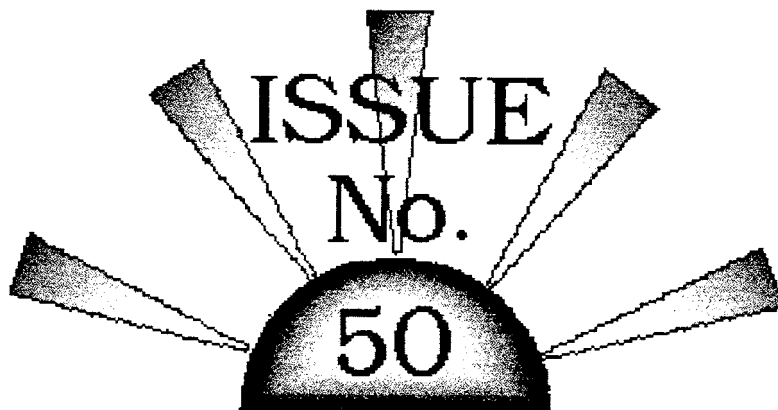


JANUARY 1995



# Tanzanian affairs

Issued by the  
Britain - Tanzania  
Society



# MESSAGE FROM MWALIMU NYERERE

Issue  
No. 50

I send my congratulations and good wishes to the Editor and all those concerned with the preparation, publication and distribution of the Bulletin of Tanzanian Affairs as it issues its 50th Number.

I know from my brief visits to London that without the Bulletin it would be difficult for UK members of the Britain-Tanzania Society (and other interested persons) to follow events in my country - and the rapid changes which have, for better and for worse, been taking place in recent years. The Bulletin is also helpful for members of the Tanzanian chapter. As far as is possible, it reports without mixing fact and opinion; further, many of the articles in it give an excellent analysis of serious Tanzanian documents and events unmatched in easily accessible publications here, and less subject to the natural bias and strong opinions of those of us directly involved in one way or another.

Please keep up the good work. Tanzania, and I believe Britain also, benefit from such aids to international understanding as we in this country try to maintain Tanzania's stability, unity and people's involvement in their country's governance.

Julius K Nyerere

5th December 1994

The first editor of the Bulletin, Terence Ranger, has also sent his congratulations to the present editor from his sabbatical leave in Zimbabwe.

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BRITAIN - TANZANIA SOCIETY

Bulletin of Tanzanian Affairs:    No. 1 - December 1975

## Introduction

It is very difficult for even the most industrious and persistent to obtain information about Tanzania from the British press. We hope in this Bulletin to bring to the attention of members of the Society material of real interest which they might otherwise not see. Several members have remarked that they hope the Bulletin will not consist entirely of what they call 'official handouts', and that material critical of aspects of Tanzanian policy will be included on occasion. It would be a strange sort of bulletin concerned with Tanzania in which this was not true. President Nyerere in his recent state visit told the audience at a banquet in the Guildhall that 'some very flattering things have been said about me since I arrived in Britain as the guest of Her Majesty the Queen.... Other things have not been said; in polite company it is not customary to dwell on a guest's errors or faults, or the failures of the country he represents. I can assure you that I appreciate this convention - and propose observing it in reverse!' But in the less polite company of academics in Oxford the President himself dwelt for a moment on Tanzania's weaknesses: 'We call ourselves a democratic and socialist state. In reality we are neither democratic nor socialist. The Patrons of democracy and the Cardinals of socialism have no idea how much sympathy I have with them when they ridicule and dismiss Tanzania's claim to democracy or to socialism. Democracy and socialism require a mature and popular awareness of the dignity and equality of men and women; a dynamic and popular intolerance of tyranny; a degree of maturity and integrity in those entrusted with responsibility for the institutions of State and Society; and a level of national and personal affluence which Tanzania and Tanzanians do not possess. Many of our people suffer from permanent malnutrition and all the mental and physical illnesses which go with it; their poverty and general ignorance make a mockery of talk about human freedom. We have the village tyrant and the insensitive bureaucrat. We have the habits of arbitrariness; some as the lingering vestiges of colonial rule, some of our own making. We have judicial procedures which, to say the least, leave a lot to be desired. We have a law on the Statute Book under which an individual may be detained without trial. We have the traditional prejudice and discrimination against women. We still have a love of exerting authority, and an intolerable degree of submission to authority. And we also have a level of incompetence, and even irresponsibility, which often makes nonsense of our claim to be implementing policies in support of equality and human dignity'. I imagine that few members of the Society would wish to be more critical than that!

A good deal of this Bulletin will consist, however, of what could be called 'official handouts', that is to say the texts of President Nyerere's speeches while in Britain, and some of the more important statements of Tanzanian policy in previous months. What Nyerere said during his state visit was addressed particularly to people in Britain and it should certainly reach at least all members of the Society. So this issue will begin with extracts from these documents\*; will continue with reviews; and conclude with compiled items of news.

# NEW PRIME MINISTER AND CABINET FOLLOWING REVELATIONS OF MASSIVE TAX AVOIDANCE

The week before this issue went to press was a period of high drama in Dar es Salaam. Tanzanians were reeling from revelations produced earlier which had indicated the massive scale of tax avoidance which had been occurring in the country - it apparently amounted last year to about a quarter of the whole estimated annual revenue of the nation.

There had been some indication of trouble ahead in January 1994 when the Minister of Finance had had to introduce a drastic mini-budget to cover a serious shortfall in revenue collection. But people had to wait until November to be told the true extent of the losses to the national exchequer.

At the same time, Father of the Nation Julius Nyerere published a book, which rapidly became a best seller, in which he roundly criticised Prime Minister John Malecela and ruling CCM Party Secretary General Horace Kolimba and called for their resignation.

Within a very short time, and as a further illustration of the influence still exercised by Mwalimu Nyerere long after he has given up executive power, the Prime Minister and Secretary General were removed.

## "I AM ORDERING A FULL INVESTIGATION" - MWINYI

"Effective today I am ordering a full investigation into the rampant tax evasion that is taking place in this country. It has been brought to my notice that import tax and duty collection reveal a major loss of tax revenue both through fraudulent illegal practices and administrative leakages" - so began the official statement from President Ali Hassan Mwinyi. He went on to explain that early in 1994 the government had contracted the services of two foreign pre-shipment agencies to assess and help collect import taxes in addition to their task of pre-shipment inspection. The information that the companies had provided indicated that the level of lost revenues for the past financial year was about TShs 70 billion which is almost a quarter of the total estimated tax revenue of TShs 292 billion.

The President went on: "I have ordered the Controller and Auditor General to immediately proceed with verifying the available data on importers and to carry out a complete audit of the bonded warehouses. The Attorney General will lead a

full investigation into each case to determine whether a violation of the law has taken place and to prosecute offenders".

"I want to make it absolutely clear that there will be no negotiation of the taxes to be paid" he said. "Whatever the Controller and Auditor General verifies as the rightful tax will have to be paid in full. These actions will be conducted within the next three months. Government action will not stop there. There is evidence to suggest that there are illegal importers who completely evade the existing tax system. The channels used by these people are the transit routes, where goods declared to be heading to neighbouring countries are diverted en route and sold in the Tanzanian market without payment of taxes".

The Societe General de Surveillance is understood to have handled 2,000 tax exemptions between January and October and in a 56-page report to the President had named prominent businessmen, companies, public institutions and civil servants who had not paid the required taxes.

The confusing signals earlier this year from Finance Minister Kighoma Malima on discretionary tax exemptions for new investors, which had damaged investor confidence and had had to be corrected later by the President, were also referred to in President Mwinyi's latest statement. "There is evidence to suggest that there is significant abuse of the Investment Promotion Centre exemptions. Treasury discretionary exemptions need to be sharply curtailed. The abuses hurt the legitimate business community which is investing in this country and the abusers must be caught and prosecuted. No exemption will be effective in future unless it is gazetted and published in a newspaper".

A few days later the first actions were reported. 18 containers destined for a company building three safari lodges were seized pending clarification from the company of the amount of tax exempt goods it had imported under investment promotion concessions. The containers were said to include enough carpets to cover ten football pitches - far more than needed for the three lodges.

Some businessmen claimed that it was necessary to evade tax because the rates were so high - up to 170% in some cases.

The local press began to publish details of some of the other transactions likely to be investigated. Some companies had imported tax exempt oil for soap manufacture (under provisions for tax exemption for raw materials) but the quantities were so large that much of it had been tinned and sold as edible cooking oil. Another company had been allowed to import 20 tax exempt vehicles but instead of doing so it had imported thousands of new tyres which represented its main business. A vessel was said to be plying between Hong Kong and Zanzibar, offloading goods in Zanzibar which then found their way to the mainland.

To add to the general concern, on November 17th the Controller and Auditor General presented his 511-page report for 1992/93 which contained more bad news. Shs 418 million in cash and property had been embezzled and Shs 11.6 million of

payments suspected to be dubious had been made. This compared with total losses of Shs 226 million in 1991/92.

#### **DONORS EXPRESS SERIOUS CONCERN**

Within days of President Mwinyi's announcement the Deputy Treasury Principal Secretary, who had been responsible for signing tax exemption certificates, was removed from office but many observers wondered why responsibility was not being accepted at a higher level.

Donor agencies began to express alarm. An official of the Belgian Agency for Development Cooperation said that tax exemption and revenue collection problems were not caused by one individual. The problem was both institutional and political.

Norwegian Minister for Development Cooperation Kari Nordheim-Larsen said that she viewed the matter extremely seriously and immediately withheld Shs 8.1 bn (US\$ 15 million) balance of payments support.

The Swedish Ambassador announced the next day (November 17) that Sweden had suspended the release of Shs 7.3 bn (\$13.5 million) due to the country's mismanagement of revenue collection.

The following day President Mwinyi called representatives of 14 foreign and international donor agencies to State House (Ikulu) and made an appeal to them to continue to disburse approved funds "short of which Tanzanians would suffer and measures taken to adjust the budget would prove futile".

At this meeting, according to the Daily News, the Canadian representative asked why the Minister of Finance did not resign.

Replying to allegations by the representative of Denmark that Tanzania had corrupt leaders, President Mwinyi said that anyone caught evading tax would be dealt with according to the law.

Tanzania faces a budget deficit of TShs 221 billion this year of which the government had hoped that some TShs 168 billion would come from foreign donors.

The Minister of Finance had had a difficult time during the 1994/95 budget debate in Parliament in August. Professor Mbawala (National MP) had said that the Treasury had been weak in collecting taxes because it had concentrated on small traders while leaving big-time businessmen to go scot-free. He accused the Minister of amassing powers and ignoring directives from the cabinet and the President.

At the meeting of the National Assembly in August a private member's motion to re-introduce a leadership code and declaration by leaders of their personal property had received the support of the government and had been passed unanimously.

