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THE RIGHT TO RECALL IN TANZANIA: A LEGAL AND DEMOCRATIC ANALYSIS

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Abstract

The right to recall constitutes one of the most direct democratic mechanisms through which citizens hold their elected representatives accountable even before the expiry of their constitutional tenure. It grants the electorate the power to withdraw their mandate from a non-performing or unfaithful representative, ensuring continuous accountability beyond periodic elections. In Tanzania, the existing constitutional and legal framework does not provide for such a mechanism. The Constitution of the United Republic of Tanzania of 1977 recognizes representative democracy through general elections every five years but lacks an express provision allowing voters to recall Members of Parliament. This omission raises fundamental questions about the adequacy of the country's democratic and accountability structures. Using a doctrinal and comparative approach, this paper critically analyses the concept of recall within the Tanzanian constitutional framework, examines its importance in enhancing democratic accountability, and draws lessons from Kenya where recall is legally recognized. The study concludes that while Tanzania's constitutional system provides mechanisms for political accountability, the absence of the right to recall undermines citizens' power to ensure responsive and transparent governance. The paper recommends constitutional and statutory reforms to introduce the right to recall as a means of strengthening democracy and promoting trust in the electoral process.

Keywords: Right to Recall, Accountability, Democracy, Constitution of Tanzania, Political Representation, Kenya, United States

Introduction

Democracy thrives on the principles of participation, accountability, and representation. These principles are not only theoretical but must be practically reflected in a nation's constitutional and legal framework. The concept of the right to recall a mechanism through which the electorate can remove an elected representative before the end of their term embodies these ideals. It provides a constitutional tool that ensures elected leaders remain answerable to the people who entrusted them with power. The right to recall thus serves as an extension of the doctrine of popular sovereignty, where ultimate political authority resides in the people and not in those who temporarily exercise it on their behalf.

In Tanzania, however, the constitutional structure of governance is largely representative, characterized by periodic elections every five years as stipulated under Article 65 of the Constitution of the

United Republic of Tanzania, 1977.ⁱ While such periodic elections provide an avenue for citizens to choose their leaders, they do not offer an immediate remedy when those leaders fail to fulfill their constitutional obligations or betray public trust. The absence of a recall mechanism has therefore generated scholarly and political debate on the sufficiency of Tanzania's democratic accountability system.

Globally, the right to recall has gained traction as an important instrument of participatory democracy. It is recognized in several jurisdictions, particularly in Kenya under Article 104 of the Constitution of Kenya, 2010, and in various states of the United States such as California, Arizona, and Wisconsin.ⁱⁱ In these jurisdictions, the recall process allows citizens to initiate the removal of elected officials through petition and referendum, thereby ensuring that public office remains an ongoing trust rather than a fixed-term privilege. The Tanzanian context, however,



presents a different picture one of constitutional silence and legal uncertainty.

The rationale behind this paper stems from the observation that Tanzania's democratic framework, though constitutionally grounded, lacks effective mechanisms to ensure accountability between election cycles. The recall mechanism, if introduced, would reinforce citizen oversight over elected representatives, enhance the responsiveness of governance institutions, and prevent the abuse of power. This analysis therefore seeks to interrogate whether Tanzania's constitutional and institutional structure sufficiently supports the ideals of democratic accountability without the right to recall and whether lessons from Kenya and the United States could guide future reforms.

Methodologically, this paper adopts a doctrinal legal approach examining constitutional provisions, statutory laws, and judicial interpretations relevant to democratic accountability in Tanzania. It also employs comparative analysis, drawing experience from Kenya to evaluate the feasibility of introducing recall provisions in Tanzania. The discussion is grounded on the theoretical framework of social contract and democratic accountability, emphasizing that the legitimacy of elected authority derives from the people's continued consent.

Conceptual and Theoretical Framework

The concept of the *right to recall* originates from the broader democratic principle that sovereignty resides in the people, and that elected representatives serve merely as trustees of the people's will. Conceptually, the right to recall refers to the constitutional or statutory power vested in voters to remove an elected public official from office before the expiration of their term through a legally prescribed process. This process typically involves initiating a recall petition, gathering signatures of registered voters, and conducting a recall election to determine whether the official should continue to hold office.ⁱⁱⁱ It is therefore both a political and legal mechanism for enforcing accountability and maintaining the integrity of representative democracy.

