THE ZANZIBAR HOUSE OF REPRESENTATIVES

REPORT ON CAPACITY ASSESSMENT ON LEGISLATIVE SKILLS AND TRAINING NEEDS FOR MEMBERS OF THE HOUSE.

2012
Table of Contents
FOREWORD.................................................................................................................. 5
CHAPTER 1 BACKGROUND.......................................................................................... 7
  1.0 INTRODUCTION:.................................................................................................... 7
  1.1 OBJECTIVES......................................................................................................... 7
  1.2 DELIVERABLES.................................................................................................... 8
  1.3 CONSULTANTS’ PROFILE...................................................................................... 8
  1.4 METHODOLOGY................................................................................................... 9
  1.5 CONCLUSION....................................................................................................... 10
CHAPTER 2 ANALYSIS, FINDINGS AND CONCLUSIONS............................................ 11
  2.0 INTRODUCTION.................................................................................................... 11
  2.1 CAPACITIES RELATED TO THE MEMBER............................................................ 11
    2.1.0 Years of Service............................................................................................. 11
    2.1.1 Fluency in the Languages of the House....................................................... 12
    2.1.2 Integrity Issues.............................................................................................. 13
    2.1.3 Working of the House.................................................................................. 15
    2.1.4 Parliamentary Staff...................................................................................... 17
    2.1.5 Use of ICT.................................................................................................... 19
    2.1.6 Work Place Environment............................................................................. 22
    2.1.7 Members’ Satisfaction with Remuneration............................................... 25
    2.1.8 Motivation other than by remuneration..................................................... 28
    2.1.9 Members’ and the Culture of the House..................................................... 30
    2.1.10 Members and Communication with Electors or Citizens....................... 32
  2.2 GENERAL UNDERSTANDING OF THE FUNCTIONS OF THE HOUSE..... 35
2.2.0 Representation function .................................................................35
2.2.1 Watchdog function ........................................................................37
2.2.3 Legislating function .........................................................................39
2.3 CONSTITUTIONAL PROVISIONS ON MAKING LEGISLATION ........42
  2.3.0 Hierarchy of Laws ...........................................................................42
  2.3.1 Power to Amend the Constitution ..................................................43
  2.3.2 Power to Pass Statutes .................................................................43
  2.3.3 Types of Bills ..................................................................................44
  2.3.4 Constitutional Formal Validities of Legislation Such as
        Publication and Assent .................................................................44
2.4 STATUTORY PROVISIONS ON MAKING LEGISLATION .............45
  2.4.0 Commencement of Legislation ......................................................45
  2.4.1 Amendments ...............................................................................46
  2.4.2 Revision of laws ...........................................................................46
  2.4.3 Subsidiary legislation .................................................................47
2.5 PROCEDURAL STANDING ORDERS AND COMMITTEE SYSTEM IN
     MAKING LEGISLATION .....................................................................48
2.6 MEMBERS’ OTHER VIEWS .................................................................49
INTRODUCTION .........................................................................................51
THE MATRIX FOR THE TRAINING CURRICULUM ................................0
NOTES .........................................................................................................i
APPENDICES ............................................................................................ii
APPENDIX 1 – QUESTIONNAIRE IN ENGLISH ......................................ii
LIST OF FIGURES

Figure 1-Number of Years Served by Members..................................................12
Figure 2-Percentage of Language Fluency..........................................................12
Figure 3 - Percentage Members Provided with Security.................................17
Figure 4- Percentage Members Provided with Secretaries..............................18
Figure 5-Percentage Members Provided with other Personnel.....................18
Figure 6-Percentage Use of Internet Services...................................................20
Figure 7-Percentage of Respondents on Typing Notes.................................20
Figure 8-Percentage Availability of Computerized Information.....................22
Figure 9-Percentage Availability of Facilities for Persons with Disabilities....23
Figure 10-Percentage Response on Good House Work Environment...........24
Figure 11-Percentage Members’ Satisfaction with Remuneration.................26
Figure 12-Percentage Members’ Views on Fair Staff Remuneration.............27
Figure 13: Percentage Members’ Views on Withholding Remuneration for Poor Performance...........................................................................................................27
Figure 14-Percentage Members’ Motivation to Participate in Legislative Process.............................................................................................................................28
Figure 15-Percentage Members’ Consultation in Determining Priority Bills and Business.......................................................................................................................29
Figure 16-Percentage Members’ Views on Team Work in Working on Bills.................................................................................................................................29
Figure 17-Percentage Responses on Dispute Resolution.............................31
Figure 18-Percentage Responses on Trust, Ownership and Belonging amongst Members.........................................................................................................................31
Figure 19-Percentage Responses on Flexible, Adaptive and Innovative House Behavior..................................................................................................................32
Figure 20-Percentage Electorate Input on Bills under Deliberation............33
Figure 21-Percentage Facilitation for Members to get Electorate's Views on Bills 33
Figure 22-Percentage on Opinion on Representation of Electorates' Interests.................................................................................................................................35
Figure 23-Percentage on Opinion on Representation of Electorates' Interests in Laws Enacted..................................................................................................................36
Figure 24-Percentage on Opinion on Representation of Electorates' Interests in Laws Enacted in the Past..................................................................................................................36
Figure 25-Percentage Knowledge on Instances when House Approval was Denied.................................................................................................................................37
Figure 26-Percentage Response on questions about the electorates’ interests..................................................................................................................................................38
Figure 27-Percentage Response on Motion Moved about the Electorates’ Interests..................................................................................................................................................38
Figure 28-Percentage Response on Bringing Private Member’s Bill........39
Figure 29-Percentage Response on Opposing Private Member’s Bill........39
Figure 30-Percentage Response on Public Bill Moved or Seconded........40
Figure 31-Percentage Response on Private Bills in Last 6 Months..........40
Figure 32-Percentage Response on Public Bills in Last 6 Months..........41
It is often said that there is no school for parliamentarians, much less for politicians. When aspiring politicians are elected into office – as legislators – often they have to learn-on-the-job. While they bring with them various life experiences, academic and other professional qualifications, none of these prepares them sufficiently for the multi-layered and multi-faceted office of a parliamentarian. Quite apart from the intellectual resources and political skills that each of the elected leaders brings to the legislature, in the developed world, where resources for a fully functioning public sector in general, legislatures do not usually have sufficient means to ensure that legislators have the necessary tools with which to deliver on the expectations of the electorate.

As part of the effort to enhance the capacity of elected leaders and of the House to effectively and efficiently executive its constitutional mandate, the Zanzibar House of Representatives – together with the National Assembly of Tanzania - and the United Nations Development Programme are jointly implementing the Legislatures Support Project. This assessment – which seeks to independently assess the legislative skills’ capacity and needs of members of the Zanzibar House of Representatives, is a small, albeit a very important dimension of Legislatures Support Project.
This assessment is critical in providing a mirror for self-reflection and shining the light on the existing gaps and challenges in the Zanzibar House of Representatives’ legislative development arena. More importantly, however, it also proposes effective and thorough-going remedial measures on other areas of needs that will outlast the life of the LSP and of the current parliament, and will guide future capacity building trends and developments.

I salute the consultants, UNDP, Members and staff of the Zanzibar House of Representatives for working together in delivering this publication, and commend it to all our partners as an invaluable working document for improved capacity development of the House, its Members and staff. I have no doubt that the publication will also improve key stakeholders’ understanding of the roles of and challenges faced by their legislators.

**Honourable Pandu Ameir Kificho**  
Speaker, Zanzibar House of Representatives
CHAPTER 1 BACKGROUND

1.0 INTRODUCTION:
S. Musalia Mwenesi Advocates were contracted to undertake a Capacity and Needs Assessment of Members’ Legislative Skills with respect to the Members of the Zanzibar House of Representatives (ZHoR). The assignment was undertaken within the framework of the Legislatures Support Project (LSP) supported by the United Nations Development Programme (UNDP) – Tanzania. The LSP seeks to strengthen and enhance the capacity of Members of the House, their Committees and staff to better execute their constitutional mandate. In addition to assessing the capacity and needs of Members, the assignment also focused on making recommendations towards strengthening their legislative functioning.