#### **NYERERE'S BOOK**

A new book '*Uongozi Wetu na Hatima Ya Tanzania*' (Our Leaders and the Destiny of Tanzania) by Mwalimu Nyerere was launched on November 2nd before 100 local and foreign

journalists and rapidly became a best seller.

At the launch the former President called for the resignation of Prime Minister and First Vice-President John Malecela and CCM Secretary General Horace Kolimba because they had failed to advise President Mwinyi on various important issues. Mwalimu referred to Zanzibar's abortive entry into the Organisation of Islamic Conference (OIC) in late 1992, demands by some members of Parliament for a government for Tanganyika and the issue of the Vice-Presidency. "I am surprised" he said "that the President has not yet acted on the Prime Minister. A Premier is not his cook...he is a national leader; if he were his cook nobody would have cared....since his master will dictate the taste of food he wants. The situation is totally different with leaders whose acts have far reaching consequences for the destiny of our nation" he said. He had advised them to resign last year in Dodoma but they did not. He would never keep quiet if things went wrong with the leadership. The Dar es Salaam Express quoted him as adding: "It would be fine if these crooks (the current leadership) were to go".

Nyerere advised the people to put up with President Mwinyi until he finished his second term because calling for him to step down now would shake the nation which was already passing through hardships and bad leadership.

Asked to comment on his past attitude towards criticism and the fact that he detained his political opponents, Nyerere said he did not recall detaining anyone who stood on a podium to criticise him - Daily News and Business Times.

## THE NEW GOVERNMENT

When a new Prime Minister is selected by the President the nomination has to be approved by Parliament. President Mwinyi chose Mr Cleopa Msuya, who has held the post before, as the new Prime Minister. He received 165 votes but 43 MP's voted against him.

President Mwinyi also decided to change the Secretary General of the ruling CCM party. Mr Lawrence Gama (formerly Regional Commissioner, Tabora) was elected to the post by the National Executive Committee (NEC) of the party by 132 votes to 21.

There then followed three days of speculation about the composition of the new cabinet before the President announced that there would be four new ministers, three new deputy ministers and a number of other changes. Two ministers left the government. Although the former Prime Minister became a Minister Without Portfolio and the Minister of Finance was moved, many observers were surprised that more radical changes had not been made. The opportunity was also lost of reducing the size of the cabinet in the interest of economy.

The new ministers are:

Home Affairs: Ernest Nyanda (formerly Mwanza Regional Commissioner). This was one of the biggest surprises in the reshuffle. The previous minister, Augustine Mrema, had achieved great popularity in his vigorous attempts to root out corruption, correct injustice and defend women's rights. In doing so he had a number of brushes with the judiciary and presumably made some enemies. Another factor in this change might be the seriousness of unemployment which will be in Mr Mrema's portfolio in future.

Agriculture: Frederick Sumaye (former Deputy Minister)  
Health: Zakia Meghji (former Deputy Minister)  
Information and Broadcasting: Philip Marmo (MP for Mbulu)

Other new appointments are as follows:

President's Office. Ministers of State:

Ahmed Hassan Diria (former Minister of Labour and Youth Development)  
Fatma Saidi Ali (responsible for the Civil Service)  
Horace Kolimba (Planning). He was formerly Secretary General of the CCM Party  
Abdulrahman Kinana (Defence and National Service)

Ministers Without Portfolio: John Malecela (former Prime Minister)  
Kingunge Ngombale-Mwiru

Finance: Lt. Col. Jakaya Kikwete (former Minister of Water, Energy and Minerals). *See page 27 of this issue.*

Industries and Trade: Kighoma Malima (former Finance Minister). This was another surprise in view of the similarity of the duties of this post to those of the finance portfolio from which Prof. Malima had been removed

Water, Energy and Minerals: Jackson Makwetta  
Labour and Youth Development: Augustine Mrema

Nine ministers who retained their portfolios were:

Works, Communications and Transport: Nalaila Kiula  
Tourism, Natural Resources and Environment: Juma Umar  
Education and Culture: Philemon Sarungi  
Science, Technology and Higher Education: Benjamin Mkapa  
Lands, Housing and Urban Development: Edward Lowassa  
Community Development, Women and Children: Anna Makinda  
Foreign Affairs and International Relations: J. Rwegasira  
Justice and Constitutional Affairs: Samuel Sitta  
Minister of State, Second Vice-President's Office: Mohammed Said Khatib



## DAILY NEWS

TANZANIA

# CCM celebrates huge civic polls victory

In spite of the financial scandal, the ruling CCM party won an overwhelming victory in local elections in November. This bodes well for its chances in the presidential and parliamentary elections scheduled for October 1995. Of the 2,418 council wards the CCM took 1,191 unopposed and more than 80% of the others where opposition candidates stood. However, the Electoral Commission had had serious difficulties in registering electors and only about 10% of eligible voters were eventually registered to vote. There was widespread apathy amongst voters, especially in the cities.

It has not been possible to obtain all the results but figures from the following regions and districts indicate the massive scale of the CCM victory.

### SOME REGIONAL RESULTS:

#### DAR ES SALAAM

Eleven opposition parties took part in the elections. To the surprise of many observers all seats were won by the CCM. In the case of incumbent Mayor Kitwana Kondo the opposition parties agreed that UDF's candidate (Abbas Mtemvu, son of Zuberi Mtemvu who was an active anti-TANU politician during the independence struggle) would be the only person to stand against him. However, the CCM steamroller ensured that Mr Kondo would be successful. He got 915 votes to Mr Mtemvu's 558. Mr Mtemvu subsequently took this issue to court. A verdict is awaited.

IRINGA	- NCCR-Mageuzi	1	CCM	13
KIGOMA	- CHADEMA	9	CCM	63
ARUSHA	- CHADEMA	2	CCM	175
TABORA	- Opposition	Nil	CCM	132
MTWARA	- TADEA	1	CCM	99
KAGERA	- CHADEMA	3	NCCR-Mageuzi	3
KILIMANJARO	- CHADEMA	2	CCM	111

### A SELECTION OF DISTRICT RESULTS:

UKERWE	- CHADEMA	1	CCM	23
KIBONDO	- CHADEMA	3	CCM	10
GEITA	- CUF	1	UMD	1
			CCM	23

SHINYANGA-	UDP	12	CUF	3	CCM	93
MWANZA	- UDP			1	CCM	17
MBEYA	- CHADEMA			2	CCM	17
MBULU	- CHADEMA			1	CCM	8
BUKOBA	- CHADEMA	2	NCCR-Mageuzi	2	CCM	36
BARIADI	- UMD	won 80% of the seats				

The CCM won every seat in the DODOMA, LINDI, MWANGA, NGORONGORO, CHUNYA, BIHARAMULO, NGARA, KILOSA, MUFINDI, MULEBA, MTWARA and NJOMBE districts.

Observers believe that the reasons for the CCM victory include the lack of information in remote areas about the essence of multi-party politics and the opposition's lack of funds. Several donor agencies are funding an electoral education programme which is just beginning. Also, Radio Tanzania, the main source of news, has done little to let people know about opposition activities. There is a widespread feeling that election of opposition parties could lead to chaos in the country and danger to peace and harmony. The CCM is often regarded as the only party with integrity.

The behaviour of the opposition parties has not helped their cause. They are divided against each other and within themselves. There are too many of them - 13 are registered - and efforts to unite as one party - UDETA - have made little progress.

The parties themselves keep falling asunder. The most powerful opposition party in Zanzibar, the CUF, has a major leadership problem. The mainland Chairman has split from the Isles' Vice-Chairman. The latter, Seif Shariff Hamad, has taken over as acting chairman of the party. The UMD is also suffering from quarrels between its leader Chief Fundikira and Christopher Kassanga Tumbo, the Secretary General.

#### TABORA BY-ELECTION RESULT

More good news for the CCM came when the result of the Tabora parliamentary by-election, held on August 28th, was announced:

CCM (Chama Cha Mapinduzi)	21,736
NLD (National League for Democracy)	2,693
UPDP (United People's Development Party)	650
NRA (National Reconstruction Alliance)	446
TPP (Tanganyika People's Party)	323

The CCM obtained 83.13% of the 28,718 votes cast but some 16,598 of the 45,316 people who had registered to vote did not turn up at the polling stations. This result broke the trend of increasing support for opposition parties which had been evident in the first four multi-party by-elections (Bulletin No. 49). A probable explanation lies in the absence from this by-election of the three parties which had received significant support at previous by-elections - CHADEMA, the CUF and NCCR-Mageuzi. The parties were protesting at what they claimed was lack of fairness.

## CCM OFFERS SEATS TO THE OPPOSITION

So confident is CCM of winning next year's elections that President Mwinyi has announced that the next CCM government will give opposition parties able to garner at least 5% of the votes 20% of the seats in Parliament.

## ZANZIBAR LEADERS SPEAK

The September issue of 'Kumekucha', the publication of DANTAN, the Denmark-Tanzania Society, was devoted almost entirely to Zanzibar and, unusually, was written in English and mostly by one writer, Dan Suther.

Zanzibar President Dr. Salmin Amour was interviewed about the economy. Despite its meagre resources, most of the East-West trunk roads in Unguja and some of the roads in Pemba had been repaired he said. The Northern road was almost 75% completed and the Southern road 60% complete. Speaking about future economic prospects Dr. Amour said that he saw Zanzibar as a supplier of services for rather than a competitor of its neighbouring countries. There would be more trans-shipment of goods from outside destined for East and Central Africa.

On politics Dr. Amour said that the Civic United Front (CUF) represented very strong competition for the CCM. "One of the most confident organisations I have ever come across - they are over-confident" he said. "They claim that we don't give them media coverage. But the CUF do not want the cooperation of the media. They have quarrelled with newsmen for not attending their meetings. The media is made available to parties during elections but as soon as elections are over the news media become the property of the state, of the government.....to use as it sees fit".

Subsequently, in a meeting with British High Commissioner Roger Westbrook, Dr. Amour said that foreign election observers would be welcome during the 1995 elections in the Isles.

The CUF's Vice-Chairman was also asked about the political situation in the Isles. Seif Shariff Hamad said that should elections be held now CUF would get all 21 seats in Pemba and at least 14 out of 29 in Unguja. But on the mainland none of the opposition parties were strong. CUF would probably get a few seats around Tanga, Mtwara, Lindi, Shinyanga and Tabora but the CCM would win overwhelmingly.

Mr Hamad went on to say that the Union was in a mess today. Tanganyikans were complaining; Zanzibaris were complaining; the only person defending the Union was Nyerere. "We have to have major surgery on the Union" he said. As for the media he said that CUF allowed them to come to their early meetings but got so little subsequent coverage that they were told not to bother to come in future.

