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PREFACE

As a law student, civil servant and even as a politician, I have always been fascinated by the legal and political issues surrounding the Union of Tanganyika and Zanzibar. The controversy which accompanied the declaration of the Union of the former sovereign States of Tanganyika and Zanzibar in 1964 has, in many respects, remained intractable. Fifty years after the Union, scholars and ordinary citizens still argue on what form of the Union did the Treaty of the Union intend to create or had actually created. To-date, some political careers are still being created while others are crushed depending on one's take or stance on the issues related to the Union. More problematic is the issue of charting out the future direction of the Union and the relevance of the Union Treaty entered in 1964.

With the revival of the East African Community (EAC) in 1999, the legal and political issues related to the Union also assumed a new dimension. Within Tanzania's Constitutional set-up, there are two Governments each with exclusive jurisdiction in its area of competence. The half-way integration of Tanganyika and Zanzibar was selected as solution to possible problems which would have resulted from a full union of a bigger Tanganyika and smaller Zanzibar. The solution, however, has also proved to be a problem by itself. Those who want more integration see the arrangement as impediment to a truly single State of Tanzania. On the other hand, others see the arrangement as suffocating the autonomous Zanzibar even in the areas where Zanzibar has retained its autonomy and competence. The integration of East Africa has to deal with unresolved issues and challenges associated with the Union of Tanzania, especially the issue of Zanzibar's representation in the EAC and the Union Government's ability to commit Zanzibar on non-Union matters which are covered under the EAC.

This book is a slightly developed version of my PhD thesis entitled "The United Republic of Tanzania in the East African Community: Legal Challenges in Integrating Zanzibar" which was submitted to the University of Dar es Salaam. It explores how the unique Union of Tanzania, which has two-government structure and provides for Zanzibar's exclusive jurisdiction on the non-union matters, poses legal and political challenges in integrating Zanzibar in the EAC and in the implementation of the EAC commitments. The integration of Zanzibar in the EAC is seen to raise many legal and

constitutional challenges because the EAC covers many matters which are within the “exclusive jurisdiction” of Zanzibar, that are non-union matters.

On the other hand, Zanzibar, although an autonomous entity within Tanzania, cannot participate directly in the EAC since it is not a sovereign State. The book critically analyses the position and extent of autonomy of Zanzibar within Tanzania’s constitutional set-up and in the EAC. Serious challenges in integrating Zanzibar into the EAC were found in relation to the non-union matters. In these matters, the Union Government has neither the authority to commit Zanzibar to the EAC nor the mandate to change the laws and administrative arrangements existing in Zanzibar to make them EAC compliant. Finally, the book recommends some special arrangements to be adopted if Zanzibar is to be fully integrated into the EAC.

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