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Lusugga Kironde

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THE EVOLUTION OF THE LAND USE STRUCTURE OF DAR ES SALAAM

1890-1990: A STUDY IN THE EFFECTS OF LAND POLICY

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By

J.M. Lusugga Kironde

MSc (Urban Studies) (Salford)

VOL. 1

A thesis submitted in part fulfillment of the requirements of the degree of Doctor of Philosophy of the University of Nairobi.

Department of Land Development,

Faculty of Architecture, Design and Development,

April, 1994.

DEDICATION

This work is dedicated to my Grandparents: patriach Thomas Lusugga Kyaruzi Kironde, (1899 - 1980), and matriach Maria Ndibalema Nnamisango, (1900 - 1985).

Are you there?

Somewhere?

DECLARATION

I, J.M. Lusugga Kironde do hereby declare that this thesis is my original work and has not been presented for a degree in any University.

.....
Signature of the Candidate

This thesis has been submitted for examination with our approval as Supervisors

.....
Professor George K. King'oriah

.....
Professor Saad S. Yahya

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ABSTRACT

Theoretically, land policy is presented as a necessary intervention by governments in order to iron out the inefficiencies inherent in land markets. The result would be a smooth working urban land market, yielding an equitable and efficient land use structure. In practice though, land policy is part and parcel, and, indeed, a paradigm of the wiser issues of governance. Historically, land policy has been used to serve colonial interests; to achieve segregation between social groups in society; to justify and concretise exploitation and social inequalities; and to allocate wealth, power, and privilege. Laws can be passed, or inappropriate laws upheld by those who control land policy to help them benefit from this policy rather than meet the perceived ends of society.

This study surveys the impacts of various tools of land policy on the land use structure of Dar es Salaam, over a period spanning a century from the 1890s. At no time has land policy been found to have aimed at smoothening the workings of the urban land market. Throughout, land policy has been found to have been geared to serving colonial interests, and the interests of government officials and politicians. The result has been an inefficient and inequitable land use structure for Dar es Salaam characterized by social segregation, land grabbing and hoarding, urban sprawl, poor land servicing, prevalent squatting, unequal access to planned and serviced land, violation of land use regulations, disregard of public interests in land use (e.g. diminution of public open spaces and hazard lands).

Government intervention in land markets through land policy is seen as necessary, but past policies are seen as having been inappropriate since they are shown to have been geared towards perpetuating inequality and privilege. A new approach to land policy has been therefore called for. Recommendations put forward for this new land policy include:

The retuning of land policy so that in principle and practice land policy addresses and caters for the interests of the majority of the urban population by, for example, working with, and supporting the actions of the majority of urbanites, and thus stopping conceiving land use schemes in terms of benefitting those who are socially powerful to the complete disregard of those who are socially weak; and here, policies like land poling and adjustment can prove to be very useful;

- . Transparency and social accountability in the delivery of land policy;
- . The reviewing of major tools of land policy such as the *Land Ordinance*, the *Town and Country Planning Ordinance*, the *Land Acquisition Act*, and the various land use and building regulations so that they protect and enhance the interests of the majority;
- . The generation of more revenue from the current planned land schemes so as to enable the authorities to adopt a more dynamic land policy as a way of reaching more people, removing inequity, and enhancing positive externalities as well as minimising harmful ones;
- . Effective devolvement of land delivery powers to local and neighbourhood authorities and maximisation of public participation;
- . Removing unnecessary bureaucracy in land delivery; and
- . generally, smoothening the working of the urban land market in both the informal and formal sectors.

The basic principle guiding land policy must be the interests of the majority of the urban population. This way, both efficiency and equity in the delivery of land policy can be realistic goals.

THE THEORETICAL FRAMEWORK

1.1 Introduction

Urban areas are not points in space. Instead they cover several hundreds, sometimes thousands, of square kilometres of land, on which various economic, cultural and recreational activities of local, national and international dimensions are carried out. Most urban areas reveal some kind of activity concentration patterns either in zones, sectors, clusters, or ribbons. How do those patterns come about? Is urban land use haphazard, or is there some rational explanation for it? How does the "sorting and sifting" of various land uses in an urban area occur? Land economists have generally sought to answer these questions concerning location, by studying land market forces. Bertaud, for example, points out that a well functioning land market is essential in shaping the city and in the allocation of land among various urban activities in an efficient manner¹. Decisions on location by various economic actors have serious economic implications for the budgets and utility functions of firms and households (e.g. in terms of rents, transport costs, satisfaction, economies of scale, etc.), and have important consequences for society as a whole (e.g. in terms of social costs and benefits, externalities, use of scarce resources, provision of service infrastructure, etc.). The way in which land is used, i.e. the location and the relative concentration of households and firms, will largely determine the efficiency of the networks upon which all urban activities rely².

Land economists however, realise that the land market is imperfect and justify government intervention in this market to remove or minimise the imperfections inherent in

¹ A. Bertaud, "The Impact of Land use Regulations on Land Supply, Consumption and Price", *Regional Development Dialogue*, Vol. 13, No. 1, 1992, pp 35-40.

² *ibid*, p. 35.

land markets³. Therefore, the urban land use mosaic is considered to be the result of the operation of market forces on urban land as moderated by government intervention through regulation. Any urban land policy is the blueprint for such regulations and has important spatial implications for urban activities over time.

Under conditions obtaining in African cities, the effectiveness of such policy over the land allocation mechanism may be limited. Colonial legacies, characterised by policies conceived in the interests of colonial states that served to marginalise the interests of the colonised majority, have distorted the operation of market forces over land use. As a consequence, the existing land use mosaic of many African cities may not be a result of organic growth, as influenced by decisions of thousands of individuals and firms operating in the urban space. Also such a land use mosaic may not be consistent with the principles of rational land use ordering. This may lead to structural inefficiency, and operational ineffectiveness of urban activities. It is thus deemed important to understand all the various forces that determine land use location decisions over the urban space.

One way of doing this is to study the evolution of the land use structure of any urban area by isolating the effects of government policy, and seeking to account for those land uses that may develop outside or contrary to the aims of such land policy. Thereafter, the economic, and even social forces that have shaped these land uses could be sought.

1.2 Factors Influencing Urban Land Use Structure

1.2.1 Introduction

For the purposes of this study, three main forces influencing land use in urban areas are isolated. These are: historic/ethnic interactions over time, government land policy, and, economic forces. Each of these does not work in isolation of all others at any time. They all work simultaneously, influencing each other. Some factors may have greater impacts on urban land uses than others during certain periods. Historical epochs of social interaction determine national economic settings, which in turn determine the kinds of dominant

³ C.M.E. Whitehead, "The rationale for Government Intervention," in H.B. Dunkerley (Ed.), *Urban Land Policy, Issues and Opportunities*, Oxford University Press, Washington, 1983, pp. 108-131.

economic systems and the kinds of land and other policies adopted for running national and urban communities. The policies themselves provide the constraints in which economic forces operate. However, such policies are also a results of economic and social systems. Collectively, these may in the long run affect historical processes.

Rapid urbanisation itself is a historical process. This has determined the treatment of land as an economic commodity. Unfavourable results of the operation of the land markets have led to government land regulation policies designed to ameliorate the adverse effects of market forces. Such government policies have traditionally included public health measures, town planning, housing policies, provision of infrastructure, etc.

1.2.2 The Economic Theory of Land Use

Economic theories of land use are concerned with explaining the patterns of urban land uses. The complexity of such urban land uses has always been simplified by means of models. Land use models assume an economy in which the allocation of resources is basically decided by costs, prices and profits. It is assumed that individuals and firms have preferences for settling in particular urban locations and that these preferences are reflected in the amount of money they are prepared to pay for the use of land at these locations. It is also assumed that the owners of land and buildings will let or sell these to the highest bidder in order to maximise profits. Thus, a pattern of land use, and of land and building prices, is established, by which land and buildings are used for those purposes giving the highest returns⁴. A classical approach to understanding land use location is the rent bid functions model.

The Rent Bid Functions Model

Early theoretical formulations of location and rent theories dealt with agricultural land. The beginning of the classical rent theory is usually associated with the writings of a group of European economists at the conclusion of the Napoleonic Wars when there was widespread political concern over land use allocation for crop production. Thomas R. Malthus, David Ricardo, Robert Torrens and James West, published important pamphlets on land rent

⁴ G. Hallet, *Urban Land Economics: Principles and Policy*, Macmillan Press, London, 1979.

between 1815 and 1824⁵. Two writers of this Napoleonic period: David Ricardo, and J.H. von Thunen, made significant contributions to the present economic rent and land use theory.

Ricardo began by defining Economic Rent as being that part of rent which is paid for the use of land as such, and which has nothing to do with costs, but is determined solely by scarcity. Economic rent is therefore a residual payment, after paying the costs of production. The difference between (normal) costs (including normal profit), and receipts, represents the amount the farmer can afford to pay as economic rent. If the landowner is anxious to obtain the maximum rent, this will be the rent that will be charged.

Having explained the residual basis of the pricing of particular pieces of land, Ricardo went on to introduce the concept of a range of fertility. As land that is put to farming becomes less and less fertile, its economic rent falls to a point where it would be zero. This point represents the "extensive" margin beyond which cultivation will not take place in the long run, although changes in the prices of agricultural produce in relation to costs will shift the extensive margin and alter the total value of economic rent. Naturally, land will be allocated to the most competitive bidder, the bid being the value of the economic rent, which in turn is related to the productivity of the land⁶.

It has been argued that the Ricardian model as such, as distinct from the basic concept of economic rent, has only a limited applicability to urban land. This is because, in urban areas, the location of activities is determined by other factors than fertility⁷. The distance of any site from the hub of urban activity, determines its economic utility to the owner. Urban models based on the influence of transport costs on the economic returns of owning land, are essentially an application of the agricultural model, put forward in the 19th century by J. H. von Thunen, to urban situations.

⁵ R. Barlowe, *Land Resources Economics: The Economics of Real Estate*, Prentice-Hall, Englewood Cliffs, NJ, 1986.

⁶ D. Ricardo, *Principles of Political Economy and Taxation*, (Ed. Piero Strafa), London, 1956.

⁷ Hallet, *Urban Land Economics*, p.47.

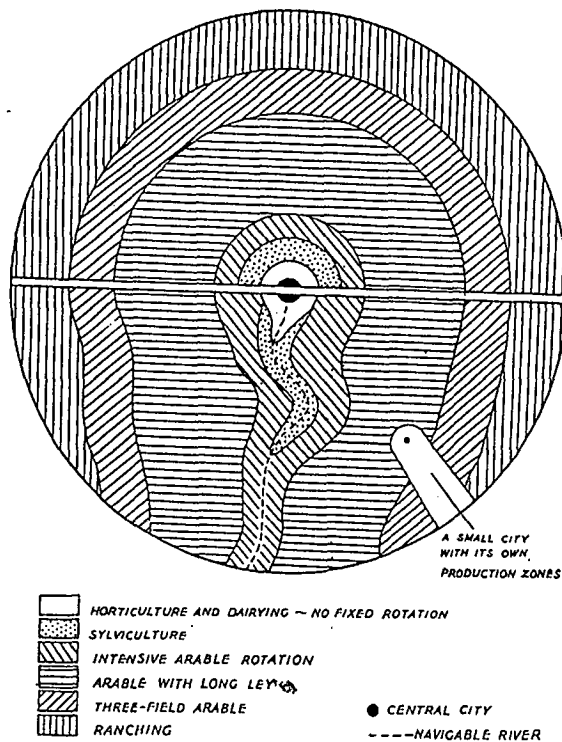
In contrast to the Ricardian emphasis on differences in land quality as a basis of land rents, von Thunen, working independently in 1826, stressed that land rent arises because of differences in location⁸. He observed that when crops produced for a central city market are grown on lands of like fertility on a featureless isolated plain with ubiquitous and uniform, equally costly, transportation schedules, the lands located nearest the city enjoy a definite advantage over those located at greater distances. Producers on distantly located land would have to pay for transport to bring their products to the market. In view of the fact that transportation costs would differ with the type of produce (due to differences in bulk and perishability), commercial production of some crops would be limited to certain locations only. The central market would, therefore, be surrounded by a series of concentric land uses each being the most competitive at its location; and reflecting the use's need to be as near the market as possible. The low level of transportation technology during von Thunen's time suggested a land use structure as shown in Figure 1.1. When transportation facilities are improved, like when the ideal plain is traversed by a navigable river, the land use pattern becomes elongated along transportation routes. If another market centre is introduced in the plain, then it too generates its own production zones. The resulting land use mosaic would be a result of competitiveness among the users, each occupying a location at which costs are minimised and returns maximised. The boundaries of each use will be at the interaction of these land uses' rent bid functions, the steeper ones occupying those locations nearest to the market.

Von Thunen's model can be applied to urban land use. Let it be assumed that there are only two land uses in a town, residential and commercial, and that both uses prefer to be near the centre of town because that is where transportation costs are least. Around the town, land would be in agricultural use. In view of their need to locate near customers in the city centre, it can be assumed that commercial uses can outbid residential uses near the centre, but that the land rent which commercial uses are prepared to pay will fall sharply with distance from the centre. The rent offered by residential users will also fall with distance from the centre, although less sharply so, whereas agricultural rent is constant. The rent bid gradients for the various uses, representing the rent the users are willing to pay at various

⁸ M. Chisolm, *Rural Settlement and Land Use*, Hutchinson, London, 1962.

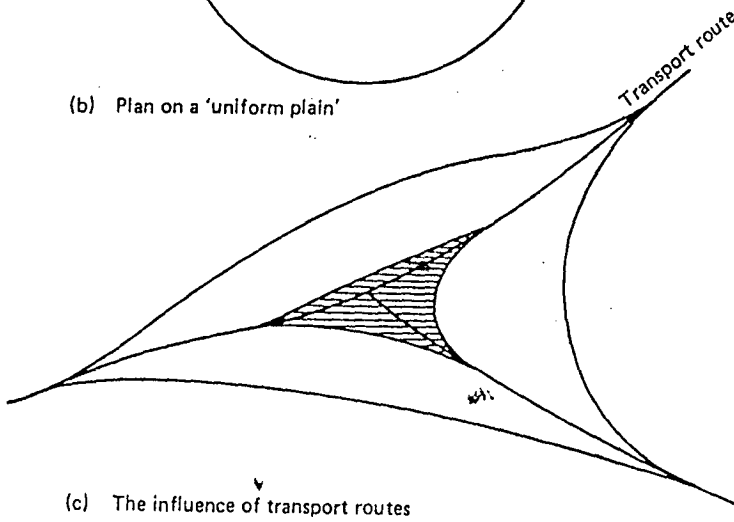
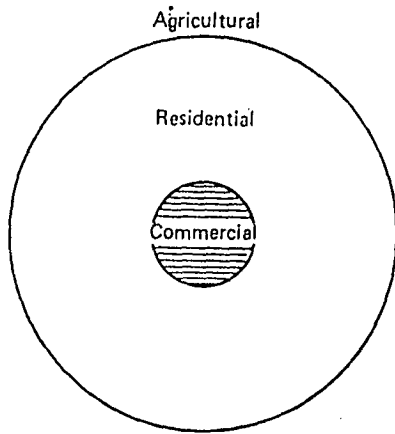
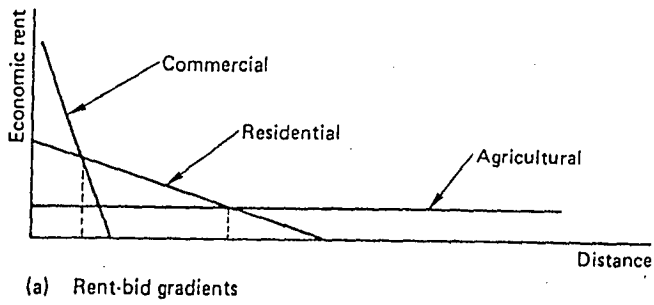
locations will be as shown in Figure 1.2(a), bringing about a concentric circles land use pattern as shown in Figure 1.2(b). If there are the equivalents of von Thunen's "navigable river", which reduce transportation costs or time in certain directions, (for example, railway lines or roads), the concentric circle pattern will become star shaped as shown in Figure 1.2(c).

Figure 1.1 von Thunen's System of Land Use



Source: M. Chisolm, *Rural Settlement and Land Use*, Hutchinson, London, 1962, p. 27.

Figure 1.2 von Thunen's Rings



Source: G. Hallet, *Urban Land Economics: Principles and Policy*, Macmillan Press, London, 1979, p. 48.

Von Thunen's model therefore, attempted to obtain a theoretical explanation of land use patterns. Although modified by von Thunen himself and by other workers in the field, his fundamental distance-cost relationship in land use location has continued to form the basis of land use location studies to date. "Classical" models of urban spatial structure, like the Burgess's concentric zone model, Hoyt's sectoral model and Harris and Ullmann's Multi-nuclei model can be seen within the context of the von Thunen model⁹. Subsequent statements and formulations by economist like Hurd, Haig and Ratcliffe, as well as Alonso's trade off model (below) have all been based on the rent bid function concept. Each kind of land use has a given rent-bid curve. When the various rent-bid curves are superimposed on each other, they result into a certain interlocking or concentric land use pattern focused on, and related to, the city centre¹⁰.

Since the early 1960s, economists have attempted to formulate a general equilibrium of city form based on the concept of the rent-bid functions. Assumptions have been that employment is concentrated at a single point, and people decide where to live and locate their activities solely on the basis of transport costs and land prices¹¹. Alonso, in his famous "trade off model" introduced the effects of consumer preferences regarding space, combined with differences in income¹². If people are prepared to pay for more space and lower density, an observation considered valid as people's incomes rise, then those who can afford to do so (i.e. those in high income brackets), will move to lower priced land at the periphery, and consume more of it. Those with lower incomes will be unable to afford the commuting costs, and so, would be forced to remain in the expensive central area consuming small quantities of land.

⁹ L.S. Bourne, "Urban Structure and Urban Land Use Decisions", *Annals, American Association of Geographers*, Vol. 66, 1976, pp. 531-547.

¹⁰ A.S. Mather, *Land Use*, Longmans, London, 1986.

¹¹ L.S. Bourne, "Housing Supply and Housing Market Behaviour in Residential Development", in, D.T. Hebert and R.J. Johnston, *Social Areas in Cities*, London, Wiley, 1979, pp. 111-158.

¹² W. Alonso, *Location and Land Use*, Harvard University Press, Cambridge, Mass., 1964.

Criticisms of Rent-bid Models

Like all models the rent-bid concept simplifies reality. It is however, internally consistent. Restrictive assumptions, like centralised employment, can be relaxed, and different types of households, can be introduced, to enhance the explanation power of the model. However, the concept has been found wanting because it ignores the influence of established physical structures and social patterns¹³. Moreover, rent bid function models have been criticised for emphasizing space and accessibility at the expense of a more complex situation; for failing to predict whether households in any income bracket will continue to occupy their respective areas; and for failing to highlight the many imperfections in the land market as well as the institutional factors and the power structures they represent, all of which exercise significant influences on urban land use patterns¹⁴. It has also been pointed out that when applied to African cities, these models have failed to explain the observed situation where the majority of the poor live at the periphery¹⁵. Besides, it has been pointed out that economic theory relies on the dual concept of efficiency and equity, concepts which are not adequately defined without recourse to non-economic dimensions and resources redistribution among the population¹⁶. In view of these observations, some commentators have been agnostic, arguing that it was all very complicated and that each city was different and one could not, therefore, generalise¹⁷. However, since cities have as many similarities as they have differences, it has been argued that the rent-bid model should be seen as a partial model, which does indicate the direction in which the city is likely to move. It should be used as a kit of tools to be applied when appropriate, and can at least indicate some general patterns

¹³ Hallett, *Urban Land Economics*, p. 117.

¹⁴ See for example: A.W. Evans, *Urban Economics*, Basil Blackwell, Oxford, 1985; H. Carter, *The Study of Urban Geography*, Edward Arnold, London, 1976; L.J. King, and R.G. Gollidge, *Cities, Space, and Behaviour: The Elements of Urban Geography*, Prentice-Hall, Englewood Cliffs, N.J., 1978.

¹⁵ A. Mabogunje, "Urban Planning and the Post Colonial State", *African Studies Review*, Vol. 33, No 2, 1990, pp. 121-203.

¹⁶ C. Rakodi, "A Comment" on Bertaud, "The Impact of Land Use Regulations", p.41.

¹⁷ R. Turvey, *The Economics of Real Property*, London, 1957

and causal relationships that contribute to an understanding of the urban mosaic¹⁸.

The Theory of Urban Land Use in African Cities

For historical reasons, the theory of urban land use location was developed and refined mostly in the West. However, most African cities were either created, or greatly modified, during the colonial and post-colonial eras. Consequently, most of these cities were incorporated in the wider capitalist world economy, where capitalist norms of commoditizing land became generalized. Economic theory of urban land use is therefore limited by the fact that most African cities were created specifically to serve colonial interests of domination and exploitation. The kinds of land market operations implied by economic theory were highly restricted by the impress of colonial governments' dictates. Besides, capitalism did not aim at completely proletarianising the colonised peoples of Africa so, that what has been termed "the economy of affection"¹⁹, characterised by informal employment, subsistence economy, and customary land tenure holdings, still operate. Thus, there is still a lot of attachment to land which is completely non-market.

If rent-bid models must be seen as partial representations of reality when applied to the cities of the Western world, they must be seen as being even more so when applied to African cities. It is for this reason that a recent workshop on the nature of trends in land prices in the cities of developing countries concluded that a broad theoretical and methodological approach to the analysis of land markets was needed; incorporating analyses of land market operations in terms of prices and land supply; analyses of land development processes in terms of actors and institutions; and analyses of the role of government; and of cultural factors in shaping property relations²⁰. Therefore, a more sophisticated approach to urban land markets is needed, spanning the political and social theory, as well as the traditional neo-classical

¹⁸ Hallet, *Urban Land Economics*, p. 118; Mather, *Land Use*, pp. 125-130.

¹⁹ G. Hyden, *No Shortcut to Progress: African Development in perspective*, Berkeley and Los Angeles, University of California Press, 1983.

²⁰ Fitzwilliam Memorandum, "Land value changes and the impact of Urban Policy upon Land valorisation processes in Developing Countries" (Conclusions of an International Research Workshop, Fitzwilliam College, Cambridge, 14-19 July 1991), *International Journal of Urban and Regional Research*, Vol. 15, No.4, 1991, pp. 623-628.

economic analysis. It must be capable of understanding the segmented nature of land delivery systems and property relations²¹. And in African cities, the role of the colonial and post colonial land policy is as important in shaping land use structures, as are non-market social relations.

1.2.3 Approaches Towards Understanding Urban Land Uses in African Cities

In studying land uses in African cities, one approach has been to apply Western delivered models to local scenes. For example, attempts have been made to identify concentric zones in Nairobi and in Dar es Salaam²². Ngau²³ has tried to apply Social Area Analysis to Nairobi, while Mabogunje attempted to apply Proudfoot's retail structure to Ibadan²⁴. These attempts have perhaps yielded predictable results since they were aimed at identifying whether traces of such western derived models could be identified. de Blij, for example, identifies all the three popular land structure models (concentric, sectoral, and, multinuclei) in Dar es Salaam, depending on the observer's orientation. This deductive approach does not offer a theoretical underpinning which can be utilised to understand the land use structure of these urban areas.

Other studies of land uses have tended to emphasize colonial and post colonial policy, identifying the colonial or "modern" city from the "traditional", "native", or, "spontaneous", city. Kingoriah²⁵ concludes that it is the colonial government's land policy, not market forces, which has led and guided Nairobi's development. Kiamba and Emig and Islam argue that the structure and development of Nairobi is a reflection of the class and social power

²¹ Rakodi, "A Comment", p. 42.

²² D. Halliman, and W.T.W. Morgan, "The City of Nairobi", in, W.T.W. Morgan, (Ed), *Nairobi, City and Region*, Oxford University Press, Nairobi, 1969, pp.105-112; H.Y. de Blij, *Dar es Salaam: A study in Urban Geography*, Northwestern Press, Evanston, 1963.

²³ R.M. Ngau, The internal structure of residential areas in Nairobi, MA Thesis, University of Nairobi, 1979.

²⁴ A.L. Mabogunje, "Evolution of Retail Structures of Lagos", *Economic Geography*, Vol. 40, 1964, pp. 304-323; M.J. Proudfoot, "City Retail Structure", *Geography*, Vol. 13, 1937.

²⁵ G.K. Kingoriah, Policy Impacts on the Urban Land Use Patterns in Nairobi, Kenya, 1899-1979, Ph.D. Thesis, Indiana University, 1980.

structure in the service of capitalism both at the local and the international scenes²⁶. With respect to Lusaka, both Collins and Rakodi emphasize the effects of white colonial policies, and in Nigeria, Home concludes that Town planning was limited to the needs of the colonial power, and that "native" towns were kept physically separate from colonial urban development²⁷. Kanyeihamba²⁸ extends his analysis to the post-colonial era by pointing out that much of the post-independence planning law is in fact borrowed from the former colonising powers, while King²⁹ highlights the impact of "exported" planning (e.g. through education, expatriates, aid, etc.) on ex-colonial cities. The perpetuation of colonial concepts in urban Tanzania, particularly residential segregation, is decried by Banyikwa and by both Alexander and Armstrong who, moreover, criticise the use of European ideology in urban masterplanning³⁰.

All of the works cited above have one factor in common: the generalisation into limited abstractions of a very complicated situation (e.g. in terms of coloniser against colonised; government policy against the market; international capital against local interests; ruling classes, against the ruled; whites against blacks, etc.). The basis of this dichotomy would appear to be the reliance on the underdevelopment theory.

²⁶ C.M. Kiamba, *The Role of the State in the Control of Urban Development: Urban Land Policy for Nairobi*, Phd Thesis, University of Cambridge, 1986; S. Emig and Z. Islam, *Notes on the Urban Planning of Nairobi*, Diploma Thesis, 1980.

²⁷ J. Collins, "Lusaka: Urban Planning in a British Colony, 1931-1964", in G.E. Cherry, (ed), *Shaping an Urban World*, Mansell, London, 1980, pp. 227-241; C. Rakodi, "Colonial Urban Policy and Planning in Northern Rhodesia and its Legacy", *Third World Planning Review*, Vol. 8, No. 3, 1986, pp. 153-217; R.K. Home, "Town Planning Segregation and Indirect Rule in Colonial Nigeria", *Third World Planning Review*, Vol. 5, No. 2, 1983, pp. 165-175.

²⁸ G.W. Kanyeihamba, "The Impact of the Received Laws on Planning and Development in Anglophonic Africa", *International Journal of Urban and Regional Research*, Vol. 4, 1980, pp. 239-266.

²⁹ A.D. King, "Exporting Planning: the Colonial and Neocolonial Experience", in, Cherry, *Shaping an Urban World*, pp. 203-226.

³⁰ W.F. Banyikwa, "Recent changes in urban residential land use Policies in Tanzania and their spatial repercussions", *Journal of the Geographical Association of Tanzania*, No. 16, 1978, pp. 38-66; B. Alexander, "European Planning Ideology in Tanzania", *Habitat International*, Vol. 7, Nos. 1/2, 1983, pp. 17-36; A.M. Armstrong, "Masterplans for Dar es Salaam, Tanzania", *Habitat International*, Vol. 11, No. 2, 1988, pp. 75-96.

In a critique of the underdevelopment theory, Phillips³¹ has pointed out that it has tended to see capital as being rational and omnipotent, and the colonial and post colonial state as intervening on behalf of international capital, whereby the colonial state is presented as a simple agent of capital, and capital as having a logic which dictates determinant forms of either development, or underdevelopment, and in the case of urban areas, access to, and the use and development of land. Thus at a time when Marxism had largely retreated from a crude identity of the state and capital in its analysis of advanced countries³², discussion of colonialism using the underdevelopment theory accepted the version of the state as a mouthpiece of capital. The intricacies of modern state theory bypassed the analysts of colonialism who argued that the colonial state was imposed externally at the instigation of European capitalists, and was relieved of the burden of universal franchise. On such tenuous grounds, it appears, critics of colonialism, have presumed a state which could serve unconditionally the interests of capital. Yet, as Lonsdale and Berman have argued in their analysis of Kenya, "the state cannot be the obedient servant of capital", a claim which is true of the colonial state, as of its progenitor in Europe³³.

In Africa, the colonial state was faced with many constraints. Unlike in Britain, where compulsion to labour was constructed over centuries until needs were defined through commodities, with wages as the only access, violence was required to carry through any transformation in Africa. There was no generalised natural necessity to force labour to work. Needs were still expressed in terms of use values, and dependence on money limited. Free access to land meant subsistence was assured. Wage labour could only be imposed through direct coercion. Yet, as Phillips³⁴ observes, the state which inherited this task was incomplete and undeveloped: a political power which was in many ways a mere facsimile of the state. Colonial rule could only be sustained through a complex of shifting of alliances with local rulers and select social groups, and colonial officials were acutely aware of the limitation

³¹ A. Phillips, *The Enigma of Colonialism: British Policy in West Africa*, James Currey, London, 1989.

³² J. Holloway and S. Picciotto, (Eds), *State and Capital: A Marxist Debate*, Edward Arnold, London, 1978.

³³ J. Lonsdale and B. Berman, "Coping with the contradictions: the development of the Colonial State in Kenya, 1895-1914", *Journal of African History*, Vol. 20, 1979, pp. 487-505.

³⁴ Phillips, *The Enigma of Colonialism*.

of their control both at the local scene, and at the "home" scene. Colonialism was therefore necessarily makeshift³⁵, an adventure into the idealised but unknown. Its history was one of adjustment to conditions it could not dictate, and the abruptness of decolonisation gave open expression to a lack of control which had existed all along. Colonial policies were formed against this background. The anti capitalism which apparently characterised so much of colonial thinking (e.g. policies upholding customary land tenure; the upholding of subsistence agriculture; the support of casual circular labour, when capital was advocating complete proletarianisation; racial segregation; cheap land policy for colonial officials, etc.,) arose out of the constraints of local conditions. It was determined neither by the demands for capital accumulation, nor by the peculiarities of colonial recruitment. Rather, it was forged out of experience of colonial administration and emerged as an uneasy resolution to the often conflicting requirements of colonial rule. In particular, the political and economic weakness of the colonial state, limited its capacity for undertaking direct coercion, leading to its sour relationships with private capital, particularly with relations to the proletarianisation of labour. The state was forced into an alliance with local chiefs as the only reliable guarantors of labour. This in turn dictated the terms on which colonialism operated. Free access to land precluded the formation of a landless proletariat, and was ensured by relations to communal land tenure over which chiefs were installed as agents of political order. The coercive powers of these chiefs, provided the colonial state with the means to recruit labour, but to sustain these powers, the right to alienate land (to private capital) had to be curtailed. This importance of local constraints accounts for much of the discontinuity in colonial policies, from favouring private land ownership and wage labour before 1914, to promoting the peasant road to development based on communal land ownership and very limited capital during the interwar period. Yet during this second phase, adhoc adjustment and compromise to changes which threatened political order had to be made, as favouring peasant production deprived both capital and the state of control over colonial production, and efforts to force peasants to act as their masters desired, were generally unsuccessful. In the end, by the time the second World War came, the defeat of colonialism was apparent. Decolonisation was as much a recognition of the failure of colonialism as it was a response to the powers of

³⁵ *ibid*, p. 11.

nationalism³⁶. The Independence movements that took over Africa did not inherit a stable polity, but one which was already coming apart at the seams. The resultant chaos on the one part, and continuity on the other, was only to be expected, since these movements took up colonialism's unfinished role and gave capitalism a chance to try again³⁷.

Whatever policies were ultimately attempted during colonial administration, there were usually major disagreements, tensions and conflicts during their formulation, between officials, and between officials and capital in the colonies, between various levels of government, and between the colonial governments and the colonial office. In colonial practice, it was impossible to find a consistent expression of the supposed objectives of colonial rule³⁸.

Most of the nationalist historiographers, and other analysts of the colonial and post colonial scene, as well as the entire underdevelopment school, have, as a general observation, not highlighted the powers and interests of the local caucuses, and their limiting, and, sometimes debilitating effects, on colonial and post colonial policy in its ordained role of serving capitalism. This is the case whether discussing general development, or urban policy. On the other hand, the antidependency school sees the indigenous capitalist class as using state power to enhance its interests over the national economy.³⁹ Thus, both the dependency and the antidependency schools see the state as an instrument of factional interests: either, of international capital, or, of the rising indigenous capital. Jessop, however, argues that the state is not a neutral instrument serving the interests of capital (international or local), but that it offers institutional and organisational resistance to manipulation. Such an approach can at least offer some insights into the understanding of both the partial, incoherent, and provisional nature of state activity, and the complex forms of institutional and organisational set ups

³⁶ *ibid.*, p. 13

³⁷ *ibid.*, p. 163.

³⁸ *ibid.*, p 13.

³⁹ C. Leys, "Accummulation, Class Formation and Dependency: Kenya", in, M. Fransaman, (ed.), *Industry and Accumulation in Africa*, Heinemann, London, 1982.

involved in policy formulation and mediation.⁴⁰ Kiamba concludes that the relationship between the state and the dominant and dominated classes is very complex. The state should be seen in relational terms as an unstable equilibrium of compromises between classes and other social forces, rather than according to the instrumentalist perspective, as being passive, neutral and totally manipulable by one group, or, as a subject having absolute autonomy and functioning in its own right outside society.⁴¹

In view of the above arguments this study aims at highlighting the various interest groups in the development of Dar es Salaam rather than concentrate on the role of colonialism and capitalism alone. Indeed, colonial and post colonial officials used, and still use, land policy to serve as much their own interests, as the interests of capital.