CHADEMA and NCCR-Mageuzi have made it clear that they are in favour of a government for Tanganyika.

## **MAGICAL POWERS?**

Commenting on a recent meeting between Mwalimu Nyerere and Seif Sharif Hamad (the topics discussed have not been revealed) the Business Times' satirist Joe Dotto claimed that quite a few 'Honourables' in Tanzania (he was referring particularly to the CCM leadership in Zanzibar) placed a great deal of importance on symbols such as flags, songs, dances and, even walking sticks. Some even believed that Nyerere had magical powers that derived from the Maasai stick he always carried around with him. 'They are terribly scared of the man' he wrote.

## **THE VICE-PRESIDENCY**

The issue of the future status and method of election of the Vice-President of the United Republic has been a bone of contention ever since Tanzania opted for multi-party politics. The matter came to a head at the November meeting of Parliament in Dodoma after the cabinets of the Union and Zanzibar had met to resolve the problem. First, the Speaker of the House said that such a meeting had been unconstitutional - the matter should have been discussed by the Constitutional and Legal Affairs Committee of Parliament. The CCM had originally decided that the Vice-President would be a running mate of and be chosen by the President of the Union. Zanzibar objected that this could mean that both posts could be filled from the mainland and wanted the present system under which the President and Vice-President must come from different parts of the Union to continue. It was then pointed out that a situation could arise where the President and Vice-President might belong to different parties which would not be practicable. The matter was awaiting resolution as this issue of Tanzanian Affairs went to press - Daily News.

# **CHIEF JUSTICE ON MULTI-PARTYISM AND THE LAW**

*In a wide-ranging and revealing speech on October 5 1994 at the School of Oriental and African Studies (SOAS), in subsequent questions and in discussion with 'Tanzanian Affairs', Chief Justice Francis Lucas Nyalali spoke about the substantial changes which have taken place since independence in the functions and power of the judiciary in Tanzania. There follows a summary of what he said.*

For almost thirty years Tanzania, under the inspiration of what came to be widely known as the Arusha Declaration, assumed the form of a one-party state with the aspiration of establishing a society based on African socialism. Partly as a result of the collapse of the Soviet Union and partly because of peculiar circumstances within Tanzania, this one party state came to an end in mid-1992. Early in 1991 a Presidential

Commission of Inquiry had been appointed by President Mwinyi, to determine whether Tanzania should transform itself from a one-party state into a multi-party state. I had the privilege and honour of being appointed to head that Commission. Although the Commission found that 80% of the people of Tanzania did not want to make the change, the Commission's recommendations were in favour. The bulk of the recommendations were accepted by the relevant authorities and subsequently attracted popular support. Obviously, the transformation of a one-party state into a multi-party democratic state necessarily entails corresponding reforms of the law to reflect and underpin the new democratic order.

#### **THE DOMINANCE OF PARTY IDEOLOGY IN THE SIXTIES AND SEVENTIES**

Under the one-party state, law reflected that reality and judges were expected to respect the law in harmony with political party ideology and party directives. Under that system, the crucial bonds which hold people together within the nation state were neither the law of the land nor the government of the country, but the party ideology and the party organization. It was for that reason that:

- the ruling party ideology and party constitution was taught in Tanzanian schools, and the party was organised at all levels and in all sectors of the society, from the national level down to the cell level consisting of ten households;
- civics and the country's constitution ceased to be taught in Tanzanian schools by the end of the 1960's;
- it was possible to move the majority of the rural population into about 800 new Ujamaa villages without enacting or using any law to legalise such a far reaching programme;
- it was possible to nationalize a wide range of commercial private enterprises by skeleton legislation, which disappplied the time-tested Companies Ordinance, without providing for alternative legal norms to regulate the activities of the nationalised firms;
- the government was managed by a politicized civil service which increasingly became ignorant of administrative law and practice;
- public offices ceased to keep proper records of statutes or Acts of Parliament;
- court libraries ceased to be supplied with new law books; and,
- the programme of codification of African customary law, initiated soon after political independence, died a natural death towards the end of the 1960's.

There are endless illustrations of this state of affairs right up to the time when the historic decision to change from a one party to a multi-party democratic state was made.

#### **RE-ESTABLISHING THE RULE OF LAW**

It is realized in Tanzania that, under a multi-party democracy, law and government must replace political party ideology and organisation as the fundamental bonds which hold

people together in the nation state. There can be no doubt that, without establishing law and government or such new bonds, the process of change from a one party state could lead to the disintegration of society. There are numerous illustrations of this phenomenon including Somalia, Rwanda and former Yugoslavia.

It is not surprising therefore that of the four elements which were identified by the Presidential Commission on political change as being essential to a true democracy, the first two concern the law. According to the Commission a true democracy must have the following four essentials:

- an environment of respect for the Rule of Law;
- an environment of respect for Human Rights;
- a leadership periodically elected in free and fair elections;
- a free flow of information.

Obviously, in order that law may serve as a crucial bond between the people within the nation state, it has to be law which is common to all the people and has to be reasonably known to a reasonable number of people. In Tanzania, there are two kinds of law which are not common to all the people. These are customary law and Islamic Law.

#### **CUSTOMARY LAW AND ISLAMIC LAW**

During the first half of the 1960's a programme of codification of customary law was undertaken for the purpose of making it more certain. With the benefit of hindsight, it may now be said that the programme was flawed. It was mistaken in that it put great emphasis on codification of the rules of customary law rather than on the broad principles underlying such rules. History has shown that the codified rules did, in due course of time, become unacceptable to changing society and were ignored by the people, who evolved new customary rules in line with new circumstances. Had the exercise of codification dealt with broad principles, the courts would have been able to articulate and apply the principles of the new circumstances in the manner the English Common Law was developed by English courts. Since the majority of the people of Tanzania, particularly the rural population, still respect their customary laws, it is incumbent on us to establish a new programme to codify the common principles underlying African customary law in Tanzania. Once that is done, it would be for the Tanzanian courts to articulate and apply those principles to specific cases and changing times.

Islamic law, on the other hand, by reason of its world-wide religious validity, cannot be integrated with customary law. In the Tanzanian context, Islamic law may be and is applied in peaceful coexistence with both customary law and statute law. On the mainland of Tanzania Islamic law applies only in family and inheritance matters in cases where the parties belong to the Islamic faith. In Zanzibar, Islamic law applies not only to matters of the family and inheritance, but also to matters not covered by statute law. The applicability of Islamic law

is thus more extensive in Zanzibar than is the case on the mainland. That is one of the reasons why Zanzibar has, and must continue to have, its own autonomous legal system from the High Court downwards.

#### **AWARENESS OF THE LAW**

It is unfortunate that the majority of the people of Tanzania are unaware of the law of the land, with the exception of customary law. Obviously Tanzanian law will not serve as a bond holding the people together unless and until a reasonable number of the people are made aware of it. This widespread ignorance of the law of the land is a threat to the integrity of the new multi-party democratic state. Realizing this danger Tanzanian judges and magistrates launched a public law literacy programme in March 1993 which is conducted through the radio, newspapers and public halls.

#### **KISWAHILI**

One other matter which has to be addressed at once to facilitate the people's awareness of their law is the translation of existing law into the common language of the people - that is - KISWAHILI. The Tanzanian parliament should start enacting statutes in Kiswahili instead of in English. I am one of a growing number of people who do not understand why this change has not been made up to now. After all, the Constitution of the United Republic as well as the Constitution of Zanzibar are in Kiswahili. The debates in the Parliament of Tanzania and in the House of Representatives in Zanzibar are conducted in Kiswahili.

#### **HUMAN RIGHTS**

Of all the measures of legal reform that have been taken, that which lies within the field of Human Rights, is the most definitive of the new democratic order in Tanzania. In 1984 the Constitutions of the United Republic of Tanzania and Zanzibar were amended to incorporate a Bill of Rights. This historic step, taken four years before the collapse of the world-wide one party state system, necessarily requires the amendment or repeal of some legislation which is inconsistent with Human Rights. At the time when the Bill of Rights was introduced in the two constitutions, it was agreed that the Union Government should be given a period of grace of three years to put its house in order before the basic rights under the Union Constitution could be enforced in court. No similar period was required for the Zanzibar Government. It was understood that after the expiry of the period of grace, Human Rights reforms would be undertaken in the light of court decisions made in specific cases involving constitutional issues.

That period of grace expired in 1987. Between 1987 and 1990 there were two cases in which the constitutionality of certain statutes was successfully challenged in the High Court. Then came 1991, when the Presidential Commission was appointed. In its report, submitted early in 1992, the Commission identified 40 laws which, in its opinion, were oppressive and violative of the Constitution. A large number of these laws are Zanzibar laws. The Commission recommended the amendment or repeal of these laws in order to create an environment conducive to the establishment of multi-party democracy. The Commission's findings and recommendations appear to have served as a catalyst for the institution of court cases challenging the constitutionality of many of the laws listed as oppressive by the Commission. Undoubtedly this trend is bound to generate some heat between the Judiciary on the one hand and the Executive and the Legislature on the other, if the trend is mishandled. Fortunately, the Executive, which appears to be genuinely committed to the cause of human rights, has recently invited the Geneva-based Centre for Human Rights to assist it in formulating appropriate reforms and mechanisms.

#### **TIMETABLE FOR THE NEW LEGAL ORDER**

Obviously, reform of the law without reform of the mechanisms and institutions which administer the law cannot be successful. It is for that purpose that a wide-ranging study of the entire legal system in Tanzania has been initiated by the Tanzanian Government with the support of the World Bank and donor countries. The recommendations of the Study should have been presented to the Government towards the end of 1994. A donor's conference is to be convened early in 1995 to determine how best the international community can assist Tanzania to establish a new legal order to underpin the new multi-party democratic state. Undoubtedly Tanzania faces a daunting task of reform of the legal order. Fortunately for us there is the will and commitment to do so. With appropriate assistance from the international community, Tanzania could be a model for African nation states ruled by law, rather than by the barrel of the gun.

#### **ANXIETY ABOUT THE RULE OF LAW**

Asked about how difficult it had been for him during one-party rule the Chief Justice said, with a smile on his face, that he was afraid that he was going to be asked how he could be taken seriously in view of what had happened at the time. He said that he had appeared twice before the CCM Political Bureau and the Party's National Executive Committee in 1983 and had expressed his anxieties about actions which undermined the rule of law. The CCM had then called upon every Tanzanian to respect the rule of law but there had not been much follow-up action. One of the reasons why he had been chosen to head the Presidential Commission was that the the Judiciary was the only organ of the state which had not been politicised.



