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# **Justice Administration Outside The Ordinary Courts of Law in Mainland Tanzania: The Case of Ward Tribunals in Babati District**

YUSUFU. Q. LAWI

## **Introduction**

Since colonial days, justice administration in what is now mainland Tanzania, has invariably involved arbitral procedures alongside the more court-based litigation process. The British colonial government in Tanzania (then Tanganyika) systematized and put in place a system of customary arbitration which, although distinct, formed part of the colonial legal system. At first the post-colonial state adopted this system without any alteration, but in 1969 a statutory provision was made for the creation of a more formal and village-based structure known as the Arbitration Tribunals (1969). In 1985, a parliament Act (no. 7 of 1985) replaced these with more formalized and regularized organs called the Ward Tribunals. In contrast to the Arbitration Tribunals, the latter organs are based in wards and are meant to function under the overall control of the district-based local government authorities.

This act clearly states that these organs ought to function primarily through mediation and arbitration, as opposed to litigation (Sec. 8). As such, they would achieve justice at the local community level through amicable settlement of disputes and, in this way, enhance the spirit of reconciliation and understanding among community members (Msekwa, 1977: 111). On the other hand, it is well documented that the Tribunals also were established to relieve the primary courts of their increasing work load. It follows that they were meant to supplement rather than replace the ordinary courts of law at the lowest level (Msekwa, 1977: 111).

It would be worthwhile to note that the establishment of the Ward Tribunals took place at a time when the central government had decided to consolidate and revitalize local governance. Some lip service had been paid to giving power to the people to determine their own affairs since the early days of independence, but actual practice largely contradicted the often neatly presented manifestos in this regard (Ngware and Haule, 1993: 6). The re-establishment of the local government system in 1984, after it had been abolished in 1967, was officially explained as aiming at enhancing popular participation in development efforts (Meshack, 1991: 6).

The newly established local government system encompassed a network of administrative structures and institutions. At times these local governance structures and institutions, which include district/town councils and village governments and cooperative unions, have been coordinated by a full fledged ministry. However, more often they have worked under the umbrella of the Prime Minister's office.

<http://www.africa.ufl.edu/asq/v1/2/1.pdf>

Ward Tribunals were to function as part of the Ward Committees (Sec. 24[3]) which, together with village governments, work under the direction of district councils. Taking the Ward as an administrative unit, the above sketched structural and institutional arrangement presents some degree of conformity to the modern ideal of separation of powers in governance. While the functional government officials at the Ward level (headed by the Ward Executive Officer) clearly discharge executive duties, and while the Ward Committee in liaison with the District Council performs functions close to those of the legislature in nature, the Ward Tribunals' functions, as specified by law, are essentially judicial.

### **The Problem: Broad Concerns**

The combination of the goals and intentions for the establishment of the Ward Tribunals, together with the statutory specification of their functions, jurisdiction, and powers, raises a number of questions which are general as well as specific in character. On one hand, there is an obvious need to appraise the performance of the Tribunals on the basis of their stated aims and objectives. In view of the goals stated above, one question, therefore, has to do with the extent to which these organs have been effective in achieving justice through their mediation and reconciliation activities. Another obvious question is whether the Tribunals have had a notable impact with regard to easing the primary courts' work pressure. At a more general level it is imperative to consider the question whether justice may be achieved through the implementation of the stated goals and working principles of the Ward Tribunals. The Presidential Commission, which recommended the establishment of these organs, envisaged that they would be reconciliatory, flexible, informal, and sensitive to local culture in their functioning (Msekwa, 1977: 111 [116]). These principles were resounded by the Act establishing the Tribunals. The question, therefore, is whether the implementation of these principles would insure justice to everyone in the context of rural Tanzania in the 1990s.

### **Specific Questions and Assumptions**

The present study was conceived and designed in the light of the foregoing concerns. Based on one of the administrative districts in the country, namely Babati, the study set out to address concurrently the questions outlined above. To start with, the basic questions were expanded and categorized into three sets.

The first consisted of questions concerning the composition of the Tribunals in terms of the socio-economic status of their members and leadership. These questions were posed with a view toward establishing whether or not such a composition in each respective Ward can allow justice to prevail in the Tribunals' handling of disputes. The assumption to be tested in this regard was that, given the increasing pace of differentiation among rural dwellers in Tanzania, the Tribunals may easily be dominated by the well-to-do and relatively more powerful people. The relevant questions inevitably touched on the kinds of people who characteristically tended to be put on the Tribunals, how they are selected, the characteristic socio-economic status of the Tribunal leadership, how the latter are appointed, and the powers they enjoy when discharging their duties.

The second set of questions concerned the manner in which disputes characteristically find their way into the Ward Tribunals. The basic objective was to know whether or not people willingly and freely decide to take their disputes to the Tribunals. The assumption underlying this concern was that, under the conditions of possible corruption in the Tribunals, poor people could have been victims of rich individuals' intrigues to have them accept mediation of Ward Tribunals for the purpose of insuring favorable settlement of disputes in their favor. The questions in this set, therefore, sought evidence of interception of individual disputants' will to have the disputes handled either by the primary courts or by Ward Tribunals. Additionally, they sought to establish whether or not there was any association between socio-economic status of disputants and their choice of an organ to settle a dispute.

Lastly, a series of questions were raised concerning the actual work of the Ward Tribunals. Here, too, the primary objective has been to establish whether or not justice in its broad sense was being upheld in the manner in which they actually settled disputes. The major concern here has been to know how the conciliatory functions of the Ward Tribunals are carried out, and whether the Tribunals have been consistent in this respect. The worry, and the hypothesis to be tested, was that since the law guiding the functioning of the Tribunals allows plenty of roam for discretionary decisions, on the part of the Tribunals, the Tribunal leadership would be corrupted into using that discretionary power by influential and powerful people against the interests of the powerless poor. It thus was considered appropriate and necessary to examine how disputes were being received by Tribunals' leadership, how the Tribunals conducted themselves in settling disputes, whether enough time was provided for each of the disputants to give their side of the story, whether evidence is consistently called for (or otherwise), whether or not reference is made to any set of laws/regulations consistently, and whether final decisions were based on the principles of litigation or, conversely, those of reconciliation.

## **Theoretical Perspectives**

Justice administration as an area of inquiry attracts the attention of not only lawyers and specialists in public administration but also that of social historians, sociologists, social psychologists, as well as of moral philosophers. The present study was conceived from the point of view of social science in general. Thus, while it avoids the technical specifications of the relevant individual disciplines, it draws on theoretical perspectives from them. It is, therefore, through an interdisciplinary approach that the basic concepts and theoretical concerns in the present study are understood and defined. In a nutshell, the basic theoretical issues which shall now be discussed include the concepts of justice and arbitration, and the whole phenomenon of justice administration in the wider context of the people-government relationship.

Our first concept, justice, is an extremely controversial one. Even in ordinary discourse people hardly refer to the same thing when they mention the word. Philosopher Chaim Perelman's analysis is instructive in putting the various contradictory conceptions in perspective. For him there are two possibilities of understanding or conceptualizing justice, the distinction being underlined by the assumed meaning of equality in each case. Accordingly, justice may either mean giving "to each the same thing," or giving "to each according to some distinguishing particularities," such as merit, need, rank, and legal entitlement (1963: 7).

Whereas in the former case universal or perfect equality is assumed, in the latter case, equal treatment goes only with specified criteria of equality among, or between individuals.

Perelman's conceptualization of justice is obviously informed by two distinct historical contexts, which our modern minds have experienced either directly or through cultural transmission from past generations. The first context is that of an undifferentiated egalitarian society of the past, in which prevailed egalitarian ethical values, attitudes, and ideas. It is in this context that justice and fairness can possibly be conceived as giving to each the same thing. Our modern society, founded on private property and characterized by social and economic stratification, provides the context in which the notion of justice as giving to each according to certain qualifications makes sense.

The point being made is that what we now call justice has meant different things in different historical epochs in different places. In the context of European history, for example, it has clearly been shown that conceptions of justice have radically changed as societies transformed from primitive communal through feudal to capitalist order (Miller, 1976: 253-335). According to the available literature, whereas in primitive communal societies justice was hardly a virtue (the main virtues being generosity and sociability), in feudal societies it gained top importance, generally being understood as observance of, or respect for, established differentiated rights. In the advanced capitalist society, justice came to be understood primarily as "requital of deserts" or giving to people what they deserve.

One can easily see that this latter conception belongs to the second of Perelman's two possibilities as outlined above. The basic distinguishing particularity in this case is "deserts," hence the dictum "to each his due" (Miller, 1976: 20). In our contemporary setting what is due to a person in a particular situation is often specified by relevant laws, regulations or norms. Needless to say that these laws and regulations are usually expressions of certain ethical and political values, not always shared by all the people in the respective society. It should also be noted that since judicial systems do not always provide all the required rules to the fine details, those entrusted with justice administration have often had to use their own discretion. Here, too, fairness in judgement is always gauged to certain values in the respective society, often those of the dominant political and cultural groups.

In view of the variability of the sense of justice with changes in social circumstances, it is obvious that a realistic universal and all-time definition of justice is not tenable. Accordingly, in this study, justice is considered to be a social construct that is transformatory in nature. The basic tenets of justice, as conceived here, are presented in Fuller's definition, which states that justice involves "regulating with fairness and equity the relation of men in common to improve their coexistence" (Lloyd and Freeman, 1987: 62). The necessary addition to be made, however, is that the stated criteria of justice, that is fairness and equity, are in each case determined by the social values and conceptions which enjoy a position of influence and power in the respective society.

This brings us to the second concept, arbitration. Simply defined, the term refers to processes involved in settling disputes without necessarily making recourse to law or any other established rules and regulations (Rowland, 1988: 1). In practice the process may take place in law courts (a process called statutory arbitration), as an alternative to litigation, or it may consist in the settlement of disputes in private. In both cases arbitration involves a process of



conciliation, which consists in devising terms that are acceptable to both parties, normally under mediation of a commonly accepted third party (Rowland, 1988: 13).

Mention has already been made of the fact that the Tanzanian Ward Tribunals were meant to follow the principle of conciliation in their functioning. It is notable, however, that these Tribunals are legally established, and that the act establishing them gives broad guidelines for their operation. Furthermore, they are required by law to operate in public. This is to say that their activity fits the designation of statutory arbitration, as opposed to arbitration in private.

The question with which we are centrally concerned is how the concept of justice as outlined above relates to the process of arbitration as defined here, and whether the former virtue can be achieved through the latter process. It will have become clear from the above exposition that justice does not necessarily consist of adherence to established rules and regulations. On the contrary, it refers to socially determined fairness and the equity of human affairs in a particular society. On the other hand, given that established laws and regulations are normally expressions of the values of only a section of the society, adherence to them may not necessarily result in justice to all the people involved. The vital therefore, point, is that the handling of disputes outside the ordinary courts of law is in itself not an indication of whether justice will or will not prevail. Hence, to the dictum "where law ends tyranny begins" Keneth Davis (1968: 3), has added that this could, but need not be, the case.

Justice administration, the process by which conflicting interests are reconciled using the principles of fairness and equity, historically has been both a judicial and governmental-administrative function. Even though in modern society this function is assigned to the judiciary, which in principle ought to work independently from the executive arm of the state (i.e., the government), in practice it has been part and parcel of government administrative functions. Accordingly, the nature and functioning of the Tanzanian Ward Tribunals has to be understood in the light of the mission and administrative role of the government. Like the British Administrative Tribunals, after which they have mainly been styled, the Tanzanian Ward Tribunals are primarily a part of the administrative system. This is clear first of all in regard to their historical roots, which are quite clearly traceable to the British colonial administration system. In Tanganyika, as elsewhere in their colonial empire, the British used their so called indirect rule principle to maintain or create customary courts to operate at the bottom of the judiciary system. As mentioned earlier the Ward Tribunals were a modification of the customary courts, left in place by the colonial government. The purported primary aim of both institutions was to control ordinary social strife at the local community level for the purpose of keeping peace and tranquility by the cheapest possible means (Msekwa, 1977: iii; Farmer, 1974: xi).

Moreover, it is quite clear that the Ward Tribunals were intended to be an organ of the local government in the respective government administrative districts. This is evidenced by the fact that, although the Tribunals are supervised by the primary courts, they are responsible to, and are directly controlled by, the local government authorities. Furthermore, in accordance with the provisions of the act (Section 8[3]), Ward Tribunals have often been used by village and Ward government authorities to enforce certain regulations relating to social and economic development.

I have already expressed skepticism about the capability of the Ward Tribunals to consistently observe justice in their functioning, despite possible corruption resulting from the rural socio-economic context of our day in Tanzania. The above illustrated statutory sanctioning of local governments' direct control over Tribunals poses an equally profound doubt. For instance, when it is known that the Tribunal leadership and membership are both directly determined by the local government authorities, the possibility of having suitable people occupy these positions will depend on the nature of the local governing regime in place. Additionally, given that the Tribunals would often be used to resolve conflicts arising from people-government relationships, there is a high likelihood that the Tribunals will do injustice to ordinary common people in favor of possible unpopular government interests. It is on the basis of these concerns, doubts and assumptions, and the ones stated in the previous section, that the present study was conceived.

### Presentation and Discussion of Data: The Sample, Data Sources, and Methods

The data to be presented and discussed come from four sample wards selected from Babati district in north central Tanzania. These wards are Magugu, Babati, Madunga, and Dareda. The data was generated through the use of a questionnaire administered to people whose disputes were handled by Ward Tribunals between 1990 and 1993. In each sample Ward, twenty five disputants were selected to constitute the sample population. Additionally, an interview protocol/schedule was used to guide interviews with Tribunal leaders and members. The third source of data was direct observation, in which a total of ten Tribunal sessions were observed.

Data Presentation and Analysis: The study first considered the general question as to how often the Tribunals were involved in dispute settlement and what sort of disputes they settled. The basic information from these questions is summarized in Table 1 below.

Table 1: Number and Categories of Disputes Handled by Ward Tribunals by Wards, 1991- 1992

	CIVIL		CRIMINAL		TOTAL (1991 & 1992)	
	1991	1992	1991	1992	CIVIL	CRIMINAL
MAGUGU	17	25	93	21	42	114
BABATI	7	11	49	31	18	80
MADUNGA	21	21	8	7	42	15
DAREDA	24	27	18	10	52	28

It is clear from the table that the number of cases dealt with by the Tribunals widely varies between the two years as well as across the wards. The scope of the available data does not allow any attempt to explain this high rate of fluctuation.

