



## Expect the Unexpected? The Poli-tricks of Central-Local Government Relationship in Tanzania

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### **Abstract**

Local government presupposes the existence of central authority to which is subordinate despite the relative autonomy of its organs. Three views paint the nature of relationships between central-local governments in Tanzania. The first view conceives local governments as instruments of the centre whose mandate is implementing public policies. Second, local governments are seen as partners of the centre, implementing public policies in a coherent manner with some levels of discretion. Third, central and local governments are certainly different governments which have mutual dependence. This article offers an overview on the dynamics of central-local relationship to uncover expectation of establishing self-governing authorities at the local levels as stipulated in the Local Government Reform and the D-by-D policy or the Policy Paper on Local Government Reforms. In addition, it highlights unwillingness of the centre to give autonomy to local authorities. Using document analysis, our analysis shows that local authorities have been agents of the central government, primarily responsive to their political master, not partners in national administration and development. These unhealthy arrangements limit local government capacity to serve their clients accordingly. Thus, considering autonomous local authorities as a vehicle to national development is essential for healthy decentralisation of central-local relations.

**Keywords:** *Local Government; Central-Local Relations; Decentralisation; Local Autonomy*

### **1. Introduction**

Local Government Authorities (LGAs) in any country form one of the levels that people can directly get involved in formulation of development plans, make by-laws and decide on priority issues to include in development projects (Liviga, 2009; Mwasaga, 2021). LGAs are assigned to offer social services like primary education, health, and water supply (Liviga, 2009). This realisation of the critical

role LGAs can play in community development process has been acknowledged by the Local Government Reform Program (LGRP) (URT, 1996, 2009). The LGRP include increasing their fiscal autonomy, restructuring legislative and executive powers (Liviga, 2009; Kessy, 2018). According to the LGRP strategy in relations with the central government, the reform program seeks to: (i) remove political, institutional, legal and policy impediments to decentralisation by devolution; (ii) develop capacity to local government authorities; empower citizens to participate and demand accountability in distribution and use of public resources, and (iii) install institutional, organisation systems, mechanisms and develop capacity to ensure effective implementation of the programme (URT, 2009).

LGAs relations with their national governments depend on the nature of their local political systems. Yet, even in one country such relations may vary from time to time and the “problem of central-local relations will differ according to one’s perspective” (Saunders, 1982:55). In developing countries there has been a mixed pattern of central-local relations, ranging from countries where local authorities enjoy *de jure* legal autonomy to where they are mere legislative creatures of central government (Kessy & McCourt, 2010). In Tanzania, there are different views on the nature of relationships between central and local governments. According to Semboja and Therkildsen (1991) three views decorate the debate. First, LGAs are conceived as instruments of the centre whose mandate is implementing national policies. This view draws much from the agency theory which is basic to the structure of various organisations that, the central government (the principal), seeks to achieve some outcome but requires the assistance from local government (the agent) to carry out the necessary activities. As a result of this agencification, LGAs are conceived as mere administrative devices of the central government as opposed to local self-governments.

Second, LGAs are partners of the centre who execute public policies in a coherent manner with some levels of autonomy from the national government. This view focuses on partnership approach by viewing central government and LGAs as having a common goal to achieve hence they operate in harmonious relations. Third view maintains that central and local governments are certainly different governments which have mutual dependence, but with complex relations given the inherent power struggles between the two. This view entails inter-governmental relations with mutual dependence characterised by uncomfortable relations due to difficulties in balancing the level of autonomy between the two governments. Local autonomy involves freedom from central government interference, freedom to effect particular outcomes and reflection of local identity (Pratchett, 2004). In this regard, local autonomy is observed to be “an issue of sovereignty – if not sovereignty over everything within a territory, then at least sovereignty over certain spheres of activity” (Pratchett, 2004: 362).

While we agree with observation on the first aspect, local government authority as agents of the central government (Semboja & Therkildsen 1991), we are skeptical about the second and third aspects which entail partnership and inter-governmental relations. That is why this article examines the dynamics of relations and explore the progress made towards realizing the goal of changing central-local relations as clearly presented in the Local Government Reform Program (LGRP) (URT, 1996), and the Decentralisation-by-Devolution policy or the Policy Paper on Local Government Reform (URT, 1998). This is because it is pointed out that the local governments’ authorities will be free to make policy and operational decisions consistent with government policies without interference by the central government institutions (URT, 1996). An analysis is made to establish whether the prospects of creating independent LGAs as stipulated in the Policy Paper on Local Government Reform of 1998 and Local Government Reform Program of 1996 have been realised or otherwise. Additionally, this article highlights potential reluctance of the central government to give operational independence to LGAs.