## **TWO GOVERNMENTS OR THREE. PRESENT SYSTEM DOES NOT WORK.**

In subsequent discussions the Chief Justice said that the Commission had recommended a true federal state (with three governments) but this was the one part of the recommendations which had not been unanimous. He maintained however that there was and is a consensus that the present (two-government) system does not work. In spite of the present acceptance of the status quo the issue would arise again.

## **USING THE LAW**

As if to underline what the Chief Justice said above on the importance of constitutional law, judgement has been given recently on a number of constitutional issues.

At the High Court in Dodoma in mid-September, in what was described in the Business Times as a landmark case which would be a test of the independence of the judiciary, the firebrand politician the Rev. Christopher Mtikila presented a petition. Two judges indicated that they would prefer not to take the case. A third judge then took over.

The petition proposed that there should be amendments to the 1977 Constitution, a referendum on the future of the Union, the convening of a national constitutional conference before the next elections, the proclamation of a Tanganyika Government, the amendment of the Political Parties Act of 1992, and permission for independent candidates (those not belonging to a political party) to take part in the elections.

On September 22nd Judge Kahwa Lugakingira, at a packed hearing, dismissed the demands for changes in the Constitution because this was the function of Parliament and also rejected the idea of a referendum and a transitional government because these were matters to be decided at the ballot box.

However, on October 24th, the Judge nullified a provision of the Political Parties Act of 1992 under which parties were required to obtain permits from District Commissioners before holding rallies and he also agreed that independent candidates should be able to contest leadership positions. The judge said that some 20 million Tanzanians did not belong to political parties and DC's were known to be CCM cadres. It was a joke for DC's to exercise justice under such powers.

This matter is of great concern to the popular Rev. Mtikila who would probably like to stand for president even though his party is not registered.

In another case, this time taken by CHADEMA, High Court Judge Josephat Mackanja ordered Radio Tanzania to stop broadcasting a number of programmes produced by the CCM.

But Constitutional Affairs Minister Samuel Sitta refused to accept part of these judgements and issued an order on November 10th stating that the restriction on holding rallies would continue and gave notice of appeal. This immediately placed District Commissioners and the Police in a precarious position. Zanzibar's Chief Minister Omar Ali Juma said permits would still be required there. Zanzibar had its own High Court he said.

# THE LAND COMMISSION'S PROPOSALS

*Volume 1 of the Presidential Commission of Inquiry into Land Matters\* has been published recently. Its Chairman, Professor Issa G Shivji has made available to Tanzanian Affairs a copy of an interview he gave to HARAMATA (a quarterly published by the IIED) in which he explained the Commission's recommendations. There follows a summary of the interview.*

The Commission found that the land tenure regime in Tanzania was in a mess. The last major review had been the East African Royal Commission in 1953-55. All lands were then declared 'Public lands' vested in the Governor. Indigenous land users continued to be governed by their customary law so long as it was in the interest of the state

This regime continued after independence. In fact, the control of land by the Executive led to enormous abuses, contrary to the interest of rural land users and the long run interest of the nation. Some major changes in the structure of the government - decentralisation (1972), villagization (1972-74) followed by reintroduction of local governments a decade later etc. led to total disruption of land administration.

## SUMMARY OF THE COMMISSION'S MAJOR RECOMMENDATIONS

- a) The tenurial status of all lands would be declared constitutionally to be either national or village lands; in urban areas the present system of allocation through rights of occupancy would continue;
- b) national lands would be vested in a National Land Commission independent of the Executive, accountable to the Legislature and overseen by a reconstructed Judiciary; village lands would be vested in Village Assemblies;
- c) dispute-settlement machinery would be reorganised by creating Elders Councils at the village level and Circuit Land Courts at a higher level in which elders would participate; community values would be brought to bear on decision-making by magistrates and judges;
- d) a limited land market would be created which would guard against anarchic tendencies and socially disruptive effects by providing for overall control by the community through the village assemblies (in the case of village lands) and elected ward and district committees (in the case of national lands);

The Commission's recommendations were based on certain underlying principles:

- a) to encourage agrarian accumulation from below based on a vision of an autonomous national development (albeit

capitalist) as opposed to the current practice of incautious opening up of the country to predatory merchant and compradorial capital, both local and domestic;  
b) to break up the monopoly of radical title in the executive arm of the state and diversify it in a way which would permit control and administration of land from below and to create countervailing forces against abuses by monopolistic state organs; and,  
c) devise procedures which would be legitimate, accessible, open and transparent.

Land would be placed squarely in the public domain under the broad regime of public law (constitution, basic law etc.).

Our proposals assume a strong political will on the part of government to implement them. If the government were to implement them it would garner strong support from the people. It would also face strong opposition from vested interests.

Asked about the next steps at a meeting in London sponsored by OXFAM on March 19th this year Professor Shivji said that Mwalimu Nyerere had advised the Commission to ensure that the report was published. If the people knew about it they would make sure that some action would be taken.

He also said that the IMF/World Bank had brought considerable pressure to bear on the subject of land tenure. They wished to see arrangements made for privatisation so that owners would have an incentive to invest. But their wish was not supported by the people in the villages who were suspicious of attempts to take away their land.

\* REPORT OF THE PRESIDENTIAL COMMISSION OF INQUIRY INTO LAND MATTERS. Volume 1. Land Policy and Land Tenure. Scandinavian Institute of African Studies. Uppsala. Sweden. 350 pages. £28.95. (Volume 2 is an analysis of 40 land disputes selected on the basis of their illustration of important socioeconomic trends and legal problems. As it contains sensitive matters its circulation will be limited).

## **THAT THEY MAY BE WHOLE AGAIN**

### **- THE BURDEN OF HOSTING REFUGEES**

During 1993 and 1994 Ngara and Karagwe districts of Tanzania have received over 600,000 Rwandan and Burundian refugees. In late September 500,000 were still there and between 250 and 750 a day continued to arrive, adding to the Tanzanian population of 210,000.

The Tanzanian and international response to this influx has been remarkably good, although the food pipeline is under strain. In addition, Tanzania has to bear the burden of patrolling the border and preventing camp violence from

overflowing into the Districts. However, the response to the needs of the people of the two districts has been very much poorer. With the honourable exceptions of UNICEF, AMREF, Caritas of the Netherlands and of Germany, the ICRC, OXFAM and the UNHCR, the international agencies and NGO's are not well informed about the true situation. Whether the recent analysis spearheaded by the Prime Ministers's Office and the UNICEF report by the present author will change this remains to be seen.

Over the years 1994 to 1999 the minimum cost in lost cash incomes and additional workload to the Tanzanians of Ngara and Karagwe will be about £40 million, an amount comparable with a whole year's income of the residents of the Regions. Of this amount, food sales lost because of the ruined state of the roads and the collapse of the Kigali market account for over a third. These could be reversed by spending £14 to £17 million for the repair of the Kyaka-Rusumo highway and of the District networks and the installation of maintenance equipment at District and Regional levels assuming that the European Union completes work on the Burundi-Rusumo highway which has been delayed by the diversion of the contractor to camp building.

Environmental damage will take at least five years to make good if the refugees leave within a year. Germany (DTZ) has begun replanting trees and is sponsoring projects to promote fuel efficiency, but trees take time to grow and the denuded areas already extend six miles beyond the confines of the largest camp. Many new wells are needed but the ground water supply cannot survive the trebling of the population of Ngara district. The Dutch, who, like UNICEF, take a direct interest in the problems of the Tanzanians as well as those of the refugees, are adding an agro-forestry and livestock element to their existing rural development programme by including Ngara and Karagwe in the Districts covered. Both the German and the Dutch initiatives are medium to long term.

The losses suffered by the 100 or so villages may not seem large in terms of the replacement costs involved, but are massive for villages of between 1,500 and 3,000 inhabitants with a total annual cash income of perhaps £17,000. The difficulties encountered include pit latrines prematurely full, the stripping of trees and the burning of school furniture and books for fuel, the entire 1994 maize crop eaten green leaving no seed for planting, severe reduction of the plantain and potato crops eaten, or camped on, by refugees and the failure of springs. It appears that the only immediate help for villages hitherto has come from the Catholic and Anglican Dioceses and the Christian Council of Tanzania.

Unless the rains fail, no overall food shortages are imminent. Indeed, banana and beer sales to refugees and broader trade with personnel serving the refugees have probably balanced the loss of normal crop sales to date, albeit not by the same households. After the initial jolt, UNICEF, AMREF and Caritas have restored Government and Church medical supply systems reasonably fully and have helped to find additional staff to meet refugee needs.

## REMARKABLE PERFORMANCE

The Tanzanian performance at national, regional, district and village levels is remarkable. But at each of these levels Tanzania lacks the resources to make whole again. About £20 to £25 million are needed to do that, over half for transport system restoration and a third for wood and water balance reconstruction.

The problems, especially as regards wood and water, will spiral out of control if the refugees remain where they are indefinitely. They will not return to Rwanda in the near future, if at all. The 'dead boat' still fishes for murdered men, women and children in the River Rusumo; wounded refugees arrive daily; all too credible reports of killings and looting are regularly received. Mwalimu Nyerere went to urge return, but on hearing and seeing he stated categorically that it could not happen before 1998 and should not happen now.

The only real alternative to the Kagera camps is 10 clusters of refugee villages of 4,000 inhabitants each dispersed throughout Tanzania. These could eventually become normal communities self-sufficient in food and basic services and enable the refugees to build new lives for themselves. In refugee camps only hate grows.

The obstacles confronting such an approach are twofold. First, it is hardly an easy option for Tanzania's leaders to espouse during the run-up to a general election. Secondly, the infrastructure cost, judging from the experience of the refugee crisis of 1959-60, may exceed £140 million and the moving and settling-in costs a further £30 million. Mobilising funds of that order will be hard, with the UN and UNHCR relentlessly demanding early return of the refugees, apparently for budgetary reasons unconnected with any serious assessment of the Rwanda situation.

Reginald Herbold Green

## ARUSHA AS HEADQUARTERS OF REVIVED EAC

At a one-day summit in Kampala on November 26 the presidents of Kenya, Uganda and Tanzania agreed that the secretariat of the about to be revived East African Community would be in the old community headquarters at Arusha. A new secretariat will start functioning in March 1995 and each country has agreed to contribute US\$ 1.0 million for the first year's operations.

Travel is to be eased between the three countries. There will be swifter clearing for East African citizens at airports and plans are being made for the issue of a standard East African travel document. The Presidents agreed to work towards forming a customs union, to harmonise policies in financial sectors and promote investment.

# BUSINESS NEWS BUSINESS NEWS B

Exchange Rates (December 2, 1994):

US\$1 = Shs 530 - 550

£ Sterling 1 = Shs 835 - 890

**BANK FLOATS SHARES.** When the Cooperative and Rural Development Bank (CRDB) floated 250,000 shares President Mwinyi and his wife Sitti bought the first 20 worth Shs 200,000. The bank has restructured and reduced its staff from 1,600 to 1,000 and its directors from 27 to 12 - The East African.

