

ZANZIBAR YEARBOOK OF LAW



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VOLUME 1 2011

ZANZIBAR YEARBOOK OF LAW

VOLUME 1 - 2011

FOREWORD

H.E. Dr. Ali Mohamed Shein

President of Zanzibar and Chairman of the Revolutionary Council

It is an honour for me to be invited to write the Foreword for the very first Volume of the Zanzibar Yearbook of Law (ZYBL) published by the Zanzibar Legal Services Centre (ZLSC). I understand that Zanzibar is only the second country in Africa, after the Republic of South Africa, to publish a Yearbook of this nature. This is an important feat for which Zanzibar should be legitimately proud.

Zanzibar has a rich legal history. Over the years, it has established a dual system of law combining and blending smoothly the common law system and the Islamic system. The two systems have existed harmoniously, providing the people of Zanzibar the means of peaceful settlement of disputes in their daily life.

The Revolutionary Government of Zanzibar respects and upholds the rule of law and is determined to consolidate and safeguard through independence of the judiciary and good governance which is in place in Zanzibar. In cooperation with its development partners, the government is in the process of developing a legal sector reform strategy involving all stakeholders in order to ensure that the people contribute meaningfully to moulding the legal system that governs them.

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I have no doubt in my mind that under the Advisory Board let by the Chief Justice of Zanzibar, the quality of the Yearbook will improve in the years to come. The Zanzibar Yearbook of Law is a very welcome publication constituting an important milestone in the development of the law in Zanzibar and an important player in the Zanzibar academic field.



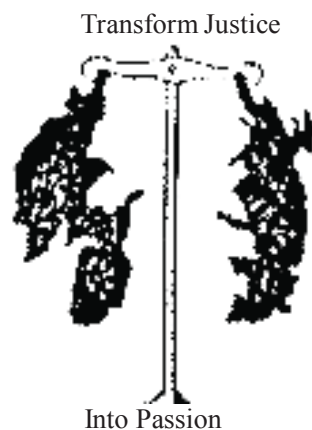
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Dr. Ali Mohamed Shein
PRESIDENT OF ZANZIBAR AND
CHAIRMAN OF THE REVOLUTIONARY COUNCIL

**ZANZIBAR YEARBOOK OF LAW
(ZYBL)**

VOLUME 1

2011

**Zanzibar Legal Service
Centre (ZLSC)**



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Dr. Ali Mohamed Shein
PRESIDENT OF ZANZIBAR AND

PREFACE

The publication of Volume 1 of the *Zanzibar Yearbook of Law* (ZYBL) by the Zanzibar Legal Services Centre (ZLSC) marks a milestone in the development of the law on the isles and indeed in the whole of East Africa. No East African country has a yearbook in the field of law, notwithstanding the fact that all of them have Faculties and Schools of Law of long standing. In fact the Faculty of Law of the University of Dar es Salaam, the oldest in the region, is 50 years old.

The legal field in Zanzibar was partially affected by the abolition of the normal Common Law legal system after the Revolution in 1964. At that time the law was highly developed with Zanzibar publishing her own *Zanzibar Law Reports* (ZLR) which were incorporated into the *East African Law Reports* (EALR) in 1957. Until today Zanzibar does not have its own law reporting mechanism, something which the Zanzibar Judiciary should consider seriously.

At the same time, the Zanzibar legal fraternity has no forum for promoting the law in the form of a journal. This has denied Zanzibar lawyers an avenue to discuss law and probably critique the decisions made by the courts of law on the isles.

Zanzibar Yearbook of Law intends to fill some of these historical gaps and push Zanzibar into the fast lane again in the legal field. The *Yearbook* will be publishing about twenty contributions every year. These cover global, regional and municipal issues. There will be reviews of interesting legal texts and a summary and list of all laws enacted by the Zanzibar House of Representatives in the particular year. This aim is reflected in the contents of this maiden volume which has managed to attract some of the very best legal brains in Africa and beyond. The aim is to make the *Yearbook* the main source of legal reference in Zanzibar, Tanzania, East African region, the African continent and the globe. This is a tall order which we are prepared to meet.

This is a common enterprise and everyone is welcome to contribute to the prosperity of the *Yearbook* which belongs to all of us.

Chris Maina Peter
Managing Editor
ZANZIBAR

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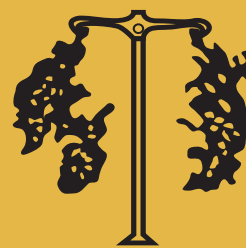
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