The second part of the discussion that follows dwells on the conceptual framework with the aim of putting in place useful conceptualisation of central and local government. Part three concentrates on the development of local government authorities in Tanzania paying special attention on how they have been relating with the centre. This historical account is very essential as the current political behavior towards LGAs has a significant bearing on the past practices. Part four focuses on methodology. The fifth part

provides central control over local government, and unwillingness of the centre to give autonomy to LGAs. The last part poses concluding remarks. We will conclude by arguing that despite concerted efforts of reforming local government through decentralisation by devolution approach there are still some serious bottlenecks in the process.

## **2. Conceptual Framework**

Central and local governments are conceived differently depending on one's theoretical orientation. Central government conceived as "institutional embodiment of state sovereignty and as the dominant source of political and legal decision making" (Cheema & Rondinelli, 2007:1). Central government as the highest institution of the state manned by individuals, vested with authority to make binding laws, set policies, order and command coercive state instruments (the army, police, prison) to back their authority and power. Here quick image one can get is that, central government is the supreme governance institution in a country. Because it consists of the executive, legislative and judicial bodies, in which the executive exercises state sovereignty (Saunders, 1982).

On the other side, local government refers to specific institutions or entities by national constitutions to deliver a range of specified services to a relatively small geographically delineated area (Shah & Shah, 2006). Here administration of the authority from the national government is delegated to sub-regional bodies in order that local people are fully or partly entrusted to share self-rule. In this, local government is viewed as a local body elected independently to form a team of administrations entrusted with responsibility to perform without close supervision from the central administration (Semboja & Therkildsen, 1991). This conceptualisation share the same view that local governments derive their powers and authority from the central government through decentralisation, but they insist on the aspect of local autonomy in making and implementing decisions basing on local priorities (Pratchett, 2004). This view is essential as it provides the potentiality for having local self-government, accountable to the local people, and thus justify the notion that the best government is the one closest to the scrutiny and control by its citizenry. So in this thinking, central government and LGAs are seen as different governments whose interaction should be inter-governmental (between governments) basing on consultation and negotiation, as opposed to intra-governmental (within government) which entails control, orders and subordination of LGAs (Mwasaga, 2021). Local government should own its organisation through decentralisation and that, the local organisation should be a separate one and entrusted with independent decision making (Max, 1991).

The aspect of local independence is a significant variable in any attempt to analyse central-local government relations. Among the ways of explaining these relations is basing on the notions of central and local integration and independence (Panday, 2006). While the national government is driven by the quest of exerting control over LGAs, these local authorities in turn struggle to get local autonomy (Kessy, 2018). An analysis of the dynamics in the relations between central and local governments can be made from the perception of an autonomous model or an integration model. Here "autonomous model reflects the traditional liberal view of central-local government relationships" (Panday, 2006: 46). Central and local constitute two clearly separated spheres of government where the centre limits itself to monitoring the activities of local government (Panday, 2006). Under the integration model, the central-local government relation is viewed in functional dimension, not as two distinct political spheres. The relationship depends on the decision as to who should be responsible for what (Amnå & Montin, 2000).

Distinction between an autonomous and integration models reflects two sets of normative ideas about central and local governments in terms of which should be the most important political institution within the state's constitutional structure (Panday, 2006). The autonomous model advocates that given its proximity to the people and their needs and problems, the local government ought to be highly autonomous as it is "a rational endeavor for the grassroots" (Wunsch, 2001:278). The integration model

conceives the state as a sovereign political institution but that it can devise subordinate political structures with delegated authority.

Central-local relations can be described on the basis of principal-agency/superior-subordinate or in terms of partnership. Panday (2006) insists, situations of central-local relations entail two dimensions; first, local government may be highly subordinated and functionally divided; and second, the relations can base on partnership with opportunity for negotiation and access to central state power. This needs to be appreciated as it guarantees the aspect of local autonomy which is essential ingredient towards the attainment of local self-government and accountable primarily to its people. The subordination of LGAs is condemned as it turns them into mere administrative devices of the centre, not governments in their own sake thus paralyse the realisation of meaningful local governance.

### ***3. Development of Local Government in Tanzania***

#### **3.1 Pre-Colonial Period**

Local government in Tanzania was established through a complex history and its origin is traced to the colonial period. The Native Authorities Ordinance Cap 72 of 1926 provides the initial attempt to create structure of local government, however introduced as part of broader scheme of the British colonial government to govern the colonies through indirect rule system (Liviga, 2009; Mutahaba et al. 2017). Efforts to strengthen local governments were made following the issuing of a decree by the then British Secretary of State responsible for colonies. The decree gave room for the enactment of the Local Government Ordinance Cap 333 of 1953 which replaced the Native Authorities Ordinance of 1926 with the introduction of an elected system of local government. However, no much improvement were made in local government as the colonial philosophy did not allow such autonomy to local people who were conceived to be incapable of ruling themselves (Liviga, 1992). This is based on the Eurocentric ideology that the colonised cannot rule themselves, hence local governments were controlled and used by the colonial state as agents for resource extraction.