**SPEEDING RAIL TRAFFIC.** The Tanzania-Zambia Railway Authority (TAZARA) has signed an agreement with the South African Railway Network to promote cooperation and allow for freight wagons to move freely throughout central and southern Africa.

**REDEPLOYMENT OF RETRENCHED CIVIL SERVANTS.** 117 Redeployment Councillors have been trained to help retrenched employees to make rational choices about alternative income-earning activities.

**IFAD LOAN.** The International Fund for Agricultural Development has granted Tanzania a \$18 million loan to help small-scale farmers in the Shinyanga, Dodoma, Tabora and Mwanza regions. The funds will be channelled through the Cooperative and Rural Development Bank at lower than commercial interest rates.

**BRITISH AID.** Tanzania has received a grant of £4.7 million for the rehabilitation of Tanga Port.

**MASSIVE NEW TELECOMMUNICATIONS PROJECT.** Contracts were signed for this Shs 7,144 bn project on November 15th. Two firms will implement the project which will install 6,000 trunk and 24,416 exchange lines in Dar es Salaam - Mitsubishi of Japan and Segitel International of Canada - Daily News.

**ROAD IMPROVEMENT TO CONTINUE.** Ten international donors have agreed to go ahead with the second phase of the Integrated Roads Project (IRP). US\$ 338 million has been pledged for 785 kilometres of new roads (mainly for the Dodoma-Mwanza section) and 885 kms of roads which will be rehabilitated. But, according to some sources, there will be delays in implementation because the Tanzanian Treasury cannot meet credit conditionalities - Express.

**BANK OF TANZANIA (BoT).** The IMF has recommended that the BoT should be transformed from an agency for execution of monetary policy into a viable and credible source of finance. The IMF report is based on the desire of the Tanzania and Zanzibar governments to retain one currency, monetary and bank supervisory authority. At present there is no bank-customer relationship between the Zanzibar Government and the BoT and

foreign exchange reserves are not centralise at the BoT.

**BANK PROFITS.** The Meridien BIAO and the National Bank of Commerce have announced substantial profits for the year ending June 1994 - Business Times.

The **CAPITAL MARKETS AUTHORITY** commenced operations on October 1. It will launch and supervise capital and securities markets comprising shares of private and parastatal companies.

**INVESTMENT IN ZANZIBAR.** 37 projects worth \$89 million have been approved during the last four years by the Zanzibar Investment Centre. 33 of the projects were in tourism.

The **BUREAU OF STATISTICS** has changed the base year on which future price trends will be based from 1977 to 1992 - B. Times

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#### **OBITUARY**

Former holder of several ministerial posts Mr NSILO SWAI died at the age of 69 on October 10th. He was buried at his farm at Mkuu Machame in Kilimanjaro Region - Daily News.

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#### **POSSIBLE UK ALL-PARTY GROUP**

On their return from a Commonwealth Parliamentary Association visit to Tanzania in September Sir John Stanley, former British Minister and presently Conservative MP for Tonbridge and Malling, and Labour MP for Bridgend, Wynn Griffiths, told Tanzanian Affairs how impressed they had been by the mature way in which Tanzania was adapting so rapidly to its new multi-party system. Mr Griffiths said that he was hopeful that in early 1995 the British Parliament would set up an All-Party Parliamentary Group which would be able to concentrate on discussion of matters concerning Tanzania.

#### **TANZANIAN AWARD WINNER**

Professor Keto Mshigeni has become the first recipient of the 'Boutros Boutros Ghali \$10,000 Scholarship Fund'. One award is made for each continent. Last year the Professor won another international award (for agricultural bio-sciences) for his work on seaweed farming in Zanzibar, Pemba and Mafia.

#### **TELEVISION CASE**

The State has withdrawn a case (reported in Bulletin No. 49) involving 14 people who were facing charges of threatening to kill the Chairman of the IPP Mr Reginald Mengi and to blow up his Independent Television station (ITV). There was not sufficient evidence - Daily News.



*(In order to make this part of the Bulletin as interesting and representative as possible we welcome contributions from readers. If you see a mention of Tanzania in the journal, magazine or newspaper you read, especially if you live or travel outside the UK, please cut out the relevant bit, indicate the name and date of the journal, and send it to the address on the back page. If you do not wish your name to be mentioned please say so. We cannot guarantee to publish everything we receive but if your item gives a new or original view about Tanzania we certainly will - Editor)*

#### **INVESTMENT**

In an 8-page 'Special Focus on Tanzania' **AFRICAN BUSINESS** (September 1984) painted an optimistic picture of the investment scene in the country. Quoting the Investment Promotion Centre's chief technical advisor Harish Pant, the article stated that projects approved by the IPC had created over 70,000 jobs. There had been some 229 projects in manufacturing, 93 in tourism, 51 in agriculture and 43 in natural resources. Mining was beginning to boom and the IPC had approved 21 projects for investors from the US, Canada, Australia, South Africa, Japan and Britain.

#### **ASIANS IN TANZANIA**

'Asians are proving to be awkward bedfellows for indigenous Tanzanians. Energetic and utterly business-oriented, with a huge network of contacts, the Tanzanian Asians behave rather like the elite courtesans of 19th -century Britain. They enjoy power without responsibility - much to the chagrin of the wazawa or indigenous Tanzanians who resent what they see as the *Asianisation* of the local economy'. These were the introductory words of a full-page article in **AFRICA ANALYSIS** (September 30) which pointed out that the 80,000 Asians represent only 0.3% of Tanzania's population but control 75% of the business. The article listed the prominent Asian personalities who hold franchises for international brand names - Pepsi-Cola (Girish Chande), Toyota (Hatim Karimjee), Peugeot (Shabir Abji), Freight Forwarders (Hassan Dhalla) but pointed out that, as insurance, most Asians have taken on politically influential indigenous Tanzanian directors. All this was said to be causing some hostility at street level between Africans and Asians and this was often encouraged by the popular Rev. Christopher Mtikila, leader of the



unregistered Democratic Party.

The article went on to say that politicians had been blocking Asians from acquiring the many parastatals earmarked for privatisation. A World Bank report was said to have noted that the government prefers to wait for international companies to bid for them.

But, the article concluded, while Asians take the flak from all sides they do give the drive to the business engine in Tanzania. Asians claim that their business acumen lifted Tanzania out of the depths into which former President Nyerere had led it and a select core, respected by international agencies, give invaluable advice to government ministries on financial and social matters.

#### **BIRDS AND WILDLIFE**

The Royal Society for the Protection of Birds (RSPB) is collaborating with the Wildlife Conservation Society of Tanzania (WCST) to save Tanzania's coastal forests which have several birds found nowhere else in the world and which are severely threatened. The RSPB's AUTUMN NEWSLETTER also states that the Society is collaborating on another project in the Uluguru mountains and is helping in the production of the magazine 'Miombo'.

#### **'I TALKED TO THE RUSSIANS'**

The GUARDIAN'S literary editor Richard Gott, who describes himself as an incorrigible leftist, resigned on December 8th after admitting that he had been in contact with Soviet KGB officers for many years (but he claimed he was not a spy) and had accepted free trips to Vienna, Athens and Nicosia. He was foreign editor of the Tanganyika Standard in the 1970's and, in a letter to the editor of the Guardian said 'I had many contacts with both Soviet and eastern bloc diplomats, and, of course, with the leaders of the revolutionary movements of the time, all based in Dar es Salaam'.

#### **TROPHY HUNTING IN THE MKOMAZI GAME RESERVE**

A recent decision reported in BBC WILDLIFE (December) that the government is to allow trophy hunting by professional hunters in the 3,234 sq. km Mkomazi Game Reserve (which is a natural extension of Kenya's Tsavo National Park) has caused consternation amongst ecologists. They complain that a project led by Tony Fitzjohn (who formerly worked with George Adamson in Kenya) for the rehabilitation of the park, which has resulted in a miraculous improvement in conditions there and a gradual build up of animal numbers, will be nullified if hunting is allowed (*Thank you Christine Lawrence for this item*).

#### **TOO MANY PROJECTS?**

In a review of the UNCTAD publication 'The Least Developed

Countries (LDC's) 1993-1994 Report' the New York-based AFRICA RECOVERY (April-September 1994) stated that donors could play a crucial role in reconciling adjustment with long-term growth. It urged donor cooperation in making aid more effective by focusing on building LDC capacities in planning and economic management. 'However', it went on, 'donor preference for project over programme aid nearly overwhelms the weak administrative capacity of LDC's forced to navigate between different donor procedures for numerous projects. Uganda and Tanzania, for example, had some 600 and 1,200 donor-financed projects, respectively, in 1993.

#### **'GARBAGE GAS' PLANT**

In a pilot project described as unique in Africa, AFRICAN BUSINESS (December) stated that Biogas is to be produced from Dar es Salaam's garbage and will be used in making fertilisers, fuel for cars and electricity. The plant, to be built at Vingunguti on the southern outskirts of Dar es Salaam will treat waste from households, hotels, markets, breweries and abattoirs at up to 200 tons per day which should produce some 9.9 MW of electricity for sale each day. The project will be partly funded - to the tune of US\$4 million - by the Danish Trust Fund of the UNDP.

#### **AMBASSADOR NYAKYI**

The GUARDIAN (November 25) reported that former High Commissioner in London Anthony Nyakyi is to be appointed by UN Secretary General Boutros Boutros-Ghali as UN Special Representative in Liberia.

#### **GERMAN AID QUESTIONED**

The French publication INDIAN OCEAN NEWSLETTER (September 24) quoted a pessimistic in-depth study by the German Development Institute (GDI) about Germany's programme of technical cooperation with several countries. The study revealed the 'absence of a viable and explicitly formulated development strategy' in Tanzania and stated that the government and donors had been 'unable to generate any major development impulses'. Development was said to be 'very largely blocked and aimless'. The study recommended two priorities for reform - training, leading to the setting up of management systems and the promotion of appropriate technology.

#### **MILITARY TRAINING IN NGARA**

More than 2,000 Rwandan youths, equipped with 100 guns, and believed to be Hutu extremists are receiving military training at night at the Kasulu refugee camp in Ngara according to a report in the BANGKOK POST (November 19). Ngara District Commissioner Brig. Sylvester Hemed was quoted as saying that there was little that Tanzanian authorities could do about it.

The only solution would be to cut back the population at the camps but this would be far too expensive.

### **BALLOON SAFARIS**

Tanzania Serengeti Balloon Safaris Limited, a joint Tanzanian British company, has started business flying two balloons (with a total capacity of 20 people) according to the September issue of AFRICAN BUSINESS. The advantage of flying by balloon, Managing Director Jimmy Mkwawa explained, was that tourists were able to see many animals in a short period of time. It took two days to visit the whole Serengeti Park by car but it took only one hour by balloon.

