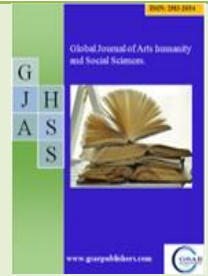
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EXAMINATION OF THE SUPREMACY OF THE CONSTITUTION OF UNITED REPUBLIC OF TANZANIA, 1977

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Abstract

This work examines the Constitutional supremacy principle in the United Republic of Tanzania, looking at its legal foundation and practical applications. It highlights the role of Judiciary in enforcing Constitutional provisions while analyzing the link between the Constitution and other laws, the Constitution and the Organs of the state and at the end, the Constitution and persons. Significant case laws and Constitutional amendments are highlighted in the study, along with their effects on human rights, governance, and the rule of law. Through examining the obstacles in achieving a strong Constitutional Supremacy in Tanzania, the study seeks to look on how well the Constitution works as a check on arbitrary power and a means of advancing Democratic principles if then it will be really supreme in the State. The results highlight how crucial it is to implement ongoing legislative reforms in order to strengthen Tanzanian Constitutionalism.

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Introduction

The majority of democratic governments base their administration on the idea of constitutional supremacy, which holds that the Constitution is the ultimate law that governs the conduct of the state and its people. All other legislation and governmental activities are subordinated to the United Republic of Tanzania's 1977 Constitution and its subsequent amendments. The goal is to protect human rights, maintain the rule of law, and make sure that the nation's democratic institutions continue to operate.

The legal Foundation of the Constitution of the United Republic of Tanzania, 1977

The United Republic of Tanzania's Constitution, 1977ⁱ which establishes the foundation for government, the rule of law, and the preservation of basic human rights and citizen obligations, is the ultimate law of the nation. The Constitution, which was drafted in 1977 and has since undergone amendments, establishes the fundamentals of democracy and the division of powers. In the United Republic of Tanzania, it highlights the significance of social justice, national unity, and the advancement of peace.

Additionally, the Constitution integrates international legal standards, reflecting Tanzania's commitment to global human rights normsⁱⁱ. It incorporates provisions that align with various international treaties and conventions to which Tanzania is a signatory. The judiciary is tasked with upholding the Constitution, ensuring that all laws and government actions are consistent with its principlesⁱⁱⁱ. Through these mechanisms, the Constitution not only serves as a legal document but also as a tool for social development and the protection of the rights of individuals and communities within the United Republic of Tanzania.

The Practical Application of the Supremacy of the Constitution of the United Republic of Tanzania, 1977

The idea of constitutional supremacy holds that a constitution of a nation is a supreme law and supersedes all other laws, all state's Organs and acts of the government. Any laws, action of states organs or action of any person that violate the constitution are therefore void and unenforceable. By upholding the rule of law and safeguarding individuals' rights, it guarantees that the government functions are supposed to be within the parameters set forth in the constitution.^{iv} This idea is essential to many democratic systems



because it protects individual liberties and acts as a check on governmental powers. Since the Constitution is said to be the creature of the people therefore is needed to be protected and be upheld. However the situation is not the same in Tanzania. It is claimed that the Constitution is the supreme law in Tanzania as per Article 64(5) of the Constitution of the United Republic of Tanzania, 1977,^v but the same Constitution is neither respected nor upheld by the highest leaders of the Organs of the State and it seems like is no one's concern.

Non adherence of the principles enshrined in the Constitution by the individuals in the States' Organs it is the sign that the Constitution of the United Republic of Tanzania is not supreme and thus provide the loop hole for the individual to disregard the aforesaid principles without fear because they know that the same Constitution can never make them responsible for their actions against the Constitution.

The Constitution of the United Republic of Tanzania is not supreme

This study demonstrates that the Constitution of the United Republic of Tanzania have some deficiencies in its supremacy, attributable to a weak supremacy clause, primarily looking on the article which provides for the supremacy of the Constitution. It places limitations on challenges to Parliamentary Constitutional amendments^{vi} and reveals notable conflicts between the Union Constitution and the Zanzibar Constitution. The Constitution of the United Republic of Tanzania, 1977, does not explicitly delineate the duties and obligations of all state organs concerning the protection of the Constitution, as discussed below.

