

## Local Democracy in Gaborone City, Botswana

A Report by the Botswana Association of Local Authorities

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This report assesses the condition of local democracy in Gaborone City, Botswana. It defines local democracy in terms of people's voting power in a specified area (in this case, Gaborone) and their participation in, and influence over, the management of recognizable area-specific issues. Thus it places emphasis on local people's voting power, and their involvement in, and influence over, the delivery of services offered by the local authority. Obviously, such a definition regards as a constraint on local democracy the handling of area-based issues by unelected institutions, such as parastatals, or by central government departments that answer to the central government and not to the municipal authority. Such a definition also excludes national issues that deny the importance of locality.

Some of the services provided by the municipal authority and connected to local democracy are set out below.

- To plan, review, monitor and uphold the physical and economic development of Gaborone City.
- To administer the implementation of the Trade and Liquor Act and its regulations within Gaborone City Council's area of jurisdiction.
- To enforce council by-laws and central government legislation delegated to the council and to educate members of the public about them.
- To administer the application of the Pound Act by providing reception and care of trespassing of livestock and to address related matters.
- To provide and keep in clean condition market places and vending stalls that are to be used by the community.
- To administer the rating system within Gaborone City and to collect rates.
- To provide facilities and services to primary school children in Gaborone.
- To offer effective and efficient primary healthcare services to the Gaborone community.
- To safeguard the health of the public through the identification of existing and possible environmental health problems and to institute preventive and remedial measures as appropriate.
- To plan, implement and coordinate health education programmes for the Gaborone community.
- To prevent and control environmental health related diseases and to promote healthy living.
- To ensure the proper and efficient storage, collection, transportation, treatment and disposal of solid waste in

Gaborone.

- To maintain a safe and reliable long term disposal site and to receive all solid waste from Gaborone City and surrounding areas.
- To plan, operate and maintain roads and associated infrastructure in the city.
- To plan, operate and maintain public transport infrastructure, and to promote the use of public transport as an attractive and convenient mode of mass transportation.<sup>1</sup>

A huge amount of resources are handled by the city council, and city dwellers should take note of this. Gaborone City Council had a budget of 55,879,990 pula in the 1995–1996 financial year,<sup>2</sup> 61,614,970 pula in the 1996–1997 financial year,<sup>3</sup> 64,991,210 pula in the 1997–1998 financial year,<sup>4</sup> 74,679,890 pula in the 1998–1999 financial year,<sup>5</sup> and 99,765,820 in the 1999–2000 financial year.<sup>6</sup>

The mapping of the state of local democracy in Gaborone City was the product of a two-day stakeholder workshop, which was held in Fall 2003 and involved Gaborone councillors and chiefs, the district commissioner, representatives of the Independent Electoral Commission, city council staff, police officers, leaders of the Botswana Council of Non-Governmental Organisations (BOCONGO), the Media Institute of Southern Africa (MISA)-Botswana, vendors, and ward development committee members. The participants deliberated various issues concerning local democracy; the results are presented below. The information generated in the workshop was supplemented with official reports.

### **City in context**

<sup>1</sup> Ministry of Local Government, Lands and Housing, 1998.

<sup>2</sup> Ministry of Local Government, Lands and Housing, 'City and Town Councils Recurrent Budgets for 1995–1996', (Gaborone: Government Printer, 1995).

<sup>3</sup> Ministry of Local Government, Lands and Housing, 'City and Town Councils Recurrent Budgets for 1996–1997', (Gaborone: Government Printer, 1996).

<sup>4</sup> Ministry of Local Government, Lands and Housing, 'City and Town Councils Recurrent Budgets for 1997–1998', (Gaborone: Government Printer, 1997).

<sup>5</sup> Ministry of Local Government, Lands and Housing, 1998.

<sup>6</sup> Ministry of Local Government, Lands and Housing, 2000, p. 6.

### **Location and layout**

Gaborone was the least populous urban settlement in the country at the time it was designated the capital. 'Official census figures show that in 1964, Gaborone had a population of 3855 making it the third most populous settlement in Botswana after Francistown and Lobatse which respectively had the figures of 9521 and 7613'.<sup>7</sup> With only 3,855 inhabitants, the village was effectively free from occupation by distinct African ethnic groups that could claim ancestral ownership and by exploited and segregated working classes that could be easily politicised.

When the decision was taken to relocate the new capital from Mafikeng, South Africa, the town of Lobatse was passed over in favour of Gaborone village because the latter was situated on flat ground, had more room for expansion and had no entrenched African settlements that could have made planning difficult. Although Lobatse was site of the country's high court and national abattoir and was administratively as competent as Gaborone District, it was extremely hilly, had African settlements that would have had to have been moved to create space for new developments, and was extremely politicized, as Africans there had strong links with South African liberation politics. Gaborone village, the new capital, was a small settlement for those colonial officials (expatriates and locals) who had administered Gaborone District.<sup>8</sup>

The outlining villages of Tlokweng, Mogoditshane and Ramotswa were also overlooked partly because they consisted of distinct ethnic groups, which could have led to the development of ethnically-based residential locations to preserve the entrenched communities (thus introducing ethnic and religious based politics into the town's system of governance) or which could have necessitated the forced relocation

<sup>7</sup> Ministry of Local Government, Lands, Housing and Environment et al, 'Gaborone City Development Plan (1997–2021)', (Gaborone: Government of Botswana, 2001), p. 132.

<sup>8</sup> Ministry of Local Government, Lands and Housing et al, 1992, p. 7.

of these entrenched communities to pave the way for infrastructural development. But the surrounding villages added to the physical barriers constraining the growth of the capital. 'The physical features of the new capital location greatly influenced proposals made in the 1963 master plan. These features that were more of constraints included the airstrip and the Notwane River. Development was thus limited in an easterly direction. The railway on the other hand presented a definite barrier to the city's westerly growth. The tribal boundaries of the Batlokwa and the Bakwena presented stronger barriers in both the easterly and westerly directions'.<sup>9</sup>

### ***Gaborone town***

During the colonial era, Gaborone, Tlokweng and Ramotswa villages were part of Gaborone District and were administered jointly. Only a stream separated Gaborone and Tlokweng villages, where the Batlokwa ethnic group resided. A forest, a railway line and a stream separated Gaborone village from the Bakwena villages of Mogoditshane, Gabane, Ledumadumane, Mmopane and Metsemotlhabe, whose land is administered by land boards. 'While communal land does not exist within the statutory limits of the city, it however poses a serious constraint to the future expansion northwards, westwards and eastwards, since the city is bounded in these directions by communal land'.<sup>10</sup> In contrast, having been a white non-mining area that was surrounded by traditional villages, Gaborone village was awash with state land and private farms that were home to very few Africans. Farms and streams separated Gaborone from the Ramotswa village of the Baletse.

Gaborone village enjoyed a significant amount of infrastructural development, as it was the site of the district headquarters, the University of Botswana, Lesotho and Swaziland, the office and residence of the district commissioner and the headquarters

of the police unit. A stadium, airport and prison were also situated there. Water, drainage and telecommunications systems were in place in Gaborone village, unlike in Bontleng and White City, the other settlements that existed in colonial days.

The local democracy workshop revealed that White City and Bontleng were strictly residential areas for junior government officials and their families. What this suggests is that type of government employment (senior or junior), rather than race or ethnicity, determined the pattern of settlement. When Gaborone became the capital and a city council was established, an unknown individual donated White City houses to the Gaborone Town Council for its staff. Thus, regardless of race and ethnicity, council staff was concentrated in White city. Moreover, a home-connected water supply, central drainage system and telecommunication network were conspicuous by their absence in White City and Bontleng. These services were denied even to those White City and Bontleng residents who could afford them. The existence of a water tap within some hundred metres of a household constituted the distribution of clean water in these areas. The practice of denying urban-based services to poor areas symbolized differential local democracy in Gaborone in the colonial period and the early years of independence. (Upgrading is happening now and it is a painful exercise—plot owners are legally required to connect water to their houses and to disconnect standpipes. Upgrading in Old Naledi is leading to the relocation of some people who have lived there for many years).

Having been designated the new capital, the Gaborone area had to be developed politically, administratively, economically and culturally. Initially, there were four main areas: Gaborone village; White City; Bontleng; and the 'Mall'. The first three were already occupied, and hence there was little room for expansion. The Mall was new and was thus designated the political, administrative, cultural and economic centre of the town. Different residential areas were designed to surround the Mall. 'North of

<sup>9</sup> Ministry of Local Government, Lands and Housing? et al, 1992, p. 8.

<sup>10</sup> Ministry of Local Government, Lands and Housing et al, 'Gaborone City Development Plan (1997–2021)', (Gaborone: Government of Botswana, 2001), p. 185.

the Mall were the largest plots, giving an average density of about 2 to 4 dwellings per hectare, and used for high cost residential purposes. In the middle, between the Mall and the Kaunda Road was an area of medium-density housing at 5 to 12 dwellings per hectare. And in the south was an area for low cost residential development'.<sup>11</sup>

In addition, the 1963 Gaborone development plan that marked the launch of the new capital was designed in such a way that housing development was split between high and medium cost housing on the one hand and low cost housing on the other.<sup>12</sup>

The local democracy workshop confirmed the existence of the rich/poor dichotomy in the early new capital and blamed it for the subsequent polarization of politics. Yet, until 1984, only one member of parliament represented the city in the National Assembly, preventing its socio-economic diversity from being expressed. In 1984, though, the central government sought to reverse the situation (segregation of residencies) by insisting on integrated development. Now 'there is a policy of non-polarisation in the design and development of residential housing neighbourhoods. This policy has prevented spatial polarisation within the city limits. To a great extent, this has resulted in a balanced, well-integrated and socially healthy community'.<sup>13</sup> It must be pointed out, however, that the city council has made no contribution to the formulation or implementation of the above policy of integrated development, since its activities are restricted to the 'administration of Self-Help Housing Agency (SHHA) programmes and the provision of urban district housing for the council officials'.<sup>14</sup> What emerged from the local democracy

workshop and from official reports is that the municipal authority is restricted to administering the poor resident sections of the integrated communities.

### **Socio-economic base: implications for local democracy**

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Initially, Gaborone was neither a mining nor an agricultural location. That it was the seat of government attracted the attention of the business sector. At this time, the plan was to situate all of the headquarters of central government departments in Gaborone (with the exception of the high court). Consequently, there was a great deal of building work to be done. An extremely large number of construction workers and labourers came to Gaborone—people who had no decent accommodation and who thus partly contributed to the problem of squatting. Although the civil servant population increased in proportion to that of construction workers and labourers, the newness of the city meant that construction was its most important form of employment. As a result, male construction workers and labourers made up a significant portion of the population of Gaborone.

Apart from construction, males dominated the sphere of formal employment (managerial and political positions, industrial technical staff, public service, army, police and prison forces, and security companies) and that part of the informal sector that focuses on welding, carpentry and mechanical engineering. Women have expanded their economic activities to include street vending, tailoring, carpentry, teaching, nursing, banking, hairdressing, cleaning and factory work. A few also occupy managerial and political positions.

Although there are now more females than males in Botswana, the reverse was true in Gaborone before 2001. Males made up 51 per cent of the city's population prior to the 2001 census.<sup>15</sup> Unaware that the 2001

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<sup>11</sup> Ministry of Local Government and Lands Department of Town and Regional Planning and Gaborone City Council, 'Gaborone Development Plan: Report of Survey (Draft)', (Gaborone: 1991), p. 8.

<sup>12</sup> Ministry of Local Government and Lands Department of Town and Regional Planning and Gaborone City Council, 'Gaborone Development Plan: Report of Survey (Draft)', (Gaborone: 1991), p. 9.

<sup>13</sup> Ministry of Local Government, Lands and Housing et al, 'Gaborone City Development Plan (1997–2021)', (Gaborone: Government of Botswana, 2001), p. 151.

<sup>14</sup> Ministry of Local Government, Lands and Housing et al, 'Gaborone City Development Plan (1997–2021)', (Gaborone: Government of Botswana, 2001), p. 148.

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<sup>15</sup> Ministry of Local Government, Lands and Housing et al, 'Gaborone City Development Plan (1997–2021)', (Gaborone: Government of Botswana, 2001), p. 138.

population census had recorded a shift to 49 per cent male and 51 per cent female, the 2003 local democracy workshop questioned the effectiveness of gender equality initiatives.

In terms of the relationship between local and national democracy, it was ironic that women's organizations built their headquarters in Gaborone, where women were in the minority, and that they spearheaded their national gender equality political campaigns from there. Interestingly, the local democracy workshop blamed the president of the republic, not women's organizations, for encouraging divisive gender politics by signing Southern African Development Community (SADC) protocols demanding gender equality without first taking note of the actual gender distribution of the city's population.

#### **Institutional arrangements: implications for local democracy**

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Although city revenue comes from different sources, such as abattoir fees, cemetery fees, health clinic fees, community centre fees, rents, the sale of property and service levies, the bulk is derived from central government grants. For instance, grants made up 29,354,000 pula (53 per cent) of the total city budget of 55,879,990 pula in the 1995–1996 financial year.<sup>16</sup> This increased to 40,897,000 pula (63 per cent) of the total budget of 64,991,210 pula in the 1997–1998 financial year.<sup>17</sup> It rose again to 71,621,340 pula (72 per cent) of the total budget in the 2000–2001 financial year.<sup>18</sup>

A grant consists of two elements: externally raised income, which is beyond the scope of local democracy;<sup>19</sup> and internally based

expenditure, which is an aspect of local democracy. The local democracy workshop, which was dominated by elected councillors, expressed its preference that the city council be autonomous and that all income be generated at the local level. But the municipal management underlined that the central government favours sharing resources nationally in order to avoid uneven development between the regions. Ironically, President Festus Mogae shares the same views as the elected councillors. He has stressed 'that local authorities must start sharing costs of development and other services with consumers and beneficiaries'.<sup>20</sup> It is clear that Gaborone City would have had to have raised 64,991,210 pula in fiscal year 1997–1998 to achieve financial independence. What is not known, though, is whether the central government is willing to cede some of its taxation revenue to the municipal authority or whether the latter will have to impose new taxes placing an even greater taxation burden on city dwellers.

Official records show extensive central government involvement in the running of Gaborone City. Apart from central government grants, government ministries, departments and public corporations are heavily involved in the administration of Gaborone City, crowding out the municipal authority. The bulk of the work connected to the establishment and management of residential areas falls directly under central government departments in the Ministry of Lands and Housing and not under the city council. The central government's Department of Housing is responsible for formulating housing policy, as well as implementing specific housing programmes and strategies. It is also responsible for the administration of the government pool housing scheme and the monitoring of the SHHA programme. The central government's Department of Lands is responsible for the allocation of serviced residential land, while the Department of

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<sup>16</sup> Ministry of Local Government, Lands and Housing, 'City and Town Councils Recurrent Budgets for 1995–1996', (Gaborone: Government Printer, 1995), p. 1.

<sup>17</sup> Ministry of Local Government, Lands and Housing, 'City and Town Councils Recurrent Budgets for 1997–1998', (Gaborone: Government Printer, 1997), p. 4.

<sup>18</sup> Ministry of Local Government, Lands and Housing], (Gaborone: 2000), p. 6.

<sup>19</sup> See: Mosha, A.C., 'The Impact of Urbanisation on the Society, Economy and Environment of Botswana', in W. Edge and M. Lekorwe (eds), *Botswana: Politics and Society*, (Pretoria: J.L. van Schaik, 1998), pp. 281–299; and Lekorwe,

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M., 'The Politics of Urban Governance and Management in Gaborone', *Botswana Journal of African Studies*, Vol. 12, Nos. 1 and 2, pp. 69–84.

<sup>20</sup> 'Councils Warned Against Dependency', *Botswana Daily News*, 4 November 2003.

Surveys and Mapping is responsible for the design and implementation of cadastral surveys, among other things. The Department of Town and Regional Planning is responsible, inter alia, for the preparation of settlement development plans and the design of detailed layout plans for various residential neighbourhoods. The Botswana Housing Corporation is a parastatal charged primarily with providing urban housing for public and private occupation—sales and rentals.<sup>21</sup> With these central government departments directly involved in the mapping, distribution and management of land in Gaborone, the functions and financial base of the municipal authority are severely restricted, crowding out local democracy.

The provision of water to Gaborone City is the responsibility of the Water Utilities Corporation, while electricity and telecommunications are the responsibility of the Botswana Power Corporation and the Botswana Telecommunications Corporation respectively. The fact that these services are provided by public corporations means that issues related to their provision fall outside of the framework of local democracy. Such a situation further marginalizes the relevance of the municipal authority and downgrades the importance of local democracy. 'In Gaborone City, street lighting services (i.e., poles and lamps) are provided, installed and maintained by Gaborone City Council while the provision of power is done by the Botswana Power Corporation'.<sup>22</sup> Hence street lighting is a local democracy issue, while the provision of electricity is not. This creates a situation where the municipal authority is blamed for the failings of central government departments or public corporations, threatening local democracy.

### ***Gaborone and neighbouring villages***

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<sup>21</sup> Ministry of Local Government, Lands and Housing et al, 'Gaborone City Development Plan (1997–2021)', (Gaborone: Government of Botswana, 2001), p. 148.

<sup>22</sup> Ministry of Local Government, Lands and Housing et al, 'Gaborone City Development Plan (1997–2021)', (Gaborone: Government of Botswana, 2001), p. 251.

The enormous increase in the size of the population of Gaborone, from an estimated 3,800 in 1963 to 18,799 in 1971, 59,657 in 1981, 133,468 in 1991 and 186,007 in 2001, has resulted in the city expanding physically to cover 169 square kilometres, taking up most of the undeveloped land. Farms like Broadhurst and Bonnington have disappeared and have been replaced with residential and commercial areas, schools, clinics and so on, which bear similar names. 'By the time the planning for a new location—Broadhurst (named after the previous farm)—was complete in 1974, there was a pressing need due to population expansion, for the planning of Broadhurst II to begin. The growth of Gaborone has always been characterised by population growth beyond projections. For instance, in 1981, Gaborone had the highest proportion of urban residents (35.9%) in the country, and this is attributable to the city being the most attractive centre for migrants'.<sup>23</sup> Unsurprisingly, 'the most populated residential neighbourhoods in the city displaying population densities of more than 120 persons per hectare are Extension 8 (Bontleng), Extension 13 (Old Naledi), Extension 23, Extensions 32 and 33 north of Lemmanyane Drive in Broadhurst, and Extension 37 in Tsholofelo'.<sup>24</sup> However, the most densely populated areas do not enjoy greater representation on Gaborone City Council, and this has had a negative impact on local democracy.

The growth of the city has led to its physical expansion into adjoining ethnic villages. Presently, 'there is a discernable development corridor between Tlokweng, Mogoditshane and Metsemotlhaba. The built-up environment of Tlokweng and Mogoditshane has merged with the built-up environment of Gaborone especially along the Zeerust–Gaborone Road and Gaborone–Molepolole Road. There is hardly any spatial separation between the

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<sup>23</sup> Campbell, E.K., 'Population Distribution and Urbanisation', in W. Edge and M. Lekorwe (eds), *Politics and Society in Botswana*, (Pretoria: J.L. van Schaik Academic, 1998), pp. 261–280.

<sup>24</sup> Ministry of Local Government, Lands and Housing et al, 'Gaborone City Development Plan (1997–2021)', (Gaborone: Government of Botswana, 2001), p. 133.

settlements except for the statutory boundaries. This has resulted in the juxtaposition of urban, semi-urban and rural environments'.<sup>25</sup> There is no doubt that the addition of such large entrenched and settled communities has compromised the city's mixed and ethnically balanced population. Such a situation raises the possibility of the emergence of ethnic politics, polluting the ethnic-free politics of the city.

While Gaborone has swallowed up a significant portion of the surrounding land and has impacted on the cultural and economic make-up of the outlining villages, politics and administration have purportedly remained separate. Tlokweng and Mogoditshane continue to be administered by discrete local structures. Yet there is interdependence between these villages and Gaborone City. The latter provides the villages with employment, education and healthcare facilities, roads and fire services. In return, the villages provide accommodation for city workers, sand for construction projects, and firewood.

Squatting has become a serious problem for the adjoining villages. In July 1991, President Sir Ketumile Masire appointed 'A Presidential Commission of Inquiry into Land Problems in Mogoditshane and other Pre-Urban Villages' in response to the government's concern 'about lawlessness in land transactions in the Mogoditshane area'.<sup>26</sup> The terms of reference emphasized that 'the Kweneng land board has completely failed to handle land problems in the Mogoditshane area and it reported this to the Ministry of Local Government, Lands and Housing ... In the Mogoditshane and other neighbouring villages people do as they like with the land. They subdivide *masimo* (crop fields), change their use to residential plots, sell and allocate plots without the involvement of any lawful

authority'.<sup>27</sup> Thus, developments in Gaborone have had a spillover effect on neighbouring villages. Following the release of the Presidential Commission's recommendations, the Kweneng Land Board was instructed to demand payment of 5,000 pula from squatters. Churches and civic organizations were opposed to the move, but the central government ignored them and demolished the homes of all of those squatters who did not pay the fine. Apart from squatting, the populations of the adjoining villages have been growing at a tremendous rate. For instance, the population of Mogoditshane grew by 10.54 per cent between 1991 and 2001, generating demands for more residential space and a change in land use from crop production to the development of rental property.

### Population and demography

It must be recognized that, even though women were a minority in Gaborone until 2001, the gender balance was shifting rapidly toward gender parity. Net immigration to Gaborone between 1981 and 1991 involved 27,488 males and 24,388 females.<sup>28</sup> The huge migrant population has negative consequences for local democracy. Normally, in-migrants see themselves as visitors; they are more likely to be committed to local democracy in their place of origin than in Gaborone City. Thus, the fact that Gaborone's population has a huge in-migrant component means that it has a vast number of non-participants in its affairs, limiting local democracy.

Gaborone's population stood at 133,468 people in 1991, occupying some 169 square kilometres of land—the population density thus shot up to 789.9 persons per square kilometre.<sup>29</sup> The city's population increased to 186,007 in 2001. The effect of the rapid

<sup>25</sup> Ministry of Local Government, Lands and Housing et al, 'Gaborone City Development Plan (1997–2021)', (Gaborone: Government of Botswana, 2001), p. 27.

<sup>26</sup> Republic of Botswana, 'Report of the Presidential Commission of Inquiry into Land Problems in Mogoditshane and other Pre-Urban Villages', (Gaborone: Government Printer, 1991), Executive Summary.

<sup>27</sup> Republic of Botswana, 'Report of the Presidential Commission of Inquiry into Land Problems in Mogoditshane and other Pre-Urban Villages', (Gaborone: Government Printer, 1991), Executive Summary.

<sup>28</sup> Campbell, E.K., 'Population Distribution and Urbanisation', in W. Edge and M. Lekorwe (eds), *Politics and Society in Botswana*, (Pretoria: J.L. van Schaik Academic, 1998), p. 264.

<sup>29</sup> Ministry of Local Government, Lands and Housing et al, 'Gaborone City Development Plan (1997–2021)', (Gaborone: Government of Botswana, 2001), p. 133.

increase in the size of the population on the city's open spaces, and therefore on local democracy and on the environment, has been negative and serious. 'A noticeable trend in the city has been the utilisation of designated open spaces for other urban land use activities. The local authority's regulatory agency received a total of 17 applications for change of use from designated open space to other land use activities between January, 1992 and November, 1994. Of these applications, 8 were approved and 9 were rejected ... If the situation is not checked, all designated open spaces would disappear in no time'.<sup>30</sup> It is not surprising, therefore, that the local democracy workshop emphasized that there is very little open space in Gaborone. In addition, the city was shocked to hear that the Minister for Lands, Housing and Environment had earmarked part of an environmentally fragile area—a forest reserve along the Norwane River—for the construction of a filling station.<sup>31</sup> Local democracy is under threat as a result of the fast disappearance of these open spaces and the centralization of land allocation powers within the Ministry of Lands, Housing and Environment.

Open spaces that could be used for myriad community purposes are under threat from the extremely fast growing city population. 'Within Gaborone City boundaries, open spaces account for 537 plots and cover a vast area of 637,805 hectares representing 33.40 percent of the total land area ... Large portions of undeveloped land, having no designated land use, fall under this group'.<sup>32</sup> Although this open space is primarily undeveloped and undesignated land, it has democratic potential because it provides a site for political rallies, informal children playgrounds and soccer fields. Open spaces in Gaborone City, purposely planned and created for sports and recreational activities, account for seven large plots, covering

53,820 hectares or 2.82 per cent of Gaborone's total land area.<sup>33</sup>

The seven community halls in the city are all controlled by one city council, constraining local democracy. Only activities approved by officials who are implementing council policy can take place in these centres. Such activities include weddings and parties, church services, discos, music events, film and fashion shows, and seminars and workshops. Seven halls to cater for a population of 186,007 is inadequate.

With respect to spread, the community centres are concentrated in the northern, eastern and southern areas of Gaborone City. These are the older parts of the city. 'Gaborone West in which much development has taken place in recent times recently got a community hall'.<sup>34</sup> New locations go without community halls for long periods and those that do have them are not allowed to run them, they have to seek permission from Gaborone City Council. In addition, there are only two youth centres—the Botswana Youth Centre (in Gaborone West) and the Young Women Christian Association (in Extension 10)—for the city's entire youth population. This is also inadequate.

The upgrading of poor locations by replacing pit latrines with a central sewage system, the privatization of solid waste management, and the relocation of Old Naledi, are likely to improve the city's image, the environment and local democracy. 'Of all the services provided, sanitation has not fared so well in the urban areas. The majority of the poor people use pit latrines, although the policy since 1992 has advocated the use of flush toilets'.<sup>35</sup> In addition, the SHHA and poor residential

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<sup>30</sup> Ministry of Local Government, Lands and Housing et al, 'Gaborone City Development Plan (1997–2021)', (Gaborone: Government of Botswana, 2001), p. 121.

<sup>31</sup> Grant, 2003: 11.

<sup>32</sup> Ministry of Local Government, Lands and Housing et al, 'Gaborone City Development Plan (1997–2021)', (Gaborone: Government of Botswana, 2001), p. 121.

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<sup>33</sup> Ministry of Local Government, Lands and Housing et al, 'Gaborone City Development Plan (1997–2021)', (Gaborone: Government of Botswana, 2001), p. 128.

<sup>34</sup> Ministry of Local Government, Lands and Housing et al, 'Gaborone City Development Plan (1997–2021)', (Gaborone: Government of Botswana, 2001), p. 203.

<sup>35</sup> Mosha, A.C., 'The Impact of Urbanisation on the Society, Economy and Environment of Botswana', in W. Edge and M. Lekorwe (eds), *Botswana: Politics and Society*, (Pretoria: J.L. van Schaik, 1998), p. 286.



homes in Gaborone are not fenced, encouraging trespassing, harassment and attacks on residents by criminal elements. Crime in poor areas is on the rise, yet the police are slow to respond. This has negative implications for household security, for freedom of movement at night, and, hence, for local democracy.

Furthermore, there is growing perception of corruption at the local level, particularly concerning open tenders and the collection of water-borne waste using council-owned vacuum tankers. Small and large projects are put out to tender. All large projects are handled by the national tender board and are advertised on the open market; the city council is not directly involved. The city council is involved, though, in small projects. Three quotations have to be received for each small project, before purchasing can be authorized. Councillors participating in the local democracy workshop felt that officials have inside information that can easily influence the outcome of contract bids. Council staff, however, said that councillors had formed this impression because they were removed from the tendering process and were bitter about it. In the case of refuse collection, most workshop participants believed that the process was very slow and vulnerable to corruption. But council personnel are convinced that an effective monitoring mechanism is in place. The problem is that residents are not completely aware of its existence

### ***Representative democracy***

Botswana is a hierarchical, unitary state in which parliament sees local authorities as its own creation rather than as equals or competitors. 'All local authorities in Botswana exist by virtue of ordinary Acts of Parliament and, at least in theory, any of them could be abolished at any time by parliament. Local authorities are not included in the constitution, and consequently, do not have inherent

competence derived from it'.<sup>36</sup> Having local authorities whose existence is not entrenched in the constitution weakens and marginalizes local democracy.

Local elections in Gaborone are held at the same time as national elections and are administered by an Independent Electoral Commission (IEC). A Gaborone District Independent Electoral Commission runs municipal and parliamentary elections in Gaborone City. It comprises public servants who are accountable to a national IEC that is headed by a high court judge who is appointed by the president and approved by an all-party conference, consisting of party leaders. The IEC ensures impartiality in the handling of local and national electoral matters. However, neither the Gaborone District Independent Electoral Commission nor the IEC headquarters issue the writ of elections. It is the president who issues the writ of parliamentary elections and the Minister for Local Government who issues the writ of local elections. Yet both are interested parties and this is perceived negatively in terms of local democracy.

The Electoral Act governs both national and local government polls. The conduct of the IEC, and of the police, is governed by the Electoral Act. It empowers the Returning Officer to issue instructions to the police, but only in line with the provisions of the Electoral Act. When it comes to accommodating polling agents in the vehicle that is transporting ballot boxes, the police refuse to be flexible, ignore IEC instructions, and instead follow instructions issued by the national police headquarters. Moreover, the local authority, that is, Gaborone City Council, is not involved in the administration of municipal elections, which impacts negatively on local democracy. On the plus side, national and international organizations observe general elections (national and local), which adds credibility to the electoral process.

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<sup>36</sup> Lekorwe, M., 'The Politics of Urban Governance and Management in Gaborone', *Botswana Journal of African Studies*, Vol. 12, Nos. 1 and 2, p. 74.

The first-past-the-post (FPTP) electoral system is used in both primary elections and in local and national elections. Although workshop participants believed that, in general, the system has served Botswana well, it does not easily allow for the involvement of women, youth and other marginalized groups, such as religious and racial communities (Indians and Muslims). In terms of gender politics, males have dominated the mayoral office of Gaborone City. There have been 11 mayors since 1966, only two were female.<sup>37</sup> Both were from the ruling Botswana Democratic Party (BDP) and were appointed at a time when gender politics was less prominent.

Gaborone City Council is governed by committees that consist of councillors and the mayor. However, city dwellers do not elect directly either the mayor or the council members. Councillors elect the mayor and they elect one another on to the committees. Committee and mayoral elections are held annually and are restricted to councillors. The mayor submits progress reports to councillors and not to the electorate. Thus, the city mayor is not accountable to the electorate. Moreover, city dwellers barely know who the candidates for mayor are until the councillors elect one of them. It is unclear whether the political parties nominate the preferred candidate or whether individual councillors decide to stand and then inform the party.

The local democracy workshop highlighted the fact that Gaborone City Council once passed a vote of no confidence in its mayor and deputy mayor, replacing them with other candidates. There was almost a political crisis when the new incumbents were expelled from the party, indicating that the former mayor and deputy mayor were the party's preferred choices. Despite this incident, councillors attending the local democracy workshop insisted that they are the ones who decide on the candidates and that they expect the party to approve them. Other participants, however, expressed the

view that a system in which councillors and not the electorate elect the mayor and deputy mayor is not fully democratic. That said, they felt that such a system was better than another system under which the mayor is nominated and appointed by the party. .

