



**UNITED REPUBLIC OF TANZANIA
TANZANIA PARLIAMENT**

**ANSWERS TO MEDIA QUESTIONS
ABOUT PARLIAMENT**

**By Hon. Pius Msekwa, (MP)
Speaker of the National Assembly**

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As the term of office of the first multi-party which was elected in October 1995 was coming to its end, Speaker Pius Msekwa was requested by certain journalists to answer a number of questions relating to the performance of this first multi-party parliament; as well as the Speaker's own experience in guiding the deliberations of that parliament.

These questions and answers were published in the relevant newspapers at the material time. But, because of their valuable civic education content, they have been reproduce in this pamphlet for the benefit of those who did not have a chance to read those newspapers, in order to spread more widely this knowledge and understanding of the functions and operations of our multi-party parliament.

INTERVIEW WITH MONICA LUWONDO - SUNDAY NEWS

Q. 1: What difficulties have you been facing in leading the multiparty Parliament

ANS: Luckily, I have experienced no difficulties whatsoever. The Speaker can face difficulties only if the members of his parliament decide to create difficulties for him or her. In other words, the Speaker's problems can only come from one source, namely the MPs, if they so decide. Such difficulties include the deliberate disregard of the parliamentary rules of procedure, which the Speaker has the obligation and responsibility to enforce. Fortunately, the members of the Tanzania Parliament have all the time observed the relevant rules, thus making the Speaker's task extremely easy and pleasant.

But of course, if he is not careful, the Speaker can very easily create problems for himself. The cardinal rule for any Speaker, is that his impartiality in administering the affairs of parliament must be real and transparent. If therefore a Speaker is seen to be favouring particular persons or groups of persons within the House; or is seen to be giving unfair treatment to any person or group of persons, then obviously he will have invited his own trouble and possible downfall.

Hence, because I am fully aware of this danger, I have carefully avoided inviting such trouble by always acting with the required fairness and impartiality.

In addition, I personally have had the great good fortune of having easy access to the vast Commonwealth experience with regard to the Speakership. In view of that experience, I have constantly endeavoured to satisfy the expectations of the MPs regarding their Speaker, which is simply that when the MPs have elected their Speaker, they normally expect him to act wisely and firmly, preferably with a sense of humour when tempers are on edge. They further expect him to maintain the high standards of dignity and impartiality which that office inevitably demands.

Hence, because I have at all times endeavoured to observe this unwritten rule, that could be the reason why I have experienced no difficulties in the last five years of my Speakership.

I may add that with regard to the Speaker's problems which may be caused by some members disobeying the House rules, there is no difference between a multi-party and a Single-Party parliament. This is so because the Speaker's problems will be exactly the same, no matter who breaks the rules, be it a member of the ruling party or of the opposition parties. Fortunately for me, there was generally no breach of the rules when I was Speaker of the Single-party parliament; and there has generally been no breach of the rules during my Speakership of the multi-party parliament. Because of that, I have faced no difficulties.

Q.2: For some time you have served the National Assembly as its clerk. Has your experience in this capacity helped in your new capacity as the Speaker of the National Assembly?

ANS: Yes indeed, I served as Clerk of the National Assembly, for a good ten years (1961-1970). That was my very first appointment in the public

service immediately after graduating from Makerere University. It is again entirely true that my experience of parliamentary service in that capacity has been of enormous help in my current duties and responsibilities as Speaker of the National Assembly. This is because, apart from being the Chief administrator of the parliamentary establishment, the primary duty of the Clerk of the House is to advise the Speaker regarding the interpretation and application of the parliamentary rules of practice and procedure. He or she therefore must be fully conversant not only with these rules, but also with the relevant parliamentary practices and conventions. Clerks of Parliaments are specially trained for that purpose. I was trained initially for this job through attachment at the British House of Commons in London; and later continued with the learning process through study visits to a large number of other Commonwealth Parliaments at different times during my long service to Parliament.

Because of this extensive exposure to Parliamentary functions during my previous tenure as Clerk of the House, I did not have to learn anything when I was elected Speaker. I assumed my new duties with immense confidence, in the knowledge that I did not have to depend on advice from the Clerk of the House on matters of parliamentary procedure. I must say that this is a rather rare combination of skills; as there have so far been only two Speakers in the history of all the parliaments of the Commonwealth, who started off as Clerks of their Houses and subsequently graduated to the Speakership. The first one was the late Speaker Kolane of the Parliament of Lesotho, and I have been the only other person to follow in his footsteps .

It is presumably because of this background that since I became Speaker, the Commonwealth Parliamentary Association has asked me on many

occasions to be a resource person at post-general election seminars for new members of parliament in several countries of the Commonwealth around the globe.

I was also told by my well-wishers that this rare combination of parliamentary skills greatly enhanced my chances of being elected as chairman of the CPA Executive Committee in September last year. Hence it has indeed been a great and valuable asset for me.