A further observation to be made is that whereas the Babati Tribunal (which caters to a semi- urban population) recorded a bigger number of criminal cases than civil ones, the opposite is true for the typically rural Madunga and Dareda Tribunals. This rural-urban

contrast however, is not supported by the recorded figures for Magugu Tribunal, which also caters to a rural population. Upon further inquiry it has been established that the number of criminal cases handled by the Magugu Tribunal during 1991 were inflated by an occasional event. During the year the local government launched a special environmental health campaign, which involved identifying people who did not have pit latrines near their houses and taking them to the Tribunal. These people were eventually fined. The significance of this story is that 88 out of 93 criminal cases handled by Magugu Tribunal during 1991 were directly linked to the campaign in question. If these cases are excluded, the total number of criminal cases handled by the Magugu Tribunal drops from 114 to 24 during this two-year period. This makes Magugu comparable to Madunga and Dareda in terms of the frequency of criminal cases, thus making the rural-urban contrast in this regard to hold in general.

The explanation for this disparity falls outside the main thrust of the present study, but it can be stated, in passing, that differences in terms of social dynamics between the two geographical locations seem to explain the difference in the frequency of criminal and civil disputes. Whereas disputes in the rural setting seem to revolve mainly around land-related conflicts (usually categorized as civil), in the semi-urban setting ordinary social strife (e.g., abusive language, threatening statements, all categorized as criminal) seem to dominate.

A brief analysis of the cases brought to the Tribunals shows that those categorized as criminal cases ranged from abusive language or threatening statements, and contravention of social and economic regulations to actual assaults and related violent acts. The cases which were classified as civil ranged from land disputes, claims of unpaid bridewealth and unreturned borrowed property, to conflicts arising from issues such as broken or troubled marriages, division of property among divorced couples, and claims of neglect by a husband.

Coming to the main thrust of the study, one major question raised had to do with the composition of the Ward Tribunals in terms of the social status of their members and leaders. The findings show that the Tribunal activities in each Ward were coordinated by a chairman and a secretary. While in all cases the chairman was a man aged between fifty and seventy years old, the secretary was always a young man aged between twenty-five and thirty-seven years. A quick survey of records revealed that the two top positions were invariably occupied by men in all the wards in the entire district, at least until the time of research.

Also, in all the cases, the chairman was a fairly well-known person in the respective Ward. He would have an average or slightly above average income, with some record of public involvement, such as being a primary court advisor, a party (CCM/TANU) leader, or a retired civil servant. Formal education does not seem to have been a consideration when selecting the chairman. This follows from the fact that in one case the chairman had gone only through adult literacy classes, while in two cases, he had ended only at the fourth grade level. Only in one of the four sample wards was the chairman educated to the eighth grade. The secretary, on the other hand, was always an ordinary employee of the local government, often a class seven leaver. If at all, he would have acquired some degree of social recognition only through his functioning as the chief coordinator of the Tribunal activities.

Apart from the chairman and secretary, each Tribunal consisted of four members, all selected by the Ward Development Committee from within the respective Ward. (The act provides for the selection of up to five members.) In all except one of the wards under study,

Tribunal members were all males. Curiously, the single female member was located at the Babati suburban Tribunal. The age of the members range from thirty to eighty years, with 75 percent falling in the forty-five to sixty-five age range. Levels of formal education among the Tribunal members range from zero to eight years of schooling. All the sixteen members identified themselves as peasant farmers. Further investigation, however, revealed that one of them was also a night watchman, while two were government pensioners. Regarding relationship to influential institutions, one member identified himself as a church elder, one revealed that he is from the influential "rain-making" (Manda) clan, while one identified himself as a religious teacher (Maalim).

It follows from this description that, except for very few and insignificant deviations, the Tribunal leaders and members were usually ordinary people relative to their respective social contexts; But it is also true that the Ward Tribunal, at least in the study area, is a male-dominated institution. This point must be considered together with the fact that women are not a minority group in Tanzania and, above all, that most of the disputes handled by the Tribunals involved nearly just as many men as women.

Moreover, the Tribunals seem to exclude the younger generations from their membership. The significance of this observation concerning the age of the bulk of the Tribunal membership lies in the fact that in Tanzania life expectancy, at the moment, hardly exceeds fifty years, and that a larger proportion of adult population are below forty years of age. Judging by the age criterion, therefore, it would seem that the Tribunals are a minority-based institution. Two further points should be stressed in relation to this tendency. The first is the fact that Tribunal members in every Ward are appointed by the Ward Development Committee, itself an elitist and bureaucratic organ. Secondly, it is evident that the bulk of the disputes coming to the Tribunals involve young adults.

Overall, the above exposition indicates that, although by the criterion of class character there seems to be no ground for supposing that the Tribunals would inevitably favor individuals belonging to certain socio-economic groups or strata, when age and sex status are considered, such a skepticism becomes meaningful. It must be emphasized that in the context of rural Tanzania, where class divisions are not as yet clearly manifest, age and sex identities play a greater role in social interactions more often than generally recognized. In Babati, for example, the rural communities are still predominantly patriarchal, in the sense that it is largely the interests of male elders which dominate. Although ideologically these interests present themselves as the interests of the entire community, in practice it is often clear that they contradict those of women and the younger generations. One can conclude, therefore, that the composition of the Ward Tribunals clearly reproduces the dominant social relations in the rural society which, as pointed out above, are not particularly democratic.

One should stress, however, that while these findings confirm the doubts expressed above concerning the composition of the Tribunal membership and leadership, they do not provide any grounds for suggesting that the Tribunals have actually been doing injustice to members of the social groups that are not so well represented in them.

The second area of inquiry is the manner in which disputes find their way into the Ward Tribunals with a view toward uncovering possible intervening forces. Some of the available data on this question are summarized in Table 2 below.

Table 2: Manner of Arrival of Disputes at the Tribunal Offices, by Wards (nb: Sample population for each Ward was 25 people)

WARD	DISPUTE FIRST HANDLED BY			CASE BROUGHT TO TRIBUNAL BY			DECISION TO TRANSFER DISPUTE TO W.T TAKEN BY			
	W.T	P.O.	G.O.	O.C	O.D	G.O	O.C	O.D	P.O	G.O
MAGUGU	5	9	11	15	7	3	11	3	1	5
BABATI	2	18	5	20	4	1	4	1	12	6
MADUNGA	10	10	5	19	6	0	10	0	2	3
DAREDA	9	12	4	21	4	-	9	2	2	5
TOTAL	26	49	25	75	21	4	34	6	17	19

KEY: W.T. = Ward Tribunal, P.O. = Party Organ, G.O. = Government Official, O.C. = Original Complainants, O.D. = Original Defendant

The table shows that while some disputes came directly to the Ward Tribunals (26 percent), a larger proportion (74 percent) were handled either by party organs or government officials in the first instance. There is a clear indication in people's thoughts that Ward Tribunals are considered by many as an appeal institution, where cases unsatisfactorily handled by lower organs, that is the party ten-cell and village leadership, as well as functional government officials, are taken. It is worth noting in this connection that of the 76 cases transferred to Ward Tribunals from other organs, the transfer decision was taken by the original complainants or defendants in forty cases (52.6 percent), and by the party organs or government officials in thirty-six (47.3 percent). It is also known that quite a few cases came to the Tribunals after they had been handled by elders in the respective localities.

The table also shows that most of the disputes (96 percent) were brought to the Tribunals by the initial complainants or defendants, rather than by party or government officials (4 percent). It should be noted, however, that the indicated proportion of cases brought to the Tribunals by government officials is sometimes largely exceeded, as evidenced by the data for Magugu during 1991. Yet, given the trends in Magugu during 1990 and 1991, as well as in the other sample wards, the statistics given here seem to approximate the reality under normal circumstances.

Additionally, twenty-six of the disputants who brought their cases directly to the Ward Tribunals (24 percent) confessed that they did so largely because of advice they received either from relatives and friends or from government or party officials. There is no indication, however, of any intrigues or ulterior motives behind such advice. On the other hand, the cases that first passed through other organs are usually transferred to the Ward Tribunals on one of the three grounds given below.

The first is a failure of the organ to satisfy the initial complainant to the extent that the latter finds it necessary to try elsewhere for justice. The second is the failure of disputants to come to compromise and agree to settle a matter informally before a party organ (Ten-cell leader or Village Party chairperson/secretary) or government official. In such a situation, the organ in question finds it necessary to transfer the case to a Ward Tribunal, as the latter



institution is generally understood to have a higher capacity for dealing with ordinary disputes. Finally is the fact that often the initial arbitrating organ finds a dispute demanding a determination of guilt or innocence and thus requiring the use of compulsive judicial powers. The Ward Tribunals have clearly been imitating the ordinary courts of law in this respect.

Whatever the circumstances, it seems there are very few instances of extreme belief that the Tribunals would not do justice to any of the disputants. An exception to this could be the occasions when people are rounded up en masse and taken to a Ward Tribunal, for example, on account of failure to participate in some community work. In these situations, individual people normally have their specific explanations as to why they failed to turn up. A blanket treatment, even the mere apprehension and submission to the Ward Tribunal, may thus have rightly been conceived as an act of injustice. Nevertheless, a vast majority of the people covered by this study (93.3 percent) indicated that they were quite willing to have their disputes handled by Ward Tribunals.

People bringing their disputes to the Ward Tribunals are of diverse socio-economic status. For those covered by this study, ages range from twenty-two to seventy-nine years. cursory observation shows that respondents are almost evenly distributed between ages twenty-two and sixty, after which the number sharply declines. One interpretation of this picture is that age is not a factor to consider when people decide where to take their disputes for settlement. The sharp decline of cases after age sixty seems to be associated with the fact that few people survive beyond sixty years of age, and that those who survive will normally have markedly reduced public involvement.

A different picture emerges when one considers occupation, income levels, and formal education. All except five of the 100 disputants covered by this study were ordinary peasant farmers. Two of the five exceptions were Ward executive officers (who were in the Tribunal accusing a group of villagers for failure to pay development levies), or participating in a communal work; one was secretary to a primary cooperative society, one was a former clerk, and one was a town-based night watchman. Furthermore, 34.5 percent of the respondents had a standard seven education, while the remaining 65.5 percent had at most attended functional literacy classes. Regarding income levels, a narrow variation from low to medium status was observed. (This classification was determined by estimating the position of an individual in terms of wealth within the Ward community, based on annual farm production, number of livestock owned, and number of dependents).

This pattern of distribution excludes the higher stratum of the society. In particular it does not include businessmen in Babati township, the above-average peasant farmers in the villages, the whole bureaucratic clique at the District Headquarters in Babati, as well as the government functionaries located in wards and villages, the professional groups like doctors, nurses, teachers, veterinary and agriculture extension officers, and religious elites, such as teachers, priests, and bishops. One of the cases observed in Babati involved a local sheikh and a religious teacher (Maalim) but the handling of the case was so distinctively cautious that one could easily tell the case was an unusual one.

This casts doubt on the universal relevance of the Ward Tribunals among the respective local communities. It is quite clear that, while many common people have found these institutions relevant and useful, those in the upper stratum do not seem to consider them

particularly relevant. In a sense this contradicts my initial hypothesis, that powerful and influential people would be using Tribunals as a cover-up mechanism when pursuing their interests against the rights of the poor and ignorant people. What we realize in these findings is that this category of people have not been using the Ward Tribunals to settle disputes among themselves, or between them and people from the middle and lower strata. The initial hypothesis, therefore, is not ascertained by the generated data.

One can contemplate possible explanations for this conspicuous disinterest of people from the upper stratum of society. It may have to do with the nature of dominant disputes in which people in this category are involved. It may be that the bulk of these disputes lie outside the jurisdiction of Ward Tribunals. It is notable that, according to the Act, the Tribunals have no power to imprison persons without the endorsement of the respective primary courts (Sec. 10[2]), and that they cannot impose fines exceeding T. Shs. 3,000 for civil matters and T. Shs. 2,000 for criminal matters (Sec. 10[3]). The second possibility is that the well-to-do people may have found procedures followed in Ward Tribunals to be rather degrading, possibly so much so that they would rather settle their disputes in private. When it becomes necessary to seek legal justice, they would rather go to the ordinary courts of law. Additionally, given the socio-economic and educational status of the members and leaders of the Tribunals, most of the people in this group must have found them inconsistent with their status. This latter attitude has been fully confirmed by a cross-sectional post-research survey conducted in Babati among government bureaucrats and businessmen. Yet, further inquiries are necessary to ascertain or refute these guesses.

The fact that many common people have found the Ward Tribunals relevant is an indication that these institutions may be ranking higher than others dealing with justice. This is confirmed by responses to the question as to which institution would rank the highest as far as fairness in justice administration is concerned. Responses are shown in Table 3 below.

Table 3: Frequency Distribution of Responses to the Question: Which of the Given Five Institutions (ranked Highest in Terms of Being Just and Fair When Involved in Dispute Settlement?

	Party Organs	Ward Tribunal	Primary Courts	Village Elders	Religious Elders	Total
Numerical	4	27	15	8	21	75
Percentage	5.3	36	20	10.7	28	100

A cursory examination of the frequency distribution shows that Ward Tribunals rank highest, followed by religious leaders, and primary courts. To ascertain the reliability of these findings, the question "if you had a dispute with another person where would you present your case for resolution" was asked of a randomly selected group of respondents in Dareda Mission area. Of the 50 respondents, 29 (58 percent) mentioned "Ward Tribunals," (30 percent) mentioned "court" and 6 (17 percent) mentioned "village/clan elders." Needless to say, these results confirm the leading role of the Ward Tribunals as far as ordinary people's opinion is concerned.

Contrary to the initial hypothesis, Ward Tribunals happen to be quite popular among the common people, both in villages and townships. Explanations given by those who ranked this institution the highest militate around two points. The first is that they are placed in every administrative Ward and are within easy reach of the people. This argument was made with regard to both distance and approachability of the functionaries, particularly the Tribunal secretaries. The second concerns the procedure followed when handling disputes. Most explanations contrasted Ward Tribunals with the primary courts, which were characterized by most people as too strict, apprehensive and unpredictable. Many respondents showed distrust of the primary courts because they are too technical, and because disputants failed to follow argumentation and justification often given by magistrates before delivering a ruling.