Gaborone City has been dominated by the Botswana National Front (BNF) since 1984. 'The 1984 elections were a three party contest, and for the first time in the history of the city the BNF triumphed. Of the thirteen wards, the BNF won 10, and the BDP won the other 3. This trend continued with the BNF increasing its majority in the 1989 elections, by winning 12 of the 13 wards and BDP winning the other'.<sup>38</sup> After the number of wards in Gaborone City was increased to 25 (in 1994), the BNF won 24 of them, leaving only one for the BDP.

But the Botswana political system allows councillors and members of parliament (MPs) to cross the floor—that is, to join another party after being elected as a representative of a different one. The Gaborone City Council suffered extremely when 15 councillors left the BNF and joined the newly formed Botswana Congress Party (BCP) in 1998. The system, though, does not provide for re-election, making politicians less accountable to their electorates and impacting negatively on local democracy. It is also likely that floor-crossing is partly to blame for voter apathy as councillors shed their party affiliations once they have been elected.

In addition, political parties are national entities rather than being locally or regionally or ethnically or religiously based. Even party manifestos are nationally based, and hence they tend to marginalize local issues. Gaborone City councillors need not promise their electorate anything that is locally-derived. All they have to say is what their national party would do if it were elected to office. The concern, therefore, lies with control of the national government and not with the local authority.

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<sup>37</sup> Lekorwe, M., 'The Politics of Urban Governance and Management in Gaborone', *Botswana Journal of African Studies*, Vol. 12, Nos. 1 and 2, p. 77.

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<sup>38</sup> Lekorwe, M., 'The Politics of Urban Governance and Management in Gaborone', *Botswana Journal of African Studies*, Vol. 12, Nos. 1 and 2, p. 77.

The quality of local representation is perceived to be low because most Gaborone councillors have very little formal education, preventing them from understanding budgetary issues. Gaborone City Council has been very unsuccessful in its efforts to entice educated people to become councillors. Educated people tend not to be interested in becoming councillors because either the rate of remuneration is too low or the prospect of losing an election scares them. Yet, councillors complain that members of the educated elite and religious leaders hardly ever attend their meetings, and, therefore, that nobody engages in serious discussion.

Local democracy, however, is enhanced by the fact that all parties are free to campaign wherever they want. The only exception was when the BNF prevented the BCP from campaigning in Old Naledi in 1998—the BCP was formed by parliamentarians and councillors who broke away from the BNF that year. There is hardly any intimidation or violence; the peaceful political environment promotes local democracy. However, there is extreme apathy: most people do not attend council meetings.

### ***Participatory democracy***

The Full Council of Gaborone City Council and kgotla meetings that councillors address from time to time are open to the public. In addition, Full Council meetings are chronicled, even though the public might not be aware of it. And although meetings of the two bodies are advertised, unfortunately, the public, including trade unions, NGOs and churches, hardly ever attend, and hence there is little interaction with elected local politicians. As a result, the city council is not responsive to the needs of city dwellers. There are very few mechanisms via which city dwellers can register their complaints. The only option is to attend meetings addressed by the Minister for Local Government. But using such a central government forum to express grievances against the council damages rather than promotes local democracy.

Councillors feel compelled to be defensive in their response to such complaints and they tend to view residents as ‘informers’ of central government rather than as participants in the local democracy process.

Gaborone City Council recently launched *Kgetsi ya Tsie*, a publication in which it explains its operations and programmes. Copies of council development plans, budgets and progress reports can be acquired free of charge. But these documents are released at the same time as national versions, which grab the spotlight. In addition, there are not enough copies of municipal documents to satisfy public demand (production is the responsibility of the Ministry of Local Government, and it only disseminates the quantity needed by the local authority). Thus, city dwellers often do not know what is in council documents, including the budget and the urban development plan.

Although computers have been installed and networked, Gaborone City Council does not use e-mail and it does not have a website. This constrains local democracy, since there are no reliable and smooth communication links between the municipal authority and the public. In addition, the city council has not conducted any public surveys, held any local referendums or used focus group discussions to garner ideas and to gauge the support of city dwellers for its programmes. In addition, NGOs rarely carry out evaluations of council activities. Although BOCONGO is a member of the Urban Development Committee, it has never attended any of its meetings. In fact, NGOs prefer to interact with central government ministries and departments rather than local authorities.

The local democracy workshop revealed that most NGO leaders reside in neighbouring villages, as opposed to in Gaborone, meaning that effectively they have no right to participate in city-level democracy. In any case, councillors call meetings around 5.00 p.m. when everybody is on their way home. It is unlikely that NGO leaders would attend meetings addressed by councillors

outside of office hours. The key constraint on local democracy, though, is that all NGOs in Gaborone City are national rather than local in orientation; this is how they want to portray themselves. Attending city council meetings would imply that they are locally based and this could damage their image, both in the eyes of the nation and in the eyes of the international donors that sustain their activities.

Although NGOs, community-based organizations (CBOs), trade unions and churches hardly ever attend council meetings, and hardly ever involve themselves in local democracy activities, their activities at the national level do have an impact on local-level democracy. NGOs hold some of their workshops in Gaborone City, while churches hold Independence Day prayers, inter alia, at the national stadium or at Ditshupo Hall. City dwellers are invited to attend. NGOs and other organizations have also expressed concern about issues like human rights, gender equality, environmental protection, transparency and democracy. In addition, they have engaged in civic education initiatives, acted as watchdogs, and advised the central government on national policies that have ramifications for city residents.

### **Conclusion and recommendations**

This report has attempted to provide both facts related to, and opinions on, the state of local democracy in Gaborone City. It has also offered a historical account of the city's origins and its relationship with adjoining villages. It is evident that migrants make up a significant portion of the population of Gaborone City. Yet migrants care very little about local democracy.

The uneven roles of the central government and the municipal authority were highlighted as a central political issue during the local democracy workshop. The administration and provision of essential services to Gaborone City, such as water and electricity, are handled by central government ministries, departments and parastatals, leaving the municipal authority

with responsibility for 'marginal' matters like street lighting and the collection of waste. Central government dominance in relation to the administration and provision of services to Gaborone City is resented by the political and administrative wings of the municipal authority. Even political parties, NGOs, trade unions and churches marginalize local issues, preferring to portray themselves as nationally rather than locally oriented. City residents are marginally informed about the activities of the municipal authority, even those that are chronicled. The release of important municipal documents, such as budgets and urban development plans, coincides with that of national equivalents, further marginalizing local issues.

Neither the mayor nor council committee members are directly elected by the public. Although councillors prefer the current system of indirect election, the general public would prefer to have a directly elected executive mayor, who appoints senior municipal staff members, enjoys full control over the city council's income and has complete authority to levy taxes, and who runs a municipal police force with the power to arrest.

The workshop participants were divided into various working groups and asked to generate recommendations (see below). These were presented to, and discussed by, the entire workshop.

- There should be more decentralization of power. The local authority should be allowed to generate its own income and to manage its own budget. It should also be able to determine tax levels and to collect taxes. These are responsibilities that are currently handled by various central government ministries and departments.
- There should be an executive mayor who is directly elected by city dwellers. This would ensure that she/he is responsible to the electorate and not to councillors.
- Municipal and national elections should be conducted at different times. But, first, it should be determined whether

people would be interested in voting if there was such a separation.

- The local authority should come up with programmes aimed at empowering women and youth.
- The Gaborone District Office of the IEC should issue writ for municipal elections.
- The city council should have the power to enforce its own by-laws, including the power of arrest.
- Municipal staff should receive a higher level of remuneration in order to retain the services of experienced, skilled local personnel.
- In addition to Standing Orders of current duties, councillors should have a job description clearly stating what she/he is supposed to do, and to differentiate the role from that of a member of parliament. This would eliminate confusion regarding the responsibilities of the two sets of officials.
- The local authority should mount public education campaigns to encourage residents to highlight issues that directly affect them.
- More should be done to open up council business to city residents.
- The city council should devise a clear and effective system to receive and respond to complaints.
- The city council should have a fully-fledged public relations office that informs the public about council business.
- The city should be empowered to initiate and administer local referendums.

## Local Democracy in Lusaka, Zambia

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Many countries, the world over, are focusing seriously on building institutions aimed at enhancing democracy in particular and good governance in general. The way that cities and big towns are governed and their ability to deliver services effectively and efficiently to the public ordinarily serve as a model for the administration of smaller local authorities. The promotion of democracy and good governance tops the Zambian government's reform programme, and many stakeholders, including NGOs and other civil society organizations, are continuing to make informed contributions to this very important national process. It is important to note, however, that good governance at the national level cannot be achieved if the administration of local authorities does not reflect the basic tenets of democracy, such as transparency, accountability and autonomy to make key decisions.

The central role of an efficient and effective local government system in national development cannot be overemphasized. Human development in Zambia has suffered over the years, especially in the past 12 years or so. Yet, there is no debate on whether or not Zambians live in poverty. Zambia's qualification for funding under the Heavily Indebted Poor Countries (HIPC) initiative underscores the high level of poverty that prevails in the country. Until recently, corruption was not a major concern in Zambia, which is why the penal code was sufficient to deal with such matters. Unfortunately, however, from the 1990s, corruption became, and remains, a source of serious concern for the people of Zambia. The zero-tolerance stance on corruption taken by President Levy

Mwanawasa's 'New Deal' government constitutes official acknowledgement of the problem.

The prevalence of poverty and corruption has, among other things, resulted in the central government being unable to fund adequately local authorities. Corrupt practices by local authorities have meant that people's expectations with regard to the provision of services have not been met.

The introduction of multi-party politics and seemingly unsupportive local government legislation have, *inter alia*, created an environment in which local authorities have found it very difficult to function effectively and efficiently.

The information contained in this report, which is aimed at providing practitioners and specialists with a tool to evaluate the extent and quality of democracy at the city level, should, therefore, be viewed in the context of a tarnished national environment.

### *City in context*

#### **Geography and spatial features**

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Lusaka's topography comprises the rugged, higher **terrain** features of the north and the dolomitic subsurface conditions of the south. The man-made characteristics that have influenced the spatial layout of the city include the railway line that essentially divides Lusaka into two: the predominantly business/industrial area on one side and the residential district on the other. The Great North, Great East and Mumbwa Roads constitute a network that connects the major cities.

Other features include:

- agricultural smallholdings on the outskirts of the city;
- informal settlements in the peri-urban areas; and
- the discrete location of settlements, industrial areas and major transport routes (railways and roads).

Segregation has been a key feature of human settlement patterns in Lusaka: different levels of income and different social group status determine where people live. Asians in Madras, for example, rarely integrate into neighbouring communities.

High-density and low-density dwellers are also separated along economic and social lines. In high-density settlements, efforts have been made to bring people together in the pursuit of local democracy. Institutions like Residents' Development Committees (RDCs) have been established to promote the active participation of communities in local decision-making and development processes.

In Lusaka, there are over 30 public open spaces, several stadiums and two sports/recreational complexes, not to mention the Freedom Statue and the Cenotaph.

Religious and cultural gatherings must be formally approved by Lusaka City Council and normally conditions are attached relating, for instance, to the removal of litter after the event and the provision of portable toilets. Under Public Order Act CAP 113, furthermore, one has to notify the police at least seven days in advance of such a gathering.

In recent years, the Freedom Statue has also increasingly become a focus of protests and the site of political gatherings. Because of this the government recently reminded all citizens that the Freedom Statue is not to serve as the location for demonstrations or political meetings, but, rather, that it is reserved for events to commemorate national occasions, such as Youth Day and

Labour Day.

### **Demography, social structure and social relations/heterogeneity of population**

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According to the Central Statistical Office, the population of Lusaka currently stands at 1,084,703, of which 549,020 are male and 535,683 are female. The change in the size of population between 1990 and 2000 (when census exercises were carried out) amounted to 323,639, representing an increase of 42.5 per cent. However, population growth in Lusaka over the next 10 years is estimated at 3.6 per cent per annum. It should be noted that the city's population increased by 94.1 per cent and 5.9 per cent as a result of natural growth and migration respectively. The Central Statistical Office does not categorize information according to age at the district level. Hence, it is not possible to know what proportion of the city's population is, for example, under 15 or over 65.

There is no information available on rural to urban and urban to urban migration, but 504,376 people (37.6 per cent) were recorded in the 2000 census as in-immigrants, while 220,650 people (16.5 per cent) were recorded as out-immigrants, giving a net migration figure of 283,726 (21.5 per cent). It is assumed, therefore, that one out of every 17 persons in Lusaka is a migrant. The reasons offered to explain the rate of in-migration are the diversified economy (giving rise to comparatively more employment opportunities) and the increase in the number of colleges. Similarly, no figures are available for cross-border migrants, although their physical presence is noticeable, especially those involved in cross-border trade in what is known as the Common Market of Eastern and Southern Africa (COMESA). A few have likely come from countries and areas plagued by civil strife, such as the Democratic Republic of the Congo (DRC), Angola, and the Great Lakes.

The official language of Zambia is English.

However, most resident of Lusaka (39 per cent) speak Nyanja, Bemba (15 per cent) and Tonga (six per cent). Those who speak other languages, including English, constitute four per cent of the population, while those who speak Lozi, Tumbuka and Mambwe make up 2.2 per cent, 1.7 per cent and 1.1 per cent respectively.

The ethnic composition of the city consists primarily of black Africans, Europeans, Asians from the Indian subcontinent, and Chinese. The main religions are Christianity, Islam and Hindu.

It is important to note that the Zambian government has promoted the principle of equality before the law, including the choices that people make in terms of their religious affiliation. What this means, in effect, is that no due preferences are given to any groups in relation to affirmative action.

Black Zambians, who make up approximately 95 per cent of the population, have dominated political life, whereas Europeans and Asians from the Indian subcontinent have dominated the economic space. The latter situation has heightened the frustrations of the indigenous Zambian population, as well as its sense of marginalization. It is important to note, however, that the poor tend to be underrepresented in economic and political decision-making forums. Generally, Europeans and Asians are considered to be substantially richer because they control the country's economic machinery. Indigenous black Zambians, meanwhile, are considered poor. The well-to-do people in this category tend to have salaried jobs and constitute the majority in small- and medium-sized enterprises. Most of the people in this category, though, live in abject poverty.

#### **Social-economic base/municipal finance**

The manufacturing, financial, transport, farming and retail industries are the most important industrial sectors in Lusaka. It is estimated, though, that only nine per cent of the city's population is engaged in formal

employment. Another significant factor is that the local economy is drifting towards the private sector and self-employment. Independently, Lusaka has become a consumption-based and highly commercial city, with manufacturing and production taking place in the background.

The change in economic activity has created a society of haves and have-nots. Over two-thirds of city residents are poor (70 per cent), while 30 per cent are either of average wealth or rich. While the poor have little or no access to basic services and amenities, the rich are being catered for.

Due to the privatization of companies that has occurred in Zambia, the city has seen more people become self-employed. The majority conducts cross-border trade with neighbouring countries within the framework of COMESA.

As a proportion of the total working population, the proportion of self-employed persons increased from 27.3 per cent in 1990 to 39.7 per cent in 2000. Correspondingly, the proportion of employees decreased from 30.6 per cent in 1990 to 18.3 per cent in 2000.

In general, unemployment is still very high in Lusaka, with youth making up a large percentage of those out of work. The 2000 census reported that 22.6 per cent and 20.8 per cent of youths aged between 15 and 19 years and 20 and 24 years respectively were unemployed. Overall unemployment rates are higher for males. A significant proportion of income is generated by the self-employed, through small-scale industrial activity and trading. Fewer people in the city earn a living from formal employment. There are only 80 small-to-medium-sized enterprises in the city. Poverty levels in the country are quite high, as exemplified by, among other indicators, the national economic dependency ratio of 79 per 100 persons.

It is clear that social-economic inequalities do exist in Lusaka, just like in any other part of the country. However, there is no reliable



empirical data.

According to the *Zambia Human Development Report 2003*, poverty increased from 69.7 per cent in 1991 to 72.9 per cent in 1998—the last year that the Central Statistical Office carried out a national survey to assess living conditions in Zambia.

Information on the poverty rate of various social groups at the national and city levels is not available. Traditionally, however, the elderly have been held in high regard because of their perceived wisdom and experience. The proportion of the population that is over 65 (elderly) stood at 2.9 per cent about 300,000 people nationwide. The number of people who are vulnerable due to neglect is less.

Meanwhile, the youth does not have access to the assets needed to carve out a decent livelihood. As a result, it is prone to food insecurity and high levels of poverty. To address this problem, Lusaka City Council runs skills development programmes. The objective is to equip youths with the skills needed to head their own small-scale businesses. Several NGOs also run skills development programmes for the youth.

Due to its location and the fact that it is the capital and seat of government, Lusaka plays a very significant role in the socio-economic life of adjoining rural and urban areas. It provides a ready market for agricultural and other goods.

In Lusaka, like in most other towns and cities across the country, only a few people own cars. Consequently, most people use public transport to commute to and from work. While no formal data is available on the number of people who live outside the city and travel daily into Lusaka to work, it is estimated that about five per cent of the population commutes from outside the city's boundaries every day.

The city's economy is very closely tied to economic activity in surrounding rural areas. The council, for example, derives a significant amount of revenue from the city

market. Most of the agricultural produce comes from the surrounding rural areas. There is no doubt that these areas provide food security for city residents.

Like anywhere else in the world, the distribution of land is a very sensitive matter in Zambia. Although there is no proper data on legal land disputes, the local authority has reported a rise in the number of complaints that are put before the courts, involving allocation and ownership. Most land disputes are dealt with by institutions like the Lands Tribunal, Magistrates' Courts and even the High Court. No mechanisms exist at the council level to settle land conflicts.

Anti-social activities, including violent crimes, such as rape and murder, and non-violent crimes, such as fraud and corruption, are both a source of serious concern for both citizenry and the government. Although reliable data are not readily available, the city has seen a significant rise in most of these practices. The number of media reports on such crimes serves as an indicator of their prevalence in the country.

It is important to note, however, that political violence was only recorded during election campaigns. The root cause of political violence in Zambia is the behaviour of politicians, who often take advantage of the level of poverty and/or ignorance among the populace. Such politicians often distribute foodstuffs and other material items to party cadres during election campaigns, a situation that frequently results in violence between supporters of different political parties. The Electoral Commission is usually responsible for dealing with political violence. However, relevant electoral laws do not grant it the power to apprehend and prosecute culprits. At best, the Electoral Commission can report cases of malpractice to the law enforcement agencies. Some NGOs are working to make people aware of the negative impact of political violence and the need to ensure that representatives are elected on merit.

The annual budget of the city is 46.5 billion

kwacha. As this is a balanced budget, expenditure is equal to revenue. The city's major sources of revenue include property rates, ground rent, trading licences and bill board advertising. The city raises 100 per cent of its revenue on its own: it does not receive grants from the central government.

	1998	1999	2000
Current prices (thousands of kwacha)	597	733	978
Constant prices (thousands of kwacha)	234	237	243

The infant mortality rate shows the number of deaths of infants aged less than one year per 1,000 live births per annum. The data below is for Zambia as a whole and covers the last three census years: 1980, 1990 and 2000. No data is available for the district level.

Year	Infant mortality rate
1980	99
1990	123
2000	110

The health sector, like most other social sectors, is not doing well. Effective and efficient delivery of health services in the country has remained a pipe dream, especially for the majority of citizens who depend on public health institutions. Although data are not available for the district level, the fact that there is only one doctor for 7,500 people in the whole of Lusaka Province underscores the gravity of the problem.

The number of kindergartens/nurseries in the city has mushroomed in the recent past, but, unfortunately, no statistics are available to ascertain the exact number.

Over the years, there has been a fall in standards in most institutions of learning. A number of trained teachers are without a job because the government lacks the financial capacity to absorb them into the system. Consequently, there are only two teachers per 1,000 inhabitants, a situation that is

## Development and social indicators

Data on income per capita is not available for the past three years, but the figures below for 1998, 1999 and 2000 clearly highlight the economic problems that many citizens face.

clearly not conducive to sustainable national development.

Poverty in Zambia has had an adverse impact on many aspects of human development, including education, life expectancy and health. The following facts, as reported in the *Zambia: Human Development Report 1999/2000*, paint a very gloomy picture.

Life expectancy in Zambia fell from 55 years before 1990 to 37 years in 1998.

Some 15 per cent of children do not have access to basic education.

It should be appreciated, however, that statistics that touch on certain aspects of human development are sometimes a source of controversy. This is due to the vested interests of some individuals, groups of individuals and even institutions. It is within this context that seeming disparities should be viewed. According to the Central Statistical Office, the figures below indicate life expectancy and literacy rates in the last three census years.

Life expectancy		
	Males	Females
1980	52	53
1990	46	48
2000	48	52

Literacy		
	Males	Females
1990	76.2	56.3
2000	76.6	58.3

## **Representative democracy**

### **National and legal frameworks**

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Local government elections are held every three years; by-elections are held to fill a vacancy as and when is necessary. Councillors are elected from electoral wards in each district and hold office for three years. The Local Government Electoral Commission, established under the 1991 Local Government Elections Act, is responsible for supervising the conduct of polls. The costs incurred by the Electoral Commission in the course of conducting an election in any council ward are met using monies appropriated by parliament for this purpose.

To be a candidate in local elections one must be a Zambian citizen, aged 21 years or more, resident in the council area, and in possession of a valid voters' card and a national registration card. A candidate may be sponsored by a registered political party or may contest local elections as an independent provided that he/she is duly proposed and seconded with the support of not less than seven other people, each of whom must be a voter registered in a polling district in the respective ward.

The 1991 Local Government Act and the Local Government Elections Act, plus relevant amendments, provide the institutional frameworks for the administration of local councils and the holding of local elections respectively. The current legislation does not provide for specific gender representation in terms of quotas. There are, however, calls, especially from various NGOs that champion the empowerment of women, for the Zambian Constitution to be amended to provide for 30 per cent female participation in all decision-making forums, as well as in the electoral process.

The Local Government Elections Act does not explicitly specify the type of electoral system to be employed in local elections. Section 54, though, provides that the

candidate who receives the majority of votes shall be declared the winner. National legislation does not offer any details on the size and structure of local councils. However, the minister responsible for local government may, by statutory order, establish for any district, a city council, municipal council, district council, township council, or management board. It is important to note that, generally, city councils are responsible for densely populated urban areas. The scope and complexity of service delivery in these zones is much greater than in the areas managed by municipal councils and, especially, in the predominantly rural areas managed by district councils.

According to legislation, an established resident of Zambia—that is, someone who is a tax payer, has resided in the council's area of jurisdiction for a minimum of three years and who is at least 18 years of age—is eligible to vote in local elections. By implication, this means that foreigners are eligible to vote in local elections. In practice, however, only Zambian nationals take part in national and local polls. In terms of restrictions, the legislation stipulates that no person shall be entitled to vote if he/she:

- has been convicted of a corrupt or illegal practice in the five years preceding the election;
- has been found guilty by a court of a corrupt or illegal practice in the five years preceding the election, following a trial based on an election petition filed under the Local Government Elections Act; or
- is in lawful custody at the time of the election.

No measures have been instituted to increase the representation of disadvantaged groups, so as to ensure their inclusion or equal status in local government institutions.

The election of a candidate in local elections can be questioned via an election petition, as provided for in the Local Government Elections Act. According to the latter, the

election of a candidate to the position of councillor shall be deemed void on any of the following grounds, which must be proved in court.

- As a result of corrupt practice committed in connection with the election or any other form of misconduct the majority of voters in a ward were or may have been prevented from electing their preferred candidate.
- There is a situation of non-compliance with the provisions of the Local Government Elections Act, and such non-compliance affected the result of the election.
- Corrupt and other kinds of illegal practices occurred with the knowledge and consent of the candidate or his election and polling agents.
- At the time of the election, the candidate was not qualified to serve as a councillor.

It is important to note that the Electoral Commission is not empowered to deal with electoral malpractice issues before and during elections, including disqualifying candidates who breach electoral regulations. This means that an aggrieved person can only contest an election result and/or highlight cases of electoral malpractice in a court of law after the election. In 2001, a candidate of the Forum for Democracy and Development (FDD) who lost to a candidate from the ruling Movement for Multiparty Democracy (MMD) in one of the wards of Lusaka contested the result in court. The court ordered a re-run of the election and the FDD candidate subsequently emerged as the winner. Generally, however, the petitioning of local election results is not as common as it is for parliamentary election results. One key explanation is that victory in a local election is not as financially beneficial as it is in a parliamentary election, hence losers do not seem to have an incentive to ensure the administration of justice.

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## **Electoral system design and performance**

The first-past-the-post electoral system is employed at both the local and national levels. Due to the splitting of votes, some candidates have won an election without acquiring a majority. In most cases the FPTP system works to the advantage of the ruling party, especially in situations where many opposition parties are contesting the same seat.

The 1992 and 1998 local elections resulted in councils dominated by the ruling MMD. However, the 2001 tripartite elections produced a completely different outcome, as entire councils went to either the ruling MMD or to the opposition. The Lusaka City Council, which was hitherto dominated by the MMD, went to two opposition parties: the United Party for National Development (UPND) and the FDD.

With regard to transparency, the electoral system ensures the publication of the names of the individuals participating in the election, information on the sponsoring political party (or whether the candidate is an independent), and details on the campaign and ballot symbol of the candidates. Individual political parties have their own criteria governing the adoption of electoral candidates. What this means, in effect, is that voters choose from those who have been selected by the political parties. Except in a few isolated cases, the above situation has tended to result in the election of candidates on partisan grounds rather than on merit.

It is pleasing to note that the electoral system does not contain an in-built mechanism that would tend to exclude systematically some important social groups. However, the lack of a requirement for a minimum level of education has resulted in a number of low calibre candidates participating in polls, especially for rural-based local councils. Given the critical roles that councillors play in the administration of local councils it is very important that

such individuals do possess a reasonable level of education. This would not only enhance their overall performance but also help to command a measure of respect from the officials that they appoint to administer the councils. A commission of inquiry noted that operations of councils had been hampered by the inability of some councillors to understand their functions and responsibilities as policy makers. To enhance their calibre, the commission recommended that the local government elections Act of 1991, be amended so that a person wishing to stand as councillor should not only be conversant with the English language, but should have passed Grade 9 or Form 2. The government, however, rejected this recommendation'.<sup>39</sup>

Despite the government's rejection of the recommendation that councillors have a minimum level of education, this subject has continued to occupy the minds of many stakeholders. Transparency International-Zambia (TIZ), for example, reiterated the suggestion that councillors possess Grade 9 level education in its recommendations to the Minister for Local Government and Housing, which seek to make local authorities more effective, transparent and accountable.<sup>40</sup> The National Decentralization Policy, recently adopted by the government, does not, however, make reference to this very important subject. It seems clear that the status quo is to be maintained. However, the Local Government Association of Zambia (LGAZ) has reiterated the Grade 9 education recommendation to the Electoral Reform Technical Committee (ERTC), which is currently receiving submissions from the public.

In light of the use of the FPTP system, the result of an election mainly depends on

factors like the popularity of a political party and/or the individual candidate, and the perceived performance of the ruling political party. Parties concentrate on issues that are critical to the social and economic welfare of society in order to court certain segments of the voting population. Political parties, for example, have attempted to attract the support of students at institutions of higher learning by promising to improve falling standards of education in these institutions. Similarly, political parties may curry favour with farming communities by promising, for example, higher produce prices and, in some instances, subsidies for agricultural inputs.

In the past three local elections, the principal campaign issues have included the provision of clean and safe drinking water, the supply of adequate market stalls, the upgrading of squatter compounds, the maintenance of existing roads and the construction of 'feeder' roads to enhance agricultural activity and the eradication of corrupt practices from the general administration of local authorities, especially with respect to the allocation of plots of land. For Lusaka City Council, the tackling of these issues is fundamental to ensuring good governance in general and improved standards of living for residents in particular. It should be noted, however, that all of these issues are highlighted to the same extent in national-level political campaigns.

The city of Lusaka is divided into 30 wards for electoral participation purposes. Normally, attempts are made to ensure that the wards reflect equality in terms of their physical size and their population size. However, differences in the natural terrain and, in some cases, the location of national infrastructure have an influence on population settlement patterns. It is normal, therefore, for some wards to be similar in regard to their physical size, yet significantly different in relation to their population density. For this reason, some wards have more polling stations than others. In the past three years, there have not been any disputes over the demarcation of wards in Lusaka. However, complaints have been

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<sup>39</sup> Republic of Zambia, 'Government Paper No. 1', (Lusaka, 1994).

<sup>40</sup> Transparency International-Zambia, 'Making Local Authorities More Effective, Transparent and Accountable', (Lusaka: Transparency International 2003).

made in some rural districts that some wards are too vast, making it very difficult for effective interaction to take place between councillors and the electorate. Such complaints have been discussed in various forums and have been brought to the attention of the Electoral Commission.

### **Party System**

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The major parties that are registered and actively participate in local political contests are the ruling MMD, the FDD, the United National Independence Party (UNIP) and the UPND. With regard to membership, it is important to mention that the period following the 2001 elections witnessed several resignations and instances of floor-crossing, especially from the opposition parties to the MMD.

Political parties, therefore, experience serious difficulties in trying to determine the exact size of their membership base. Only the MMD provides a current estimate of the size of its membership: 23,207. Estimates for the UNIP (between 2.7 and three million), the UPND (two million) and the FDD (1.5 million) are said to be based on the situation that existed just prior to the December 2001 tripartite elections. With the exception of the MMD, there seems to be an element of exaggeration in the estimates of the political parties. The combined membership of the four political parties is estimated at not less than 6.2 million. This figure is clearly unrealistic, given that there were only 2.6 million registered voters and some 4.7 million eligible voters in 2001. Granted, some members may not be registered voters, but the discrepancies appear to be glaring.

Three political parties are represented on Lusaka City Council: the FDD, with 15 councillors and five MPs; the MMD, with two councillors; and the UPND, with 12 councillors and two MPs.

There are no significant differences with regard to the campaign platforms of the various political parties. By and large, differences are to be found in how

individual parties intend to deal with the same issues. There are no political parties based along ethnic and/or religious lines, although sometimes unsubstantiated accusations are made regarding the existence of tribal parties.

The process of selecting candidates for local elections is basically the same for most, if not all, political parties. Usually, a party committee at the grassroots level, such as a constituency, ward or section, recommends a candidate to a national executive committee, which will ratify and then adopt the nomination. In some cases, primary elections are held to select a candidate to be recommended to the party committee at the national level. National executive committees basically endorse the selected individual, except in very rare circumstances, such as when a person is being investigated in connection with matters related to national security or crime. In other words, the choice of candidates is really the preserve of local political party institutions.

There are no specific rules governing the financing of political parties at the national or local levels. Individual parties raise funds through membership fees and business ventures and sometimes they receive donations from well-wishers.

In Zambia, the party leadership and the contesting of elections generally appear to be the preserve of men. In the past three elections, on average, there were less than 10 per cent of female representatives at the local level. During the 1998 local government elections, for example, of 3,148 candidates, only 195 were female, and, of these, only 81 managed to win seats as councillors, compared with 1,206 males. The situation was the same in 1992 and 2001.