But it would appear that in the case of Tanzania, the clerkship of the National Assembly has been a good training ground and springboard from which the incumbents have jumped to much higher responsibilities. For example, two of my successor clerks of our House were subsequently appointed Judges of the High Court of Tanzania. These were Mr Justice Maina and later Mr Justice Kazimoto.

Q.3: Members of the ruling party far outnumber those in the opposition. Some people believe this makes Parliamentary debates dull. Does your experience confirm this?

ANS: Who says that debates in our parliament are dull because of multi-partyism? This is very far from the truth and it is, in my opinion, a very unfair, (and possibly mischievous) attack on the good record of our multi-party parliament. Such comments are probably made by people who did not want the change to multi-partyism in the first place! The fact is that many parliaments of the Commonwealth have similarly large ruling party majorities, but their parliamentary debates are never dull because of that. The British House of Commons is a good example which illustrates this point, because the ruling Labour Party has a vast majority which far outnumbers those in the opposition; and yet parliamentary debates in the

British parliament are never dull. The South African parliament is another relevant example. It has an overwhelmingly huge majority of ANC members, far outnumbering the combined opposition members. And yet no one has ever said that debates in the South African parliament are dull because of that. So, multi-partysm cannot be blamed should parliamentary debates appear to be dull. But in any case, it is not true that our parliamentary debates in Dodoma can be categorized as “dull”. This could possibly be the view of those who are not interested in the law-making function of parliament. Our Parliament, being a law-making body, spends most of its time discussing and enacting laws, and usually these legal discussions are mostly technical in nature. This obviously makes such discussions rather dull to some members of the public who have a low level of legal literacy. But that is entirely their problem and is in no way related to the multi-party system. Multi-partysm is definitely here to stay, and should not be unfairly discredited with such unsubstantiated allegations.

Furthermore, I would like to emphasize the point that it is utterly wrong to judge the work of parliament by looking at whether its debates are lively or dull. The work of parliament should basically be judged by looking at the quality of its product, namely the laws which it enacts

Q.4: Many people say that there is automatic opposition to the bill or motion presented before Parliament by the government or an MP of the opposition. Is this correct?

ANS: That is utterly incorrect. I wonder if people who make such wild assertions actually listen to parliamentary debates. Because if they did, they would know that there no such thing as “automatic opposition” to every proposal coming from the other side of the House. The truth of the

matter is that, except perhaps for a few isolated cases, the greatest number of government proposals for legislation (known as government Bills), are usually supported by members both of the ruling party as well as the opposition parties. In other words, there has been no “automatic opposition” by the opposition parties. If there were to be any such automatic opposition from any side of the House, that would surely kill our parliamentary democracy. The idea should therefore be condemned and rejected outright.

Q.5: In this vein, are there rigid rules that limit opposition for its own sake or vice-versa in Parliaments in the Commonwealth?

ANS: There are no such rules anywhere in Commonwealth Parliaments, and they would certainly not be allowed to exist. Contrary to that, there is a specific provision in the rules of our parliament, rule no 43(5)(c)), which stipulates that the opposition spokesman must be given the floor for him to present the official views of the opposition, on each and every proposal which is presented to parliament by the government. Hence, instead of “limiting opposition” as stated in your question, our parliamentary rules do in fact require that the opposition views must be heard. And this is being done all the time. The guiding principle here is that the minority (the opposition) must be allowed to have their SAY; and the majority (the ruling party) must be allowed to have their WAY.

Q.6: The United Nations Development Programme (UNDP), gave Tanzanian Parliament 60 computers to expose MPs to the new information technology, such as the use of internet. Are MPs enthusiastic or keen to gain from this gift?

ANS: The majority of our MPs are very enthusiastic about acquiring these new technological skills, and they are regularly attending tuition classes which have been specially arranged for them by the Speaker’s Office in Dodoma.

Q.7: Are there Parliamentary rules requiring MPs to spending fixed periods in the constituencies?

ANS: There are no such rules. However, the Speaker is always mindful of the need for MPs to spend sufficient time in their constituencies. That is the reason why, in drawing up the annual time-table for plenary parliamentary sessions as well as for parliamentary committee meetings, the Speaker invariably ensures that sufficient time is left free for MPs to work in their respective constituencies. Thus, in a normal calendar year, Parliament does not meet during the months of March, May, August, September, November and December. Apart from parliamentary plenary sessions, a number of scattered days amounting to approximately one month in a year are normally spent by MPs in meetings of Parliamentary Committees. Therefore the total amount of time spent by MPs in attending plenary parliamentary sessions and parliamentary committee meetings, is approximately seven months in each year. This leaves the constituency MPs with a generous five months to spend in their respective constituencies doing their constituency work. Therefore, if there are any MPs who do not spend much time in their constituencies, that is a problem entirely of their own making.

Q.8: Some MPs reportedly do not spend most of their time in their constituencies. Is this blemish on MP's intergrity?

ANS: It is none of the Speaker's business to pass judgement on the performance of individual MPs in their respective Constituencies . That responsibility belongs to the voters of each Constituency. But I wish to point out that some MPs may be unable to spend much time in their constituencies for very valid reasons, e.g. government ministers who have full time jobs in

their respective ministries, or the Speaker, who also has a full time job as Speaker.

