LOCAL GOVERNMENT SYSTEM IN TANZANIA

1. DECENTRALISATION IN TANZANIA

The United Republic of Tanzania is made up of two formerly independent countries, Tanganyika and Zanzibar, which united in 1964 to form a new nation of Tanzania. The two halves of the republic have somewhat different evolution and system of local government.[1]

The mainland Tanzania has a long history of functioning local government, starting with the Native Authorities Ordinance in 1926.[2] There was a ten year break, as in 1972 the Local Government was abolished and replaced with a direct central government rule. The reintroduction of the Local Government occurred in the beginning of the 1980s, when the rural councils and rural authorities were re-established. Local Government Elections took place in 1983 and the establishment of functioning councils in 1984. In 1993 the one-party political system was abandoned and replaced with a multi-party system of government, the first multi-party elections taking place in 1995.[3] Following the liberalisation of the political field, was a major public sector reform, which included a Local Government Reform Programme (LGRP). The LGRP covered four areas: political decentralization, financial decentralization, administrative decentralization and changed central-local relations, with the mainland government having over-riding powers within the framework of the Constitution.[4]

This process of local government reform is still on-going. It aims to promote democratic, accountable and autonomous local government authorities, with wide discretionary powers and a strong financial base implemented by 2011.[5]

In the case of Zanzibar, the 1964 revolution not only abolished the Monarchy but also did away with the separation of the legislature, the executive and the judiciary, fusing all their functions into a revolutionary council.[6] Since the promulgation of Zanzibar's first post-revolution constitution in 1979, Zanzibar has, however, passed various pieces of legislation on local government. At the moment, Zanzibar is developing a programme for local government with the assistance of the United Nations.[7]

2. LOCAL GOVERNMENT: POSITION AND STRUCTURE

2.1 Legal basis on local government

Local government is a non-Union matter. It is nonetheless enshrined in the Union constitution as well as in the constitutions of the mainland and Zanzibar.[8]

"In mainland Tanzania, the Constitution of the United Republic 1977, Articles 145 and 146 state that the National Assembly or the House of Representatives must provide for local

government through legislation. Article 146 states that one of the objectives of the local government is 'to enhance the democratic process within its area of jurisdiction and to apply the democracy for facilitating the expeditious and faster development of the people'."[9]

In relation to the Local Government in the mainland the main legislative texts are:

- Government (Urban Authorities) Act 1982
- Local Government Finance Act 1982
- Urban Authorities (Rating) Act 1983
- Regional Administration Act 1997
- Local Government Laws (Miscellaneous Amendments) Act 1999[10]

The principal local government acts have been amended from 1999 as a part of the LGRP. In the process the Local Government Services Act 1982 has been repealed. The sector specific legislation (especially education), affecting the local government is also being amended.[11]

In Zanzibar, the relevant part of the Constitution 1984 is Article 128. The main legislation regarding local government is:

- Zanzibar Municipal Council Act 1995
- District and Town Councils Act 1995

The minister of state in the President's Office - Regional Administration and Local Governments (PO-RALG) is responsible for the administration of this legislation.

2.2   Local Government Organisation Structure

The Government of the United Republic of Tanzania is a unitary republic, administratively divided into 26 regions - 21 on the mainland and five in Zanzibar. Regions are divided into districts, which are then further sub-divided into divisions. The local government is divided into urban and rural authorities both on the mainland and Zanzibar.[12]

On the mainland Tanzania urban authorities consist of city councils, municipal councils and town councils, whereas included in the rural authorities are the district councils with township council and village council authorities.[13] "The district and urban councils have autonomy in their geographic area. District councils coordinate the activities of the township authorities and village councils, which are accountable to the district for all revenues received for day-to-day administration. The village and township councils have the responsibility for formulating plans for their areas."[14] All together, the mainland hosts 22 urban councils, 92 rural councils and 97 district councils.

On Zanzibar urban authorities are made up of town councils and municipalities, while rural authorities comprise of district councils.