In going through the existing literature on Dar es Salaam, one finds that some tools of land policy are hinted upon. Urban planning and land law and tenure during the German, British and post colonial periods at a general level, are discussed e.g. by de Boer, Gillman, Sutton, Mascarenhas, Armstrong and Fimbo⁴². There has, however, not been any deep study of the impact of the various factors of land policy that may have influenced the overall evolution of the city's land use structure, and it is the purpose of this study to fill in this gap in knowledge.

1.2.4 Land Policy and Land Use Structure

Concepts of Land Policy

In presenting models for understanding land use location, economic theory recognises that the land market is imperfect as a result of various non-optimising factors. Government intervention in land markets through land policy has the function to correct the forces that

⁴⁰ B. Jessop, *The Capitalist State: Marxist Theories and Methods*, Martin Roberts, Oxford, 1982.

⁴¹ Kiamba, *The Role of the State in Urban Development*, p. 9.

⁴² W. de Boer, *Urban Renewal and Rehabilitation in Kariakoo*, Ardhi Institute, Dar es Salaam, Mimeo, 1984; C.C. Gillman, "Dar es Salaam 1860-1940: A Story of Growth and Change", *Tanganyika Notes and Records* 20, 1945, pp. 1-23; J.E.G. Sutton, *Dar es Salaam City Port and Region*, 71, 1970; A.C. Mascarenhas, *Urban Development in Dar es Salaam*, M.A. Thesis, University of Los Angeles, 1966; Armstrong, "Masterplans for Dar es Salaam", G.M. Fimbo, *Law and Urban Planning: A Study of State intervention in Urban Planning in Tanzania*, Phd Thesis, University of Dar es Salaam, 1988.

cause imperfections and irrationality inherent in urban land markets to bring about efficiency and equity.

Darin-Drabkin would like to see as a basic goal of public land policy, the definition of the role of public authorities in providing the land needed at the right time, location and price⁴³. Lichfield points out that the term "land policy" has a variety of meanings. For some, it is used indistinguishably from "land use policy"; for others, it is associated with land reform; and yet for others, it is the policy of government in relation to the land which it owns. It is at its widest sense where, under urban land policy, the minimal scope includes government intervention in regulating urban land resources under the headings: land tenure, public land management, land title registration, land laws and courts, property taxation, property valuation, public goods, public utilities, public transport highways and government property management. The scope goes beyond minimal when government is more actively engaged in owning, using and developing land resources, and, seven additional components can be added: urban government structure, urban government finance, urban (local) and central government relations, central government fiscal and monetary policies, housing policies, regional development policies and urban planning control⁴⁴.

Such a wide ranging treatment, some of which covers policies which go beyond the focus of land, and which embrace all government policies having anything to do with land, calls for a working definition. In this study, land policy is to be considered with respect to the planning and development of human settlements, or any of its more restricted forerunners i.e. town planning, land use planning, etc.⁴⁵, though it is realised that land policy (e.g. land reform) need not be related to land use planning⁴⁶, and also that other general socio-economic

⁴³ H. Darin-Drabkin, *Land Policy and Urban Growth*, Pergamon Press, Oxford, 1977.

⁴⁴ N. Lichfield, "Towards a Comprehension of Land Policy", in, O.H. Koeningsberger and S. Groak, *A Review of Land Policies*, Pergamon Press, Oxford, 1980, pp. 379-395.

⁴⁵ *ibid.*

⁴⁶ D.R. Denman, *The Place of Property*, Geographical Publications, Berkhamstead, 1978; E.H. Jacoby, *Man and Land: The Essential Revolution*, Alfred A. Knop, New York, 1971.

development policies have some effects on land uses. Land policy will therefore be taken to mean those promulgations or undertakings by public authorities, aimed at affecting the pattern of land holding within a society, and aimed at directing the development and use of land in a certain predetermined way by, or for, certain uses or segments of society.

Land policy is an instrument of state power, and as hinted to above, this power can be manipulated to serve a variety of interests. Institutional implementation of land policy is within the realms of both central and local governments. It has been observed however, that in most African countries, local authorities are very weak. They are denied a lot of economic, and managerial freedom of action by central government, and this is a reflection of the wider problem of power consolidation in society. Central government control of local authorities is more stringent in key urban areas like the largest or capital cities (of which Dar es Salaam is an example), particularly with relation to land policy. In this study, the difference in the impact of central and local government on land policy is not highlighted, as indeed it is minimal, save for the struggle to control the land delivery process, discussed in Chapter Eight.

The Rationale for Land Policy

Economists regard urban land policy as the intervention by public authorities into the working of the private land market which, according to Lichfield⁴⁷, built cities and regions, and operated urban and regional economies, before planning became effective this century. Land, being locational specific, and highly heterogenous, is considered to have more imperfect markets than the markets in other commodities. This provides a moral *prima facie* case for government intervention⁴⁸. Not all agree that intervention is necessary⁴⁹. Some people are skeptical about the government's ability to achieve, results which are better than those of the market through regulation of land use⁵⁰. But perhaps a stronger body of scholarship

⁴⁷ N. Lichfield, "Planning and the Land Market", in D.R. Denman, (Ed.), *Contemporary Problems of Land Ownership*, University of Cambridge, Cambridge, 1964.

⁴⁸ K.W. Kapp, *The Social Costs of Private Enterprise*, Harvard University Press, Cambridge, Mass, 1950.

⁴⁹ See for example, S.N.S. Cheung, *The Myth of Social Cost*, Institute of Economic Affairs, London, 1978.

⁵⁰ F. Hayek, *The Political Order of a Free People*, Routledge Kegan Paul, London, 1979.

is that which believes in the strength of the market and argues for its extension in certain areas⁵¹.

Whitehead⁵² identifies eight categories of reasons justifying government intervention in land markets. These are: to produce goods and services with "public good" characteristics; to prevent or regulate the production of harmful externalities; to correct the imperfections in the land market resulting from poor information; to counter the unequal and usually monopolistic market power among agents related to land; to counter inter-temporal distortions in the land market resulting from private investors' lower valuation of future costs or benefits; to counter the individuals' aversion to risk in large scale projects or untried technology; to produce merit goods for which there is joint consumption by the whole society; and, to effect income redistribution. The following is a brief explanation of her reasons supporting government intervention in land use market allocation mechanisms:

(i) Provision of Public Goods and Services

Certain goods and services related to land markets have "public good" characteristics⁵³. They are non-rival and non-excludable (i.e. one person's consumption does not diminish the supply for another, and, once produced, it is difficult to prevent the consumption of such goods or services by any person). Such goods do not render themselves easily to production by the market, although the desirability to produce them is there since conceived benefits are higher than costs. While pure "public goods" are few, - a classical example being national defence-, many that are partially so include local administration, street lighting, uncongested roads, open space, police services, utility services, sewers and drains, etc. Such goods can only be provided by the government because they cannot be feasibly controlled by individuals. Therefore, governments need to intervene and provide them on behalf of the whole society. The unregulated development of unplanned areas in Third World Cities, at extremely high densities without any land for roads and public uses is an example of market failure in this

⁵¹ E.J. Mishan, *The Cost of Economic Growth*, Staples Press, London, 1967; D.E. Dowall, "The Benefits of Minimal Land Development Regulations", *Habitat International*, Vol. 16, No. 4, 1992, pp. 15-26.

⁵² Whitehead, "The Rationale for Government Intervention".

⁵³ R.A. Musgrave, and P. Musgrave, *Public Finance in Theory and in Practice*, McGraw Hill, New York, 1980.

respect.

(ii) Externalities and Spillover Effects

Many land uses have externalities or spillover effects and these could be harmful or beneficial. Externalities can be defined as side effects of an activity which are not accounted for in the budget or utility functions of their producers or generators, or their beneficiaries or sufferers⁵⁴. Thus, a factory which discharges large quantities of fumes to the atmosphere, is reducing its own cost of production, and presumably the price of its product to its customers, at the expense of the health and welfare of others. In this situation, the costs of pollution are not borne by those responsible for causing it. A house owner who improves the environment of his property may enhance the value of neighbouring property as well but is not compensated by these other property owners. Welfare is therefore not properly evaluated when spillover costs or benefits are not taken into account. While the market can partially respond to this phenomenon, coordination is difficult and relevant information is not readily available. Solutions would depend on private contracts which may be difficult to enforce⁵⁵. In some cases, while the benefits or costs of an externality are realised by the affected community, no one takes ameliorative action, as all stand to gain from underspending should somebody else pay for the bringing about or the removal of the externality. This is the so called "freerider" problem⁵⁶. Thus, public authorities have to intervene, to "internalise" these externalities and regulate the activities of the market to abate pollution, congestion, overcrowding, noise, smell, etc.; to prevent the growth of unsuitable urban forms in the interest of sanitation, etc; or to bring about desirable infrastructure and services or suitable urban forms. Tools of intervention to deal with externalities include zoning regulations to separate incompatible uses (e.g. industry from residences), anti-pollution laws, etc.

(iii) Poor Information

Many times, information with regard to land transactions is imperfect and expensive to

⁵⁴ J. Rothenberg, *Economic Evaluation of Urban Renewal*, Brookings Institution, Washington DC, 1967.

⁵⁵ W.S. Baumol, and W.F. Oates, *The Theory of Environmental Policy*, Prentice-Hall, Englewood Cliffs, N.J., 1979.

⁵⁶ Rothenberg, *Economic Evaluation of Urban Renewal*.

assemble through the market, particularly in view of the fact that land is location specific⁵⁷. Thus decisions likely to have long term effects, which may affect society at large, can be made based on poor information. Governments are likely to have the correct information concerning land transactions, or to be able to collect it cheaply, or to modify it by releasing their intentions on planning, or on forecasts. Policies to improve information, and to reduce transaction costs, are usually applied nationally, e.g. the improvement of the legal framework related to land markets, the clarification of tenure and ownership rights, the development of new markets, etc. Many of these supersede the market mechanism.

Poor information e.g. the clouded land titles in many African cities, has been found to be a major cause of inefficiency in land uses. Transactions in land may not take place because for example the landowners cannot be identified with certainty, leading to the underutilisation of land, or to lengthy disputes. Poor information also encourages corruption and speculation, and can lead to high land prices.

(iv) Monopolistic Market Power

There is usually an unequal division of market power among economic agents related to land, and this can lead to their significant control over the land delivery process, or of the output of land in the market. For example, land ownership can be concentrated into a few hands, while the development, construction and finance markets are often oligopolistic, and the supply of many urban services cannot be increased quick enough to meet increased demand. This could be a result of historical factors, and, in the absence of government intervention, such a situation may perpetrate itself, though it may be desirable for society as a whole, that access to land is opened up to many people. At the same time, monopolistic market power over land could lead to its underutilisation, to high land prices, and to inequitable windfall gains to those in control of land. Thus the need for government intervention.

(v) Inter-temporal Distortions in the Land Market

There are inter-temporal distortions in the land market resulting from private investors'

⁵⁷ H. Demsetz, "Information and Efficiency: Another view point", *Journal of Law and Economics*, Vol. 12, No. 1, 1969.

lower valuation of future costs or benefits⁵⁸. There can therefore be underinvestment where benefits are mainly expected in the future, or overconsumption, at present, of non-renewable resources. Governments then have to intervene, e.g. by subsidising or controlling the rate of investment, or by increasing the cost of non-renewable resources, or by taking over the processes directly.

Examples could include the occupation of hazard land to meet immediate need, which could cost society dearly in the future, e.g. through environmental degradation. The diminution of earth cover, to meet current land and energy needs is another example.

(vi) Private Individuals' Aversion to Risk

Private individuals may be more risk averse than the community as a whole, and this may lead to the underinvestment in large scale projects and untried technology, like sewers and sewage treatment plants, and new cheap building materials. This again calls for government intervention⁵⁹.

(vii) Merit Goods

It is also argued that the community benefits from the individuals' consumption of merit goods⁶⁰. An example often cited is that society as a whole may suffer if sections of it lived in substandard housing, and would gain if all enjoyed a certain minimum housing standard. The poor may not want to pay for such high standards, but society as a whole may derive satisfaction from everyone living at, or above a certain level i.e., there is joint consumption of these minimum standards by individuals and society. Such merit goods call for government intervention e.g. by providing subsidised public housing, public transport, and low income land development schemes, as well as job creation schemes in low income areas:

⁵⁸ P.S. Dasgupta, "Fairness Between Generations and the Social Discount Rate", *Resources and Policy*, Vol. 4, No. 3, 1978.

⁵⁹ K.J. Arrow, and R.C. Lind, "Uncertainty and the Evaluation of Public Expenditure Devices", *American Economic Review*, Vol 60, No. 3, 1970, pp. 364-368.

⁶⁰ Musgrave and Musgrave, *Public Finance*.

(viii) Income Redistribution

Finally, intervention is usually justified to effect income redistribution, horizontally between people of the same level and vertically between the rich and the poor. Most of the examples cited above have some income redistributive effects. Other examples include low income area redevelopment schemes, direct low cost housing strategies, etc.

Intervention is therefore accepted even by those who advocate freedom from government interference⁶¹. The array of intervention possibilities ranges from adjusting and working with the market, to overthrowing the capitalist system altogether⁶². In this study it is the former possibility that is discussed.

Tools of Land Policy

Within the narrow definition of urban land policy given above, the tools used by governments include: Policy related to land tenure, registration and transfer⁶³; land taxation, especially to recover infrastructure costs and betterment value⁶⁴; urban land use regulations which include zoning, regulations on land subdivisions, building regulations, issuance of approval of land development schemes by public agencies, and urban planning⁶⁵; and, direct intervention by public authorities, which in turn includes infrastructure provision, land acquisition, direct land development, provision of financing facilities, cooperating with the private sector in land development, surgical action (e.g. squatter area upgrading), and national and local investment decisions with local land use effects⁶⁶.

⁶¹ E.g. Hayek, *The Political Order of a Free People*.

⁶² D. Harvey, *Social Justice and the City*, Edward Arnold, London, 1973.

⁶³ H.B. Dunkerley, "Introduction and Overview", in, H.B. Dunkerley (Ed), *Urban Land Policy*, pp. 3-39; W.A. Doebele, "Concepts of Urban Land Tenure", in, Dunkerley, *Urban Land Policy*, pp. 63-107.

⁶⁴ D.C. Shoup, "Intervention through Property Taxation and Public Ownership", in, Dunkerley, *Urban Land Policy*, pp. 132-152.

⁶⁵ J.M. Courtney, "Intervention through Land Use Regulations", in, Dunkerley, *Urban Land Policy*, pp. 153-170.

⁶⁶ M.D. Rivkin, "Intervention through direct participation", in, Dunkerley, *Urban Land Policy*, pp. 171-198.

(i) Land Tenure, Registration and Transfer

Land tenure denotes a framework whereby land seekers can get access to land, and denotes as well the terms and conditions governing the enjoyment of rights in this land. While forms of tenure can be broadly divided into a dichotomy of public versus private land, Doebele⁶⁷ argues that the situation is more complex. He identifies seven proprietary categories of tenure, that is: non-formal de facto; private freehold; private leasehold; public freehold; public leasehold; communal ownership (tribal); and communal ownership (neighbourhood). The inter-relation between these forms of tenure is complex especially in the urban areas of Third World countries where various forms of tenure are conflated in a dynamic system of rapid change. Virtually nowhere is there a single unified system of land tenure.⁶⁸

Forms of tenure (which are usually products of land policy) have profound effects on physical urban patterns and affect the flexibility of adapting to pressures of rapid growth. Governments, for example, may deny certain sections of their populations, access to some kinds of tenure rights. On the other hand, security of tenure is of crucial importance in property investment and land management, and, systems of tenure affect the ease of land registration and land transfer.

Land registration has been defined as the overall process of recording details about land parcels for the purpose of land ownership and tenure⁶⁹. An efficient land registration system (a) leads of certainty about ownership, (b) enhances security of tenure, (c) reduces land disputes, (d) reduces the costs of, and delays in, property conveyancing, (e) helps in the monitoring and control of land markets, (f) provides security for credit, (g) improves the operation and efficiency of the land markets, (h) facilitates land reform, (i) helps the management of state lands, (j) supports local taxation, (k) improves physical planning, (l)

⁶⁷ W.A. Doebele, "Concepts of Urban Tenure", in, Dunkerley, *Urban Land Policy*, pp. 63-107.

⁶⁸ D. Simon, "Colonial Cities, post-colonial Africa, and the World Economy: A Reinterpretation", *International Journal of Urban and Regional research*, Vol. 14, No.1, 1987, pp. 68-91.

⁶⁹ UNCHS, *Guidelines for the improvement of land Registration and Land Information Systems in Developing Countries*, Nairobi, 1990, p. 3.

records land resource information, and, (m) can support environmental management⁷⁰.

In many developing countries, colonial land tenure systems treated land as an estate to be owned in freehold or leasehold, thus many traditional rights in land were ignored, or were lumped together in an amorphous concept termed "customary tenure". Throughout the colonial period, relatively little was done to ensure the protection or even the identification of customary interests. In many developing countries, those introducing registration of title have tended to ignore the subtleties of customary tenure, giving rise to informal dealings in land taking place outside the register⁷¹

In East Africa, as a broad generalisation, colonial governments nationalised all land, distinguishing between what they defined as unowned land, which therefore became crown land, and unowned land, where limited rights of societies occupying it were recognised. For Africans in general, it was held that land was owned under customary tenure. The transfer of land from Africans to non Africans was highly restricted. In most cases, land registration was limited to non-native owned land. Major tools of land policy under this category in Tanzania were: the *1895 German Decree; The Land Ordinance of 1923, and, the Land Registry Ordinance of 1954.*

(ii) Land Taxation

Land ownership is not only a major form of wealth, it is also a kind of wealth that can benefit from the surplus value created by society as a whole (e.g. through general urban growth), or by site specific public undertakings (e.g. the planning of, or, the provision of infrastructure to, an area). It is argued that governments are duty bound to tax this surplus value in the name of equity. Revenue yielded by such taxation can enable public authorities to provide serviced land, which could be earmarked to low income households. Some countries have specific land taxes, e.g. to stimulate land development (for example taxes against vacant land), or to curb speculation. Shoup⁷² proposes that land taxes can be

⁷⁰ I.P. Williamson, "Cadastral and Land Information Systems in Developing Countries", *The Australian Surveyor*, Vol. 33, No. 1, 1986, pp. 27-43.

⁷¹ UNCHS, *Guidelines*, p. 3.

⁷² Shoup, "Intervention through Property Taxation".

classified depending on the taxation base: i.e total property value, site value, and betterment. Theoretically, site value is a better form of taxation since it excludes the landholder's input. Empirical evidence, however, has tended to support taxation based on property value⁷³. Betterment taxes can be site specific i.e. related to a public investment project, or can be determined when there is a transfer. Alternatively, a gain can be enjoyed when there is change of use. Various studies suggest that betterment taxes related to a public investment project achieve better results than mere general land taxes, and can therefore be effective in promoting land uses⁷⁴.

A corollary of betterment is worsenment, whereby the activities of the public authorities can lead to the suffering of individuals. Taxation can be imposed to abate the nuisance or to compensate the sufferers. Where existing infrastructure is likely to be made less efficient by new development, the institution of development impact exactions has been suggested⁷⁵.

Land Taxation tools in Tanzania include the *Land Ordinance* which provides for the charging of land rent and premia; and the *Urban Authorities (Rating) Act* of 1983. The latter provides for the charging by local authorities, of a general rate based on improved site value, and of a special rate, based on the cost of the improvements carried out in area by expending public funds. Capital gains tax is also payable when a property is sold.

(iii) Urban Land Use Regulation

Urban Land Use Regulations provide a framework within which activities affecting land must take place. Courtney⁷⁶

itemises the most common of these as: Zoning; control of subdivisions; building regulations; issuance of approval of a development scheme by public agencies; and urban planning.

⁷³ O.F. Grimes, *Urban Land and Public Policy: Social Appropriation of Betterment*, World Bank Staff Paper No. 179, Washington DC, 1974.

⁷⁴ *ibid*; Doebele, "Concepts of Urban Land Tenure".

⁷⁵ T. Johnson, "Development Impact Exactions: an Alternative Method of Financing Urban Development in Less Developed Countries", *Third World Planning Review*, Vol. 12, No. 2, 1990, pp. 131-145.

⁷⁶ Courtney, "Intervention through Land Use Regulations".

Zoning is the demarcation of a city by ordinances and the establishment of regulations to govern the use of land in the specified zones. It attempts to organise and systematize the growth of urban areas, by setting up categories, classes or districts of land, prescribing uses to which buildings and land may be put and applying uniform restrictions on the shape and placement of buildings. It includes general rules concerning location, bulk, height, and therefore plot ratios, shape, use and coverage of structures within each zone. The main objectives of zoning are to improve efficiency; promote agglomeration economies and minimise spillover effects; specify health and safety requirements; and, to achieve distributional effects e.g. by protecting the rights of existing owners or by releasing land for low income households.

Subdivision regulations govern the development of raw land for residential, or other purposes, and describe standards for plot sizes and layout, street improvements, and procedures for dedicating private land to public purposes. Subdivision of land before development determines the pattern of a neighbourhood.

Building regulations, one of the oldest and most common method of controlling land development, were originally meant for fire protection, structural safety and sanitation. Today building regulations cover a wider range of aims including aesthetic considerations, and the prevention of the deterioration of the housing stock. Regulations limit/define the way new structures are to be built and with what materials.

Approval by a Public agency is the main way in which controls over development rights, subdivisions and building regulations are enforced. Building permits are required in order to ensure compliance with local bylaws and city plans. Public agencies have powers to refuse to grant permits, to demolish structures not complying to requirements and to fine non-conforming users.

Urban Planning is the process of making decisions about the physical environment and evaluating how changes in this environment affect people and the economy in relation to some specified objective. A city plan is put into operation using regulatory instruments described above, and the most commonly used planning processes are: Comprehensive

general planning, master planning, strategic planning and structure planning. Comprehensive general planning and master planning assume a static and slow growing urban situation, quite manageable in terms of investment decisions, and the long range planning of major infrastructure projects. In developing countries, rapid urban growth, major backlogs of infrastructure investment, and heavy competition for the limited financial resources make masterplanning unsuitable.

Strategic or structural planning highlights the critical issues, identifies priority investment for infrastructure, and therefore identifies areas in which growth and change should take place, guides key investment decisions, and involves local decision making and participation. In particular a structure plan indicates action areas and the nature of their treatment. These are priority areas for intensive action and for which action plans can be prepared. Despite its problems, structural planning and action planning are seen as being more appropriate to developing countries than masterplanning. Courtney⁷⁷ laments the fact that in many parts of the developing world, urban planning is of an essentially static nature, lacking both investment priorities, and effective land use control policies. Only limited attention is paid to ensuring feasible means of implementation; to anticipating the reaction of market forces; and to assessing the cost of various government agencies and the economic effects on different income groups.

Major tools used in this respect in urban Tanzania have included the various *Bauordnungs* (Chapter Three) of the German Colonial era; the *Township Ordinance* of 1920 and the *Township Rules* made under it, the *Town Development (Control) Ordinance* of 1936; the *Municipalities Ordinance* of 1946; and the *Town and Country Planning Ordinance* of 1956.

(iv) Direct Intervention by Public Authorities

Rivkin⁷⁸ points out that besides regulatory measures, public authorities do influence land use patterns by direct intervention through at least seven strategies. These are: infrastructure provision; land acquisition; direct land development; financing; cooperating

⁷⁷ *ibid*

⁷⁸ Rivkin, "Intervention through Public Participation".

with the private sector in development; and, surgical action. The seventh form of intervention emanates from unintended results of national or local investment decisions, which have an impact on the urban spatial pattern.

By infrastructure provision, the public sector provides roads, sewers and water lines and treatment facilities, electricity and other basic facilities, plus support infrastructure e.g. schools, hospitals and health centres, recreational areas, police posts, markets, etc. Historically, the provision of infrastructure in African cities has been provided on a racial basis. In urban Tanzania, the provision of infrastructure was, until the 1950s, rather limited, but generally paid for by the government, although efforts were usually made to recover some service costs through land rent and premia. Infrastructure provision in urban areas has generally been effected by the central government.

Through land acquisition, land can be expropriated for provision of public facilities, infrastructure, or other specific development purposes. This is sometimes achieved through "excess condemnation" where the public agency expands its ownership to surrounding lands to control the land uses there. There is also a system of "land banking" where a lot of land is acquired in advance of need in order to reduce costs. Sometimes, in order to facilitate land acquisition in the future the government freezes land values to current levels.

In Tanzania, land acquisition has generally been based on paying the land occupier, the value of the unexhausted improvements on the land carried out by the occupier, a colonial practice aimed at minimising the cost of land acquisition. The practice is still upheld under the *Land Acquisition Act* of 1967.

The public agency may itself be the developer, e.g. where it constructs housing or industrial property. Comprehensive land developing agencies include: new town authorities; national housing authorities; the government itself; various parastatals; etc. In urban Tanzania, the government has traditionally built for its senior officers, and lowcost African and Asian quarters were constructed during the late 1940s and the 1950s by the colonial government. After Independence, the role of direct construction of lowcost housing was taken up by the National Housing Corporation, created in 1962.

On the other hand public agencies may influence land use and development by providing finance for development e.g. in the form of credit mechanisms. Examples that are often cited are the site and services programmes. The record of land development finance in urban Tanzania is poor. An African Urban Housing Loan Scheme was set up in the 1950s. This was followed by the Roof Loan Scheme, and a Revolving Fund for Senior Civil Servants, both in the 1960s. The Permanent Housing Finance Company was established in the late 1960s to finance high cost housing, while the National Housing Corporation played a financing role in its slum clearance and rebuilding and tenant purchase schemes of the 1960s (Chapter Six). With the adoption of Sites and services schemes in the 1970s, infrastructure was provided on the basis of future cost recovery from the beneficiaries. Finally a Tanzania Housing Bank was established in 1973, with a mandate to finance mainly lowcost housing.

In a mixed public and private development the key instruments are: the control of infrastructure provision, powers to determine the nature of new buildings, and powers of condemnation. Another interesting way is through "land adjustment" where properties in an unplanned area are condemned and land replotted according to a plan which, besides land for private use (residential, commercial or other uses), includes land for public uses e.g. schools or open space. Infrastructure is then installed and property redistributed to original owners in proportion to their original holdings. A proportion of the plots are auctioned to "cost recover" the public outlay⁷⁹.

Land pooling and readjustment was attempted in East Africa during the colonial days: in Mombasa, in the 1930s, and in Dar es Salaam (Upanga) in the 1950s. Freehold holders of large pieces of land in Dar es Salaam were encouraged to subdivide their land under the guidance of planning authorities. That way, high income estates like Regent, Ursino and Ada Estates in Dar es Salaam were created. Powers allowing for public/private cooperation inland uses are provided under the *Town and Country Ordinance* of 1956.

⁷⁹ C. Farvacque, and P. McAuslan, *Reforming Land Policies and Institutions in Developing Countries*, World Bank/UNCHS/UNDP Urban Management Programme, 1991, p. 81-2; R.W. Archer, "The possible use of Urban Land Pooling/Readjustment for the planned development of Bangkok", *Third World Planning Review*, Vol. 9, No. 3, 1987, pp. 235-253; I. Masser, "Land Readjustment", *Third World Planning Review*, Vol. 9, No. 3, 1987, 205-210.

Through surgical action, the public agency bulldozes a settlement, relocates the occupiers and replans and redevelops the area. Alternatively a slum/squatter area may be upgraded or rehabilitated with minimum property destruction. Squatter or unplanned settlements have grown rapidly after independence throughout Africa. During the 1960s they were regarded as eyesores and there were regular threats of their demolition. In practice, and as a result of political expediency, only a few squatter settlements have ever been demolished in Urban Africa. Instead, governments turned a blind eye to the development of squatting although limited upgrading was undertaken in some settlements, in line with externally financed sites and service schemes of the 1970s.

Finally, Courtney⁸⁰ points to government actions on land, which have unintended, and many times, unforeseen influences on spatial development, and the use of land. For example, construction of a national highway or bridge can lead to fundamental effects on land uses and land values. With respect to Dar es Salaam, it can be pointed out that the construction of a bridge over the Msimbazi River along Morogoro Road in 1953 as part of the Tanga-Dar es Salaam Road, helped the opening up of the Magomeni area. Radial roads out of Dar es Salaam: Kilwa Road, Pugu Road, Morogoro Road, and Bagamoyo Road, have all influenced the siting of Industrial areas in the City, as did the construction of the Port Access Road in 1980, to divert heavy port and upcountry traffic from the city centre.

Results of Urban Land Policy

(i) Land Tenure, Registration and Transfer

Many studies conclude that urban land tenure systems in developing countries do not produce the most efficient patterns of land uses. They tend to reproduce the existing inequalities in wealth and opportunity, and are mechanically ill suited to the needs of rapid urbanisation in a situation of limited wherewithal, because of cumbersome methods of

⁸⁰ Courtney, "Intervention through Land Use Regulations".

access to land and land registration; clouded titles especially with regard to customary tenure; high transfer taxes; lack of adequate and workable powers of expropriation for legitimate public needs; and, outmoded institutions. In particular, Governments are loath to innovate and to help the land market work efficiently. Problems are technical, institutional and political. For example, modern land registration is highly hinged on a cadastre system. Although in many countries cadastres exist, few operate efficiently. Maps are out of date, expensive to maintain, difficult to come by, inefficient or largely ineffective in practice and are irrelevant to modern conditions and requirements. In most countries, there is little awareness of the real cost of surveys and the precision that is sufficient for the task in hand. There is much ignorance of the true needs of the users. The significance of individual cases, for example, of a boundary dispute, is often exaggerated out of all proportions and is used as justification for meticulous surveys. Checking, for instance, may take months, or years. Management skills are in short supply, and there is uncertainty about the level of responsibility of, or the quality of work undertaken by, civil servants, hence the reluctance to take risks, and the tendency, instead, to be slow, checking and counterchecking the work⁸¹.

Farvacque and McAuslan⁸² point out that many public laws relating to land are too complicated, are in a language that most people do not understand, and are usually not readily available. Adjudicative powers work very inefficiently where they work at all. Court procedures are lengthy and costly, and are regarded as being pro-administration, an attitude inherited from the colonial period. Legal aid is expensive and as a result, lawyers tend to serve the interests of landlords, landowners or government officials against the poor.

The case of Peru, by no means untypical, is illustrative. Getting government land taken 43 months and comprises 207 bureaucratic steps involving 48 different government offices⁸³. In Ghana, the tedious process of getting stool land involves 20 major steps and

⁸¹ UNCHS, *Guidelines*, p. 11.

⁸² Farvacque and McAuslan, *Reforming Land Policies*, pp. 17-19.

⁸³ H. de Soto, *The Other Path*, Harper and Row, New York, 1989.

can take several years⁸⁴. In Cameroon, land registration takes between 2 to 7 years, and only 6% of the plots in the country is registered⁸⁵.

The situation in most urban areas of the Third World is that the official land delivery programmes benefit only a minority⁸⁶. In all cases, both the informal and the formal land tenure systems work inefficiently and there is little effort to unclog these inefficiencies. The majority of the household get their land outside the formal sector, and most do not benefit from tools of land policy like having certificates of title to land, or having the land registered.

(ii) Land Taxation

In most Third World cities, government land is grossly undertaxed. Dowall⁸⁷ notes that Karachi is experiencing an acute shortage of land because residential plots are underpriced, thus limiting the financial capacity to fund infrastructure development. Kiamba⁸⁸ points to the low price of government land in Nairobi, even after certain subsidies had been removed. In many countries, taxes are poorly collected because of poor records on, and information about, existing properties and land lots; and also because of the lack of political will. Most governments, particularly central ones, are generally unwilling to introduce, and to enforce, effective land taxation measures.

(iii) Land Use Regulations

According to Lowder⁸⁹, few major cities in the Third World can claim that the scale of noncompliance with laws and planning ordinances is anything but ubiquitous and

⁸⁴ S. Asiana, "Land Management in Kumasi", Paper prepared for the World Bank, 1990.

⁸⁵ Farvacque and McAuslan, *Reforming Land Policies*, p. 74.

⁸⁶ Mabogunje, "Urban Planning..", p. 163.

⁸⁷ D.E. Dowall, *The Land Market Assessment: a new tool in Urban Management*, UNDP/World Bank/UNCHS Urban Management Programme, 1991, p. 4.

⁸⁸ Kiamba, *The Role of the State in the Control of Urban Development*, p. 124.

⁸⁹ S. Lowder, *Inside Third World Cities*, Routledge, London and New York, 1986, pp. 17.

commonplace. Other observers of the urban planning scene in developing countries point to the dismal performance, in implementing land use regulations almost everywhere. Reasons for this situation are many and include: the unsuitability of most regulations to the local conditions; their rigidity and non-adaptability to changes; and the lack of administrative, financial and institutional capacity to implement them. Other reasons are: lack of dependable, and up to date information on existing land uses, development density, land ownership, soil characteristics, and location and capacity of existing utilities and services; rapid urban growth which makes planning very difficult; the importance of land as an economic and cultural good, making it the principal choice of individual investment, where investors include very powerful segments of society, presenting the process of land use changes and planning, with a difficult situation; and the static nature of land use regulations which puts the public sector in position of reaction and constraint, rather than initiation and promotion. As a result, in many cases, instead of being positive, regulations generate negative effects, e.g. delays in decision making, high administrative costs, high investment costs (in terms of time and money), and create a climate for corruption⁹⁰.