The change in the composition of the governing majority on Lusaka City Council, following the December 2001 tripartite elections, was merely a reflection of people's loss of confidence and trust in the MMD rather than the result of councillors 'crossing the floor' or political parties shifting their

allegiances. This general loss of confidence and trust in the MMD was reflected even in the outcome of the parliamentary and presidential elections: more opposition members acquired seats (81) in the National Assembly than representatives of the MMD (69); and President Levy Mwanawasa won the poll with only 29.1 per cent of the vote. Due to opposition MPs crossing the floor in the past two years the ruling MMD now commands a reasonable majority in the legislature.

Local authorities in Zambia use the Councillor–Committee System to manage and administer councils. It is the equivalent of the ‘weak’ mayoral council arrangement that is employed to administer certain city governments in the USA—the mayor is elected from among councillors and not by the city at large. What this means, in effect, is that the mayor owes his/her allegiance to voters in his/her respective ward and to fellow councillors who subsequently elected him/her as mayor. Under this system, therefore, the mayor is not independent of the council and political parties, especially the party that sponsored his/her campaign to join the council.

FDD and UPND councillors, who make up an overwhelming majority on Lusaka City Council, have enjoyed very good working relations over the past 12 months. As a result, there have not been any cases of significant deadlock on any major policy issue. It is worth noting that council reports indicate clearly that the two MMD councillors have not encountered problems getting their ideas across just because of their minority status. Generally, the three parties on the council have worked very closely and seem to be more focused on the development challenges that confront the body than on squabbling in order to score cheap political points.

In Zambia, women constitute approximately 52 per cent of the population. It is clear, though, that they are not adequately represented in decision-making forums at all levels, including in the numerous political party institutions.

Consequently there is great pressure from women’s civil society organizations for legislative reforms that will guarantee at least 30 per cent female representation in Zambia’s various institutions.

### **Elected officials and council administration**

The mayor is elected from among serving councillors by serving councillors. Hence, the mayor appears to be more accountable to councillors than to the electorate.

In Zambia, the position of mayor is a ceremonial one. Nevertheless, it is by no means a powerless office, especially when it comes to the political party hierarchy. In the past 10 years, it has been claimed that the mayoral candidate, especially in the major, influential cities, such as Kitwe Livingstone, Lusaka and Ndola, has been pre-selected by ‘plot one’ (referring to State House (the presidential residence) and that the voting process is normally just a show.

This can certainly not be disputed entirely, bearing in mind that, although Zambia is a multi-party state, the ruling party dominates the government machinery and its assets. In relation to the election, or ‘appointment’, of the mayor, little consideration seems to be given to his capacity or ability to understand developmental issues. What appears to be paramount is party affiliation. There have, therefore, been many allegations of bribery and other forms of abuse, especially that the district party chairman also has some influence over who becomes mayor. That plot one exercises influence over mayoral elections in situations where opposition parties dominate the council is a debatable point, but it cannot be dismissed.

Due to the reasons cited above, and many others, the electorate, over the past five years or so, has been calling for changes to the system of electoral administration. People want the mayor to be elected by the entire polling district and not just by a group of councillors, the members of which belong to one or two political parties. The National Decentralization Policy, which has yet to be

launched and implemented officially, recommends such an election model for the office of mayor. It should be noted, though, that the relationship between the mayor and the council is governed by the Local Government Act and Lusaka City Council by-laws.

The Local Government Act grants the Minister for Local Government and Housing the power to suspend the mayor if there is any suspicion of abuse of office. The Full Council also has the power to suspend or even to impeach the mayor if abuse or misuse of authority is proved. In the past few years, the Minister for Local Government and Housing has exercised this power not only in response to cases of abuse of office but also as a weapon to curtail opposing political views. However, there are currently no provisions for holding the mayor directly accountable to voters.

In order to enhance the effectiveness and efficiency of council operations newly elected councillors receive general briefings on the following topics.

- How to conduct business in the Full Council.
- How to conduct themselves while in the Full Council.
- How to conduct business in committee meetings.
- Development processes.
- Financial regulations.
- The role of a councillor in a ward.
- Standing Orders. These outline the operational procedures that must be followed, such as acceptable conduct, declaring interest where necessary and how to relate to council management and members of staff. They also contain terms of reference for all council committees and advice on how to access information.

Lusaka City Council, which consists of 30 councillors and seven MPs, has four main committees (Finance and General Purposes, Establishment Plans, Works and Development, and Housing, Licensing and Social Services), which are composed of

elected councillors and selected eminent persons. As of March 2004, eight directors and a 2,200-strong workforce were working to provide the town clerk with administrative support. With regard to the responsibilities of the council's principal officers, the town clerk, as chief executive officer, has overall responsibility for general administration and the day-to-day activities of the council. The Directors of Administration, City Planning, Engineering Services, Valuation and Estate Management, Public Health and Social Services, Legal Services and Finance are responsible for human resource management, city planning, engineering and infrastructure, city valuation roll and council estate, sanitation and the provision of social amenities, legal matters and financial management, respectively.

Management meetings are held every two weeks to consider issues presented by the various directorates. After due deliberation, recommendations are made to appropriate council committees, which either reject them, defer them until further clarification is obtained, or recommend them to the Full Council for approval. The Full Council meets monthly to consider the recommendations and to attend to other policy matters. Approved recommendations are forwarded to the council management for implementation. It is important to note that the office of the town clerk has the power to make administrative decisions, which can later be ratified by an appropriate committee during its regular meetings or an extraordinary meeting.

In the past, a great deal of criticism has been levelled at council operations by opposition parties, the media, civil society, NGOs, churches and the general public. The criticism has mainly centred on the council's inability to provide services, even though it has been vigorously collecting (and revising upwards) levies and rates from citizens. The perception is that all of the money raised is spent on supporting the bloated public sector workforce. Discussions with relevant Lusaka City Council staff revealed that less than 20 per cent of the funds go direct to



services—demonstrating perhaps that citizen and civil society perceptions may not be baseless.

There has also been significant criticism of the council's decision-making process, especially relating to the fairness of land allocation. Many shady deals and arrangements have been exposed. In fact, a number of citizens have said that the major reason why many people want to become councillors is connected to the control and allocation of land.

The council has also come under attack for not strictly enforcing conditions linked to the granting of planning permission. Citizens have evidence of buildings approved for residential use being used for commercial purposes. Worse still, buildings are built in places where they are not supposed to be and remain there for many years.

According to the Local Government Act, the city council is obliged to provide services to the city. It is, therefore, the responsibility of the city council to regulate and oversee any organization or agency that is providing services within its jurisdiction. Through the Department of Public Health, Housing and Social Services, city departments and agencies are compelled to submit reports to the council.

In the past few years, especially as a result of its dwindling resources, the council has worked with various agencies in more of a partnership than a supervisory capacity. For example, the council has been chairing the Steering Committee set up to make developmental decisions in unplanned settlements, funded by CARE International in Zambia. The council is also at the centre of the Sustainable Lusaka Programme, a solid waste project funded by myriad agencies, and the Chaisa settlement land tenure project.

Currently, there are no mechanisms to evaluate the performance of elected officials between polls. Many members of the electorate only see them just before the next election. Brilliant development ideas are

mooted but implementation is usually not realized. One resident commented: 'if we had elections every year, maybe we would have developed faster'. The city, however, has a five-year strategic plan (1999–2004), which was revised two years after it was implemented. Non-adherence to the strategic plan and its related outputs constitutes a major weakness with regard to the effective operation of the city council. Departments function as though this document does not exist. If any outputs are generated, it is purely by chance. The council plans to set up a development coordination unit that will monitor and track progress towards meeting objectives and will hold departments responsible for reaching targets that they have set.

As regards the censure of elected officials, following the introduction of a motion by the mayor, the council forms an ad hoc committee to look into the allegations. The committee submits its findings to the council for debate. It is only after the debate that the council hands down punishment, which may amount to suspension or even expulsion, depending on the gravity of the offence.

The Local Government Act 1991 CAP 281 Section 14, provides for a seat to be declared vacant if a councillor is found to have engaged in unacceptable behaviour, such as receiving/giving a bribe, or missing three consecutive meetings without explanation. Standing Order 64 of Local Government Act 1991, Section 26, also outlines punishments for disorderly conduct, including being removed from a meeting. Standing Order 46 provides for a code of ethics. It is worthy noting that, in 2000, three councillors were suspended for six months for illegal land allocations.

### ***Representative democracy: processes***

#### **Election administration**

The voter's roll is managed and maintained by the Electoral Commission, which is also responsible for designing ballot papers. The

town clerk is an agent of the director of elections and presides over the nomination process. Party and candidate certification is the responsibility of the Electoral Commission, which also has to ensure that a political party is registered with the Registrar of Societies before accreditation is granted. The town clerk receives candidate nominations from the political parties. Candidates must have at least 10 supporters to qualify for nomination. The counting of ballot papers takes place at polling stations, but the winner is only announced after the results have been verified at a central location. The president nominates the Electoral Commission. Members have to be approved by parliament and thus are responsible to it.

Only accredited outside observers can monitor and assess unreservedly the extent to which elections are free and fair. Each monitor is allocated a polling station. Listed below are the respective national and international organizations that, in the past three years, have been allowed to monitor elections.

- The Forum for Democratic Process (FODEP) and the Zambia Independent Monitoring Team (ZIMT).
- The Carter Center and the European Union.

The current administrative framework has generally resulted in less than free and fair elections. Some of the many allegations that have been made, especially by the opposition, are set out below.

- That the ruling party has stuffed ballot boxes with completed forms.
- That the ruling party has selected returning officers who are sympathetic to its views.
- That the ruling party has swapped ballot boxes while they were being transported to counting centres.

The town clerk receives many complaints during an election. It should be noted, however, that complaints made following the announcement of the election result can only be dealt with by the High Court. As a result, many petitions have been filed, some

of which have led to a by-election a few months later. The outcome of the 2001 presidential election is currently being debated in the High Court.

Perhaps the only success in relation to the current electoral administration process is that, for the most part, the electoral calendar has been observed. Areas in need of improvement include those set out below.

- The need to use transparent ballot boxes to counter allegations that ballot boxes are stuffed in transit.
- The size of the polling districts is too large, resulting in low voter turnout. Discussions with electoral sources have revealed that, in certain polling districts, voters have to walk for more than three hours to get to a polling station.
- The need to enforce the code of conduct. This will help to reduce the number of litigations and by-elections, which are a waste of national resources and perhaps also contribute to voter apathy. It will be necessary to identify a specific organ to handle this in order to eliminate the confusion witnessed in the last elections. The police and the Anti-Corruption Commission both underlined that it was not their responsibility to enforce the code, while the Electoral Commission does not have the capacity to do so, even if it wanted to.

Currently, an ERTC, appointed by the government, is travelling around the country garnering the views of citizens on how the electoral process can be improved. The ERTC has 15 terms of reference, which are listed below.

1. To analyze and make recommendations regarding the legal framework of the electoral process.
2. To examine legislation that impacts on the electoral process, such as the Public Order Act and relevant media laws.
3. To scrutinize the electoral code of conduct and to recommend necessary modifications in order to establish suitable and efficacious electoral rules.
4. To assess the electoral system and to

recommend desirable or necessary amendments so as to ensure the democratic conduct of general or local government elections.

5. To study the role and responsibilities of the Electoral Commission and government institutions and departments involved in the electoral process (Ministry of Home Affairs, Ministry of Local Government and Housing and Ministry of Legal Affairs).
6. To examine the composition of the Electoral Commission and to make recommendations on how to ensure its independence, particularly during an election.
7. To examine the institutional and managerial capacity of the Electoral Commission in relation to the management and organization of the electoral process and to identify possible constraints.
8. To identify on the basis of item seven, the organizational, managerial, legislative, financial and administrative needs of the Electoral Commission to ensure democratically sound, transparent and fair elections in future (for example, the training requirements of Electoral Commission staff on the ground and improvements in logistics).
9. To review voter registration procedures and to examine the effectiveness and feasibility of continuous registration and the issuance of national registration cards.
10. Consequent to item nine, to examine and recommend effective methods to capture all eligible voters on the voters' roll.
11. To conduct broad consultations with national stakeholders—political parties, non-governmental organizations and members of the donor community—and to make recommendations regarding coordination, so as to ensure that activities are conducted in a consistent and complementary way.
12. To examine and make recommendations on whether the date of the general election should be specified in law.
13. To examine and make

recommendations on the necessity of establishing an electoral tribunal.

14. To assess and make recommendations on any matter connected with or incidental to the above terms of reference.
15. To recommend to government a programme for the implementation of electoral reforms based on the above terms of reference.

It is well known that voter apathy has an adverse impact on efforts to enhance democratic governance in the country. Although there are no specific recommendations that highlight innovative or effective ways potentially to increase turnout in local-level elections, many NGOs and civil society organizations are very concerned about the matter and are involved in making communities aware of the importance of elections to national development. The ERTC's broad consultations with key stakeholders, including NGOs, are expected to yield positive results with regard to strategies to increase voter participation.

#### **Evaluating voter participation**

Voter turnout rates are estimated to hover at around 10 per cent, but could possibly be as low as five per cent. The situation during national elections is significantly different. Voter turnout in the 2001 national election was calculated at over 75 per cent. The minimum voting age is 18 years, although 16 years has been set as the age at which one can obtain the national registration card, one of the documents required in the voting process. Recommendations have already been made to the Constitutional Review Commission to address this point of confusion.

More women than men vote in rural areas (an estimated ratio of 70:30). It is the opposite in urban areas. The difference has been attributed to what one election official has termed the 'commercialization of elections'. This is where candidates either bribe young men to vote for them.

Information provided to voters on the conduct of elections covers, for example, election dates and venues (polling stations), voter eligibility, required documentation, and how/where to obtain such documentation. Announcements are made on radio, television and in newspapers. Posters are also distributed. Announcements on the radio are made in the seven major local languages, including English. The Electoral Commission and various NGOs conduct sensitization campaigns to make citizens aware of the importance of voting. The council complements these efforts by announcing where the different polling stations are before and on the day of the election. But its role is limited.

Generally, no specific steps are taken to alleviate potential problems or to remove barriers that disabled voters or the elderly might confront. Nor are measures introduced to ensure equal access for all eligible voters.

## ***Participatory democracy***

### **Local authorities and participatory democracy**

#### ***Openness***

Members of the public are only allowed to observe the monthly meetings of Lusaka City Council. Although all such engagements that have taken place over the past 12 months have been open to the public, research has revealed that there is no effective method of notifying people of the date and time of the event. The only occasion when the public was notified of a meeting was when elections for the mayoral office were held. However, the council's Public Relations Unit provides private and government media representatives with the dates and times of council meetings (these people are usually present).

Over the past 12 months there has not been a hearing to which the public has been invited. But in 2000 the Minister for Local Government and Housing constituted an ad

hoc committee to investigate allegations pertaining to the improper allocation of land for development by some councillors. The committee's terms of reference are set out below.

- To investigate allegations of improper land allocations levelled against suspended councillors.
- To investigate generally, all cases of improper land allocations within the area of jurisdiction of Lusaka City Council.
- To determine the causes that led to illegal land allocations.
- To make recommendations for dealing with offenders.
- To make recommendations on an appropriate system of land allocation.

In order to meet these objectives, the committee involved itself in various activities, some of which are listed below.

- It received submissions from the suspended councillors.
- It received submissions from other councillors implicated in illegal land allocations.
- It received submissions from council staff implicated in illegal land allocations.
- It received submissions from persons outside of the Lusaka City Council establishment who were implicated in illegal land allocations.
- It received and considered written and oral submissions from members of the public.
- It compiled a report for submission to the Minister for Local Government and Housing.

The Committee established that three of the seven suspended councillors had engaged in improper and illegal conduct and recommended that disciplinary action be taken against them in keeping with the provisions of the Local Government Act and other relevant statutory regulations. The committee also established that two of the other implicated councillors, as well as some political party officials and council staff

members, had engaged in improper conduct.

The committee made a number of recommendations in regard to punishment, including barring offending councillors from holding office in future and dismissing guilty staff members.

Since committee meetings are confidential, there is limited scope for members of the public to convey their views on local governance matters. The only effective way is through the RDCs, of which councillors are members. However, the RDCs are only active in peri-urban areas. Another drawback is the lack of established meeting places where councillors can interact with the electorate and be made aware of its views on local governance issues.

### ***Transparency***

The only documents that members of the public can obtain for a nominal fee are minutes of council meetings, a copy of the approved annual budget, and information on the availability of land for development, which is usually advertised in the media and on public notice boards in council offices.

Lusaka City Council has just developed a website ([www.lcc.gov.zm](http://www.lcc.gov.zm)). The website is expected to provide information on the council and Lusaka generally, as well as on various other matters, including those concerning governance. The council is currently promoting the website with a view to improving its efficiency and the level of accessibility. Due to lack of financial resources, however, the council is not in a position to set up information kiosks to facilitate increased public access to information.

The budgeting process involves meetings of various spending committees, which are not open to the public. This means that the process is not as transparent as would be desirable. The only chance the public has to provide input is during the council meeting at which the budget is formally approved.

As regards city contracts, a Local Tender Committee has been established, in accordance with the law, which deals with

all aspects of procurement. The committee is composed of all of the council's departmental heads and one member of the Christian Council of Zambia and one member of the Lusaka Chamber of Commerce and Industry. The two outsiders are expected to be at all meetings of the committee, otherwise it cannot be in session.

The law imposes a limit on the amount of goods and services that can be procured. The council's Purchasing Unit is allowed to procure anything valued between one ngwee and 15 million kwacha without resorting to the tender procedure. The Tender Committee becomes involved when the value is between 15 and 100 million kwacha, and the process of selective tender is employed. Tenders are invited through the public media when the value is above 100 million kwacha.

Vacant posts on the Lusaka City Council staff are either filled internally through promotions or by inviting applications through an advert in the public media or an internal advert. The period of the announcement varies, but it is usually not less than one month. The council has the power to hire and fire all members of staff.

### ***Responsiveness***

Lusaka City Council is sponsoring a radio phone-in programme, with the Zambia National Broadcasting Corporation, that covers a range of topics related to local service delivery and local governance generally. The aim is to share information and to acquire feedback from members of the public. Once the website is fully operational, it will serve as an additional vehicle for the posting of messages and the holding of discussions.

There is no systematic method of recording complaints about service provision or requests for services, except on a daily basis. On a positive note, though, the Lusaka City Council Fire Brigade does record all of the calls that it receives. Between January and December 2003, for example, the following requests were received and responded to.

- A total of 517 requests to extinguish fires.
- A total of 244 requests to provide special services, such as in response to road traffic accidents.
- A total of 182 requests to provide non-emergency services, such as to supply water to hospitals during a system breakdown.

No system has been developed to gauge citizen satisfaction/dissatisfaction with service delivery. In general, however, citizens are frustrated by the council's dismal performance.

Civil society, the private sector, the international community and the media

### **Civil society groups**

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According to the records of the Registrar of Societies, a total of 2,926 NGOs are registered in Lusaka. Of these, only a small number are believed to be active.

As regards the CBOs that are working with the council, these are mostly RDCs, which have regular contact with the Department of Public Health and Social Services. Currently, there are 24 CBOs, which are operating in the peri-urban areas of Lusaka.

Lusaka City Council is working in partnership with CBOs and NGOs to implement community-based programmes. These bodies feed into the design of such programmes, which influence policy formulation at the council level. For example, the council is working closely with the Programme Against Malnutrition (PAM) to rehabilitate infrastructure, including roads, in peri-urban areas where PAM is engaged in distributing food to vulnerable communities. CARE International is also collaborating with the council in developing basic infrastructure in the city's peri-urban areas.

### **Public-private partnerships**

There are a number of spheres in which Lusaka City Council is working with the private sector to deliver social services and to

develop infrastructural services. For instance, the reconstruction of Lubama market at Kamwala has been conducted in partnership with the China Hinani Company. The council provided land, while the China Hinani Company supplied finance. The latter will run the market for a specified period. Similarly, the council has worked with the Lusaka Engineering Group of Companies to reconstruct the city market along Chachacha Road.

Under the council's Strategic Municipal Solid Waste Management Plan, the city has been divided into 12 Waste Management Districts, each of which is composed of residential and non-residential areas. Solid waste removal has been outsourced to private companies through franchise contracts.

These partnerships have received a significant amount of praise within the council because they have filled the gap created by the lack of council funds. The partnerships have actually complemented the council's efforts to meet its service delivery obligations. Community members and the media have also expressed approval.

### **Provision of services by corporations**

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Prior to 1972, Lusaka City Council was responsible for supplying electricity to the city. In 1972, the government decided to create a corporation to run this essential service, not because the council had failed to deliver, but, rather, to satisfy its political desire to establish one big state-run company. The public is not happy with the result, as tariffs are too high and beyond the means of many ordinary citizens.

With regard to water, in 1989, the council decided to form a public limited company called the Lusaka Water and Sewerage Company in an effort to improve service delivery.

The public's expectation of an improved water service has not been met mainly because of the cash liquidity problems that

the company is experiencing. In an effort to resolve the problem, the council is considering inviting other parties to invest in the company via a share capital arrangement.

### **Forum for communication and cooperation**

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The District Development Coordinating Committee is the forum in which the council collaborates with local stakeholders. Its membership comprises representatives of the council, government departments that operate in the city, and NGOs and CBOs, including RDCs and the Keep Lusaka Clean Ad-hoc Committee, which is made up of a cross-section of the Lusaka community.

Although it is difficult to pinpoint exactly the CBO/NGO programmes that are aiming to resolve conflict in the city, most take into account the different socio-economic backgrounds of city residents. For example, CBO/NGO programmes recognize the existence of orphaned children, widows and other vulnerable members of the community.

Most religious groups are actively engaged in providing charitable and humanitarian services. Examples are the Hindu Society, which makes cash or in-kind donations to vulnerable members of the community, and the Catholic Church, which offers shelter, basic education and healthcare to orphaned children.

### **International donors who are active in the city**

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A number of international donors are operating in the city, including:

- the Japan International Cooperation Agency (JAICA) which is working on the city's road network;
- the Danish International Development Agency (DANIDA), which is developing the city's capacity in the sphere of solid waste management;
- the Swedish International Development Cooperation Agency (SIDA), which is developing the city's capacity in the

sphere of land management; and

- Ireland Aid, which is engaging in various community improvement programmes, such as in the field of primary healthcare.

International NGOs are also supplementing the city's efforts to make Lusaka more liveable. CARE International, for instance, is currently carrying out a water and sanitation programme in the peri-urban areas of Lusaka. Others NGOs that are active at the moment are Oxfam and Plan International, which work in the same field as CARE International. The latest NGO to arrive on the scene is Habitat for Humanity, which is building affordable accommodation for low-income groups.

These NGOs have preconditions that they feel should be met in terms of international standards and norms relating to good governance, transparency and accountability. In addressing problems emphasis is also put on the need to recognize other cross-cutting issues, such as HIV/AIDS, poverty and gender.

There is no forum in which the international community can collaborate with the council to formulate policy and make decisions. Some time ago, the council tried unsuccessfully to establish a forum in which it could cooperate with bilateral and multilateral partners. The reason attributed to its failure is that the forum was placed under the office of the mayor, and when there was a change of incumbent the new person did not believe that it was necessary.

### **Structure, editorial arrangements and the independence of the news media**

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The main sources of news on local affairs are the print or electronic media. Some parts of the print and electronic media are owned by the government, while others are in private hands. Government-owned media organizations span the entire country. No privately owned newspapers cover just Lusaka, but there is a monthly publication

called *The Lowdown*, published by Lusaka Lowdown Limited, a member of the Lusaka Chamber of Commerce and Industry and the Zambia Independent Media Association. There are a number of privately owned radio stations, such as Yatsani, which is run by the Catholic Church, Radio Phoenix and Radio Christian Voice.

Steps are being taken to establish procedures for investigating and responding to allegations of inaccurate and irresponsible reporting.

From time to time, the government has been criticized for influencing reporting in the state-run media. During the presidential

and parliamentary elections of 2001, for example, a state-owned daily newspaper produced two editions carrying different stories on the outcome of the polls, a move intended to influence voting in other areas. The matter is still before the courts.

Similarly, the government has accused the private media of printing stories that it believes to be based on irresponsible reporting. *The Post* has been constantly criticized by the government, and its editor was arrested on one occasion.

### **Processes**

#### Forms and methods of citizen outreach

Which of the following forms of citizen outreach have been used in the past 12 months?		RATING Please mark with an X		
		Not used at all	Used between one and three times	Used more than three times
<b>PUBLIC INFORMATION</b>				
3.3.1	Distribution of printed materials (leaflets, newsletters etc.) to the public			X
3.3.2	Regular media briefings			X
3.3.3	Public presentation and exhibitions		X	
3.3.4	Scheduled programmes in local media			X
3.3.5	Computer-based applications, such as websites and e-mail			X
3.3.6	Others: motorized broadcast on the eradication and prevention of diseases, such as cholera			
<b>PUBLIC CONSTATION</b>				X
3.3.7	Consultative meetings			X
3.3.8	Community forums		X	
3.3.9	Public surveys		X	
3.3.10	Others: None			
<b>PUBLIC DECISION MAKING</b>				X
3.3.11	Working groups and focus groups			X
3.3.12	Public workshops			X



3.3.13	<b>COOPERATIVE IMPLEMENTATION</b> Public-private partnerships or public-non-governmental partnerships		X	
3.3.14	Others: Involvement of NGOs			

### ***Evaluating citizen outreach***

Community outreach processes are very important to the city council's operations. The most effective means of community outreach is the community participatory process that is built into CBO/NGO programmes. The community is not only involved directly in decision-making, but it also participates in the implementation and monitoring of programmes. In short, the bottom-up approach. The least effective was the now abandoned method under which all decisions were taken by civic centres without consultation with affected people. This invariably resulted in lack of ownership of the programmes or projects and hence vandalism and indifference towards the payment of fees and charges.

CBOs/NGOs work together with local authorities. The rate of citizen participation in community outreach is relatively good, but CBOs/NGOs are striving hard to ensure a much higher level. The basic barrier to citizen participation is poverty, which, in turn, contributes to illiteracy/and lack of interest in community activities.

The mission of Lusaka City Council is to 'provide high quality services and an enabling environment, with stakeholder participation, in order to improve the quality of life for all those who live, work visit or conduct business in Lusaka'. The five-year strategic plan is supposed to enhance the prospects of achieving this vision. It was developed through broad consultations with a cross-section of the Lusaka community. This was done to ensure that the objectives of the city take into account the priorities of local communities, especially with respect to service delivery.

### **Referendums and citizen initiatives**

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Current legislation does not provide for referendums to resolve difficult policy issues at the local level. However, legislation does provide for referendums to resolve such issues at the national level. In the event of a referendum being necessary at the national level, various consultative committees are instituted to receive input from the community, which can be used to facilitate the drafting of questions.

Since Zambia gained its political independence in 1964, only one referendum has been held (in 1967), which granted parliament the power to amend the Constitution. There were no notable conflicts or disputes between social groups at that time.

### **Recommendations**

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In order to enhance the administrative capacity of the city, with a view to ensuring effective and efficient service delivery, it is important that legislation governing the administration of local authorities and the general economic, social and political environment be tailored to support autonomous decision-making at the local level.

In general, supportive mechanisms and government pronouncements and directives should reflect the basic tenets of democracy in order to take into account the priorities of local communities. In view of the findings of this assessment, the following recommendations are aimed at ensuring that Lusaka City Council lives up to the expectations of the local community not only in terms of service delivery but also in

regard to adherence to democratic principles, including accountability and transparency. Most importantly, the recommendations seek to enhance popular participation in the council's decision-making processes.

- The council should develop a mechanism to guarantee adequate publicity of Full Council meetings and hence better public attendance. This is a legislative provision that is aimed at ensuring community participation in the local decision-making process, but it has not been fully utilized.
- The council should reflect seriously on its community outreach processes not only to strengthen existing ones but also to design more effective new ones. This would enhance community awareness of what mechanisms exist to allow people to participate in council activities and promote a sense of being part of the team.
- The council should create an environment that will not only fortify existing partnerships with civil society organizations but will also result in the creation of new ones. This will help it enormously in acquiring the input of various sectors of the community that are much more accessible to such bodies.
- National legislation for the administration of local authorities should be reviewed to ensure autonomous decision-making within local authorities. This will help to instil a sense of responsibility in the running of council affairs and to promote accountability.
- National legislation must provide for adequate and predictable funding of local authorities. This would encourage effective city planning with respect to the development of income and expenditure estimates.
- There is an urgent need for Lusaka City Council to carry out an assessment of the extent to which the objectives envisioned in the strategic plan have been realized. Among other things, this would assist the council with identifying

not only possible weaknesses, but also its strengths.

## Local Democracy in Mwanza, Tanzania

A REPORT OF THE ASSOCIATION OF LOCAL AUTHORITIES OF TANZANIA

### *City in context*

Mwanza is located on the southern shores of Lake Victoria. Mwanza City Council is responsible for an area that spans 1,324 square kilometres, of which 900 square kilometres is covered with water and 424 square kilometres is dry land. Only 86.8 square kilometres (21 per cent) of Mwanza have been urbanized, the rest is rural.

Mwanza City is characterized by low-lying areas surrounded by hills with granite protruding rock inselbergs. The rocks and the lake give Mwanza a unique quality. Famous features include the Bismarck Rock and Victoria Fish Eagles. The Mirongo River traverses the city, providing natural drainage, although it is liable to flood in the rainy season. Moreover, while tourism is not one of the basic functions of local government authorities—it is the central government's responsibility—it should be pointed out that Mwanza is a unique tourist destination that has yet to be discovered by many.

The fact that 68 per cent of Mwanza is covered with water has generally determined the direction of the city's growth. Fishing and fish-related activities and infrastructure constitute an important aspect of the city and its way of life.

Current patterns of human settlement are influenced by the legacy of colonialism. Urban land was divided in such a way that Asians and Africans were frequently concentrated in city centre areas and high-density planned and unplanned areas respectively, while Europeans resided in low-density planned areas usually in locations with good amenities, such as by

the waterfront or on good hills.

Originally, development was confined to the low-lying areas. As a result of the high rates of urban growth that Mwanza has experienced over the past two decades, and the failure of the authorities to regulate land use, low-income households have invaded the hills of Mwanza and have established unplanned high-density areas there, with little order.

The clearing of earth from the hills and their development into high-density areas with on-site sanitation means that the lower part of the city is affected by run-off water and, therefore, is prone to flooding and to high levels of pollution.

Although households of all income levels find themselves living together in various settlements, there is some pattern based on perceived income or status. Capri Point, for example, is identified with high income households, while Bugando Hill is a high-density, low income unplanned settlement.

Mwanza has a number of areas where public gatherings can take place. These include Furahisha Grounds, Gandhi Hall, Kirumba Stadium, Nyamagana Stadium, Sabasaba Grounds, Sahara Grounds and the grounds of most primary and secondary schools.

Political, religious and official events take place in these areas. Others are related to sport and the arts.

