
Indigenization and Legitimization of Local Government Authorities in Tanzania: A Historical Account

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ABSTRACT

Article info

This article reports on the state of indigenization and legitimation of Local Government Authorities in Tanzania. A systematic historical review approach was conducted to trace the major public administration practices that influenced and shaped the trends and the responsible institutions in Tanzania. The findings indicate that past practices have a significant impact on the administration of the states at the local level of governance. Thus, the institutional distortions theory demonstrates that the colonial native administrative system imposed on Tanganyika created institutional errors whose distractions affected the capacity of actors in making rational decisions regarding the choices of institutions. Because of these distractions, the possibility of choosing the right institutions for post-colonial Tanzania was a herculean task. The pre-colonial bureaucratic African administration strand of the African Public Administration theory informs us that the administration during the pre-colonial era was highly decentralized with very few centralized polities. This indicates that pre-colonial Africa had a robust system of local governance. We conclude that the past interventions in local government systems could have created a form of government not intended by independent Tanzania.

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1. INTRODUCTION

The African continent has been a victim of tormented history for a long time due to different colonial legacies and deliberate efforts by western scholars to attribute all good things such as African governance, knowledge management systems and practices to the west (Basheka & Auriacombe, 2020; Othiambo, 1990). The trend has largely robbed the African indigenous systems of governance of the scholarly attention it deserves in the public administration curricula and discourses in African universities (Ndaguba & Ijeoma, 2019; Basheka, 2015). As a result, some people perceive Africa as the victim of original sin, a sad forsaken place where nothing good or noble can ever happen (Basheka, 2015), a continent of 'shadow states' dominated by systems of personal rule and interests rather than the rule of law (Reno, 2000). Nevertheless, the indigenous or pre-colonial African society's governance systems had vibrant democracy based on the systems of checks and balances as well as a robust system of accountability. However, this fact has been curtailed by the introduction of the western worldview of knowledge to Africa (Lander, 2000; Chavunduka, 1995). One area that has been largely ignored is the study of indigenous administrative systems of governance (Basheka, 2020; 2015).

The available scholarship on African administrative systems takes three major strands: The first strand is the direction that denies the existence of systems of governance before colonialism (Mair, 1962; Jackson, et al.2008), which Basheka (2015) christened the advocate of colonial governance. The second strand is the view that the current African administrative systems are the result of distortions of the normative principles and foundations of customary African institutions through colonial institutional reforms and post-independence reactions to colonial legacies (Sansa, 2021; Taiwo, 2010). This perspective views African administrative institutions as the product of historical institutional distortions and development disorientation. The third line of scholarship demonstrates the sophisticated nature of pre-colonial African administrative systems (Osabu-Kle, 2000; Njoh, 2006; Martin, 2012; Basheka, 2015, Basheka & Auriacombe, 2020). This is evidenced by the existence of governance through tribes, chiefdoms and polities in Africa (Kottack, 1994). Generally, the above literature suggests that there are multiple reasons for explaining the nature and characteristics of the institutions left behind by colonialism (Sansa, 2021).

This paper responds to the intellectual call by Basheka (2020, 2015), Ayittey (2006) and Ndaguba & Ijeoma (2019) for African scholars to document indigenous knowledge practices and

develop African models and public administration theory capable of explaining contemporary discourses based on indigenous practices, systems and structures. Through a rear-view mirror, this paper attempts to focus on rarely touched academic territory the indigenous systems of governance through analyses of the major sources of local government administration, management and governance in Tanzania. It traces the major public administration practices that had influenced and shaped trends, processes, structures, actors and institutions. We argue that such practices had produced significant impacts on the administration of the state, particularly at the local level of governance. The local institutions and people were unable to resist the number of influencing variables identified in this paper.

2. CONCEPTUAL FRAMEWORK

The term ‘indigenous’ is polymorphous and may be subject to multiple interpretations depending on the intellectual and theoretical orientations (Basheka, 2020). ‘Indigenous knowledge’ and ‘indigenous governance’ are used in this paper to capture the broader aspects of culture, knowledge, governance, systems, culture, institutions and structures. For example, Dei (2000) considers ‘indigenous knowledge’ as self-awareness that arises locally and in association with the long-term occupancy of a place. Semali and Stambach (1997) consider indigenous knowledge as what local people know and do and what they knew and have been doing over the years.