(iv) Public Intervention

Infrastructure Provision

Almost everywhere, rapid growth of metropolitan centres has been accompanied by major breakdown of infrastructure, notably road, water, electric and sanitation networks and supply systems⁹¹, not only from overburdening, but also from poor, or lack of maintenance. Besides, in many cities, new planned areas are allocated with highly restricted, or, no, infrastructure. Areas outside the formal sector have hardly been recipient of any standard municipal infrastructure except under improvement projects like squatter area upgrading schemes. But this situation has not surprisingly, prevented authorities in Third World cities from continuing to uphold unrealistically high standards for the required infrastructure. In Nairobi (Kenya), authorities resisted moves by external project sponsors to revise

⁹⁰ UNCHS, *The Reformulation of Building Acts, Regulations and Codes in African Countries*, Nairobi, 1985.

⁹¹ Mabogunje, "Urban Planning..", p. 145; R.E. Stren and R.R. White, (Eds), *African Cities in Crisis: Managing Rapid Urban Growth*, Westview Press, Boulder, Colorado, 1989.

infrastructure standards downwards in a low income sites and services project to the extent of delaying the implementation of the project (with the resultant costs escalation) for years⁹². In most cities, though, only a minority of households enjoy direct access to municipal facilities, and many areas are poorly, or not at all, serviced.⁹³ The situation in Dar es Salaam is that of a poor endowment with infrastructure, and matters have gotten worse since the mid-1970s (Chapters Eight and Nine).

Land Acquisition

Everywhere in Third World cities, land expropriation is deeply unpopular. Most laws pertinent to eminent domain were inherited from the former colonial powers⁹⁴. The procedure adopted is not only long and time consuming, but also it never ensures adequate and timely compensation. In Ghana, for example the procedures of compulsory acquisition and the paying of compensation span over more than 20 years in some cases⁹⁵. There is consequently great resentment over, and political organisation against, the exercise of compulsory purchase powers. Since the liberal use of the bulldozer is out of question in many countries, many a development projects get stalled or delayed because of the inability of governments to acquire land. In particular, the basing of compensation on the value of "unexhausted developments", which ignores use value, land value, the cost of replacing the developments to be acquired and social disruption related to land acquisition, has made it difficult for governments to acquire land. In Dar es Salaam, land acquisition by government is highly resented and the government admits that lack of compensation is a major hindrance to the provision of planned plots.

Direct Development

In most developing countries, there have been set up, since Independence, National Housing Corporations or other public corporations with a function of constructing what is

⁹² UNCHS, *Case Study of Sites and Services Schemes in Kenya: Lessons from Dandora and Thika*, Nairobi, 1987.

⁹³ Stren and White, *African cities in Crisis*.

⁹⁴ M. Kitay, *Land Acquisition in Developing Countries: Policies and Procedures of the Public Sector*, Oelgeschlager, Gunn and Hairn, Boston, MA, 1985.

⁹⁵ Farvacque and McAuslan, *Reforming Urban Land Policies*, p. 74.

usually termed low cost housing⁹⁶. Not only has the output of such institutions been miniscule vis a vis the total urban housing supply, but also the products have ended up being consumed by the elite. Stren⁹⁷ observes that this "static" direct development approach of the 1960s, gave way to "aided self-help" between the mid-1970s and the mid-1980s, and to "enabling", currently. Each of these approaches represents the downgrading of the state's role in direct participation in the developing of the final product. State direct development schemes have tended to be inefficiently produced to too high a standard. They have, therefore been too expensive for the majority. Yet, despite its benefitting the better off in society, public housing has tended to be highly subsidised. The public sector was, during the 1950s and 1960s a major land developer in Dar es Salaam. This role has been relegated to insignificance since the 1970s.

Finance

Many countries have Housing Banks, Building societies, or other formal mortgage institutions. Almost everywhere these finance a minority of properties put up. They have tended to be limited by the level of funds at their disposal. The procedure to get access to these funds, together with high repayment instalments have excluded most urban families.

The site and service schemes of the 1970s were conceived to reach the poor. Typically, the government would procure the land, plan it, and have it serviced. It would then allocate the plots to qualifying beneficiaries who would be required to pay back the cost, fully, or in part, in instalments spanning a number of years. In some cases the plots are allocated with a "core house". Many times, a loan scheme in cash, or in construction materials has been part and parcel of the project. Not only have these schemes been limited in terms of the quantity of land serviced,, but, as documented by various studies, most have ended up in the hands of the better off in society, and almost invariably, the costs for such has not been

⁹⁶ D.C.I. Okpala, "Aspects of Urban Housing and Human settlement Policies and Strategies in Africa", *Habitat International*, Vol. 10, No. 3, 1986, pp. 204-223.

⁹⁷ Richard E. Stren, "Large Cities in the Third World", in, UNCHS, *Metropolitan Planning and Management in the Developing World*, Nairobi, 1992.

recovered⁹⁸.

Mixed public and private sector development

There are very few examples of successful mixed public and private sector development in Third World cities. Governments in many of these countries regard the private sector with deep suspicion. However, land adjustment schemes have been successful in a number of cities in South East Asia, though, commendable as the land adjustment approach is, it has not been as popularised as would be expected. Land pooling and adjustment schemes were implemented during colonial days in Mombasa, and in the Upanga area of Dar es Salaam, but the approach has not been adopted to an appreciable level after Independence. In Kenya, owners of freehold land can subdivide and service it to the governments' satisfaction, and the sell or develop the plots. In other cases, cooperative societies can buy the land and subdivide it among the members. In Tanzania, on the other hand, there is little if any such kind of private/public participation.

Surgical Action

Squatter (or, unplanned) areas eradication was high on the African governments' agenda after independence, but due to political expediency, only a few areas were ever removed. Limited upgrading was undertaken in conjunction with externally supported sites and services schemes. There is however, a dearth, within Africa, of home grown policies with relation to unplanned areas. Most governments have turned a blind eye to the growth of this sector, which in most urban areas, houses the majority of urbanites. There is only a few, and limited examples of innovative and positive policy with regard to squatter areas, e.g. in Lusaka.⁹⁹

⁹⁸ See for example: F.P. Mgullu, Housing: A study of Tanzania's national sites and services schemes, LLM dissertation, University of Dar es Salaam, 1978; S. Barnes, "Public and Private Housing in Urban West Africa: The social implications", in M.K.C. Morrison and P.C.W. Gutkind (Eds), *Housing the Urban Poor in Africa*, New York, Syracuse University, 1982, pp. 5-43; M.S. Halfani, Urban Management and the Implementation of an Externally financed project in Dar es Salaam, Ph.D Thesis, University of Toronto, 1986; A.Osmont, "Les Banque Mondiale et les politiques urbaines nationales", *Politique Africaine* 17, 1985, pp. 58-73; R.E. Stren, "Underdevelopment, Urban Squatting, and State Bureaucracy: A case study of Tanzania", *Canadian Journal of African Studies*, Vol. 16, No. 1, 1982, pp. 67-91; R.R. White, "The impact of policy conflicts on the implementation of a Government Assisted Housing Project in Senegal", *Canadian Journal of African Studies*, Vol. 19, No. 3, 1985, pp. 505-528.

⁹⁹ C. Rakodi, "Land, Layouts and Infrastructure in Squatter Upgradings: the case of Lusaka", *Cities*, Vol. 4, No. 4, 1987, pp. 340-370.

A Critique of the Market Efficiency Concept of Urban Land Policy.

The above discourse has had the assumption that land policy is meant to help iron out imperfections inherent in the land market. This view discounts the fact that land policy is conceived and implemented by powerful segments in society. Farvacque and McAuslan¹⁰⁰ point out that land policies cannot be divorced from, and indeed, may be seen as the paradigm of, the wider issues of governance. The colonial period provides a good example of the use of land policy in favour of a minority. Despite, for example, the assertions in the Tanganyikan *Land Ordinance* (Cap 113 of 1923) that all land in the territory was to be vested in the governor, and was to be used for the common benefit of indigenuous populations, a question has to be asked as to why land should have been nationalised and placed in the control of a colonial governor in the first instance. The aim of such land policies was to ease the system of colonial exploitation by making land available for allocation to whomsoever the Governor deemed fit. In most cases, such persons were settlers. At a local level (e.g. that of a township) township and zoning rules were passed to exclude natives from European residential areas, or, indeed, from the townships altogether, so that the Europeans could be protected from health and other social hazards supposedly engendered by natives. That way, colonial officials were enabled to enjoy a higher standard of living given, the available resources, and were thus enabled to fulfil their role of colonial administration with ease. Such policies cannot possibly be hailed as being aimed at enhancing efficiency in the land markets.

The above argument holds good for the post colonial era despite the change of rulers, since much of the post colonial policies in the Third World was a continuation of colonial policies. This view is made clearer with respect to land policies by Farvacque and McAuslan¹⁰¹ who point to the general trend, since 1945, towards centralisation of powers to achieve economic growth, social welfare, and national cohesion. Countries of the developing World were offered a powerful, and apparently successful, model of this centralisation in the colonial form of government. Worse still, many Third World governments took the form of military, or, civil oligarchies concentrating all resources at the centre, so that they could retain power by rewarding supporters, as well as themselves, through the judicious

¹⁰⁰ Farvacque and McAuslan, *Reforming Land Policies*, p. 4.

¹⁰¹ *ibid.*, p. 3-4.

use of these resources. These resources included urban land, the same land that was traditionally a source of local power. Besides, rapidly rising land values, particularly at the periphery of cities, provide a source of large profits and strong economic interests. This has put pressure on officials and government decision makers and has made them reluctant to take steps to end market inefficiencies and distortions that operate to the benefit of such interests.

Issues of democracy aside, it has been observed that the land laws that have been passed by Cameroon's indigenous leaders, as has been typical of most African countries, have been meant to enhance their own power and status. Conditions governing access to land are deliberately slanted in favour of the socially or economically powerful, and hence politically active members of the society, including civil servants, bureaucrats, and entrepreneurs.¹⁰² It is further noted that there is hardly any nation in the developing world where access to land, especially urban land, is not slanted in favour of the rich minority or of civil servants or politicians. In Nigeria, for instance, this phenomenon accounts for the fact that 92% of the land in high income Apapa, Victoria Island, and Ikoyi areas, belongs to just 20% of the population of Lagos.¹⁰³

In the area of urban land management, the question of where power to govern came from, and where it needed to be located, provided the rationale for land nationalisations; the weakening of the role of local government in land transactions, land uses and land development; the use of the bulldozer as a tool of land management; and top down management e.g. of sites and services projects and squatter upgrading programmes, etc. Mabogunje¹⁰⁴ notes that the allocation of publicly acquired land is the surest way of amassing wealth, and hence, the political importance that attaches to the Minister or agency that has to undertake this distributive function. Testimony to this is the abundance of

¹⁰² A.J. Njoh, "Institutional Impediments to Private Residential Development in Cameroon", *Third World Planning Review*, Vol. 14, No. 1, 1992, pp. 21-37.

¹⁰³ T. Agbola, "Institutional constraints on Housing Development: The Urban Areas of Nigeria: The Land Use Decree and the building plan approval process", *Habitat International*, Vol. 11, No. 2, 1987, p. 116.

¹⁰⁴ Mabogunje, "Urban Planning..", p. 154.

conflicts between central and local government, between politicians and officials and between the officials themselves as to who should control the allocation of urban land. In Nairobi, councillors are known to have objected to the allocation, by ballot, of serviced plots targeted to low income households¹⁰⁵. In Dar es Salaam, the struggle over land administration between central and local governments, and between various officials and politicians is intense (Chapter Eight). Thus land policy allocates power, wealth, and many other privileges in society and will therefore be controlled by the socially powerful e.g. government administrators, politicians, the rich etc., and can be used to enhance such powerful social groups' interests.

In the light of the foregoing, the efficiency concept attributed to land policy must be toned down to take into account the political framework through which the various social groups control social power and express or defend their interests. In a situation where the tampering with existing land relations affects the social distribution of power and wealth, conservatism could reign high. It has been argued that power wielders may, for example, benefit from the status quo, since the whole system of impingement on the efficient working of the land market creates a situation of scarcity, which in turn bestows immense power and profit to those who are in control of land¹⁰⁶. Outdated legislation, regulations, and institutions are clung to, and no effort is made to tailor them to the dynamic situation of current urban growth in Third World countries. Instead of the limited availability of resources providing an impetus for innovation into what can work, the old order is adhered to, while the inefficiency of land policy is blamed on this lack of resources. Secrecy, (usually under the banner of protecting national interests) is resorted to. Even apparently simple undertakings like the availing to the public, of information on land planning schemes, or land available for allocation, or the names of beneficiaries of land allocation exercises, become undesirable. In Dar es Salaam, even street naming or house numbering appear to be too much for policy makers to enforce (Chapter Nine). Lack of transparency in land administration becomes the norm since this hides

¹⁰⁵ UNCHS, *Case study of sites and service schemes in Kenya...*

¹⁰⁶ G. Payne, *Informal Housing and Land Subdivisions in Third World Cities: A Review of the Literature*, Overseas Development Administration, London, 1989.

a lot of misdeeds. Farvacque and McAuslan¹⁰⁷ point out that, in many aspects of socio-economic organisation, but particularly in the area of land management, laws are procured and passed, or vice versa, by the economic and social elite to help them benefit from state activities, rather than meet any perceived need of society at large. Possession of a commodity like land, is the basis for obtaining, consolidating, and furthering the political and economic interests of particular social groups. Thus, besides the existence, and nature, of various regulations, the political and institutional framework within which these are introduced and enforced are as, if not more, crucial to the outcome.

Therefore, much as the role of land policy in ironing out market imperfections is acknowledged, it is submitted here that the efficiency criteria, in both the market and social equity senses, need not be the motivating force behind land policy measures. Exploitation, racism, and corruption, social domination, and power consolidation, self interests advancement, and political expediency, for example, have been overt or covert motives of land policy at various times. At the same time, an inefficient land policy framework can be preferred and defended by those deriving benefit from the status quo. Many times it is the interests of those with power that will determine what will, and what will not, be carried out.

1.2.5 Urban Land Policy in Africa: an Overview

With the exception of North Africa, parts of West Africa, and the Eastern coast of Africa, rapid urbanisation in Africa is a phenomenon identified with the colonial era, beginning during the latter half of the 19th Century. The great majority of Africa's urban centres were created, or greatly transformed during the colonial and post colonial eras. Numerous towns were created by Europeans for their own purposes of administration and trade, and these played a critical role in the process of colonial political domination; and in easing the extraction of profits by colonial business enterprises. Many towns that prospered were ports that were usually the termini of railway or road networks designed to tap resources from the interior. Urban areas were created at transportation termini or junctions, at major sources of extractable raw materials, and at other strategic locations aimed at easing the exploitation and

¹⁰⁷ Farvacque and McAuslan, *Reforming Land Policies*, p. 42.

administration of the colonies¹⁰⁸. Although increasingly diverse, post colonial cities in Africa are still characterised by performing predominantly commercial and administrative functions. Outside the Witwatersrand complex in South Africa and the Copperbelt in Zambia, there are few major industrial cities in Africa. Export-led industrialisation has not taken place. Instead import-substitution "dependent" industries are the most common¹⁰⁹.

Periodisation

The evolution of urban land policy in Africa can be divided into three phases as proposed by Mabogunje with reference to urban planning¹¹⁰.

The first phase runs from the late 19th century to 1945. Colonial urban land policy was guided by the need to shape colonial cities to serve the twin aims of colonialism i.e. exploitation and domination. Besides, policy was characterised by racial discrimination, partly justified by the concern with "public" (i.e. colonial officials') health - "the sanitation syndrome"-, and partly in order to to create a psychological atmosphere of African inferiority, to ease domination, and to heap privileges in land development on the European and other non-native populations. There was thus, differential investment in infrastructure and services, and these varied according to the races occupying the various areas, on the pretext that different races have different requirements. This is when the roots of colonialism were sown and when most legislation related to land tenure and township administration and development was formulated.

The second phase runs from 1946 to 1980 and bridges the colonial and post colonial eras and extends to the era of the economic crisis. This could be subdivided into three sub-periods:

(a) The 1946 to 1960 period, dominated by substantial investment in infrastructure, social

¹⁰⁸ A.M. O'Connor, *The African City*, African Publishing Company, New York, 1983.

¹⁰⁹ Simon, "Colonial cities, post colonial Africa and the World Economy"

¹¹⁰ Mabogunje, "Urban Planning..", p. 174n.

welfare, housing etc. partly as a result of popular agitation for better living conditions, and partly as a way of preparing the would be ex-colonies for continuity after the demise of colonialism, which was nigh in sight. The investment was a result of considerable funds from Britain to the Colonies provided under the *Colonial Development and Welfare Acts* of the 1940s. It was also the period of the Town and Country Planning Acts, urban master plans, and planning schemes. The colonial theme, according to Bowles, was "development"¹¹¹.

(b) The 1961 to 1970 period, dominated by the euphoria about national independence and development, and policy was geared towards consolidating these and to adorn privileges to the new local rulers. The theme during this period was "modernisation".

(c) The 1971 to 1980 period when failure to directly manage urban development was accepted and recourse made to "aided self-help", exemplified by undertakings such as sites and services schemes and the acceptance and upgrading of unplanned areas¹¹².

The third phase runs from 1980 to the present, when adverse economic problems affecting most African economies from about the mid 1970s became so acute, forcing new conceptions of development challenges. African cities are facing both an economic and managerial crisis. This period is characterised by governments being advised, or, trying, to adopt "enabling approaches", and it has brought in focus, stark evidence that African cities cannot hope to develop on the western industrialised city model¹¹³. Indeed, there are moves to redefine the African City to encompass selfhelp, urban agriculture, and the urban informal sector.

¹¹¹ B.D. Bowles, "The Political Economy of Colonial Tanganyika: 1939-61", in M.H.Y. Kaniki, (Ed), *Tanzania under Colonial Rule*, Longmans, London, 1979, pp. 164-191.

¹¹² Stren, "Large Cities in the Third World"

¹¹³ *ibid.*; C. Pugh, "Land Policies and low income housing in developing countries: A review with reference to Kenya and India", *Land Use Policy*, Vol. 9, No. 1, 1992, pp. 47-63.

(a) Colonial Urban Land Policy (to 1945)

In the broader context where various colonial policies were instituted to ensure the exploitation of the colonies, urban land policy throughout Africa was characterised by a dual system of access to land, aimed at restricting the rights of Africans from owning or registering land outside customary tenure¹¹⁴. In British colonies, a dual mandate of respecting customary law for the native population, and creating formal institutions and laws to administer land to non-natives, was in operation. In most instances, the covenants attached to government allocated land, e.g. land rents, premia, building covenants, etc., excluded most Africans from acquiring government land. The Township Ordinances of the 1920s, demanded such high standards of buildings, sanitation, ventilation and low density layouts, that the majority of Africans were excluded on account of cost alone¹¹⁵. In countries with a sizeable settler population in East and Central Africa, Resident Native Ordinances of the 1920s defined conditions of urban residence. Cities were for Europeans, or employed Africans only. In other countries, colonial governments acquired deportation powers, under various vagrancy ordinances, against natives resident in urban areas. Cities were usually surrounded by "reserves" or "locations" occupied by Africans until required for other uses, or until the African completed his work contract in an urban area. In many instances the problem of African residence was ignored by underbounding the urban areas; or by the use of "reserves" or "native towns" where Town Building Ordinances did not apply, or were not rigorously enforced. Government land allocated to non natives usually carried good security (e.g. 99 years) contrasting with annual leases typically extended to natives.

A second major strand of colonial urban land policy was segregation between the races in spatial patterning, influenced by public theories of diseases in the late 19th and early 20th centuries, which involved deep rooted fears on the part of Europeans about being infected by Africans and other races¹¹⁶. In 1897, it had been discovered that the mosquito was the vector for malaria. In 1898, British Colonial Secretary, Joseph Chamberlain, wrote to the

¹¹⁴ Lowder, *Inside Third World Cities*.

¹¹⁵ Collins, "Lusaka, Urban Planning in a British Colony.."

¹¹⁶ T.S. Gale, "Segregation in British West Africa", *Cahiers d'etudes Africaines*, 20, pp. 495-507.

Royal Society, for advice on how to control the disease. The Society replied in 1900 that, "segregation from the native is at present the only scheme for preventing malaria that offers the least possibility of success"¹¹⁷. Although not all colonial governors, or Europeans accepted that segregation was the answer, medical officers of health became extremely influential on colonial urban land policy in the early decade of the 20th century. In 1909, the principal medical officers of British West African colonies held their first joint conference, and promulgated a policy that all Europeans should be required to live in special reservations separated from the nearest African dwelling by at least 400 yards, a distance considered to be sufficiently wide enough as not to be transversed by mosquitoes or rats¹¹⁸. In East Africa, the *Bransby Williams Report* of 1906, and the *Simpson Report* of 1913 - both Reports being principally on Nairobi - recommended well defined and separate quarters for Europeans, "Asiatics", and Africans, in the interests of each community, and the healthiness of the locality, and of the country.¹¹⁹.

Segregation was achieved through the manipulation of land grants, and government jurisdiction, and the legal procedures attached thereto, reinforced by physical coercion. Europeans were discouraged from living outside their designated areas, or inside native areas. In some towns, e.g. Calabar and Dar es Salaam, Africans were denied permits to repair their houses so that they could eventually be removed when their houses got condemned and demolished¹²⁰. Major obstacles, e.g. railway tracks, industrial sites and commercial zones, as well as major open spaces, including golf courses, were used as "*cordon sanitaires*" for purposes of segregation. Such segregative policies are the causes of today's problems, with overcrowding and fabric deterioration in a number of former "native" areas in African cities, like Kariakoo in Dar es Salaam.

Indigenous systems of dealing with land problems were constrained during the decades

¹¹⁷ *ibid*, p. 496.

¹¹⁸ *ibid*, p. 498.

¹¹⁹ W.J. Simpson, *Report on Sanitation Matters in the East African Protectorate, Uganda and Zanzibar*, 1914, p. 53.

¹²⁰ Gale, "Segregation.." p. 497.

of colonialism and could not be recast, after independence was acquired, to generate investment at a very different scale of new technologies. In any case, such archaic systems were no longer trusted by the new rulers. All the same, wilful discrimination based on the grade of ethnic identity, meant that indigenous populations in most of African cities lived in worse conditions that if more egalitarian policies had been adopted.

The "Sanitation Syndrome"¹²¹ thus became the greatest motivator of early colonial urban land policy in general, and urban planning in particular; and resulted in the creation of different zones with adequate community-health and general sanitary conditions for the white races, and an inequitable investment on such infrastructure in African locations. The danger to public health emanating from Africans, was exaggerated out of all proportions, to ensure the enjoyment of considerable privileges in land, by the European populations in general, and government officials in particular. According to Lord Lugard, governor of Northern, and later all Nigeria between 1900 and 1919, investment in infrastructure in African areas was a waste of resources: "Such a community has no desire for municipal improvement. It neither appreciates nor desires clean water, sanitation or good roads and streets"¹²². Such a view was still being cherished in the 1940s. The following has been written on Nairobi:

The majority of Africans are not craving for a higher standard of living; they are often quite a happy folk in their squalour, dirt, and customs, which for many of us can only be described as wretched, degrading and revolting¹²³.

These two statements reveal another emphasis in colonial urban land policy: that Africans were accustomed to very low standards of living, and did not want anything better, and that, given limited resources Europeans had to maintain the standards they were used to. In practice, racial segregation was used to lavish privileges to the European population, some of

¹²¹ M. Swanson, "The Sanitation Syndrome: Bubonic Plague and Urban Native Policy in the Cape Colony, 1990-1909", *Journal of African History*, Vol. 18, 1977, pp. 387-410.

¹²² Quoted in, Gale, "Segregation in British West Africa", p. 502.

¹²³ A.M. Champion, *Native Welfare in Kenya*, Colonial Office, Nairobi, 1944, p. 8.

which they would not have enjoyed back in Europe. In Nigeria, according to Home¹²⁴, colonial administrators were able to enjoy a more spacious life style, with detached houses usually in one acre plots, clubs, race courses and other appurtenances of a country gentleman. Within the European residential areas, there was a measure of further segregation by class, with working class Europeans (such as railway locomotive drivers), kept segregated from the "more refined" middle class members of the British colonial administration, a situation reminiscent of Victorian England¹²⁵. In Dar es Salaam, for example, the European ordinary Railway staff residential area, was on the opposite side of town, away from government officials' residences. This, however, did not hinder the colonial authorities from removing a native settlement (Gerezani) that existed near these railway quarters (Chapter Four). Segregation also allowed the exploitation of African labour at minimum cost by keeping African designated areas minimally serviced.

The policy of racial segregation used the racial mirage to achieve ulterior ends, like toning down the possibility of demands for better social services by Africans. It was also an effective tool for colonial domination. Thus besides concern with health, segregation was undertaken because of the "security syndrome", and in order to perpetrate the African "inferiority syndrome", in order to ease domination and exploitation.

Besides its being dehumanising and apt to cause social tension, segregation was attacked because it was illogical and many times inequitable. For example, Africans continued to form a substantial, and in some cases, a majority of residents in European areas, although only in subservience to Europeans as houseworkers¹²⁶. Besides, as governor MacGregor of Lagos argued, segregation did not remove the "source of contamination" and would lead to the concentration on improving conditions in White areas and to the neglect of non-European areas. This was in fact what happened in many African cities. Instead, MacGregor called,

¹²⁴ R.K. Home, "Town Planning, Segregation, and Indirect Rule in Colonial Nigeria", *Third World Planning Review*, Vol. 5, No. 2, 1983, pp. 165-175.

¹²⁵ Gale, "Segregation in British West Africa ..", p. 166.

¹²⁶ J.L.L. Comhaire, "Urban Segregation and Racial Legislation in Africa", *American Sociological Review*, Vol. 15, No. 3, 1950, pp. 392-397.

for the eradication of mosquitoes, free distribution of quinine, and introduction of hygiene and sanitation courses in local schools. After all, plague, cholera etc. were the scourge of early urbanising Europe¹²⁷. Poverty and ignorance, it has been argued, should be treated as a social, not as a racial problem¹²⁸.

Measures advocated by Governor MacGregor were implemented in many urban areas, leading to better urban health¹²⁹ but segregation continued to be cherished because of the racial bigotry of many colonial officials. Lowder¹³⁰ notes that colonial officials included "a few despots, many upright, but not necessarily enlightened people, and others...". Many had been granted considerable powers, and were relatively free to act despotically, given the distance separating them from home.

Segregation was also inequitable. In many countries, Africans paid most taxes, but got back very little in return, in the form of services. In Kenya, income tax was first imposed on the white population in 1936, although Africans had been directly taxed since 1901 and provided the bulk of government revenue; while the white population benefited most substantially from the services provided¹³¹. In West Africa, well to do Africans were usually removed from their substantial residences to make room for European "reservation" areas¹³².

Segregation was more stringent in urban areas with a sizeable European population, or where permanent European settlement was envisaged, e.g. Nairobi, towns of the Copperbelt

¹²⁷ D.C.I. Okpala, "Received Concepts and Theories in African Urban Studies and Urban Management Strategies: A Critique", *Urban Studies*, Vol. 24, 1987, pp. 137-150; F. Berry, *Housing the Great British Failure*, George Knight, London, 1974.

¹²⁸ Comhaire, "Urban Segregation".

¹²⁹ Gale, "Segregation in British West Africa...".

¹³⁰ Lowder, *Inside Third World Cities*, p. 14.

¹³¹ J. Seeley, "Social Welfare in a Kenyan Town: Policy and Practice, 1902-1985", *African Affairs*, Vol. 86, No. 345, 1987, pp. 541-566.

¹³² Gale, "Segregation in British West Africa.."

in Zambia, and in Zimbabwe; and was insisted upon more by colonial officials rather than by the unofficial European population. The principle reached its apotheosis in South Africa in the form of apartheid¹³³. As a result, in most urban areas, European zones were well laid out and well serviced, while native zones developed with minimal services or building standards. This policy only began to lose importance in the late 1940s, but the essentially segregated nature of colonial cities persists even today. In Dar es Salaam, racial segregation was practised, until the eve of independence.

(b) Colonial Urban Land Policy (1946-1960)

By 1930, some changes were slowly taking place at the Colonial Office, and concern was being expressed for a strategic inroad into issues of colonial welfare. In 1929, a *Commonwealth Development Act* was enacted, which set aside some money for social development. The 1930s witnessed a number of influential reports on poverty and ill health in the colonies. These included the 1939 *Report of the Committee on Nutrition in the Colonial Empire*, and Lord Hailey's *African Survey* of 1938¹³⁴. It was being realised that colonialism would not last forever and that there was the need to create a new environment which would define new commonwealth relationships favourable to the colonising countries, after the reigns of power had been relinquished. In 1940, Lord Hailey was asked to survey the likely postwar trends in Britain's overseas dependencies. In his report, Hailey argued that colonial development must actively promote development and welfare activities, as well as change rules on colonial self-sufficiency in financial matters¹³⁵. The Second World War hastened change. In part, this was because many natives in the colonies became restive, demanding better socio-economic standards. A *Statement of Policy on Colonial Development and Welfare*, (White paper of February 1940) outlined steps to be taken in improving conditions in the colonies. This formed the basis of the first *Colonial Development and Welfare Act*, of 1940, in which a sum of five million pounds a year, was to be made available

¹³³ Mabogunje, "Urban Planning..", p. 138.

¹³⁴ D.J. Morgan, *The Origins of British Aid Policy 1924-1945: Volume I: The Official History of Colonial Development*, Macmillan, London, 1980.

¹³⁵ W.M. Hailey, *Native Administration and Political Development in British Tropical Africa*, Unpublished Report, Colonial Office, London, 1942.

for ten years, for schemes for any purpose likely to promote the development of resources of any colony, or the welfare of its people¹³⁶. In 1943, the broad lines on Colonial housing policy were set out in a paper on colonial affairs.

Urban land policy, was, during this period, dominated by the ten year development plans using the Colonial Development and Welfare Funds. Undertakings included construction or improvements in infrastructure like roads, water supply, drainage, sewage networks, and airports; and construction of public buildings including schools, hospitals, and health and social welfare centres. Tanganyika had its ten year planning running from 1946 and was extended to 1960. Most of Dar es Salaam's social and economic infrastructure, including the first government constructed African residential quarters, was constructed during the one and half decade before Independence (Chapter Five).

This was also the period when comprehensive town planning was accepted in most colonial cities. It was a period of Town and Country Planning Acts and urban Masterplans. The Nigerian Town and Country Planning Act, for example was passed in 1946. It had been prepared by Harry Ford, who, in 1949, prepared the Tanganyika one which became law in 1956. Comprehensive town and country planning was given prominence, as opposed to zoning and development control of the previous era. Masterplans were undertaken for many urban areas. Examples include the 1948 *Masterplan for A Colonial Capital*, for Nairobi,¹³⁷ and the 1949 *Outline Plan for Dar es Salaam* (Chapter Five). Investment was made in housing although invariably on racial lines. Africans in urban areas were no longer considered to be transitory, and research was made far and wide for a "low cost" house suitable for them. A conference of housing administrators took place in Johannesburg, South Africa, in 1952, to discuss ways and means of dealing with the question of African housing¹³⁸. Earlier on, in 1950, the *Vassey Report* in Kenya had recommended that the government increases

¹³⁶ F. Pedler, "British Planning and Private enterprise in Colonial Africa", in, P. Duignan and C.H. Ganns (Eds), *Colonialism in Africa 1870-1960: The Economics of Colonialism*, Cambridge University Press, Cambridge, 1975, pp. 113-117.

¹³⁷ T.T. White, et. al., *Nairobi: Masterplan for Colonial Capital: A Report prepared for the Municipal Council of Nairobi*, His Majesty's Stationery Office, London, 1948.

¹³⁸ R.S. King, "Houses for Tanganyikan Africans", *Corona*, Vol. 5, No. 11, 1953, pp. 411-451.

subsidised rental housing for Africans. Sites and services schemes, known as the *Vassey Schemes*, were provided by the colonial government in a number of Kenyan towns in 1951, whereby serviced plots with wet cores were allocated to Africans for self construction. The aim was to stabilise the African urban population. Loans in the form of building materials were usually provided¹³⁹. The first African owned housing estates, like that of Bahati in Nairobi, were created during this period. In many colonial urban areas, thousands of Government quarters were constructed. Africans mainly in junior government service usually got the smallest and least serviced units. Several planning schemes involving construction of infrastructure and increasing the supply of urban land were also undertaken.

Although still being practiced, racial segregation was giving way to segregation along socio-economic status lines. In Eastern Africa, this was exemplified by the Indians - some of whom had amassed considerable wealth during the War - taking up residences in former European citadels. At the same time many a European officials and non officials began seeing themselves as permanent settlers in Africa. To suit them, some land laws and procedures and conditions of employment which had previously prevented, or made it difficult for officials to acquire land were modified. In Tanzania for example, the *Land Ordinance* was amended in 1947 to allow the Governor to allocate land to non natives otherwise than through public auctions. As Lowder¹⁴⁰ observes, in the decade before independence, an economic class mechanism was superimposed on the earlier racist patterns and the policy of urban segregation was perpetuated with the aid of new criteria. The *Royal East Africa Commission Report* of the 1950s for example recommended the creation of a stable middle class African population in towns based on land and property ownership. In Nairobi this resulted in the creation of the first African owned housing estates like Bahati. In Dar es Salaam, Block W of the Magomeni area was set aside for this purpose. Long term rights of occupancy were also allocated to Africans for the first time. Construction in permanent materials was encouraged and long term financing facilities were set up (Chapter Five).