### Demography and social structure/heterogeneity of population

The population of Mwanza stood at 223,013 in 1988. Currently, Mwanza is divided into two districts (Ilemela and Nyamagana). The council area is divided into 20 wards, 17 villages, 118 sub-villages, and 326 *mitaa*. According to the 2002 census, the 476,646-strong population of

Mwanza was more or less evenly divided between males (238,687) and females (237,959). That the male population is slightly greater than the female one is possibly due to the lingering effects of male-only migration to urban areas in the colonial and early post-colonial eras.

The total number of households is 102,487; the size of the average household is 4.7.

**Table 1. Population of Nyamagana District**

MWANZA: NYAMAGANA							
			Population			Household	
	Ward/Shehia	Type	Male	Female	Total	Number	Average size
	District total		105,316	105,419	210,735	49,138	4.3
1	Mkuyuni	Urban	6,644	6,699	13,343	3,416	3.9
2	Nyamanoro	Urban	20,853	21,878	42,731	9,647	4.4
3	Igogo	Urban	14,682	13,888	28,570	7,289	3.9
4	Pamba	Urban	11,718	11,828	23,546	5,130	4.6
5	Nyamagana	Urban	3,091	2,760	5,851	1,236	4.7
6	Morongongo	Urban	2,700	2,632	5,332	1,109	4.8
7	Mbugani	Urban	19,004	18,518	37,522	9,111	4.1
8	Isamilo	Urban	8,831	9,085	17,916	4,096	4.4
9	Kirumba	Urban	10,695	10,947	21,642	4,989	4.3
10	Itangiri	Urban	7,098	7,184	14,282	3,115	4.6

Source: Population census, October 2002

**Table 2. Population of Ilemela District**

MWANZA: ILEMELA							
Population by Sex, Number of Households and average Household size.							
			Population			Household	
	Ward/Shehia	Type	Male	Female	Total	Number	Average size
	District total		133,371	132,540	265,911	53,349	5.0
1	Pansiasi	Urban	12,626	12,684	25,310	5,401	4.7
2	Butimba	Urban	16,812	14,297	31,109	6,287	4.9
3	Nyakato	Urban	40,901	41,480	82,381	17,410	4.7
4	Igoma	Mixed	14,117	14,675	28,792	6,150	4.7
5	Sangabuye	Rural	4,445	4,490	8,935	1,536	5.8
6	Bugogwa	Rural	13,664	13,692	27,356	4,773	5.7
7	Ilemela	Mixed	11,936	11,928	23,864	4,922	4.8
8	Mkolani	Rural	8,436	8,506	16,942	3,120	5.7
9	Buhongwa	Rural	4,791	5,064	9,855	1,708	5.8
10	Buswelu	Rural	5,643	5,720	11,363	2,042	5.6

Source: Population census, October 2002

Thirteen of the 20 wards are categorized as urban, while two are mixed (rural and urban) and five rural. Nyamagana District is entirely urbanized; rural and mixed wards are to be found in Ilemela District. For the most part, Ilemela is made up of the peri-urban areas of Mwanza, which are under heavy pressure to urbanize.

The annual rate of population growth is 11.3 per cent: 3.2 per cent is the product of natural growth and 8.1 per cent is the result of in-migration. Although most migrants come to the city from rural areas, a significant number come from across national borders.

Generally, the reason that migrants head for the city is related to the economy. Due to its geographical location, Mwanza City is the centre of industrial activity and commercial business in the Lake Zone of Tanzania. Its positioning makes it an important transit point for business and travellers from the neighbouring countries of Burundi, Kenya, Rwanda and Uganda. Moreover, Lake Victoria is the world's second largest fresh water lake, creating employment for quite a number of people.

Migrants do not receive special treatment, despite being a component category of the city's population.

With regard to elections and voting, in addition to Local Government Act No. 4/1979 and the Citizenship Act of 1994, Act No. 8/1982 (Local Government (Urban Authorities) Act) (as amended) provides that: 'No person shall be qualified for election as an elected member of an urban authority unless:

- he is a citizen of the United Republic;
- he has attained the age of 18 years;
- he is ordinarily resident within the area of jurisdiction of local government authority;
- he can read and write Kiswahili or English;
- he is a member of and is sponsored by a political party registered as such under the political parties Act;

- he has a lawful means of livelihood;
- he has not been convicted for an offence of tax evasion within a period of five years before election; and
- he is not disqualified for election by any written law'.

Under this legislation migrants from the neighbouring countries mentioned above are not allowed to vote or to be elected to office. Meanwhile, in-migrants from adjoining rural areas are in a contentious position. Those who 'ordinarily' live within the city's boundaries are allowed to vote and contest elections because they are Tanzanians. But those who leave the city at the end of the working day to return to homes outside the boundaries of the city are barred from voting or competing in an election.

Recent census data on age distribution in the city have not been disseminated. It is clear, however, that the majority of the population of Mwanza is under 15.

The principal language spoken in the city is Kiswahili, which is understood by the majority of Tanzanians. However, local languages are also spoken, especially Kisukuma, since the predominant ethnic group in the surrounding areas of Mwanza is the Wasukuma—which also makes up a substantial proportion of the city's population. The fact that everybody speaks Kiswahili helps to bring about social cohesion. Kiswahili is used in most official transactions.

The population of Mwanza consists of various identity groups. Tanzanians of African origin constitute some 99.8 per cent of the population. Tanzanians of non-African origin are Asians, Arabs and Europeans. Africans can be divided into ethnic groups, of which the Wasukuma comprises the majority. Other important ethnic groups include the Wakerewe and Wazinza.

The other key identity factor is religion. Most people consider themselves to be either Christian (considered to be the majority in Mwanza) or Muslim. There are

numerous denominations within these two categories. Group identity along religious lines is becoming significant in the social life of the people of Mwanza. The government of Tanzania is trying to build a cohesive society, so, while various groups are recognized, the census has avoided recording divisive information like religion and tribe. Identity groups may have their own figures.

Inter-group relationships are generally good. This is due to past government policies to create unity in the country, including the encouragement of a national language, the mixing up of various social groups in the education and employment sectors and freedom of movement and belief. Some groups enjoy *utani* (joking) relationships, and this helps to increase social cohesion. There is no discrimination in regard to representation or participation in meetings. Of late, however, social strains connected to religion have started to manifest themselves on occasion.

There is a feeling that some racial/ethnic groups are richer than others. Asians, Arabs and Europeans spend more than \$5 per day and own major economic establishments, including industries, boatyards and fish processing facilities and supermarkets. The remainder is considered to be poorer and thought to earn less than \$1 per day.

### ***Socio-economic base***

An overview of the principal economic foundations of the city

Local Government Act No. 8/1982 (as amended) stipulates that one of the basic responsibilities of all urban authorities (Mwanza City Council included) is to work to 'promote the social welfare and economic well-being of all persons within its area of jurisdiction'.

To ensure that this goal is met, Mwanza City Council is empowered by law to 'prepare a coherent city-wide framework for the purpose of enhancing sustainable development'.

Further, and more important, under Section 71 of the Act, the Minister for Local Government is bestowed with the power: 'to take all measures ... which are necessary, desirable or expedient for the enforcement of the performance by every urban authority of the functions conferred ... upon it by this Act'.

In order to assess the economic base of Mwanza City Council it is necessary to examine the extent to which it has implemented the above provisions.

It is important to draw attention to the fact that the Local Government Acts passed in 1982 were all derived from the repealed pre-independence Principal Local Government Ordinances, namely CAPs 105 and 333, passed in 1946 and 1953 respectively. Under the Municipalities and Local Government Ordinances (which preceded Act No. 8/1982), there was no provision that made the preparation of city-wide programmes a basic function of municipal or town councils. At that time, it appears that the achievement of sustainable economic development was only relevant to local authorities.

In the past, therefore, the economic activity of those who lived within the area of jurisdiction of the city (then town) council was dependent on individual effort and initiative. Such effort and initiative was not guided or regulated by a coherent city-wide framework plan.

When the German colonial agent Emin Pasha founded Mwanza town on the southern shores of Lake Victoria about 110 years ago, he dreamt that cotton would become the backbone of the area's economy. At the time, according to economic and social analysis, Pasha's dream was realizable. Mwanza residents, therefore, strived individually to sustain their economic development, as well as that of their families and dependents. The mainstay of this growth was cotton farming. For a long time, Mwanza was at the top of the country's league of cotton producers. Some people used any available land to cultivate food and

cash crops. Others engaged in small-scale business or trade to earn money to satisfy their personal needs. This situation prevailed from the time of the founding of Mwanza Township, following Pasha's 'discovery', through to the establishment of Mwanza Town Council in 1954 (under CAP 333) and the abolition of local government in 1972–1973.

The decline in cotton production, following the fall in the price of cotton on the world market and the demise of cooperative societies in Mwanza in the early 1990s, had consequences for social and economic development. A few years later, though, things changed greatly, since, particularly over the past decade, trade in the Nile Perch has created development opportunities. Trade in the Nile Perch has become the foundation of commercial activity in Mwanza. The fish first appeared in Lake Victoria in the late 1950s. According to statistics produced by fish processing plants in Mwanza and Musoma towns, the fishing industry has created direct employment for over 8,000 locals and outsiders and has employed some 300,000 others indirectly.<sup>41</sup>

An estimated three million people living around Lake Victoria in the regions of Mwanza, Mara and Kagera have been benefiting from trade in the Nile Perch in one way or another. Such a sudden boom in the fishing industry has triggered very rapid social and economic growth in the area. Indeed, the Nile Perch is popularly known as 'marine gold'. It is estimated that local fishermen earn about 65.5 billion Tanzanian shillings (\$65.5 million) per year. The Chairman of the Mwanza-based Lake Victoria Fish Processors Association of Tanzania (VFPAT), Arkol Bhagat, has said that local fishermen earned 182 million Tanzanian shillings (\$182,000) per day from selling their catch to the fish processing plants that have sprung up around the lake.

Levies imposed on the trade in fishing generate about 1.7 billion Tanzanian

shillings (\$1.7 million) for Mwanza City. The central government receives an estimated 10 billion Tanzanian shillings (\$10 million) per year in taxes and royalties from the export of Nile Perch fillets. Approximately 80 per cent of Nile Perch fillets are exported to Europe, while the rest is sold to the Asian market. Hence it is obvious that Mwanza is on the threshold of attracting a share of well integrated international trade and financial investment flows.

Following the restoration of local government in 1982, government policies steered legislators towards integrating the provisions mentioned earlier into a common basket of basic functions to be carried out by all urban authorities.

Unfortunately, however, despite the enabling provisions of the legislation, neither Mwanza City Council nor the President Office, Regional Administration and Local Government (PORALG) have worked out a scheme to guide the council to ensure appropriate implementation of the legislation. As a result, city residents perform duties aimed at advancing their social and economic development in much the same archaic and old-fashioned style as was prevalent in colonial times. City residents have not benefited, therefore, from the advantages of the local government reforms of 1982. In the case of small traders, for instance, the 2003 Mwanza City Profile notes that:

'Informal sector activities such as trading are being carried out haphazardly; Petty traders mostly operate in an ad hoc manner conditioned by factors such as demand, season, availability etc. The trade may be carried out in different places at different times depending on where the operator believes he might find potential customers; hence they are often unregistered and unknown to local authorities'.<sup>42</sup>

On urban agriculture, the Profile reports that:

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<sup>41</sup> Mwanza City Profile, 2003, p. 5.

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<sup>42</sup> Mwanza City Profile, 2003, p. 69.

'Urban agriculture, particularly livestock raising, is however, being carried out in a disorganised manner. Both crop farming and livestock raising take place in areas that are unsuitable for the purpose'.<sup>43</sup>

Over and above the 1982 local government reforms, the PORALG is currently overseeing the implementation of an extensive Local Government Reform Programme (LGRP). Ironically it is not on the agenda of the LGRP to formulate recommendations that will assist the PORALG in ensuring that it (the PORALG) prepares a local government decentralization programme that will enable it: 'to take all measures ... which are necessary, desirable or expedient for the enforcement of the performance by MCC and all other urban authorities of the functions ... that are related to the economic and social progress of the residents of the City'.

It is to be accentuated that the Constitution, as well as the 1982 Local Government Acts, emphasize the point that successful local government is dependent on a well defined structure of decentralization. Government should thus invite seasoned local government performers from other countries and members of the international local government community to assist it in devising the best way out for decentralization.

In this regard the requirements of the Constitution and the law have not been fulfilled any better under the auspices of the LGRP than they were before independence. Eagerness to implement the LGRP was not matched by concerted efforts to involve the international local government system to ensure correct routing of the reforms. To the present day, for example, no attempt has been made to involve and take advantage of the experience of international local government organizations like the AULA and the IULA, Africa's cities or local government associations of friendly international countries, such as the

Netherlands Development Organization (SNV), the National Association of Local Authorities in Denmark and the National Association of Local Government Officers (NALGO) in the UK. Instead government representatives from several countries (ambassadorial level) have been invited to chip in ideas without reference to the local government environment. Such associations would have played a major part in helping the government to design the best modalities for implementing the LGRP. Even local NGOs like PAMOJA, not to mention the Association of Local Authorities of Tanzania (ALAT), were not involved profusely in designing the reform agenda.

There has been a general reluctance to train Ministry of Local Government staff members, as well as unified local government officers, who would have become instrumental in formulating the ways and means to implement appropriately the principles of the Constitution and local government laws.

A case in point is the closure of the Mzumbe Local Government Training Centre. Mzumbe was set up in 1953 as a local government 'school'. After independence (in 1965–1967) Mzumbe was made an institution of higher learning for members of local government. The abolition of local government in 1972–1973 also saw the abolition of the centre. The legal provisos that restored local government in 1982 also called for the re-establishment of the centre (Local Government Act No. 9/1982, Section 5). But this legal requirement has not been met to the present day. As a result, all local government staff members are performing their duties without access to a place of learning. Mzumbe would be the most ideal place to train professional (ministerial and field) officers, who would then assume a pivotal role in implementing the legal provisions mentioned above. Officers who are now positioned in the Ministry of Local Government and in other local government institutions have never attended a local government school.

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<sup>43</sup> Mwanza City Profile, 2003, p. 69.



At present, the business activities on which the community depends can be divided into the following categories.

1. Fish processing.
2. Manufacturing.
3. Food and fruit processing.
4. Detergent industries.
5. Wood and furniture industries.
6. Metal and mechanical industries.
7. Textiles mills.
8. Informal sector.
9. Service providers.

These business activities have developed as a result of natural social and economic growth within the municipality. The prevailing conditions have forced people to fend for themselves in the best possible manner. Neither the government nor the City Fathers ever envisaged an exploratory initiative that would lead to the establishment of either a national/local government development programme or a city-wide framework as provided for under Act No. 8/1982. Thus, despite the reform provisions contained in Act No. 8/1982, people are still living in accordance with the situation that prevailed under CAPs 105 and 333.

#### **Observation**

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It is worth noting that the unguided economic growth that Mwanza is experiencing impinges equally on all other local authorities throughout the country. Government was swift in establishing the LGRP but it did not and has not recognized the shortcomings of an untrained system of local government.

#### **Recommendations**

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- There is an urgent need for the PORALG to assist councils by introducing rules and regulations that will act as a guide in the preparation of a coherent city-wide framework to enable the design of development programmes to advance the economic and social well-being of city residents.
- The PORALG must strive to convince the international local government

system to aid the LGRP in its bid to establish an appropriate instrument to achieve sustainable economic growth among all local authorities, as spelt out in the Local Government Acts of 1982.

- The PORALG must revive the Mzumbe Local Government Training Centre with the help of the international local government community.

#### **Employment patterns: state of employment**

According to Section 54 of Local Government Act No. 8/1982, Mwanza City Council is required to formulate city-wide plans that will help the people to boost their social and economic well-being. It is thus the council's responsibility to provide facilitation programmes to assist residents in identifying the means with which to raise their social and economic standing.

Mwanza City Council has not created an enabling environment for the deployment of the productive forces that exist within its area of jurisdiction. It has not promulgated any city-wide plans to meet the requirements of Section 54 of Act No. 8/1982. Accordingly, therefore, city residents vie for any opportunity that may be within easy reach without the assistance of a sophisticated participatory mechanism. The people are still living life as in colonial times, oblivious of the 1982 local government reform agenda.

Because of the absence of a city-wide development scheme the pattern of employment is very unbalanced. A couple of typical features are outlined below.

- The population growth rate is high compared to unplanned economic growth. This disparity results in large numbers of unemployed or underemployed people.
- The fishing and fish processing industries have become the city's key economic sectors.

Small- and medium-sizes enterprises (SMSEs), such as those involved in food and

fruit manufacturing, comprise the main elements of the informal sector. They contribute extensively to the city's economy.

Typical sources of livelihood for men and women are listed below.

- Small- and medium-sized enterprises and businesses.
- The private sector, central and local government service.
- Farming and livestock rearing, particularly prevalent in villages.

The pattern of business ownership is as follows: men own most of the businesses, while family members jointly own land and houses.

### **Observation**

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Local Government Act No. 8/1982 provides that every urban authority will observe national policy and plans for urban and rural development to further social and economic growth within its area of jurisdiction. The PORALG is required to ensure that resources are available within every local authority for the: 'development, mobilisation and application of productive forces to the war on poverty, disease and ignorance'.<sup>44</sup>

Although male and female unemployment rates in Mwanza City are on the rise, the PORALG does not have a policy or plan to harness the local government system in order to eradicate the three enemies mentioned above. Furthermore, implementation of the above recommendation requires the institutionalization of a mechanism that would assist local authorities in providing facilitation for productive forces to play their part in 'the war on poverty, disease and ignorance'.

Act No. 9/1982, Section 58, provides for a mechanism that would allow the PORALG to establish a national local government institution that would make available the financial support needed to execute this

function. For instance, the PORALG could consider setting up a National Local Government Agricultural or Petty Business Loans Fund, which would allow productive forces to establish small-scale farming enterprises or small-scale businesses. The policy aims require that the government create an enabling environment for local authority residents through the medium of a national policy and plan for local government.<sup>45</sup> To date, however, no such environment has been created.

### **Recommendation**

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The PORALG should endeavour to set up a Local Government Agricultural and Petty Business Loans Financing Fund that would allow Mwanza residents to secure loans to create sustainable employment opportunities.

### **City revenue**

Local Government Act No. 9/1982 (Local Government (Finances) Act) sets out the main sources of revenue for the urban local authorities. These four categories are listed below.

- Grants from the central government and donors.
- Revenues from local (city) sources.
- Loans from the Local Government Loans Board (LGLB).
- Overdrafts and advances.

Most of the revenue of Mwanza City Council is made up of grants and endowments from the central government and donors and local contributions. The latter can be broken down into the following categories.

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<sup>45</sup> In recent years the government ordered all local authorities to set up a Youth and Women Development Fund for the purpose of granting loans to youth and women. This directive is illicit, since loan financing is neither a basic nor an obligatory function of local authorities under the provisions of Sections 111 and 54 of Local Government Acts No. 7 and No. 8/1982 respectively. Rather, loan financing is the sole responsibility of the national Local Governments Loans Board. The loans that have been provided to women and youth only exacerbate the already appalling financial position of the local authorities. The record of loan repayments is extremely poor, since local authorities do not have specific Loans Follow-up Officers.

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<sup>44</sup> Local Government Acts No. 7 and No. 8/1982, Sections 111 (2) (c) and Sectopms 54 (1) (c).

- Property rates.
- Revenue collected from council assets.
- All fees paid in connection with licenses granted by the city.
- All money derived from the issuance of licenses or permits
- All fees, charges, dues and rents etc.
- All receipts from trade, industry and commercial works etc.
- All fines imposed as a result of a violation of a law or by-law.
- All monies derived from the registration of taxi cabs.
- The proportion of the revenue collected under the Road Traffic Act.

Mwanza City Council is yet to benefit from loans from the LGLB and overdrafts and advances from banking institutions. As a result, it has failed to obtain the finance needed to implement development programmes expeditiously.

The financial gain that could be accrued as a result of loans or advances from the LGLB and commercial banks respectively has not been fully explored by the city council. Such an exploratory venture could enhance the functioning of the LGLB, which, in turn, would improve the financing arrangements of the city council.

#### **Recommendation**

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The PORALG, as well as elected and appointed officials of Mwanza City Council, must take a closer look at this facility.

Economic and social relationship with adjoining rural areas

The rural areas that directly adjoin Mwanza City are:

- Magu District;
- Geita District;
- Misungwi District; and
- Ukerewe District.

Yonder areas include the regions of Mara, Kagera and Shinyanga—not to mention Burundi, Kenya, Rwanda and Uganda, which border Tanzania.

Economic relations between Mwanza City

and adjoining rural areas hinge on the production and sale of industrial products. The rural area is a vast market, comprising all of the districts that make up the hinterland. (This hinterland stretches to places that lie well beyond the national boundaries of Tanzania.) At the same time, the immediate rural areas supply Mwanza City and elsewhere with agricultural goods, fish and *dagaa*, and industrial raw materials, such as cotton and timber. The adjoining areas are a good source of labour for the city's expanding industrial base.

While a number of workers find accommodation within the city, some live in adjoining rural areas that are situated close enough to their place of work.

Bugando Referral Hospital and several secondary schools in the city offer social facilities for rural and city dwellers.

Mwanza's port, railway station, bus terminal and airport have retained their historic status as amenities that provide a gateway for many people wanting to travel between the city and adjoining districts.

#### **Observation**

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Section 54 of Act No. 8/1982 stipulates that one of the responsibilities of the urban local authorities is to 'foster co-operation with civic groups and other persons or authorities'.

Section 48 of Act No. 8/1982 and PART V of the Local Government (Finances) Act No. 9/1982 (as amended) specify the means by which Mwanza City Council could cooperate with adjoining councils. To this end, Mwanza City Council, in cooperation with neighbouring local authorities, is empowered to establish and operate *common services* and to create a *joint fund* that could be used to generate sustainable economic growth for the whole zone.

#### **Recommendations**

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The PORALG should formulate policies that will lead to the best possible amount of cooperation between civic and other groups from Mwanza City and the Lake Zone.

The international local government community should be involved in mapping this exercise

### ***The poverty line***

Currently, 30 per cent of people in Mwanza City live below the poverty line. The ratio between the number of people in the highest and lowest income categories is 1:100. The poverty rates for women, men and youth are set out below.

- Forty-five per cent of women live below the poverty line.
- Forty percent of men live below the poverty line.
- Forty-five per cent of youth live below the poverty line.

In many circles, youth and women are regarded as the most productive forces in the country. Nonetheless, poverty rates are high among these categories of city residents. In the repealed CAPs 105 and 333 the fight against poverty was only a permissive requirement. Since 1982 (emanating directly from the local government restoration exercise), however, the war against poverty has become a basic function of all urban local government authorities. This provision is stipulated in Section 54 of Act 8/1982 (as amended). The modalities associated with discharging this function are spelt out in Section 58 of the Local Government (Finances) Act No. 9/1982. As pointed out above, the law provides amply for the establishment of a Local Government Agricultural and Petty Business Loans Financing Fund that could help these productive to diminish their poverty status. However, these provisions have yet to be implemented.

The establishment of a local government national loan mechanism could greatly alleviate the shortage of capital for small businesses and small-scale agricultural projects that are the main source of employment for Tanzania's youth. The absence of such an institution has a significant impact on the level of poverty in the country and on the well-being of its

youth and women.

### **Recommendations**

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- The PORALG should prepare guidelines to help local government authorities to develop the means to assist their residents with the fight against poverty.
- The creation of a National Local Government Poverty Eradication Fund is long overdue.

### ***Corruption in local government***

Corruption is believed to occur within the city council government. This perception is derived from the suggestion boxes that are placed at all ward headquarters, as well as in City Council Hall.

### **Observation**

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The openness of local government institutions renders the system vulnerable to excessive criticism from the press, the public and, particularly, government. The phenomenon is peculiar to local government, as opposed to central government or the private sector. Corruption often occurs at a higher level in other public (government bodies and parastatals, for instance) and private organizations.

### **Recommendation**

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Local government deserves a great deal of sympathy, since corruption is quite often only apparent.

### ***Land reform issues and the management of land conflicts***

Land reform is a significant issue in Mwanza City. However, land conflict management in Tanzania is not a basic function of local government. Traditionally, land conflict management has been the domain of the Ministry of Land Development and the judiciary. Indeed, the former has a fully-fledged Lands Commission that handles

land conflicts and all related cases. Many such problems end up before the courts.

Local authorities, like any other corporate institution, are bestowed with powers to acquire land after receiving the approval of the Minister for Local Government (Section 60 of Act No. 8/1982). Furthermore, as noted below, local authorities are given powers to introduce regulations or laws to ensure that appropriate and necessary measures are introduced to protect the environment. The overall aim is to promote sustainable development within their area of jurisdiction.

### **Unplanned land management in Mwanza**

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Given the existence of these two functions, it would be wrong for these corporate bodies to engage in land conflict management issues. Their involvement would likely lead to a conflict of interest between the community that the council serves and the council itself. It is probably for this reason that the country's local government system passes such issues on to the supposedly neutral Ministry of Land Development and judiciary.

Nonetheless, a number of land conflicts do make it on to the agenda of Mwanza City Council. These are handled by the Urban Planning Department, comprising the Land Management, Land Survey, Urban Planning and Land Valuation sections. Cases typically centre on 'double allocations' of land plots for building. While the allocation of land for construction is a responsibility of local authorities, the Ministry of Land Development reserves the right to intervene. With regard to the environment, Section 54 of Act No. 8/1982 (as amended) states that: 'It shall be the responsibility of each urban authority ... to take necessary measures to protect and enhance the environment in order to promote sustainable development'.

Besides, government is required 'to facilitate the exercise of those powers and discharge of those functions in a manner that gives recognition of the autonomy of local government authorities'.

The Mwanza City Council deals with environmental issues in the following areas:

- solid waste management;
- liquid waste management;
- squatter control;
- transport and transportation; and
- control of informal business.

Execution of this function and the proper implementation of the above provisions have not been very successful. This may be due to the absence of a national policy on the matter.<sup>46</sup> Lack of appropriate training (at Mzumbe and other institutions) is also likely to have had an affect in this area. Cooperation with other countries, such as Cameroon or Namibia, could generate unheard of results.

### ***Crime, human rights abuses, policing and political violence***

Section 54 of Act No. 8/1982 stipulates that: 'It shall be the responsibility of each urban authority to maintain and facilitate the maintenance of peace, order and good government within its area of jurisdiction'.

Crime, abuses of human rights and political violence are rampant within Mwanza City Council's area of jurisdiction (as they are throughout the country). However, the fight against them is a function of the central government and not of the local government machinery. While policing of the country is the responsibility of the central government, the local authorities are allowed to employ subsidiary police officers for whom a 'Scheme of Service' must be prepared and approved by the national police force. A Scheme of Service for Subsidiary Police was prepared in 1987 by

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<sup>46</sup> In the absence of concrete plans and programmes, various government agencies have established projects that are yielding very positive results. The National Environment Policy of 1997, for example, is at the root of a number of projects that have been initiated in Mwanza to protect the environment, such as Capacity Building for Environmental Management and the Sustainable Mwanza Project. While these programmes may appear to be achieving success, they lack the participatory coefficient inherent in local government principles based on the provisions of Section 54 of Act No. 8/1982.

the Local Government Service Commission (LGSC). However, the code was not approved by the PORALG.

### **Recommendation**

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The PORALG should instruct the LGSC to revisit the idea to enable councils to fulfil the principal basic function bestowed upon them by law.

### **Development indicators**

As noted earlier, it is government's responsibility to prepare: 'a national policy and plan for rural and urban development to further the social and economic development of its area of jurisdiction'. The aims of this legal provision are: 'the furtherance and enhancement of health, education, and the social, cultural and recreational life of the people'. Furthermore, it is provided in local government law that the council will work: 'for the relief of poverty and distress and the assistance and amelioration of life for the young, the aged and the disabled and infirm'.

A national policy has yet to be promulgated by the PORALG. Accordingly, each council, including Mwanza City Council, performs its development activities unguided.

Nevertheless, Mwanza City Council is performing well in relation to a range of common social indicators. By 2006, it plans to have: reduced the level of illiteracy from 60 per cent to 30 per cent for females and from 40 per cent to 20 per cent for males; reduced the infant mortality rate from 26 deaths per 1,000 live births to 18 deaths per 1,000 live births; increased life expectancy from 48 to 55 years; and raised per capita income from 21,159 Tanzanian shillings per month to 33,241 Tanzanian shillings per month.

How the city is performing in relation to various common poverty indicators is summarized below.

- *Access to health services* Currently 96 per cent of residents enjoy access to health services that are situated at an average

distance of six kilometres.

- *Food security* Seventy per cent of the population is self-sufficient in terms of food. At times, the other 30 per cent only eats once per day. Such an adverse situation is prevalent between October and December, before the harvest.
- *Availability of shelter and housing* Twenty-five per cent of Mwanza City residents have access to shelter, while 75 per cent live in modern houses.
- *Access to education* Net enrolment in Std I is 56 per cent, while gross enrolment is 69 per cent. There is a national plan to increase the pupil ratio from 1:75 to 1:38 by 2006.

Generally speaking, at present, men score higher than women on basic development indicators.

In the absence of guidance from the PORALG, Mwanza City Council has stated that, using all available resources, it intends to build capacity for residents by providing services that meet the basic requirements of women, men and children. However, it has not outlined explicitly its strategy to accomplish this. Much insight could be gained from study tours of countries like Cameroon, Ghana and Namibia.

### **Recommendation**

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There is a need to develop a sound plan for urban and rural local government, with the assistance of the international local government community. Such a plan will serve as a guide for the city government in its efforts to coordinate the performance of various common social indicators. This should indeed constitute a formidable agenda for the LGRP.

### **Representative democracy**

The Constitution of the United Republic of Tanzania recognizes the principles of democracy and social justice. Article 8 (1) (a), (c) and (d) provides that: 'Sovereignty resides in the people and it is from the people that the Government through the

Constitution shall derive all its powers and authority’.

Under the provisions of the Constitution, therefore, the people are thus conferred with the power to participate in the affairs of government. The above provision allows the electorate to be involved in the formation of the government. All citizens thus have the power, through the ballot box, to elect their representatives, from the president down to councillors.

Up to 1972, the local government system was seen in Tanzania as a creature of legislation. Following the restoration initiative of 1982, however, local government was entrenched in the Constitution, under Articles 6 and 145–146. Article 146 (1) provides that local authorities shall involve the people in the planning and implementation of development programmes within their respective area of jurisdiction.

### **Institutions**

The National Electoral Commission (NEC) was established under Article 74 (1) of the Constitution. Under Article 74 (6), the NEC is mandated to conduct and supervise the election of councillors in mainland Tanzania. The ordinary election of councillors occurs once every five years.

The Citizenship Act of 1994 determines eligibility to vote in local elections. It is reinforced by Section 15 of Act 4/1979 (Local Government Elections Act), which states that: ‘Every citizen of Tanzania who has attained the age of 18 years shall, unless he is disqualified by this Act or any other Act, be entitled to be registered in accordance with this Act as a voter’. Furthermore, Section 16 of Act 4/1979 specifies the circumstances (residence qualifications, for example) under which a person may be barred from voting in a local election or from contesting a seat.