In both locations, "below the local authorities there are a number of democratic bodies to debate local development needs. In the rural system, the vitongoji, the smallest unit of a village, is composed of an elected chairperson who appoints a secretary and three further members all of whom serve on an advisory committee. In the Urban areas the mtaa (a small urban area or geographical division of a ward) is the smallest unit within the ward of an urban

authority. Unlike the Vitongojis, the Mtaa Committees have a fully elected membership comprising of a chairperson, six members and an executive officer." [15]

2.3   Local Government Elections

Across the United Republic of Tanzania, elections to the local government are held every five years, under the first-past-the-post system with universal adult suffrage at 18. [16]

On the mainland Tanzania, chairpersons and mayors are indirectly elected by the elected members of their respective authorities. Village councils are elected by the village assembly comprising all adults over the age of 18.

The urban and district councils are made up of the members elected from each ward; the MPs representing the constituency, within which the urban area is situated and women members, appointed by the National Electoral Commission from the proposals submitted by the political parties in proportion to the number of elected positions held on the council (including MPs). [17] "The number of women appointed to the council is 'not less than one-third of' ward representatives and the MPs combined." [18]

Included in the membership of the city councils are all the mayors from the urban authorities within its jurisdiction, all MPs representing constituencies within its area, at least two women MPs resident in the city and elected from the women in parliament, and three councillors from each urban council, one of whom must be a woman. [19]

Township authorities encompass the chairperson of the Vitongoji with its area, not more than three members appointed by the district council, and women appointed according to political proportionality to make up at least one-third of the authority." [20]

Village councils have between 15 and 25 members. These consist of a chairperson elected by the village assembly, all chairpersons of the vitongoji within its area and other members elected by the village assembly. [21] Women must account for 25 % of the council members. The term of office for all councillors is five years. [22]

2.4   Staff in Local Government

The head of the paid service is the District Executive Director in the district authorities and the Town/Municipal/City Director in the urban authorities. [23] Typically, below the Director there are a number of Heads of Department. The Departments are many and may include the following: personnel and administration; planning and finance; engineering or works; education and culture; trade and economic affairs; urban planning; health and social welfare; co-operative, agriculture and livestock development; and community development. [24]

"Central government appoints the chief officers through the process of open bidding. City council directors are appointed by the president, while directors of town, municipal and district councils are appointed by the Minister. The Minister also appoints the heads of departments after a recruitment process." [25]

The responsibility to recruit and dismiss senior officers is, at the moment, being devolved to local governments.[26]

2.5 Independent Scrutiny

In Tanzania, there now exists a code of conduct for the officials and councillors. Also, procedures are in place to sanction against any offenders.[27]

In terms of financial matters, the Controller and Auditor-General is responsible for the external audit of the local government accounts, under the Controller and Auditor-General Act.[28]

3. LOCAL GOVERNMENT: POWERS AND RESPONSIBILITIES

3.1 Public Service Delivery

The stated basic functions of the local government are:

1) Maintenance of law, order and good governance
2) Promotion of economic and social welfare of the people within their areas of jurisdiction
3) Ensuring effective and equitable delivery of qualitative and quantitative services to the people within their areas of jurisdiction[29]

In addition to the basic functions, all local governments are charged with seven other functions and duties, as follows:

- Formulation, coordination and supervision of the implementation of all plans for economic, industrial and social development in their areas of jurisdiction
- Monitoring and controlling the performance of duties and functions of the council and its staff
- Ensuring the collection and proper utilization of the revenues of the council
- Making by-laws applicable throughout their areas of jurisdiction, and considering and improving by-laws made by village councils within their areas of jurisdiction
- Ensuring, regulating and coordinating development plans, projects and programmes of villages and township authorities within their areas of jurisdiction
- Regulating and monitoring the collection and utilization of revenue of village councils and township authorities
- Subject to the laws in force, doing all such acts and things as may be done by a people's government[30]

Although in the current legislation the above functions have been assigned to the local government, it seems that most services and infrastructure are still being provided by the central government or its executive agencies.[31] Also, most of the funding still comes from the central government or donors. Here, a good example is the managing of roads. The road sector has always been in the realm of the central government. "The current policy to let the Local Government Authorities manage the public roads is being funded through the road fund collected by the central government. Some 30% of the Road Fund Collection is allocated to

Local Authorities for the maintenance of district roads."[32] The same goes with the health delivery system. "The local authorities are supposed to run certain health facilities on behalf of the central government. The financial resources going to the health sector come from the central government grants and resources generated by the local authorities themselves."[33]