At its core, the right to recall embodies the doctrine of *popular sovereignty*, which asserts that all governmental authority emanates from the people.^{iv} Under this doctrine, representatives are not masters of the electorate but servants whose mandate is conditional upon good performance and fidelity to public trust. Consequently, the recall mechanism serves as a continuous democratic check between general elections, enabling citizens to exercise direct control over those who govern on their behalf. In this sense, recall is an institutional expression of the people's ultimate right to withdraw consent from an unfaithful representative a concept that lies at the heart of social contract philosophy.

From a constitutional perspective, recall bridges the gap between representative and participatory democracy. While representative democracy emphasizes delegation of authority through periodic elections, participatory democracy insists on continuous citizen involvement in governance beyond Election Day.^v The right to recall thus operates at the intersection of these two democratic

models, ensuring that representation remains responsive, accountable, and reflective of the electorate's expectations. It complements other accountability mechanisms such as parliamentary oversight, judicial review, and public protests by granting citizens a direct, legally sanctioned remedy to remove inefficient or unethical representatives.

Historically, the recall mechanism can be traced to ancient democratic practices, notably in Athens where citizens could ostracize public officials deemed unfit to continue in office.^{vi} Modern applications of recall, however, began in the early twentieth century in the United States, particularly within the Progressive Movement, which sought to counter political corruption and elite dominance by empowering ordinary voters.^{vii} The success of recall in several American states later inspired constitutional reforms in other jurisdictions, including Latin America and Africa, as part of broader efforts to deepen participatory democracy and strengthen political accountability.

In Africa, the idea of recall emerged prominently during the era of constitutional reforms in the late twentieth and early twenty-first centuries, coinciding with the wave of democratization that swept across the continent. The Constitution of Kenya, 2010, represents one of the clearest examples, providing for the recall of Members of Parliament under Article 104.^{viii} This provision reflects Kenya's commitment to enhancing accountability by giving citizens the right to petition for the removal of non-performing representatives. Similarly, countries such as Zambia and Uganda have also debated or experimented with recall provisions at various administrative levels.^{ix} However, Tanzania's constitutional framework remains silent on the matter, reflecting a gap in its democratic development and accountability mechanisms.

The theoretical foundation of the right to recall is best understood through the Social Contract Theory, propounded by classical philosophers such as John Locke, Jean-Jacques Rousseau, and Thomas Hobbes. Locke's conception of government as a fiduciary trust emphasizes that rulers hold authority conditionally and may lose it upon breach of public trust.^x According to Locke, when a government fails to act for the public good or violates the consent of the governed, the people retain the natural right to revoke that authority.^{xi} Rousseau similarly advanced the notion that sovereignty is indivisible and inalienable, and that citizens may reclaim power when their collective will is disregarded.^{xii} Within this framework, the right to recall can be viewed as a modern institutional expression of the people's right to withdraw consent—an act of reclaiming their sovereignty from unaccountable representatives.

Additionally, the Democratic Accountability Theory provides a contemporary rationale for the recall mechanism. This theory postulates that democracy must ensure continuous accountability of public officials through both vertical mechanisms (citizens' power to sanction leaders through elections or recall) and horizontal mechanisms (institutional checks such as legislatures, courts, and anti-corruption agencies).^{xiii} Recall represents the most direct form of vertical accountability because it allows citizens to

evaluate and, if necessary, terminate the mandate of elected officials before the next general election. It reinforces the moral and political obligation of leaders to remain responsive to public interests and act in good faith.

Critics of the recall mechanism, however, argue that it may lead to political instability, populism, and abuse by opposition groups seeking to disrupt governance.^{xiv} They contend that frequent recalls may undermine administrative continuity and distract elected officials from their policy responsibilities. Nonetheless, proponents argue that such concerns can be mitigated through carefully designed procedural safeguards such as requiring a significant threshold of voter signatures, restricting the timing of recall petitions, and ensuring judicial oversight of the process.^{xv} Properly implemented, recall strengthens rather than weakens democratic governance by promoting trust, transparency, and civic participation.

