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Maritime Law and Legislation in the Context of Administration of Maritime Affairs:

A Case Study of Zanzibar in Comparison with the
Territories under the Sovereignty of British Crown

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Summary

Primarily this dissertation intends to introduce the state of maritime legislations and maritime administration system in the islands of Zanzibar since the colonial period until now. In such Introduction it will show the political and legal structure of Zanzibar in reflecting the maritime legislations and administration of maritime affairs in general. Zanzibar together with Tanzania mainland forms the sovereign government of the United Republic of Tanzania, which is internationally recognized as one state. However, this Union is constitutionally accepted by both parts only in certain matters known as union matters and for non-union matters each part has to deal with them on its own administration. Maritime is one among non-union matters but since it has got an international characteristic normally it needs the administration of internationally recognized sovereign government especially in signing and ratifying the relevant international conventions. Obviously this circumstance would affect Zanzibar since it is not by itself recognized so. Leaving maritime matters to be controlled in each and everything by the Union government is undoubtedly against both the constitutions of Zanzibar and of the United Republic of Tanzania. Therefore this dissertation also intends to show modes of administering maritime affairs in other countries which for somehow legally and politically resemble with Zanzibar. For that purpose the territories under the sovereignty of British Crown have been chosen.

After introductory chapter, it has started in chapter two by giving out the general knowledge of maritime law and legislation including its universal historical background. Continuing with the providing of general understanding of the administration of maritime affairs includes the nature and functions of a particular maritime administration within any maritime state. In its main part, chapter three, the general background of Zanzibar includes its geographical location, population and historical backgrounds in politics, constitution and legal systems as well as maritime legislation will

be shown. The position of Zanzibar in the union with Tanzania mainland in relation to maritime affairs will be also explained in the same chapter. The analysis of the comparative features in the states of maritime legislation and maritime administration between Zanzibar and the territories under the sovereignty of the British Crown will be seen in chapter four together with the author's overall comments. Generally this dissertation aims on helping both governments of Zanzibar and of the United Republic of Tanzania in obtaining the effective maritime legislation and the best mode for the administration of maritime affairs within their union relationship without any serious legal or political conflicts.

Abbreviations

B C	Before Christ
COLREG	International Regulations for Preventing Collisions at Sea
CISR	Cayman Islands Shipping Registry
EEZ	Exclusive Economic Zone
GRT	Gross Tons
ILO	International Labour Organisation
IMO	International Maritime Organization
ISM	International Safety Management
ISPS	International Shipping and Port facility Security
KMKM	Kikosi Maalum cha Kuzuia Magendo (Special Guard for Combating Smuggling)
LL	Load Lines Convention
MACI	Maritime Administration of the Cayman Islands
MARPOL	International Convention for the Prevention of Pollution from Ships
MCA	Maritime and Coastguard Agency
MOU	Memorandum of Understanding
PSCOs	Port State Control Officers
REG	Red Ensign Group
SOLAS	International Convention for Safety of Life at Sea
STCW	International Convention on Standards of Training, Certification and Watchkeeping for Seafarers
SUMATRA	Surface and Marine Transport Regulatory Authority
TONNAGE	International Convention on Tonnage Measurements of Ships
UK	United Kingdom

UNCCROS	United Nations Convention on Conditions for Registration of Ships
UNCLOS	United Nations Convention on the Laws of the Sea
URT	United Republic of Tanzania
ZMA	Zanzibar Maritime Authority

1 Introduction

1.1 Background

It is a well-known fact that maritime is the one among important sectors towards the socio-economic development of many countries, which were surrounded by the sea or having inland water-bodies such as lakes and rivers. These features are of huge importance in terms of the availability and transportation of useful resources, such as fish, oil and other minerals. They are also most valuable in carrying out trade and industry or conducting different marine science researches, tourisms and leisure activities such as water sports. In many of the traditional maritime countries like UK, Germany and Sweden, which are well developed in this sector, it brings about high percentage of employment opportunities and generates substantial amount of income¹. However those economic benefits would not come easily without having an effective means of managing the vast resources obtained from maritime features by controlling different maritime activities such as shipping, transport, trade, fishing and minerals explorations. Apart from traditions and practices of this sector, the most effective tool in doing so is the legal regime, which comprised of international and national rules and regulations.

¹ Reference is made to the official website of the UK sea vision which is the UK national campaign to raise awareness and understanding of the sea and maritime activities including the maritime sector in its widest term, electronically available from; http://www.seavisionuk.org/facts_&_figures.cfm visited on 10th February 2009, also the official website of the Germany Federal Ministry of Transport, Building and Urban Affairs available from; <http://www.bmvbs.de/en/Transport/Waterborne-transport-,2080/Maritime-industry.htm> visited on 10th February 2009 and the report on Swedish contribution to the green paper on future European Maritime policy available from; <http://www.transportgruppen.se/55a69276-b9bc-4ef8-afdf-e56dd9359191.fodoc> visited on 10th February 2009.

At a national level, a country has to enact an effective maritime legislation, which complies with the international standards in considering the needs of achieving economic development together with the observance of safety of life at sea and the importance of protecting and conserving marine environment against acts such as pollution and illegal exploration of resources. Mere presence of legislations however good they might be is not enough without proper implementation of them, which can be carried out through an effective administration supervised by the government of a particular state itself. Therefore, a particular government of any maritime country needs to have a well-organised “maritime administration” in order to be properly advised on the adoption and implementation of the national maritime legislation and other related regulations for developing and managing the country’s maritime programmes and for discharging the obligations of the government under international maritime conventions².

1.2 Statement of the Problem

While there is a great step in maritime sector in the traditional maritime countries, the situation is completely different in many of the African countries including the United Republic of Tanzania which comprised Tanzania mainland and Zanzibar despite of having large area occupied by ocean. In most of them, maritime sector remains relatively undeveloped. Among the contributory factors towards this situation could be the presence of ineffective and outdated maritime legislations in their legal regimes coupled with the lack of proper means and competent bodies for the administration of maritime affairs³.

For the legislation to be effective, it needs to be in a position to address the local conditions as well as to meet the international standards. The institutional framework of the maritime administration has to provide the

² See P S Vanchiswar, *The Establishment and Administration of Maritime Matters-with particular reference to developing countries*, Malmö, World Maritime University, 1996, at p. 7.

³ *Ibid*, at pp. 4-5.

mandate to effectively oversee all the operators of the maritime sector on the one hand. On the other hand it should afford the International Maritime Organization (IMO) the means to enforce the international standards in that particular member state. The situation in the United Republic of Tanzania is not that clear in this regard. In the first place, according to her constitution, there are two governments within the United Republic of Tanzania; the Union government which administers union matters throughout Tanzania and non-union matters within Tanzania mainland only. There is also the Zanzibar government, which has exclusive mandate to administer all non-union matters within Zanzibar⁴.

Maritime affairs being non-union matters falls within the mandate of Zanzibar government as such, the Union government has no mandate of either to legislate or power to force Zanzibar to legislate on maritime affairs. On another contrast, the Union government is the member of the IMO on behalf of the United Republic of Tanzania and as such it has an obligation to meet international standards within both Tanzania Mainland and Zanzibar. Such constitutional set up could affect both standard of legislations and enforcements. However the set up is not novel, as it resembles that of the British government and some of its dominions, though with some stark differences. On the circumstances, it is worth studying the common features and their differences and how the United Republic of Tanzania could copy the features from other jurisdictions in order to have effective maritime legislations and administration for both parts of the United Republic of Tanzania.

1.3 Objectives of the Study

The present work firstly will provide the general understanding of maritime law and legislations from its universal historical origin as related to the

⁴ See Article 4 (3) and the First Schedule of the Constitution of the United Republic of Tanzania 1997, electronically available from <http://www.tanzania.go.tz/constitutionf.html> visited on 15th February 2009.

administration of maritime affairs. Secondly it will show how the political and legal structure of Zanzibar within the union with Tanzania Mainland reflects with its maritime legislations and administration of maritime affairs. In doing so, a comparison will be made with other territories which share the nearly similar geographical and political features with Zanzibar. Therefore, a general overview will be made on the maritime legislations in the context of the administration of maritime affairs in some of the territories under the sovereignty of British Crown. Isle of Man and Cayman Islands could be good examples to learn and compare how they are administering maritime matters on their own and how they co-operate with the UK.

Thirdly, this thesis will try to describe and analyse certain comparative features observed between these two jurisdictions. Also it will give out some comments in related to the lesson, which the governments of Zanzibar and the United Republic of Tanzania could learn from the maritime relationship between UK and its dominions aimed in providing the effective measures of administering maritime affairs in compliance with the international standards.

It is too early now to comment on the works of Zanzibar maritime legislations and its administration authorities because the specific Acts for their establishment were passed just recently and they did not work together for a long time⁵. Therefore this study will show certain problems in implementation, which are likely to be witnessed later on in case certain weaknesses observed were not rectified as early as possible.

⁵ The specific Act in maritime issues, which is The Zanzibar Maritime Transport Act, was passed in 2006 and the Act for the establishment of Zanzibar Maritime Authority (ZMA) was passed in January 2009 and it is already assented by the President of Zanzibar.

1.4 Research Methodology

The author has used two research methods in the course of conducting this work, namely library based research and fieldwork at the relevant areas in Zanzibar and Tanzania Mainland.

Through library research, the general survey has been conducted to different relevant literatures such as textbooks, work reports, manuals, constitutions, national legislations and international conventions. Most of these materials were obtained through internet websites and different libraries in Zanzibar.

On the fieldwork, the author has conducted certain interviews with different legal and maritime officers specifically with those working in the areas of administration of maritime affairs in Zanzibar and in Tanzania mainland. Also the author has conducted interviews with the registrar of ships in Zanzibar and other officers in the ministries concerned with the maritime sector in both parts of the union.

1.5 Scope and Limitations

As its subtitle suggests, this study mainly confined to Zanzibar. However, it necessitated some of the information to be collected in Tanzania Mainland. Concerning the Isle of Man and Cayman Islands, the author mainly relied on the information available through internet since he was very far away from these areas.

Unfortunately, the main researched area in this work is relatively immature in terms of the availability of sufficiency and reliable data and information or any other scholarly works such as thesis and dissertation written about the present topic.

2 The General Perspective of Maritime Law, Legislations and the Administration of Maritime Affairs

2.1 Definitions and Structure of Maritime Law

Different authors in their different points of views have defined the term “Maritime Law”. For instance, in one among them, though may be considered as too narrow in scope it has been understood generally to be the law of maritime transportation⁶ or the law, which “provides the legal framework for maritime transport”⁷. In another view, which may be considered as broader, “maritime law has taken on a new meaning, to refer to the entire body of laws, rules, legal concepts and processes that relate to the use of marine resources, ocean commerce, and navigation”⁸. This definition came as a contrary view to the above definitions, which their proponents would like to distinguish maritime law with the “law of the sea” where they have identified it as a branch of public International law concerning with the ocean and uses of its resources⁹. In support of their

⁶ Proshanto K. Mukherjee, *Maritime Legislation*, WMU Publications, Malmö, 2002, at p.1.

⁷ Guidelines for Maritime Legislation, Third Edition, (Guidelines Vol.I); United Nations Publication, Economic and Social commission for Asia and the Pacific (ESCAP), Bangkok, Thailand, (ST/ESCAP/1076), p. 1 cited in Proshanto K. Mukherjee, *Maritime Legislation*, WMU Publications, Malmo, 2002, at p.1.

⁸ Thomas J. Schoenbaum and Jessica L. McClellan, Chapter 1. “Admiralty and Maritime Law: Background and Development”, Westlaw International, 2009 update, available from: http://international.westlaw.com.ludwig.lub.lu.se/result/default.wl?rftdb=CLID_DB7764463010262&cfid=1&db=ADMMARL&sv=Split&service=Search&eq=TOC&fmqv=s&method=TOC&action=Search&query=MARITIME&mt=WestlawInternational&fn=top&origin=Search&vr=2.0&rft=CLID_QRYRLT88982463010262&rp=%2fTOC%2fdefault.wl&ifm=NotSet&hiddenquery=I114e4830e43a11daa3d3e6bf8dc52f2e&sp=intlund-000&rs=WLIN9.02 visited on 8th February 2009.

⁹ *Supra* footnote 6 at p. 7, Professor Mukherjee cited on footnote 3 an example of Gordon W. Paulsen, “A historical Overview of the Development of Uniformity in International

view against such a distinction, those in opposition side referred to the root meaning of the word “maritime” which is of the Latin origin, means “of or pertaining to the sea”¹⁰. In overall, it is generally accepted that, maritime law, is a body of laws adopted or framed purposely to control all what are known as “maritime activities”¹¹.