The final area of inquiry was the manner in which disputes were actually handled by the Ward Tribunals. The purpose was to establish whether or not the procedures most often used insured justice. The basic assumption was that since the act establishing the Tribunals leaves a lot of room for the exercise of discretion, that discretionary power could be used against the rights of some people, especially the poor and powerless.

Regulations specified in the act require that disputes be submitted to the Tribunal secretary, who then fixes a date for the hearing of the case and dispatches a summons letter to the accused party. All the disputants involved in this study expressed satisfaction with the secretaries' openness and promptness in this regard.

A number of respondents, however, complained that the actual settlement of disputes often took a disappointingly long time. To this complaint, Tribunal leaders have replied that the delay was normally caused by factors beyond their power. One of these has been the failure of some of the disputants to bring their witnesses, inevitably causing postponement of the hearing of the case. It also was said that quite often the accused person would ignore summons from a Ward Tribunal. Since Tribunals normally are not served by the police force, it would take time to get such a person to the Tribunal, and often the complainant is forced to engage a militia guard (mgambo) at his/her own cost.

The time period used to settle individual disputes ranged from two weeks to fifty-nine weeks, with an average of fourteen weeks for the sample population. Further analysis shows that a clear majority of the cases (78 percent) took between two and twenty-three weeks to conclude, while the remaining cases (14 percent) are unevenly spread between the next two time intervals of twenty weeks, that is twenty-two to forty-one (14 percent) and forty-two to sixty-one (8 percent). A further breakdown of the duration of time shows that 62 percent took between two and twelve weeks while the remaining 36 percent took between thirteen and twenty-three weeks.

It seems, therefore, that disputes take a fairly long time to settle in Ward Tribunals. One implication of this is that disputants have to spend a significant amount of time frequenting the Tribunal office between the time of registration of the case and when the dispute is finally settled. As an indication of this, 56 percent of the disputants asserted that they attended Tribunal sessions more than six times when dealing with their respective cases, half of these attending ten times and above on separate days.

No conclusive statement can be made about these rates, since such a statement requires data from comparable institutions, such as primary courts and elders' councils. Unfortunately,



this study did not get such data. Access to primary court records was blocked by the prevailing political situation in the country during the research period. There is, however, ample evidence to show that here, too, delay in dispute settlement is not uncommon. On the other hand, elders' meetings usually are not recorded. It must, nevertheless, be stressed that most of the interviewed people clearly showed dissatisfaction with the current slow pace, and wished that something could be done to improve it. Despite this complaint, however, none of the interviewees approved the suggestion that the Ward Tribunals be abolished due to their slow pace in handling disputes.

Regarding the details of how disputes were actually being handled by the Tribunals, the basic issues investigated included whether or not each disputant was given enough time to explain his or her part of the story, whether witnesses from both sides were allowed and heard, how the Tribunal leaders and members typically conducted themselves in relation to the disputing parties, and what criteria were finally used in arriving at decisions. The available data for each of these concerns are discussed below.

As to whether or not enough opportunity was provided for individual disputants' self-explanation, 93.3 percent of the respondents affirmed that they were given enough time to narrate their story as well as to ask questions of the other party. The remaining 4.8 percent complained of too many interruptions by Tribunal members and leaders to the extent of constraining self-explanation and clarification of the facts of the case, from their point of view. Further inquiry revealed that the latter incidents were mainly associated with cases in which the plaintiff was an official of the local authority, such as the Ward executive officer, an extension officer, or the village government leadership.

A similar picture also emerges with regard to the use of witnesses in dealing with disputes. While 94.5 percent of the respondents affirmed a consistent use of evidence given by witnesses, the remaining 5.5 percent indicated that they were either not allowed to call in their witnesses, or evidence given by their witnesses was not taken into account in the final judgement. Asked whether this minority complaint was genuine, a chairman of the Tribunal where the complaint emerged most forcefully responded in affirmation, but then rationalized the action to restrict hearing of witnesses by saying that in certain cases facts were so clear that the calling of witnesses would only complicate and prolong the case.

It is perhaps agreeable that accounts of witnesses are not always reliable, hence not a guarantee for justice. Equally true, however, is the fact that denial of an individual disputant's right to bring in his/her witnesses may surely facilitate a cover-up of certain facts of the case in question, resulting in a denial of justice. Since the reported incidents of disregard for witness accounts, however, are so few, one may be justified to ignore them. Suffice it to say that justice demands consistence and regularity in dealing with disputes. If witness accounts are sometimes technically unnecessary, those conditions should be legally specified and uniformly handled by Tribunals.

On the procedure for presentation and defense of cases before Ward Tribunals, most respondents (74.2 percent) explained that the procedure often began with free explanation by each disputant in turn, to be followed by questioning and counter-questioning by Tribunal members. In fewer, but notable, cases (18.7 percent), the procedure was reportedly dominated

by many quick questions from the Tribunal members, requiring short answers. Those involved in the latter experience likened it to police interrogation.

Personal observation of Tribunals' sessions largely confirmed the above. It was noted that the procedure typically began with a short presentation of the case as registered. This is done by the Tribunal secretary and followed by the individual disputant's free presentation. The disputant clarifies the secretary's presentation, confirms or refutes it, or brings in new facts, depending on the situation in individual cases. Only one incident of rather humiliating rapid questioning was observed and this involved a group of young men brought in by village leadership for failure to participate in a communal work. The interchange of statements and counter-statements between the disputants often included an opportunity for the accused party to ask the complainant questions if the former wished to do so. These questions are supposed to help the Tribunal members discover inconsistencies or deceptions underlying the statements of the accusing party, much like the role played by advocates in courts of law.

When all this is done, all the people (including the disputants and the audience) are asked to move out of the room to allow Tribunal members time to converse among themselves and determine the verdict. Interviews with Tribunal members showed that this process usually lasted only a short while, involving a short discussion among them under the coordination of the chairman. The judgement is normally arrived at through a suggestion by a member or the chairman, which after scrutiny and rationalization is either accepted or rejected. Often, although not always, it becomes necessary for the members to vote to indicate support for one suggestion against another. A simple majority vote decides the verdict. In the case of a tie, the chairman will usually cast the deciding vote, although this does not happen often.

After the decision has been made, people are invited back into the room, and the secretary reads the judgement after reviewing all the presentations and arguments made in the course of hearing. The Ward Tribunals Act provides that, at the end of proceedings, the Tribunal may order the party at default to apologize or to be rebuked at a village assembly, or the two parties to perform customary acts which signify reconciliation. The present study has established, however, that Tribunal proceedings hardly ever conclude with any of these acts. Almost invariably, the Tribunal would order the party at default to pay a specified fine or what is due to the winning party. Quite often, too, the proceedings end with an order to the party at default to perform some communal work in the respective village.

A number of conclusions can be drawn from the foregoing description. It is evident that the Ward Tribunals have been trying to imitate procedures normally used by the ordinary courts of law in handling disputes. This is indeed contrary to the expectations expressed in the Act, which anticipated much simpler and informal procedures. The Act also insists that Tribunal leaders and members should be lay people in respect of formal knowledge of law. This is further proof that the imitation of court procedures of Tribunal leaders was not anticipated.

Despite this discrepancy, it can be appreciated that the Tribunal leaders have been creative in trying to follow certain procedures in settling disputes brought before them. They have been trying to utilize all the available resources, including the scant knowledge they have gathered (through experience and reading) concerning how to go about resolving conflicts. It is notable that quite a number of Tribunal leaders and members have been reading simplified law texts written in Kiswahili. The fact that the challenge posed by the establishment of these Tribunals is

causing some knowledge of law to trickle down to the village community level lends credit to this institution.

The important question, though, is whether the imitation of court procedures advances the cherished mission of these institutions, that is insuring justice and tranquility at the local community level. The present study has revealed that more often than not the Tribunals, just like the ordinary courts, have tended to concern themselves primarily with the task of establishing whether or not a particular accused party was truly guilty of the alleged offence. The opinion so formed would then be used to determine the verdict, often a fine, or compensation, or return of property to the deserving owner.

In view of the specified principles of informality and preference of reconciliation to compulsion, one would have expected that the Tribunals would be more informal in their operations than they have so far been, and that the compulsive image would have featured much less than has been the case. It is admitted, however, that in order to reconcile any two disputing parties one has first to find the facts. The point being stressed here is that the fact-finding exercise should be done in a more informal and relaxed manner, so as to prepare a firm ground for later harmony and understanding between the parties concerned.

It is further admitted that at the end of the conciliation process, it is often necessary to cause one party to compensate or pay what is due to the other, or some kind of punishment/reward be given to one of the conflicting parties. These punishments or rewards need to be negotiated by the disputing parties while the Tribunal restricts its role to that of mediation. This would involve persuading the two parties to long for understanding or compromise while at the same time making relevant suggestions on how the conflict could be resolved. Failure to reach agreement through this process should merit an automatic transfer of the case to a primary court.

The observed Tribunal sessions revealed that decisions are normally based either on regulations passed by the local government authorities or by reference to customary norms and regulations. In this respect, the Tribunals have been functioning according to the specifications of the act establishing them. More often than not, however, these regulations were used as an absolute and sole measure upon which the resolution of the conflict would then be based. This tendency obviously defeats the central mission of the Tribunals. It is suggested that whereas reference could be made to the existing regulations and other socially acceptable norms in the respective communities, the role of the regulations should be limited to facilitation of amicable settlement of disputes. Reference to them should always be made in the spirit of expanding the range of principles upon which the conflict at hand could be resolved.

The inquiry on what happens after disputes have been handled by the Ward Tribunals yielded interesting results. Figures based on the study sample show that 53.4 percent of the disputes were decisively settled by the Tribunals while the remaining proportion (46.6 percent) have had to be rehandled as parties dissatisfied by the Tribunal decisions appealed to other organs. Furthermore, 74.4 percent of the latter category of disputes went to the primary courts, 21.8 percent went to government establishments (such as the Area Commissioner's office and the offices of the Ward and Division Executive Officers) and 3.8 per cent went back to the village or clan elders.

The ability to decisively settle over half of the disputes brought to them is certainly an indication that the Ward Tribunals have achieved considerable effectiveness. On the other hand, the fact that nearly half of the disputes handled by the Tribunals have been reopened elsewhere for reconsideration indicates that the Tribunals need to perform better. While it may not be possible for the Tribunals to successfully settle all the disputes brought before them, the noted proportion of appeal cases suggests that a considerable weakness exists, which, if rectified, would increase the effectiveness of the Tribunals.

This study did not attempt to establish the specific Tribunal weaknesses that might have caused the noted proportion of appeals against their rulings, but it may be assumed that the tendency may have resulted, at least in part, from unsatisfactory procedures and decisions taken by Ward Tribunals.

To conclude, it has been noted that the findings of this study do not support the assumption that the apparent legal vagueness of the procedures to be followed by the Ward Tribunals in resolving conflicts might have allowed powerful and influential disputants to maneuver decisions in their favor. There is no evidence to show that Tribunal procedures have been changing with the social and economic status of the disputants involved. In light of the fact that the powerful and influential members of the society hardly use the Tribunals in resolving their conflicts, it can be argued that the hypothesized danger of prejudice on the part of the Tribunal leaders would not have been possible.

In contrast to the stated assumptions, the apparent flexibility of law on matters of procedure seem to have stimulated creativity among Tribunal leaders. The noted tendency to experiment with court procedures is contrary to the specified principles by which the Tribunals should operate. Nonetheless, although the noted court-like procedures may have been unpopular among the people whose cases have been handled by the Tribunals, none of the interviewees was of the opinion that this characteristic makes the Tribunals more deplorable than the primary courts as far as their performance in justice administration is concerned.

### **Summary, Conclusions and Recommendations**

The above discussion suggests that, although faced with several notable shortcomings, the Tanzanian Ward Tribunals have not been without important achievements. Their establishment has met with considerable enthusiasm and their performance, on the whole, seems to have maintained hope among the respective communities that this organ will continue to be useful to them.

It has been noted that the composition of both the Tribunal leaders and members is acutely skewed in favor of male elders. This situation can possibly lead to the denial of justice to the largely excluded social groups, that is women and young people. But this study could not establish any case of discrimination against these groups, even after the Babati Tribunal was revisited to check on this. However, while representation on the Tribunals in terms of age may not be so important, it would be necessary to bridge the gender imbalance in the future. Given that a clear division of labor along sex exists in the Tanzanian society men and women can easily constitute antagonistic relations in specific situations. To minimize the possibilities of

prejudice in handling such antagonism in Tribunals, deliberate steps need to be taken to ensure a strong representation of women in these organs.

The study established that while the Tribunals have everywhere proved to be popular among the common people, the upper stratum of society has been conspicuously missing from them. This tendency, while contrary to the respective study hypothesis, tells something about the nature of the Tribunals. Had the Tribunals generally taken a corrupt stature, the well-to-do people would not have failed to take advantage of them. The challenge ahead, however, is how to make the ordinary courts of law inaccessible to corrupt intentions so that justice can be insured in all the relevant institutions.

On the whole, Ward Tribunals in Babati perform well in the actual handling of disputes, but they are not free from short-falls. The most outstanding among these include failure to conclude cases in appreciably good time, incidents of irregularity hence inconsistency in the use of witness accounts in arriving at decisions, and, above all, Tribunal leaders' experimentation with court procedures while no arrangements are in place to constantly guide them in this pursuit.

It was mentioned above that a notable contradiction exists between procedures often used by Tribunals in handling disputes and the principle of reconciliation that has strongly been emphasized by the law establishing the Ward Tribunals. The Tribunals tend to be more compulsive than conciliatory in their conduct. It is the considered opinion of this author that this tendency needs to be corrected.

Before any corrective measures can be determined, however, it is imperative to first decide whether the Ward Tribunals should continue being fundamentally conciliatory or should they be transformed into small, amateur courts. If the former option is chosen, as this author prefers, concerted efforts need to be directed at re-orienting the Tribunals. This task will require the assistance of the social welfare department as well as experts in public administration. What needs to be done is to give Tribunal leaders and members basic knowledge and skills in arbitration and conciliation. The Tribunals so oriented would primarily seek to skillfully persuade or entice people to amicably resolve their conflicts rather than proceeding to courts of law. It should be possible, in this way, to develop a locally available, low-cost and semi-professional body of mediation. This appears to be a better way of achieving the twin objectives of the Ward Tribunals, namely an amicable settlement of disputes at the local community level, and relieving the stress on the primary courts.

