

The Dissolution of Dar Es Salaam City Council: Paradoxes to Local Governance in Tanzania

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Local government authorities were abolished in 1989 and Mackinsey's decentralized scheme were put in place in 1972. Tanzanians in general and Dar residents in particular, were never consulted as to what form of local government administration would best suit their needs. After the government got dissatisfied with the decentralization system, laws were passed establishing urban authorities including the DCC in 1978 and local authorities in 1982. DCC and other local authorities were, in essence, instituted without the consent of the local populace concerned. Whereas residents of respective authorities have not been appropriately empowered to control their local authorities, the central government has widespread powers of supervision and control but has never exercised them that thoroughly. Not only were the residents been denied the requisite powers which could lead to the successful performance of their local authorities (i.e. DCC), but the central government took it upon itself to do naught. This illustrates an enigma of disproportionate disempowerment of the constituency and overstated control by the central government.

Introduction

Dar es Salaam City Council (DCC), like most other urban authorities, was re-introduced in Tanzania in 1978 after the horrendous failure of the Mackinsey conceived decentralization program. The revival of these urban councils was partly for the purpose of enhancing local democracy and partly for the provision of local services which deteriorated in the years when local government authorities were abolished. Since its re-establishment, DCC, like other authorities (both urban and rural), however, has experienced a variety of obstacles. These problems can be categorized as both internal (those arising from within DCC itself) and external (those caused by factors outside DCC).

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As a result of the identified quandaries DCC, like other authorities, has not managed to provide services effectively as it was expected. The deficiency has caused all sorts of complaints from members of the public as well as from the central government which created these authorities. Consequently, the relationship between DCC and the public, on the one hand, and between DCC and the central government, on the other, has not been an easy one. Both the general public and the central government have demanded effective delivery of local services, demands DCC has not been able to fulfill.

Whereas both law and practice requires that Dar es Salaam residents, like their counterparts in other local government authorities in the country, participate in electing councilors, as their representatives, there are other limited avenues through which local residents can hold their representatives accountable for the failure of their local authorities. The central government, through its officials designated as proper officers and their assistants at different levels, on the other hand, is empowered to supervise and control the operations of local authorities including DCC. Central government supervision and control powers include the power to dissolve a council which has proved unable to perform functions imposed on it by the law. In June 1996 the minister responsible for local government administration, who incidentally is also the Prime Minister, dissolved the elected DCC and appointed a Commission to run its affairs instead. This paper briefly traces the background in which the dissolution of DCC came about and analyzes the paradoxes raised by it.

Background to DCC Dissolution

The dissolution of DCC might have come as a surprise to casual observers but it was not to students of local government administration in Tanzania (see Bukurura 1989 and 1992). Threats regarding potential dissolution of DCC were first made in June 1991 following acrimonious exchanges between the City Mayor and the Minister responsible for regional administration and local government.

It started with a press conference given by the Mayor and reported in the local press. In that report the Mayor attacked the central government for starving DCC by strangling it to death. It was alleged that the government had not disbursed all the budgeted subventions and that some officials were interfering with the enforcement of DCC regulations. Practically, it was alleged that the government was not doing enough to support DCC to perform its statutory functions. In effect the allegations suggested that the government had become a hindrance to DCC in its day to day activities.

In response to the Mayor's outbursts the Minister accused DCC of failure to deliver required services in the City and said that DCC received more than half of government subvention set aside for all local authorities in the country. The minister went on to say that unless DCC got its acts together and effectively performed its legal functions, including the provision of local services, he might be forced to resort to legal provisions and abolish it.

In January 1992, a Commission of Inquiry (Mulokozi Commission) was created in pursuant to section 72 of the Local Government (Urban Authorities) Act, no. 8 1982 to investigate the extent to which DCC had failed to perform its statutory functions (see Government Notice no. 12 of 31 January 1992). A report (Mulokozi Commission Report) was submitted to the Prime Minister on 10 April 1992. One of the measures recommended by the Commission of Inquiry was the immediate dissolution of DCC, and placing its leadership under a different management, as a short term solution so that the government could consider ways of making DCC more efficient.