In the Tanzanian context, the theoretical justification for recall aligns with the constitutional values enshrined in the Preamble and in Article 8(1)(a)–(d) of the Constitution of the United Republic of Tanzania, 1977, which declare that “the United Republic of Tanzania is a democratic state” and that “the people shall be the source of all state power.”^{xvi} These provisions affirm that sovereignty belongs to the people and that government authority is exercised only through their consent. It logically follows that the people should retain the constitutional right to withdraw that consent when their representatives fail to act in accordance with their mandate. Thus, while Tanzania’s Constitution guarantees representative democracy, the absence of recall contradicts the principle of continuous accountability and undermines the spirit of the social contract upon which democratic legitimacy is built.

The integration of recall within Tanzania’s legal framework would therefore not introduce a foreign or radical concept but rather give practical effect to the foundational democratic values already embedded in the Constitution. It would operationalize the principle of government by consent and reinforce public confidence in political institutions. The theoretical underpinning clearly demonstrates that the right to recall is not merely a political demand but a constitutional necessity one that ensures elected representatives remain perpetually accountable to the people who entrusted them with authority.

The Legal Framework of the Right to Recall in Tanzania

The constitutional and legal structure of Tanzania is built upon the doctrine of representative democracy, which grants citizens the right to elect their leaders through periodic elections. However, the same framework does not provide for the right to recall as a formal constitutional or statutory mechanism. Unlike other jurisdictions that have codified recall within their constitutional texts or electoral laws, Tanzania’s legal order is silent on the question of whether citizens may lawfully remove a non-performing or unfaithful representative before the end of their term. This constitutional silence reflects a broader historical and institutional

design that prioritizes political stability and centralized governance over direct democratic controls.

The Constitution of the United Republic of Tanzania, 1977, establishes the foundation of Tanzania’s democratic governance. Article 8(1) affirms that sovereignty belongs to the people and that the government derives its authority from them.^{xvii} Article 8(1)(d) further emphasizes that “the Government shall be accountable to the people.”^{xviii} Despite these strong declaratory provisions, the Constitution lacks any procedural clause enabling citizens to enforce this accountability through recall. Instead, the Constitution provides for indirect mechanisms such as parliamentary oversight, judicial review, and periodic elections every five years, as stipulated under Article 46.^{xix}

Article 65 provides that the Members of Parliament shall serve for a term of five years, subject to re-election or replacement through the normal electoral process.^{xx} The absence of an express clause for recall means that once elected, Members of Parliament retain their seats until the dissolution of Parliament, resignation, or disqualification under Article 71 of the Constitution.^{xxi} The grounds for disqualification are limited to circumstances such as loss of party membership, criminal conviction, mental incapacity, or prolonged absenteeism from parliamentary sessions.^{xxii} These are largely administrative and disciplinary in nature, rather than mechanisms for direct voter accountability. Consequently, citizens who are dissatisfied with the conduct or performance of their representatives have no constitutional avenue to withdraw their mandate before the end of the parliamentary term.

Similarly, the National Elections Act, Cap. 343 (R.E. 2023) and the Political Parties Act, Cap. 258 (R.E. 2023) are silent on the issue of recall. The National Elections Act regulates the conduct of elections, including nomination, voting, and declaration of results, but it does not provide for post-election citizen oversight through recall.^{xxiii} The Political Parties Act primarily governs registration, functioning, and discipline of political parties, but accountability under this statute is directed internally within parties, rather than between elected officials and their constituencies.^{xxiv} Therefore, any removal of a Member of Parliament before the end of their term is a matter handled within party structures, not through popular initiative by the electorate.

Furthermore, the lack of recall contradicts the spirit of participatory democracy, which Tanzania has committed to uphold under several international and regional instruments. The African Charter on Democracy, Elections and Governance (2007), to which Tanzania is a signatory, underscores in Article 2(10) the need to promote “participation by the citizens in democratic and development processes and in governance of public affairs.”^{xxv} Similarly, the United Nations Covenant on Civil and Political Rights (1966) guarantees in Article 25 the right of citizens to take part in public affairs, directly or through freely chosen representatives.^{xxvi} The absence of recall mechanisms in Tanzania therefore places the country at odds with emerging international standards that emphasize citizen participation as a continuing right, not a periodic privilege.

The 2014 Proposed Draft Constitution sought to address this democratic deficiency by introducing more robust provisions on citizen participation and accountability.^{xxvii} Article 124 of the Draft Constitution proposed that a Member of Parliament could be recalled by the electorate for violation of the Constitution, breach of public trust, or failure to perform their duties.^{xxviii} This proposal represented a significant step towards strengthening democratic accountability and aligning Tanzania's governance framework with participatory democratic ideals. However, the Draft Constitution was never adopted, leaving the current constitutional framework devoid of any recall mechanism.

