

ZANZIBAR YEARBOOK OF LAW



TRANSFORM JUSTICE



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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.

I understand that the Zanzibar Yearbook of Law will cover academic contributions from beyond Zanzibar. I trust that contributions on global, African, East African, Tanzanian and Zanzibar issues on legal matters will provide information on what is happening in the legal field in Zanzibar; and will also help the reader to learn about international issues of interest through this publication. This makes the Zanzibar Yearbook of Law a distinctive contribution by Zanzibar to legal knowledge.

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.



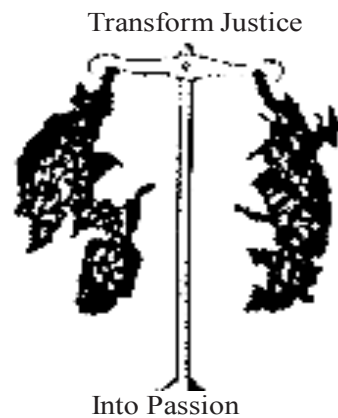
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Dr. Ali Mohamed Shein
PRESIDENT OF ZANZIBAR AND
CHAIRMAN OF THE REVOLUTIONARY COUNCIL

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Zanzibar Legal Services Centre (ZLSC)



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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

Table of Contents

Foreword – H.E. Dr. Mohamed Ali Shein, The President of Zanzibar	v
Preface	vi
Contents	vii
List of Contributors	x
Abbreviations	xii
Lead Article	
Access to Justice and Justice Delivery in Tanzania: Unblocking the Barriers. <i>Mohamed Chande Othman</i>	3-15
General Articles	
The Right to Democratic Governance in International Law and the African Charter on Democracy, Elections and Governance. <i>Adama Dieng and Charles Riziki Majinge</i>	19-45
The Current Debate on the Integration and Sovereignty and Its Relevance in Africa Today. <i>Joram Mukama Biswaro</i>	47-80
The ICC on Trial: A Decade of International Criminalisation of Africa. <i>Nsongurua J. Udombana</i>	81-102
The African Commission on Human and Peoples’ Rights: Its Relevance in Modern Day Africa. <i>Bahame Tom Nyanduga</i>	103-127
Regional Integration in Africa with a Specific Focus on the East African Community. <i>John Eudes Ruhangisa</i>	129-153
The Role of Paralegals in the Provision of Legal Services. <i>Dunstan Mlambo</i>	155-162
Kony, Museveni and the International Criminal Court: An Alternative View. <i>Alex Obote-Odora</i>	163-177

Challenges to the African Human Rights System with Special Reference to the United Republic of Tanzania. <i>Michelo Hansungule</i>	179-191
Development of a Culture of Lawlessness in Tanzania and its Impact on Human Rights and Good Governance. <i>Thomas Bashite Mihayo</i>	193-222
The Rationale behind Separating the Investigative Aspects of the Criminal Justice from Prosecution in Tanzania. <i>Eliezer Mbuki Feleshi</i>	223-231
Foreign Investors and Privatisation in Tanzania. <i>Stella Nyagonchera Machoke</i>	233-248
Provision of Social Security to the Excluded in the United Republic of Tanzania: Legislative and New Policy Directions. <i>Tulia Ackson</i>	249-264
The Rights of the Child in Tanzania: Recent Developments in the Law. <i>Helen Kijo-Bisimba</i>	265-281
Articles on Zanzibar	
Challenges Facing the United Republic of Tanzania's Constitution and the 10th Amendment of the Zanzibar Constitution. <i>Abubakar Khamis Bakary</i>	285-299
Union and Constitutional Review in Tanzania. <i>Ibrahim Mzee Ibrahim</i>	301-309
A Concise Review of the Zanzibar Court System since the 1964 Revolution. <i>Augustino Stephen Lawrence Ramadhani</i>	311-320
Ship's Registration in Zanzibar: An Assessment of the Law and Practice <i>Ibrahim Mbiu Bendera</i>	321-337
Civil Accountability: A Legal Reflection behind the MV Spice Islander I <i>Mohamed Makame</i>	339-357

Shorter Articles

The Union of Tanzania Mainland and Zanzibar: Challenges and Prospects. 361-367
Lilian Melkizedeki Kimaro

The Submission for Extension of the Continental Shelf by the United Republic of Tanzania to the United Nations and the reaction of Zanzibar. 369-382
Charles Riziki Majinge

Book Reviews

BURGESS, G. Thomas (ed.), *Race, Revolution and the Struggle for Human Rights in Zanzibar: Memoirs of Ali Sultan Issa and Seif Sharif Hamad*, Athens: Ohio University Press, 2009. 385-390
Haroub Othman

Recent Developments in the Law in Zanzibar

Development of the Law in Zanzibar in 2011. 393-393

Glossary 397-399

Table of Cases 401-405

Selected Publications on or About Zanzibar 406-409

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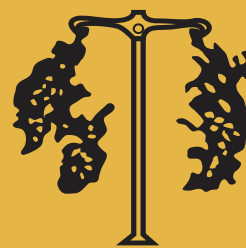
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