1.1 OBJECTIVES
The general thrust of the assignment was to:

a) review constitutional and legal framework of the ZHoR and its Committees in processing of legislation;

b) review the constitutional and legal framework of the role of the Members in initiating and processing legislation;

c) assess the capacity of Members and identify their capability needs for their more effective functioning in initiating and processing legislation; and

d) recommend appropriate framing requirements and develop work plan for strengthening Members’ capacity and legislation skills.

The specific objectives of the study were to:

a) review the constitutional and legislative framework and provisions of the United Republic of Tanzania to ascertain the functions and powers of the Members to initiate, process and deliberate on legislative instruments;
b) by research, identify Members’ capacities to initiate and propose laws and their involvement in the legislation process generally;
c) identify technical challenges to Members on their capabilities to initiate and propose legislation and, generally get involved in the legislative process;
d) identify and report on the training needs that will address and diminish the impact of the challenges;
e) report the findings for discussion before a stakeholders’ meeting for recommendations (way forward);
f) update the report taking into account the stakeholders’ views; and
g) Submit a final report to the Clerk of the ZHoR.

1.2 DELIVERABLES
The key deliverables of the assignment included:

a) a detailed inception report as per the terms of reference;
b) initial draft report as per the terms of reference;
c) presentation of the initial report to stakeholders for dissemination, dialogue, input and views; and
d) Presentation of a final report including stakeholders’ input and comments, UNDP technical team’s comments, and the work plan for training and enhancement of the Members’ legislation skills.

1.3 CONSULTANTS’ PROFILE
The assignment was undertaken by S. Musalia Mwenesi Advocates a leading Nairobi law firm on matters of constitutional and administrative law with a long experience in policy, legislation and legislative drafting. The lead consultant is the founder and managing partner of the firm, Mr. Stephen Musalia Mwenesi, an advocate who has a deep wealth of experience having served as a Parliamentary Counsel for the Government of Kenya and been involved widely in training and development of
legislative drafters and parliamentarians in Africa. Two assisting consultants with experience in public service law and media, advocacy and governance respectively, supported him.

1.4 METHODOLOGY
In view of the desired output, the consultancy adopted a practical formal legal research, participatory and results – oriented methodological approach. The following were the key steps that were applied to deliver upon the assignment:

a) By way of formal legal research, the constitutional and statutory role of the Members in the process of making of the legislation is identified. Specific focus is paid to the various powers to initiate legislation, types of legislation and the procedural steps involved.

b) Based on the findings in (a) above, the consultant identified the key capacities, knowledge, skills and competencies expected of the Member in both roles as an individual Member of the House and as a member of any of the Committees of the House.

c) On the basis of the capacity, knowledge, skills and competencies identified in (b) above, the consultant developed a questionnaire to be completed by Members with the aim of analyzing the responses to assess and establish the Members’ training needs as well as the Members’ capacities to initiate and propose laws and their involvement in the legislation process generally (the questionnaire is in Appendix 1).

d) The consultant then prepared the initial report and sought the stakeholders’ views and input.

e) The consultants thereafter prepared the final report taking into account the stakeholders’ input and setting out the training work
plan to be carried out for enhancing and strengthening the Members’ skills in the function and power to make legislation.

1.5 CONCLUSION
The next chapter provides for analyses, findings and conclusions in view of the responses in the questionnaire.
CHAPTER 2 ANALYSIS, FINDINGS AND CONCLUSIONS

2.0 INTRODUCTION
This chapter provides the findings and conclusions arising from the responses by Members. Respondents were requested to complete a questionnaire so as to identify the training needs in the area of legislation, legislative process and related matters. Twenty members completed the questionnaires which were subjected to analysis.

The questionnaire covered the areas of:

a. capacities related to the Member;
b. general understanding of the functions of the House;
c. knowledge and competencies on the constitutional provisions on making legislation;
d. knowledge and competencies on the statutory provisions on making legislation; and
e. Members’ opinion on their training needs.

This chapter provides for the analysis, findings and conclusions in view of the responses received from the Members.

2.1 CAPACITIES RELATED TO THE MEMBER

2.1.0 Years of Service
Respondents were asked to indicate the period they have served as Members and the results were as per the pie chart below.
Conclusion
The findings show that most Members are in their first term of service. Accordingly, by inference, most Members need training on the workings of the House including the legislative process.

2.1.1 Fluency in the Languages of the House
The Members were asked to indicate the language they speak and write fluently and the results were as per the pie chart below.
Conclusion

All respondents speak and write Kiswahili fluently. Most of them speak and write both English and Kiswahili fluently. Thus the respondents do not have training needs in English or Kiswahili as languages of the House.

2.1.2 Integrity Issues

a. In relation to bribery, all respondents stated that they had not been given money or gift or other favour to support or oppose a bill. In relation to bribery, one respondent stated that he was aware that a Member had been given money or gift or other favour to support or oppose a bill while 19 respondents stated that they were not aware of such bribery.

b. In relation to a code of conduct binding upon and regulating Members, 14 Members stated that they were aware of such a code and six stated that they were not aware of such a code. Of the Members who stated yes, they cited the provisions of the code to include clauses: 1 (10); 58 (1)-(10); 62 (1); 12; 141 (1) (3), (4); 57; 60; 59 (1); 4; 61 (1). They did not state whether the clauses referred to standing orders or to a statute, the Constitution or to a code of conduct. Other respondents cited the following as some of the provisions of the code of conduct they were aware of, namely:

i. dress code;
ii. procedures of asking questions;
iii. procedures of asking private Members’ questions;
iv. oath of allegiance; and
c. The respondents indicated the most important ethical and integrity standards that should apply to members to include:
   i. Supporting party position – 1 respondent.
   ii. Upholding standing orders – 3 respondents.
   iii. Respectful language – 6 respondents.
   iv. Effective service delivery – 2 respondents.
   v. Time consciousness – 3 respondents.
   vi. Decent dressing – 12 respondents.
   vii. Respecting the Constitution – 1 respondent.
   viii. Respect and courtesy – 6 respondents.
   ix. Integrity – 7 respondents.
   x. Honesty – 2 respondents.
   xi. Abiding by the law – 3 respondents.

d. Five respondents stated that they had got concerned and complained about misconduct by a Member while 15 stated that they had never done so. The five respondents who had got concerned and complained identified the following misconducts, namely:
   i. intimidation during voting - 1 response;
   ii. lack of consultation – 2 responses;
   iii. absenteeism or irregular or technical attendance -2 responses;
   iv. delayed loan repayments on account of membership status-3 responses; and
   v. lack of integrity e.g. undermining the institution of marriage and general misconduct not befitting a Member of the House – 5 responses.
Conclusion

There are clear training needs for the Members in the area of ethics and integrity including formal sources of ethical standards, content of the standards, mainstreaming the ethical standards as well as issues of compliance and enforcement.

2.1.3 Working of the House

a. Of the laws that may be passed by the House, the responses were as follows:
   i. laws governing Zanzibar and in line with the Constitution – 18 responses;
   ii. government laws – 1 response;
   iii. budget speech - 1 response;
   iv. service delivery – 1 response; and
   v. no response – 1 respondent.

b. Of the laws that may not be passed by the House, the responses were as follows:
   i. Laws regarding the United Republic of Tanzania – 12 responses;
   ii. Laws contravening the Constitution of Zanzibar – 1 response;
   iii. Laws contravening human dignity or rights – 2 responses;
   iv. Laws outside Zanzibar’s jurisdiction – 2 responses; and
   v. No response – 4 respondents.

c. Of the role of the Cabinet in the making of laws in the United Republic of Tanzania, the responses were as follows:
   i. No role – 18 respondents; and
   ii. No response – 2 respondents
d. Of the role of the President in the making of laws in the United Republic of Tanzania, the responses were as follows:
   i. Reviewing and contributing to legislations – 4 responses.
   ii. Advisory role – 1 response.
   iii. No role – 11 responses.
   iv. No responses – 3 responses

e. Of the role of the Attorney General in the making of laws in the United Republic of Tanzania, the responses were as follows:
   i. No role – 16 responses.
   ii. Role to review and amend – 1 response.
   iii. No response – 3 responses.

f. Of the role of the citizens in the making of laws in the United Republic of Tanzania, the responses were as follows:
   i. To make views through the Members of the House – 17 responses.
   ii. No role – 2 responses.

g. Of the role of the media in the making of laws in the United Republic of Tanzania, the responses were as follows:
   i. to inform and communicate – 9 responses;
   ii. to educate – 3 responses;
   iii. advising the Members and committees – 1 response;
   iv. agenda setting – 1 response;
   v. no role – 4 responses; and
   vi. no response – 3 respondents.

h. Of the role of the judiciary in the making of laws in the United Republic of Tanzania, the responses were as follows:
   i. Interpretation of laws – 8 responses;
   ii. To ensure constitutionality of legislation – 1 response;
iii. To amend laws – 1 response
iv. No role – 8 responses; and
v. No response – 3 respondents.