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# **Economic Reforms and Health Conditions of the Urban Poor in Tanzania**

JOE L. P. LUGALLA

"Since the human being is the centre of all development, the human condition is the only final measure of development. Improving that condition is essential for the poor and vulnerable human beings who comprise the majority of our peoples in Africa. Africa's men and women are the main factors and the ends for whom and by whom any programme and implementation of development must be justified" (The 1988 Khartoum Declaration).

## **1. Introduction**

This paper examines the impact of economic reforms, namely Structural Adjustment Policies (SAPs), on the health conditions of the Tanzanian urban poor. My conclusion is that these policies have had detrimental effects on the living conditions of the urban poor. Thus, SAPs are contributing to the deterioration of health conditions among these people rather than improving them. SAPs are affecting these people in a variety of ways. First, by affecting negatively the development of the urban environment, SAPs are destroying the environmental conditions on which the poor depend for their existence and survival. Secondly, by impacting the provision of urban health services, SAPs are affecting facilities which serve the health needs of the urban population. Thirdly, by fueling inflation, SAPs have raised the general cost of living which has exacerbated poverty rather than eradicated it.

## **2. The Historical Background of SAPs in Africa**

SAPs, aimed at stabilizing developing countries' external and internal balance of payments and promoting their export growth through devaluation, producer price changes, trade liberalization, privatization and legal reforms, have become a fact of life in most African countries in the last decade. Their adoption usually (but not always) occurs in times of economic crisis and in response to promises and threats from donors led by the two foremost international financial institutions, the IMF and the World Bank (Gibbon 1993: 11). In most cases these financial institutions are largely responsible for designing the SAPs. The history of SAPs in Sub-Saharan Africa begins with the World Bank's 1981 Berg Report on social and economic crisis in Africa. In response to this report the World Bank recommended the adoption of structural reforms or SAPs.

Structural reforms involve adjusting the economy in order to properly manage the balance of payments, reducing fiscal deficits, increasing economic efficiency and encouraging private sector investments and export-oriented production. As indicated elsewhere (Lugalla 1995a: 44),

<http://www.africa.ufl.edu/asq/v1/2/2.pdf>

the major principles of SAPs include the control of money supply, devaluation of the local currency, reduction of public borrowing and government expenditure, (particularly in unproductive sectors of the economy) and the introduction of user charges (cost-sharing) in education and health. Other measures include trade liberalization, reduction of tariffs, creation of a conducive environment for foreign investments, abolition of price controls, privatization of parastatals, withdrawal of subsidies, retrenchment of workers and, above all, democratization, which is generally understood to mean multiparty politics. Since the early 1980s, most countries in sub-Saharan Africa have been forced to implement these measures as a pre-condition to aid and loans from the IMF, the World Bank, and other donor agencies.

In order to solve the persistent severe economic crisis which has been confronting Tanzania since the late 1970s, Tanzania signed an agreement with the World Bank and the IMF in 1986 to adopt SAPs. The various programs include the Economic Recovery Programme One (ERP I) in 1986, ERP II, Economic and Social Action Plan (ESAP) and the Priority Social Action Plan (PSAP) in 1989.

Now, more than a decade later, the living conditions of most Tanzanians have worsened. Real incomes of most households have declined sharply, malnutrition is rampant, food production has fallen relative to population, and social services have deteriorated both in quantity and quality. Furthermore, Tanzania's population is exploding amidst severe socio-economic and environmental crisis. All these problems have been occurring at the same time that Tanzania has been implementing social and economic reforms prescribed by major donors and financial institutions like the World Bank and International Monetary Fund (IMF) as a necessary pill for curing socio-economic crisis.

### **3. Impact of SAPs on Urban Environment**

The quality of life in urban areas depends to a great extent on the availability of social services including health, education, recreation and such urban infrastructure as water, electricity, communication, transportation, sanitation and drainage systems. Due to economic crisis and the accompanying reform policies, urban areas in Tanzania have not experienced positive development. Despite reforms, most of the towns and cities are in a state of chaos and decay; their social as well as economic problems have multiplied rather than decreased. The majority of the urban population has difficulties in accessing clean water, adequate shelter, good health care, employment, and other basic services. In Dar-es-Salaam there are frequent water cuts which sometimes leave areas dry for more than a week. There are electricity blackouts, telephones which maintain an eerie silence, inadequate parking spaces, overflowing sewage, congestion of vehicles which do not observe traffic regulations, hospitals without medicine, roads with pot holes, pick-pockets and gangs of armed robbers, and streets without lights but with the pungent smell of uncollected garbage. There are more beggars, disabled, street-children, hawkers, cows and goats, all of which contribute simultaneously to traffic jams.

Spontaneous slum settlements have increased tremendously during the last few years. These settlements accommodate the majority of the urban poor who are continuously being marginalized by various processes engendered by both economic crisis and economic reform



policies. We also see a rapid increase of competing official and unofficial "illegal" income-generating activities like prostitution, black-marketing of drugs and hawking.

In contrast, some parts of Tanzanian cities show evidence of developmental efforts, planning or management initiatives. Multi-story buildings are changing the urban geography of Tanzania. The winds of modernization and dependency have increased their speed to the extent that even the Sheraton Hotel chain has found a home in Tanzania. Luxurious buildings have mushroomed in beach zones like Msasani, Mikocheni, Kawe, Mbezi, and Tegeta in Dar-es-Salaam. Airports have been rebuilt and expanded in order to suit the Western model. The number of luxurious air-conditioned four-wheel vehicles fitted with telephones, video and television sets has increased. These processes reveal that SAPs have not meant the same thing to everyone; wealth and poverty are not isolated trends but rather two sides of the same coin.

Emphasis on reducing government expenditure on unproductive sectors like social development in urban areas is one way SAPs have negatively impacted urban development in Tanzania. Lack of sufficient budget has made it difficult to finance a variety of urban development projects including the provision of adequate housing. As a result, 70% of the urban population live in squatter settlements without such necessities as sanitation facilities (drainage and sewage systems) and adequate refuse and garbage collection. Most of the houses are built of low quality materials. In 1988, at least 90% of the urban population were living in areas or homes which did not merit required official and legal standards (ILO 1982: 122). The 1991/92 Household Budget Survey (HBS) shows that 40% of the total urban population live in overcrowded houses. Only 41% of the population of Dar-es-Salaam City have access to piped water; about 4% of the total urban population have no toilets facilities, with 80% using pit latrines and only 7% with flush toilets. Nearly 66% have garbage pits outside the compound, 18.5% throw their garbage out of their compound and only 6% have rubbish bins. Out of the 20 regional headquarters (towns), only eight have central sewage systems. These serve less than 10% of the population of each town. In 1990, Dar-es-Salaam, a city of more than 2 million people, had only 15 public toilets, none of which were functioning (Lugalla 1990: 356). In 1985/86 the city generated 1,200 tons of solid waste daily. The city needed 120 vehicles to remove all this garbage but had only 12. In order to be able to remove all the waste water the city needed 150 emptiers, but due to financial constraints, it had only 20 cesspool emptiers in March 1988 (Kulaba 1985: 45).

Social sector expenditures between 1978-88 dropped from 8 percentage of GDP in 1978 to 4.5 percent in 1988. For health and housing alone, the percentages declined from 2.4 percent to 1.9 percent and from 0.1 percent to 0.03 percent, respectively (Lugalla 1993: 196). As far as urban areas are concerned, these declining trends meant that the government became less and less able to finance new development let alone maintain the same quality of urban social services. Considering that by 1988 the population of Tanzania had increased from 17 million in 1978 to 22.5 million in 1988, one can see the relationship between reform policies, poor living environment (housing conditions), and health. For example, improved water supplies were built in the early and mid-seventies to serve some 50 to 70 percent of the urban population, and about 45 percent in the rural areas. In both cases, inadequate maintenance due to lack of funds have reduced the number of people served to about 25 percent (Kulaba 1989). While the urban population has been expanding over the past decade at an annual growth rate of almost 12

percent, the capacity of urban authorities to collect and dispose of an increasing amount of refuse and solid waste has been declining.

Although this data assists us in understanding how SAPs have affected the ability of the government to provide public services in urban areas, it does not show concretely how the living environment of the urban poor has been affected and how this contributes to their poor health. In order to see the relationship between poverty, living environment and health, I carried out an in-depth study in 1995 in two squatter settlements in Dar-es-Salaam, namely Kinondoni-Hananasif and Vingunguti. The major findings of this study are presented in brief in the section below.

#### **4. Urban Poverty, Urban Environment and Health**

Vingunguti and Hananasif settlements are located along the Msimbazi River which cuts across Dar-es-Salaam city from East to West dividing the city into two parts (North and South). The river's basin is mainly vegetated by mangrove swamps. The area is popular in Dar-es-Salaam because of the role it plays in the urban economy. Most of the fresh vegetables, i.e., mchicha (spinach), sold by street vendors in Dar-es-Salaam is grown here. Msimbazi River is also a source of domestic water for families which do not have access to piped water. Several industries located along Pugu Road industrial area discharge their waste materials into this basin. The biggest city dump for solid waste disposal is located in Vingunguti area which is situated further west along this basin.

The basin also is home to many urban dwellers of Dar-es-Salaam. All areas bordering the river basin contain residential houses which reflect the conditions of urban poverty and squalor. Most of the housing units are built of simple and impermanent materials like mud, sticks, poles, mangrove trees, thatched grass and recycled metals. Seventy-seven percent of the head of households in our sample admitted that their houses were made of temporary building materials and 54.5 percent were not satisfied with their houses. There are a few attractive houses in the area, indicating the co-existence of both poverty and wealth.

The area is densely populated with a high degree of overcrowding in and between houses. Houses have been built with little space between them; small corridors or paths separate one residential unit from the other. According to our findings, health problems associated with overcrowding are common including malaria, respiratory diseases, scabies, diarrhea, tuberculosis, influenza and meningitis. The houses have small windows and therefore ventilation is poor.

In addition, different families live in one house in which they rent separate rooms. In most cases poor families rent a single room and share the kitchen and sanitary facilities. Our findings show that more than four people may live, cook, eat and sleep in one room. This overcrowding is a health hazard. There is no doubt that communicable diseases can be easily transmitted from one person to another. Studies elsewhere have shown that overcrowding, inadequate ventilation, and the use of open fires (charcoal or wood) contribute to respiratory health problems (Environment and Urbanization 1990: 3-4).

Most of the inhabitants lack security of tenure (lease holds), and those who rent do not have a contract or a written agreement with their landlords. Few houses have electricity.

Seventy-one percent of the households surveyed have no electricity; 95.7 percent have no telephones. Since obtaining electricity connections is an expensive and cumbersome exercise, illegal power connections are common, contributing to life-threatening accidents.

Most of the residents of Kinondoni-Hananasif and Vingunguti settlements do not have piped water in their houses. The majority use pit latrines to dispose of human excreta. Only 9.4 percent have flush toilets and 5.2 percent have no system for disposing of human waste. Drainage systems, storm and surface water drains and sewers do not exist. Facilities for disposing of garbage are lacking. Only 15.2 percent of those surveyed have waste pits. Nearly 60 percent throw their garbage outside their houses and 23.4 percent throw it on their streets. In-depth interviews show that garbage is left uncollected and untreated for a longtime. The Daily News Paper recently carried a story entitled, "Garbage Dumps Mushroom in Dar Streets":

Dar-es-Salaam City is gradually turning into a stinking city following the mushrooming of sew dumps and heaps of uncollected garbage scattered all over the city. A survey has shown that garbage collection has deteriorated prompting health hazards to city residents. In 1993 the Dar-es-Salaam City Council contracted a private company to collect garbage on commercial basis (Daily News Paper, September 5, 1995).

Pit latrines have multiple purposes. Many houses use them as bathrooms as well as garbage pits. This was confirmed by 58.6 percent of the households surveyed. When asked whether they were satisfied with conditions of their latrines, 71.4 percent indicated they were not happy with the situation. They said the main problem is the overflowing of latrines due to the absence of emptying trucks, not to mention the high costs involved in hiring one. Most of the pit latrines tend to be located outside the house and are relatively shallow because the water table in Dar-es-Salaam is high. In most cases the pit latrine holes are not covered by lids. This allows the easy movement of flies from latrines to the kitchen to food stalls and elsewhere.

Some of the latrines exist side by side with open pit wells where people draw water for washing and cooking. Given the high water table in Dar-es-Salaam, it is likely that water from open wells can be contaminated with human waste. Overflowing of pit-latrines tends to contaminate shallow sources of water supply in low income settlements. This happens because the city council is unable to provide trucks for emptying them. Even if they could provide trucks, the cost of such services are unaffordable to most of the people. Some people, who do not have their own pit latrines, defecate in the river. One can argue that Msimbazi River has turned into an open sewer, a situation which endangers the lives of those who depend on its waters. It is no wonder that during floods, houses in this area tend to float in their own sewage. This is confirmed by one resident who said the following:

The river is filthy. It accommodates everything -- human remains, industrial waste and all waste from Vingunguti abattoir flow into this river. People bathe and some defecate and children play and swim throughout the day. The whole river basin stinks. But a lot of us get our domestic water from here. I have no doubt that the several diseases we suffer are manufactured here. We are poor! We have no alternative. We have complained to the city fathers, some of them have even visited these areas and promised to do something but nothing has happened so far. Instead of solving our problems, they keep on sending to us researchers like you. We have seen several people of your kind but our situation has not changed. Go and tell your bosses that

we want good water, electricity and dispensaries and not research! We know that you people are using our situation of poverty in order to enrich yourselves. We are tired now.

"Go and buy us some beer over there," echoed his friend sitting nearby. "We know you are paid for this."

Typical of the unplanned settlements of urban Tanzania, these squatter settlements demonstrate in concrete terms how the state's policies marginalize the urban poor as far as social services and other civic facilities are concerned. We have seen that very few have access to piped water, and my findings show that most people travel long distances to collect water for domestic use, especially for drinking and cooking, because public taps and taps from neighbors are in most cases dry. People buy water at very high prices. Some get their water from dug wells, ponds, streams, and the polluted Msimbazi River. How is this urban environment affecting health conditions of the urban poor?

