

**BARAZA LA MAHUSIANO YA DINI MBALIMBALI  
KWA AMANI TANZANIA  
(IRCPT)**

**MAPENDEKEZO YA  
WAWAKILISHI WA VIONGOZI WA  
DINI MBALIMBALI KWA WAJUMBE WA  
BUNGE MAALUM LA KATIBA KUHSU  
MWENENDO WA BUNGE MAALUM  
PAMOJA NA MAUDHUI YA  
RASIMU YA KATIBA**



Konrad  
Adenauer  
Stiftung



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KATIBA**

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## Utangulizi

Sisi Wawakilishi wa Baraza Kuu la Waislamu Tanzania (BAKWATA), Christian Council of Tanzania (CCT), Baraza la Makanisa ya Kipentekosti Tanzania (BMKT), Tanzania Asian Development Association (TADA), Tanzania Episcopal Conference (TEC), Tanzania Muslims Professionals Association (TAMPRO), Bahai Faith; Ahmadiyya Jamaat, Buddhist Community, Shia Ithnaasheri Community, Umoja wa Wanawake wa Makanisa ya Dar es Salaam - kutoka madhehebu mbalimbali ya dini tuliokutana leo tarehe 26/3/2014 jijini Dar es salaam chini ya mwavuli wa Baraza la Mahusiano ya Dini Mbalimbali kwa Amani Tanzania (IRCPT), na kuweza kuchambua na kujadili rasimu ya katiba mpya iliyokabidhiwa kwa Mheshimiwa Rais wa Jamhuri ya Muungano wa Tanzania na Mheshimiwa Mwenyekiti wa Baraza la

Mapinduzi na Rais wa Zanzibar mwishoni mwa Desemba 2013 na kuwasilishwa hivi karibuni kwenye Bunge Maalum la Katiba na Mwenyekiti wa Tume ya Rais ya Mabadiliko ya katiba Jaji Joseph Sindi Warioba. Tuliweza pia kupata fursa ya kutafakari na kutathmini mwenendo wa Bunge Maalum la Katiba hususan malumbano yasiyokuwa na tija wala maslahi kwa Watanzania pamoja na ushabiki na misimamo ya vyama na hulka binafsi za baadhi ya wajumbe wa Bunge Maalum la Katiba.

## Mapendekezo

**Kwa kutambua** kazi nzuri iliyofanywa na Tume ya Rais ya Mabadiliko ya Katiba iliyoongozwa na Jaji Joseph Sinde Warioba na kwa kutambua umuhimu wa Katiba katika maisha ya kila siku ya wananchi wa Tanzania na;

**Kwa kuzingatia** gharama kubwa iliyotumika na inayoendelea kutumika katika kufanikisha mchakato wa Katiba Mpya na;

**Kwa kubaini** kuwepo kwa malumbano na ghiliba za kisiasa, tofauti za kiitikadi, jazba na kutozingatia kanuni na taratibu zilizowekwa na wajumbe wenyewe na;

**Kwa kutambua matarajio na nia** ya kupata Katiba mpya ya Tanzania itakayokuwa dira kwa Taifa na kutoa mwongozo wa kujenga

viongozi waadilifu, wenye hofu ya Mungu na wanaowatumikia wananchi kwa unyenyekevu, upendo na uwajibikaji; tunapenda kupendekeza yafuatayo:-

**A: Maoni ya jumla kwa Wajumbe Bunge  
Maalum la Katiba:**

1. Wajumbe waheshimu Rasimu ya Katiba na kuifanyia kazi kwa lengo la kuiboresha ili kupata katiba inayopendekezwa kwa vile yaliyomo ndani ya rasimu hiyo ni maoni ya wananchi.
2. Wajumbe wamuweke Mungu mbele ili waweze kufanya maamuzi yatakayojibu matarajio ya wananchi na kuleta tija kwa Taifa.



**B: Angalizo kwa Wajumbe wa Bunge  
Maalum la Katiba:**

**1.0 Ili Kudumisha Hali ya Tanzania  
kuwa kisiwa cha amani Wajumbe  
watambue kuwa:**

- 1.1 Amani ya nchi inakwenda sambamba na haki, uadilifu pamoja na ukweli na uwazi;
- 1.2 Katiba iwe ni chanzo cha kudumisha amani na siyo kuvunja amani; na kwamba
- 1.3 Viongozi wa dini tutakubali kupigia kura ya maoni (referendum) mapendekezo ya Katiba ambayo yamezingatia maoni yaliyotolewa na wananchi tu.

