

Tanzania

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Introduction

The United Republic of Tanzania consists of two formerly separate countries, mainland Tanganyika and the island state of Zanzibar. It is a unitary republic with a central government and a devolved, semi-autonomous government for Zanzibar. Article 145 of the 1997 Constitution provides that there shall be established local government authorities for each region, district, area and village in the United Republic, which will be of the type and designation prescribed by law to be enacted by the legislatures. In mainland Tanzania, the local government is regulated by the Local Government (District Authorities) Act 1982 and the Local Government (Urban Authorities) Act 1982. Zanzibar, by virtue of its devolved constitutional character, makes its own laws on local government, and the two most important pieces of legislation are the Municipal Councils Act and the District and Town Councils Act, both of 1995.

Despite a Local Government Reform Programme having been initiated in the 1990s, the process of local government reform has been slow, and the national government still has considerable powers over local government. The apparent lack of enthusiasm for the decentralisation process is a distinct barrier to local democracy (Venugopal and Yilmaz 2010; Molle and Tollenaar 2013). Capacity issues are

also problematic for local government, and constitute a barrier to local democracy (Mzee 2008). It has been said that ‘Tanzania’s decentralization efforts are widely considered to have been ineffective at best, and destructive at worst’ (Blum, Bandiera and Ashraf 2016).

About ICLD

The Swedish International Centre for Local Democracy (ICLD) is part of the Swedish development cooperation. The mandate of the organization is to contribute to poverty alleviation by strengthening local governments.

This report is part of a publication series that investigates local democracy in the 19 countries where the ICLD municipal partnership programme operates.

This report covers events up to 31 May 2019. Events occurring after this period are not considered.

General country analysis

Both mainland Tanzania and Zanzibar have local authorities. On the mainland, there are three types of urban authority: city, municipal and town councils. In rural areas there are two levels of authority: district councils, and village council and township authorities. On Zanzibar, urban authorities may be either town councils or municipalities, while all rural authorities are district councils.

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Each Local Government Authority is responsible for maintenance and facilitation of peace, order and good government; for the promotion of the social welfare and economic wellbeing of the people; and for the furtherance of social and economic development. The constitution empowers local governments to exercise functions and powers subject to the laws that are enacted by parliament. However, the constitution simply mentions the general functions of local government. The functional usefulness of a local government is therefore entirely subject to legislation which can be changed by the national government, and there is no constitutional guarantee of the continuance of those functions. Local government authorities do not have the power to make their own policies and plans in response to the needs of their citizens; they are required to follow central government policies and development plans.

Neither the constitution nor the applicable legislation defines the relationship between the national and local levels of government, but it is clear that local government occupies a junior position.

Fiscal decentralisation

The spending responsibilities or powers and functions of local government include agriculture, suppression of crime, the furtherance and enhancement of health and education, and the relief of poverty.

The constitution is silent as to the funding of local government. This was left to the Local Government Finances Act of 1982. Local authorities may, in terms of the Act, impose certain taxes and levies (such as the development levy, business taxes, property taxes, road toll taxes and hotel taxes), and may make by-laws for

this purpose, but these by-laws are subject to national government approval. The Act also requires the central government to provide contributions and grants to local government authorities annually, which in practice represents by far the biggest source of local government funding. The final decision about how much each council will receive rests jointly with the Minister for Finance and the Minister for Local Government.

Local government budgeting and expenditure are also subject to national government control, which gives direction as to how local governments should spend their revenues, and whose approval is required before local authorities can incur any expenditure. This applies even to expenditure areas financed through a local authority's own revenue, where a prescribed percentage has to be used for various specific purposes. Local governments may, with the approval of the national government, raise loans, in terms of the Local Government Finances Act 1982.

Regarding fiscal accountability, each local authority has an internal audit section; the Auditor-General is responsible for the external audit of the local government accounts, under the Controller and Auditor-General Act; and the Local Authority Accounts Committee inspects projects carried out by local authorities.

Political decentralisation

Elections for local government are held every five years, under the first-past-the-post system with universal adult suffrage at the age of 18. Independent candidates may stand for election. Local governments have the power to enact by-laws, but in some cases, these by-laws are subject to national government approval. The

constitution does not spell out the relationship between levels of government, but it is clear that local government remains to a large extent under national government influence (Mzee 2008).

Citizen participation is an important accountability mechanism. The most important links between local government and residents are committees known as *Vitongojis* in the rural areas, *Mtaa* (street committees) in the urban areas, which are designed to mobilise citizen participation in local development. In addition citizen participation in decision-making is encouraged by legislation, which provides for councils to organise public hearings. Participatory budget-making has also become a means to increase resident participation. A further accountability mechanism is the code of conduct for the officials and councillors. There are also procedures in place for sanctions against any offenders.

Conclusion: possibilities and barriers for municipal partnerships

Various structures and mechanisms within the Tanzanian local government framework may lend themselves to municipal partnerships (for example, participation mechanisms and accountability mechanisms). However, slow progress in implementing decentralisation processes and the fact that decentralisation in Tanzania appears not to have been particularly successful may prove to be serious barriers; in addition, the conditions and circumstances in which Tanzanian local authorities operate may limit the usefulness of inter-country experiences, and thus also constitute a barrier.

References

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Legislation

- Constitution of the United Republic of Tanzania 1997
- The Local Government (District Authorities) Act 1982
- The Local Government (Urban Authorities) Act 1982
- The Local Government Finances Act 1982
- The Municipal Councils Act (Zanzibar) 1995

- The District and Town Councils Act
(Zanzibar) 1995
- The Local Government Laws
(Miscellaneous Amendments) Act 2006