It was not until 28 June 1996 that the Prime Minister (being the minister responsible with local government affairs) announced in Parliament that DCC had been dissolved (see Budget Speech and Government Notice no. 110 of 28 June 1996) and a Commission (Dar City Commission [DCOMM]) was organized to exercise all the functions previously exercised by it (Government Notice no. 111 of 28 June 1996).

In doing so the Prime Minister was exercising the power granted to him by section 76 of Act no. 8 of 1982. The section provides, among other things, as follows:

(1)... where the Minister is satisfied that any urban authority has failed to comply with any of the provisions of this Act or any other written law, or has conducted its affairs in a manner incompatible with any of the provisions of this Act or any other written law (whether or not such failure or such conduct amounts to default by the authority in the performance of any functions conferred or imposed upon the authority or under this Act or any other written law) he may, by order published in the Gazette, dissolve the authority, and may, by the same or a subsequent order, transfer to such person or body of persons as he may think fit all or any of the functions of the authority so dissolved.

(2) Any person or body of persons to whom any of the function of an urban authority have been transferred in respect of subsection (1) shall, when performing those functions and in respect of them, be deemed to be that authority for the purposes of this Act and when so acting shall have all the powers and immunities of that authority...

The Prime Minister also announced that DCC inadequacies had gone on for very long and that time has come for the government to relieve it of its functions, set

up new ways for efficient and effective administration and service provision to local residents. The Prime Minister's action was applauded by the general public as both timely and courageous. Notwithstanding the cheers, however, the move is not without complications.

Dar City Commission (DCOMM) and the Paradoxes

It was suggested earlier that the re-introduction of DCC and local authorities in Tanzania in general was meant to serve two twin objectives, namely public participation in the running of local affairs (the enhancement of local democracy) and the effective provision of services at the local level. One of the questions which arise here is: to what extent does the dissolution of DCC and the appointment of DCOMM proceed towards the realization of these objectives?

Reading through the relevant government notices (Government Notices 110 & 111 of 1996) it is apparent that more emphasis appears to be placed on the replacement of DCC with DCOMM for purposes of providing services which DCC failed to perform. There is little to suggest that public participation in the running of local affairs and democracy in general has been given adequate consideration. This can be partly discerned from the composition of the two Commissions in question.

With the exception of one nominee from the Chamber of Commerce, Industry and Agriculture and a representative of the private sector, the Commission of Inquiry was composed mainly of government bureaucrats and its affiliate (Umoja wa Wanawake Tanzania – the women wing of the ruling party). This implies that the views of the local community and civil society in general might not have been adequately considered.

The appointment of the Dar City Commission (DCOMM) to run the affairs of the City, on the other hand, appears to be heavily in favor of government bureaucrats. It is not easy to see how mechanisms devised by these two institutions could have facilitated local participation in the affairs of DCC.

Although the above view suggests that local democracy might have been disregarded, there appears to be a consensus amongst Dar City residents, however, that the dissolution of DCC was a very welcome move. One of the issues which arise here, therefore, is to what extent do Dar es Salaam City residents care about their elected Council? In other words, can it be suggested that there is a sense of lost opportunity amongst residents about the abolition of DCC and their participation in the management of Dar es Salaam local affairs?

Most Dar es Salaam residents seem to have been disillusioned by their representatives – the councilors – and frustrated with the performance of DCC in its provision of necessary services. Notwithstanding the fact that local government elections were only held in 1994, DCC, appears to have lost local legitimacy.

In order to understand why most Dar es Salaam residents are unsympathetic with the fate of their elected DCC, one needs to outline the basics of successful local governments and highlight the complications facing the legitimacy of DCC. These are best stated as the three Cs of local governance – meaning: *consent*, *cash* and *competency*.

Consent of the local population regarding the establishment of the local authority is an important and central part of democracy and legitimation. Residents of the respective area must indicate their willingness to have a local council established. In other words, it is the residents who decide whether they need a council, for what purposes and how they will support it.

In Tanzania, local government authorities were abolished in 1969 and Mackinsey's decentralization scheme put in place in 1972. Tanzanians in general, and Dar residents in particular, were never consulted as to what form of local government mechanism they thought suitable. When the government got dissatisfied with the decentralization system, laws were passed establishing urban authorities, including DCC, in 1978 and local authorities in 1982. DCC and other local authorities in Tanzania in general were, therefore, established without the consent of the local people and it is not an exaggeration to imply that the current local government system was imposed on them.