When asked to list the kind of diseases from which the residents of these two settlements suffer, the majority of the household heads named diseases which are water-borne, infectious and communicable. There is a lack of readily available water, sewage connections, or other systems which dispose of human waste. These, combined with a failure to collect garbage and an absence of basic measures to prevent disease and provide primary health care, have resulted in many debilitating and easily prevented diseases becoming endemic among poorer households. These include dysentery, diarrhea, scabies, skin diseases, eye problems, typhoid, and intestinal parasites. Cholera remains a threat to those who live in these areas. Information derived from respondents shows that the incidence of diarrhea and malaria among children is very high as is the rate of infant mortality (IMR) and death in children below five years of age. The 1988 National Population Census shows that this rate was 104 per thousand and a study by the World Bank itself argues that the infant mortality rate has not improved over the last decade (World Bank 1995: XVII). The decline of IMR from higher levels in late fifties of about 137 deaths per thousand to about 115, in the 1988 population census, should be attributed to pre-SAP policies which put more emphasis on child immunization, primary health and other preventive strategies. Another study revealed that inadequate food consumption, together with malaria, diarrhea and respiratory diseases, caused 75-80 percent of deaths among young children (UNICEF 1990: 20).

There is a very close relationship between income and health. A study on health and infant-feeding practices in Dar-es-Salaam conducted in 1979/80 found that there was an association between income and the mortality rates of children under five years. The lowest income group, which included those households earning up to Tsh. 799 per month, had a mortality rate of 110 per thousand, while those earning Tsh. 2,000-3,199 and those earning Tsh. 3,200 and more per month had mortality rates of 64 and 13 per thousand, respectively (Kahama et al. 1986). The 1991/92 Demographic and Health Survey shows that the trend has not reversed. Given that the Tanzania Poverty Profile (using data from 1991) shows that 51 percent of the population had incomes of less than an absolute poverty line of \$1 per day per person in 1991 (World Bank 1995: XV), there is no reason to believe that the health situation has improved.

Birth weight is another health and development indicator that is significant in assessing overall health because it has a major impact on infant mortality and is closely linked to mothers' general health. The occurrence of low weight reflects physical and psychological stress on the

mother that may be caused by a variety of social, economic, and health factors, especially malnutrition and unregulated fertility. The Dar-es-Salaam study cited above showed that the birth weight did indeed increase with income: 3,06 kg. was the average weight for the poorest group and 3,26 kg. was the average for the wealthiest (Kahama 1986).

Recent data show that perinatal/maternal malaria and diarrhea continue to rank at the top as causes of death. The three contribute 22.9, 18.2, and 7.5 percentage respectively in terms of percent of life years lost (World Bank 1995: XXXII). At the same time, conventional wisdom regarding urban planning and hygiene teach us that improved drainage systems can help to control water-borne diseases or disease vectors and that stagnant water can be a breeding place for schistosomiasis, snails, malarial mosquitoes, and mosquitoes which serve as vectors for dengue and yellow fever.

Another characteristic observed in these areas is that a higher proportion of children and young adolescents live in settlements with little or no provision for public space and the facilities they need for sports and other social activities. Roads, garbage heaps, and other hazardous places become their playgrounds in absence of any better alternatives. Children are particularly at risk from vehicles, pathogens and toxic substances. The problems range from contracting diarrhea (through ingesting pathogens from fecal matter which contaminates the land on which they play) to coming into contact with toxic chemicals.

Due to a shortage of land in the area, some residential units are located in unsafe areas. Many houses stand in areas where floods can easily sweep them away. The floods which have been occurring in Dar-es-Salaam since 1989 have been responsible for destroying houses in this basin and leaving people homeless. We noted several demolished houses in Hananasif and in Vingunguti, where part of the basin had been reclaimed and turned into a cemetery. We were told that heavy rains have been disastrous. Many people remember the floods of 1992 which eroded part of the cemetery, unearthed the human remains and swept them into the river basin. Nevertheless, these problems have not deterred people from building in the area. In Hananasif, people continue to build housing units in areas which are unfit for human habitation. We noted during our visits to the area that there were a lot of activities to reclaim land submerged in marshy and dirty water. This means that the dire need for shelter is indeed overriding the fear of floods. It is no wonder that the floods which happen periodically in Dar-es-Salaam claim lives of many people.

## 5. The Urban Poor and Provision of Health Services

The Structural Adjustment policy of reducing government expenditures on social service sectors like health and education has created a lot of problems with these services. Statistics show that aggregate central government expenditures on health fell by 9 percent in real terms between 1980 and 1987. The development budget for urban areas, as a percentage of the total development budget, began to decline in 1978-79 when it was only 1.62 percent; the situation worsened in 1986-87, the year SAPs were adopted, when it was just 0.31 percent (Kulaba 1989: 234).

Per capita spending on health declined by more than a third between 1980 and 1986 (Afro-Aid 1991; World Bank 1995). According to the total financial requirements of the Priority Social



Action Programme of 1989/90 to 1991/92, the percentage of the unfunded gap in health was 42.9, 67.4 and 63.5 for 1989/90, 1990/91 and 1991/92, respectively. The government's ability to maintain, expand or improve the health care system has declined tremendously, leading to serious deterioration of health services. As has been shown, the main health problems in urban areas result from diseases associated with infection, most of which are water-borne. However, the health care system still emphasizes curative hospital services rather than preventive measures.

Besides the poor environment, the critical problems associated with health care include shortage of health and medical staff, medical equipment and medicine. In 1978, there were only 275 dispensaries in all urban areas of Tanzania. Of these, 81 were owned by government, 21 by voluntary agencies, 89 by public parastatal organizations, and 84 were owned privately (Lugalla 1995b: 97). During this period, the service ratio was 21,000 people per dispensary which was much below the official required national standard of one dispensary for every 8,000 people (Lugalla 1995b: 97). In 1982, there were only 24 health centers in urban areas. Given the total urban population of approximately 2,957,674 at that time, the service ratio was 123,236 people for one health center which was far below the national standard of one health center for every 50,000 people (Lugalla 1995b: 97).

During the same period there were 67 hospitals with 11,366 hospital beds (Lugalla 1995b: 97). The number of these facilities has remained constant despite urban population growth. Examining the figures for the number of hospitals in the entire country, it is clear that although the number has been increasing, the population served by one facility as well as population per doctor also has been increasing. For example, in 1978 there were 148 hospitals in the whole country. With a population of 17 million people at that time, each hospital was supposed to be serving 114,864 people, and 815 people were supposed to use one bed. In 1988 when the population increased to 22.5 million, the number of hospitals increased by only four. The population per facility went up to 148,026 people, and the population per bed rose to 987 people. By 1990 there were 173 hospitals for a population of about 23,670,400. This meant a total of 136,823 people per facility, and 1012 people were now supposed to use one bed (computed from various tables from Statistical Abstracts of Tanzania of 1993).

With regard to medical personnel, one notes that the number of doctors has not increased with population growth. In 1984 there were only 1115 medical doctors; the population per doctor was 17,937 people. In 1989 (three years after adopting SAPs) the number of doctors dropped to 978 and as a result the ratio went up to 23,006 people per doctor. By 1993 the number of doctors increased slightly to 1134 but due to increase in population, the ratio per doctor rose to 23,920 people (ibid.). Although the number of health facilities has increased, overcrowding and inadequate and demoralized personnel portends that the services offered must have become worse. It is true, as the World Bank argues in its report on "Socio-Economic Growth and Poverty Alleviation in Tanzania" (1995), that the percentage of the population which have a health facility less than 5 km away has increased from 57 percent in 1976 to 87 percent in 1993. This does not mean however that the services offered are of good quality. It is also important to note that most of these health institutions were established in the late seventies and early eighties when Tanzania was implementing redistributive economic policies.

Information from the Ministry of Health as well as the Planning Commission shows that there has been very little development in health infrastructure during the period of SAPs. In other words, pre-SAP policies are the ones which have been responsible for improving the accessibility (distance-wise) of health services. For example, between 1967 to 1985 the number of hospitals increased from 116 to 152 (an increase of about 31 percent). Health centers increased from 46 to 260 (an increase of 465 percent) and dispensaries increased from 1237 to 2852 (an increase of 131 percent) during the same period. But from 1986 to 1993, a post-SAP period of seven years, the increase was only 14, 6.2, 0.7 percentages for hospitals, health centers and dispensaries, respectively (United Republic of Tanzania: Selected Statistical Series. Bureau of Statistics, 1995: 85). Taking into consideration the rising population, this increase is indeed very insignificant and is a clear indication of the fact that pre-SAP policies paid more attention to the welfare of the people. The World Bank itself admits in its recent various reports on the social services sector in Tanzania that the huge health infrastructure which was created in the seventies has been crumbling due to lack of essential equipment, medicine and personnel. What we have now in Tanzania are "empty institutions" which lack the basic necessary resources to be able to function well. One can argue therefore that it is not the number of institutions that matters, but the nature of these institutions and the quality of the services they provide. A variety of people's narratives presented in this paper reveal that things are not getting better as far as health services are concerned. They also confirm that there was a time when things used to be good, particularly from mid-sixties to early eighties.

Urban health facilities do not provide their services to every urban dweller; they are segregated. Those owned by the Agha-Khan organization are private and essentially provide services to Asians, Europeans, and to a very few affluent Africans. Those owned by public parastatal organizations provide free services but serve only their employees and their families. The unemployed have to depend solely on public-owned health facilities. While these provide free medical services, but they offer extremely poor services and often lack medicine.

In the case of Dar-es-Salaam, the urban poor have to depend on the services provided by the Muhimbili Medical Centre, Mwananyamala, Ilala, Temeke and Magomeni health centers. Given the present population of Dar-es-Salaam, these health centers are very inadequate and complaints about their poor services are common. Beginning in the past two years, public health institutions charge fees for their services. The bulk of the available evidence appears to confirm that while user charges in health care generate income, they also deter those patients at greatest risk who cannot afford the charges. This is confirmed by one of our informants in the following narrative:

"There are countless diseases in this area. I have just recovered from dysentery three days ago," said one household head in Vingunguti squatter settlement in Dar-es-Salaam.

This morning I attended a funeral of my 'Ten Cell' leader's son who died two days ago. They say it was cholera that killed him. My elder brother died last year from this disease. In fact, several people have perished because of this. Look! My granddaughter who is lying there has been sick now for the last three weeks. Her mother spends more time in hospitals than at home. The doctors are telling us that she is anemic and malnourished.

"The Ilala hospital do not have medicine and the doctors directed us to a private chemist where we got some but she has not recovered," responded his wife sitting nearby. "So far we have spent more than 10,000 Tanzanian Shillings."

"The doctors have advised us to feed her a special kind of food but we are poor, we cannot afford it," said the husband. I am a minimum wage earner. My salary does not last us for a week. I have six people in my family. The months of April and May were bad for us, malaria attacked the whole family. It started with my two sons, then came the daughter and her daughter and then me. Finally it ended up with my wife. This time we decided to go to a private hospital. The blood test alone cost 1,100 Tanzanian Shillings for one person. At first, the doctors gave us chloroquine tablets. They didn't work. Then they put us on a full dose of quinine injections. We ended up paying 2,000 Tanzanian Shillings for each person. Although the others have recovered, I am still not feeling well. They are now saying I should take Fansidar. But this drug is very expensive, I cannot afford it! I have so many debts now and I do not know how I am going to pay them back. Hayo ndiyo maisha ya kila siku ya sisi 'Walala-Hoi. This is the daily life of we people who are poor, those who toil but get nothing in return."

Although using public hospitals is the only alternative available to the urban poor, there are government directives and circulars which allow some employees, especially senior ones, to get treatment from the expensive privately-owned hospitals. The poor and the unemployed, who are the majority, experience critical health problems in urban areas because they live in a poor environment. They are the ones who have access to poor facilities or no medical and health care at all. The affluent, who experience fewer health problems, have access to all types of medical and health care facilities at the government's expense, or are sometimes sent abroad for treatment. It is a zero-sum game.

In addition to the appalling conditions in most of the government owned hospitals, corruption is also rampant. Good treatment depends on "technical know-who" instead of technical know-how. The moral code of conduct of most of the doctors has been eroded by inflation and the high cost of living. As a result, corruption has become deeply entrenched. A majority of the medical personnel is investing more time in private practice and other sideline income generating activities than in public services. This is a new trend of behavior which was not evident during the pre-SAPs period.

SAPs have reduced the health budget significantly. The state allocation for health is now estimated at less than 5 percent of the government's recurrent budget. Information from the Ministry of Finance shows that every Tanzanian is at present spending 5\$ a year to service foreign debts but spends only 2\$ for his/her own health. Low wages and the poor conditions of work have demoralized health workers and led many to leave the public sector. The monthly wages offered to health personnel do not correspond to the monthly household cost of living. As in education, salaries of medical and health personnel in 1990 were the same as in 1980. This has bred corruption in the medical sector. As I have argued elsewhere, drugs are sold illegally while prescriptions and medical attention are available to those who can pay or have influence. Kickbacks have become the medium of exchange for medical attention (see Lugalla 1995a: 45).

The Ministry of Health estimates that since SAPs began, about 500 doctors and medical assistants have left the public hospitals for private ones. "I used to earn 15,000 Tanzanian Shillings (22 U.S. Dollars) a month, but now I get three times this amount," says nurse Mariam



Semtawa, who now works in a private hospital (IPS 1995). Some doctors have left public services for greener pastures outside the country. In the last ten years, Tanzania and Kenya seem to be the leading countries in Africa, exporting health personnel to Southern Africa in general, particularly to Lesotho, Swaziland, Zimbabwe and Botswana (IPS 1996). Due to trade liberalization, private hospital fees are no longer subject to government control. Quality control of both services and drugs is proving to be difficult. A lot of private clinics have been opened during the last few years. Most of them are housed in undesirable environments and some are operated by quacks and therefore pose more health problems. Cases of drugs being sold after faking labels are countless. One informant in Knondoni-Hananasif described the conditions of public hospitals in Dar-es-Salaam:

Angalia ile Hospitali ya Muhimbili. Ukubwa wa bure! Majengo tu! Lakini hakuna kitu pale. Vifaa hakuna! Dawa hazipo! Madaktari hawapo! Opereshenihazifanyiki kwa vile dawa za usingizi hakuna. Kila siku wanakufa watu pale! Nenda ukaone chumba cha maiti. Kimejaa! Ukitaka kufa nenda Muhimbili. Ile siyo hospitali bali ni machinjoni.