In conclusion, the Tanzanian legal framework provides no constitutional or statutory foundation for the right to recall. Accountability of elected representatives remains indirect and institutionally mediated, rather than directly exercised by the electorate. This gap undermines the spirit of democratic governance and limits the operationalization of the constitutional principle that sovereignty belongs to the people. For Tanzania to realize a more participatory and accountable democracy, it is imperative that the Constitution and electoral laws be reformed to incorporate the right to recall as a fundamental expression of citizen sovereignty and continuous accountability.

Kenya provides one of the most illustrative and constitutionally grounded examples of the right to recall in Africa. The country's experience with the recall mechanism demonstrates a deliberate constitutional effort to enhance democratic accountability and citizen participation in governance. The inclusion of the recall provision in the Constitution of Kenya, 2010 was driven by a desire to prevent abuse of public office and ensure that elected representatives remain faithful to the electorate throughout their term. This reform reflected a broader wave of constitutional democratization in Africa that sought to deepen public participation beyond periodic elections and to promote direct mechanisms of citizen oversight over their representatives.

The right to recall in Kenya is expressly provided under Article 104 of the Constitution of Kenya, 2010, which grants citizens the power to recall a Member of Parliament before the end of their term of office.^{xxix} Article 104(1) provides that "the electorate under Articles 97 and 98 have the right to recall the Member of Parliament representing their constituency before the end of the term of the relevant House of Parliament."^{xxx} This provision firmly establishes the recall as a constitutional right belonging to the electorate rather than a privilege subject to political discretion. The procedure for implementing the recall is left to legislation, thereby ensuring that the process is clearly regulated and not open to abuse.

Pursuant to Article 104, the Elections Act, No. 24 of 2011, provides a detailed procedure for exercising the right to recall under Sections 45 to 48.^{xxxi} Section 45(1) of the Act specifies the grounds upon which a Member of Parliament may be recalled, namely: (a) violation of the provisions of Chapter Six of the Constitution on leadership and integrity; (b) mismanagement of public resources; and (c) conviction for an offence under the Elections Act.^{xxxii} These grounds establish a high threshold,

thereby ensuring that recall is not used frivolously or for partisan political purposes. Importantly, Section 45(6) stipulates that a recall cannot be initiated within the first twenty-four months after an election or within twelve months preceding the next general election, thereby balancing the right to recall with the need for political stability.^{xxxiii}

The procedure for initiating a recall in Kenya is initiated by a registered voter from the concerned constituency. The voter must submit to the Independent Electoral and Boundaries Commission (IEBC) a petition signed by at least thirty percent of the registered voters in that constituency.^{xxxiv} The signatures must be verified by the IEBC to confirm authenticity and compliance with the law. Once verified, the IEBC is required to conduct a recall election in which voters decide, through a simple majority, whether to recall or retain the Member of Parliament.^{xxxv} The recall election is conducted in the same manner as a general election, ensuring transparency and legitimacy in the process.

Nevertheless, Kenya's constitutional recognition of recall remains a landmark achievement in African democratic jurisprudence. It symbolizes a shift from elite-centered to citizen-centered democracy. The inclusion of recall in the 2010 Constitution was a deliberate act to restore public confidence in political institutions after years of corruption, electoral violence, and unaccountable governance.^{xxxvi} It represents an effort to institutionalize popular sovereignty as an enforceable constitutional principle rather than a symbolic one. The mechanism ensures that elected representatives maintain an ongoing relationship of trust with their constituents, knowing that failure to uphold integrity and good governance may lead to their removal before the end of their term.

From a comparative standpoint, Kenya's experience offers valuable lessons for Tanzania. First, it demonstrates that the right to recall can coexist with political stability if appropriately regulated. The Kenyan framework incorporates procedural safeguards—such as clear grounds, verification of signatures, and time restrictions—that prevent abuse of the recall process. Second, Kenya's recall mechanism underscores the importance of grounding recall in constitutional text rather than in ordinary legislation alone. By entrenching recall in the Constitution, Kenya ensured that the right is not subject to easy political manipulation or legislative repeal.^{xxxvii} Third, the Kenyan model highlights the role of independent institutions, particularly the IEBC and the judiciary, in maintaining the credibility and fairness of the recall process. Their involvement ensures that the process remains transparent and insulated from partisan interference.