Q.9: How do you combine the responsibilities of the Speaker of the National Assembly and those of the Chairman of the Commonwealth Parliamentary Association?

ANS: It is very easy for me to carry out these two responsibilities, because the chairmanship of the Commonwealth Parliamentary Association is a very light duty. I am required to chair only two meetings in a whole calendar year: one meeting of no more than three days in April of every year, and the second meeting also of about the same number of days in September. I have no obligation to do any other duties as Chairman. I may choose to visit selected Branches of the CPA from time to time, but that is entirely for me to decide. Hence I will normally go out on such visits only when it does not interfere with my duties as Speaker of our parliament. Hence because my chairmanship of the CPA is not a full-time job, and is limited to only one term of three years which cannot be renewed, it is not at all demanding. In fact, the work-load of the chairman of CPA is even less than that of a Chairman of a Board of Directors of Parastatal Organisation in Tanzania, who is statutorily required to chair four meetings in a year, while the Chairman of the CPA chairs only two meetings in any year. So I have no problem at all combining the two responsibilities of Speaker and chairman of the CPA, which is a very rewarding experience.

Q.10: In your opinion what makes a good candidate for an MP, now that the general elections are around the corner

ANS: A good candidate is one who has the ability and the inclination to do the job of MP. So in my opinion, it is very important for the voters to have a clear understanding of what the job of an MP is, so that they can choose the right person for that job. Any person who is elected or appointed by

the president to join parliament, is expected to perform certain specific constitutional functions. These functions are clearly spelled out in Articles 63, 64 and 65 of the Constitution of the United Republic of Tanzania, 1977. Hence, a good candidate is one who has the ability and the inclination to contribute effectively to the performance of these functions.

For that reason, I would like to take this opportunity to make a special plea to all those who will be conducting voter-education in preparing members of the public for this year's general elections. My plea is that these educators should focus on enlightening the public regarding the functions of our parliament, as outlined in the country's constitution. For it is only the proper understanding of the functions of parliament which will empower the voters to choose the right candidates who have the ability and the inclination to perform those functions. It must be clearly understood by the voters that the person whom they elect to be their member of parliament becomes their special representative who goes to Parliament to make important national decisions on their behalf. This is because the role of a member of parliament is primarily a decision-making role in a representative capacity. Therefore, to answer your question more directly, a good candidate for the job of MP is the one who will contribute effectively and in a proper representative capacity to the decision-making functions of Parliament.

INTERVIEW WITH MICHAEL HAONGA - FINANCIAL TIMES

Q.1 The opposition in Parliament as well as CCM MPs have acknowledged your distinguished and exemplary steering of the country's post independence multi-party parliament above partisanship lines. Could you tell Tanzanians and the world what has been the secret and mortar behind this ability of yours to be so honoured?

ANS. I was of course overwhelmed with delight and moral satisfaction when almost all members of Parliament and Ministers who participated in the debate on the budget proposals for the year 2000/2001, including the Prime Minister, literally showed so much praise on me. This was finally sealed by the President himself in his farewell address to Parliament on 14th July, 2000. Now, my answer to your question is that there is no particular secret involved which led to that praiseworthy performance of my duties and responsibilities. All I have been endeavouring to do in the last five years of my speakership was to adhere faithfully to the official Speaker's oath which I took and subscribed immediately after my election as Speaker in 1995.

The Speaker's oath reads as follow:-

"I do hereby take oath that I will well and truly serve the United Republic of Tanzania in the office of Speaker of the National Assembly and that, in the exercise of the functions of this office I will do right to all manner of persons, according to the Constitution, the Standing Orders of the National Assembly, and the Laws and Customs of the United Republic, and that I will not directly or indirectly reveal such matters as shall be referred to the National Assembly and committed to my secrecy. So help me God.

So if it may indeed be called a secret, it is this faithful adherence to my oath of office which did it all.

Q.2 Don't you think that it will be a loss to your constituency for deciding to pull out your candidacy in the coming general elections as their most experienced MP?

ANS. It would clearly be wrong to describe my decision not to seek re-election as a "loss to the Constituency". In the first place, no person is indispensable; but secondly, there is in any case no particular experience required for being a member of parliament. A beginner can be as good or even better than a long-serving parliamentarian. Ukerewe has no shortage of qualified people who can serve brilliantly as parliamentarians. But the most important message of my voluntary decision not to seek re-election as a Constituency member of parliament is to encourage fellow politicians who are members of parliament to be ready and willing to consider retiring from parliament at the right moment. It has often been said that it is better to retire while you still have the support of your voters, than to wait until they get tired and throw you out! As was put very cogently by Minister Ngombale Mwiru, "usipong'atuka, utang'atuliwa"!

