

BOOK REVIEW

Maliyamkono, T.L., H. Mason and B. Rutinwa (eds) *A 100 Academics Search for Katiba Bora Tanzania* (TEMA Publishers Company Ltd: Dar es Salaam, 2014).

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"A 100 Academics Search for Katiba Bora Tanzania" is an edited volume. Written just before the Constituent Assembly had begun its sessions in February 2014, one would have expected this volume to contribute immensely to the ongoing constitution making process and hence *"Katiba Bora."* The key issue that runs throughout this book is the structure of the Union between Tanganyika and Zanzibar which was formed on 26 April 1964. The volume attempts to answer the puzzle of which particular structure of the Union: one government, two-tier government or three-tier government structure is the most suitable for Tanzania. Most of its twelve chapters, explicitly or impliedly, suggest that Tanzania should either remain with the status quo, i.e., a union with two governments or adopt one government. The grounds for such choices are mainly two, that is, the proposed three-tier government structure by the Constitutional Review Commission (CRC) is more likely to lead to the break-up of the Union as well as the claim that such an arrangement is prohibitively expensive in terms of running its costs. On that basis, it is argued that two governments or one government union is less expensive and that either of such an arrangement ensures unity and political stability. Nevertheless, the authors in the volume have not been able to empirically substantiate the two claimed grounds. No study has ever been conducted to establish the concrete costs of running the current Union from 1964 to the present. Relatedly, no study to date has been able to project the costs of running a federation of three governments. In his chapter, Nehemiah

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Osoro, a renowned Professor of Economics at the University of Dar es Salaam argues:-

The immediate thing that comes to most people's minds is that a three government Union would be more costly to run than a two government one. However, the former may not be necessarily costly to run than the latter. The final outcome will depend on the Union's structure. For instance, if the Union government has a lean cabinet and bureaucracy, it may not be costly to run. The CRC is proposing such a cabinet for the federal government. If this is accepted and implemented, then a three government union may not be expensive (Osoro, 2014: 224-5).

We entirely agree with the observation made by Osoro. It would mean that it is possible to have one government which is more costly to run than two or three governments. The argument is that such costs depend on how a particular system is designed. Interestingly, Osoro seems to confuse himself when he states in his conclusion "In a nutshell, the current structure of the Union is economically better than the proposed one" (p. 234). This is evidently a self-defeating argument.

Similarly, the argument that three governments will lead to the break-up of the Union does not seem to have been anchored upon supporting theoretical or empirical grounding. As it stands, it is simply an assertion that one government is the most stable form of a union compared to the rest. It is not surprising that chapter eight and nine by Betram Mapunda and Robert Mabele, respectively, maintain that it is better to go for one government union. To them, three governments would be the worst for the Union. What these chapters overlook is the fundamental question: Which particular forces may sustain or lead to the break-up of a union? No author in this volume has managed to provide a clear answer. Instead, it seems to us that as the number of governments increases so does the weakness of the union leading to its break-up. Had this been true, the United States of America which has 51 states would have been the first nation to break into pieces long before any other union in the modern history. And, going by the same logic, the United Kingdom would have been one of the most stable unitary nations; but with the upcoming referendum for an independent nation-state of Scotland towards the end of this year, and secessionist forces at play in Northern Ireland, the future of the United Kingdom as a unitary state is highly uncertain. Interestingly, chapter ten by Khoti Kamanga fundamentally

deviates from the main thrust of the book and attempts to address the question posed above in a different way. He reviews a number of models of union governments and notes that each has its own advantages and disadvantages. Kamanga emphasises on fundamental issues of democracy and participation. Of all the scenarios he has surveyed, Kamanga thinks that a three-tier government structure may be viewed as the best of evils (p. 350). The issue of representation and participation is also discussed in chapter three by Bernadeta Killian who finds that a three-tier government structure has potentials of space for participation by the people through political parties unlike the two-tier government structure. However, she is of the view that safeguards must be put in place to ensure peace and stability of the nation endures. The point we want to emphasize here is that it is not proper to conclude that the mere increase in governments necessarily lead to instability and disintegration of the Union. In all the chapters in this volume we found no evidence in terms of empirical findings or theoretical justifications that may lead to such a conclusion.

