemed to be in conflict with the views of the “people.” This was a strange position because there were precedents of the same government which chose to adopt the recommendations of past commissions even when they went “against” those of the “people” (Peter 2000, 22). In fact, the Government was not referring to the views of the people, rather it was making a statement to protect its own position on the various issues tabled for debate.

This was contrary to the Union Government’s acknowledgment when it introduced the White Paper that the people of a country are the foundation of any nation’s sovereignty, and that government derives its legitimacy from the people. Thus, involving the people in decision-making is one of the most important pillars in the process towards true democracy and should be a constitutional right (Liviga 2009, 37; URT 1998). What exactly seemed to irk the Union Government was a repetition by the Committee of some of the same Nyalali Commission’s recommendations which had already been rejected by the Union and the Zanzibar Governments. One of them was on the structure of the Union. Like the Nyalali Commission, the Kisanga Committee recommended a three-government structure. The government’s position was to maintain the two-government set up that had existed since the formation of the Union in 1964 (Liviga 2009, 37). In consequence of the Union Government’s views, the government in Zanzibar acted in a piecemeal fashion opting only to incorporate some of the recommendations in its Constitution and leaving many others without any further action. One positive aspect for the House of Representatives of Zanzibar was the increase of the number of the special seats for women from 10% in 1995 to 40% in 2010. From the above discussion, it can be concluded that the political reforms in Tanzania were driven and guided by the incumbent party to ensure its hold on both governments not threatened by a move toward increased democratization.
3.3 Key Constitutional and Structural Reforms in Tanzania 1992-1995

The very first stage recommended by the Nyalali Commission was that the Constitutions should be amended not later than June 1992 in order to enable other political parties, in addition to the incumbent party CCM, to be formed. In response, the extra-ordinary congress of the CCM was held in February 1992 to make a final decision on the adoption of the multiparty system in Tanzania. While the CCM congress unanimously adopted a recommendation to introduce the multiparty party system, it categorically rejected another on restructuring the Union by creating a federal system of three governments for reasons which were not publicly articulated. It did not provide any further details on the other recommendations of the Commission. Hence, immediately after the decision of the CCM, the Union and Zanzibar Governments started drafting the necessary legislative amendments to the Constitutions and to certain other laws in order to allow a smooth transition to multiparty democracy.

The constitutional amendments bills were presented to the Union Parliament and the House of Representatives for consideration and enactment in April 1992. The bills proposed specified amendments to the Constitutions to repeal the sections which were imposing a prohibition on the formation of political parties other than CCM, but also those that would inhibit setting up the new multiparty political system. Sections which stipulated that the Union Parliament and the House of Representatives to be committees of the NEC of CCM were repealed while at the same time a new section was inserted in the Union Constitution to prohibit members of the armed forces from joining any political party. Also, the governments presented a bill to prescribe the terms, conditions, and procedures for the registration of political parties. At the same session, the Elections Acts were amended in order to provide for a new system under which candidates from different parties could stand for presidential as well as parliamentary elections. But the electoral commissions—the National Electoral Commission of Tanzania and the Zanzibar Electoral Commission—remained solely appointed by the Union President and the Zanzibar President respectively. No other organ is involved in their appointment. It should be noted that under the CCM procedures, the Union President is at the same time the Chairman of the Party while the Zanzibar President is the Vice-Chairman of the
Party. This has led to the opposition parties to claim repeatedly that they had no confidence in the electoral commissions. The commissions were accused of being biased in favour of the ruling party.

In addition, the 1992 constitutional amendments attempted to remove certain impediments to democracy by reducing some of the presidential powers, while at the same time enhancing powers and elevating sovereignty of the parliament. Both the Union Parliament and the House of Representatives of Zanzibar were given new constitutional powers of impeachment, in the event that the President is accused of breaching the Constitution, or behaving in a manner deemed incompatible with the authority and dignity of the Office of the President. Also, both Houses—the Union Parliament and the House of Representatives—were empowered to move a motion of no confidence in the Prime Minister of Tanzania and the Chief Minister\(^5\) of Zanzibar respectively. However, while the procedure for the impeachment exercise is almost the same for both Houses, with regard to the motion of no confidence, the motion to remove the Prime Minister can be passed by only a simple majority in the Union Parliament but the requirement in the House of Representatives is a two-thirds majority of all members. However, considering Tanzania’s political environment and procedures set by the Constitution to move a vote of no confidence or an impeachment vote, it may make the exercise almost impossible. This topic will be discussed in detail in subsequent chapters.

With regard to the issue of the scope of the powers of President, the Constitutions were amended in order to limit the presidential power (which the Union President and the Zanzibar President respectively had under the one-party system) to dissolve the Union Parliament and the House of Representatives at any time. As a result of the amendments, the dissolution power can now be exercised only upon specified circumstances stipulated by the Constitution. The 1992 amendments of the Union Constitution also removed powers of the Union President to nominate up to 15 people to be members of the Union Parliament. At the same time, the 25 Regional Commissioners of all regions in Tanzania, who were presidential appointees and

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\(^{5}\) Following the 2010 Constitutional Amendments the Chief Minister’s position changed to be the Second Vice-President of Zanzibar.
were ex-officio members of the Union Parliament during the one-party system, were also removed. Therefore, the Union Parliament would now consist entirely of popularly elected members with the exception of special seats for women. It is interesting to note that these amendments—the removal from the Union Parliament of people who come directly from the Executive—which are decisive for promotion of parliamentary democracy and democratic accountability, were not incorporated in the Constitution of Zanzibar. The House of Representatives was left with a considerable number of members who came directly from the Executive. The fact is that even before the first multiparty elections of 1995, the incumbent party CCM in Zanzibar had faced very stiff competition from its rival the CUF when compared with mainland Tanzania. Hence, failure to incorporate the amendments cannot be simply expressed as an unintentional oversight of the Zanzibar Government, but rather was a political strategy used by the CCM to ensure its government continued to maintain its dominance over the House of Representatives even in the new political environment of a multiparty system. This may also explain why the opposition parties in Zanzibar claimed that the CCM did not prepare itself for a peaceful transfer of power to the opposition party regardless of any election outcome (Bakari 2001).

Apart from the constitutional reforms, the CCM itself made substantial changes in its own structure as recommended by the Presidential Commission in order to make it more appropriate and relevant in the new environment. The National Executive Committee (NEC) of the CCM met in May 1992 and resolved to reform the whole organisational structure of the party. The reform included the following:

- All the CCM branches in the armed forces and in the civil service were immediately abolished, thus bringing to an end all political affiliation of the CCM by members of the Army, the Police, as well as the Civil Service.
- The CCM had to divest itself of its entitlement to receive subvention funds from the Government until such time when an agreed formula would have been worked out, which would enable all political parties to receive money from the Government for specified purposes.
- Removal of all types of compulsory contributions to the CCM which were being collected throughout the country.
- Reduction of the CCM administrative apparatus through the abolition of all party bureaucratic departments at the headquarters, as well as at the Regional and District offices (Msekwa 2006, 26-27). This reduction was made in recognition of the fact that with the introduction of the multiparty system, the role of the CCM had also to be drastically changed from a party which was the final authority in respect of all matters in the United Republic of Tanzania (which definitely required a large bureaucracy), to a party whose primary purpose is to contest elections with a view to forming the Government of the country. A party with that kind of function obviously requires only a small number of full-time staff at each level of its hierarchy.

Following the constitutional amendments and the structural reforms within the CCM, both the Union Parliament and the House of Representatives took appropriate measures to amend their Standing Orders and rules and procedures in order to suit the new needs of multiparty parliament. One of the important amendments to the Standing Orders was the removal of the provision which had been in place throughout the period of the one-party system, whereby all members of the House of Representatives and the Union Parliament constituted the Committee of the NEC of the CCM. Further discussion on these changes and reforms especially on the Executive-House of Representatives relationship will be undertaken in Chapter Four.

3.4 The 1995 Elections and their Impact on the House of Representatives
Following the introduction of the multiparty system in Tanzania, a timetable was announced for the transition period for the first multiparty elections in Tanzania and its autonomous state of Zanzibar. However, the elections were not held immediately thereafter, because it was prudently felt by the ruling party that the democratization process must be properly planned in order to achieve a smooth and orderly transition. In particular it was decided that the newly formed political parties must be given sufficient time to establish and consolidate themselves, to recruit their members, and to design and propagate their policies across the country. Hence, it was decided to allow the existing parliaments in Tanzania and Zanzibar which had been elected in 1990, to complete their full five years term up to 1995. At that time the first multiparty parliamentary elections were scheduled to be held (Msekwa 2004, 35).
These decisions coming from the ruling elites were received with mixed thoughts. While some politicians, mostly from the ruling party, tended to defend them on the grounds that the intention was to create a fair basis for the emergence of multiparty elections and to ensure that the transitional period should be passed peacefully and smoothly. Others, especially scholars and members from the non-government parties, had reservations. It was felt that the CCM would have an unfair advantage being the incumbent party and that it would therefore be tempted to setup strategies that would weaken opposition parties and enhance its chances of winning the scheduled elections (Bakari 2001). As noted by Ahluwalia and Zegeye (2001, 6) this period was used by the CCM to consolidate its position and to organise campaigns all over the country to recruit new members. Party membership had been declining since the 1980s mainly as a result of economic hardships facing Tanzania and a parallel deterioration in social services. This had also generated some strong political opposition to the government.

Mainland Tanzania experienced a relatively peaceful and smooth transition. However, in Zanzibar, period between 1992 and 1995 and beyond revealed that the process had a long way to go. At the closely contested 1995 presidential elections, the ruling party CCM candidate, Salmin Amour, won by a margin of less than a one per cent. He won 50.2% of the votes while Seif Sharif of the opposition party CUF won 49.8%. According to early results published by the CUF, Sharif had won by 51.4% against Amour’s 48.6% (ZEMOG 1995, 367-370). Either way, regardless of which result was correct, it was clear that the Zanzibar society was evenly divided in its support for the presidential candidates. It was also a geographical split: Pemba Island versus Unguja Island. This same split was also reflected in the parliamentary elections. Of the 50 seats, the CCM won 26, all from Unguja, and the CUF won 24, all 21 seats in Pemba and only three from Unguja. Further the fairness of the elections was also in question (Onyango and Nassali 2003, 34; TEMCO 2005; TEMCO 2000; and ZEMOG 1995).

The opposition party, CUF, refused to accept the results of the 1995 presidential vote. Its representatives boycotted the sessions of the House while the Amour government retaliated by mounting a campaign against opposition supporters: houses
were demolished, many civil servants dismissed or demoted, and there were widespread violations of human rights, especially in Pemba where the popularity of the CUF was strongest (Maliyamkono and Kanyongolo, 2003, 175). Competitive politics became antagonistic with marked hostility between the political parties which spread throughout Zanzibar. And for almost 15 years, Zanzibar politics were marred by these conflicts which saw many unprincipled politicians exploiting the situation for their political advantage. It also allowed for external forces to intervene in internal matters thus eroding the sovereignty of the state and people’s democratic right to hold their governments accountable. Western financial aid agencies and donors tried to intervene in the Zanzibar political impasse by freezing aid to Zanzibar on the grounds that the Government was abusing its power by using its security apparatuses to violate the human rights of members of the opposition party (Bashiru and Hanif 2010; Othman et al. 2003). The donors set conditions and dictated what was to be done by the Government in order to resume their development assistance to Zanzibar. This was contrary to the aim of reinstatement of multiparty politics which, according to the then Speaker of the Union Parliament, was to create an environment for political participation at all levels of politics, to enhance political accountability of elected representatives, to foster responsible leadership, to aid in consensus building, and to enhance civil liberty (Msekwa 2004).

The House of Representatives was not spared by these bitter politics and social tensions either. The politics of confrontation was reflected in the role and attitudes of members of the respective parties during the last year of the first multiparty House. CUF members decided to resume their seats in 1999 following the political agreement process known as Muafaka1. Muafaka1 was a Commonwealth brokered agreement that aimed to break the deadlock to enable the Isles to conduct free and fair elections in October 2000. Unfortunately, the 2000 elections were once again not free of violence and were not regarded as free and fair. This was partly because the elections were held while the agreement was to a large extent not implemented as only two out of 15 aspects of the agreement had been implemented, and partly because of the ongoing mutual distrust between the two opposing camps (Maundi 2002). Extreme partisanship in the House continued. Members from both sides took extreme partisan positions during debates regardless of the merits of the
proposal. Anything proposed by the CCM members was opposed by the CUF and vice-versa (Nipashe 2007). This was taken to the extreme when the CCM backbenchers sprang to the Government’s defence on questions raised by the CUF members even before the relevant minister had responded. As will be seen in Chapter Five, this extreme partisanship negatively affected the performance of the House in discharging its duties including to exercise parliamentary oversight of the activities of the Executive.

In general, it can be argued that Tanzania used the right approach in its move to introduce a multiparty system. The ruling party and its governments can be praised for taking people’s views seriously and its quick response of the Nyalali Commission’s basic recommendation which required Tanzania to introduce immediately the multiparty system. However, the same cannot be said concerning their responses to some key recommendations of the Commission which were crucial for promotion of democracy and democratic accountability. Both governments acted reluctantly towards repealing over 40 pieces of legislation identified by the Commission as being responsible for denying the people their freedom and basic rights. The result made it difficult for the opposition to function effectively in the new political environment of multiparty system. The governments neither formed a constitutional commission to work on the formation of the new multiparty constitution nor passed the constitutional changes which would properly serve the needs of the multiparty democracy and democratic accountability. Although the ruling party took measures to restructure itself, it did not meet expectations in which it would create a level playing field to allow all political parties to participate equally in competitive politics.

Mwakyembe (1995, 163) observes that the constitutional patchwork undertaken by the CCM parliament annoyed not only the opposition camp but also many other Tanzanians who had thought that the multiparty system would facilitate responsible political leadership by at least adhering as closely as possible to the recommendations of the Nyalali Commission. It had become clear during the deliberations in the parliament that the CCM governments were in charge of the country’s democratisation process and were going to implement the commission’s
recommendations selectively. The opposition blamed the CCM for foul play and unilateralism in handling the country’s transition to multiparty politics. The CCM had not only marginalised the opposition during the process but also some important issues raised and recommended by the Nyalali Commission.

Liviga (2009, 39) has argued that the governments in Tanzania only selected issues from the commission’s report which interested them and left out other recommendations that aimed, in their totality, at widening the contours of democracy in the country. As a result the founding multiparty elections in Zanzibar were held in an environment which did not meet any standard to be claimed as democratic. Given this situation, it may be argued that, although the multiparty system prompted far reaching constitutional as well as structural changes to the Tanzania political landscape, the fate of democracy and democratic accountability hangs in the balance. This is due to the fact that the reforms enacted thus far have fallen some way short of the minimum conditions for a fully functioning democracy. Nevertheless, there were some achievements and some of the shortcomings of the one-party system appear to have been overcome. In the next three chapters some of the more particular dimensions of the parliamentary reforms in Zanzibar will be discussed, both in themselves and in terms of how the parliamentarians and the parliamentary officials have experienced and interpreted them. The first of these is the relationship between the Executive and the House of Representatives. That is the focus of the next chapter.
CHAPTER 4 REFORMS TO THE EXECUTIVE-HOUSE RELATIONSHIP IN ZANZIBAR

4.1 Introduction
The previous chapter discussed key constitutional and structural reforms in Tanzania which were intended to set the stage for a smooth transition to a multiparty system. This chapter discusses some specific reforms on the Legislative-Executive relationship. The main focus of this chapter is on constitutional changes and structural reforms of the House and the extent to which they have influenced changes in power relation between the House and the Executive. The chapter also examines amendments which have been made to the rules and procedures which guide the working of the House and its Committees. The aim of these changes has been to improve the performance of the House in discharging its mandated functions including the key one of overseeing the activities of the Executive.

4.2 Constitutional Changes and Structural Reforms of the House of Representatives
The legislature in Zanzibar consists of two parts: the Office of the President of Zanzibar (in effect the Executive headed by the President), and the House of Representatives. Currently (2012) members are directly elected, one each from the 50 constituencies of Zanzibar. A further 10 members are nominated by the President and 20 (40% of the directly elected members) women members are appointed by their political parties based on the proportion of seats won by the parties in the constituencies during the general elections, plus the Attorney-General. Hence there are currently 81 members of the House of Representatives. Prior to the 2010 general elections there were also five regional commissioners who were members by virtue of their office, but following the constitutional amendments which set the stage for the formation of the Government of National Unity after the 2010 elections in Zanzibar, their positions were removed and an extra five seats for women were added to make number up to 20 seats.

In a parliamentary system of government as inherited from the Westminster tradition, there is usually little room for an executive to be able to appoint people from outside a parliament to become members of the parliament. However, the political system in
Tanzania is not entirely parliamentary, but neither is it a presidential system. Rather, it is a hybrid derived from a combination of its British parliamentary inheritance and American presidentialism. This peculiar political system of Tanzania, in the words of Srivastava (1981, 104) is more aptly described as an “Executive Presidency” which is not constrained by any of the standard principles of Westminster checks and balances. The members of the House of Representatives directly appointed by the President and his ruling party, plus the ministers and deputy ministers (also appointed by the President and who alone constitute nearly a third of the members of the House), mean that the President controls a considerable voting bloc capable of influencing decisions in the House of Representatives. A close look at the composition of the House of Representatives under the new multiparty system reveals that only a slight change has been made in terms of the number of members directly appointed by the President and political party compares with the House during one-party system. Table 4.1 compares the composition of the House of Representatives between 1985-1995 in which the House was under a one-party system and between 1995-2010 in which the House was under multiparty system.

Table 4.1: Composition of the House during the One-party System and the Multiparty System

<table>
<thead>
<tr>
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<tr>
<td>Direct Elected</td>
<td>50</td>
<td>50</td>
<td>50</td>
</tr>
<tr>
<td>Direct Appointed by President</td>
<td>10</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>Regional Commissioners (Appointed by President)</td>
<td>5</td>
<td>5</td>
<td>5</td>
</tr>
<tr>
<td>Attorney-General (Appointed by President)</td>
<td>0</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Special Seats for Women (Appointed by Respective Parties)</td>
<td>5</td>
<td>10</td>
<td>15</td>
</tr>
<tr>
<td>Representatives of Party Associations</td>
<td>5</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>75</strong></td>
<td><strong>76</strong></td>
<td><strong>81</strong></td>
</tr>
</tbody>
</table>

Source: House of Representatives

It is clear from table 4.1 that the multiparty system only slightly affected Executive representation in the House which continues to reinforce subordination of the House to the Executive. It seems that there has been an erosion of the original concept of
granting the President powers to appoint people to the Parliament. The original intention in the early years after independence had been to allow the President to appoint to the Parliament people with no interest in partisan politics, professionals, retired civil servants, priests and Imams, and others respected in society so that they could help the Parliament. The idea had never been to increase the majority of a ruling party and Executive in the House, or for the President to appoint ministers from amongst the appointed members (Othman et al. 2003). However, in the past decade or so since the first multiparty election in 1995, the practice in Tanzania and Zanzibar has been for the President to appoint people who failed in the elections in order to increase the majority and support of the Executive and his party in the House.

The above observations notwithstanding, the introduction of the multiparty system in 1992 heralded radical changes to the political landscape of the House of Representatives. As it has been introduced in Chapter Three far reaching constitutional amendments were made in order to enhance the power of the House of Representatives with the aim of making it a truly supreme state institution with the capacity to exercise control and supervisory functions over the Executive’s activities. These changes included the removal of Sections of the Constitution which had made Zanzibar a one-party state with the ruling party CCM as the final authority. Zanzibar was declared to be a democratic state with a multiparty political system (ZC 1984, §5). Various Sections were repealed, such as those which had given the CCM a monopoly over political activity, others which required the President to observe the policies and objectives of the party, or provisions giving the National Executive Committee of CCM state responsibilities, and perhaps most importantly, the provision which had made the House of Representatives a Committee of the National Conference of the Party, and the provision which set a condition that in order to become a member of the House, one had to be a member of the ruling party CCM and fulfil the leadership qualities as outlined by the party constitution. Instead, new sections were created with the intention of improving the performance of the House of Representatives.
In 1992 the House of Representatives passed constitutional amendments which, among other things, abolished the positions reserved for the representatives of the mass organisations affiliated to the ruling party CCM and instead increased the number of special seats for women from five to ten (ZC 1984, §66). The Attorney-General was also added as an ex-officio member of the House (ZC 1984, §55). To broaden the representation character of the House of Representatives, the 1992 constitutional amendments also removed all disqualifications for membership to the House of the Representatives based on ideological inclination or economic status and activities. Only those criteria related to citizenship, mental status, age and criminal record were retained. This reflected the fact that the CCM whose ideology was the source of these conditions was no longer the sole political party in the country. These changes enhanced the potential for broadening the representative character of the House by removing barriers to joining the House based on ideology, class and economic status.

However, the same constitutional amendments introduced a new qualification for becoming a member of the House in that a Representative must be a member of and sponsored by a political party registered as such under the Political Parties (Registration) Act of 1992 (ZC 1984, §68). The rationale for this constitutional provision is that it makes it much more difficult for rich individuals to buy their way into Parliament by standing as an independent candidate. Linking potential members of Parliament to membership of a recognised political party was seen by many at the time as a means of ensuring a meaningful representative democracy, albeit predicated on a one-party system. Such intentions notwithstanding, this constitutional provision means that once a member of Parliament loses their party membership they also lose their seat in the House. This places serious constraints on an MP’s freedom of action in the Parliament. Such a provision is regarded by many political and legal theorists as inimical to the right of everyone, including those who do not belong to political parties to stand for election to the House of Representatives. From that perspective, this was a move away from enhancing the representative character of the House.
A good illustration of this constraint occurred in the Union Parliament during the 2011/12 budget session. While debating the 2011/12 Prime Minister’s Office budget, an opposition MP went against his party’s policy position concerning MPs’ sitting allowances. Soon after the session his party’s senior leaders announced that the MP’s actions required the harshest punishment, meaning expulsion from the party (Citizen 2011), and hence removal from the Parliament. Another example might be the period in which all members of the opposition party CUF decided to stay out of the House. The basis for this decision was the refusal by the party to recognize the results of the Zanzibar Presidential Election of 1995 on the grounds that the election was not free and fair. This resulted in a boycott of all the activities of the House for four years, from 1995 to 1999. Also, following the nullified elections of 2000, the members of the CUF continued their boycott for a further two years or so (Onyango and Nassali 2003). Although the boycott may be viewed as a political strategy to ensure its demands were addressed, the absence of Opposition members negated any possibility that the House could perform any meaningful oversight of government activities.

4.3 Reforms to Enhance Immunities and Privileges of Members of the House

Furthermore, in order to enhance transparency, and to strengthen immunities and privileges of members of the House to enable them to carry out their functions effectively, Act No.3 of 1990 on Immunities, Powers and Privileges of the House of Representatives was amended before the 1995 elections and later in 2007 a new Act, No.4 of 2007 the House of Representatives (Immunities, Powers and Privileges), was enacted. Among other things, this Act guarantees, subject to the Standing Orders regulating procedures of the House, freedom of speech and debate in the House. Such freedom of speech and debate cannot be questioned in any court of law outside the House. Section 4 of the Act stipulates clearly that members of the House are free from any civil or criminal proceedings and are not liable to be questioned in any court of law or place outside the House for words spoken or acts done in pursuance of House decisions, or written in a report to the House or to a Committee or by reason of any matter, or thing brought by them by petition, bill, resolution, motion or otherwise or any vote given by them in the House or any Committee thereof.
Section 5 of the Act stipulates further that a member of the House is not liable to be arrested for any civil debt, except for a debt which constitutes a criminal offence, whilst going to attend or returning from a sitting of the House or any Committee. The Act also makes provisions to restrict the serving of civil processes on members within the precincts of the House, guarantees the freedom of members to hold meetings in constituencies, and the right of members of the House to be furnished by Public Offers with information they may request the sharing of which does not compromise the security of the government (Act No.4, §7 to 9). Members are also protected from arrest or detention for accusations of criminal offence or civil wrongs for an offence committed in the course of exercising their duties unless written consent is given by the Director of Public Prosecutions (DPP) (Act No.4, §37). Overall the Act No.4 and the Constitutional provisions gave more protection to members of the House in the course of carrying out their constitutional functions than otherwise. These immunities and privileges did not protect members of the House if they committed crimes outside the House. Indeed members of the House could be sued for civil wrongs committed as ordinary citizens otherwise than in their capacity as members of the House.

In theory, the immunities and privileges granted to members of the House of Representatives are as good as in any other democratic country. They provide adequate protection to members to enable them to express themselves openly and freely in the House and to get information they need in order to execute their functions. However in practice, not all the problems have been resolved, especially those connected to practices rooted in the hostile political environment which characterized more than a half of the lifetime of the multiparty House. Members of the Opposition in particular claimed to have been victimized and arrested during this period while executing their constitutional functions as members of the House, despite the provisions of the immunities, powers and privileges legislation discussed above. For example, Opposition members Salim Yussuf Moh’d and Mussa Haji Kombo were arrested and detained in March 1996 and February 1996 respectively without the prior written consent of the DPP. The consent was obtained after their arrest and was regarded by the Opposition party, perhaps with justification, as a violation of the law governing the immunities and privileges of the members of the
House. Salim Yussuf Moh’d was arrested by order of the North Pemba Regional Commissioner on 17th March 1996 and after almost two weeks was charged with dangerous assault on 29th March 1996. And Mussa Haji Kombo was arrested and detained by order of the South Pemba Regional Commissioner and kept under Police custody for nearly three weeks before he was released without charge on 6th March 1996. Regional Commissioners are presidential appointees but under the existing structure of the ruling party, they also assume political leadership positions as members of the National Congress of the party.

4.4 Reforms of the Committees System of the House of Representatives

Other significant reforms involved the Committees system of the House of Representatives. Parliamentary committees play a very crucial role in facilitating the work of parliament generally and indeed they remain as essential means for greater surveillance of government activities. In Zanzibar during the one-party system, the number of Committees of the House was restricted by the Constitution. The Constitution defined and enumerated those Committees. Under the 1979 Constitution, six Standing Committees were established namely: Finance and Economic Committee; the Development and Social Welfare Committee; Committee for Political Affairs; Public Accounts Committee; Standing Orders Committee; and Committee on Miscellaneous (ZC 1979, §37). Under the 1984 Constitution, the list of the House Committees was reconfigured and expanded to eight Standing Committees namely: House Leadership Committee; the Finance and Economic Committee; the Public Accounts Committee; the Development and Social Welfare Committee; the Constitutional and Legal Affairs Committee; the Committee on Miscellaneous Matters; the Public Corporations Accounts Committee; and Committee for Political Affairs (ZC 1984, §85). Following the constitutional amendment of 1992, this constitutionally based approach of establishing Standing Committees was abandoned.

The House was empowered to establish any such Standing Committees as it deemed fit. Thus, the provisions of the Constitution were amended to read as follows:

85 (1) there shall be Standing Committees of the House of Representatives which shall be constituted in accordance with the Standing Orders of the House of Representatives.
(2) for the purposes of this Article of the Constitution the duties and functions of the Committees of the House shall be as provided for in the Standing Orders of the House of Representatives.

(3) the House may establish various Committees as it may deem necessary.

This measure was useful in that it brought flexibility in establishing and disestablishing Committees as the need arose without requiring constitutional amendments or enacting principal legislation. Hence, under Section 104 of the 2009 Edition of the Standing Orders of the House, eight Standing Committees have been established namely: the House Leadership Committee; the Finance and Economic Committee; the Committee on Communication and Infrastructure; the Committee on Women Development and Social Welfare; the Constitution and Legal Affairs Committee; the Public Accounts Committee; the Committee on Standards and Privileges; and the Committee of the Chairmen of House Committees. Like their predecessors, the Standing Orders make provision for more Committees to be established by the House.

Prior to 1995, Section 75 of the Standing Orders defined in some detail the functions of only two committees: the Finance and Economic Committee, and the Committee on Constitutional and Legal Affairs. For the rest of the Committees, Section 75 defined their functions as simply “to consider and prepare reports on matters brought before them under the Standing Orders, or as a Committee will deem fit”. Since 1995, the functions of all Standing Committees have been provided in considerable detail by the Standing Orders. Under the 2009 Edition of the Standing Orders, the functions of the Committees in respect of the Ministries for which they are responsible are generally similar. Typically, they include: to follow up the implementation of the directives given in the report of the Committee during its previous visit; to follow up the implementation of policy and plans of the relevant Ministry in accordance with the targets as presented in the House through the Budget and other speeches of the Minister in the House; to follow up the implementation of national development projects and community projects under the relevant Ministry; to analyse the annual budget proposals of the Government for the relevant Ministry; to review any legislation as directed by the Speaker; and to scrutinize all promises of
the Ministry which are under the portfolio of the Committee when they are made in the House and to follow up the implementation of those commitments.

These functions give ample powers to the Standing Committees to oversee the activities of the Executive branch of the Government. Also, the Public Account Committee (PAC) which is regarded as a most important parliamentary committee in the area of oversight and scrutiny (McGee 2002; Shastry 1990) has been given a well-articulated mandate by Section 111 of the Standing Orders. Section 111(3) states that:

(3) The functions of the Public Account Committee PAC shall be as follows:-

(i) to examine the annual financial accounts of Government and its public corporations and of such other accounts laid before the House as may be deemed necessary and give its reports on those accounts;

(ii) during the examination of such accounts and the report of Controller and Auditor General, the committee shall have power to examine if:-

(a) the appropriation of the sum voted for the government and its public corporation is being managed as agreed; and
(b) the expenditure authorized by the relevant Authority.

(iii) to examine all accounts which are audited by the Controller and Auditor General under the directive of the President or any other law;

(iv) to examine and consider any report of the Controller and Auditor General when the President ordered that special audit;

(v) to assess the efficiency of Public Corporations;

(vi) to examine, by any means which it thinks fit, accounts, projects and other activities of the Public Corporations;

(vii) to follow up the implementation of the policy of establishment and development of the Public Corporation sector;

(viii) to give its opinion as it may deem fit after the examination relating to additional expenditure approved for that financial year.

But the most important reform brought in by the Standing Orders after the introduction of the multiparty system is the provision which requires a Chairperson of the PAC to be chaired by a member from the Opposition. The requirement that the PAC must be chaired by an Opposition member is a strong convention of many
Commonwealth countries including the United Kingdom and India (McGee 2002, 66). Its main objective is to enhance transparency, openness and effectiveness of the working of the PAC. However, although the majority of Commonwealth parliaments do provide opposition chairs for the PAC, there are equally respectable arguments against this. For example in Australia it is considered advantageous to have a government member as chairperson, as this can assist the implementation of the PAC’s recommendations to be taken up and implemented by the government. This can involve behind the scenes work persuading reluctant ministers to act (McGee 2002, 66).

Further, in order to enhance effectiveness of the Committees, the Act No. 4 of 2007 on Immunities, Powers and Privileges of the House of Representatives extends similar immunities and privileges as enjoyed by the House to the Committees while executing their official duties. However, as it will be discussed in a subsequent chapter, the powers and privileges are only adequate to enable the House to carry out its routine duties. They do not enable the House to enforce its decisions. For effective legislative accountability, parliament requires not only power to oversee activities of the Executive but also power to impose remedies, punish, and sanction (Mulgan 2003; Schedler 1999). It seems the reforms have not put into consideration this crucial stage of the accountability circle, the stage of rectification.