In conclusion, Kenya's right to recall reflects a mature approach to participatory democracy and provides a practical model for constitutional design in other African states. For Tanzania, adopting a similar constitutional provision would enhance public trust in governance and strengthen accountability between elections. While the Tanzanian Constitution declares that the government is accountable to the people, this accountability remains largely theoretical without a direct citizen mechanism such as recall. Kenya's experience illustrates that recall can serve as

both a legal and moral instrument for deepening democracy, ensuring that representation remains a continuous trust rather than a temporary delegation of authority.

Legal and Institutional Challenges to Implementing the Right to Recall in Tanzania

The practical introduction and enforcement of the right to recall in Tanzania face significant legal and institutional challenges rooted in the structure of the country's constitutional system, the nature of its political institutions, and the broader socio-political context. While the idea of recall resonates with democratic principles and the constitutional declaration that sovereignty belongs to the people, its realization requires careful examination of the existing legal order, political culture, and institutional capacity. These challenges must be understood within the historical evolution of Tanzania's constitutional governance, which has traditionally favored centralized authority and collective party control over direct citizen mechanisms.

The first major legal challenge lies in the absence of an explicit constitutional provision that recognizes recall as a citizen's right. The Constitution of the United Republic of Tanzania, 1977, does not provide any clause that empowers voters to remove their representatives before the expiration of their term.^{xxxviii} Introducing recall would therefore require a constitutional amendment, which is procedurally complex under Articles 98 and 99 of the Constitution.^{xxxix} Constitutional amendment in Tanzania requires a two-thirds majority in both the Union Parliament and the Zanzibar House of Representatives, and in some cases, a referendum if the amendment affects fundamental provisions such as the structure of the Union or the Bill of Rights.^{xl} This process, while ensuring constitutional stability, also makes reform efforts highly dependent on political will, which is often limited when proposed reforms are perceived as threatening the privileges of incumbent political elites.

A second challenge arises from the dominance of political parties in Tanzania's governance framework. The political system, though formally democratic, remains heavily influenced by party structures, especially the ruling party Chama Cha Mapinduzi (CCM) which has maintained continuous power since independence.^{xli} Under Article 71(1)(f) of the Constitution, a Member of Parliament loses their seat if they resign from or are expelled by their political party.^{xlii} This provision effectively transfers the power of removal from the people to the party leadership, thereby creating a system of *party accountability* rather than *public accountability*. The introduction of recall would redistribute this power from political parties to citizens, a shift that could face resistance from party elites who benefit from maintaining centralized control over their members.^{xliii} Thus, institutional inertia and party dominance present a significant barrier to adopting a people-centered recall mechanism.

The third challenge concerns the lack of legislative and procedural framework to operationalize recall even if it were constitutionally recognized. Unlike Kenya, where the Elections Act, 2011, provides

detailed provisions on recall procedures, Tanzania lacks corresponding legislation to regulate citizen petitions, verification processes, or recall elections.^{xliv} Establishing such a legal framework would require comprehensive reform of the National Elections Act and the Political Parties Act to accommodate recall provisions. This reform would also necessitate the establishment of new administrative structures within the Independent National Electoral Commission (INEC) to manage recall petitions, verify signatures, and conduct recall elections. Given the existing logistical and financial constraints facing the NEC, implementing a new, citizen-driven electoral process would demand significant institutional strengthening and resource allocation.

The fourth challenge is the weak culture of political accountability and civic awareness among citizens. For recall to function effectively, citizens must be well-informed about their constitutional rights, the performance of their representatives, and the procedures for initiating recall.^{xlv} However, civic education in Tanzania remains limited, and voter engagement tends to decline significantly after general elections.^{xlvi} Many citizens perceive political accountability as the responsibility of government institutions or political parties rather than as a collective civic duty. Without widespread civic education and mobilization, recall mechanisms risk being underutilized or manipulated by political elites. Effective implementation would therefore require robust public education programs to promote political literacy, encourage active citizenship, and safeguard against abuse of recall petitions for partisan purposes.