This book is useful to the ongoing constitution making process. It provides some food for thought especially as far as the structure of the Union is concerned. However, it has a number of shortcomings: - Firstly, the title of the book is extremely misleading. While it suggests that the book deals with the entire constitution, the content ends up limiting itself to a single issue of the structure of the Union. Does it really mean "*katiba bora*" equals to the structure of the Union? More so, when its title reads: "*A 100 Academics*" without providing the list of such academics, it leaves a lot to be desired. We are quite aware, for example, that the academics from all public universities as well as their respective colleges, through their association submitted their position on a number of issues with regard to the proposed new constitution to the CRC. On that particular issue of the Union they proposed a three-tier government structure. Their reasoning was that they wanted to see clarity on the Union institutions and jurisdictions. Surprisingly, the book does not cite anywhere this important source of what would be an academic forum.

The second critical problem is the fact that the book though limiting its focus on the structure of the Union, it does not provide the historical context and evolution of the Union itself. This would have been an important aspect to locate the entire discussion. Chapter nine which would have been on a historical account does not serve that purpose. It is simply limited to only cultural issues in Zanzibar. For the readers who do not know about the Tanganyika-Zanzibar union, this book cannot educate them. Taking into

Search for "Katiba Bora Tanzania"

account that on 26 April 2014 Tanzania will be celebrating 50 years since the Union was formed in 1964, it was indeed necessary that the book provides a historical account of the Union.

The third problem is that the general framework of what would have constituted "*Katiba Bora*" is not provided. Chapter one which focuses on an "ideal constitution for Tanzania" by Ted Maliyamkono was supposed to address this issue. In the absence of a framework on "*Katiba Bora*" the rest of the chapters seem to be hanging. However, the issue of concern in this chapter is only "the structure of the Union." If this means "*Katiba Bora*" to the editors, then we have to say that the book has been well coordinated. This is so because the rest of the chapters focus on nothing else than the structure of the Union.

The fourth apparent problem is that none of the authors comes from Zanzibar. This might be a critical problem since the volume lacks the experience and perceptions of Zanzibaris themselves towards the Union. One may wonder, was that by default or by design? We know that the Constitutional Review Act, Cap. 83 R.E 2012 provides for the participation of citizens from Tanzania Mainland and Zanzibar. To be sure the CRC had 50% proportionality of members from both sides of the union. Likewise, the composition of the Constituent Assembly considered the inclusion of members from Tanzania Mainland and Zanzibar. Again, the referendum results will be decided based on equal proportionality of valid votes from both sides of the union. Moreover, statistical data from the CRC show that the majority respondents (61%) from Tanzania Mainland who gave their opinion on the structure of the union opined that they would want a three-tier government structure while 60% of respondents from Zanzibar wanted a treaty based union. The other development in Zanzibar was the 10th Constitutional amendments of 2010 which went as far as to declare that Zanzibar is a country with its own boundaries, the act which seems to contradict the Constitution of the United Republic of Tanzania 1977. We are convinced that contribution from Zanzibar would have added a new perspective to this volume. Instead, positions like two-tier government structure of the union and one government structure remain the dominant perspectives in the book.

The fifth problem is that "*A 100 Academics Search for Katiba Bora*" would suggest that this book is a product of proceedings from a conference. This is actually what it should be. However, the book was published before the

conference. It was actually launched during the conference that was held between 17 and 18 February 2014. This implies that what is contained in the book does not come from "*A 100 Academics*", but simply from eleven authors in the volume. Hence, for readers, it should be understood that the views expressed in each chapter were simply authors' own views and do not belong to "*A 100 Academics*" as such. "*A 100 Academics*" in the title is simply an invocation of collective academic authority which in reality does not exist in this case.

Sixthly, the book was not properly copyedited. It has many typographical and formatting errors, and referencing errors suggesting that it was produced in a hurry. The problem is very critical especially with regard to the bibliography of almost each chapter. For example, in chapter five some works have used surnames and initials while others have used full names for both. This same problem cuts across the entire volume. Yet, some works like Crowards, (200a) on page 170 present other problems. One is that the year is cited as "200." Second is that it has an "a" meaning that the same author has two publications in the same year. This would mean that a "b" should be put for the other publication. Surprisingly, the bibliography on page 170 does not seem to suggest that the two works by the same author were used.

Despite the above shortcomings, this book may be useful to stimulate debates and discussions on the structure of the Union between Tanganyika and Zanzibar. It may be interesting particularly to students of politics and law, and practitioners such as politicians and government functionaries.