In American and English, legal system of today you may find the term “maritime law” used synonymously with “admiralty law”. However, “etymologically they are quite distinct”¹². The word “admiralty”, which is derived from Arabic and probably entered into English through Spanish or French¹³, refers to the special jurisdiction exercised by specialized English courts known as Courts of Admiralty that originated in the medieval period. “Admiralty law” comprised of those procedural rules developed by these courts in such exercise of jurisdiction over matters pertaining to the sea¹⁴.

Another term, which is also used interchangeable with maritime law, is “shipping law”. Nevertheless, this would be correct only if the aforementioned definition, which distinguishes it with the law of the sea, would be used. This is because, shipping law is generally considered as the law relating to ships and shipping. However, it is also taken as a synonym of admiralty law especially in those countries, which in their judicial systems there is an admiralty jurisdiction¹⁵.

About structure, according to Professor Tetley, maritime law is a complete legal system, which from the time immemorial had its own courts and

Maritime Law”, (1983), Tulane Law Review, Vol.57, No. 5, 1065, the author of this article stated on page 1085 as follows-

“The phrase ‘law of the sea’ is, however, different from ‘maritime law’. The law of the sea refers to the respective rights of states over the world’s waterways”.

¹⁰ *Supra* footnote 8.

¹¹ *Supra* footnote 2 at p.6.

¹² *Supra* footnote 8.

¹³ *Ibid.*

¹⁴ *Supra* footnote 6 at p.1.

¹⁵ *Ibid.* at p. 2.

jurisdiction, also with its own private and public law. He provides the evidence on this point on his statement as follows-

“... maritime law is a complete legal system, just as the civil law and the common law are complete legal systems. Maritime law incidentally is much older than the common law and probably contemporaneous with the advent of the civil law. That maritime law is a complete legal system can be readily seen from its component parts. For centuries maritime law has had its own law of contract - of sale (of ships), of service (towage), of lease (chartering), of carriage (carriage of goods by sea), of insurance (marine insurance, being the precursor of insurance ashore), of agency (ship chandlers), of pledge (bottomry and respondentia), of hire (of masters and seamen), of compensation for sickness and personal injury (maintenance and cure) and risk distribution (general average), etc., etc. It is and has been a national and an international law (probably the first private international law). It also has had its own public law and public international law.”¹⁶

2.2 Historical Background of Maritime law and Legislations

The world maritime history in general is a broad subject, consists of the historical evolution of many sea related activities including the beginning of navigation, fishing, the history of ships connected with the ships building and design, sea exploration, maritime economics and trade etc. The interest of this work is on the maritime history concerned with the compilation of specific laws and customs in administering different shipping and general maritime related activities such as sea transportation and trades as it was practiced from the ancient times and in the Middle Ages until to the modern maritime law and legislations of today. From that general historical background as it will be explained later in this part, would help in showing the same maritime backgrounds in Zanzibar and those countries under the sovereignty of the British Crown.

¹⁶ William Tetley, Q.C.(1999), “Maritime Law as a Mixed Legal System (with particular reference to the distinctive nature of American Maritime law, which benefits from both its civil and common law heritages)” the article was found at <http://www.mcgill.ca/maritimelaw/comparative/marlawmix/> visited on 10th February 2009.

2.2.1 The Maritime Law and Legislations History in the Ancient and the Middle Ages

It is believed that among the uses of world seas and oceans, shipping or sea-borne trade is recognized as the oldest and most predominant one¹⁷. From the earliest period maritime law was shaped according to the practical needs of those early merchants and seafarers engaged in maritime trade. The hazardous character of the sea and ocean has contributed a lot to the need for legal solutions and doctrines pertaining to their uses by the human being¹⁸. During the ancient time, there were different communities in different parts of the world such as in India and the Middle East, which made the use of seas and oceans through their sea laws and customs; however, most of them were not properly recorded¹⁹. The Babylonian code of Hammurabi is the earliest record of maritime law in the ancient era. Such a Code, which is believed to exist between 2000 and 1600 B.C, contained rules concerned with the practice of bottomry and leases of ships and marine collisions²⁰.

Greeks are among the famous people in the development of maritime law in the ancient time. In their era, noted at early 400 BC they have got in their laws many maritime provisions, also they established special courts in Athens to deal with maritime matters known as *dikai emiporikai*²¹. Among the maritime matters dealt with by the Greeks includes bottomry and *responditia* also they entered into contracts of *foenus nauticum* or marine usury which is the resemblance of the contracts of marine insurance practiced today²².

¹⁷ Supra footnote 6 at p.11.

¹⁸ Supra footnote 8.

¹⁹ See Edgar Gold, *Maritime Transport: The Evolution of International Marine Policy and Shipping Law*, Toronto: Lexington Books, 1981 at p.2 cited in Proshanto K. Mukherjee, supra footnote 6 at p.11.

²⁰ *Ibid*, at p.5 cited in Proshanto K. Mukherjee, supra footnote 6 at p.11.

²¹ Supra footnote 6 at pp. 11-12.

²² *Ibid*, at p.12.

In the next step, within the Greek empire occurred a significant development of maritime law, noted in the island of Rhodes situated in the eastern Mediterranean Sea. The people of these Islands known as the Rhodians became very famous seafarers and traders. They have developed and compiled what became known as Maritime Code of Rhodes, which is the first comprehensive, set of sea laws and said to be found in the maritime law of the many Greek states during such period²³.

The Rhodian maritime law became adopted in the Roman legal system, which is evidently found in the Justinian Digests²⁴. One among the important passage within such digests is concerned with the principle of jettison of goods and contribution by co-adventures in general average²⁵. Later, during Byzantine era, these “Rhodian sea laws” became part of the Roman law through incorporation into the Roman maritime law²⁶.

The demise of the Roman empires caused the centre of maritime law to shift from the eastern and central Mediterranean to western and northern European regions²⁷. In the medieval era, the Europeans developed different maritime codes; the famous ones, which highly influenced to the development of modern maritime law, are the *Consolato del Mare* of Barcelona, Spain, the Laws of Wisby, Hanseatic League and the Rolls of Oleron.

The history shows that the *Consolato del Mare* was developed in the late 14th and early 15th centuries and mostly contained the earlier period’s customs and practices of maritime law, which includes different codes and judicial decisions, existed during the Roman and Rhodian eras.

²³ *Ibid*

²⁴ *Ibid.*

²⁵ *Ibid* at p.13.

²⁶ *Ibid*, at p.14.

²⁷ *Supra*, footnote 19 at p.29 cited in Proshanto K. Mukherjee, *supra* footnote 6 at p. 16.

The Laws of Wisby were originated from the town of Wisby, which is obtained within the island of Gothland in the Baltic Sea currently part of Sweden. In the 11th century, this town was well known as a prominent centre in a maritime trade.

In a later period, some European cities in the Baltic Sea mostly mentioned Hamburg, Bremen and Lubeck obtained in Germany, established an alliance of trade known as Hanseatic League. By using this body, there was an adoption of different Shipping Ordinances particularly in private maritime law.

Another important centre of maritime trade in Europe, which also had a great contribution in the development of modern maritime law, was the island of Oleron, which was an English territory during those days (now part of France). That is a place where the most distinguished maritime codes in the Middle Ages as famously known as the Rolls of Oleron were promulgated²⁸.

2.2.2 The Development of Modern English Maritime Law

The development of modern English maritime law can be traced back from the compilation of famously known as the Black Book of the Admiralty in the early part of the 14th century²⁹. Most of the maritime law sources mentioned earlier were found within the Black Book of Admiralty including the Rhodian Sea Law but the prominent one is the Rolls of Oleron³⁰. During that time, there was an establishment of a particular court conferred with the jurisdiction of hearing cases related to maritime matters known as the Court of Admiralty. Such an establishment was influenced by the expansion in navigation and commercial ventures experienced in England during that period. The rising of piratical activities and disorderly conduct among

²⁸ *Supra*, footnote 6 at p. 19.

²⁹ *Ibid*, at p. 20.

³⁰ *Supra*, footnote 19 at p. 39 cited in Proshanto K. Mukherjee, *supra* footnote 6 at p.20.

seafarers also played an important part to the needs of having such special courts with comprehensive procedures in dealing with maritime disputes³¹. Before that, there were the courts of the seaports or “Cinque Ports” as particularly known, which were considered inadequate in dealing with the growing situation of the aforementioned activities³².

The modern English maritime law is said to constitute two branches, namely the Common or Consuetudinary law and the Statutory Maritime Law³³. The Consuetudinary Maritime Law Branch, itself has got two other components, the *lex mercatoria* or the law merchant, and the *lex maritima* or the law maritime. These two branches formed the great part of maritime law used in England and its dominions and commonwealth countries including Zanzibar, which themselves were derived from previous great sources of maritime law composed of the Rolls of Oleron, the Law of Wisby and Hanseatic Ordinances together with the judicial decisions of England.³⁴

2.3 The General Understanding of the Administration of Maritime Affairs.

2.3.1 Nature of Maritime Administration

Regarding the importance of maritime sector for the socio-economic development of any maritime nation, obviously the government of a particular nation in administering the maritime affairs has got one among the crucial tasks in developing such a country. Bearing in mind that shipping and maritime activities in general are international issues, and in order to fulfill the responsibilities as a flag state and a port state effectively and in an efficient manner the Government of the flag state should pass a comprehensive legislation for the control and regulation of shipping with respect to the registration of ships, the employment and certification of

³¹ *Supra*, footnote 6 at p. 21.

³² *Ibid*, at pp. 20-21.

³³ See James Reddie, *Historical View of the Law of Maritime Commerce*, William Blackwood & Sons, Edinburgh and London at p. 422 cited in Proshanto K. Mukherjee; *supra* footnote 6 at p. 20.

³⁴ *Supra* footnote 6 at p. 22.

seafarers and the safety of shipping. Also such legislation should provide for the establishment of a competent Maritime Administration and prescribing its objects and functions. The government should also consider accession to and implementation of relevant International Instruments for the improvement of maritime safety and prevention of pollution³⁵. The most important Conventions for such purpose are the following;

- (a) The International Convention for the safety of Life at Sea (SOLAS) 1974.
- (b) The International Convention for the Prevention of Pollution from Ships 1973, as modified by the Protocol of 1978 relating thereto (MARPOL 73, 78).
- (c) The International Convention on Load Lines (LL) 1966; and
- (d) The International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW) 1978.

The general maritime international instruments such as UNCLOS 1982, has got different provisions which imposed duties related to control of maritime activities for either a coastal state, flag state or a port state. These duties are normally carried out by using the national maritime legislation. For example in respect of duties of a flag state in controlling the activities of the ship which flies its flag, UNCLOS 1982 has provide in general that a flag state 'shall effectively exercise its jurisdiction and control in administrative, technical and social matters over ships flying its flag'³⁶. In particular, each state should maintain a register of those ships which flies its flag and assuming jurisdiction over them under its internal water³⁷. Used as guidance in carrying out this important duty the United Nations Convention on

³⁵ See Michael J Hubbard, IMO Consultant and Heike Hoppe, Technical Officer, IMO, "Possible Framework for a Model Maritime Administration" at p. 10, the article found at http://www.imo.org/includes/blastData.asp/doc_id=1714/model%20administration.pdf. Visited on 27th February 2009.

³⁶ See Article 94(1), UNCLOS 1982 electronically available from, http://www.un.org/Depts/los/convention_agreements/texts/unclos/unclos_e.pdf visited on 25th February 2009.

³⁷ Article 94(2) paragraphs (a) and (b) of UNCLOS 1982.

Conditions for Registration of Ships (UNCCROS 1986)³⁸ provides *inter alia* that;

*“The flag State shall have a competent and adequate **national maritime administration**, which shall be subject to its jurisdiction and control.”*³⁹

This shows the importance of having a competent and adequate national maritime administration for any maritime nation in controlling and regulating different maritime activities.

According to Professor Vanchiswer, “the object of a maritime administration within the framework of a country’s overall maritime activities is to provide the Government with the machinery which would enable it to satisfactorily and efficiently undertake those functions which are embodied within the country’s Merchant Shipping Legislation (i.e. National Maritime Laws). These functions would include the implementation of the requirements of International Maritime Conventions, and National Rules and Regulations framed under the Authority of the Merchant Shipping Act”⁴⁰. For that meaning, a maritime administration can be more described as the national body, which is responsible for and dedicated to ensuring the safety of ships, the protection of life and property at sea and the marine environment, and compliance with applicable national laws and regulations. It directly derives its authority from the national maritime legislation and the minister concerned and it usually conducts its activities in accordance with the duly granted authority⁴¹.

Structurally, a national maritime administration can be formed in different options depending on the consideration of the country’s political systems,

³⁸ This Convention is not in force but it has been referred here only as a guidance and is electronically available from, <http://www.admiraltylawguide.com/conven/registration1986.html> visited on 25th February 2009.

