

Maritime Legislation in The United Republic of Tanzania: A Comparative Analysis Between Merchant Shipping Act, 2003 & Maritime Transport Act, 2006

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Abstract

This paper provides a comparative analysis of Tanzania's maritime legislation, focusing on the Merchant Shipping Act of 2003 and the Maritime Transport Act of 2006. Both Acts represent key legislative instruments regulating maritime activities in the United Republic of Tanzania, including merchant shipping, maritime safety and transportation. The paper aims to provide a comparative analysis of these Acts by examining their historical context, scope of application, definitions, Ship Registration and Regulatory Authorities. A comparative research design was used in this Study. Stratified random sampling and Purposive sampling techniques were used in the process of selecting suitable respondents. Primary data were collected from MSA, 2003 and MTA, 2006 where secondary data was gathered through questionnaires and interviews. Data analysis also involved legal data analysis techniques by using Respective Acts (MSA, 2003 and MTA, 2006). The paper identifies the areas of inconsistencies between the two Acts and the challenges on application of dual maritime legislation in the United Republic of Tanzania. Recommendations for legal reforms to harmonize and modernize Tanzania's maritime laws are provided in this paper. This is for having in place standardized and more consistent frameworks, as well as ensuring the dual maritime legislation system in Tanzania remains relevant and in compliance with international rules and standards.

Key Words: Merchant Shipping Act of 2003, Maritime Transport Act of 2006, Dual Maritime Legislation.

1.0 Introduction

Maritime industry plays a significant role in Tanzania's economy, supporting trade and transportation. However, Maritime legislation is vital in regulating activities within territorial waters, securing safety and order in maritime transport and shipping activities. Therefore, a robust legal framework is essential for ensuring the safety, security and sustainability of this sector.

In Tanzania, the Merchant Shipping Act, 2003 and the Maritime Transport Act, 2006 are two major statutes governing maritime industry, both were enacted in response to the need for updated regulations to align with international maritime conventions, ensure safety at sea and promote efficient maritime trade. The Merchant Shipping Act of 2003 is designed to apply in the United Republic of Tanzania¹ while the Maritime Transport Act of 2006 is designed to apply in Tanzania Zanzibar². Thus, the existence of dual laws governing maritime affairs within the United Republic of Tanzania (URT) has been holding back the proper implementation of its obligations as International Maritime Organization IMO Member State.

Among other things, there are two Maritime Authorities operating within the United Republic of Tanzania (URT) Tanzania Shipping Agency Corporation (TASAC) established under the Tanzania Shipping Agencies Act, 2017³ and Zanzibar Maritime Authority (ZMA) established under the Zanzibar Maritime Authority Act, 2009⁴. Both maritime authorities operate independently without any clear statutory provision to connect one with the other. Hence, each administration exercise control on ships without interaction as each body is independent of the other and can do whatever mandated to do without seeking approval from the other. Although, the maritime legislation is crucial towards the development of maritime sector in Tanzania, the question of effectiveness and efficiency of the URT in complying with international maritime responsibilities whilst implementing dual legislation with some contradicting provisions. Therefore, this paper looks at the history of the dual legislation in URT, examine the application of the two legislation, discuss some areas of inconsistency and recommend on best practice to deal with dual legislation without compromise to maritime safety and international trade.

2.0 The History of Maritime Legislation in the United Republic of Tanzania

The United Republic of Tanzania is a sovereign state that was founded by the Union of two independent states, Tanganyika and Zanzibar. Before the Union, Zanzibar was recognized as the People's Republic of Zanzibar and Tanganyika was recognized as the Republic of Tanganyika. The Union of Tanganyika and Zanzibar took place in 1964 after the Tanganyika's independence in 1961 and Zanzibar's independence in 1963.