4. DECISION MAKING SYSTEMS OF LOCAL GOVERNMENT: RESIDENTS' PARTICIPATION

The most important, intended links between the local government and the residents of the given area are the Vitongojis in the rural areas and the urban Mtaa committees, which are designed to mobilise citizen participation in local development.[34] "Priorities for local service delivery and development projects are brought to the Mtaa committees for discussion before being forwarded to the Ward Development Committee (WDC). In the rural system proposals reach the WDC via the village council."[35]

In addition to the above, citizen participation in the local government decision-making is encouraged by the amendments to the Local Government (District Authorities) Act 1982, which provide for Councils to organise public hearings for people to question political leaders and staff. Councils have also been empowered to establish special kinds of service boards, open to all citizens in the area and providing an opportunity to influence service provision.[36]

Participatory budget-making has also become a mean to increase resident participation. It is currently enabled by the bottom-up budgeting through the ward development committees and the democratic structures above them.[37]

5. FINANCE

5.1 Revenue

Most of the local government income comes from government allocations, which amount for 72 % of the entire local authority budget.[38] In 2001/2002 the aggregate revenue for local government was Tshs 251.8 billion (US$ 282m).[39]

Local authorities can also raise revenue locally. The main sources of local income come from:

- Fees including taxi registration, bus stands, forestry products, valuation, scaffolding, inoculation and ambulance
- Licences including road, liquor
- Property taxes and rents
- Charges including for refuse collection, cess, hire of vehicles, markets
- Fines
- Others including sale of assets and recovery of public fund[40]

Generally speaking, the revenue base of local authorities is weak. In a move to strengthen this, "the Local Government Finance Act was amended in 1999 to appoint local authorities to be licensing authorities in respect of the business of commission agents, manufacturers' representatives, brokers, travel agents, buying and selling motor vehicles, import trade, regional trade, companies' co-operative societies and so forth. The fees collected are to be

treated as revenue accruing from the local authorities in question. Legislation was also amended to require the central government to pay block grants to local authorities to meet the cost of development and maintenance of services particularly education, health, water, roads and agriculture. Block grants may vary from one authority to the other depending on the grades and standards as may be prescribed by the Ministry of Local Government."[41]

5.2 Expenditure

"The contribution of the local government of the mainland Tanzania to the GDP of the mainland was about 3% in 2002. The aggregate expenditure of local government in 2001/2002 was about TShs 251.8 billion (US$ 282m)."[42] No breakdown of this expenditure is available at this point.[43]

6. WOMEN IN LOCAL GOVERNMENT

Decentralisation is often portrayed as a route to women's empowerment and/or gender equality. "Here the expectations are that decentralisation improves democracy; for example, that it increases the access of women to decision making and that women find it easier to participate as political representatives in local rather than higher tiers of government. There are also expectations that decentralisation will make service delivery more gender-sensitive, for example because of the proximity of locally elected representatives to their constituents, leading to improved knowledge and understanding on the part of the local government representatives of the gender dimensions of service requirements."[44]

Already in the section 2.3 legislation securing affirmative action to ensure women's representation in the local government was introduced. The seats provided for women by the affirmative action have augmented the number of women councillors to 916. Currently, one fifth i.e. 20 % of the council directors are women.[45]

In mainland Tanzania, there is also legislation in place that requires every council to set aside a percentage of its revenue to fund development project activities initiated by women.[46]

7. LOCAL GOVERNMENT AND INFORMATION TECHNOLOGY: ACCESS TO THE INTERNET

ICT plays an important role in the public sector reform, including the reform of the local government. The Ministry of Communication and Transport is developing a National ICT Policy, the latest draft of which (December 2002) proposes the creation of a National ITC Council with a responsibility to develop a five-year strategic plan.[47] Key issues here are infrastructure development, capacity-building and a possible need for a holistic E-government strategy.[48]

In terms of internet use, the government of the mainland Tanzania already has a national website, launched in December 2002. Through the website it is possible also to access the Zanzibar government site.[49]

A new intranet network is being constructed linking all ministries. There are plans also to link government offices at the regional and district levels.[50]