I personally believe that this is a basic principle of good leadership, and I intend to apply it also in the case of my Speakership. I have already announced that I will be offering my candidature again for the Speakership for the next term of five years. But thereafter, I will be due for retirement

Q.3 Budget sessions of Parliament have always been long-extending through to the end of July and even at times beyond that. What "miracle" has been

applied to make this year's budget session one of the country's shortest and to what advantage and loss?

ANS. There was no miracle whatsoever. The only valid reason is that this is election year, and the National Electoral Commission had already decided that nomination day for this year's general elections would be 18th August. This is much earlier than, for example, was the case in 1995, when nomination day was 29th of August. Consequently, the Bunge had to finish its business earlier too, in order to fall in line with the Electoral Commission's time table of election events.

Q.4 What are some of the major achievements and failures of the first (1995-2000) multi-party parliament?

ANS. The very obvious major achievement is the passing of very important laws for the governance of our country. A total of 91 laws were passed in the course of the last five years. In his farewell speech to Parliament on 14th July, the President of the United Republic singled out the most important ones for particular mention and commendation. I need not repeat them here because the President's speech is a public document and can be read by any one who wants to find out.

The other Bunge achievements during this period were also extensively analysed in the President's speech and there is no need to repeat them here. But I would like to mention one particular achievement which I believe should be put on permanent record; namely, the excellent way in which the first multi-party parliament managed to work together in peaceful co-existence throughout its five year term. There was not even a single ugly incident which occurred in the House during all of that period, such as a shouting match between the ruling party and the opposition members; or even a physical confrontation of any sort. On the contrary,

all the debates were carried out in a friendly atmosphere, and virtually all the laws which were enacted were passed *nemine contradicente* i.e. with no dissenting voice from the opposition benches. I consider this to be a very great and commendable achievement of our first multi-party parliament, 1995-2000. All our members of parliament, irrespective of their political persuasion, clearly put the national interests ahead of their respective political party interests.

As for the failures, I am not aware of any failures. What I know is that the 1995-2000 Parliament carried out its functions properly and strictly in accordance with the provisions of the constitution of the United Republic of Tanzania.

Q.5 Upon failure for some of the outgoing MPs to come back in Parliament, how does the MPs vehicle loans get recovered?

ANS. All the outstanding loans have already been deducted from the MPs gratuity payments. So all the vehicle loans have now been repayed and there is nothing outstanding.

Q.6 There are proposals within some public circles that it would be a step further in enhancing transparency and accountability to the electorate members if parliamentary committees deliberations were made public instead of being held in camera what is your comment and what would be the pros and cons of such openness?

ANS. Making Parliamentary committee deliberations public would greatly damage the work of those committees, because committee members will start addressing the external audience, that is their political parties or their electorates, instead of addressing the issues before them, in an earnest joint search for viable solutions to the problems under discussion. So it is too simplistic to try and argue the point of openness or transparency in

this particular case. There is a much more fundamental principle involved, which is what I have stated above. It should also be remembered that Parliamentary Committees have no decision-making powers. Their role is limited to analysing issues and reporting their opinions to Parliament, which has the sole mandate to make the necessary decisions. As you know, all Parliamentary debates are conducted in public, and that is where the question of transparency and openness comes in; but certainly not at Committee level.

Q.7 Some members of Parliament have it that parliamentary committees sessions are too short resulting in short comings in effective and exhaustive scrutiny of all issues involved. This is seen to be one of the possibilities of having rushed sail through of motions/budget estimates. Are these observations valid and if so how best could the situation be improved and what has been the loss and advantage so far?

ANS. The observations made in this question are not valid at all. Parliamentary Committees have as much time at their disposal as they need in order to complete all the business assigned to them at any material time. No business can be presented to parliament unless and until the Chairman of the Committee has reported to the Speaker in writing, saying that his or her committee has completed consideration of the business which was assigned to them. Our Parliamentary Committees have no fixed time within which to complete any business. So I have a good reason to suspect that this observation was made to you not by a member of Parliament, but by an outsider who does not really know the true position, which is well known to all MPs because it is clearly stated in the rules of the House.

Q.8 What are some of the requirements for the country to have more and more efficient MPs in the eyes of the Parliament and the electorates?

ANS. The main (and possibly the only) requirement is that Political Parties should select the best candidates for the job. As you well know, voters are asked to choose only from among the candidates presented by their respective political parties. So if political parties present weak candidates, there is nothing the voters can do except to choose the “least weak” among them; and those are the ones who will come to Parliament. So if you are really interested in tackling this issue, direct your energies to the Political parties.

Q.9 What is your well-wishing word to the coming general elections to:-

- (a) The electorate members?
- (b) The candidates?
- (c) Election supervisors?

ANS. My clarion call to each of those categories is the following:

1. Play your part, whatever it is;
2. Obey the Constitution and the election laws;
3. Follow the election rules and regulations;
4. Do your level-best and leave the rest to the Almighty God.
5. Above all, the competing candidates must avoid attempting to practice what I call the “Savimbi theory of elections” which says simply that “if you go into an election, you must win. If you don’t win, you have been cheated and therefore you must fight for your rights” I would like to say that this Savimbi theory is entirely misguided, because the only right of any candidate is to stand for election. Being elected is not the right of candidate. It is the voters who have the right to choose, and the losing candidates should willingly accept the voters’ choices.

