

# **Constitutional Developments in Tanzania**

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## **Introduction**

The Union of Tanzania has, since 1964 when it was formed, undergone tremendous transformation – including the move from a one-party to a multiparty state, economic liberalisation and gradual endeavours to adhere to constitutionalism. For the past two decades, Tanzania has also witnessed a number of changes in its constitution aimed to bring its governance system in line with democracy and principles of the rule of law. Activities in this direction continued in 2004, with a bill being tabled before the national assembly to amend a number of articles in the Constitution of the United Republic of Tanzania, 1977.

On the other hand, the year under review did not experience significant judicial actions in relation to constitutional developments in the country. There were signs, however, that some of the issues which were topical during the year would lead to landmark constitutional rulings being sought by Tanzanians in future years.

This chapter looks at the significant changes or proposed changes, both in the constitution and other laws of Tanzania, which arose in 2004, in order to highlight the trend with regard to constitutionalism in the country. These changes took place at a time when the country was preparing itself for the general elections to be held in October 2005. Debates had already started regarding potential candidates for the various posts both at the national and civic levels.

## **Implications of the Proposed 14<sup>th</sup> amendment of the Union**

### **Constitution**

The proposed 14th Amendment of the Constitution of the United Republic of Tanzania aimed to enact several provisions which would amend or modify the Constitution of the United Republic of Tanzania, 1977 (hereinafter “the Union Constitution”). Below is an analysis of the impact of these proposed amendments on the Union Constitution.

## ***Basic Rights***

The 14th Amendment made a number of proposals for the better exercise of civic rights by individuals:

### ***Religion***

It proposed to declare that the United Republic of Tanzania should not identify with any religious faith or sect. If this proposal became law, Tanzania would be a secular state in which diverse religious beliefs, denominations and sects would subsist. Whereas individuals would be free to join and propagate any religious doctrines of their choice, Tanzania and her government would be prevented from aligning with or being seen to favour any faith. However, the proposed amendment did not bar the government from outlawing any religious faith which, in its opinion, jeopardised the public interest and safety or for other legitimate reasons under the Union Constitution.

The proposed 14th Amendment fortified the freedom of religion by declaring that an individual had the right to participate in religious affairs without any restrictions imposed by other laws. The person could propagate his or her religious beliefs and convictions without interference from any quarter. This implied that the government could not meddle in the conduct of religious affairs. By the same token, any statutory law which purported to empower the government to interfere with religious matters would become unconstitutional to the extent of the inconsistency with the Union Constitution.

### ***Right to information and freedom of expression***

Moreover, the proposed 14th Amendment was hailed for extending the scope of the right to information to all persons, including non-citizens residing in the country. This right was only valid where such information was essential for the wellbeing of the person or community. Currently, this right is available only to the citizens of the United Republic of Tanzania. Further, the proposed amendments would remove the encumbrance which required that the granting or exercise of freedom of expression was subject to non-contravention of other laws in force in Tanzania. However, this did not mean that freedom of expression was without fetters. In terms of Article 30 of the Union Constitution, no person should exercise his or her

rights in a manner that interferes with the rights of other persons or the public interest.

#### *Freedom to associate*

Nevertheless, under the proposed 14th Amendment, every person would be free to associate peacefully with other persons for the purpose of expressing his or her beliefs and ideas. This provision marked a significant expansion of the basic freedom of association, since the right to associate would no longer be subject to other laws as was previously provided. Arguably, the proposed amendments would enable a group of people to hold a meeting without reference to the government. In the same vein, no person would be forced to join any party or organisation and no such party or organisation would be denied registration solely because of its policies and manifesto. Currently, the right of an individual to join a party or organisation is subject to other laws. This means parliament can conceivably pass legislation compelling an individual to join a party or organisation against his or her own volition. The proposed changes would broaden the scope of an individual's right to join any party or organisation of his or her own choice.

#### *Right to participation*

All citizens have the right to participate in the governance of Tanzania by standing for or voting in elections. Under the 14th Amendment as proposed, the exercise of the foregoing right would not be subject to Article 5 which provides for the right to vote. The right of a citizen to stand for elections or to vote others into elective offices is made subject to, among others, Article 47 of the Union Constitution, which establishes the office of the vice president and the attendant powers and functions of the holder of that office.