Weakness on the Supremacy Clause

The Constitution of the United Republic of Tanzania, 1977, is fundamentally limited on its supremacy to its relationship with other laws, as specified in Article 64(5)^{vii}. This provision asserts that in cases of conflict between any law and the Constitution, the Constitution prevails, rendering the conflicting law void to the extent of the inconsistency. Nonetheless, the Constitution lacks clarity regarding its supremacy over other state organs or individuals functioning within those organs. Consequently, state organs may operate without a requirement to comply with or uphold the Constitution due to its ambiguous directives.

Judicial response to repeated constitutional violations by the executive and parliament has been inadequate. Claiming an inability to interfere in legislative affairs, the judiciary has avoided carrying out its responsibility as defender of the Constitution, even when such acts run counter to legal or Constitutional principles. The decision by the court to ignore constitutional violations by Parliament in the case of Alphonse Lusako and Others v. Attorney General and Others^{viii} is a good example of this, particularly in light of the DP World problem. In this case the court realized that the views of the people was disregarded by not providing enough time for the public to give their views on the matter, but still the court provided no orders as to the action of the Parliament not to take into consideration on the public views.

According to the 1977 Constitution of the United Republic of Tanzania, the government derives its power from the people, as stated in the preamble. Government power is derived from the people, public welfare is prioritized, public accountability is maintained, and citizen engagement in governmental matters is ensured according to Article 8 of the Constitution, 1977^{ix}. According to Article 26 of the Constitution, everyone is obligated to follow and obey the rules set forth in the Constitution and the laws of the country.

However Part II of the Constitution of the United Republic of Tanzania, 1977, is not enforceable by any court, according to Article 7(2)^x. This provision created a room for any state authority to act not in accordance with the Constitution and not being responsible for their acts and therefore seems to override constitutional authority by limits the judiciary's capacity to react to either Parliament's unlawful acts or Executive unconstitutional acts, and weakens constitutional supremacy.

The Constitutional Supremacy of other jurisdictions

It should be noted that this is not a comparative study rather; it examines the supremacy of constitutions in various jurisdictions so that can be taken as a lesson in Tanzanian jurisdiction. The focus is on understanding how the supremacy clauses are articulated, their strength, and the mechanisms through which courts uphold them. The 2010 Constitution of Kenya and the 1996 Constitution of South Africa have been referenced.

The Constitutional supremacy of the Republic of Kenya 2010

Constitutional supremacy is established by the 2010 Kenyan Constitution, which states that all sovereign power belongs to the Kenyan people and must be used in line with its provisions. According to Article 2^{xi} of the Constitution provides that the Constitution is the Republic's highest law and is binding on all citizens and state organizations at all governmental levels. Without the Constitution's approval, no one may assert or use state authority. No court or governmental body has the authority to contest the constitutionality or legitimacy of the document. Any action or omission that violates this Constitution is deemed invalid, and any law including customary law that conflicts with it is void to the degree of the conflict.

In the Hon. Attorney General Vs. Ndi and Others^{xii} (BBI case). The Supreme Court in Kenya found that supremacy of the Constitution is a core principle in Kenya's legal framework, as stated in Article 2(1) asserts that the Constitution is the supreme law, binding all persons and state organs. The BBI case raised concerns that the attempt to amend the Constitution could undermine this supremacy by bypassing established procedures and proposing changes that could alter fundamental principles of governance. The basic structure doctrine emerged in the case, with the High Court affirming that certain constitutional elements such as the separation of powers, the Bill of Rights, and government structure are fundamental and cannot be altered through simple amendments. The judiciary played a crucial role in safeguarding the Constitution by ruling that the BBI process violated its framework, ensuring that any amendments should align with the Constitution's core values

and principles, and therefore the BBI process was nullified by Supreme Court in Kenya by upholding the decision of the Court of Appeal.

Through different decision the Kenyan judiciary has clarified the concept of constitutional supremacy, asserting that the High Court possesses inherent authority to exercise jurisdiction over tribunals and individuals functioning in administrative or quasi-judicial roles. In its decision on the Crispus Karanja Njogu v. Attorney General^{xiii} the Constitutional Court reaffirmed the Constitution's predominance over all other texts of legislation, stressing that any interpretation of a parliamentary Act must take Constitutional principles into account.

The Kenyan Constitution underscores the principle of popular sovereignty and specifies the duties of the Kenyan executive to serve the public and enhance their welfare. Articles 130 and 131(2)(a) of the Constitution of Kenya, 2010 highlight the significance of constitutionalism and democratic principles in the exercise of executive authority. Article 159(2)(e) of the Constitution of Kenya^{xiv} requires courts and tribunals to uphold and promote the fundamental principles and objectives of the Constitution in exercising their judicial authority and therefore the Constitution Kenya has left no room for the states organs to disregard the principles enshrined in the Constitution.

