

## **Editorial**

**Alexander Makulilo, Ng'wanza Kamata & Oportuna Kweka**

On 26 April, 2014 the United Republic of Tanzania will mark the 50<sup>th</sup> anniversary of the Union between Tanganyika and Zanzibar. The anniversary coincides with the constitution making process which is expected to be completed in June 2014. Over this span of time, the Union has experienced successes and challenges. One of its major achievements is regarded as the maintenance of stability and peace in the country. Yet, there have been persistent debates on the nature and practices with regard to the Union to the extent of questioning its legitimacy and relevance. The main question surrounding the Union is the structure and its related list of Union matters. The Union structure is of two governments, i.e., the Union government and the government of Zanzibar. The Union government caters for both non-Union matters pertaining to Tanzania mainland (then Tanganyika which ceased to exist with the formation of the Union) and for the Union matters. On the other hand, the government of Zanzibar deals with all non-Union matters specific for Zanzibar. Likewise, the list of Union matters has increased from the initial eleven to twenty two items. While the disappearance of Tanganyika raises arguments and concerns for reclaiming it, the increase of Union matters has been considered as constraining Zanzibar's autonomy. Hence the salient struggles have been largely centred on autonomy claims as well as resource and power distribution between the two sides of the Union. In order to address the challenges of the Union, the Presidential Commission of 1991 recommended the adoption a federal structure of three governments, i.e., the government of Tanganyika, the government of Zanzibar, and the federal government. This recommendation, however, was not implemented. The debate re-emerged in 1993 in the Tanzania's National Assembly when 55 MPs (the G55) signed a motion demanding the restoration of the government of Tanganyika. The Assembly passed a resolution in favour of the motion. Interestingly, the resolution was later withdrawn after the intervention by the then retired President Julius Nyerere. In 1998 another Presidential Committee was formed and came up with a similar recommendation of a federal structure of three governments. Once again, the government rejected this recommendation. In 2013 the Presidential Commission on Constitutional Review also recommended a

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federal structure of three governments. At the moment, the debate has heightened – there are advocates in support of one government, two governments, three governments and even for the break-up of the Union. As the Union is passing through this testing moment, this special issue provides a platform for the critical engagement with the past, present and future of the Union.

This volume has eight articles and one book review. The first article by Mohammed Bakari and Alexander Makulilo revisits the confusion and clarity of the union over the past fifty years. The authors examine the extent to which the proposed Constitutional Draft of 2013 addresses the confusion that seems to be inherently embedded in the current structure of the Union. They argue that the current two-tier government structure as laid down in the Articles of Union of 1964 inherently leads to confusion. Whereas the proposed three-tier government structure of the union may not be a panacea to problems of confusion, it may, with some refinement, be instrumental in addressing various dimensions of confusion and in generating clearly defined institutions and jurisdictions. The article by Ethan Sanders, using some of the primary sources explores the origin of the Union. Sanders investigates both internal and international factors within the context of the Cold-war politics which led to the formation of the Union. He notes that even though Americans were initially very pleased with the outcome of the Union hoping it would stem the spread of communism in the region – this was not a Western-initiated plan forced upon East African leaders. Indeed, the evidence shows that the Americans were largely in the dark and in fact very frustrated by their lack of influence on the situation.

Abdul Sheriff locates the past fifty years of the Union in the context of the ongoing constitution making process. He maintains that the past fifty years have been marked by ups and downs. Sheriff is of the view that the current constitution making process is a rare opportunity to address the critical challenges that have confronted the Union. Contrary to this expectation, he argues that the constitution making process has been controlled such that the proposed three-tier government structure is highly disputed by the ruling regime to the extent of threatening the entire process. On the other hand, John Jingu dwells on the discussion of which particular structure of the Union would be viable in order to address “*Kero za Muungano*” (i.e., Union problems). He examines advantages and disadvantages of different models on union formation. He finds that the proposed federal structure of the

Union is more likely to address some of the critical problems that have confronted the Union in the past fifty years.

The article by Bernadeta Killian examines the implications of the proposed three-tier government structure on the representation role by political parties. She argues that whereas the two-tier government structure has been able to promote peace and stability, it constrains political space and democracy. On the other hand, she notes that the three-tier government structure is more likely to widen political space thereby promoting participation and representation of diverse interests by political parties. However, she calls for safeguards to be put in place so as to compel political parties to cherish peace and stability. In contrast, Richard Mbunda examines the Zanzibar statehood question. He revisits the case of *S.M.Z v. Machano Khamis Ali and 17 Others in Zanzibar*, who were charged for treason under section 26 of the Penal Decree (cap.13) of Zanzibar so as to engage Issa Shivji's position on the same case that Zanzibar is a sovereign state. Mbunda holds that Zanzibar is not a sovereign state. Moreover, he is of the view that the proposed three-tier government structure, if adopted, is more likely going to weaken the Union.

The article by Japhace Poncian focuses on religion as a new force in the politics of the Union. Using some of the UAMSHO public lectures in Zanzibar and other evidence from literature, he asserts that religion plays a very significant role to unite Zanzibaris against the perceived injustices, immoralities and economic marginalisation that the Union has allegedly inflicted on Zanzibar. Poncian maintains that for the Union to survive the current challenges there is a need to open it up for public debate. The last article by Rasul Minja reviews the dominant literature on the Union especially two volumes by Professor Issa Shivji and REDET edited volume on the Union. He notes that there has been pragmatism and expediency which inform why positions by scholars and practitioners keep shifting. Minja holds that the argument of prohibitive costs of running a fully-fledged federation has incessantly been featuring in the Union debate without reliable data to substantiate such claims.

Lastly, Alexander Makulilo and Mohammed Bakari review the book titled "*A 100 Academics Search for Katiba Bora Tanzania*" edited by Ted Maliyamkono *et. al* (2014). They note that the book, though is titled "*Katiba Bora*", it is narrow in terms of its perspective, i.e., it limits itself to the structure of the Union. The main thrust of the book is that the three-tier government structure is

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prohibitively costly to run. Moreover, that structure is more likely to lead to the break-up of the Union. Hence, the volume recommends for maintaining the status quo, i.e., the union of two governments or establishment of one government union. To the contrary, Makulilo and Bakari note that there is no single piece of evidence with regard to costs of running the union as well as stability of the union that has been given by the authors in the volume. Hence, the imminent fear presented in the book is largely based on speculation and propaganda. Besides, the title "*A 100 Academics*", masks the reality since what is contained in the book simply comes from the eleven authors as opposed to the "*A 100 Academics*".