#### *Property*

The 14th Amendment proposed that the right of every individual to own and preserve property would not be subject to any conditions imposed by other laws. However, such ownership and preservation of property would be done according to law. It can be argued that when ownership and preservation of property is managed according to law, then the enjoyment

of these rights may properly be made subject to conditions contained in law. This means that Article 9 of the proposed 14th Amendment was inconsequential, since ownership and protection of personal property may still be subject to conditions contained in other laws. All in all, this proposal was a welcome move towards enabling the effective enjoyment of the right to property by people.

### ***The Government of the United Republic of Tanzania***

The 14th Amendment proposed that if the office of the president fell vacant by reason of mental or bodily illness such that the president could not effectively discharge presidential duties, the vice president must be sworn in as president to complete the remainder of the president's term. This provision would effectively disqualify the speaker of the national assembly and the chief justice of Tanzania from assuming the president's functions if the president was mentally or physically incapacitated. The idea of this stipulation was to strengthen separation of powers between the three arms of the state so that executive functions would be carried out by the executive without the assistance (or what could be termed the interference) of any of the other two arms of the state. This would serve to prevent a power struggle between the vice president, speaker of the national assembly and the chief justice. However, the 14th Amendment also proposed that if the president could not discharge his or her functions for reasons other than illness, the vice president, speaker of the national assembly or the chief justice of Tanzania, in that order, would assume the president's office in an acting capacity. According to the Union Constitution, the prime minister may only assume the functions of the president if he or she has been nominated as such by the president. The 14th Amendment as proposed required that if the prime minister assumed the duties of the president, then he or she would be bound to relinquish the functions of the president the moment either the president or the vice president returned to the country, or when the president's health had improved such that he or she could discharge presidential duties. Indeed, the prime minister was not duty bound to relinquish the assumed presidential duties to either the speaker of the national assembly or the chief justice, even if the two were available.

The proposed 14th Amendment reserved the post of attorney general for members of the civil service eligible for admission to the bar or who had been admitted to the bar for a period of not less than 15 years. It has been contended that this proposed provision runs the risk of disqualifying competent lawyers engaged in private legal practice. Exception has further been taken against the proposed 15 years ceiling, since the position of attorney general does not necessarily require 15 years experience in legal practice. However, many people agree that sufficient experience as a legal practitioner and adviser, whether in civil service or private practice, is necessary for someone who will serve as the attorney general of the country.

Further, the amendments were significant for proposing the positions of deputy attorney general and director of public prosecutions. The holders of these two offices are currently presidential appointees, but their offices are not constitutional offices. The deputy attorney general would discharge functions assigned to him or her by the attorney general. It was proposed that no person shall be eligible for appointment to the office of director of public prosecutions unless he or she was a member of the civil service and he or she had been eligible for admission to the bar or had been admitted thereto for a period of not less than 10 years. The director would continue to be vested with the authority to institute, prosecute and superintend criminal prosecutions in the country. In the exercise of the above powers, he or she would operate independently of any control by any person or institution and he or she would have to bear in mind the public interest and have desire to administer criminal justice. In respect of the foregoing, the proposed Article 59B would effectively make the office of the director of public prosecutions a constitutional office. This is significant in the sense that any other law which is in conflict with the said Article 59B would be unconstitutional to the extent of that inconsistency.

### ***Women Members of Parliament***

The 14th Amendment intended to strengthen the level of women representation in parliament. Proposals intended to empower political parties represented in parliament to nominate to parliament women totalling not less than 30 percent of the number of all categories of members of parliament. These categories comprised legislators directly

elected in their respective constituencies, five members of parliament elected by the Zanzibar Representative Council, the attorney general and not more than 10 members of parliament nominated to parliament by the president. In the same vein, the president, under the proposed Amendment, was directed to include not less than five women amongst the 10 members of parliament whom the president was required to nominate to the legislature. A political party would not be able to nominate women to parliament unless that party participated in the general elections and garnered not less than 5 percent of the valid votes cast for members of parliament. The number of women members of parliament nominated by any political party would be proportional to the popularity of the party in the general elections as exemplified by the votes which the party garnered. In effect, more popular parties would get more representation in parliament, while parties which performed poorly in elections would get proportionally smaller numbers of women members of parliament or none at all. Furthermore, a member of parliament elected in a constituency unopposed would be deemed to have garnered the sum of the votes which were cast in the constituency of the contestant's party presidential candidate. In case the contestant's party did not sponsor a presidential candidate, he or she would be deemed to have garnered 51 percent of the total votes registered in his constituency. It can be argued that the criteria for quantification of the votes of members of parliament elected unopposed can prove useful in calculating the proportional strength of parties in a general election.