Conclusion

There are clear training needs for the Members in the area of working of the House and the role of the representatives, Cabinet (Revolutionary Council of Zanzibar as well as the Cabinet of the United Republic of Tanzania), the President of Zanzibar and the United Republic of Tanzania, Attorney General, media, citizens and the judiciary.

2.1.4 Parliamentary Staff

a. On whether the Member is provided with security personnel by the Government, seven said yes, 10 no and there were three no responses as per the pie chart below;

![Percentage Members provided with security](image)

**Figure 3 - Percentage Members Provided with Security**

b. On whether the Member is provided with secretarial personnel by the Government, 14 said yes, five no and there was one no response as per the pie chart below;
c. On whether the Member is provided with other professional personnel by the Government, 17 said yes, two said no and there was one no response as per the pie chart below. Of the professionals identified by the respondents, they included lawyers (10 responses); financial experts (1 response); information technology experts (2 responses); clerk (1 response); secretaries (3 responses); and no responses (2 responses).
d. On the Members’ recommendation on the professional personnel to be provided by the Government, the responses included:

i. Budget analysts – 1 response;
ii. Researchers – 6 responses;
iii. Development experts – 1 response;
iv. Communication experts – 1 response;
v. Legal advisers – 7 responses;
vi. Legislative drafters – 2 responses;
vii. Information technology experts – 2 responses;
viii. International relations officers – 1 response;
ix. Administrative officers – 1 response;
x. Hansard analyst – 1 response; and
xi. No response – 2 respondents.

Conclusion

There are clear training needs for the Members in the area of their staff needs including professional and technical facilitative or advisory support and sensitization on the advantages of effective and efficient parliamentary staff.

2.1.5 Use of ICT

a. With respect to provision with laptops, desktops or other equipment for computerized services, all the 20 respondents stated yes.

b. On whether the respondent has used internet services in performance of his or her work, 8 respondents stated yes and 12 respondents stated no as per the pie chart below.
Percentage Use of Internet Services

Yes - being 8 respondents

40%

60%

No - being 12 respondents

Figure 6-Percentage Use of Internet Services

c. On who types the respondents’ notes for use in debates in the House, 15 stated self, four stated staff and 1 did not respond as per the pie chart below.

Percentage of Respondents on Typing Notes

Self - being 15

20% 5%

Staff - being 4

75%

No Response – being 1

Figure 7-Percentage of Respondents on Typing Notes

d. On views on challenges facing the members in relation to use of computers, the respondents identified:

i. Inadequate computers – 13 respondents;

ii. Lack of know how – 13 respondents;
iii. Computers not allowed in the chambers of the House – 1 respondent;
iv. Members are not provided with laptops – 2 responses;
v. Low levels of education – 1 response;
vi. Slow internet connectivity – 1 response;
vii. No wireless internet – 1 response; and
viii. No response – 1 respondent.

e. On whether computerized information is available for use by a Member in the process of making legislation, 13 respondents stated yes, 2 stated no and there were 5 no responses as indicated in the pie chart below.
Conclusion

There are clear training needs for the Members in the area of Information, Communication Technologies (ICT) including their use of the Internet and computerized services.

2.1.6 Work Place Environment

a. All the 20 respondents stated that they are provided with an office within or near the premises of the House.

b. on facilities within the House premises to reasonably accommodate the needs of Members with disabilities, 3 respondents say they are available while 17 stated that they are not available as per the pie chart below:
Percentage Availability of Facilities for Persons with Disabilities

15% Yes - being 3 respondents
85% No - being 17 respondents

Figure 9-Percentage Availability of Facilities for Persons with Disabilities

The respondents identified the following as facilities that are urgent and important for Members with special needs, namely:

i. Ramps – 4 responses;
ii. Spectacles – 1 response;
iii. Lifts – 9 responses;
iv. Sign language – 3 responses;
v. Braille – 3 responses;
vi. Hearing aids – 1 response;
vii. Wheelchairs – 1 response;
viii. Sanitary facilities – 5 responses; and

c. All respondents stated that bills or other laws are not provided in Braille.
d. On whether the respondents considered the House work environment suitable, safe and healthy, 15 stated yes and 5 stated no as per the pie chart below:

<table>
<thead>
<tr>
<th>Percentage Response on Good House Work Environment</th>
</tr>
</thead>
<tbody>
<tr>
<td>25% Yes – being 15 respondents</td>
</tr>
<tr>
<td>75% No – being 5 respondents</td>
</tr>
</tbody>
</table>

**Figure 10-Percentage Response on Good House Work Environment**

e. On psychological challenges in the work environment, the respondents identified:

i. The interface gaps between new and old members – 1 response;

ii. Misunderstanding of divergent opinion during debates as personal attacks – 1 response;

iii. Fear of criticism – 2 responses;

iv. Poor microphone and sound facilities – 4 responses;

v. Inadequate financial resources – 1 response;

vi. Huge discrepancy in pay between Members’ and Ministers- 5 responses;

vii. Self seeking members – 1 response;

viii. Low self esteem – 2 responses;
ix. Few and discriminatory study tour opportunities – 5 responses;

x. Inducement to table shoddy bills – 1 response;

xi. Inadequate time for debate – 1 response;

xii. High expectations from citizens- 1 response;

xiii. Intergenerational gaps e.g. allegation that youth lack leadership and experience in public service – 1 response;

xiv. Level of education – 1 response; and

xv. Lack of experts -2 responses.

Conclusion

There are clear training needs for the Members’ in the area of rights of persons with disabilities and how the principles of universality, reasonable accommodation and mainstreaming the rights should be undertaken in support of the legislative process.

2.1.7 Members’ Satisfaction with Remuneration.

a. In the respondents’ view, whether remuneration for Members of the House is reasonable, 3 said yes while 17 said no as per the pie chart below:
The respondents identified the following as measures for improving remuneration, namely:

i. Provision of housing and commuter allowance – 1 response;
ii. Working towards improved economy – 2 responses;
iii. More office space – 1 response;
iv. More budgetary allocation – 2 responses;
v. Increase the sitting allowance – 6 responses;
vi. Benchmarking tours – 6 responses;
vii. Networking opportunities – 2 responses;
viii. Research facilities – 1 response;
ix. Improved pay – 1 response;
x. Car loans - 6 responses;
xii. Improving welfare services – 1 response; and
xii. Increasing transport provisions – 1 response.

b. On whether staff of the House is fairly remunerated, 2 respondents said yes and 18 said no as per the pie chart below:
Percentage Members’ Views on Fair Staff Remuneration

<table>
<thead>
<tr>
<th>Remuneration</th>
<th>Yes – being 2 respondents</th>
<th>No – being 18 respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>10%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>90%</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Figure 12 - Percentage Members’ Views on Fair Staff Remuneration

c. On whether respondents considered that some of the Members should not be remunerated because their contribution in debate and law making is not significant, all the 20 respondents stated no as per the pie chart below:

Percentage Members’ Views on Withholding Remuneration for Poor Performance

No – being 20 respondent

Figure 13: Percentage Members’ Views on Withholding Remuneration for Poor Performance
Conclusion

There is need to review the remuneration, salary, allowances and other benefits for members and staff of the House which have a direct impact on the legislative process.