Apart from the above observation, in the course of interviews the Leader of the Opposition in the House expressed the view that the effectiveness of the Standing Committees has been affected by their composition. As per the Standing Orders, the membership of the Standing Committees is determined by the Speaker who is a member of and holds a leadership position in the ruling party, CCM. Thus, when forming the Committees, the Speaker considers what would be the impact of having a particular (opposition) member of the House in one Committee or another. Indeed the Leader of Opposition noted that: “it is very rare to find strong and critical members from the opposition camp to be appointed members of the Public Account Committee and the Finance and Economic Committee” (Leader of Opposition Interview). These two Committees are regarded as most important Committees in the
House in the area of oversight and scrutiny of the Executive branch of the Government.

Another challenge which is facing the Committees is inadequate financial allocations and a limited number of qualified and experienced members of staff to assist in the working of the Committees. When discharging their functions, the Standing Committees are supposed to be facilitated by the House itself. However, the budgetary allocation for the work of the Committees has generally been very slim. Although with the introduction of multiparty system the House gained its own Budget Commission and Service Commission to deal with all issues relating to House’s budgetary allocations and human resources respectively, the reality has been that the Executive still exercises an influential role in decisions made by the Commissions. These issues will be discussed separately in detail as part of discussion of Chapter Six.

Perhaps one of the most important challenges is that of low educational qualifications and lack of expertise of many members of the Committees. This has affected the ability of Standing Committees to grapple with complex matters dealt with by Ministries and other Government Departments. But this challenge is not unique for the House and its Committees alone. It has become a common problem for nearly all new democracies and in some cases even to the well-established democratic countries (Barkan 2009; Chibesakunda 2001). Hence, it is not surprising that in recent years, the importance of capacity building to improve the performance of parliamentarians has become a common agenda in many parliamentary forums. This is due to the fact parliament brings together people of diverse backgrounds. They come from all walks of life: soldiers, lawyers, teachers, preachers/pastors, farmers, street vendors, fishermen, civil servants, and even outright villagers. It is therefore realised that it is important to ensure that these people are properly inducted into the parliamentary procedure so that they perform their new role of fostering national development effectively and efficiently (Chibesakunda 2002, 02). It must also be appreciated that parliamentary practices and procedures are not only learnt formally in school and college alone, but also through in-service training and experience. These are acquired during the tenure of office in the Parliament and its
Committees, at workshops, seminars, and conferences. The former Kenyan Vice-President, George Saitoti, when officially opening a Commonwealth Parliamentary Association Workshop on Parliamentary Oversight of Finance and Budgetary Process in Nairobi in 2001, stressed the importance of capacity building for parliamentarians. His emphasis was due to the fact that parliaments are the only institutions which are constitutionally mandated to debate and oversee implementation of budgets taking into account the interests of all national and socioeconomic groups in a country.

McGee (2002) points out that MPs cannot be assumed to have any in-depth knowledge of accountability issues as they relate to government, nor any understanding of the role of the parliament in reinforcing accountability. Therefore, the process of building capacity within parliaments needs to be devoted to increasing the ability of MPs to comprehend accountability issues. This process can start at the outset of an MP’s career in the form of induction seminars and workshops. However, the fact is that in order to implement capacity building programmes in an effective and successful manner, parliament needs to have members who at least have basic academic qualifications. This fact is not reflected in the education qualifications required to be a member of the House of Representatives of Zanzibar. According to the 1984 Constitution one only needs to be able to read and write Kiswahili to be eligible to stand for election to the House (ZC 1984, §68). Since the introduction of the multiparty system in 1992, the Constitution has been amended almost five times but without changes in the section relating to the education qualifications.

While the level of education specified in the Constitution to qualify for election to the House might have been appropriate in 1984 when the Constitution was enacted considering the political climate of the time, it is not necessarily appropriate now. The present challenges and role of the House and its Committees demand that members be more capable, educated, and experienced. It is very difficult for the House as a whole or for its Committees to function and operate efficiently and competently if the majority of the members are not capable, knowledgeable and skilled in a variety of fields. Such remains the case with the current House. Generally the level of education for members as a whole has certainly not been high in the past
two decades (Bakari 2001, 186), and it certainly inhibits their performance. During interviews, one senior political leader expressed his dissatisfaction with some members who have been in the House for a long time without ever rising to speak. While indeed some members may be happy to be mere members, without doing much more, and remain that way for the entire life of the House, it is also true that there are at least some members who may choose to maintain their silence in the House and its Committees because of their ignorance—having little or no knowledge about the subjects being discussed. Although some may choose to keep quiet to avoid criticising the government in the hope that the Executive will spot them for appointment to some ministerial position, it is arguable that they could more effectively attract attention by speaking in support of the government instead of keeping quiet. According to Toufiq, Mwaikusa, and Mataure (2008) and Nassor (2003) ignorance or limited knowledge could be a better explanation for these members choosing to remain silent. Chart 4.1 illustrates the actual level of education of the members of the 2005-2010 House of Representatives based on party affiliation.

Chart 4.1: Education qualification of members of the House by party affiliation

Out of 53 members of the CCM who made their CVs available, only ten (19%) had a university education. The other eight (15%) were Diploma holders. The remaining 35 (66%) had either secondary or primary education. Almost all members from the
ruling party who are capable and have good educational qualifications are often absorbed into the government after being appointed to ministerial positions. For example, in the period between 2005 and 2010 besides those members who held ministerial positions and regional commissioners, there was not a single member who had at least a first degree or above while only two had a diploma. Some of those appointed to serve as ministers or regional commissioners did not even have a diploma level of education.

Almost all the respondents who opted to provide additional comments at the end of the survey considered the educational standards and capacity of the majority of members of the House to be unsatisfactory and proposed a review of the qualifications required of the members. Setting a minimum education requirement is not strange in parliamentary practices, as a number of countries have education requirements for their members of the legislature (Toufiq, Mwaikusa, and Mataure 2008, 7). Hence, it would be prudent to consider raising the qualification requirement for the members of the House of Representatives to enable members to grasp and cope with parliamentary practices and procedures during their tenure. However, requiring every member of the House to meet minimum education requirements could undermine another cardinal principle in a representative democracy that no restriction be imposed on anyone wanting to become a representative. As the Clerk of the House repeatedly expressed, the present quality of the House is the price of democracy and in his view it was worth paying (Clerk, Pers.com. May 2011)6.

The House of Representatives has no regular training programme for its members. This seriously affects the House and its Committees and inhibits its efficient operation. Most members, including those who have gone through formal training and education, suffer a degree of ignorance regarding their work, particularly in the first one or two years after they have been elected. It was identified during interviews with the Speaker of the House and some senior officials of the House that many members have a genuine problem in understanding properly their role and how to juggle their positions as members representing their constituents with the demands of the political parties which sponsored them in the elections. They are unclear whether

6 Pers.com: Means personal communication with the individual concerned.
the interests of the constituents, the interests of the political party, or personal commitment to certain principles should guide them as members during deliberations in the House.

Training programmes for members such as seminars, study or exchange visits to or with other parliaments could improve members’ knowledge and the performance of the House in general, but such opportunities are limited in the members’ schedules. Members noted that there is no direct provision to support their training as parliamentarians. Training for members is necessary at least as an interim measure to minimise the impact of their low level of education and to improve their performance, and enhance their professional skills.

4.5 Reforms after the 2000 Elections
Like previous elections, the 2000 elections were marred by irregularities, malpractices and accusations and counter-accusations of rigging, including allegations of interference by the forces of law and order. The elections were conducted when the political agreement of Mufakak was largely not implemented, for the reasons already noted (supra, 105), partly because of the mutual distrust between the two opposing camps (Maundi 2002). The Zanzibar Electoral Commission nullified elections in 16 constituencies and the opposition party CUF refused to participate in the re-run a week later. The CUF disputed all the results of the elections and refused to recognize the CCM’s presidential candidate who was declared the winner in the presidential race. It was amid such irregularities that the Commonwealth observer mission reported no confidence in the integrity of the elections. The Tanzania Election Monitoring Committee viewed the elections as an aborted exercise, maintaining that the electoral authorities and the Government purposely undermined the elections (Maliyamkono and Konyongolo 2003, 180; TEMCO 2000).

The political impasse reached a critical point in January 2001 when supporters of the Opposition party held a rally to protest against the election results and to publicise their key demands: a rerun of the October general election, a revision of the Union and Zanzibar constitutions to encourage wider participation, and an independent status for the Union and Zanzibar Electoral Commissions. However, the rally turned
violent following the intervention of the police force and other security organs. According to the Mbita Commission there were 31 deaths, and 291 injuries (48 of whom suffered permanent disability) (Onyango and Nassali 2003, 15). The Mbita Commission was formed by the President of Tanzania to investigate the causes and consequences of the January 2001 rally. However, this figure was questioned by the CUF (in its report of 2005) and some human rights groups both of which suggested that the incident resulted in more than 40 deaths and over 300 people injured, mostly from Pemba (CUF 2005). This prompted both the CCM and the CUF to search for another agreement that would secure a lasting solution. After almost nine months of heated discussion the two parties signed a second peace accord, Muafaka2, on 10 October 2001. The agreement accommodated some of the CUF’s demands including the restructuring the Zanzibar Electoral Commission and amending Zanzibar’s Constitution with the aim of ensuring the conditions for free and fair elections. However, a lack of political will and continued mutual distrust led to the failure of the Muafaka2 and the extreme partisan atmosphere in the House continued to prevail.

Zanzibar went into its third multiparty elections in 2005. The whole electoral process—from registration of voters to the announcement of results—was covered with an atmosphere of tension. The results were disputed with the incumbent party claiming victory. This led to an intensification of political conflict. It also prompted further (unsuccessful) attempts to resolve the impasse. One important attempt was made by the Union President, Jakaya Kikwete. Soon after the 2005 general election, at the opening of Tanzania’s Ninth Parliament in 2006, he promised to find a lasting solution to Zanzibar’s political turmoil. Kikwete’s position as Chairman of the CCM and President of Tanzania enabled him to instigate in camera meetings between the CCM and CUF Secretaries General to explore ways to break the political deadlock in Zanzibar. However, the meetings were characterized by a lack of mutual trust, and political goodwill, and mutual suspicions between parties and failed to achieve any lasting solution.

Hence it was a surprise in November of 2009, with less than a year to go to the next general election in October 2010, that Zanzibar’s President, Amani Karume, and Seif Sharif Hamad, three times presidential candidate for the CUF, held a meeting. The
outcome of this meeting was an agreement to end their political hostilities and to commit to working together to find a lasting solution to the political impasse. Despite the fact that the details of the meeting and other discussions which followed thereafter have not been made public, the known outcome was that the Zanzibar House of Representatives resolved that a government of National Unity should be formed after the October 2010 general election. It was also announced that a referendum would be held in July 2010 to ascertain the views of Zanzibaris on the issue (Hansard Report No. HS-18/07/2010). Given the dominance of the CCM in the parliament this was a major breakthrough in terms of brokering a potentially workable solution. When the referendum was held 66.4% of the voters favoured the proposal for a government of National Unity. This paved the way for the House of Representatives to make appropriate amendments to the Constitution of Zanzibar of 1984 that would allow for the constitutional recognition of a government of National Unity in Zanzibar (Uki 2011, 242). It was after this agreement was reached that the political landscape in Zanzibar, and at least the debates in the House, dramatically started to change. The October 2010 general elections have been conducted for the first time since the reinstatement of multiparty system in a peaceful atmosphere. No incidents of human rights’ violation were reported by local or international election observers. However, it remains to be seen whether this political reconciliation will permanently prompt the change of attitude of members of the House from that of hostility and partisanship to a new sense of nationalism and reconciliation in the interest of the country, and that the contributions of the members, whether in support or opposition to the Government, be based more on merits rather than partisanship.

The 2001 and 2009 political reconciliations prompted further constitutional amendments aiming at enhancing the power and status of the House against the Executive. The 2002 amendments were made to fix the percentage of women representatives in the House at 30% of all elected members of the House. The same amendments introduced a condition relating to the ten members of the House appointed by the President to require at least two of them to be appointed in consultation with the Leader of the Opposition in the House (ZC 1984, §66). These provisions were yet another milestone in broadening the representative character of the House. Other constitutional amendments repealed the provisions relating to
disqualification for membership of the House and replaced them with others which are much stricter and more cautious. Under a new provision (ZC 1984, §69) a person could only be disqualified from becoming a member on the grounds of insanity if the expert opinion of a mental health specialist had been endorsed by the High Court. This provision is much stricter than what is required for criminal proceedings. Considering the existing political environment of distrust and hostility, this provision was intended to provide a safeguard from persons being arbitrarily disqualified on unsubstantiated claims of insanity. Further changes were made in the composition of the House following the 2010 constitutional amendments. The changes included removal of regional commissioners as exofficio members of the House and instead to increase further the minimum ratio of women representatives to 40%.

Considering the historical background of the House of Representatives since its inception in 1980, it is reasonable to say that the systemic nature of the relationship between the House and the Executive and the representative character of the House has been improving progressively, albeit the Executive still maintains a significant number of votes which may be used to influence the House’s decisions. The members of the House under the 1979 Constitution and later the 1984 Constitution were predominantly political cadres elected indirectly through their positions in the ruling party. The 1992 changes reduced the number of members entering the House through their affiliation to the ruling party and increased the number of seats reserved for women. Disqualifications based on ideological inclination and class were essentially removed. The major impact of the 2002 amendments to the Constitution was to fix the minimum number of women members of the House of Representatives to 30% of all elected members of the House and guaranteed the Opposition at least two out of the ten members of the House appointed by the President. The 2010 amendments on their part have increased further the number of women representatives to 40%. The cumulative effect of these changes has been to progressively expand the representativeness of the House of Representatives and to some extent reduce the powers of the Executive to appoint individuals as members of the House. All these are essential for effective legislative accountability of the Executive.
4.6 Reforms in the Legislative-Executive Power Relationship

Apart from the structural reforms in the systemic relationship between the House and the Executive and the nature of representation, the 2002 and 2010 constitutional amendments have also made reforms in the legislative-executive power relationship. One of the significant constitutional reforms was including in the Constitution for the first time a specific provision on the separation of powers between the three organs of the government, and an explicit mention of the accountability of leaders to the people directly and through their representatives in the House. These changes were made effectively in 2002 following the signing of the second political reconciliation between the CCM and CUF. These changes at least in theory set the boundaries for the authorities and clearly stipulated that the House of Representatives of Zanzibar was the sole organ on behalf of the people of Zanzibar to oversee activities of the government and its institutions. However, in practice the good intention of the provision has not yet been fully realised as other sections of the Constitution still favour the Executive and the extreme partisan atmosphere in the House continues to prevail.

One visible problem during the one-party period and the early years of the multiparty system was the absence of a time limit within which the President had to assent to a Bill once it has been submitted to him. The 1984 Constitution did not specify any timeframe within which the President was required to assent (or refuse to assent) to a Bill when it was first presented to him. It was only if the President refused to assent that the Bill could be sent back to the House. If the same Bill is sent back a second time with a two-thirds majority support from the House, the President was obliged to assent to the Bill within 21 days or dissolve the House and fresh elections for both the presidential and parliamentary positions would be conducted. But in the cases where the President’s initial response to a Bill was to do nothing then the House, was in effect, stymied. The President had the power, in effect, to “kill” or unduly delay the coming into force of a Bill which he did not like, without giving the House of Representatives the opportunity to override him through a vote of a two-thirds majority. This effectively gave the President the upper hand in legislative matters in Zanzibar. Such a situation arose in 1996 when the House of Representatives passed the Financial Administration Bill, which intended, among other things, to extend the
jurisdiction of the Bank of Tanzania to Zanzibar. When presented to the President, he neither assented to it nor returned it to the House of Representatives. This resulted in the Bill not becoming law until three years later when it was assented to by the next President. If there had not been a new President elected and the incumbent had been re-elected, the Bill probably would have remained dormant. This problem was only addressed with the 2010 Constitutional Amendments. Among other things, the Speaker is now required to present a Bill that has been passed by the House to the President within 30 days for his assent (ZC 1984, §78). The President is now required to assent to the Bill so presented within 90 days, or alternatively reject it. If the President takes no action within 90 days then that Bill will be deemed to have become law (ZC 1984, §79). In that context the Speaker is also required to note formally on such a Bill that it has become law in terms of Section 79 of the Constitution. This means that, for the first time since independence, there is the possibility of a Bill being passed by the House of Representatives becoming law without presidential assent.

4.7 Performance of the Multiparty House of Representatives

There is clear evidence, as discussed in Chapter Two that during the single-party system, the parliamentary authority in Tanzania and in Zanzibar in particular, was subordinated to the control of the Executive. It was overwhelmingly controlled by the ruling party. Similarly, the House of Representatives of Zanzibar had turned into a place where hard questions were left unasked and credible answers were not given. Despite the fact that several constitutional changes and structural reforms have been made since the introduction of multiparty system and others are still being undertaken in order to enhance and improve capacity and powers of the House, it is not clear to what extent the House has been freed from less obvious constraints on its accountability role. It might be assumed that after major constitutional and structural reforms, the House of Representatives has a much more enhanced capacity to oversee the activities of the Executive (Onyango and Nassali 2003). And there have been a number of examples where members of the multiparty House of Representatives have formed temporary coalitions to question the Government’s behaviour and demand more accountability from its officials. Three examples will be discussed briefly here: (1) the importation and sale of expired rice discussed during
the 2007/08 Budget Session, (2) the delaying of oil exploration in Zanzibar during the April 2009 Session, and (3) the issue of Special Departments.

The rice saga arose because members alleged that there had emerged a practice by influential businessmen to import fake and outdated goods and foods, including rice. Health and Trade Authorities were blamed for their laxity and reluctance in supervising and enforcing food safety rules and regulations. Members further alleged that the laxity was fuelled by corrupt practices of some unethical officials. Hence they called for the formation of a Select Committee of the House of Representatives to investigate the matter. The Government opposed the idea of a Select Committee. It argued that it should be given a chance to investigate the matter and to report the outcome of its findings to the House in its forthcoming meeting. However, members from both the ruling party and opposition party opposed this on the grounds that the Government was the alleged offender, and hence should not be permitted to investigate itself. After hot discussion which lasted almost two days without agreement, the Speaker opted for a vote which gave the Government’s side a very narrow victory of 31 to 30 votes. Six backbenchers from the ruling party decided not to cast their votes (Hansard Report No. HS-19/07/2007). This number of abstentions is significant. It suggests that these members of the ruling party were wary of the invisible hand of the ruling party and its power to discipline them.

On the issue relating to oil exploration in Zanzibar, members of the House accused and criticised the Union Government of Tanzania for its jealousy and fears that the Tanzanian Mainland would not benefit if the oil was to be extracted under the guidance of the Government of Zanzibar. Zanzibar politicians argued further that the decision to add oil and natural gas to the list of Union matters was taken abruptly and mistakenly in 1984 against the will of people of Zanzibar. It was pointed out that on the mainland, natural gas and minerals had been extracted for many years and yet only the Union Government had enjoyed the exclusive right to use the revenue so generated. Zanzibar did not benefit directly from these revenues. They argued that as Zanzibar had significant energy resources within its geographical location why should it now be denied the same rights as the Union government to explore and to have exclusive access to its oil? In a move that might be described as an expression
of significant dissatisfaction, members from both the ruling and opposition parties openly accused the then Chief Minister of Zanzibar of not being capable of defending the interests of Zanzibar within the Union Government. His failure to defend Zanzibar’s interests was seen as contributing to the failure to resolve the issue with the Union Government.

After three days of heated debate, the House unanimously resolved that the Government of Zanzibar should communicate immediately with the Union Government to the effect that both governments should jointly declare that the issues of oil exploration and the Exclusive Economic Zone beyond Territorial Waters should be removed from the list of Union matters (Hansard Report No. HS-8/4/2009). The Zanzibar House of Representatives’ resolution triggered another heated debate, this time in the Union Parliament between Zanzibar MPs and some MPs from mainland Tanzania. The debates later on prompted the formation of a special elders’ team by the CCM National Executive Committee under the chairmanship of former President Ali Hassan Mwinyi to deliberate on the issue more exhaustively with members of the Zanzibar House of Representatives and to make recommendations to the party (The Guardian 2010). Also, following the resolution the joint committee of the Union and Zanzibar Governments, which deals with perceived shortcomings of the Union immediately started to work on the issue more seriously and is expected to report by the end of 2012 (Nipashe 2012). The Zanzibar House of Representatives also resolved that the government of Zanzibar should immediately form its own institution to oversee activities related to petroleum products and natural gas. The institution would replace the Tanzania Petroleum Development Corporation (TPDC) in Zanzibar. It was the view of the House that the TPDC was a Union entity and as such had no right to operate in Zanzibar because the issue of oil and natural gas was not properly added in the list of the Union matters (Hansard Report No. HS-8/4/2009).

The third issue arose around criticism of the existence of the Special Departments of Zanzibar. These Departments were established by the Government of Zanzibar to supplement and assist other security organs formed by the Union Government to maintain law and orders in Zanzibar. They have been in existence since the period of
the one-party system. However, the 1984 Constitution only established three Special Departments (ZC 1984, §121). But with the introduction of the multiparty system, the Zanzibar President used Subsection 3 of Section 121 of the Constitution, which empowers the President to establish any other special department at any time when he deems it fit, to establish other two Special Departments. Members of the Opposition party accused the Zanzibar Government of wasting resources and revenues in the upkeep of these Special Departments. The Opposition members refused to approve the 2007/08 budget of the Ministry of State President’s Office Regional Administration and Special Departments. They argued that existence of the Special Departments was against the 1977 Constitution of Tanzania with respect to the establishment of armed and security forces as only the Union Government can establish such forces (TC 1977, §147). Therefore, the existence of the Special Departments, which by the nature of their functions are security units regardless of whatever name they may be called, is in violation of the Union Constitution. The Opposition’s stance concurred with the position of the Court of Appeal of Tanzania which already hinted that there were constitutional dilemmas posed by Special Departments established by the President of Zanzibar in purported exercise of powers under Section 121(3) of the Zanzibar Constitution (Atunga 2005). Opposition members further claimed that the Departments, regardless of whether they were legally established or not, were sometimes used arbitrarily to humiliate and intimidate opposition supporters particularly during elections. This was contrary to the stated aim at the time of their establishment which was that these organisations were established to assist other state organs in eliminating crime and other undesirable activities in Zanzibar. By way of expressing their displeasure, the Opposition opted to reject the whole 2007/08 budget of the Ministry (Hansard Report No. HS 4/7/2007).

The above examples have resonance with the perceptions emerging from the interviews and perceptions of respondents during the survey from all three categories: members of the House of Representatives MHRs, senior officials of the House of Representatives SOHRs, and senior public officials SPOs. The results of the survey show that the majority of respondents generally believed that the reforms have had a positive impact on the working of the House of Representatives. Only a
few respondents remained unconvinced that there had been little or no improvement. One key factor for this is structural. For several years, the House had been functioning without the participation of an effective Opposition. This was due largely to the refusal by the main (and in effect only) opposition party, the CUF, to recognize the results of the Presidential Election of 1995 on the ground that those elections were not free and fair. This resulted in the technical boycott of all the activities of the House from 1995 to 1999. Second, as a result of the nullified 2000 elections, members of the CUF were effectively left out of the House for more than two years (CUF 2005; Onyango and Nassali 2003). This absence of an Opposition must surely be a factor that has affected the institutional oversight capacities of the House.

Conversely, the perceptions emerging from the interviews was that considerable improvements in effectiveness in holding the Executive accountable can be attributed to the significant constitutional changes which started in 1992. Many including the Leader of Opposition (though with reservation), the Speaker and the Clerk of the House spoke positively about the greatly enhanced powers and autonomy of the House of Representatives.

…we are still struggling to get rid of the legacy of one-party system…the Speaker is still partisan and we are too emotional and our parties remain influential in our decisions, but honestly the multiparty House by all standards is more effective in fulfilling its functions than the House during the one-party system… The on-going constitutional amendments gradually enhance powers and authority of the House… (Leader of Opposition, Interview).

For his part the Clerk of the House without reservation added that:

It is obvious the reforms which have been made so far are ready to bear their fruits. The reforms enhance transparency, freedom of expression and information, and provide more avenues for the House and its members which can be used to improve the performance of the House in holding the government accountable. Now we have got alternative party within the House… but also look at the way which is now used by some CCM’s backbenchers to escape three lines whip. If CCM members find issue or say government scandal but exposing it in the House may put them in trouble with their party, they simply pass information to the opposition. Sharing of information between two camps within the House has become a strong weapon in part of backbenchers in exposing misdeeds of public officials. No one would expect existence of these opportunities in one-party system (Clerk of the House, Interview).
These improvements have also benefited from participation of the Opposition especially in a political situation in which such a parliament is now dominated by partisan politics and strong party discipline, notwithstanding the fact that for almost all of the first ten years (1995-2005) of the multiparty system the Opposition boycotted activities of the House of Representatives. The boycott was a strong demonstration of party discipline and was an indicator of the depths of partisan politics in the House. However, since 2005, the Opposition has effectively participated in the House’s business, which in turn has brought a significant positive impact on its performance.

There is no doubt that the multiparty system triggered significant reforms on the Executive-House relationship. More importantly, the reforms are not static but rather dynamic and progressive. Since 1992, the position of the House of Representatives against the Executive has been improving progressively. While members of the one-party House of Representatives were predominantly political cadres elected indirectly through their positions in the ruling party, with the multiparty system the trend has started to change. Through various amendments, the representative character of the House has been progressively enhanced and the number of members who are appointed directly by the Executive has gradually reduced. Also, reforms have been made in the Executive-House power relationship in order to improve the position of the House over the Executive. Specific provisions have been set on the separation of powers between three organs of the government, and an explicit mention of the accountability of leaders to the people directly and through their representatives in the House. As on the rules and procedures, the House has made and progressively improved its Act and Standing Orders in order to be able to perform its functions more independently, effectively and efficiently. Further it has been noted that from time to time powers, immunities, and privileges of the House and its Committees are increased to protect members of the House from arbitrary arrest and harassment by any state organ while discharging their functions as representatives of the people, ensuring free and frank debate in the House and its Committees as well as equitable opportunity for all members of the House be heard.
However, the enjoyment of the these powers, protections, and opportunities has been affected by the politically charged atmosphere which has characterised almost half of the lifetime of the House as well as the limited capacity of individual members to make effective use of these legislative instruments. In addition, it should be noted that, although the status and position of the House have been improving progressively, the House still faces a powerful Executive Branch. With regard to representation, the requirement for members of the House to belong to and be sponsored by a registered political party, poses big risks to the effective performance of members of the House in discharging their functions, specifically oversight and legislative functions. The subject matter of the next chapter is to look at and assess all reforms on the Executive-House relationship which have been taken since 1992.
CHAPTER 5 POWER OF THE HOUSE OF REPRESENTATIVES VERSUS THE EXECUTIVE

5.1 Introduction
As has been demonstrated the introduction of a multiparty system prompted far reaching constitutional reforms as well as structural changes with the aim of reinstating the power of the House and making it a truly supreme state institution with the capacity to exercise control and supervisory functions over the Executive’s activities. Although the reforms have relatively improved the performance of the House, it has not yet been assessed and established to what extent they have managed to restore the power and enhance the sovereignty of the House and to make it more effective in supervising the affairs of the Executive. The subject matter of this chapter is to look at and assess all reforms on the Executive-House relationship which have taken place since 1992. In doing so an attempt has been made to examine the state of the existing power relations between the House and the Executive and to identify existing impediments which pose risks to the House to be able to realise the stated objectives of the reforms. One of the objectives of the reforms is to enhance accountability of the political leaders to the people through their representatives.

The chapter begins by examining the powers of the House as enshrined in the Constitution and other legal documents and how the House has not been able to fully utilize these legal powers to effectively hold the Executive branch politically accountable. It then explores the existing powers of the Executive over the House of Representatives. Executive powers such as absolute power of dissolution and the ability to control information are discussed in order to identify possible weaknesses in the legal framework which might make it difficult for the House to fulfil its accountability role effectively. Finally, it examines how the ruling party has grappled with trying to maintain its dominance in the House in the changed environment of multiparty politics, and how the ruling party has placed more influence on the Executive in the working of the House of Representatives. In order to enrich findings obtained from documentary analysis, this chapter also makes use of perceptions of key political actors directly involved in the process of parliamentary accountability in Zanzibar.
5.2 Power of the House of Representatives versus the Executive

In the context of this study, the powers of the House of Representatives refers to those privileges, immunities and rights, and authority given to the House in order to enable it to carry out its functions properly and to enforce its decisions. The House is given these powers under several legislative remits: (1) the 1984 Constitution; (2) the Act No. 4 of 2007 on Privileges, Powers and Immunities of the House of Representatives; and (3) the Standing Orders of the House of Representatives. As Chibesakunda (2001) has suggested, the success of Parliament in fulfilling its oversight functions depends to a large extent on how adequately these powers are enshrined in the Parliament (also May 1989).

As it is one of the three organs of the state, the House of Representatives of Zanzibar is vested with legislative and supervisory powers over public affairs. These powers are recognized by the 1977 Union Constitution of Tanzania and the 1984 Constitution of Zanzibar. The Union Constitution recognises the distinct roles of the Union Parliament of the United Republic and the House of Representatives of Zanzibar (TC 1977, §4). The functions of the House of Representatives of Zanzibar are provided for in detail under Section 88(1) of the 1984 Constitution of Zanzibar. The Section makes provision that, apart from some other functions, the House shall also:

(a) enact legislation whenever the implementation of that matter required legislation;
(b) debate the performance of each Ministry during the annual budget session in the House of Representatives;
(c) put different questions to the Government of Zanzibar (as the means of scrutinizing the administration and operations of the Government); and
(d) approve and oversee development plans of the Government in similar manner that Government budget is approved (ZC 1984, §88).

The mandate of the House of Representatives falls under three broad categories: a) citizens’ representation (b) law making and (c) oversight of the Government. The 1984 Constitution confers on the members of the House immunity from civil and

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7 TC 1977: Means the 1977 Constitution of Tanzania
criminal proceedings while discharging their responsibility in the House and elsewhere as a means of promoting free discussions and deliberations during the House sessions (ZC 1984, §86). However in Zanzibar, any meaningful discussion about the powers of the House of Representatives and those of the Executive needs to start with Section 5A of the Zanzibar Constitution of 1984 which stipulates that:

1) Zanzibar shall follow the system of separation of powers between three authorities: the Executive Authority, the Legislative Authority, and the Judiciary Authority.

2) The Executive Authority is the Revolutionary Government of Zanzibar, the Legislative Authority is the House of Representatives and the Judiciary Authority is the Court.

3) No Authority shall intervene in another Authority except in the manner provided in this Constitution.