## **2.0 Juu ya nini kifanyike ili kuwepo kwa amani katika Bunge Maalum la Katiba**

2.1 Wajumbe wajadiliane kwa upendo, kuheshimiana na kuthaminianabilakuathiriwa na mawazo pandikizi, au maslahi binafsi, au kwa kuzingatia vyama, kabila au eneo la Mjumbe;

2.2 Wajumbewaendeshemjadala kwa kujali maoni ya Rasimu ya Katiba yaliyotolewa na wananchi kwa ujumla wake.

## **3.0 Juu ya Muundo wa Serikali:**

3.1 Wananchi waachiwe waamue wenyewe kwa kupitia kura ya maoni.

## **C: Mapendekezo kwenye Rasimu ya Katiba**

Tunu za taifa yaani: utu, uzalendo, uadilifu, umoja, uwazi, uwajibikaji na lugha ya Taifa zizingatiwe

1. Kwenye sifa za Rais kama zilivyoanishwa katika Ibara ya 79, iongezwe sifa ya kuwa mwana ndoa
2. Katiba ibainishe kuwa ndoa ni kati ya mume na mke
3. Kuundwe Tume ya Kusimamia utekelezwaji wa Katiba (Constitutional Implementation Commission)
4. Katiba itambue uwepo wa mamlaka ya Mungu

5. Katiba itoe mwongozo wa matumizi ya rasimali za Taifa na ukusanyaji wa kodi
6. Taasisi ya Kuzuia na Kupambana na Rushwa iingizwe kwenye orodha ya Taasisi za Uwajibikaji
7. Katiba itamke kwamba haki ya kuishi kwa mtoto inaanza pale mtoto anapotungwa mimba tumboni
8. Katiba itamke kwamba Haki ya Afya ni haki ya msingi kwa raia ye yote bila kujali rangi, kabila, dini, mwelekeo wa kisiasa, hali yake kiuchumi au kijamii
9. Kwa nchi washirika kujiunga na taasisi au rafiki ye yote, ihakikishwe kwamba ushirikiano huo hauathiri Muungano.

10. Rais aliyemaliza muda wake aondolewe kinga kama sehemu ya kujenga uadilifu na uwajibikaji
11. Katiba itenganishe kuingiliana kwa mihimili mikuu mitatu ya Dola yaani: Serikali, Bunge na Mahakama (mfano: uteuzi wa Wabunge 5 maalum usifanywe na Mheshimiwa Rais; pia hoja ya kudai Wabunge wawe Mawaziri si sahihi!)
12. Kiongozi aliyefukuzwa au kujiuzulu kwa kukiuka miiko na maadili ya uongozi asigombe na asiteuliwe tena nafasi yo yote ya uongozi
13. Katiba itambue kwa maksudi kuwepo uwakilishi wa Baraza la viongozi wa dini na wazee wenye busara kuishauri Serikali mambo

ya kisheria, kijamii na mambo yote  
nyeti ya Kitaifa,

14. Viongozi wote wanaoteuliwa au kuchaguliwa nafasi ya uongozi, uadilifu wao lazima uthibitishwe na Tume ya Maadili kabla ya kuteuliwa au kuchaguliwa.

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- Members of Parliament become Ministers is not correct)
12. Any leader who has been dismissed or forced to resign after being proven to be in violation of Leadership Ethics; should neither be ever appointed to any leadership position nor be ever nominated to a leadership position
13. The Constitution should recognize the role to be played by a council of religious leaders and other community elders in advising the government on legislation, social and other sensitive national issues
14. The Ethics Commission shall have the obligation to provide proof of integrity of any leader lined-up for election or nomination before other processes take-off.

- colour, ethnicity, religion, political orientation, economic or social status
9. Any agreement / relationship between a member state to the Union and any third party; should ensure the Union is not compromised in any way
10. In order to enhance accountability, the out-going president should no longer enjoy immunity to prosecution after leaving the office
11. The Constitution should strictly observe separation of powers between the three pillars: Legislative, Executive and Judiciary (e.g. Nomination of 5 Special Members of Parliament should not be done by the His Excellency the President; the attempts to justify



3. A Constitutional Implementation Commission should be created
4. The Constitution should acknowledge the presence of God
5. The Constitution should provide guidance on the equitable use of the national resources and tax collection
6. The Preventing and Combating Corruption Bureau should be on the list of accountability institutions
7. The Constitution should declare that the right to live begins when a child is conceived
8. The Constitution to declare that the right to health is a basic right to each citizen regardless of

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1. Article 79 Presidential Candidate Qualifications; consider adding – being married as one of the qualifications
  2. The Constitution should specify that marriage is between a man and a woman

**C: Suggestions to be taken on board the Constitution Draft**

National values: dignity, patriotism, integrity, unity, transparency, accountability and the national language should be adhered to.