2.1.8 Motivation other than by remuneration

a. On whether the House had done anything to encourage Members’ to participate actively in the making of laws, 18 respondents stated yes and 2 stated no as per the pie chart below:

![Pie Chart]

- 10% Yes - being 18 respondents
- 90% No - being 2 respondents

Figure 14-Percentage Members’ Motivation to Participate in Legislative Process

b. On whether the respondents had been consulted in deciding priority bills and other business of the House, 9 said yes and 11 stated no as per the pie chart below.
Percentage Members’ Consultation in Determining Priority Bills and Business

45% Yes – being 9 respondents

55% No – being 11 respondents

Figure 15-Percentage Members’ Consultation in Determining Priority Bills and Business

c. On whether there was team work in working on bills, 14 respondents stated yes and 6 stated no as per the pie chart below:

Percentage Members’ Views on Team Work in Working on Bills

30% Yes – being 14 respondents

70% No – being 6 respondents

Figure 16-Percentage Members’ Views on Team Work in Working on Bills

Conclusion

There is need to build the spirit of team work and consultation in the House as a crucial facilitative factor to the legislative process.
2.1.9 Members’ and the Culture of the House

a. On the most important values of the House guiding the conduct of its business, the respondents identified:

   i. Speaker’s directives – 1 response;
   ii. The Constitution – 2 responses;
   iii. Observance of standing orders – 8 responses;
   iv. Respect – 6 responses;
   v. National anthem – 1 response;
   vi. Observance of the dress code – 13 responses;
   vii. Use of decent parliamentary language – 7 responses;
   viii. Discipline – 1 response;
   ix. Timeliness – 1 response;
   x. Attending sessions in the House – 1 response; and
   xi. No response – 3 responses.

b. On behaviours of Members that have reduced or undermined proper working of the House, the respondents identified:

   i. low participation – 2 responses;
   ii. educational levels – 1 response;
   iii. breach of the dress code – 1 response;
   iv. laziness – 3 responses;
   v. partisan politics – 2 responses;
   vi. low confidence – 2 responses;
   vii. absenteeism and technical appearances – 6 responses;
   viii. inadequate preparation and poor research – 5 responses;
   ix. loud consultations and disruption of House business – 6 responses; and
   x. no responses – 3 respondents.
c. On whether conflicts during debates on bills had been resolved to Members’ satisfaction, 12 respondents stated yes while 7 stated no and 1 did not respond as per the pie chart below.

![Percentage Responses on Dispute Resolution](image)

Figure 17-Percentage Responses on Dispute Resolution

d. On whether there exists a feeling of trust, ownership and belonging amongst the Members, 5 respondents stated yes, 9 no and 6 did not respond as per the pie chart below:

![Percentage Responses on Trust, Ownership and Belonging Amongst Members](image)

Figure 18-Percentage Responses on Trust, Ownership and Belonging amongst Members
e. On whether the deliberations in the House and Committees are rigid or encourage adaptive, flexible and innovative behavior, 15 respondents stated yes, 2 no and 3 did not respond as per the pie chart below:

**Figure 19-Percentage Responses on Flexible, Adaptive and Innovative House Behavior**

**Conclusion**

There is need to sensitize members on the right culture, usages and traditions of the House that will promote and support sound legislative process.

2.1.10 Members and Communication with Electors or Citizens

a. On whether the electorate provide their input on bills under deliberation in the House, 17 respondents stated yes, 1 stated no and 2 did not respond as per the pie chart below:
Percentage Electorate Input on Bills Under Deliberation

<table>
<thead>
<tr>
<th>Percentage</th>
<th>Yes - being 17 respondents</th>
<th>No - being 1 respondent</th>
<th>No response - being 2 respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>10%</td>
<td></td>
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<td></td>
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<tr>
<td>5%</td>
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<td></td>
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<tr>
<td>85%</td>
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</table>

Figure 20-Percentage Electorate Input on Bills under Deliberation

b. On whether the House facilitates Members to get the views of the electorate, 10 respondents stated yes, 8 no and 2 did not respond as per the pie chart below:

Percentage Facilitation for Members to get Electorate's Views

<table>
<thead>
<tr>
<th>Percentage</th>
<th>Yes - being 10 respondents</th>
<th>No - being 8 respondents</th>
<th>No response - being 2 respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>10%</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>50%</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>40%</td>
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</table>

Figure 21-Percentage Facilitation for Members to get Electorate's Views

Members identified lack of constituency offices and limited time for debate as constraints to getting the views of the electorate.
c. Of the measures the House can institute to promote effective communication with the electorate, the respondents identified:
   i. Instituting public hearing procedures – 1 response;
   ii. Instituting visits and citizen awareness on the roles – 1 response;
   iii. Training on leadership and democracy – 1 response;
   iv. Providing state of the art facilities – 4 respondents;
   v. Introducing suggestion boxes in the constituencies -3 responses;
   vi. Increase TV and radio coverage – 2 responses;
   vii. Establishing constituency offices – 10 responses;
   viii. Availing internet services – 3 responses;
   ix. Providing car allowance or kitty - 7 responses;
   x. Timely release of the order paper and motions – 2 responses;
   xi. Encouraging public debates on bills – 1 response;
   xii. Publishing and publicizing bills – 1 response; and
   xiii. No response – 3 respondents.

Conclusion

There is need to sensitize members on the strategies for effective and efficient electorate participation and contribution in the legislative process.
2.2 GENERAL UNDERSTANDING OF THE FUNCTIONS OF THE HOUSE

2.2.0 Representation function
a) On the view whether the House takes care of the interests of all the people it is supposed to represent, 17 respondents said yes, 2 no and 1 did not respond as per the pie chart below.

![Pie chart showing percentages on opinion on representation of electorates' interests]

- 85% Yes - being 17 respondents
- 10% No - being 2 respondents
- 5% No Response - being 1 respondent

Figure 22-Percentage on Opinion on Representation of Electorates' Interests

On the respondents’ view, whether the laws passed by the House reflect the diverse interests of the electorate, 18 stated yes, 1 no and 1 did not respond as per the pie chart below.
Percentage on Opinion on Representation of Electorates' Interests in Laws Enacted

Yes - being 18 respondents

No - being 1 respondent

No response - being 1 respondent

Figure 23-Percentage on Opinion on Representation of Electorates' Interests in Laws Enacted

b) On the views of the respondents, whether there are interests of the electorates that have over time been undermined by the laws passed by the House, 7 respondents stated yes, 8 no and 5 did not respond as shown in the pie chart below.

Percentage on Opinion on Representation of Electorates' Interests in Laws Enacted in the Past

Yes - being 7 respondents

No - being 8 respondent

No response - being 5 respondents

Figure 24-Percentage on Opinion on Representation of Electorates' Interests in Laws Enacted in the Past

36
Conclusion

There is need to sensitize members on the strategies for effective and efficient consideration of the diverse interests of the electorate to be included in the legislations passed by the House.

2.2.1 Watchdog function
a) On the respondents’ knowledge of a case in which the approval of the House was required and the same was never obtained as required, 1 said yes, 18 no and 1 did not respond as per the pie chart below.

![Percentage Knowledge on Instances when House Approval was Denied](image)

b) On whether the respondent has ever asked a question about the electorates’ interests, 15 said yes, 3 said no and 2 did not respond as shown in the pie chart below.
Percentage Response on questions about the electorates’ interests

10% Yes - being 15 respondents
15% No - being 3 respondents
75% No response - being 2 respondents

Figure 26-Percentage Response on questions about the electorates’ interests

c) On whether the respondent has ever asked or moved a motion about the interests of the electorate, 2 said yes, 17 no and 1 no response as per the pie chart below

Percentage Response on Motion Moved About the Electorates’ Interests

5% 10% Yes - being 2 respondents
10% No - being 17 respondents
85% No response - being 1 respondent

Figure 27-Percentage Response on Motion Moved about the Electorates’ Interests

Conclusion

There is need to sensitize members on the impact of their watchdog function on the legislative process.
2.2.3 Legislating function

a) On whether the respondent has ever brought to the House a private member’s bill, one respondent stated yes, 17 no and 2 did not respond as per the pie chart below.