#### **3.2 The Post-Colonial Period: 1961-1972**

In the post-colonial period the country was administratively divided into nine provinces and a number of districts were ruled through a system of local (native) authorities. The post-colonial state did not abolish the inherited local government structure, but initiated many changes that integrated it thoroughly in government and ruling party structures with asymmetrical power relations and LGAs being subordinated (Mukandala, 2000). LGAs experienced difficult moments after independence following constitutional reforms that introduced the one party system in 1965. The one party state started a process of power consolidation and centralisation of policy-decision making and very little was done to establish LGAs (Liviga, 2009). In 1969 some reforms were made following the adoption of the Arusha Declaration in 1967 which provided the political grounds for power consolidation and centralization on the part of the central government. In order to implement the changes, the Parliament of Tanzania enacted the Decentralisation of Government Administration (Interim Provisions) Act of 1972 so as to increase and giving overriding power to the central government bureaucrats (URT, 1972).

The central government controlled LGAs via the minister for local government with respect to urban or municipal councils and district councils. The minister is the proper officer for urban authorities while the regional commissioner (assisted by the district commissioner) is the proper officer for district authorities; hence they are responsible for approving all plans and budgets initiated by LGAs. Projects initiated by government leaders reflected the national priorities more than local needs hence constrained the spontaneous expression of local initiative (Mukandala, 2000). The ministry for local government ordered district development committees to plan and initiate schemes for villages. The central government representatives were the 'riders and the local people were the horses' (Mukandala, 2000:126). That is, the

LGAs had neither freedom of direction nor of actions with regard to development activities; rather they had to abide to directives given by central government representatives, just as the horse complies with the rider's directives. The post-colonial arrangements did not strengthen LGAs and constrained their performance and thus the government embarked on 1972 reforms (Liviga, 1993).

### **3.3 The Reform Phase: 1972-1982**

The 1972 local government reforms were a result of LGAs' inability to tackle poverty, diseases and ignorance, as a result the 1972 policy "introduced direct central government rule under 'decentralisation' in the form of 'deconcentration'" (Mutahaba et al., 2017:259). This period is referred as structural decentralisation, whose ironic core objective was 'to work out a system which gives more local freedom for both decision and action on matters which are primarily of local impact' (Mukandala, 2000:129). This program was implemented after the enactment of the Decentralisation of Government Administration (Interim Provisions) Act No. 27 of 1972, which abolished district councils so as to centralise local control, decision making and responsibility (Mukandala, 2000). Instead, the central government appointed area commissioners to be government representatives in their areas of jurisdiction. Regional and district development directors were also appointed and empowered to take charge of development efforts and manage things. Tanganyika African National Union (TANU) committees at the ward, district and regional levels were to give broad guidelines to development committees to ensure compliance with national policies and party ideology (Liviga, 1993; Mukandala, 2000).

This phase had serious consequences on local governance. The law (Act No. 27 of 1972) brought changes that damaged the system of local government as it has existed from 1926. It abolished local representative councils and increased the power of the ruling party by giving overriding power to TANU and central government bureaucrats (Liviga, 1993). LGAs were replaced by District Development Councils and Regional Development Councils which were directly accountable and responsible to the central government, not to the people themselves through democratically elected local councils (Semboja & Therkildsen, 1991). Highly trained personnel were shifted from the centre to local levels and dominated in decision making and planning process (Liviga, 1993). If the purpose was to seriously allow peoples' participation, then accountability and responsibility would have been to the people, but there was no locally elected decision making body (Mukandala, 2000). It is on this account that it is puzzling to conceive the 1972 decision as decentralisation (Max, 1991), because the driving force in the 1960s and 1970s was centralisation of power (Max, 1991; Liviga, 1993).

The structural decentralisation did not yield good results because of the problem of service provision and infrastructure development. The deconcentrated structures were not empowered to raise local revenues but relied on funds from the centre which usually did not come on time (Mgonja & Poncian, 2019). The plans did not reflect real local needs and problems as the planners themselves were not local people, hence led to rapid decline in essential services like education, health, sewerage and feeder roads. These shortcomings proved the difficulties of administering a country without a local government system hence the government promised in the 1980's election campaigns to reintroduce LGAs if it wins the election (Max, 1991).

### **3.4 The Reform Phase: 1982-1990**

Following the failure of the decentralisation of 1972, the government re-introduced LGAs in 1982 and re-established in 1984. The reasons for the failures were maladministration, mismanagement of resources, over-employment and the inability of the decentralised structures of 1972 to deliver services (Liviga, 1993; Mukandala, 2000; Mutahaba et al., 2017). But the central government justified the 1982's re-introduction of LGAs geared at enhancing more meaningful decentralisation of government administration by facilitating the more effective democratic participation in decision-making and implementation at the village, district and regional level (Mukandala, 2000). Ngware and Haule (1993) observed that local governments were re-established in 1984 with the aim, among others, promoting

participatory democracy at the grassroots and solving peoples' socio-economic problems. To achieve this, the local governments were expected to strive to develop an inbuilt management capacity for effective delivery of basic services to the people, and up-lifting their standard of living. Management capacity encompasses the institutional, structural, authority disposition and resource aspects (Ngware & Haule, 1993).