The Powers of the South African Judiciary in safeguarding Constitutional Supremacy

Section 2 of the Constitution of South Africa^{xv} affirms its status as the supreme law of the Republic, binding all state organs, including the judiciary. Furthermore, Section 167(5) empowers the Constitutional Court as the highest court in Constitutional matters, granting it jurisdiction to protect and enforce the rights enshrined within the Constitution.^{xvi}

The Constitution of South Africa, 1996 provides that all branches of government, including the judiciary, are required by the Constitutional Court to adhere to its rulings, which are considered the highest law of the Republic as per section 167(3) of the South African Constitution.^{xvii} The power to defend and maintain constitutional rights rests with the judiciary. Without judicial scrutiny, South Africa's constitutional supremacy would be at risk, hence the country's bench are essential for upholding the Constitution. The judiciary have the power to declare any legislation or behavior unlawful to the degree that it is inconsistent with the Constitution, as granted by Section 172(1)^{xviii}. According to Section 165(5), all branches of the state must follow court orders, meaning that all relevant persons and state institutions are obligated to comply with any court judgment. Section 2 declares the Constitution to be supreme and forbids, in no uncertain terms, any legislation or conduct that is in conflict with its provisions. How the Constitution is really put into effect and enforced might impact how supreme it really is within the Constitution itself in South Africa.

In South Africa, the Constitution requires all state organs to protect and uphold the Constitution, thereby reinforcing the principle of legal supremacy. Sections 41(1)(d), (e), and (f) of the Constitution

clearly demonstrate this obligation. As the Constitution of Kenya articulates, the Constitution of South Africa leaves no room for anyone to play with the Constitution, and the situation makes its supremacy being so strong.

The Constitution of the United Republic of Tanzania, 1977 is silent on duties and obligation to all states organs to protect the Constitution

The Constitution of the United Republic of Tanzania, 1977, does not impose an obligation on state organs to respect and protect the Constitution, with the exception of the supremacy clause. In jurisdictions such as Kenya and South Africa, all state organs are tasked with the duty to protect and uphold the Constitution. Article 94(1) of the Constitution of Kenya stipulates that legislative authority in the Republic derives from the public and is exercised by the national legislature, known as Parliament and therefore the Parliament is vested with the duty to protect the Constitution as per Article 94(4)^{xix}.

The inclusion of Article 64(5) in the Constitution of the United Republic of Tanzania fails to ensure that there is absolute supremacy of the Constitution in the United Republic of Tanzania. The absence of provisions designating the responsibility of state organs to adhere to and uphold the Constitution results in constitutional violations by personnel within these organs of the states, taking an example of burning of political activities in 2016 was the clearly violation of the Constitutional rights^{xx}. Soon after Hon Samia take over another presidential statement was give in January 2023 to unban rallies by Hon. Samia Suluhu Hassan. However during her speech in addressing the issue of allowing the political parties to continue with the Political parties activities was just like a privilege and not the rights as it has been enshrined under Article 20 of the Constitution f the United Republic of Tanzania, 1977^{xxi}

The Court has consistently issued rulings to prohibit such actions; however, these rulings have not been sufficiently considered. The case of Zito Kabwe v. The President and Others^{xxii} underscores notable constitutional violations, yet it appears to gain minimal attention. Because since 2022 the court declared that the former CAG was unconstitutionally removed from his office and the subsequent appointment of the CAG was unconstitutional but nothing has been rectified to date. All the above incidences shows how the Constitution of the United Republic of Tanzania is taken to granted and considered to be fair.

The Judiciary's Restrictions to Challenge the Parliamentary Constitutional Amendments

The retired Justice Samatta B.A. contended that the Parliament of the United Republic of Tanzania's authority to amend the Constitution under Article 98 may seem unrestricted; however, this interpretation is contradicting. The legislative, executive, and judicial branches possess only the powers conferred upon them by the public through the Constitution. Any opposing proposition would place the country under the authority of those entities^{xxiii}.

In Christopher Mtikila v. Attorney General^{xxiv}, the High Court reached uncertain ruling on the legality of independent candidates.