As Basheka (2020) argues the term ‘indigenous’ when used in the context of governance, especially in pre-colonial Africa connotes the following features: First, governance is viewed as evolving processes, relationships, institutions and structures by which communities or societies collectively organize themselves to achieve their intended goals. Second, governance implies both formal and informal structures and processes (Martin, 2003). Governance in these views strengthened decision-making and control over organizational systems in Africa.

The term ‘governance’ can also mean a regulatory framework used by a government to manage public services and ensure that basic public services are provided to the citizens (Mwandosya, 2021). In this context, if a government entails regulatory functions of the social institutions, rule of law and processes, then pre-colonial Africa had governments (Basheka, 2020).

2.1. Key features of Indigenous administrative systems in Africa

Indigenous societies or pre-colonial Africa had diverse governance and management systems as per the societal setup (Basheka, 2020). However, there existed certain key common features to maintain societal cohesion as aptly summarized by Ayittey (1991). African societies had the following features.

The building blocks of the government were people, decisions were influenced by public opinion, despotism was curbed through checks and balances, there were decentralized political systems, freedom of expression, decision-making was by consensus and participatory democracy reigned. It is due to the above democracy-leaning features that Williams (1987) considered these features as the 'African Constitution.' Therefore, pre-colonial Africa adopted governance systems that had democratic ideals.

2.2. In Search of African Public Administration Theoretical Explanations

Despite the weakness of the pre-colonial administrative systems, the holistic view of their unique features makes it worth paying scholarly attention to African Public Administration (Basheka, 2015). This calls for a need to have an African theoretical view capable of explaining contemporary African administrative practices and institutions. A theory in the context of this paper is conceived as a systematic collection of related principles, and management theory is a way of categorizing useful management knowledge (Wunsch, 2001). Therefore, the African Public Administration theory should comprise a collection of indigenous African principles, practices, and knowledge that provides evidence on how societies managed their public affairs (Basheka, 2015). This is important because one of the reasons for the lack of appreciation of African indigenous management practices by western scholars is the paucity of efforts by African scholars to document and defend their indigenous systems as an antidote to those espoused by western ideologues (ibid). In the next section, we revisit some theoretical proposals from African scholars.

2.3. The Institutional Distortion Theory

Godfrey Sansa (2010) associates the current modern institutions in Tanzania with the colonial mode of reforms, which disrupted the normative principles of Tanzanian customary institutions and imposed partial and distorted Western institutions to the extent that while they resembled those of modern western institutions, their functioning was contrary to socioeconomic and

political settings of Western societies. As a result, they led to the distortion of the foundation of the Tanzanian modern institutions, which in turn were transmitted to future generations (*Ibid*). Later on, the post-colonial era adopted the same institutions to serve society while still distorted. This distortion had a colossal impact on the process of construction of the postcolonial state and its capacity to organize production and mobilize collective initiatives (p.183). It is in the above context that Sansa (2021) advocates for the Institutional Distortion Theory to explain contemporary African institutions. An institutional distortion may be the result of a policy-driven change to the original functional utility and instrumentality of an institution (formal or informal), violating its basic normative assumptions of rationality (Sansa, 2021). This may result in the creation of a non-ideal relationship between the intended institutional and the resultant human mentality as well as behavioural orientation. Unlike an organization, an institution merges the organizational structure, including rules and processes, with a particular culture to become an institution, meaning that an institution is a cultural embodiment. Therefore, institutions have both formal and informal characteristics, including rules, norms, values, compliance, procedures, and standard operating procedures. These direct the relationships between people in various capacities and units of an organization are it private or public (Hall, 1986). In this sense, institutions have policy originality and implications. Therefore, institutional distortion is not a generic institutional error or failure it is imposed by the policy. The intervention may take the form of a policy decision, strategy or action. Institutional distortions create institutional errors or failures, which negatively affect three roles of an institution namely legitimating, prospective, and ordering or regulatory roles (Sansa, 2021).

From an institutionalist view, institutional legitimacy is the capacity of an institution to perform what was expected of that institution; therefore, a legitimate institution is accepted by society. One way an institution may be accepted is either by incorporating social forces or by being instrumental. Since the colonialists imposed most of the modern institutions in Africa, the only way to be legitimate was to be applied in their original functional utility and instrumentality and not otherwise (Sansa, 2021).