Although Section 5A provides for separation of powers and thus for checks and balances, the reality has been that the balance of power greatly favours the Executive. Despite several constitutional changes which have been made since 1992, the Executive still retains enormous powers which can be used to constrain the House in its accountability role. The Executive enjoys absolute powers of dissolution. It appoints senior public officials including the Clerk of the House and has power to establish or remove public office without prior consultation with the House. Also, it still has immense powers to control information and resources which in turn lead to increased dependence of the House on the Executive. For its part, the House is vested with adequate powers to carry out its functions. Nevertheless, as the senior members and senior officials of the House have stated during interviews, the powers of the House end when decisions are made within it, and thereafter it has neither power nor capacity to enforce its decisions. One senior member commented that:

In fact the House is incapable [to enforce its decisions], only it can do is indirectly to hold the minister concerned accountable by rejecting their budget. But rejecting the budget may have serious repercussion; it can backfire to the House itself. I can say the House remains a watchdog without bite (Senior Member of the House, Interview 1).
Hence, it is arguable to say that the order in which the authorities are mentioned in Section 5A has been the order of their importance and precedence in both their powers and enjoyment of resources. The Executive which is mentioned first, has more powers and enjoys more resources than all other authorities. The House of Representatives which is mentioned second is placed between the Executive and Judiciary, but enjoys more powers, authority and resources than the Judiciary (Toufiq et al. 2008). One senior official of the House provide an example to illustrate the elevated status and position of the Executive over the House and how the President of Zanzibar can easily decide on which agenda the House can deal with and which it cannot. During the interview the official pointed out that:

> It is true in theory and constitutionally there is separation of powers, but it remains the way it is on the constitution. What I believe and the experience shows that the House makes its decisions in a manner to satisfy the President…Just recently we have been instructed by the Steering Committee [of the House] to advise and then work on preparing a motion regarding Zanzibar being given more autonomy within the Union… Surprisingly, as soon as we have finished the task, the Speaker informed the Clerk that we don’t need to continue with the issue as he has just received a message from the President that the House should leave the issue to be dealt by the Government. And that it was the end of the story. This is not how we could expect the parliament to work (Senior Official of the House, Interview 2).

Moreover, as mentioned in the preceding chapter, the President of Zanzibar constitutes one part of the legislature. He is apparently given massive powers to exercise not only the Executive’s functions but also to exercise control over the House of Representatives. The President has the power to appoint up to ten members of the House of Representatives, the five Regional Commissioners (only ceased to be members in October 2010 following the 2010 Constitutional Amendments), and the Attorney-General. The Commissioners and Attorney-General are members of the House of Representatives by virtue of their offices. In addition, members of the Cabinet are appointed by the President from among the members of the House. The 1984 Constitution provides that a Bill once passed by the House of Representatives cannot become a law until is assented to by the President (ZC 1984, §78). The overall effect of this systemic relationship is to further constrain the House of Representatives in its relations with an already very powerful Executive.
In addition, the Constitution made it explicit that the power to establish and abolish offices in Zanzibar, and the power to appoint and dismiss people to those offices was vested in the President (ZC 1984, §53). No provision was made in this Section for any role for the House of Representatives in appointing and dismissing public servants. Although there are still ongoing debates on how senior public officials should be properly appointed (Spry 2000), in many democratic systems of government the role of parliament in the appointments of some senior public officials does not need to be overemphasised. Indeed it has become a norm that the parliament scrutinises public appointments before their final endorsement by the executive. The stated rationale of parliamentary involvement in public appointments is that it enhances transparency in the process and makes senior public office bearers more accountable to the parliament. Even in the United Kingdom, which for several years was hesitant to involve the House of Commons in its public appointments, has changed its stance. In March 2008 through the White Paper “Governance of Britain”, the government decided to introduce public hearings by the Parliament for certain high-profile public appointments on a pilot basis. The constitutional stance in Zanzibar is contrary to the perceptions of the majority of respondents (with exception of the Senior Public Officials who tended to defend the status quo) during the survey who responded affirmatively that it was important for the House to have a say in the appointment of Senior Public Officials, especially those who head public financial institutions such as the Head of the Peoples Bank of Zanzibar, the Chief Treasurer, and the Commissioner of Zanzibar Revenue Board. (See Chart 5.1 below).

Also, the President by virtue of the 1984 Constitution is not obliged to take advice from any person in the performance of his functions (ZC 1984, §52). In addition, the Constitution prevents the President from being bound by the advice from the Revolutionary Council (the Cabinet), which is the President’s advisory body (ZC 1984, §43). The effects of these constitutional provisions are further seen where the President is practically allowed by the Constitution to disregard the advice given by the House of Representatives. The House of Representatives has, as one of its primary functions, a responsibility to provide advice to the Government. However, by looking at the preceding provisions, the President has absolute powers of decision making without any restraints on any matter. The President can take advice from
anybody he chooses and can ignore any advice given by others, including the advice from the House of Representatives. A good example of discrentional powers of the President (Executive) to decide whether or not to take the advice from the House of Representatives can be seen in the way the Executive has responded to recommendations of the Standing and Select Committees of the House of Representatives.

Upon completion of their deliberations as per their respective programme of work, all Committees under the Standing Order 106(14) are obliged to compile their reports in the House for consideration and subsequent adoption. The Committees make their views known to the House and bring forward recommendations on matters they have studied. However, once the Committees come up with findings and their reports are adopted by the House, the jurisdiction of the Committees and House powers ceases. There is no direct legal obligation for the Executive to act on the recommendations of the Committees. The study found a number of cases in which recommendations and decisions of the House of Representatives and its Committees were not implemented by the Executive. Cases in point which show the extent to which the Executive is not bound by the advice or decisions of the House are found in the reports of two House Select Committees appointed to investigate specific issues.

The first Select Committee was appointed in October 1996 following a motion by a member of the House of Representatives for the Matemwe constituency. In his motion, the member appealed to the House to constitute a Select Committee to examine complaints of residents of villages surrounding the tourist island of Mnemba. The basic complaint of the residents who use the island for their fishing activity was that they were humiliated and discriminated against by a foreign investor who was given a lease of the island to develop tourism. The Select Committee took 25 days to complete its task and deliver findings and recommendations which were then approved by the House in its sixth meeting in January 1997. In order to solve the problem, the Committee suggested a number of recommendations. Among the basic ones were the following:
1. The investor and Government should agree to provide some of the revenue collected from the investment for development projects in surrounding villages.

2. In order to reach amicable settlements, the investor and the Government should participate in solving chronic problems of lack of social services, such as local roads and water supply which face some villages of the Matemwe constituency.

3. Government should make sure that any new decision in relation to the development and expansion of the investment, which would affect the villages surrounding the area, should involve the Government, the investor, and the villagers (Nassor 2003, 49-50).

However, recommendations one and two were implemented as a temporary measure to address the immediate problem. Thereafter no action has been taken. No action was taken on recommendation three by the Government to involve villagers in decisions relating to the development and expansion of the investment. Hence it was not a surprise the same complaints re-emerged a few years later (Nassor 2003).

The other Select Committee was appointed in April 2002 in response to a motion initiated by a member of Kwamtipura constituency and supported by many other members of the House. In his motion, the member appealed for the creation of a Select Committee to investigate the source of rampant clove smuggling in Pemba Island (cloves are the main cash crop of Zanzibar). It took almost a month for the Select Committee to accomplish its task. It came-up with very serious and interesting findings. It found that some senior government officials, senior security officers, and some well-known political figures were involved in the clove smuggling operations. It recommended that disciplinary action be taken against them. The report led to a hot debate within and outside the House of Representatives before it was adopted by the House. The Report was then forwarded to the Government, but action has yet to be taken against anyone named by the Committee. At this juncture one would be justified in concluding that the Executive is practically allowed, by the Constitution, to disregard the advice and recommendations given to it by the House. The House has no direct legal power to force the Minister concerned (and hence the Executive) to be accountable for not implementing the House decisions and advices.
The survey findings provide a more illustrative picture on the powers of the House of Representatives. Three questions on this issue were posed:

- How important is it for the House of Representatives to have adequate powers to reject appointments of senior public officials such as Heads of the People’s Bank (PBZ) and Zanzibar Revenue Board and Chief Treasurer?
- To what extent is the current constitutional and legal framework effective in enabling the House of Representatives to hold the Executive politically accountable?
- In terms of effectiveness how would you rate the powers of the House of Representatives to enforce its decisions especially over the Executive branch officials are who found unaccountable to their acts?

Chart 5.1 shows that the responses to the first question indicate that regardless of their party affiliation, 43 (78%) of 55 members believed it was important for the House to have adequate powers to reject appointments recommended by the Executive, and 29 (52%) of these 43 members believed that it was very important. Only five (9%) regarded this as unimportant, while six (11%) members thought that this was of marginal importance. Only one (2%) member opted not to express his view. Among the SOHRs, seven (70%) saw this power as an important or very important step in enhancing the accountability of the Executive. However, responses from Senior Public Officials present a slightly different story, as 12 (43%) of 28 SPOs did not believe that this was an important power for the House, and two (7%) others thought that it was a marginal issue. Against this group, 13 (46%) saw this power as an important part of the ability of the parliament to keep the Executive in check. Only one (4%) official did not express his opinion. While the SPOs were more or less evenly split on the issue they were clearly at odds with the MHRs and the SOHRs. In some ways this is to be expected as it would be unusual for SPOs, in any polity, to advocate that their fate should be decided by a parliament, especially in an historical context where this was not the norm.
Responses to the second question revealed that those who thought that the current constitutional and legal framework was effective almost equalled the number of those who thought the framework was not effective. However responses to the third question revealed the opposite picture: the majority of respondents across all three categories (ie MHRs, SOHRs, & SPOs) thought that the House of Representatives lacked adequate powers to enforce its decisions over the Executive. Charts 5.2 and Chart 5.2 provide details of the opinions of respondents for both questions.
Chart 5.2: State of the effectiveness of the current constitutional and legal framework in enabling the House to hold the Executive accountable

Chart 5.2 indicates that 28 MHRs (51%) thought that the current constitutional and legal framework was only marginally effective or not effective at all. By contrast, 34 (44%) thought that the legal framework was effective or very effective. The remaining three (5%) were undecided. Responses of SOHRs were almost evenly split between those who thought that the current legal framework was either marginally or not effective and those who thought it was effective or very effective, with two respondents not expressing an opinion. A similar picture emerged with the SPOs. Of the 28 SPOs, 11 (39%) considered the current constitutional and legal framework as being only marginally effective, whereas 14 (50%) regarded it as either effective or very effective. Responses for the third question on the degree of effectiveness of the powers of the House to enforce its decisions over the Executive are summarized on Chart 5.3.
In contrast to the responses to the second question the majority of respondents to this third question did not believe that powers currently available to the House were effective enough to enforce its decisions over the Executive. 35 MHRs (64%) were of the view that the powers of the House were either not effective or only marginally so. Twenty (36%) MHRs thought that the House’s powers were either effective or very effective. Interestingly, in responding to this question no MHR was undecided or did not have an opinion. A slightly larger proportion of SPOs, 19 (68%) out of 28, regarded the powers as only marginally effective at best, or not effective at all. On the other hand, seven (25%) SPOs thought that the powers were effective with one other SPO regarding the powers as very effective. One SPO chose not to respond to the question. However, responses of the SOHRs provided a different story. Views of the SOHRs were evenly divided between those who thought powers of the House were mostly effective and those who thought the opposite. If we look at the opinions based on party affiliation, the responses align accordingly. That is, the majority of the MPs from the ruling party CCM regarded the current legal framework as effective for both accountability in general, and enforcement in particular. As might be expected the opinions from the opposition party CUF provided a completely opposite picture.
Chart 5.4: State of the effectiveness of the current legal framework in enabling the House to hold the Executive accountable by party affiliation
Chart 5.4 indicates that out of 32 members from the CCM, 21 (66%) believed that the current constitutional and legal framework is effective to enable the House to hold the Executive accountable. And nine (28%) responded affirmatively that the current constitutional and legal framework is very effective and the remaining 12 (38%) that the framework is effective. Only two (6%) believed that the framework is not effective at all while six (19%) considered the effectiveness of the current constitutional and legal framework is only marginal. By contrast 15 (65%) out of 23 members from the CUF viewed the current constitutional and legal framework as marginally effective and four (17%) others thought the framework was not effective at all. Together they were 19 which constituted almost 83%. On the other hand only two (9%) members of CUF believed the framework was effective and only one (4%) believed the framework was very effective. Almost the same results were witnessed from responses on the questions relating to the degree of effectiveness of the powers of the House to enforce its decisions over the Executive as shown in Chart 5.5. From these findings, it may be noted once again that the views of the respondents,
especially MHRs, were not necessarily influenced by their principles or commitment to democratic government but rather by their party’s various positions on the issue. For members of the CCM, it is quite likely that their support for the current constitutional and legal framework is because they understand that the moves to empower the House might endanger the interests of their party and Government.

When it came to survey data concerning the issue of the systemic nature of the relationship between the Executive and the House, respondents were asked three questions to express their opinions. Question one asked whether the current ratio of elected to appointed members should be changed to favour an increase in elected members. Question two asked whether there needed to be a reduction in the number of the members provided directly from the Executive. Question three was more general and asked the respondents to gauge the extent to which the current hybrid system was part of the problem of political accountability in Zanzibar. In response to question one, the majority of respondents supported altering the ratio of elected to appointed members in favour of more elected members. Chart 5.6 shows frequencies and trends of three categories of respondents.

**Chart 5.6: Should the ratio of elected to appointment members be changed to increase more elected members?**
Thirty-three (60%) MHRs out of 55 favoured this change. Only 12 (22%) MHRs respondents indicated that the existing ratio should not be changed, two (4%) indicated that they did not know, and eight (15%) opted not to express their opinion. Of the ten SOHRs, eight (80%) favoured an increase in more elected members. No SOHR opposed this move, and only two (20%) decided not to express their opinion. Of the SPOs, 20 (71%) out of 28 supported an increase in elected members, with five (18%) holding the view that the existing ratio was satisfactory, and three (11%) did not express their opinion.

Question two sought opinions about whether the number of members coming directly from the Executive should be reduced. Overall, the responses show that the overriding majority of respondents were in agreement with such a reduction as shown in Chart 5.7.

**Chart 5.7: Should the number of the members who directly come from the Executive be reduced?**

Thirty-two (58%) out of 55 MHRs favoured the reduction, and 15 (27%) favoured keeping the status quo. Eight (16%) did not express their opinion. Responses from the Senior Officials of the House of Representatives and Executive show that the overwhelming majority favoured the reduction: seven (70%) out of ten SOHRs and
19 (67%) out of 28 SPOs. Only two (20%) SOHRs and five (18%) SPOs indicated that the current levels should be maintained. However, although the above data shows that the majority of respondents from all three categories (MHRs, SOHRs, and SPOs) favoured a reduction of the members coming directly from the Executive, the number of respondents who favoured keeping the status quo remained substantial. It seems that they agreed with the opinions of the political leaders from the ruling party, including the Speaker and Ministers during interviews, that under the current constitutional arrangements in which the minimal eligibility to stand for parliament is that a candidate only needs to be able to read and write Kiswahili, it is imperative for the President (Executive) to be given a chance to nominate people who are competent and experienced enough to be members of the House. Supporters of this arrangement felt that this greatly enhances the ability of the President to appoint Cabinet Ministers, in circumstances where the House might not have enough elected members, who are capable, experienced and knowledgeable to hold ministerial positions.

However, one needs to temper this with the fact that there have been occasions on which the President has appointed members who have barely met the minimum education qualification. For example, there was one incident in which a nominated member of the House had to be assisted by the Clerk in reading his own name and the oath in the swearing-in process (Toufiq et al. 2008). While the idea might be that it gives the President a means to get competent members into Ministerial posts or perhaps to allow him to appoint to the House people with special attributes (Othman et al. 2003), it also serves to increase the number of members who will remain loyal to the Executive. If it is still found necessary to retain the presidential appointees in the House, it is prudent to note the views of the Clerk on this point who insisted during the interview that:

If the argument is to give the President opportunity to appoint competent people to be members of the House and then to be able to give them ministerial portfolio… if that is the case why don’t we use principle of proportional representation as it has already been practised in the special seats for women. The President has to appoint members based on the proportion of the seats won by the parties in the constituencies. This will control balance of power [composition] in the House, and it is just extension of citizens’ mandate from constituencies (Clerk of the House Interview).
The final question in this context concerned perceptions about the impact of the structural nature of the current hybrid system to inhibit effective parliamentary accountability. Interestingly, opinions were fairly evenly divided and are summarized in Chart 5.8.

**Chart 5.8: Extent to which the current hybrid system of Government inhibits the effectiveness of the House in holding the Executive accountable**

Fifteen (27%) MHRs out of 55 believed that the effect of the hybrid system of government only marginally inhibited the effectiveness of the House, while nine (16%) MHRs did not believe this was a factor at all. Together they accounted for 44% of all members who participated in the survey. On the other hand 11 (20%) MHRs believed that the system was part of the problem of ineffective accountability, with a further ten (18%) MHRs regarding the system as completely inhibiting effective accountability. In total, this view amounted to 38%. The rest (i.e. ten or 18%) of the MHRs opted not to express their views. It is interesting to note that a considerable proportion of MHRs who did not express their views came from the ruling party. This is discussed in detail in data based on party affiliation.
Responses from SOHRs were that five (50%) out of ten indicated that the current hybrid system considerably inhibits the effectiveness of the House and two (20%) that it does not, and three (30%) did not express a view. The SPOs, on the other hand, had 19 (68%) out of 28 who believed that the system was a key problem: three (11%) indicated that it completely inhibited accountability, eight (29%) that it was considerable and another eight that there was a marginal degree of inhibition. Six (21%) SPOs were of the view that this was not a problem at all, and the remaining three SPOs (11%) opted not to express their opinions. However, the opinions of the members of the House based on the party affiliation, presented an interesting division between members of the ruling party CCM and opposition party CUF. While 18 (56%) of the 32 CCM MHRs did not view the hybrid system as a problem for accountability, 17 (74%) of the 23 CUF MHRs did. Only a small proportion of members from the CCM (i.e. four or 12%) believed that the system was a problem. Further as mentioned earlier, a considerable proportion of members from CCM, ten (31%) decided not to express their opinions. Conversely, all members of the CUF thought that the system was in some way a part of the problem. Details of the opinions are presented in Chart 5.9.

**Chart 5.9: Extent to which the hybrid system of Government inhibits the effectiveness of the House by party affiliation**

![Chart 5.9](image-url)
It should be noted that the expression of satisfaction and dissatisfaction among respondents did not necessarily represent their actual beliefs about the extent of the problem. Patterns and trends of responses of the members of the House so far have indicated that party affiliation influenced the members’ stance in expressing their views. It is likely that the majority of respondents from the ruling party CCM expressed their views in favour of the hybrid system in order to defend the position of their party and government. Even though it is becoming obvious that some CCM members of the House of Representatives are now not satisfied with it, they are still obliged to support their party’s historical innovation and hence opted not to express their views during the survey. Ten CCM members (out of 33) who remained undecided constitute a considerable proportion, and this indicates that there are CCM members who might be willing to support change, but the political environment does not allow them to openly express their views. In the course of interviews with members of the CCM, some respondents, while not openly expressing a dissenting position, nevertheless indicated that the power relations between the House of Representatives and the Executive need to be worked on to enable the House to perform its oversight functions more independently. It is interesting to note that among those CCM members, one was a deputy minister who openly said that “if we are really ready to see the House is working properly to oversee the Executive performance, we need to work on powers and structure of the House to enable it to be able to enforce its decisions” (Minister Interview 1).

Further, in the course of interviews, some respondents highlighted that the powers conferred on the House by the 1984 Constitution, Act. No. 4 of 2007 and Standing Orders of the House of Representatives are only adequate to enable the House to carry out its routine duties. They do not enable the House to enforce its decisions. Even the Speaker state categorically that the House lacks direct powers to enforce its decisions, though he added that indirectly the House uses budgets and question and answer sessions to press and sometimes force the Executive to act on its decisions (Speaker, Pers.com. July, 2011). Apart from the powers and privileges which have been discussed in a previous chapter, the House and its Committees are also at liberty to summon any person and can also demand any document that they feel would assist them in their work. Another privilege which is enjoyed by the members of the House
is freedom of speech. This is an important privilege because it allows members to perform their duties without fear or interference and at the same time enables them to freely express themselves. It is also important that the scope of the privilege of freedom of speech is not limited to words spoken on the floor of the House alone. According to Section 3 of the Act No. 4, it is also extended to any Committee of the House, the report of any such Committee, or any matters or things connected with the working of the House such as petitions, bills, resolutions or motions.

These powers and privileges are significant and serve to enable the House to perform its duties in an appropriate manner. Yet it is doubtful that these powers really assist the House in holding the Executive accountable. There is no Section either in Act No. 4 of 2007 or the Constitution which directly empowers the House of Representatives to enforce its decisions or to discipline the Executive Branch’s officials. This implies that the House of Representatives cannot take disciplinary action against any public official or government body which fails to implement its decisions or which is found unaccountable. Instead as suggested by Speaker and the Clerk, the House can only use its ability indirectly, usually during the budget sessions, to influence changes it feels are necessary according to its findings (Speaker, Pers.com. July, 2011; Clerk, Pers.com. July, 2011). Hence, it is not clear that the House has a mandate or powers to enforce its decisions or to discipline the Executive’s branch officials. Certainly the perceptions of the various respondents across the three categories, as indicated in Chart 5.10 would suggest that the House lacks appropriate powers to discipline or punish the Executive branch officials.
The majority of MHRs (78%), SOHRs (90%) and SPOs (71%) thought that the powers invested in the House were not adequate to enable it to discipline or punish the Executive’s branch officials. Even the Committees of the House, which are regarded as important mechanisms in enhancing parliamentary accountability (CPA 2002; Msekwa 1999), were found to be without adequate powers to discipline or punish the Executive’s branch officials. They have often ended their tasks by only submitting reports on their findings to the House for adoption. This implies that neither the House nor its Committees can take action against any public official or institution for failing to implement House decisions. Today it remains only a tradition that the Committees’ reports are submitted to the Chief Minister’s Office (now the second Vice-President’s Office) as the leader of the Government business in the House. No follow up is made thereafter.

It is wise for the House of Representatives to learn from other parliaments, especially from the Commonwealth countries which mostly share common values and cultures for parliamentary practices and procedures. For example, as a measure to enhance government accountability, some parliaments in Commonwealth countries have recently adopted a new system in which the government is obliged to respond
formally to a parliamentary committees’ report (Chibesakunda 2001). With this system every line Ministry is compelled to produce and table in the House within a time limit, an “Action Taken Report”. Hence, according to this new norm, the Minister concerned presents a report on action taken by their Ministry in response to findings and recommendations of the Committees as approved by the House. If no action is taken the Minister is obliged to give a strong reason that will satisfy the House (Nassor 2003; Chibesakunda 2001).

Some may argue that the House of Representatives could use its constitutional powers to render a vote of no confidence in the Second Vice-President as a means of ensuring that the Executive implements its decisions and recommendation. However, pursuing a vote of no confidence in the Second Vice-President is not simple. The Constitution stipulates a very cumbersome procedure to be followed should the House wish to pursue a vote of no confidence in the Second Vice-President (ZC 1984, §41). A resolution of no confidence can only be moved by the House if six months have elapsed since the Second Vice-President was appointed by the President. Also, a written notice, signed and supported by not less than one half of all members of the House must be submitted to the Speaker, at least 14 days prior to the day the motion is intended to be moved. The Speaker must then satisfy himself that the provisions of the Constitution have been complied with and that the motion has explained the reasons for the lack of confidence. If these conditions are met, then the motion can be moved in the House. It can only be passed if it is supported by a two-thirds majority of all the members of the House of Representatives.

The procedure makes the exercise almost impossible to succeed especially when one considers the dominance of the ruling party in the House and the likely influence of the Executive over its party members in the House. Further, the Speaker, who is constitutionally allowed to hold a leadership position in his party, is given discretionary powers by the Constitution to determine whether or not the proposed no-confidence motion has met the constitutional requirements. The current Speaker of the House of Representatives, who has held the position since 1995 after the first multiparty elections, is a member of the Central Committee of the ruling party. This has serious implications for the Speaker’s ability to remain impartial since his
decisions might well be to the detriment of his party and government. The Speaker himself and senior leader of the CCM did not share this view as they felt that there is a mechanism (the Steering Committee) in place set by the House for any MP who is not happy with the Speaker’s decisions to lodge their complaints. However, all senior officials of the House admitted during interviews that the position of Speaker being held by a high ranked political leader poses a constitutional problem. One added that: “…frankly the Speaker sometimes fails to separate his role as a member of the Central Committee (of CCM) and as a leader of the House while making his decisions” (Senior Official of the House, Interview 2). In defence of the Speaker, one senior member of the Opposition stated that:

…in some areas the House is given reasonable powers by the existing legal framework, problem remains only to our leader [the Speaker]. For example the Speaker is a member of the Central Committee of the ruling party. He of course must take directives and observe policies of his party. And from there is beginning of all problems (Senior Member Interview 2).

The above interpretation is borne out by the survey findings which illustrate that the majority of respondents across all three categories did not believe that the House had adequate power to pursue a vote of no confidence in the Second Vice-President. However, the respondents generally agreed that for effective legislative accountability of the Executive it is important or very important for the House to have the power to do so, not just in the case of the Chief Minister (Second Vice-President), but for any Cabinet Minister. Charts 5.11 and 5.12 present details of opinions of the respondents.
Chart 5.11: Powers of the House to render a vote of no confidence in the Chief Minister

Chart 5.12: Importance for the House to have adequate powers to render a vote of no confidence to the Chief or a Cabinet Minister
The findings indicate that while the overwhelming majority of respondents 43 (78%) MHRs, nine (90%) SOHRs, and 22 (79%) SPOs favoured the House having such powers, far fewer were of the view that the House had inadequate power in this respect. Those who thought this included 28 (51%) MHRs, six (60%) SOHRs and 14 (50%) SPOs, as compared with 14 (25%) MHRs, three (30%) SOHRs, and only four (14%) SPOs thought that the House has adequate power to render a vote of no confidence in the Chief Minister (Second Vice-President). It could be argued that these latter respondents seem to be influenced by the current setting of the constitutional provisions, which if interpreted literally might lead one to conclude that there was ample constitutional power for the House to exercise its right to express a lack of confidence in the government Ministers. When these particular responses are considered in terms of the respondents’ party affiliation there is a clear shift in perspective. Members of the ruling party were by and large prepared to support the status quo. Of the 32 MHRs from the ruling party, 21 (66%) believed that the House has adequate powers whereas only seven (19%) believed that the powers are either marginally adequate or not adequate at all. The remaining four (13%) decided not to express their opinions. By contrast, all but one member from the Opposition Party thought that these powers were either marginally inadequate or not adequate at all as shown in Chart 5.13.
5.3 Executive Power of Dissolution

While powers of the House to control the Executive are apparently very indistinct and not clearly stipulated and in some cases are not complete, in stark contrast, the Executive powers over the House are clearly expressed in the Constitution. Under the 1984 Constitution of Zanzibar the President, as Head of the Executive, is empowered to dissolve the House of Representatives on a number of grounds (ZC 1984, §91). For example, the House can be dissolved if it refuses to approve the Government Budget, or refuses to approve a Bill in terms of Section 79 of the Constitution, or if the House declines to pass a motion which is of fundamental importance (in the opinion of the President) for carrying out of Government policies, or if the House is within the last 12 months of its parliamentary life. Further, a key constitutional amendment gave added protection to the Presidency. Until 2010 under Section 28 of the Constitution the President’s seat also became vacant if the House was dissolved. The 2010 amendment has removed this provision. Now the President can dissolve the House without himself being affected. It may be argued that the aim of the
amendment was to counter-balance the already existing impeachment power of the House. While both the House and the President are elected directly by the people in separate elections, the existence of the House is not affected at all by the impeachment exercise. However, it should be noted that giving quite substantial powers of dissolution to the President is not a norm of either Presidential or Parliamentary systems of government.

Hence, it may be rightly suggested that the amendments were not intended to correct the imbalance of powers between the House and the Executive, but rather to enhance the powers of the already very powerful Executive. When respondents were asked to give their views during the interviews on the issue of presidential powers of dissolution most of them, including the Clerk and Leader of Opposition, pointed out that the current hybrid system of Government was a basic factor in whittling away the House’s capacity to withstand dissolution by the Executive.

…these excessive powers of the President including power to determine the fate of the House is the outcome of our system the so called half cast [hybrid]. You can observe we have included some elements of the presidential system and other from the parliamentary system. Personally I have no problem with either system, we can go with pure presidential system and leave the Cabinet out side the House or pure parliamentary system in which the whole government including the head of the Executive is formed from the House (Clerk of the House, Interview).

On his part the Leader of Opposition commented that:

…Under the existing system [hybrid system] in which the President is everywhere and has been given power to determine the fate of every political institution in this country, no one is safe. …Only with clear separation of powers between organs of the State, the House can be safe from control of the President and then be able to perform its functions effectively (Leader of Opposition Interview).

The majority of members of the House, regardless of party affiliation, were well aware that the House was not immune from Presidential authority to dissolve it. Their views as revealed in survey are summarised in Chart 5.14.
Members from both the ruling party and opposition party indicated a keen awareness concerning the House’s lack of immunity from dissolution, though clearly opposition MHRs were much more likely to hold the view that this is a problem. Even so, 21 (66%) of the CCM and 18 (78%) of CUF respondents were of the view that immunity from arbitrary dissolution was non-existent or only marginally so. Only two (9%) members from the CUF considered that the current constitutional provisions provided considerable immunity. Further, when the respondents were asked to express their views on the powers vested in the House to reject the budget without jeopardising its existence, again the overwhelming majority believed that the powers are inadequate. Chart 5.15 illustrates this point.
Generally, the responses across all three categories upheld the position that the current political arrangements do not guarantee immunity from dissolution by the Executive. Both the Executive and the House and other political institutions within Zanzibar are established and derived their powers and limits from the 1984 Constitution. Incidentally, the same Constitution puts the fate of the House in the hand of the Executive, which may consequently reduce the courage of the House to effectively scrutinise performance of the Executive.

5.4 Executive Power of Appointing the Clerk of the House
Zanzibar's constitutional norm of giving enormous powers to the Executive in relation to the House also extends to the appointment of the Clerk of the House. The Clerk is Chief Executive Officer of the House, and is a presidential appointee. Although aspects relating to the administration and service of the office of the House (such as responsibility for employing and dismissing officers and other members of staff) are vested in the House Services Commission, the appointment of the Clerk of the House and his term of office remains solely the responsibility of the President. The 1984 Constitution stipulates clearly that there will be a House of Representatives Services Commission with responsibility for engaging officers and other employees
of the House, promoting them, taking disciplinary measures and carrying out any other functions as prescribed for the House. However, the position of the Clerk of the House remains a Presidential appointment (ZC 1984, §76). This means that the person holding the office is directly answerable to the President not to the House of Representatives. This is another loophole which may enable the Executive to exert influence on the functions of the House of Representatives. The Clerk of the House, by the virtue of his position receives all documents intended to be tabled to the House or its Committee including private motions.