### ***The Electoral Commission of Tanzania***

The 14th Amendment proposed that the chairperson of the Electoral Commission of Tanzania would be a judge of the high court or court of appeal or any person eligible for admission to the bar for a period of not less than 15 years. Similar requirements were proposed to apply to the vice chairperson of the electoral body. The proposed amendments provided an avenue for a person who was not a judge to be appointed to head the electoral body, provided that person had been qualified, for at least 15 years, to be enrolled as an advocate. This meant that such person would not necessarily be practicing law for the said period.

## ***Administration of Justice***

The 14th Amendment, as proposed, declared that the judiciary had final say over the administration of justice in Tanzania. This was the principle of the independence of the judiciary. These proposals further increased the number of judges of the high court of Tanzania from 16 to not less than 31 (the principal judge inclusive). The president would now be required to consult the Judicial Service Commission before appointing any person judge of the high court. However, although the president would be required to seek the opinion of the Judicial Service Commission on the person suitable to be judge of the high court, he or she would not be bound to comply with the Commission's opinion. This was seen as a hurdle to the powers of the Commission to recommend a suitable person to the position of judge.

In terms of the proposed amendments, no person could be appointed a judge of the high court unless he or she possessed any of the "special qualifications" for a period of not less than 10 years. The special qualifications entailed that the person would be a holder of a Bachelor of Law degree from a recognised university. In addition, the person could have been employed in the civil service as a magistrate or otherwise at a time when that person was eligible for admission to the bar. Alternatively, the person could have been enrolled as an advocate or be eligible for such enrolment for a continuous period of not less than 10 years.

From the foregoing, 10 years working experience, either in the civil service or in the legal profession as a magistrate or advocate, was a condition precedent for recruitment to the office of judge of the high court. Thus, the proposed amendments would indeed introduce relatively more stringent conditions for recruitment of high court judges. Nevertheless, the president had the option of appointing any person lacking the special qualifications to be judge or acting judge of the high court. To exercise that authority, the president would have to be satisfied that the person was capable, skilled and suitable to be judge or acting judge of the high court of Tanzania.

In terms of security of tenure, it was proposed that any judge of the high court would have the right to retire after reaching the age of 55 years. However, the exercise of that right could be denied if the president directed that the concerned judge should not retire until a specified

duration of time had elapsed. Exception has been taken to this provision since it may force judges to remain in employment against their own will. This implies that judges of the high court may be compelled to work against their conscience. Since an employee cannot force himself or herself on an employer, the latter should, in turn, not force an employee to remain in a contract of service.

In terms of the proposed amendments, the court of appeal of Tanzania would consist of the chief justice and not less than 4 judges of appeal. Currently, the number of judges of the court of appeal is pegged at not less than three (excluding the chief justice). Further, the proposed amendments would change the designation of the “chief justice of the court of appeal” to “chief justice of the court”. Apparently, this change of designation aimed to limit confusion that the authority of the chief justice was restricted to the court of appeal of Tanzania. The chief justice would also need to possess the special qualifications discussed above for a period of not less than 15 years.

### ***Security of Tenure for Judges***

The proposed amendments sought to secure the tenure in office of judges of the high court and court of appeal of Tanzania. The president could remove a judge from office if the judge could not effectively discharge his or her duties by reason of illness or other causes. In the same vein, a judge could lose his or her job owing to improper conduct or for breach of the Code of Conduct for Public Servants. Indeed, the president could not relieve a judge of his or her duties unless such dismissal had been recommended by a commission after investigating the complaint against the concerned judge.

A judge of the court of appeal would have the option to retire from public service after reaching the age of 60 years. However, the right to retire could be denied if the president directed that the concerned judge would not retire until a specified period of time had elapsed. The critique made in 2.5 above respecting high court judges also applies to court of appeal judges.

### ***Judicial Service Commission***

Under the proposed amendments, the Judicial Service Commission would be charged with the task of advising the president on the recruitment,

disciplinary measures and emoluments of judges of the high court and court of appeal of Tanzania. Further, the Commission would enjoy the exclusive authority on the recruitment, discipline and removal from office of magistrates in Tanzania mainland.