³⁹ Article 5 (1), UNCCROS 1986.

⁴⁰ *Supra* footnote 2 at pp. 6-7.

⁴¹ *Supra* footnote 35 at p. 4.

traditional practices or otherwise where it fits best in the Government structure. For instance it could be a project or division within a ministry, a department of a ministry, statutory authority or an executive Agency. The most common mode used in many countries, which also has got particular interest in this work, is of the statutory authority, in which an administration has acquired more autonomy and controlled by a Board of Directors who set the administration's policies and procedures. Such an administration could be self-supporting or supported by the Government but not limited by the public service conditions. In that mode it is believed that decision-making process is more facilitated⁴².

2.3.2 Duties and Responsibilities of Maritime Administration

A particular maritime administration has got many roles and responsibilities to play as related to its general duty in controlling shipping and other maritime activities. Among the most important ones are the following;

- (i) Registration of Ships and Seafarers
- (ii) Certification of seafarers
- (iii) Ships Surveys and Inspections
- (iv) Casualty Investigations
- (v) Co-operation
- (vi) International Activities

2.3.2.1 Registration of Ships and seafarers

Any maritime administration should have to maintain a register of ships which flies its flag, containing their names and particulars. Also it should establish a registry of seafarers in accordance with the national maritime legislations⁴³.

2.3.2.2 Certification of Seafarers

The maritime administration should ensure that, the seafarers on its flag ships hold certificates which are appropriate to their ranks and must comply

⁴² *Ibid*, at pp. 10-11.

⁴³ *Ibid*, at p.7.

with the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW) 1978 as amended⁴⁴. This Convention sets the international qualification standards for masters, officers and watch personnel for seagoing merchant ships. Any member state to this convention is required through its maritime administration to implement a quality assurance system for the certification and training of her seafarers and ensuring that they are in compliance with international standards. Therefore, a particular national maritime administration must conduct to them some sorts of maritime training and prepare examinations for obtaining such certificates, which must reflect the skills required.

2.3.2.3 Ships Surveys and Inspections

The national maritime administration of a particular state have a duty to conduct a programme of surveys to her flag ships and inspections to those foreign ships which entering into her ports in ensuring that they must comply with the requirements of all applicable international conventions, statutes and regulations with respect to ship safety and protection of the marine environment. It is directly committed to ensure that all surveys and inspections are conducted in an efficient and expeditious manner in accordance with the international safety standards to ensure the facilitation of shipping. Normally many maritime administrations delegate certain surveys, inspections and certification activities to Classification Societies; however the responsibility and accountability always remains with them⁴⁵.

2.3.2.4 Casualty Investigation

In case of marine accidents which resulted to loss of life, loss of ship or any other serious damage, the maritime administration should supervise or conduct an investigation on marine casualties and incidents. This is done with a view to consult the central government and determining what action, if any, is needed to ensure the protection of life and property at sea and the marine environment⁴⁶.

⁴⁴ *Ibid.*

⁴⁵ *Ibid* at p.6.

⁴⁶ See, Article 94(7) of UNCLOS, 1982 and the Code of the International Standards and Recommended Practices for a Safety Investigation into Marine Casualty or Marine Incident (Casualty Investigation Code), available electronically at

2.3.2.5 Co-operation

The maritime administration should co-operate with all other agencies, governmental or private institutions, in promoting the safety and security of life and property at sea. Also it should develop partnerships and cooperative links with other agencies that have similar interests⁴⁷, for instance ports authorities, environmental protections departments or search and rescue agents.

2.3.2.6 International activities

The maritime administration acts as a representative of the flag state in respect of the maritime interests with international organizations and other agencies of foreign governments who have similar interests. Therefore it should develop co-operation with all international organizations and agencies of foreign governments in their common interests in promoting safety and security of life and property at sea and in protecting marine environment.⁴⁸

<http://www.maritimeaccident.org/new-imo-casualty-code-in-force-from-1-january-2008/>, visited on 7th May 2009.

⁴⁷ *Supra* footnote 35 at p.5.

⁴⁸ *Ibid*, at p. 8.

3 Maritime Law, Legislations and the Administration of Maritime Affairs in Zanzibar and in the Territories under the Sovereignty of British Crown

3.1 The General Background Information of Zanzibar

3.1.1 Geographical Location and Population

Zanzibar is a collective name given to an archipelago located in the Indian Ocean, 35km off the coast of East Africa (from mainland Tanzania), between 39 degrees longitude East of Greenwich and 6 degrees latitude, South of Equator⁴⁹. The archipelago consists of several islets, many of them uninhabited, together with two main islands which are mostly inhabited namely, Unguja and Pemba. Unguja island (sometimes informally referred as “Zanzibar”) is the largest one in the archipelago and quite bigger than Pemba, having about 50 miles in length and a maximum breadth of about 24 miles and a surface area of 995 square miles. Pemba Island which lies about 29 miles north east of Unguja island, have the length of 40 miles, with an extreme width of 14 miles from east to west and a surface area of 608 square miles⁵⁰. Internationally Zanzibar does not have its own maritime boundaries since it is a part of the United Republic of Tanzania which claims territorial sea 12 nm from the baseline and Exclusive Economic Zone 200 nm, including the maritime area of the Zanzibar Islands⁵¹. This matter is regulated under the law known as Territorial Sea and Exclusive Economic

⁴⁹ See appendix 1 for the map of Zanzibar.

⁵⁰ Available from the Zanzibar commission of tourism official website at; <http://www.zanzibartourism.net/aboutzanzibar.php> visited on 27th March 2009.

⁵¹ See Tanzania country’s profile at CIA official website about the available electronically from <https://www.cia.gov/library/publications/the-world-factbook/geos/tz.html> visited on 27th March 2009.

Zone Act, 1989, which its application extend to Zanzibar as it is under the supervision of the Union Ministry of Foreign Affairs and International Relations⁵². However, there is an internal constitutional conflict in respect of the claim of the territorial sea between Zanzibar and the Union Government since Zanzibar Constitution, 1984 has declared the area of the sea surrounded Zanzibar islands to constitute its own political boundaries. This is contrary to the Union constitution, 1977 which has declared the whole area of Tanzania Zanzibar including territorial sea to constitute the political boundaries of the United Republic of Tanzania⁵³.

As far as population is concerned in the United Republic of Tanzania, there is tendency of conducting national census after every 10 years, and according to the recent one of 2002, both main islands in Zanzibar were populated by 981,754 people⁵⁴. But for the time being it could approximately reaches more than 1 million people.

3.1.2 Historical Background

3.1.2.1 Political System

Historically, Zanzibar like many parts of the African continent has passed through different foreign colonial eras for many centuries. The first colonial power to invade Zanzibar and claimed a political control over the islands (mainly Unguja) were Portuguese. They entered there in the early 16th century following the discovery of East-African coast made by the great Portuguese explorers, Bartholomew Diaz and Vasco da Gama in the late 15th century, in their effort for searching a trade route to India through the Cape of Good Hope at the southern part of Africa⁵⁵.

⁵² International relation is an item no. 2 within the list of union matters as shown in the First Schedule of the Constitution of the United Republic of Tanzania, 1977.

⁵³ See section 2 (1) of the Zanzibar Constitution 1984 and the same section under the United Republic of Tanzania, 1977.

⁵⁴ Source: 2002 Population and Housing census in the United Republic of Tanzania, available electronically from <http://www.tanzania.go.tz/census/> visited on 4th March 2009.

⁵⁵ See Major F B Pearce, *ZANZIBAR Island Metropolis of Eastern Africa*, Gallery Publications, Zanzibar, 2006, originally published in 1919, at pp 52-71.

Their rule lasted till the end of 17th century when they were expelled by the Arabs from Oman. These Arabs took such advantage and established their rule in Zanzibar Islands and other parts of East-African coast at the beginning of eighteenth century and they are well known for their introduction of slave trade⁵⁶. Seyyid Said bin Sultan is the first Sultan (King) who took complete control of Zanzibar by shifting his residence from Oman to Zanzibar in 1832 and made it as the capital city of his dominions. He died in 1856 and succeeded by the series of his descendents from the *Al-Busaid* family⁵⁷.

During the middle of 18th century when Europeans started to look for colonies, Germans and British showed their interests in many parts of East-African coast including Zanzibar. Both of them realised the extent of Sultan's control in that area and followed the Berlin Conference for partition of Africa in 1884-1885, they decided to give him special status on his territories and offered him a claim to the Zanzibar Islands and a coastal strip of 10 miles on the mainland of East-Africa. The abolition of slave trade made by the British, which was mostly practiced by the Arabs coupled with the domination of European powers in other parts of East-Africa, weakened the Sultan's empire and gradually lost more land to these European colonial powers. By the end of 19th century very little part remained in his control. The conclusion of the Heligoland-Zanzibar treaty between the Germans and the British in 1890, in which Germany pledged, *inter alia* not to interfere with British interests in Zanzibar, made Zanzibar islands as a British Protectorate. In that circumstance Zanzibar became a *de facto* British colony where the Sultan was retained only for ceremonial purposes but the British Resident made most of major decisions, thus made Zanzibar to be ruled by two colonial masters at the same time⁵⁸.

It remained in that situation until 10th December 1963, when the British decided to grant independency to Zanzibar as a constitutional monarchy

⁵⁶ *Ibid*, at pp. 94-111.

⁵⁷ *Ibid*, at pp. 112-129.

⁵⁸ *Ibid*, at pp. 130-140.

under the Sultan and a Prime Minister led the government. This government together with the Sultan did not last longer and were overthrown in a short period on 12th January 1964 through a Revolution leading to the establishment of the People's Republic of Zanzibar under the President as a Head of State. On 26th April 1964, Zanzibar united with the former British colony of Tanganyika, which received its independency in December 1961, to form the United Republic of Tanganyika and Zanzibar, which was later re-named as the United Republic of Tanzania.

3.1.2.2 Constitutional and Legal System

Historically the Zanzibar constitutional and legal system, for the particular interest pertained in this work, can be well explained if it is started during the time when Zanzibar became a British Protectorate in 1890. As shown above, during that time Zanzibar was under two different colonial powers, the British together with the Sultans. However, as mentioned earlier, the Arab Sultan remained just for ceremonial purposes and all major decisions were made by the British Resident. This has made Zanzibar to be ruled under the English Common Law Legal System from those days until now.

By 1908, the Zanzibar Court System was of the “dual jurisdiction” of two sets of Courts, namely the Court of His Britannic Majesty or as famously called the British Court and the Court of His Highness the Sultan that was designated as the Zanzibar Court. The British Court exercised its jurisdiction in Zanzibar Islands by using common law system, mostly over the subjects and citizens of Britain who were residing at Zanzibar during that time. By using such power, His Majesty issued from time to time Orders in Council for the exercise of the British jurisdiction in Zanzibar under the Foreign Jurisdiction Act of 1890, which was later amended by the Act of 1913. On the other side, His Highness the Sultan's court which mostly used Islamic laws and other customs of the indigenous people had jurisdiction over the subjects of the Sultan which includes Arabs and Africans⁵⁹.

⁵⁹ Reference is made to Salum Toufiq(former Zanzibar Senior State Attorney), “The Zanzibar Court System”, Othman Masoud Othman(The current DPP of Zanzibar), “The

This system was abolished soon after Zanzibar received its independency from Britain in 1963 where it was governed by the constitutional monarchy government. The occurrence of the Revolution in 1964, which ousted the Sultan of Zanzibar as Head of State, has given way to another change in the Zanzibar's court, constitutional and legal system in general. A short period after revolution there was the introduction of the new court system known as the People's Court system. At the same year of 1964, the two executive heads of States of the then Republic of Tanganyika and the Peoples' Republic of Zanzibar, signed an international treaty known as the Articles of the Union. Then the two countries were officially united to form one sovereign state in 26th April 1964, which later came to be known as the United Republic of Tanzania. This Union caused Zanzibar to lose its statehood⁶⁰ although remains as semi-autonomous part with their own government having all three important organs i.e. executives, legislature and judiciary. However, according to the Union Constitution, which was enacted in 1977, these authorities made to be responsible for non- union matters only. All matters which are categorized by such constitution as union matters for examples defence, security and international relations were put under the responsibility of the Union Government. Tanganyika abolished its government after the formation of the Union although practically it remained within the Union Government.

The big change to the Zanzibar constitutional, legal and court system was also noted after the establishment of Zanzibar constitution in 1984. This constitution is the one which has established all the three important organs of government under the system of separation of powers i.e. Executive represented by the President with his cabinet, Legislature represented by the Zanzibar House of Representatives and the Judiciary which is represented

Zanzibar Judicial System” and Augustino Ramadhan (former CJ of Zanzibar), “Judicial System of Tanzania, Zanzibar “in Chris Maina Peter and Immi Sikand (ed), *The Judiciary in Zanzibar*, Zanzibar Legal Services Centre, 2006.