**3.0. The Structure of the Government**

3.1. People to decide themselves through a referendum

## **2.0. What needs to happen to ensure peaceful co-existence at the Constituent Assembly**

2.1. Members of the Constituent Assembly should discuss with love and respect for each other; they should know that each Member is valuable; they should avoid amplifying opinions which do not carry their conviction and/or are party-based, ethnic-based, location-based

2.2. Constituent Assembly Members should take a holistic approach when debating the opinions of the people summed up in the Draft

**B: Cautionary Note to the Members of the Constituent Assembly**

**1.0. In order to maintain peace and tranquility in Tanzania; and preserve Tanzania as “Island of Peace”, the Members of the Constituent Assembly should take into account that:**

1.1. Peace goes hand-in-hand with justice, uprightness and truth and transparency

1.2. The constitution should enhance peace and not be the cause conflict and disunity

1.3. The religious leaders shall be ready to vote during the referendum if and only if the proposed Constitution has taken into account opinion submitted by the people.

2. The Constituent Assembly Members should fear God and this enable them to make decisions which shall be in tandem with the expectations of the people thus making the nation more productive.

1. The Constituent Assembly Members should honour the Draft Constitution and should work towards improving it with the view to obtain the proposed constitution bearing in mind the draft is the reflection of the opinion of the people.

**A: General Opinion to the Members of the Constituent Assembly**

shall provide guidance in creation of God-fearing upright leaders who shall serve the people with humility, love and accountability; We would like to recommend the following:

**Being aware** of the expectations and intentions of Tanzanians to obtain a new constitution which shall be the beacon for the nation, and

**Observing the** existence of politically aligned and politically manipulated debates, strong ideological based positions – at times in disregard of the very standing orders/regulations agreed and passed by the same Constituent Assembly Members and;

**Considering the** huge cost involved in the whole process of writing a new constitution right from the beginning and;

**In recognition** of the good work done by the Presidential Commission on Constitution Reform headed by Judge Joseph Sinde Warioba, and being mindful of the importance of the constitution in the day-to-day life of the people of Tanzania and;

## **Recommendations**

Chairman of the Revolutionary Council by the Chairman of the Presidential Commission on the Constitution Reform Judge Joseph Sinde Warioaba in December 2013. The same was recently submitted to the Constituent Assembly. We also had the opportunity to reflect and evaluate the conduct of the ongoing Constituent Assembly when its Members invested in discussions which do not add value and/or are of no particular benefit to Tanzanians; pushing for party-sponsored positions; pushing for an egocentric agenda.

# Introduction

We, the Representatives of difference faith based organizations (FBOs)

linked to particular religious denominations, namely - Baraza Kuu la Waislamu Tanzania (BAKWATA), Christian Council of Tanzania (CCT), Baraza la Makanisa ya Kipentekosti (CCT), Baraza la Makanisa ya Kipentekosti Tanzania (BMKT), Tanzania Asian Development Association (TADA), Tanzania Episcopal Conference (TEC), Tanzania Muslims Professionals Association (TAMPRO), Bahá's Faith; Ahmadiyya Jamaat, Buddhist Community, Shia Ithnaasheri Community, Umoja wa Wanawake wa Makanisa ya Dar es Salaam - Who met on the 26<sup>th</sup> Day of March in 2014 under the auspices of Interreligious Council for Peace Tanzania (IRCPT) to discuss and analyse the Draft Constitution which was submitted to His Excellency the President of the United Republic of Tanzania; and His Excellency the President of Zanzibar and



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RECOMMENDATIONS OF THE  
VARIOUS RELIGIOUS LEADERS  
TO THE MEMBERS OF THE  
CONSTITUENT ASSEMBLY ON  
THE WAY THE CONSTITUENT  
ASSEMBLY IS CONDUCTING  
ITSELF AND ON THE SPIRIT OF  
THE CONSTITUTION DRAFT

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INTERRELIGIOUS COUNCIL FOR  
PEACE TANZANIA  
[DRAFT]





**RECOMMENDATIONS OF  
THE VARIOUS RELIGIOUS LEADERS  
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**INTERRELIGIOUS COUNCIL FOR PEACE  
TANZANIA  
[IRCP]**