**Figure 28-Percentage Response on Bringing Private Member’s Bill**

<table>
<thead>
<tr>
<th>Percentage</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>10%</td>
<td>Yes - being 1 respondent</td>
</tr>
<tr>
<td>5%</td>
<td>No - being 17 respondents</td>
</tr>
<tr>
<td>85%</td>
<td>No response - being 2 respondents</td>
</tr>
</tbody>
</table>

b) On whether the respondent has ever opposed a private Member’s bill, 1 stated yes, 18 stated no and 1 did not respond as per the pie chart below.

**Figure 29-Percentage Response on Opposing Private Member’s Bill**

<table>
<thead>
<tr>
<th>Percentage</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>5%</td>
<td>Yes - being 1 respondent</td>
</tr>
<tr>
<td>5%</td>
<td>No - being 3 respondents</td>
</tr>
<tr>
<td>90%</td>
<td>No response - being 1 respondent</td>
</tr>
</tbody>
</table>
c) On whether the respondent has ever moved or seconded a public bill, 1 stated yes, 17 stated no and 2 did not respond as per the pie chart below.

![Percentage Response on Public Bill Moved or Seconded](image)

**Figure 30-Percentage Response on Public Bill Moved or Seconded**

d) On the number of private members’ bills that had been brought to the House in the last six months, 7 respondents stated nil, 6 stated 2; 2 stated 3; 1 stated 1 and 4 did not respond as per the pie chart below.

![Percentage Response on Private Bills in Last 6 Months](image)

**Figure 31-Percentage Response on Private Bills in Last 6 Months**
e) On the number of public bills that had been brought to the House in the last six months, 1 stated 1, 7 stated nil, 1 stated over 4, 1 stated over 9 and 10 did not respond as per the pie chart below.

![Pie chart showing percentage response on public bills in last 6 months]

- **50%** No Response - being 10 respondents
- **35%** Nil - being 7 respondents
- **5%** Over 4 - being 1 respondent
- **5%** Over 9 - being 1 respondent
- **5%** One - being 1 respondent

**Figure 32-Percentage Response on Public Bills in Last 6 Months**

f) Only 4 respondents stated that they sit on Departmental Committees. The committees identified included: Public Accounts Committee (3 respondents); Finance, Trade & Agriculture (3 respondents); Development, Women, Youth and Children (4 respondents); Constitutional, Legal Affairs & Administration (2 respondents); Communication & Construction (1 respondent); and National Offices (1 respondent). On the bills dealt with in the committees in the last 6 months, the respondents identified Higher Education Loans Board (2 respondents); Constitutional Amendment (2 respondents); Anti-corruption and Anti-Money Laundering (1 respondent); Zanzibar Airports Authority (1 respondent); National Development
Commission and Agricultural Institute (1 respondent); Children’s Rights (2 respondents); Tourism Amendment (1); Public Service Management (1 respondent); amendment of anti corruption laws and codes (1 respondent); Pensions for Political Leaders (1 respondent); 1 respondent stated nil; and 2 respondents did not respond. It is notable that while only four respondents indicated that they sit on Departmental Committees, many more respondents cited the committees they purportedly sit on and also cited the bills that purportedly were considered by their committees. This shows serious inconsistencies in the responses.

**Conclusion**

There is need to sensitize members on the impact of their legislative functions including the roles of individual members and the committees. In addition, they need sensitization on the authority to initiate bills.

**2.3 CONSTITUTIONAL PROVISIONS ON MAKING LEGISLATION**

**2.3.0 Hierarchy of Laws**

a) On the hierarchy of laws, 16 respondents got it right as the Constitution, Acts and Subsidiary legislation while 4 did not respond.

b) On authorities in Zanzibar who exercise the power to make subsidiary legislation as delegated by the House, 5 responses stated Parliament, 2 stated ministers, 3 stated local authorities, 1 stated committees while 14 did not give responses at all.
Conclusion

There is need to sensitize members on the hierarchy of laws and the various authorities with the power to make the laws.

2.3.1 Power to Amend the Constitution

a) On who can amend the Constitution, 10 responses stated members of the House and 12 responses stated Citizens.

b) On whether they had ever participated in a debate on a constitutional amendment bill, 13 said yes while 7 stated no.

Conclusion

There is need to sensitize members on the process applicable to bills for constitutional amendments.

2.3.2 Power to Pass Statutes

a) Other than the Zanzibar House of Representatives, Members identified the parliament of the United Republic and the President as other authorities that can pass a law with binding effect on Zanzibar. In addition, 16 respondents stated that there was no such other authority while 4 stated that such authority existed.

b) On whether there are authorities other than the Zanzibar House of Representatives that can repeal valid laws of Zanzibar as passed by the House, 12 stated yes while 8 stated no. Of those who stated yes, they identified the Government (4 responses); Ministers (6 responses); the President, the Members and Citizens (each 1 response).
Conclusion

There is need to sensitize members on the scope of their authority to make laws and the legislative scope of the Zanzibar House of Representatives.

2.3.3 Types of Bills
a) On types of the bills that can be deliberated and passed by the Zanzibar House of Representatives, 16 responses identified Government Bills while 10 identified Private Members Bills. In addition, 1 identified amendment bills, 1 original bill, 2 house bills and 2 respondents had no response.

b) On the type of Bill that a Member could bring in the House for deliberation, 13 respondents identified the private members bill, 1 said any bill, while 6 did not respond. 4 stated they had brought such a bill while 13 stated they had not and 3 did not respond.

c) On whether they had ever brought a bill relating to Government revenue or expenditure, 19 said no while 1 stated yes.

Conclusion

There is need to sensitize members on the types of bills and the process of initiating them.

2.3.4 Constitutional Formal Validities of Legislation Such as Publication and Assent
a) On whether the respondent is a Member of the House, 15 stated yes while 5 stated no.

b) On whether there are ex-officio Members of the House, 16 respondents identified the Attorney General, 3 said none and 1 did not respond.
c) On whether the ex-officio members vote on a bill, 17 respondents stated yes, 2 stated no and 1 did not respond.

d) On who is the leader of House, 18 identified the Speaker while 2 did not respond.

e) On who assents to bills into Acts of Parliament, 8 responses stated the President, 9 responses stated Members, 4 stated the Speaker while 1 Member did not respond.

f) On who determines the effective date of the Acts of Parliament, 9 responses stated the Speaker, 1 Government, 2 Members, 5 Committees, and 3 the Clerk.

g) On how to deal with unconstitutional Acts, 8 stated by way of amendment, 3 stated court adjudication, 1 stated constitutional amendment, 1 stated rejection by the President, 1 stated rejection by the committee and 10 of the Members (50% of the respondents) did not respond at all.

Conclusion

There is need to sensitize members on the legislative institutions and their respective roles leading to valid legislations.

2.4 STATUTORY PROVISIONS ON MAKING LEGISLATION

2.4.0 Commencement of Legislation

a) On the ways for determining the date an Act of Parliament comes into effect, 5 responses stated the date is in the legislation, 9 stated Presidential assent, 2 stated presidential notice, 3 stated speaker’s announcement, 5 stated Ministerial date of commencement, 3 stated the date the bill is voted upon, 1 stated the Hansard, 2 stated the gazette date while one stated
the Attorney General’s office. 7 respondents did not provide a response at all.

b) On when an Act of Parliament that is repealed ceases to exist, 7 did not respond, while 13 stated that it ceases to exist with effect from the date of the repeal.

**Conclusion**

There is need to sensitize members on the commencement and lapsing of laws.