Political parties that are fully registered under the Political Parties Act (PPA) are allowed to participate in these elections. Section 39 (2) of Local Government Act

4/1979 permits those parties to sponsor contenders in the polls. Each political party prepares a campaign timetable that is submitted to the Returning Officer.

There are no legal measures that address the representation of disadvantaged groups. However, Local Government Act No. 8/1982 makes available special seats for women. Sections 35 (1) (d) and 19 (1) (d) stipulate that one-third of elected councillors representing wards must be female. The absence of special measures to respond to the lack of representation of disabled people or youth, for instance, seriously undermines the electoral system.

Immediately following an election, any person who feels aggrieved or is dissatisfied with the way in which the poll was conducted has the right to lodge a petition with the courts. The courts have the authority to hear and determine the outcome of petitions.

Female representation on councils amounts to more than 33 per cent. This is higher than the SADC norm of 30 per cent. However, the key issue is not the level of representation but the effectiveness of such representation.

Tradition is greatly influencing political activity within the country. It goes against the culture of almost all tribes and other communities for women to stand in an election in which they have to compete with men. Women still think that their role centres on the family rather than the more masculine domain of politics. This perception led the government to enact special legislation to ensure the presence of women in the Council Chamber. There is still much work to be done to educate women and to convince them to participate more freely in local politics.

The electoral system employed in local elections is a combination of first-past-the-post and proportional representation known as the mixed member system. One must achieve a simple victory to be declared a councillor. If a person is unopposed at the

nomination stage he/she will be elected unopposed. This device is also used to appoint women to the special seats. The system fails to reflect votes cast because the party with the most elected seats gets the bigger share of the special seats. As such, it does not guarantee the representation of smaller or minority parties, which have not acquired seats through the ballot.

Since the reintroduction of the multi-party system, elections to Mwanza City Council have only been held twice. The proportion of women councillors increased from 25 per cent in 1994 to 33 per cent in 2000. Despite changes to the political system, and regardless of the local government reforms of 1982, the electoral system does not translate votes cast into seats, and, as such, it lacks proportionality.

One of the basic functions of local authorities that emerged out of the local government restoration exercise of 1982 is that: 'a local government authority shall take all such measures as in its opinion are necessary, desirable, conducive or expedient ... for the relief of poverty and distress, and for the assistance and amelioration of life for the young, the aged and the disabled or infirm'.<sup>47</sup> However, when it came to drafting the election procedures, no provision was made to ensure strict adherence to this proviso.

What can be said about Tanzanian democracy at the local level is that neither the Elections Act (No.4/1979) nor Local Government Acts No. 8/1982 and No. 7/1982 provide for the better and appropriate execution of the functions of Local Government Laws in this respect. Different groups in society thus cannot achieve justice through the local electoral system. There is also the restriction regarding being a member of a political party, not to mention the condition that a public servant must vacate his/her office in the event of being elected to a prominent position in a political party. In addition, private candidates are barred by law.

Transparency, accountability, representation and diversity are affected to the extent that the council is required to implement the policies and programmes of the majority (ruling) party no matter how much they conflict with its own priorities and preferences.

The party's ruling body is not a legal creature under the laws establishing local authorities in Tanzania.

The decisions of the ruling party primarily reflect the priorities of the leading political party and not of the electorate. Thus, the electoral system that attaches great importance to the strength of the majority party is effectively preventing the participation of the people in the planning of local affairs. The structure contravenes the constitutional stipulation that local authorities must be accountable to the people.

The electorate does not have the power to recall councillors for non-performance. Political parties, however, do have recall powers, which, if invoked, may result in a councillor being disqualified. Any corrective action that can be taken by the electorate can only occur every five years during the election (not in the period in-between).

A two-thirds majority of councillors is required to remove the mayor/mayorress from office. If a vote of no confidence is passed, the incumbent relinquishes the mayorship but retains his/her place on the council.

In recent years, arising out of the recommendations of the LGRP, an ethics committee has been set up within the council. The committee is responsible for taking disciplinary action against fellow councillors who commit misdemeanours of an ethical nature. It is very difficult to ascertain its effectiveness.

Political parties are important stakeholders in elections because they sponsor members with the expectation of winning the seat being contested. The victor holds office for

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<sup>47</sup> Local Government Act No. 8/1982, Section 54 (5) (d).



the ensuing five years. The 'majority vote' criterion is used to select the person to run in the local election.

The key issues in the two elections in Mwanza City that have been held since the reintroduction of the multi-party system are set out below.

- The water supply.
- The road network.
- Health services.
- Education.
- Housing.

### **Party System**

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The electoral system helps to shape the party system by imposing conditions on a registered party. A party must satisfy the registrar that it has the minimum mandatory number of members in both mainland Tanzania and Zanzibar. The law does not allow independent candidates.

The city is divided into two parliamentary constituencies: Nyamagana Constituency and Ilemela Constituency. There are 20 council wards.

With regard to the Local Government Ward Constituencies, no boundary disputes exist, although wards are not evenly and fairly demarcated. Various suggestions have been made to correct this.

Those political parties that are active and are fully registered are: Chama Cha Demokrasia na Maendeleo (CHADEMA); Chama Cha Mapinduzi (CCM); the Civic United Front (CUF); the National Convention for Construction and Reform (NCCR)-Mageuzi; the Tanzania Democratic Alliance Party (TADEA); and the United Democratic Party (UDP). Most parties, except for the CCM, are active only during elections. Most Mwanza councillors belong to the CCM, which is the majority national ruling party. A small number belong to the CUF.

Under the PPA, political parties in Tanzania are required to demonstrate national

characteristics. Ethnic or religious political parties are barred. Political parties vary considerably in the manner in which they select candidates for elections. There is no uniform system. Even with parties that hold a primary ballot this is restricted to party adherents. The selection is carried out strictly in accordance with related party statutes. Ultimately, it is the party's head office that chooses those who will be sponsored as electoral candidates.

Women participate in party structures. In the 2000 elections there were 74 candidates in the 20 wards, of whom six were women. Three of the six won seats (Buswelu, Nyakato and Nyamanoro wards). Only the CCM sponsored candidates in all 20 wards. The figures for the other parties were: Tanzania Labor Party (TLP) 18; UDP 15; CUF 13; and NCCR 3.

Under the PPA, political parties are allowed to recruit members and to engage the public in a campaign for office. Under Section 53 of the Local Authorities (Elections) Act, 1979, political parties are permitted to organize and conduct campaign meetings and rallies. However, financial problems prevent some from doing so.

In Tanzania there are no local political parties: all parties are creatures of the national system. For this reason, the party system at the local level does not guarantee effective democratic performance. National party policies always prevail over the preferences and priorities of the council. The structure of local political decision-making is determined by the National Party Caucus, working against the priorities of the electorate.

Opposing parties that do not hold seats in the Council Chamber are not allowed to make contributions to proceedings. It is wise, therefore, for such parties to attend council meetings, which are open to the public.

### **Evaluating elected officials: the mayor**

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The mayor is appointed from among the elected councillors of the wards. Any member of the council can contest the post. Each party represented in the Council Chamber proposes one person. The Electoral College is composed of all councillors, including all members of parliament, who represent constituencies located within the council's area of responsibility. In Tanzania, MPs become ex-official members of the council upon election. The promotion of democracy under the mayor is marred by the fact that he/she always comes from the majority party, even though this is not mandatory.

A mayor/mayoress can be held accountable in the following two ways.

- A vote of no confidence passed by a two-thirds majority of councillors. He/she ceases to be mayor/mayoress, but retains his/her ward seat.
- If a mayor/mayoress is expelled from his/her party or if he/she crosses the floor then he/she ceases to be a councillor or mayor/mayoress.

### **Demise of the powers of councillors over staffing**

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Until recently, councillors had the power to oversee the work of appointed administrators. Legislation provides that: 'It shall be the function of a ... council in relation to its area of jurisdiction ... [to] monitor and control the performance of duties and functions of the council by departments of the council and its officers and staff'.<sup>48</sup>

More importantly, however, all councils were bestowed with the following powers. 'Every town, municipal and city council shall, subject to the directions of the Minister, establish such number of departments and such sizes of establishment as may be necessary, desirable or expedient for the efficient discharge of its functions

under this Act'.<sup>49</sup>

Under the repealed Local Government Service Commission Act, councillors, as well as the Minister for Local Government, not to mention the LGSC itself, have lost all powers to supervise local government officers. A Central Government Commission<sup>50</sup> has been created to take over this critical local government function. As of now, councillors are busy trying to prepare 'hand-over notes'. A golden opportunity for local participation in the control of staff and officers of local authorities has once again been lost.

### **Representative democracy: process**

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Only two elections to Mwanza City Council have been held since it achieved its present status. The administrative framework that was employed in these polls ensured that they were free and fair. On voting day observers were present from the contesting political parties; candidates were free to appeal within 80 days of the results being announced.

With regard to the factors in need of improvement, attention centres on the modalities of conducting a by-election. The current situation is as follows. First the council notifies the Minister for Local Government of a vacancy. Then the Minister for Local Government notifies the NEC of the vacancy. The NEC prepares the election timetable in consultation with the Minister for Local Government. The procedure is cumbersome, and it takes too long for a vacancy to be filled. Thus citizens remain without a representative for a long period.

### **Operations of the NEC in relation to local elections**

The NEC oversees and manages the conduct of local elections by doing the following.

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<sup>48</sup> Local Government Act No. 7/1982, Section 118 (1) (b).

<sup>49</sup> Local Government Act No. 10/1982, Section 31.

<sup>50</sup> Vide Act No 8/2002.

- Preparing and submitting the budget.
- Preparing the election timetable and chronicling it.
- Providing notification on the appointment of the Returning Officer.
- Issuing to the Returning Officer the election guidelines, as well as the election programme.
- Disbursing funds to the Returning Officer for the conduct of elections.
- Printing election materials and issuing them to the Returning Officer.
- Receiving and chronicling the election results.

In this endeavour, however, the NEC is limited by the following constraints.

- Inadequate funding to conduct elections in a timely manner (hence citizens do

not have a representative for a long period).

- The consultative requirement in regard to the preparation of the election timetable prevents the timely conduct of by-elections.

The local community does not have a say in the appointment of NEC commissioners. However, political parties do have a say in the appointment of field staff because they are asked to give their opinion.

### *Management of electoral disputes*

Electoral disputes occur at different stages of the electoral process. Below are the processes and the dispute resolution mechanisms that are prescribed under law.

PROCESS	DISPUTE	RESOLUTION MECHANISM
Registration of voters	Unable to register as a voter	A complaint is filed with the Returning Officer who conducts an inquiry and makes a decision. Whoever is aggrieved can appeal to the Resident Magistrates Court within 21 days. The latter can issue orders reversing or restating the decision and the same shall be complied with the Returning Officer
Nomination of candidates	Unable to nominate a candidate by the Returning Officer either sue motto or upon objection raised by another candidate	Appeal to the NEC, whose decision shall be final subject to a challenge in an election petition after the results have been declared.
Polling results	Anomalies in regard to certain electoral processes or throughout the entire process	Petition to the Resident Magistrates Court. This must be filed no later than 30 days after the declaration of the result.

Elements of the local community believe the election processes to be balanced, free and fair. Nevertheless, some political parties have been very critical of the techniques that have been used to counting the votes, for instance.

Election monitoring and observation is allowed under Section 63 (2) of the Local Government (Elections) Act, 1979. The Tanzania Elections Monitoring Group and other international organizations have

observed the past two elections. Chief among the latter bodies were the Commonwealth Observer Group, the African Union, the SADC Parliamentary Forum and the SADC Electoral Commission's Forum. Voters were able to cast their ballots without fear of intimidation.

There are some social forces that refuse to participate in elections because they are highly critical of the electoral process. Voter

turnout in 2000 is shown below.

Registered voters 2000	Actual votes cast 2000
Rural 74,551	58,631
Urban 77,363	59,266

Voters believe that they enjoy high quality representation. It is not possible to determine or compare turnout rates in local and national elections, which are held simultaneously. No research has been done on the relationship between gender and voter turnout.

The public sees local elections as meaningful contests that affect the quality of governance in the city. The city involved citizens by distributing leaflets to advertise campaign meetings, and by making announcements, for example, on television and in newspapers.

### **Voter education at the local level**

This is not a continuous exercise but one that is carried out by the NEC close to the time of the election. The NEC performs the duty purely on the basis of it being an implied responsibility. The training allows voters to make an informed choice when casting their ballot.

Assisting incapacitated voters is stipulated under Section 62 (b) of Act No. 4/1979. In addition, the NEC has developed other administrative arrangements that help to ensure that incapacitated voters are given priority in casting their votes.

Sufficient opportunities exist for the peaceful resolution of conflicts within a democratic framework. Although the 'maintenance of peace, order and good governance' is one of the basic functions of local government in Tanzania, it remains the prerogative of the central government. It follows, therefore, that conflict management is neither a basic nor a permissive function.

Even though Mwanza City Council finds itself involved in trying to resolve a good number of conflicts, the issues that are brought to Council Hall are more or less as

a normal *Agenda* of the Council than a major conflict per se. Some typical cases that come before council meetings are listed below.

### **Council level**

- Land conflicts, such as Military Camp versus Nyashana community.
- School boundaries versus community.
- Conflicts between individuals, firms, companies and religious groups.
- Community complaints about loud music at nightclubs.
- Social conflicts.
- Informal sector operations.

It is pertinent to observe at this juncture that improper execution of the requirement of local government legislation is the root cause of the *Conflict Management Agenda* listed above. In this regard, Section 54 (A) of Act No. 8/1982 provides that: 'In relation to the powers of and functions of urban authorities ... central government shall: (a) formulate a national policy and regulatory framework for the local government system; (b) develop policies and provide for regulatory framework and ensure that the urban authorities shall lead other development agencies in their area of jurisdiction in the proper execution of and implementation of those policies; (c) provide the necessary technical support to urban authorities for the development of respective sectors in the area ...'.

A quick assessment of the above list suggests that Mwanza City Council does not have in place a workable master plan for the city's development. Such a plan would serve as a very effective guide for development agencies in the area. As a result of the absence of a master plan?, development agencies and other organs located within municipal boundaries have instigated capital

projects without consulting with the council.

There is a pressing need for the Ministry come up with directives that will oblige local authorities to perform their functions in the manner provided for in legislation. No regulatory framework has been established for the various development agencies that operate within the council's area of jurisdiction in order to ensure that they execute and implement their programmes properly. Thus military camps are established in places where they are not wanted, nightclubs are built in residential areas and small businesses operate haphazardly in the informal sector. All of these kinds of issues cause a great deal of frustration and resentment within society as a whole.

Although the above problems are categorized under conflict management the situation reaches these proportions as a pointer to central government to play its role with keener outlook. Lack of proper implementation of local government laws forces Mwanza City Council and other councils to engage themselves ultra vires in activities that may one day be challenged by the courts, to the dismay of the entire local government system.

A reappraisal of the situation reveals that, in the first place, it is Mwanza City Council that makes the double allocations that are at the root of the so-called conflicts. In the second instance, Mwanza City Council attempts to make amends by 'resolving' the conflicts that it has created. The appropriate local government methodology is to solve such problems *ab initio* by the principle of putting up advertisements called "AN INTENTION TO BUILD (say) A DISCOTHEQUE AT (say) NYAMAGANA". The public will be allowed to submit comments and views that will help the council to decide whether to allow the project.

Conflicts of the type mentioned above ought to be passed on to the courts. They do not appear to form a component of council business. As impressive as Mwanza

City Council's conflict agenda may seem, the least that can be said is that the council's involvement in such matters only encourages corruption

### **At lower levels**

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The type of conflicts that are resolved at the ward, village and *mitaa* levels are mostly social conflicts that occur between individuals. Since the local government system is not positioned to deal with these kinds of issues they are directed to Ward Tribunals.

Ward Tribunals in this country are established by Parliamentary Acts. Although Ward Tribunals are active within the area of jurisdiction of council wards, they operate under the auspices of the judiciary. They are not functional local government entities. Since, therefore, conflict management is neither a basic nor a permissive function of local government in Tanzania, no provision is made in local government training for conflict management. The kind of training provided pertains to conduct of council meetings.

The police function is the responsibility of the central government. Mwanza City Council is considering establishing an Auxiliary Police unit, which will require training in conflict management.

### ***Institutions: local authorities and participatory democracy***

Since 1948, the plan for the local government system in the country has been to develop a decentralized structure for all local government institutions throughout the country. In Tanzania, decentralization is seen to have four dimensions, namely:

- political decentralization;
- functional decentralization;
- financial decentralization; and
- administrative decentralisation.

This policy aim is now entrenched (since

1984) in the constitution. All decentralized institutions are required to observe the policy requirement of openness. Openness is thus built into all of the Local Government Acts (Nos. 7–11) passed in 1982. These acts spell out the mode of performance of the decentralized functions of all local institutions in the most efficient and effective manner possible.

Accordingly, as far as Mwanza City Council is concerned, the local government bodies that were open to the public in the past 12 months were the Full Council and the Tender Board.

The public was informed using the media van/public address system, Radio Free Africa, notice board announcements and local magazines (*Msanii Afrika* and *Mzawa*).

Mwanza City Council believes that these means were adequate, allowing all residents to be reached, including women and youth.

Mwanza City Council is also operating under a 'de-concentrated administrative' design. This arrangement is a remnant of the so-called MacKinsey decentralization programme of 1972. The following administrative levels are the cornerstones of this model: the Ward level; and the *Mitaa* level.

The most defective feature of this de-concentrated arrangement is the absence of democratically appointed councils at the local level. To this end, there is neither a Representative Ward nor a *Mitaa* Council. Residents, therefore, must carry out their duties under the command of an undemocratically appointed body. All orders come from Ward or *Mitaa* 'chiefs' via the Ward Councillor (who chairs Ward Committee Meetings) and the Ward Executive Officer and *Mitaa* Chairmen respectively.

Councillors are elected to represent the electorate at the Ward level. However, due to the absence of a decentralized pattern at this de-concentrated ward level there is no legal corporate forum in which to hold these

representatives of the people (councillors) accountable to their ward electorate as a whole. This is an anomaly that is a big obstacle to establishing openness at this pivotal councillor level. Similarly, the absence of an elected body at the *Mitaa* level has forced *Mitaa* residents to live under an American management style that was introduced by the failed MacKinsey experiment. Mwanza City Council residents, due to the failed MacKinsey arrangement, have not benefited from the 1982 local government restorations.

In 1957, CAP 105 was amended to decentralize the Apex Municipal Council system to corporate Ward Municipal Councils by the insertion of a New Part XIV into the Principal Ordinance (Ordinance 49/1958) No similar format was developed in relation to the restored local government initiative of 1982. The 1957 decentralized structure was not reintroduced. This irregularity and the omission from the implementation process of the constitutional requirements are causing a lot of developmental problems not only within Mwanza City Council but throughout the country's local government system.

For this reason, citizens can only participate in the following bodies at the lower level.

At the Village Council (grassroots) level: village assembly meetings;

At the Ward de-concentrated level: no provision exists for openness at this level, although this is the seat of representative councillor elections.

At the *Mitaa* de-concentrated level: there is only partial openness at this level, which is achieved through *Mitaa* Assembly Meetings. Complete openness is denied due to the fact that the *Mitaa* has no corporate legal standing.

### **Recommendation**

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In order to allow for fully-fledged democracy within the urban local government system of Mwanza City Council, Act No. 8/1982 should be amended to provide for appropriate

decentralization to Municipal Wards and Municipal *Mitaa* Councils, thereby facilitating openness.

### ***Fairness***

Local Government Act No. 8/1982 (as amended) states that a municipal council: 'shall take all such measures as in its opinion are necessary, desirable, conducive or expedient for the relief of poverty and distress, and for the assistance and amelioration of life for the young, the aged and the disabled or infirm'.<sup>51</sup>

Despite this pertinent legal provision, no policy or rules have been established for execution by councils. Instead, the government has itself penetrated deeply into this area by instructing all councils to carry out a number of activities that are not of their own making. For instance, the government has told Mwanza City Council (and all other local government authorities) to promote the inclusion of various interests, including minority and specific interest groups, through the Community Development Sector initiative, which affords priority to women and the youth. To this end, the government has built two schools that focus on the development and education of disabled and mentally retarded children in the city.

In another example, the Ministry of Local Government has circulated a directive that requires Mwanza City Council (and all other local government authorities) to set aside substantial amounts of money for loans for women and youth. These loans are intended to facilitate the establishment of small-scale enterprises and small-scale farming projects. Due to lack of interest in this endeavour, no apparatus has been set up to recover these loans. Only a small fraction of the money is repaid to the council.

The provision of loans to productive forces living within the council area is indeed a pertinent function of all councils. However, the medium used to provide the loans is the

LGLB and not circuitous money derived from direct council funds. Despite the legislative provision, the city council has not been assisted by ministerial regulations in implementing this basic requirement. Consequently, Mwanza City Council has not passed any by-laws, implemented any policies or initiated any city-wide programmes to promote special interest groups or minority groups within its area of jurisdiction. Government feels more comfortable fulfilling this function itself.

### **Recommendation**

The Ministry of Local Government should as a matter of priority formulate a policy that will help Mwanza City Council 'to take all such measures as in its opinion are necessary, desirable, conducive or expedient for the relief of poverty and distress and for the assistance and amelioration of life for the women, the young, the aged and the disabled or infirm'.

### ***Transparency***

The law specifies a number of documents that can be made available to the public.

- Full Council minutes.
- Annual budget.
- Council by-laws.
- Management Audit Report.
- Rating Valuation Roll.
- Intention to make by-laws
- Council election result
- Intention to make a rate
- Intention by the Minister to establish a city council or to change present boundaries.

The tasks identified in law above are all executed according to set procedures and rules that ensure that transparency policies are followed appropriately. For instance, a Standing Tender Board engages in a three-step process when carrying out a public purchase.

- Tender announcements are made.
- Quotations are received.
- The Tender Board meets to select the successful bidder.

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<sup>51</sup> Local Government Act No. 8/1982, Section 54 (5) (d).



During the purchase process, pro forma invoices are produced, LPOs are prepared, and finally payment is made.

The Finance Committee oversees all aspects of the process and reports the results to the Full Council meeting. Any awards arising from these procedures are included in an annual report prepared by the Government Controller and Auditor General, who then submit the report to the Minister for Local Government for tabling before the National Assembly.

### ***Advertisement of vacancies in local government***

From the restoration of local government in 1984 up until only a few months ago, the LGSC was responsible for all local authority staff. Act No. 8/2002 transferred the staffing function to the Civil Service machinery. Government has once again acquired a basic function of the local government system: in future, it will appoint, promote and discipline, for example, local government personnel. It is highly debatable whether the government consulted with the Association of Local Authorities of Tanzania (ALAT) or the local authorities themselves on this major change. Had the government solicited the views of members of the international local government system, particularly the Association for the Development of Education in Africa (ADEA), the AULA and the IULA, to mention just a few, it is likely that there would have been a very different outcome. The result is catastrophic.

The new procedure for the appointment of local government officers is as follows:

- vacant posts identified by local authority;
- request to fill vacancy submitted to the Government Civil Service Department (CSD), as opposed to the LGSC;
- employment permit received by CSD against a deadline of 90 days from

- release day;
- advertisement of post in media and on council notice boards;
- short listing of applicants ;and
- interview and final selection.

### **Recommendations**

- The local government system should work more vigorously to establish and assert its constitutional rights, with the weighty support of the Ministry of Local Government.
- The international local government system, particularly the ADEA, the AULA and the IULA, must be called upon to restore the constitutional requirements regarding the existence and autonomy of local government in this country.
- Some concerted effort must be made and steps taken at the national and international levels to rescue local democracy in Tanzania.

### ***Responsiveness***

The mechanisms that have been put in place by Mwanza City Council to address citizens' concerns about service delivery and other functions of local government include those set out below.

- Stakeholder workshops to reveal shortcomings or shortfalls.
- Suggestions boxes at the ward level and in City Hall and at delivery places.
- 'Open Public Complaints Files' at the ward level and at City Hall.

Fifty-nine complaints were submitted by clients in the past 12 months. The MCC acted on 42 of them, of which 10 per cent were recurring complaints.

Percentage of citizens satisfied/dissatisfied with service delivery



<b>Dissatisfied</b>	
Water supplies	40.6%
High water rates	33.1%
Water status	21.8%
<b>Rate of</b>	
Men in education	54%
Men in health	18%
Women in education	64%
Women in health	29%
Parks and recreation	52%
Central bus terminal	55%
Plot allocation	67%
Market service	33%
Allocated cemetery plots.	28%

### **NGOs and CBOs**

The types of NGOs are as follows:

- Regional NGOs.
- Locally-based NGOs.
- International NGOs.

The total number of NGOs is 69, while the total number of CBOs is 200.

CBOs are fairly effective in dealing with various issues that touch on people's lives. They help to raise matters of concern at the community level and to articulate them. However, they lack skilled and strong leadership. In addition, many only have a short term agenda.

There is a forum of CBOs and NGOs that meets four times a year. A few NGOs are represented on the council on development issues. A few NGOs feed into the Council's deliberations on development issues, including the Mwanza Women Development Association (MWDA) and Plan International.

It should be pointed out, however, that the forum was not a creation of Mwanza City Council. Rather, it was established by the NGOs themselves.

Some of these CBOs and NGOs have been playing a major role in helping to resolve local-level disputes, including Kivulini,

Kuleana, Green hope and the MWDA.

Most NGOs are effective in the following areas: service delivery; income generation; environmental control; children and women's affairs; and human rights.

Effective economic-oriented NGOs include: the Agency for Co-operation and Research in Development (ACORD); the Foundation for International Community Assistance (FINCA); Poverty Africa; and the Small Enterprise Development Agency (SEDA).

Effective education-oriented NGOs include: CARE; and Plan International.

Effective health-oriented NGOs include: the African Medical and Research Foundation (AMREF); CARE of the Needy; KULEANA; TANESA; and the Chama cha Uzazi na Malezi Bora Tanzania (UMATI).

Effective environmental-oriented NGOs include: the Lake Victoria Basin Environmental Organisation; Mwanza Environmental and Conservation of Nature; and the Tanzania Association of Women Leaders in Agriculture and Environment.

Some of the shortcomings of NGOs are listed below.

NGOs are 'location selective'. They concentrate their efforts in urban areas where they have vested interests.

Their financial resources are uncertain. Many are dependent on donors, such that donors can influence the agenda of an NGO or withdraw its support. This raises questions about autonomy. Most NGOs are not transparent and sometimes do not publish their budgets. Some NGOs have an unclear mission and poor structures, such that they are

vulnerable to internal friction and conflict. Initially they were unwilling to publish their financial statements for public examination. Substantial improvement has been made in this respect.

#### Forms and methods of citizen participation

Forms and methods of citizen participation		Rating		
		Please mark with an X		
		Not used at all in the past 12 months	Used between one and three times in the past 12 months	Used more than three times in the past 12 months
<b>Public information</b>				
1	Distribution of printed materials (leaflets, newspapers, etc) to public.	X		
2	Regular media briefing			X
3	Public presentations and exhibitions			X
4	Scheduled programmes in local media		X	
5	Computer-based applications, such as website and e-mail			X
6	Other(s) Please specify			
<b>Public decision-making</b>				
7	Consultative meetings			X
8	Community forums			X
9	Public Surveys		X	
10	Other(s) Please specify			
<b>Public decision-making</b>				
11	Working and focus groups			X
12	Public workshops			X
13	Other(s) Please specify			
<b>Cooperative implementation</b>				
14	Public-private or public-non-governmental partnerships			X
15	Other(s) Please specify			
Other(s)				

## Local Democracy in Nairobi, Kenya

Winnie V. Mitullah; Hamisi Omari Mboga; Rahab Mundara;  
Edward Cheronon; Augustine Odipo; Elijah Agevi; J.P. Mbugua

### Foreword

The study on democracy at the local level is a welcome move by the international community to support and nurture the democratic process in which residents are empowered to participate in decision-making. I also welcome this move in my capacity as Chairman of the Association of Local Government Authorities of Kenya (ALGAK) and as Mayor of Nairobi City Council. Fellow mayors and chairpersons of local authorities have on various occasions expressed their frustrations with existing legal and administrative arrangements that hinder their ability to provide services to the citizenry. Documentation of the position as it currently exists in the capital should be seen as the first step towards opening up the democratic space.

It is my belief that the participation of the electorate on a continuing basis will release the energies and resources that the city is capable of marshalling. This, in turn, should lead to the provision of city-wide services. Nairobi will become an all inclusive city that cares and caters for all without discrimination.

If adopted and implemented, the draft chapter on the 'Devolution of Powers, Draft Constitution 2004' should lead to the realization of the dream of many Kenyans—that is, that they can help to make a difference to the way that local authorities operate. The long march towards

establishing democratic institutions in our country has started with the case study on Nairobi. We need to do more to achieve the dream of the residents of Nairobi and of Kenya at large.

Councillor Joe K. Aketch  
Chairman of ALGAK and  
Mayor of Nairobi City Council

## **Executive Summary**

### ***City in context***

Nairobi is a cosmopolitan city, full of people from all walks of life, including foreigners and Kenyans who belong to different ethnic groups. The majority of the city's population is young and dependent on elders who are largely employed within the informal sector. Most youths are looking for training and economic opportunities, although a few are serving as apprentices in the informal sector of the economy.

The city consists of many different social groups and is the site of many different types of housing. The bulk of the people are members of the low-income group. They live in houses constructed from mud, cartons and polythene; the few people in the upper-income category live in houses built of cement blocks and marble. This differentiation owes its origin to the colonial policies of racial segregation and separate development. These policies did not consider indigenous Africans to be residents of the cities, but, rather, temporary workers who supplied labour to colonial administrators and the managers of the East African Railway Company.

The Nairobi poverty and human development index shows that residents of the city are doing well compared to other Kenyan provinces. This comparative analysis camouflages the wide disparities that exist within the city, where over 60 per cent of the population lives in informal settlements and generally without basic infrastructure and services. Most of these people work in the informal sector where employment is insecure, salaries are low and there is no legal protection and social security.

Although employment opportunities have been declining in Nairobi, the city is still the main source of urban formal employment, involving 29.3 per cent of the active population nationally. For the most part, these people are engaged in manufacturing, trade and industry, construction, the

restaurant and hotel business, finance, insurance and real estate, as well as in the provision of business and social and personal services.

### ***Representative democracy***

Like other local authorities, Nairobi City Council generally operates a system of representative democracy, under which residents elect 74 councillors. Fifty-five councillors are elected from the 55 wards of Nairobi, while the other 19 are nominated by the parties, approved by the Electoral Commission of Kenya (ECK) and appointed by the Minister for Local Government. The councillors serve for five years. They form an Electoral College that elects the mayor and the deputy mayor, both of whom serve for two years. The mayor works with the councillors via a Committee System (the chairs of the committees are elected annually).