⁶⁰ See Malcolm N. Shaw, *International Law (5th edition)*, Cambridge University Press, 2003 on discussion about creation and extinction of Statehood at pp. 177-189.

by the High Court of Zanzibar⁶¹. Also it has introduced a new court system, which continues to exist until today. This system is also dual in nature, comprises of High Court and its subordinates alongside the Kadhis' Courts. While High courts and other subordinates are dealing with matters fall under common laws, Kadhis' courts deal in the determination of Islamic law matters where both parties are Muslims. They are mainly concerned with the personal matters such as divorce and inheritance as reflecting to the practices and customs of Zanzibar people, which above 95 percent are Muslims.

Since judiciary is not within the list of the Union matters in the Constitution of the United Republic of Tanzania 1977, Tanzania mainland also has its own court system, where the supreme one is the High Court of Tanzania. At the top of the High Court of Zanzibar and the High Court of Tanzania there is a Court of Appeal, which is a Union Court⁶². The present government of Zanzibar is officially known as the Revolutionary Government of Zanzibar ruled under the Zanzibar Constitution of 1984, which is responsible for dealing with non-union matters only.

3.1.2.3 Maritime Legislation History

In connecting with its geographical location, political and legal background as explained above, Zanzibar islands have got a rich history in a maritime arena. Starting in the early history before the coming of Portuguese, for centuries, assisted with trade winds or monsoon, there has been maritime trade links between Zanzibar and other parts of the East African coast with the people from Arabia, Persia, India and as far as China. The maritime customs of these people were properly used to regulate their maritime activities during those days, as there are no officially recorded rules and regulations⁶³.

⁶¹ See Article 5A of the Zanzibar Constitution of 1984.

⁶² Court of Appeal found in the item no. 21 of the list of Union matters at the first schedule of the URT Constitution 1977.

⁶³ See W.H. Ingrams, *Zanzibar: Its History and its People*, Frank Cass & Co. Ltd, London, 1967 at pp. 66-68.

The Arabs who ruled Zanzibar after the overthrow of the Portuguese made Zanzibar a commercial empire and it was normally used as a maritime commercial intermediary between the African interior and the capitalist industrializing west. Zanzibar was taken as a conveyor belt transmitting the demands of the African goods to western European countries, Arabian and even Asian in exchanging for imported manufactured goods. In those transactions which were conducted through the sea by using traditional ships known as dhows and small local vessels, the major commodities involved were slaves, where Zanzibar was used as a centre for such shameful trade in human history before its abolition by the British. Also there were spices and ivory (tusks of elephants), which were killed in mainland Africa⁶⁴.

Soon after the introduction of the English jurisdiction within Zanzibar under the Foreign Jurisdiction Act, 1890, Zanzibar as a British Protectorate like many countries which were within the English dominions, started to use the English Merchant Shipping Act, 1894 as its main maritime legislation. Other maritime content legislations, which were introduced by the British during that time, are the Port Rules, Cap.130, Coastal Seamen Engagement Decree, Cap.131, Seamen Deserters Decree, Cap.133 and Zanzibar Government Shipping Decree, Cap.132. Ships were registered and different maritime activities were controlled through these laws. Through the Zanzibar Maritime Order in Council, 1926, Zanzibar was then declared as a port registry for British ships, and all ships which belonged to Zanzibar's citizens were registered as British Ships and flying the British red ensign flag⁶⁵.

Zanzibar continued to use these colonial maritime laws for a long time even after obtaining its independence in 1963 and the happening of the revolution

⁶⁴ See Abdul Sherrif, *Slaves, Spices & Ivory in Zanzibar: Integration of an East African Commercial Empire into the World Economy 1770-1873*, James Currey Ltd, London, 1987 at pp. 1-7.

⁶⁵ See Appendix 2 for the list of the local ships (dhows) registered in Zanzibar by the British protected persons as British ships.

in 1964 despite of uniting with Tanganyika in the same year later. On the other side of the Union, Tanganyika or as officially called Tanzania Mainland has enacted their Merchant Shipping Act in 1967, which has been amended in 2003 to the current one⁶⁶. However, such law was to a large extent resembled with the one which was used in Zanzibar i.e. Merchant Shipping Act, 1894.

In concerns with the maritime administration the Revolutionary Government of Zanzibar after the revolution has put the maritime sector in the Ministry concerned with the Communication and Transport matters. This Ministry is responsible for supervising maritime transport and also the ports of Zanzibar. Among the efforts made by the government in providing safe maritime services, it established the Zanzibar Shipping Corporation, which introduced more sophisticated ships instead of dhows, and other ordinary vessels used earlier, for the operation of maritime transport between the islands and mainland Tanzania. However, the situation changed later, when private corporations started to serve freight and passenger transportation between Zanzibar and other parts of the world, while the obligation for construction and maintaining of the infrastructure such as ports left directly to the government. The important step made by the Zanzibar government in a maritime field, leading to the enactment of the currently maritime legislations will be analysed in the following parts of this work. This will follow after understanding the position of Zanzibar in the Union constitution 1977, as related to the issue of maritime administration as an international matter.

3.2 The Position of Zanzibar in the Union with Tanzania Mainland in Relation to Maritime Affairs

The Constitution of the United Republic of Tanzania, 1977 provides as follows;

⁶⁶ This Act is available from http://www.sumatra.or.tz/doc/Merchant_Shipping_Act_21-2003.pdf visited on 15th March 2009.

“Tanzania is one state and is a sovereign United Republic.

The territory of the United Republic consists of the whole area of the Mainland Tanzania and the whole of the area of Tanzania Zanzibar, and includes the territorial waters”⁶⁷

The situation of Zanzibar after the formation of the union with Tanganyika to remain with its own government comprised of all three important organs i.e. Executives, Legislature and the Judiciary, while Tanganyika abolished it, complicates the things and makes this union to have a unique structure. Apart from what has been seemed as political benefits especially to the top leaders who are the initiators of that process, in the whole of its life until today this union has been faced with different obstacles mainly political ones. As observed by the prominent Professor of constitutional law in Tanzania, Issa G. Shivji, that “the process of the formation of the Union was fraught with legal manipulation and political expediency”⁶⁸. For a long time this situation has caused a lot of legal troubles within the union, which euphemistically called in Swahili language as ‘*kero za muungano*’ having simple meaning in English as ‘troubles of the union’. Such troubles are mainly observed in certain matters mainly which have international character and needs the operation of one sovereign state. Therefore the question comes on the position of Zanzibar in such matters while, however, has got a semi-autonomous status, but it is not internationally recognized as a sovereign state.

The presence of the list of the 22 items of the “union matters” available in the First Schedule of the Union Constitution, 1977 seems to be purposely set so as to resolve problems in handling different matters between these two uniting countries. Maritime matters, in particular maritime transport and the administration of maritime affairs are among important international matters, which need the operation of one sovereign state especially in signing different international conventions. As previously shown, these

⁶⁷ See Article 1 and 2 of the URT Constitution 1977.

⁶⁸ See Issa G. Shivji, *Pan-Africanism or Pragmatism? : Lessons of the Tanganyika-Zanzibar Union*, Mkuki na Nyota Publishers, Dar es Salaam, 2008 at pp.97-99.

were not included in the list of the union matters. Some of the Tanzania mainland legal and maritime officers in the interviews with this author, have proposed for the inclusion of maritime within the union matters list so as to avoid any legal or political conflicts in handling them⁶⁹. This proposal seems to be not a proper solution since the expansion of this list from time to time has caused more problems especially to Zanzibaris who always complain that the union has nothing to do except to swallow their beloved country.

Tanzania Mainland in the shadow of the United Republic of Tanzania has joined with the IMO and signed IMO convention since 1974⁷⁰. Such an international action also affected Zanzibar, albeit has its own procedures regarding maritime issues, as they are not union ones. This has led IMO to recognize the Tanzania mainland ministry, which concerned with the maritime matters as a competent authority responsible for maritime administration in the United Republic of Tanzania and for the time being is a Ministry of Infrastructures Development.

In ensuring proper administration of maritime affairs, the government of the United Republic of Tanzania through the Union Parliament which comprised the members from both parts of the union, passed in 2001 an Act for the establishment of specific body responsible for, among other things, the maritime transport which came into force on 20th August 2004. This particular body came to be known as the Surface and Marine Transport Regulatory Authority or on its acronym SUMATRA. The Authority started to work in Zanzibar soon after its establishment. However, within its Act there is no specific provision which states for the application of this law to Tanzania Zanzibar as normally done in other laws of such kind, though it is

⁶⁹ Interviews with Mr.D.L Chidou, Principal Attorney, Attorney General's Chambers, Tanzania Mainland and with Mrs. Tumpe Mwaijande, maritime officer in the Ministry of Infrastructures Development, Tanzania Mainland, both conducted on 5th August 2008 at their offices in Dar-es-Salaam.

⁷⁰ See the list of IMO member states with years of joining as available in the IMO website at; http://www.imo.org/dynamic/mainframe.asp?topic_id=315&doc_id=840 visited 28th March 2009.

not an only legal qualification for the law enacted by Union Parliament to be applied in Zanzibar⁷¹. The reason leading to such circumstance may be the international character of the maritime matters which gives this law a position to be of the union one since international relation is among items of the union matters. Also within the SUMATRA Act there are certain provisions which make this law to appear as such, for instance the one which provide for the establishment of the board as follows; -

A person shall, if appointed a member of the Board, relinquish any of the following offices if he holds it namely-

- (a) the office of Member of Parliament;*
- (b) the office of Member of the House of Representatives of Zanzibar;*
- (c) the office of Speaker of the National Assembly;*
- (d) the office of Speaker of the House of Representatives of Zanzibar*
- (e) the office of the Judge of High Court or of the Court of Appeal*
- (f) the office of Permanent Secretary⁷².*

The presence of the posts mentioned above, in paragraphs (b) and (d) which were automatically hold by Zanzibaris, has provided for the possibility of this board to be founded by the members from both parts of the union while the matters concerned are non-union.

Despite having the above mentioned features, the application of this law to Zanzibar has been faced with strong opposition and different legal arguments have been put forward to that effect. Some of the Members of the Zanzibar legislative organ i.e. House of Representatives, which represents the views of citizens who elected them through their respective constituents,

⁷¹ Section 132 (1) (2) of the Zanzibar Constitution 1984 provides that “ there is no any law passed by the Union Parliament with intention to extend its application to Zanzibar, only where such law is of the union matter and should be passed in accordance with the directions under the provisions of the Union Constitution, 1977. Also the Minister concerned should first submit such law before the House of Representatives for ratification”.

⁷² Section 7(3) of the Surface and Marine Transport Regulatory Authority Act, 2001 available electronically from the SUMATRA official website from; <http://www.sumatra.or.tz/index.php?option=content&task=view&id=9&Itemid=2> visited on 2nd April 2009.

have also questioned the legality of SUMATRA to work in Zanzibar. This situation was clearly witnessed in the 2006 budget session of the Ministry of Communication and Transport. One of the members who is also the leader of the opposition side⁷³ in the House; named Hon. Abubakar Khamis Bakary opposed SUMATRA by stating that it works illegal in Zanzibar. This member went further by referring the Zanzibar constitution, 1984 section 132, which requires for any law, passed by the union Parliament with the intention of extending its application to Zanzibar that such law should be only for the union matters and it can so apply only after being ratified by the Zanzibar House of Representatives⁷⁴. According to him such opportunity was not given in reference to the Act, which establishes SUMATRA⁷⁵.

Another member of the House of Representatives who is also from the opposition side, named Hon. Haji Faki Shaali is also reported in the same session to oppose the activities of SUMATRA in Zanzibar. On his argument he questioned the legality of SUMATRA, an authority that is not legally accepted as union one to work within Zanzibar while during that time Zanzibar had already passed its own maritime legislation, which provides nothing concerning with SUMATRA⁷⁶.

The opposition against SUMATRA did not only come from the members of the opposition side, but also from the ruling party. One of them, named Hon. Haji Omar Kheir gave out a proposal for the Revolutionary Government of Zanzibar to stop the activities of SUMATRA in Zanzibar and instead to establish its own authority ratified by the Zanzibar maritime legislation which could carry on with works done by the SUMATRA⁷⁷. This proposal was also fully supported by the Zanzibar Deputy Chief Minister

⁷³ The Zanzibar House of Representatives constitutes the members from only two political parties which are the ruling party “*Chama Cha Mapinduzi*” (CCM) in English means the Revolutionary Party and the opposition party, Civic United Front, (CUF).

