

Institutional Design of Local Democracy and Local Government Reform in Tanzania

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Abstract:

Like many countries in Africa, Tanzania has been striving to institutionalize local democracy through local government reforms. The central objective of these reforms is to escalate people centered development in which citizens participate in the process of planning and decision making with respect to allocation of resources. Despite this initiative, three contradictions still exist: First of all, the central government still retains the power of decision making with respect to allocation of resources. Second, the design of local democratic institutions themselves hinder its performance. Third, apart from the design of local democratic institutions, the skills capacity of politically elected representatives also determine their performance. So far the main stream of literature on local democracy focus on limited decentralization as an obstacle to the performance of local democracy and there is little information on how other institutional designs at local level and the skills capacity of local politicians obstruct the performance of local democratic organization in Tanzania. This raises a question on how institutional design at local government level hinders the performance of local democracy in Tanzania, and what factors play a role. In doing this, the research involved the desk review of theoretical and empirical literature from the world wide experience and specifically to Tanzania. The review indicate that apart from limited decentralization, some other institutional designs like the existence of parallel institutions, ward systems in which councilors are elected from each ward and the skills capacity of councilors determine the performance of local democracy

Key words

Local democracy, institutional design, local government reforms

Introduction

Like other developing countries, in the past two decades, Tanzania engaged on local government reform which aims at among other things, strengthening local democracy. The local democracy is now perceived as condition for effective and efficient allocation of resources because it stimulates participation of people in planning and decision making which affect their lives. Besides, it stimulate citizens to become politically active and participate in local elections, organize themselves to articulate their needs and interests and hold government officials accountable for their action. Despite the introduction of governance reform as strategy for improving local democracy, the empirical literature in Tanzania suggests that lack of effective local democracy hinders the fund which flow from donors to bring substantial impact on development at local level. A simple lack of money is no longer an excuse for poor economic

growth because decentralization has enabled a rapid expansion in tax revenues and donors have continued pouring money which goes to local government, but it has not sufficiently reduced poverty (Taylor 2007).

The theory on local democracy assumes that if local councils represent a large population, it can create a gap between local representatives and the inhabitants. Each elected politician represent a big number of citizens which consequently obstruct direct access of citizens to their representatives.

Furthermore, big local council implies large number of administrators which is more difficult to control because the policies and actions are less transparent than in small local governments. As a consequence, for example, voter turnout in local elections in large local governments is lower than in small local governments. Also there seems to be a negative correlation between the size of local government and the trust of citizens in local politicians. In the first place, some formal systems result in relative weak links between representatives and their constituency. Although, a classical theory on local democracy tells us about the design of institutions which results to weak link of citizens to their representatives and the size of local government as an explanatory variable, it tells little about others forms of institutional designs which hinder the performance of local democracy.

Moreover, the empirical literature on governance reforms and local democracy seem to be engrossed by the problems of limited decentralization in which central government retain the power on the allocation of resources (Mgonja and Tundui 2013). This implies that there is little information on how other forms of design of local democracy like the existence of parallel institutions and the design of ward system (in which residents in the ward elect their leader who represents them in the full council) hinder the performance of local democracy. First of all, the existence of parallel institutions such as local council and community based organizations sometimes result to conflict of interest. Second, the design of ward system subscribe to citizens to elect their councilors who struggle for the big portion of the budget for their own ward than the whole council. Third, some other factors like, lack of free and fair local election also have substantial impact on the functioning of local democracy. Apart from that, some other factors like low skills of councilors limits their capacity to argue and make the right decision in the decision making bodies. This review article intends to answer this central question on how institutional design of local democracy hinders its performance and what roles do other factors like skills capacity of the councilors play?

In order to answer this question, the remaining part of this review article is organized in three sections: conceptualization of term local democracy, discussion of theory and empirical review from developing countries in particular Tanzania and finally conclusion