In spite of having the right to vote during a general election, judges, magistrates and registrars of all categories of courts would be prohibited from joining any political party. It is noteworthy that the proposed amendments included court registrars amongst the judicial officers who would not be permitted to join any political party.

### **Other Developments With Constitutional Implications**

In 2004, parliament passed a number of statutes with implications on the Union Constitution. These laws govern issues such as tertiary education, environmental conservation, national and local elections and the transfer of prisoners. This part of the chapter assesses the constitutional implications and propriety of these statutes.

#### ***The right to education***

In principle, the Union Constitution does not bestow on Tanzanians the right to education since that right is not contained in Tanzania's Bill of Rights. Instead, this fundamental right is relegated to Section II of the constitution which lists the fundamental objectives and directive principles of state policy. This means that the right to education, as stated in the Union Constitution is a mere policy statement and indeed it is not justiciable under Tanzania laws since it is only the basic rights and freedoms in the Bill of Rights in the Union Constitution that can be enforced. However, Tanzanians have been accessing education on the basis of various laws such as those regulating primary, secondary and tertiary education.

Tanzania has ratified numerous international instruments which provide for the right to education for all. According to the Universal Declaration on Human Rights, 1948, the acquisition of elementary education shall be compulsory whereas higher education shall be made accessible to all individuals based on academic merit.

Out of its concern to establish a mechanism for the full realisation of the right to education, parliament enacted the Higher Education Students'

Loans Board Act, 2004. This legislation established the Higher Education Students' Loans Board to administer the granting and recovery of loans advanced to students. In principle, only students who have been admitted to accredited institutions to pursue advanced diploma and degree courses are eligible for the loans. It is a condition that a student shall not benefit from loan advances unless he or she has procured a guarantor for his or her loan advances. However, most Tanzanian parents are generally poor and can barely stand as guarantors to their children who have secured admissions in higher learning institutions and whose fees per year are in the range of Tshs. 800,000. This raises the question of whether the Higher Education Students' Loans Board Act runs the risk of breaching the students' basic right to education in Tanzania.

Since the right to education is not part of the Bill of Rights as established in the Union Constitution, the Act cannot thus be said to impinge a non-existent constitutional right. Therefore, when a student who has failed to obtain an education loan solely for want of a guarantor drops out of school, he or she cannot claim that his or her right to education has been violated. It remains to be seen how these provisions will operate when the Act comes into effect in the year 2005.

### ***The right to take part in general elections***

The Union Constitution confers on every citizen the right to take part in the governance of the country. In that context, a Tanzanian citizen is entitled to participate in national and local elections by directly offering himself or herself for elections or by voting other persons to elective offices. Nevertheless, the right of citizens to take part in elections is exercised pursuant to other laws of the land.

National and local elections within the United Republic of Tanzania are specifically governed by the Elections Act of 1985 and the Local Authorities (Elections) Act, 1979 respectively. These two statutes have been widely castigated for impinging on the constitutional rights of citizens to vote.

In 2004, the Union Parliament enacted the Electoral Laws (Miscellaneous Amendments) Act, 2004, which amended the two electoral statutes. The amendments introduced included the introduction of the Provisional Voters' Register as a precursor to the establishment of the Permanent

National Voters' Register. Under the new law, the National Electoral Commission is charged with the task of keeping, maintaining and updating the voters' register. It is further significant that the voters' register is available for public inspection, and objection may be raised as to the registration or non-registration of any voter.

The creation of a Permanent National Voters' Register will be a boost to the citizen's right to vote in both national and local polls. The availability of the register for public inspection and scrutiny may facilitate the removal of ineligible voters from the register and vice versa. The upshot of this is that only eligible citizens will be registered for polls and the outcome of the elections will reflect the genuine wishes of Tanzanians. If properly used, the voters' register will go along way in barring ineligible voters from voting in polls.

### ***The right to work***

The right to work is guaranteed to every person, citizens and non-citizens alike, in terms of the Union Constitution. Be that as it may, Tanzanian citizens are entitled to equal opportunities and the right to hold any office or discharge any functions under the state authority. Thus, the Union Constitution establishes the right to work but it does not provide for adequate protection of employees.