The Committee System is based on a number of assumptions, including that the council is autonomous, that councillors consult constantly with their wards, and that councillors work closely with the administrative branch of the council. The fact that these assumptions are not always in effect has contributed in part to the failure to involve residents in the city's affairs. Councillors hardly ever consult with the residents of the wards that they represent. At the same time, most councillors feel inferior to chief officers, and are ill equipped to oversee their work. This is due to their comparative low capacity and the poor working relationship between the two wings of the council. Furthermore, the Local Government Act gives the Minister for Local Government power over local councils, reducing their autonomy.

The appointment of the mayor by an Electoral College of councillors leaves him/her exposed to political intrigues related to electoral campaigns, which in many cases do not disappear until the next elections. Hence the incumbent mayor is more concerned with maintaining political

alliances than with satisfying the interests of residents. A proposal exists to scrap the Electoral College and to allow city residents to elect the mayor.

Local elections take place in Nairobi once every five years, at the same time as presidential and parliamentary polls, although most residents do not take local elections seriously. Local authorities in Kenya have been mismanaged: councillors have assumed most of the blame. They are accused of being inefficient and focussed on issues in which they have a personal stake, as opposed to meeting the interests of residents. Most of them do not have an agenda and merely ride on the back of the presidential and parliamentary candidates who fund their campaigns. Instead of having a clear development agenda, they promote factors like party allegiance and ethnic and clan loyalty to popular leaders. Subsequently, the councillors act as the campaign agents of presidential and parliamentary candidates. In return, they expect not only support for their own campaigns, but also backing during any subsequent political difficulties that they may encounter while running the council.

Since January 2003, Nairobi City Council has been developing a decentralized model of service provision and management, aimed at enhancing service delivery and the participation of ward residents. Staff members drawn from all departments are deployed in the wards. The aim is to ensure that each and every department is fully represented in the wards and that all council services are offered at the ward level, rather than centralizing them in city hall. This approach is expected to provide a link between the council and city residents, and to complement other efforts that have been initiated under the Local Government Reform Programme, such as the development of Local Authority Service Development Action Plans (LASDAPs). Nevertheless, the model is still in its infancy and many ward offices have yet to be established.

Effective decentralization requires not only

offices in the wards but also the active participation of ward residents. So far, only the offices are being decentralized; the nature of participation by residents has still to be determined. Over the years, city residents have become apathetic and do not take part in council activities. Ensuring that ward residents are effectively engaged requires that participation be institutionalized. Appropriate structures and effective communication channels must be established.

### *Participatory democracy*

The centralization of power and the administrative capacity explains the fact that little premium is placed on local politics, politicians and participation in local affairs. The central government controls and distributes resources via a system of patronage. Consequently, local politicians and residents look to the centre for both resources and guidance. Voter participation in national and local politics ends at the ballot box, yet participation is essential to long term development.

Nairobi, like most other cities in Africa, has not embraced the basic tenets of participatory governance. Participatory governance involves all stakeholders in the operations of the city. Kenya's past autocratic regime restricted participation in the areas of policymaking and decision-making. This limited participation to periodic voting, as opposed to active civic engagement and open dialogue, thereby denying urban residents a voice in service management and delivery. Until the LGRP came up with a policy instrument that made civic engagement a precondition for accessing the central government's Local Authority Transfer Fund (LATF), the city authorities viewed residents as subjects and not development partners.

The new policy of stakeholder engagement via the LASDAPs has forced the city authorities to involve citizens, although the process remains top heavy. Most of the requirements associated with the LASDAPs have been set by the LGRP secretariat and

not by city authorities. At the local level, the process is directed by chief officers, and not by elected leaders. Nevertheless, the process has led to the launch of participatory initiatives that have begun to foster transparent and consultative budgeting.

Apart from poor levels of citizen participation, a number of civil society organizations, including faith-based groups, are contributing to development within the city. These organizations include residents' associations and networks like the Nairobi Informal Settlements Coordination Committee (NISCC). The latter comprises government departments, private sector entities and civil society bodies that operate within the city.

There have also been initiatives aimed at controlling crime. The Safer Cities Programme, supported by the United Nations Human Settlements Programme (UN-HABITAT), has created a closer working relationship between the city authorities and city residents, notably the Nairobi Central Business District Association (NCBDA). By January 2004, Nairobi City Council had established an inter-departmental committee on urban safety. The committee has been preparing a strategic plan for city-wide crime prevention. Once the plan is ready, it will be subjected to an intensive stakeholder consultation process.

Other initiatives to control crime in the city include the One Stop Youth Information Centre (OSYIC) and the Street Children Rehabilitation Programme. The OSYIC was opened in August 2003 to develop the capacity of youth to participate in urban poverty reduction. The centre has started to provide youths aged between 15 and 24 years with information on careers and health (HIV/AIDS and drug abuse). Under the rehabilitation programme, the city council has opened up five centres in various social facilities. In these centres, street families are fed, offered counselling, vocational training and advice on hygiene, and have access to medical care, informal education and recreation facilities. Some youths have undergone training at the National Youth Service Training School, while younger ones

have taken advantage of free primary education.

### ***Concluding remarks and recommendations***

The mapping of local democracy in Nairobi has revealed that elected leaders are not accountable to the electorate, and that there is minimal participation by citizens in the affairs of the city council. Initiatives have been launched under the LGRP that aim to correct this. The LASDAP process is a framework for engaging all stakeholders in the planning and management of city affairs. In order to involve residents effectively in city affairs, the city authorities have begun to decentralize the provision and management of services to the wards.

Despite the efforts being made at the city level, this study contends that the efficient operation of Nairobi City Council requires autonomy from central government. The Minister for Local Government should have less control. Furthermore, initiatives aimed at increasing citizen participation should be institutionalized by: conducting a baseline study of existing institutions; engaging in regular monitoring of the various schemes; disseminating information and feedback; designing a communications strategy; establishing a multidisciplinary technical committee; raising awareness among residents; and having a budget line for the mobilization of stakeholders and participatory forums.

In addition there is a need to build up the capacity of councillors and chief officers and to have the mayor elected by city residents instead of by a college of elected councillors. This will make the mayor accountable to city residents and ensure that he/she cannot be manipulated by councillors.

## Introduction

This study is part of a comparative evaluation of four cities in Africa, namely Nairobi in Kenya, Lusaka in Zambia, Mwanza in Tanzania and Gaborone in Botswana. It is the first phase of a capacity-building project of IDEA and the AULA. This phase provides the participating cities with a guide to assess systematically the public policy challenges that they face, and the extent and quality of current representative and participatory processes.

The Kenya component of the study was undertaken in a participatory manner by a team of researchers drawn from various stakeholder entities in Kenya. The team included: the Deputy Town Clerk of Nairobi; a Commissioner from the ECK; the Secretary-General of the ALGAK; an Executive Officer of an international NGO working in the field of urban development; a former Town Clerk with Nairobi City Council and urban development consultant; and an academic from the University of Nairobi.

The team used both secondary and primary information to write the report. Secondary material was drawn from academic publications and reports, especially from the ECK, Nairobi City Council and university libraries. Primary information was gathered from key informants and through focus group discussions with city councillors. The key informants represented public, private and civil society organizations. The questionnaire developed by IDEA, and reviewed and revised by all of the participating countries at an orientation workshop in Cape Town in August 2003, served as a point of reference in the procurement for primary information.

The study is divided into four sections: city in context; representative democracy; participatory democracy; and concluding remarks and recommendations. The city in context section looks at the city's characteristics, demography and social structure, economic base and social

indicators. The representative democracy section outlines institutions and processes, including electoral systems and rules, party systems and local candidate selection. It further discusses election administration and system performance and evaluates both elected officials and voter participation. The section on participatory democracy also examines institutions and processes with a focus on local authorities and participatory democracy, civil society, forms and methods of participation and civic engagement. The study ends with some concluding remarks and recommendations.

## City in context

### Overview

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Nairobi owes its origin to the development of the Kenya–Uganda railway line during the 19th century. The city began as a small camp set up in 1896 to serve as a depot for caravan trade between the coast and Uganda. The camp was located near a small river that flowed through a swampy area known to the Maasai who inhabited the area as Enkare (Nairobi), meaning place of cold waters. In 1899, when the railway headquarters moved from Mombasa to Nairobi, the city began to assume its present cosmopolitan character. It became a hub for the commercial business of the then East Africa Protectorate.<sup>52</sup> By 1900 residential divisions had begun to appear. The city was a large and flourishing place, with settlements consisting mainly of railway buildings, and separate areas for Europeans and Indians. The latter were mainly labourers employed to build the railway.

### Location and layout

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Nairobi lies at the southern end of Kenya's agricultural heartland, 1.19 degrees south of the Equator and 39.59 degrees east of the Prime Meridian. It is between 1,600 and 1,850 metres above sea level. The city has a temperate tropical climate, with cool evenings and mornings. It becomes

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<sup>52</sup> Situma, F.D.P., 'The Environmental Problems in the City of Nairobi', *African Urban Quarterly*, Vol. 7, Nos. 1 and 2 (1992).



distinctly cold during the rainy season. There are wide variations in population density, reflecting different land utilization patterns within what Obudho and Aduwo<sup>53</sup> see as six distinct and different land use divisions: the Central Business District (CBD); industrial area; public and private open spaces; public land; residential area; and undeveloped land. These spatially divided internal divisions are based on land use and income level.<sup>54</sup>

Most residents of Nairobi identify the city with transportation nodes and major high rise buildings. There are six transportation nodes within the CBD that city residents use as landmarks: the Ambassador Hotel; Archives; the Hilton; Old Nation House; the General Post Office (GPO); and the railway and bus station. These are mainly for transport within the city and its environs. Long distance transport nodes, such as the Country Bus Station, Nyamakima and the Tea Room, also form key meeting points. The high rise buildings that are a point of reference include the Hilton Hotel, the Kenyatta International Conference Centre (KICC), New Nation House, Nyayo House and the recently built Times Tower.

While there is no central square in the city, the transportation nodes serve as active meeting points (with several restaurants and shopping arcades). Before street vendors were relocated in backstreets and side lanes, the pavements around the transportation nodes were active business spots for them. Most city residents, especially the youth, use the transportation nodes and the spaces outside cinema theatres, especially the Kenya cinema, as meeting points. It is common for youth to hang around in such areas, even when they are not meeting anybody in particular. It is unfortunate that

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<sup>53</sup> Obudho, R.A. and Aduwo, G.O., 'The Role of Nairobi in Spatial Planning in Kenya: Towards a Planning Alternative', First International Conference on Urban Growth and Spatial Planning in Nairobi, Nairobi, 1988.

<sup>54</sup> Olima, W.H.O., 'The Dynamics and Implications of Sustaining Urban Spatial Segregation in Kenya: Experiences from Nairobi Metropolis'. A paper presented at the 'International Seminar on Segregation in the City', Lincoln Institute of Land Policy, Cambridge, Mass., USA, 2001. <http://www.lincolnst.edu/courses/segreg/olima.doc>.

such areas do not have seating or good ground to sit on.

The CBD has its own character, and can be further divided into regions. The centre of the CBD comprises the middle ring and the outer ring. The central part is the site of some of the best modern architectural designs; high profile businesses are located here. The middle ring has a mixture of architectural designs; most of the buildings are older and not well kept. Most of the businesses located in such buildings are small scale and largely operated by Africans. The outer ring is not densely developed and has mixed land use (residential and business). Residential areas are gradually being eliminated, as new business buildings spring up. Most businesses prefer to locate in the outer ring due to the fact that there is less congestion, the rent is cheap rent.. Upcoming outer nodes include the Westlands area, Upper Hill and the Buru Buru area to the east of the city.

The city does not strictly have no-go zones, but there are areas that are considered unsafe. The centre of the CBD is generally safe, while the middle ring, especially its backstreets and side lanes, can be unsafe. In areas where there is thriving business, for example Kirinyanga roads, where vehicle spare parts are sold, there are a number of brokers and con artists. Pickpocketing occurs in all parts of the city, although there is more surveillance in the centre of the CBD.

### **Demography and social structure**

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Since the beginning of the 20th century, the city has grown rapidly: from a small population of 11,512 people living within an area of 1,813 hectares to about 2.1 million people (649,426 households) living within an area of 68,945 hectares.<sup>55</sup> The city's population is greater during the day, due to the fact that people work in the city and reside outside of it.

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<sup>55</sup> Government of Kenya, 'National Population Census', (Nairobi: Government Printers, 1999).



Table 1. Population of Nairobi between 1906 and 1999

YEAR	AREA (in hectares)	POPULATION	% INCREASE IN POPULATION	DENSITY (persons per hectare)
1906	1,813	11,512	–	6
1928	2,537	29,864	159.4	12
1931	2,537	47,919	60.5	19
1936	2,537	49,600	3.5	20
1944	2,537	108,900	119.6	43
1948	8,315	118,976	9.3	14
1963	68,945	342,764	188.1	5
1969	68,945	509,286	48.6	7
1979	68,945	827,755	62.5	12
1989	68,945	1,324,570	60.0	19
1999	68,945	2,143,254	61.8	31

Source: Olima, W.H.O., 'The Dynamics and Implications of Sustaining Urban Spatial Segregation in Kenya: Experiences from Nairobi Metropolis'. A paper presented at the 'International Seminar on Segregation in the City', Lincoln Institute of Land Policy, Cambridge, Mass., USA, 2001.

<http://www.lincolnst.edu/courses/segreg/olima.doc>.

Growth rates between censuses have remained relatively stable in Nairobi. While the national growth rate between censuses declined from 3.4 per cent in 1969 to 2.9 per cent in 1999, the city experienced growth of 4.9, 4.7 and 4.8 per cent in 1969–1979, 1979–1989 and 1989–1999 respectively.

The most recent census (1999) shows that Nairobi has a high percentage of young people. A total of 693,867 members of the population are aged 15 or less, while 23,234 are aged 65 or more. A total of 874,583 people are under 20, 838,360 are between 20 and 34, 141,989 are between 35 and 39 and 91,090 are between 40 and 44. Only 15,301 people are aged 70 or above.

Most youths are not employed in the formal sector. This is because most employers require experience, which a lot of young people do not have. Instead, a significant percentage is engaged in hawking and selling promotional copies of new products in the market. The other option is to create economic opportunities in the informal sector, but this requires capital, which is often not available. Those who belong to middle- and high-income households have opportunities to train and to develop their

skills or to participate in informal economic activities—since their parents/wards can afford to pay the relevant fees and can raise the required capital.

The 1999 census shows that a total of 90,473 individuals aged between five and 70 have no education; 91,005 have pre-primary education; 239,260 have standard 1–4 primary education; 506,221 have standard 5–8 education; 681,438 have form 1–4 education; 42,119 have form 5–6 education; and 72,190 have university education. A total of 75,443 have not started going to school.

Since the colonial period, the city has consisted of three distinct racial groups: Whites; Asians; and Africans. While these distinctions can no longer be strictly applied, in general, they are visible. White communities have comparatively more resources, followed by Asians and Africans respectively. A large number of Africans live in informal settlements without basic services, while hardly any Europeans or Asians do. Most Asians own medium- and large-sized businesses in the formal sector of the economy, which are key employers of Africans. A few Africans own small firms, while others operate small-scale enterprises, popularly referred to as *Jua Kali*.

Nairobi will become a mega city of ten million by 2020. It is cosmopolitan, and is dominated by different Kenyan ethnic, Asian and European communities. Asians outnumber Europeans, followed by people of Arabic origin. Aside from these local communities, people from all continents reside in Nairobi. Almost all of Kenya's 42 ethnic groups are represented in the capital. However, four are predominant (Joluo, Kamba, Kikuyu and Luhya).

There is general tolerance and harmony in the city, so long as there are no issues to trigger acrimony based on race or ethnicity. Racial tension, especially between Africans and Asians, hinges on the fact that Asians own medium- and large-scale businesses, while Africans are largely engaged in micro informal enterprises that are not licensed, and are prone to harassment by the urban authorities. The medium and large Asian firms employ Africans who receive a comparatively low wage and work on comparatively poor terms of service. This situation creates tension, which often manifests itself whenever there is any economic or political pressure. During the attempted coup d'état of August 1982, for example, many poor Africans looted medium-sized businesses in the CBD, many of which belonged to people of Asian origin.

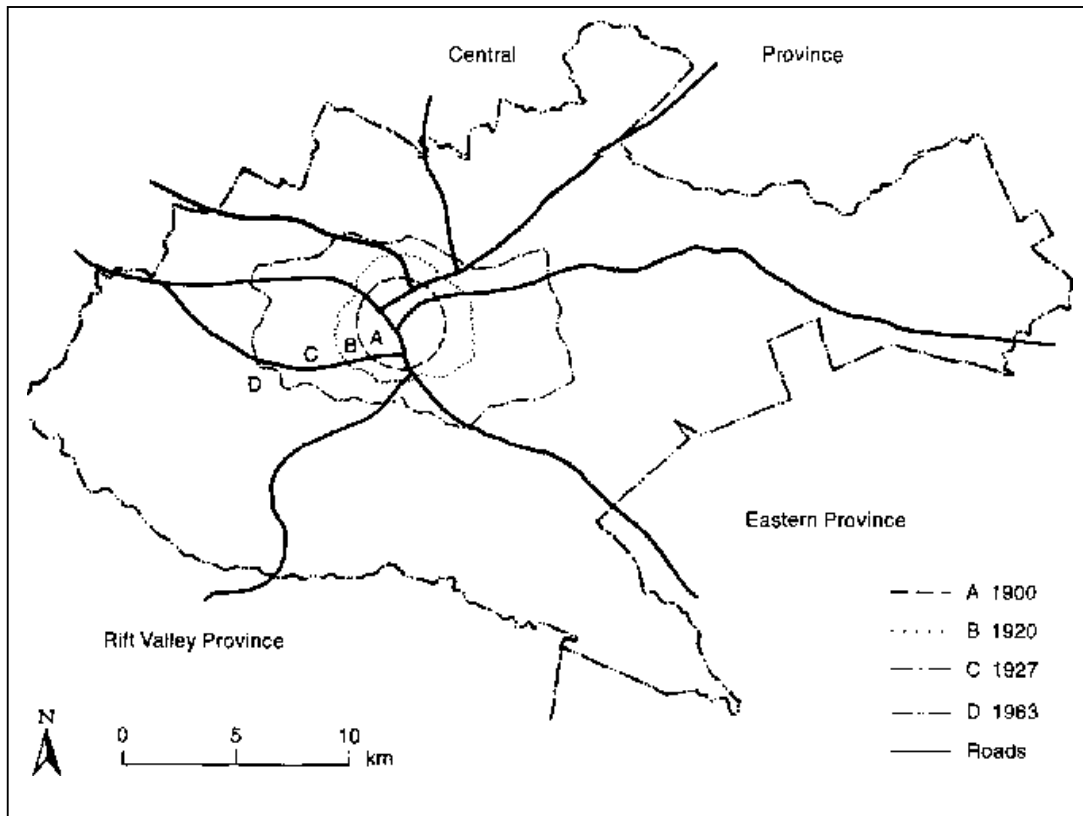
Initially, there was no African settlement within the city. Africans were not allowed to stay in urban areas, aside those who were employed by the railway or by colonial

administrators. The housing units that were later provided were restricted to employees of the railway company and of colonial governors. The houses were small (10 by 10 feet) and two male adults had to share a room. They were not allowed to bring spouses to these rooms. The Vagrancy Act restricted movement to urban areas, unless one had formal employment.

As the size of the population increased, the colonial governors hired a consultant from South Africa who came up with the policy of separate spatial patterns of development based on segregation within the CBD and European, Asian and African residential areas. The latter is still partly reflected in both population densities and architectural design. By 1963, the Africans who formed a major part of the population lived in the eastern parts of the city, while the Europeans and Asians lived in the western suburbs with access to better services. .

Nairobi's boundary has changed four times since its establishment. In 1900 Nairobi was comparatively small. In 1927 the boundary was extended to cover 30 square miles, as a result of rapid growth. This boundary remained pretty much the same until 1963, when it was increased to its present size, covering an area of approximately 266 square miles.

Figure 1. Nairobi boundary changes, 1906–1963



Source: Obudho, R.A and Aduwo, G.O., 'The Nature of the Urbanization Process and Urbanism in the City of Nairobi, Kenya', *African Urban Quarterly*, Vol. 7, Nos. 1 and 2 (1992), p. 53.

The population of Nairobi has also changed in line with the expansion of the city's boundary. The main source of growth, especially during the 1960s and 1970s, was in-migration, especially from Central Province and more distant provinces like Eastern Province, Nyanza Province and Western Province.<sup>56</sup> Natural growth has also been a key factor.

### **Socio-economic base**

Most of the people in Nairobi aged between 15 and 64 are economically active.<sup>57</sup> They are engaged in both the formal and informal economy, although informal employment is dominant. Access to formal sector employment declined marginally by -0.43 per cent between 1998 and 2001.

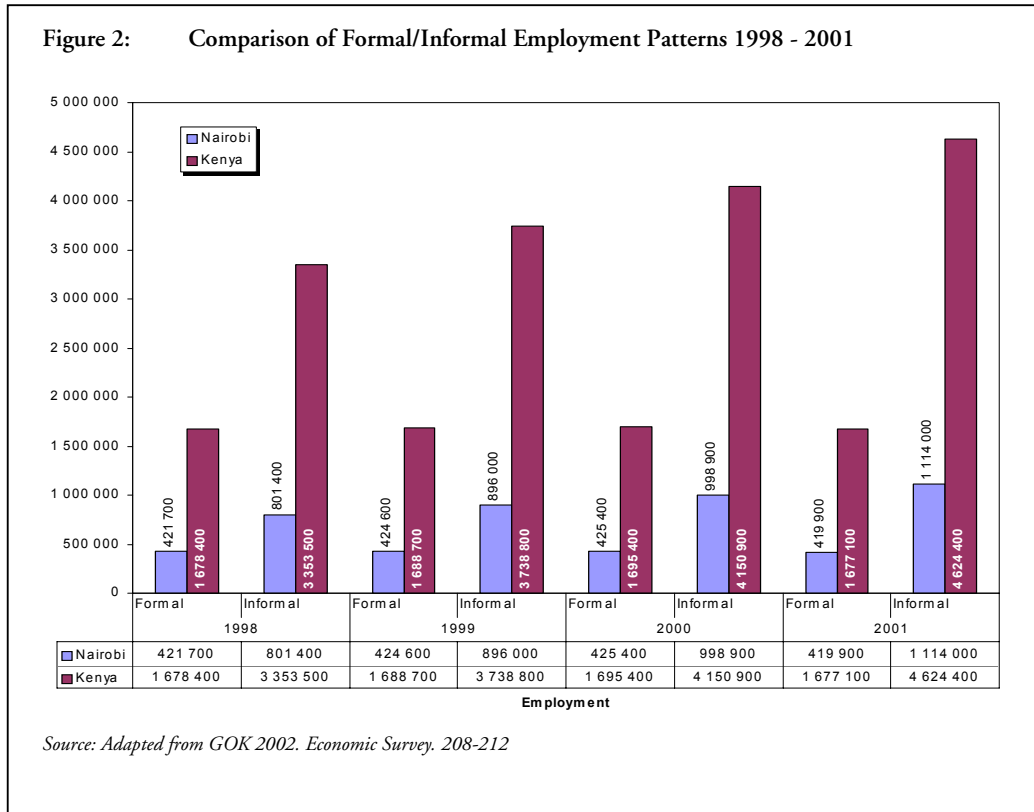
In spite of this, the city is still the main source of urban formal employment, involving 29.3 per cent of the active population nationally. According to 1998 estimates, 67,900 people were said to be employed in manufacturing, 39,700 in building and construction, 57,300 in the restaurant and hotel business, 42,200 in finance, insurance, real estate and business services, and 155,900 in community, social and personal services.

<sup>56</sup> Obudho, R.A and Aduwo, G.O., 'The Nature of the Urbanization Process and Urbanism in the City of Nairobi, Kenya', *African Urban Quarterly*, Vol. 7, Nos. 1 and 2 (1992), p. 58.

<sup>57</sup> Government of Kenya, 'Economic Survey', (Nairobi: Government Printers, 2002).

Most Nairobi residents depend on informal economic activities. Since the beginning of the implementation of the provisions of Structural Adjustment Programmes (SAPs), especially civil service reforms, the informal economy has continued to accommodate those who have lost their jobs in the formal sector. This has increased the share of the contribution made by the informal economy to the Kenyan economy. The sector creates more jobs than the formal sector (as shown in figure 1).

### The urban economy of Nairobi



Of the people of Nairobi aged between 15 and 64, 86.3 per cent are economically active.<sup>58</sup> Since independence, there has been a considerable rise in wage employment in the formal, non-agricultural economy.

Estimates of the size of the informal economy vary. The 2002 *Economic Survey* notes that employment in the informal economy grew by 176 per cent between 1998 and 2001, compared to -0.43 per cent in the formal sector. Earnings from many

informal sector activities in Nairobi compare favourably with those from urban unskilled or rural agriculture employment. The formal and informal sectors are generally symbiotic, with the vitality of the informal sector depending on the wages in, and the demand generated by, the formal sector.<sup>59</sup>

The city has linkages with adjoining rural areas, especially the high potential areas of Central and Rift Valley Province. The city

<sup>58</sup> Government of Kenya, 'Economic Survey', (Nairobi: Government Printers, 2002), p. 210.

<sup>59</sup> House, W.J., 'Nairobi's Informal Sector: A Reservoir of Dynamic Entrepreneurs of a Residual Pool of Surplus Labour?', Institute for Development Studies (IDS) Working Paper No. 347, (Nairobi: University of Nairobi, 1978).

relies on these regions for its food supply, especially horticultural products. The neighbouring rural areas also provide a pool of labour and accommodation for city workers. A number of city workers who originate from these areas prefer to stay in their rural homes; others find accommodation in these areas adequate and comparatively cheap.

### **Development indicators**

Traditional approaches to development viewed economic growth as the most important requirement for development. Increasing poverty in the midst of growth led to disillusionment with the emphasis on growth and increases in per capita income. This gave rise to a new approach to development, the human development approach, measured in terms of the Human Development Index (HDI). Human development involves expanding human capabilities and providing access to opportunities in the social, economic and political spheres. HDI is a composite index

encompassing life expectancy, education and standard of living, as measured by per capita income. The HDI value for a country or a city shows how far it has come in terms of attaining an average life expectancy of 85 years, universal access to education and a decent standard of living.

Nairobi has the highest HDI (0.783) in Kenya, as shown in table 2. The difference between Nairobi and the Kenyan province with the lowest HDI (North Eastern, with 0.401) is very stark, highlighting the great disparities that exist not only within the provinces, but also within the cities and towns. While Nairobi has a high HDI, some parts of the city, especially the informal settlements, have a very low HDI. These disparities arise due to differences in the resource base, infrastructural development and life opportunities. Although there are some very poor households in Nairobi, the city has the second best Human Poverty Index (HPI) value, 32.4 per cent—Central Province is ranked first with an HPI value of 30.7 per cent.

**Table 2. Human Development Index in Kenya**

KENYA PROVINCES	Life expectancy (1999)	Adult literacy (1999)	Annual income (1999)	Life expectancy index	Education index	Gross domestic product (GDP) index	HDI index
KENYA	54.7	70.9	16,604	0.495	0.642	0.482	0.539
Nairobi	61.6	82.2	78,664	0.610	0.756	0.983	0.783
Central	63.3	83.9	17,829	0.645	0.829	0.339	0.604
Coast	51.5	62.8	18,840	0.408	0.595	0.363	0.467
Eastern	62.3	66.5	15,131	0.443	0.687	0.268	0.525
Rift Valley	61.9	72.6	15,251	0.558	0.652	0.271	0.510
Nyanza	45.7	70.9	14,169	0.345	0.736	0.239	0.440
Western	52.4	74.6	11,191	0.457	0.753	0.137	0.449
North Eastern	52.4	64.2	17,212	0.457	0.460	0.324	0.413

Source: UNDP, 2002.

## **Representative democracy**

Representative democracy is a system under which citizens choose candidates or political parties that make authoritative decisions for the entire community. In this section we examine both the political institutions and the electoral process within the city of Nairobi. In particular, we appraise institutional aspects, such as the national and local rules governing representative democracy, organizations and key actors, including parties and candidates.

### **Institutions**

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This section looks at both political institutions (political parties at the local level) and civil society institutions (NGOs and CBOs). It evaluates how political and civil society institutions influence the operation of local government institutions (mayors, councillors and the administration).

#### **National determinants of local elections**

The present legal and institutional basis for local elections is derived from: the Kenyan Constitution; National Assembly and Presidential Elections Act, Cap 7; the Local Government Act Cap 265; the Election Offences Act Cap 66; Kenya Broadcasting Corporations Act, Cap 221; Public Order Act, Societies Act, Cap 108; and the Penal Code Cap 63. These pieces of legislation outline the provisions for both national and local elections, including presidential, parliamentary and local government polls. All of these elections occur once every five years, on the same day, in one venue. Different ballot papers are used.

The Electoral Code of Conduct, which falls under the National Assembly and Presidential Elections Act, Cap 7, binds government and every political party, including their leadership and all office bearers, members, supporters and candidates nominated under the electoral laws. The code aims primarily to promote conditions conducive to the holding of free and fair elections and to ensure an environment of

tolerance in which political activity can take place without fear, coercion, intimidation or reprisals.<sup>60</sup>

Part IV of the Local Government Act, Sections 53–72, outlines provisions regarding the conduct of local government elections and the holding of office. It specifies: the qualifications needed for registration as a voter and for election as a councillor; the qualifications needed for nomination as a councillor, other than as an elected councillor; criteria that will lead to the disqualification of a councillor; alterations to electoral areas, voters and electoral rolls; and the rules governing elections and those who are validating the polls.

Prior to the amendment of statutes in 1997 (Constitution of Kenya Amendment Act, 1997), most of the country's elections were not free and fair. They were manipulated by the Kenya African National Union (KANU) regime; candidates who were not like-minded had difficulty campaigning and winning elections. Prior to 1992, the electorate was not able to choose between alternatives on the basis of ideas and policies. The one-party system emasculated voices of dissent and institutions that sought to engage in critical thought. It concentrated its efforts on liquidating the political competition rather than on nurturing democratic choice.<sup>61</sup>

Local Government Act Cap 265 outlines the legal provisions that provide the framework for local government elections and the holding of office. Section 53 (5) outlines the qualifications that councillors must possess: a councillor must be of 'full age', 'registered as a voter in the respective local authority', and 'not disqualified from election by any legal provision'. Another requirement is evidence of membership of a political party, as well as of nomination by that political party—in accordance with the Constitution

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<sup>60</sup> Institute for Education in Democracy (IED), *Enhancing the Electoral Process: A Report on the Transition General Elections*, (Nairobi: IED, 2002).

<sup>61</sup> Wanjala, S., 'Elections and the Political Transition in Kenya', in Kioko W. et al (eds), *Building an Open Society: The Politics of Transition in Kenya*, (Nairobi: Claripress, 2002).

or the rules of that party relating to the nomination of candidates for local government elections. The act further provides for the nomination of councillors by the Minister for Local Government.