The institutional distortions in Africa were made possible through the imposition of a 'colonial administrative system 'through' direct 'and' indirect rule policies. The French, Germans, Portuguese and Belgians to replace the local chiefs and tribal administrations, which were labelled obsolete (Basheka, 2015, Humes, 1973), used the former. The British through a 'native administrative system' aimed at restructuring used the latter and reconstructed the state to meet

colonial needs (Liviga, nd). The Native Administrative System as the tool for institutional distortions comprised the following tripartite spheres: the Civil Institutional Sphere (CIP), which was made up of the received institutions such as common laws, civil laws and administrative regulations to ensure proper checks on the concentration of power, to protect individuals and ensure effective administration of justice (Sansa, 2021). Another sphere was the Tribal Institutional Order (TIO), which comprised customary laws that regulated the relations of people in rural and semi-urban areas. The main concern was to regulate socio-economic and political life in society. The third sphere was the Native Institutional Order (NIO), which combined the features of the two spheres (TIO and CIP) with the main function of organizing the colonial state (Ibid). In Tanzania, for example, the Native Administrative System was implemented through the 1926 Native Authorities Ordinance (Cap72) which was introduced by Sir Donald Cameron who governed the country from 1925 to 1931.

In sum, the institutional distortions theory demonstrates that the colonial native administrative system imposed on African administrative systems created institutional errors and distractions that affected the capacity of actors in making rational decisions concerning the choice of institutions. Consequently, the possibility of choosing the right institutions for post-colonial Africa was a herculean task.

2.4 African Public Administration Theory

The preceding section has demonstrated how the indigenous governance apparatuses that operated during the pre-colonial times were distorted through the imposition of what was called the native administrative system by the colonialists. In this section, we situate the proposed African Public Administration theory in the context of our debate. As correctly put by Ndaguba and Ijeoma (2019), having an African perspective on public administration is a sign of growth and development of the discipline.

Basheka (2015), one of the foremost African pioneers of African Public Administration Theory submits that an African Public Administration Theory can be coined under four pillars: First, is the indigenous African Public Administration. Second is the colonial African administration, third is the post-colonial African Public Administration, and the fourth is the contemporary paradigm. The first pillar would be instrumental in explaining the forms of governance systems that existed in Africa such as centralized, decentralized and stateless (Mazrui, 1986; Basheka, 2015). That description of governance practices will inform a critical part of paradigm building

and theory development. The purpose is to appreciate the uniqueness of African pre-colonial governance systems. That paradigm may be further categorized into the following strands namely; pre-colonial bureaucratic African administration, colonial public administration, comparative public administration, post-colonial public administration, and contemporary public administration (Basheka, 2015).

We are interested in the pre-colonial bureaucratic African administration strand to explain our case because pre-colonial Africa exhibited the character of an organized and civilized society governed by law and order, equal distribution of wealth and an effective legal and unbiased system of governance and administration (Ndaguba & Ijeoma, 2019). According to Mazrui (1986), the administration during the pre-colonial era was very decentralized with very few centralized polities, an indication that pre-colonial Africa had a robust system of local governance as evidenced by various administrations in Africa such as Buganda Kingdom, Songhai Empire, Benin Empire and the Ashanti Kingdom (Ndaguba & Ijeoma, 2019). The testimony is that pre-colonial African societies throughout history were organized with strong administrative institutions.

3. MATERIALS AND METHODS

3.1 Review design

Systematic reviews are relatively scarce in public management studies (Overman, 2016:1242). A systematic approach was chosen because Local Government has been studied in different settings using a wide variety of approaches (Raadschelders, 2008; 2017). Various results and diverse methods of research call for systematization. To prepare a replicable and scientific literature review this review followed three steps.

Step 1: Identification

In this step, we searched titles and abstracts of literature related to local government. To reduce bias, three sources were used, namely Web of Science Core Collection (hereafter “WoS”), Scopus, and Google Scholar. The keyword used to guide the search was “local government in Tanzania”. The review involved 26 peer-reviewed articles, 29 books, 10 reports and 7 official laws.

Step 2: Screening

The results were refined through the following criteria: First review peer-reviewed articles, books/chapters, and PhD theses written in English were screened. The second is to remove duplicates and the third is to remove irrelevant sources, that is, records from other fields.

Step 3: Eligibility

The criteria for article quality (citation) and source quality (journal SJR score) were adopted. Other eligibility criteria were relevance and references to research questions. We also reviewed titles, abstracts and the main content of the literature.