Q.10 Finally, what preparations if any, is your office making for receiving the new MPs who will be elected on 29th October, and for helping those

among them who have never been parliamentarians before, to get properly settled in their new roles?

ANS: Yes, my office has already started making the necessary preparations for the in-coming parliamentarians, in two specific areas. Firstly, we are enlarging the seating capacity of the Bunge hall, in order to accommodate the increased number of MPs. As a result of the changes which were made in the country's constitution earlier this year, there will be an increase of 21 (twenty one) new members after the October 29th general elections. This increase is made up of 10 nominated members and eleven special seats women members. The work of re-shaping the Bunge Hall and providing completely new high-tech millennium seats for the MPs is progressing very well and will certainly be completed on time.

Secondly, we are organising an orientation week for the newly elected MPs, to help them to get a quick preliminary exposure to the nitty-gritty of the parliamentary processes.

During that orientation week the new MPs will be given some detailed information and advice, to enable them to learn a few core skills which are directly related to their new roles in parliament. Because the newly elected members will come to parliament with a wide variety of professional managerial, and political experience, it is realised that these orientation tutorials cannot possibly equalise the parliamentary competence and effectiveness of all the members. But many of them will at least benefit from that uniform exposure to the nitty-gritty of the parliamentary processes.

Specifically, the newly-elected members will need to be rapidly acquainted with the basic parliamentary procedures and practices, for example with regard to the drafting and tabling of questions and motions in the House. They will also need advice on managing new obligations which necessarily flow from being a member of parliament; and advice on managing legislation, which is the principal parliamentary product; and on managing their own constituency offices. Some of the newly elected members might appreciate some training on managing their time between parliamentary work within the House and their work outside the House; as well as between their parliamentary and extra-parliamentary work. It is a common experience in many parliamentary jurisdictions that the newly-elected members, somewhat flush with the authority of their electorates, tend to over-estimate the pace at which their political objectives can be achieved. Some training and advice on what an individual MP can achieve practically in the short to medium term, will clearly be helpful.

We have arranged that orientation week will start immediately after all the members have taken the oath of allegiance, and the President has formally opened the new parliament.

MAHOJIANO YA MHE. SPIKA NA CHARLES MWANKENJA - THE GUARDIAN

Swali 1: Bunge la kwanza la vyama vingi, linamaliza kipindi chake cha miaka mitano mwaka huu; kama Spika umepata uzoefu gani katika kuendesha vikao vya bunge la vyama vingi?

Jibu: Waingereza wanasema “experience is the best teacher”, yaani uzoefu ni mwalimu bora zaidi kuliko wote. Mimi nimepata uzoefu mzuri sana kutokana na kuongoza vikao vya Bunge la vyama vingi kwa kipindi cha miaka mitano iliyopita, pamoja na kuwa Mwenyekiti wa vikao vya Kamati ya Utendaji ya Umoja wa Mabunge ya Commonwealth, ambayo yote ni mabunge ya vyama vingi. Hii ni hazina kubwa ya uzoefu niliyoipata, ambayo maspika walionitangulia wakati wa mfumo wa chama kimoja hawakuweza kuipata. Imekuwa ni elimu kubwa kwangu, na endapo nitachaguliwa tena kuwa Spika wa Bunge letu kwa kipindi kijacho cha miaka mitano baada ya uchaguzi mkuu wa mwaka huu, nina imani elimu hiyo ya uzoefu niliyoipata itanisaidia sana katika kufanikisha shughuli za Bunge letu.

Swali 2: Chini ya uongozi wako Bunge limepitisha miswada mingapi, ambayo unadhani umesaidia kuimarisha demokrasia ya vyama vingi?

Jibu: Napenda ieleweke kwanza kwamba Bunge hupitisha miswada ya sheria kwa lengo la kuweka utawala bora unaozingatia sheria (the rule of law) katika nchi yetu. Utawala bora unaozingatia sheria ndio unaoimarisha demokrasia katika nchi. Bila utawala wa sheria, hakuna demokrasia. Kwa hiyo ni sahihi kabisa kusema kwamba Bunge letu la vyama vingi limefanya kazi nzuri ya kuimarisha demokrasia kwa kupitisha sheria mbalimbali. Bunge letu la vyama vingi limepitisha jumla ya sheria 91 (tisini na moja) kuanzia lilipochaguliwa mwaka 1995 hadi lilipovunjwa

mwanzoni mwa mwezi Agosti mwaka huu. Hiyo ilikuwa ni kazi nzuri sana ya kuimarisha utawala bora wa nchi yetu.

Lakini pamoja na hayo, ni vizuri ieleweke pia kwamba kazi ya kuimarisha demokrasia ya Vyama vingi ni kazi ya Vyama vya Siasa vyenyewe. Kazi hiyo haiwezi kuachiwa Bunge eti litunge sheria maalum kwa ajili hiyo. Vyama vya siasa vyenyewe havina budi kutimiza wajibu wake wa kutekeleza jukumu hilo.