The Union led to the establishment of the supreme law of the country that is the Constitution of the United Republic of Tanzania of 1977, which subjected to revision. The revised edition of the Constitution of the United Republic of Tanzania incorporates and consolidates all amendments made therein by the Constituent Assembly in 1977 up to the 14th Amendments of 2005. The Constitution of the United Republic of Tanzania, provides the structure of the Union as having two organs vested with executive powers, two organs vested with judicial powers and two organs vested with legislative and supervisory powers. These organs are the Government of the United Republic and the Revolutionary Government of Zanzibar, the Judiciary of the United Republic together with the Judiciary of the Revolutionary Government of Zanzibar and the Parliament of the United Republic of Tanzania and the House of Representatives of Zanzibar respectively.⁵

¹ The Merchant Shipping Act of 2003, Section 3

² The Maritime Transport Act of 2006, Section 3

³ The Tanzania Shipping Agencies Act of 2017, Section 4

⁴ The Zanzibar Maritime Authority Act of 2009, Section 3

⁵ The Constitution of the United Republic of Tanzania 1977 as amended, article 4 (1) (2)

Furthermore, the Constitution of the United Republic of Tanzania prescribe that, for the purposes of the efficient conduct of public affairs in the United Republic, and for the allocation of powers among the organs specified in Article 4 (2), there shall be Union matters and non-Union matters. Union Matters are listed under the First schedule of the Constitution of the United Republic of Tanzania 1977 as amended, where all matters not listed under this schedule are considered non-Union matters. Since Maritime Affairs does not appear in the list of the Union matters, hence considered as non-Union matter.⁶

Since maritime issues considered as non-Union matters, it is practical that, Tanzania Zanzibar is at Liberty to regulate maritime affairs under a separate Maritime Administration. It is worthy to note that during the preparations of the Merchant Shipping Act, 2003 it was intended the Act to be applied in the United Republic of Tanzania. However, due to some contradicting decisions especially regarding the establishment of maritime authority, Tanzania Zanzibar thought it best to enact its own maritime legislation to embrace to interests that seemed to be overlooked in the MSA, 2003. Therefore, as a matter of practice, the Maritime Transport Act of 2006 was enacted to guide maritime matters in Tanzania Zanzibar

3.0 Major Maritime Legislation in the United Republic of Tanzania

The United Republic of Tanzania as a member state of the International Maritime Organization has its obligations. In that regard, all maritime issues that need international attention, including adoption, ratification, accession, or denunciation of IMO Instruments, are practically dealt with at the Union level. However, in domestication and implementation of such international instruments, the United Republic of Tanzania has its own legal procedure while Tanzania Zanzibar may apply its own procedure in its legal framework.

According to the Constitution of the United Republic of Tanzania, international treaties are not applicable in the United Republic of Tanzania unless ratified by URT and made part of the laws of the country through a prescribed process. Therefore, the MSA, 2003 was enacted to implement a number of international maritime conventions that URT has ratified.

3.1 Overview of the Merchant Shipping Act (MSA) of 2003

The Tanzania Merchant Shipping Act of 2003 was enacted by the Parliament of the United Republic of Tanzania in November 12, 2003 and was assented by the President of the United Republic of Tanzania in March 22, 2004, then came into force on April 14, 2005.⁷ The Act repealed the Merchant Shipping Act of 1967 and the Inland Waters Transport Ordinance of 2002.⁸

The reasons for its enactment include repealing the two statutes namely the Merchant Shipping Act of 1967 and the Inland Water Transport Ordinance of 2002, to provide for registration and licensing of ships, to regulate proprietary interests in ships, and to regulate terms of engagement of seafarers and matters ancillary thereto. In addition, the act was enacted to provide for prevention of collision at sea, to provide for the safety of navigation and life at sea, to regulate ship load lines, to regulate the carriage of bulk and dangerous cargoes as well as to prevent unsafe ships.⁹

⁶ The Constitution of the United Republic of Tanzania 1977 as amended, article 4 (3)

⁷ Bendera, I.M.(2017). Admiralty and Maritime Law in Tanzania

⁸ The Merchant Shipping Act, 2003 Assent of the President Benjamin William Mkapa

⁹ The Merchant Shipping Act, 2003 Assent of the President Benjamin William Mkapa

Among other things, the Act also regulates the inland waterways, passenger ships, wrecks and salvage, the liability of shipowners and others, and inquiries and investigations into maritime casualties.