Conceptualizing local democracy

The word democracy is made up by two words *demos* and *kratein* which originated from Greek: *demos* means people and *kratein* means to govern. The term can literary be defined as the *government of the People* or *Government of the Majority* in which a government comes from the people; it is exercised by the people, and for the purpose of the people's own interests. (Becker and Raveloson 2008) Local democracy can be direct or representative. Direct democracy is the direct engagement of citizens on virtually all matters related to decision making by local government. This can take the form of engagement of citizens in the development of local plans

and the possibility to participate in referenda on local issues and policies. The direct democracy assume that citizens have local power if they can manipulate the political process to bring the outcomes which are closer to their preferences.(Frey and Stutzer 2004) while in representative democracy citizens elect among candidate or political parties who make authoritative decision on their behalf. It involves the free election of members of a local council, a local executive board or a mayor by local citizens. The elected politicians are the representatives who receive a mandate from local individual citizens, groups, parties to decide on their behalf, and they are eventually accountable to them for the decisions they take. Elected councils control the executive board and local bureaucracy. (UNDP 1997; Girke et al. 2009)

The stance of a theory on local democracy is that it activate citizens to participate in politics through taking part in local elections or, local public debates, and participate in meetings to discuss the development of local plans and projects while holding local government officials accountable for their decision (Saito 2001; Mollel 2010).

However, this power of citizens to hold accountable local officials can be limited if local government have larger bureaucracy which create a gap between politicians and citizens which they represent. If each politician represents big number of citizens, it obstructs the direct access for citizens to their representatives. Moreover, big local governments imply large local bureaucracies and executive boards, which are more difficult to control and hold accountable, because the policies and actions are less transparent than in smaller local governments (Nickson 2011). As a consequence, for example, voter turnout in local elections in large local governments is lower than in small local governments (Gaardsted Frandsen 2002)

Furthermore, formal systems can also hinder the performance of local democracy. For example in systems with powerful mayors elected directly or chief executive and weak local councils can have negative impact on accountability to citizens because the mayor may not feel a need to account his actions or consult the citizens. The councils, although elected by the community, are in no position to impose their preferences on the executive, which undermines their credibility in the eyes of the community. (Crook&Manor 1998). Prud'homme (1995:208) argues that the reelection of mayors by citizens is often pressurized by the dominant political party and that performance plays a minor role. In practice the procedures for proposing candidates for councils and boards often marginalize women, minorities and vulnerable groups. (Devas&Grant 2003)

Moreover, centralization is another factor which limits local democracy. While central government promise to transfer decision making authority to local government and legislation to allows for local citizens to be involved, it often retain control over important matters (Jutting et al. 2005). Central government control over local tax, expenditure and borrowing while maintaining national priorities and oversight of local decisions (Ndegwa 2002: 13-14; Venugopal & Yilmaz 2010).

Governance reforms in Tanzania and the challenges of local democracy

As part of broad national reforms, the government of Tanzania initiated local government reforms program which aimed at among other things enhancing decentralization and local democracy. The objective of this reform was to strengthen local democracy through well established mechanisms for accountability of local officials and increased participation of citizens in decision making, planning and implementation of plans. Furthermore, the reforms

were expected to make government more autonomous by creating strong financial and human resources base while increasing transparency and accountability of local council and creating the government which derive legitimacy from service to people (Per Tidemand & Msami 2010). This was expected to impact on improved service delivery, give user great say on how basic services are managed and delivered, develop effective partnership between civil society organization and public and private sectors (Per Tidemand & Msami 2010). Although, the local government reforms has been said to increase electoral participation, access to information, trust in local government, reduced corruption, financial accountability and corruption, in the first place, there is an indication that men are still active than women and elders than youth. In second place, the empirical literature suggest that local people concerns are not taken seriously by local officials and the state and ruling party at the local level have not been completely separated. It is possible to subsume the factors which limit local democracy in four categories: the, first is related to limited decentralization, second category relate to existence of parallel institutions at local level, third category relate to the domination of ruling party in local election, Fourth category, relate to skills capacity of councilors.

Limited decentralization

The theory on decentralisation assumes that if power, authority, and resources are transferred to local government, they can sufficiently deliver the services which reflect the preferences of the people. On the contrary, although formally the village development committees are supposed to come up with requests and plans for development projects in their communities, it has been observed that central government still retain control over resources. Cooksey and Kikula (2005) pointed out that most of the funds that local government authorities receive and spend are the result of national level prioritizing, with donor aid as key component. For example, the empirical literature from Mbulu district council suggests that in 2002, the district commissioner of Mbulu visited villages in the highlands, proclaiming that each household must plant one-quarter acre of coffee and one-quarter acre of pyrethrum to meet the nation's need for cash crops. This directive was made nationwide in highland areas. While it seems unlikely that it would be rigorously enforced, it certainly fails to recognise the views of farmers; many of whom have been uprooting these crops because they have lost money year after year trying to sell them in volatile world markets.