Look at that Muhimbili Hospital. It is big for nothing! It is only buildings! There is nothing there. There are no equipments! No medicine! No doctors. Operations are not taking place because there is no anesthesia medicine. People die there every day! Go and see the mortuary, it is full. If you want to die, go there! That is not a hospital but a slaughter house. (Translated by the author. This interview was carried out on July 24, 1995).

Tanzanian public hospitals have become danger zones for nurses, who have fallen victim to drastically reduced government spending on health. Doctors at Muhimbili Medical Center (MMC), the country's biggest referral hospital, say six nurses died there in September alone, including three who contracted cholera after attending to patients without protective gear. An average of five nurses die every month after being infected by patients. It is not only at MMC that such deaths have been reported. Sources from the Tanzania Nurses Association told IPS that they had received similar complaints from Bugando Medical Center and Kilimanjaro Christian Medical Center (KCMC). According to the association, an average of two nurses die every month at Bugando and one at KCMC. A senior official at MMC identified tuberculosis, cholera, the plague and meningitis as the main causes of deaths among nurses. He admitted that hospitals do not have enough funds for protective gear such as gloves, boots, aprons and masks. "It is very dangerous to work under the current conditions where protective gear is seen as a luxury," said Rashid Mussa, a nursing officer at MMC (IPS 1995).

This section argued that the provision of health services in urban areas is skewed and favors the rich. The poor not only suffer by living in very poor environmental conditions, but when they get sick, access to health institutions and good treatment is not easy. Why is this so? How can this situation be explained? The section below looks at the kind of social processes which have brought Tanzania into this situation.

## 6. Dependent Urbanization

It is important to know the historical factors which have contributed to the evolution of contemporary urban forms, their associated socio-economic structures, their urban-rural context, and how they contribute to rampant poverty in urban areas. This analysis requires a

brief discussion of how colonialism transformed the traditional political economy of Tanzania by replacing it with structures of dependency and underdevelopment.

To suggest that economic reforms undertaken by Tanzania have caused the economic crisis and urban poverty is ahistorical. Poverty existed in urban Tanzania before SAPs began. Therefore the decay of the urban environment as well as the predominance of urban poverty in Tanzania must be placed in historical context. Colonial policies laid down the roots of urban poverty and, unfortunately, post-colonial policies fed these roots rather than uprooted them. This argument has important implications as far as policy formulation is concerned. It suggests that abolishment of SAPs will not necessarily eliminate poverty or improve the living conditions of people in urban Tanzania. The latter requires a radical transformation of the socio-economic relations of dependency which enhance underdevelopment of the one hand, and generate poverty on the other.

Since Tanzania became independent, post-colonial policies have not succeeded in altering the pattern of urbanization inherited from the colonial economy. The only major change which occurred was the substitution of white colonial administrators with black African elites as key people in urban politics. The dependent nature of the economy has continued to be the same and SAP policies of free market systems and liberalization of trade are in fact compounding the situation of dependency and therefore exacerbating exploitation and intensifying conditions which generate poverty rather than eradicating it. Dependent development has influenced the formulation of health policies. The distribution of government health spending has continued to be heavily biased towards curative services rather than community based health care approaches or preventive strategies. Until 1995, the curative approach was 77.9 percent of the total government expenditure, while community based care and preventive approaches received only 6.7 percent and 15.4 percent, respectively (World Bank 1995: XXXII).

Urban development in Tanzania has been characterized by the adoption of a socio-economic system with significant inequalities. This has taken place without proper planning and has led to the creation of unstructured urban areas which have substandard infrastructure. Colonial urban planning policies favored the interests of those who commanded social and political power. They introduced a system of social organization of urban space which favored social relations of inequality. The zoning system segregated residential areas in terms of high, medium and low density residential zones which in practice meant poor, middle and high income earners. This marked the beginning of residential segregation by class in urban Tanzania. Unfortunately, the situation has been made worse by post-independent policies of urban planning which have not only adopted the colonial policies wholesale, but have added to the list another type of residential area which is considered as "overcrowded." This kind of segregation influences the way in which the state provides the basic urban services and infrastructure. These policies have therefore continued to generate segregation and poorly organized and financed urban space, excluding the majority of the urban people from enjoying social services necessary for good health.

Dar-es-Salaam is divided into four main types of residential areas, the environmental conditions of which reflect the class nature of their residents. The first residential area is that of the affluent population. It includes all the Indian Ocean beaches like Oyster Bay, Msasani, Masaki, Mbezi and Tegeta. Other areas are Mikocheni, Regent and Ada estates and some few

parts of East Kinondoni. These areas, inhabited by higher income social groups, who have access to social and political power, also have easy access to basic social and civic service facilities and satisfactory levels of health care. Government ministers, diplomats, permanent secretaries, managers or director generals of local and foreign companies, and very successful private business people live in these places.

The second residential area characterized as medium density, accommodates most of the middle-income earners. This includes areas like Sinza, Kijitonyama, Kurasini, Mlalakua, some parts of Makongo and Upanga. These follow the above affluent areas in terms of the infrastructure and social services. Although some of them originally started as squatters, (i.e., Makongo) they have now improved considerably. Some of these areas have been surveyed and their occupants have official land title deeds.

The third type is the high density area which includes Ilala, Magomeni, Manzese, Mwananyamala and Temeke. These are basically low working-class residential areas. Some are up-graded squatter settlements but are still characterized by housing of low standard, built of impermanent materials and lacking facilities like water, drainage and centrally connected sewage systems.

The fourth type of residential area is the one considered as overcrowded. This type includes all the squatter settlements which are occupied by the urban poor. These include Vingunguti, Hananasif, Ubungo Kisiwani, Mabibo, Buguruni, Kiwalani, Shimo la Udongo, Kipawa and several others. The majority of the people who live in these areas are poor and desperate. They do not have access to a variety of urban benefits like paid formal employment. Most of them survive on incomes generated from marginal jobs. They experience worse living conditions than the people living in the other residential areas. Seventy percent of the urban population in Tanzania live in these areas.

Clearly, then, the social organization of urban space mirrors the correlation between income and access to health services, hygiene, sanitation facilities, transport, good housing and good education. The nature of these facilities reflects the class inequality that exists in Dar-es-Salaam and the close correlation between low income levels, lack of services and health. In a situation where the government is experiencing severe financial constraints, the limited budget available tends to be used to improve the environmental situation of the high standard areas because these areas accommodate those who wield economic and political power.

This kind of social organization of space in urban areas has not happened accidentally, but is planned, and reflects the colonial legacy in urban planning. It also confirms the relationship existing between ideology, politics and urban planning. For example, the post-master plan for Dar-es-Salaam, published in 1968, and the Master Plan for the Capital City of Dodoma, which came out in 1976, recognize social and class differentiation, and perpetuate it by emphasizing the quality of urban residential areas along the lines of class income and social status. The master plan for Dar-es-Salaam uses terms including "high standard," "medium standard" and "low standard" residential areas. These areas are supposed to differ from each other in terms of the following: the "high standard" area must contain high-priced, private homes, paved roads, street lighting, adequate water, power supply and should be linked to a central sewage; the "medium standard" area should have medium-priced National Housing Corporation homes and private houses, paved roads, power, water connections, and public septic service; the "low

standard" areas are supposed to be self-built houses capable of accommodating multi-families. Roads should be unpaved and houses should have pit latrines or septic tanks. Power should be provided in the collector streets only.

The master plan for Dodoma adopted the same system but used different terms, namely "low density" (high standard), "medium density" (medium standard) and "high density" (low standard) areas. It is clear from these master plans that the urban poor are not a priority in these urban development policies. Since the organization of urban space reflects the socio-economic inequalities existing in urban Tanzania, it has highly influenced the provision of health services precisely because the latter is also influenced by this situation. Severe financial constraints mean that the poor are now completely forgotten in the development processes.

At present, the situation is made worse because Tanzania has identified development with modernization, which is a social process equated with Westernization. This path of development runs against national ability, values and traditions. The emphasis on Westernization is leading to resource constraints; it is now proving difficult for Tanzania to provide the basic necessities of life to everybody. Hence, modernization can be identified as benefiting only the privileged. It has led to two distinct lifestyles, namely "traditional" and "modern" or "affluent." This is evident in housing, employment, and more particularly in terms of facilities available to different social classes. The existence of squatter settlements co-existing with luxurious housing structures in urban areas and the increasing number of tourist hotels in urban areas amidst few inadequate public owned health and medical care facilities are concrete examples of how dependency has been internalized in Tanzania and how it is leading to urban inequality and urban poverty. It is now indisputable that urban poverty and environmental problems as well as those associated with urban health in Tanzania are products of the broader politics in Tanzania. The decay of the urban system is a reflection of how these politics manifest themselves at a micro level.

Ever since colonialism, policies adopted have emphasized the exploitation of the countryside by insisting on production of cash crops instead of food crops. As a result, Tanzania's economy has always been externally oriented and is not able to satisfy internal demands. Policies which emphasize the improvement of rural conditions of life have been very rare. If any, (i.e., Ujamaa socialist policies) their implementation has had its own limitations. One may want to know whether the situation in Tanzania would have been better without the introduction of SAPs and donor support. This is a difficult question. Many recent studies confirm that the majority of the population are now having difficulties in making ends meet (World Bank 1995; Bagachwa 1994; Gibbon 1993; Lugalla 1995; Schmied 1996). This is a clear indication that things are worsening rather than improving.

If one looks at the history of development in Tanzania, one notes that during the period characterized by Ujamaa policies, which can roughly be considered as the period between 1967 to the late 1970s, Tanzania attained a variety of successes in social development initiatives. Private schools and hospitals were nationalized, the government began providing free education and health care services. Through the primary health care development strategy, the government built many rural health centers and many secondary and primary schools. The budget for social services was enormous. As a result, literacy rates rose, access to education and

health care increased for the majority of the people, and the standard of living improved. This is also confirmed by the following narratives from urban and rural informants.

Things have changed nowadays in urban areas. The roads are bad, the cost of living is high, houses for rent are not available, schools have no desks and hospitals are lacking everything from personnel to equipment. A resident of Kinondoni, Dar-es-Salaam, showed dissatisfaction with the present situation in the following statement:

Nchi imeharibika. Enzi za Ujamaa mambo hayakuwa hivi. Maisha siku hivi ni magumu sana.

The country is now torn asunder. Things were not like this during the era of Ujamaa. Life is now very difficult (Translated by the author. Urban informant, Dar-es-Salaam, August 1995).

A rural resident from Sumve Mwanza seems to support the above opinions in the following way:

Watu wangi wamakimbilia mijini kwa sababu vijijini hukukaliki. Maisha ni magumu mno. Bei za karibu kila kitu ziko juu sana. Shule hazina walimu. Kwenye vituo vya afya huwezi kupewa dawa mpaka uhonge. Rushwa imekuwa ndiyo mtindo wa maisha vijijini na mijini kwa sababu mishahara ya wafanyakari haitoshi. Mambo hayakuwa hivi miaka ya sitini na sabini.

Many people are running for towns because village life is unbearable. Prices of almost everything are so high. The schools do not have enough teachers. You cannot get medicine in rural health centres unless you bribe. Bribing is now a way of life in both rural and urban areas because the salaries workers get are not enough. This was not like this in the sixties and seventies (Translated by author. Rural informant, Sumve Mwanza, Tanzania, July 1995).

Many people acknowledge that in the period before the crisis and SAPs things were relatively better. This is not to say that policies were perfect, but now under SAPs, the government has abandoned those redistribution policies which focused on improving the quality of life for the majority of the people. Expenditure in social services has been reduced drastically and my previous studies on the impact of SAPs on education and health show that the majority of the people are having difficulties in accessing good education and health care (Lugalla 1993: 184-214; Lugalla 1995a: 43-53). In a recent study on "Social Sectors in Tanzania", the World Bank itself has admitted that the gross primary school enrollments which reached nearly 100 percent in 1979 to the early 1980s has now dropped to less than 70 percent (World Bank 1995: XVII). The Bank also admits that growth has been accompanied by greater inequality and that the really poor at the bottom appear to have fallen far behind (*ibid.*).

## 7. Recommendations

One aspect which requires emphasis and understanding is that the urban people, poor and rich alike, understand how social services in cities are provided. The people interviewed in two settlements know that they are living in an environment which puts their health at risk, but they cite their poverty as the main limiting factor. The government officials also know that parts of urban areas are filthy and therefore vulnerable to epidemics. It is unclear, however, whether they understand that it is the government's development policies which are responsible for these conditions. A statement made by a Dar-es-Salaam City Council Land officer, summarized below, reveals concretely the official view concerning squatters:



Squatter problems may take so many years to get solved. We have done our best to restrict these people in building in these risky areas but they do not listen. The floods are also assisting us in sweeping away these settlements but still these funny houses continue to mushroom. People are leaving their good rural areas in order to come and live in this hopeless situation. What do you do with such people? The government has always been repatriating the jobless to their rural areas but the next day they are back again. I think the government must use force. This may also solve the problem of increasing rate of crimes.

Certainly official policies which are influenced by this kind of view are bound to criminalize the poor as if they are responsible for their poverty. These officials need to be educated. Looking at political practices in Tanzania, it is clear that there is a serious discrepancy between theory and practice in the question of how urban poverty can be eliminated. Despite the extreme poverty, basic health education could alleviate some of the factors that put the poor at risk. There is a need for people to be well informed about methods of prevention. For example, they need to know that unhygienic practices are likely to be the cause of their health problems. These practices may include handling water in unclean vessels, leaving food uncovered from flies, and not washing hands before handling food. Lack of government support in solving these environmental problems has led to the creation of a variety of grass-roots level organizations that are interested in protecting the environment in most urban areas, but particularly in Dar-es-Salaam. If the government is serious about these issues, it will have to cooperate with such organizations in order to improve the urban environment.

Poverty is at the center of environmental and health problems in urban Tanzania. The urban poor are the most needy people but the least assisted by government policies. They are the most vulnerable population in the urban system and government policies must aim at assisting them. Once food and good shelter are offered to these people through easy access to well paying employment opportunities and credit schemes, more efforts must be directed at solving their environmental related health problems. Basic sanitary services and refuse collection must be provided. Prevention programs focusing on immunization and ante-natal care could prevent communicable diseases.