The amended provision introduced by the Attorney General following Justice Lugakingira's decision was intended to nullify the High Court's ruling and appeared to be deliberately crafted to deny the rights of independent candidates and individual citizens. It is clear that the Attorney General was aware that, once the Constitution was amended, the judiciary would be unable to invalidate the constitutional provision, as the authority to amend the Constitution is exclusively vested in Parliament, as outlined in Article 98 of the Constitution of the United Republic of Tanzania, 1977^{xxv}, following the interpretation in the Mtikila's case No. 45 of 2009.

The aforementioned case illustrates that Parliament possesses the authority to amend the Constitution as it sees fit. Following such amendments, the revised provisions become valid and are not subject to challenge, regardless of their impact on citizens. This situation undermines the supremacy of the Constitution in Tanzania, suggesting that constitutional supremacy is effectively absent, as the judiciary, tasked with safeguarding the Constitution, has imposed limitations on its own ability to do so. Consequently, it can be concluded that, in practice, the United Republic of Tanzania operates under a system of Parliamentary supremacy rather than Constitutional supremacy. In this context, the role of the judiciary appears to be to uphold Parliamentary supremacy, as evidenced by the decision in the Mtikila case No. 45 of 2009.

In an effort to overturn the High Court's decision that seemed to restrict the rights of people and independent candidates, the Attorney General put forth a revised section. The Court of Appeal recognized that the court does not have the ability to nullify the constitutional provision. According to Article 98 of the Constitution of the United Republic of Tanzania, 1977, the right to change the Constitution is solely held by Parliament. Although the current political climate poses significant concerns, particularly because of the dominance of one party inside Parliament, this case demonstrates that Parliament has the power to modify the Constitution as it deems appropriate without being interfered by the court in whatever circumstance, this endangers the supremacy of the Constitution in Tanzania.

Outstanding Conflicts between the Provisions of the Union Constitution and the Zanzibar Constitution.

The amendments made to the Zanzibar Constitution in 2010 are at odds with some clauses of the United States Constitution. Conflicting with Article 1 of the United Republic of Tanzania's Constitution, Zanzibar's Constitution identifies Zanzibar as a state and specifies its limits. An important constitutional inconsistency that calls for more investigation^{xxvi}

The 2010 Zanzibar Constitution, Article 6, need close reading. Anyone born on the island of Zanzibar is considered a Zanzibari according to item 6 of the first schedule of the Constitution of the United Republic of Tanzania, provides that citizenship is a union matter. Article 6 of the Zanzibar Constitution seems to be in contradiction with item 6 of the United Republic of Tanzania Constitution, with regards to the nationality of the people of Zanzibar.

The 2010 Constitution of Zanzibar has eliminated the powers and jurisdiction of the Court of Appeal concerning matters arising from the Kadhis Court in Zanzibar which provides that the matter from Kadhis Court shall end to the High Court of Zanzibar and not to the Court of Appeal. The High Court of Zanzibar will function as the ultimate authority for adjudicating these issues.^{xxvii} This situation raises constitutional issues that appear to conflict with the provisions of the Constitution of the United Republic of Tanzania, 1977, and remains unresolved to date.

Lack of Public will to be guided by the Law

Tanzania's Constitution, though not absolute, demonstrates a deficiency in the collective commitment of the populace to uphold the law. A legal scholar noted that there is absence of a societal commitment to be governed by law which renders such a Constitution ineffective.^{xxviii} The present circumstances in Tanzania reflect not a rejection of legal guidance, but rather lack of understanding of the rule of law. A 2017 report by TWaweza indicated that 58% of the 93% of respondents lacked awareness regarding the contents of the Constitution.^{xxix} The insufficient understanding of the Constitution presents considerable obstacles to the population's readiness to be governed in accordance with constitutional principles. The desire to be governed by the law and the Constitution reflects the will of the citizens. The reluctance of citizens to follow legal guidance does not reflect a rejection of such guidance, but rather a widespread lack of understanding of the Constitution in Tanzania.

Conclusion

The principle of constitutional supremacy must be upheld by all democratic states; failure to do so constitutes a direct repudiation of democracy. Moreover, for the effective maintenance of the Constitution's supremacy, it must be articulated with clarity and strength within the very text of the Constitution itself. The Constitution must safeguard itself against infringement by any individual. For the Constitution of the United Republic of Tanzania to be regarded as supreme, it is essential that there is a clear and robust declaration of its supremacy within the text itself. Furthermore, the Constitution must empower the Judiciary comprehensively to safeguard this supremacy. The establishment of the new Constitution of the United Republic of Tanzania can facilitate the implementation of these objectives and delineate the necessary parameters.