### **ANGRY CATHOLIC BISHOPS**

Tanzania's Roman Catholic bishops had stopped, with immediate effect, all cooperation with the Ministry of Health on the issue of provision of condoms to schoolchildren reported NEW AFRICAN in its November issue. The furore had broken out over a National Aids Control Programme Calendar which contained pictures urging people to use condoms. A man is shown in the calendar distributing books on AIDS education to teenagers in school uniforms and a woman is shown dishing out packets of condoms to young men.

### **A GOLD LINED FUTURE**

This was the heading of an article in the November issue of AFRICAN BUSINESS which described how Tanzania's young Water, Energy and Minerals Minister Lt Col Jakaya Kikwete (since promoted to Minister of Finance) was about to revive Tanzania's moribund minerals sector. Mining once accounted for 10% of Tanzania's GDP before plummeting during the socialist years to 0.4%. It is currently around 1.5% of GDP. He said that some 20 companies had already begun exploring for nickel gold and diamonds and some 260 prospecting licences have been issued. With the support of the World bank the government has set up a US\$12 million scheme to make some of the country's 100,000 artisanal miners more efficient. Currently artisanal miners produce around eight tons of gold and US\$ 4 million worth of gemstones.

### **REACTIONS TO LIFE IN BRITAIN**

A paper entitled KARIBU TANZANIA, KARIBU SANA, the final report of a visit to Tanzania in September/October 1994 by Julian Marcus of 'Education Partners Overseas' contained the reactions of a group of students from the Moshi Technical High School when they visited their link institution in Huddersfield, England. The students were impressed by the technology, surprised by the rudeness of MP's at Westminster, found the English at work and on public transport very reserved but hospitable at home, did not experience any racism but felt that there was tension between whites and Asians,

were disturbed by a visit to Toxteth and didn't feel comfortable about the attitude of black English people to them. They were initially embarrassed by the perceived equal roles of the sexes and critical of indiscipline witnessed in schools (not acceptable in Tanzania they said.) A teacher from another school also commented on lack of discipline but, nevertheless, when he returned to Tanzania, he tried to abolish caning in his school. He reversed this policy change after very adverse reaction from parents and teachers.

#### **SEEING THE BUSH ON FOOT**

In an article in the FINANCIAL TIMES (September 24), Michael J Woods referred to a sound he had heard sitting on a high river bank above the River Ruaha - 'the deep rumble made by one elephant talking to another, a sound which, once heard, is impossible to forget'. Describing new possibilities for walking safaris in various African countries, he mentioned that Richard Bonham (booked through Worldwide Journeys and Expeditions) guides walks in the Selous Game Reserve in Southern Tanzania and that it is possible that this opportunity will be extended to other parks in the country now that a regular air charter service has been established

#### **HISTORIC FOOTPRINTS AT RISK**

Under this heading the SWAZILAND OBSERVER (September 21) quoting Gemini News Service reported that human footprints which have lain undisturbed for 3.5 million years in Tanzania's Olduvai Gorge and Laetoli are being endangered by tourists. Dr. Fidelis Masao, senior lecturer in archaeology at the University of Dar es Salaam said that the establishment of a camp on the edge of the gorge might induce erosion and any shortcomings in security could result in the smuggling out of fossils. Although the two sites are on the United Nations Heritage List they are said to be covered by soil and vegetation because of lack of maintenance by the government.

#### **SOCIETY AND TOURISM IN ZANZIBAR**

Under this heading Steve Shelley writing in the September issue of KUMEKUCHA (of the Denmark-Tanzania Society DANTAN) wrote that Zanzibar was and is an enigma. Italians and Germans were vying for beach plots and charter-flight concessions with a government unconvinced it wants either. The history of Zanzibar was nothing without colonialism - Persian, Portuguese, Omani, British, American, German, French - ....years of neglect had destroyed much of what must have been beautiful....an almost satirical reflection of a clearly less than glittering past was the most endearing trait of Zanzibar today. You almost expected to see tourist brochures describing where Livingstone had his Range Rover serviced, Speke bought batteries for his cellular phone and Burton chartered his helicopter...

Dan Suther described it as one of the safest places he had

been to...top government officials were really on the ball, knowledgeable and helpful, trying to make their country work..

#### TEN TONNES OF CANNABIS

Customs Officers at Felixstowe found 10 tonnes of Cannabis resin worth £35 million on November 25th - 20% of all the Cannabis intercepted in 1993-94 in Britain - hidden in a container loaded with Christmas candles (The GUARDIAN November 26). The find was made during a routine search of a ship from Rotterdam. The candles had originated in Zambia and had been shipped from Dar es Salaam.

#### RECOLONISATION

In an interview in the TIMES (October 22) the well-known Kenyan writer Professor Ali Mazrui, discussing the collapse of Liberia, Somalia and Rwanda and impending disasters in Sudan, Zaire and Angola, recommended the setting up of a Pan-African Security Council of elder statesmen backed by the major powers on the continent and that Rwanda and Burundi should become part of a federation with Tanzania. The Tanzanian army should disarm all Hutus and Tutsis. In the same article Mauritanian diplomat Ahmedu Ould Abdallah, angered by the abuse of foreign aid workers the previous month by Hutu refugees in Tanzania, suggested a form of recolonisation. Many former colonial regimes he said should be sued by their former colonies for forcing independence on them without first having a referendum. The colonial powers ran away, he said, before they had left any of the benefits of their influence (*Thank you John Sankey for this item - Editor*).

#### SUCCESS STORY

Prominent Tanzanian businessman Reginald Mengi, whose Industrial Productivity Promotions (IPP) now comprises 25 companies manufacturing products from household plastics to bricks and furniture, began in a very small way according to AFRICAN BUSINESS (September). He and his wife started by making ball point pens but IPP is now the biggest producer of such pens in the country. Next they went into plastics and then into soap. Their toilet soap 'Rivola' now sells better than any other make in Tanzania.

#### TAPES AND VIDEOS

TEAR TIMES, the magazine of the Anglican aid agency the Tear Fund, announced in its Autumn issue that it had for sale a 40 minute music tape of 10 Swahili tracks from the Nuru Choir in the Ruaha Diocese (£5), a video entitled 'Ikengeza: A Year in the Life of an African Village' (£6.95) and a 13-minute cartoon for children called 'Trouble Brewing in Tanzania' (£6.50) all obtainable from The Tear Fund, 100 Church Road, Teddington TW11 8QE (*Thank you Ann Burgess for this item - Ed*)

## MUSIC IN ZANZIBAR

In a travel article in the July-September issue of SAFARA Stephen Williams wrote that 'only a stroll from the Zanzibar Hotel is the Zanzibar Culture Musical Club. Nearby, every night, after evening prayers at the mosque, musicians come together to play informally and celebrate their Taarab music, a haunting, melodic mix of Arabic and African sounds. Visitors are always made extremely welcome and there is no charge'.

## MARCUS GARVEY FOUNDATION

GLOBAL AFRICA POCKET NEWS (Vol. 1 No 7) announced that the Pan-American organisation the Marcus Garvey Foundation (MGF) had launched a Rwanda Rescue Appeal Fund to help alleviate the pain and despair of the hundreds of thousands of African children in the refugee camps in neighbouring countries. The Foundation has opened an office in London and is in the process of setting up a permanent office in Dar es Salaam. The article stated that unlike Oxfam and Save the Children, MGF was not funded by government money, multinational companies nor was it supported by royal family endorsements or the self-indulgent racist European media. It believed in self-help and its appeal was directed to the African community.

## UNTAPPED POTENTIAL

Under this heading OPPORTUNITY AFRICA (October) which began by praising the untapped potential of Tanzanian tourism went on to quote the words of a number of businessmen:

'Dar es Salaam changes physically every time you go there. The big change is the Japanese resurfacing of all the principal roads. There is now a dual carriageway north out of the city through the prime residential areas.... Dar is an expensive city; a good house in a good location costs \$20,000 a year; good quality offices cost \$18 per sq.metre a month. Beer costs \$1 a glass in a bar. But there are compensations though; staff are not expensive and Tanzanians are very nice people - an architect.

'It's tough to do business here but it can be done. You just have to keep at it... Dar es Salaam is like a village; within two days of your arrival everyone knows you are there' - a consultant.

'I like being there. While the town is run down, I never feel threatened and I walk about undisturbed' - an export manager.

'I know it is an ill-used word in Africa but Tanzania has a lot of potential. There is a lot going on and, as Africa develops, Tanzania could be up there with the best of them' - an export promoter (*Thank you John Sankey for this item - Ed.*)

## ANOTHER BTS

No, not the Britain-Tanzania Society but 'Bretagne Tanzanie Solidarite' an 'association humanitaire' created by the

Bretagne Regional Trade Union (CFDT) in Rennes, France. According to OUEST-FRANCE (August 29) this BTS is helping Tanzania to deal with the influx of Rwandan refugees by sending medical supplies. The article was appealing for more assistance from readers (*Thank you Gerald Marchant for sending this item from Normandy - Editor*).

#### **QUIET TEACHING METHODS**

Teaching methods have to be much quieter at the Kidongo Chekundu School in Zanzibar than in British schools according to Vyners School (Ickenham) English exchange teacher Nicky Stone. Quoted in the September 14 issue of the UXBRIDGE GAZETTE she said that group discussions could not be held as none of the classrooms had doors or glass windows and other classes would be disturbed. Nicky Stone had been appalled by the lack of resources - some children were without desks and books were scarce. Vyners school is engaged in fund raising to help the Zanzibar school.

#### **'THE GARDEN OF EDEN IS A GEOGRAPHICAL LOCATION NOT MYTHOLOGY'**

So wrote Simon Barnes (THE TIMES, November 26) describing the Ngorongoro Crater - 'the last soft touch left on earth for the earth's most prodigious megafauna...nowhere on earth has so high a density of large mammals....I felt one of those sensations, when you know the place reminds you of somewhere else...eventually I had it. Venice. Yes. Unique. The Crater has the same spooky, utterly Venetian feeling of having somehow slipped through the fingers of time.....

#### **TANZANIA VICTORIOUS**

In a thrilling finish Tanzania beat Zambia by six wickets on October 31 (THE EAST AFRICAN) and thus won the 26th quadrangular East and Central African cricket tournament. In reply to Zambia's 146 for nine Tanzania made 150 for three with four overs to spare.