Since poverty is the main problem, any long-term solution must focus at tackling this social problem. In doing this, one must be cognizant of the fact that poverty is not only a function of disposable income but is also a state of relative lack of access to other resources such as information, social networks, adequate time and space, and above all, the decision-making process that affects the lives of the poor. Poverty-oriented strategies must target the poor. Indirect approaches that rely on the proper functioning of the micro-economy may not benefit the poor, even by following the New International Economic Order, or the World Bank and International Monetary Fund models. Although the active role of the government in the fight against poverty is necessary, it often hurts the poorest of the poor by formalizing their informal processes (Sanyal 1988: 79).

Tanzania's urban poverty is a reflection of rural poverty. Therefore, efforts to tackle urban poverty must also focus on improving the conditions of life in the countryside. In Tanzania, there is extensive rural-urban migration. Seventy percent of the urban population are migrants from the rural areas. Policies must seek to address the question: Why do people run away from the countryside? People migrate to towns and cities because of the difficulties of rural life.

Access to productive land is difficult. The methods of production as well as the instruments used in agriculture are still traditional and therefore income derived from agriculture is not sufficient for living a good life. Social services, communication infrastructure, and other basic necessities of life are underdeveloped and the chances for establishing small scale income-generating projects are rare. In fact, the very poor urban migrants are relatively better off than their rural poor counterparts. This means that new policies must make sure that rural Tanzania is an attractive place to live. This can be done by promoting social and economic development in the countryside. This may limit rural-urban migration, which can then limit the urban population pressure and possibly reduce the scale of urban environmental problems. Only policies which are part of an overall socio-economic development plan can bring positive results.

These recommendations assume that Tanzania has a government which is capable of implementing these policies. Although committed leadership, good governance and accountability are the preconditions for success, the participation of Tanzania in the global socio-economic system suggests that strategies adopted by Tanzania in order to solve poverty can only succeed if there is an enabling international environment. It is very unlikely that Tanzania can manage to accomplish this alone. In order to change the design of SAPs, Tanzania needs to question the role of the World Bank and the IMF. Things can change only if these institutions are subject to democratic control and accountability, and if the structures of dependency are radically altered. It is in this area that international collaboration is required in order to make radical changes in the global economic system.

## 8. Conclusion

In conclusion, it is important to strongly affirm that the position of this paper has not been to argue that SAPs policies are the initial cause of poverty in Tanzania. In fact, our analysis of the process of dependent urbanization has been presented here in order to address the historical roots of poverty and social inequality existing in Tanzania. The focus of this paper has been to show concretely that the arguments propagated by contemporary neoliberals and institutions like the World Bank and IMF that SAPs are capable of solving the social-economic crisis confronting countries in sub-Saharan Africa do not hold true for Tanzania. Examples from Tanzania show that SAPs have exacerbated hardships and are therefore enhancing poverty rather than alleviating it. Their emphasis on reducing government expenditure in unproductive sectors of the economy is leading to negative trends in social development in urban areas, including physical and civic infrastructure. The urban environment is now decaying progressively rather than improving with deleterious consequences on people's health. The adoption of SAPs seems to be hurting the poor instead of assisting them. The urban poor live in an environment which is conducive to ill-health, and have severe difficulties in accessing both private and public health institutions because of the introduction of user charges. Although poverty lies at the center of these problems, SAP programs are failing to address this problem adequately. It is important for Tanzania to implement development strategies that focus on human beings. They must strive to improve the welfare of the majority people. Without this, Tanzania will be, "draining the pond in order to catch the fish."

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## BOOK REVIEWS

**Transgressing Boundaries: New Directions in the Study of Culture in Africa. Edited by Brenda Cooper and Andrew Steyn. Athens, OH: Ohio University Press. 1996. 226 pp.**

This collection of essays is based on a September 1993 conference at the University of Cape Town that concerned the status of African Studies in South Africa. The collection consists of revised papers and discussions presented at the conference as well as papers commissioned afterwards. The editors' intention is to examine the state of African cultural studies in South Africa from a variety of viewpoints and to highlight some of the issues in contemporary theory and method that are debated among Africanist scholars. Additionally, the pros and cons of eradicating the boundaries between the traditional disciplines is discussed at length by several of the contributors. In the introduction, the editors' note that "African Studies" does not exist in South Africa as a discipline per se, but rather, these "studies" span widely divergent departments and disciplines. As a result, they are "situated within diverse politics, language, theories and methodologies (p. 1)."

This is a timely and interesting topic of discussion. South Africa's political and social structures have changed profoundly in the past few years, and the country's relationship with the rest of Africa has changed as well. Unfortunately, Cooper and Steyn's understandable desire to present a wide array of theoretical, methodological, and disciplinary viewpoints diminishes the overall coherence of the book. One problem is the definition of "African Studies." What is meant by this phrase changes throughout the book depending upon the author. For example, most of the contributors use the term to refer to South African cultural studies undertaken in South Africa, but when filmmaker Haile Gerima discusses "African cinema," he uses the term in the broadest sense. A related problem with the collection is the lack of coherence that results from presenting such a diverse array of subjects: the essays included range from lucid discussions of contemporary theory in the social sciences to movie reviews. The book's structure, however, is not entirely without merit. In certain instances, the editors have wisely chosen to maintain the conference-like format in which critics respond to specific articles. This a useful way to present the larger theoretical and methodological debates discussed, as both the major issues that are in dispute are elucidated. Additionally, this method reveals the difficulty of taking different theoretical viewpoints and disciplinary backgrounds and bringing them to bear on an inherently broad and diverse field such as area studies.

The book is divided into three main sections. The first, entitled "Mapping the Field," deals with the theoretical issues that are raised in contemporary African studies, especially in the South African context. The discussions primarily revolve around current debates about the applications of post-modernism and Marxism as theoretical models. Although there is considerable difference of opinion on specific issues, particularly regarding the utility of

<http://www.africa.ufl.edu/asq/v1/2/reviews.pdf>

boundaries between the disciplines, the three authors featured in this section (Lovell, Bundy, and Comaroff) all agree that some rapprochement between Marxism and post-modernist approaches to cultural studies is necessary to further the field. Each author stresses the importance of recognizing both the "subject positions" (to use Comaroff's terminology) of the individuals studied and the effects of techno-economic and environmental factors on culture. Each author recognizes that neither cultural relativism nor "totalizing" reductionist paradigms are sufficiently able to explain human behavior, however, this can hardly be considered a "new direction" in the study of culture in Africa or anywhere else. American anthropology has been fraught with variations of the "idealist" v. "materialist" debate for decades.

The second and largest section is comprised of a diverse collection of what the editors call "case studies." The material presented here includes two examples of colonial discourse analysis on descriptions of indigenous South African poison, as well as an informative discussion and debate about the symbolic significance of the Lydenburg heads (South African terracotta sculptures from the sixth century AD, one of which is depicted on the University of Cape Town's Centre for African Studies letter-head). The latter involves an archaeologist (Martin Hall), a museum curator (Patricia Davison), and an artist (Malcolm Payne), all of whom have worked with the sculptures. This is "Transgressing Boundaries" at its best: the debate between these three contributors elucidates some of the conflicts and the benefits that result from cross-disciplinary studies. Furthermore, the authors explicitly place the subject in the context of contemporary South Africa.

Other case-studies have little to do with the status of African studies in South Africa, except insofar as they apply to African studies undertaken anywhere. These include a personal statement from Ethiopian filmmaker Haile Gerima, two reviews of his film about slavery, "Sankofa", and an essay about the depiction of Africa's slave past in contemporary West African literature. Among other things, these articles delve into essentialist approaches to African studies, approaches that the editors' clearly reject. Apparently, the focus on the subject of slavery and the subsequent discussion of African essentialism were unintended consequences of a screening of "Sankofa" at the 1993 conference (p. 164). Despite the interesting subject matter, this group of case studies seems inappropriate for the collection, as they contribute almost nothing to the reader's understanding of the state of African studies in South Africa.

The final section is intended to tie some of the book's loose ends together, and to present possible future directions for African Studies. In a concluding article, Brenda Cooper discusses the representation of slavery in the fiction of Sierra-Leonian author Syl Cheney-Coker in the context of "the theoretical paradigm of the reconstituted Marxism, as proposed by Bundy [in Part One] (p. 11)." She proposes an approach to African studies that she summarizes as follows: "...it investigates Africa's position globally; it is both interdisciplinary but also takes as its boundary of investigation a broadly defined cultural studies; it is standpoint knowledge, committed politically to the oppressed; in an African environment where cultural nationalism that relies on myths of origins and essences is very powerful, the history of iniquities of racism has to be formulated in terms of a reconstituted Marxism that can think structurally and globally. It must, however, in speaking holistically, deal with global realities and totalities, while not marginalising non-class realities and while recognizing and celebrating, humour, magic, the unpredictable and idiosyncratic, all of which holistic thinking demands (p.183)" What Cooper is describing here is a platonic concept that exists only in the realm of ideas. She

does not disclose the means by which one can expect to achieve this perfect result, nor do either of the other two concluding essays contain a proposed solution to the problem of African cultural studies as outlined in the introduction. As a result, Cooper and Steyn's main achievement in presenting these essays as a collection is that to expose the utter confusion and directionlessness that pervades contemporary cultural studies.

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**Changing The Rules: The Politics of Liberalization and the Urban Informal Economy in Tanzania. Aili Mari Tripp. Berkeley, CA: University of California Press. 1997. 260 pp.**

Changing the Rules probes the informal economy of Dar es Salaam, Tanzania in search of the origins and causes of the shifting political and economic landscape as experienced by urban residents during the 1980's and 1990's. The informal economy, which Tripp casts as the focal point of changes, consists of more than a set of economic patterns (p.xiii); it also represents "a manifestation of societal noncompliance with the state, a tool for institutional change in challenging state norms of fairness and economic justice, a means of creating new institutional resources" (p.xv). This approach, blending the discrimination of an economic anthropologist with a systemic approach to political change, yields a scholarly work that is remarkable both for the depth of its research as well as the freshness of its approach.

Tripp's innovation in Changing the Rules is to link James Scott's explanations of resistance and moral economy to Goran Hyden's work on the implications for the state of having a peasantry that successfully evades state control (Scott, 1976, 1990 and Hyden, 1980). In so doing she broadens this literature to include a specific urban focus, while also expanding upon our understanding of the informal economy as a form of resistance. At the core, resistance springs from a breakdown in the tacit agreement between the government apparatus and the governed. In Tanzania's case, this rupture could be traced to the failures of Ujamaa which led to the impoverishment of millions of Tanzanians. Using extensive interviews, Tripp expands our understanding of resistance by first establishing parallels between the "safety first" orientation, sacrificing short-run maximization for long-run sustainability, and the tactical strategies of Scott's Malay villagers. She elaborates this argument by showing how the informal economy grew, and to become a weapon of resistance. Consequent to the inability of urban residents to sustain themselves, an explosion of informal economic activity ensued, directly contravening the extant juridical framework and its clear prohibitions on most private enterprise (p. 137). In resorting to extra-legal ventures, this resistance elicited changes in the both the legal framework of government and the mindset of many within the ruling party. Tripp's argument here is cogent and logical and the array of evidence she has marshaled to support the argument portrays serious scholarship. The defect in this research, and it is a slight one, is that her respondents who were engaging in projects of self-employment activities were essentially self-

selecting and thus there is a slight lingering question as to whether her data is broadly applicable to all workers in Dar es Salaam or just to those engaged in projects.

To appreciate the events occurring during this period, one must also have a sense of the concurrent struggle between party and government in the mid 1980's. This latter contention was centered on the basic question of the proper boundaries of party power over government. Post-independence cohesion was already unraveling by the mid 80's when Julius Nyerere stepped down as President, retaining his chairmanship of the party and in so doing exacerbating the fray, which by then, had increasingly become centered on the question of liberalization (p.83). The jockeying was further complicated by Nyerere's sudden U-turn from opponent to proponent of the economic changes, in contradiction to past statements. As it played itself out, the struggle was fought between party members, who owed their political careers to the party and the party's control over economic decision-making, and the cabinet, supported by importers and exporters (p.89). Left unclear in this discussion is why bureaucrats, many of whom also owed their success to using the system, abandoned a system which had served them personally well in favor of liberalization and greater transparency. Paradoxically, the people, including the urban poor, who might have sided with the party in an attempt to forestall the austerity measures (such as eliminating price subsidies) accompanying liberalization, instead quietly acquiesced to reforms. This complicity reflected both a desire for the sanctioning of private activities that remained illicit in the face of massive disobedience as well as a weary recognition, borne of the pressing struggle for daily survival, that regardless of the victor, neither contestant could do much to improve the plight of the poor and the middle classes (pp.100-1).

Arguably two developments have been the most prominent features of the changing Tanzania circa 1985-1995. The first of these has been the increasing reliance placed by families upon the incomes earned, particularly by women, from "projects" or microenterprises. In many families, dependence has shifted from family members to the wage earner (p. 105). Thus, the roles and the importance of women were reexamined. For women with successful projects, the physical and financial independence earned by this hard work was an important byproduct of the struggle for survival. The second noteworthy development has been the increase in the strength of associational life as manifested in an enervated civil society flourishing with small associational groups such as Upato savings societies or Sungu Sungu self defense groups (pp.199-200). If civil society is understood as a critical component of the governance realm, the achievements of these small groups in extracting demands from the government must be construed as a valuable boost to governance. By concentrating her attention on these two areas, Tripp makes a significant contribution toward raising our awareness of two factors which have not always received the attention that they merit.

Changing the Rules tackles a crucial question in many countries: 'how did individuals, in the face of diminishing or absent salaries, manage to survive?' Tripp's answer begins with the organic causes of crisis and the external factors that precipitated the widespread resort to entrepreneurship and petty trading in an effort to survive. In so doing, these individuals also became the catalysts of change as the political structure was forced to adjust to new realities in an attempt to retain legitimacy. This explanation of change is a compelling argument for how, and why, changes occurred, and on the whole is an important contribution toward increasing our understanding of informal economies in urban areas.



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**Africans: The History of a Continent. John Iliffe. Cambridge: Cambridge University Press. Pp. 323. 1995.**

During the 1960s and 1970s, historians writing general histories of Africa highlighted state formation, African agency, or economic underdevelopment as issues central to understanding Africa's past. In the 1980s new topical foci emerged in African history revolving around culture and the environment. John Iliffe's *Africans: The History of a Continent* is the result of attentions to each of the aforementioned but is ordered by a skeleton of demographic issues; it is the first general attempt to trace and understand African history through the larger theme of population and demographic change. Central issues include environmental impacts on the growth and character of African populations and African responses to the challenges of their physical and historical contexts. Iliffe hopes to produce a coherent history of ordinary African peoples guided by internal processes and the rationale that, "Every rural history must have at its core a population history" (p.3). In the author's eyes, population change is the "thread that ties African history together"(p.5).