BIBLIOGRAPHY

BOOKS

1. ALDER John (2005) Constitutional and Administrative Law, 5th Ed, Palgrave Macmillan
2. CURRIE I & de WAAL de Johan (2013), *The Bill of Rights Handbook*, 6th Ed. JUTA and Co,
3. HAMILTON Alexander,(1788). The Federalist No. 78. In J. Cooke (Ed.), *The Federalist Papers* Cambridge, MA: Harvard University Press.
4. HOLT John, (1965), *Magna Carta: A Commentary on the Great Charter of King John*, Cambridge University Press
5. HOPPER, Rex, & HOPPER, Andrew (2005). *The research process: A basic guide for students*. Thousand Oaks, CA:



Sage

6. KAPUR Rajeev & NSIMBA David. (2020). "Constitutionalism and the Judiciary in Tanzania." Tanzanian Affairs.
 7. KATAMBA Abiud, (2022), "Safeguarding Constitutional Supremacy in Tanzania: The Role of the Judiciary." Dar-Es - Salaam: Mkuki na Nyota Publishers.
 8. KATAMBA Aniceti (2022). "Safeguarding Constitutional Supremacy in Tanzania: The Role of the Judiciary" Dar es Salaam, Tanzania, Mkuki na Nyota
 9. KIAMA Maarifa (2018). "Constitutional Supremacy in Tanzania: Challenges and Prospects. Dar es Salaam, Tanzania: Mkuki na Nyota.
 10. LIMBACH Herman. (1976). "The Principle of Constitutional Supremacy in the Legal System of the Federal Republic of Germany." Michigan Law Review, 75
 11. LOCKE John. (1689). Two Treatises of Civil Government. London: Awnsham Churchill
 12. LOUGHLIN Martin (2022) Against Constitutionalism, Havard University Press.
 13. MADISON James (1788), *The Federalist No. 47, The Federalist Papers* Cambridge, MA: Harvard University Press
 14. MAINA Chris, (1997) *Human Rights in Tanzania: Selected Cases and Materials* Rüdiger Köppe Verlag Köln.
 15. MIRINDO Frank (2011) *Administration of Justice in Mainland Tanzania*, Law Africa Publishing (K)
 16. SAMATTA, Albert Barnabas (2011) *Rule of Law vs. Rulers of Law*; Justice Barnabas Albert Samatta Road to Justice, Mkuki na Nyota,
 17. SCHUCK Peter, (1981), *The Separation of Powers: A Study in the Constitutional Theory of Montesquieu and Rousseau*, Chicago, University of Chicago Press.
 18. SHEMSANGA Shemsanga MULUPI Mabalo (Eds.), *The Judiciary in Africa: The Tanzania Experience*, Dar es Salaam, Tanzania, Mkuki na Nyota
 19. TSAGOURIAS Nicholas(2007) *Introduction – Constitutionalism: a theoretical roadmap*, Cambridge University Press.
 20. TWINING William. (1999). *Comparative law: Doctrinal, historical and methodological perspectives*. Oxford, UK: Oxford University Press.
 21. WAMBALI Michael, (2009) *The Enforcement of Basic Rights and Freedoms and the state of Judicial Activism in Tanzania*, School of Oriental and African Studies.
4. NYANG'ORO Ann (2006)., *The High Court in Tanzania: Jurisdiction and Practice*, Journal of African Law, Volume 50 Issue 2
 5. SHIVJI Issa, (1996), *Judicial Review in Tanzania: Appraising an Experience*. Journal of Contemporary African Studies, Volume 14, Number 2
 6. UNTERBERGER, L. (2000). "The Doctrine of Constitutional Supremacy", German Law Journal,
 7. WAMBARI Michael, (2009) *The enforcement of basic rights and freedom and the state of judicial activism in Tanzania*, Journal of African Law

PAPERS

1. RAMADHANI, A. S. L. (2006), *Judicial Review of Administrative Action by State Agencies as the Primary Vehicle for the Protection of Human Rights and the Rule of Law*, The Current Legal Forum.
2. PAUL J CN (1974) Some Observations on Constitutionalism, Judicial Review and Rule of Law in Africa *Ohio St. LJ*

WEBSITES

1. <https://www.tanzanianweb.co.tz/2021/04/judicial-review-remedies-and-criteria.html?m=1>
2. <http://jabashadrack.blogspot.com/2014/11/judicial-review-remedies-in-tanzania.html?m=1>
3. <http://repository.costech.or.tz/handle/11192/3169>
4. https://www.academia.edu/14502117/Judicial_Review_Case_Notes