Furthermore, national priorities are also reflected in the construction of school classrooms at village level. The empirical literature suggests that in this case, the villages were given guidelines from central government to construct at least one classroom from the foundation to the completion of the walls. Then, the fund from donor, which was funnelled through and managed by the District Councils would put on the roof, and contribute cement and the other finishing materials to complete the classroom. However, the construction of classrooms was not successful because there were no enough funds allocated to finish the construction.

Contrary to the expectations, this exercise resulted in conflict in some other villages. For example in Hareabi village, the community was divided over where to build a second classroom. It was agreed that the main primary school should put up one new classroom, but that additional classroom should be built to begin a school in a new section of the village in order to reduce overcrowding in the main primary school and to serve students living at a great distance from the existing school. The idea of constructing a new school led to disagreement and

fighting amongst groups which resulted in , local elites taking an advantage of possible new opportunities. One faction proposed that the new classroom to at about 5 km away from the main school, in Aya Guuma neighbourhood. This faction consisted, not surprisingly, of residents of this area. One of the most vocal proponents of this location was a school teacher from the main school, who lived near the proposed new location and, it was rumoured, hoped to become the head of the new school.

The other advocate was a local contractor who had his eye on the building contract. These two men are successful figures in this village and, each in his different way, quite influential. The vast majority of village residents are farmers who produce primarily for subsistence, and do not have sources of off-farm income. Though often on the opposite side in local affairs, these two men were both rumoured to have something to gain from working together to sway public opinion in favour of their preferred location. The argument in favour of this location, elaborated in all the public government meetings on this affair, reasoned that there were a much larger number of students who could be serviced by a school in this site than in the other proposed, more remote, area. The other faction consisted of families who lived at the greatest distance from the main school in the Tsaayo Qwalach neighbourhood, some as far as 11 kilometres away. They argued that their children had to set out in the dark and walk for hours to get to school, and back again in the evening. This trek was a considerable hardship for these children and their families. Many parents, fearful of hyenas and other dangers of walking in the dark, had to forgo work on their farms for hours, as they accompanied their small children to what they felt was a safe distance from the main school.

Furthermore, although efforts have been made to separate the state from the party in the jobs of key appointed officials such as ward secretary who was both a party and state official to be ward executive officer or a state-appointed official, their job is still the same.

Moreover, the experience of local democracy in Tanzania shows that, citizens are discouraged to participate actively in local development planning, when they experience that they have little or no actual influence on the content of plans, as they are eventually approved by central government and must conform to national priorities (Mollel 2010).

The domination of ruling political party at local level

Apart from limited decentralisation in finance and human resources, there is also limited political decentralisation. The literature suggests that the ruling political party in Tanzania dominate the election at local level because the government and the ruling party are still conflated (Snyder 2001) citing (Bakari & Mushi 2005; Baregu 2003; Erdmann 2007; Hoffman & Robinson 2009; Makulilo 2008; Mmuya 2003; Pinkney 1997; Sansa 2004; Shivji 2006; Hyden & Mmuya 2008:). This can also be explained by the fact that the country underwent a top-down democratic transition (Hyden 1999) which does not guarantee a genuine democracy. (Bakari 2001; Pinkney 2003) For example, a Tanzania Electoral Monitoring Committee (TEMCO) report stated that the 2000 elections 'on the Mainland were *free* but *not fair* because of big state bias in favour of the ruling party. Although, the transition to a multiparty democracy was to bring with it the disentanglement of the party from the government, this process has been slow to occur, and is often not well understood at the local level. The conflation of ruling party (CCM) and the local officials suggest lack of free and fair election (Snyder 2001) This can be explained by the fact that the National Electoral Commission commissioners are appointed by the

incumbent president, who is also the chairman of the party in power. Secondly, appointees to the National Electoral Commission have no guaranteed security of tenure since the president can revoke their appointments at will; thirdly, neither the constitution nor the Election Act secures funds for use by the NEC; and fourthly, NEC has no staff of its own at the regional and constituency levels, it relies on local government staff, who in most cases are cadres of the ruling party (Makulilo 2011).