⁷⁴ *Supra*, footnote 71.

⁷⁵ See the proceedings of the House of Representatives (Hansard), 27th July 2006 available from the Office of House of Representatives, Zanzibar.

⁷⁶ *Ibid.*

⁷⁷ *Ibid.*

and the Minister of Information, Culture and Sports, named Hon. Ali Juma Shanhuna in the same session⁷⁸.

At last, during the winding up of those arguments made by the members of the House, the then minister responsible for the Ministry of Communication and Transport, named Hon. Adam C. Mwakanjuki made the official government's statement which concurred with the views of many members in stopping the activities of SUMATRA in Zanzibar and promised to work on the establishment of the similar authority for Zanzibar⁷⁹.

3.3 The Development of Zanzibar Maritime Legislations and its System for the Administration of Maritime Affairs

3.3.1 Maritime Legislations

The people of Zanzibar as they are living in the islands, they depend mostly on sea and the maritime transport in continuing with their day-to-day social and economic activities. Bearing in mind that maritime activities always need a careful and strong supervision in ensuring the safety of life at the sea and protection of marine environment, the Zanzibar government realized such an importance and started to review its maritime legislations and maritime administration system to check on whether they are up to date with the changes that occur every day in the maritime sector worldwide. Also to determine on whether they fulfill the duty to satisfy the obligations embodied in the international maritime conventions which the government of the United Republic of Tanzania has signed and ratified.

As we have seen earlier, after its independence and revolution, Zanzibar continued to use those maritime legislations inherited from the British colonial government. Then, it reached the time when these laws appeared to be outdated and could not match with the international standards. Therefore,

⁷⁸ *Ibid.*

⁷⁹ *Ibid.*

the government through its ministry concerned with the maritime sector instead of using these outdated laws, used to refer from the standard guidelines provided by IMO in handling different maritime activities while at the same time makes preparation for the enactment of the new legislations.

In 2006, the Zanzibar House of Representatives passed the bill for an Act to provide for the registration of ships, safety and security of shipping and the protection of marine environment and matters related thereto. This bill later became the new maritime legislation for Zanzibar and was known as The Maritime Transport Act, 2006. This law consists of 26 parts together with one schedule. The drafters of this law have tried at their level best to include many of the basic measures needed for the controlling of maritime activities in complying with the different international conventions which has been ratified by the Government of the United Republic of Tanzania as a sovereign State.

In a summary the salient features of the Zanzibar Maritime Transport Act, 2006 is as follows-

PART I: PRELIMINARY PROVISIONS

It consists of the title of the Act, interpretation of different words used therein and the commencement date for its application⁸⁰.

PART II: ADMINISTRATION

This part concerned with the establishment of specific authority to deal with the maritime matters⁸¹, and has the important provision for the maintenance of the corporation between the maritime administration authority of

⁸⁰ Section 1-3.

⁸¹ Section 5.

Zanzibar and the other one established in Tanzania Mainland⁸². Also within this part there is a provision for the appointments of different maritime officers such as Director, Registrar of ships and ships surveyors and inspectors⁸³.

PART III: REGISTRATION OF SHIPS

It consists of the provision for the establishment of Tanzania Zanzibar registers of shipping comprised with the Tanzania Zanzibar International Register of shipping for ocean going ships and Tanzania Zanzibar Register of Shipping for coastal ships⁸⁴. Legal qualifications for owning Tanzania Zanzibar registered ships⁸⁵, procedures for registration⁸⁶ and certificate of registry⁸⁷ and transfer of ownership⁸⁸. It also includes rules as to the name of ship⁸⁹, tonnage measurement⁹⁰, methods for the registration of small ships and native vessels⁹¹ with other miscellaneous provisions⁹².

PART IV: RESTRICTION ON TRADING

This part is concerned with the restrictions for ships on trading in Zanzibar waters except for those registered in Tanzania Zanzibar and Tanzania Mainland according to their respective laws. Also to those ships which are provided with a certificate of foreign registry⁹³. There is also a provision for the requirements of insurance cover at least of the third parties for those Tanzanian-flagged vessels and foreign-flagged vessels whilst they are in Zanzibar⁹⁴.

⁸² Section 6.

⁸³ Section 7.

⁸⁴ Section 8(1).

⁸⁵ Section 9(1).

⁸⁶ Sections 11-23.

⁸⁷ Sections 24-30.

⁸⁸ Sections 31-34.

⁸⁹ Section 35.

⁹⁰ Sections 41-42.

⁹¹ Sections 52-55.

⁹² Sections 43-51.

⁹³ Section 56.

⁹⁴ Section 57.

PART V: NATIONAL CHARACTER AND FLAG

This part explains the requirement for any ship to declare her national character before given a clearance to enter into Zanzibar port⁹⁵. Also it provides for the obligation for any ship registered in Zanzibar to fly the national flag of the United Republic of Tanzania⁹⁶.

PART VI: PROPRIETARY INTERESTS IN REGISTERED SHIPS

This part is concerned with the ability of ship-owners to mortgage their vessels also the rights and powers of both parties i.e. mortgagees and mortgagors in a ship mortgage relationship⁹⁷. It also consists of the rules as maritime liens⁹⁸ and the transfers and transmission of property in ship on death, bankruptcy, marriage etc⁹⁹.

PART VII: ENGAGEMENT AND WELFARE OF SEAFARERS

It concerns with the procedures for the engagement and discharge of crews,¹⁰⁰ their rights as to wages¹⁰¹ safety, health and welfare¹⁰². It also lays down rules as to the manning, qualification and training of seafarers with due regard to the STCW Convention¹⁰³ and the offences and civil liability of seafarers¹⁰⁴.

PART VIII: PREVENTION OF COLLISIONS AND SAFETY OF NAVIGATION

⁹⁵ Section 58.

⁹⁶ Section 61.

⁹⁷ Sections 64 and 72-85.

⁹⁸ Sections 86-96.

⁹⁹ Sections 65-71.

¹⁰⁰ Sections 100-104.

¹⁰¹ Sections 105-155.

¹⁰² Sections 116-121.

¹⁰³ Sections 122-132.

¹⁰⁴ Sections 133-154.

This part concerns with the powers of the minister concerned with the maritime affairs to make regulations for preventing collisions of sea going vessels and the obligation for the observance of them by Tanzania Zanzibar and foreign ships¹⁰⁵. It also concerns with different duties of the masters of vessels in ensuring safety of vessels while in the sea, for instance duty to render assistance following collisions, duty to notify hazards to navigation and duty to assist those who were in distress¹⁰⁶.

PART IX: SAFETY OF LIFE AT SEA

This part mainly concerns with the procedures and regulations for sea going vessels in the observation of international safety standards¹⁰⁷. It also generally deals with the surveys and certification and the general responsibilities of Tanzania Zanzibar ships and all other ships while in Zanzibar to comply with the ISM Code.¹⁰⁸ In providing an effective measure towards the observance of rules as to the safety of life at sea, this part provides that any ship that failed to comply with them shall be detained¹⁰⁹.

PART X: LOAD LINES

It concerns with powers of the minister concerned to make load line regulations with due regard to the Load Lines Convention and the duty of the Tanzania Zanzibar ships to comply with them accordingly¹¹⁰. This part also provides for the issue of load line certificates where ships were not allowed to proceed or attempt to proceed to sea without showing this certificate¹¹¹.

¹⁰⁵ Sections 160-162.

¹⁰⁶ Sections 165-169.

¹⁰⁷ Sections 187-191.

¹⁰⁸ Sections 192-196.

¹⁰⁹ Section 213.

¹¹⁰ Sections 222-223.

¹¹¹ Sections 226-230.

PART XI: CARRIAGE OF BULK CARGOES AND DANGEROUS CARGOES

This part concerns with the regulations for the carriage of grain and other bulk cargoes, timber and dangerous goods¹¹².

PART XII: MARITIME SECURITY ON SHIPS AND PORT FACILITIES UNDER SAFETY CONVENTION AND INTERNATIONAL SHIP AND PORT FACILITY SECURITY CODE

This part concerns with the procedures for conducting security assessment and the requirement of having security plans to every Tanzanian Zanzibar registered ship¹¹³. It also includes the provision for security levels on ships and ports facilities located in Zanzibar in complying with the conditions of the ISPS Code¹¹⁴. In the efforts to prevent any illegal activities within the sea for instance when any vessel threatens security order of Zanzibar or infringe the right of innocent passage in the United Republic of Tanzania territorial waters or where such vessel engaged in illegal fishing, exploitation or exploration of any resources or conducting research in any place in Zanzibar or in the EEZ of the United Republic of Tanzania, the special force for combating smuggling activities or as commonly known by its acronym KMKM¹¹⁵ has been given power under this part to board on any vessel when they have got reasons to believe that such vessel is engaged in the mentioned activities¹¹⁶.

¹¹² Sections 253-261.

¹¹³ Sections 264-265.

¹¹⁴ Section 268.

¹¹⁵ It is derived from Swahili language as “*KIKOSI MAALUM cha KUZUIA MAGENDO*” means special guard in combating smuggling activities which is the same as Coast Guard.

¹¹⁶ Section 270.

PART XIII: MARITIME SECURITY AT HIGH SEAS (PIRACY) UNDER THE UNITED NATIONS CONVENTION ON THE LAW OF THE SEA 1982

This part concerns with the measures for controlling offences committed against ships at the high seas such as piracy, hijacking and destruction of ships in complying with the UNCLOS 1982¹¹⁷. There is a provision within this part, which provide the punishment for a person who is found guilty in those like offences, which is life imprisonment¹¹⁸.

PART XVI: PREVENTION OF POLLUTION FROM SHIPS

This part consists of the rules as to the prohibition for ships to discharge oil and dumping of garbage¹¹⁹. It also sets standards of allowable discharge, powers of minister to make regulations for the requirements of the ship to be fitted with specific equipments for preventing the escape of fuel, oil or oil mixture and the obligation of keeping oil and garbage record books¹²⁰. It also declares the punishments for the offence of oil or harmful chemicals pollution at sea which is a fine not less than the equivalent of forty five thousand US Dollars in Tanzanian shillings or 5 years imprisonment¹²¹.

PART XV: LIABILITY FOR OIL POLLUTION

This part deals with the liabilities for oil pollution in case of tankers and in case of other ships¹²². Also, it provides for the rules on limitation of liability under this part¹²³ together with the obligation of compulsory insurance against liability for pollution¹²⁴ and the jurisdiction of Zanzibar High Court in dealing with the oil pollution cases¹²⁵.

¹¹⁷ Sections 272-275.

¹¹⁸ Section 273 (6).

¹¹⁹ Section 278.

¹²⁰ Sections 279-281.

¹²¹ Section 288.

¹²² Sections 291-292.

¹²³ Section 295.

¹²⁴ Sections 301-303.

¹²⁵ Section 304.

PART XVI: COMPENSATION FUND

This part concerns with the contributions by importers of oil and others to the fund¹²⁶ and compensation for persons suffering from pollution damage¹²⁷. It also concerns with the jurisdiction and effect of court judgments related thereto¹²⁸.

PART XVII: UNSAFE SHIPS

This part concerns with the powers of the Registrar to detain unsafe ships when he has got reason to believe so and the right of compensation to the ship-owner whose ship was wrongfully detained¹²⁹. It also deals with the liability of owners and masters in respect of unsafe ship, where it has been explained that for the one who is found guilty of an offence under that part would be liable to a fine not less than the equivalent of fifteen thousand US Dollars in Shillings, or imprisonment not exceeding six months or both¹³⁰.

PART XVIII: CONTROL OF FOREIGN SHIPS WHILE IN ZANZIBAR

This part concerns with procedures for inspection of foreign ships while they are in Zanzibar for the purpose of satisfying on whether they comply with the international standards on safety and security and protection of marine environment¹³¹. The minister has been given power under this part to appoint Port State control officers and inspectors; it also lays down the duties of those appointed officers¹³².

¹²⁶ Sections 310-311.

¹²⁷ Sections 312-313.

¹²⁸ Section 314.

¹²⁹ Sections 319-320.

¹³⁰ Section 321.

¹³¹ Sections 324-325.

¹³² Sections 325 - 326.

PART XIX: WRECK AND SALVAGE

This part mainly concerns with the appointment, powers and duties of the receiver of wrecks,¹³³ the right of Government to unclaimed wreck and disposal of unclaimed wrecks¹³⁴. It also comprises the explanation for different offences and punishments related to the illegal acquiring and selling of wrecks¹³⁵. As far as the salvage is concerned, it lays down different procedures pertaining to salvage operation which includes conditions for salvage remuneration, services excluded from salvage remuneration, salvage contracts and different duties in salvage to the salvors, ship-owners and masters of vessels without forgetting public officers¹³⁶.