The Act is made of XXIV parts and a total of 434 sections. The Act provides that, it shall apply to all Tanzanian Ships and ships within Tanzanian waters.¹⁰ This means that, this Act shall apply even in Zanzibar as part of Tanzania waters.

3.2 Overview of the Maritime Transport Act (MTA) of 2006

After the Merchant Shipping Act of 2003 was established, the consent of the House of Representatives of Zanzibar was needed for the Act to be applicable in Tanzania Zanzibar. The House of Representatives of Zanzibar concluded that the MSA, 2003 would not be applicable in Zanzibar, thus the Ministry Responsible for maritime affairs was given an order to develop Maritime Legislation that will apply in Tanzania Zanzibar.

The Maritime Transport Act of 2006 was enacted and thus repealed the German Merchant Shipping Act of 1894. The House of Representatives of Zanzibar passed the Maritime Transport Act No.5 of 2006, which provide for the registration of ships, the safety and security of shipping, protection of marine environment as well as regulating maritime transport within Zanzibar waters.¹¹

The Act is made of XXVI parts and 492 sections. The Act applies in Tanzania Zanzibar and to Tanzania Zanzibar registered Ship.¹² creating misunderstanding concerning the Application of the Merchant Shipping Act, 2003 and the Maritime Transport Act, 2006 in Tanzania Zanzibar.

4.0 Inconsistencies in the Legislation

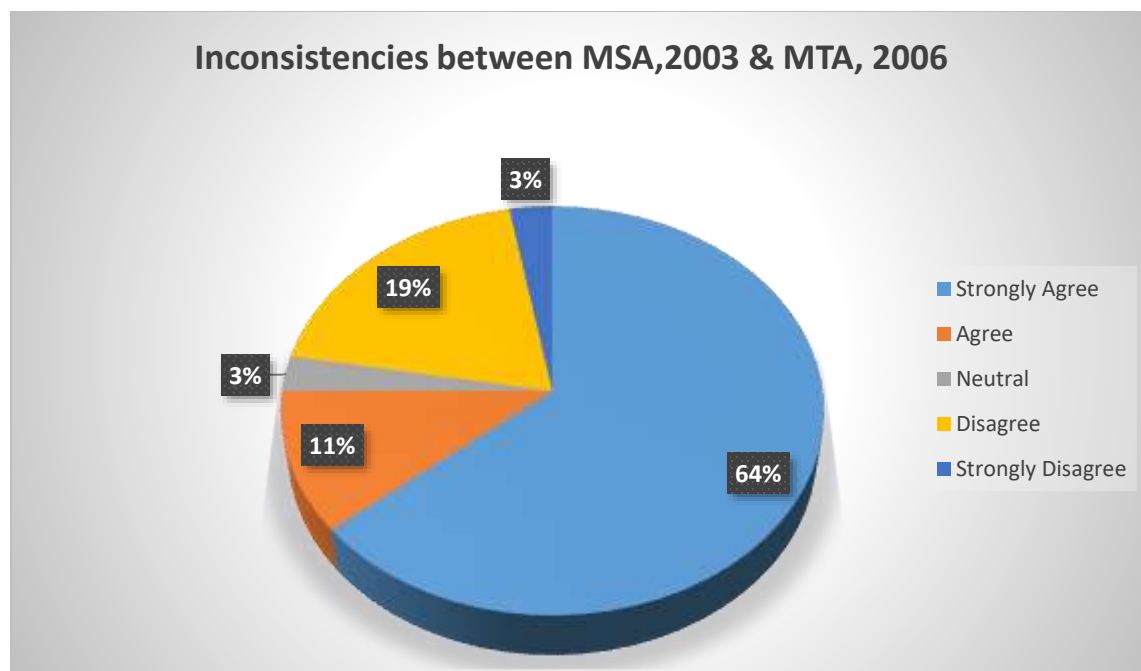
The analysis of maritime legislative frameworks made from comparison between the Merchant Shipping Act of 2003 and the Maritime Transport Act of 2006 revealed several inconsistencies that significantly affect the regulation and management of maritime activities. Despite of their shared goals of ensuring safe and sustainable maritime practices, the two Acts diverge in key areas such as ship registration system, scope of application, regulatory bodies and key definitions. These inconsistencies pose challenges to maritime governance and the potential implications for international maritime policy and practice.