The provision that gives the Minister for Local Government power to nominate councillors was amended prior to the second multi-party elections in 1997, due to its abuse by various Ministers for Local Government. While the provision was aimed at bringing in individuals with relevant knowledge and skills, the provision became a mechanism with which to reward political supporters, including those who fail to make it in the elections. The amendment withdrew from the Minister full powers to nominate councillors. Instead the political parties were to decide on nominations in consultation with the ECK; the Minister was left with the job of ratifying the appointment. This new amendment, however, has not solved the problem of missing knowledge and skills. Thus, the nomination of councillors is still based on patronage, although power has shifted from the Minister for Local Government to the various parties—a form of sharing patronage across parties.

Sections 14 and 15 provides for the election of the mayor and the deputy mayor, while Section 16 provides for filling a vacancy. The mayor is elected by councillors (elected and nominated) in a secret ballot that takes place during the first meeting of the council. (The same process applies to the deputy mayor.) This provision has been problematic due to the formation of camps around mayoral candidates. Such camps often exist even after elections, interfering with synergies needed for efficient and effective service provision and management.

The position of mayor is a ceremonial one. The mayor is first among equals; due to shifting loyalties among councillors he/she may not complete his/her term. A vote of no confidence is a common occurrence. After the 1997 elections, Nairobi experienced a vote of no confidence in the mayor, even though the council had one dominant party.

Consequently, mayors struggle to appease councillors rather than to promote democratic principles.

The mayor lacks executive power and, therefore, the extent to which he/she can be held accountable is limited. The electoral provision also reduces her/his performance. The councillors should hold the mayor accountable for the implementation of council resolutions and decisions, since voters cannot, but this has not been done effectively. At the same time, councillors have no power over administrative officers. National-level rules on the formation of political parties have no effect on local elections. Individuals and/or groups are free to form and/or join political parties of their choice. However, most parties are formed along sectarian lines, including ethnic orientation. This can be problematic for individuals residing in urban areas who may not belong to a particular group. Most parties remain separate from their membership in terms of vision and policies. Party policies, although largely unknown to the electorate, are taken as given. This situation leaves most people with no option but to choose a preferred individual based on eloquence and fiery, oratory, empty promises, not to mention bribery and voter manipulation and rigging via the machinery of government, as was the case under the one-party system.<sup>62</sup>

Candidates in local elections often have no agenda and largely lean on parliamentary candidates whose agenda are also not clear. During the 2002 local elections, a study focusing on local elections and covering Nairobi and Kisumu revealed that the five major campaign issues of the National Rainbow Coalition (NARC) were free education, the creation of employment opportunities, the revamping of the economy, reducing the level of corruption and removing KANU from power. The campaign agenda of civic leaders, however, included improved development and infrastructure, security, providing water, creating employment opportunities, and free

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<sup>62</sup> Wanjohi, N., *Political Parties in Kenya: Formation, Policies and Manifestos*, (Nairobi: Views Media, 1997).

education.

Nairobi city faces a major problem in terms of poor infrastructure and service provision. Before the introduction of the LGRP, most services were on the verge of collapse—elected leaders were concentrating on issues of benefit to themselves, such as allocations of plots and allowances. Local government reforms have begun to change the nature of representative democracy by providing frameworks that enable the electorate to question council decisions and management processes. Through the development of LASDAPs, residents are able to participate in the planning of development in their respective wards.

There are legal provisions for solving election disputes. These are outlined in the National Assembly and Presidential Elections Act and the Local Government Act. The latter points out that: ‘if the validity of an election to a local authority is brought into question by any person qualified, either to be elected or to vote on any ground or for any cause whatsoever, such a person or the returning officer, as the case may be, may at any time within fifteen days after the publication of the result of such election, apply to a Resident Magistrate to set the election aside’. The magistrate, after due inquiry, can declare whether the candidate whose election is in question, or any other person, is duly elected, or whether the election result is void.

Since the 1992 polls, only 11 election petitions have been filed in Nairobi. Of these, four were struck off, six were dismissed and one is still pending. This shows that the determinants of local elections are efficient—otherwise the petitions would have met with success in court.

### ***Electoral system design and performance***

The electoral system employed in Kenya is one of simple majority. This system has been used since independence, and the Constitution and all electoral rules and regulations are geared towards it. The

Constitution provides for the nomination of 12 MPs, while there is a provision for the nomination of an additional 30 per cent of councillors to each local authority. The ECK specifies the number of candidates to be nominated by parties, based on seats won by each party on each council. Once approved by the ECK, these individuals are appointed by the Minister for Local Government. The electoral system does not provide for independent candidates.

Once nominated, candidates campaign on behalf of the party and themselves. There are many cases where candidates are elected irrespective of their ability, provided that the party that the candidate represents is dominant or popular in the constituency in which the ward is located.

The sub-division of electoral areas is carried out by the ECK, and there have been no serious disagreements regarding the establishment of wards. However, MPs have often objected to areas being carved off if they are popular in an area.

Representation in constituencies and wards has always been a matter of major debate. The debate has centred on the substantial disparities that exist in terms of the size of constituencies and wards. These inequalities are not addressed in the Constitution. The power to create constituencies and wards is vested in parliament and the ECK. The primary criterion for creating wards, like constituencies, is size of population. Secondary variables include: growth trends; geographical features; resource endowment; means of communication; community of interest; and existing administrative boundaries.<sup>63</sup>

An examination of the wards in Nairobi highlights disparities in terms of size of population, with some wards having twice as many people as others. There are a total of 55 wards in the city, a situation that has not changed since 1992. The number of wards changed from 41 in 1974 to 40 in 1979, to

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<sup>63</sup> Tostensen, A., Andreassen, B.A. and Tronvoll, K., *Kenya's Hobbled Democracy Revisited*, (Oslo: Norwegian Institute of Human Rights, 1998).



50 in 1988 and to 55 in 1992. The number of registered voters in each ward ranges from 5,360 in Ruai to 30,184 in Central Ward. Tostensen et al have further argued that a certain degree of 'dis-proportionality' is constitutionally permissible, but it must be reasonable and agreed on by the various political parties.<sup>64</sup>

### **Party Systems**

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The independent state of Kenya began life in 1963 as a multi-party state. The main parties were KANU, the Kenya African Democratic Union (KADU) and the African People's Party (APP). These were national parties, but regionally pronounced. KANU was concentrated in Central Province, part of Eastern Province and Nyanza Province, while KADU was largely concentrated in the Rift Valley and in the western and coastal areas. The APP was concentrated in Eastern Province. The leadership of the parties came from the dominant areas. KADU dissolved itself in 1964 and the APP disintegrated, leaving KANU as the only party in Kenya until the formation of the Kenya People's Union (KPU) in 1966. The KPU, though, was banned in 1969 after riots during a presidential visit to Kisumu (the stronghold of the party). The banning of the KPU marked the start of strict control and the centralization of decisions and resources by a government that was not separate from the party.

Also in 1969, some powers and functions of the local authorities were taken over by the central government, such as the Graduated Personal Tax. The withdrawal of this major source of revenue strained fiscal relations between the central and local governments, and had a negative effect on service provision and the economic welfare of local authorities.

The Constitution was amended in 1981 to make Kenya a one-party state. Between 1982 and 1992, the electoral process was

influenced by the rules and regulations of the one-party system. This system did not allow MPs to hold divergent views. It was during this time that Kenya witnessed dictatorial excesses of power by the autocratic regime. Disciplinary action was taken against those who had alternative views, including expulsion from the party and detention by the state.

Leaders inside and outside of parliament agitated for political reform. As a result, the Constitution was amended again in 1991 to make Kenya a multi-party state. This opened the way for the expression of alternative viewpoints and the engagement of citizens in governance. There was rapid registration of political parties—the current number is 53. During the last election (2002), 24 of the parties took part in civic elections in Nairobi (see appendix 2).

The political parties that are registered and active in the municipality reflect the national pattern of party affiliation and membership. Political parties are formed on a regional basis. All regions, except Nairobi and a few districts in Rift Valley Province, consist of people of the same ethnic group. The voting system favours parties that are headed by members who identify with a specific ethnic group. While all ethnic groups, regions and parties are represented in Nairobi, the distribution of parliamentary representatives and councillors in particular wards occurs along ethnic lines. If a particular ethnic group is dominant in a particular ward, a member of that ethnic group is likely to be elected.

While the number of registered parties is known, the size of the membership remains largely unknown. The 2002 elections were particularly unique. The political circumstances that resulted in the establishment of the ruling coalition, NARC, did not allow for the registration of members. In any case, membership of a party is not a requirement for voters, only for those contesting the seats.

Although Kenya has a total of 53 political parties, only three are dominant in both national and local government elections. In

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<sup>64</sup> Tostensen, A., Andreassen, B.A. and Tronvoll, K., *Kenya's Hobbled Democracy Revisited*, (Oslo: Norwegian Institute of Human Rights, 1998).

1992, a total of 17 parties fielded candidates in the local elections in Nairobi, but only seven won seats.

**Table 3. Votes and seats won by political parties in Nairobi in the 1992 elections**

Political party	Votes	% of total votes	No. of candidates	Seats won	% of seats won
Democratic Party of Kenya	116,541	31.75	55	28	51.85
Kenya African National Union	83,710	22.80	55	14	25.93
National Development Party of Kenya	59,173	16.12	51	5	9.26
Social Democratic Party of Kenya	38,920	10.60	44	3	5.56
Forum for Restoration of Democracy-Kenya	25,147	6.85	54	1	1.85
Safina Party	14,461	3.94	41	1	1.85
Forum for the Restoration of Democracy for the People	11,623	3.17	27	2	3.70

*Source: Electoral Commission of Kenya database, 2004.*

The Democratic Party of Kenya (DP), which is currently one of the key members of the NARC coalition, won 28 of the 55 seats. This gave the party a 51.85 per cent share of the seats. KANU won 14 seats (25.93 per cent), followed by the National Development Party of Kenya (NDP) with five (9.26 per cent) and the Social Democratic Party of Kenya (SDP) with three (5.54 per cent).

The trend changed in 2002, when a total of 21 political parties fielded candidates in the local elections, but only two (NARC and KANU) won seats in the city—NARC took all of the seats bar two. The total number of people who voted for these two parties was 294,821 (of 367,091 voters). This implies that the 72,270 people who voted for other parties do not have a preferred candidate on the council. By implication, one can assume that a number of those who voted for the various parties were party members.

If we go by those who voted, the data shows that, currently, most city residents belong to either NARC or KANU. Other parties, such as the SDP and the Kenya African Democratic Development Union, have memberships that range from 13,696 to 1,434 respectively, The United Agri Party,

meanwhile, has only 33 members.<sup>65</sup>

Primary party elections have not been common in Kenya due to the long history of the one-party system. During the first (1992) and the second (1997) multi-party elections, most parties nominated their candidates without giving the electorate a chance to choose representatives. In 2002, there was an attempt to hold primary party elections, but it made a mockery of democratic practice. According to the ECK, the methods employed included: election by secret ballot, involving all registered candidates in the ward; and nominations by delegates from the location or by the party constituency committee.

Primary party elections have been the domain of party leaders, who either choose their preferred candidates or manipulate the poll. This was demonstrated when a party two candidates for the same vacancy. There have also been cases of nominations being cancelled, even on nomination day. Currently, there is no legal provision in the electoral legislation governing the selection of party candidates. Parties have their own rules and procedures, which are changed at will by the leaders of the political parties. It

<sup>65</sup> Electoral Commission of Kenya, 2003 and 2004 election data.

has been suggested that the ECK should take charge of primary party elections in order to ensure that they are free and fair. At the same time, most city residents are yet to appreciate the value of primary party elections, as reflected in the very low turnout rate in 2002..

The Constitution of Kenya does not provide for a coalition government. The ruling party, NARC, is a registered party. Its elected members were nominated by various parties to contest seats as members of NARC, based on agreed principles outlined in a Memorandum of Understanding (MoU) between the parties concerned. The agreement between the parties led to NARC winning a majority of parliamentary seats and council seats in several local authorities, including Nairobi. However, this arrangement has experienced problems: some coalition members resent the unwillingness of the key coalition member to honour the terms of the MoU.

Political parties lack adequate resources, and hence can barely undertake required tasks, such as the recruitment of members. This is further reflected in the poor performance of local councils. Instead of the party system being used to enhance the efficiency of council operations, some parties use their dominance primarily to influence the allocation of council resources. This was demonstrated in Nairobi between 1997 and 2002, when, although the majority of councillors belonged to the Democratic Party, there was hardly any improvement in governance. The same applies to the present Nairobi City Council: with the exception of two members of the Kenya African National Union, all of the councillors represent the National Rainbow Coalition. In fact, performance is so bad that the Minister for Local Government has threatened to dissolve the council. Overall, it seems that the dominance of one party does not have a remarkable impact on governance of councils.

Parties seem to disintegrate after elections, and do not influence council operations. Once councillors have been elected and a mayor has been appointed parties put no

effort into ensuring good governance, including the engagement of residents in policy development and the management of council affairs. Most parties are good at condemning other parties, but are still to involve themselves in governance outside of the electoral framework. It is unfortunate that most parties that are active in Kenya do not reflect the array of interests in the country, except ethnicity. Those cases where parties cut across ethnic lines are usually a deliberate attempt to achieve political goals. For example, Kenya is faced with serious labour/worker issues, yet no specific parties exist to respond to these matters.

A number of parties have specified the protection of disadvantaged groups and the promotion of their interests as major policy goals. However, few have launched intensive programmes aimed at achieving these objectives. During the 2002 elections, the DP produced the best manifesto in terms of defending disadvantaged groups, especially women and youth. Currently, its focus is on free primary education for these two groups and affirmative action to integrate women into policymaking and economic management.

Political parties are not financed by the government and there are no regulations on party financing. However, discussions are taking place on ways that government can finance political parties, especially during elections.

### ***Election administration and system performance***

Efficient administration of elections is important for ensuring that polls are free and fair. As noted above, three types of election are held in Kenya: presidential; parliamentary; and local government. Of these, local government elections are valued least, with most local government election candidates leaning on presidential and parliamentary candidates. One unique trend is that parliamentary candidates largely rely on local leaders, especially councillors, to run their campaigns and to acquire votes.

Studies of local elections in Kenya show that councillors campaign and amass votes on

behalf of parliamentary candidates without setting their own agenda at the local level.<sup>66</sup> Another study examining local governance has noted that more respondents knew their MP than their local representative.<sup>67</sup> Urban residents are more ignorant of local representation than rural residents. Often they do not know who is contesting the seat and they have no clear criteria for electing councillors. Research has shown that candidates who win local elections are often those with political, clan or ethnic characteristics or those who are allied to the sponsoring party and its presidential or parliamentary candidates, rather than those with the ability to satisfy the interests of the community and to check government at the local level.

In return for acting as the campaign managers of presidential and parliamentary candidates, councillors expect not only support for their own campaigns, but also backing during any subsequent political difficulties that they may encounter while running the council. This leads to management problems. Councillors owe allegiance to the president and members of parliament as opposed to local residents. The fact that there is less regard for local government elections is further evidenced in academic circles where very little work has been done on local government elections. Nevertheless, local government remains the bedrock of democracy and elections. Local government elections form the base of the electoral hierarchy in any country.<sup>68</sup> In a functional democracy, it is at the local level that the government and society come face to face. Thus, an adequate approach to democratization appreciates performance at the local level.

The lack of regard for local governance and local elections is attributed to the

centralization of power. Politics focus on the centre more than on the local. This is because the centre controls and distributes most of the nation's resources through patronage. Meanwhile, local authorities attract attention because they are deprived of financial autonomy and thus of being self-sufficient.

The mayor and the deputy mayor are elected by elected and nominated councillors, led by an outgoing mayor or a chairperson elected by the group. The group acts as an Electoral College; elections are not supervised by the ECK. There has been debate in Kenya about how the mayor is elected and the efficiency of the approach. The Electoral College is not independent and hence cannot be expected to be impartial. There is near consensus that the mayor should be elected through a direct vote of respective residents. A study conducted during the 1997 national elections in one of the local councils discovered that 90.4 per cent of respondents were in favour of the direct election of the mayor.<sup>69</sup> The Draft Local Government Bill has also proposed direct elections, as well as a higher education level for the mayor. The latter point is controversial: various critiques contend that it goes against democratic practice at the local level. In response, some critiques suggest that the higher education provision could be limited to the cities of Kisumu, Mombasa and Nairobi.

The administration of mayoral elections has been very poor, characterized by manipulation and intrigue. There has been gross interference in the process by political parties and the Ministry of Local Government and other interested actors. The elections entail lobbying and polarization that often do not abate afterwards, thereby inhibiting efficiency. Kisumu City, the third largest urban centre in the country, provides a good example of the problems associated with mayoral elections. On two occasions, a dominant

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<sup>66</sup> Mitullah, W.V., 'Democratization at the Grassroots: Local Government Elections in Kisumu Municipality', in Ludeki Chweya (ed), *Electoral Politics in Kenya*, (Nairobi: Claripress, 2002) and Mitullah, W.V., 'Democratization at the Grassroots: 2002 Local Government Elections in Kisumu and Nairobi', in Mitullah, W.V. (ed), *National and Local Government Elections in Kenya*, (forthcoming).

<sup>67</sup> Chweya Ludeki, 2000.

<sup>68</sup> Mitullah, W.V., 'Democratization at the Grassroots: Local Government Elections in Kisumu Municipality', in Ludeki Chweya (ed), *Electoral Politics in Kenya*, (Nairobi: Claripress, 2002).

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<sup>69</sup> Mitullah, W.V., 'Democratization at the Grassroots: Local Government Elections in Kisumu Municipality', in Ludeki Chweya (ed), *Electoral Politics in Kenya*, (Nairobi: Claripress, 2002).

party within the region had to intervene in the election of a mayor.

On one of the two occasions, seven of the 17 councillors opted to contest the post of mayor, leaving only 10 councillors to vote. As disaster loomed, the dominant local party decided to intervene, urging some councillors to withdraw their candidacy. When this failed, the dominant party presented a compromise solution, proposing a nominated councillor who had filled a position following the death of another councillor. This heightened the tension, resulting in violent confrontations and the postponement of the poll. After a lull, the same candidate was elected mayor.

In 2004, the Ministry of Local Government was at the centre of a legal case, involving a sacked mayor who had gone to court to retain his position as a councillor. The mayor won the case, despite a new mayor (the same nominated councillor mentioned above) being voted into office. This left both the Minister for Local Government and the dominant party in limbo.

The case shows the intricate problem inherent in leaving the administration of local government elections to a college of elected and nominated councillors. In most local authorities, the mayoral elections have always been problematic, often resulting in violence between the competing factions. These fights never end with the election, but, rather, continue in the council, making its operation almost impossible.

Entrusting councillors with their own election does not seem viable. There is a need to have a neutral body, such as the ECK, oversee mayoral elections, although the best option is direct election by residents of the local authority. Direct election of a mayor will make the office more accountable and reduce manipulation by politicians and in-fighting among councillors.

### ***Evaluating elected officials***

Elected officials in local authorities in Kenya have been a disappointment to the

electorate. Their performance has been below average: the provision of services and the development of infrastructure continue to worsen. Most elected leaders blame ministerial powers for their poor performance, although there are a number of internal problems that also contribute. Apart from lacking autonomy from the central government, most councillors are not competent representatives due to their low level of education, the poor working relationship between themselves and chief officers, their desire to satisfy personal interests as opposed to the interests of residents, in-fighting and groupings within the council, and the lack of a vision for the council.

Interviews with the Mayor of Nairobi and focus group discussions with councillors revealed that serious problems exist between the council and the chief officers. Councillors pointed out that most of their decisions, which take the form of resolutions passed during council meetings, are never implemented by chief officers. Nairobi councillors said that they are ill equipped to oversee the work of administrators, since they are not answerable to them.

The councils have no powers over senior officers (grade one to nine). These officers are hired by the Public Service Commission and seconded to the local authorities. However, the councils can hire personnel with a grade of 10 to 20. This provision has been abused by councillors: they hire individuals who cannot perform effectively the tasks with which they are assigned. Recruitment of grade 10–20 personnel is often based on nepotism, as well as informal linkages and alliances. Most local authorities in Kenya do not follow specified procedures when hiring personnel. Nairobi is the worst example, as demonstrated by the recurrent staff head count. The city does not know how many staff members it has; there have been allegations of 'ghost' workers (people who appear on the records but cannot be traced).

The Committee System should provide a framework for both councillors and chief officers to discuss issues and to reach

agreement on the way forward. Under the system, the chief officers (technocrats with relevant knowledge of each service area) are responsible for advising the council. However, existing tension between councillors and chief officers has undermined this approach, leaving each group to fend for itself.

Tensions between the councillors and chief officers were at their apex during the time of our survey. Councillors registered their discontent with both the Minister for Local Government and the chief officers. They said that they were unnecessarily victimized and that they were unable to provide services efficiently to residents. Tension was triggered by a declaration by the Minister for Local Government that councillors should avoid hanging around city hall and concentrate on developing their wards.

Hanging around city and town halls is common practice among councillors in Kenya, even though they do not have daily business to attend to—their role is limited to attending meetings. However, they maintain almost a full presence in council offices. With regard to a number of councils, including that of Nairobi, they interfere with the management of council affairs. They wish to receive priority treatment when it comes to accessing goods and services provided by the council, but they do not bother to ensure adequate and efficient service delivery. They are also not very good at paying their service bills, such as for water and housing.

The current system does not allow the public to evaluate the performance of elected leaders and there is no system of recall. As noted above, the mayor is only accountable to councillors, who ensure that he/she is accountable in relation to council resolutions and decisions. It has been recommended that the mayor should be elected by all of the residents of Nairobi, rather than by councillors. The chances are high that the proposal will go through.

Elected councillors are allowed to hold office for five years. The Minister for Local

Government, however, has the power to remove nominated councillors from office on the advice of their respective parties and the ECK. This limits their contribution to issues that are compatible with the position of their parties. Under the current Local Government Act, the Minister for Local Government has the power to dissolve a council or to assign a board to oversee its operations. This provision interferes with the autonomy of the council and will be withdrawn after the review of the Local Government Act and the adoption of the draft Constitution, which proposes a devolved system of governance.

### ***Evaluation of voter participation***

Voter participation is crucial for putting in place a regime that is acceptable to citizens. Effective voter participation begins with an efficient registration process, which allows all citizens who qualify to vote to appear on the voter register. In Kenya, prior to the era of multi-party politics, voter registration was a key obstacle to participation. Registration as a voter in Kenya is tied to having a national identification card, which one qualifies for at the age of 18. The bureaucratic process involved in getting the identification card has proved cumbersome and has contributed to people not being registered as voters. Furthermore, in the past, registration was restricted to certain periods. This did not afford potential voters adequate time to register. The situation has changed: registration is now a continuous process. There are also more media and ECK campaigns that encourage people to register.

The Election Observation Centre noted that, in 1997, between 1.5 and 2.5 million potential voters were not able to register. These were mainly young Kenyans who had reached the age of 18, but due to bureaucracy and the limited registration period could not register. Numbers were higher under the one-party regime, when registration was deliberately halted in areas thought to be opposition strongholds.

Local-level voter participation is not very different from that which prevails in

presidential and parliamentary elections. In Nairobi, there were 884,255 registered voters in 1992, 1997 and 2002 respectively. In 2002, 391,918 people voted in the election. The turnout rate of 44 per cent was lower than the national turnout rate of 57 per cent.

Understanding the behaviour of voters is important. Of special interest are the factors that influence people to turn out to vote and the reasons behind their choice of candidate or political party. It is argued that a combination of social, economic, cultural and political factors shape voters' behaviour.<sup>70</sup> Wanyande<sup>71</sup> has argued that other factors also come into play, including the ideology of the political party, the level of political awareness, social and cultural diversity, the range of electoral candidates and political parties, the organization and management of elections, and the personality of the candidate. All of these variables depend on the electoral environment and related voter education programmes. The significance of these variables varies, depending on the context.

Voter education increases knowledge and awareness and enables voters to demand a larger and more active role in public affairs. In addition, candidates have been forced to observe election rules and values. However, voter education initiatives have concentrated on rural areas. Most organizations that conduct civic education tend to shy away from urban areas, which largely serve as planning and training venues. It is also difficult to organize meetings and training in urban areas due to the busy schedule of urban residents and the fact that they are not as committed.

## **Participatory democracy**

### **Overview**

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Participatory governance involves both state and non-state actors, including civil society and the private sector. Although

participation is acknowledged as being compatible with long term development,<sup>72</sup> most cities in Africa have not fully embraced the basic tenets of participatory governance. This requires the involvement of all stakeholders in the operations of urban authorities. In Kenya, for over three decades, participation was limited: many stakeholders were not able to participate in policymaking and decision-making. It was not until the advent of the SAPs and the Public Service Reform Programmes that signs of civic engagement began to manifest themselves in public life.

The concept of 'participation' is problematic. There are several forms of participation, including those set out below.<sup>73</sup>

- Engagement of people without participation in decision-making.
- Sensitization of people to increase their receptiveness to development.
- An active process whereby people take the initiative and assert their autonomy.
- The fostering of dialogue with local people during project planning, implementation and management.
- Voluntary involvement of people in self-determined change.
- Self-development of people.

Effective participation entails open dialogue and active civic engagement that goes beyond periodic voting and engagement in development.<sup>74</sup> Most citizens in African cities hardly engage beyond the ballot box. This has denied citizens, including urban residents, a voice in the provision and management of services. The launch of Local Government Reform Programmes in most local authorities in Africa is a response to this. The reforms put emphasis on the participation of stakeholders and efficient governance.

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<sup>72</sup> Stiglitz, J., 'The Role of Participation in Development', in *Development Outreach*, 1(1) (1999), World Bank Institute, Washington DC, pp. 10–13.

<sup>73</sup> Mikkelsen, B., *Methods for Development Work and Research: A Guide for Practitioners*, (New Delhi: Sage Publications, 1995).

<sup>74</sup> United Nations Development Programme (UNDP), 'The Third Kenya Human Development Report on "Participatory Governance for Human Development"', (Nairobi: UNDP, 2003).

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<sup>70</sup> Barnes et al 1980:123.

<sup>71</sup> Wanyande 2002.

The indigenous participatory approach to local governance in Kenya was scuttled by the colonial regime and abolished by the independence government. This was done through the centralization of power, which made local authorities powerless, effectively helpless observers. The councils do not have a free hand to mobilize and manage resources, nor do they have leeway to design and implement programmes without the approval of the Minister for Local Government. A number of councils have extended this retrogressive approach towards development to those living within their jurisdiction. They view them as subjects and not as development partners, a trend that the LGRP is addressing through the LASDAPs—civic engagement is a precondition for accessing the LATF.

The LGRP aims to enable local authorities to improve service delivery, enhance economic governance and to alleviate poverty. It was conceptualized in the early 1990s and became operational in 1996. The LATF is a policy instrument that is designed to provide funds and incentives to local authorities to help them improve service delivery and financial management and to reduce the level of debt.<sup>75</sup> Through the LATF, the government transfers five per cent of national income tax to all local authorities based on the relative population of each local authority.

For local authorities to access the LATF they have to develop LASDAPs to ensure citizen participation in development planning and management. The LASDAP process is still to be institutionalized in terms of planning, budgeting and implementation. So far, the process has only led to the engagement of citizens in one-off forums involving stakeholder representatives.

Institutionalization of the process requires building up the capacity of stakeholders, and ensuring that there is an information flow between stakeholder representatives and the stakeholders themselves.

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<sup>75</sup> Republic of Kenya, 'Kenya Local Government Reform Programme', (Nairobi: Ministry of Local Government, 2000).

Participatory democracy is part and parcel of the Global Campaign for Good Urban Governance. Under this campaign, norms are defined that guide the planning and management of a city's affairs by individuals and institutions, public and private. This is a continuing process under which diverse and conflicting interests are accommodated and cooperative action is taken.<sup>76</sup> Implicit in this are the concepts of: participation and inclusiveness; transparency and accountability of decision-makers and all stakeholders; civic engagement and citizenship; the security of individuals and their living environment; and efficiency in regard to the delivery of public services and the promotion of local economic development.

UN-HABITAT has endorsed an enabling approach that is characterized by decentralization, participation, partnerships and networking. It advocates the:

'Decentralisation of responsibilities and resources to local authorities based on the principles of subsidiarity and accountability; encouraging the participation of civil society, particularly women, in the design, implementation and monitoring of local priorities; using a wide-variety of partnerships, including the private sector, to achieve common objectives; building capacity of all actors to contribute fully to decision-making and urban development processes; facilitating networking at all levels and taking full advantage of modern information and communication technologies to support good urban governance and sustainable urban development'.<sup>77</sup>

### **The budgetary process and transparency**

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A number of positive changes have taken place within the context of the ongoing

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<sup>76</sup> United Nations Human Settlements Programme (UN-HABITAT), *The Global Campaign on Urban Governance*, (concept paper, second edition), (Nairobi: UN-HABITAT, 2002).

<sup>77</sup> United Nations Human Settlements Programme (UN-HABITAT), *The Global Campaign on Urban Governance*, (concept paper, second edition), (Nairobi: UN-HABITAT, 2002).



reform of the local government sector. In the past, the budgetary process was an internal matter driven by council officers. Residents who provide resources through fees and charges were not involved in scrutinizing the budget before it was approved at the Full Council meeting. This partly contributed to poor management and the abuse of resources by leaders. Apart from the failure to involve stakeholders, residents had no access to the budget, which remained a classified document. Theoretically, legal provisions allow residents to purchase a copy of Nairobi City Council's annual budget. However, most city residents are unaware of this, and besides, the majority cannot afford to do so.

The LGRP, through the LATF and the LASDAPs, has introduced decentralized budgeting at the ward level. The process aims to ensure a participatory budgetary process. Strict regulations have been introduced for producing a budget, including the participation of city residents.

Since the 2002–2003 financial year, the Ministry of Local Government has required that Nairobi City Council apply new budgetary measures that are consultative and transparent. Departments are required to submit budget proposals that are generated and agreed on by staff. Subsequently, the treasurer compiles the departmental budgets for discussion by councillors and other stakeholders in a workshop. The refined budget is then presented to the Finance, Staff and General Purposes Committee. Finally, the Full Council ensures that the activities budgeted for are implemented during the financial year. This process is still in its initial stages and will be applied in coming years, with the increased involvement of stakeholders. The same process will be extended to public purchases. Currently these are internally driven, resulting in abuse by councillors and executive officers.

The budgetary process within local authorities has experienced a number of bottlenecks. For instance, gaining the approval of the Ministry of Local

Government takes too long, and, in many cases, occurs retrospectively. Hence, for the most part, treasurers have to operate using a 'shadow budget', which includes only those items that the council cannot avoid spending money on..

Apart from the budget document, Nairobi City Council produces a number of other valuable materials, such as magazines, leaflets and brochures. These are available in limited quantities, and are not marketed to residents, as such. In an interview with the Mayor of Nairobi, it was evident that a public relations officer, who would promote the activities and publications of the council, and would respond to residents' concerns, would improve the performance of the council.