Swali 3: Miswada ya sheria inayopelekwa Bungeni inaandaliwa na Serikali, tofauti na nchi nyingine ambako sheria zinaanzia kwa wawakilishi wa watu – na kupitishwa na senate; Je huoni kama utaratibu wa hapa kwetu una matatizo kwa maana kwamba sheria zinatungwa na kupitishwa na sherikali!

Jibu: Katika Mabunge yote ninayoyajua mimi, ambayo kwa hakika ni mengi, miswada inayowasilishwa Bungeni huandaliwa na Serikali. Ni uwongo mbaya kudai kwamba eti “katika nchi nyingine sheria zinaanzia kwa wawakilishi wa watu” kama ilivyodaiwa katika swali hili. Hakuna nchi yoyote inayofanya hivyo. Ukweli ni kwamba katika mabunge yote duniani, miswada mingi ya sheria inayowasilishwa Bungeni huwa ni miswada ya Serikali. Lakini vile vile kuna nafasi maalum ambayo imewekwa dhahiri katika Kanuni zake, kwamba Mbunge yeyote anayependa kufanya hivyo, anaweza kuwasilisha miswada wake wa sheria Bungeni. Kwa maneno mengine, Wabunge wetu, kama walivyo Wabunge wa Mabunge mengine duniani, wanao uhuru kamili wa kuwasilisha miswada ya sheria Bungeni wakipenda kufanya hivyo, chini ya Kanuni Na. 68(1) ya Kanuni za Bunge la Tanzania. Huu ndio utaratibu wa kawaida katika Mbunge yote, ambao Bunge letu pia linaufuata.

Swali 4: Kuna maoni kwamba wewe sio neutral, bungeni kutokana na sababu kwamba unatoka chama tawala, kama maoni hayo sio kweli imejitahidi vipi ku-maintain impartiality? Kuna hali yoyote inayoonyesha impartiality yako katika kuongoza vikao vya bunge?

Jibu: Huo mimi nauita usongombingo, yaani ni uwongo wenye fitina ndani yake. Ukisema kwamba mimi siyo neutral kwa sababu ninatoka Chama Tawala, maana yake ni kwamba kama ningetoka Chama cha Upinzani, basi ningekuwa neutral! Kwa hakika haya ni maneno ya kushangaza na kuchekeka. Na zaidi ni mawazo ya mtu ambaye uwezo wake wa kufikiri umedumaa kabisa. Usahihi na ukweli wa mambo ni kwamba katika mabunge yote ambayo Spika wake pia ni Mbunge wa kuchaguliwa kwenye jimbo la uchaguzi (kama nilivyokuwa mimi Mbunge wa Ukerewe), inabidi Spika huyo atokane na chama fulani cha siasa. Na Maspika wenzangu karibu wote ninaowajua mimi, wanatoka katika Chama Tawala. Sababu yake ni kwamba katika mfumo wa demokrasia ya kibunge (parliamentary democracy), Chama chenye Wabunge wengi ndicho kinakuwa Chama Tawala. Kwa hiyo katika uchaguzi wa Spika, ni wazi kwamba hao wabunge wa Chama Tawala watampigia kura mgombea ambaye ni mwanachama wa Chama chao ndiye awe Spika. Ni vizuri ijulikane kuwa huo ndio utaratibu wa kawaida katika mabunge yote. Kwa mfano, Spika wa Uingereza ni mbunge wa Chama Tawala cha Labour Party, lakini hiyo haimzuii Spika huyo kuwa “neutral”. Hali kadhalika, Spika wa Afrika Kusini ni mwanachama wa ANC, lakini uwanachama wake huo haumzuii Spika huyo kuwa neutral katika uongozi wake wa shughuli za Bunge hilo. Mimi vile vile uwanachama wangu wa Chama Tawala CCM haunizuii kuwa “neutral” katika kuongoza shughuli za Bunge letu. Ni vizuri wakati wote tuzingatie ukweli wa mambo ulivyo, na tuachane na usongombingo.

Swali 5: Kwa nini Bunge la Tanzania halitumii utaratibu wa kupitisha miswada ya sheria kwa njia ya kura siri, badala yake unatumika utaratibu

wa roll-call ambapo mbunge analazimika kusema “ndio au hapana”, Je houni kama njia hii inawanyima wabunge wa chama tawala kupinga miswada ambayo hawakubaliana nayo?

Jibu: Hakuna Bunge lolote duniani ambalo linatumia utaratibu wa kupitisha miswada ya sheria kwa kura za siri. Kuna kitabu kinachoitwa “The Parliaments of the World”, chenye Volumes I and II, ambacho kinatoa habari muhimu za kila Bunge duniani. Ukisoma kitabu hicho, ambacho kinapatikana katika Maktaba ya Bunge, utaona kwamba Mabunge yote hupiga kura ya wazi na siyo ya siri. Msingi wake ni kwamba Wabunge ni wawakilishi wa watu. Ndiyo sababu lazima wananchi wanaowawakilisha Bungeni wajue jinsi wawakilishi wao, yaani Wabunge wao, wanavyofanya maamuzi Bungeni. Kwa hiyo suala la kura za siri Bungeni halipo kabisa.