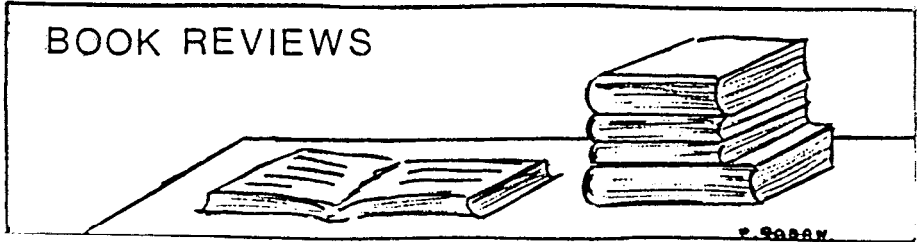
Hassan Matumla who won a bronze medal at the Commonwealth Games in Canada returned home to learn that he would be awarded Shs 500,000 to mark his achievement. (*Thank you John Sankey for this item and the previous one - Editor*).

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#### **THE FOOD PROBLEM**

Former Agriculture Minister Jackson Makweta has announced that Tanzania needed to import 200,000 tons of maize during this financial year. He said that the government would have to spend Shs 18 billion on maize alone and a further amount of money on 80,000 tonnes of rice and wheat. He feared that Tanzania could become a permanent food importer. There were indications that by the year 2005 there would be only four countries in Sub-Saharan Africa that would not be experiencing food shortages - Express.

## BOOK REVIEWS



THE ROLE OF COMMERCIAL BANKING IN RECOVERY FROM ECONOMIC DISASTER IN GHANA, TANZANIA, UGANDA AND ZAMBIA. Charles Harvey. Institute of Development Studies. May 1993.

In this paper Charles Harvey examines the deterioration of the banks in four African countries and the slow progress of reform. He provides a lucid discussion of the economic and historical context and identifies a number of key themes which explain the enormous obstacles to creating sustainable and efficient banking systems.

Harvey focusses on three different types of banks. In Tanzania the expatriate banks were effectively nationalised after independence and it is only in the last year that commercial banks have re-entered the market. The first two, Standard Chartered and Meridien are dwarfed by the 100% government-owned National Bank of Commerce (NBC) and the smaller but substantial Cooperative and Rural Development Bank.

The author suggests that the colonial period did not leave any effective legacy of banking supervision and that the lending policies of expatriate banks in the countries where they continued to operate, still largely exclude most businesses aimed at and managed by Africans. At independence it was scarcely surprising that governments became closely involved in the direction of bank credit towards the needs of the newly created parastatal companies.

As a mechanism for directing credit, each of the four governments created new 100% owned government commercial banks. The intention was to provide more credit than before to borrowers previously neglected. This was bound to be hazardous because the new banks were pushed into the riskier and more marginal lending business. In Tanzania, for example, the banks built up significant exposure to the marketing boards and cooperative societies.

In African economies trying to build economic growth a major part of the economic strategy is to rely much more than in the past on the private sector which, in turn, will need a banking sector if that strategy is to succeed. The author suggests that to meet this role a banking sector must provide efficient financial intermediation and a payments mechanism. He concludes that in the countries under focus the banks have failed to perform these basic functions. In part defence, it is worth pointing out the constraints to performing these functions in a country such as Tanzania. These include the lack of a securities market (which would provide alternative



and additional sources of liquidity to banks and operations) and the problems created by the lack of properly functioning telecommunications at a national level.

In the period since their formation most of the government-owned banks allocated credit using non-commercial criteria; for example to loss making parastatals according to instructions from the government, or to their own directors and their businesses. Government pressure on the new commercial banks to lend to politically favoured customers created significant problems. The fact that the loans were made under pressure from governments or simply under orders, meant that the banks felt little need to evaluate the loans or to press for loan servicing. Failure to service bank lending was regarded as the government's, not the bank's problem. This led to reckless lending and borrowing.

The effect of this was to create an increasing government liability. Governments had either to create grants to repay their commercial loans, or to recapitalise their commercial banks after writing off their loans to parastatals. One way or another it became impossible to reform the banking system without at the same time doing something about the parastatals. Meanwhile, the quality of lending to parastatals reduced the credit available to the rest of the economy.

Harvey picks out Ghana as being furthest along the way to banking reform and Tanzania as being at the earliest phase.

The main features of banking reform that he identified are:

- the transfer of non-performing assets to an assets recovery trust with interest bearing bonds being issued on these to the originating banks;

- replacement of the senior management and boards of directors of parastatal banks, while giving a mandate to the replacements to improve lending policy and practice, with the main emphasis on profitability;

- the establishment of new banking laws covering licensing, capital requirements, capital adequacy ratios, and portfolio concentration, to be enforced by central bank supervisory departments; and,

- the introduction of international accounting and audit principles.

The author sees Tanzania's position as being particularly difficult due to the extreme concentration of the banking market in the hands of the NBC, the precarious economic situation of the parastatals and the legacy of subversion of the credit process away from commercial criteria and towards other goals. In the period up to 1992 NBC's lending effectively became an extension of the government budget, with the banking system failing to direct lending to those who could make productive use of credit.

He describes the reform of Tanzania's banking system as an impressive attempt to sort out an impossible mess, depending on the simultaneous reform of the commercial banks and the parastatal sector. He is less optimistic about Tanzania than the other countries, primarily because government did not just interfere but completely took over the allocation of credit. As a result employees have had little or no experience of

commercial lending decisions for twenty years or so. Effective change will therefore depend on significant cultural change and a substantial investment in training a new generation of staff.

The author concludes that the transition to self-sustaining recovery from recovery strongly dependent on aid will take a very long time, much longer than was thought by the donors when structural adjustment programmes were first agreed. The slowness of commercial bank reform is not the only reason for this but the paper argues convincingly that it is an important contributory factor.

Chris Darling

THE ANTICLIMAX IN KWAHANI, ZANZIBAR. PARTICIPATION AND MULTIPARTISM IN TANZANIA. M Mmuya and A Chaligha. Fredrich Ebert Stiftung/Dar es Salaam University Press. 1993. 145 ps.

The first parliamentary by-election under multi-partyism was held in the Kwahani constituency in Zanzibar on April 18th 1993. It was an anti-climax because all the eleven opposition parties except one (the small Tanzania Peoples Party - TPP) boycotted it because of what they described as an intransigent and belligerent CCM regime in the Isles.

But the book itself is far from being an anti-climax. One cannot but be impressed by the sheer quantity of facts and figures and the skillful analysis of the political scene in Tanzania which is squeezed into this modest little publication; about the tangled politics of Zanzibar and how people still tend to be categorised as either supporters of the revolution or supporters of the former Sultan; the ideological vacuum; the Union issue; the powerful influence of the main opposition party the CUF: the religious factor; the effectiveness of CCM's well-organised campaign; the part played by flags/dress/poetry/dance/music/gifts in the election; the details of the electoral process (including government funding) which had been laid down in the Political Parties Act No. 5 of 1992; the determined and successful efforts of the Electoral Commission to ensure a free and fair election; and, a lot of sound advice to aspiring opposition politicians.

Above all, the book gives an analysis of the significance of the 205 different 'Maskani' (neighbourhood meeting places which have become associated with the traditional and radical CCM at the grassroots) and how they are becoming a problem both to the CCM leadership and the new opposition parties.

And the result of the by-election? The CCM candidate won with 89.3% of the votes cast. This is an essential read for anyone interested in politics in Tanzania in 1995 - DRB.

A COORDINATING AND PARTICIPATORY APPROACH TO MANAGING CITIES: THE CASE OF THE SUSTAINABLE DAR ES SALAAM PROJECT IN TANZANIA. Francos Halla. Habitat International. 18. (3) 1994. 12 pages.

This paper begins by demolishing the supporters of the 'Master Plan Approach' to town planning. The author quotes

approvingly another writer's criticism of it - 'misleading in stated objectives, unrealistic in expectation of future conditions, invalid in diagnosing underlying causes of the most pressing problems, irrelevant in choice of major professional concerns, inflexible and static in methods and procedures, ineffective in influencing the direction of public resources or interventions.... We learn that Dar es Salaam has been 'master planned' ('futile preoccupation') in 1948, 1968 and 1979.

By contrast, after only two years, the pilot 'Sustainable Dar es Salaam Project' (SDP) with technical assistance from UNCHS (Habitat) is pronounced a success. The SDP seeks to 'coordinate the development activities of all the key actors and promote their participation in all sectors of the city's community - popular, private and public'. The procedure involves four stages:

- preparation of the city's environmental profile;
- consultation on environmental issues;
- preparation by working groups of action plans;
- strategic planning framework as a policy document for an increasingly effective management of the city;

The paper records achievements to date but indicates also some of the practical and institutional constraints. For example, unsuitable offices, the bureaucracy of both central and local governments, lack of funds, the dominance in working sessions of the public sector, the tendency for some of the actors to be entrenched in the orthodoxy of urban planning, and, most disturbingly, the author's statement that 'the continued existence of the approach has to a greater extent depended on the determination of the technical support team and financial support by international donors.

Is this another imported project destined to disappear when the funds run out? - DRB

INSECT MAN: A FIGHT AGAINST MALARIA IN AFRICA. Alec Smith. Radcliffe Press. 1993.

This is one of a series of a dozen very personal memoirs of the lives of British expatriates in Africa at the end of the colonial era. Alec Smith spent the decades before and after independence in Tanzania working on the mosquitoes which carry disease and on insecticidal methods of controlling them. In 1950 he went to Ukara island in Lake Victoria to work on the mosquitoes which carry filarial worms, the cause of elephantiasis. There he first acquired the nickname *Bwana Dudu* from which the book's principle title is derived. He then went to the Pare district to participate, during the late 1950's, in the important Pare-Taveta scheme, in which residual deposits of the insecticide dieldrin were sprayed on the inside surfaces of the walls and roofs of houses to kill mosquitoes as they rested before or after biting. It is rather shaming to present-day medical entomologists to note that the Pare-Taveta scheme, with 1950's technology, did a better

job in suppressing malaria and the child mortality which it causes than anything which has been achieved in recent years anywhere in tropical Africa.

Around the time of Tanzanian independence Alec Smith and his wife moved to Arusha where he was on the staff, and later Director, of the Tropical Pesticides Research Institute. This Institute is intended to act as a base for evaluating insecticides, herbicides etc. for use throughout Africa, and beyond, against insects of medical importance, as well as agricultural pests of all kinds. Among his other achievements Alec Smith developed ingenious designs of experimental hut for the thorough evaluation of insecticides which repel and/or kill mosquitoes. Groups of these huts were built at Magugu, beside the road from Arusha towards Dodoma, and at Taveta on the Tanzania-Kenya border. These huts, built in the early 1960's, are useful to researchers to this day.