Data was collected through questionnaires to explore respondents' views on whether there are inconsistencies between the Maritime Transport Act of 2006 and Merchant Shipping Act of 2003. The collected data was analyzed and findings are presented and discussed as shown below:

¹⁰ The Merchant Shipping Act, 2003 section 3

¹¹ Bendera,I.M.(2017). Admiralty and Maritime Law in Tanzania

¹² Maritime Transport Act, 2006 section 3



These findings highlight a critical issue that may hinder the effective regulation and development of maritime activities, as inconsistencies between the two laws can lead to confusion, legal disputes and inefficiencies in enforcement.

The presence of inconsistencies between the Merchant Shipping Act, 2003 and the Maritime Transport Act, 2006 could have several implications for maritime governance in Tanzania. For example, conflicting provisions may create challenges in the implementation and enforcement of regulations, as well as in the interpretation of legal rights and obligations.

4.1 Scope of Application

The scope of application for the Merchant Shipping Act of 2003 is provided under Section 3 of the Act, which stipulates that, the Act shall apply to; all Tanzanian Ships wherever they may be and to all other ships while in port or place in, or within the territorial sea, lakes, rivers and cause ways under the jurisdiction of the United Republic of Tanzania. In addition, the Act shall apply to regulation of shipping in inland water transport.¹³ However, the Act shall not apply to vessels of; the Tanzania Police; Tanzania People's Defence Forces; sea aircraft of the Tanzania People's Defence Force; any other ships belonging to or under the control of and in the service of the Government.¹⁴

The scope of application for the Maritime Transport Act of 2006 is also provided under Section 3 of the Act, which stipulates that, the Act shall apply to; all Tanzania Zanzibar registered ships wherever they may be and to all other ships while in any port in Zanzibar or a place within Zanzibar. In addition, the Act shall not apply to vessels and sea aircraft of the Tanzania Police Force, Tanzania Peoples Defense Forces, Kikosi Maalum cha Kuzuia Magendo, Foreign Navy and

¹³ Merchant Shipping Act, 2003 section 3

¹⁴ Merchant Shipping Act, 2003 section 3 (2)

any other ships or sea aircrafts belonging or under the control of the Government while employed otherwise than for profit or reward in the service of the Government.¹⁵

However, the Act shall not apply to; vessels of the Tanzania Police Force, Tanzania Peoples Defense Forces, Vessels of Kikosi Maalumu cha Kuzuia Magendo or Vessels of Foreign Navy; Sea aircraft of the Tanzania Police Force, Tanzania Peoples Defense Forces, Kikosi Maalumu cha Kuzuia Magendo, Foreign Navy; any other ships or sea aircrafts belonging to or under the control of the Government while employed otherwise than for profit or reward in the service of the Government.¹⁶

The Merchant Shipping Act of 2003 apply broadly to all Tanzanian waters which include Zanzibar waters, while the Maritime Transport Act of 2006 is specific to Zanzibar' waters. The situation on the ground creates a legislation overlap as the Merchant Shipping Act of 2003 apply to the whole United Republic of Tanzania, which includes Zanzibar. Legislation overlap considered to hinder the effective implementation of the law and create misunderstandings that could lead to the denial of rights and responsibilities. It is essential that, each law to clearly define its boundaries without interfering with the boundaries of other laws, this is to enhance effective implementation of the laws as it will clear the legislation overlap.