4. RESULTS AND DISCUSSION

4.1 Self-Rule before Foreigners' Contacts

The first documentary evidence concerning the people on the East African coast comes from the 1st century AD from the accounts provided by the Periplus of the Erthyraen Sea and the 4th century AD Geography of Ptolemy. There were indeed some city-states developed even before the arrival of foreigners. For example, the city-states of Kilwa (Quiloa or Kilva) and Pate came into prosperity before the 7th century AD. Some people from other tribes organized themselves into governments based on age sets and clan systems. The Tanganyika (Tanzania Mainland) is recognized for its pre-historic sites such as the fossil remains of human ancestors excavated at the Olduvai Gorge, the long footprint trail at Laetoli and the exceptional dinosaur record at Tendaguru in Lindi region (Mizinga, 1998).

There are also some ruins at Kilwa and Pumbuji (Kaole) that indicate evidence of early settlements and some governments or at least governance existed. The spectacular Paleolithic rock paintings at Kolo in Kondoa Irangi and on Lake Eyasi basin provide a unique indication that there was a changing socio-economic base of the areas from hunter-gatherers to agro-pastoralist communities. For instance, the hieroglyphics of Kolo indicate how the societies changed from hunter-gatherers to modern agro-pastoralist societies. As Mizinga (1998: 55) put it;

'Having come a long way in history, African societies pursued a pattern of economic development that was predominantly agrarian and commodity exchange on the eve of the colonization process, ... The people sustainably exploited their environment to satisfy their needs. Each ethnic group had its state that governed and controlled the day-to-day running of that society.

Ideologically, each society was governed by what has been termed traditional African religion. The religion and the jurisprudence of that society guided the political, cultural and economic conduct of both the rulers and the ruled.

On the other hand, Listowel (1965: 6) cautioned, '... to trace the history of any tribe in Tanganyika is almost impossible. African tribal history has been passed on by word of mouth from one generation to the next. Legendary events change according to the loyalty of the narrator...' However, the inhabitants of East Africa organized themselves into small groupings known as tribes. Each tribe was headed by a chief. The chief of the larger tribe could have jurisdiction over several villages and sometimes spread over a vast geographical area. Under the chief, there can be some headmen. The people and/or elders usually democratically elected the chief. He or she became a chief due to the possession of certain useful but unusual personal qualities or charisma. In the real sense, there was no system of local government applied in these chieftainships since most of them were centrally managed but assisted by sub-chiefs or headmen (Listowel, 1965).

For instance, a Moroccan adventurer Abu Abdullah al-Lawati Ibn Batuta visited Kilwa in 1331 AD. The level of development and prosperity of the city-state impressed him. Kilwa was once a major trade centre in ivory, silver, copper, gold and later slaves. Kilwa is situated on the trade route to Lake Nyasa and the Mwenemotapa Kingdom in Zimbabwe, amongst other areas. In addition, a letter from Diogo de Alencova to the King of Portugal dated 20th November 1506 shows that merchants coming to Kilwa during the time were heavily taxed on gold and cloth. The presence of coinage, controlling of prices and a system of revenue collection that was prevalent in Kilwa confirm the existence of government and governance even before the arrival of foreigners and colonizers (Thurnwald, 1929).

4.2 Organization of Clans and Age Set Structures

Tribes in pre-colonial Tanganyika were organized in clans and age-set social institutions. All hunter-gatherers, Cushitic, Bantu and Nilotic people had separate social institutions defined in clan lines. Initially, their settlements were very small and generally temporary. One or more family groups in a clan stayed under the leadership of their elders. Age set passed through the age grades, taking on the rights, duties and activities specific to that grade. Each age grade had a distinctive status or social and political role to be depicted by an individual. In the late 1920s, Thurnwald (1929) studied two aspects of social systems in Africa. First, he studied the methods

by which food is procured and the state of technical knowledge owned by the people in the communities. Secondly, he studied the political structure of people. He found out that the people in different clans organized themselves in a kind of political organization headed by the chief and assisted by elders or headmen.

The organization of the clan as a centre for a political organization can be explained as follows: - a clan is a group of people united by kinship or descent and it is defined by perceived descent from a common ancestor. Clans are sub-groups of tribes whose members are descended from a male line or female line ancestor. In each clan, there were two types of relationships among members. The first type was the native people. These were people who were related to the chief and each other by blood ties. They were bound together by birth or blood relationship. The second type of people in the clan was the broken ones, which referred to individuals from other clans who had sought and obtained protection from the clan. The broken people were constituted in the clan due to war, famine, drought, epidemic diseases or any other calamity that could have forced them to surrender and join another clan.