PART XX: CONTROL OF, AND RETURNS AS TO PERSONS ON SHIPS

This part concerns with different offences and punishments in connection with passengers' ships include stowaways and unauthorized boarding to the vessels¹³⁷.

PART XXI: LIABILITY OF SHIP OWNERS AND OTHERS CARRIERS OF PASSENGERS AND LUGGAGE BY SEA

This part consists with the duties and responsibilities of the carrier of passengers and goods by sea, limits of liabilities in case of death or personal injury and in case of loss or damage to goods, defenses and limits for carriers' servants and loss of right to limit liability¹³⁸.

¹³³ Sections 330-333.

¹³⁴ Sections 340-341.

¹³⁵ Sections 343-344.

¹³⁶ Sections 348-383.

¹³⁷ Sections 384-391.

¹³⁸ Sections 392-415.

PART XXII: LIMITATION AND DIVISION OF LIABILITY FOR MARITIME CLAIMS

In this part, among other things, it has been mentioned the persons who are entitled to limit liability in maritime claims which includes ship-owners and salvors¹³⁹. Also it lays down calculations for limitation of such liabilities¹⁴⁰.

PART XXIII: INDEMNITY AND POWERS OF ENFORCEMENT OFFICERS

The government and its public officers in controlling maritime activities have got a big task which can cause them to be sued or prosecuted during the execution of their duties. For instance, when requiring production of ships documents or other ship inspection measures. Therefore, this part has got provisions for granting indemnity against those actions when it so happens¹⁴¹.

PART XXIV: INQUIRIES AND INVESTIGATION INTO MARINE CASUALTIES

This part consists of procedures for conducting such inquiries and investigation and different rules related thereto¹⁴².

PART XXV: LEGAL PROCEEDINGS

This part provides with procedures for prosecution of offenses and penalties under this Act, the issue of jurisdiction in relation to those offenses and other procedures for issuing orders of detention of ships¹⁴³.

¹³⁹ Section 417.

¹⁴⁰ Sections 423-424.

¹⁴¹ Sections 442-453.

¹⁴² Sections 454-459.

PART XXVI: MISCELLLLANEOUS

Among other things, this part includes the procedures for sending of reports or any matter relating to Tanzanian seafarers by all consular officers of Tanzania to the Registrar of ships when he requires them¹⁴⁴. There is also a financial provision related to fees and fines¹⁴⁵, application of the Act to certain description of ships and the application of International conventions to the Act¹⁴⁶. Finally this Act repeals other previous colonial maritime legislations mentioned as follows-

- (a) The Port Rules, Cap. 130;
- (b) The Merchant Shipping Act, 1894;
- (c) Coastal Seamen Engagement Decree, Cap 131;
- (d) Seamen Deserters Decree, Cap 133;
- (e) Zanzibar Government Shipping Decree, Cap. 132;¹⁴⁷

3.3.2 The Process for the Establishment of Zanzibar Maritime Authority (ZMA)¹⁴⁸

As it has been mentioned earlier, maritime matters in the Revolutionary Government of Zanzibar are under the Ministry of Communication and Transport. The idea for the establishment of Zanzibar Maritime Authority (ZMA) is mainly pressurized by the issues such as the illegality of SUMATRA to work in Zanzibar as previously explained. This coupled with the general aim of the Zanzibar government in promoting maritime sector towards the acquisition of social and economic development. In the interviews with this author, the current appointed Registrar of Ships in

¹⁴³ Sections 460-478.

¹⁴⁴ Sections 479-480.

¹⁴⁵ Sections 481-484.

¹⁴⁶ Section 487.

¹⁴⁷ Section 492.

¹⁴⁸ The information of the whole process for the establishment of Zanzibar Maritime Authority has been obtained from the reports of different meetings conducted for such purposes. The author has obtained them from the Office of Registrar of Ships, Zanzibar.

Zanzibar confirmed that one among the main reason for Zanzibar claims for its own maritime administration is anticipated economic benefits which Zanzibar could get from the fees or charges imposed by the Authority in respect of different maritime services offered to domestics and foreign ships, for example inspection or registration fees¹⁴⁹.

The first step towards that process has been reported to start in the middle of the year 2006 through a discussion meeting held in Dodoma (the capital city of Tanzania) between the Minister of Communication and Transport of the Government of Zanzibar and the Minister of Infrastructure Development of the Union government based in Tanzania mainland. This meeting came with the decision to send specific delegation to the IMO for submission of such proposal and that delegation went there in October the same year. After this consultation, the IMO replied to the Government of the United Republic of Tanzania to notify that “in principle the IMO secretariat sees no problems for Union government to delegate some of its responsibilities/ authority to the Zanzibar Maritime Administration as long as the communication/ authority relating to treaty instruments remains with the competent authority”¹⁵⁰. The term “competent authority” here has been taken to mean the Minister, Government department or other authority having/granted powers to issue regulations, orders or other instruments having the force of law in respect of treaty instruments which includes IMO conventions, codes, recommendations etc. The Minister/Ministry for Infrastructure Development has been considered here by IMO as a competent authority for the United Republic of Tanzania as a member state of the IMO and a party to number of conventions. It is this ministry which has designated SUMATRA to undertake regulatory functions to maritime safety and security in Tanzania.

¹⁴⁹ Interviews with the Registrar of Ships in Zanzibar, Mr. Abdalla Moh’d conducted on his office at Zanzibar on 21st July 2008.

¹⁵⁰ Quoted from the e-mail message dated 17th June 2008 from Hartmut Hesse, who during that time was a Senior Deputy Director, Sub-division for Operational Safety and Human Element, Maritime Safety Division, IMO sent to seven members of the Tanzanian delegation which attended the 84th Session of the Maritime Safety Committee. It is available from the office of the Registrar of Ships, Zanzibar.

Apart from giving such a reply, the IMO also on September 2007 sent a letter to the Government of the United Republic of Tanzania requesting clarification on certain matters on how the Zanzibar Maritime Administration will work in that system of two governments, which represent one sovereign state. The answers for such queries were sent back to the IMO on May 2008 which, among other things, they were accompanied with the obligations which will be delegated to be performed by the Zanzibar Maritime Authority under the different international conventions ratified by the United Republic of Tanzania. According to such answers the Zanzibar Maritime Administration would start to work on the following international conventions-

1. International Convention for Safety of Life at Sea (SOLAS), 1974 as amended;
2. International Convention on Load Lines (LL), 1966;
3. International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW) 1978 as amended;
4. The International Convention for the Prevention of Pollution from Ships and its Protocol (MARPOL), 1973, 78;
5. International Regulations for Preventing Collisions at Sea (COLREG), 1972;
6. International Convention on Civil Liability for oil Pollution damage and its Protocol (CLC), 1969/92;
7. International Convention on Tonnage Measurements of Ships (TONNAGE), 1969;

In June 2008 the IMO replied to the Government of the United Republic of Tanzania concurring with the clarification given. It also required Union government to write an official letter to the IMO for declaring Zanzibar to have its own maritime administration. The documents contained of such letter attached with the list of the functions which will be conducted by the Zanzibar Maritime Authority under the International Conventions ratified

by the URT were sent to the IMO on November 2008 through the Tanzania High Commission in London, UK. In such document, among other things, it has explained the status of Zanzibar in the Constitution of the United Republic of Tanzania in relation with the maritime affairs where it has been clearly stated that Zanzibar enjoys high degree of autonomy in a number of matters called non-union including maritime ones. However, due to the lack of sovereignty of the Zanzibar government, the IMO has been informed that Conventions ratified/acceded by the United Republic of Tanzania apply to Zanzibar where her obligations under them were attached. Therefore, the government of the URT committed itself within such information that it will assume responsibility for the international rights and obligations arising from the application of such conventions to Zanzibar. Furthermore the IMO has been also informed that the survey of ships will be administered by SUMATRA for vessels registered under the Tanzania Mainland Merchant Shipping Act, 2003 and by ZMA for ships registered under the Zanzibar Maritime Transport Act, 2006. Regarding the Port State Control issue, the IMO has been informed that for the exercise of the sovereign rights of the URT as a port State, the inspections carried out by Port State Control Officers (PSCOs) acting in the ports under the authority of the Government of Zanzibar are fully integrated with the activities of the URT, as an individual port State and as member of the Indian Ocean MOU. The IMO responded on the reception of such documents on December 2008 and prepared a circular to notify all member states of the IMO on the declaration of Zanzibar to have a “competent” Maritime Authority.

After the completion of consultation with the IMO on the establishment of Zanzibar Maritime Authority, the Zanzibar government started the preparation of a bill to be discussed in the House of Representatives. This was introduced as a bill to an Act to establish the Zanzibar Maritime Authority (ZMA) and provides for other matters connected therewith and incidental thereto. The bill was discussed and unanimously passed by the House on January 2009 and it is already accented by the President as

required by the Act¹⁵¹. This Act consists of 7 parts and one schedule. Its salient features summarily are as follows-

PART I: PRELIMINARY PROVISIONS

It consists of a short title and the commencement date of the Act together with the interpretation of different words used therein¹⁵².

PART II: ESTABLISHMENT AND POWERS OF AUTHORITY

It comprised of the declaration of the official name of the Authority as the Zanzibar Maritime Authority and its acronym “ZMA”¹⁵³. Also it consists of jurisdiction, functions and powers of the Authority¹⁵⁴.

PART III: ADMINISTRATION AND MANAGEMENT OF THE AUTHORITY

This part concerns with the provision for establishment of Board of Directors of the Authority, which will be responsible for administration of business affairs of the Authority, and other powers related thereto¹⁵⁵. It also provides with the procedures and qualifications for the appointment of Director General who shall be appointed by the President, together with his powers¹⁵⁶.

¹⁵¹ As provided under section 1 of that Act.

¹⁵² Sections 1-2.

¹⁵³ Section 3(1).

¹⁵⁴ Sections 4 - 6.

¹⁵⁵ Section 7.

¹⁵⁶ Section 8.

PART IV: PROVISIONS RELATING TO THE PERFORMANCE OF AUTHORITYS' FUNCTIONS

Among the functions of the authority described in this part are inquires in maritime accidents, removal of shipwrecks, prevention, control and combustion of marine pollution, safety of navigation and security of ships in accordance with the safety management system adopted by the authority and maritime search and rescue¹⁵⁷.

PART V: FINANCIAL PROVISIONS

This part mentions the prospective sources of funds of the Authority¹⁵⁸, transfer of certain assets to Authority¹⁵⁹, power to borrow money¹⁶⁰ and other matters concerning with the annual and supplementary budget, account and audit and the requirement for the preparation and submission of annual report to the minister which should be made by the Board¹⁶¹.

PART VI: OFFENCES AND PENALTIES

It lays down offenses and penalties of different illegal activities such as damage to properties of the Authority, unlawful operation of marine services or facilities, jeopardizing navigation or vessel safety, negligent misstatement or false information and other offenses in connection with safety and security of vessels¹⁶².

PART VII: GENERAL PROVISIONS

¹⁵⁷ Sections 12-18.

¹⁵⁸ Section 19.

¹⁵⁹ Section 21.

¹⁶⁰ Section 22.

¹⁶¹ Sections 24-26.

¹⁶² Sections 27-41.

This part consists of miscellaneous things such as powers of the authority to detain ship, liability and indemnification of Authority¹⁶³, powers for the officers of the authority to enter into lands or premises for the purpose of executing any work authorized by the Act without being liable to any legal proceedings or molestation on account of such act¹⁶⁴. It also has got the provision for the repeal and replacement of the section 5 of the Maritime Transport Act of 2006. This section provided that the Maritime Authority should be established by the Minister. In this part it has been replaced by the explanation that “Maritime Authority shall be established by an Act of the House of Representatives of Zanzibar”. Also it made other certain amendments to the name of the Authority, which was previously referred as Zanzibar Maritime Safety Administration, and the addition of the word “General” to the word “Director”.¹⁶⁵

3.3.3 The Current Situation in the Administration of Maritime Affairs in Zanzibar

Despite of almost completion of the legal procedures for the establishment of Zanzibar Maritime Authority (ZMA), for the time being it has not officially started to work since its Director General was not yet appointed. Therefore the Office of Registrar of Ships, which has been established under the Maritime Transport Act, 2006 has continued to supervise the matters, related to maritime security and welfare of seafarers in Zanzibar.

For the period of July 2008 until March 2009, this office has registered 6 ships with GRT 3716.88, which makes the total number of those ships registered under the domestic registration of ships to reach 63 with GRT 29,307.80. At the same period 43 three small vessels have been licensed by this office. The International registration of ships under the system of Open Registry was also started soon after the completion of the process for the establishment of ZMA where until 25th March 2009, 17 ships with GRT

¹⁶³ Sections 42-43.