"The National Assembly maintains an independent website. There are plans for databases covering legislation, parliamentary proceedings and MP profiles. At this stage, the focus of the site is, however, on information provision, using both English and Kiswahili. Preparatory work has been undertaken in needs assessment and other projects relating to local governance."[51]

In 2002 there were an estimated 250 000 thousand internet users in Tanzania, amounting for less than 1% of the entire population.[52]

8. ASSOCIATION OF LOCAL GOVERNMENT

"The Association of Local Authorities of Tanzania (ALAT) represents local government on the mainland of Tanzania. It is a voluntary organisation with a membership of 114 urban and district councils. Its function is to:

- provide a forum for exchanging views and experiences among members local government authorities
- provide advocacy on policy and legislative matters likely to affect local government authorities
- disseminate information and provide expert advice
- make representation and proposals to government
- to represent local government authorities and their views in international forums."[53]

The funding for the ALAT comes mainly from the membership subscriptions. ALAT is affiliated to CLGF, UCLG and AULA.[54]

TANZANIA: COUNTRY FACTS

Population: 36,766,356

Population growth rate: 1,84% (2005 est.)

Infant mortality rate: 98,54/1000 live births

Literacy: 78,7%

Languages: Kiswahili or Swahili (official), Kiunguja (name for Swahili in Zanzibar), English (official, primary language of commerce, administration, and higher education), Arabic (widely spoken in Zanzibar), many local languages

Religions: mainland - Christian 30%, Muslim 35%, indigenous beliefs 35%; Zanzibar - more than 99% Muslim

GDP: $23.71 billion (2004 est.)

GDP real growth rate: 5.8% (2004 est.)

GDP per capita: $700 (2004 est.)

Export commodities: gold, coffee, cashew nuts, manufactures, cotton
Independence: 1964

Capital: Dar es Salaam; note - legislative offices have been transferred to Dodoma, which is planned as the new national capital; the National Assembly now meets there on regular basis

Administrative divisions: 26 regions; Arusha, Dar es Salaam, Dodoma, Iringa, Kagera, Kigoma, Kilimanjaro, Lindi, Manyara, Mara, Mbeya, Morogoro, Mtwara, Mwanza, Pemba North, Pemba South, Pwani, Rukwa, Ruvuma, Shinyanga, Singida, Tabora, Tanga, Zanzibar Central/South, Zanzibar North, Zanzibar Urban/West

Population without sustainable access to an improved water source:32%

Public health expenditure (as % of GDP): 2.1

SERVICE	CENTRAL GOVN'T	URBAN	RURAL
		(Local Government)	

General admin.

Service	CENTRAL GOVN'T	URBAN	RURAL
Police	x	x	x
Fire Protection			x
Civil Protection	x		
Criminal justice	x		
Civil justice	x		
Civil status register		x	x
Statistical Office	x		
Electoral register	x		

Education

Service	CENTRAL GOVN'T	URBAN	RURAL
Pre-school			
Primary school		x	x
Secondary school	x	x	x
Vocational and technical	x		
Higher education	x		
Adult education	x	x	

Social welfare

Service	CENTRAL GOVN'T	URBAN	RURAL
Kindergarten and nursery		x	x
Family welfare services		x	x
Welfare homes		x	x
Social security		x	x

Public health

Service	CENTRAL GOVN'T	URBAN	RURAL
Primary care		x	x
Hospitals	x	x	x
Health Protection	x	x	x

Housing and Town Planning

Service	CENTRAL GOVN'T	URBAN	RURAL
Housing			x
Town planning		x	x
Regional planning	x		

Transport

Service	CENTRAL GOVN'T	URBAN	RURAL
Roads	x	x	x
Transport	x	x	x
Urban roads		x	
Urban rail			
Ports	x	x	x
Airports	x	x	

Environment and public sanitation

Service	CENTRAL GOVN'T	URBAN	RURAL
Water and sanitation		x	x
Refuse collection and disposal			x
Cemeteries and crematoria			x
Slaughter-houses		x	x
Environmental protection		x	x
Consumer protection		x	x