**2.4.1 Amendments**

a) With respect to the effects of an amendment to an Act of Parliament subject to the amendment in issue, 14 did not respond and of those who responded, the effect of an amendment did not come out at all.

b) Regarding the stages in the House a Member can move an amendment to a bill under deliberation, 4 members did not respond, 8 stated during the debate, 4 stated committee stage, 3 stated amendment stage, 1 stated any stage, 1 stated first reading while 1 stated second reading.

**Conclusion**

The Members need to be sensitized, on amendments in the process of making legislation.

**2.4.2 Revision of laws**

a) As regards the office charged with the revision of the laws made by the Zanzibar House of Representatives, 3 did not respond, 5 stated the Law Reform of Zanzibar, 1 stated the Clerk, 2 stated
the judiciary, 8 stated the Attorney General, 2 the President and 4, the Standing Committees.

b) On the benefits of revision of laws, 1 stated it is for protection of the Constitution, 5 stated that it is to deal with inconsistencies, 5 it is for new legislation, 4 it is for usage, 1 it is for easy debates while 5 did not respond at all.

Conclusion

There is need to sensitize members on the revision of laws.

2.4.3 Subsidiary legislation

a) On authorities charged with making subsidiary legislation in Zanzibar, 6 responses identified Ministers, 17 identified local authorities, 3 identified committees or state corporations, 1 identified courts, 3 police service, 1 citizens and 2 did not respond at all.

b) On whether the respondents trust that the authorities in (a) above have made good subsidiary legislation, 14 stated yes, three no and 3 did not respond. Misuse of the delegated powers was cited as a major cause of mistrust.

c) On what happens to the subsidiary legislation where the parent statute is amended, 2 stated it remains in force until revoked, 17 it stands revoked and 1 did not respond at all.

d) On the role of the House in the making of subsidiary legislation, 13 stated no role while 7 did not respond.
Conclusion

There is need to sensitize members on their role in the making of subsidiary legislation.

2.5 PROCEDURAL STANDING ORDERS AND COMMITTEE SYSTEM IN MAKING LEGISLATION

a. On the procedure used to introduce a bill in the House, 5 stated gazettement, 7 committee, 6 first reading by the Minister, 1 the bill is read three times, 1 placement on the order paper, 1 at voting, 1 by Members’ seminar while 1 did not respond at all.

b. On the key contents of the Memorandum of objects and reasons in a bill, 1 stated summary of the bill, 3 purposes and objects of the bill and 16 did not respond at all.

c. On what happens during the First reading of the bill, 16 stated debate by Members, 1 stated committee report is considered, 1 stated tabling and support by Members while 3 did not respond at all.

d. On the role of the Departmental Committee after first reading, 12 stated debates, 7 stated amendments and 1 did not respond.

e. On what happens during the Second reading of the Bill, 10 stated approval or rejection, 9 debate and 2 did not respond.

f. On what happens during the Committee of the whole House, 4 stated proposing amendments while 16 stated approving clauses.

g. On what happens during the Third reading of the Bill, 11 stated voting, 3 no third reading and 6 did not respond at all.
Conclusion:

There is need to sensitize Members on the stages of law making in the House.

2.6 MEMBERS’ OTHER VIEWS

Below are other things that Members recommended can be done to improve Members’ participation in the process of making legislation:

a. Improve standing orders- 2 responses;

b. Research and library services- 5 responses;

c. Familiarization with motions- 1 response;

d. Involvement and participation- 2 responses;

e. Training on bills- 10 responses;

f. Freedom of speech- 1 response;

g. Improved allowances- 2 responses;

h. Constituency offices be established- 3 responses;

i. ICT facilities and training- 16 responses;

j. Sensitization on the constitution, laws and policies- 2 responses;

k. Capacity building in all businesses- 7 responses;

l. Sufficient time to consult electorate- 3 responses;

m. Legal services- 2 responses;

n. Equipment – 1 response;

o. Sensitization on the budgetary process- 2 responses;

p. Media relations – 2 responses;

q. Assistance in legislative drafting of private bills- 2 responses;

and

r. Benchmarking study tours – 8 responses.
Conclusion

All the foregoing should be taken into account in meeting Members’ training needs.
INTRODUCTION

This curriculum for capacity building and training on legislative skills for Members of the Zanzibar House of Representatives builds up on the report on capacity assessment on legislative skills and training needs for Members of the House.

The report considered that Parliaments have a crucial role to play, particularly in improving their country’s ability to assume full ownership of national development policies and programmes. As representatives of the people, parliamentarians can speak on behalf of the poor and other vulnerable groups, ensure that development plans are informed by the real priorities on the ground, adopt requisite legislation, approve budget allocations, and exercise oversight over expenditures.

The report was as a result of the project aimed at strengthening and enhancing the legislation capacities of the Members of the Zanzibar House of Representatives and their Committees to better carry out their constitutional authority to initiate, be involved in processing and deliberate upon legislation and amendments thereof. The report assessed and reviewed the Members’ capacities and needs assessments and made recommendations towards strengthening their legislative functioning.

The report was based on a consultancy which adopted a practical formal legal research, participatory and results – oriented methodological approach. Based on the findings, the consultancy identified the key capacities, knowledge, skills and competencies
expected of the Member in both roles as an individual Member of the House and as a Member of any of the Committees of the House.

The Members were requested to complete a questionnaire so as to identify the training needs in the area of legislation, legislative process and related matters. The questionnaire covered the areas of: capacities related to the Member; general understanding of the functions of the House; knowledge and competencies on the Constitutional provisions on making legislation; knowledge and competencies on the statutory provisions on making legislation; and Members opinion on their training needs. The completed questionnaires were subjected to analysis.

The study found that the Members of the Zanzibar House of Representatives often lack knowledge and resources to perform their functions. As a result, the role of the Zanzibar House of Representatives in improving the effectiveness of legislations, and in shaping development strategies that reflect the concerns of the people, tended to be overlooked.

It also found that there were clear training needs for the Members in the area of working of the House and the role of the representatives, Cabinet (as well as the Cabinet of the United Republic of Tanzania), Attorney General, media, citizens and the judiciary.

The following emerged as common obstacles to law making, oversight and representation:

- Most Members were in their first term of service. Accordingly, by inference, most Members needed training on the working of the House including the legislative process.
The Zanzibar House of Representatives was seen to be subordinate to the imperatives of the Executive because of weaknesses in the oversight function of the House.

Law making procedures were hampered by the limited capacity of Members to comprehend legislation under review and the weak support mechanisms – such as legal counsel and explanatory notes - available to them, inadequate consultation with relevant civil society organisations and local communities on community relevance.

Parliament-constituency relations were perceived to be generally weak because of the limited cognisance among constituents of the roles of parliamentarians, the general lack of knowledge about the day-to-day activities of parliaments among constituents and the relative rarity of constituency visits by MPs.

Underpinning each of these issues was the relative weakness of formal and informal parliamentary support mechanisms. In particular, it appeared the secretariat was understaffed or under-skilled for the tasks required by their office.

Review of the legal framework, including articles of the Constitution and standing orders, was essential for determining the Zanzibar House of Representatives independence and power in relation to the Executive (the President of Zanzibar and the Revolutionary Council of Zanzibar) and the United Republic of Tanzania.

The study recommended the need to sensitize Members on the impact of their legislative functions including the roles of individual members and the committees. The report concluded that Members needed training on four key areas: Factors impacting on legislative process; Legislative Policy; Legislative process and Participation of the electorate and stakeholders in the legislative process.
The matrix below provides for the detailed training curriculum for capacity building of Members of the Zanzibar House of Representatives in legislative skills.