The government enacted a series of legislations to effect its desire to reintroduce LGAs, that is; the Local Government (District Authorities) Act No.7 of 1982, Local Government (Urban Authorities) Act No.8 of 1982, Local Government Finances Act No.9 of 1982, Local Government Service Act No.10 of 1982, Local Government Negotiating Machinery Act No.11 of 1982, Decentralisation of Government Administration (Interim Provisions) Amendment Act No.12 of 1982 and in 1984 the constitutional amendment through articles 145 and 146 provide for the establishment of LGAs. These legislations and the 1984 constitutional amendment provided the legal and constitutional basis for LGAs, but at the same time provide an avenue for central government control over their activities (URT, 1982).

The local government legislations plus constitutional provisions on local government were passed by a party-state not intent on democratisation but on furthering its control while lessening its financial burden (Mukandala, 2000). This fact is substantiated by the Nyalali commission which insists that while both the government and the party claim that local authorities are independent and democratic institutions, observations of the basic laws that constitute local authorities show that it is a fact that they are not autonomous (Nyalali, 1992). LGAs were required to obtain central government's approval for their decisions. The control was specifically under the minister of local government who was the proper officer for urban authorities and the regional commissioner for district authorities, assisted by the district commissioner (Semboja & Therkildsen, 1991; Mukandala, 2000).

Unhealthy central-local relations weakened LGAs and consequently failed to promote local development, maintain acceptable levels of social service provision, exhibiting accountability and transparency in their operations and widen political participation in local affairs (Mukandala, 2000). In the same line of argumentation, LGAs' autonomy constrained by insufficient qualified manpower, inadequacy of funds, scarcity of technical equipment and materials; problems which are compounded by the institutional constraints resulting from LGAs interaction with other agencies of the central government (Tidemand and Msami, 2010). These problems of LGAs are not always of their own making but they are associated with central government's poor policies which have a wrong perception of local government (Liviga, 1993; Mukandala, 2000), which is conceiving LGAs as agent of the central government. In order to address the above problems and perhaps due to foreign pressure on decentralised governance (Cheema & Rondinelli, 2007), the government embarked upon local government reforms.

### **3.5 The Local Government Reform in 1990s**

Local government reform form part of the overall public service reforms in Tanzania. The development of local government system took a new generation following the reforms initiated in 1990s, with the adoption of the shared vision on local government and ultimately the Policy Paper on Local Government Reform of 1998 stressing on decentralisation by devolution (D-by-D). The content of the LGRP was to improve the quality of and access to public services provided to the people through or facilitated by local government authorities (URT, 2009). In this reform processes, some of the areas in which LGAs will have autonomy, among others, primary education, primary health care, water and sanitation, feeder and community roads, agricultural extension services and environmental protection (Shivji & Maina, 2003). In order to achieve local autonomy and development, the Local Government Reform Agenda of 1996 was divided into six components, namely:

- i) Governance: aimed at establishing broad-based community awareness of and participation in the reform process and promote principles of democracy, transparency and accountability.
- ii) Restructuring of local authorities: with the duty of increasing the effectiveness of local authorities

in delivering quality services in a sustainable manner.

- iii) Local governance finances: aim to increase the resources available to local authorities and improve the efficiency of their use.
- iv) Human resources development: the aim is to increase the accountability and efficiency of human resources use at local authority level.
- v) Institutional and legal framework: aim to establish the enabling legislation which will support the effective implementation of the reform measures.
- vi) Programme management: aimed at supporting the effective management of the overall local government reform programme.

On the other hand, the Policy Paper on Local Government Reform admits that the *raison d'être* for the devolution of roles and authority by the central government, and the existence of the local government, will be the latter's capacity and efficiency in delivering services to the people (URT, 1998). This will be the basis for justifying their autonomy from central government interference (URT, 1998). The creation of new central-local relationships basing on legislation and consultations as opposed to orders will facilitate the LGAs in their responsibility to provide services (URT, 1998). This is based on the notion that devolution of powers and resources to local government is a foundation for promoting sustainable decentralisation. Local governments with decision-making powers and resources can play a more catalytic role in economic and social development (Cheema & Rondinelli, 2007).