¹³⁹ UNCHS, *Case study of Sites and Services Schemes in Kenya*, p. 30.

¹⁴⁰ Lowder, *Inside Third World Cities*, p. 91.

(c) Urban Land Policy during the First Decade of Independence (1960-70).

Most African countries got independence in the early 1960s and all were determined to modernise their economies in general and their cities in particular. In most countries urban land policy was characterised by continuity rather than by change, because many of those who took over the reigns of power were trained by, and were trying to emulate, the former rulers¹⁴¹. Crowder argues that in most aspects of politico-socio-economic administration, African governments were merely carrying forward inherited codes and practices¹⁴². In the light of the attainment of Independence, and in the efforts to distance themselves with primitiveness, many a new governments got, or tried to get, rid of what they regarded to be symbols of backwardness. A number of slum/squatter areas in many countries was razed and replaced with modern structures, in order to give a proper picture of the new nation. The epitome of this was possibly Senegalese President Senghor's construction of a wall around the *bidonvilles* of Dakar, to keep them out of sight of the visitors as they drove to/from the airport¹⁴³. Nevertheless, the policy of slum/squatter area razing was politically inexpedient, and in any case governments could not cope with urban growth which increased dramatically after independence, so that in many countries, governments turned a blind eye to the squatter area development phenomenon. The force behind land policy was "modernisation" characterised not just by the new rulers stepping into the bungalows and office blocks of departing colonial officers¹⁴⁴, but also, by the creation of new symbols of national identity: Skyscraper office blocks, new airports and expressways, and modern housing estates, many of these, ostensibly earmarked for the "masses". This was necessary in order to consolidate national political power and seek legitimacy for the new rulers. "Africanisation policies" of jobs, commerce as well as of formerly non-African urban areas were undertaken. The new rulers heaped upon themselves, the privileges in land formerly enjoyed by colonial officials. People flocked by the thousand to towns in search of better opportunities despite "back to

¹⁴¹ A.D. King, "Exporting Planning: the colonial and neo-colonial experience", in G.E. Cherry (Ed), *Shaping an Urban World*, pp. 203-226.

¹⁴² M. Crowder, "Whose Dream was it anyway? Twenty years of African Independence", *African Affairs*, Vol. 86, No. 342, 1987, pp. 7-24.

¹⁴³ *ibid.*, p. 14.

¹⁴⁴ S.T. Barnes, "Public and Private Housing in West Africa.."

the village" campaigns and "operations", and despite rural development programmes. Many of these people beefed up unplanned settlements, which grew unabated. In Dar es Salaam, by the late 1970s, over 60% of the City's population was living in unplanned settlements.

(c) Urban Land Policy During the Second Decade of Independence (1970-80).

Towards the end of the 1960s the concept of modernization had run its course, under the sheer weight of rapid urbanisation in a situation of very limited wherewithal. Lowder¹⁴⁵ argues that no city in the developed world ever had to cope with sudden urban growth at the same time as national institutions had to be created and as local staffs, ill prepared as they were, took over key executive posts for the first time. The optimism that was expressed during the heydays of the immediate post independence period had to be tampered down. In terms of urban land policy, it was accepted that governments could not afford direct involvement e.g. in housing provision, but should, instead, work with, and reinforce peoples' efforts to house themselves and to improve their environment. These ideas found support in Turner's¹⁴⁶ experience in Latin America. This step down from the focus on direct provision of shelter was accepted not just in housing, but in other spheres of socio-economic urban life (like employment and income generation), and was supported by influential international bodies such as the World Bank¹⁴⁷. The informal sector was seen as an important source of employment and livelihood for many urbanites¹⁴⁸. Sites and services projects were undertaken in many cities. Unplanned settlements received some kind of government recognition. A number were "upgraded" and thus received some services. Burgess's protests against transferring the cost of labour reproduction to itself fell on deaf ears¹⁴⁹.

¹⁴⁵ Lowder, *Inside Third World Cities*, p. 94.

¹⁴⁶ J.F.C. Turner, "Barriers and Channels for Housing Development in Modernising Countries", *Journal of American Institute of Planners*, Vol. 33, 1967, pp. 354-363.

¹⁴⁷ World Bank, *Urbanisation: Sector Working Paper*, Washington D.C., 1972.

¹⁴⁸ International Labour Office (ILO), *Employment, Incomes, and Equality: a strategy for increasing productive employment in Kenya*, Geneva, 1972; K. Hart, "Informal income opportunities and urban employment in Ghana", *Journal of Modern African Studies*, Vol. 11, No. 1, 1973, pp. 69-89.

¹⁴⁹ R. Burgess, "Self-help housing advocacy: a curious form of radicalism. A critique of the work of John F.C. Turner", in P.M. Ward (Ed.), *Self-Help Housing: A critique*, Mansell, London, 1982, pp. 56-97. In any case, colonial policy with regard to land and labour was meant to transfer the cost of the reproduction of African labour, to itself.

It needs to be stressed, however, that sites and services and squatter upgrading projects were not a new invention of the 1970s. It was accepted Colonial policy to demarcate plots, many times with rudimentary or no services, on which natives could build in whatever materials. This was aimed at relieving the Colonial governments of having to provide housing for the colonised populations. In Dar es Salaam such demarcated plots were provided in such areas as Kariakoo from the 1900s; Ilala in the 1930s; and Kinondoni, Magomeni, Temeke, and Mwananyamala in the 1950s and the early 1960s. In Kenya, sites and services plots were provided by the Colonial government in the 1920s in Mombasa and were known as "village layouts". During the same period, a scheme to "upgrade" the insanitary and overcrowded Old Mombasa Town, was undertaken¹⁵⁰. In Nairobi, a sites and services scheme, similar to the one in Dar es Salaam's Kariakoo was undertaken in the Pumwani area in the 1920s, and in areas popularly known as "Majengo" in other urban areas in Kenya. Demarcated plots with wet cores (The "Vassey Schemes") were provided in Thika in the early 1950s. In the early 1960s, modern versions of the sites and services were undertaken in Kariobangi (Nairobi) and Changamwe (Mombasa)¹⁵¹. The presentation of the sites and services schemes of the late 1960s as being "new" approaches to dealing with the settlement problem in Africa's urban areas was aimed at providing a political rallying ideology to show that governments were really doing something about the plight of the poor, just as had been claimed with relation to direct provision of housing. Sites and services schemes, however, remained limited in relation to the shelter problem, and many of them ended up in the hands of middle to higher income groups in society. It is also important to note that while the majority of urbanites lived in unplanned areas, upgrading undertakings for such areas remained limited in scope and to a few showpieces, and even then, in relation to the externally supported projects to provide new sites, which have invariably ended up in the hands of higher income households. There is possibly not a single African country with an internally generated policy to deal effectively with unplanned areas apart from the turning of a blind eye to their growth. In countries like Zimbabwe, unplanned areas are still being bulldozed.

¹⁵⁰ R.E. Stren, *Housing the Urban Poor in Africa*, University of California, Berkeley, 1978, p. 126-132.

¹⁵¹ UNCHS, *Case Study of Sites and Services in Kenya*, pp. 23, 30, and 144.

The majority of unplanned areas lack most basics of land policy like cadastral, registration and land tenure records; and services and infrastructure like roads, water, sewage and electricity networks, and public open spaces. Many are chaotically developed, and are exposed to higher impacts of pollution as well as health and fire hazards. Yet these areas harbour between 40-90% of urbanites in many African cities¹⁵². Where planning schemes (e.g. sites and services) have been implemented, the regulations and procedures adopted for developing land, as well as the standards of infrastructure, have been those inherited from the colonial past, have tended to exclude low income households, and have been highly subsidised. Resources available to governments have been limited, and as such, the planning and servicing of land has also been highly curtailed, making serviced land, the arena of struggles between the powerful classes in society. Therefore, many of the urbanites, particularly those living in unplanned areas, live in worse conditions than would otherwise be the case if a more egalitarian and efficient land management and infrastructural policy was adopted.

Instead, colonial aspects of land policy (e.g. laws on land tenure and registration, building standards and regulations, and land acquisition and servicing by the public sector and its allocation for private use), continue to be upheld. Since this approach excludes (or marginally includes) unplanned areas, the official land delivery system serves only a minority.

(d) Urban Land Policy During the Current Period.

Since the mid 1970s many African countries have been facing acute economic problems, while urbanising fast. The urban population in sub-Saharan Africa is projected to be 37.9% of the total population by the year 2000 up from 14.9% in 1960 and 24.2% in 1980¹⁵³. The World Development Report for 1990 listed 79 countries in the low and middle income brackets, 34 (43%) of which were in sub-Saharan Africa. Of these 34, 28 (82%) had an urban growth rate of 5% or more between 1980 and 1988. Twenty seven African countries were in the low income brackets and constituted 64% of all countries in this category.

¹⁵² P.M. Syagga, "Myths and realities of low cost housing in Africa", *African Urban Quarterly*, Vol. 2, No. 3, 1987, pp. 202-211.

¹⁵³ United Nations, *Land for Human Settlements*, United Nations Centre for Human Settlements, Nairobi, 1984.

Overall, the annual urban growth rate for sub-Saharan African countries was 6.2% compared to 4.2% for Latin America, and 4% for South Asian Countries¹⁵⁴.

Rapid urbanisation coupled with poor economic performance has taunted many a governments' capabilities to sustain an effective urban land policy. Unplanned areas are growing unabated. Land planning and allocation, land use control, and infrastructure provision and maintenance, have all suffered adversely. A continuously growing proportion of the urban population is receiving less and less services, in what has been called "the service squeeze"¹⁵⁵.

Such a situation has led to a major re-evaluation of many of the hitherto held approaches towards urban land policy. For, it has been argued, very few countries have in the past found the time and will to revise their legal codes and administrative procedures inherited from the colonial era¹⁵⁶. Most practices of formal land delivery and management are ill suited to the social and economic realities obtaining in African cities, and have served most to limit the supply of land to the majority of urban inhabitants. As Mabogunje¹⁵⁷ has observed, despite laws to the contrary, governments in Sub-Saharan Africa exercise control over restricted areas of urban land and in most cases, in favour of a small elite class. Pugh¹⁵⁸ points out that the legitimised formality of orthodox town planning, with the designation of legal title, the establishment of utilities and infrastructure, and then the residential occupation of land, does not fit the needs and affordability of the poor. African governments are therefore under considerable pressure to review their approach to urban land management with particular reference to land policy, e.g. to reduce the irrelevant and impracticable standards adhered to in land planning, registration, surveying, servicing, and development; to create an "enabling"

¹⁵⁴ World Bank, *World Development Report for 1990: Poverty*, Oxford University Press, Washington DC, 1990.

¹⁵⁵ R.E.Stren, "Old wine in New Bottles? An overview of Africa's urban problems and the 'urban management' approach to dealing with them", *Environment and Urbanisation*, Vol. 3, No. 2, 1991, pp. 9-22.

¹⁵⁶ Lowder, *Inside Third World Cities*.

¹⁵⁷ Mabogunje "Urban planning..", p. 6.

¹⁵⁸ Pugh, "Land Policy and low income housing..", p. 49.

environment where informal land markets can work more efficiently; to work much more effectively with the private sector; to eliminate unnecessary bureaucracy and regulations; and to work more positively with all the urban residents, particularly those in the unplanned areas.¹⁵⁹ This is considered necessary so that the activities of the majority form the basis of urban land policy, instead of the latter concentrating on the minority, while ignoring, or suppressing the parallel land market and informal land delivery processes. There is however resistance against change not only because of adherence to "received concepts"¹⁶⁰ but also because major local interests are served by the status quo.

Conclusion

Mabogunje¹⁶¹ has argued that during colonialism, capitalist socio-economic relations did not effectively penetrate the colonies; so that major means of production i.e. land and labour were not fully commoditised. Instead of promoting capitalist transformation of their socio-economic relations, most African governments opted to weaken the role of the market in preference to direct administrative manipulation. This, in part was inherited, since colonial officers derived extensive privileges from administrative manipulation. (e.g. by allocating themselves well serviced large plots on which they lived, many times, rent and rates free). The result was the stark inability to undermine the "economy of affection"¹⁶² which manifests itself in the informal employment sector, customary land tenure holdings, etc. Under such conditions the state was not under major compulsion to intervene to minimise the inefficiencies of the market. Instead, the state acted in a curious way to manipulate the privileges emanating from land policy, (e.g. subsidised housing, free infrastructure, etc.). This could not be sustained for long, and governments have been slowly stepping down from this direct manipulation, first to sites and services and upgrading schemes and now to "enabling" policies. But even during this step down, the system was being manipulated, as is witnessed by the universal take over of low income housing schemes by the better off.

¹⁵⁹ Dowall, *The Land Market Assessment.*; UNCHS, *Guidelines for the improvement...*; UNCHS. *The reformulation of Building Acts ...*; UNCHS, *Case study of sites and services..*

¹⁶⁰ Okpala, "Received Concepts..."

¹⁶¹ Mabogunje, "Urban Planning.."

¹⁶² Hyden, *No Shortcut to progress.*

The ineffectiveness and inequitableness of government programmes has led to mounting pressure to allow market forces to work more efficiently. It is however realised that without planning and regulations, land markets are likely to generate enormous harmful external costs, and to fail to produce public facilities, major infrastructure, and urban services. This is perhaps already the case in many unplanned settlements. The solution to ineffective and counterproductive urban land policies is seen as not to do away with government intervention and policy initiatives, but to find a proper balance between the public and private sector with regard to urban land development and management¹⁶³. In other words, to have the land policy supporting private initiative.

But it is noted almost throughout Independent Africa, that the most enduring colonial legacy concerns the sets of institutions which still govern most spheres of action related to land policy e.g. laws, the civil service, attitudes to planning, local participation, and the structure and content of educational and health systems. Few countries have had the tenacity to face the challenge of entirely new systems. Consequently, the greatest legacy is intangible, and lies in the crucial realm which governs how decisions are made, by whom, and, for whom; and how implementation is effected¹⁶⁴.

1.3 Problem Identification

Dar es Salaam, the primate and capital city of Tanzania has grown in terms of population from 2000 people in 1888 to nearly 1,400,000 in 1988, and in terms of area, from a few acres to nearly 1,400 square kilometres during the same period. An observation of the current land use morphology of Dar es Salaam reveals that, while the city is systematically structured in some parts, it is developing chaotically in many others. This has resulted in various phenomena including: ribbon development along major lines of infrastructure; unplanned residential development (which now accommodates 70% of the City's population); poor information or control on the various developments in the city; poor or total lack of the usual urban infrastructure (e.g. roads, drains, water and electricity supply networks) in most

¹⁶³ Dowall, *The Land Market Assessment*.

¹⁶⁴ Lowder, *Inside Third World Cities*, p. 94.

neighbourhoods; environmental degradation as a result of uncontrolled development and use of hazard lands; unco-ordinated and incompatible redevelopment of inner city areas; a fairly low level of functional differentiation between retail trade, offices, small scale industry and residences; non development of a lot of officially allocated land; an overall low city density in terms of population per square kilometre; and so on. All these observations strike one as unusual, and call for a detailed investigation.

The above picture suggests that Dar es Salaam is not systematically structured either in form of functional zones, or of income levels, or of types of developments. It does not reflect a structure responding to either a city well ordered by government, or, to the niceties of the market theory. It is this kind of unpatterned, irregular, and hotch potchy development, inconsistent with good land use planning or with the economic theories of land use structure, which engendered interest leading to this study. The main aim of the study is to unravel the various forces that have led to Dar es Salaam's land use structure over a period of more than a century of development, with particular emphasis on the effects of land policy.

There is no doubt that several factors are responsible for Dar es Salaam's land use structure. In the foregoing review, we have concentrated on economic, historical and land policy factors as having a major impact on the evolution of the land use structure of urban areas. Which of these factors have been more prevalent in Dar es Salaam? Specifically, is Dar es Salaam's land use structure, the result of market forces as possibly supported by the government through land policy? Two hypotheses are put forward in the light of the problem identification outlined above.

1.4. Study Hypotheses

It is hypothesised that **due to the weaknesses in the formulation, enforcement and implementation of an effective land policy, accentuated by a number of changes in local and national political power structures, Dar es Salaam did not attract so much government attention as to influence its spatial structure significantly. As a result, the evolution of the mosaic of land use within the city is largely spontaneous.**

Alternatively is hypothesized that Dar es Salaam's spatial structure has been significantly affected by a discriminative and segregative land policy, leading to an inefficient and inequitable city land use structure.

1.5. Objectives of the Study

The objectives of this study were:

One, to find out the imprint on Dar es Salaam's land use structure, of the various forces economic, historical and policy impacts, in the light of the known economic theory of land uses. It was hoped to find that the market, as assisted by the government, would be the chief determinant of Dar es Salaam's land use structure

Two, to find out whether the trajectory of the evolution of Dar es Salaam's land use structure was similar to that taken by other cities in the Region in view of:

- o the changing rulers in Tanzania's history to whom Dar es Salaam was like a stepchild;
- o the absence of a strong caucus with a clear agenda for Dar es Salaam's development;
- o the different political ideology adopted in Tanzania after independence.

Three, to find out whether the motivation of land policy has been the drive for efficiency and equity in land uses.

1.6 Research Methodology

1.6.1 Data Collection

This work is based on an extensive study of archival material covering the colonial and post colonial eras. In this respect, much use has been made of documents kept by the National Archives in Dar es Salaam, the Universities of Dar es Salaam and Nairobi, the National Museum of Tanzania, the Dar es Salaam City Council and the Ministry of Lands. This was supplemented by current data on land uses kept by the Dar es Salaam City Council and the Ministry of Lands.

The second major method of investigation was participant observation. In this respect, Mabogunje's reservations on what he termed "the so called modern urban research techniques based on the relatively shallow mass interview and data collection ----"¹⁶⁵ was borne in mind, and it was realised that interviewing may not necessarily yield all the facets related to land policy, land use and development. Consequently, opportunity was seized to attend and to participate in various congregations related to urban land policy. This was all the more opportune since Tanzania had appointed a *Presential Commission on Land Matters* in January 1991 to look into the various problems related to land policy; and was formulating a new national land policy through the Ministry of Lands. The researcher was part of an early team preparing the deliberations on this new national land policy and acted as a national consultant on deliberations on urban land policy. Several meetings bringing together high ranking government officials connected with national land policy were attended, and opportunity was seized by the researcher, to discuss informally with these officials, the various aspects of past and current approaches to rural and urban land policy. Besides, the researcher was part of a team preparing the Dar es Salaam City Profile for the UNCHS-supported Sustainable Dar es Salaam Project. This provided opportunity to study various documents and expert studies and reports on Dar es Salaam. The numerous workshops and meetings arranged by this Project proved invaluable in providing opportunities for discussions with key officials and politicians on Dar es Salaam's development.

It was also deemed necessary to be a participant observer in the study areas in order to learn of the woes and aspirations of land developers, which could not come out clearly in short interviews. In this respect, sojourn extending over three months in each case, was taken in the areas of Kijitonyama, Mbezi and Mabibo (below). Participant observation and informal exchange of opinion with the area residents was carried out. Furthermore, in the case of Kijitonyama, the researcher participated in popular meetings aimed at "doing something about our roads". In Mbezi, the researcher gained first hand experience by collaborating with the area's developers, people trying to develop an area without any positive assistance from government land policy. In Mabibo, it was found very instructive to join the residents in their efforts to ward off ministerial land use designs for the area (which would

¹⁶⁵ Mabogunje, "Urban Planning..", p. 168.

have displaced the current residents), and, instead, to have the area surveyed and consolidated to respect the current users' wishes. It was an uphill task, but positive development was achieved, and a lot of insights into the effects of an inefficient land policy was gained. Besides, the researcher, has lived in Dar es Salaam for nearly twenty years.

Finally, in order to evaluate land policy vis a vis other variables, and to identify priorities, a questionnaire was administered. Because it would have been impossible to cover the whole of Dar es Salaam, it was decided to concentrate on areas which were facing a critical development situation; areas which would normally call for a positive and active response from public authorities through land policy. It was decided to evaluate the role of land policy in neighbourhoods selected from such areas.

One of such neighbourhoods was Kariakoo, an inner city area, formerly a native town, but now under immense pressure for redevelopment, with skyscrapers mushrooming, replacing the mud and daub *Swahili* houses. Other areas conceptually considered appropriate for the study were : an old unplanned area which has benefitted from some upgrading; an area beneficiary of the sites and service programmes of the 1970s; a new developing unplanned area, and a new developing planned area. Manzese, Kijitonyama, Mabibo and Mbezi were respectively randomly selected to represent such areas. Within each neighbourhood, an endeavour was made to interview one hundred randomly selected house/plot owners. A total of 500 house/plot owners were aimed at. Selection was made through the existing administrative 10-cell leader system. In each neighbourhood, the number of 10-cell leaders was identified, and ten of these were selected randomly. These latter were approached and 10 house/plot owners from each of the ten 10-cell leaders were selected, again randomly. It may be pertinent to mention that although originally each leader had just ten houses to look after, today many have several times that number; so that the interviewed houseowners had to be selected from a large group. The results of the interviews are presented in Chapter Eight. Besides the interviews, physical observation, mapping and recording of the various land uses in these neighbourhoods was done.

1.6.2 Data Analysis

The Conceptual Framework

Since the study has a historical dimension, historical deduction of evidence in each epoch was a major tool of analysis; bearing in mind the various aspects of land policy, and the advancement of the interests of the various actors on the scene, the resultant land use structure, and whether or not, such can structure can be considered as being efficient and equitable.

Urban Land Use Structure

A city's land use structure is considered to be the mosaic showing various dominant characteristics pertaining to land pieces in an area analysed. The major kinds of land uses identified are: Institutional (including Government), commercial, residential, industrial, transportation, recreational and open spaces, agricultural, and hazard. Residential uses usually occupy the largest proportion of the built up land in most urban areas, so concentration is focused on this use. Other complementary criteria like the race or social or income status of the land users are used in this study to highlight certain important characteristics of some areas.

Efficiency and Equity in Urban Land Policy

An evaluation of land policy entails two concepts of efficiency and equity. Efficiency concerns the maximisation of output from given resources, while equity implies fairness or justice in the distribution of society's benefits and penalties¹⁶⁶. In many instances, the drive for efficiency may reinforce or lead to inequality. However, the theory of government intervention in land uses e.g. using land policy, is based on the concept that the land market is extremely inefficient, and also that income redistribution is desirable. Therefore in evaluating land policy it may be indicative of efficiency if the policy removes or minimises those imperfections inherent in the private land market, thus leading to the minimisation of the costs of production, living, and social interaction. On the other hand economic efficiency may be compromised in order to achieve social equity. Figure 1.3 illustrates that households and firms, left on their own operate in an imperfect land market calling for the intervention of

¹⁶⁶ D.M. Smith, *Human Geography: A Welfare Approach*, Arnold, London, 1977.

public authorities through land policy. If properly conceived and implemented, land policy should lead to efficient economic or socially equitable land markets. That is the model that this study accepts.

However, land policy affects the distribution of costs and privileges emanating from the functioning of the land markets. It can therefore be used, or otherwise manipulated, in favour of one group of society against, or compared to, another. If land policy exists that is ineffective, or that leads to the malfunctioning of the land markets, it would be proper to consider such a policy to be inefficient. Table 1.1 posits the common tools of land policy against their intended aims. This is in fact an elaboration of the intervention of land policy into the working of the land market as shown in Figure 1.3. In evaluating land policy a question is asked as to what extent does the land policy achieve those aims. The degree of success or failure in this respect is taken as an indicator of the appropriateness of land policy.

Figure 1.3: The Role of Land Policy in Land Markets.

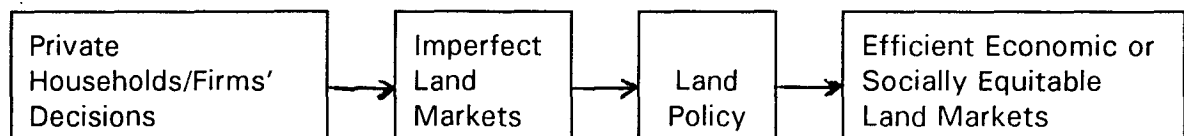


Table 1.1 Aims and Tools of Land Policy.

TOOLS OF LAND POLICY	AIMS OF LAND POLICY							
	Provide Public goods	Prevent Harmful Externalities	Provide Information	Reduce Monopolism	Taking care of future costs/benefits	Taking care of Communal risks	Provide Merit Goods	Redistribute Income
Land Tenure/ registration/transfer		*	*	*			*	*
Land Taxation	*	*		*				*
Land Use Regulation	*	*	*		*			
Direct Government Intervention:								
.Infrastructure	*	*	*		*	*	*	*
.Land Acquisition	*	*	*	*	*			*
.Direct Development							*	*
.Financing		*					*	*
.Cooperation with the private sector	*	*	*					
.Surgical Action	*						*	*
.National/Local investment decisions	*							

Further investigation was made into how far urban residents got the benefits of land policy in quantities and qualities that were not too divergent. Where, say, only a minority were found to enjoy such benefits, the land policy was considered to be inequitable, however efficient. On the other hand, an inefficient land policy is inequitable since it is likely to hurt the poor and the weak in society. Throughout this work, simple percentages have been used where relevant.

1.6.3 Data Presentation

In each of Chapters Three to Eight, facts, affecting the evolution of the landuse structure of Dar es Salaam are presented in a three variable framework that is, the general political economy of the epoch in question, land policy impacts and economic responses. A verdict,

based on historical deductions as to which of the above category of factors was more significant in affecting land use structure is thereafter presented at the end of each chapter.

Maps, diagrams, charts and tables, supplemented by various photographs have been extensively used in this work. Copies of some historical documents that are considered crucial to the understanding of the arguments and whose sources are not readily available, are included in the Appendices.

DAR ES SALAAM, A PROFILE

2.1 Geographical Characteristics

2.1.1 Location

Dar es Salaam is by far the largest urban area in Tanzania with a population, exceeding the total for the next eight ranked urban centres. It is still the *de facto* seat of Government, despite the declaration of the inland town of Dodoma as the country's capital since 1973. It is the country's chief commercial, economic, industrial, educational, transportation and cultural centre, as well as the country's chief port. It is connected by a network of roads, railways and waterways not only to the rest of the country, but also to neighbouring countries of Kenya, Uganda, Rwanda, Burundi, Zaire, Zambia and Malawi (Figure 2.1)

The city-region of Dar es Salaam is located between 6° 34' and 7° 10' south, and stretches along the Indian Ocean coast for about 100km from the mouth of the river Mpiji to the north to the river Mbezi to the south, and includes 8 offshore islands (Figure 2.2). It has a total area of 1387 sq.km of which 12.5% is densely built upon, accommodating over 90% of the city's population. The rural part comprises more than 30 small settlements, increasingly being penetrated by urbanites, and dependent for their economic life on the urban part.

2.1.2 Topography

The main topographical feature of Dar es Salam is the harbour penetrating almost 10km inland and, fed by the Mzinga and Kizinga Creeks (Figure 2.3). The inner harbour measures 96 hectares. With a width of some 700m and an adequate depth (after dredging in the late 1950s) for current seagoing vessels, it forms a natural marine turbulence shelter which attracted the city's founder (Zanzibar's Sultan Seyyid Majid bin Said), and later on, the German colonial Government. Although the harbour entrance is tricky, it is now well charted; making Dar es Salaam the most important port in the country. With eleven deep water