**THE MATRIX FOR THE TRAINING CURRICULUM**

<table>
<thead>
<tr>
<th>No</th>
<th>Broad Topic</th>
<th>Sub Topics</th>
<th>Methodology and Key Activities</th>
<th>Time frame</th>
</tr>
</thead>
</table>
| 1  | The power to make legislation| ▪ Power to legislate under Zanzibar Constitution  
▪ Delegated power to make legislation  
▪ Definition of policy and sources of policy  
▪ Policy for Constitution making vs. policy for a statute  
▪ The power to make a Constitution (the constituent power of the people) | ▪ By way of presentation and discussion consider the power to legislate under the Constitution of Zanzibar  
▪ Consider examples of power to make delegated legislation under selected Zanzibar Acts of Parliament  
▪ Define policy and sources of policy | Two days |
| 2  | Law making process           | ▪ Types of bills  
▪ Role of committees  
▪ Steps involved in law | ▪ With reference to Zanzibar Constitution and standing orders of | One day |
<table>
<thead>
<tr>
<th></th>
<th>making (publication of Bills to passing of the Acts)</th>
<th>the House of Representatives, make presentation and discuss the topic</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>• Difference between legislative writing and other writing</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Use of words, paragraphs and punctuation marks</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Plain language in drafting</td>
<td>▪ Make a presentation and discuss the subject using practical examples in the Zanzibar Acts of Parliament</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2. days</td>
</tr>
<tr>
<td>4.</td>
<td>Procedure for domesticating treaties and conventions</td>
<td>4. Procedure for domesticating treaties and conventions</td>
</tr>
<tr>
<td></td>
<td>• Definition of treaties</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Reasons for domestication</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• The two methods of domesticating treaties</td>
<td>▪ Make a presentation on the subject and the topic.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>▪ Discuss examples of Acts in Zanzibar and Kenya which domesticate treaties</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1. day</td>
</tr>
<tr>
<td></td>
<td>• Generic parts of an Act</td>
<td></td>
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<tr>
<td></td>
<td>• Parts of an Act creating a public body or corporation</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Parts of an Act creating a</td>
<td>▪ Make a presentation on the topic and discuss examples in Zanzibar and Kenya</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2. days</td>
</tr>
<tr>
<td></td>
<td>crime or offence</td>
<td>Members to undertake a practical assignment</td>
</tr>
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<td>---</td>
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</tr>
</tbody>
</table>
| 6. | Strategies for mainstreaming factors that enhance the legislative function; | ▪ Work environment  
▪ Professional and other staff support  
▪ Remuneration & motivation  
▪ Culture of the House  
▪ Education  
▪ Training and capacity building | ▪ Make a presentation  
▪ Members to discuss and suggest strategies that can apply in their circumstances |

<table>
<thead>
<tr>
<th></th>
<th></th>
<th>One day</th>
</tr>
</thead>
</table>
| 7. | Role of the electorate and other stakeholders in the legislative function; | ▪ Complexity of electorate interests  
▪ Mechanisms for getting electorates’ views  
▪ Role of media and Role of Civil Society  
▪ Securing Government’s interests  
▪ Legislative participatory policy and strategy | ▪ Make a presentation on the topic  
▪ Members to discuss and analyse their stakeholders including the stakeholder obligations and expectation in view of the legislative function of the House |

<table>
<thead>
<tr>
<th></th>
<th></th>
<th>Two days</th>
</tr>
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</table>
|   | Role of ethics and integrity in the legislative function | Constitutional and statutory basis of ethics and integrity in Zanzibar House of representative  
  ■ Highlights of leadership, integrity and values system in the Constitution of Kenya, 2010  
  ■ Highlights on Kenya’s Public Officer Ethics Act, 2003 | Make relevant presentations  
  ■ Members to discuss ethics and integrity issues and framework as it impacts on their legislative function | Three days |
<table>
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</thead>
<tbody>
<tr>
<td></td>
<td>Strategy for continuous improvement of the legislative function by the ZhoR (way forward)</td>
<td>Developing action points and implementation strategy</td>
<td>Groups and plenary</td>
</tr>
</tbody>
</table>
NOTES

A. The curriculum proposes 15 working days (three (3) calendar weeks) to deliver the training programme. This can be harmonized taking into account the working of the House and time available for the Members.

B. Actual training materials to be developed and assembled once the curriculum is approved and agreeable. The number of participants will have to be communicated.

C. It is suggested that the same curriculum be administered to senior staff of the Zanzibar House of Representatives. This could be during the same sessions for training of the Members or in a separate training session as may be agreed and funded.
APPENDICES

APPENDIX 1 – QUESTIONNAIRE IN ENGLISH

QUESTIONNAIRE TO BE COMPLETED BY MEMBERS OF THE HOUSE TO ASSESS AND ESTABLISH THE MEMBERS’ TRAINING NEEDS AND CAPACITIES TO INITIATE AND PROPOSE LAWS AND THEIR INVOLVEMENT IN THE LEGISLATION PROCESS GENERALLY

Introduction

We have been contracted to undertake Capacity and Needs Assessment for Members’ Legislation Skills with respect to the Members of the Zanzibar House of Representatives. The consultancy is being undertaken within the framework of the LSP project for the Zanzibar House of Representatives and the support of the United Nations Development Programme – Tanzania. The project aims at strengthening and enhancing the legislation capacities of the Members of the House and their Committees to better carry out their constitutional authority to initiate, be involved in processing and deliberate upon legislation and amendments thereof. The consultancy services will focus on conducting the Members’ capacities and needs assessments and make recommendations towards strengthening their legislative functioning.

This questionnaire is to be completed individually by the Members of the Zanzibar House of Representatives. As one such Member we request you to complete it and you are at liberty to provide to us, through the office of the Clerk to the House, any further information as you deem useful to this project. Your identity will remain anonymous and you are not required to provide details that may disclose your identity unless if you deem such disclosure will be useful.
Where options are suggested tick or circle or use any mark to show your preference.

1. **PART ONE: Capacities Related to the Member**

   1) **You have served as a member of the House for how many years?**
      A. 0 – 5 yrs  B. 6-10 yrs.  C. 11-15 yrs.  D. 16 and above.

   2) **What languages do you speak and write fluently?**  A. English  B. English and Kiswahili  C. Kiswahili  D. Others
      (state) ....................................................................................................................................................................

   3) **What is your experience in relation to the following:**
      a) **Have you been given money or gift or other favour to support or oppose a bill?** Yes... No.... If yes, explain the circumstance briefly...................................................................................................................................................................................
      b) **Are you aware of a case in which a Member was given money or gift or other favour to support or oppose a bill?** Yes... No.... If yes, explain the circumstance briefly ................................................................................................................................................................................................
      c) **Are you aware of a code of conduct binding upon and regulating Members of the House?** Yes.... No...... if Yes, state any three provisions of the code of conduct ........................................................................................................................................................................................................
      d) **As a Member of the House state any three ethical and integrity standards you consider most important and should apply to all members** ........................................................................................................................................................................................................
e) Have you ever got concerned and complaint about misconduct by a Member of the House? Yes.... No...... If Yes give a brief explanation............................................................................................................................................

4) **As far as the working of the House is concerned:**

a) What laws may be passed by the Zanzibar House of Representatives?
..........................................................................................................................................................
..........................................................................................................................................................

b) What laws may not be passed by the Zanzibar House of Representatives?
..........................................................................................................................................................
..........................................................................................................................................................

c) What is the role of the cabinet in making of the laws in the United Republic of Tanzania?
..........................................................................................................................................................
..........................................................................................................................................................

d) What is the role of the President in making of the laws in the United Republic of Tanzania?
..........................................................................................................................................................
..........................................................................................................................................................

e) What is the role of the Attorney General in making of the laws in the United Republic of Tanzania?
..........................................................................................................................................................
..........................................................................................................................................................

f) What is the role of the citizens in making of the laws in the United Republic of Tanzania?

iv
g) What is the role of the media in making of the laws in the United Republic of Tanzania?

h) What is the role of the judiciary in making of the laws in the United Republic of Tanzania?