Despite the book's subtitle 'a fight against malaria in Africa', these important achievements are dealt with quite briefly and most of the book is devoted to an often very detailed account of what it was like for a young British couple to live in upcountry stations and in Arusha in colonial Tanganyika and in newly independent Tanzania. Matters such as amateur theatricals and tennis tournaments which apparently occupied much of the spare time of the hard-working British expatriates of yesteryear, are given much prominence.

After leaving Tanzania in 1973 Alec Smith took up W.H.O. postings in southern Africa, Nigeria and Geneva. The period was very productive - the still current W.H.O manual on chemical control of vector insects was compiled at this time by Alec Smith. He also claims credit for the idea of impregnating mosquito bednets with pyrethroid insecticides, which is the currently most popular, and rapidly spreading, method of protection against malaria mosquitoes. The roots of this idea can (as with most good ideas) be traced to several sources (repellent treated clothing in the USSR and USA, DDT treated bednets used in the Second World War, pyrethroid treated clothing in North America and insecticide treated bednets in China and in francophone Africa). However, Alec Smith certainly deserves credit for presenting the idea to a W.H.O. meeting and having it endorsed and propagated through widely-read W.H.O. manuals.

Chris Curtis

LAND TENURE REFORM IN EAST AFRICA: GOOD, BAD OR UNIMPORTANT?  
T C Pinckney and P K Kimuyu. Journal of African Economics. Vol 3. No 1. March 1994. 28 pages.

Despite its ambitious title this 1991/92 study was based on only about 115 households each in similar coffee-growing communities with very different historical backgrounds in Kenya and Tanzania. The authors compare the individual smallholder property rights developed in Kenya, which they conclude were cost ineffective, with the policy of abolition of private land titles by Tanzania after independence. Coffee

had been developed in Tanzania as an African cash crop from about 1905, with its greatest expansion after 1920 whereas in Kenya it was developed as a 'European' crop, with prevention by the 'settlers' of 'African' development pre-1946 except in the remote districts of Meru and Kisii. Thereafter expansion was inhibited by the Mau Mau Emergency and the government's programme of consolidating the numerous fragmented smallholdings.

The surveys were chosen from clusters which had been sampled in national surveys in the late 1970's and again in 1982-83 in the Kenya district of Murang'a and above Moshi in Tanzania. The land holdings averaged two acres in Murang'a and four acres on Kilimanjaro, half in the coffee/banana zone and half below where annual crops are grown.

The purpose of the study was to compare the individual land tenure under Kenya's programme of consolidation of fragmented smallholdings, which was aimed at encouraging effective crop husbandry through possible access to credit and better security of investment, with Tanzania's nationalisation and prohibition of purchase, sale or rental of land.

While the Kenyans appreciated land consolidation, the authors consider that the funds needed for the subsequent land registration could have been much better spent because land titling did not lead to any increase in land-secured credit, partly because of failure to develop it. The authors did not examine the issue of indigenous tenure systems versus individualisation. The argument is about small farm tenure.

Kenya embarked on its programme of consolidating densely fragmented smallholdings and the registration of land titles in 1956 and the programme has continued to this day, even in remote areas. They started in areas with good potential for cash crop development - coffee, tea, pyrethrum and export of horticultural crops. The study does not consider or evaluate the benefits of economic crop development.

The authors find that densely populated communities as in Kenya may lead to landlessness and poverty. In Tanzania, the emphasis was on equity which demanded that land should become state property leaving a situation of *laissez faire*. In fact, in the area of Tanzania under study, land under permanent cultivation (coffee/bananas) was personalised for people to cultivate as long as they wished and land was still inheritable by sons, thus the tenure was as good as freehold.

So, while the two countries have pursued extremes in land policy, the authors have come down on the side of Tanzania!

R J M Swynnerton

#### OTHER PUBLICATIONS

ARCHAEOLOGY IN THE NGUMI HILLS: IRON AGE AND EARLIER CERAMICS. Carolyn Thorp. Azania. Vol 27. 23 pages. 1992

DRIVE SLOW SLOW - ENDESHA POLEPOLE. Carlotta Johnson. 1994. 91 pages. £6. Obtainable from Jane Carroll, Britain-Tanzania

Society (which will receive receipts from sales), 69 Lambert Road, London SW2 5BB. An account of a return to Tanzania after 17 years. The author describes it as a very personal account of belonging and not belonging and recommends it to anyone who recalls their own youthful contribution to the country, how little they learned at the time and how much they have realised since.

STYLISTIC APPROACHES TO E KEZILAHABI'S NOVELS AND POETRY. Elena Bertoncini-Zubkova. Afrikanistische Arbeitspapiere. Vol 31. 1992. 62 pages.

MOSQUES, MERCHANTS AND LANDOWNERS IN ZANZIBAR STONE TOWN. Abdul Sheriff. Azania. Vol 27. 1992. 20 pages.

DECENTRALISATION, PARTICIPATION AND SPATIAL EQUITY IN RURAL TANZANIA: A COMMENT by Joseph Semboja and Ole Therkildsen. World Development. Vol 22. No 5. 1994. 4 pages.

THE SOUTHERN AFRICAN ENVIRONMENT: PROFILES OF THE SADC COUNTRIES. P O'Keefe and others. Earthscan Publications. 1993. 354 pages. Environmental problems faced by nine countries including Tanzania.

CHANGES IN BLOOD TRANSFUSION PRACTICES AFTER THE INTRODUCTION OF CONSENSUS GUIDELINES IN MWANZA REGION. J Vos and others. AIDS Vol 8 No 8. August 1994. 6 pages.

A COMMUNITY MODEL OF AFRICAN POLITICS: ILLUSTRATIONS FROM NIGERIA AND TANZANIA. G Hyden and D C Williams. Comparative Studies in Society and History. 36. (1). January 1994. 28 pages.

EAST AFRICA: A TRAVEL SURVIVAL KIT. G Crowther. Lonely Planet. 1994. 32 pages.

COMMUNITY NUTRITION FOR EASTERN AFRICA. Ann Burgess and others. African Medical and Research Foundation (AMREF). 286 pages. 1994. £4.65 + p&p from TALC, P O Box 49, St Albans, Herts AL1 4AX. A short up-to-date low-cost practical nutrition manual for community-based workers.

THE POLITICAL ECONOMY OF LAND REFORM IN ZANZIBAR. I F Shao. Dar es Salaam University Press. 1992. 106 pages. £6.50.

AIDS EDUCATION FOR PRIMARY SCHOOL CHILDREN IN TANZANIA: AN EVALUATION STUDY. Knut-Inge Klepp. AIDS 9 (8) August 1994. 6 pages.

INDIGENOUS FARMER-MANAGED IRRIGATION IN SONJO, TANZANIA. Geographical Journal. 160 (1). March 1994. 15 pages.

COST-EFFECTIVENESS OF CHEMOTHERAPY FOR SPUTUM SMEAR-POSITIVE PULMONARY TUBERCULOSIS IN MALAWI, MOZAMBIQUE AND TANZANIA. Eric de Jonge and others. International Journal of

Health Planning and Management. 9 (2). April-June 1994. 30 ps.

*(Tanzanian Affairs has information about many more recent publications but due to pressure on space these will be listed in the next issue - Editor)*



#### HISTORICAL DICTIONARY

I am at present working on the second edition of the *Historical Dictionary of Tanzania* for Scarecrow Press. As I would like to include an entry on the Britain-Tanzania Society I was hoping you could provide me with some information about your society.....I would also like to know when the Bulletin of Tanzanian Affairs started publication as I want to include it in the periodicals list.

Thomas Ofcansky  
Arlington, Virginia, USA

#### THE NAME OF A MOUNTAIN

Thanks to Mr Duff for his response to my letter concerning the Morogoro mountain Mguru (ya) ndege. I should like to know more about the 'upupu' (macuna bean) which deterred people from hillwalking in the Morogoro region. Could this plant be the source of the penetrating thorns which dogged our ascent and which are still embedded in my hiking socks to this day?

It was intriguing to learn the local belief that Mindu was the home of a large snake. My ascent of Mindu in 1992 revealed no such serpent but future climbers should not assume that there are no snakes on this mountain. My father and colleagues at Sokoine University reported a number of species of snakes on and around her slopes and indeed, from time to time, reptiles found at the university were released there.

Perhaps your readers could also throw light on the name 'mafiga', a village not far from Mindu and my parents' home from 1991-93. We learned two theories as to how it earned this name which in Kiswahili means the three stones for supporting a cooking pot. First, the village was said to be a popular place for collecting good cooking stones which did not crack in the heat of a fire. Second, it is positioned between three mountains (Mindu, Mguru ndege and the Ulugurus), each apparently representing one of three stones of a giant mafiga. Or is there an entirely different explanation?

Max Cooper

CORRECTION. *(The letter from Michael Dorey on blacksmiths (Bulletin No. 48) stated that Mr Dorey worked in Tanzania from 1950 to 1952. The latter date should have been 1962 - Editor).*

## CONTRIBUTORS TO THIS ISSUE

PROFESSOR CHRIS CURTIS is Professor of Medical Entomology at the London School of Hygiene and Tropical Medicine. He is associated with projects on malaria and filariasis control based at Muheza, Tanga region and in Zanzibar.

PROFESSOR ISSA SHIVJI is Professor of Law in the University of Dar es Salaam and is at present a Visiting Professor at Warwick University. He has written several books including 'Law, the State and the Working Class in Tanzania' and 'The Concept of Human Rights in Africa'.

Mr CHRIS DARLING is a management consultant. In the past two years he has worked for several Tanzanian banks and has a special interest in the effective management of organisational change in developing countries.

PROFESSOR REGINALD HERBOLD GREEN is an Hon. Professional Fellow of the University of Sussex and a Fellow of the Institute of Development Studies there. He has recently returned from a UNICEF mission to the refugee camps in Tanzania.

The HON. FRANCIS LUCAS NYALALI has been the Chief Justice of Tanzania since 1977. He is the longest serving Chief Justice in the Commonwealth and has been elected recently as an Honorary Bencher of Lincoln's Inn, London. He was in London following a visit, with five Tanzanian judges, to the Nordic countries and Germany studying constitutional law.

SIR ROGER SWYNNERTON spent 16 years in Tanzanian agriculture before moving to Kenya where he became Permanent Secretary in the Ministry of Agriculture and author of the Swynnerton Plan.

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## TANZANIAN AFFAIRS (ISSN 0952-2948)

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LETTERS TO THE EDITOR, CORRESPONDENCE, ADVERTISING should be sent to:

Tanzanian Affairs,  
14B Westbourne Grove Terrace,  
London W2 5SD.  
Tel: 0171 727 1755.

ANNUAL SUBSCRIPTIONS (three issues per annum):

UK	£4.50
Europe outside UK	£7.50
Elsewhere	£10.00 or US\$20.00
Back Numbers	£2.00 each (plus p&p)