Figure 2.1 Tanzania: Tanzania Location of Dar es Salaam

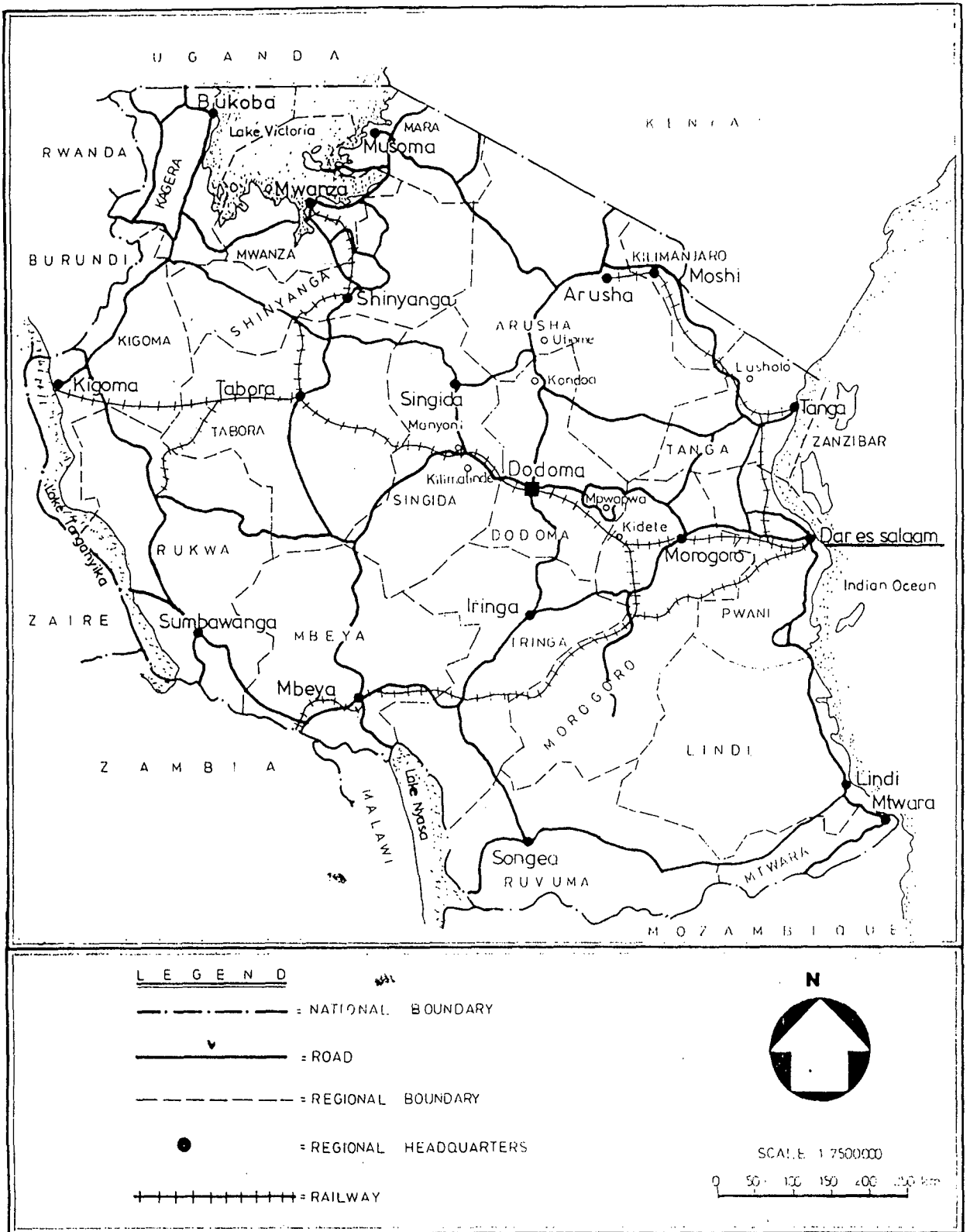


Figure 2.2 Dar es Salaam: City-region and ward boundaries

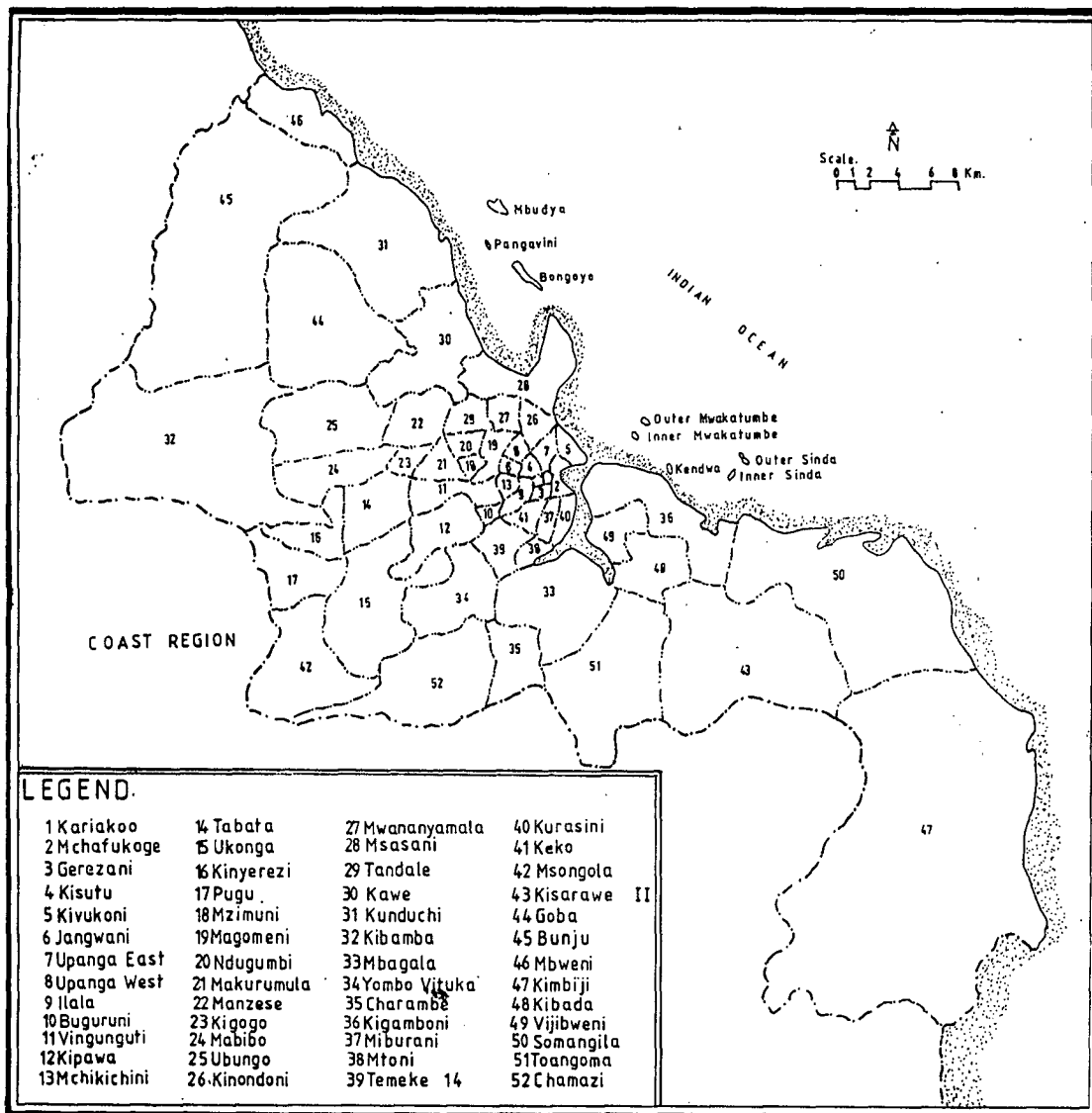
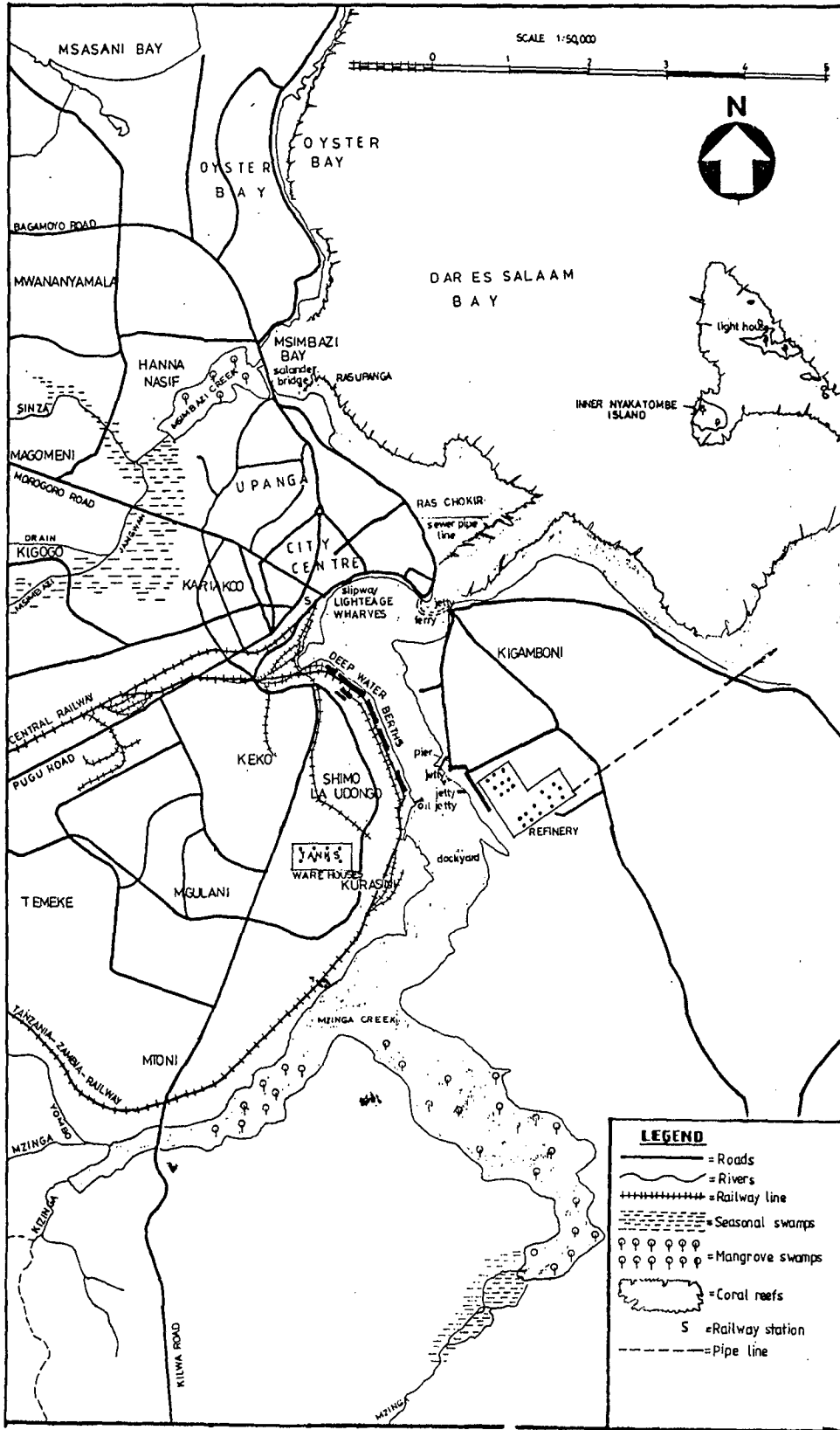


Figure 2.3 The Dar es Salaam harbour



berths, it handled over 92% of the country's port cargo between 1986-1990¹, as well as considerable cargo from Malawi, Zambia, Zaire, Rwanda and Uganda.

2.1.3 Physical Features²

Dar es Salaam's physical surface can be divided into two contrasted regions: the coastal plain and the inland plateau (Figures 2.4a and 2.4b)

The Coastal Plain: Mbweni to Ras Dege

The Coastal plain between Mbweni to the North and Ras Dege to the South is clearly defined West and Northwest of the city centre. To the west, it is some 10 kilometres wide, but northwards, at Kawe, it narrows to 2 kilometres, before widening to 8 kilometres at Mpiji River. To the south east, it is between 5 and 8 kilometres wide. Overall, this is an area of fairly uniform relief with gradients of less than 3%, but steeper ones exist along the slopes of the Mzinga and Msimbazi valleys. The overlying rocks are of Pleistocene era and the overlying soils are mainly clay bound sands. Surface exposure of the plain varies. Along the inland margin there is a cover of coarse washed sands (colluvium) extending out from the hillfoot margins. Seaward of the colluvium apron, buff to brown sands underlie the surface. The seaward fringe of the coastal plain in the neighbourhoods of Dar es Salaam is generally formed of raised coral reef limestones. The lower coastal plain has two further features: circular ponds, pochmarks and small depressions locally known as *Bwawas*. There are nearly 100 *bwawas* within 15 kilometres of the centre of Dar es Salaam. Also there are several linear swamp depressions, (so-called lakes of the city), many of which result from natural valley damming. The lakes occupy pre-existing stream-valley lines with steep banks. Their surfaces are generally overgrown by swamp vegetation; and all occupy tributaries of the more important stream systems. The more well known of the "Lakes" are Tandale, Minyonyoni, Tenge, Makurumla, Magomeni and Mwananyamala (Figure 2.6). Some sections of the coastal plain are heavily dissected e.g. in the Msimbazi, Mzinga and Kizinga catchments; and

¹ Tanzania, *Economic Survey for the year 1990*, Government Printer, Dar es Salaam, 1990, Table 60.

² See P.H. Temple, "Aspects of the Geomorphology of the Dar es Salaam Area", *Tanzania Notes and Records*, No. 71, 1970, pp. 21-54.

Figure 2.4a Dar es Salaam: Land Forms

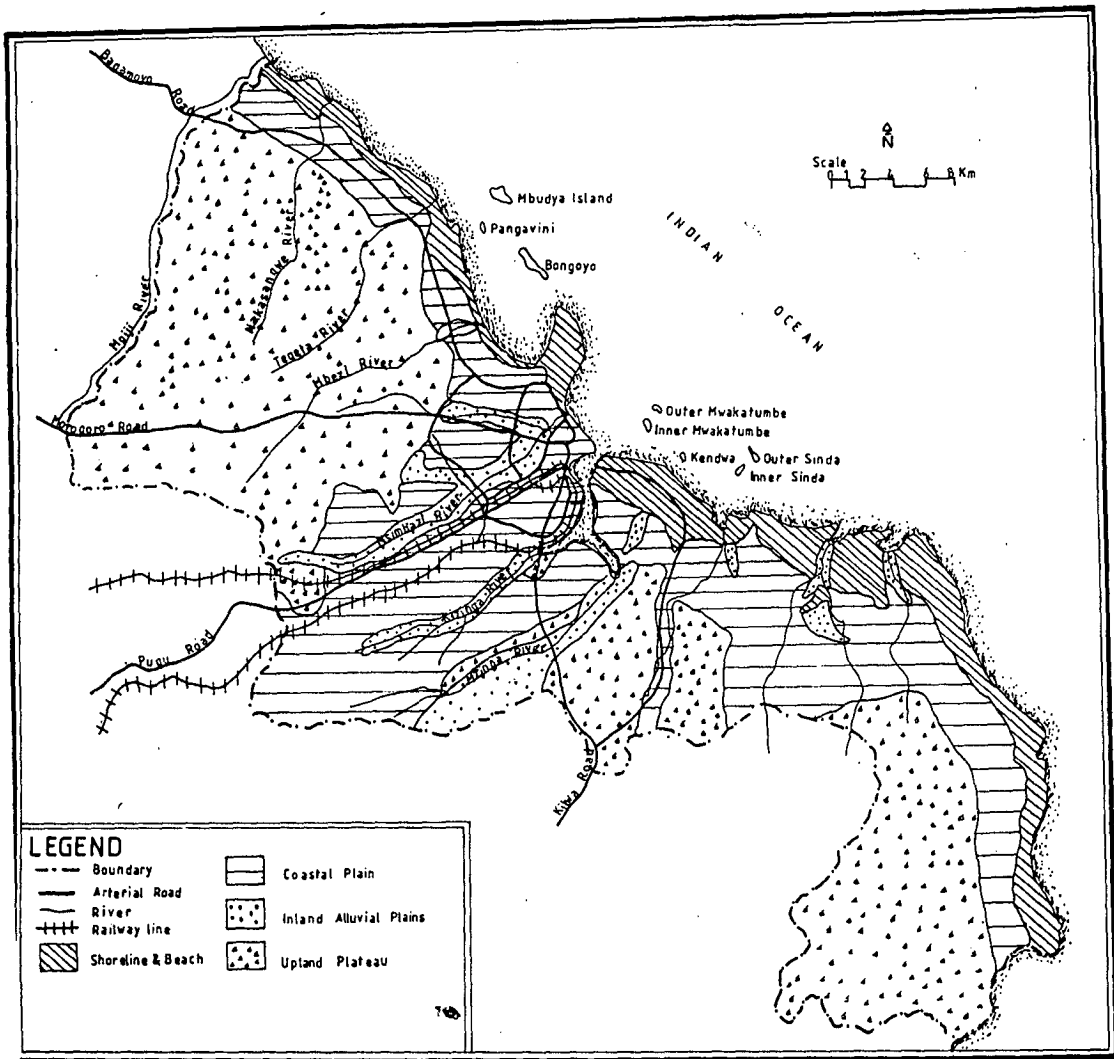
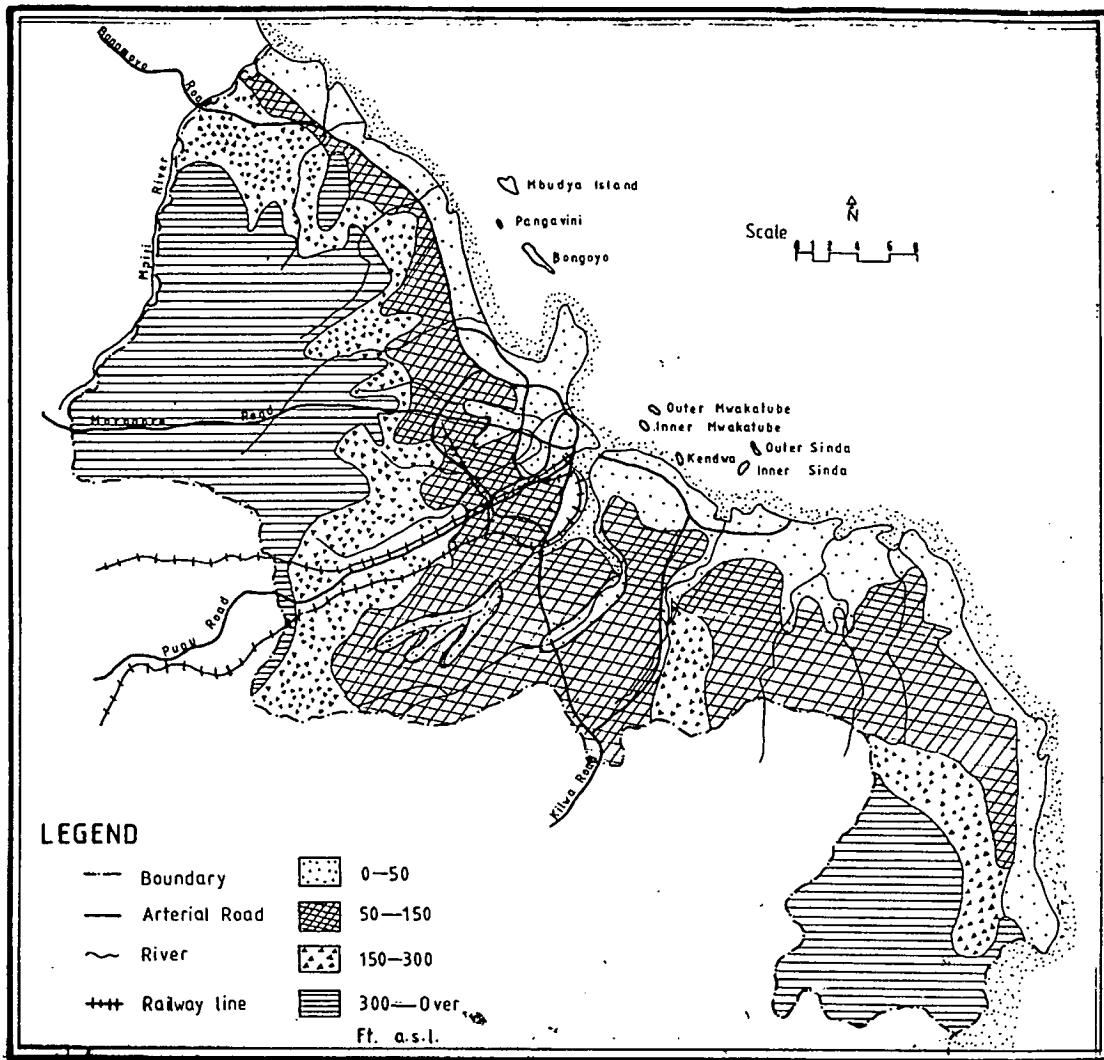


Figure 2.4b Dar es Salaam: Topography



wherever major plateau streams debouch across the coastal plain, as in Mbezi and the lower Mpiji valleys. The main valleys themselves are markedly steep sided and flat-bottomed; terminating in active alluvial deltas which are infilling the head of the ria systems that enclose them.

The Coastal Plain: Ras Dege to Kimbiji

South-east of Dar es Salaam, the relief of the coastal plain is more irregular and raises to greater heights inland of Ras Kimbiji. Immediately inland of Ras Kimbiji, topography has special characters associated with outcrops of the lower Miocene clay-bound sands which give rise to a strongly marked tellis drainage, while at the coast, raised limestones most likely correlated to those at Wazo and Kunduchi are faulted and elevated forming seacliffs, 30m high.

South of the Kimbiji-Buyuni Peninsula, the coastal plain is formed of an extensive complex of beach ridges between 8 and 10 kilometres wide, covered with loose tan-brown and grey sands. The barriers run parallel to the present coastline and deflect local drainage. Inland of these barrier sand ridges, the coastal plain extends with a more uniform but gradually rising slope some five to seven kilometres to the faulted edge of the clay bound sands prominent to the west of Msorwa.

The Inland Plateau

This is the margin of an extensive plateau extending 70 kilometres westwards to its boundary with the Ruvu valley. The plateau has relatively uniform relief raising to over 330 metres above sealevel in the Pugu Hills but with average elevation ranging between 100 to 200 metres. The plateau can be subdivided into: The Hill Zone South of Dar es Salaam; the Pugu Hills; the clay bound sands plateau; and the raised reef limestones of Wazo-Kunduchi.

. *The Hill Zone South of Dar es Salaam:* This comprises two flat topped hill ridges extending south-south-west from the Mzinga Creek parallel to the coast and seperated from the Pugu block by a parallel depression which extends through the headwaters of the Mzinga River over the watershed into the Southern Mbezi catchment area and the Lake Mansi depression. The faulted ridges show the intricate relief and dissection patterns characteristic of the eroded

areas of the main clay-bound sand plateau.

. *Pugu Hills:* These are south-west of Dar es Salaam and form the highest land area in the environs of the City. They represent an uplifted and tilted fault-defined block underlain by medium-grained off-white kaolinitic sandstones.

. *Clay-bound Sands Plateau:* The largest part of the inland plateau however is underlain by clay-bound sands except the Pugu Hills, and the limited zones of raised reef and limestone. The edge of the plateau is very dissected particularly to the east as can be seen along the Dar es Salaam-Morogoro Road to Kibaha, but further inland, relief is more uniform. Spectacular gullying is common along the eastern fault margin particularly where bush has been removed for cultivation, or by cattle tracks. The clay-bound sands are generally soft, poorly consolidated and poorly-bedded and therefore unfossiliferous and easily weathering.

. *Raised reef limestones of Wazo-Kunduchi and Kimbiji-Buyuni:* Raised coral limestone underlie limited sections of the eastern edge of the inland plateau in the Wazo-Kunduchi area with outcrops rising fifty to one hundred and twenty metres above sea level. Comparable limestones are to be found inland of Kimbiji and Buyuni at the seaward margin of the coastal plain.

General observations

Figures 2.4a and 2.4b respectively show the land form and topography of the Dar es Salaam area while figure 2.5 is a simplified distribution map of soils in the area. The profile presented has important connotations for urbanisation and environmental management. Areas suited for natural vegetation are well shown, and are those areas characterised by alluvium or saline soils with mangrove and organic soils. The areas overlain with sandy clays and clayey sands are also characterised by almost flat relief. This makes such areas suitable for building although problems of drainage may be experienced. The dissected clays and clayey sands located on steeper land are perhaps not the best suited for agriculture since they are loose and liable to erosion, but they are also ill suited for high density urban development. Therefore they are best left to agricultural and low density uses. The Redzinas are good for

building upon, but are also good for the extraction of limestone and coral stone for building purposes, or for cement manufacturing. This causes pollution and environmental degradation.

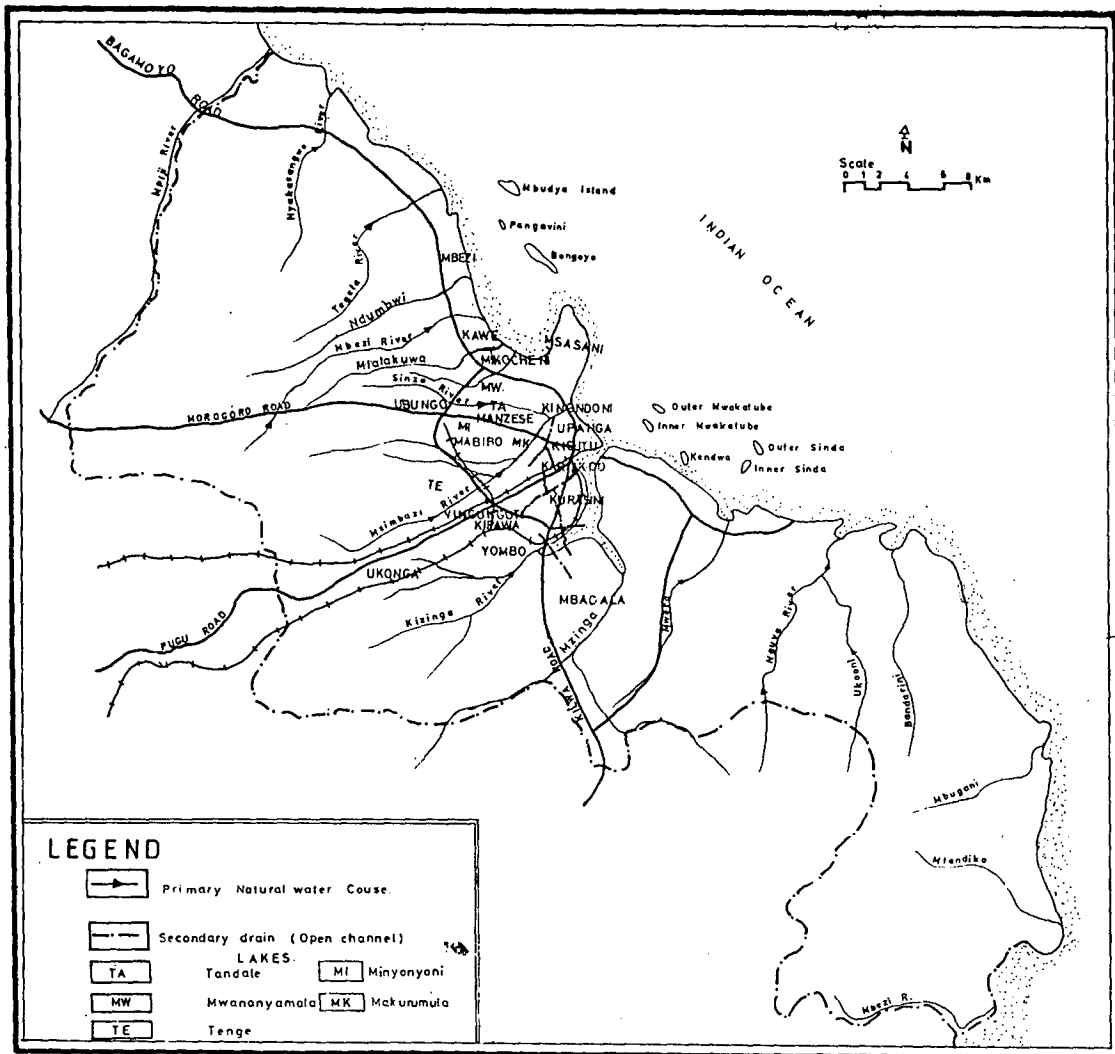
Land best suited for natural vegetation (excluding forests) is considered to be river valleys, swamps and lakes. Dar es Salaam has many of these which include (with areas in square kilometres shown in brackets) the following: The valleys of rivers Nguva/Kisarawe/Ukooni (2.3 sq.km); Mbwa Maji (0.5 sq.km); Mwasonga (2.1 sq.km); Mwera (2.0 sq.km); Shangweni, (0.5 sq.km); Kisiwani, (1.8 sq.km); Kiwanjani, (0.3 sq.km); Mzinga (including its tributaries of Mkokozzi and Bunguni) (18.2 sq.km); the Kizinga (including its tributaries of Kinyamwezi, Yombo, Kurutini, Temeke and Mzinga), (5.8sq.km); the Msimbazi (including its tributaries of Kinyerezi, Luhanga, Ubungo and Sinza, plus lakes Makurumla, Magomeni, Tenge, Mwananyamala and Tandale) (35 sq.km); and rivers like Kijitonyama, Mlalakuwa, Mbezi, Tegeta, and Mpiji with restricted areas for natural vegetation.

Other areas considered suitable for natural vegetation are mangrove tree swamps. These include those at Dege/Bandarini (2.25 sq.km); Nguva (0.3 sq.km); Kibugumo (1.1 sq.km) the Mzinga Creek fork (2.0sq.km); the Msimbazi mouth (0.5 sq.km) Jangwani Beach (1.2 sq.km) and from Mbweni northwards along the coast (10 sq.km).

2.1.4 Drainage

Various rivers, streams, lakes and swamps drain the Dar es Salaam area (Figure 2.6). Some, like the Msimbazi river have had significant effects on the development of Dar es Salaam. Among the most important of these are, from the south northwards: the Mbezi river; Nguva/Kisarawe/Ukooni rivers; Mzinga river, including its tributaries of Mkokozzi and Bunguni; the Kizinga river, including its tributaries of Kinyamwezi, Yombo, Kurutini, Temeke and Mzinga; and the Msimbazi River including its tributaries of Kinyerezi, Luhanga, Ubungo, Sinza and Lakes Makurumla, Magomeni, Tenge, Mwananyamala and Tandale. Others are rivers Kijitonyama, Mlalakuwa, Mbezi, Tegeta, Nyakasangwe, and Mpiji. These rivers provide the primary drainage network for Dar es Salaam. A number have U shaped steep valleys and most have wide flood plains suitable for natural vegetation. Unfortunately, a number of these rivers, particularly the Msimbazi, have been subjected to uncontrolled and untreated discharges including industrial effluents, causing serious pollution. Valleys for these rivers,

Figure 2.6 Dar es Salaam: Lakes and Rivers



which have traditionally been the target for small agriculturists, have also been the target of residential, and in some cases industrial development. Expansion of uncontrolled settlements into flood plain areas, and unco-ordinated developments that block natural drainage patterns have made flooding a widespread problem in the city which can last for several weeks in lowlying areas or in those areas with low soil permeability and/or high groundwater table conditions. Rivers Msimbazi, Kijitonyama, Mbezi, Mpiji and Mzinga have in the past formed, or still currently form, part of Dar es Salaam's boundary.

2.1.5 Vegetation

The coastal plain has a semi-arid vegetation with some agriculture along roads and rivers. At the coastal fringe, palm groves and some swamp vegetation like mangroves or reeds occur. Swamp vegetation is to be found in the depressions of Mbwamaji, Mwasonga, Mwera, Shangweni Kisiwani and Kiwanjani, while mangrove tree swamps are to be found at Dege/Bandarini; Nguva; Kibugumo; the Mzinga creek fork; the Msimbazi river mouth, Jangwani Beach, and from Mbweni, northwards.

Woodlands and forests are found in the Western and South-western part comprising two forest reserves i.e. Pande and Vikindu. All natural vegetation is under considerable pressure to give way for urban development and agriculture, and to provide timber for building and fuel.

2.1.6 Climate

The climate around Dar es Salaam is greatly influenced by the monsoon winds which blow South to South-east from April to October, and North and North-east between November and March. The June to October period is generally cool while the December to February one is hot. Short rains are experienced during November to December and the long rains during March to May. Most of the total rains come in short downpours. The rainfall of under 1100 millimetres a year is slightly less than one would expect for an equatorial east coast area.

Dar es Salaam has a hot and humid climate with small seasonal and daily variations. The mean daily temperature is about 26°C, the mean seasonal range, about 40°C and the mean daily range about 8°C. The relative humidity reaches 100% on nearly every night and rarely drops below 55% during the day. The sea has a great moderating influence on temperatures;

hence the preference for beach residences by colonial officials and Europeans, and hence the high value put on land by the Ocean, and the social struggle to control such land as described later in this document. In the pre-airconditioning days at the beginning of this century, Dar es Salaam's climate led to the design of the German residences characterised by wide verandahs. Dar es Salaam's climate has been a factor that was often quoted to justify proposals to transfer the country's capital city since colonial times. Air conditioning or other man-made modification to the climate is desirable and has been widely adopted in most residential and office space.

2.2 The Managerial Set Up

2.2.1 Socio-economic Setting

Dar es Salaam remains the primate city and undisputed administrative, commercial, industrial and transportation dominance in the country. In 1989 it had 37.4% of the nation's industrial establishments, 36.3% of industrial employees, 36.4% of industrial employers and 48.8% of industrial wages³.

The bulk of the Country's employment in the service sector is also concentrated in Dar es Salam, a city which in 1989 consumed 62% of the country's electricity, although it had only 25% of the country's urban population.

The area around Dar es Salaam was traditionally occupied by a local people called the Wazaramo, but it is doubtful whether they form the majority of Dar es Salaam's residents at the moment. Raum⁴ notes that, of Dar es Salaam's 16,000 residents in 1903, three quarters were "tribesmen from the interior". Dar es Salaam has been a focus of immigration from all parts of the country, and from Asia and Europe, so that many races and ethnic groups are represented in the City. It is noteworthy that among the owners of land at the periphery of the town are people connected with the pre-colonial caravan trade, and the colonial plantation economy, i.e. the Wanyamwezi, Wagogo and the Wamakonde.

³ Tanzania, *Economic Survey for the Year 1990*, Table 52A.

⁴ O.F. Raum, "German East Africa: Changes in African Tribal life under German Administration, 1892-1914", in V. Harlow, E.M. Chilver, and A. Smith (Eds), *History of East Africa*, Oxford University Press, London, 1965, pp. 163-208.

2.2.2 Demographic Development

Table 2.1 gives the population growth of Dar es Salaam for the past 100 years from 1887 to 1988 when the last population census was undertaken. The racial breakdown of the population is available only for the colonial period, during which various policies including that on land were based on the race factor.

In the years before 1948 Dar es Salaam was a small town and grew relatively slowly at 2.6% p.a. For the 40 years after 1948, it grew at an impressive rate of 7.7% p.a. This suggests that most of Dar es Salaam's growth is a post World War II phenomenon, and that prior to that period, the small size of the town allowed the authorities freedom to be able to exert control on the direction of the town's development. After 1948, and particularly since Independence, direct control of Dar es Salaam's development has been less easy on account of the sheer numbers of people being added to the city per annum.

Table 2.1 Dar es Salaam: Population Growth, 1887-1988

Years	Population				
	African	Asian	European	Others	Total
1887*		350			2,000
1894**	9,000	620	400		10,000
1900**	18,000	1,480	360		20,000
1913**	19,000	2,500	1,000		22,500
1921	20,000	4,000	600		24,600
1931	24,000	9,000	1,330		34,300
1948	50,765	16,726	1,726		69,277
1957	93,363	29,986	4,479	914	128,742
1967					272,821
1978					843,090
1988					1,360,850

Sources: Population census, relevant years except:

* S. von Sicard, *The Lutheran Church on the Coast of Tanzania 1887-1914*, Almquist and Wiksells Boktryckeri AB, Upsalla, 1970, p.59, and,

** C.C. Gillman, "Dar es Salaam, 1860-1940: A story of growth and change", *Tanzania Notes and Records*, No. 20, 1945, pp. 1-23.

The 1988 census figures which show that Dar es Salaam had grown at only 4.9% p.a.

from 1978 has been generally accepted unwillingly. While there has been some let up in the growth of the largest urban areas in subsaharan Africa, the fall in Dar es Salaam's growth rate from 10.8% p.a. between 1967 and 1978 to 4.9% between 1978 and 1988 is too drastic to accept. A study by a group of consultants⁵ put Dar es Salaam's population in 1988 in excess of 1.7 million people. Currently, the Dar es Salaam City Council estimates the city's population to be over 2.4 million people.

Dr. R. R. Scott, Executive Officer, Dar es Salaam Township Authority in the 1920s, gives the population of Dar es Salaam as 34,000 in 1914 and 16,000 in 1921, quoting census figures in the latter case. It is difficult to reconcile these figures and those given in Table 2.1, although the observation that Dar es Salaam's population fell by more than half between 1914 and 1921 is difficult to conceive⁶.

2.2.3 Development Perspectives

Introduction

Unlike the old East African coastal towns of Kilwa, Zanzibar, Mombasa, Lamu, Malindi, etc., Dar es Salaam is a relatively new town of the 19th century. The town's founder, Sultan Majid bin Said did not see Dar es Salaam in terms of the typical old Arab settlements like Zanzibar's old town. He had Dar es Salaam planned from the beginning, most probably by Europeans⁷. Majid's new town went into decline after his death when it was barely five years old. However any spontaneity that may have taken place during this period was soon to be rectified by the towns' new rulers: the German and the British colonial administrators. These rulers ensured that the town complied to some prepared plan. Kariakoo, the old African settlement which had developed on a former Sultan's plantation was in fact planned and regularised both during the German and British periods. It resembles similarly planned areas in other African colonial towns like Pumwani location in Nairobi. Dar es Salaam therefore does not have the "stone town" or "the old island", or the "indigenous city" that Zanzibar,

⁵ Tanzania, Preliminary Study on Drainage for Dar es Salaam, Haskoning and M-Consult, 1989.

⁶ See R.R. Scott, "Public Health in Dar es Salaam in the Twenties", *East African Medical Journal*, Vol.40, No.7, 1963, p. 347.

⁷ W. de Boer, Urban Renewal and Rehabilitation in Kariakoo, Dar Es Salaam. Part one: Prestudies/Recommendations, (Mimeo), Ardhi Institute, Dar es Salaam, 1984, p. 21.

Mombasa or Ibadan, (respectively), have for example.

A general observation of Dar es Salaam's early development suggests that until the 1950s, the city's growth was influenced by Government policy to develop in an eight o'clock fashion with African as well as Industrial areas growing southwestwards between Pugu Road and Msimbazi river, and European areas growing northwards along the Ocean. Asian areas remained at the hub, sandwiched in the central area, but overflowing to nearby Upanga area.

During the 1950s the town's boundaries were extended as new residential neighbourhoods mainly for Africans were planned by the government in the areas of Temeke, Ilala, Magomeni and Kinondoni; and as subdivisions for non African housing were undertaken on public land like in Oysterbay and Kurasini, and on private estates of Victoria, Regent, and Ada.