The tanist was a position below a chief. He/she was an heir elected during the chief's lifetime. The chieftains were heads of villages or houses in each village these were followed by men. The men were considered the army of the chiefdom. The army constituted the active body of males and females in the social organization. The last group was the general body (community) or the people – active citizens. This organisation implies that the pre-colonial societies in the area did have a kind of government (governance) organized in the chiefdom mode of social organizations. The degree of their development differed from society/clan to society/clan. For instance, according to Richards (1960) and Thurnwald (1929), strong governments existed in pastoralist tribes/clans of the interlacustrine region around Lake Victoria. Thus, there was, indeed, a possibility of implementing local administration within the chiefdom. Some chieftains had both deconcentrated and devolved authorities provided by the respective chiefs. Therefore, some chieftains and sub-chieftains acted as local governmental institutions within the chiefdom. However, most major decisions were made by the chief with the assistance of the council of elders created to advise him.

4.3 Foreigners' Intrusion into East Africa

There were two major sources of invasion between the 8th century and the 17th century. First, there was the arrival of people or foreigners from the Middle and the Far East as traders and

settlers along the coast of East Africa. These were the Shirazi Arabs and Persians amongst others, who came during the 9th and 11th centuries and settled in Kilwa and Zanzibar including other city-states along the East African coast for trade in ivory, copper, gold and silver. It is reported that Kilwa Kisiwani (Kilwa Island) was sold to a trader, Ali bin Al-Hasan, in the 09th century, this implies that the native administration of Kilwa surrendered to the Arabs of the Shirazi dynasty (Gann & Duignan, 1977).

The second foreign encounter during the period was in the 15th century where Portuguese explorers visited Kilwa and other East African towns on their way to the Far East. Vasco da Gama visited Kilwa in 1498 and forced the people of Kilwa to be under Portuguese domination. The people of Kilwa were not happy with the brutality of the Portuguese's pseudo-colonialism. The Portuguese burnt down the city-states, which resisted their rule. The people of Kilwa were forced to pay tribute to the King of Portugal each year. The Portuguese ruled Kilwa and along the coast of East Africa for over 200 years. Portuguese colonialism undermined local leadership and applied direct control from Lisbon. Neither colonial administration nor Christianity was absorbed much by the local people. The Portuguese legacy was thrown south of river Ruvuma where the Portuguese colony was established and ruled for over 5 centuries (Gann & Duignan, 1977).

5. THE GERMAN COLONIAL ADMINISTRATION

The Germans took control of Tanganyika, which started with Karl Peters coming to Tanganyika from Germany in 1884 accompanied by Karl Ludwig Juhlke and Count Joachim von Pfeil. The chiefs and elders in the areas visited were given some presents and promises of protection by the German Reich. He forged some treaties of eternal friendship with twelve of the local chiefs in some parts of German East Africa (Gann & Duignan, 1977).

The Germans were very few in the colony; the colonial administration relied on the native chiefs and the official rulers to keep order, collect revenues, and supervise the establishment of commercial farms for cash crops. The Germans stripped off the majority of the powers and authority of the local chiefs they engaged in the colonial administration. The Colonial administration preferred to use a direct rule with everything controlled from the headquarters of the colonial administration in Dar es Salaam. At District and sub-district levels, German Officers were in charge. Under them, there were *akidas*, *liwalis* and *jumbes* mainly the Swahilis taken

from the coastal areas (Hailey, 1956; Moffett, 1958). These were the government appointees in the persons of the chiefs, headmen or sub-headmen.

The whole system of the colonial administration was centralized, with the direct rule as the only option taken by the Germans. A few German officers known as District Officers were sent to designated districts to manage deconcentrated administration. They did not rely on written law or established legal practices for their ad hoc judgment. Hermann von Wissmann learned that German colonialism in East Africa should make use of Africans' sense of kinship and ethnic solidarity by respecting their customs, dividing soldiers into ethnically homogeneous platoons, and acquiring an understanding of their beliefs (Gann and Duignan, 1977). The Germans started to use the Muslim and Swahili-speaking coastal people as administrators in the sub-districts. Each *akida* took control of some *jumbes*, who were government agents in charge of villages.

5.1 Local Government Administration under the German Rule

The Imperial Decree of 29th March 1901 put into effect what was known as Communal Unions (Kommunal Verbandes) for the Districts of Tanga, Pangani, Bagamoyo, Kilwa, Lindi, Lushoto (Wilhelmstall), Kilosa, Mbeya (Langenburg) and Dar es Salaam. These Unions were provided with extensive duties including the establishment of schools, street lighting, refuse collection, drainage of swampy and unhealthy areas, construction of roads, streets and bridges, distribution of seeds to natives, and overseeing the management of cooperative village farms.