According to Section 17 of the Standing Orders of the House of Representatives, the Clerk of the House is obliged to keep minutes of all meetings of all Committees and Commissions formed by the House of Representatives. This makes it quite difficult for such an office to act with impartiality especially when dealing with documents critical of the Executive. Moreover, since the House does not appoint the Clerk it also has no powers to discipline them. An example which may illuminate this problem concerns the way an issue involving the Clerk was dealt with by the Executive in 2003. In October, 2002, there were allegations raised by members of the Legal and Constitutional Affairs Committee of the House that some documents of the Committee had been leaked by unknown persons to the Opposition Party. The documents included amendments proposed by the Committee when discussing an Election Bill to be tabled in the House in its then upcoming session. This was also the period in which members of the Opposition Party were boycotting all activities of the House in protest against the presidential election results. It was claimed that by leaking the documents, the rights and immunities of the members of the House were breached. Further, in accordance with Section 11 of Act No. 3 of 1990 regarding the immunities, powers and privileges of the House of Representatives, the House had to inquire into the issue.

A House Select Committee was formed to investigate the matter, taking more than two months to complete its work. Although the findings of the Committee were not conclusive, some employees of the House and the Clerk of the House were implicated and disciplinary action was recommended against them. The Clerk of the House was alleged by the Committee to be the mastermind of the plot. As a result
two employees who were alleged to be involved in that incident were transferred to
different Government Departments. On the issue of the Clerk, it was recommended
that because the appointing authority of the Clerk was in the hands of the President,
the Speaker of the House and the Leader of the Government Business in the House
should request the President to consider the possibility of taking disciplinary action
against the Clerk of the House. There is no evidence that the Speaker and the Leader
of the Government Business formally requested the President to discipline the Clerk.
Considering the nature and sensitivity of the issue, it would have been unlikely that
the President was unaware of what was occurring inside the House, or that he was
unaware that there was an expectation for the Clerk to be disciplined. However, the
President opted to use his constitutional powers to retain the Clerk in his position,
and after being re-elected as President in 2005, subsequently reappointed the same
person to be Clerk of the House for a further five years. The president’s decision to
retain the Clerk in his position is believed to be influenced by the existence of
opposing factions within the ruling party. These factions emerged in 2000 when the
party was in its internal process to nominate its candidate for the October 2000
presidential election. The enmity and conflict among supporters of these opposing
factions continued to affect the conduct of the Party, and by extension, the
Government even after the October 2000 general elections. Hence, it seemed the
President did not believe that the Clerk had been involved in the leak of the
documents. He rather believed that his political rivals within the Party only
implicated the Clerk in the scandal because of his consistent loyalty for him.

However, considering the context of this discussion it can be said to be another
setback in reforming the power relationships between the Executive and the House.
These findings make it difficult for the House of Representatives to exercise
effectively its traditional role of overseeing the performance of the Executive. The
post of the Clerk is the highest leadership position in the Secretariat of the House of
Representatives and is entrusted with the responsibility of supervising all matters
relating to the administration and management of the office of the House. Therefore,
holders of this position have to enjoy the confidence of all members of the House.
The Clerk has to be a person of impeccable character and must be seen also to
possess professional competence, and to be really neutral, impartial and independent.
A Clerk with such characteristics is unlikely to be obtained if the President has the discretionary power in the appointment of the Clerk. In this regard, it is imperative that the current constitutional provisions on the appointment of the Clerk be examined so as to enable the House to be fully involved in the whole process of appointing and dismissing the Clerk of the House. Through such a process the Clerk would then enjoy the confidence and trust of all political actors in the House.

In a way it was not a surprise that the majority of respondents during the survey, specifically members from the opposition party and senior officials of the House, believed that in order for the Clerk to be neutral, impartial and independent from influence of the Executive, it is important that his appointment and terms of service be directly determined by the House Service Commission itself. This view was also shared by the Clerk of the House himself. During his interview he commented that being a presidential appointee sometimes makes it hard for him maintain the confidence of members of the House of Representatives, especially those from the Opposition Party. Occasionally members of Opposition Party accuse him directly that his decisions are always made after consultation with his employer (the Executive) and that he cannot be really neutral, impartial and independent. He suggested that in order to remove this situation of mistrust between the members and the Clerk, the position should not be a presidential appointment. Rather it should be determined by the Independent Service Commission based on merit and professional experience, and after the appointment, the Clerk should remain solely accountable to the House itself (Clerk of the House, Interview). On survey data the following Chart 5.16 presents details of opinions about the importance for the Clerk of the House to be appointed by the House itself.
The opinions of the MHRs were evenly divided. Of the 55 MHRs, 25 (45%) thought that in order for the House of Representatives to improve its effectiveness in holding the Executive branch officials accountable, it is either important or very important for the Clerk of the House to be appointed by the House itself. By contrast 24 (44%) thought that the importance is only marginally, or not at all important. The remaining six (11%) were undecided. However, responses of SOHRs show that the overwhelming majority, seven (70%) out of ten, thought that it is either important or very important for the Clerk to be appointed by the House itself. Only two (20%) SOHRs believed that the importance is only marginally, or not at all important. The remaining one (10%) did not express his opinions. In a manner in which can be described as a means to defend the status quo, nine (32%) of 28 SPOs believed that it is not important at all for the Clerk of the House to be appointed by the House itself. Another two (7%) believed that the importance was only marginal. Together they were 11 which was equivalent to 39%. On the other hand 14 (50%) SPOs thought that it is at least important or very important for the Clerk of the House to be appointed by the House itself. The remaining three (11%) chose not to express their opinions.
A real picture of how party affiliation shapes the views of MHRs can be seen from Chart 5.17. The opinions of CCM members of the House generally supported the existing arrangement favouring their party and government. Members of the CUF were very critical and strongly disapproving of the existing arrangement in which the Clerk of the House is appointed by the Executive.

**Chart 5.17: Importance for the Clerk (Secretary) of the House to be appointed by the House itself by party affiliation**

The data reveals that out of 32 MHRs of the CCM, 20 (63%) of them did not see the importance for the Clerk of the House to be appointed by the House. Only seven (22%) believed that it is important for the Clerk to be appointed by the House, while the remaining five (16%) opted not to express their opinions. By contrast, out of 23 MHRs of the CUF, 18 (78%) thought that it is important for effective legislative accountability of the Executive, that the Clerk be appointed by the House. Only four (17%) Opposition members were against this view, of whom one (4%) thought that the importance was only marginal and three (13%) believed that it was not important at all. The remaining one (4%) did not express his opinions. Again, it is important to emphasise here that the number of members from the CCM who opted not to express their views make up a considerable proportion which might suggest that sometimes
members of the House are not free to express their views, especially those which are against their party’s stance.

5.5 Executive Power to Control Information
Of the factors which limit the influence of Parliament over the Executive in its oversight functions, lack of specialized information available to backbench parliamentarians is critical. Barlas, once a fourth Clerk at the Table of the British House of Commons, addressed the newly elected members of the National Assembly of Tanzania and pointed out that there were three inhibiting factors which limited the British Parliament’s influence on the government. The first is party discipline. Government leaders can expect loyalty and discipline from their backbench supporters. This is not merely because of the pressures that the party Whips can bring to bear on the individual MP, but also due to the existence of the team spirit which pervades the parliamentary parties. The second factor is the British tradition of political behaviour or its political culture, which assumes that because ministers are responsible for the government of the country, they should be given ample powers and opportunity to do what they think is necessary. Consequently, it is believed that parliament may criticize them but should not obstruct them. The third factor which is crucial in this discussion here is the lack of specialized information available to backbench MPs (Barlas as cited by Msekwa 1997, 10). Whereas Ministers are supported by the whole administrative machine and are briefed by civil servants for every special issue and every answer to parliamentary questions, backbenchers are mostly on their own, lacking facilities for research, and having limited access, if any, to government departments except through a Minister. They are unlikely to have expertise on all subjects unless they have personal experience in the specific area of knowledge. This limits even the utility of parliamentary question time. For where the Government has a near monopoly of information, the Minister is free to reveal only as much as they choose to reveal. Civil servants are quite skilful in the art of drafting replies which appear to answer the question without actually giving anything away, so that an answer to a parliamentary question can often be no more than a carefully worded camouflaged response. It is only when MPs are well informed of the facts that they can penetrate this camouflage by skilful supplementary questions.
Commenting on the reforms which took place in Hong Kong to replace civil servants with political appointees to policy portfolios with the aim of enforcing government accountability, Kwok (2003) suggests that it is unlikely that the reforms would produce the desired outcomes unless, among other things, well-documented legislation is enacted to provide access to information concerning what the government is doing to the people and the Legislative Council. The condition in which the Chief Executive has discretionary power to decide what information should be accessed by the public and the Legislative Council undermines the essence of political accountability. This is particularly true in Zanzibar in which political appointees hold policy portfolios but still public office holders manage to avoid being scrutinised by the House as they are free to decide what sort of information should be furnished to the House.

The House of Representatives has constitutional rights to question the Ministers concerning public affairs in Zanzibar which are within their responsibilities, debate the performance of each Ministry during the annual budget session of the House, deliberate upon and authorize any long or short term plan which is intended to be implemented in Zanzibar, and enact laws to regulate the implementation of plans. These responsibilities are very crucial for the well-being of the country and it is no wonder the Constitution mandates the House to oversee the working of the Government. And in order to implement and achieve the above responsibilities Section 9 of Act No. 4 of 2007 on Immunities, Powers and Privileges of the House of Representative guarantees the House the right to be furnished with information by any Public Officer in Zanzibar. The Section stipulates clearly that: “Subject to this Act and to any statute relating to security of the Government, a member of the House shall be furnished by the Public Officer concerned, any information he requests”.

However, this Section needs to be examined with caution due to the fact that the Executive is “a senior partner” in the running of the Government and therefore is the one which controls the necessary “tools of trade”. Actual practice at the moment is that members of the House have to rely on information provided to them at the discretion of the Executive. The Executive can decide which information will be given in full, which will be partially provided, and which information will not be
provided at all to the members of the House. Members of the House, just like the general public, may be denied access to what the Executive may choose to call classified or confidential matters relating to the Security and Defence of the state. But in fact, this may not be material which is so confidential that its exposure to the members is a threat to the security of the state. It may just be the kind of material which portrays the maladministration of a government ministry or department. Such potentially incriminating material is just dubbed “classified” or “confidential” material. In this way the members of the House and the public are effectively prevented from getting any information on the state of affairs in the respective department or ministry.

One example may illustrate the frustration of the members of the House of Representatives wanting to question, say, the performance of the Special Departments of Zanzibar in relation to the Income Tax revenues collected from members of staff of the Departments. To be able to raise concerns, one needs to know the exact number of all members of staff in service with the Special Departments, the amount of salary deductions as Income Tax for each member of the Department, an estimated amount of collection, and the actual amount of collection. One cannot know the answers to these questions without access to documents and all necessary relevant information. In this scenario, the issues relating to the administration and finance of the Special Departments are always classified “confidential”. This is due to the fact that the Special Departments are regarded as part of the Security Service in Zanzibar. However, considering the Departments as security organs in Zanzibar has raised constitutional questions about whether in fact the Zanzibar Government has power to have the Security Units. As mentioned in a previous chapter, under Section 147 of the 1977 Constitution of the United Republic of Tanzania, only the Union Government of Tanzania can establish security and armed forces of any kind.

In this way the members of the House of Representatives are barred from accessing documents necessary for effectively fulfilling their oversight functions. As such, the members who are for public interest, and possibly the Opposition who would want to oversee the performance of the Executive which is not theirs, find it difficult to
perform their functions as required by the Constitution. It is said that information is power. The ability of the House to supervise the Executive depends, to some extent, on whether the members of the House are well-informed. They must be provided with accurate, complete, as well as up to date information and other facilities that will make their work soundly based. Information is an essential tool for effective decision making. As Peterson (1992, 01) puts it, a decision made without proper information is a decision likely to be incorrect.

Even worse, in the course of interviews with House members, there were some who provided very serious comments. They revealed that sometimes they were denied their right to information by a technique developed by the senior public officials of not attending when required for meetings of the House or its Committees.

It has become a norm for our Principal Secretaries without any meaningful excuses not to appear in our meeting instead they are represented by merely junior officers. I suspect their avoidance is to escape to be answerable to us. This tendency has made our meetings ineffective as a matter of fact that in most cases these junior officers cannot answer our questions (Senior Member, Interview 3).

In this way, non-appearance by the public officials at meetings of the House or its Committees may be taken as a deliberate act of obstructing the Members of the House who need to be furnished with information. This is one way of avoiding parliamentary scrutiny. It was further noted that this problem has in recent years become common especially in the working of the House’s Committees due to the fact that under the current legal framework, although the House and its Committees are given powers to summon individuals and papers to their meetings, as well as scrutinize the accounts and other matters relating to ministries, departments and other public institutions, they are not directly provided with powers to sanction defaulters.

In addition, within the House of Representatives itself, it does not have a well-organized library or documentation centre. There is just no independent source of information such as research reports, adequate journals or reference materials on even other African or Commonwealth legislatures, or reliable statistical data of government and other public institutions. In short the House is barren as far as the provision of information sources is concerned. For a long time since its inception,
until recently when the House moved to its new buildings, there was a small study room that served inadequately as a library. It was poorly stocked, with two office attendants acting as librarians to look after the room.

After completion of the new buildings of the House of Representatives in 2010, the problem of space for the library was solved, at least for the time being. Also, there has been an increase of staff in the research unit. Four researchers were recruited between 2009 and 2011. However, the library service still is constrained by a lack of adequate physical facilities and reference materials. It was found that the members of the House and its Secretariat have complained about this situation several times but the Government’s answer has been that there is a lack of funds to develop such a reliable documentation centre for the use of the House (Speaker, Pers.com. May 2011; Clerk, Pers.com. May 2011). There is no doubt that the provision of such services and facilities will require government funding. However, it is also true that the cost for the provision of such facilities to the members of the House will not make the Government collapse for lack of funds. It may be thought that the major obstacle here is not the lack of funds alone as is so often claimed, rather there is a lack of political will. The Government does not appear to see the need for the provision of such services or facilities. The fact remains that if the members of the House of Representatives are ever to be effective in their work then they at least need to be provided with at least some basic reference tools and some research assistance. This will enable them to reduce their reliance on the Government in the provision of information.

5.6 Party Politics within the House: More Powers to the Executive
The years of a one-party political system has left a legacy which continues to shape democratic practices in Zanzibar in seemingly undemocratic ways. During the one-party system MPs had to toe the party line at both the constituency and national levels, especially if they wanted to retain their seat or be recommended for candidacy in the next elections. In many respects, the local party organisations were as influential as the national organisation, although the latter could veto decisions from the former. The National Executive Committee of the ruling party often picked candidates who did not top the preferential lists from the party’s district bodies. Those who did not toe the party line could easily lose their seats in parliament. Under
a one-party system there was no need to wait for another election for a dissenting MPs to lose their seat. Since there was no alternative way into parliament, many MPs were therefore submissive to party orders (Mmuya 1998), and by extension, to the Executive. After the introduction of a multiparty system in 1992, it became a constitutional requirement that all members of the Parliament had also to be members of a registered political party. This again placed serious constraints on an MP’s freedom of action in the Parliament and makes political parties very influential in the working of the House of Representatives. These constraints are a central theme of this section.

The participation of political parties inside the House of Representatives is determined by two main parliamentary institutions within the House: the Party Whips and the Party Parliamentary Committee. These institutions are established under Standing Order 15 and 100 of the House of Representatives respectively, and form part of the House’s institutional framework which sets out the conditions within which members of the House can operate. The party in Government and the Opposition have a Parliamentary Whip who co-ordinates their parties’ activities in the House and ensures a sense of discipline among the party’s members of the House. However, these two institutions have emerged to be powerful actors in the working of the House because in practice, a representative’s mandate is counterbalanced by the role played by these institutions.

The party in Government commonly uses its numerical superiority to avoid being held to account. In the course of interviews, some officials of the House pointed out that it has become a norm for the ruling party Parliamentary Committee to be summoned in between the House sessions, especially when the House is discussing serious issues and its members seem to act against the party line, often in defence of the interests of the citizens. In most cases after a committee meeting, the members form a common view to defend the government’s position in the House even if there is clear evidence pointing to malpractice on the part of one or more of the Executive officials. For example, the ruling party Parliamentary Committee played a very crucial role during the 2007/08 Budget Season when the House wanted to call to
account those Executive Officials who were involved in a scandal concerning the importation and sale of out of date rice.

During the discussions on this issue almost all backbenchers from the ruling and opposition parties agreed that some members of the Executive had a case to answer. When it became obvious that the House might form a Select Committee to investigate the matter, the ruling party’s Parliamentary Committee met to discuss the issue. After that Committee met, the mood of the members of the CCM had completely changed when the House resumed its deliberations. CCM members had become patient with and supportive of the Government’s position. When a vote was taken on the issue the Government won 31 against 30 votes, while six members, all from the ruling party, opted not to cast their votes (Hansard Report No. HS-19/07/2007).

Another incident which shows how political parties influence the decisions made by their members in the House occurred during the April 2011 Session when the House was discussing the Committee Reports. Serious corruption allegations were made by a CCM member that there was circumstantial evidence suggesting that bribery was involved in the tendering contracts of the Zanzibar Municipal Council. A motion on the floor of the House proposed that the House form a Select Committee to investigate the allegations rather than to leave the matter to be dealt with by the government. There was not adequate time for the Party Parliamentary Committee to meet, and hence when the votes were cast, the result was 29 to 22 in favour of the backbenchers who wanted the House to form the Select Committee. Again all eight members who remained undecided were from the ruling party. However, the government used Standing Order 77 to request a recount of the votes by calling each member by name and asking them to announce their vote. Prior to the recount of votes, the Chief Whip of the ruling party and his assistants were busy distributing memos to their party members. As a result when the recount was taken the government side emerged victorious, 39 to 20 (Hansard Report No. HS-01/04/2011). This is a good example of how the Party Whip exerts influence over their respective members of the House to ensure that they cast their votes as required.
The overwhelming majority of members of the House who participated in the survey, 42 out of 55 (about 76% of the participants) indicated that for effective legislative accountability of the Executive it was important for the deliberations and decisions of the House to be free from the influence of partisan politics in the House. However, when asked about the extent to which party affiliation of members has influenced the deliberations and decisions of the House nearly all of them (45 or 82%) admitted that party affiliation impacted on the deliberations and decisions of the House. This indicates that the members of the House are aware of their responsibility as representatives of their constituents, but they cannot act beyond their party’s demands. They recognise that the party has the power to end their parliamentary career. Charts 5.18 and 5.19 respectively present results of the opinions of the respondents from two questions:

- How important for effective legislative accountability of the Executive is it for deliberations and decisions of the House to be free from the influence of partisan politics in the House?
- To what extent does party affiliation of members of the House influence the deliberations and decisions of the House?

**Chart 5.18: Importance for the deliberations and decisions of the House to be free from the influence of partisan politics in the House**
Chart 5.19: Extent to which party affiliation of members of the House influences the deliberations & decisions of the House

Taking party affiliation into account reveals that members from the opposition CUF responded more affirmatively than members from the CCM on both questions. Details of these responses are illustrated in Chart 5.20 and Chart 5.21 below.
Chart 5.20: Importance for the deliberations and decisions of the House to be free from the influence of partisan politics in the House by party affiliation
5.7 The Ruling Party/Executive’s Influence over the Speaker’s Decisions

Soon after the first multiparty elections in 1995, the Union Government formed by the incumbent party CCM faced overt challenges from its own party members in the National Parliament. One case is worth noting. During the 1996 budget session an MP from the CCM presented the adjournment motion requiring the Union Government to give an explanation about a deal made between the Minister for Finance and edible oil importers to enable the latter to gain tax exemptions. As a result, the parliament formed a Select Committee to investigate the allegations. However, before the report of the committee was tabled the Minister resigned. The issue was a serious embarrassment not just for the Government but also the ruling party itself. To prevent such embarrassments in the future the ruling party made use of its ongoing review of party organisation to report on this issue. Therefore, the Commission formed by the party early in 1996 was charged with the task of reviewing the working of the party. It was also given the additional task of considering and making a recommendation on the issue (Mmuya 1998).
This Commission made critical recommendations, which were all implemented by the CCM including the following. Firstly, CCM members of the House of Representatives could elect five members from among themselves, to join the party’s National Executive Committee (NEC). While all the CCM’s members are part of the party’s National Congress, the inclusion of a group into the NEC served as an important means of more closely coordinating and controlling them. Secondly, wherever possible, CCM members of the House should be appointed to take up positions in the party secretariat at various levels. Both provisions aimed to bind elected members more closely to the party which put them in office, at the same time ensuring that the party could exercise a firm control over its parliamentary wing. Further, the Commission recommended that the Speaker of the House should be an exofficio member of the NEC and the party’s Central Committee. By this arrangement, the CCM as the ruling party, placed the office of the Speaker within its control in a way in which the Speaker’s parliamentary performance became a matter of party discipline. Even before this move, the Speaker’s position was regarded as more closely aligned with the ruling party than what might be thought proper for good parliamentary procedure.

For example, in 1995 members of the Opposition decided to boycott all activities of the House. The Speaker declared the seats of the opposition members would become vacant if they missed three consecutive sitting days of the House without his permission, as per Section 71(c) of the Constitution. This was a move that many scholars believed had been planned by the ruling party (Bakari 2001). Political activists within and outside Zanzibar protested that the Speaker’s threat was against the principles of the rule of law and possibly violated the spirit if not the letter of the Constitution. However, the Speaker, fully supported by his party, stood firm. It was only a decision by the High Court that caused the Speaker to soften and offer a less literal interpretation of the Constitution’s provision about missing sitting days.

Another incident indicating the Speaker’s partisan actions occurred during the 2004/05 budget session. In June 2004, the Opposition’s Shadow Minister of Finance commented in his speech in response to government’s proposed budget that the prices of petrol and its products in Zanzibar were fixed at the State House for the
interest of the top political figures in the government (Hansard Report No. HS 14/6/2004). Immediately after the presentation the Speaker, at the request of the Minister of State responsible for Finance, ordered the Shadow Minister to prove his allegation. The Shadow Minister argued that under the existing law governing the importation and selling of petrol and its products, all price changes required the approval of the Minister of Finance. Since the President himself was acting as Minister of Finance at the time it was clear that the prices had been set at the State House in which the President occupied the Office. This response angered almost all members from the ruling party who demanded that the Shadow Minister be punished for failing to prove his allegations. The Speaker suspended the Shadow Minister from participating in the business of the House for one year. The Shadow Minister immediately filed a petition with the Zanzibar High Court (Civil Case No. 10 of 2004). In April 2005, nearly ten months later, the High Court quashed the Speaker’s decision and ordered that the Shadow Minister be reinstated immediately. The High Court pointed out that since no punishment is provided in the Constitution (or by the parliament) for such an offence then the Speaker’s imposition of the punishment contravened the provision of Section 12(6) of the Zanzibar Constitution. That is, the Speaker does not have the power under the Constitution or any other law to impose any punishment that has not already been legally specified.

Another victim of the partisan politics within the House of Representatives was the Opposition’s Chief Whip. In the 2007/08 budget session there was vigorous debate over the issue of importation and sale of out of date rice. The debate was resolved by a decision authorising the Government, rather than a Select Committee of the House, the right to investigate the issue and report back to the House. In October 2007 the Government presented its report. It cleared all allegations against the businessmen and other senior public officials. Only two junior officers from the Ministry of Trade were implicated and punished. The Opposition Chief Whip reacted angrily to the Government Report and expressed the Opposition’s dissatisfaction with the way the government was allowed to handle the matter. The Opposition declared its total rejection of the Report. Indeed, the Opposition Chief Whip went further to accuse the government of having used its position in the House to protect the accused businessmen as they were known sponsors of the ruling party during elections
(Hansard Report No. HS-10/10/2007). The Speaker responded by suspending the Opposition Whip, but this time for only a week. Given the brief period of suspension, no legal challenge was instituted against the Speaker.

A similar allegation was raised in April 2011, but this time the Speaker dealt with it differently. A ruling party backbencher made corruption allegations against the Zanzibar Municipal Council and accused the Minister responsible for the Local Government and his Principal Secretary of demanding 10% from private companies to secure favourable consideration in the tendering process. When the Speaker requested the accusation be proved or refuted, the backbencher stood firm and insisted that only a Select Committee of the House would be able to justify or refute his allegations. The Minister in question requested the Speaker to punish the backbencher. Surprisingly and contrary to the actions taken in the previous incidents involving Opposition members, on this occasion the Speaker opted to handle the issue differently and acted as a mediator by trying to get agreement between the opposing parties (Hansard Report No. HS-01/04/2011). No suspension or anything remotely like it emerged. In the whole life of the multiparty House, nearly two decades, there is no record of a ruling party member being suspended or punished for violating House rules and procedures. All cases on record have involved members from the Opposition Party.

The majority of respondents indicated that the Speaker’s decisions are mostly influenced by the Executive and his party affiliation. The responses are presented in Chart 5.22.
Thirty-eight (69%) out of 55 MHRs believed that the Speaker’s decisions are influenced by the Executive or his party affiliation. On the other hand only ten (18%) MHRs of whom nine were from the ruling party believed that the Speaker’s decisions are not influenced at all by the Executive or his party affiliation. Six (11%) other MHRs believed that the influence was only marginal. The remaining one (2%) did not express his opinions. Responses of SOHRs were almost evenly split. While five (50%) SOHRs believed that the Speaker was influenced by the Executive and his party in making his decisions, three (30%) did not, and one (10%) SOHR believed that the influence was only marginal. The remaining one (10%) opted not to express his opinions. The majority of SPOs (16 out of 28 or 57%) also believed the Speaker’s decisions were influenced by the Executive and his party affiliation. Only three (11%) SPOs thought that the Speaker was not influenced at all by the Executive or his party, while four (14%) thought that the influence was marginal. The remaining five (18%) were undecided.

Joseph Warioba, a highly respected retired judge and former Prime Minister of Tanzania, and himself a member of the CCM, once warned the Tanzanian Parliament
that it was losing credibility and and undermining its democratic values because CCM MPs are forced to fulfil the requirements and interests of their party instead of looking at matters according to the principles (Warioba 2007). Increasingly, MPs in the Tanzanian parliament are no longer guided by the national interests but rather almost exclusively by interests of their parties. The sentiment is also shared by the public in general. While presenting public views on performance of the parliament, one daily newspaper commented that the parliaments in Tanzania (the National Assembly and the House of Representatives of Zanzibar) are highly partisan. Whenever an MP tables a very serious matter, it is often taken as a political attack against his political opponents. If the issue is raised by the Opposition, then the ruling party members will do whatever necessary to counter the claim, even if it means compromising the interest of the public and vice versa (Nipashe 2007). As a result, the assumption that the House of Representatives under a multiparty system could be able to enhance its effectiveness as an institution responsible for oversight of activities of the Executive, might not hold as strongly as it has been suggested.
CHAPTER 6 THE EXECUTIVE CONTROL OF RESOURCES

6.1 Introduction
The resources provided to parliaments vary considerably between countries. In some countries parliaments have their own independent service commissions or committees established specifically to determine terms and conditions of service for staff of the parliament, and to oversee the provision of sufficient resources in terms of staff, office space, and equipment (Johnson 2007; Shah et al. 2007). On the other hand some countries, mostly in the so-called developing world, have neither their own independent service commissions nor sufficient resources (Barkan 2009; Johnson 2007; Anjan Umma et al. 2007; Chibesakunda 2001). They have to share whatever staff and resources the governments possess with other governmental departments. Parliaments can become ineffective under such conditions, because they lack adequate professional assistance and in some circumstances, have to end their programmes of work before they are completed (Nassor, 2003). The problem may be worse in Africa because of poor financial resources and lack of adequately trained personnel. As a result some parliaments meet for not more than two months a year because of financial constraints, while others lack adequate professional staff to help them in administrative and legislative works, and other technical issues. Although the problem occasionally is due to a lack of sufficient resources, in most cases the main factor is the reluctance of the Executive to provide the parliaments with adequate resources (2005, 202).

Sekaggy’s (2008, 06) presentation on Parliament and Independent Oversight Bodies points to three conditions which may enhance the capacity of a parliament to hold its executive branch officials accountable. The first condition is that a parliament must be given the legal powers to call any individual or papers it may require to facilitate its works. However, granting powers alone to a parliament is unlikely to make it effective in its oversight functions. It is also important to give a parliament the powers to sanction those who do not comply with its requests. The second prerequisite for successful parliamentary scrutiny is the willingness of government officials and others to submit themselves and their departments to such scrutiny. However, this is not likely to happen where there are no major penalties for
defaulters. The third condition is the availability of adequate materials and qualified human resources to undertake the scrutiny. Authority is meaningless without the power to enforce it.

In this study, the availability of resources is identified by considering the availability of suitably qualified staff, adequate funds and material resources required to enable the House of Representatives to fulfil its oversight functions. Nevertheless, two items, materials and financial resources are discussed together, since as a matter of fact the former depends on the latter. With adequate financial resources, the House will be able to meet at least its basic requirements in terms of material and physical resources.

6.2 Human Resources
Members of staff play a very important role in any legislative set up. They are employed to serve parliamentarians in order to assist their efficiency and to contribute to their effectiveness and diligence in carrying out their responsibilities (Nassor 2003; McGee 2002; Chibesakunda 2001). As has been discussed, one of the key roles of any democratic legislature is to promote accountability of Executive on behalf of the electorate. Since the legislative accountability of the Executive benefits all citizens in a country, there is therefore a need among other things for adequate but very factual information to be made available to parliamentarians by some cadre solely to assist members with administrative, procedural and advisory duties. In many cases the work load for members of parliament is heavy and they may have very little time to search for adequate information which could enable them to perform their duties properly. Hence, there is a need for professional members of staff to be provided to assist members and other officials in the parliament with their duties. Secondly, although members of parliament come from diverse academic and professional backgrounds, they may not possess the knowledge of everything related to law, accounting, economics and policy making as they may have specialized in a particular area. They may also come from a background where such formal education has been lacking or unavailable, as has already been noted in a previous chapter. Therefore competent staff need to be provided to fill gaps which members of parliament are unable to cover. The credibility of work done by parliament, to some
extent, depends upon the effectiveness of its members, politicians as well as on staff drawn from specialized academic and professional backgrounds.

However, the few studies on parliamentary oversight in Africa (Barkan, 2009; Tsekpo and Hudson 2009; and Gasarasi 2004) have revealed that emerging legislatures in new democracies are still facing the problem of insufficient professional staff to sustain modern practice. The working environment of the MPs at the National Assembly of Tanzania has been described thus:

One lacking component in the MP’s resource base is the Human Resource Component in the form of staff or aides. In advanced countries, like the US or Britain, representatives have aides who give advice on policy, do research, organize civic functions, do fund-raising, lobby the local Council… These are services that our MPs do not have, and this is a serious omission… This human resource facility ought to be made available to the MPs and of course this has budgetary implications that both central and local governments must address (Gasarasi, 2004, 89).

In Zanzibar, the Constitution provides that there shall be established the House of Representatives Service Commission which will be mandated to employ, grade, deal with discipline, and other matters relating to employees of the House of Representatives (ZC 1984, §77). However, since the reinstatement of the multiparty politics in Zanzibar, without any stated reason, this constitutional provision was not implemented and staff of the House of Representatives were put under the general Civil Service Commission and treated like any civil servant.