The constitutional right to work does not necessarily mean that every citizen must be given employment come what may. It merely requires the employer to give equal opportunity to all job applicants without discrimination. This right is now reflected in the Employment and Labour Relations Act of 2004. This labour statute reinforces the right to work by enjoining employers to avoid discriminatory recruitment of employees based on, among others, colour, gender and political opinion or religion. The Act further clarifies that it is not discriminatory if the employer prefers or excludes any job applicant owing to the inherent requirement of the job. The provision of the Act on the right of citizens to employment without discrimination is commendable. Further, it is commendable that the Act prohibits unfair termination of contracts of employment in circumstances which constitute discrimination under the Act. In spite of the foregoing clear provisions, it is on record that many employees infected with HIV/Aids are being discriminated against by their employers and some of

them are dismissed from work. It is necessary to develop policies and programmes that will protect people with HIV/Aids from being discriminated against in places of work. Some public and private companies have already started developing such policies and programmes. These include Tanzania Electricity Company and Tanzania Breweries Company. At this point, the significance of the Labour Institutions Act, 2004, in creating dispute settlement organs, should be mentioned. The newly created Labour, Economic and Social Council can be useful in advising the government on labour matters and policy. Moreover, the Council for Mediation and Arbitration can facilitate amicable settlement of industrial disputes between employees and employers. Notably, too, the Labour Institutions Act has created the Labour Division of the high court as the court of first instance to hear and determine labour disputes.

### ***Parliamentary immunities and privileges***

The Union Constitution confers on parliament, parliamentary committees and members of parliament immunity from legal prosecution over any undertaking that takes place in parliament. Thus, no action may be brought against any member of parliament pertaining to what the member said or did during parliamentary debate. The Constitution further stipulates that the foregoing parliamentary immunity and privileges shall not be questioned in any forum or institution. Pursuant to its legislative authority, parliament enacted the Parliamentary Immunities, Powers and Privileges (Amendment) Act of 2004, thereby amending the extant Parliamentary Immunities, Powers and Privileges Act of 1988.

In spite of the immunities which members of parliament and even witnesses at parliamentary committees enjoy, certain acts and statements were deemed offences under the Parliamentary Immunities, Powers and Privileges Act of 1988. Thus, in case of commission of these offences, courts of law would rightly intervene. The amendments of 2004 require the attorney general to report to the speaker of the national assembly on any steps he or she has taken against a person suspected of having committed an offence under the foregoing legislation. Further, a certificate which is issued to witnesses at a parliamentary committee who made full disclosure can now be subject to objection and even cancellation if it was issued erroneously. Normally, the certificate would operate as a bar to any civil or

criminal prosecution of the witness concerning the evidence he or she presented before the parliamentary committee. It is apparent that by giving room to the cancellation of the certificate above, the amendments have exposed the witness to possible prosecution. On the one hand, this may result in increased attempts by witnesses to make full disclosure of information at their disposal. Yet, the risk of prosecution may dissuade potential witnesses from volunteering information within their knowledge. In terms of the amendments, any member of parliament who commits contempt of the national assembly may be reprimanded by the speaker or suspended from the service of parliament. In case of suspension, the member would be entitled to payment of half his or her salary for the period of suspension. The legal position obtaining under the amendments is laudable. The parliamentary immunities and privileges which members of parliament enjoy should not be limitless. A member who treats the assembly with contempt should be reprimanded by the speaker. If he or she proves recalcitrant, the member should indeed be suspended at the pain of halved salary. Actually, this penalty is preferable to outright expulsion or even legal prosecution of the legislator. The penalties of reprimand and suspension would inform legislators to conduct themselves with decorum and civility and it will not unduly impinge on freedom of expression and discussion in the assembly.

People interviewed on these provisions, however, have expressed different views. Some have seen the provisions as attempts to bar the public from criticizing the national assembly for passing laws or indulging in debates which do not address the needs of the people. There was, for example, an occasion when considerable time was devoted to discussing whether the inspector general of police should be brought to the national assembly for contempt after he had criticised the parliament for not adequately addressing the needs and predicaments of the police force. Some commentators believe that the proposed provisions are aimed at preventing such criticisms. In fact, matters of adjudication on rights and responsibilities of individuals should be left to courts of law, since the accepted constitutional norm is that nobody should be the judge of his or her own cause and the national assembly is not omnipotent, hence beyond criticism.

### ***Transfer of Prisoners***

In 2004, the Union Parliament passed the Transfer of Prisoners Act to regulate the transfer of convicted prisoners between the United Republic of Tanzania and other countries. The object of such transfer is to ensure that an individual is punished according to the laws and prison conditions of his or her country of origin. Moreover, the Act clarifies that every convicted person has the constitutional right to humane treatment and equality before the law.