Another institutional challenge relates to the independence and credibility of key governance institutions. The effective administration of a recall process would depend heavily on the impartiality of the National Electoral Commission, the judiciary, and law enforcement bodies.^{xlvii} In Tanzania, these institutions have often faced criticism for lacking sufficient autonomy from the executive branch.^{xlviii} For instance, the appointment of NEC commissioners by the President under Article 74(1) of the Constitution has raised concerns about potential political influence.^{xlix} If the recall process were administered by a body perceived as partisan, public trust in its fairness would be compromised. Therefore, ensuring institutional independence and integrity is a prerequisite for the credible implementation of recall in Tanzania.

Furthermore, the financial and logistical implications of conducting recall elections pose a practical challenge. Tanzania is a large country with extensive rural populations and limited infrastructural capacity in certain regions. Organizing a recall election would require substantial resources for verification of signatures, voter education, and election management.¹ Given the existing fiscal constraints and dependence on donor support for electoral activities, frequent recall elections could strain the national budget. To mitigate this, Tanzania would need to design a cost-effective framework, possibly limiting recall petitions to specific grounds such as violation of integrity, corruption, or gross misconduct, and allowing recall elections only when a significant portion of the electorate supports the petition.

A further legal concern arises from the potential for political manipulation and destabilization. Opponents of recall argue that the mechanism may be exploited by opposition groups or interest factions to harass or destabilize legitimate representatives.^{li} In a polarized political environment, recall could become a tool for settling political scores rather than a genuine instrument of accountability. This risk is heightened in contexts where political competition is intense and where institutions tasked with overseeing the process lack independence. To counter this risk, Tanzania would need to enact strict procedural safeguards, such as requiring judicial review of recall petitions and setting high thresholds for voter support before a recall election can be triggered.^{lii}

Lastly, the absence of precedent and limited comparative experience in the East African region (aside from Kenya) means Tanzania would need to design its recall framework from the ground up.^{liii} This requires not only legislative drafting expertise but also political consensus and public support. The experience of Kenya, where recall petitions have been few and difficult to execute due to high procedural thresholds, provides both a warning and a lesson. It demonstrates that while recall can enhance accountability, it must be carefully structured to avoid excessive politicization and administrative burden.

In conclusion, the implementation of the right to recall in Tanzania faces intertwined legal, institutional, and political challenges. These include the absence of constitutional and legislative provisions, dominance of political parties, limited institutional independence, low levels of civic awareness, and potential for abuse. However, none of these challenges are insurmountable. They highlight the need for a deliberate, inclusive, and well-sequenced reform process. Introducing recall would require constitutional amendment supported by broad political consensus, comprehensive civic education, and institutional strengthening. If addressed effectively, these reforms could pave the way for a more participatory and accountable democratic order in Tanzania—one where sovereignty is not merely proclaimed in the Constitution but actively exercised by the people it serves.

Recommendations

Introducing the right to recall in Tanzania requires a deliberate, carefully structured, and context-sensitive reform process. While the theoretical and moral justification for recall is firmly grounded in democratic principles, its practical realization must take into account the country's constitutional history, political culture, and institutional realities. The following recommendations outline the legal, institutional, and procedural reforms necessary to embed recall within Tanzania's democratic governance framework in a manner that strengthens accountability without compromising political stability.

The first recommendation is the incorporation of an explicit constitutional provision recognizing the right to recall as a democratic right of the electorate. The current constitutional framework, as provided in the Constitution of the United Republic of Tanzania, 1977, is silent on this right.^{liv} An amendment should

therefore be introduced under Part III of the Constitution—preferably under the provisions relating to representation or the powers of the electorate—to affirm that citizens have the constitutional power to recall their elected representatives for reasons of misconduct, violation of the Constitution, corruption, or dereliction of duty. The constitutional recognition of recall would align Tanzania with the principle of popular sovereignty as enshrined in Article 8(1) of the Constitution, which declares that “the people shall be the source of all state power.”^{lv} This reform would also give practical effect to the constitutional commitment that “the Government shall be accountable to the people.”^{lvi}

The second recommendation concerns the enactment of comprehensive implementing legislation to regulate the recall process. Following Kenya's example under the *Elections Act, 2011*, Tanzania should enact either a Recall of Representatives Act or amend the National Elections Act, Cap. 343 to include a detailed procedural framework.^{lvii} This legislation should specify the grounds for recall, the petition process, signature thresholds, verification mechanisms, and timelines for conducting recall elections. The grounds for recall should be narrowly defined to prevent misuse and ensure that the process targets serious misconduct—such as violation of integrity standards, corruption, or gross incompetence—rather than political rivalry or personal vendetta.^{lviii} Furthermore, the law should require that recall petitions be supported by a substantial portion of registered voters, for example, at least thirty percent of the electorate in the concerned constituency, to ensure legitimacy and avoid frivolous petitions.