### **Forms of participation**

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The city is seen to engage in participatory democracy when it holds issue-based meetings with key players. In Nairobi, until the opening up of the political space through the advent of multi-party democracy, the city hardly involved residents in its activities. The city maintained a closed system and demonstrated hostility towards residents, providing very little space for them to air their views on governance. This has since changed: residents are engaged in the planning and management of council affairs, as illustrated, for example, by the LATF/LASDAP process, the Safer Cities Programme and the 'Adopt a Light' project.

### **LATF and LASDAP**

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In the past, participation was assumed to occur through elected and nominated councillors. This assumption is limited to the voting process, since, as noted earlier, most councillors have no agenda for their wards and merely lean on political parties and MPs. This partly explains the inefficient provision and management of services, including corruption and the abuse of office. The LATF is a financial supplement that is meant to facilitate the provision of the services and facilities that local authorities are required to provide by law. Nairobi City

Council's 2004–2005 LATF allocation is 691,799,751 Kenya shillings. Of this, the city is required to allocate 20 per cent to poverty alleviation programmes. Nairobi City Council, like other local authorities, is required to develop LASDAPs, which set out priorities in relation to improving local service provision and management.

The new policy of stakeholder engagement via the LASDAPs has forced the city authorities to involve citizens, although the process remains top heavy. Most of the requirements associated with the LASDAPs have been set by the LGRP secretariat in Nairobi and not by city authorities. At the local level, the process is directed by chief officers, and not by elected leaders. Nevertheless, the process has led to the launch of participatory initiatives that have begun to foster transparent and consultative budgeting.

Local authorities must give residents sufficient notice of participatory forums in order to allow them time to prioritize and cost their project proposals (so that budgets are realistic). The LASDAP process emphasizes stakeholder participation and consensus-building in regard to project prioritization, as indicated in box 1.

**Box 1. LASDAP consultation process**

When several community consultation meetings are held, for example, at the ward level, a consensus meeting must take place in a central location with representatives of the various wards in order to reach agreement on final entries and priorities. Representatives of key organizations should be invited for the purpose of consensus-building. MLG No. 8/2002'.

*Source: Ministry of Local Government, 'Circular*

The participatory process requires that local authorities have an up to date list of active organizations, formal and informal, within their jurisdiction, that they publish the timetable for preparing the LASDAPs, that resources are available and that written submissions are requested from those who may not be able to attend the participatory

forums. If staff is needed, local authorities must involve members of the community and the private sector, as opposed to hiring additional personnel. Community contracting and labour intensive, employment-generating methods of project implementation are recommended.

The LASDAPs are produced annually, although they take the form of a three-year rolling programme of activities/projects. LASDAP forums are open to all, and councillors are expected to participate, to avoid proposed projects being rejected at the Full Council level. In a number of local authorities, the LASDAP process is directed by chief officers, to the disquiet of councillors. This is despite Ministry of Local Government circulars that stipulate that chief officers should not direct the process. Although councillors have performed poorly in most regions, they are the elected leaders at the local level. If the process is to be institutionalized they should be the ones to direct it.

LASDAP public forums in Nairobi have included consultative meetings in all eight constituencies. The council secretariat prepared posters to advertise the process, while the NISCC facilitated the first public consultation. This experience exposed the city council to a new way of engaging in dialogue with residents on development issues.

Nairobi City Council and local stakeholders have communicated through the posting of notices in council offices and in other strategic public areas, and through adverts in local newspapers and on the radio. Informal networks have also been used to inform stakeholders and their representatives. However, these methods have not been successful. Nairobi City Council is now required post notices in several places including: district offices; chiefs' offices; health centres; markets; shopping centres; social halls; bus terminals and taxi ranks; schools; churches; and bars and hotels. However, most residents do not check notice boards, and often, therefore, notices go unseen. In some cases, moreover, many

residents cannot fit in with the schedule.

Another method of reaching out to the public centres on the private sector and civil society organizations that are actively involved in working with city council departments and grassroots communities. The emphasis on public consultations is gradually gaining importance in the city, and overshadowing the special focus on women, youth and the disabled. These categories are usually considered when public stakeholder committees are constituted to ensure that their interests are taken into account. As part of the constitutional review, consensus has been reached with regard to the representation of such groups. Once the draft Constitution is adopted, Nairobi City Council will integrate its provisions into its strategic plan in order to promote participatory transparent governance.

### ***Safer Cities Programme***

Under the auspices of the Safer Cities Programme, a survey on victimization was carried out in 2001 by the Intermediate Technology and Development Group, Eastern Africa (ITDG-EA), on behalf of UN-HABITAT, and a youth offender profile, inter alia, was generated. Such initiatives have given rise to more consultative processes in Nairobi. Efforts to avert urban insecurity and crime in cities through city-wide consultations are becoming widespread. Intervention initiatives, such as community policing, are also spreading beyond the CBD, as a result of pressure from civil society and the realization that urban security cannot be left to the city administration. Extensive coordination has taken place between the provincial administration and various city departments, with a view to getting as many players as possible involved in crime issues. Participation models that have been applied successfully in cities like Dar es Salaam, Tanzania, have been disseminated to relevant departments and should provide a platform for engaging city residents.

A wide range of meetings and outcomes

have been documented. Stakeholders in the police department have now forged a closer working relationship with Nairobi City Council on matters pertaining to crime prevention. Consultations have led to proposals to set up a metropolitan policing programme, a safer cities secretariat and a community policing programme, as part of neighbourhood watch activities. By January 2004, Nairobi City Council had established an inter-departmental committee on urban safety. The committee is finalizing a strategic plan for city-wide crime prevention, which will be discussed by relevant stakeholders.

Most stakeholders have acknowledged that the city is responsible for initiating crime prevention initiatives. This is because the city authority can mobilize communities through local leaders and can educate them on the programme's importance. The exposure of the programme to stakeholders will create a sense of ownership. The city is meant to convene consultation forums for all stakeholders in order to consolidate activities and to avoid any further duplication of efforts. Youth, in particular, is prone to involvement in crime, and should be included in the crime prevention programme. Youth has the potential to educate youth, and hence assist in crime prevention.

### ***One Stop Youth Information Centre***

Nairobi City Council of Nairobi, in collaboration with UN-HABITAT and the ITDG-EA, established the OSYIC to address social development concerns related to the city's youth. This was in response to the government's Economic Recovery Strategy for Wealth and Employment Creation 2003–2007 and the Global Agenda outlined during the Earth Summit of 1992. The Global Agenda stipulates that: 'governments should in consultation with their youth communities establish mechanisms that permit access to information and provide them with the opportunity to present their perspectives on

government decisions'.<sup>78</sup> The initiative has also taken into consideration the recommendations of the Kenya National Youth Policy consensus-building workshop.

The OSYIC was opened in August 2003 to develop the capacity of youth to participate in urban poverty reduction. The centre has started to provide youths aged between 15 and 24 years with information on careers and health (HIV/AIDS and drug abuse). Box 2 highlights the objectives and activities of the centre.

**Box 2. OSYIC objectives and activities**

**Objectives**

- To provide career and employment information.
- To provide youth with relevant employment skills.
- To prevent crime involving youths.
- To assess the needs of urban youth.
- To reduce the vulnerability of youth by initiating programmes that address its concerns.
- To develop a youth network and youth organizations.
- To provide up to date information on employment, culture and sports, health, education and training, and the environment.

**Activities**

- A drop-in resource centre.
- Professional employment counsellors.
- Job search workshops.
- A career enhancement service that matches youth with mentors in career areas of interest.
- Employment assistance/referrals and networking.
- Employment creation/entrepreneurial workshops and seminars.
- Counselling and support.

*Source: Nairobi City Council, 'Annual Report for the OYSIC', 2004.*

The centre consists of one supervisor, two youth officers and one secretary. A proposal to appoint four additional officers is being considered. While this is a good initiative, the centre is not accessible to the majority of the youth, which resides outside of the city centre, and cannot afford to travel in. To make the initiative meaningful to youth in the entire city outreach centres need to be

established in most all residential areas, particularly within informal settlements.

**Street Family Rehabilitation Programme**

For decades, Kenyans were aware of street children and parking boys, but, as the SAPs took effect, cities like Nairobi started to witness women with children living and begging on the streets. Over the years this problem has come to overwhelm the Udungu Society of Kenya, a civil society organization that has been working with street children for many years. This pushed the NARC government to begin addressing the problem through the Street Family Rehabilitation Programme.

This programme is supported by the Kenyan government through the Ministries of Local Government, Home Affairs, Education and Health. The programme has also drawn support from other stakeholders, such as the African Medical Research Foundation (AMREF), Gesellschaft für Technische Zusammenarbeit (German Development Agency) (GTZ), the OAL and the United Nations Children's Fund (UNICEF).

The programme has allowed the council to open five centres (Kariokor, Bahati, Joseph Kangethe, Pumwani and Kayole) located in social halls. One of the centres, Kariokor, is used for mothers, infants, babies and boys below the age of 12. In these centres, street families are fed, offered counselling, vocational training and advice on hygiene, and have access to medical care, informal education and recreation facilities. Some youths have undergone training at the National Youth Service Training School, while younger children have taken advantage of the free primary education policy.

<sup>78</sup> Rogers 1995.

Table 4. Number of street children in school

Centres in Nairobi	Number of children in primary school	Number of children in secondary school
Joseph Kangethe	10	13
Bahati	6	5
Kayole	127	1
Pumwani	–	1
Kariokor	145	40
Total	288	60

Source: Nairobi City Council, 'Progress Report on Street Families Rehabilitation Programme', 2003.

The city has also managed to place a total of 202 street children aged between two and 25 years in institutions managed by civil society organizations. This is a good initiative, although it is facing a number of challenges. One of these challenges concerns the council's limited capacity to rehabilitate the remaining street families. This is due to continuous migration, including street people moving to the city. The five centres are over-stretched and the possibility of reintegrating the street families into their extended families is slim. Nairobi City Council needs to evaluate the poverty situation in the city and look at the impact of the various initiatives. In particular, there is need to undertake a needs assessment of informal economic activities, such as hawking. The city authorities, in collaboration with the Ministry of Local Government, are working on this. Other things that the city must keep a close eye on are the planning and development of informal settlements and the availability of free primary education.

### **Adopt a Light**

Another initiative is the Adopt a Light project. In partnership with the city council, a private company is putting up streetlights and working on making cosmetic improvements to road islands and roundabouts. This has proved to be a successful endeavour and has attracted support from a number of private

companies and individuals who want to see a green and secure city. The cost implications and the input of sponsors have yet to be addressed.

### **Ad hoc participatory activities**

Apart from the projects discussed above, city residents, in collaboration with civil society organizations, are engaged in many activities, many of which remain undocumented. At the same time, Nairobi residents have begun to put pressure on city authorities through neighbourhood associations. Some neighbourhood associations have taken the city to court for failing to deliver services. Such moves make the city authorities responsive to the demands/needs of residents.

In October 2002, the then town clerk convened an informal session that brought together a number of key players in civil society. The session addressed a number of issues, including: decentralized planning and budgeting; enhanced city-wide consultation via the LASDAP process; the Nairobi City Council Anti-Corruption Committee; the Rapid Response Team (RRT); *The City Mirror* (the council magazine); and resource mobilization and accountability to residents. The forum addressed the modalities involved in constituting an inclusive stakeholder forum that can deal with issues affecting city residents.

The consultations were to begin with a fairly small number of representatives and were to develop systematically into a wider open public forum. The initiative shows that the city is beginning to open up in order to embrace participatory democracy. One significant result of the consultations has been the production of a number of publications by the council, which have spelt out its mission and vision. The publications highlight programmes that have been initiated jointly with partners from the public and private sector, including the OSYIC and the Street Families Rehabilitation Programme.

Since these ad hoc participatory activities got underway, an increased number of consultations have been held with a wide variety of civil society organizations, government representatives and city council officials. Some of the organizations and networks that have been active in the country's participatory forums are the Kenya Programme for the Disabled, Youth Groups set up by the Kenya National Council of Youth for Habitat, the Nairobi Environmental Network, the Kenya Local Government Workers' Union, Muungano wa Wanavijiji, Groots Kenya, WE CAN DO IT, and the Karengata Residents' Association.

### ***Civil society, the private sector and the media***

As indicated in the previous section, civil society, the private sector and the media have been actively involved in the affairs of the city of Nairobi, especially since the opening up of the political space in 1992. This section provides an overview of how these institutions work with city officials to provide and manage services.

#### **Civil society**

There has been significant rise in the number of civil society and community-based organizations operating throughout Kenya in recent years. Nairobi's diverse civil society sector includes: indigenous grassroots associations; self-help groups; faith-based entities; foundations; healthcare centres; schools; welfare bodies; political parties; business and professional associations; and secular NGOs. The milestone in the rise of civil society organizations was the enactment of the NGO Coordination Act in 1990 and the abolition of Section 2A of the Constitution, which made Kenya a multi-party state. These events led to the formation of the National Council of NGOs, which quickly mobilized other NGOs and formed networks to respond to development issues.

To address some of the government's

shortcomings in terms of delivering social services, communities built their own schools, hospitals and roads and set up their own water projects, which were later run by the government. Civil society is now demanding increased institutional support to address such issues, as well as to combat poverty. In the past, these agencies worked quietly and directly with communities, hoping to make progress without engaging in advocacy. However, when they failed to meet their goals, they joined the growing number of human rights, democracy and peace-building organizations involved in aggressive advocacy work.

Many registered civil society organizations and loose networks have been actively working with urban communities through seminars, workshops and civic education programmes. Civic education has largely focussed on land, human rights, corruption, legal matters, women and children's rights, peace and non-violence, environmental education, democracy, constitution making and shelter. Such activities were minimal prior to the opening up of the political space, due to the ineffective system of governance, which did not respect transparency and accountability. This situation led to the establishment of many human rights organizations advocating change and efficient governance within public institutions. However, many civil society organizations were busy providing services and support to communities without questioning why the responsible authority could not do so. It is the poor performance of Nairobi City Council that led to the formation of strong neighbourhood associations. Karengata has even refused to pay taxes and fees to the council.

In the past, the demand for services met with hostility from council administrators. In recent years, though, civil society organizations have been encouraged to participate in the governing of the city. In response to this positive development, many civil society organizations, including faith-based groups, have become very active on various ward committees operating in the

city, including: the NISCC; the Nairobi Central Business District Association (NCBDA); and the Muungano wa Wanavijiji (Association of Slum Dwellers).

CBOs like Muungano wa Wanavijiji have been mobilized through NGO networks such as the ITDG-EA, the Shelter Forum and the Pamoja Trust. Muungano wa Wanavijiji is an umbrella association representing various informal settlements in Nairobi. These groups have come together to address shelter issues. Moreover, the Shelter Marathon (an annual event held in Nairobi) provides a key way for the urban poor to articulate their needs to the city council and government leaders.

The NISCC, meanwhile, is a multi-stakeholder body that seeks to coordinate the activities of the various agencies operating in informal settlements. The committee is made up of numerous stakeholders, including government, private sector and civil society representatives, who work in Nairobi. The NISCC has a secretariat in the City Planning Department of Nairobi City Council. Within the framework of the NISCC, the systems and structures of participatory governance are being established. In this context, the role of the NISCC is being reviewed, with a view to using it as a model for strengthening the role of civil society in the governance of the city.

Through various caucuses, such as the NGO coalition and various neighbourhood associations, such as Karengata, discussions are continuing on the nature of consultations and the active participation of civil society. After a long struggle for political change, which culminated in NARC winning the election, many human rights and peace and development advocacy organizations are today more confident about democratic participation. This change has brought with it more tolerance for civil society participation in governance issues relating to land, human rights, the equitable distribution of resources, gender, and improved service delivery in urban areas.

Faith-based entities have been able to

penetrate the city and to work with different groups and organizations without interference by the public authorities. This is because, in the past, these bodies were not viewed as a threat to the governors, but, rather, as collaborators who were concerned with the faith and souls of city residents. This has changed: faith-based organizations are now engaged not only in service provision but also in efforts to demand that the basic rights of citizens are met. Faith-based organizations have been effective in getting citizens to participate in local affairs, and in pushing civil society groups to make demands for services and to become involved in the public life of the city.

While civil society organizations are busy addressing several issue areas, there are a number of questions that still need to be answered, including the role that they should play, the strategies that they should employ and the nature of coordination. The meetings organized with selected stakeholder groups by the town clerk and subsequent LASDAP-related meetings have increased the level of interaction between civil society representatives and city leaders. Meetings to discuss safer cities and youth matters, for instance, have also played a part in reducing the suspicion that hitherto existed between the two sectors.

Civil society organizations are contributing in a vital way to policy development, the mobilization of resources and planning, as well as supporting communities, especially in the slums. Most of these organizations are willing to do business with the council, although they need to make improvements in regard to the coordination of their activities. Some civil society organizations, which are working on similar issues, such as housing and land, have formed networks and are able to share ideas and to lobby from a common position. Examples include the Shelter Forum and Muungano wa Wanavijiji.

Another challenge facing civil society in terms of its work within the city is the bureaucratic nature of operations and the lack of an institutionalized framework for

collaboration. Correcting this requires that city leaders, especially councillors, become proactive in engaging city residents through the various civil society and private sector organizations that they belong to.

### **Private sector**

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The private sector, like civil society, has become active in city governance. Previously, the private sector was only involved in city governance through donations, especially for the Mayor's Christmas tree, the provision of litter bins and the distribution of products, such as drugs. This has changed and a few private sector organizations are now engaged in efforts to beautify the city, especially roundabouts and traffic islands along the highways. However, there is still a need for the private sector to make corporate social responsibility (CSR) a priority. A Nairobi-based NGO, Ufadhili (the Centre for Philanthropy and Social Responsibility), has been working to popularize this issue.

Most industries and businesses are based in Nairobi and employ a large percentage of the labour force. Nevertheless, the private sector is driven by profit and pays little attention to basic labour rights, the general welfare of workers and common governance matters within the city. In recent years, the city has handed over responsibility for some services to the private sector, especially refuse collection and disposal. This has improved the management of refuse and increased the level of sanitation. There is a need for city managers to promote a partnership approach to service provision, which is already evident in regard to water and sanitation and the beautification of the city. The council has established a water and sewage company that includes private sector and other stakeholders in its management structure.

In terms of dispute and conflict resolution, the Kenya Association of Manufacturers and the Private Sector Alliance have established a platform for dialogue in their effort to contribute to the city's development based on a transparent and open mode of

operation. Such agencies have played a critical role in addressing conflicts between the city authorities and micro and small traders, especially hawkers. They have also contributed to other initiatives, such as the beautification of the city.

### **Media**

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The media remains the most powerful institution in Kenya; whoever controls the media controls development. Prior to the opening up of the country's political space, KANU censored what information was communicated to citizens. Nairobi experienced negative reporting by the media—based on many years of non-performance. While it is true that the media suffered in the hands of the KANU government, most media houses are happy to report bad and not good stories.

The media reports all of the wrangles that occur in the town hall, including those that take place within the Council Chamber, but it hardly ever reports the positive outputs of city managers. In this respect, the media does not meet the highest possible standards of professionalism in reporting on civic affairs. The city authorities have to change this, either by releasing public statements that inform the public of their outputs, or by disputing the reports of the press.

The effective flow of information from the city to the citizenry and lower levels is vital to the success of democratic governance. Democratic practice is new to Kenya, and a conclusive assessment cannot be made, since the participatory process is still unfolding. Responsiveness to citizen concerns

Through the LASDAP processes, citizens have been exposed to the role of the city council. For its part, the council has endeavoured to address issues raised by citizens concerning service delivery. What are needed are institutionalized systems that provide for dialogue with the council. Recently, the council established a public relations office, but, given the history of neglect and the level of mistrust on the part of citizens, a lot of cases are dealt with using



informal networks, such as billing clerks in the case of water. Due to poor service delivery, Nairobi residents have opted to address their problems in their own way, including using informal channels.

In an effort to change this, the city has introduced longer working hours for officers to allow them to handle all of the enquiries and complaints that they receive. The council is also in the process of setting up division-level offices to respond better to the needs of citizens. These initiatives are very recent, and, therefore, data are lacking. However, chief officers estimate that 40 per cent of complaints have been addressed in the past two years.

### **Evaluating civic engagement**

Civic engagement has been poor in Kenya due to the KANU regime's autocratic style of governance, lack of awareness of rights, lack of management and technical skills, and high levels of poverty. The regime restricted participation to the institutions that it had sanctioned and was in control of. Registering a civil society organization became difficult, especially entities that attempted to engage the state and to protect the interests of members. The regime co-opted a number of civil society organizations into the ruling party, while others were harassed and viewed as enemies. This situation spawned an active civil society. However, civil society was working in parallel to public institutions, negating the synergy required for development.

A recent study conducted in seven districts of Kenya, including Nairobi, indicated that lack of awareness of rights and high levels of poverty limit the participation of citizens in civic activities. In Nairobi, most poor people live in informal settlements and work in the informal sector. Micro and small traders earn very little money, and face great difficulty in making ends meet. Some women and young girls are forced into the commercial sex industry.<sup>79</sup>

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<sup>79</sup> Mitullah, W.V. and Owiti, J., 'Community Participation for Basic Rights', (Nairobi: Action Aid and Government of Kenya, Office of the President, 2000).

Many poor people do not participate in civic action due to the fear of being asked to contribute resources that they do not have. People tend to limit their participation to issues that affect them directly. The poor spend a significant percentage of their time trying to engage in survival strategies. Take the case, for instance, of a poor female head of a household who has to wake up at 4.30 a.m. to begin getting the children ready for school before travelling to a market 10 kilometres away at 6.00 a.m. She trades in an insecure location until 9.00 p.m., returning home to attend to the children before going to bed at around midnight. There are many such individuals in the city of Nairobi.

Civic engagement requires time that poor people do not have. Yet it is clear that civic engagement has the potential to improve their plight. An overview of the situation in Nairobi shows that the poor belong to a number of associations. Most of these are focusing on welfare and the provision of credit. Engagement in these associations often occurs at a person's home or place of work, meaning that individuals are not absent from their job for long periods. These institutions can serve as a catalyst for civic engagement that goes beyond welfare and credit provision. However, this requires a framework that includes exposure to the fundamentals of civic engagement and its usefulness in addressing the various problems connected with service provision and management.

The LASDAP consultations show that, while there is demand for more dialogue with citizens, the council must fulfil its commitments in the sphere of service delivery. Residents develop a negative attitude when the city fails to honour the pledges that it made during the consultations. Quite a lot of work is also going into strengthening the position of civil society, so that it can act with one voice on a variety of issues. The Institute of Economic Affairs, for example, is analyzing the budgetary and planning process, while Action Aid is looking at the implications of the numerous policies to reduce poverty. All

of this will require coordination if governance structures are to be changed and people-driven development is to occur.

### **Referendums and citizen participation**

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A referendum is a mechanism that allows voters to make a choice between alternative courses of action in relation to a particular issue. Kenya has no history of holding referendums, although there is debate on whether contentious points in the draft Constitution should be resolved in this way.

### **Concluding remarks and recommendations**

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This study shows that Nairobi is emerging from a conservative environment where voting leaders on to the council does not translate into efficient service provision and management, nor does it ensure that elected leaders are accountable to voters. The city is currently addressing the issue of participatory governance through a number of initiatives. The major one is the LGRP, which requires that all local authorities develop LASDAPs to enable them to access the central government's LATF. All stakeholders are to participate in the development of LASDAPs.

Implementation of the LASDAP process began in 2000. The current policy of decentralizing the provision and management of services to the wards is aimed at institutionalizing the process. So far, though, only about one-half of the ward offices are equipped and operational. The functions of the ward offices are still to be worked out.

The council has also initiated programmes for youth and street families. The problem of street families is overwhelming and the city authorities can barely cope. There are about 60,000 street families in Nairobi, and the city authorities can only cater for one-tenth of the population of street families. This has created a vicious cycle, which undermines the efforts already made by the city authorities. Unfortunately, the One Stop Youth Information Centre is located

within the Central Business District and cannot effectively serve everyone, especially those youths who live far away from the CBD.

### **Recommendations**

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The efficient operation of Nairobi City Council (like other local authorities) is dependent on autonomy from the central government and the effective participation of residents. Currently the Minister for Local Government has too much control, and elected leaders struggle to please the Minister as opposed to the electorate. The stalled constitutional review process and the Draft Local Government Bill have recommended a decentralized system of governance. However, none of the draft policy documents provide a clear picture of the role of local authorities in a devolved governance structure.

The city has begun to open up channels for residents to participate, an opportunity that they are still to embrace fully. In order to institutionalize participatory governance there is need for stakeholders:

- to conduct a baseline study of institutions already engaged in city affairs;
- to monitor and evaluate regularly various city council initiatives in order to assess their effectiveness, coverage, sustainability and replicability;
- to disseminate information and get feedback from city residents on relevant governance issues;
- to design a strategy for communicating with the city council and other official representatives, including those of central government;
- to establish a multidisciplinary stakeholder technical committee to offer advice to the city council on governance matters;
- to set up institutions that are focussed on engagement. So far residents engage with the city authorities in an ad hoc manner; there is not an institutionalized framework. The ward offices that are being established provide a good

- starting point;
- to create awareness among city residents of the importance of civic engagement and the need to hold elected leaders accountable; and
  - to have a budget line for the mobilization of stakeholders and participatory forums. It has been wrongly assumed that participation is free. In fact, ensuring effective participation is a costly and time-consuming endeavour.

The election of the mayor/mayoress by councillors exposes him/her to manipulation. To change this, the mayor/mayoress should be elected by city residents during the presidential, parliamentary and local authority elections, which occur every five years.

The city councillors and officers have inadequate capacity. Hence there is a need:

- to carry out a training needs assessment of councillors and chief officers in order to identify the skills required for participatory governance;
- to build up the capacity of councillors and chief officers, especially in regard to forward planning and programme implementation; and
- to develop the capacity of councillors in relation to advocacy and to enhance their negotiation skills to enable them make to make demands of central government.

### Appendix 1. Political parties that participated in the 1997 elections

047	NATIONAL RAINBOW COALITION	232,913
010	KENYA AFRICAN NATIONAL UNION	61,908
023	SOCIAL DEMOCRATIC PARTY OF KENYA	13,696
009	FORUM FOR THE RESTORATION OF DEMOCRACY FOR THE PEOPLE	13,657
017	FORUM FOR THE RESTORATION OF DEMOCRACY-ASILI	10,722
008	SAFINA PARTY	9,809
053	KENYA PEOPLE'S PARTY	5,902
031	NATIONAL ALLIANCE PARTY	4,426
038	CHAMA CHA UMA PARTY	2,287
050	KENYA CITIZENS' CONGRESS	1,826
046	KENYA AFRICAN DEMOCRATIC DEVELOPMENT UNION	1,434
016	FEDERAL PARTY OF KENYA	898
042	SISI KWA SISI PARTY OF KENYA	704
014	KENYA NATIONAL CONGRESS	606
003	UMMA PATRIOTIC PARTY OF KENYA	365
036	NATIONAL LABOUR PARTY	325
012	KENYA SOCIAL CONGRESS	246
027	REPUBLICAN REFORMATION PARTY	223
034	UNITED DEMOCRATS OF PEACE AND INTEGRITY IN KENYA	196
025	PEOPLE'S PARTY OF KENYA	182
054	KENYA PATRIOTIC TRUST PARTY	110
001	PARTY OF INDEPENDENT CANDIDATES OF KENYA	96
044	UNITED AGRI PARTY	33

**Number of parties that participated: 24**

**Number of votes cast: 362,949**

**Appendix 1b. Votes received and seats won by each party in 1997**

<u>Political party</u> <u>won candidates</u>	<u>Votes</u>	<u>% of total votes</u>	<u>No. of seats won</u>	<u>% of seats</u>	
018 DEMOCRATIC PARTY OF KENYA	116,541	31.75%	55	28	51.85%
010 KENYA AFRICAN NATIONAL UNION	83,710	22.80%	55	14	25.93%
002 NATIONAL DEVELOPMENT PARTY OF KENYA	59,173	16.12%	51	5	9.26%
023 SOCIAL DEMOCRATIC PARTY OF KENYA	38,920	10.60%	44	3	5.56%
021 FORUM FOR THE RESTORATION OF DEMOCRACY-KENYA	25,147	6.85%	54	1	1.85%
008 SAFINA PARTY	14,461	3.94%	41	1	1.85%
009 FORUM FOR THE RESTORATION OF DEMOCRACY FOR THE PEOPLE	11,623	3.17%	27	2	3.70%
017 FORUM FOR THE RESTORATION OF DEMOCRACY-ASILI	7,394	2.01%	27	0	0.00%
007 LIBERAL PARTY OF KENYA	3,977	1.08%	22	0	0.00%
006 UNITED PATRIOTIC PARTY OF KENYA	1,999	0.54%	9	0	0.00%
014 KENYA NATIONAL CONGRESS	1,382	0.38%	6	0	0.00%
004 LABOUR PARTY DEMOCRACY	1,104	0.30%	6	0	0.00%
013 KENYA NATIONAL DEMOCRATIC ALLIANCE	772	0.21%	6	0	0.00%
012 KENYA SOCIAL CONGRESS	543	0.15%	5	0	0.00%
003 UMMA PATRIOTIC PARTY OF KENYA	215	0.06%	1	0	0.00%
001 PARTY OF INDEPENDENT CANDIDATES OF KENYA	66	0.02%	1	0	0.00%
015 DEMOCRATIC ASSISTANCE PARTY	64	0.02%	1	0	0.00%
<b>Grand total:</b>	<b>367,091</b>			<b>411</b>	<b>54</b>

Note: There was a tie in Woodley Ward. Hence the total number of seats won is 54 instead of 55.

## Appendix 2. Political parties that participated in the 2002 elections

0477	NATIONAL RAINBOW COALITION	232,913
010	KENYA AFRICAN NATIONAL UNION	61,908
023	SOCIAL DEMOCRATIC PARTY OF KENYA	13,696
009	FORUM FOR THE RESTORATION OF DEMOCRACY FOR THE PEOPLE	13,657
017	FORUM FOR THE RESTORATION OF DEMOCRACY - ASILI	10,722
008	SAFINA PARTY	9,809
053	KENYA PEOPLE'S PARTY	5,902
031	NATIONAL ALLIANCE PARTY	4,426
038	CHAMA CHA UMA PARTY	2,287
050	KENYA CITIZENS' CONGRESS	1,826
046	KENYA AFRICAN DEMOCRATIC DEVELOPMENT UNION	1,434
016	FEDERAL PARTY OF KENYA	898
042	SISI KWA SISI PARTY OF KENYA	704
014	KENYA NATIONAL CONGRESS	606
015	DEMOCRATIC ASSISTANCE PARTY	385
003	UMMA PATRIOTIC PARTY OF KENYA	365
036	NATIONAL LABOUR PARTY	325
012	KENYA SOCIAL CONGRESS	246
027	REPUBLICAN REFORMATION PARTY	223
034	UNITED DEMOCRATS OF PEACE AND INTEGRITY IN KENYA	196
025	PEOPLE'S PARTY OF KENYA	182
054	KENYA PATRIOTIC TRUST PARTY	110
001	PARTY OF INDEPENDENT CANDIDATES OF KENYA	96
044	UNITED AGRI PARTY	33

**Number of parties that participated: 24**

**Number of votes cast: 362,949**