Culture, leisure and sports

Service	CENTRAL GOVN'T	URBAN	RURAL
Theatre and concerts		x	x
Museums and libraries		x	x
Parks and open spaces		x	x
Sports and leisure		x	x
Religious facilities			

Utilities

Service	CENTRAL GOVN'T	URBAN	RURAL
Gas services			x
District heating			
Water supply			x
Electricity	x	x	x

Economic

Service	CENTRAL GOVN'T	URBAN	RURAL
Agriculture, forests, fisheries	x	x	x
Economic promotion	x	x	x
Trade and industry	x	x	x
Tourism	x	x	x

END NOTES:

[1] UN-Habitat (2002) *Local Democracy and Decentralisation in East and Southern Africa:*
Experiences from Uganda, Kenya, Botswana, Tanzania and Ethiopia, Nairobi: UN-Habitat, p. 69
[2] Othman, H. and Liviga, A. (2002) Local Governance and Poverty Reduction, *Tanzania Country Paper for AGFV*, Tanzania, p. 7
[3] UN-Habitat (2002), p. 69
[4] The Local Government System in Tanzania (http://www.clgf.org.uk/index_profiles.htm)
[5] The Local Government System in Tanzania (http://www.clgf.org.uk/index_profiles.htm)
[6] Othman, H. and Liviga, A. (2002), p. 7
[7] The Local Government System in Tanzania (http://www.clgf.org.uk/index_profiles.htm)
[8] Ibid.;
[9] Ibid.;
[10] Above information adopted from: The Local Government System in Tanzania (http://www.clgf.org.uk/index_profiles.htm)
[11] Ibid.;
[12] Ibid.;
[13] Ibid.;
[14] Ibid.;
[15] Ibid.;
[16] Ibid.;
[17] Ibid.;
[18] Ibid.;
[19] Ibid.;
[20] Ibid.;
[21] Ibid.;
[22] Ibid.;
[23] Ibid.;
[24] Ibid.;
[25] Ibid.;
[26] Ibid.;
[27] UN-Habitat (2002), p. 72
[28] The Local Government System in Tanzania (http://www.clgf.org.uk/index_profiles.htm)
[29] Above information adopted from: The Local Government System in Tanzania (http://www.clgf.org.uk/index_profiles.htm)
[30] Above information adopted from: The Local Government System in Tanzania (http://www.clgf.org.uk/index_profiles.htm)
[31] UN-Habitat (2002), p. 80
[32] Ibid.; 79
[33] Ibid.; 80
[34] The Local Government System in Tanzania (http://www.clgf.org.uk/index_profiles.htm)
[35] Ibid.;
[36] Ibid.;
[37] Ibid.;
[38] Ibid.;
[39] Ibid.;
[40] Above information adopted from: The Local Government System in Tanzania (http://www.clgf.org.uk/index_profiles.htm)
[41] UN-Habitat (2002), p. 74
[42] The Local Government System in Tanzania (http://www.clgf.org.uk/index_profiles.htm)
[43] Ibid.;
[44] Beall, J. (2005) "Decentralising Government and Centralising Gender in Southern Africa: Lessons from the South African Experience", *Occasional Paper 8*, United Nations Research Institute for Social Development, p. 3
[45] The Local Government System in Tanzania (http://www.clgf.org.uk/index_profiles.htm)
[46] Ibid.;
[47] Ibid.;
[48] Ibid.;
[49] Ibid.;
[50] Ibid.;

[51] Ibid.;
[52] Ibid.;
[53] Ibid.;
[54] Ibid.;

SOURCES

Beall, J. (2005) "Decentralising Government and Centralising Gender in Southern Africa: Lessons from the South African Experience", *Occasional Paper 8*, United Nations Research Institute for Social Development

CIA's World Factbook (http://www.cia.gov/cia/publications/factbook/geos/tz.html)

Human Development Report 2004, UNDP

Othman, H. and Liviga, A. (2002) Local Governance and Poverty Reduction, *Tanzania Country Paper for AGFV*, Tanzania

The Local Government System in Tanzania (http://www.clgf.org.uk/index_profiles.htm)

UN-Habitat (2002) *Local Democracy and Decentralisation in East and Southern Africa:* Experiences from Uganda, Kenya, Botswana, Tanzania and Ethiopia, Nairobi: UN-Habitat