Existence of parallel institutions at local government level

The empirical literature suggests that the depoliticisation of development and democratization hinders the practice of local democracy. For example, the project of upgrading Mwanza city settlement for the people living in unplanned and subserviced settlement which was sponsored by the donors indicate that the councilors prevented people from contributing 20,000 each due to the fear of losing popularity if the project was successful. Similarly, another project in Bagamoyo on the construction of dispensary was hindered by the conflict of interest. In this regard, the Tanzania Social Action Fund committees established to supervise the implementation of project failed because the Village executive officer prevented the community from contributing 20 percent because he thinks that appointment to committees positions was related to material gains(Lange 2008:1129-1133).

Councilors lobbying big portion of the budget for their wards

Although it is rational for the councilors to lobby for resources for their own ward, in practice this obstructs the development of the council as whole. In Tanzania ,this is evidenced by post-colonial history in which councillors fight to maintain legitimacy by being development advocates on behalf of their constituency. For example, in Lushoto district council, there are 32 constituencies, each with a councillor who represents his or her ward in the District Council. These councillors fight for getting big portion of the budget for their own wards as opposed to the whole council. This is intensified by the revival of the District Commissioner who provides an opportunity for councillors to lobby and advocate for their own wards. In this system, the councillor argues for their case in the full Council meetings for support to schools, health care, road improvement, irrigation, and construction of wells. Councillors and local representatives form village and ward committees which draw up a lists of developmental demands which they hope to make it successful through networking with the District level by the Planning Department. This is reflected in the allocation of budget in Lushoto district council where the government allocated Tsh 15 million for Manoro ward and Tsh 3 million for Shume ward as per detailed expenditure plans but some councillors were angry that their wards got less fund. Furthermore, although officially, the DED has no discretion to assist the councillors informally to give them support for their ward, the traffic of councillors suggests that, *de facto*, he does and that this was a key way in which the DED assure himself of a substantial political presence in the District(Harrison 2008).

The role of councilor and the skills gap

One of the forms of local democracy discussed above is representative democracy in which the local councilors represent their constituents in different decision making bodies like standing committees and the full council. According to formal legislations in Tanzania, the councilors

have constitutional and legal roles as stipulated by article 145 and 146 of the constitution, local government district authorities Act, Urban authorities' acts and council standing orders. These last two acts insist on the establishment of local government authorities and that local councilors have to involve people in all development activities. In order to perform these roles effectively, the councilors need some skills capacity. For example, they need some technical skills to set and guide the policies and overall direction of authority in line with part manifesto, setting of budget, monitoring expenditure and oversight. This includes the ability to educate and mobilize the constituents, advocacy and representation skills and the ability to manage the relationship with council staff. In doing this, the councilors have to balance and manage the range of relationship with various stakeholders such as central government, prime minister's office, their political party and opposition parties, the people in the ward, the citizens in the ward, the citizens in the local authority as whole and other interest groups including religious groups. (Taylor 1999:79-80)

This implies that the councilors need some skills to balance this complex relationship between different stakeholders which includes civil society, community based organization, private sector, central government ministries and agencies. In addition, they need skills to supervise the planning and implementation of the budget. On the contrary, the empirical literature suggest that, the councilors do not dispose of sufficient skills on how to handle this complex relationships with various stake holders because councilors are elected without any persons specification like salaried employees. This results to limited capacity for them to negotiate in favor of their constituents. (Taylor 1999:80).

Conclusion

Although the government in Tanzania has taken several initiatives to strengthen local democracy, it has paid little attention to some important properties which bear equal weight in the functioning of local democracy. Some of these properties like limited decentralisation and the intuitional design of local democratic institutions themselves have been partially addressed by the mainstream literature on local democracy. It therefore imperative to understand that the performance of local democracy is determined by the number of factors . So far, the two main factors have been addressed by the main stream literature: Limited decentralisation and the institutional design of local democratic institutions. However, some features of local democracy institutional design like the existence of parallel institutions such as local council and community based organisation and the existence of ward system in which the residence in the ward elect their leader to represent them in the full council have not been fully explored. This review indicate that the existence of parallel institutions can encourage or discourage the people to participate in local planning if there is conflict of interest while the ward system indicate that the councillors elected from the ward can fight to get big portion for their own ward without considering the interest of the entire council. Apart from that, the review suggest that skills capacity of the councillors matter in local democracy. If the councillors do not have enough skills, they can not make the appropriate decisions or interact sufficiently with other stake holders who determine their performance. This teaches us that to understand the performance of local democracy, we should take into account both the institutional design and the skills capacity of councillors

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