The position changed in 2003 when there were allegations that some employees of the House were involved in the leaking of confidential information of the Committee of the House on Constitution and Legal Affairs. In response, a House Select Committee was formed to investigate the matter. Although the findings of the Committee were not conclusive, two employees who were alleged to be involved in that incident were transferred to different government departments. Being dissatisfied with that decision, one of the employees challenged the decision in the High Court of Zanzibar where she filed a Civil Case No. 58/2003 to sue the Speaker and Clerk of the House and the Director of Civil Service Department of Zanzibar for the transfer purported to have been at the time when there was no House Service
Commission in place. It was in response to that incident and the law suit that the House Service Commission was established in 2004 following the enactment of the House of Representatives Service Commission Act No. 2 of 2004. According to Section 3(1) of the Act, the Commission is chaired by the Speaker. Other members of the Commission are the Chairman of the Zanzibar Civil Service Commission, the House Counsellor and two persons knowledgeable in administration nominated by the Speaker. The Clerk of the House is the Secretary of the Commission.

Presently, the entire staff of the House is employed by and under the House Service Commission, except the Clerk of the House who still remains a presidential appointee. The House Service Commission is now a separate entity, but it does not seem to be entirely detached from the Executive with its Civil Service Commission and this may have its own implications. The House Service Commission has its own salary structure designed with the deliberate intention to employ and retain qualified personnel for the House (Speaker and Clerk, Pers.com. May 2011). This accords with the recommendations of the Commonwealth Parliamentary Association (CPA) workshop held in Zanzibar in 2005. The recommendations were later adopted by the CPA meeting held in Mauritius in 2006. Key recommendations were: to ensure that the parliamentary service be properly remunerated; that retention strategies be put in place; that terms and conditions for parliamentary service be based on the needs of the legislature and not be constrained by those of the public service; and that the parliamentary service include not just procedural specialists, but staff with specialized expertise (e.g., finance, ICT, research, etc.) (Johnson 2007, 9).

However, in Zanzibar this has not prevented the Executive from imposing remuneration scales designed for public servants under the Civil Service Commission to be used as a basis in setting up remuneration scales for members of staff under the House Service Commission. The Executive is able to do this because it is the supplier of all funds for use by the House, including the Commission. As will be discussed in subsequent sections, the House has no budgetary autonomy. It depends on funding authorised by the Executive and this has a number of adverse effects upon the House and its functions. Further, the Executive through the Chief Secretary, who is the Head of the Civil Service of the Government and Secretary of
the Cabinet (ZC 1984, §49), has on several occasions ordered the House Service Commission to set salary and allowances of staff according to directives and guidelines of the General Civil Service Commission. The 2010 constitutional amendments sealed the issue by clearly stipulating that power of the House and Judicial Service Commissions will remain only to propose and recommend salaries and allowances of their respective employees to the Government (ZC 1984, §118). Under this constitutional provision the Executive has been given absolute power to determine salaries and allowances to be paid to members of staff of the House of Representatives. This is contrary to the intention of giving parliaments the power to establish their own Service Commissions in order to enhance parliamentary independence and to be able to retain qualified and experienced employees (Johnson 2007).

The potential for the Executive to influence decisions taken by the Commission can be seen from the composition of the Commission: five members, and one permanent invitee; the Speaker and House Counsellor (who come directly from the House); the Chairman of the Civil Service Commission and Chief Secretary (who come from the Executive); and the last member is a retired Civil Servant. The Director of the Civil Service attends all meetings of the Commission as a permanent invitee. It is interesting to note that the Speaker is the one who appoints members of the Commission. Considering the intention of forming independent parliamentary service commissions, it is unusual for senior executive officials to be appointed members of the Commission and one other to be a permanent invitee. This may be simply described as a continuation of influence of the ruling party and its government over the Speaker’s decisions. Given this background, it was not surprising to find that the overwhelming majority of Senior Officials of the House and a large proportion of members of the House expressed their dissatisfaction with the limited independence of the House Service Commission from the Executive.
As can be seen from Chart 6.1 eight (80%) out of ten SOHRs were not satisfied with the limited independence the House Service Commission from the influence of the Executive. Only one (10%) SOHR expressed satisfaction, and one (10%) did not express an opinion. In the case of MHRs, a large proportion of them 15 (27%) out of 55, said that the Commission was only marginally independent, while 14 (25%) believed that the Commission was not independent at all. That is, over half had little or no faith in the independence of the House Service Commission. Only a small proportion of MHRs, 11 (20%) were happy with the current degree of independence of the Commission, while only five (9%) believed that the Commission is very independent. The remaining ten (18%) were undecided.

Examining these opinions on the basis of party affiliation of members of the House shows a clear division of opinions between the CCM and the CUF on this issue. While members of both the CCM and CUF supported idea that the House should have its own independent Service Commission for there to be effective legislative accountability of the Executive, the same members of CCM and CUF differed considerably in their views on the extent to which the current House Service Commission...
Commission was perceived to be independent from the influence of the Executive. A large number of members from the CCM were satisfied that it was independent whereas the majority of members from the CUF were of the view that the Commission lacked real independence. Charts 6.2 and 6.3 show details.

Chart 6.2: Should the House have its own independent Service Commission?
As can be seen from Chart 6.2 the overwhelming majority of MHRs, 29 (91%) out of 32 and 20 (87%) out of 23 from the CCM and CUF respectively, wanted the House to have its own independent Service Commission. Only one member from each party did not see the need for this. However, opinions were clearly split over the extent to which the House Service Commission decision-making is actually independent. A large proportion of MHRs from the CCM, 15 (49%) out of 32, regarded the House Service Commission as independent or very independent. Only a small proportion, eight (25%) and three (9%), thought that the House Service Commission was marginally independent and not independent at all, respectively. Nevertheless, a substantial number of MHRs from the CCM (six or 19%) opted not to express their views. This may again be due to the fact that some members from the ruling party were either not aware of the administration of the House or generally feared to state their positions publicly especially when their positions did not match those of their party.

The overwhelming majority of MHRs from the CUF were not satisfied with the extent to which the House Service Commission was independent. 11 (48%) of the 23
regarded the Commission is not independent at all, while seven (30%) said the Commission was marginally independent. That is, the majority of CUF responses regarded the Commission as lacking independence. Only one member from the CUF thought that the Commission was very independent. The rest remained undecided.

6.3 Level of Education and Competence of Members of Staff
Unlike members of the House of Representatives, who are likely to come and go every five years, the members of the staff of the House of Representatives are usually employed on a permanent or ongoing basis. They are very important to the House since they carry the institutional memory and are “right hands” of the Members of the House. There were 106 employees of the House of Representatives as of December, 2008, of whom 21 were stationed in a sub-office on the Island of Pemba, and the rest were in Unguja Island where the Head Office of the House of Representatives (and also the seat of the Executive) is located. Generally, the ability of staff to offer specialized advice to the members of the House or otherwise to serve them competently is doubtful. The overall standard of education of the staff of the House is low. Of 106 employees only 12 had a university education or its equivalent. Only six employees possessed a Diploma, 16 employees had completed secondary education (and had at least attended basic professional training in their respective fields). The majority, about 70 employees, had no educational training beyond ordinary level secondary education which, in real terms, means no more than basic literacy. Chart 6.4 below presents the state of educational qualification of the members of staff of the House of Representatives at December, 2008.
This would suggest that the overwhelming majority of the members of staff of the House of Representative are not qualified or sufficiently trained for the jobs they are required to do. Although training courses have been identified both within and outside Tanzania, there were a number of constraints which include lack of funds to pay for training, and lack of will on the part of the Executive. In the course of interviews some officials of the House mentioned that there are several institutions, both in Tanzania and abroad, capable of providing the training suitable for the requirements of the House, but there are limited training opportunities made available. The main constraint seems to be funding.

Financial constraint has become chronic disease, … actually it is a source of other problems such as human and material resources. We plan our training needs and identify training institutions within and outside Tanzania but finally without adequate fund from the government nothing can be implemented (Senior Official, Interview 1).

It was further reported that when training funds are available, they are often routed through the appropriate department of the Executive. As a result many vacancies could not be filled by qualified personnel from amongst those employed by the
House. While launching the Legislative Support Programme (LSP) in Dodoma, Tanzania on 23 April 2012, to be implemented by the National Assembly of Tanzania and the House of Representatives of Zanzibar, the British High Commissioner, Ms Diane Corner, noted that Tanzanian Parliamentary Committees were feeling hampered because they lacked adequate researchers to help them in their work. Bearing in mind that over 60% of all MPs were newly elected in 2010, it was not surprising that many lacked even rudimentary qualifications.

This is particularly true for Committees of the House which frequently find themselves relying on the services of Clerks who possess little knowledge and limited technical support. It was reported that in 2009 and 2010, the Public Accounts Committee (PAC) and the Construction and Communication Committee (CCC) were completely dissatisfied with the performance of their Clerks who were described as incompetent and not capable of providing the necessary support for their Committee. Further, the Committees claimed that their Clerks lacked even basic skills to be able to write the Committees’ reports. Consequently, the Committees’ members had to write their own reports without assistance from their Clerks. As a sign of displeasure with their Committee Clerks, the Committees appealed to the Clerk of the House to replace the Committee Clerks (Clerk of the House, Pers.com. May 2011).

Committee Clerks perform many key roles within the parliament. They prepare agendas for the Committee meetings, provide technical support to the Committees, take notes at the Committee meetings, and then compile reports of the Committee’s deliberations. The success or failure of any Committee may invariably depend upon the competence of the Committee Clerks. During interviews, parliamentarians and senior officers of the House agreed that Committee Clerks actually think for the Committee and that they are the Committees. This reflects what the Committee Clerks are supposed to do. However, the reality is somewhat different. Expressing his concern about Committee Clerks, one member of the House stated that: “For us, clerk is our mentor, we are happy and feel confident when we visit public department with support of experienced [qualified] clerk…but occasionally we are assigned with lazy clerks that we cannot see their assistance” (Senior Member, Interview 3). Clerks therefore, need to have adequate knowledge about the role and functions of the
Committees in the whole structure of the legislature, as well as about the subjects that the Committees have to deliberate on. As one assistant clerk commented: “One challenge which we need to deal with is to ensure our team [Committees Clerks] is improved by giving clerks more opportunities to attend trainings, seminars and workshops related to parliamentary practices and procedures” (Senior Official of the House, Interview 2). Unfortunately the House of Representatives has no training scheme specifically designed for Committee Clerks and even when general training needs are identified their implementation is hampered by lack of adequate funding. Those with a good education have had educational training generally, not in relation to their work as Committee Clerks. Only a few have received training or attachment programmes specifically intended for their proper orientation regarding their work. As a result, it is common to see each Committee Clerk drawing up his own report in the way he knows or thinks to be proper, and there is no uniformity of style and presentation.

Furthermore, as was noted in Chapter Five, an even worse situation was observed in the Library and Research Unit of the House of Representatives. Until quite recently the House has lacked a librarian and a researcher, which is not surprising since there was no library as such. There was, instead, a small room which served inadequately as the library. It was poorly stocked and had only two office attendants. It would appear to be a commonly accepted feature of a parliament to have a well-equipped library with at least some basic reference works, and some research assistance from qualified librarians and researchers.

6.4 Financial and Material Resources
A major problem of many parliaments in obtaining adequate resources can be that the Executive is not likely to give priority to funding a parliamentary body that is exercising oversight of its activities (McGee 2002, 84). This problem has serious implications for the work of the parliament and in particular in its accountability role. For example, financial constraints not only preclude the possibility of adequate time for thorough monitoring of government administration but also mean that the parliament may be unable to equip itself with the required infrastructure such as computer facilities, transport, offices, and a library with adequate related literature and other facilities.
It was reported by some senior ministers and the Speaker during interviews that the Zanzibar budget allocation faces many demands including overall administration, funding of development projects, and infrastructural maintenance of the country. In addition, control of these areas rests with the Executive such that there is limited flexibility for the House’s programmes and priorities in terms of their effectiveness. Currently, the House has the additional cost of its new parliamentary building, built and co-funded through a combination of a concessionary loan and the Government of Zanzibar’s allocation to the House. Although the new building has been completed and opened since August 2010, the House will continue to pay its portion until 2017. This increases the financial burden on the House and leaves it with limited funds for key functions such as the Committees’ work on oversight, training, consultations on proposed policy, budget scrutiny and law making activities. As a result the House sometimes has to rely on donor contributions to supplement its budget. However, since the donor contributions are often targeted to the specific areas of interest of their sponsor, it is often the case that the donations and the needs of the parliament do not necessarily align.

Of particular significance is the fact that the House of Representatives has no budgetary autonomy. All funds available for any of its activities have to be sought and obtained from the Executive subject to whatever limitations the Executive may impose. This has a demeaning effect upon the stature and authority of the House. One might argue that with the establishment of the House of Representatives Budget Commission after the introduction of the multiparty system, the budgetary autonomy of the House might be enhanced. The argument would carry some weight if only the Commission had been left to work independently and given adequate power to determine all matters relating to budgetary process of the House. The reality is that the Commission is marginally independent and it does not have adequate powers to make its own decisions. While considering the budget of the House, the Commission has to observe directives including the budget ceiling imposed by the Executive. Also, the composition of the Commission may to certain extent be influenced by the Executive. According to Standing Order 143 three members out of nine members of the Commission come from the Executive. These include the Minister of Finance,
the Minister of Planning and Economic Development, and the Chief Treasurer. It may be argued that representatives from the Executive need to be members of the Commission because the Executive needs to be aware of how much money will be spent by the House of Representatives so that the Executive can adjust its budget accordingly and release the funds on time. However, in reality the members from the Executive on the Commission play more than a liaison role. They present the position of the Government financially and indicate the actual amount of money which the Executive is willing to release as a budget for the House. They also impose financial guidelines which need to be followed by the House in setting its budget priorities. As a consequence, the House of Representatives often encounters a budget deficit which affects its effectiveness in carrying out its mandate.

One way to determine how the financial constraints have affected the effectiveness of the House in its accountability role would be to examine the budget trend for activities of the Committees of the House in the past several years. Such data might have revealed exactly how much money was required for the Committees’ activities and how much was made available. However, it was not possible to get the required data because no separate records on Committees budgets had been kept. An alternative approach was to look at the number of the Committees’ working days because that would show how much funding was made available by the Executive to cover the Committees’ costs which would include sitting costs, transport, stipend allowances, and other contingencies. These particular working days of the Committees are to be distinguished from the days in which they meet to consider the Government Bills due to be tabled in the House of Representatives for enactment. It was reported by the Clerk (and also his assistants) that the Government is always very keen to see the House is given adequate funds to finance the Committee sittings when they consider its Bills (Clerk of the House and Senior Officials of the House, Interviews). The Government is aware that in order for the Bills to be tabled and approved by the House of Representatives they must first be considered by the Committees. Hence it always ensures that there are sufficient funds to cover legislative activity. Hence the meeting days of the Committees for legislative purposes are not included in Table 6.1.
The Standing Committees are required to work at least four months a year, at least one month after every session of the House in order to be able to follow up effectively, and to monitor the implementation of the budget to the Government Departments and Institutions. However, in practice the Standing Committees of the House have worked for approximately only three to five weeks for every year from the financial year 1995/96 to 2004/05. The situation slightly improved from 2007/08 to 2009/10 in which the Standing Committees met for at least eight weeks a year, two weeks after every House Session. Table 6.1 presents a working trend of the House’s Standing Committees from the financial year 1995/96 to 2009/10.

**Table 6.1: Trend of Working Days of the House’s Committees from the 1995/96 Financial year to the 2009/10 Financial Year**

<table>
<thead>
<tr>
<th>Year</th>
<th>No. of Weeks Unguja</th>
<th>No. of Weeks Pemba</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>2009/10</td>
<td>4</td>
<td>4</td>
<td>8</td>
</tr>
<tr>
<td>2008/09</td>
<td>4</td>
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<td>2007/08</td>
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<td>2006/07</td>
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<tr>
<td>2005/06</td>
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<tr>
<td>2004/05</td>
<td>3</td>
<td>2</td>
<td>5</td>
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<td>2003/04</td>
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<td>1996/97</td>
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<td>1995/96</td>
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<td>1</td>
<td>3</td>
</tr>
</tbody>
</table>

*Source: House of Representatives*

The above data shows that the actual working days of the Standing Committees usually did not exceed eight weeks. The shortage of funds was perceived to be the major obstacle which hindered the possibility for the Committees to have adequate time for thorough monitoring of the Executive branch of the Government.
Consequently, some Government Departments were not examined regularly while for others their investigations were not completed. It would be unreasonable to expect a Committee to effectively complete four months of work within two or three weeks as happened in 1996/97 and 1995/96.

Lack of adequate financial resources not only precluded the possibility of more time for monitoring the Executive, but for many years meant that House was unable to equip the Committees with required facilities such as computers facilities, transport, research assistants and office space. A number of interviewees commented that until quite recently the Committees even lacked a meeting room (Senior Official of the House and Senior Members, Interviews). All the committees’ activities were coordinated in a single office of the Head of the Committees Section. Committee meetings were usually held either in the reading room, conference room or sometimes even in a cafeteria. The Committees very often were required to travel up and down the country conducting enquiries and investigations yet did not have a single lap-top computer for their use.

On other sections of the secretariat, the House found itself with a limited number of qualified and competent employees because of limited incentive packages to attract new staff and retain existing staff. As is revealed in the comments below, the remuneration levels for the members of staff of the House are seen as not competitive enough to attract the best employees to stay in the service of the House of Representatives. There is little motivation for the staff to perform optimally and it was mentioned that the conditions of service in some other public institutions are comparatively better. In the course of interviews, almost all officials of the House including the Speaker expressed their concern about the low level of remuneration packages for members of staff of the House compared with some other public institutions. The Speaker spoke of how some senior officials of the House resigned and were employed in junior positions elsewhere.

I think you still remember [interviewer at one time was employee of the House] incidence in which some of our good employees decided to resign just because of our problem of financial resources…this problem also used to affect new recruitments, many people did not even bother to join with this institution (Speaker, Interview).
In many cases the new employers offered better remuneration than the House of Representatives and that attracted workers.

…how would you manage to convince your member of staff to stay working here when he has been given an offer with attractive package to work with let’s say ZRB [Zanzibar Revenue Board]? Definitely we won’t…Only with our own budgetary autonomy we can at least properly deal with this issue [to be able to retain employees] (Clerk, Interview).

As mentioned earlier, remuneration structures applying under the general Civil Service have been used as a basis for scaling down some allowances payable to the employees of the House of Representatives. It is highly probable that the decisions to scale down allowances are made first because the responsible Executive officials are not aware of the nature and extent of the work that the employees of the House perform, and the justification for their adequate remuneration. Also, it could be linked to the fact that the House of Representatives has no budgetary autonomy and has to rely on the Executive for its budgetary requirements.

Similarly, lack of budgetary autonomy and appreciation of the functional requirements of the House may also be reflected in the sheer neglect suffered by the House in relation to the availability of physical and material facilities. Until its recent move to its new purpose built structure, the House of Representatives was housed in buildings that were originally designed and constructed, and actually used, as a social club intended for leisure and entertainment activities. When the House was first established, these buildings were converted by making a few necessary modifications for it to be able to be used as a legislature. It must be appreciated, all the same, that although the buildings were not originally intended to be used as a legislature, the Executive provided resources to have the structures adapted to serve as the House of Representatives. Some of the serious concerns about the buildings were that they had insufficient space to allow for two or more Committees to conduct their meetings simultaneously. There was not enough office space to serve the members and secretariat of the House or to provide support facilities. There were few desk-top computers; less than 20 units were installed in a common room to be used by all members of the House whose number exceeded 80. The House did not have a printing unit of its own that would enable it to publish and produce its own reports.
and other materials. It had to commission or contract other institutions to print at a considerable cost (Clerk Interview and Speaker, Interview).

With the completion of the new parliament house in August 2010 many of these deficiencies have been addressed. Problems such as lack of office places for members of the House and members of staff have been properly solved in the new building. There is now sufficient space and rooms to accommodate the Committee meetings, the library and its facilities. The government, has agreed (with some reluctance) to increase the House budget slightly in order to enable the House of Representatives to meet some new requirements of the new buildings. Also, the House of Representatives has secured funds from the donor community which was reported to be coordinated by United Nations Development Program (UNDP) to enhance the capacity of its members and employees so that the House may be able to perform its functions at an optimal level. Some training needs have been identified and both the members and employees of the House have been given opportunities to participate in the training both within and outside Tanzania. Also, facilities such as an Office, Information Technology (IT), Printing and Hansard facilities have been slightly improved by using the donor’s funds. Definitely, these facilities have improved working conditions for members of the House as well as members of staff of the House.

Further, as a strategy to reduce staffing problems, the House recruited 15 new employees between January 2009 and January 2011. The new employees are all graduates and fresh from school. Their fields of specialization include: three in Public Administration; three in Computer Science; three in Economics; and one each in Journalism, Mass Communication, Public Relations, International Relations, Human Relations, and Human Resource Management. They have been posted to different sections of the House especially those which were in a critical condition such as the Library and Research Unit which was given six new staff members. Others were distributed in the Committees, Information Technology, Public Relations, and Manpower Sections.
These new members of staff should help to improve the performance of the Secretariat of the House in providing the required services to its members and to enable the House to carry out its mandate effectively. It was reported during the interviews that the Secretariat of the House was generally satisfied with the basic academic qualifications and initial performance of the newly employed members of staff.

I think with these new graduates, the House has taken a step forward to improve its Secretariat. Although they are not hundred percent perfect, their performance at least meets minimum standard of expectation (Senior Official of the House, Interview 1).

They are all quite young graduates who have just completed their studies and started their working life. They only lack workplace experience and skills to enable them to perform at an optimum level. In spite of these encouraging and useful steps, which may act as a catalyst in enhancing the effectiveness of the House, there were other areas which still raised serious concerns. For instance the library service was still constrained by lack of reliable and adequate physical facilities and reference materials. The Members of the House also do not have office accommodation and facilities in their constituencies. Existing plans and programmes, both sponsored by donors and funded by the House budget do not provide for a solution to this particular problem. Members need office accommodation in their constituencies to meet with people in their electorate. Those members wishing to hold meetings with their constituents often do so in their respective party offices. This makes the meetings between the Members of the House and their constituents look like political party meetings. This does not give the right impression and could appear to go against the idea that once elected a member represents all people in the constituency irrespective of the political parties to which they belong or which they support.

The survey data gives another empirical illustration of selected aspects relating to the human and financial resources of the House. Given that the level of competency in terms of qualifications and expertise of employees of the House of Representatives may affect the performance of the House, respondents were asked about

- the degree of importance for the House of Representatives to have adequate numbers of competent and qualified employees to assist the members of the House to fulfil their constitutional duties, and
• the level of competency in terms of qualifications and expertise of the employees of the House to Representatives to serve the House and its members to fulfil their duties.

The results revealed some interesting observations. In answer to the first question the overwhelming majority of respondents from all three categories stressed the importance of having an adequate number of competent employees of the House in order to assist it and its members to fulfil their duties. The responses to that question are summarized in Chart 6.5.

**Chart 6.5: Importance of the House to have an adequate number of competent employees to assist the House to fulfil its constitutional role**

Forty-two (76%) of 55 MHRs, nine (90%) of ten SOHRs, and 18 (64%) of 28 SPOs felt that it was very important to have an adequate number of competent employees in terms of qualifications and expertise. The proportion of the MHRs and SPOs increased to 51 (93%) and 26 (93%) respectively if nine (16%) MHRs and eight (29%) SPOs, when those who said that it was important are added. Only three (5%) MHRs and one (4%) SPO regarded this as not important. One respondent from each category remained undecided.
The other question aimed to identify the perceptions of Members and Senior Officials of the House on how they gauge the level of competency of the employees of the House. A large proportion of respondents from both groups thought that the current employees of the House were competent enough to assist the members effectively fulfil their duties. Chart 6.6 provides the details of the views of the respondents.

Chart 6.6: Opinions on level of competency (in terms of qualifications & expertise) of employees of the House to serve the House & its members to fulfil their duties

Of the 55 MHRs, 25 (45%) thought that the current employees of the House were competent to serve the House and its members. In addition, eight (15%) MHRs were of the view that the current employees were very competent. Together, 33 MHRs is equal to 60% of all members of the House who participated in the survey. In contrast 15 (27%) MHRs acknowledged that the level of qualifications and expertise of the employees of the House was still marginal. One (2%) claimed that the current employees were not at all competent in terms of the required qualifications and expertise. The remaining six (11%), opted not to express their views. Opinions of the Senior Officials of the House were that three (30%) said the current employees of the
House were competent to serve the House and the same proportion believed the employees of the House were marginally competent. The other two (20%) said that the employees of the House were very competent and the remaining two (20%) did not express their views.

In order to understand whether the members were influenced by their political parties in expressing their views, the data also was analysed based on party affiliation. It was surprising to see that members from both the ruling and opposition parties expressed their satisfaction with the level of competency of the employees. Chart 6.7 shows that a large proportion of respondents 13 (41%) out of 32 and 12 (52%) out of 23 respondents from the CCM and the CUF respectively thought that the employees of the House were competent in terms of the required qualifications and expertise. The proportion of the CCM’s MHRs increased to 19 (59%) when six (19%) more were added who were of the view that the employees of the House were very competent. Likewise, the proportion of the CUF’s MHRs became 14 (61%) when two (9%) more were added who said that the employees were very competent. There was a relatively small proportion of MHRs who expressed displeasure with the level of competency of the employees of the House. These were ten (31%) MHRs from the CCM, of whom one (3%) was not satisfied at all with their competency, while the rest, nine (28%), thought that the employees were marginally competent. On the CUF side, six (26%) said that the employees were marginally competent. The remaining three (9%) from CCM and three (13%) from CUF did not express a view.
Although the perceptions of the majority of respondents have revealed that the existing levels of competency of employees of the House are satisfactory, the reality and evidence which were found from the House clearly indicated that it is partly hampered in fulfilling its mandated functions by the lack of skilful and competent employees. If the perceptions of the respondents from the survey were correct, one might ask why the House has engaged in short and long term programmes of capacity building (which include training programmes for the existing employees and a plan which involves recruitment of a large proportion of new competent and qualified personnel). Also, the UNDP in its report on the Deepening Democracy in Tanzania Project (2008) which covered the Union and Zanzibar Governments, has identified the building capacity of the Secretariat of the House of Representatives of Zanzibar as an area of serious concern. One might also ask why the funds contributed by the donors and coordinated by the UNDP have mostly been directed to the area of employment and building capacity of employees of the House of Representatives.
One possible explanation which might explain the perceptions of the majority of the respondents is that they expressed their views during the period when the House had already started to implement its intensive programs of training and new recruitments. Of the 15 new members of staff of the House recruited between January 2009 and January 2011, ten were recruited in 2009. Most of the new members of staff were posted in the Committees and Research Units to directly assist members in their functions. Although these members of staff were new and might have lacked work experience, they possessed the necessary education qualifications to help members of the House to fulfil their functions. Also some members of staff had already been given training opportunities within and outside Tanzania.

Conversely, views which were observed from the survey on the trends and sufficiency of the budget allocation, and the state of the budgetary autonomy of the House have almost corresponded with the reality and evidence which were obtained from interviews and documentary analysis. In this aspect the respondents were asked to express their perceptions on the trend and state of financial resources in the House of Representatives. Questions related to:

- the importance for the House of Representatives to have budgetary autonomy with respect to its financial resources;
- the degree of budgetary autonomy of the House of Representatives with respect to its financial resources; and
- the extent to which the current budget allocation for the House of Representatives is sufficient to finance its operations.

Responses to the first question showed that while the overwhelming majority of Members and Senior Officials of the House saw the importance for the House to have budgetary autonomy, there were clear divisions in the opinions of the Senior Public Officials as is shown in Chart 6.8.
Of the 55 MHRs, 35 (64%) thought that it was very important for the House to have budgetary autonomy with respect to its financial resources, and ten (18%) saw it as important. Thus 45 (82%) members regarded budgetary autonomy as important. Only a small number of MHRs, two (4%) said that it was not important, while another five (9%) thought budgetary autonomy was of marginal importance. The remaining three (5%) did not express their views. Likewise, six of ten SOHRs, (60%) said that it was very important, and two that it was important, meaning that 80% thought it was important for the House to have budgetary autonomy. The remaining two (20%) opted not to express their views.

By contrast there was a clear division in the opinions expressed by the SPOs. In spite of the fact that half of the SPOs, 14 (50%) out of 28, agreed that it was important for the House to have budgetary autonomy, of whom three (11%) stated this was very important, there was a considerable proportion who played down its importance. Five (18%) said the importance was only marginal and another five (18%) said it was not important at all. The rest, four (14%), of the SPOs remained undecided.

The data shows that there was still resistance on the part of the Executive branch Officials to see that the House of Representatives was given budgetary autonomy.
with respect to its financial resources. One possible reason which made some Senior Officials of the Executive hesitant about accepting the House having its own budgetary autonomy was that this would enhance the capacity of the House financially and materially. Also, the House would be able to hire an adequate number of skilful and professional personnel capable of assisting its members to effectively and efficiently carry out their functions including scrutiny of the Executive. As such the House might be in a better position to expose any misdeeds of the Executive officials thereby endangering their positions.

On the second question there was more or less a consensus among respondents that the House does not have budgetary autonomy. Chart 6.9 shows details of the opinions from the respondents.

Chart 6.9: Degree of budgetary autonomy of the House

The overwhelming majority of the Members and Senior Officials of the House perceived that the House does not have budgetary autonomy. These included 43 (78%) MHRs out of 55 and eight (80%) SOHRs out of ten. There was only a small proportion of respondents from both sides who thought that the House had budgetary autonomy with respect to its financial resources. Of these, there were six (11%) MHRs who said that the House was autonomous and three (5%) who said that the House was very autonomous. Even by combining “autonomous” and “very
autonomous”, the proportion still remains small only nine (16%) members. From the SOHRs only one (10%) said that the House was autonomous. The rest three (5%) MHRs and one (10%) SOHR decided not to express their views. A slightly different picture emerged from the SPOs’ data. It is interesting to note that proportion of SPOs who remained undecided was almost at pick. They were ten (36%) of 28. This proportion is relatively large when one considers that the highest tally in this category was 11 (39%) SPOs who believed that the budgetary autonomy of the House was only marginal. It may be argued that the undecided Officials were either not aware of the parliamentary practices and procedures within the House or they were not ready to acknowledge that the House was not financially autonomous.

The data for the third question about whether the current budget allocation for the House was sufficient to finance its operations shows unanimity among respondents that the budget was not sufficient. In response to this question only two (2) categories of respondents, members of the House and Senior Officials of the House were asked to express their views. This is because only the House itself could be in position to understand whether the current budget allocation was sufficient or not to finance its operations. Their views are summarized in Chart 6.10.

**Chart 6.10: Sufficiency of the current budget allocation for the House**
Almost all the respondents agreed that the current budget allocation for the House of Representatives was not sufficient to finance its operations. Out of all respondents from both categories only three respondents (two Members and one Senior Official of the House) did not express directly their displeasure with the current budget allocation of the House. These included one respondent from each category who decided not to express their opinions and one respondent from the list of members of the House who said that the budget allocation was sufficient. The rest, 53 (96%) MHRs and nine (90%) SOHRs were of the view that the current budget allocation was not sufficient. This result is an expression of dissatisfaction and frustration of the respondents with financial conditions in the House, which in turn affects all of its activities. It is also a reflection of what has been earlier observed from the interviews that the House lacks budgetary autonomy and documentary analysis on aspects relating to financial resources.