The Policy Paper on Local Government Reform of 1998 identified four areas to be addressed in implementing decentralisation-by-devolution:

- i) *Political decentralisation*: this entails devolution of powers to locally elected councils and committees, the council mayor or chairpersons. It includes the incorporation of the formerly centralised or deconcentrated service sectors into a holistic local government system, elevating councils as supreme bodies in their jurisdiction, as well as creation of real, multifunctional governments at the local level within the framework of the national legislation.
- ii) *Financial decentralisation*: requires local councils to have financial discretionary powers and powers to levy local taxes. Central government in turn has the obligation to supply local governments with adequate unconditional grants and other forms of grants to attain standards of service delivery. Also, allows local councils to pass their own budgets reflecting their own priorities, as well as mandatory expenditures required by legislation setting national standards.
- iii) *Administrative decentralisation*: entails delinking local authority staff from their respective ministries and procedures for establishment of a local payroll. Thus LGAs will have their own human resources and can recruit the same on their own; organised in the way they decide themselves so as to improve service delivery. The aim is to make local staff accountable to local councils.
- iv) *Changed central government-local government relations*: the role of central government is changed into a system of inter-governmental relations with central government having the overriding powers within the framework of the constitution. Under this principle, line ministries will change their role and functions into becoming policy making bodies, supportive and capacity building bodies, monitoring and quality assurance bodies within the local government legislation framework, and regulation bodies that is legal control and audits bodies. The minister responsible for local government will coordinate central-local relations and initiatives from sector ministries on matters relating to local government.

The key statements in each of the policy areas on local government reforms are worth noting: political decentralisation implies the establishment of actual and multi-functional governments at the local

level. Financial decentralisation principle permits LGAs to pass their own budgets reflecting local priorities. Administrative decentralisation allows local government to recruit their own personnel in order to improve service delivery and lastly, central-local relationships will be changed into a system of inter-governmental relations. But execution of these key policy statements has been challenging, hence threatening the realisation of the vision on local government (Liviga, 2009). This is because the qualifying phrases after key policy statement interfere local affairs like ‘within the framework of the national legislation’ for political decentralisation and ‘with central government having the over-riding powers within the framework of the Constitution’ for the changed central-local relations (URT, 1998). These phrases give the central government unlimited power to interfere local government and even disregarding local priorities.

The principles of LGRP are very promising with regard to strengthening LGAs especially in the aspect of central-local relations by granting them autonomy to decide their affairs basing on local priorities. Also manifest a significant deviation at least in the theoretical dimension from the traditional and conservative view of LGAs as mere administrative agencies of central government to holistic autonomous entities that are financially and administratively viable. In this logic, delegating power and authority from the national government to LGAs provide an institutional framework for local autonomy and empower communities to pursue local aspirations (Cheema & Rondinelli, 2007). Here Ngware and Haule (1993) observed LGAs must have (1) the existence of autonomous local authorities with separate legal status distinct from the (central) government; (2) the power to raise their own revenue and to decide on how to spend it on the discharge of functions assigned to them by the law, and (3) the power to make decisions affecting the local populations should vest in the local organs themselves usually local councils, thus making the organs indeed local.

#### ***4. Methodology***

The objective of this article is to offer an overview on the dynamics of central-local relationship to see whether the anticipation of creating autonomous LGAs as enshrined in the Local Government Reform Programme, and the Policy Paper on Local Government Reform have been realised or otherwise. In addition, the article intends to highlight potential reluctance of the centre to give autonomy to local authorities. The use of desk-based review as a source of data, we reviewed several documents such as journal articles, research reports and policy reform documents. The document review includes searching of the status of local government in Tanzania after the introduction of the reform process. In this process, collected data from the document review shows the politics and unwillingness of the central government to decentralise powers to local government authorities despite commitment of reforms of decentralization by devolution. The results of document analysis revealed that there are deliberate move by the central government in implementing decentralisation policy. We expected to find substantial evidence of decentralisation, especially inter-governmental relations, but still local government is agent of the centre and not partners in development. This explorative work is expected to inform and identify further inquiry at the level of key informants interviews and questionnaire survey about local government reform process in strengthening inter-governmental relations.

#### ***5. The Poli-tricks of Central-Local Relations***

##### ***5.1 Fiscal Autonomy***

The trend in the features of LGAs revenues in recent years has been the expansion of fiscal transfers from the central government and the significant proportional decline of LGAs’ own source of revenue (Mgonja & Poncian, 2019). This is partly due to the abolition of some important sources of revenues such as development levy and LGAs have sources that are non-buoyant and difficult to collect



(Mgonja & Poncian, 2019). LGAs lack fiscal autonomy and depend on central government financial support which determines the spending of supposedly discretionary funding (Tidemand & Msami, 2010; Mgonja & Poncian, 2019). Absence of fiscal autonomy perpetuates central government's dominance over LGAs. The central government is at the apex, exercising direct control and micromanaging the system (Shah & Shah, 2006). The centre use capital investment budget to control LGAs and replace local priorities for its interests (Wunsch, 2001). This dilutes the authority of local councils in accessing resources appropriate to their needs. Moreover, there have been considerable political interferences by central government agencies in tax collection by the councils (URT, 1996; Mgonja & Poncian, 2019). The central government's control over the lion's share of revenue maintains its domination over LGAs which become bureaucratic dependencies of central government (Wunsch, 2001). Here LGAs become subordinate recipients of centrally decided grants. Thus the policy paper on local government reform failed to bring in practice what it promised with regard to LGAs own financial base.