The local government authorities, which were mainly urban authorities, did not work well. They were abolished in 1909 and their responsibilities were taken over by the central colonial administration. The local administration in Dar es Salaam and Tanga were still managed by the respective urban authorities though their jurisdictions were highly curtailed and limited to residential areas only.

5.2 Evaluation of German Administration in East Africa

During the brief rule of three decades by the Germans in East Africa, three major political upheavals before the First World War posed a great challenge to German authority. In addition, a dozen of punitive expeditions against native tribes took place in Tanganyika to back the colonial claim. There was no clear set of positive stories on the development of public administration and local administrative authority institutions during the period. However, Hautvast (nd) and Jerman

(1997) state that the direct rule by the German colonial government in German East Africa marked the end of local tribal self-rule, which had existed in the pre-colonial period.

6. THE BRITISH COLONIAL ADMINISTRATION

Tanganyika was a Class B Mandate from the 20th of July 1922 to 1945 under the supervision and direction of the League of Nations. The territory was then under the trusteeship agreement of the United Nations from the 13th of December 1946 to 1961. The British were entrusted to administer Tanganyika and spent the first six years of their administration consolidating administrative and political control.

Montjoy and O'Toole (1979: 466) provide the main features of the mandates by suggesting the different effects, which external mandates may have upon an organization. They identified two main variables as responsible for the mandates namely, their specificity and the number of new resources that accompany them. Tanganyika was part of German East Africa the former German-ruled territory, which was then given to the British Government as a colonial protectorate (The Versailles Treaty of 1919).

The British introduced a dual mandate system of administration, which allowed for the complementary development of native and non-native communities in the country. It was a system of administration, which was popularly known as indirect rule. Indirect rule was introduced by Sir Donald Cameron as a Governor of Tanganyika in 1925, a system of administration, which was first experimented upon in Africa by Lord Lugard in Nigeria. The dual mandate system of administration had two main advantages: First, it ruled and developed as a dual trust on behalf of the inhabitants; and secondly, it ruled as a trust on behalf of civilization, which is enormously and increasingly dependent on the products of the colonies (Cooke, 1934). The system of dual mandate or indirect rule can be further described as follows:

It is a principle of adapting for the local government, the institutions which the native people have evolved for themselves so that they may develop constitutionally from their past, guided and restrained by the traditions and sanctions which they may have inherited ... and by the general advice and control by those officers (Tanganyika Territory, 1926: 6).

The above quote raised several questions. For instance, Wallbank (1934) questioned the legitimacy and validity of the system. He stated that indirect rule created a system whereby the government, retaining the ultimate power, ruled through native tribal authority. It may not

necessarily have been true that local governmental institutions could evolve from those tribal institutions. The new laws, regulations and routines introduced in the territory could not enforce the changes in goals, objectives and worldviews since goals and worldviews would be seen as irrelevant (Montjoy & O'Toole, 1979). In addition, the system might be wrong since it held natives in a feudal or native state and it was perceived that natives were not capable of administering their affairs (Raglan, 1932). In other words, the inhabitants would not be able to have *decentralization by evolution (D by E)* to establish their local councils or institutions. In other words, the system of governance was that of '*Government by Directives*' (G by D).

6.1 Native Authorities in Tanganyika and Indirect Rule in 1926

The Native Authorities were the East African type of Bantustans meant to divide the people based on their places of origin to rule them smoothly and easily. These were institutions based on tribal or clan traditional social organizations. They were introduced and adopted into Tanganyika to further the policy of indirect rule. The system of indirect rule, which was introduced in Tanganyika required new legislation and rules.

The colonial government enacted the Native Authorities Ordinance, of 1926 (Chapter 72 of the Laws). The law aimed at maintaining the doctrine of the paramountcy of the chiefs and traditional official authority, institutions and power and at the same time, they had to meet the interests of the colonial powers. Wallbank (1934) viewed native authorities as mere experiments in Nigeria and Tanganyika meant to obviate the past mistakes made by the British colonial government. The underlying principle of the indirect rule was to leave the conduct of local affairs to those recognized tribal authorities and command the respect and confidence of the people and at the same time take every possible step to hasten the changeover from the traditional to a modern system of administration (Listowel, 1965).