Cash stands for the local taxation and it is therefore about the local treasury. It is commonly argued that having given their consent to the establishment of the local authority, the local population will be expected to show their willingness to support their authority by paying the taxes imposed locally. Local residents know not only who has imposed the taxes but also why and where the taxes will be spent. This means that local taxes will not only be justified but also be legitimate. Local residents will have a feeling that it is their civic duty to pay taxes. The level at which local people pay taxes partly reflects the acceptability of the councils and that is part of democracy. A common saying goes thus "no taxation without representation."

With the imposed local authorities, including DCC, in Tanzania, it is no wonder that local people avoid paying taxes. DCC's inability to collect requisite taxes irrespective of the small sums charged and local peoples' resistance to pay local taxes has been raised among the problems facing DCC and other local authorities in Tanzania in general (see Lee 1965, Penner 1970, Gould and Mahwood 1985, Bukurura

1991, Mtatifikolo 1993, Semboja and Therkildsen 1992). In that respect it may not be surprising to learn that DCC councilors (who are the elected representatives of Dar es Salaam residents) were themselves involved in different kinds of fraud and misappropriation maneuvers (see Mulokozi Commission Report). This is not the conduct expected of genuine representatives of the people and accountable to local communities.

Competency regards the ability of the local community to provide staffing for their local authorities. If and when competent staff to run the local authority cannot be found from within the locality, the local authority must be willing and able to recruit beyond its boundaries.

We very often hear in Tanzania councilors complaining that they have no control over some of the senior council employees in whose employment they have not participated. Like the councils themselves, senior council employees are imposed on the Councils and their loyalty is more towards the Local Government Service Commission (which engages them, disciplines them and can transfer them to other councils as and when it so wishes) than the councils (which are, at least in name, the actual employers).

DCC, like other local authorities in Tanzania, is known to have complained of lack of powers to discipline certain categories of its employees, especially those in senior positions. In effect this argument means that some officials in DCC, and other local authorities, are imposed on the respective local government authorities. It came as no surprise, therefore, when DCC Mayor complained that his council had been turned into a dumping ground (*dampo*, in his own words) where officials unwanted by other local authorities were transferred to.

This lack of disciplinary control of some officials within DCC, and other local authorities, has manifested itself in conflicts reported between local councils, on the one hand, and their senior staff, on the other. Council appointment of and control over staff are supposed to be part and parcel of local democracy the absence of which has made local authorities look like mere government departments despite their independent existence under the law.

Also related to the questionable legitimacy of DCC in particular, and local authorities in general, is central government power of supervision and control of local authorities, including DCC. Tanzanian laws of local authorities make enormous and detailed provisions to that effect (see Mwaikusa 1985 and Kivugo 1987). When local authorities were re-introduced in Tanzania the central government gave itself these wide powers to enable it to see to it that the authorities, including DCC, were performing their statutory functions as required with the closest of supervision. It appears that this has not been the case, at least for DCC.

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Supervision and control powers, notwithstanding, Mulokozi Commission reports instances of intransigence on the part of both councilors and staff which they could not have gotten a way with if the central government had effectively exercised its supervision and control powers (see Mulokozi Commission Report). The central government, therefore, has either not been able to exercise fully its legal powers of supervision and control or it has left it for DCC and other local authorities to control and regulate themselves. In either case, the central government has a share of the blame in the failures demonstrated by DCC in particular and other local authorities in Tanzania in general.

One demonstration of central government failure in supervision of local authorities in general, and DCC in particular, is the time it took to implement Mulokozi Report recommendation (10 April 1992) and the actual dissolution of DCC (28 June 1996). Four years and two months is a very long time for the government to decide on what was seriously thought by the Commission of Inquiry to be one of the short term remedies for DCC's ills. The length of time it took the government to decide on the matter implies that either somebody somewhere was hesitant to dissolve DCC immediately as recommended by Mulokozi Report or that the recommendation was not acceptable all together.

Between 1992 and June 1996 several important events have taken place and things have changed in many ways. These include: a change from a one-party political system to multi-party democracy; local government elections held in 1994 in which some new councilors were elected and consequently a new Mayor for DCC inaugurated. The general election was held in October 1995 and a new President was elected and consequently a new Prime Minister appointed. These important occurrences partly explain the courage with which some Mulokozi Report recommendations are being implemented, the dissolution of DCC in particular.