¹⁶⁴ Section 47.

¹⁶⁵ Section 52.

13,200 have been registered. Regarding the supervision of the engagement and welfare of Zanzibar seafarers, the office of Registrar of Ships in Zanzibar reports that 239 seafarers have been employed by the foreign ships since November 2008¹⁶⁶.

Therefore the above information helps in giving out the clear picture of the situation of handling maritime issues in Zanzibar for the time being and the extent of the development achieved since all of these activities generate certain income to the government.

3.4 Maritime Law, Legislations and the Administration of Maritime Affairs in the Territories under the Sovereignty of British Crown

3.4.1 The Territories Background Information

Isle of Man and the Cayman islands are among the territories, which although physically they do not form part of the United Kingdom but they are under its sovereignty. However, these two territories fall into the two slightly distinct categories related to that status, where Isle of Man is treated as British crown dependency and Cayman Islands is grouped among the British overseas territories. The distinction between them is that unlike British overseas territories the government of the UK has no legal duty or responsibility with respect to the administration or running the crown dependencies except where agreed by international treaty¹⁶⁷. Although the interest of this work is on the discussion on the legal processes of conducting maritime affairs within these territories, but it worth firstly to describe their political and legal structures as they are directly reflected with

¹⁶⁶ All of this data were obtained at the Office of the Registrar of Ships in Zanzibar during the author's visit in January until March 2009.

¹⁶⁷ See Allastair Sutton, *the evolving legal status of the Crown Dependencies under UK, European and International Law*, a paper which originally presented by the author at the Lauterpacht Centre of International Law at the University of Cambridge on 25th April 2008, available from https://www.whitecase.com/files/Publication/d671f858-9f2a-4ff0-8d56-077c3e409691/Presentation/PublicationAttachment/3794d5c4-5fea-42a1-81d2-0a5c05e397b2/memo_legalstatus_sutton.pdf visited on 2nd April 2009.

the administration of different matters including maritime one. Starting with the Isle of Man it can be described as follows-

3.4.2 Isle of Man as a British Crown Dependency

Geographically, Isle of Man is an Island located in the Irish Sea, between Great Britain and Ireland. It lies between 54 15 North and 4 30 West. It has got the total land area of 572 sq km and for the maritime area it claims territorial sea of 12 nm and exclusive economic zone (EEZ) of 12 nm¹⁶⁸.

As British crown dependency it means that Isle of Man although it has got its own form of self-administration, but its sovereignty is under the United Kingdom, which is constitutionally, responsible for the Island's defence and international relation matters. The Lieutenant Governor, who is appointed by The Queen and who has delegated power to grant Royal Assent to legislation dealing with domestic matters, represents the Crown. The government of Isle of Man or Manx government which is headed by the Chief Minister with the council of ministers is of Parliamentary democracy. Its legislative branch consists of two branches; the Legislative Council (11 seats mostly chosen by the House of Keys) and the House of Keys (24 elected members). The Crown, acting through the Privy Council, is the ultimate authority, with the Secretary of State for Justice and Lord Chancellor having prime responsibility as Privy Counselor for Manx affairs¹⁶⁹. Judicially it has got the High Court of Justice where justices are appointed by the Lord Chancellor of England on the nomination of the lieutenant governor. Its legal system is based on the laws of the UK, where applicable, and Manx Statutes.

¹⁶⁸ See Isle of Man Country's profile at the CIA official website electronically available from <https://www.cia.gov/library/publications/the-world-factbook/geos/im.html> visited on 27th March 2009.

¹⁶⁹ See the official website of the British Monarchy about Queen and Crown Dependencies, Isle of Man electronically available from; <http://www.royal.gov.uk/MonarchUK/QueenandCrowndependencies/IsleofMan.aspx> visited on 20th March 2009.

3.4.3 Cayman Islands as British Overseas Territory

Cayman Islands is the composition of three Islands namely Grand Cayman, Cayman Brac and Little Cayman located in the Caribbean Sea, 240 km south of Cuba and 268 northwest of Jamaica. They lie between 19 30 North, 80 30 West having the land area 262 sq km and claims territorial sea of 12 nm and exclusive economic zone (EEZ) of 200 nm¹⁷⁰.

Like any other British overseas territories, Cayman Islands has got its own elected government, however, the United Kingdom is responsible for the foreign affairs and defence related matters. The Crown in the Cayman Islands is represented by a governor appointed by Her Majesty, The Queen who is the Head of State¹⁷¹. It also has got a parliamentary democracy form of government with judicial branch comprised of Summary Court (including the Youth Court), the Grand Court and the Court of Appeal. In the Executive Branch after the governor there is a leader of government business appointed by the governor from the leader of the majority party or coalition following the legislative elections. At the same branch there is also an executive council or cabinet composed of three members appointed by the governor and four members elected by the Legislative Assembly, which represents the legislative branch, and it is composed of 15 elected members who represent the Islands' 6 districts¹⁷². The Legal system of the Cayman Islands is based on British common law and local statutes.

3.4.4 The State of Maritime Legislations and Administration of Maritime Affairs in Isle

¹⁷⁰ See Cayman Islands country profile at the CIA official available electronically from <https://www.cia.gov/library/publications/the-world-factbook/geos/cj.html> visited on 27th March 2009.

¹⁷¹ See the official website of the British Monarchy about the Queen and overseas territories electronically available from; <http://www.royal.gov.uk/MonarchUK/Queen%20and%20overseas%20territories/Queen%20and%20overseas%20territories.aspx> visited on 20th March 2009.

¹⁷² See the official website of the Government of Cayman Islands about the government electronically available from; http://www.gov.ky/portal/page?_pageid=1142,1481287&_dad=portal&_schema=PORTAL visited on 20th March 2009.

of Man and Cayman Islands

The United Kingdom government has the sole responsibility to deal with the defence and international relations matters in all of its dependencies and overseas territories. That means other domestic matters, which include maritime affairs, fall within the ambit of the elected governments of these territories; however, they are not by themselves member of the IMO and they have no ability to be signatories of the relevant international conventions. As this is an international issue, the relevant conventions signed by the UK government extend to these territories and they were given effect through the territories own legislations or adaptation of relevant English legislations.

In respect of the Isle of Man, the department of Trade and Industry is the one, which is responsible for the implementation of the Island Maritime policy. Under this department there is Isle of Man Ship Registry, which is purposely-designated authority to carry out directly those functions related to the registration and regulation of International Shipping¹⁷³. This authority has been established in 1984 by the name of “Marine Administration” which changed later in 2006 to the present one as “Isle of Man Ship Registry”. The reason for such change of name was said that in order to provide greater clarity of message because that new name describes exactly what the organization does¹⁷⁴. This authority has responsibility for operating the Isle of Man Shipping Register and ensures that ships comply with the highest standards and are in accordance with the requirements of international conventions and national regulations. The main maritime legislation in these islands is the Merchant Shipping Act, 1995 but the registration of

¹⁷³ See the official website of the Isle of Man Government about Isle of Man Ship Registry electronically available from <http://www.gov.im/dti/shipregistry/> visited on 17th March 2009.

¹⁷⁴ See the official website of the Isle of Man Government about “Isle of Man Marine Administration to change name” electronically available from; <http://www.gov.im/lib/news/dti/shipregistry/isleofmanmarinea.xml> visited on 17th March 2009.

ships is regulated by the Isle of Man's Merchant Shipping Registration Act 1991¹⁷⁵.

In the Cayman Islands, the administration of maritime affairs was previously under the Cayman Islands Shipping Registry (CISR), which was established in 1903 when George Town (the capital city of Cayman Islands) was formally recognized as British Port of Registry. Currently they have formed the Maritime Authority of the Cayman Islands (MACI) under the Maritime Authority of the Cayman Islands Law (2005) which came into effect on 1 July 2005. The Cayman Islands Shipping Registry (CISR) now becomes a division of MACI, which reports to the cabinet of the Cayman Islands through the Ministry of Finance and Economics. In general MACI performs on behalf of the government of the Cayman Islands different responsibilities and offers the variety of services, which are normally carried out by any maritime administration. Such responsibilities including vessels and mortgage registration, advisory and marine survey and the overall responsibility for implementing marine pollution prevention, maritime safety and security, seafarers' welfare obligations under International Conventions and Codes and under Cayman legislation for Cayman-flagged vessels wherever they may be and foreign vessels when they are in Cayman waters. Other services offered by it are ships registration, surveys, inspections and certification, crew compliance, vessel construction supervision and maritime consultancy. Their primary maritime legislations are the Merchant Shipping Law (2008 Revision), the Merchant Shipping (Marine Pollution) Law, 2001 and the Maritime Authority Law (2008 Revision)¹⁷⁶.

¹⁷⁵ See the official website of the Government of Isle of Man about Isle of Man Ship Registry: Legislation, Notices and Circulars electronically available from; <http://www.gov.im/dti/shipregistry/search.xml> visited on 17th March 2009.

¹⁷⁶ See the website of the Maritime Administration of Cayman Islands (MACI) electronically available from; <http://www.cishipping.com/pls/portal/url/page/srghome/aboutus> visited on 17th March 2009.

Generally, apart from the presence of self-administrative bodies, both of these territories are members of the Red Ensign Group Registration (REG) where the United Kingdom Secretary of State for Transport has general superintendence on all matters relating to shipping and seamen within these territories¹⁷⁷. This UK department has delegates its authority to the UK Maritime Administration known as Maritime & Coastguard Agency (MCA), which also has got the responsibility to ensure that all REG Registers maintain the highest international maritime standards in accordance with their obligations under the Conventions and in accordance with UK maritime policy. This Agency in the execution of its duty conducts routine monitoring visits to each REG Register and also organizes an annual conference of all the REG Registers. Above all, it represents the interests of each in international meetings such as at the IMO or ILO. Together with the UK itself, other members of the REG Registers include also other UK Crown dependencies such as Guernsey and Jersey and overseas territories such as Anguilla, Bermuda, British Virgin Islands, Falkland Islands, Gibraltar, Montserrat, St Helena and the Turks and Caicos islands¹⁷⁸.

The UK Merchant Shipping Act, 1995 provides for British possessions to be categorized according to the tonnage, size and type of vessel, which can be registered¹⁷⁹. Therefore REG Registers have been categorized under the UK Merchant Shipping (Categorisation of Registers of Relevant British Possessions) Order 2003 accordingly. Such categorization has put the two territories illustrated in this work into Category 1 Registers, which also include Bermuda, Gibraltar and British Virgin Islands. Other members are in the Category 2 Registers. Category 1 administrations may register ships of unlimited tonnage, type and length while Category 2 administrations may

¹⁷⁷ See the official website the Red Ensign Group electronically available from; http://www.redensigngroup.org/about_us.htm visited on 20th March 2009.

¹⁷⁸ See the MCA official website electronically available from; <http://www.mcga.gov.uk/c4mca/mcga07-home> visited on 20th March 2009.

¹⁷⁹ See section 18 of the UK Merchant Shipping Act, 1995 electronically available from ; http://www.opsi.gov.uk/ACTS/acts1995/ukpga_19950021_en_3 visited on 20th March 2009.

register ships of up to 150 gross tons (GRT) and pleasure vessels which are not operated commercially of up to 400 GRT.¹⁸⁰

Any vessel registered in the Crown Dependency or UK Overseas Territory, is considered as a “British ship” like those registered in the UK, and is entitled to fly the Red Ensign flag with all British support including consular services throughout the world, although it is under the separate jurisdiction of the individual territory’s maritime administration¹⁸¹.

¹⁸⁰ See UK Statutory Instrument 2008 no. 1243, The Merchant Shipping (Categorization of Registries of Relevant British Possessions) (Amendment) Order 2008 electronically available from; http://www.opsi.gov.uk/si/si2008/pdf/uksi_20081243_en.pdf visited on 21st March 2009.

¹⁸¹ See section 1 and 2 of the UK Merchant Shipping Act, 1995electronically available from http://www.opsi.gov.uk/ACTS/acts1995/ukpga_19950021_en_2 and the document about the Red Ensign Group Registration available from; <http://www.nihamarine.com/RED%20ENSIGN%20GROUP.pdf> visited on 20th March 2009.

4 Analysis of the Comparative Features and the overall Comments

It has been shown in the previous chapter, the political and legal structures of Zanzibar and of the two territories which are under the sovereignty of the British Crown i.e. Isle of Man and Cayman Islands. The author has also attempted to show how these structures affect the maritime legislations and the modes of the administration of maritime affairs within these two separate jurisdictions.

From that discussion, it has been observed that both jurisdictions seem to have nearly the same political and legal structures, which could be the first feature in comparison between them. Both jurisdictions were found within the islands which have no sovereign powers and use the same legal system i.e. English common law, in regulating different matters within their administrations including the maritime ones. Therefore both of them follow the English maritime law where Zanzibar has inherited it from its former British colonial government and those territories under the sovereignty of British Crown use this system because of their status as they are not independent and they are under the UK either as crown dependencies or overseas territories.