Tribal chiefs were empowered to exercise both executive and judicial powers and accordingly local courts were created throughout the territory at the level of chiefdoms and sub-chiefdoms. The chief was to sit with the elders or assessors to sort out court cases that dealt with natives in his tribal territory. He was both an administrator in his area of jurisdiction and a judicial officer. He performed several functions: to maintain, enforce and administer law and order, prevent crime, collect revenue for the colonial administration and administer the customary law of the area, among other functions.

A native authority was, therefore, defined as any chief or group of natives declared to be established as a native authority under the Ordinance for the areas concerned. The Governor had powers to appoint a native authority and overriding powers to make rules governing native authorities. Native authorities were not local authorities in the real sense and meaning of the phrase; they were tribal or clan '*Bantustans*' established by the British colonial government from 1925 to 1961. The Native Authorities Ordinance provisions did not cover people or residents of Asian and European origins. This implies judicial matters of Asians, Europeans and Africans who stayed in urban centres were dealt with by the British law in Tanganyika, that is, the Tanganyika Order in Council of 1920 (Listowel, 1965).

6.2 Administration through Local Government

In this section, the emphasis is on the evolution and establishment of institutions known as local governments during colonial Tanganyika. There were two levels of local governance during colonial Tanganyika. The first level was that of the rural local government institutions whereas the second level was the urban local government institution.

6.2.1 Rural Local Governance

First, the native administration was considered a form of local administration, which differed from chief to chief. There was no common set-up proposed in the Ordinance for the Native Authorities. The second type of local institution was the *local council*. The councils came after the recommendations made by the Constitutional Development Committee established in 1950 by the British colonial administration. It was recommended that a change in native administration was required. Native administrative institutions were stagnant and static; therefore, they could not steer the development of the natives in Tanganyika. The report proposed the establishment of free political institutions suited for Tanganyika (Bates, 1955; Tanganyika, 1951). Hence, some major legislative changes were made in 1953.

The colonial government enacted the African Chiefs Ordinance, 1953 (Chapter 331 of the Laws) and the Local Government Ordinance, 1953 (Chapter 333 of the Laws). The former piece of legislation aimed at consolidating the local institutions managed by the chiefs and elaborated the executive cum judicial powers of the tribal chiefs. The Local Government Ordinance repealed and replaced the Native Authorities Ordinance, of 1926. The new law corrected some anomalies identified during the implementation of the Native Authorities Ordinance, of 1926.

The third type of local institution was the *Divisional Council* or sometimes known as a subordinate council. The divisional council was a body attached to native authorities for advisory purposes; it was under the jurisdiction of the chief or headman. The divisions comprised single chiefdoms or in other cases a group of chiefdoms clustered according to size and population. The divisional council acted as an advisory body to the local chief or a formally created native authority. When the chiefdom was perceived as too big, the colonial government subdivided it into sub-divisions called *jumbeates*. Villages during the colonial Tanganyika were not considered local government institutions. Local government at the village and *jumbeates* levels were not yet thought of as springboards for development and socio-political changes on the scale envisaged by the post-independence leaders.

The fourth type of local government institution was the *District Council*. The council was composed of the following members. all the chiefs or other executives in the district, one headman or sub-chief from each division elected by the headman of the divisions, one or more commoners from each division elected by commoners of the Divisional Council, and a limited number of members selected for their special qualifications or as representatives of special interests not adequately represented on the council nominated by the Chiefs, District Commissioner or the Provincial Commissioner.

The District Councils were established to modernize and democratize native authorities, among other reasons. Their existence posed one big challenge to the need of separating executive functions from judicial functions at various levels of local administration. In 1950, the Governor of Tanganyika was quoted as, '... chiefs ... have wider responsibilities and new functions, especially concerning such legislation ... and need more modern machinery. chiefs in Tanganyika are still not autocrats. They remain heads of associations of sub-chiefs, headmen, elders and holders of various hereditary officers – some of which may be connected with tribal religious rites or with rain making- with whom they take counsel...' (Quoted in Datta, 1955: 73).

6.2.2 Urban Local Administrative Institutions

In urban areas, there were four types of local administrative institutions, namely minor settlements, township authorities, town councils and municipalities. The minor settlements were of two types: The minor settlements under the native authorities' jurisdiction and the minor settlements outside the jurisdiction of the native authorities. It was the responsibility of the Provincial Commissioner to regulate the rules and procedures of both types of minor settlements

by the issuance of standing orders. The Executive Officer of each minor settlement was to be appointed by the respective minor settlement otherwise the Provincial Commissioner could appoint one.