5) **With respect to availability of staff explain your experience with respect to the following:**

   a) Are you provided with Government security personnel? Yes…. No..... If No, do you need one? Yes…. No....

   b) Are you provided with free secretarial services at the premises of the House of Representatives? Yes.....No........

   c) Are there lawyers employed by the House of Representatives to assist you in your work? Yes..... No.......

   d) Is there any other professional staff available to assist you to effectively perform your duties as a Member? Yes.... No....... If Yes, what are their professions

   e) What professionals would you recommend to be employed by the House to assist Members for their effective performance in the legislative duties?
6) **With respect to ICT and its use in the business of the House, share your experience as follows:**

   a) Has the House provided you with a laptop, desktop or other devise for computerized services? Yes...... No......... If Yes, name the devise it has provided..........................................

   b) Have you used internet services in performance of your work as a Member? Yes.... No....

   c) Who types your notes for use in debates on bills? Self...... Staff of the House........Others............................

   d) What three challenges, in your view, are the House facing in relation to use of computers?
   ...........................................................................................................................................................
   ...........................................................................................................................................................
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   e) Is computerized information available for your use in the process of making legislation? Yes....No.... What such information is available or ought to be available?
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7) **As far as workplace environment is concerned:**

   a) Are you provided with an office within or near the premises of the House? Yes......... No......

   b) Are there facilities within the House premises to reasonably accommodate the needs of Members with disabilities? Yes..... No....... In your view which three facilities are urgent and important for Members with special needs?
   ...........................................................................................................................................................
c) Are bills or other laws provided in Braille? Yes......... No........

d) Do you consider the House work environment suitable, safe and healthy? Yes...... No.....

e) Are there suitable evacuation procedures for employees with disabilities such as mobility, sight and hearing? Yes.... No......... Any useful recommendations?

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f) What two psychological challenges do you consider to exist in the work environment of the Zanzibar House of Representatives?

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8) Members’ satisfaction with remuneration.

a) In your view, is your remuneration as a Member of the House reasonable? Yes...... No..........What two measures would you recommend for improvement?

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b) Do you consider staff of the House to be fairly remunerated?
Yes...... No.................

c) Do you consider some of the Members should not be remunerated because their contribution in debate and law making is not significant? Yes.......... No........
9) **Motivation other than by remuneration.**

   a) Has the House done anything to encourage you to participate actively in the making of laws in the House? Yes..... No..... what one thing has it done or you would recommend be done to encourage you to actively participate?
   ........................................................................................................................................

   b) Have you been consulted in deciding priority bills and other business of the House? Yes......................... No......................

   c) Is there team work when you are working on bills? Yes...... No.....

10) **Members’ and the culture of the House.**

   a) What do you consider to be the three most important values of the House guiding the conduct of its business?
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   b) State any two behaviors of Members that have reduced or undermined proper working of the house
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   c) Have conflicts during debates on bills been resolved to your satisfaction? Yes ................. No....... Any explanation
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   d) Is there a feeling of trust, ownership and belonging amongst the Members? Yes................. No....... 

   e) Do the deliberations in the House and Committees encourage rigid or adaptive, flexible and innovative behavior? Yes... No.....
11) With respect to members and communication with electors or citizens provide your experience on the following:

a) Do people who elected you or you represent provide to you their input on bills under deliberation in the House? Yes ………………….No…………………………

b) Does the House facilitate you to get the views of the people you represent in the House? Yes........... No...........

Any explanation? ..............................................................................................................................

c) State any three measures the House can institute to promote effective communication with the people you represent:
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2. PART TWO: General Understanding of the Functions of the House

1) Representation function.

a) In your view, does the Zanzibar House of Representatives take care of the interests of all the people it is supposed to represent? Yes ..... No .............. Any explanation?
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b) In your view, do the laws passed by the House reflect the diverse interests of the people represented? Yes ..... No .............. Any explanation?
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c) In your view are there interests of the people the House represents that have over time been undermined by the laws passed by the House? Yes ..... No ................ Any explanation?
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2) Watchdog function.

a) Do you know of a case in which the approval of the House was required and the same was never obtained as required? Yes.....No...... Any explanation?
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b) Have you ever asked a question about the interests of the people you represent? Yes ..... No ............... Any explanation?
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c) Have you ever asked moved a motion about the interests of the people you represent? Yes ..... No ............... Any explanation?
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3) Legislating function.

a. Have you ever brought to the House a private member’s bill? Yes..... No..........

b. Have you ever opposed a private Member’s bill? Yes..... No......

c. Have you ever moved or seconded a public bill? Yes..... No......

d. Have you ever opposed a public bill? Yes..... No.......... 

e. How many private members’ bills have been brought to the House in the last six months?
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How many public bills have been brought to the House in the last six months?

Do you sit on any Departmental Committee? Yes..... No........
If yes which one........................................ and what bills have you dealt with in your Committee for the last six months? ............................................................

3. PART THREE: Knowledge and Competencies on the Constitutional Provisions on Making Legislation


a) Taking 1 as highest and 3 as lowest arrange the following by numbering them accordingly as sources of law: constitution.......... Subsidiary legislation.......... Acts............

b) Identify any three authorities in Zanzibar who exercise the power to make subsidiary legislation as delegated by the House:

2. Power to Amend the Constitution.

a) What majority of Members’ vote is required to amend the constitution of Zanzibar? ......................... and at what stages of the amendment process is the majority vote required?

b) Have you ever participated in a debate on a constitutional amendment bill? Yes............... No.........................
3. **Power to pass statutes**

a) Other than the Zanzibar House of Representatives, is there any other authority that can pass a law with binding effect on Zanzibar? Yes........... No........... If yes, identify the authority

b) Other than the Zanzibar House of Representatives, is there any authority that can repeal valid laws of Zanzibar as passed by the House? Yes........... No........... If yes, identify the authority

4. **Types of bills**

a) What are the types of the bills that can be deliberated and passed by the Zanzibar House of Representatives?

b) As a member of the House, what type of bill can you bring in the House for deliberation? Have you brought such a bill? Yes........... No........... If yes, which one

c) Have you ever brought a bill relating to Government revenue or expenditure? Yes....... No........... If yes, what was the bill, explain briefly

5. **Constitutional formal validities of a legislation such as publication and assent**

a) Who are the Members of the Zanzibar House of Representatives?

b) Who are the ex-officio Members of the House?

c) Can the ex-officio members vote on a bill? Yes........... No............
d) Who constitute the Parliament of Zanzibar? ........................................

e) Who assents to bills into Acts of Parliament? ........................................

f) Who determines the effective date of the Acts of Parliament?
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g) If you consider that an Act is unconstitutional, what two actions can
you take to deal with the situation?
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1. PART FOUR: Knowledge and Competencies on the Statutory
    Provisions on Making Legislation


a) Explain any three ways for determining the date an Act of Parliament
comes into effect
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b) If an Act of Parliament is repealed, when does it cease to exist? Any
differing circumstance? Explain
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  2. Amendments

a) Explain any three effects of an amendment to an Act of Parliament
subject to the amendment in issue.
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b) At what stages in the House can you move an amendment to a bill
under deliberation?
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3. Revision of laws

a) Who is charged with the revision of the laws made by the Zanzibar House of Representatives? .................................................................

b) What are the benefits of revision of laws? .................................................................

4. Subsidiary legislation

a) State any three authorities charged with making subsidiary legislation in Zanzibar. ..................................................................................................................

b) Do you trust that the authorities in (a) above have made good subsidiary legislation? Yes................. No............... Any explanation? .................................................................................................................................

c) If an Act is repealed, what happens to the subsidiary legislation made under it?
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d) What is the role of the House in the making of subsidiary legislation?
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2. PART FIVE: Competencies on the Procedural Standing Orders and Committee System in Making Legislation

a. Explain the Procedure used to introduce a bill in the House.................................................................................................................................

b. What are the key contents of the Memorandum of objects and reasons in a bill?
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c. What happens during the First reading of the bill?
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d. What is the role of the Departmental Committee after first reading?

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e. What happens during the Second reading of the Bill?

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f. What happens during the Committee of the whole House?

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g. What happens during the Third reading of the Bill?

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3. **PART SIX: MEMBER’S OTHER VIEWS**

Please, in your opinion state in the space provided below any five things that can be done to improve Members’ participation in the process of making legislation. Include any areas of training that in your view would help Members enhance their capacity in the House.

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THANK YOU VERY MUCH FOR COMPLETING THIS QUESTIONNAIRE;

SHUKRANI