In 2016 the Minister for Finance announces the transfer of mandate to collect property tax from Local Government Authorities to the Tanzania Revenue Authority. From July 2016, Tanzania Revenue Authority (TRA) is responsible for regulating and collecting property tax revenue in accordance with the Local Government Property Rates Act Chapter 289, Local Government Finance Act Cap 290 and Act of the Tanzania Revenue Authority Cap 399. This is set out in the Finance Act of 2016, the Finance Act of 2017 and Amendments to various Laws, The Written laws (Miscellaneous) Amendments Act No. 2 February, 2019. In the budget speech for 2016/2017, the Minister of Finance announced that "with effect from 2016/17, administration and collection of nontax revenue including property tax will be under the Tanzania Revenue Authority (TRA)" (URT, 2016:22). The minister pointed out that the decision to transfer property tax revenue collection to the TRA is based on the TRA "experience in revenue collection, existing tax collection systems and coverage across the country as well as lessons learned from other countries like Ethiopia and Rwanda" (URT, 2016:22). The government will continue to enforce the use of electronic systems in non-tax revenue collection such as levies, fees and fines (traffic fines) for the purpose of enhancing efficiency in order to control revenue losses. As a result, opposition Members of Parliament questioned collection of property tax revenue by the central Government through Tanzania Revenue Authority, pointing it had financially "crippled the Development by Devolution (D by D) initiative" (Fjeldstad et al. 2017:7).

## **5.2 Human Resource Management**

The control of LGAs is further maintained by the administrative system particularly on human resource management at the local level. The policy paper provides for LGAs autonomy in recruiting and managing their staff, including power to hire and fire. The Public Service Act No. 8 of 2002 with its Regulations (2003) muddied the waters of decentralisation, as the council directors who are central government appointees, are the appointing authorities at LGAs. Heads of departments are appointed by the central government hence weaken LGAs' control over them. The legislation empowers the central government to transfer staff across ministries, regions and LGAs if it is considered in the public interest so to do. But the question here is: what is public interest? Who defines public interest? Meanwhile, any new posts at LGAs need to be approved by the central government through the President's Office-Public Service Management (PO-PSM) (Kuusi, 2009). There is no local autonomy to hire and fire, thus various central government initiatives undermine local autonomy (Braathen et al. 2005).

It is surprising to note that instead of decentralising human resource management, the central government recentralises it so as to have a firm control over LGAs. Following the establishment of Public Service Recruitment Secretariat (PSRS) under the Public Service (Amendment) Act 2007, all powers to recruit public human resources were vested to this secretariat (Lawrence & Kinemo, 2019). After the establishment of PSRS the role of LGAs remains of identifying vacant posts to be filled and send request to (PO-PSM) whereby the Secretariat will conduct recruitment and selection of the staffs according to the needs of each local government authorities (URT, 2007). The issue of human resources management

brings conflict of interests between PO-PSM and President's Office-Regional Administration and Local Government (PO-RALG) as the latter reveals that the 'centralisation of decisions about human resources is basically a policy choice made by political leadership that needs to be determined at the highest policy levels' (Kuusi, 2009). This, if examined, seem to advocate for decentralisation of human resources for strengthening LGAs control over their staff. But from the critical view point, PO-RALG wants to retain full control over LGAs' affairs, including approval of personnel establishments. This reflects Mathew Holden's concept of bureaucratic imperialism at the expense of LGAs autonomy (Holden, 1966). That is, various bureaucratic structures (in this context PO-PSM and PO-RALG) struggle for the control of resources, just as these two ministries compete for the control of LGAs human resources.

### **5.3 Institutional Framework**

Despite the conceptual shift and promise by the central government to establish autonomous LGAs, it is however, surprising to note that the actual practice proves the continued subordination of the latter, being considered as agents of the centre as opposed to partners in national administration. The institutional framework reserves much power to the central government to interfere and determine the affairs of LGAs. It is full of claw back clauses which gives rights and powers to LGAs on the right hand and take some of them on the left. Chapter eight of the constitution of the United Republic of Tanzania of 1977 establishes LGAs. This is Article 145(1) which stipulates that 'there shall be established local government authorities in each region, district, urban area and village in the United Republic, which shall be of the type and designation prescribed by law to be enacted by the Parliament or by the House of Representatives' (URT, 1977).