On the side of to which Vessels the Acts shall not apply to, there are some provisions that are found within the Maritime Transport Act of 2006 which are not clearly stipulated under Merchant Shipping Act of 2003. The Merchant Shipping Act of 2003 does not apply to only vessels of Tanzania Police and Tanzania People's Defence Forces, however the Maritime Transport Act 2006 is extended to Vessels of Foreign Navy and Kikosi Maalumu cha Kuzuia Magendo. Also, the Merchant Shipping Act of 2003 does not apply only to sea aircrafts of the Tanzania People's Defence Forces while the Maritime Transport Act of 2006 is extended to not apply to Sea aircraft of the Tanzania Police Force, Kikosi Maalumu cha Kuzuia Magendo and Foreign Navy. This considered creating Legislation overlap, which might lead to misunderstandings, as the two Acts are inconsistent, where a Foreign Navy vessel might be required to comply with the provisions of the Merchant Shipping Act while in Tanzania waters.

4.2 Maritime Governance

Tanzania Shipping Agencies Corporation (TASAC) is a Maritime Administration originating from Section 4 of the Merchant Shipping Act, 2003. It was established under section 4 of the Tanzania Shipping Agencies Act, No.14 of 2017. The objective of Tanzania Shipping Agencies Corporation is to enhance the benefits of Maritime Transport in Mainland Tanzania by promoting effective management and operations of Shipping Agencies, Ports, maintaining Cargo Safety and Security, promoting Maritime Safety and Security and maintaining Maritime Environment.¹⁷ It is worthy to note that, before the establishment of TASAC, the Surface and Marine Transport Regulatory Authority (SUMATRA) were performing the duties of the Maritime Administration.

On the other side, Zanzibar Maritime Authority (ZMA) finds its origin under section 5 of the Maritime Transport Act, 2006. Zanzibar Maritime Authority was established under section 3 of the Zanzibar Maritime Authority Act, No. 3 of 2009. The Authority charged with the responsibility to generally administer the implementation and enforcement of the Maritime Transport Act No. 5

¹⁵ The Maritime Transport Act, 2006 section 3

¹⁶ The Maritime Transport Act, 2006 section 3 (2)

¹⁷ The Tanzania Shipping Agencies Act, 2017 section 5

of 2006, by operating and promoting the Tanzania Zanzibar Register of Shipping (TZRS) and Tanzania Zanzibar International Register of Shipping (TZIRS). Additionally, to conduct Port State Control (PSC) of all foreign Ships, to assist in coordination of Maritime Search and Rescue (SAR) operations as well as setting maritime standards for Safety and Security of Ships registered in Zanzibar.¹⁸

The Tanzania Shipping Agency Corporation oversee the implementation of Merchant Shipping Act, 2003 and Zanzibar Maritime Authority oversee the implementation of Maritime Transport Act, 2006 under the umbrella of the Ministry of Transport of the United Republic of Tanzania and the Ministry of Infrastructure, Communication and Transport of Zanzibar respectively.

Both administrations seem to be working independent from each other. Although, there is a legal relationship between Tanzania Shipping Agency Corporation and Zanzibar Maritime Authority established under the Maritime Transport Act of 2006 on the basis of liaison. However, the liaison is one sided because there are no similar provisions found in the Merchant Shipping Act of 2003. The areas of liaison are stipulated under section 6 (3) of the Maritime Transport Act of 2006, which provides that, the Maritime Safety Administration established under this Act shall liaison with the Maritime Safety Administration established under Merchant Shipping Act 2003, for the proper enforcement and harmonization of standards of Zanzibar Tanzanian ships and ships registered under Merchant Shipping Act 2003 related to international conventions to which the United Republic of Tanzania is a party.¹⁹

Also, regulating coastal shipping, regulating safety and security of ships trading between Zanzibar ports and Tanzania mainland ports as well as regulating the ships registered under the Maritime Transport Act 2006 and the Merchant Shipping Act 2003 are among the areas considered for liaison.²⁰

4.3 Ship Registration

The Ship Registration for the Merchant Shipping Act of 2003 falls under Part IV of the Act titled as Registration and Licensing of Ship, which subdivided into nine parts (a), (b), (c), (d), (e), (f), (g), (h) and (o). Whereas, for the Maritime Transport Act of 2006 Ship Registration falls under Part III of the Act, titled Registration of Ships, which is made of 48 sections, starting from section 8 to 55.