Unplanned and Spontaneous Development

While spontaneous unplanned settlement development has been a feature of Dar es Salaam since the pre-1920 period many such settlements that grew up were usually cleared or regularised by the colonial authorities. After 1948, unplanned settlements became a serious problem. However, with a buoyant postwar economy in the country, plus funding from the Colonial Welfare Development Fund, unplanned settlements growth was kept under check.

The current unplanned development in Dar es Salaam is therefore a post-Independence phenomenon. In 1960, the Land Office estimated that there were 5,000 squatter houses in Dar es Salaam. In 1963, a survey by the Town Planning Division based on aerial photographs found 7,000 such houses. In 1972 a survey by the Ministry for Lands, Housing and Urban development found 27,981 squatter houses accommodating 223,843 people. The Dar es Salaam 1979 Masterplan study identified 25 unplanned settlement accommodating 478,489 people (60% of the City's population), in 43,501 residential units, and covering an area of 2,349 hectares. A study of various land use and population documents indicated that in 1988, there were at least 40 unplanned areas in Dar es Salaam covering some 5,236 hectares and accommodating an estimated 950,000 people (i.e 70% of Dar es Salaam's population). Thus a major characteristic of Dar es Salaam's growth is the preponderance of unplanned

development through both structure intensification in existing unplanned areas and through the colonisation of new areas (Chapter 7).

Observers of Dar es Salaam's unplanned areas have noted that a cross section of all income groups are to be found in such areas. Moreover lack of services is not the distinguishing factor between planned and unplanned areas because both suffer from deprivation of such services⁸. Also Dar es Salaam does not have the makeshift housing that is typical of unplanned areas in many cities of Third World countries. A recent study of three unplanned areas in Dar es Salaam carried out by the Department of Urban Planning of Ardhi Institute throws some light on the conditions obtaining in Dar es Salaam's unplanned areas (Table 2.2). Buguruni, the oldest of the three, has a low incidence of the use of permanent building materials defined as concrete or cement blocks and corrugated iron roofs, while Mabibo, the newest, has 90% of its houses constructed in permanent materials. This is a clear indication of the confidence that developers have in their unplanned areas. As can be observed from Table 2.2, population densities in these unplanned areas are not as high as recorded for many unplanned areas in other parts of the world. Moreover 46.5% of the houses in Mabibo and 35% in Mikocheni had electricity while 22.6% of the houses in Mikocheni "A" had individual plot water connexions. This compares well with citywide percentages of 33.3% and 30.5% for electricity and water respectively. There is therefore some reasons to believe that Dar es Salaam's unplanned areas include a variety of households whether defined according to income or social status.

Besides the development of unplanned areas, Dar es Salaam's growth is characterised by ribbon development along the major routes out of the city i.e. Bagamoyo, Morogoro, Pugu, and Kilwa Roads. The Port Access Road, opened in 1980 has helped to open up industrial and residential areas in the Ubungo-Buguruni areas which were until then, undeveloped, compared to the distant areas of Kimara and Mbezi along the Morogoro Road. Ribbon development is not just spontaneous but is also a result of action by the Planning Authorities who in their attempts to avoid built up areas, inevitably have to alienate distant lands.

⁸ A.R.L. Brain, *The Political Economy of Urbanisation in Tanzania*, Phd Thesis, University of British Columbia, 1979; J.L.P. Lugalla, *Socialist construction and the Urbanisation Process and Politics in Tanzania*, Phd Thesis, University of Bremen, 1990.

Currently, for example, planning schemes are being sponsored by the Government in the Bunju area, more than 30 kilometres from the city centre while land much nearer to the city is still sparsely developed. This is an aspect of land policy which represents an inefficient form of land utilisation.

Table: 2.2: Some recent data on three unplanned areas in Dar es Salaam.

Settlement	Area (Ha)	Total Population	Population per Ha	Number of buildings	% buildings constructed in permanent materials
Mabibo	24.8	4680	189	585	90.7
Mikocheni "A"	31.3	5134	191	1031	44.7
Buguruni	65.8	13355	205	1140	12.0

Source: Department of Urban Planning, Ardhi Institute June, 1991.

Dar es Salaam's spontaneity in growth is not limited to unplanned residential development. There are many areas, particularly along major routes, which have been converted into commercial, industrial and transportation uses without the sanctioning of the planning authorities. Spontaneous commercial areas can be seen along Bagamoyo Road, at Namanga; along Morocco, Morogoro, Shekilango and Port Access roads, at Mwenge, etc. and in numerous other locations.

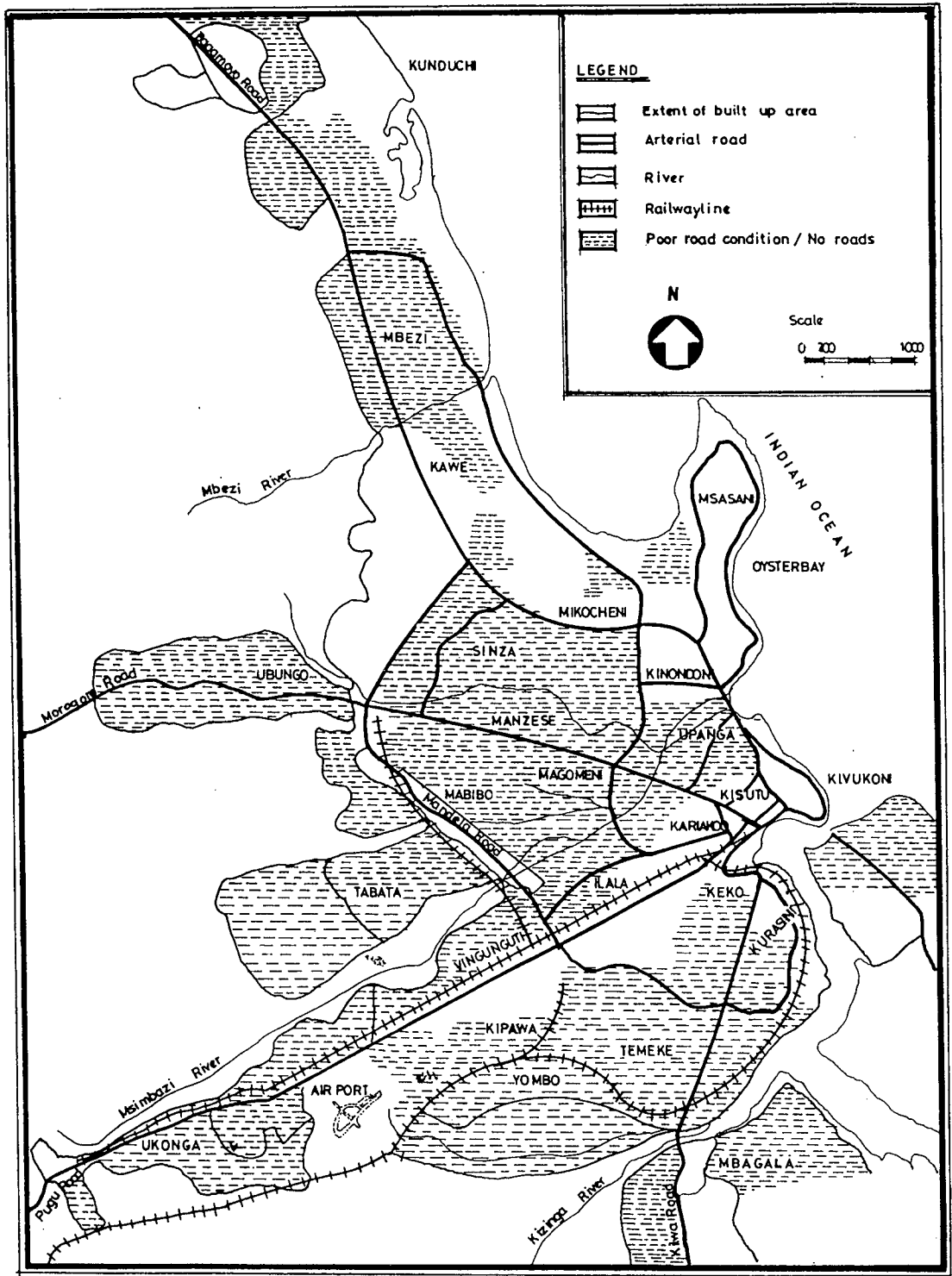
Poor or Lack of Infrastructure

A noticeable characteristic of Dar es Salaam's development is the poverty or lack of municipal infrastructure particularly roads, drains, water and electricity supply networks, and sewers. One can also mention the total absence of public conveniences, and the near total absence of public telephones.

(i) Roads

Many roads are in a pathetic state (Figure 2.7), although at the time of writing rehabilitation work was going on for some of the major throughfares. However, many neighbourhoods be they planned or unplanned, remain unaccessible especially during the rainy seasons.

Figure 2.7 Dar es Salaam; Road Condition



There are only 1,200 kilometres of roads in Dar es Salaam. Of these, 200 kilometres are arterial, and 1,000 kilometres are collector. Only 450 kilometres are paved. The rest are gravel rolled or earth compacted. Only about 10% of the roads are in good condition while those which are in very poor condition include most local roads. Roads comprise less than 0.5% of the City's area, and even when road reserves are taken into account, the percentage of land used as roads rises to only 2.3% as opposed to the normal proportion of 15%. Considering that ideally each plot should abutt to a road, a lot of land in Dar es Salaam has no direct access to roads. This not only reduces accessibility, it reduces access to buildable land. This in turn, leads to ribbon development along existing roads; to overbuilding and overcrowding in existing accessible areas; and to settlement overspill onto hazard lands near existing roads. It also discourages fast development of allocated land and reduces the availability of land use information necessary for urban management.

(ii) Stormwater Drainage

There are about 1,100 kilometres of open line ditches and 600 kilometres of piped storm water drainage in Dar es Salaam. Most were constructed in the 1950s and are therefore over 30 years old. They are mainly to be found in the city centre, the old planned areas like Kinondoni, Magomeni, Ilala, Upanga, Kariakoo, the Pugu Road Industrial area, Chang'ombe, Kurasini and Temeke; and in parts of the planned areas of Mwenge, Mikocheni and Kijitonyama. Most drains are reduced to insufficient bores through lack of maintenance, siltation or actual collapse. Unplanned areas, and many areas planned since the late 1970s have no stormwater drainage facilities, while many natural drains are increasingly being blocked so that many parts of Dar es Salaam get flooded during the rainy seasons, and in many cases, roads act as drains thus getting badly damaged.

(iii) Water Supply

Water for Dar es Salaam is obtained from Mtoni and Ruvu sources. The supply is not only insufficient to meet the daily demand but 22% of Dar es Salaam's population have no access to piped water supply. Only 30.5% of the population have water supply on their plots. Many areas planned from the late 1970s have no public water networks; so that in most cases water reaches individual plots through the expensive and inefficient individual households efforts. The Ruvu river is supposed to provide 269 million litres of water a day; and the

smaller source at Mtoni, 4.5 million litres. A study carried out in 1991⁹ estimated that there were 60,000 private water connections in the city supplying some 800,000 people. Of these connections only 2,000 were metered with a 60% functioning efficiency. Of the 50 stand pipes surveyed, only 20 were working. The study estimated that there were 50,000 illegal connections. Leakage is estimated to account for 40% of water losses. With highly limited revenue collection, the water authority has not been able to expand the plants and network to supply the water quantity and quality as required; so that many areas go without water for days, and others have no piped networks at all.

(iv) Liquid waste management

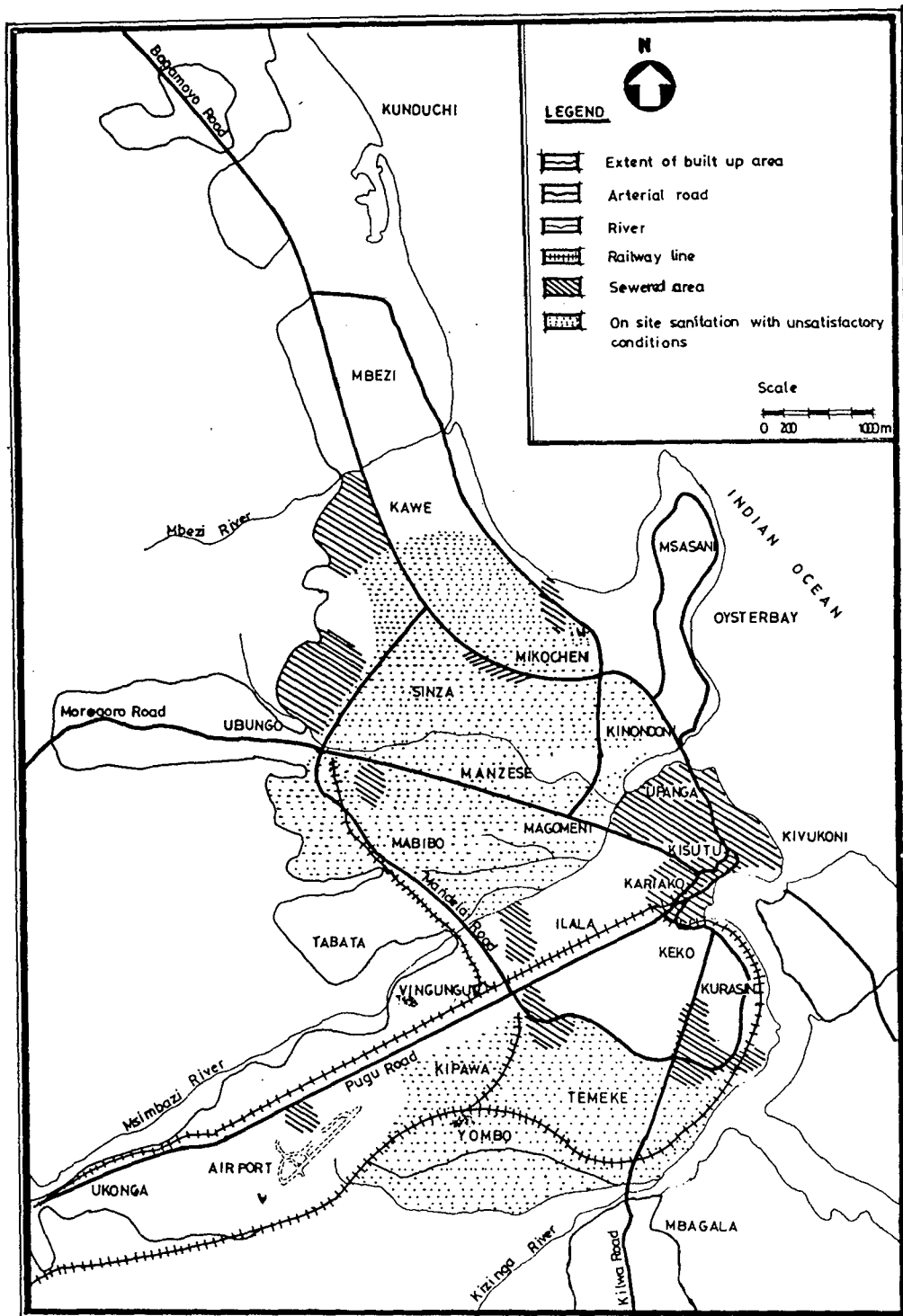
There is less than 130 kilometres of sewer networks in Dar es Salaam, serving less than 5% of the city's population. These are grouped into 11 systems and are supported by 17 pumping stations. The network covers the city centre (constructed in the 1950s), the Ubungu and Vingunguti industrial areas and a few outlying residential and institutional areas including the University of Dar es Salaam, Lugalo Barracks, and parts of Buguruni, Regent Estate, Mikocheni and Kijitonyama (Figure 2.8). The city centre system discharges to the sea outfall off Ocean Road where the end of the 1040 metre long pipe lies in less than 2 metres of water and numerous fractures discharge raw sewage into mud flats exposed at low tide. Other effluent is discharged into oxidation ponds, local water courses and directly to the Ocean. Many of the oxidation ponds no longer operate due to the lack of maintenance. This results in raw sewage discharges into the surface drainage system. Untreated industrial effluents are also discharged directly to surface drainage systems¹⁰.

Of the remaining 2.2 million people, approximately 80% have access to onsite facilities (70% pit latrines, 30% septic tanks), while the remaining 20% (about 380,000 people) lack even elementary sanitary facilities. Public authorities operate tanker lorries to dislodge septic tanks and pits, but few of these are operational at any given time; and in any case, many areas are inaccessible.

⁹ Tanzania, Rehabilitation of Dar es Salaam Water Supply, Japanese International Consulting Agency (JICA), 1991.

¹⁰ M. Yhdego, "Urban Environmental Degradation in Tanzania", *Environment and Urbanisation*, Vol. 3, No. 1, 1991, pp. 147-152.

Figure 2.8 Dar es Salaam: Sewer Network



High water table in some areas effects approximately 40% of the on-site users so that many pit latrines and septic tanks overflow to surrounding surfaces and natural drainage systems. Unreliable water supply makes it necessary for some residents with water borne facilities to erect pit latrines as a precautionary measure.

Unlike cities such as Nairobi and Harare, Dar es Salaam has no comprehensive sewer network. This has important implications on urban land uses because structure densities must be relatively low and plots must be relatively large to accommodate septic tanks and pit latrines. This therefore increases urban sprawl in the peripheral areas of the city in attempts to acquire large residential plots.

(v) Electricity

While Dar es Salaam consumed over 60% of the country's electricity, only 33.3% of the households in the city use electricity. The majority, 65.7%, are not connected to the city's electricity network. The supply of electricity to neighbourhoods is mainly dependent on an expensive and inefficient process based on individual households requests. Street lighting is highly restricted to a few areas, and even then, to only a few bulbs.

General remarks on Services

The above factors make Dar es Salaam an expensive, and potentially hazardous city in which to live and invest. This is in many ways related to the kind of land use structure that such a situation of poor land servicing yields. For example, ribbon development makes it necessary for some residents to change buses three times to, or from, the city centre, with the expenditure on fares alone consuming more than twice the basic wage. Environmental degradation is experienced because of stress on the lands near service lines and of discharge of effluents into the rivers and the Ocean. Health hazards may be suffered as a result of overflowing waste water, or of using non piped water or piped water which is contaminated through leakages. Cholera, for example, is a recurring disease in Dar es Salaam.¹¹ Land development particularly in new area gets stunted. Energy costs become very high not only because of long distances, but also of poor roads.

¹¹ There was a major cholera outbreak in Dar es Salaam in the month of July, 1993.

2.2.4 Land Use Information

Dar es Salaam's land use profile is characterized by a situation where the land use information, essential for efficient urban management is lacking. Most transactions in land, be they official or unofficial are done secretly. For example, planned land use schemes for most neighbourhoods are not readily available for consultation. Although once approved, land use schemes have some legal status under the *Town and Country Planning Ordinance* of 1956, experience since the late 1970s has shown that officials can revisit the schemes and "create" plots on them haphazardly; especially on public lands and in neighbourhoods that are yet to be densely built upon¹². Besides, legally and procedurally, land available for allocation should be made public and allocated by known land allocation committees. In practice this is no longer the case. Official land is generally allocated outside the allocation committees by various unco-ordinated authorities. Most public open spaces in Dar es Salaam must now be regarded as endangered species.

A noticeable feature of Dar es Salaam is the lack of street names, for all but the areas planned before 1970. House/Plot numbering is also missing on the post-1970 developments. This makes it extremely difficult to identify different properties for the purposes of efficient land management; and to keep proper records for property taxation, cost recovery; etc. This situation is made worse by the fact that plot/house numbers need not flow logically in a locality because new plots with totally different numbering systems are constantly being added to old neighbourhoods through haphazard "creations".

2.3 Urban Government

2.3.1 Background

The first local authorities introduced for urban areas were the *Kommunal Verbandes*, established in 1901 by the German colonial administration. Later, these had their powers curtailed and new authorities (*Stadtgemeindes*) were established for Dar es Salaam and Tanga in 1909.

¹² J.M.L. Kironde, "Creations in Dar es Salaam and Extensions in Nairobi: the defiance of inappropriate planning standards", *Cities*, Vol 9, No. 3, 1992, pp. 220-213.

Under the British Administration, the *Township Ordinance* of 1920 allowed the declaration of Dar es Salaam to be a Township administered by a central government appointed Township Authority which had a President (usually the District Officer), an Executive Officer or Municipal Secretary, and official members, one each from the District representatives of the Departments of Medical Services, Public Works and Lands and Mines, and unofficial members nominated by the President and approved by the Provincial Commissioner on behalf of the Governor. The President was empowered to appoint an Executive Officer, unless a Municipal Secretary was appointed by the Governor. Dar es Salaam had an executive officer till 1930 when a Municipal Secretary was appointed.

Efforts in the 1920s and 1930s to transform Dar es Salaam into a municipality were discouraged and frustrated by the central government until 1949 after the *Municipalities Ordinance* of 1946 had been enacted. Dar es Salaam was thus made a Municipality in 1949 and a City in 1961. Until 1974, Dar es Salaam was a full district of, or part of a district in, the Eastern Province of Tanganyika; although the urban area within the District was first administered by a Municipal and later by a City Council.

When local authorities were abolished in Tanzania between 1972 and 1974, Dar es Salaam lost its municipal status and became a Region subdivided into three districts of Temeke, Ilala and Kinondoni. Each of these was administered by a District Development Council. When in 1978, local authorities were reintroduced, urban Dar es Salaam regained its Municipal Status and administered by a City Council; while the rural part was largely administered by the Dar es Salaam Regional Authorities. In 1984, the distinction between the City and rural Dar es Salaam was discontinued; and the whole of Dar es Salaam is now administered by the City Council. It has three districts and is subdivided into 52 wards (see Table 2.3 and Figure 2.2).

Dar es Salaam is a Region with a complete Regional administrative set up headed by a Regional Commissioner and having a District Commissioner for each of its three Districts. Although occasionally the boundary of powers between the Regional and City Council administrations is not clear cut, Regional authorities have tended to confine themselves to non-municipal, and national aspects of Dar es Salaam's administration.

Table 2.3 The Wards of Dar es Salaam, with their Population in 1988

ILALA DISTRICT (210 km ²)		KINONDONI DISTRICT (527 km ²)		TEMEKE DISTRICT (650 km ²)	
Urban Wards	Population	Urban Wards	Population	Urban Wards	Population
Kariakoo	12,569	Mzimuni	23,985	Mbagala	40,866
Mchafukoge	8,547	Magomeni	16,944	Miburani	72,892
Kisutu	8,358	Ndugumbi	32,736	Mtoni	39,417
Gerezani	7,487	Makurumla	53,551	Temeke 14	91,144
Kivukoni	5,372	Manzese	54,499	Kurasini	26,776
Jangwani	15,320	Kigogo	21,222	Keko	42,868
E. Upanga	9,807	Mabibo	45,963	Kigamboni	26,078
W. Upanga	11,020	Ubungo	46,980	Charambe	18,624
Ilala	35,048	Kinondoni	42,387		
Mchikichini	15,040	Mwananyamala	72,508		
Buguruni	48,247	Msasani	51,293		
Vingunguti	33,690	Tandale	58,413		
Kipawa	36,910	Kawe	44,085		
Tabata	18,465				
Ukonga	45,203				
Total, Urban Wards	311,083		565,006		358,665
Rural Wards	Population	Rural Wards	Population	Rural Wards	Population
Kinyerezi*	3,048	Kunduchi*	22,743	Yombo Vituka*	13,408
Pugu	6,226	Kibamba*	16,751	Kimbiji	6,465
Msongola	13,351	Goba	4,753	Somangila	6,730
		Bunju	9,977	Vijibweni	2,557
		Mbweni*	2,159	Kiserawe II	2,821
				Tuangoma	6,652
				Chamazi	5,452
				Kibada	3,003
Total Rural Wards	22,625		56,383		47,088
Total Population	333,708		621,389		405,753

Source: Bureau of Statistics, *Population Census 1988: Regional Profile, Dar es Salaam, Dar es Salaam, n.d.*

*Rural Wards with Town Planning layouts already.

There are at the moment, proposals to split Dar es Salaam into three "municipalities" each with its own Mayor and a Council. This may improve efficiency provided major problems related to urban management (e.g. poor revenue collection, corruption, political interference, unqualified and unmotivated personnel, etc.), are tackled at the same time. The split will introduce some measure of competition among the three authorities possibly leading to better management. The current Dar es Salaam City Council, however, is not in favour of this split and has been postponing making a decision on the issue.

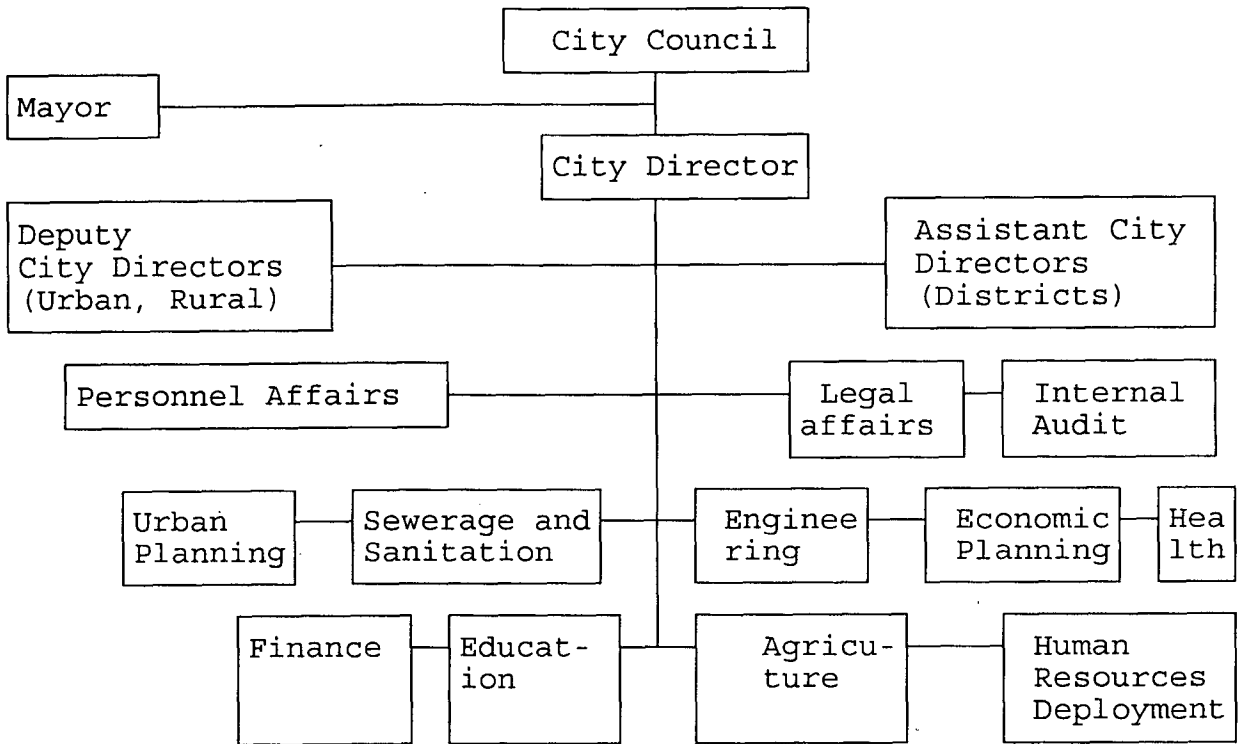
2.3.2 The Dar es Salaam City Council

Dar es Salaam is administered by an elected council chaired by the Mayor. Councillors are elected from each ward, and they subsequently elect the Mayor from among themselves. The City Director who is appointed by the President of Tanzania, is the highest executive officer of the Dar es Salaam City Council. The Director has two Deputies (one for Dar es Salaam urban, and the other for Dar es Salaam rural). Since 1988, Assistant City Directors have been appointed for Dar es Salaam's three Districts.

Figure 2.9 shows the management structure of the Dar es Salaam City Council. Major aspects of urban development are dealt with under the Urban Planning Department which is made up of the sections of urban planning, land surveying, land valuation, land management and natural resources, the latter involving gardens, parks forestry, beekeeping and burial grounds. The Departments of Sewerage and Sanitation, Engineering, Health and Economic Planning have considerable influence on many aspects of land policy and development.

Since 1983, Dar es Salaam's top executive post (i.e. the office of the City Director) has experienced a lot of turbulence. Between that year and mid 1993 Dar es Salaam has had nine city directors, an average tenure of just over one year each. This, to some extent, has denied the Dar es Salaam City Council of the ability to formulate coordinated urban development and management policies.(Chapter Eight)

Figure: 2.9 Dar es Salaam City Council Management Structure 1992



Source: Dar es Salaam City Council, September, 1992.

A lot of national authorities have considerable powers of operation in Dar es Salaam independent of the City Council. These include the Ministries of Lands, Water, Works, Communications, Energy, Education and Culture, as well as parastatals like the National Housing Corporation, National Urban Water Authority, Tanzania Posts and Telecommunications and the Tanzania Electricity Supply Company. The ruling political Party of Tanzania (CCM), at branch, ward, district, and regional levels, is fully engaged in authorising and overseeing land transactions particularly in unplanned areas and of converting public open spaces into private uses. Lack of co-ordination, and overlapping powers between these authorities and the City Council is a notable feature of Dar es Salaam's development.

2.4 Overview of Dar es Salaam's Profile

Further insights into Dar es Salaam's profile can be gained by dividing the City's development areas into four groups: The first is the old planned areas, developed mainly before 1970 and including the City Centre, Kariakoo, Oysterbay, Chang'ombe, Pugu Road Industrial area, Upanga, Kinondoni, Magomeni, Ilala and Temeke. For most part, these areas need redevelopment or refurbishing to cope with current needs and opportunities. In some cases - Kariakoo, a former native town being the best example -, rundown houses are being bought, demolished and rebuilt into multistorey buildings. These redevelopment schemes however are not co-ordinated so that development is isolated and the existing infrastructure is not expanding in tune with the intensity of use to which land is being put. There is no general and effective land policy to deal with the problems of these old areas.

The second group is the new planned areas generally developed or developing since 1970 and include the sites and services areas of Kijitonyama, Sinza, Mikocheni and Mbagala, and the post sites and services areas of Mbezi Beach, Tegeta, Tabata etc. These areas are characterised by poor land servicing. Not even rough roads are ploughed into areas in some planning schemes where land is being allocated. Slow plot consolidation is also an observable phenomenon. The standard of the properties that are slowly being put up in such areas, however, is very high in most instances. Among other things, land policy has failed to ensure that these areas are serviced and development rapidly, and has produced a paradoxical situation where expensive buildings cannot be easily accessed because of lack of services.

The third group is the old unplanned areas which have developed generally before 1980; and which include such settlements as Keko, Buguruni, Msasani, Manzese, Mwananyamala, Hannah Nassif, Manzese, Mtoni and Tandika. The latter two benefitted somewhat from the upgrading schemes of the 1970s, but a main characteristics of such areas is the very high densities to which land is put, and the irregular pattern in which land is developed.

The fourth group is the new unplanned areas. These have developed mainly during the past two to three decades and include such outer areas as Kimara, Mabibo, Bunju, Mbagala and Ukonga. Major characteristics of these are that they are partly developed to fairly low densities; they include a sizeable population of people in high income and/or in influential

positions. Land in these areas is partly put to agricultural uses. It should however be pointed out that some new unplanned areas are currently being created on land that was formerly considered hazard in the inner parts of Dar es Salaam like along the inner area valleys of rivers like Msimbazi and Sinza, and along Keko Creek; and elsewhere. These are developed at high densities and agriculture is not undertaken.

SHAPING THE COLONIAL CAPITAL (1890 - 1917)

3.1. Dar es Salaam and the advent of German rule in East Africa**3.1.1 Introduction**

Although Dar es Salaam was founded in the 1860s and although, in the Dar es Salaam area, there were several small trade centres, settlements, and villages, the town's rapid growth and development was closely related to its choice as the seat of the German colonial government in 1891; and as an important entrepot in the colonial economic set up. Dar es Salaam's growth therefore, bears the imprint of the colonial designs for German East Africa which were, in the main, to exploit the resources of the colony, and at the same time to convert the colony into a market for manufactured goods.

Two phases are normally identified when discussing the history of German colonialism in East Africa: a largely militaristic phase, from the 1880s to 1907, devoted to territorial subjugation and when German East Africa was ruled by military governors; and a phase of peace and reform (1907-1914), characterised by the rule of civilian governors and major reorientation in German colonial policy¹. This phasing has relevance to the evolution of the land use structure of Dar es Salaam; particularly since the latter phase is also identified with the construction of the Central railway line from Dar es Salaam to the interior. Authorities too, took advantage of the peace and tranquility prevailing in the latter phase to devote more time to the shaping of Dar es Salaam.

3.1.2 Colonial Territorial demarcation in East Africa

Bismark, the then German Imperial Chancellor was, until 1884, opposed to the direct acquisition of colonies by Germany. German colonialism in East Africa was consequently spearheaded by private interests led by Karl Peters, who, in 1884 concluded treaties with local Sultans in the hinterland areas between rivers Pangani and Kingani (Ruvu) on the

¹J. Iliffe, *A Modern History of Tanganyika*, Cambridge University Press, Cambridge, 1979.

Tanzanian coast. In 1885, Bismark changed his mind, and was all for the acquisition of colonies, so that Peters' treaties concluded the previous year, were sanctioned and the areas concerned placed under Imperial protection, although they were at first, governed through the German East Africa Company. The latter had been formed by private interests to oversee the exploitation of the Colony. The Sultan of Zanzibar protested at this German annexation of his territory, but was forced to withdraw his claims by a German naval demonstration off Zanzibar. It was obvious that the Germans were determined to use force to achieve their ends. By a treaty of 1885, Germany secured, from the Sultan, privileges at Dar es Salaam and Pangani and a right to send certain goods duty free through the coastal strip to the interior. In 1886, Germany, Britain and Portugal agreed on each others' spheres of influence, as well as on the territories to be recognised as belonging to the Sultan of Zanzibar. Between 1885 and 1887, the German East Africa Company set up a number of stations which were both trading posts and plantations, and in 1888 the Company was allowed by the Sultan of Zanzibar, to collect custom dues at the coast, to mine minerals, to regulate commerce, and to improve communications.