Swali 6: Kwa muda wote ambao umekuwa spika hata kabla ya vyama vingi, hoja binafsi zimekuwa zikinyimwa nafasi ya kupita hata kama, zina mantiki; kwa nini hali hiyo imeendelea kuwepo katika mfumo wa Bunge la Tanzania?

Jibu: Maelezo kwamba “hoja binafsi zimekuwa zikinyimwa nafasi ya kupita Bungeni hata kama zina mantiki” ni maneno ya uwongo mtupu na uzushi. Nadhani yanatoka kwa watu ambao huwa hata hawajali kusikiliza majadiliano ya Bunge yanayotangazwa kila siku kwenye radio wakati wa vikao vya Bunge. Ni vizuri nikumbushe usemi wa Kiongozi mmoja mashuhuri wa China, aliyewahi kuasa kwamba “asiyefanya utafiti, hana haki ya kusema”. Ukweli wa mambo ni kwamba katika kipindi cha Bunge kinachomalizika sasa, kuna mifano hai inayokanusha usemi uliomo katika swali hili. Hoja ya Mhe. Paul Ndobho, Mbunge wa NCCR-Mageuzi, ilipitishwa na Bunge lenye wabunge wengi wa CCM, baada ya kuonekana kuwa ina mantiki. Lakini hoja ya Mhe. Mrema haikupitishwa na Bunge kwa sababu yeye mwenyewe alijiondoa Bungeni

kwa kuhamia Chama kingine cha Siasa kabla hoja yake haijakamilika kuchunguzwa na Kamati inayohusika, kulingana na taratibu za Bunge letu zilivyo. Sasa je, muuliza swali hili anao ushahidi wowote wa kuthibitisha usemi wake?

Swali 7: Mheshimiwa Spika, mahakama iliruhusu Watanzania kuingia katika uchaguzi kama wagombea binafsi; lakini bunge lako likakandamiza (disregard) uamuzi huo kwa kubadilisha katiba harakaharaka ili kuweka kipengere cha kuzuia wagombea binafsi; Kwa nini mabadiliko hayo yaliruhusiwa?

Jibu: Bunge lolote katika nchi yoyote linayo mamlaka kamili ya kutunga sheria juu ya jambo lolote lililoko katika uwezo wa binadamu. Ni dhahiri kwamba Bunge haliwezi kutunga sheria ya kumrudishia uhai wake mtu aliyefariki, kwa sababu jambo hilo liko nje ya uwezo wa binadamu. Lakini ni vema ieleweke wazi kwamba uwezo na mamlaka ya Bunge kupitisha sheria inayotengua hukumu fulani ya mahakama, haupo katika Bunge la Tanzania peke yake. Kila Bunge linayo mamlaka hayo, na kuna mifano mingi ya Mabunge ambayo yamewahi kutumia mamlaka yake hayo. Mfano mmoja ni Bunge la Uingereza (House of Commons), ambalo mwaka 1965 lilipitisha sheria ya kutengua uamuzi uliokuwa umetolewa na Mahakama ya juu kabisa nchini Uingereza, wa kuitaka Serikali ya Uingereza ilipe fidia kwa Burmah Oil Company ya nchi hiyo, ambayo visima vyake vya mafuta viliharibiwa huko Burma kwa amri ya Serikali wakati wa vita kuu ya pili, ili kuzuia visitekwe na majeshi ya Kijapani. Baada ya Mahakama kutoa uamuzi huo, Bunge baadaye lilipitisha sheria maalum ya kuzuia uamuzi huo usitekelezwe. Huo ni mfano halisi unaodhihirisha kwamba mamlaka ya Bunge ya kutunga sheria hayana mipaka. Ni katika maeneo yale ambayo yako katika uwezo wa Mwenyezi Mungu peke yake ndipo Bunge linakuwa halina uwezo wa kutunga

sheria. Sheria yenyewe ya msingi inayoainisha madaraka ya Bunge inasema kama ifuatavyo kwa lugha ya kingereza:

“Parliament is supreme and its power to legislate is unlimited. It can do the greatest things, and it can do the smallest ...”

Kwa hiyo muuliza swali hili asikae akidhani kuwa Bunge letu lilifanya jambo la ajabu katika kutunga sheria aliyoitaja ya kuzuia wagombea binafsi. Hayo ndiyo madaraka yake kisheria na kikatiba.

Swali 8: Bunge linalomaliza muda limefanya kazi ipasavyo? Kama ndivyo, kwa nini lilishindwa kuitikisa serikali baada ya Gavana wa zamani wa Benki Kuu, Dk Idris kudaiwa amechukua kinyume cha taratibu pesa PPF? Bunge liliendelea kuaa kimya hata baada ya madai hayo kungusa waziri mkuu. Hapa tunaweza kweli kuamini Bunge hili lilikuwa na meno.