Another observance shows that both jurisdictions despite their lack of sovereignty and being under other governments, constitutionally they have got the ability to form their own elected governments which have the mandate to deal with many domestic matters and left international and security matters to the holders of their sovereignty. Such a feature has legally enabled them to deal with maritime matters on their own and enacting their own maritime legislations through their legislative organs. They also create their own authorities for the administration of maritime matters. This has justified to certain extent the first issue within this work in

showing the possibility of forming two different maritime administrations within one sovereign state.

Regarding the registration and flagging of ships it has been observed in both jurisdictions, that all ships, which were registered there and the others, which were registered in their sovereign governments have to fly the same flags. For instance in case of Zanzibar Registry, however, the ships which were registered there are known as Tanzania Zanzibar ships¹⁸² while those registered in Tanzania Mainland Registry are known as Tanzania ships¹⁸³, both of them have to fly the same flag of the United Republic of Tanzania¹⁸⁴. In comparing with the territories which are under the sovereignty of British Crown, the ships registered in the British overseas territories and crown dependencies and those registered in UK ports were both recognized under the UK Merchant Shipping Act as “British ships”. However, it should be noted that, only ships registered in the UK ports are United Kingdom ships but both of them are entitled to fly the same red ensign flag¹⁸⁵.

Since maritime matters involve the international obligations of all states to follow the international standards embodied in the international conventions, codes and regulations, the means for the compliance of these instruments by these two jurisdictions could be another issue to compare between them. Firstly, it has been understood that both jurisdictions are not by themselves members of the international organizations such as IMO since they are not sovereign states. Their interests are represented within these institutions by their sovereign governments which also sign on their behalf, the international conventions such as UNCLOS, MARPOL etc. The duties for the implementation of them automatically extend to these jurisdictions. In case of Zanzibar it is the government of the United Republic of Tanzania which signs these conventions and delegates certain

¹⁸² Section 8 (1) (2), the Zanzibar Maritime Transport Act, 2006.

¹⁸³ Section 12, the Tanzania Merchant Shipping Act, 2003.

¹⁸⁴ Section 60, Zanzibar Maritime Transport Act, 2006 and section 83, Tanzania Merchant Shipping Act, 2003.

¹⁸⁵ *Supra*, footnote 181.

duties to be carried out by the Zanzibar Maritime Authority. For the Isle of Man, Cayman Islands and other territories which are under the sovereignty of British Crown it is the UK government which does the same.

Apart from those similarities as explained above, there are also certain differences in the modes of administration of maritime affairs within these two jurisdictions. For instance regarding procedures for ships registration, it has been observed some differences in the names of registered ships within these jurisdictions and also even the type of registries in respect of the open and closed registries. In Zanzibar, according to the Zanzibar Maritime Transport Act, 2006 there is the establishment of Zanzibar Registry composed of two registers for operating ships registration in the islands i.e. Tanzania Zanzibar International Register of Shipping, for ocean going ships and Tanzania Zanzibar Register of Shipping, for coastal ships. The ships registered under the Zanzibar maritime legislation are known as Tanzania Zanzibar ships¹⁸⁶. In this case, the Zanzibar Registry appears to be different from Tanzania Registry, which operates ships registration in the other part of the union, Tanzania mainland. The Merchant Shipping Act, 2003 which is Tanzania mainland legislation, establishes another registry in Tanzania, which registers Tanzanian ships¹⁸⁷. These seem to be different with Tanzania Zanzibar ships. However, both of them are entitled to fly the same flag of the United Republic of Tanzania. It is said so because within these two legislations there are different qualifications for owning registered ships within one state. While in Zanzibar a Tanzania Zanzibar ship can be owned by bodies corporate incorporated in foreign countries and by foreign individuals¹⁸⁸, in Tanzania Mainland there is no such kind of qualification for owning Tanzanian ship¹⁸⁹. In this situation the Zanzibar Registry is obviously categorized as open registry while the Tanzania mainland Registry is closed one.

¹⁸⁶ *Supra* footnote 182.

¹⁸⁷ *Supra* footnote 183.

¹⁸⁸ Section 9 paragraph (d), Zanzibar Maritime Transport Act, 2006.

¹⁸⁹ See section 13, Tanzania Merchant Shipping Act, 2003.

The above situation is different from the procedures for ships registration in those territories, which are under the sovereignty of British Crown; including Isle of Man and Cayman Islands. According to the British Merchant Shipping Act, 1995 as shown above, all registered ships within the ports of these territories and those registered in UK are considered “British ships” and entitled to fly the red ensign British flag. There is also no complication in case of their types of registries since all of them are closed registries like the British Ships Registry¹⁹⁰.

Another different aspect is that the UK Maritime Administration which is known as the Maritime and Coastguard Agency (MCA) has also the duty to supervise other maritime administrations in the territories under the sovereignty of the UK. Such supervision is necessary for ensuring the maintenance of the highest international maritime standards in accordance with the international conventions and the UK maritime policy. MCA also helps in maintaining a good working environment between UK and its dependencies and overseas territories in regulating maritime safety and security¹⁹¹. In the United Republic of Tanzania, the Tanzania mainland maritime administration (SUMATRA) which corresponds with the MCA has neither legal mandate to supervise nor to interfere with the activities of the Zanzibar Maritime Authority (ZMA)¹⁹². However, in the Zanzibar Maritime Transport Act 2006, there is a specific provision which insists on maintaining good working relationship between these two maritime administrations¹⁹³. Even though, this provision seems to be not helpful since it is more general which doesn’t specify in which circumstances such good working relationship could be maintained.

From the similarities and differences in the administration of maritime affairs between Zanzibar and the territories under the sovereignty of the British Crown and in considering the immaturity of Zanzibar in regulating

¹⁹⁰ *Supra* footnote 181.

¹⁹¹ *Supra* footnote 178.

¹⁹² See the discussion on the position of Zanzibar in the union government as related to maritime affairs, pp 32-36.

¹⁹³ Section 6(3), Zanzibar Maritime Transport Act, 2006.

maritime activities, the sovereign state of the United Republic of Tanzania can get an important thing to copy from these territories. The purpose should be in improving the maritime safety and security in accordance with the international standards and avoiding any internal conflicts in regulating maritime affairs. At this juncture where IMO has accepted the request of the Union Government to dedicate its responsibilities to the Zanzibar Maritime Authority (ZMA) is a great step towards the development of maritime sector in Zanzibar. However, it is worried that if some of the differences between Zanzibar and mainland maritime legislations and their administrative bodies were not resolved, certain problems in the implementation will be observed later. The issue of one sovereign state to have two different maritime administrations couldn't be a problem but it is better for these authorities to be governed with the nearly same procedures as it has been observed in the territories under the sovereignty of British Crown. In a situation where one sovereign state registers vessels into two different registries with different procedures indicates the occurrence of complications in the whole procedures for ships registration in that flag state. Many of the maritime officers especially in Tanzania Mainland when they have been interviewed by this author, have shown their doubts in the efficiency of these two different registries where Zanzibar allows open registry while Tanzania mainland insists on closed one¹⁹⁴.

Therefore in order to avoid confusion, the URT government should harmonize the procedures for ships registration of Zanzibar and Tanzania Mainland. It is better for the Zanzibar registry to be made as a component part of Tanzania registry with the same type of registry either closed or open. Otherwise, the present two registries should be put into the same category of registry like in UK and its dominions.

The government should also consider the importance of giving SUMATRA, a legal mandate to supervise Zanzibar Maritime Authority (ZMA) like MCA does in the territories under the sovereignty of British Crown. This would

¹⁹⁴ Supra footnote 69.

probably help in maintaining good working environment between these two authorities and to enable the United Republic of Tanzania as one flag state, to implement in efficient manner all related IMO instruments in maintaining the highest international maritime standards.

All of the proposed solutions should be done carefully in considering the legal and political structures of both parts of the union so as to avoid any contradictions with their constitutions which may cause political conflicts.

5 Conclusion

In accordance with the objectives and observances of this work, maritime law and legislations have passed through different eras from the earliest time to the modern age. It started when the customs and practices of those involved in maritime trade were established as legal norms, followed with the codification of them into written expressions of law i.e. legislation. Among the great sources, which influence the development of maritime law and legislation, is the ancient Rhodian Sea Law, which also came to be recognized in Greek and Roman legal systems. The shifting of the centre of maritime law from the eastern and central Mediterranean to western and northern Europe has led to the evolution of other maritime codes such as *Consolato del Mare*, the Laws of Wisby and the *Rolls of Oleron*, which also had the contents of the Rhodian Sea law. These European maritime codes especially the *Rolls of Oleron* have great contribution to the Black Book of Admiralty which is the major source of the modern English maritime law which became inherited in different countries in the world. Most of them are former colonies of the UK, and in all territories which are under its sovereignty.

Zanzibar, which is a semi-autonomous country and part of the sovereign state of the United Republic of Tanzania, is the one among the UK former colonies, which its maritime law is mainly based on the English common law system. In their union relationship with Tanzania Mainland, which forms the United Republic of Tanzania, Zanzibar is constitutionally allowed to deal with all non-union matters including maritime law and maritime administration. This situation empowered Zanzibar to enact its own maritime legislations and formulate its own maritime administration different from the other one used in Tanzania Mainland. However, due to the international character of maritime matters where only sovereign states can be members of the world maritime governing body (IMO), Zanzibar as not sovereign state has to be represented by the Government of the United

Republic of Tanzania, which is officially recognized by IMO as its member. Nevertheless such representation remains in the international duty of the Union Government in signing and complying with the international maritime standards set through international conventions and other IMO documents. The government of the United Republic of Tanzania in considering the political and legal structure of Zanzibar sees the importance of delegating some of its international maritime obligations to Zanzibar which can be carried out through the Zanzibar maritime legislations and its maritime administration. IMO recognized such action only on satisfying that it can be constitutionally allowed and where the Union government remains directly responsible for those obligations as one member state. Since Zanzibar shares some common political and legal characteristics with other countries in the world, this work found those territories, which are under the sovereignty of the UK as suitable one for comparing with the modes of regulating maritime affairs. This is because like Zanzibar they are also not sovereign states but well advanced in regulating their maritime affairs under the supervision of the UK as a sole member of IMO.

From the comparative analysis made in this work, it can be concluded that in order to obtain efficiency in regulating maritime affairs in accordance with the international standards, the government of the United Republic of Tanzania should try to learn from the UK maritime relationship with its dominions. This is due to the availability of nearly similar political and legal features between them. Therefore the government of the United Republic of Tanzania should take positive steps toward rectifying all the differences observed in the Zanzibar and Tanzania mainland maritime legislations, which seem likely to cause unnecessary conflicts between their maritime administrations while both of them are internationally represented by one flag state. This would also help in avoiding any legal problems for those who want to invest in maritime sector in Zanzibar where her government has now started to make all efforts in promoting this sector towards the socio-economic development.

Appendix 1

Zanzibar and Pemba



Appendix 2

Year and Port No.	Official No.	Name and No. of Dhow	Circumstances by which title acquired by present owner	Name of Owner	Country of owner
1927/26	155397	“Chekanao” Z. 60	By sale on 17.3.39	Saleh bin Seif bin Mbarouk	Muscat
“/ 32	155403	“Meli” Z.583	By sale on 1. 6.34	Muhsin bin Ghalib	Hadhramout
“/ 63	155433	“Mustarihia”Z. 83	By Registration on 30.8.27	Ahmed Bin Mbarak Bin Urwa	-“-
“/ 78	155448	“El-Jeser”	By Registration on 27.9.27	Abeid Bin Mansour	-“-
1928/9	155479	“Wambileni” Z. 188	By sale on 21. 9. 39	Abeid Bin Mansour	-“-
1931/3	155515	“Alibhag” Z. 87	By sale on 8. 8. 34	Ahmed Bin Salum Ba-Abad	-“-
“/12	155524	“Kero” Z. 79	By Registration 23. 9. 31	Mohammed Abdulla Ghurnah	-“-
1935/1	155547	“Zaher” Z. 16	By Registration on 23.4.35	Abeid Bin Mansour	-“-
1938/2	155563	“Al Jafiee” Z. 40	By Registration on 16.5.38	Muhsin Bin Ghalib	-“-
“/4	155565	“Lanis” Z. 42	By Registration on 26.7.38	Abeid Bin Mansour	-“-
1939/2	155567	“Rupee” Z. 19	By Registration on 28.2.39	Mohamed Abdulla Ghurnah	-“-

Source: Zanzibar Department of Archives, Museums and Antiquities.

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