The German East Africa Company had ambitious plans for the territory. According to its director in 1888, *Herr Ernest Vohsen*, the intention was to establish thoroughly the administration of the Customs. Seven main stations were to be formed each under the charge of two Germans. They were to be connected, one to the other, by minor stations under the charge of a single German official. Efficient coastguard service was to be instituted without delay. Two steamlaunchers had already been brought out; more were to come. As soon as it was found necessary, an armed force for land services would be enlisted and drilled² In this respect, the German East Africa Company's first Proclamation ordered that, with effect from the 15th August, 1888, customs on all merchandise exported from the Coast between Umba and Ruvuma rivers was to be paid to German Authorities at Tanga, Pangani, Bagamoyo, Dar es Salaam, Kilwa Kivinje, Lindi, and Mikindani³. This interference with established trade interests, and possibly the harsh ways in which the Germans treated their subjects,

² Colonel Euan-Smith to the Marquis of Salisbury, June 1, 1888, reported in, British Parliamentary Papers, *The Zanzibar Papers, 1841-1898*, Irish University Press, Shannon, Ireland, 1971.

³ Colonel Euan-Smith to the Marquis of Salisbury, 26.7.1888, reported in, British Parliamentary Papers, *The Zanzibar Papers*.

engendered a rebellion along the Coast led by Abushiri bin Salim al-Harhi. The German East Africa Company was unable to deal with this rebellion, and it was obvious that the German Government's strategy of getting and ruling colonies through chartered companies would not succeed. The Imperial Government had to intervene to directly supervise the administration and exploitation of the Colony⁴. In spring 1889, Captain Wissman was appointed Imperial Commissioner for German East Africa. He arrived with a sizeable force which fought and subjugated the rebels whose leader, Abushiri, was publicly hanged at Pangani in December, 1889.

In June 1890, Britain and Germany agreed on the partitioning of East Africa and the Sultan of Zanzibar was persuaded to give up his claims over the Mainland in return for compensation. The present Tanzania (less Zanzibar) plus Rwanda and Burundi became the Colony of German East Africa. The German East Africa Company gave up its administrative functions over the colony to the Imperial government, and became merely a commercial concern. A period of full German colonialism in East Africa had begun.

3.1.3 Imposing German Colonial Rule

Having delienated their colony, the Germans set out to extend their rule throughout the territory. They met with a lot of resistance from the local population. The Germans had a single focus of facilitating production through the maintenance of the physical state and the supply of labour and were interested in getting the colony on a productive basis as rapidly as possible. In order to achieve this, military action had to be undertaken against local leaders or populations, who did not readily welcome German rule, or who opposed German plans. German rule was, right from the start, regimentary and characterised by a policy known as "*Shrecklichkeit*" (frightfulness). Although Schnee argues that German policy was no more "barbaric" than the policies of other colonising powers, he nevertheless describes the colonised peoples as "savages" who had to be whipped⁵. Between 1888 and 1906, there were no fewer than eleven insurrections against German rule in German East Africa, three of

⁴ W. Rodney, "The Political Economy of Colonial Tanganyika, 1890-1930", in M.H.Y. Kaniki, (Ed), *Tanzania under Colonial Rule*, Longmans, London, 1979, pp. 128-163.

⁵ H. Schnee, *German Colonialism, past and future: The truth about German Colonies*, G. Allen and Unwin, London, 1926.

which lasted more than four years⁶. By far the most serious revolt was the famous Maji Maji rebellion (1905-1907) which saw nearly a third of the German Colony in East Africa pitted against German rule. When this rebellion was finally vanguished with serious loss of life and property, German colonial policy underwent major reforms. But as late as 1909, punitive expeditions were still being mounted against rebellious peoples in Burundi Kilimatinde, Mpwapwa, and Moshi⁷.

Because it took long to achieve complete territorial subjugation, resources for socio-economic development (including investment in urban areas) were difficult to mobilise. Scarce resources had to be devoted to military operations against rebellious peoples, and confidence in the colony among German investors and legislators took long to get created⁸. After the Maji Maji rebellion, there was agitation from the German Parliament for more humane treatment of colonial subjects. Such a liberal phase was a pre-requisite for the entrenchment of colonial capitalist relationships. Later on, once defeated and colonised, Africans accommodated the new order submissively, willingly, and sometimes, even enthusiastically. Thus, by 1906, African peasant agricultural production was more efficient than that of German settlers. By 1908 the African share of the Colony's cotton export product was about two thirds, and had reached five sevenths by 1912⁹. More resources could thus be devoted to peaceful colonial development of infrastructure.

3.1.4 Frameworks for Colonial Administration

Typical of German policy, the territorial colonial administrative framework was centralised and hierarchical, designed to keep the physical peace and ease the exploitation of the colony. At the pinnacle of the administrative structure was the Governor who was assisted by the referents of the departments and the District Commissioners. After 1911, the

⁶ L. Fortmann, *Peasants, Officials, and Participation in rural Tanzania: Experience with villagisation and decentralization*, PhD Thesis, Cornell University, New York, 1980.

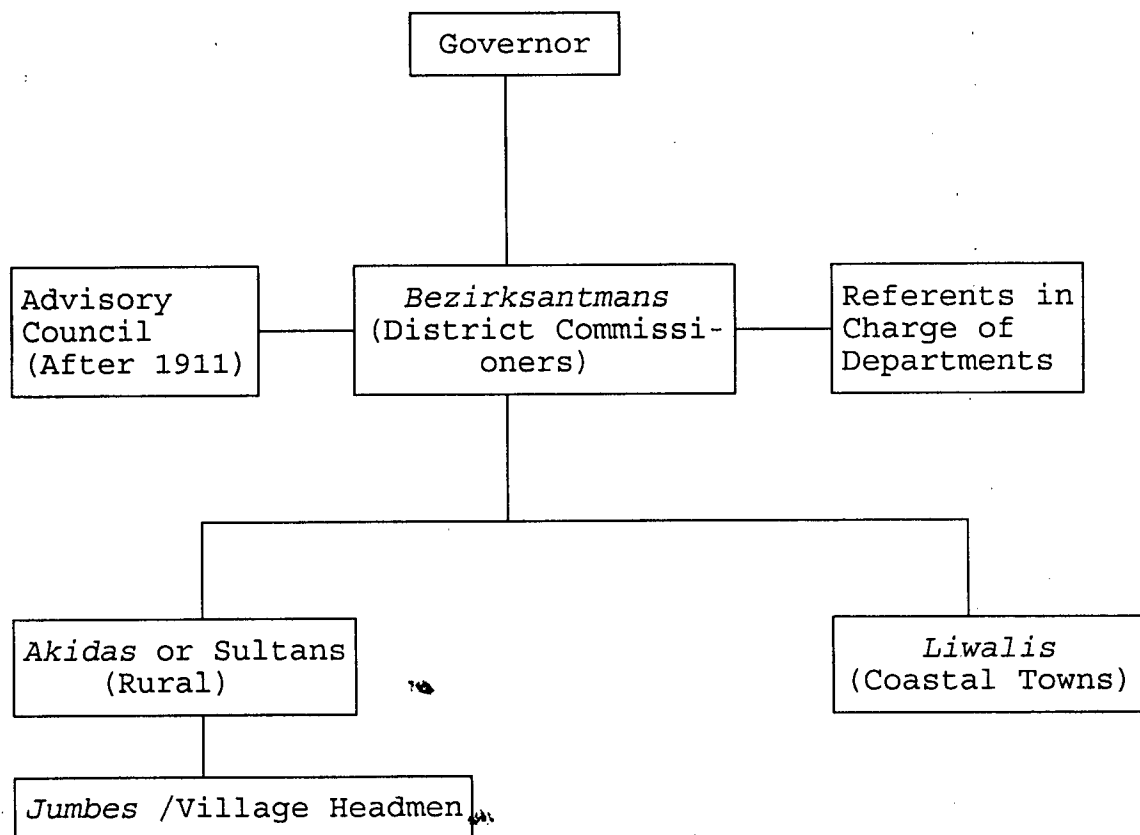
⁷ German Colonial Government, *Annual Report on the Development of German East Africa, 1908/09*.

⁸ H. Brode, *British and German East Africa: Their Economic and Commercial Relations*, Edward Arnold, London, 1977.

⁹ Rodney, "The Political Economy of Colonial Tanganyika", pp. 134-35.

Governor was advised by an all German Advisory Council. Since there were few administrators, lower levels of the administration were entrusted to the *Akidas* and *Jumbes* for rural areas and *Liwalis* for coastal towns (Figure 3.1). The *Akidas*, *Jumbes* and *Liwalis* were usually people of coastal extraction and had the duties of ensuring law and order, collecting taxes, constructing roads, introducing cash crops to the natives, and ensuring production, regulating forest areas and organizing and controlling predatory animals. *Akidas* were there to supervise *Jumbes*¹⁰.

Figure 3.1: The German Colonial Administrative Set up



Pursuing the policy of keeping the cost of running the colony to the minimum, the government not only utilised the *Akidas* and *Jumbes*, but started from around 1900s to replace white craftsmen and junior civil servants with "coloured" labour which was "cheaper

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Fortmann, Peasants, Officials and Participation in Tanzania, p. 8.

and resistant to tropical climate"¹¹. The labour preferred was that of Goans whose numbers in Dar es Salaam increased from 98 in 1900/01, to 250 in 1913. At the sametime, the European population in both Dar es Salaam and Tanga decreased¹². This move was to some extent copied from the British policy in British East Africa where Indians were relied upon in junior service in Government and other public employers:

There can be no doubt that the Uganda Railway has a great advantage over us (German East Africa) because they can use comparatively cheap rates Indian and Eurasian engine drivers and guards, whilst we have to pay German functionaries who have been trained for this responsible service at home and have, of course, a higher standard of life than those who have been born and bred in a tropical country¹³.

As we will show later on in the case of Dar es Salaam, the argument that non-Europeans were used to low standards of living, and could be kept, and exploited at that level was usually used to justify segregation in land uses, and differential wages and access to service infrastructure between the races.

Administration over the German Territory was established slowly, as territorial subjugation was achieved. In 1891, four administrative districts were established on the coast. By 1903, the colony had been divided into 12 civil and 16 military districts. As tranquility got established, the number of military districts was reduced so that by 1914 the colony was divided into 24 districts, only 2 of which (Mahenge and Iringa) were military. Dar es Salaam was among the early districts to be created¹⁴.

There were attempts to introduce local administration with the idea of shedding responsibilities from the central government. The *Imperial Decree of 29th March 1901* put

11 German Colonial Government, *Annual Report...*, 1901/02.

12 *ibid.*

13 Brode, *British and German East Africa*, p. 77.

14 A.C. Mascarenhas, "The German Administration", in, L. Berry, *Tanzania in Maps*, University of London Press, London, 1971, pp. 106-107.

into effect what can be called Communal Unions (*Kommunal Verbandes*) for the districts of Tanga, Pangani, Bagamoyo, Kilwa, Lindi, Wilhelmstall (Lushoto), Kilosa, Langemburg (Mbeya) and Dar es Salaam. These unions were given extensive duties including the establishing of schools, street lighting, refuse collection, drainage of swampy and unhealthy areas, construction of roads, streets and bridges, distribution of seeds to natives and overseeing the management of cooperative village *shambas* (farms). The Union for Dar es Salaam had a further duty of guaranteeing the early Savings Bank¹⁵. It would appear that the unions did not work well, or they simply had too many responsibilities. Most were abolished in April 1909. Those for Tanga and Dar es Salaam were retained, but their jurisdiction was highly curtailed and limited to residential areas only¹⁶. In 1908/09 there was discussion on the establishment of town councils in the colony. The *Order of the Imperial Chancellor of 1910* created Municipal Councils in German East Africa. The management of municipal administration was to be by Town Councils (*Stadtgemeindes*) headed by the District Commissioner, and including three members and three deputy members, all elected; and one member and one deputy member, both appointed by the Governor. The councils had various duties including the upkeep of roads and public spaces; water supply; street lighting and cleaning; refuse disposal; and school maintenance. However, by the end of the German era, only Dar es Salaam and Tanga had municipal council status under the 1910 Order¹⁷.

3.1.5 Establishing centres of Administration and Trade

In the process of colonial subjugation and territorial exploitation, centres had to be established or selected as loci of colonial power and colonial economic designs. The earliest centres were customs posts and, here, the Germans simply took over those on the coast that were preexisting. Collection centres established by the German East Africa Company were all abandoned during the Abushiri Rebellion. As territorial subjugation proceeded, military posts had to be established in areas where people were rebellious, as well as on vulnerable caravan routes, at centres of marine trade, at places in which European merchants and missionaries

15 German Colonial Government, *Annual Report...*, 1901/02.

16 German Colonial Government, *Annual Report...*, 1908/09.

17 C.C. Gillman, "Dar es Salaam, 1860-1940: A story of growth and change", *Tanzania Notes and Records*, No. 20, 1945, pp 1-23.

already exercised some influence, and at the headquarters of the agents of the Sultan of Zanzibar or of local chiefs. Most German urban centres were characterised by a large imposing castle like building known as the *Boma*, a phallic symbol of power usually located on high ground, which housed most government business, and from which all town roads radiated. All towns/forts were centres where administration of nearby territories was based, where goods from the hinterland could be brought, sold, stored and prepared for export; and where manufactured goods could be distributed to the consumers. In this respect the Indian community was given a decisive role in commerce. Urban areas were not seen as generators of employment for the native population. A number of export related industries e.g. copra cleaning, or saw milling were established early enough in Dar es Salaam for example. Other industries were aimed at import substitution and at meeting the convenience needs of the burgeoning communities. These included, in 1901/02 in Dar es Salaam, a brewery, an ice factory in Tanga and Dar es Salaam, and a soap factory in Tanga.

In the colonial equation, Dar es Salaam was selected as the seat of the German territorial government and as the chief port of the colony. The general impression usually given, that the German government moved itself from Bagamoyo is perhaps misleading. Bagamoyo was an important coastal town in the 1880s, handling the bulk of the export and import trade to and from the interior. Naturally, when the German East African Company arrived, they had to show their presence in Bagamoyo. However, the Germans had shown very early interest in Dar es Salaam. In 1885, the German representative in Zanzibar, Rear Admiral Knorr, had ordered Commodore Paschen to visit the coastal settlements of Dar es Salaam, Bagamoyo, Sadani and the mouth of the river Pangani. Paschen recommended Dar es Salaam as the town suitable for a naval depot on the mainland coast¹⁸. A decision on where to locate the seat of the colonial government was announced in January 1891. Although Imperial Commissioner von Wissman, (who had vanquished the coastal rebellion), had tried to balance the conflicting interests of the pro-Bagamoyo and pro-Dar es Salaam lobbies by staying at Bagamoyo, and turning Dar es Salaam into a military base, Dar es Salaam became the seat of the colonial government. The first German colonial Governor for German East Africa, von Soden, never stayed in Bagamoyo but in Zanzibar from where he later moved to Dar es

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Sir John Kirk to the Marquis of Salisbury, 28.9.1885, reported in, British Parliamentary Papers, *The Zanzibar Papers*.

Salaam in April 1891. During the 1890 period, construction of the Governor's palace and of several government buildings was going on in Dar es Salaam. One can therefore conclude that the German colonial government selected Dar es Salaam as its seat, right from the beginning.

In the colonial principles, sites selected for colonial urban centres had to be cheap to develop and put into operation. Dar es Salaam was selected because of its natural sheltered harbour. That presented a cheaper option than that of transforming Bagamoyo into a modern port. Besides, there were relatively fewer vested interests which would stand in the way of the colonial government's designs (e.g. land appropriation) at Dar es Salaam compared to Bagamoyo. However, Bagamoyo continued to be an important centre for caravan trade, as can be inferred from Tables 3.1 and 3.2.

Table 3.1 Caravan Traffic Leaving the coast for the interior: Dar es Salaam and Bagamoyo compared, 1901-1903

Years	Number of Carriers			Number of Loads		
	1901	1902	1903	1901	1902	1903
Bagamoyo	36,869	28,298	35,337	21,027	18,742	25,622
D'Salaam	24,017	27,515	16,180	17,589	23,334	12,991

Sources: German Colonial Government, *Annual Reports on the Development of German East Africa*, relevant years.

Table 3.2 Customs Revenue (Marks), Dar es Salaam and Bagamoyo compared, 1901-1902

Years	Export Duty		Import Duty	
	1901	1902	1901	1902
Bagamoyo	114,525	117,367	146,474	145,371
D'Salaam	58,689	52,212	175,277	149,247

Source: German Colonial Government, *Annual Reports on the Development of German East Africa*, relevant years.

The relatively high import figures for Dar es Salaam (Table 3.2) reflect government imports of equipment for infrastructure like telegraphs and roads. There were, however, no attempts to force caravan trade to reroute through Dar es Salaam, it being hoped that with superior facilities, Dar es Salaam would soon attract custom from Bagamoyo:

Bagamoyo which was, in days of Arab rule, the most flourishing town on the coast had to be sacrificed. Its shallow waters were good for dhow traffic, but did not offer anchorage for steamers in direct communication with Europe. So in proportion as Dar es Salaam grew, Bagamoyo declined.¹⁹

On the other hand Dar es Salaam, a small native settlement in 1890 was described 15 years later as:

the best built town on the coast of East Africa. It was laid out with lavish disregard for cost and its wide tranquil streets bordered with flowering trees, its parks and gardens, its comfortable residences, its magnificent hospital and other buildings, give it the appearance of a German *Kurort* transferred to the tropics.²⁰

No doubt, as will be shown later, the above commentator was referring to the European part of town only.

Although Dar es Salaam was declared the seat of the German colonial government in 1891, connecting the town to the rest of the colony and improving its facilities was not immediately realised. This was a result of the lack of resources from Germany given the initial policy of colonial territorial self sufficiency, and the attractions and the better prospects that the northern part of the colony had, and offered, in comparison to Dar es Salaam. With the commencement of the construction of a railway line from Tanga in 1893, connecting Dar es Salaam to the interior by rail was shelved to secondary priority. There were no funds. In 1903/04 it was reported that Tanga had the best prospects for the future²¹.

¹⁹ Brode, *British and German East Africa*, pp. 24-25.

²⁰ C. Elliot, *The East African Protectorate*, London, 1909, p. 257.

²¹ German Colonial Government, *Annual Report*, 1903/04.

Up to 1901 roads to and from the interior were still very poor. A floating dock was not completed at Dar es Salaam harbour till 1901, but by August, it has sunk by accident. It was brought to the surface and commenced work in January 1902. By 1904 it was realised that in fact the dock was too small and could not handle any, but two of the smallest ships of the German East African Line, which had monopoly over the Dar es Salaam port²².

The plan for the harbour's development existed by 1901; but improvements did not really begin till 1905 when a quay was constructed at the northern harbour side. This was in connexion with the commencement of the construction of the central railway line. It was meant to influence and extend the installations concerned with the discharge and loading of cargo of the harbour. The Kurasini causeway was constructed at about the same time²³.

Dar es Salaam got a boost when a decision was finally made in 1904 to construct the central railway line from the town to Morogoro, some 200 kms away. Construction started in 1905 and the line was opened in 1907. A later decision, in 1908, allowed the extension of the line to Kigoma, the Western end of the territory, where it reached just before the outbreak of the War in 1914²⁴. This decision was precipitated by the effects of the completion, in 1901, of the Uganda Railway on caravan and general trade in German East Africa as it became much cheaper and faster to move goods by rail than by caravans. The number of caravans leaving Bagamoyo for Lake Victoria fell immediately the Uganda railway was completed (Table 3.3). As a result, custom duties fell by 13,000 rupees between 1899 and 1900, and by more than 14,000 rupees between 1900 and 1901. In 1901/02, there were 48 trading companies' bankruptcies, 12 of which belonged to Europeans. Foreign trade in German East Africa fell by 2.2m marks between 1899-1900. It was thus obvious that construction of a railway line to the to the interior was an absolute necessity to help in developing the territory and to prevent trade from getting diverted to the Uganda Railway, and to other railway lines that had been constructed in the Congo and in British Central Africa.

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²² German Colonial Government, *Annual Reports.*, relevant years.

²³ *ibid*, 1905/06.

²⁴ C.C. Gillman, "A Short History of Tanganyika Railways", *Tanzania Notes and Records*, No. 13, 1942, pp. 8-10.

Table 3.3 Changes in caravan traffic leaving Bagamoyo for Lake Victoria, 1899-1901.

Years	Number of Carriers	Number of Loads
1899	6,333	3,399
1901	3,376	2,032

Source: German Colonial Government, *Annual Reports on the Development of German East Africa*, 1901/02

At the same time, the Communal Unions of both Dar es Salaam and Bagamoyo decided, in 1904/05, to start work on the construction of a road between Dar es Salaam and Bagamoyo²⁵. Dar es Salaam was thus slowly being connected to the rest of the country by modern means, although benefits were not immediately apparent. In 1912, Tanga exported goods worthy 666,000, more than twice Dar es Salaam's exports of only 265,000.²⁶ This was a reflection of Tanga's rich hinterland.

3.1.6 Nationalising Land, the pillar of the Colony's Economy

The basic principle guiding the colonial process was how to turn the colony into a viable economic entity which could support itself to the benefit of the colonising power. Since land was one of the most valuable assets the colony had, it was seen as imperative for the government to be able to control this asset and to utilise it in the way it deemed fit for achieving preset aims of economic and social viability. A plantation and settler economy was originally envisaged for German East Africa. Native interests were secondary to Imperial interests although the former were to be recognised, limited and directed. Confrontation with, and proletarianising of the native was to be avoided as much as possible. However, where Imperial interests were deemed to supersede native interests, and where all ways of reaching a friendly agreement (including bribery through the offer of gifts) failed, force or intimidation i.e. the policy of *schrecklichkeit* could be resorted to. Settlers, in particular, and Europeans,

²⁵ German Colonial Government, *Annual Report*, 1904/05.

²⁶ A.F. Calvert, *German East Africa*, Werner Laurie Ltd., London, 1917, p. 36.

in general, were to be given land for its economic exploitation. The principal legislations and directives affecting land during the German period were as outlined below.

The Germans had started implementing a policy of land grabbing from 1887. *Ordinance Number 2*, issued by the German East Africa Company on August 16th 1888, pointed out that by the treaty of 28th April 1888, His Excellency the Sultan of Zanzibar, had ceded to the German East Africa Association, all rights which he himself possessed over the lands in his mainland territory. This excluded private lands and *shambas*. The Sultan had also given to the Association, all public buildings except those that he required for his private use. The *Ordinance* required that all private property in land and buildings situated in the territory, was to be entered into the register at the office of the District Commissioner, within six months with effect from 16th August, 1888. Each owner was to describe his property, its value, size, and boundaries, and had to prove the right of possession by purchase or otherwise. All property not proved to be private, and nor entered into the register within six months was to be regarded as public property. Land, including that for Dar es Salaam's early development, was therefore being acquired long before the main land legislation was passed.

The principal German legislation to govern land tenure was the *Imperial Decree Regarding the Creation, Acquisition, and Conveyance of Crown Land, and Regarding the Acquisition and Conveyance of Lands in General, in German East Africa*, of 26.11.1895 (hereinafter referred to as the *1895 Decree*). This decree declared all land in German East Africa to be unowned Crownland (*Herrenlos Kronland*) vested in the Empire, except where ownership, or other real rights could be shown by private or judicial persons, chiefs, or communities existing among natives; and except for rights of occupation gained by third persons by virtue of agreements with the Imperial government. This in effect was a land nationalisation decree, aimed at giving the Governor extensive powers to do what he liked with the land. The ascertainment and defining of whether land was Crownland or not was to take place through Land Commissions appointed by the Governor. These worked, either on their own, or at the request of a person seeking land. If land was appropriated as Crownland in areas where there were native settlements, there had to be a sufficient area reserved for native cultivation or other use; and also for future cultivation. This was a necessary step to prevent the proletarianisation of the natives, and to avoid political conflicts.

The *1895 Decree* prohibited the transfer of ownership, or the lease of Township lands of more than one hectare in extent, or the lease of all other lands for a period exceeding 15 years, from natives to non-natives without the consent of the Governor²⁷.

Instructions issued on 27.11.1895 with regard to the implementation of the *1895 Decree*, required that careful inquiry must be made before declaring land to be Crownland, to establish *bona fide* rights of private persons. Also, agreements had to be sought with chiefs and village communities as to their rights over such land. Where no agreement was feasible, the Governor was to give the decision. Alienation of public land could be effected by purchase, or by public auction. The Governor was to decide to which authorities applications for land allocations could be made. There were conditions stipulating the maximum time within which alienated land must be cultivated, planted or built upon. Non compliance with these conditions entailed a penalty. Sometimes, land could revert to the government without compensation. This was aimed at preventing speculation. Indeed, transfer of land to third parties was not allowed until a half of it had been developed²⁸.

In 1896 the governor issued a document clarifying the implementation of the *1895 decree*. It required that, when declaring any land to be Crown Land, the Land Commissions should leave the natives four times the land area already cultivated, for future expansion²⁹. In order to get the goodwill of natives, a definite sum of money was placed at the Land Commissions' disposal, for buying presents to the natives, in order to obtain their friendly understanding on land acquisition matters. If all these friendly measures failed, a report was to be made to the Governor, who would then resort to coercive means.

By 1900, the German colonial government was adopting tougher attitudes in defining Crownland. A circular regarding the extent of the Government's right of occupation and formation of Land Commissions that was issued on 29.4.1900 emphasized that all lands

²⁷ General Headquarters East African Force, *Extracts from German Ordinances and Decrees in German East Africa*, Nairobi, 1916, p. 129.

²⁸ *ibid*, p. 142.

²⁹ *ibid*, p. 135.

which could not be proved to be private property of an individual or community was to be regarded as Crownland. The government recognised native rights to land only when land was physically occupied. Although Commissions were instructed to leave aside four times the cultivated land for the future, natives were to be given only so much land as was absolutely required under the changing circumstances and for the subsistence of the village community³⁰. However, in order not to give rise to political complications, the causing of hardships to natives was to be avoided. In particular, extensive seizure of unoccupied land was recommended only in districts which were under full effective control of the colonial administration i.e. where dissent could effectively be dealt with. Natives were to be instructed by the colonial officials on the lands which were declared Crownland during District tours, and in open *Barazas* (mass meetings).

The Imperial Chancellor could direct that land previously taken from natives and given to non-natives be repossessed and given back to the natives if necessary, "in order to secure to the natives the continuance of their livelihood and in particular to serve them a right of domicile"³¹.

The bulk of the legislation was therefore meant to secure a decisive stakehold in land in the Colony for use by settlers and other aliens to the country. However, the indigenous population had to be related and catered for as well. The latter's continued occupation of any land was permissive, in the sense that they could be moved at the whims of the Colonial government. The bulk of the indigenous population did not have any documents to authenticite their claims to land ownership. An Ordinance regarding Land Registration by natives was passed in 1903. Under it, natives and other coloured persons were entitled to register their lands in the Land Register provided that such lands were situated in defined township areas³². Nevertheless, registration of native lands was considered less urgent in comparison to the registration of European rights. The Order regarding the boundaries of the Township Area of Dar es Salaam in which natives and other coloured persons might register

³⁰ *ibid*, p. 134.

³¹ *ibid*, p. 151.

³² *ibid*, p. 159.

their land in accordance with the 1903 Ordinance was not published till 1.6.1910. Dar es Salaam Township was divided into several areas or 'flurs'. It was intended eventually to enter all plots in the Land Register (*Grundbuch*). European and Asian owners were dealt with in the first instance. Only in a few isolated cases had native holdings been investigated by the time World War I broke out³³. This was despite the fact that natives were the majority. Thus native interests in land were secondary to colonial interests. Their right over land was seen as a phenomenon to be tolerated because it could not be avoided.

3.2. Land Policy Impacts

3.2.1 Introduction

It has been pointed out that colonial penetration included the acquisition of land and the establishment of urban centres in the colonies on which the dual purposes of domination and exploitation could be realised. Therefore, policies adopted for these urban centres reflected the purposes of colonialism. Before being specific with the Dar es Salaam of the 1890s, it is pertinent to briefly refer to the early days of colonial penetration in German East Africa, spearheaded by Karl Peters and his German East Africa Company.

In 1884, large tracts of land were granted "for all times" to the German adventurer, Dr. Karl Peters, by local chiefs in the areas of Usagara, Uzigua, Ukami, and Ungulu, under dubious contracts and in consideration of a few trinklets³⁴. Though these grants did not directly affect the area around Dar es Salaam, further land occupation took place in Uzaramo, after the formation of the German East Africa Company in 1885. When this Company obtained virtual occupation of the coastal belt from the Sultan of Zanzibar in 1888 (which included Dar es Salaam), large contingents of Germans invaded the coast, to take over ports, customs, trade, etc.³⁵.

³³ Tanzania National Archives, File No. 12589, Dar es Salaam Township Layout, Vol II.

³⁴ G.S.P. Freeman-Grenville, "The German Sphere, 1884-98", in, R. Oliver and G. Mathew, (Eds), *History of East Africa, Vol. I*, Clarendon Press, Oxford, 1963, pp. 422-453.

³⁵ *ibid.*, p. 438.

According to a Tanga poet, Hemedi bin Abdallah bin Saidi el Buhriy³⁶:

Kilwa na Darisalama
Kuna Wazungu na kama
Mtu hapati kusema
Nti Wamezizuiya

At Kilwa and Dar es Salaam
There is a plague of Europeans
There is no free speech
They had throttled the country

In May, 1887, Captain Leue landed in Dar es Salaam to found one of the German East Africa Company's stations. He was not well received by the local peoples, but was well protected by a bodyguard of twelve Arabs provided by the Sultan of Zanzibar, and by a number of German assistants, as well as personal servants³⁷. It took him sometime to find accommodation in an old Arab building. Once this was done, he went ahead and acquired land for his Company, and constructed a *Boma* for defence purposes. Leue was soon joined by missionaries from Germany: The Evangelical Mission, the Lutherans, and the Catholics (Benedictines). All these missionaries negotiated for land along Dar es Salaam's harbour, (and, in the case of the Catholics, in the Kurasini area as well), with the help of officials like Leue and Wissman.

The German invasion of the coast was growing and was a real threat to existing trade and other interests. This engendered resentment, which culminated in the Abushiri rebellion of 1888. Dar es Salaam, though well protected by a man-of-war, was attacked by the rebels during the latter part of that year and suffered some damage. In dealing with the rebellion, Leue demonstrated German ruthlessness by razing to the ground, all the houses surrounding his headquarters, to give an open area in which to see any approaching enemy³⁸. Security at Dar es Salaam was enhanced by enlarging and fortifying the *Boma*, and by constructing a small fort at Kivukoni, at the harbour's entrance. The German garrison stationed at Dar es

³⁶ quoted in, *ibid.*, p. 438.

³⁷ C.C. Gillman, "Dar es Salaam, 1860-1940: A Story of Growth and Change", *Tanganyika Notes and Records*, 20, 1945, pp. 1-23.

³⁸ S. von Sicard, *The Lutheran Church on the Coast of Tanzania, 1887-1914*, Almquist and Wiksells Boktryckeri AB, Upsalla, 1970, p. 66

Salaam then flushed out the Arab strongholds at Magogoni, Kunduchi, and Kisiju³⁹. By the time the rebels were subdued, (and their leader publicly hanged), an imprint had been made on the local population that Europeans in general, and Germans in particular, were mighty and were to be feared. This came in the wake of the declining might of the Sultan of Zanzibar.

The Dar es Salaam that Leue found was the old dilapidated Majid town, in the areas of the current railway station and around today's Samora Machel Avenue, India Street, and Market Street (Figure 3.2). It was inhabited by Arabs, Indians and natives. There were also a number of villages including Kizingo, Mzizima, Upanga, Kisutu, and Magogoni (Figure 3.2). Natives in these villages were agriculturists, fishermen, and small scale traders. Others were labourers engaged on the extensive coconut plantations belonging to the Sultan Zanzibar and prominent Zanzibari Arabs like Suleman bin Nasr el Lemki. The latter became one time the Liwali of Dar es Salaam. These plantations were situated at Kisutu, Kitchwele, Kariakoo, Gerezani, Upanga and elsewhere. There were in all, 2000 inhabitants in Dar es Salaam: 200 Indians, 50 Arabs, 500 slaves, and a sizeable number of Zaramo and Nyamwezi natives.⁴⁰ Another authority however, puts the figure of Dar es Salaam's inhabitants in 1887 at between 3000 and 4000 people⁴¹.