Jibu: Kazi za Bunge zimeelezwa katika Katiba ya Nchi, Ibara ya 63(3). Ukisoma Ibara hiyo, utaona kwamba siyo kazi ya Bunge kushughulikia wahalifu kama hao wanaodaiwa “kuchukua pesa za PPF kinyume cha taratibu” . Hiyo ni kazi ya Mahakama za nchi yetu. Ni vema ieleweke kwamba kuna mgawanyo rasmi wa kazi baina ya vyombo vitatu vya Dola, ambavyo ni Serikali; Bunge, na Mahakama. Kazi ya kushughulikia wahalifu ni ya Mahakama, siyo ya Bunge hata kidogo. Kazi ya Bunge ni kutunga sheria. Lakini wanaokiuka sheria hizo wanashughulikiwa na mahakama zetu, siyo na Bunge tena. Ni vizuri elimu hii muhimu imfikie muuliza swali hili.

Swali 9: Tumeingia katika karne ya sayansi na teknolojia, sifa za wagombea ubunge zitakuwa na mabadiliko kidogo, yanayozingatia kiwango cha elimu.

Jibu: Sifa za kugombea Ubunge zimeelezwa vizuri katika Ibara ya 67 ya Katiba ya nchi. Sifa hizo hazijafanyiwa mabadiliko yoyote na Bunge. Kwa hiyo endapo muuliza swali hili anayo nia ya kugombea Ubunge, anashauriwa asome Ibara hiyo ya Katiba ya Nchi aone kama anazo sifa hizo, au la.

Swali 10: Je, Ofisi yako inayafanyia kazi mapendekezo ya wabunge wa mataifa ya nchi nyingine kuhusu mwenendo wa siasa ya vyama vingi katika Tanzania, na hasa visiwani.

Jibu: Ofisi yangu haina habari ya “mapendekezo ya Wabunge wa mataifa ya nchi nyingine” juu ya jambo lolote. Na hata kama yangekuwapo, kutekeleza mapendekezo ya Wabunge wa nchi nyingine ni kujidhalilisha. Hii ni kwa sababu nchi yetu inalo Bunge lake lenye uwezo kamili na linalojitegemea. Kwa hiyo Ofisi yangu inatekeleza maamuzi yanayotolewa na Bunge letu tu, siyo mapendekezo ya Wabunge wa nchi za nje.

Swali 11: Katika uzoefu wako kwenye shughuli za mabunge mbali mbali hasa ya Jumuiya ya Madola umeona nchi gani ina bunge huru zaidi duniani?

Jibu: Mabunge yote ya Jumuiya ya Madola yanafanana, kwa maana kwamba kila moja linao uhuru kamili wa kutekeleza majukumu yake. Kwa mfano, kila Bunge linao uhuru kamili wa kutunga sheria, ambayo hasa ndiyo kazi ya msingi ya kila Bunge duniani. Ndiyo sababu Bunge huitwa “The Legislature”. Yaani chombo cha kutunga sheria. Katika kutekeleza jukumu hilo kuu, na pia katika kutekeleza majukumu mengine yote ya Bunge yaliyotajwa katika Katiba ya nchi, hakuna Bunge hata moja lenye uhuru zaidi kuliko jingine. Napenda nikumbushe tena kwamba Bunge letu linao uhuru kamili wa kutekeleza majukumu yake. Hakuna Bunge lingine lolote linalotuzidi kwa maana ya kuwa na uhuru zaidi

Swali 12: Pamoja na kuwa ni miongoni mwa watu wenye hekima, kitu gani unaona kama kinapingana na dhamira yako katika kuongoza shughuli za bunge la Tanzania?

Jibu: Hakuna kitu chochote cha aina hiyo na wala hakiwezi kutokea. Hii inatokana na sababu kwamba shughuli za Bunge wakati wote

zinaongozwa kwa kufuata sheria na kanuni za Bunge lenyewe, zilizotungwa kwa mujibu wa Katiba ya Nchi yetu. Suala la dhamira au utashi wa Spika halipo na halina nafasi hata kidogo. Spika anayejaribu kuongoza Bunge kwa kutegemea utashi wake atakuwa anajitafutia matatizo mwenyewe; na kwa hakika kazi ya Uspika itamshinda Kwa maana hiyo, kazi za Spika anapokuwa Bungeni hazitofautiani sana na kazi za Jaji anapokuwa Mahakamani. Kwa sababu Jaji anapokuwa mahakamani anaongozwa na Sheria zinazohusika. Vivyo hivyo, Spika anapokuwa Bungeni anaongozwa na sheria na kanuni za Bunge zinazohusika tu, bila kuingiza masuala ya utashi au dhamira yake. Ndiyo sababu Spika yeyote anaweza kufanya kazi zake kwa ufanisi bila kujali anatoka chama gani cha siasa, kwa sababu anaongozwa na kanuni, siyo na dhamira yake binafsi au hisia zake za kisiasa.