The above discussion was aimed to assess the extent to which the House of Representatives is free from the executive control in determining its own resources. It was observed that since the introduction of the multiparty system, several changes have been made to improve both the availability of resources to the House and level of the House’s freedom to determine its own resources. The House has been given power to establish its own Independent Service Commission to deal with all matters relating to the office’s administration and management and to determine terms and conditions of service for the House staff as well as a House Budget Commission to consider and approve the budget of the House. Presently the entire staff of the House are employed by the House Service Commission except the Clerk of the House, who is still a presidential appointee. In theory, the changes were made in order to make the House more independent from the Executive and to enhance its capacity to hold the Executive accountable.

However, the findings have revealed that in spite of the changes, the Executive still maintains significant control over the House’s resources. Although the Executive allows the House to have its own separate entities responsible for its human and financial resources, in reality both entities do not seem to be entirely detached from the Executive. The Commissions are marginally independent and they do not have
adequate powers to make their own decisions. For example while considering the budget of the House, the House Service Commission has to observe directives which include the budget ceiling imposed by the Executive. The House Service Commission has its own salary structure designed with a deliberate intention to employ and retain qualified personnel for the House. But the Executive as a controller and supplier of all the funds for use by the House, and tends to impose remuneration scales designed for public servants under the general Civil Service Commission to be used also for the staff of the House. As if this was not enough, the 2010 constitutional amendments sealed the issue by clearly stipulating that the power of the House and Judicial Service Commissions would remain only to propose and recommend salaries and allowances of their respective employees to the government. Under this constitutional provision the Executive has been given absolute power to determine the amount of salaries and allowances to be paid to members of staff of the House of Representatives. This is contrary to the intention of giving parliaments the power to establish their own Service Commissions in order to enhance parliamentary independence and to be able to retain qualified and experienced employees.

The above observation together with other findings which have been discussed in previous chapters place the whole concept of parliamentary accountability of the Executive in Zanzibar in serious jeopardy. A detailed appraisal and a summary of all the study’s findings is a subject matter of next chapter. In this conclusion the research questions of the study are related to the findings in order to understand the relationship between them as well as to understand the state of parliamentary accountability of the Executive in Zanzibar in a multiparty context. In so doing a conclusion and recommendations for future research are also presented.
CHAPTER 7 CONCLUSION: PARLIAMENTARY ACCOUNTABILITY IN A MULTIPARTY CONTEXT

7.1 Introduction

Zanzibar embraced a multiparty system of government as part of the wave of democratisation that occurred in the 1990s in various countries in Africa. It was envisaged by leaders and citizens alike that a multiparty system would assist the development of the accountability of government to the citizens, either directly or through their representatives (Meskwa 2004; Dzimbiri 2000). This thesis examined this particular facet of accountability, namely that which occurs between the executive arm of government and the parliament. The thesis took as its starting point the idea that accountability was “a relationship between an actor and a forum, in which the actor has an obligation to explain and to justify his or her conduct, the forum can pose questions and pass judgement, and the actor may face consequences” (Bovens 2007, 450). That is, accountability was understood in terms of a relationship that involves a forum to which the actor must answer. It is the specific idea of ‘answerability’—of giving an account of actions taken—that was central to this study. The thesis focused on assessing the institutional arrangements between the executive arm of government (i.e. the actor) and the parliament (i.e. the forum). Hence this study was designed to examine the extent to which the reforms restored the parliamentary authority of the House of Representatives to something approximating the Westminster model of parliament. As was discussed in Chapter Two, the Westminster model inherited by Zanzibar when it achieved independence in 1963 did not last very long. However, the point to be stressed here is that democratisation raised expectations that the new multiparty arrangements would move Zanzibar’s political system much closer towards a Westminster model of parliamentary accountability.

One main indicator that the authority of the parliament has been improved, if not restored, is its capacity to oversee the working of the government in ways that hold the government’s actions accountable to the parliament. Hence, the focus of the study was to assess the extent to which the House of Representatives has been able to improve its capacity to hold the Executive accountable. And if not, what factors
might be constraining that capacity? In order to answer these questions the institutional changes were identified and analysed with reference to the documents, records and reports detailing the nature of the reforms in the Zanzibar’s political system. In addition, the study explored the views of the members of the House and others within the parliamentary system to gain insight into how key political actors experienced and interpreted these changes. Of particular interest were their views as to whether there had been an improvement in the House’s capacity to hold the Executive to account. And if they perceived no improvement then the study tried to identify what they saw as the key constraints. In this way the study aimed to contribute to the scholarship on democratic transitions, to policy discussions on the nature of the legislature and powers, and perhaps most importantly to the practical development of the institutions of democratic governance in Zanzibar (and Tanzania).

7.2 Summary of Findings and Conclusions
The study has revealed that, compared with the situation of the one-party government, there have been some improvements in the effectiveness of the House in holding the Executive accountable. These improvements have been facilitated by significant structural reforms of the political system, in particular a series of major changes to the Constitution, which began in Tanzania in 1992. Since 2005 these improvements were also enhanced by the actual presence of an Opposition Party within the House. Prior to 2005 an effective opposition party was lacking for almost all of the first ten years (1995-2005) of the multiparty system since the Opposition boycotted the activities of the House of Representatives to protest against the results of 1995 and 2000 presidential elections. But since 2005 the Opposition Party has played a significant role in enhancing the accountability of the Executive, especially in a political situation where the parliament is strictly dominated by partisan politics and strong party discipline. In recent years the Opposition has effectively participated in the House’s business which in turn has brought a significant positive impact on House’s performance.

The on-going constitutional and structural reforms have gradually started to improve progressively the position and status of the House against the Executive. While members of the one-party House of Representatives were predominantly political
cadres elected indirectly through their positions in the ruling party, with the multiparty system things have started to change. Through various amendments, the representative character of the House has been progressively enhanced and the number of members appointed directly by the Executive has gradually reduced. Reforms have also been made in the formal Executive-House power relationship. Specific provisions have been set in the Constitution concerning the separation of powers between the three organs of the government. There is also an explicit mention in the Constitution of the accountability of leaders to the people directly and through their representatives in the House. The rules and procedures of the House have also been progressively improved by enacting stronger provisions to strengthen the House’s immunities, powers, and privileges and its Standing Orders. These constitutional changes have aimed to enable the House to perform its functions more independently, effectively and efficiently. They have been especially important for embedding safeguards to protect members of the House from arbitrary arrest and harassment by any state organ while discharging their functions as representatives of the people. This further assists ensuring free and frank debate in the House and its Committees as well as equitable opportunity for all members of the House be heard.

A number of examples have been detailed in the discussion of the performance of the House in Chapter Four to illustrate the extent to which the House has improved its capacity for oversight. However, one more example occurred very recently while the final draft of this study was being prepared. On the 18th July, a boat capsized while on its way from Dar es Salaam to Zanzibar. Over 100 people died (Daily News 20/07/2012). This tragedy provoked two days of stormy and heated debates in the House over the Ministry of Infrastructure and Communication’s responsibility for the accident. This Ministry is responsible for marine transportation in Zanzibar. As a result of these debates, the Minister for Infrastructure and Communication tendered his resignation (Daily News 24/07/2012). This is the first time in the recent history of Zanzibar that a Minister has resigned as an accountability gesture. While it could be argued that the resignation was nothing more than political expediency in adapting to suit a new political environment of reconciliation, the role played by the House in the process cannot be ignored. This is particularly true when one considers that the same Minister had ignored a public outcry just one year earlier when another ferry accident
occurred between the Island of Unguja and Pemba. This tragedy resulted in the
deaths of more than 300 people. On that occasion the Minister ignored calls to resign
(The National 12/09/2011). Hence the Minister’s resignation in July 2012 can be
considered a step forward in the working of the House, especially in holding
members of the Executive accountable.

Despite the fact that the House of Representatives has gradually been improving its
powers and capacity, it still faces an extremely powerful Executive. The
constitutional powers of the House with respect to the Executive are in many areas
still very fuzzy and not clearly stipulated. By contrast, the Executive powers over the
House are clearly expressed in the Constitution. The division of powers between the
Executive and the House still favours the Executive, in particular the power of the
President which can be used to exercise not only the Executive functions but also to
exercise control over the House of Representatives. This is even more pronounced
when it is considered that of those who enter the House by indirect means at least
sixteen (20%) owe their membership wholly to the President. This number includes
ten members who are directly nominated by the President, the Attorney General, and
until recently five others by virtue of having been appointed Regional
Commissioners by the President. This figure does not include Ministers and Deputy
Ministers whom the President is empowered to appoint from among the members of
the House. The President is free to choose such Ministers from any type of the
members of the House, be they directly elected or appointed. It is clear with this
composition the Executive has some significant representation within the House.
This is not healthy for effective legislative accountability. Also, although legislative
power rests in the legislature as a whole, the Constitution provides that the
concurrence of both the House and the President is necessary for a Bill to become
law. In fact, it is the President who has the final decisive voice as the Constitution
provides that a Bill once passed by the House cannot become law until assented to by
the President. The overall effect of this systemic relationship is to constrain the power
of the House.

In addition, the Constitution empowers the President to establish and abolish offices
within Zanzibar, and to appoint and dismiss office-holders (including the Clerk of the
House). No provision was made in the Constitution for any role for the House of Representatives in appointing and dismissing public servants. The President, in exercising his functions, is authorised to act on his own discretion without being obliged to follow advice tendered by any person or institution. Although the House has as one of its primary functions a responsibility to provide advice to the Government, the President has been given absolute powers of decision-making without any restraints on any matter that he chooses to address. The President can take advice from anybody he chooses and can ignore any advice given by others, including advice from the House. Finally, in the democratisation process the President has also been given unprecedented power of dissolution without his own position being affected. For its part the House has no reciprocal power over the President. As has been shown, in practice the House cannot terminate the President’s term in office. This is to say that democratisation has yet to impact significantly on the power of the Presidency, and by extension the Executive as a whole.

Another constitutional setback which has hampered the efficacy of the House to control the Executive is the absence of effective parliamentary power to enforce its decisions and punish defaulters. As things currently stand, public officials do not have much to fear from flouting various financial and other regulations. Nor do they have much to fear from being held accountable for their acts since neither the House nor its Committees have direct constitutional powers to enforce House’s decisions or to discipline public officials. The only weapon which can be used by the House is its constitutional power to render a vote of no confidence in the Second Vice-President who is the leader of government business in the House. However, as has been established in Chapter Four and Chapter Five, the constitutional procedures to be followed and the balance of partisan politics and dominance of the ruling party within the House makes such a vote of no confidence almost impossible. The only means left to the House to influence the Executive, at least to work on some of its decisions, is to use its power to reject the Budget. However constitutionally, and as noted by some senior members of the House, to reject the government budget may also jeopardise the existence of the life of that parliament itself, and that makes it unlikely to be used.
This study has also revealed that irrespective of the powers given to the House towards overseeing and advising the government, the practice since the reinstatement of the multiparty system has been for members of the House, from both the ruling and opposition parties, to bow to orders and instructions given by their parties. This practice is partly due to the fact that the Constitution requires all candidates standing for election to be a member of a registered political party. If the party expels or disendorse one of its members, then that member loses their seat. Independent candidates cannot be voted for in Tanzania or Zanzibar. This problem is compounded by several strategies adopted by the ruling party (CCM) to ensure it exerts a firm control over the House. These strategies, coupled with the constitutional constraints discussed above, work to undermine the powers and obligations of the House to hold the Executive accountable. In many respects, members of the House have become party puppets. That is, they are in most cases more willing to defend the interests of their parties rather than those of their fellow citizens. Another implication of linking members of parliament to membership of a recognised political party is that it undermines the notion of the parliament as a representative body since it is virtually impossible for an MP to be independent of the party leadership. In other words it may be argued that the constitutional set-up has begun to entrench a particular type of party system in which MPs are locked into party structures rather than to their electorates. In addition, within the House itself, the party Whips and the Party Parliamentary Committees have emerged to be strong, powerful mechanisms which work to co-ordinate activities of their parties in the House and to impose a sense of discipline on their MPs. This again places serious constraints on members’ freedom of action in the House and makes political parties very influential actors in the working of the House.

Apart from the constitutional constraints to effective parliamentary accountability of the Executive, the study has also established that the House of Representatives has to grapple with numerous technical as well as organisational constraints. The study has shown that as a result of the educational qualification set by the Constitution (i.e. the ability to read and write Kiswahili) the current level of education of many members of the House is low. This makes it difficult for them to collect information and conduct research independently of their party or the House. This means that many of
them rely mostly on the House’s library and professional staff to get information on the working of the Government. This is compounded by the fact that the House itself struggles to develop its information capacities since it has no reliable and well equipped information or documentation unit at its disposal. Also, the House lacks adequate expertise to address important but specialised legislative and financial matters. The ability of the House to supervise the Executive depends, to some extent, on how well the members of the House are informed. However on many occasions members of the House are mostly dependent on the Executive for their information and other technical needs. The above observation notwithstanding, this is partly offset by the creation of the House’s Service Commission. In general the study found that the House of Representatives of Zanzibar, like many other parliaments in new democracies, is still facing problems of insufficient resources, including professional staff to assist and advise representatives on issues such as policy, research, accountability and law making.

Perhaps the most important matter affecting the House of Representatives is that it has no budgetary autonomy. While the Executive allows the House to have its own separate institutional entity—the House Budget Commission—to determine all financial issues relating to the House of Representatives, funding still has to be sought and obtained from the Executive, and is subject to whatever limitations the Executive may impose. This has a demeaning effect upon the stature and authority of the House. The reality is that the Commission is marginally independent and it does not have adequate powers to make its own decisions. While considering the budget of the House, the Commission has to observe directives including the budget ceiling imposed by the Executive. Also, the composition of the Commission may to a certain extent be influenced by the Executive.

The above notwithstanding, it would be naïve to conclude that the House of Representatives is still as weak as it was during the one-party system. It is more appropriate and prudent to acknowledge and applaud its progress and improvements in holding the Executive politically accountable without pretending that it has reached the optimum level of its performance. However, even if the constraints identified in this study are properly addressed, there is no guarantee that the House
will then be free from other obstacles to its oversight functions. For here the systemic nature of Zanzibar’s multiparty system remains an interesting constraint. Unlike Western representative democracies, there is no provision within the multiparty system for independent members of parliament to emerge. This means that the scope of the multiparty democracy is limited. Granted, a similar criticism might be made of Western representative democracies in the sense that even though any citizen is eligible to stand for election to their parliament, the expenses involved coupled with the need to lodge a substantial deposit means that in practice most ordinary individuals find themselves precluded from active participation in the political system. Nevertheless, at least in principle, in Western multiparty democracies there is no institutional barrier in which membership of a party is a prerequisite for being eligible to stand for election.

This remains an important difference between the Zanzibar multiparty system and those of more established Western democracies. Whether this will be addressed in the future in Zanzibar remains to be seen. However, new challenges will emerge as they do even in old democracies. And as these challenges arise there might also emerge the possibility that this aspect of the multiparty system will be reformed further. However, there is no doubt once the other constraints noted above are addressed the political landscape in Zanzibar will dramatically change to improve legislative accountability.

7.3 Recommendations for Future Research
There are opportunities in which the findings of this study can be further developed. This study was designed specifically to examine how political accountability of the Executive has changed following the introduction of multiparty politics in Zanzibar. Hence it focused on issues which were thought to influence the effectiveness of the House in developing appropriate accountability measures. The study did not deal with specific mechanisms or procedures which are usually used to help parliament to be fully able to fulfil its accountability role. These mechanisms include Questions and Answers Hour, Reviews, Petitions, Motions, and Parliamentary Committees. Each one of these mechanisms has its own strengths, challenges, and weaknesses in holding the Executive accountable. Hence, these mechanisms provide a number of avenues for future research to extend knowledge and understanding of the legislative
accountability of Zanzibar’s executive arm of government in the context of multiparty democracy.

Further, the recent political rapprochement between the CCM and the CUF and subsequently the 2010 constitutional amendments have resulted in a system of power sharing in the name of government of National Unity. There is no doubt that this has created the potential for a resolution of the political problems which negatively affected the functioning of the House for almost over a decade following the introduction of multiparty democracy. At least in the short term the power sharing arrangement has created a more conducive environment for MPs to work together more harmoniously and peacefully regardless of their party affiliation. This is a decisive step in enhancing the effectiveness of the House of Representatives. But there is a counterargument that in the long term power sharing may tend not to exercise checks and balances and take away the principle of collective responsibility among ministries. This is due to the fact that with power sharing, parliament is left without a clear and official Opposition which is traditionally believed to be crucial in Westminster systems for effective legislative accountability. In Zanzibar it is still too early to make any conclusive remarks on the working of the House within the parameters of a government of National Unity. Future studies will be able to consider the impact of this power sharing arrangement in the working of the House of Representatives and more specifically, on the relations of power between the House and the Executive.
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Appendices

Appendix One: Interview Schedule (Swahili Copy)

Muongozo wa Mahojiano

Waraka HUU ni muongozo wa masuala yatakayadiliwa katika mahojiano yatakayochukua kati ya dakika 45-60 na yatahusu hoja zilizojitokeza katika dodoso. Mahojiano yatajikita zaidi katika mfumo wa majadiliano kuliko wa masuala na majibu ili kutoa nafasi ya kuchambua kwa undani zaidi uwajibikaji wa Serikali kwa Bunge. Iwapo bado utakuwa na suala lolote kuhusu mahojiano hasi wasiliana na:

Ndugu Aley Nassor (Mwanafunzi wa PhD)
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Barua pepe: Aley.Nassor@studentmail.newcastle.edu.au

Jina la Mhojiwa:(Hiari): .........................................................

Masuala yatajumuisha (lakini unaweza pia kujadili masuala zaidi ya haya)
1. Kwa muda gani umekuwa katika nafasi uliyonayo?
2. Kuna jambo lolote lilioletoteza katika dodoso ambalo ungependa kulizungumzia zaidi?
3. Kuna jambo lolote ambalo halikutajwa katika dodoso na ungependa kulizungumzia?
4. Nini maoni yako kuhusu mabadiliko ya kidemokrasia yanayotokea nchini Tanzania?
5. Ni kwa namna gani mabadiliko haya yameliongeza Baraza la Wawakilishi uwezo wa kusimamia utendaji wa Serikali?
6. Ni mambo gani unaweza kusema yanachangia katika kuongeza uwezo wa Baraza la Wawakilishi kwenye kusimamia utendaji wa Serikali?

Mambo muhimu ya kuzingatia ni pamoja na:
- Rasilimali (fedha, watendaji, na vitendeakazi)
- Muundo wa kisheria/kikatiba
- Maswali ya kiutendaji kuhusiana na muundo wa Baraza
- Masuala ya kiutamaduni wa kibunge na kihistoria
Appendix Two: Interview Schedule (English Copy)

This schedule outlines the guiding questions and themes that will be explored in a semi-structured interview that will take place between 45-60 minutes and will reflect the areas inquiry within the questionnaire. The interviews will concentrate on issues for discussion rather than specific sets of questions so that emergent concepts and themes of legislative accountability of the executive can be explored in more detail. If you have any question regarding your interview please contact:

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Interviewee’s Name:(Optional): …………………………………………

Questions may include (but need not limit the issues that you might want to discuss)

1. How long have you been in your current position?
2. Are there any issues raised in the questionnaire that you would like to comment on?
3. Are there any issues that have not been raised in the questionnaire?
4. What are your views about the on going democratic reforms taking place in Tanzania?
5. How have these reforms impacted on the House of Representatives in terms of the political accountability of the executive arm of government?
6. What factors would you say affect the ability of the House of Representatives pursue issues of political accountability.
   (Important indicators to be considered here include:
   • Resource issues (financial, human, and material).
   • The Constitutional framework
   • Organisational issues concerning the structure of the House
   • Cultural and historical issues
Appendix Three: Survey 1 Members of the House of Representatives of Zanzibar (Swahili Copy)

Hojaji ya 1
Wajumbe wa Baraza la Wawakilishi Zanzibar

Hojaji hii inakusudia kutathmini ufanisi wa Baraza la Wawakilishi la Zanzibar katika kuisimamia utendaji wa serikali katika kipindi cha mabadiliko ya kidemokrasia Tanzania.

Maelekezo
Tafadhali weka alama (√) katika kisanduku kwenye jawabu linalofaa.

1) Mwanamme [ ] Mwanamke [ ]

2) Umri: ………..

3) Kazi yako kabla ya kuwa Muwakilishi: …………………………………

4) Kiwango chako cha juu cha elimu
   (i) Elimu ya Msingi [ ]
   (ii) Elimu ya Sekondari [ ]
   (iii) Elimu ya Diploma [ ]
   (iv) Elimu ya Chuo Kikuu [ ]

5) Unawakilisha chama gani cha siasa?
   (i) CCM [ ]
   (ii) CUF [ ]

6) Ni mjumbe wa Baraza kutoka kundi gani?
   (i) Mjumbe wa kuchaguliwa jimboni [ ]
   (ii) Mteuliwa wa Rais [ ]
   (iii) Nafasi za viti maalum kwa wanawake [ ]
   (iv) Mkuu wa Mkoa [ ]

7) Umekuwa mjumbe wa Baraza la Wawakilishi kwa vipindi vingapi?
   (i) Kipindi kimoja [ ]
   (ii) Vipindi viwili [ ]
   (iii) Vipindi vitatu [ ]
   (iv) Vipindi vine [ ]
   (v) Vipindi vitano [ ]

8) Umeshawahi kuwa Mbunge wa Bunge la Jamhuri ya Muungano?
   (i) Ndiyo [ ]
   (ii) Hapana [ ]- kama hapana endelea suala namba10

9) Ikiwa jawabu ni ‘Ndiyo’ kwa suala Namba 8, je, ni kwa muda gani? ……………………
10) Unayapima vipi mabadiliko ya kidemokrasia Tanzania yanavyochangia kuongeza ufanisi wa Baraza la Wawakilishi katika kusimamia utendaji wa Serikali?
(i) Hayachangii
(ii) Yamechangia kiasi
(iii) Sina uamuzi
(iv) Yana mchango muhimu
(v) Yana mchango muhimu sana

11) Ni kwa kiwango gani Baraza la Wawakilishi la vyangi vingi limeongeza uwezo wa Baraza katika kusimamia utendaji wa Serikali?
(i) Halijaongeza kabisa
(ii) Limeongeza kwa kiwango kidogo
(iii) Sina uamuzi
(iv) Limeongeza kiasi
(v) Limeongeza kabisa

12) Ni kwa kiasi gani Katiba na sheria zilizopo zinaliwezesha Baraza kusimamia utendaji wa Serikali ipasavyo?
(i) Haziliwezeshi kabisa
(ii) Zinaliwezesha kiasi
(iii) Sina uamuzi
(iv) Zinaliwezesha
(v) Zinaliwezesha sana

13) Je unafikiri ni muhimu kwa Baraza la Wawakilishi kupewa uwezo wa kutosha kuweza kusimamia utendaji wa Serikali?
(i) Sio muhimu
(ii) Ni muhimu kiasi
(iii) Sina uamuzi
(iv) Ni muhimu
(v) Ni muhimu sana

14) Ni kwa kiasi gani unaweza kupima ufanisi wa uwezo wa Baraza la Wawakilishi katika kusimamia utekelezaji wa maamuzi yake hasa dhidi ya watendaji wa Serikali wasiowajibika?
(i) Halina ufanisi
(ii) Lina ufanisi kidogo
(iii) Sina uamuzi
(iv) Lina ufanisi
(v) Lina ufanisi mkubwa

15) Ni kwa kiwango gani muundo wa serikali wa sasa (hybrid system) yaani anaoruhusu mawaziri kuwa wajumbe wa Baraza unakwamisha uwezo wa Baraza la Wawakilishi katika kusimamia utendaji wa Serikali?
(i) Haukwamishi
(ii) Unakwamisha kiasi
(iii) Sina uamuzi
(iv) Unakwamisha
16) Kwa kuzingatia vifungu vya Katiba unafikiri ni kwa kiasi gani Baraza la Wawakilishi lina kinga ya kutovunjwa na Rais?
   (i) Halina kinga
   (ii) Lina kinga kidogo
   (iii) Sina uamuzi
   (iv) Lina kinga
   (v) Lina kinga ya kutosha

17) Je kuna umuhimu wa Baraza la Wawakilishi kuwa na kinga ya kutovunjwa na Serikali (Rais)?
   (i) Hapana
   (ii) Ndiyo
   (iii) Sijui
   (iv) Sina maoni

18) Unaweza je kupima uwezo wa Baraza la Wawakilishi katika uchunguzi huru dhidi ya watendaji wa Serikali?
   (i) Hautoshelezi kabisa
   (ii) Unatosheleza kidogo
   (iii) Sina uamuzi
   (iv) Unatosheleza
   (v) Unatosheleza sana

19) Ili kusimamia utendaji wa serikali, unafikiri kuna umuhimu wa Baraza kuwa na nguvu ya kutosha kufanya uchunguzi huru dhidi ya watendaji wa serikali?
   (i) Sio muhimu
   (ii) Ni muhimu kiasi
   (iii) Sina uamuzi
   (iv) Ni muhimu
   (v) Ni muhimu sana

20) Je Baraza la Wawakilishi lina nguvu ya kutosha kuwachukulia hatua na kuwaadhibu watendaji wa Serikali wasiowajibika?
   (i) Hautoshelezi
   (ii) Inatosheleza kiasi
   (iii) Sina uamuzi
   (iv) Inatosheleza
   (v) Inatosheleza sana

21) Ili Baraza liweze kusimamia kwa ufansisi utendaji wa Serikali, unafikiri kuna umuhimu lipewe uwezo wa kutosha kuweza kuwachukulia hatua au kuwaadhibu watendaji wa Serikali wasiowajibika?
   (i) Sio muhimu
   (ii) Ni muhimu kidogo
   (iii) Sina uamuzi
   (iv) Ni muhimu
   (v) Ni muhimu sana
22) Unaupima vipi uwezo wa Baraza la Wawakilishi wa kupiga kura ya kutokuwa na imani na Waziri Kiongozi?
   (i) Hautoshelezi
   (ii) Unatosheleza kiasi
   (iii) Sina uamuzi
   (iv) Unatosheleza
   (v) Unatosheleza sana

23) Unaupima vipi uwezo wa Baraza la Wawakilishi wa kupiga kura ya kutokuwa na imani na Waziri?
   (i) Hautoshelezi
   (ii) Unatosheleza kidogo
   (iii) Sina uamuzi
   (iv) Unatosheleza
   (v) Unatosheleza sana

24) Unaupima vipi uwezo wa Baraza la Wawakilishi katika kuthibitisha uteuzi wa Waziri Kiongozi?
   (i) Hautoshelezi
   (ii) Unatosheleza kidogo
   (iii) Sina uamuzi
   (iv) Unatosheleza
   (v) Unatosheleza sana

25) Je unafikiri kuna umuhimu kwa Baraza la Wawakilishi kuwa na nguvu ya kutosha katika kupiga kura ya kutokuwa na imani na Waziri Kiongozi au Waziri?
   (i) Sio muhimu
   (ii) Kuna umuhimu kidogo
   (iii) Sina uamuzi
   (iv) Kuna umuhimu
   (v) Kuna umuhimu sana

26) Kwa kuzingatia sheria ziliopo, je wajumbe wa Baraza la Wawakilishi wana kinga ya kutokukamatwa na kushtakiwa kwa makosa ya jinai bila ya Baraza kuridhia?
   (i) Hapana
   (ii) Ndiyo
   (iii) Sifahamu
   (iv) Sina maoni

27) Ili Baraza liweze kufanyakazi zake wana ufanisi unafikiri kuna umuhimu kwa wajumbe kuwa na kinga ya kutokukamatwa na kushtakiwa mpaka kwa ridhaa ya Baraza?
   (i) Sio muhimu
   (ii) Ni muhimu kiasi
   (iii) Sina uamuzi
   (iv) Ni muhimu
   (v) Ni muhimu sana
28) Unaupima vipi uwezo wa Baraza la Wawakilishi katika kukataa uteuzi wa watendaji wakuu wa taasisi umma kama vile Benki ya Watu wa Zanzibar, Bodi ya Mapato, na Mkuu wa Hazina?
   (i) Hautoshelezi
   (ii) Unatosheleza kidogo
   (iii) Sina uamuzi
   (iv) Unatosheleza
   (v) Unatosheleza sana

29) Je unafikiri kuna umuhimu kwa Baraza la Wawakilishi kuwa na uwezo wa kutosha kukataa uteuzi wa watendaji wakuu wa taasisi za umma za wakilishi?
   (i) Hakuna umuhimu
   (ii) Kuna umuhimu kiasi
   (iii) Sina uamuzi
   (iv) Kuna umuhimu
   (v) Kuna umuhimu sana

30) Unaupima vipi uwezo wa Baraza la Wawakilishi kukataa Bajeti ya Serikali bila ya kuhatarisha uhai wake mwenyewe?
   (i) Hautoshelezi
   (ii) Unatosheleza kidogo
   (iii) Sina uamuzi
   (iv) Unatosheleza
   (v) Unatosheleza kabisa

31) Ili Baraza liweze kusimamia kwa ufanisi utendaji wa Serikali, unafikiri kuna umuhimu kuwa na nguvu ya kutosha kuweza kuikataa Bajeti ya Serikali?
   (i) Hakuna umuhimu
   (ii) Kuna umuhimu kidogo
   (iii) Sina uamuzi
   (iv) Kuna umuhimu
   (v) Kuna umuhimu sana

32) Unafikiri kuna haja ya Baraza la Wawakilishi kuwa na Tume huru ya Uajiri?
   (i) Hapana
   (ii) Ndiyo
   (iii) Sijui
   (iv) Sina maoni

33) Je, unafikiri ni kwa kiasi gani Tume ya Uajiri ya Baraza ipo huru kufanya maamuzi bila ya kuingiliwa na serikali?
   (i) Haipo huru
   (ii) Ipo huru kiasi
   (iii) Sina uamuzi
   (iv) Ipo huru
   (v) Ipo huru kabisa

34) Ili Baraza liweze kufanya kazi zake kwa ufanisi unafikiri ni muhimu liwe na Tume huru ya Uajiri?
35) Je, Katibu wa Baraza la Wawakilishi anateuliwa na wajumbe wa Baraza la Wawakilishi au Rais (Serikali)?
   (i) Baraza la Wawakilishi
   (ii) Rais (Serikali)
   (iii) Sijui

36) Ili Baraza liweze kufanya kazi zake kwa ufanisi, unafikiri ni muhimu kwa Katibu wa Baraza kuteuliwa na wajumbe wa Baraza?
   (i) Sio muhimu
   (ii) Ni muhimu kiasi
   (iii) Sina uamuzi
   (iv) Ni muhimu
   (v) Ni muhimu sana

37) Unaupima vipi uwezo (kielimu na kitaalamu) wa wafanyakazi wa Baraza la Wawakilishi katika kuwahudumia na kuwawezesha wajumbe kutekeleza majukumu yao?
   (i) Hawana uwezo
   (ii) Wana uwezo mdogo
   (iii) Sina uamuzi
   (iv) Wana uwezo
   (v) Wana uwezo mkubwa