This is not an appropriate occasion to examine what bearing these events will have to central government supervision and control of local authorities in general, and DCC in particular. However, students of local government in Tanzania will be keen to know what the relationship between the third phase government and its close kin – the local government authorities – will be.

The transition from one-party to multi-party democracy might not have been considered an appropriate time for the dissolution of DCC. The resiliency and authority of the former Mayor, and his alleged strong relationship with leaders of the second phase government, has been suggested among the factors which hindered the implementation of that recommendation as well. All that have now changed and the third phase government, the Prime Minister in particular, has been able to demonstrate its tenacity. The extent to which government courage, and the

implications arising from the delay, will be translated into the actual performance of DCOMM, may be too early to tell at this moment.

The above factors together partly illustrate the relationship between local government authorities in general and DCC in particular, with the central government, which created them. Whereas residents of respective authorities have not been appropriately empowered to control their local authorities, the central government has immense powers of supervision and control but it has not exercised them that well. Central government supervision and control is not only distant from the real day to day action of the local councils, it is also an unsuitable form of effective management of local affairs.

This partly illustrates a paradox of disproportionate disempowerment of the populace and exaggerated control by central government. The dissolution of elected council (DCC) and its replacement with an appointed commission (DCOMM) does not in the long term resolve the problem of empowerment and control of local government authorities in Tanzania in general and the legitimacy of DCC in particular.

The government notices which dissolve DCC and establish DCOMM do not state what exactly the government intends to do in respect of the huge, populous, inefficient and mismanaged City of Dar es Salaam. There is, however, an indication in the Prime Minister's budget speech that Dar es Salaam will be divided into three municipalities to be managed under the Greater Dar City Council. The modalities of dividing the present City into these municipalities and their management are not stated. The extent to which the proposed new administrative set-up will resolve current problems cannot be speculated at this stage.

Regulation 5 of Government Notice number 111 of 28 June 1996 states categorically that DCOMM will have all the powers and perform all the statutory functions previously exercised by the dissolved City Council. DCOMM has already demonstrated its potential by doing what DCC proved unable to do. Demolition of structures which contravene City regulations is a case in point. How far DCOMM will be able to provide the necessary local service, after the completion of the demolition exercise, is another unpredictable area. It is hoped, however, that DCOMM will ably perform in the face of the difficult challenges ahead, although the odds are against it.

Conclusion

Dar es Salaam is the only City in Tanzania and the biggest center of commerce and trade in the country. It is a center of attraction, not only to the residents who

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live there, but also to government leaders as well as those who visit it from both within the country and outside. It is not surprising, therefore, to see that the government and Prime Minister in particular are concerned about the way in which it is managed generally and services are provided in particular. Currently, the City is said to be inhabited by over 2.8 million people.

Effective provision of services to all these people, with the diminishing resources, is an enormous challenge. As discussed above, DCC failures (and successes, if any) must be placed in the context of both local democracy and legitimacy of whichever authority is charged and entrusted with its management. So far there is little to suggest that central government actions necessarily demonstrate the best ways out of the predicament.

The dissolution of DCC is not at all the first experience in the developing or developed world. London has been dissolved in the past (Jones 1975; Mahwood 1983) and Nairobi is currently run by an appointed commission. Experiences from both London and Nairobi may be informative of what has happened to DCC in some material respects but that analysis has to wait for another occasion. What is not clear from the Dar es Salaam experience so far is the extent to which the government's dissolution of DCC adequately strikes the balance between the enhancement of local participation in the running of local affairs, the one hand, and the need for effective service delivery in areas where the central government is both distant and not necessarily well placed to understand local circumstances.

The above discussion has highlighted on some puzzles facing both the central government and Dar City Commission. The Government Notice which established DCOMM stated that it would be in existence and perform the functions entrusted to it for a period not exceeding twelve months within fresh elections should be ordered. What DCOMM may achieve within that period is a matter to wait and see. The most important thing will be the lessons and experiences gathered from the dissolution of an elected council in favor of the appointed body. Learning is always very hard.

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