With the above over-arching organizational theme in mind, Iliffe identifies four central topical themes in African history, each of which pervades his text. The first of these is the peopling of the African continent. Iliffe portrays Africans as "colonizers" of vast frontiers who struggled against harsh environments, scarce and dispersed resources, and deadly diseases. According to the author, the stressful settlement of frontiers produced societies specialized in maximizing their numbers, extending their territories, and coping with suffering. All of this prepared Africans for future demographic challenges, such as the slave trade and the European "invasion."

The second theme is human coexistence with nature. Africans fully utilized their available resources in an effort to increase their numbers and thereby strengthen their communities. They usually achieved success by adapting to and controlling their environments rather than severely altering them. Iliffe provides the following example: Africans sought to protect themselves against famine through various strategies, "exploitation of multiple environments, diversified and drought-resistant crops, interplanting, granaries, livestock as a famine reserve, [and] the

cultivation of social relations" (p.113). A creative use of nature and adaptation to nature allowed Africans to survive, although in underpopulated numbers.

The establishment of enduring societies is the third theme. These societies, Iliffe contends, took their form -- states or loosely-organized communities -- based on population densities, interaction with neighboring societies, and socio-political and socio-economic contextual factors. Iliffe illustrates these points with numerous examples ranging from the early states of West Africa to the pastoral communities of eastern and southern Africa. The author describes specific African cultures and their associated political structures. Further, he argues that the cultures of these variously-structured societies took distinctively African forms due to their partial isolation from and their partial integration with their larger Old World context (p.4).

The final theme -- the defense of African societies against foreign aggression -- centers on two historical phenomena, the slave trade and colonialism. Resistance, negotiation, and adaptation were the means by which Africans sought to defend their societies. Due to population growth checks or depletions in some areas resulting from the slave trade or colonial impingement, biological reproduction was paramount to community survival. Up to the remnants of colonialism in South Africa, populations continued to grow and adjust to various impediments to their livelihoods, largely through cultural mechanisms developed from earlier struggles for survival. Demographic growth finally becomes a pronounced engine for historical change, undergirding the fall of colonial regimes and the instability of independent African states. Iliffe concludes that Africans' chief contribution to world history is that they "colonised an especially hostile region of the world"(p.1). Their success is realized in substantial modern population growth.

Iliffe's integrative and dynamic approach incorporates the concerns of preceding scholars while achieving a textual balance. The historical perspective of the author is noticeably even-handed, particularly concerning colonialism. Iliffe writes, "To see colonialism as destroying tradition is to underestimate African resilience. To see it as merely an episode is to underestimate how much industrial civilization offered twentieth-century Africans" (p.212). Nearly equal treatment of geographical regions is provided, including a considerable discussion of North Africa during the pre-modern era. Time periods also receive relatively equal attention. Of note, the early history of Africa from the first evidence of food-producing to late iron-using communities is discussed in two brief chapters. This is made possible by Iliffe's continued reference to archaeology and, to a lesser extent, linguistics in these chapters. Finally, Africa's internal workings are tempered with references to its global context. In constructing Africans, Iliffe makes use of a range of recent literature on everything from art history to current affairs to create a complex text rich in historical and cultural examples.

There are few shortfalls in Iliffe's general history. For this reader, most are issues of emphasis or terminology. First, Iliffe generally characterizes African agency as reactionary rather than proactive. Much of what is meant to represent human volition in the work is simply adaptation to contexts or circumstances. Consequently, at some points (but by no means all) Africans appear to be in more of a biological than social struggle. Second, Iliffe occasionally reduces cultural and historical phenomena to products of environmental or demographic influence, rather than opting for alternative explanations. This is likely the product of both the author's organizing theme and the difficulty of capturing social explanations with scant historical evidence, especially beyond the more recent past. Third, Iliffe leaves causation open to

question in certain instances. For example, in Chapter Five he writes, "Concern to build up populations and colonise land gave western Africa enduring family structures" (p.93). Were population growth and "colonization" the products or the causes of developing social structures? Finally, Iliffe's use of the term "colonisation" to describe the movement of African populations into uninhabited regions is suspect because, to the uninformed reader, it may be confused with European "colonization." Although the author does take some pains to differentiate between the two, the politically-charged nature of this term may be inescapable. He also uses "race" (pp.10-11), implying a linkage between "races" and linguistic groups, and "pagan" (pp.39, 90-91) in unwarranted manners. "Pagan" is especially odd since Iliffe elaborates on the complex beliefs inherent to animistic societies. When viewed in total these shortfalls are far from fatal.

*Africans: The History of a Continent* is a lucid work and is accessible to a wide range of readers. It is ordered chronologically in twelve chapters, each containing a historical topic, for example "Independent Africa." Maps aid the reader in locating pertinent sites and regions and a fourteen page appended bibliography of readings allows for the further investigation of select topics. This work represents a substantial achievement in the realm of general African histories.

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### **Governing Conservation Change from Below**

A reaction to "Africa's Environment: The Final Frontier, Hearing Before the Subcommittee on Africa of the Committee on International Relations House of Representatives, One Hundred Fourth Congress, Second Session, July 17, 1996."

Richard R. Marcus

Note: Statements at the Hearing were made by the following:

- Hon. Gary Bombardier, Deputy Assistant Administrator for Africa, Agency for International Development
- Mr. Michael Wright, President and Chief Executive Officer, African Wildlife Foundation
- Mr. Stephen Mills, Human Rights and Environmental Campaign Director, Sierra Club
- Elizabeth Rihoy, Director, Washington Affairs, Africa Resources Trust

The Meeting was Conducted by:

- Hon. Ileana Ros-Lehtinen, The Subcommittee Chairperson, Subcommittee on Africa, Committee on International Relations, U.S. House of Representatives.

Without a doubt, the very fact that such a hearing as "Africa's Environment: The Final Frontier" took place is a victory for all those concerned with the relationship between people and the environment in which they live. This is a public recognition that, as the Honorable Ros-Lehtinen stated, "the need to protect the environment knows no municipal, state or national border. The environmental damage to one region of the world necessarily affects the global environment." In Africa, the pressures on the environment are especially acute as conservation is so tightly linked to land use, land use change, sustainable development, and the quality of governance at the local and national levels. The critical nature of the problem has produced a sizable number of environmental heroes. Certainly there is no challenging the personal strength and community accomplishments of Wangari Mathai or Ken Saro-Wiwa. Donor and international NGO efforts to work with such local leaders, to bridge disciplinary cleavages, to reform devastating agricultural practices, and to empower people in their local communities can only be commended. In this, the international community, and many host countries, have reached a consensus. Indeed, we can even speak of a growing global norm positing that environmental challenges are no longer domestic or functional concerns. They are, in fact, critical challenges to national security, global security and human well-being.

With this seeking of the common good comes a great danger. This danger becomes clear by looking at the title of the Hearing itself. "Africa's Environment: The Final Frontier" implies that putting the environment first, or deeming it part of national and global security, gives license to environmentally-concerned global powers to assert their will, for the good of humanity, over those who have not adopted the new global norm. Africa's environment is not space, or the final frontier. Conservationists are not boldly going where no one has gone before. People live there. Most often, it is the people of these local communities that suffer most from the conservation initiatives, and thus it is the people of these communities who are least likely to subscribe to western conservation norms. Indeed, assuming there is a global norm claiming that conservation is a global security issue, it suffers from many of the same top-down tendencies which guided the development efforts of the 1960s and 1970s, despite project attempts to solicit participation at the local level. This is evidenced by the tragic results of some of the most "locally-sensitive" conservation projects in Africa such as Amboseli National Park in Kenya, Korup National Park in Cameroon, and Mantadia National Park in Madagascar.

In Amboseli, with the establishment of the park in 1977, the local Maasai communities were promised several benefits. First, to make up for restricting access to spring water within the park boundaries, a pipeline was constructed to provide adequate water supply to the Maasai. In addition, they were promised annual compensation for loss of grazing land and direct economic benefits from development and tourism. However, by 1980, the new water system did not supply enough water; after 1981, the compensation payments were irregular or lacking; and, direct income from tourism was very limited as the tourism industry became tightly controlled by Nairobi-based concerns (Lindsay 1987). The net effect of the park on the Maasai was overwhelmingly negative.

Korup National Park in Cameroon presents another example. Villagers in the park and its buffer zone rely on the park's wild game. While some of the meat is consumed locally as a source of protein, most of it is sold for cash. In fact, hunting is the most important economic activity in the area, generating about half of a village's total cash income. The next most important economic activity in the area is collection of fruit and nuts both for consumption and

for selling. Following the 1986 establishment of the Park, hunting in it was declared illegal. Yet, the local residents were offered no adequate alternative means for income generation. Moreover, although there are six villages within the park boundaries, development activities did not take place within the park. Villagers in and around the park were left with no other option, other than breaking the law and hunting illegally (Infield 1989). In this case, conservation efforts were being undermined because local needs were not being addressed adequately by project designers. That is, local villagers, making a rational choice, risked substantial penalties or even imprisonment for poaching if it meant meeting their basic needs.

Finally, Mantadia National park of Madagascar has seen similar disastrous results. The park has a severe impact on the local people, living in the villages surrounding the park, who depend on the forest within the park for their livelihood. Kramer et al. (1994) calculated the average annual income loss for local residents due to the establishment of the park to be between \$US90 and \$US110 per household (1994). This is a significant reduction in income considering the average regional income before the establishment of the park was lower than the national 1992 per capita GNP of \$US210 (World Bank 1995). While this study summarized the effect of the newly created park in terms of economic loss, there are additional ways in which local communities depend on forests including hunting and fishing, farming, and collecting diverse forest products (Lewis 1990).

Even in cases where conservation programs have been more "successful" than the aforementioned cases, the integration of local and international environmental interests have met a lukewarm reception at best by local communities. This is evidenced by community analyses of such "innovative" projects as Ankarana Protected Area (Gauthier 1996, Gezon 1995), and Ranomafana National Park (Swanson 1996) in Madagascar which are at the forefront of integrating local communities into international conservation project decision-making, and Kibale National Park in Uganda (Treves-Naughton 1996) where local community benefit has reached levels significantly higher than most projects.

It is tempting to argue that these problems are part of a learning process and that local discomfort or even hardship is worthwhile if the goal is to conserve the environment for the good of the human race. Conservation initiatives in Africa, however, have little chance of being sustainable if they do not meet with broad local support. Democracy mandates that the local population has a say in their community's well-being. As local democracy in Africa grows, people have a greater potential to influence policy. They may opt not to support conservation initiatives if they are too painful in the short-run. That is, the inherent "good" in conservationism as a global norm, so apparent in western conservation circles, is not always so apparent at the local level.

While increased participation may lead to a decline in local support for conservation initiatives, it is exactly this participation at this local level that makes conservation program success possible. To borrow from Robert Dahl (1971), democracy can only be regarded as "full" when it reflects the will of the majority. Since the current wave of democracy sweeping through Africa seeks, above all else, to reflect that public will at the grassroots level, conservation programs need to be supported by the populous in the affected regions. That is, when a national park, the cornerstone of conservation policy in much of Africa (a point made by Michael Wright) is created, it must reflect the will of the people of that area. If it does not, then conservation programs will likely proceed without local ratification, thereby detracting from



improved local governance, rather than lending to it. The participants at the Hearing did not go far enough in recognizing the role of the individual at the local level in the conservation process. In effect, the Hearing seemed to echo a statement by Gary Bombardier that

"40 African countries have adopted, or are in the process of adopting National Environmental Action Plans (NEAP). In the best of cases, such as Madagascar, these are developed in highly participatory ways: set specific goals and objectives; establish priorities for the limited use of funds; and become a mechanism through which donors, host governments and people of Africa jointly collaborate in attacking environmental problems."

This argument is rhetorically persuasive in that it recognizes the primacy of local voice in the conservation process, a point further elaborated upon at the Hearing by Michael Wright. In seeking local support for global conservation norms, what this position fails to note is that fundamental to an individual's rights to participate is an individual's right *not* to participate, and fundamental to a community's right to collaborate is a community's right *not* to collaborate. In effect, Stephen Mills' point that human rights must include the right to protect the environment works equally in reverse; human rights must include the right to reject environmental initiatives. Just as Freedom of Religion is only guaranteed if individuals are allowed not to pray, and Freedom of Expression is only guaranteed if individuals are allowed to remain silent, so must individuals be allowed the right to "choose" conservation initiatives, rather than have them thrust upon them. Otherwise, the possibility that the local population will choose not to collaborate and to reject both conservation initiatives and democratization programs as part and parcel of the same international attempt to undermine local standards of living will increase. None of the statements at the Hearing recognize this primacy of individual choice at the local level as an indicator of program success, let alone recognizing that individual choice may determine program success. At the project level, USAID (via Pact, IFES, ARD, WWF, diverse universities, and others) supports valuable education programs that can enhance the likelihood that local populations will accept conservation initiatives, while seeking to nurture civil society, and enhance a democratic political culture. However, these projects are small efforts when compared to the short-run negative economic effects of many of Africa's conservation programs (Kramer et al. 1994, for example).

Perhaps more important than the normative adoption of democracy concurrent to conservation are the implications for governance. Most African states lack the capacity to enforce conservation policies at the local level. If, therefore, the local population rejects a conservation program as too costly, the program will likely fail and the money invested will be wasted. Indeed, this is an echo of Bombardier's point that democracy, human well-being, and conservation are in fact interrelated. The application of this needs, however, not to be concentrated mostly on helping soft governments to get the conditions right for conservation on the one hand, while trying to promote local democratic initiatives on the other. Such a process will likely act to pit one program against the other, eroding the personal freedoms necessary for democracy while eroding the economic preconditions necessary for environmental consciousness. Rather, application needs to focus on providing the social safety-nets, economic alternatives, and educational programs necessary to facilitate local adoption of both democratic



*and* conservation initiatives. In so doing, conservation supporters must take a risk: they must allow personal freedoms to grow first, in the hope that democracy and conservation will compliment each other, but with the risk that local populations may choose a path that contradicts both global norms of Jeffersonian democracy and the conservation imperative itself.

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