38) Ili Baraza la Wawakilishi liweze kusimamia kwa ufanisi zaidi utendaji wa Serikali, unafikiri kuna muhimu kuwa na wafanyakazi wa kutosha wenye sifa zinazohitajika kuliwezesha kutekeleza kazi zake kikatiba?
   (i) Sio muhimu
   (ii) Kuna umuhimu kiasi
   (iii) Sina uamuzi
   (iv) Kuna umuhimu
   (v) Kuna umuhimu mkubwa

39) Je, unafikiri Bajeti inayotengwa kwa Baraza la Wawakilishi inatosheleza kugharamia shughuli za Baraza ipasavyo?
   (i) Haitoshelezi
   (ii) Inatosheleza kidogo
   (iii) Sina uamuzi
   (iv) Inatosheleza
   (v) Inatosheleza sana

40) Unawezaje kuelezea kiwango cha uhuru wa Baraza la Wawakilishi katika kuamua na kuidhinisha Bajeti yake wenyewe?
   (i) Haliko huru kabisa
(ii) Liko huru kiasi [ ]
(iii) Sina uamuzi [ ]
(iv) Liko huru [ ]
(v) Liko huru kabisa [ ]

41) Ili kuwa na ufanisi katika utendaji, unafikiri kuna umuhimu kwa Baraza la Wawakilishi kuwa na uhuru wa kuaumia na kuidhinisha Bajeti yake?
   (i) Hakuna muhimu [ ]
   (ii) Kuna umuhimu kiasi [ ]
   (iii) Sina uamuzi [ ]
   (iv) Kuna umuhimu [ ]
   (v) Kuna umuhimu mkubwa [ ]

42) Je, Spika wa Baraza la Wawakilishi anaruhusuwa kikatiba kushika wadhifa wa uongozi katika chama cha siasa?
   (i) Haruhusiwi [ ]
   (ii) Anaruhusiwa [ ]
   (iii) Sijui [ ]
   (iv) Sina maoni [ ]

43) Ili Baraza liweze kutekeleza kazi zake kwa ufanisi, unafikiri ni muhimu
   Spika asiruhusiwe kushika nafasi yoyote ya uongozi katika chama cha siasa?
   (i) Sio muhimu [ ]
   (ii) Ni muhimu kidogo [ ]
   (iii) Sina [ ]
   (iv) Ni muhimu [ ]
   (v) Ni muhimu sana [ ]

44) Je, unafikiri maamuzi ya Spika katika Baraza yanaathiriwa na Serikali au chama chake cha siasa?
   (i) Hayaathiriwi [ ]
   (ii) Yanaathiriwa kidogo [ ]
   (iii) Sina uamuzi [ ]
   (iv) Yanaathiriwa [ ]
   (v) Yanaathiriwa sana [ ]

45) Kwa kuzingatia muundo wa Kamati ya Uongozi ya Baraza la Wawakilishi, ni kwa kiasi gani Serikali inaweza kushawishi maamuzi ya Kamati hiyo?
   (i) Haina ushawishi [ ]
   (ii) Inayo ushawishi kidogo [ ]
   (iii) Sina uamuzi [ ]
   (iv) Ina ushawishi [ ]
   (v) Ina ushawishi mkubwa [ ]

46) Ili kuongeza ufanisi wa Baraza la Wawakilishi katika kusimamia utendaji wa Serikali, unafikiri ni muhimu kwa Kamati ya Uongozi ya Baraza kuwa huru bila kushawishiwa na Serikali?
   (i) Sio muhimu [ ]
   (ii) Ni muhimu kidogo [ ]
(iii) Sina uamuzi
(iv) Ni muhimu
(v) Ni muhimu sana

47) Kwa kuzingatia kwamba zaidi ya thuluthi moja ya wajumbe wa Baraza la Wawakilishi hawakuchaguliwa moja kwa moja toka majimboni, unaweza je kupima ufanisi wa Baraza la Wawakilishi katika kusimamia utendaji wa Serikali?
   (i) Halina ufanisi
   (ii) Lina ufanisi kidogo
   (iii) Sina uamuzi
   (iv) Lina ufanisi
   (v) Lina ufanisi sana

48) Je, kuna haja ya kubadilishwa uwiano wa wajumbe wa Baraza ili kuongeza idadi ya wajumbe wa kuchaguliwa toka majimboni?
   (i) Hapana
   (ii) Ndiyo
   (iii) Sijui
   (iv) Sina maoni

49) Je, kuna haja ya kupunguza idadi ya wajumbe wa Baraza wa kuteuliwa?
   (i) Hapana
   (ii) Ndiyo
   (iii) Sijui
   (iv) Sina maoni

50) Je, ni kwa kiwango gani itikadi za vyama vya siasa vya wajumbe wa Barazal la Wawakilishi zinaathiri majadiliano na maamuzi ya Baraza?
   (i) Haziathiri kabisa
   (ii) Zinaathiri kiasi
   (iii) Sina uamuzi
   (iv) Zinaathiri
   (v) Zinaathiri sana

51) Ili Baraza la Wawakilishi liweze kufanya kazi zake kwa ufanisi, unafikiri kuna umuhimu wa majadiliwano na maamuzi ya Baraza yasichanganywe na itikadi za kisiasa za wajumbe?
   (i) Hakuna muhimu
   (ii) Kuna umuhimu kiasi
   (iii) Sina uamuzi
   (iv) Kuna umuhimu
   (v) Kuna umuhimu mkubwa

52) Kwa kuzingatia taratibu na kanuni za Baraza la Wawakilishi, ni kwa kiasi gani wajumbe wa Baraza wapo huru kutoa maoni yao na kufanya maamuzi bila ya kuingiliwa na Serikali?
   (i) Hawapo huru
   (ii) Wapo huru kiasi
   (iii) Sina uamuzi
(iv) Wapo huru [ ]
(v) Wapo huru sana [ ]

53) Ili Baraza la Wawakilishi liweze kusimamia utendaji wa Serikali kwa ufanisi, unafikiri kuna umuhimu kwa wajumbe kuwa huru kufanya maamuzi bila ya kuingiliwa na Serikali?
   (i) Hakuna umuhimu [ ]
   (ii) Kuna umuhimu kiasi [ ]
   (iii) Sina uamuzi [ ]
   (iv) Kuna umuhimu [ ]
   (v) Kuna umuhimu mkubwa [ ]

54) Je, kuna mambo mengine yoyote ya muhimu ambayo hayakuulizwa, na yanaweza kuongeza ufanisi wa Baraza katika kusimamia utendaji wa Serikali?
   (i) Ndiyo [ ]
   (ii) Hapana [ ]

Kama jawabu ni ‘Ndiyo’, tafadhali yataje.
................................................................................................................................................
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Tunashukuru kwa kutumia muda wako kushiriki katika utafiti huu. Tafadhali rejesha hojaji hii kwa kutumia bahasha iliyokwishalipiwa.
**Mahojiano**

Ikiwa umetajwa katika mojawapo ya makundi yaliotionishwa kwa ajili ya kufanyiwa mahojiano (Spika na Naibu Spika wa Baraza, Kiongozi wa Upinzani wa Baraza au mjumbe wa Baraza la Mawaziri) na utapenda kuendelea kushiriki katika utafiti huu kuhusu uwajibikaji wa Serikali kwa Bunge ili kujadili baadhi ya hoja zilizojitokeza katika dodoso basi unakaribishwa kushiriki katika mahojiano.


Tafadhali jaza taarifa zifuatazo kwa ajili ya kuwasiliana na kupanga muda wa mahojiano:

| Jina: _____________________________________________________________ |
| Namba ya Simu:  ________________________________________________ |
| Email:  _________________________________________________________ |

** Tafadhali eleza kama namba ya simu ni ya nyumbani au kazini/mkononi.

Mara baada ya kupokeea taarifa hizi Aley Nassor ataziondosha kwa kuzitenganisha toka katika hojaji na kuzihifadhi sehemu nyengine ili kuhakikisha taarifa za hojaji ya hazikutambulishi.

**Ndugu** Aley Nassor atawasiliana na wewe mapema iwezekanavyo ili kukueleza jinsi mahojiano yatakavyofanya na kufanana mausula yoyote yatakayohitaji ufanuzi. Pia utapatiwa muongozo unaonesha aina ya masuala na hoja zitakazojaliwa wakati wa mahojiano. Tafadhali usisite kuwasiliana na ndugu Aley Nassor iwapo utakuwa na suala lolote utakalohitaji ufanuzi (maelezo zaidi yanapatikana katika Taarifa kuhusu Utamaduni).

Ahsante sana.
Appendix Four: Survey 1 Members of the House of Representatives of Zanzibar (Enlish Copy)

This survey seeks to explore the effectiveness of the House of Representatives of Zanzibar in holding the Executive accountable in Tanzania’s democratic transition.

Instruction
Please tick (√) in the box beside the appropriate answer.

1) Male: [ ] Female: [ ]

2) Age: .............

3) Your previous occupation: ..................................................

4) Your highest educational qualification.
   (i) Primary Education [ ]
   (ii) Secondary Education [ ]
   (iii) Diploma Education [ ]
   (iv) University Education [ ]

5) Which political party do you belong to?
   (i) CCM [ ]
   (ii) CUF [ ]

6) Which category of members do you belong to?
   (i) Elected member from constituency [ ]
   (ii) Presidential appointee [ ]
   (iii) Special seats for women [ ]
   (iv) Regional Commissioner [ ]

7) How many terms have you served as a member of the House of Representatives of Zanzibar?
   (i) One term [ ]
   (ii) Two terms [ ]
   (iii) Three terms [ ]
   (iv) Four terms [ ]
   (v) Five terms [ ]

8) Have you served in the National Assembly of Tanzania?
   (i) Yes [ ]
   (ii) No [ ] proceed to Q10

9) If ‘Yes’ for Q8, for how long? .................(Please give the date in years, e.g. 1995-2000).
10) How would you rate the contribution of the current democratic reforms taking
take place in Tanzania in enhancing effective performance of the House of
Representatives to uphold accountability of the executive?

(i) No contribution
(ii) Marginal contribution
(iii) Undecided
(iv) Significant contribution
(v) Very significant contribution

11) To what extent has the multiparty House of Representatives improved the
effectiveness of the House of Representatives in holding the Executive
Branch officials politically accountable?

(i) Does not improve
(ii) Marginally improves
(iii) Undecided
(iv) Considerably improves
(v) Completely improves

12) To what extent is the current constitutional and legal framework
effective in enabling the House of Representatives to hold the Executive
politically accountable?

(i) Not effective
(ii) Marginally effective
(iii) Undecided
(iv) Effective
(v) Very effective

13) Is it important for the House of Representatives to be vested with adequate
powers to hold the Executive accountable?

(i) Not important
(ii) Marginally important
(iii) Undecided
(iv) Important
(v) Very important

14) In terms of effectiveness how would you rate the powers of the House of
Representatives to enforce its decisions especially over the Executive Branch
officials who found accountable to their acts?

(i) Not effective
(ii) Marginally effective
(iii) Undecided
(iv) Effective
(v) Very effective

15) To what extent does the current hybrid system of government inhibit the
effectiveness of the House of Representatives in holding the Executive
accountable?

(i) Does not inhibit
(ii) Marginally inhibits [  ]
(iii) Undecided [  ]
(iv) Considerably inhibits [  ]
(v) Completely inhibits [  ]

16) Given the current constitutional provisions to what extent do you consider that the House of Representatives is immune from dissolution by the Executive?
   (i) No immunity [  ]
   (ii) Marginal immunity [  ]
   (iii) Undecided [  ]
   (iv) Considerable immunity [  ]
   (v) Immune [  ]

17) Is it important for the House of Representatives to be immune from dissolution by the executive?
   (i) No [  ]
   (ii) Yes [  ]
   (iii) Do not know [  ]
   (iv) No opinion [  ]

18) How would you rate the powers of the House of Representatives to conduct independent investigations of the Executive Branch officials?
   (i) Inadequate [  ]
   (ii) Marginally adequate [  ]
   (iii) Undecided [  ]
   (iv) Adequate [  ]
   (v) Very adequate [  ]

19) Is it important for effective legislative accountability of the executive, the House of the Representatives to have adequate powers to conduct independent investigations of the executive branch officials?
   (i) Not important [  ]
   (ii) Marginally important [  ]
   (iii) Undecided [  ]
   (iv) Important [  ]
   (v) Very important [  ]

20) Does the House of Representatives have adequate powers to discipline or to punish the Executive Branch officials?
   (i) Inadequate [  ]
   (ii) Marginally adequate [  ]
   (iii) Undecided [  ]
   (iv) Adequate [  ]
   (v) Very adequate [  ]

21) Is it important for effective legislative accountability of the executive, the House of Representatives to have adequate powers to discipline or to punish the Executive Branch officials?
22) How would you rate the powers of the House of Representatives to render a vote of no confidence in the Chief Minister?
   (i) Inadequate [ ]
   (ii) Marginally adequate [ ]
   (iii) Undecided [ ]
   (iv) Adequate [ ]
   (v) Very adequate [ ]

23) How would you rate the powers of the House of Representatives to render a vote of no confidence in a Cabinet Minister?
   (i) Inadequate [ ]
   (ii) Marginally adequate [ ]
   (iii) Undecided [ ]
   (iv) Adequate [ ]
   (v) Very adequate [ ]

24) How would you rate the powers of the House of Representatives to approve the appointment of the Chief Minister?
   (i) Inadequate [ ]
   (ii) Marginally adequate [ ]
   (iii) Undecided [ ]
   (iv) Adequate [ ]
   (v) Very adequate [ ]

25) Is it important for the House of Representatives to have adequate powers to render a vote of no confidence in either the Chief Minister or a Cabinet Minister?
   (i) Not important [ ]
   (ii) Marginally important [ ]
   (iii) Undecided [ ]
   (iv) Important [ ]
   (v) Very important [ ]

26) Considering the current legal framework are the members of the House of Representatives immune from arrest and criminal prosecution without prior approval of the House itself?
   (i) No [ ]
   (ii) Yes [ ]
   (iii) Do not know [ ]
   (iv) No opinion [ ]
27) Is it important for effective legislative accountability of the executive the members of the House of Representatives be immune from arrest and criminal prosecution without prior approval of the House itself?

(i) Not important [ ]
(ii) Marginally important [ ]
(iii) Undecided [ ]
(iv) Important [ ]
(v) Very important [ ]

28) How would you rate the powers of the House of Representatives to reject appointments of senior public officials such as Heads of the Central Bank (PBZ) and Zanzibar Revenue Board and Chief Treasurer?

(i) Inadequate [ ]
(ii) Marginally adequate [ ]
(iii) Undecided [ ]
(iv) Adequate [ ]
(v) Very adequate [ ]

29) How important is it for the House of Representatives to have adequate powers to reject appointments of senior public officials such as Heads of the Central Bank (PBZ) and Zanzibar Revenue Board and Chief Treasurer?

(i) Not important [ ]
(ii) Marginally important [ ]
(iii) Undecided [ ]
(iv) Important [ ]
(v) Very important [ ]

30) How would you rate the powers of the House of Representatives to reject the Budget without jeopardising its existence?

(i) Inadequate [ ]
(ii) Marginally adequate [ ]
(iii) Undecided [ ]
(iv) Adequate [ ]
(v) Very adequate [ ]

31) Is it important for effective legislative accountability for the House of the Representatives to have adequate powers to reject the Budget?

(i) Not important [ ]
(ii) Marginally important [ ]
(iii) Undecided [ ]
(iv) Important [ ]
(v) Very important [ ]

32) Should the House of Representatives have its own independent Service Commission?

(i) No [ ]
(ii) Yes [ ]
(iii) Do not know [ ]
(iv) No opinion [ ]
33) To what extent is the House Service Commission independent from the influence of the Executive branch in making its decisions?
   (i) Not independent
   (ii) Marginally independent
   (iii) Undecided
   (iv) Independent
   (v) Very independent

34) Is it important for effective legislative accountability of the executive that the House of Representatives to have its own independent Service Commission?
   (i) Not important
   (ii) Marginally important
   (iii) Undecided
   (iv) Important
   (v) Very important

35) Is the Clerk (Secretary) of the House of Representatives appointed by the House itself or the Executive?
   (i) House of Representatives
   (ii) Executive Branch
   (iii) Do not know

36) Is it important for effective legislative accountability the Clerk (Secretary) of the House to be appointed by the House itself?
   (i) Not important
   (ii) Marginally important
   (iii) Undecided
   (iv) Important
   (v) Very important

37) How would you rate the competency (in terms of qualifications and expertise required) of current employees of the House of Representatives to serve the House and assist its members to fulfil their parliamentary duties?
   (i) Not competent
   (ii) Marginally competent
   (iii) Undecided
   (iv) Competent
   (v) Very competent

38) How important is it for effective legislative accountability that the House of Representatives have an adequate number of competent/qualified employees to assist it to fulfil its constitutional role?
   (i) Not important
   (ii) Marginally important
   (iii) Undecided
   (iv) Important
   (v) Very important
39) Is the current budget allocation for the House of Representatives sufficient to finance its operations?
   (i) Not sufficient
   (ii) Marginally sufficient
   (iii) Undecided
   (iv) Sufficient
   (v) Very sufficient

40) How would you describe the degree of budgetary autonomy of the House of Representatives with respect to its financial resources?
   (i) Not autonomous
   (ii) Marginally autonomous
   (iii) Undecided
   (iv) Autonomous
   (v) Very autonomous

41) How important is it for effective legislative accountability for the House of Representatives to have budgetary autonomy with respect to its financial resources?
   (i) Not important
   (ii) Marginally important
   (iii) Undecided
   (iv) Important
   (v) Very important

42) Is the Speaker of the House of Representatives constitutionally allowed to occupy a leadership position in a political party?
   (i) No
   (ii) Yes
   (iii) Do not know
   (iv) No opinion

43) How important for effective legislative accountability is it for the Speaker of the House of Representatives to be ineligible to occupy any leading position in a political party?
   (i) Not important
   (ii) Marginally important
   (iii) Undecided
   (iv) Important
   (v) Very important

44) Do you think the Speaker decisions in the House are influenced by the Executive Branch or his party affiliation?
   (i) Not influenced
   (ii) Marginally influenced
   (iii) Undecided
   (iv) Influenced
   (v) Very influenced
45) Considering the structure and composition of the Steering Committee of the House of Representatives how much potential is there for the Executive to influence the Committee’s decisions?
   (i) No potential
   (ii) A little potential
   (iii) Undecided
   (iv) Some potential
   (v) Considerable potential

46) How important is it for the effective legislative accountability for the Steering Committee of the House to be independent of the influence of the Executive?
   (i) Not important
   (ii) Marginally important
   (iii) Undecided
   (iv) Important
   (v) Very important

47) Given that over one third of the members of the House of Representatives are not directly elected how would you rate the effectiveness of the House to hold the Executive accountable?
   (i) Not effective
   (ii) Marginally effective
   (iii) Undecided
   (iv) Effective
   (v) Very effective

48) Should the ratio of elected to appointed members be changed to increase more elected members in the House of Representatives?
   (i) No
   (ii) Yes
   (iii) Do not know
   (iv) No opinion

49) Should the number of the members of the House who directly come from the executive be reduced?
   (i) No
   (ii) Yes
   (iii) Do not know
   (iv) No opinion

50) To what extent does party affiliation of members of the House influence the deliberations and decisions of the House?
   (i) Not influenced
   (ii) Marginally influenced
   (iii) Undecided
   (iv) Influenced
   (v) Very influenced
51) How important for effective legislative accountability of the Executive is it for deliberations and decisions of the House to be free from the influence of partisan politics in the House?
   (i) Not important [ ]
   (ii) Marginally important [ ]
   (iii) Undecided [ ]
   (iv) Important [ ]
   (v) Very important [ ]

52) Within the parliamentary rules and procedures, to what extent are members of the House free to express their opinions and make decisions without any threat or interference from the Executive?
   (i) Not free [ ]
   (ii) Marginally free [ ]
   (iii) Undecided [ ]
   (iv) Free [ ]
   (v) Very free [ ]

53) How important for effective legislative accountability of the Executive is it for the members of the House to be free to make its decisions without any threat from the Executive?
   (i) Not important [ ]
   (ii) Marginally important [ ]
   (iii) Undecided [ ]
   (iv) Important [ ]
   (v) Very important [ ]

54) Are there any other important issues other than those mentioned above that might influence the effectiveness of the House of Representatives in ensuring the accountability of the Executive?
   (i) Yes [ ]
   (ii) No [ ]

If yes, please state them.
...................................................................................................................
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Your time is valuable and your participation in this research is much appreciated. Please return this questionnaire in the reply paid envelope.
Research Interviews

If you are in one of groups identified as potential interviewees (the Speaker, Deputy Speaker, the Leader of Opposition or a Cabinet Minister) and would like to continue being a part of this research into the legislative accountability of the Executive and discuss some of the themes and issues that arise from the questionnaire you can volunteer to a follow-up interview.

It is envisaged an interview will take about one hour in your office or a mutually convenient location. Interviews will be digitally recorded and stored on a password protected computer that is only accessible by Aley Nassor. You have the right to review transcripts of your interview and can request this at the time of interview or by contacting Aley Nassor at a later date. Any information that is unique to you or which could identify you will not be used without your expressed permission. The information provided by you will be added to that of others to enhance and strengthen our understanding of legislative accountability of the Executive in Zanzibar.

To be contacted to arrange a time for your interview please fill in your details below:

Name: _____________________________________________________________
Phone No:  _________________________________________________________
Email:  ____________________________________________________________

**  Please indicate if the number provided is a work or home number.

On receipt of your details Aley Nassor will remove them from your survey document to be filed separately to ensure that your survey responses remain anonymous.

Mr Nassor will contact you as soon as possible to explain the interview process and answer any questions you may have. You will also be sent an interview schedule as a guide to the themes and issues likely to be discussed. Please feel free to contact Aley Nassor if you have any further queries (details in your Participant Information Statement).

Thank you.
Appendix Five: Survey 2 Senior Officials of the House of Representatives of Zanzibar (English Copy)

This survey seeks to explore the effectiveness of the House of Representatives of Zanzibar in holding the Executive accountable in Tanzania’s democratic transition.

Instruction
Please tick (√) in the box beside the appropriate answer.

1) Male: [ ] Female: [ ]

2) Age: …………..

3) Your profession: …………………………

4) Your highest educational qualification.
   (i) Primary Education [ ]
   (ii) Secondary Education [ ]
   (iii) Diploma Education [ ]
   (iv) University Education [ ]

5) How long have you been working in the House of Representatives?
   (i) Within last five years [ ]
   (ii) Within last ten years [ ]
   (iii) Within last 15 years [ ]
   (iv) Within last 20 years and more [ ]

6) How would you rate the contribution of the current democratic reforms taking place in Tanzania in enhancing effective performance of the House of Representatives to uphold accountability of the executive?
   (i) No contribution [ ]
   (ii) Marginal contribution [ ]
   (iii) Undecided [ ]
   (iv) Helpful contribution [ ]
   (v) Significant contribution [ ]

7) To what extent has the multiparty House of Representatives improved the effectiveness of the House of Representatives in holding the Executive Branch officials politically accountable?
   (i) Not improves [ ]
   (ii) Marginally improves [ ]
   (iii) Undecided [ ]
   (iv) Considerably improves [ ]
   (v) Completely improves [ ]
8) To what extent is the current constitutional and legal framework effective in enabling the House of Representatives to hold the Executive politically accountable?
   (i) Not effective [  ]
   (ii) Marginally effective [  ]
   (iii) Undecided [  ]
   (iv) Effective [  ]
   (v) Very effective [  ]

9) Is it important for the House of Representatives to be vested with adequate powers to hold the Executive accountable?
   (i) Not important [  ]
   (ii) Marginally important [  ]
   (iii) Undecided [  ]
   (iv) Important [  ]
   (v) Very important [  ]

10) In terms of effectiveness how would you rate the powers of the House of Representatives to enforce its decisions especially over the Executive Branch officials who are found unaccountable for their acts?
    (i) Not effective [  ]
    (ii) Marginally effective [  ]
    (iii) Undecided [  ]
    (iv) Effective [  ]
    (v) Very effective [  ]

11) To what extent does the current hybrid system of government inhibit the effectiveness of the House of Representatives in holding the Executive accountable?
    (i) Does not inhibit [  ]
    (ii) Marginally inhibits [  ]
    (iii) Undecided [  ]
    (iv) Considerably inhibits [  ]
    (v) Completely inhibits [  ]

12) Given the current constitutional provisions to what extent do you consider that the House of Representatives is immune from dissolution by the Executive?
    (i) Not immune [  ]
    (ii) Marginally immunity [  ]
    (iii) Undecided [  ]
    (iv) Considerable immunity [  ]
    (v) Immune [  ]

13) Is it important for the House of Representatives to be immune from dissolution by the executive?
    (i) No [  ]
    (ii) Yes [  ]
    (iii) Do not know [  ]
14) How would you rate the powers of the House of Representatives to conduct independent investigations of the Executive Branch officials?
   (i) Inadequate [ ]
   (ii) Marginally adequate [ ]
   (iii) Undecided [ ]
   (iv) Adequate [ ]
   (v) Very adequate [ ]

15) Is it important for effective legislative accountability of the executive, the House of the Representatives to have adequate powers to conduct independent investigations of the executive branch officials?
   (i) Not important [ ]
   (ii) Marginally important [ ]
   (iii) Undecided [ ]
   (iv) Important [ ]
   (v) Very important [ ]

16) Does the House of Representatives have adequate powers to discipline or to punish the Executive Branch officials?
   (i) Inadequate [ ]
   (ii) Marginally adequate [ ]
   (iii) Undecided [ ]
   (iv) Adequate [ ]
   (v) Very adequate [ ]

17) Is it important for effective legislative accountability of the executive, the House of Representatives to have adequate powers to discipline or to punish the Executive Branch officials?
   (i) Not important [ ]
   (ii) Marginally important [ ]
   (iii) Undecided [ ]
   (iv) Important [ ]
   (v) Very important [ ]

18) How would you rate the powers of the House of Representatives to render a vote of no confidence in the Chief Minister?
   (i) Inadequate [ ]
   (ii) Marginally adequate [ ]
   (iii) Undecided [ ]
   (iv) Adequate [ ]
   (v) Very adequate [ ]

19) How would you rate the powers of the House of Representatives to render a vote of no confidence in a Cabinet Minister?
   (i) Inadequate [ ]
   (ii) Marginally adequate [ ]
   (iii) Undecided [ ]
20) How would you rate the powers of the House of Representatives to approve the appointment of the Chief Minister?
   (i) Inadequate
   (ii) Marginally adequate
   (iii) Undecided
   (iv) Adequate
   (v) Very adequate

21) Is it important for the House of Representatives to have adequate powers to render a vote of no confidence in either the Chief Minister or a Cabinet Minister?
   (i) Not important
   (ii) Marginally important
   (iii) Undecided
   (iv) Important
   (v) Very important

22) Considering the current legal framework are the members of the House of Representatives immune from arrest and criminal prosecution without prior approval of the House itself?
   (i) No
   (ii) Yes
   (iii) Do not know
   (iv) No opinion

23) Is it important for effective legislative accountability of the executive that the members of the House of Representatives be immune from arrest and criminal prosecution without prior approval of the House itself?
   (i) Not important
   (ii) Marginally important
   (iii) Undecided
   (iv) Important
   (v) Very important

24) How would you rate the powers of the House of Representatives to reject appointments of senior public officials such as Heads of the Central Bank (PBZ) and Zanzibar Revenue Board and Chief Treasurer?
   (i) Inadequate
   (ii) Marginally adequate
   (iii) Undecided
   (iv) Adequate
   (v) Very adequate

25) How important is it for the House of Representatives to have adequate powers to reject appointments of senior public officials such as Heads of the Central Bank (PBZ) and Zanzibar Revenue Board and Chief Treasurer?
26) How would you rate the powers of the House of Representatives to reject the Budget without jeopardising its existence?

(i) Inadequate
(ii) Marginally adequate
(iii) Undecided
(iv) Adequate
(v) Very adequate

27) Is it important for effective legislative accountability for the House of the Representatives to have adequate powers to reject the Budget?

(i) Not important
(ii) Marginally important
(iii) Undecided
(iv) Important
(v) Very important

28) Should the House of Representatives have its own independent Service Commission?

(i) No
(ii) Yes
(iii) Do not know
(iv) No opinion

29) To what extent is the House Service Commission independent from the influence of the Executive branch in making its decisions?

(i) Not independent
(ii) Marginally independent
(iii) Undecided
(iv) Independent
(v) Very independent

30) Is it important for effective legislative accountability of the executive that the House of Representatives to have its own independent Service Commission?

(i) Not important
(ii) Marginally important
(iii) Undecided
(iv) Important
(v) Very important

31) Is the Clerk (Secretary) of the House of Representatives appointed by the House itself or the Executive?

(i) House of Representatives
(ii) Executive Branch
(iii) Do not know

32) Is it important for effective legislative accountability the Clerk (Secretary) of the House to be appointed by the House itself?
   (i) Not important
   (ii) Marginally important
   (iii) Undecided
   (iv) Important
   (v) Very important

33) How would you rate the competency (in terms of qualifications and expertise required) of current employees of the House of Representatives to serve the House and assist its members to fulfil their parliamentary duties?
   (i) Not competent
   (ii) Marginally competent
   (iii) Undecided
   (iv) Competent
   (v) Very competent

34) How important is it for effective legislative accountability that the House of Representatives have an adequate number of competent/qualified employees to assist it to fulfil its constitutional role?
   (i) Not important
   (ii) Marginally important
   (iii) Undecided
   (iv) Important
   (v) Very important

35) Is the current budget allocation for the House of Representatives sufficient to finance its operations?
   (i) Not sufficient
   (ii) Marginally sufficient
   (iii) Undecided
   (iv) Sufficient
   (v) Very sufficient

36) How would you describe the degree of budgetary autonomy of the House of Representatives with respect to its financial resources?
   (i) Not autonomous
   (ii) Marginally autonomous
   (iii) Undecided
   (iv) Autonomous
   (v) Very autonomous

37) How important is it for effective legislative accountability for the House of Representatives to have budgetary autonomy with respect to its financial resources?
   (i) Not important
   (ii) Marginally important
(iii) Undecided [   ]  
(iv) Important [   ]  
(v) Very important [   ]

38) Is the Speaker of the House of Representatives constitutionally allowed to occupy a leadership position in a political party?  
(i) No [   ]  
(ii) Yes [   ]  
(iii) Do not know [   ]  
(iv) No opinion [   ]

39) How important for effective legislative accountability is it for the Speaker of the House of Representatives to be ineligible to occupy any leading position in a political party?  
(i) Not important [   ]  
(ii) Marginally important [   ]  
(iii) Undecided [   ]  
(iv) Important [   ]  
(v) Very important [   ]

40) Do you think the Speaker decisions in the House are influenced by the Executive Branch or his party affiliation?  
(i) Not influenced [   ]  
(ii) Marginally influenced [   ]  
(iii) Undecided [   ]  
(iv) Mostly influenced [   ]  
(v) Completely influenced [   ]

41) Considering the structure and composition of the Steering Committee of the House of Representatives how much potential is there for the Executive to influence the Committee’s decisions?  
(i) No potential [   ]  
(ii) A little potential [   ]  
(iii) Undecided [   ]  
(iv) Some potential [   ]  
(v) Considerable potential [   ]

42) How important is it for the effective legislative accountability for the Steering Committee of the House to be independent of the influence of the Executive?  
(i) Not important [   ]  
(ii) Marginally important [   ]  
(iii) Undecided [   ]  
(iv) Important [   ]  
(v) Very important [   ]

43) Given that over one third of the members of the House of Representatives are not directly elected how would you rate the effectiveness of the House to hold the Executive accountable?  
(i) Not effective [   ]
(ii) Marginally effective
(iii) Undecided
(iv) Effective
(v) Very effective

44) Should the ratio of elected to appointed members be changed to increase more elected members in the House of Representatives?
(i) No
(ii) Yes
(iii) Do not know
(iv) No opinion

45) Should the number of the members of the House who directly come from the executive be reduced?
(i) No
(ii) Yes
(iii) Do not know
(iv) No opinion

46) To what extent does party affiliation of members of the House influence the deliberations and decisions of the House?
(i) Not influenced
(ii) Marginally influenced
(iii) Undecided
(iv) Influenced
(v) Very influenced

47) How important for effective legislative accountability of the Executive is it for deliberations and decisions of the House to be free from the influence of partisan politics in the House?
(i) Not important
(ii) Marginally important
(iii) Undecided
(iv) Important
(v) Very important

48) Within the parliamentary rules and procedures, to what extent are members of the House free to express their opinions and make decisions without any threat or interference from the Executive?
(i) Not free
(ii) Marginally free
(iii) Undecided
(iv) Free
(v) Very free

49) How important for effective legislative accountability of the executive is it for the members of the House to be free to make its decisions without any threat from the Executive?
(i) Not important
50) Are there any other important issues other than those mentioned above that might influence the effectiveness of the House of Representatives in holding the accountability of the Executive?