The townships were created under the Townships Ordinance of 1920 and later in 1953. The members of the Township Authority included the District Officer who was the chairperson and other official members were the head of the Medical Department in the district, the Assistant Surgeon, a senior member of the Public Works Department and the sub-headman. The unofficial members were elected or nominated by the instrument that created the township. Membership was generally interracial and each authority had to appoint a secretary who was responsible for the collection of revenue, granting of business and trade licenses, and exercising other duties and powers as such authorities were empowered to exercise and perform. From 1953, township authorities were able to make by-laws relating to land held by the natives in or near the townships.

The third local administrative institution in urban areas was the Town Council. These were established following the recommendations of the constitutional development for Tanganyika submitted to the Governor in 1950. The colonial government was advised to give financial and administrative autonomy to some of the big townships. Then, the Local Government Ordinance of 1953 (Chapter 333 of the Laws) was a result of such constitutional development. The composition and constitution of the members in those Town Councils differed. Each council membership depended on its specific instrument of establishment.

The fourth local administrative institution was the municipalities in some expanding urban areas. Equal representation amongst unofficial members by race was introduced. From 1950, the total number of members increased to 24. Twenty-one (21) of which were to represent the three main communities, namely Indians, Europeans and Arabs/Africans based on equality of representation. Two members were European government members and one member was a European who sat on behalf of the East Africa High Commission.

6.2.3 Special Areas Local Administrative Institutions

There were two types of local administrative institutions that operated at the regional and provincial levels. The first one was the County Council and the second one was the Provincial Council. County Councils were established mainly to extend a wider area of application of the principle of local government based on multi-racial participation. Therefore, the boundaries of

the County Council did not always coincide with that of the administrative district or province. The implementation of the county council did not last long (nine years only). In 1959, the County Council concept was abandoned even though there were two County Councils already created, namely South East Lake County Council and the Lake Province County Council (Dryden, 1968). Large size, political pressure and lack of commitment were among the reasons for the failure of the successful establishment of county councils in the territory (Pratt, 1968).

The second type of local governance institution at the regional/provincial levels was the Provincial Council. Each Provincial Council had deconcentrated powers delegated by the central government or the Governor. The Provincial Council was mainly doing advisory and deliberative functions. In some provinces, these councils were called Provincial Advisory Councils (PACs). Membership consisted of officials under the chairmanship of the Provincial Commissioner with heads of governmental departments in the province. It was also composed of unofficially nominated members from various districts within each province.

7. CONCLUSION

If poor institutions and governance can be considered the major cause of Africa's problems, the previous experiences suggest that there is a biased account of the history of the continent in general and Tanzania in particular. The question is whether the interventions described in this paper could have created a form of local authorities not intended by the independent Tanganyika. This concluding section answers the above question. We argue that colonial practices had produced significant impacts on the administration of the state, particularly at the local level of governance. In summary, the institutional distortions theory demonstrates that the colonial native administrative system imposed on Tanganyika had created institutional errors and distractions that affected the capacity of actors in making rational decisions concerning the choice of institutions. Because of these distractions, the possibility of choosing the right institutions for post-colonial Tanzania was a herculean task. The pre-colonial bureaucratic African administration strands of the African Public Administration theory inform us that the administration during the pre-colonial era was very decentralized with very few centralized polities, an indication that pre-colonial Africa had a robust system of local governance, as evidenced by various administrations in Africa such as the Buganda Kingdom, the Songhai Empire, the Benin Empire and the Ashanti Kingdom.

In the words of Walter Rodney (1972: 245 -246) ' Africa's political states lost their power, independence and meaning.' Possibly the local government authorities we are trying to study are not the ones we were expecting to construct or forge. The public realm we are experiencing in post-colonial Africa will indeed continue to be under contradiction due to those old legacies and emerging legacies such as globalization and modernization. There is no escape from these changes and interventions. However, we can still influence and shape the institutions, actors and interventions. We are powerful in that the contents can be determined by us; we cannot stop it but we are either capable of frustrating or elevating administration.

8. LIMITATION AND AREAS FOR FURTHER STUDIES

This study was limited to the colonial practices and their impacts on the administration of the state, particularly at the local level of governance. These conversations should be ongoing; first, a window is open for other researchers to venture into the impact of colonial practices on central government and other governance structures we have today. Second, a focus on theories and models for understanding indigenous governance and management systems and practices in Africa is also timely.

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