The first main notable inconsistency in Registration of Ships between the two Acts is the Qualifications for owning a Tanzanian ship. Section 9 of the Maritime Transport Act of 2006 allows for open registry of ships, where even for Non- Tanzanian citizens can register and own Tanzanian flag flying ship, however qualifications for owning a Tanzanian ship which are provided under section 13 of the Merchant Shipping Act of 2003 does not allow open registry of ships.

In addition, the second inconsistency is having two different unrelated registered ships (Tanzanian Ship and Tanzania Zanzibar Registered Ships). Section 12 of the Merchant Shipping Act of 2003 provides that a ship shall be a Tanzanian ship if such ship is registered in Tanzania under Part IV of this Act. However, section 8 (2) of the Maritime Transport Act of 2006 provides that a ship

¹⁸ The Zanzibar Maritime Authority Act, 2009 section 5

¹⁹ The Maritime Transport Act, 2006 section 6 (3)

²⁰ The Maritime Transport Act, 2006 section 6 (3)

shall be a Tanzania Zanzibar ship if that ship is registered under Part III of this Act. Both the Acts provide different definition of Tanzanian Ship despite the fact that all ships whether registered under the Merchant Shipping Act of 2003 or the Maritime Transport Act of 2006 fly the same flag (Tanzania flag). This clearly shows that there is a need for harmonization of the two Acts so to have in place a more standardized regulatory environment in the United Republic of Tanzania.

So many countries have similar system of registration operating parallel registries with different conditions of registration (closed registry and open registry) and that do not hold a reason for a country to host substandard vessels. The maritime legislation of those countries has shown the existence of coordination between the registries by creating control authority on matters of compliance with international instruments. The open registries of those countries have strong conditions for allowing foreign companies to register their vessels contrary to what is being provided for the registration of Tanzania Zanzibar Ship in the Tanzania Zanzibar International Register where offshore agents allowed registering on behalf of the organization.²¹

4.4 Definitions

Definition of Ship based on Registry

Tanzanian Ship under the Merchant Shipping Act of 2003 defined as a ship registered or licensed under the provisions of this Act at a port in the United Republic of Tanzania.²² *Tanzania Zanzibar Registered Ship* under the Maritime Transport Act of 2006 defined as any ship registered under this Act.²³ Having two different unrelated registered ships, that is, the Tanzanian Ships under Merchant Shipping Act of 2003 and the Tanzania Zanzibar Ships under Maritime Transport Act of 2006 whereby all ships flying the Tanzanian flag. This implies that, despite the fact that Tanzania Zanzibar ships are flying the flag of the United Republic of Tanzania; the United Republic of Tanzania does not have Flag State Control (FSC) over that ship. This clearly shows that there is a need for harmonization of the two Acts so to have in place a more standardized control over both ships by both MARADs.

Definition of Court

The Merchant Shipping Act of 2003 defined a Court as the High Court of Tanzania or the Resident Magistrates' Courts. Whereas, the Maritime Transport Act of 2006 defined a Court as the High Court of Zanzibar. It is unlike the Merchant Shipping Act of 2003 in which both the High Court and Resident Magistrates' Court have jurisdiction to entertain maritime related matters, under the Maritime Transport Act of 2006 the term "Court" only means the High Court of Zanzibar. This implies that, in Tanzania Zanzibar only the High Court of Zanzibar has the jurisdiction over the maritime related matters.