(i) Yes [ ]
(ii) No [ ]

If yes, please state them.

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Your time is valuable and your taking part in this research is much appreciated. Please return this questionnaire in the reply paid envelope.
Research Interviews

If you would like to continue being a part of this research into the legislative accountability of the Executive and discuss some of the themes and issues that arise from the questionnaire you can volunteer to a follow-up interview.

It is envisaged an interview will take about one hour in your office or a mutually convenient location. Interviews will be digitally recorded and stored on a password protected computer that is only accessible by Aley Nassor. You have the right to review transcripts of your interview and can request this at the time of interview or by contacting Aley Nassor at a later date. Any information that is unique to you or which could identify you will not be used without your expressed permission. The information provided by you will be added to that of others to enhance and strengthen our understanding of legislative accountability of the Executive in Zanzibar.

To be contacted to arrange a time for your interview please fill in your details below:

| Name: ____________________________ | ** Please indicate if the number provided is a work or home number. |
| Phone No: _________________________ | |
| Email: ___________________________ | |

On receipt of your details Aley Nassor will remove them from your survey document to be filed separately to ensure that your survey responses remain anonymous.

Mr Nassor will contact you as soon as possible to explain the interview process and answer any questions you may have. You will also be sent an interview schedule as a guide to the themes and issues likely to be discussed. Please feel free to contact Aley Nassor if you have any further queries (details in your Participant Information Statement).

Thank you.
Appendix Six: Survey 3 Senior Public Officials (the Executive Branch Officials) (Swahili Copy)

Hojaji ya 3
Watendaji Wakuu wa Serikali ya Mapinduzi Zanzibar

Hojaji hii inakusudia kutathmini ufanisi wa Baraza la Wawakilishi la Zanzibar katika kuisimamia utendaji wa serikali katika kipindi cha mabadiliko ya kidemokrasia Tanzania.

Maelekezo
Tafadhali weka alama (√) katika kisanduku kwenye jawabu linalofaa.

1) Mwanamme [ ] Mwanamke [ ]

2) Umri: ............

3) Utaalam wako wa kazi: ............................................

4) Kiwango chako cha juu cha elimu
   (i) Elimu ya Msingi [ ]
   (ii) Elimu ya Sekondari [ ]
   (iii) Elimu ya Diploma [ ]
   (iv) Elimu ya Chuo Kikuu [ ]

5) Ni kwa muda gani umefanya kazi katika nafasi ya uongozi na utawala?
   (i) Miaka 0-5 [ ]
   (ii) Miaka 6-10 [ ]
   (iii) Miaka 11-15 [ ]
   (iv) Miaka 16-20 [ ]
   (v) Miaka 21 au zaidi [ ]

6) Katika wadhifa ulionao umeshawahi kuitwa au kutakiwa taarifa kuhusiana na shughuli zako za kiutendaji mbele ya Baraza au Kamati yake yoyote?
   (i) Ndiyo [ ]—endelea na Suala la 9.
   (ii) Hapana [ ]

7) Ikiwa jawabu ni `Ndiyo’ kwa Suala la 6, je ni kawaida kupata miito kama hii toka kwa Baraza au Kamati zake?
   (i) Ndiyo [ ]—endelea na Suala la 9.
   (ii) Hapana [ ]

8) Ikiwa jawabu ni `Hapana’ kwa Suala la 7, ni mara ngapi umeshawahi kuitwa au kutakiwa kutoa taarifa mbele ya Baraza au Kamati zake?
   (i) Mara 0-5 [ ]
   (ii) Mara 6-10 [ ]
   (iii) Mara 11 au zaidi [ ]
9) Ni kwa kiwango gani Baraza la Wawakilishi la vyama vingi limeongeza uwezo wa Baraza katika kusimamia utendaji wa Serikali?
   (i) Halijaongeza kabisa [ ]
   (ii) Limeongeza kwa kiwango kidogo [ ]
   (iii) Sina uamuzi [ ]
   (iv) Limeongeza kiasi [ ]
   (v) Limeongeza kabisa [ ]

10) Kwa kiasi gani mabadiliko ya kidemokrasia yanayoendelea nchini Tanzania yameongeza ufanisi wa Baraza la Wawakilishi katika kusimamia utendaji wa Serikali?
    (i) Hayajaleta ufanisi kabisa [ ]
    (ii) Yameleta ufanisi kidogo [ ]
    (iii) Sina uamuzi [ ]
    (iv) Yameleta ufanisi [ ]
    (v) Yameleta ufanisi sana [ ]

11) Ni kwa kiasi gani Katiba na sheria zilizopo zinaliwezesha Baraza kusimamia utendaji wa Serikali ipasavyo?
    (i) Haziliwezeshi kabisa [ ]
    (ii) Zinaliwezesha kiasi [ ]
    (iii) Sina uamuzi [ ]
    (iv) Zinaliwezesha [ ]
    (v) Zinaliwezesha sana [ ]

12) Je unafikiri ni muhimu kwa Baraza la Wawakilishi kupewa uwezo wa kutosha kuweza kusimamia utendaji wa Serikali?
    (i) Sio muhimu [ ]
    (ii) Ni muhimu kiasi [ ]
    (iii) Sina uamuzi [ ]
    (iv) Ni muhimu [ ]
    (v) Ni muhimu sana [ ]

13) Ni kwa kiasi gani unaweza kupima ufanisi wa uwezo wa Baraza la Wawakilishi katika kusimamia utekelezaji wa maamuzi yake hasa dhidi ya watendaji wa Serikali wasiowajibika?
    (i) Halina ufanisi [ ]
    (ii) Lina ufanisi kidogo [ ]
    (iii) Sina uamuzi [ ]
    (iv) Lina ufanisi [ ]
    (v) Lina ufanisi mkubwa [ ]

14) Ni kwa kiwango gani muundo wa serikali wa sasa (hybrid system) yaani anaoruhusu mawaziri kuwa wajumbe wa Baraza unakwamisha uwezo wa Baraza la Wawakilishi katika kusimamia utendaji wa Serikali?
    (i) Haukwamishi [ ]
    (ii) Unakwamisha kiasi [ ]
    (iii) Sina uamuzi [ ]
    (iv) Unakwamisha [ ]
(v) Unakwamisha sana

15) Kwa kuzingatia vifungu vya Katiba unafikiri ni kwa kiasi gani Baraza la Wawakilishi linakinga ya kutovunjwa na Rais?
(i) Halina kinga
(ii) Lina kinga kidogo
(iii) Sina uamuzi
(iv) Lina kinga
(v) Lina kinga ya kutosha

16) Je kuna umuhimu wa Baraza la Wawakilishi kuwa na kinga ya kutovunjwa na Serikali (Rais)?
(i) Hapana
(ii) Ndiyo
(iii) Sijui
(iv) Sina maoni

17) Unawezaje kupima uwezo wa Baraza la Wawakilishi katika kufanya uchunguzi huru dhidi ya watendaji wa Serikali?
(i) Hautoshelezi kabisa
(ii) Unatosheleza kidogo
(iii) Sina uamuzi
(iv) Unatosheleza
(v) Unatosheleza sana

18) Ili kusimamia utendaji wa serikali, unafikiri kuna umuhimu wa Baraza kuwa na nguvu ya kutosha kufanya uchunguzi huru dhidi ya watendaji wa serikali?
(i) Sio muhimu
(ii) Ni muhimu kiasi
(iii) Sina uamuzi
(iv) Ni muhimu
(v) Ni muhimu sana

19) Je Baraza la Wawakilishi lina nguvu ya kutosha kuwachukulia hatua na kuwaadhibu watendaji wa Serikali wasiowajibika?
(i) Hautoshelezi
(ii) Inatosheleza kiasi
(iii) Sina uamuzi
(iv) Inatosheleza
(v) Inatosheleza sana

20) Ili Baraza liweze kusimamia kwa ufanisi utendaji wa Serikali, unafikiri kuna umuhimu lipewe uwezo wa kutosha kuweza kuwachukulia hatua au kuwaadhibu watendaji wa Serikali wasiowajibika?
(i) Sio muhimu
(ii) Ni muhimu kidogo
(iii) Sina uamuzi
(iv) Ni muhimu
(v) Ni muhimu sana
21) Unaupima vipi uwezo wa Baraza la Wawakilishi wa kupiga kura ya kutokuwa na imani na Waziri Kiongozi?
   (i) Hautoshelezi [ ]
   (ii) Unatosheleza kiasi [ ]
   (iii) Sina uamuzi [ ]
   (iv) Unatosheleza [ ]
   (v) Unatosheleza sana [ ]

22) Unaupima vipi uwezo wa Baraza la Wawakilishi wa kupiga kura ya kutokuwa na imani na Waziri?
   (i) Hautoshelezi [ ]
   (ii) Unatosheleza kidogo [ ]
   (iii) Sina uamuzi [ ]
   (iv) Unatosheleza [ ]
   (v) Unatosheleza sana [ ]

23) Unaupima vipi uwezo wa Baraza la Wawakilishi katika kuthibitisha uteuzi wa Waziri Kiongozi?
   (i) Hautoshelezi [ ]
   (ii) Unatosheleza kidogo [ ]
   (iii) Sina uamuzi [ ]
   (iv) Unatosheleza [ ]
   (v) Unatosheleza sana [ ]

24) Je unafikiri kuna umuhimu kwa Baraza la Wawakilishi kuwa na nguvu ya kutosha katika kupiga kura ya kutokuwa na imani na Waziri Kiongozi au Waziri?
   (i) Sio muhimu [ ]
   (ii) Kuna umuhimu kidogo [ ]
   (iii) Sina uamuzi [ ]
   (iv) Kuna umuhimu [ ]
   (v) Kuna umuhimu sana [ ]

25) Kwa kuzingatia sheria ziliopo, je wajumbe wa Baraza la Wawakilishi wanakinga ya kutokukamatwa na kushtakiwa kwa makosa ya jinai bila ya Baraza kuridhia?
   (i) Hapana [ ]
   (ii) Ndiyo [ ]
   (iii) Sifahamu [ ]
   (iv) Sina maoni [ ]

26) Ili Baraza liweze kufanyakazi zake kwa ufanisi unafikiri kuna umuhimu kwa wajumbe kuwa na kinga ya kutokukamatwa na kushtakiwa mpaka kwa ridhaa ya Baraza?
   (i) Sio muhimu [ ]
   (ii) Ni muhimu kiasi [ ]
   (iii) Sina uamuzi [ ]
   (iv) Ni muhimu [ ]
   (v) Ni muhimu sana [ ]
27) Unaupima vipi uwezo wa Baraza la Wawakilishi katika kukataa uteuzi wa watendaji wakuu wa taasisi umma kama vile Benki ya Watu wa Zanzibar, Bodi ya Mapato, na Mkuu wa Hazina?
   (i) Hautoshelezi
   (ii) Unatosheleza kidogo
   (iii) Sina uamuzi
   (iv) Unatosheleza
   (v) Unatosheleza sana

28) Je unafikiri kuna umuhimu kwa Baraza la Wawakilishi kuwa na uwezo wa kutosha kukataa uteuzi wa watendaji wakuu wa taasisi za umma za wakati wakati wa taasisi za umma?
   (i) Hakuna umuhimu
   (ii) Kuna umuhimu kiasi
   (iii) Sina uamuzi
   (iv) Kuna umuhimu
   (v) Kuna umuhimu sana

29) Unaupima vipi uwezo wa Baraza la Wawakilishi kukataa Bajeti ya Serikali bila ya kuhatariwa uhai wake mwenyewe?
   (i) Hautoshelezi
   (ii) Unatosheleza kidogo
   (iii) Sina uamuzi
   (iv) Unatosheleza
   (v) Unatosheleza kabisa

30) Ili Baraza liweze kusimamia kwa ufanisi utendaji wa Serikali, unafikiri kuna umuhimu kwake na nguvu ya kutosha kuweza kuikataa Bajeti ya Serikali?
   (i) Hakuna umuhimu
   (ii) Kuna umuhimu kidogo
   (iii) Sina uamuzi
   (iv) Kuna umuhimu
   (v) Kuna umuhimu sana

31) Unafikiri kuna haja ya Baraza la Wawakilishi kuwa na Tume huru ya Uajiri?
   (i) Hapana
   (ii) Ndiyo
   (iii) Sijui
   (iv) Sina maoni

32) Ili Baraza liweze kufanya kazi zake kwa ufanisi unafikiri ni muhimu liwe na Tume huru ya Uajiri?
   (i) Sio muhimu
   (ii) Ni muhimu kiasi
   (iii) Sina uamuzi
   (iv) Ni muhimu
   (v) Ni muhimu sana

33) Ili Baraza liweze kufanya kazi zake kwa ufanisi, unafikiri ni muhimu kwa Katibu wa Baraza kuteuliwa na wajumbe wa Baraza?
(i) Sio muhimu
(ii) Ni muhimu kiasi
(iii) Sina uamuzi
(iv) Ni muhimu
(v) Ni muhimu sana

34) Ili Baraza la Wawakilishi liweze kusimamia kwa ufanisi zaidi utendaji wa Serikali, unaafikiriki kuna muhimu kuwa na wafanyakazi wa kutosha wenyewe sifa zinazohitajika kuliwezesha kugelekwa kazi zake kikatiba?
   (i) Sio muhimu
   (ii) Kuna umuhimu kiasi
   (iii) Sina uamuzi
   (iv) Kuna umuhimu
   (v) Kuna umuhimu mkubwa

35) Ili kuwa na ufanisi katika utendaji, unaafikiriki kuna muhimu kwa Baraza la Wawakilishi kuwa na uhuru wa kuamua na kuidhinisha Bajeti yake?
   (i) Hakuna muhimu
   (ii) Kuna umuhimu kiasi
   (iii) Sina uamuzi
   (iv) Kuna umuhimu
   (v) Kuna umuhimu mkubwa

36) Unawezaje kuelezea kiwango cha uhuru wa Baraza la Wawakilishi katika kuamua na kuidhinisha Bajeti yake wenyewe?
   (i) Haliko huru kabisa
   (ii) Liko huru kiasi
   (iii) Sina uamuzi
   (iv) Liko huru
   (v) Liko huru kabisa

37) Je, Spika wa Baraza la Wawakilishi anaruhusuwa kikatiba kushika wadhifa wa uongozi katika chama cha siasa?
   (i) Haruhusiwi
   (ii) Anaruhusiwa
   (iii) Sijui
   (iv) Sina maoni

38) Ili Baraza liweze kutekeleza kazi zake kwa ufanisi, unaafikiriki ni muhimu Spika asiruhusiwe kushika na fasi yoyote ya uongozi katika chama cha siasa?
   (i) Sio muhimu
   (ii) Ni muhimu kidogo
   (iii) Sina uamuzi
   (iv) Ni muhimu
   (v) Ni muhimu sana

39) Je, unaafikiriki maamuzi ya Spika katika Baraza yanaathiriwa na Serikali au chama chake cha siasa?
   (i) Hayaathiriwi
(ii) Yanaathiriwa kidogo
(iii) Sina uamuzi
(iv) Yanaathiriwa
(v) Yanaathiriwa sana

40) Ili kuongeza ufanisi wa Baraza la Wawakilishi katika kusimamia utendaji wa Serikali, unafikiri ni muhimu kwa Kamati ya Uongozi ya Baraza kuwa huru bila kushawishiwa na Serikali?
   (i) Sio muhimu
   (ii) Ni muhimu kidogo
   (iii) Sina uamuzi
   (iv) Ni muhimu
   (v) Ni muhimu sana

41) Kwa kuzingatia kwamba zaidi ya thuluthi moja ya wajumbe wa Baraza la Wawakilishi hawakuchaguliwa moja kwa moja toka majimboni, unawezaje kupima ufanisi wa Baraza la Wawakilishi katika kusimamia utendaji wa Serikali?
   (i) Halina ufanisi
   (ii) Lina ufanisi kidogo
   (iii) Sina uamuzi
   (iv) Lina ufanisi
   (v) Lina ufanisi sana

42) Je, kuna haja ya kubadilishwa uwiano wa wajumbe wa Baraza ili kuongeza idadi ya wajumbe wa kuchaguliwa toka majimboni?
   (i) Hapana
   (ii) Ndiyo
   (iii) Sijui
   (iv) Sina maoni

43) Je, kuna haja ya kupunguza idadi ya wajumbe wa Baraza wa kuteuliwa?
   (i) Hapana
   (ii) Ndiyo
   (iii) Sijui
   (iv) Sina maoni

44) Je, ni kwa kiwango gani itikadi za vyama vya siasa vya wajumbe wa Barazal la Wawakilishi zinaathiri majadiliano na maamuzi ya Baraza?
   (i) Haziathiri kabisa
   (ii) Zinaathiri kiasi
   (iii) Sina uamuzi
   (iv) Zinaathiri
   (v) Zinaathiri sana

45) Ili Baraza la Wawakilishi liweze kufanya kazi zake kwa ufanisi, unafikiri kuna umuhimu wa majadiliano na maamuzi ya Baraza yasichanganywe na itikadi za kisiasa za wajumbe?
   (i) Hakuna muhimu
   (ii) Kuna umuhimu kiasi
(iii) Sina uamuzi                      [  ]
(iv) Kuna umuhimu                        [  ]
(v) Kuna umuhimu mkubwa                  [  ]

46) Kwa kuzingatia taratibu na kanuni za Baraza la Wawakilishi, ni kwa kiasi gani wajumbe wa Baraza wapo huru kutoa maoni yao na kufanya maamuzi bila ya kuingiliwa na Serikali?
   (i) Hawapo huru                          [  ]
   (ii) Wapo huru kiasi                      [  ]
   (iii) Sina uamuzi                          [  ]
   (iv) Wapo huru                              [  ]
   (v) Wapo huru sana                         [  ]

47) Ili Baraza la Wawakilishi liweze kusimamia utendaji wa Serikali kwa ufanisi, unafikiri kuna umuhimu kwa wajumbe kuwa huru kufanya maamuzi bila ya kuingiliwa na Serikali?
   (i) Hakuna umuhimu                            [  ]
   (ii) Kuna umuhimu kiasi                       [  ]
   (iii) Sina uamuzi                             [  ]
   (iv) Kuna umuhimu                              [  ]
   (v) Kuna umuhimu mkubwa                        [  ]

48) Je, kuna mambo mengine yoyote ya muhimu ambayo hayakuulizwa, na yanaweza kuongeza ufanisi wa Baraza katika kusimamia utendaji wa Serikali?
   (i) Ndiyo                                         [  ]
   (ii) Hapana                                       [  ]

Kama jawabu ni ‘Ndiyo’, tafadhali yataje.
........................................................................................................
........................................................................................................
........................................................................................................
........................................................................................................
........................................................................................................

Tunashukuru kwa kutumia muda wako kushiriki katika utafiti huu. Tafadhali rejesha hojaji hii kwa kutumia bahasha iliyokwishalipiwa.
Appendix Seven: Survey 3 Senior Public Officials (the Executive Branch Officials) (English Copy)

This survey seeks to explore the effectiveness of the House of Representatives of Zanzibar in holding the Executive accountable in Tanzania’s democratic transition.

Please tick (√) in the box beside the appropriate answer.

1) Male: [ ] Female: [ ]

2) Age: ............

3) Your profession: .........................

4) Your highest educational qualification.
   (i) Primary Education [ ]
   (ii) Secondary Education [ ]
   (iii) Diploma Education [ ]
   (iv) University Education [ ]

5) How long have you been in an administrative or decision making post?
   (i) 0-5 years [ ]
   (ii) 6-10 years [ ]
   (iii) 11-15 years [ ]
   (iv) 16-20 years [ ]
   (v) 21 or more years [ ]

6) Have you ever been summoned by the House or its Committees to provide information relating to your area of responsibility?
   (i) Yes [ ]
   (ii) No [ ] proceed to Q9.

7) If ‘Yes’ to Q6, is this regular or expected part of your responsibilities?
   (i) Yes [ ] proceed to Q9.
   (ii) No [ ]

8) If ‘No’ to Q7, how many times have you been asked to appear before the House or one of its Committees?
   (i) 0-5 times [ ]
   (ii) 6-10 times [ ]
   (iii) 11 or more times [ ]

9) To what extent has the multiparty House of Representatives improved the effectiveness of the House of Representatives in holding the Executive Branch officials politically accountable?
   (i) Not improves [ ]
   (ii) Marginally improves [ ]
(iii) Undecided [ ]
(iv) Considerably improves [ ]
(v) Completely improves [ ]

10) How effective have the current democratic reforms taking place in Tanzania been in enabling the House of Representatives to hold the Executive Branch politically accountable?
   (i) Not effective [ ]
   (ii) Marginally effective [ ]
   (iii) Undecided [ ]
   (iv) Effective [ ]
   (v) Very effective [ ]

11) To what extent is the current constitutional and legal framework effective in enabling the House of Representatives to hold the Executive politically accountable?
   (i) Not effective [ ]
   (ii) Marginally effective [ ]
   (iii) Undecided [ ]
   (iv) Effective [ ]
   (v) Very effective [ ]

12) Is it important for the House of Representatives to be vested with adequate powers to hold the Executive accountable?
   (i) Not important [ ]
   (ii) Marginally important [ ]
   (iii) Undecided [ ]
   (iv) Important [ ]
   (v) Very important [ ]

13) In terms of effectiveness how would you rate the powers of the House of Representatives to enforce its decisions especially over the Executive Branch officials who found unaccountable to their acts?
   (i) Not effective [ ]
   (ii) Marginally effective [ ]
   (iii) Undecided [ ]
   (iv) Effective [ ]
   (v) Very effective [ ]

14) To what extent does the current hybrid system of government inhibit the effectiveness of the House of Representatives in holding the Executive accountable?
   (i) Not at all inhibits [ ]
   (ii) Marginally inhibits [ ]
   (iii) Undecided [ ]
   (iv) Considerably inhibits [ ]
   (v) Completely inhibits [ ]
15) Given the current constitutional provisions to what extent do you consider that the House of Representatives is immune from dissolution by the Executive?
   (i) No immunity
   (ii) Marginal immunity
   (iii) Undecided
   (iv) Considerable immunity
   (v) Immune

16) Is it important for the House of Representatives to be immune from dissolution by the executive?
   (i) No
   (ii) Yes
   (iii) Do not know
   (iv) No opinion

17) How would you rate the powers of the House of Representatives to conduct independent investigations of the Executive Branch officials?
   (i) Inadequate
   (ii) Marginally adequate
   (iii) Undecided
   (iv) Adequate
   (v) Very adequate

18) Is it important for effective legislative accountability of the executive, the House of the Representatives to have adequate powers to conduct independent investigations of the executive branch officials?
   (i) Not important
   (ii) Marginally important
   (iii) Undecided
   (iv) Important
   (v) Very important

19) Does the House of Representatives have adequate powers to discipline or to punish the Executive Branch officials?
   (i) Inadequate
   (ii) Marginally adequate
   (iii) Undecided
   (iv) Adequate
   (v) Very adequate

20) Is it important for effective legislative accountability of the executive, the House of Representatives to have adequate powers to discipline or to punish the Executive Branch officials?
   (i) Not important
   (ii) Marginally important
   (iii) Undecided
   (iv) Important
   (v) Very important
21) How would you rate the powers of the House of Representatives to render a vote of no confidence in the Chief Minister?

(i) Inadequate
(ii) Marginally adequate
(iii) Undecided
(iv) Adequate
(v) Very adequate

22) How would you rate the powers of the House of Representatives to render a vote of no confidence in a Cabinet Minister?

(i) Inadequate
(ii) Marginally adequate
(iii) Undecided
(iv) Adequate
(v) Very adequate

23) How would you rate the powers of the House of Representatives to approve the appointment of the Chief Minister?

(i) Inadequate
(ii) Marginally adequate
(iii) Undecided
(iv) Adequate
(v) Very adequate

24) Is it important for the House of Representatives to have adequate powers to render a vote of no confidence in either the Chief Minister or a Cabinet Minister?

(i) Not important
(ii) Marginally important
(iii) Undecided
(iv) Important
(v) Very important

25) Considering the current legal framework are the members of the House of Representatives immune from arrest and criminal prosecution without prior approval of the House itself?

(i) No
(ii) Yes
(iii) Do not know
(iv) No opinion

26) Is it important for effective legislative accountability of the executive the members of the House of Representatives be immune from arrest and criminal prosecution without prior approval of the House itself?

(i) Not important
(ii) Marginally important
(iii) Undecided
(iv) Important
27) How would you rate the powers of the House of Representatives to reject appointments of senior public officials such as Heads of the Central Bank (PBZ) and Zanzibar Revenue Board and Chief Treasurer?

(i) Inadequate
(ii) Marginally adequate
(iii) Undecided
(iv) Adequate
(v) Very adequate

28) How important is it for the House of Representatives to have adequate powers to reject appointments of senior public officials such as Heads of the Central Bank (PBZ) and Zanzibar Revenue Board and Chief Treasurer?

(i) Not important
(ii) Marginally important
(iii) Undecided
(iv) Important
(v) Very important

29) How would you rate the powers of the House of Representatives to reject the Budget without jeopardising its existence?

(i) Inadequate
(ii) Marginally adequate
(iii) Undecided
(iv) Adequate
(v) Very adequate

30) Is it important for effective legislative accountability for the House of the Representatives to have adequate powers to reject the Budget?

(i) Not important
(ii) Marginally important
(iii) Undecided
(iv) Important
(v) Very important

31) Should the House of Representatives have its own independent Service Commission?

(i) No
(ii) Yes
(iii) Do not know
(iv) No opinion

32) Is it important for effective legislative accountability of the executive that the House of Representatives to have its own independent Service Commission?

(i) Not important
(ii) Marginally important
(iii) Undecided
(iv) Important

(v) Very important

33) Is it important for effective legislative accountability the Clerk (Secretary) of the House to be appointed by the House itself?
   (i) Not important
   (ii) Marginally important
   (iii) Undecided
   (iv) Important
   (v) Very important

34) How important is it for effective legislative accountability that the House of Representatives have an adequate number of competent/qualified employees to assist it to fulfil its constitutional role?
   (i) Not important
   (ii) Marginally important
   (iii) Undecided
   (iv) Important
   (v) Very important

35) How important is it for effective legislative accountability for the House of Representatives to have budgetary autonomy with respect to its financial resources?
   (i) Not important
   (ii) Marginally important
   (iii) Undecided
   (iv) Important
   (v) Very important

36) How would you describe the degree of budgetary autonomy of the House of Representatives with respect to its financial resources?
   (i) Not autonomous
   (ii) Marginally autonomous
   (iii) Undecided
   (iv) Relatively autonomous
   (v) Completely autonomous

37) Is the Speaker of the House of Representatives constitutionally allowed to occupy a leadership position in a political party?
   (i) No
   (ii) Yes
   (iii) Do not know
   (iv) No opinion

38) How important for effective legislative accountability is it for the Speaker of the House of Representatives to be ineligible to occupy any leading position in a political party?
   (i) Not important
   (ii) Marginally important
   (iii) Undecided
39) Do you think the Speaker decisions in the House are influenced by the Executive Branch or his party affiliation?

(i) Not influenced [ ]
(ii) Marginally influenced [ ]
(iii) Undecided [ ]
(iv) Influenced [ ]
(v) Very influenced [ ]

40) How important is it for the effective legislative accountability for the Steering Committee of the House to be independent of the influence of the Executive?

(i) Not important [ ]
(ii) Marginally important [ ]
(iii) Undecided [ ]
(iv) Important [ ]
(v) Very important [ ]

41) Given that over one third of the members of the House of Representatives are not directly elected how would you rate the effectiveness of the House to hold the Executive accountable?

(i) Not effective [ ]
(ii) Marginally effective [ ]
(iii) Undecided [ ]
(iv) Effective [ ]
(v) Very effective [ ]

42) Should the ratio of elected to appointed members be changed to increase more elected members in the House of Representatives?

(i) No [ ]
(ii) Yes [ ]
(iii) Do not know [ ]
(iv) No opinion [ ]

43) Should the number of the members of the House who directly come from the executive be reduced?

(i) No [ ]
(ii) Yes [ ]
(iii) Do not know [ ]
(iv) No opinion [ ]

44) To what extent does party affiliation of members of the House influence the deliberations and decisions of the House?

(i) Not influenced [ ]
(ii) Marginally influenced [ ]
(iii) Undecided [ ]
(iv) Influenced [ ]
(v) Very influenced [ ]
45) How important for effective legislative accountability of the Executive is it for deliberations and decisions of the House to be free from the influence of partisan politics in the House?
   (i) Not important [ ]
   (ii) Marginally important [ ]
   (iii) Undecided [ ]
   (iv) Important [ ]
   (v) Very important [ ]

46) Within the parliamentary rules and procedures, to what extent are members of the House free to express their opinions and make decisions without any threat or interference from the Executive?
   (i) Not free [ ]
   (ii) Marginally free [ ]
   (iii) Undecided [ ]
   (iv) Considerably free [ ]
   (v) Very free [ ]

47) How important for effective legislative accountability of the executive is it for the members of the House to be free to make its decisions without any threat from the Executive?
   (i) Not important [ ]
   (ii) Marginally important [ ]
   (iii) Undecided [ ]
   (iv) Important [ ]
   (v) Very important [ ]

48) Are there any other important attribute other than those mentioned above that might influence the effectiveness of the House of Representatives in holding the accountability of the Executive?
   (i) Yes [ ]
   (ii) No [ ]

If yes, please state them.
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Your time is valuable and your taking part in this research is much appreciated. Please return this questionnaire in the reply paid envelope.