Article 145 (2) reads 'Parliament or the House of Representatives, as the case may be, shall enact a law providing for the establishment of local government authorities, their structure and composition, sources of revenue and procedure for the conduct of their business' (URT, 1977). While this article provides the constitutional base for LGAs, a very positive step, on the other hand, constitutionalise the subordination of LGAs by the central government by providing discretionary powers to the parliament, which is the legislative organ of the central government, the president being part of it (as per Article 62(1) of the URT Constitution).

Local government legislations give the minister for regional administration and local governments strong power to adjust the powers and responsibilities of LGAs, and assign a range of more specific responsibilities to them (Kuusi, 2009). Section 17(4) of the Local Government Laws (Miscellaneous Amendments) Act No. 6 of 1999 empowers the Minister to specify, by an order published in the Gazette, for LGAs any matters which are the exclusive responsibility of the central government and those for various levels of LGAs. Similarly, Section 112 of the Local Government (District Authorities) Act of 1982 and Section 56 of the Local Government (Urban Authorities) Act of 1982 give the Minister power to make regulations that specify more particularly the powers and duties of any LGA in performing their duties. The legislation reflect centralist vision of local government that conceiving central government as superior and LGAs as inferior and so unfair on central-local relations giving wider powers to the minister for local government, based on the ultravires approach to legislation (Kuusi, 2009). The minister conceives LGAs just as departments in the respective ministry, of which can give orders and seek compliance, as the legislation provides loopholes for justifying such subordination.

### **5.4 Central-Local Relations**

The Policy Paper on Local Government Reforms advocate for the changed central-local relations into inter-governmental relations basing on consultations and negotiations as opposed to intra-governmental relations which entails giving orders and commands (URT, 1998). This is based on the assumption that governments never give orders to other governments rather they discuss and reach consensus. However, nothing has changed because of interruptions of devolution. What is preached in the Policy Paper on Local Government with regard to local autonomy is not what is actually happening in the

real relations between central and local governments (URT, 2008).

LGA is still regarded as the inferior body which can be given orders any time from the top and complies therein. The policy paper substantiates this domination as it stipulates, ‘central-local relations will be changed into inter-governmental relations with the central government having the over-riding powers within the framework of the constitution’ (URT, 1998). The phrase “with the central government having the over-riding powers” institutionalises and legalises the superiority of central government and subordination of LGAs. This political behavior of central government control over local government limits the realisation of local self-government thus reflects the integrationism model. While it will take time for Tanzania to have effective and firm local government (Liviga, 2009), it is due to those deficiencies that local government in Tanzania is a system in distress (Mogella, 2003).

The above observations justify the article’s central argument that, Tanzania’s central-local government relations is characterised by subordination of LGAs by conceiving them as administrative agents as opposed to institutions of local self-governance. It is thus essential at this juncture to visit, albeit in brief, possible reasons on central government’s reluctance to grant local government autonomy.

### ***6. Unwillingness of the Central Government to Grant LGAs Autonomy***

Central government controls LGAs from the colonial period to post-reforms. The colonial logic was to ensure effective control for appropriate resource extraction, while the post-colonial era through the socialist age was geared at ensuring central planning as the country was under command economy. But there is a continuation of central subordination of LGAs despite the implementation of the LGRP or Decentralisation-by-Devolution policy. It is observed that “effective implementation of D-by-D would result into a diminishing power of central government officials over administrative control, political patronage and reduced budget size of their agencies [...] maintain the level of influence in local government” (Pastory, 2014:159). Several explanations are given and still relevant for this situation.

The continued central control over LGAs can easily lead to secession and developments in Tanzania have shown several trends of extremes that can do harm and of unintended consequences that may be hard to contain (Mukandala, 2000). Local government autonomy and prerogatives can be abused by incumbents for their benefits and to the disadvantage of the public good and national interest. On the same line of thinking, national political elites use LGAs’ weak capacity to perform without close supervision as the basis for explanation on the unwillingness of national government to grant LGAs autonomy. But these views are weak to legitimise the control of LGAs. The question of secession is not a factor if meaningful distribution of national resources is made and boundaries are made between the jurisdiction of central government and LGAs.

Abuse of power by LGAs is a narrow explanation for legalising the subordination of LGAs. This argument assumes that central government officials are infallible, while experience from Tanzania proves that, if the level of trust on public resource management is used as a criterion for power allocation, central government officials could get a very small share as are the leading in embezzlement of national resources (Liviga, 2009). Whatever corrupt practice happens at LGAs is the reflection of the centre.

Conflict of interests is a cause for central government’s interference in LGAs (Mukandala, 2000). Central government’s officials want to control each core source of revenue and allocate on their decision on who should get what. So any meaningful attempt to decentralise resources is seen as a threat to their interests (Mgonja & Poncian, 2019). We agree with Mukandala (2000) that the centre intervenes in local affairs for political reasons. For example, the abolition of development levy was targeted to make the ruling party, *Chama Cha Mapinduzi* (CCM) more popular and gain support from the electorates. Here multiparty politics seems to intensify pressure on the ruling party to intervene in local government issues so as to be seen as doing something. It fears that granting meaningful autonomy would seem as digging

its own grave especially when LGAs is under opposition party.