Addressing these inconsistencies is therefore crucial to ensure a coherent and harmonized legal framework that supports the sustainable development and regulation of maritime activities in Tanzania.

²¹ Salum, M.M. (2017). Analysis of Ship Registration System in the United Republic of Tanzania

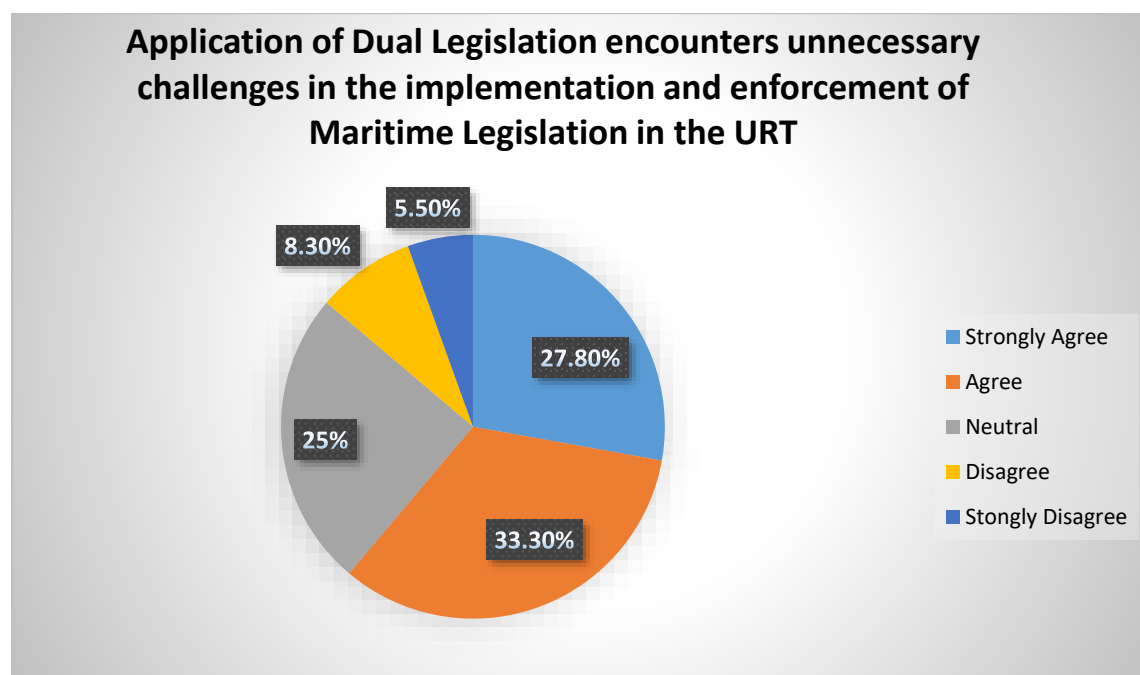
²² The Merchant Shipping Act, 2003 section 2

²³ The Maritime Transport Act, 2006 section 2

5.0 Challenges on Application of Dual Maritime Legislation in the United Republic of Tanzania

The application of dual maritime legislation in the United Republic of Tanzania presents significant challenges in ensuring the harmonization and consistent enforcement of laws governing maritime activities. Tanzania, with its Mainland and Zanzibar having distinct maritime legal systems, faces a complex legal landscape where different sets of laws applied within the same sovereign state. The Mainland Tanzania operate under the Merchant Shipping Act of 2003 while Tanzania Zanzibar operate under its own set of maritime laws that reflect its semi-autonomous status. This duality leads to conflicts in jurisdiction, discrepancies in legal interpretations and difficulties in enforcement.