A third recommendation is to ensure the institutional independence and capacity of the Independent National Electoral Commission (INEC) to manage recall processes. The NEC would play a central role in verifying signatures, overseeing recall elections, and adjudicating procedural disputes.^{lix} To maintain credibility, the Commission must be politically neutral, adequately funded, and operationally autonomous. Constitutional reform should therefore accompany recall legislation to enhance the independence of the INEC by revising the appointment procedures for its commissioners under Article 74(1) of the Constitution.^{lx} This reform could involve the establishment of a multiparty selection committee that recommends nominees to the President, subject to parliamentary approval, thereby ensuring broader political legitimacy. Institutional strengthening should also include training, logistical preparedness, and digital verification systems to prevent fraud and enhance transparency.

The fourth recommendation is the integration of judicial oversight into the recall process to safeguard fairness and legality. Courts should have jurisdiction to review the legality of recall petitions, particularly in determining whether the stated grounds meet constitutional and statutory requirements.^{lxi} Judicial review would serve as a safeguard against abuse of the process for partisan or malicious purposes. It would also protect the rights of elected representatives from arbitrary removal while ensuring that genuine petitions proceed. This judicial oversight could be exercised through the High Court's constitutional jurisdiction under Article

30(3) of the Constitution, which empowers it to enforce fundamental rights and the rule of law.^{lxii}

Another critical recommendation involves the enhancement of civic education and political awareness among citizens. The success of the recall mechanism depends on an informed electorate capable of exercising the right responsibly. Civic education programs should therefore be institutionalized through collaboration between the National Electoral Commission, the Ministry of Constitutional and Legal Affairs, civil society organizations, and educational institutions.^{lxiii} These programs should aim to promote understanding of the constitutional basis of recall, its procedures, and its role in strengthening accountability. Continuous civic education would reduce the risk of political manipulation and ensure that recall becomes a legitimate democratic tool rather than a source of instability.

Additionally, there is a need for procedural safeguards to balance accountability with stability. Tanzania should adopt restrictions similar to those in Kenya, preventing recall petitions within the first twenty-four months of an election or within twelve months before the next general election.^{lxiv} This limitation would allow representatives sufficient time to perform their duties and reduce the frequency of politically motivated recalls. Similarly, the law should limit the number of recall attempts against a representative during a single parliamentary term to prevent harassment or administrative paralysis. These safeguards would ensure that recall remains a measure of last resort, invoked only in cases of serious breach of trust.

The fifth recommendation is the establishment of integrity and performance evaluation mechanisms to complement recall. The Ethics Secretariat, the Prevention and Combating of Corruption Bureau (PCCB), and the Controller and Auditor General (CAG) could collaborate to produce periodic performance reports on Members of Parliament, which would inform the electorate about their representatives' adherence to ethical and constitutional obligations.^{lxv} These reports would enhance transparency and provide a factual basis for recall petitions where misconduct or poor performance is evident. Institutional coordination would thus integrate recall into a broader system of accountability rather than leaving it as a standalone process.

Furthermore, Tanzania should draw lessons from Kenya's experience by anchoring recall in public trust rather than political expediency.^{lxvi} The recall mechanism should not be weaponized by opposition groups to destabilize governance but should remain a citizens' instrument for promoting integrity and responsiveness. This requires clear legal definitions of misconduct, credible verification of petitions, and public awareness campaigns to depoliticize the process. By emphasizing recall as a moral and constitutional right rather than a political strategy, Tanzania can foster a democratic culture based on accountability, not confrontation.

In conclusion, the introduction of the right to recall in Tanzania is both a constitutional and moral imperative for deepening democracy and strengthening accountability. To achieve this,

Tanzania must pursue a comprehensive reform agenda encompassing constitutional amendment, legislative enactment, institutional independence, judicial oversight, and civic education. The process must be inclusive, participatory, and guided by the principles of transparency, fairness, and proportionality. By adopting a recall mechanism modeled on best practices from Kenya but tailored to Tanzania's unique political context, the country can transform the constitutional ideal of government accountable to the people into a living democratic reality.

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