ⁱ CAP 2 of the lawsⁱⁱ Article 12 to 29 of the Constitution of the United Republic of Tanzania, 1977ⁱⁱⁱ Article 64(5) of the Constitution of the United Republic of Tanzania, 1977^{iv} CURRIE Iain & de WAAL de Johan (2013), *The Bill of Rights Handbook*, 6th Ed. JUTA and Co, at pg 9^v Cap 2 [R.E 2002]^{vi} MTIKILA II^{vii} CAP 2 of the laws^{viii} High Court of Tanzania at Mbeya, *Miscellaneous Civil Cause NO. 5 of 2023*, at pp 72-73 of the Judgement^{ix} CAP 2 of the laws^x CAP 2 of the laws^{xi} The Constitution of Kenya, 2010^{xiii} Petition No. 12 of 2021, (**consolidated with petitions nos. 11 & 13 of 2021**) **date of judgment: 31st march 2022.**^{xiii} High Court of Kenya, at Nairobi, *Criminal Application No 39 of 2000 (Unreported)*^{xiv} The Kenyan Constitution of 2010^{xv} The Constitution of South Africa, 1996^{xvi} Department of Justice and Constitutional Development. (n.d.) *The Judicial System of South Africa: An Overview*. Retrieved from https://www.justice.gov.za/sites/default/files/documents/courts/core_courts_overview_booklet.pdf. Accessed on 24th May 2024^{xvii} The Constitution of South Africa, 1996^{xviii} The Constitution of South Africa, 1996^{xix} The Constitution of Kenya.^{xx} [Tanzania is ruled with impunity – four key issues behind calls for](#)

JOURNALS

1. DIXON Rosalind. & GINSBURG Tom. (2015). *The Constitution as a Multi-Dimensional Text: Beyond Legalism in Constitutional Interpretation*, Chicago Journal of International Law, Volume 15 Number 2
2. FIELD Oliver (1941) *Unconstitutional Legislation in Indiana*, Indiana Law Journal.
3. NASURU John (2018). *Enforcement of Human Rights in Tanzania: Some Challenges*. The International



[Constitutional reform \(theconversation.com\)](https://theconversation.com), Accessed in August 2024.

^{xxi} Cap 2 [R.E 2002]

^{xxii} High Court of Tanzania at Mbeya, *Miscellaneous Civil Cause NO. 5 of 2023*, at pp 72-73 of the Judgement

^{xxiii} SAMATTA, Albert Barnabas (2011) *Rule of Law vs. Rulers of Law; Justice Barnabas Albert Samatta Road to Justice, Mkuki na Nyota*, at pp. 124- 125

^{xxiv xxiv} [2006] T.L.R. 279

Civil Appeal No. 45 of 2009

^{xxv} Cap 2 [R.E 2002]

^{xxvi} Article 1 of the Constitution of the United Republic of Tanzania, 1977 and Article 1 of The Constitution of Zanzibar , 2010

^{xxvii}The then Chair Person of Committee of Constitutional Change the retired Judge Joseph Sindi Warioba when he spoke with ITV In the Dakika 45 Session and he gave the clarification on the important issues to be considered in the making of the New Constitution on 30th April, 2014.[ALIEYKUWA_MWENYEKITI_WA_TUME_YA_MABADILIKO_YA_KATIBA_JOSEPH_WARIOBA_AMEONGEA_NA_DAKIKA_45 \(youtube.com\)](https://www.youtube.com/watch?v=ALIEYKUWA_MWENYEKITI_WA_TUME_YA_MABADILIKO_YA_KATIBA_JOSEPH_WARIOBA_AMEONGEA_NA_DAKIKA_45)

Accessed on 13th August 2024.

^{xxviii} [hotuba_ya_Padre_Dr._Charles_Kitima_kuhusu_changamoto_ya_utawala_wa_sheria_kwenye_Taifa_letu.... \(youtube.com\)](https://www.youtube.com/watch?v=hotuba_ya_Padre_Dr._Charles_Kitima_kuhusu_changamoto_ya_utawala_wa_sheria_kwenye_Taifa_letu....), Accessed in August 2024.

^{xxix} [SzW-TZ-2017-Katiba-KIS-FINAL-web.pdf \(twaweza.org\)](https://www.twaweza.org/SzW-TZ-2017-Katiba-KIS-FINAL-web.pdf) accessed on August 2024