The constitution does not provide functions and roles of LGAs. It does not provide for clear delineation of powers between central and local levels. It does not specify how the two governments should relate. It is on this account that, local government reforms in Tanzania would not attain their intended objectives unless certain constitutional, legal and institutional matters are also addressed and made part of the reform process (Liviga, 2009). While we agree with Liviga's explanations on the central government's control of LGAs, we partly subscribe with explanations on conflict of interests between central and LGAs and political reasons (forces of multipartism), but skeptical on explanations about secession and corrupt practices of LGAs officials. One can hardly concur with explanations given by ruling elites based on weak capacity of LGAs as the former are responsible for such weaknesses.

The continued subordination of LGAs by the central government is based on the issue of double talk in which central officials do not do what they preach in official documents, hence divergence between structural policy (the policy document) and behavioral policy (the actual practice). Divergence between the principles of the policy paper on LGRP and what is implemented can substantiate this proposition. The aspect of bureaucratic imperialism can well explain the situation under discussion since leaders in national government seek to control LGAs as their constituencies and areas of influence with target of making all resources like power, human and finances at their disposal (Holden, 1966). This can well explain the recentralisation of human resource management by the PO-PSM and the resultant conflict of interests between PO-PSM and PO-RALG with regard to managing human resources at LGA level. The PO-PSM is reluctant to decentralise human resource management while the ministry of finance is not willing to decentralise financial resources and the PO-RALG is committed to control LGAs' planning and budget processes. These ministries are the most sufficient cases to demonstrate the notion of bureaucratic imperialism. LGAs lack sustainable local sources of revenue, qualified staff and general financial management. Therefore, the central government persists in managing LGAs human resources, resulting in the recurrent grant system being distorted (Liviga, 2009).

## **7. Conclusion**

Although there are several angles one can look central-local relations, it is mainly through the 'devolution of power that the effectiveness of these relations becomes visible' (Liviga, 2009). The LGRP aims to minimise the authoritative relations between the central government and LGAs, and ground the relations on consultations and negotiations. But there still a significant gap between the expected mandates as stated in the policy documents and effective mandate of the local government. While it is clear that, from a policy point of view, the central government has committed itself to reform the local government; on the other hand, decentralisation process is advancing at a slower pace than planned and has a serious implication on the central-local relations (Liviga, 2009). That is why effective policy implementation necessitates the implementers to have a common perception on the policy objectives, respective roles and what is anticipated (Fjeldstad et al. 2019). Despite the substantial powers and functions devolved to local government authorities, the central-local relation is still characterised by central assistances, funding of social-economic and welfare programs, policy interventions through guidelines, directives, advices, supervision and inspections over the LGAs services provision (Mnyasenga & Mushi 2015; Mgonja & Poncian, 2019).

The central-local relations throughout the Tanzanian experience suggest that LGAs have been agents of the central government, not partners in national administration and development. LGAs have been primarily responsive to their political masters at the centre. Despite the implementation of local government reforms from 2000, nothing has changed with regard to central-local government relations (URT, 2008). The strategy to institutionalise decentralisation by devolution was not adequately embedded in the LGAs due to a number of reasons including lack of knowledge on vision, reluctance, fear of

devolution policy and legislative bottlenecks (URT, 2009).

The institutional and legal frameworks still give central government the over-riding powers over LGAs. These unhealthy arrangements limit LGAs' capacity to perform their roles and serve their clients accordingly. In this, local governments cannot play their expected role and perform their functions as they are not capacitated to do so (Liviga, 2009). Thus, it is logical beyond any reasonable doubt to argue that Tanzania's central-local relation is characterised by subordination of LGAs by conceiving them as administrative agents as opposed to institutions of local self-governance. Here commitment of national leaders and considering autonomous LGAs as partners to national development is essential for meaningful central-local relations. The autonomy of LGAs should be increased and their rights and obligations should be more clearly specified vis-à-vis those of the central government (URT, 1996).

Central-local relations need to be clarified through regulations and procedures, especially the details of responsibilities of LGAs and central government in the light of transformation. Also, ruling elites must conceive sharing power, authority and fiscal resources as a natural phenomenon of which they ought to comply with (Mgonja & Poncian, 2019). They should influence line ministries and agencies to have commitment towards effective decentralisation, as in most cases, bureaucratic imperialism constrains reform initiatives. The constitution should be amended so as to clearly provide the functions of LGAs and delineate the powers between central and LGAs. This will remove arbitrary powers of the central government. It should indicate the sources of their revenues. In other words, there is a need to embed decentralisation-by-devolution in Constitution and legislation, legal harmonisation in ministries at an early stage and the need for coordination with other cross-cutting reforms.

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