Data collected through questionnaires to explore respondents' views on the challenges of application of dual legislation in the United Republic of Tanzania. The collected data analyzed and the findings were discussed and presented as below:



The high percentage of respondents who agree or strongly agree that, dual legislation presents challenges suggests that there are significant concerns regarding the effectiveness and efficiency of the current legislative framework. The neutral responses may indicate a lack of clear understanding or awareness of the specific challenges posed by dual legislation. On the other hand, the relatively low percentage of respondents who disagree or strongly disagree suggests that there is some recognition of the complexities and difficulties associated with dual legislation, even among those who do not view it as a significant problem. Overall, these findings underscore the need for a thorough review and potential reform of the legislative framework to address these challenges and ensure more effective implementation and enforcement of maritime legislation in Tanzania.

The challenges on application of dual maritime legislation in the United Republic of Tanzania includes:

- i. **Fraudulent Registration of Ships.** The United Republic of Tanzania has been amongst the Flag States affected by Fraudulent Registration since 2016. This is a result of a very minimal supervision of the Tanzania Mainland closed registry and Tanzania Zanzibar open registry. This resulted to a rapidly increased opportunity to fraudulent actors and open more loopholes for ways such as falsified issuing of documentation, fraudulent registry websites and increase number of illegal international companies, which purport to register ships and fly a Tanzania flag. On the side of Open Registry, the United Republic of Tanzania under Zanzibar Registry recognized and authorized some of Classification Societies as Recognized Organizations (ROs) to perform Flag State duties (Statutory Certification and Services) on behalf of Zanzibar Maritime Authority. However, according to the Code for Recognized Organizations (RO Code) in response to delegation of powers, it requires the Flag State to establish an oversight programme for monitoring and communication with its Recognized Organizations (ROs) in order to ensure that, the international obligations fully met.²⁴ Although, the Oversight of ROs is not fully implemented by the responsible Administration. The small tendency on supervision of Recognized Organizations has led to many Cases on forgery of Flag certificates as well as Class certificates. Therefore, low tendency of Recognized Organizations supervision by the Flag Administration resulted to fraudulent registration of ships under Tanzania Flag.
- ii. Furthermore, according to the existing legal framework, there is limited coordination between the two registries with some contradictions on the jurisdiction of application for the competency of registering and granting nationality to ships. Different conditions for registration of ships for the two registries resulted in the operation of parallel registries without a strong established coordinative legal framework, which in turn created a strong implication on the liability to ensure compliance with internationally agreed standards.²⁵

6.0 Conclusion & Recommendations

6.1 Conclusion

From the comparative analysis, it is concluded that, there are significant inconsistencies between the Merchant Shipping Act of 2003 and the Maritime Transport Act of 2006, as discussed in this paper. The inconsistencies includes overlapping provisions under the scope of application of the tow Acts which considered to hinder the effective implementation of the law and create misunderstandings that could lead to the denial of rights and responsibilities. In addition, there is no liaison provisions under Merchant Shipping Act of 2003 lead to the liaison provisions under Maritime Transport Act to be on sided. In addition, there is a difference between the qualifications for owning a Tanzanian Ship between the two Acts as well as having to unrelated registered ships. This highlights the urgent need for harmonization and clarity in the legislative framework. Addressing these inconsistencies is essential to ensure a coherent and harmonized legal framework that supports the sustainable development and regulation of maritime activities in the United Republic of Tanzania.

²⁴ Resolution MSC. 349 (92) Code for Recognized Organizations, Part 3, section 5.1

²⁵ Gamassa,P.K.(2021).Legal Protection of Marine Environment from Vessel-Source Oil Pollution

6.2 Recommendations

- i. It is recommended to conduct a comprehensive review of the Merchant Shipping Act of 2003 and the Maritime Transport Act of 2006 provisions so that to identify overlapping, conflicting or outdated provisions. Such a review should enable the two legislations to communicate and allow for a coordinated implementation.
- ii. The two Maritime Administrations (Tanzania Shipping Agencies Corporation and Zanzibar Maritime Authority) shall enter a Memorandum of Understanding under the provisions, which hinder effective implementation of the two Acts.
- iii. The responsible Administration shall level up the frequency of supervision to Recognized Organizations to combat the Fraudulent Registration matter under Tanzania Flag.

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