The Transfer of Prisoners Act provides a mechanism for the transfer of convicted persons from Tanzania to a designated country and vice versa. Usually, the prisoner or a representative is required to consent in writing to the transfer. If the minister responsible for prison affairs accepts an application for prisoner transfer, he or she is under an obligation to issue a warrant of transfer of the concerned prisoner. Every application for prisoner transfer must be made in writing. Nevertheless, a convicted citizen who has been transferred back to Tanzania may benefit from remission of his or her sentence in accordance with Tanzanian laws or the laws of the designated country. Besides that, the prisoner may obtain presidential amnesty in terms of the Union Constitution. Actually, a prisoner who has been transferred to Tanzania may obtain presidential pardon if the sentence is by its nature and duration incompatible with any law of the United Republic of Tanzania.

It is remarkable that the Transfer of Prisoners Act enables the Government to administer criminal penalties under Tanzanian laws to citizens convicted in foreign jurisdictions. Where the convict is sentenced under foreign laws for acts or omissions which are not punishable in Tanzania, the person may be pardoned or benefit a reduction of sentence.

### ***The right to clean environment***

Judicial authorities have been hard pressed to hold that the right to clean environment is related to the right to life. In *Festo Balegele and 784 Others v. Dar es Salaam City Council*, the high court ruled that any act of a public authority or an individual which pollutes the environment, thereby endangering people's health, is contrary to Article 14 of the Union Constitution. This constitutional provision establishes the right to life and protection of human life. In 2004, the Union Parliament enacted the

Environmental Management Act which now provides directly for the right of every person living in Tanzania to a clean and healthy environment. Thus, any person who feels his or her right to a clean environment is threatened or interfered with may bring an action if that act or omission may cause harm to human health or the environment.

The Environmental Management Act prescribes fundamental principles, rules and institutions which are crucial to effective environmental management. It legislates the precautionary principle, public participation principle and the polluter pays principle which, if implemented actively, will greatly foster environmental conservation. It is commendable that the foregoing statute criminalises any act or omission which pollutes the environment. Pollution is committed if any activity violates the stipulated environmental standards. The Act further sets out comprehensive rules governing the management of solid waste, effluent and hazardous waste. The environmental legislation further creates several administrative institutions, including the National Environmental Advisory Committee, National Environment Management Council and the City, Municipal, District and Town Council Environment Management Committee. The functions of these environmental organs range from advising the government on environmental matters, reviewing and monitoring environmental impact assessment, to promoting environmental awareness among members of the public.

## **Conclusion**

This chapter has illustrated how Tanzania is working to promote constitutionalism in the country through the proposed 14th constitutional amendments. The proposed amendments, if accepted, will, albeit slightly, reduce the restrictions which stood in the path of the enjoyment of basic rights by individuals. This is visible in the provisions which relate to the freedom of association, religion and the right to information. Further, the rights of an individual to own and protect property and not to be coerced to join any political party will no longer be as restricted, as it is currently. In the same vein, the proposed amendments will, if passed, radically change the Union Constitution to ensure that only persons who are serving in the public service can rise to the posts of attorney general, deputy attorney general and the director of public prosecutions. Moreover, if the president

is incapacitated by illness, these amendments demand that only the vice president is entitled to take over from the president. The number of women members of parliament, judges of the high court and court of appeal will be increased considerably. Again, besides judges and magistrates, court registrars will be prohibited from joining any political party.

It should be emphasised that legislation such as the Higher Education Students' Loans Board Act, 2004, may present a hurdle to the full realisation of the right to education, if not properly monitored and implemented. The fact that the right to education in Tanzania is not enforceable in courts of law is indeed unfortunate. It is only proper that the foregoing right should be made justiciable. On the whole, much of the legislation reviewed in this chapter adds impetus to the realisation by individuals of their respective constitutional rights. The Environmental Management Act of 2004 indeed marks a legislative milestone in environmental conservation and protection. Further, the Transfer of Prisoners Act, 2004, will be significant in administering humane punishment to Tanzanian citizens who have been convicted in a foreign country before being transferred back to Tanzania. The Electoral Laws (Miscellaneous Amendments) Act, 2004 will ensure only citizens are entitled to vote in general and local elections. The comprehensive Employment and Labour Relations Act of 2004 will also go far in entrenching equal treatment and fairness in the recruitment of employees.