3.2.2 Acquiring Land in Dar es Salaam for Colonial Designs.

The Nature of the Acquired Land

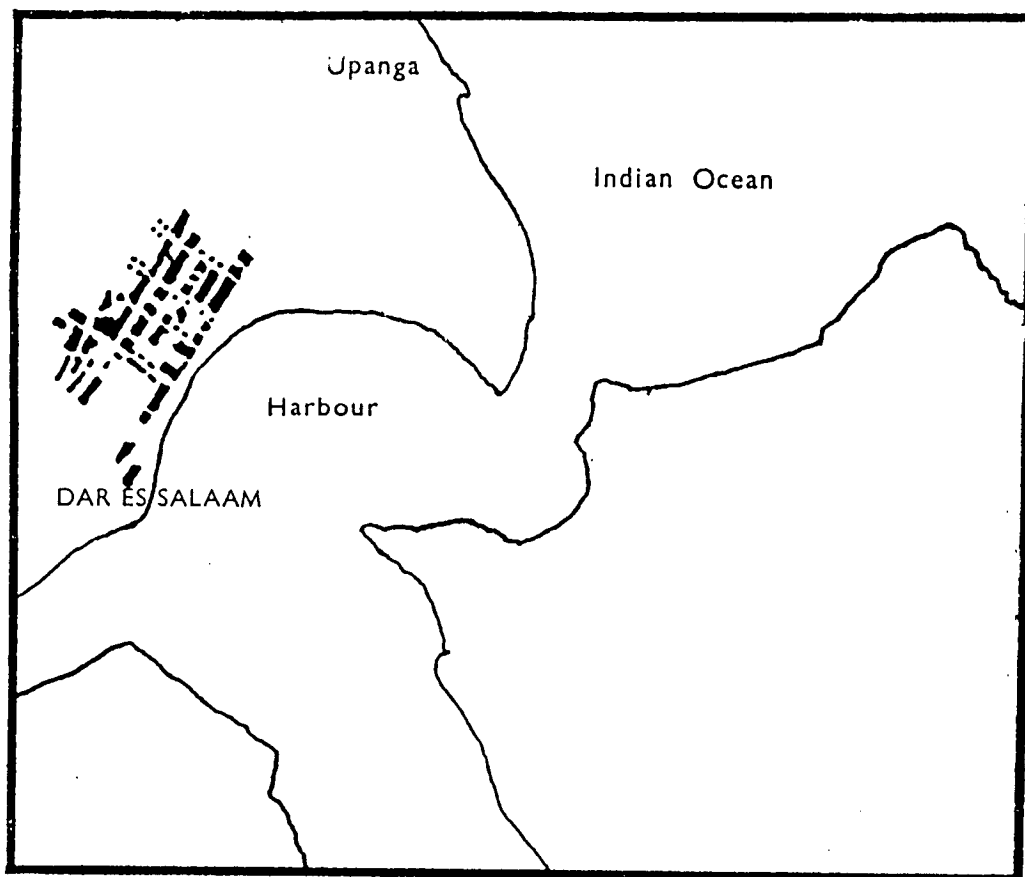
Early German land acquisitions reflected the motives of colonial rule. The harbour was an important physical feature of Dar es Salaam. All land along this harbour was therefore acquired and was soon put to uses like defence, warehousing, customs, and general

³⁹ Gillman, "Dar es Salaam, 1860-1940", p. 6.

⁴⁰ Sicard, *The Lutheran Church*, p. 59.

⁴¹ H. Schnee, *Deutsches Koloniallexikon Band II*, Verlag von Quelle und Meyer, Leipzig, 1920, p. 283.

Figure 3.2 Dar es Salaam, early 1890s.



Source: von Sicard *The Lutheran Church on the Coast of Tanzania*.

administration. Secondly Europeans wanted to be comfortable and were aware of the moderating influences of the Ocean on the rather hot and humid climate of Dar es Salaam. Thus, land along the Ocean front was acquired to build European residences. Thirdly there was need not to antagonise existing interests where these were of projected economic roles supportive of colonial designs. Consequently, in the immediate period following colonial occupation of Dar es Saaaam, there was a policy to avoid disturbing the old Majid town, with its Indian and Arab interests.

In general however, the Government aimed at owning as much land as possible. Therefore, later land acquisitions covered all parts of Dar es Salaam.

Methods of Land Acquisition.

Colonialism entailed the interfering with the existing order. Steps had to be taken to get the colonisers a foothold in Dar es Salaam. Land had to be acquired for Government offices, officials' residences, and the military; and for import/export, and trade purposes. The German colonial Government used at least three major ways of obtaining land:

- (a) Acquiring land forcibly from natives with minimum compensation;
- (b) Land which became vested in the Government through the German East Africa Company or through the *1895 Decree*; and,
- (c) Land obtained through genuine negotiations, purchase, or exchange with the more prominent Arab and non native landowners.

(a) Acquiring Land forcibly from the natives.

Sometime around 1890, a decision was made that the land between the old Majid Town, the Harbour, the Ocean and northwards towards Upanga (Figure 3.2) should be acquired for Government business. It was suited to European occupation; was well sited in respect with the entrance of Harbour; and had only native (and a few Arab) interests to contend with.

We get a picture of how natives were removed from this area by reviewing the case of Halid bin Msuo, a native who was a landowner in this area. This information is based on a study and translation of German documents made by the Land Officer during the British era, in 1930, in response to petitions made by Msuo bin Majid and Shaha Jagna against unfair compensation paid to their forebearers when the Germans expropriated their land in the 1890s (See Appendix 3.1)⁴².

In 1890, Halid bin Msuo, and other natives were ordered to leave their settlements along the harbour front to make way for a European settlement. This was during von Wissman's rule. According to an affidavit sworn by a number of these natives:

An official order was issued that no one would be allowed to continue living there (i.e. where the government buildings now are).

People were compensated and received one rupee for each large palm, and 20-30 rupees for a house. This amount was arbitrarily determined by German officials; and was apparently unfair to the natives. Halid was not willing to sell his land because on the plot there was a grave of his father and a small mosque. He was also unhappy with the compensation, because he declared that he had, within the affected plot, two houses worthy a few hundred rupees and 65 palms. However, Halid, his brother Rasgalla and another person, all owning six and half hectares of land and developments thereon were paid only 200 rupees. They could not protest as, "all natives abandoned their plots without regard to compensation out of fear of Europeans."

Although these natives were thus forcibly evicted and undercompensated, documents detailing the transfer of their land to the German government were presented as contracts of purchase (*Kaufvertrags*). These land expropriations were carried out by Captain Leue, then Officer Commanding District, Dar es Salaam, from December 1890, under instructions from newly appointed governor von Soden (who was, until April 1891, still stationed in Zanzibar). According to Leue, where parties refused to sell, they were expropriated and given

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Tanzania National Archives File No 81/76: Petition by Msuo bin Majid, Dar es Salaam. All the information in this subsection is taken from this source. See also Appendix 3.1.

compensation for "distrubance". It is through such unfair means that natives were removed from the area between the Ocean, the Harbour and the current city centre. (See Appendix 3.1).

By the time the German Colonial Governor took up his seat in Dar es Salaam in 1891, the government area had already been, (or was in the process of being) cleared of natives. Government House and several government offices and quarters were also under construction⁴³. Later, the evicted natives who were alive, realised that the German government was, from 1907, more accommodating. In 1911, they complained against the unfair evictions of the 1890s to the German authorities like Governor Lechenberg. However, the Governor, decided against them, after being advised by the German legal advisor on the grounds that:

at the time in question (1890), natives, as distinct from Arabs had no right of private ownership in land, and that as according to *Herr* Leue the parties had received *compensation for disturbance*, they had no further claim in the matter. (Emphasis added)

This argument was just an expedient to justify the denying of the natives of their rights (and also to avoid opening up a Pandora's box of claims for compensations), because the German government recognised African private interests in land, as evidenced by the laws permitting natives to register their land within townships. Land Register Records show that already before 1890, a number of areas were under the private ownership of Indians, Arabs, and *Africans*.⁴⁴

The disgrunted natives did not give up their claims that easily. In the 1930s, further petitioning was made to the British Administration against the 1890 expropriations. The British Administration's policy in land matters was guided by the motive to uphold earlier German policies. Therefore, these native claims were turned down. The translator of the German Records during the British administration, H. Nimmo, was so anxious to ensure that

⁴³ Gillman, "Dar es Salaam 1860-1940..", p. 78.

⁴⁴ Karl Vorlauffer, *Koloniale und nachkoloniale stadtplanung in Dar es Salaam*, Johann Wolfgang Goethe-Universitat, Frankfurt-am-Main, 1970.

the natives did not get their rights that, despite having evidence that the so called contracts of Purchase (*Kaufvertrags*) between the German authorities and the natives were unfair, he exceeded his terms of reference and introduced bias against the natives in his advice to the Land Officer in 1930. He claimed that these people appeared to have hoped that 20 years after the expropriation happened, the relative documents might have gone astray.

Yet at about the same time, in May, 1935, the Land Officer wrote to the Provincial Commissioner, Tanga, asserting that freehold land ownership had long been established along the Coast:

...in a great many case, the right to individual ownership of land carrying with it as it did the right to free alienation outside of a particular group or tribe had become firmly established in the greater part of the area described locally as the "coastal belt" *prior to German occupation* (Emphasis added)⁴⁵.

But even if the above had not been the case, the fact that land was held under customary tenure should not have been taken to mean the oppression of native land occupiers.

It is therefore difficult to see why, save for racist reasons, Msuo and other natives were denied their rights by both colonial administrations.

Another glimpse of German Land acquisition practice is provided by reviewing the case of land acquired by Government from some 20 natives in the Mtoni area in 1900 (See Appendix 3.2 for the German text of the contract of sale and its translation). The government paid only for part of the unexhausted improvements i.e. coconut and mango trees. It did not pay for the buildings and any other crops, nor did it pay for the value of the land, or for disturbance. There was no efforts whatsoever made to put the people whose land was acquired into an "equivalent" position. The prices offered were arbitrarily determined by the government. Besides, by allowing natives to continue in occupation of the sold land, the Government hoodwinked them into not getting the full impact of their act, and thus avoided trouble, and bid for time, to remove them as and when the administrative, economic, and military conditions became conducive. In effect also, the government was engaging in land

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See Tanzania National Archives File No. 63, Freehold Titles, General.

speculation, buying cheaply from natives subdividing, and selling expensively, at the true market value of the land in question.

The natives who are presented as having sold their land selling in Mtoni appear to have been cheated, or to have acted under duress. This is suggested by studying their "signatures" on the sale contracts (Appendix 3.2). The "signatures" are far from being genuine. Most are mere marks made by, or on behalf of, ignorant or disinterested persons, or persons under some kind of pressure. Only Idd bin Chaurembo and Mishoe bin Simba, among the sellers, appear to have genuine Arabic signatures. The other Arabic signatures belong to neighbours (*angrenzer*) who acted as witnesses. The fact that the witnesses to such dubious land sales like this were literate in Arabic, suggests an alliance against the natives, between the Germans and the then coastal "elite" (Arabs or Arab literate persons). The latter, as we have pointed out earlier, helped to implant and entrench German Colonialism by working as administrators, chiefly as *Jumbes*, *Liwalis* and *Akidas*⁴⁶.

Thus it is clear that the German policy of intimidation (*Schrecklichkeit*) was generally used in acquiring land from the natives. German records on the values of land on reallocation have proved difficult to come by during this study, but it was found out that plot 26, Flur 1 (the current Forodhani Hotel site, shown as the Club in Figure 3.3), was acquired from the Imperial Government by a civil servant, Mr F.C.L. Gurlitt, then Director of Public Works, on 20.12.1899 for 1,954.50 rupees (equivalent to Shs 3,909/=).⁴⁷ The above source also hints at German land policy by pointing out that during the early days of German Rule, civil servants were allowed to acquire freehold land at half its value. This means that the value of the above plot was 3509 rupees (over 8,000/=). This land is in the area where Halid Msuo and other natives got only 200 rupees for six and half acres of land and its improvements! It is noteworthy that already a policy had been instituted where land was acquired cheaply, and subsequently allocated at very much below its value to civil servants, a policy that is still being upheld today.

⁴⁶ This alliance was discontinued during the British Administration in favour of Indians. In many British Colonial documents, Arabs are classified together with natives.

⁴⁷ W. Weidmann, "A Short History of the Klub, Dar es Salaam", in, *Tanganyika Notes and Records*, No. 41, December, 1955, pp. 60-62.

Because of the importance that Dar es Salaam attained as the seat of government, land values shot up. However, these appear not to have benefitted the natives; because, at the same time as the Government was acquiring land, private German individual and companies were also acquiring a lot of African land by all means. Many Africans in, and about, Dar es Salaam were turned into tenants paying rent to German landowners⁴⁸. In an attempt to reverse this process, a decree issued in 1895 prevented the transfer of land exceeding one hectare in size, between natives and non-natives within townships without the Governor's consent. This measure came too late and provided too little protection. Many African landholdings were less than one hectare in extent, and in any case, the Governor need not withhold consent. Record books of the central areas of Dar es Salaam and Tanga, show no African property ownership therein at the beginning of the century.⁴⁹

(b) Land acquired via the German East Africa Company and through the 1895 Decree

It will be recalled that German colonialism in East Africa was spearheaded by private interests, and that in 1887, the German East Africa Company was established in Dar es Salaam. The Abushiri uprising accelerated the need for direct German Imperial rule in East Africa, but the German East Africa Company was still an important partner in the process of colonial development. In an agreement of the 20th November 1890, between the German Government and the German East Africa Company, the Company was granted the right to seize and occupy all "unowned" land⁵⁰ but with a proviso that the Imperial Government had the right to construct public structures on that "unowned" land in the interests of good governance and the security of the coast and the colony. The German East Africa Company therefore was at the forefront of land seizure and acquisition on behalf of the German Imperial Government. This explains why Captain Leue, who was in Dar es Salaam on behalf of the Company, was the same person who spearheaded the process of land grabbing from natives (like Halid bin Msuo described above), on behalf of the Government.

48 Vorlauffer, *Koloniale und nachkoloniale stadtplanung*.

49 *ibid.*

50 *Deutsches Kolonialblatt*, 1890, pp. 301-306.

The German East Africa Company was however always under pressure to give way to the colonial Government which took over the colony from January, 1891. The Company had acquired extensive pieces of land in Dar es Salaam, but in 1892 it forewent the right of occupation of the area close to the Head Customs office and the *Boma* up to some 3 km from the centre of town⁵¹. In November 1902, in a new agreement with the Government, the Company was finally forced to give up the exclusive occupation authority of the "unowned" land in favour of the colonial Government⁵². The Company nevertheless retained extensive pieces of land along the harbour and in the Government/Residential area.

The *1895 Decree* had declared as Crown land, all land considered to be unowned. Prior to that, in 1894, a system of land registration had been introduced⁵³. From thereon for a number of years, the Government called upon those with claims on land to present *evidence* to the Government supporting these claims. Those who did not turn up, or those who had no evidence (the majority of Africans) or those whose evidence could not satisfy government officials, had their land confiscated. Many Africans lost their land rights during this process as the registration of land belonging to natives and coloureds was the last to be undertaken and did not begin till 1910. Many too, did not have the evidence to authenticite their claims to land ownership.

Although the definite boundaries of how much land went to the Government are yet to be established, most of the city centre, land along the harbour, parts of Upanga, Kurasini, and the Msimbazi Valley passed on to Government ownership⁵⁴. The Government thus became a major, if not the largest, landowner in Dar es Salaam. It therefore had a free hand in shaping, the city's morphology. Except in the case of the Government area where natives were required to move within six months, occupiers of government land were not required to remove themselves immediately land was acquired. This led to the continued occupation by

⁵¹ Vorlaufer, *Koloniale und nachkoloniale stadtplanung*.

⁵² German Colonial Government, *Annual Reports*, 1902/03; Vorlaufer, *Koloniale und nachkoloniale stadtplanung*.

⁵³ *Deutsches Kolonialblatt*, 1894, p. 252.

⁵⁴ See, *Deutsches Kolonial Zeitung*, 1898, p. 387.

Africans and Indians, of government land in an indefinite system that came to be known later on as *Kiwanja* tenure (Chapter Four).

(c) Acquiring Land through genuine negotiations and purchase or exchange

In cases where landowners were powerful people, the Government preferred negotiations, purchase or exchange. The case of Suliman bin Nasr el Lemky, a Zanzibari Arab, is illustrative. He owned extensive parts of Dar es Salaam and part of his land was in what later on became the Government area. Instead of getting expropriated like Halid Msuo and others, Suliman (who later became the Liwali of Dar es Salaam) exchanged land with the Government (see Appendix 3.1). The case of Scholler, the German who owned much of Kariakoo is discussed later, but here again the government paid handsomely to acquire the land.

In all cases, part of government land was later on disposed of to private individuals after it had been subdivided into plots.

3.2.3 Shaping Dar es Salaam's Early Land Use Structure

Right from the start it was the government's intention to interfere into the land use structure of Dar es Salaam. This was a necessary result of the principles underlying colonialism which entailed government intervention for the purpose of domination and exploitation. These principles reflected themselves early in the land use structure of Dar es Salaam:

The Principle of Domination

(a) Military Aspects

It has been argued that compared to towns like Tabora, Arusha, and Iringa, the military aspect in Dar es Salaam was given less importance in shaping the City's land use structure. This is considered to be a result of the suppression, early in the colonial period, of the

uprisings that posed a threat to Dar es Salaam.⁵⁵ However, it should be noted that, as far as Dar es Salaam was concerned, it was the harbour that was important. Besides the protection that could be mustered from the Ocean, since the *Flotilla* (Navy) was stationed at Dar es Salaam, it should be point out that the Governor's *Palast* was strategically placed by the harbour's entrance, and a fort was built at the harbour's mouth. Besides, a *Boma* was constructed midway along the early used part of the harbour, and the *Kaserne* (Barracks) occupied the habour's inner end. All these, plus a police barracks beyond the Kurasini Creek, were among the earliest government buildings in Dar es Salaam (see Figre 3.3)⁵⁶. All had military implications.

(b) Racial Segregation

Vorlaufer argues that racial segregation was not an important element of the early German policy on urban land use structure⁵⁷. Yet we have seen how the whole Eastern part of Dar es Salaam was seized from natives who were expelled from the area and directed westwards. Later on, building regulations entrenched this process. Section 4 of the 1891 *Bauordnung* for Dar es Salaam (below) defined areas to be used exclusively for European settlement, and areas where native buildings were not allowed. Thus racial segregation was planned for right from the start.

While segregation is usually presented in the context of health and differential standards of living, it is also important to see it as a tool of domination. It is in the rarest of social organisations that ruler and ruled mingle together. Usually, the rulers segregate themselves, and are able thereby, to physically and ideologically domineer upon the ruled. In the cities of Europe's Industrial Revolution era, segregation, based not on race, but on social class, was practiced. In Colonial Africa, domination was practiced along racial lines. Therefore, racial segregation as a product of colonial domination, manifests itself in Dar es Salaam with the creation of the Government area, which was essentially European; the Commercial area which

⁵⁵ Vorlaufer, *Koloniale und nachkoloniale stadtplanung*.

⁵⁶ Gillman, "Dar es Salaam, 1860-1940", p. 8.

⁵⁷ Vorlaufer, *Koloniale und nachkoloniale stadtplanung*.

was partly European, but mainly Indian; and the *Niegerviertel* (Native Village) which was mainly African (Figure 3.3). Segregation was also demonstrated in social services infrastructure. Thus, there were in early Dar es Salaam: a European Hospital, a European School and even a European Cemetery (Figure 3.3). In a situation of limited resources, segregation also eased the unequal distribution of available infrastructural services, with a concentration on European areas.

(c) Administration

Domination entails ruling, and already, we see that land was acquired early enough for the construction of the colonial Government's administrative buildings in the Eastern part of Dar es Salaam, and along the harbour. In some cases administrative buildings doubled as offices on the ground floors, and as residences on upper storeys. Dar es Salaam had both the territorial government and the district government. The District Office (*Bezirksamt*) was constructed near the *Boma*, together with a prison (*gefingnis*) and a local court (*schaurihutte*) (Figure 3.3).

The Principle of Exploitation

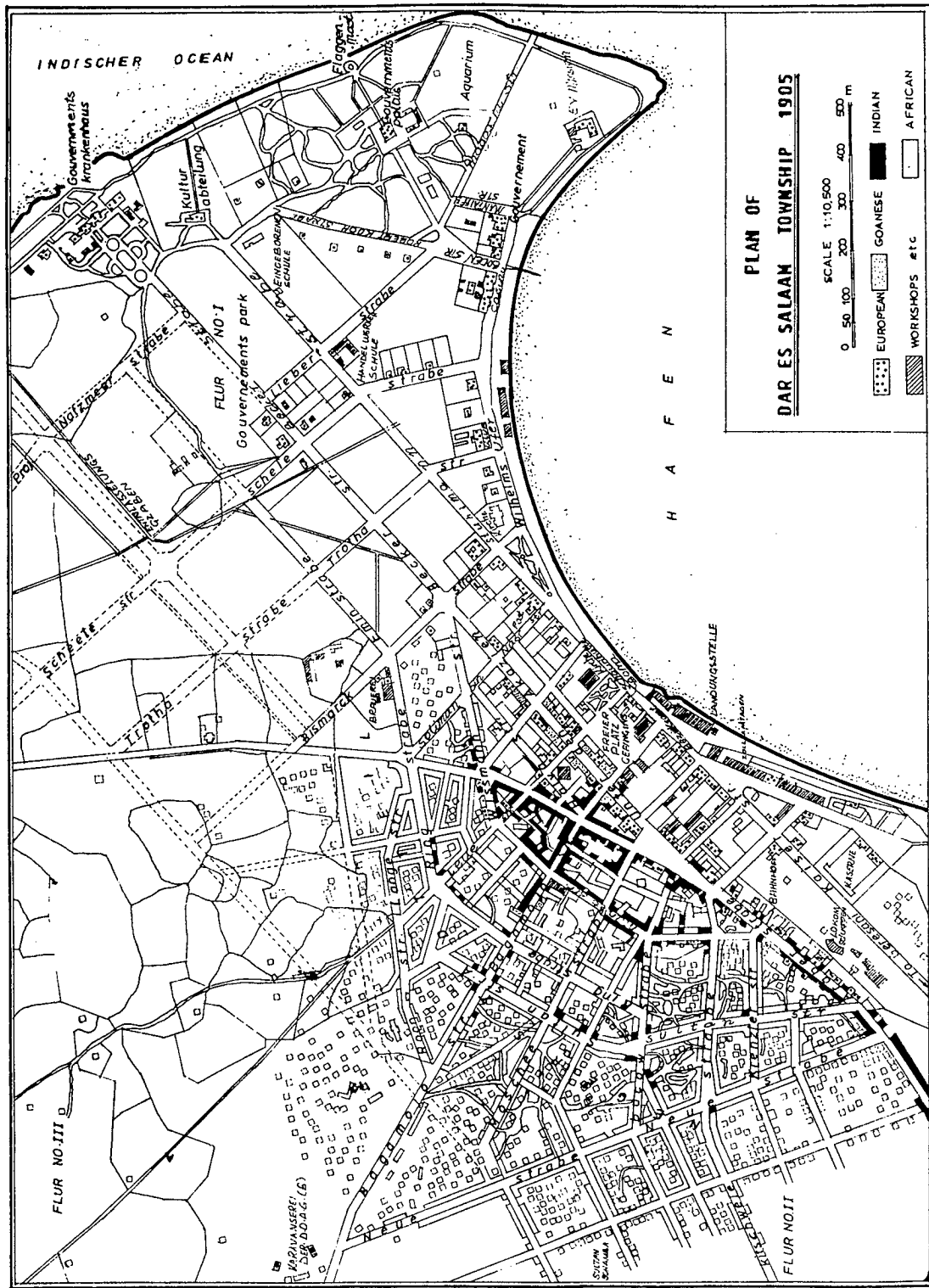
(a) Customs and Warehousing

The land that the German East Africa Company acquired first was along the harbour. This was soon passed over to the Colonial Government. Together with military establishments, a number of warehouses and custom sheds were among the early government buildings⁵⁸, although in the earlier stages, Dar es Salaam's port facilities were primitive. A series of masonry stairways and shoots, up and down which all cargo was manhandled into lighters, led from the natural narrow beach up the steep slope of the lowest coastal terrace, to sheds and warehouses perched along the latter's upper edge⁵⁹.

⁵⁸ Gillman, "Dar es Salaam, 1860-1940", p. 8.

⁵⁹ *ibid.*

Figure 3.3: Details of Dar es Salaam Land Uses, 1905



Source: Gillman, "Dar es Salaam, 1860-1940.."

Improvements were only made after the beginning of the railway construction in 1905. A well equipped dockyard was constructed on the south side of the harbour, beyond Kurasini Creek, across the mouth of which, a causeway was thrown in, to facilitate access to the yard. Buoying of the intricate harbour entrance commenced as early as 1891, and was gradually improved upon. The lighthouse on the coral reef of the Outer Makutumbi was built between 1892 and 1894⁶⁰.

One of the first acts of the German colonial government was the creation, in 1891, of a proper Customs Department under the control of a "Zolldirektor"⁶¹ with headquarters in Dar es Salaam⁶². Customs sheds (*Zollamt, Zollamtgen*) were quickly constructed along the Harbour (Figure 3.3), since controlling the import and export of goods was an important element in colonial exploitation practice.

(b) The Railways

Construction of the Central Railway Line (*Mittelland Bahn*) from Dar es Salaam, to facilitate the exploitation of the interior, commenced in 1905. The railway had a major impact on Dar es Salaam's land use structure in that a lot of land had to be set aside for railway uses like: the station, locomotive sheds, land for the railway tracks, housing for railway staff, marshalling yards, etc. Much of this land in Dar es Salaam was, as far as can be ascertained, already in government hands. The railway's mainline alignment followed the 1878 Mackinon Road (more or less the current Pugu Road). The line laid the basis for the future siting of the Industrial Area.

(c) Trade and Commerce

Essentially, colonialism entailed the exchange of goods. This too was reflected in the city's early land use structure. Warehousing was one aspect of commerce which was

⁶⁰ *Deutsches Kolonialblatt*, Vols 2, 3, and 5.

⁶¹ *Zoll* = Customs

⁶² Gillman, "Dar es Salaam 1860-1940..", p. 10.

concentrated along the harbour. While the German Government would have preferred German nationalities to run trade and commerce, this was not practicable, and perhaps not desirable, in view of the position that the Indians already held in this sector, and in view of their (Indians') capability to penetrate the colony to the remotest corners, to live on extremely low budgets, and to mobilise their own capital. A compromise that was adopted was to have both Europeans and Indians participating in trade and commerce, the former concentrating on wholesaling, exporting and importing, and on "high order" goods; the latter, on retailing, and on the purchase of small quantities of products from the producers.

The commercial area was already established during Majid's days, and this formed the backbone of the *bazaar* area around today's India Street, northwestwards (Figure 3.3). To the South and East of the *bazaar* area, commercial uses were, to some extent, determined by the need for warehouses to be near the harbour. Warehousing was in European hands. Therefore, the area nearby became mainly a European shopping area. It came to be regarded as the "city" of Dar es Salaam since it had the most important financial institutions of the time: i.e. the Savings Bank, and the Post Office as well as the more prominent Churches, and Hotels.

The role of the various races

From the above paragraphs, it can be construed that the colonial system envisaged various roles for various races and that this reflected itself in land uses. Colonial Administration, was on the whole in European hands, and a European Residential area was set up, as part of the general Government area. Non official Europeans participated in trade and business ventures and were usually allocated plots by the government or could purchase land from owners for their business and residential uses. Retail trade was mainly in the hand of Indians and these were left undisturbed in the central area. The 1891 *Bauordnung* (below) accommodated Indian types of buildings in this area to make it possible for both Indian and Europeans to share the commercial area. The Africans were allocated the lowest role: i.e. the provision of domestic and plantation labour, and labour for the port, the railways, and public works. Others had their own roles as peasants, fishermen and small scale traders. By 1905, Africans were concentrated north and westwards of the "*bazaar*" area and many constructed simple buildings and lived in clusters totally unrelated to any role in the colonial set up (Figure 3.3)

3.2.4 Policy Tools used in shaping Dar es Salaam's Land Use Structure

The 1891 *Bauordnung* for Dar es Salaam

Major aspects of Dar es Salaam's early development were guided by the town's first *Bauordnung*⁶³, which appeared on 14th May 1891 (See Appendix 3.3 for the original text and its translation). It divided Dar es Salaam into zones where various standards of buildings were required. Land use planning was then targetted to street layouts, land subdivisions, and building regulations, mainly for sanitary considerations, but also with an ulterior aim of legalising racial segregation. According to the 1891 *Bauordnung*, the zone along the harbour front and eastern part of the town was:

exclusively allocated for the European settlement, that means only European type of buildings are allowed in there. (S.4)

For the next zone around India Street:

Other buildings are also allowed, in so far as they are built of solid materials and do not fall into the category of native huts. (S.5)

For the rest of Dar es Salaam towards the periphery, no types of allowed buildings were specified. This gave room for the construction of the simplest huts.

All construction required a building permit. What was to be understood as a "European type of building" was to be decided in the first instance, by the Imperial regional officials. (S.6)

The 1891 *Bauordnung* was overtly racist in that it specifically set out some areas as being exclusive for Europeans. It also excluded native buildings from being put up in some areas. Besides, the building regulations applicable to certain parts of Dar es Salaam, were aimed at leading to a racial differentiation of Dar es Salaam's land use structure. Government officials

⁶³

bau = building, *ordnung* = order, but the word *bauordnung* also implies zoning and building regulations.

were given powers to scrutinise applications to prove that the applicants were entitled to build in the earmarked areas. This provided a further measure whereby racial segregation could be enforced. By 1905, Dar es Salaam was essentially developing on racial lines. Racial segregation was being openly invoked throughout German East Africa and a native zone was in the process of being laid out in the Kariakoo area of Dar es Salaam.⁶⁴

The Government area, consisting of both government offices and officials' residences, was planned with straight, wide boulevards, well lavished in verdure, linking it to the old Majid town to the West. This kind of planning was fashionable in Europe at the time.⁶⁵ Individual plots were quite large; buildings mainly two storied; and a large portion of the land was given over to the planting of experimental botanical gardens which were not only of considerable scientific and economic value, but formed a great attraction to residents and visitors alike. The Colony's rulers made sure that they created a pleasant environment for their part of the town. This European area was projected to develop northwards and end up in the Golf Course. This development was cut short by the outbreak of World War I but was completed by the British Administration (Figure 3.3).

To the west of the Government Area, the Indian *bazaar* (part of the former Majid Town), remained constructed in primitive and unhygienic single storied flat roofed houses comprising shop and residence gradually wedging itself westwards. This was despite the stipulations of the 1891 *Bauordnung* which required stone buildings in the area. A semi-annular street plan was prepared for this *bazaar* area, generally simulating the curve of the Harbour, and creating a distinct high density character for the area, compared to the low density Government area to the East, and the native area to the north and west. Ring development was another big fashion in European townplanning at the time. All streets in this area were converging on, and highlighting the importance of, the harbour, the most important of the city's physical aspects as far as colonialism was concerned. A grid pattern plan, typical of European 19th century working class quarters was prepared for the native area further to the

⁶⁴ Gillman, "Dar es Salaam: 1860-1940..", p. 9.

⁶⁵ W. de Boer, *Urban Renewal and Rehabilitation in Kariakoo, Dar es Salaam, Part I: Prestudies and Recommendations*, Ardhi Institute, Dar es Salaam, 1984, p. 23.

west. In this native area, building in any materials was allowed, and the type of structures put up, ranged from the grand thatched Swahili houses (Figure 3.4) to the more simple structures.

Throughout this early period racial segregation was toned down somewhat, and Vorlaufer points to the settling in the Tanga town centre and next to the European residences, of freed slaves. He also points to the settling of the Manyema, who served as German porters and askaris, in the Dar es Salaam zone meant for Europeans in the area currently occupied by the New Africa Hotel. This was after the passing of the 1891 *Bauordnung* for Dar es Salaam.⁶⁶ However by 1905, open racial prejudice was rife in Dar es Salaam and this guided the development of the town till Independence.

The decision to construct the railway had important connotations for Dar es Salaam. A lot of money was poured in the town, and many people, natives and non natives, flocked to Dar es Salaam to take advantage of the economic opportunities available. This, came when theories of health hazards supposedly engendered by natives against Europeans were being propagated (Chapter 1), and must have contributed to the entrenchment of racial prejudices. Both Vorlaufer and Pipping⁶⁷ show that from 1905 discussion was intense in German East Africa for the development of racially segregated residential quarters in townships like Kilosa, Morogoro, Dodoma, Kigoma, Tabora, Moshi and Dar es Salaam. From 1910 racial segregation was elevated to an official compulsory principle in town planning in German East Africa.

In Dar es Salaam, racial segregation was manifested in the then deliberate government policy to layout a native town in the Kariakoo area. Natives who had been removed from the Government area as well as those who were gravitating to the township had settled in what is today, Dar es Salaam's city centre, and were mixed up with Indians (Figure 3.3). The colonial government wanted the Europeans to have a stake in the commercial activities dominated by the Indians. The natives had therefore to be separated from the Indians, and,

⁶⁶ Vorlaufer, *Koloniale und nachkoloniale stadtplanung*.

⁶⁷ *ibid*; Ida van Hulten, Pipping, *An Episode of Colonial History: The German Press in Tanzania, 1901-1914*, Scandinavia Institute of African Studies, Upsalla, 1974.

Figure 3.4: A street in the Native Area of Dar es Salaam, 1905.



Eingeborenenstraße in Dar es Salaam.

Source: W. Scheel, *Deutschlandskolonien in achtzig farbenphotographischen Ubbildungen*, Berlin, 1912, p. 97.

by implication, from Europeans. This was achieved by designing a special area for the natives (in this case Kariakoo) which would have some minimum planning standards (like street layouts) enforced.

Part of Kariakoo was the Sultan of Zanzibar's *Shamba* on which slaves worked. About 213 hectares in Kariakoo had been purchased by one Schoeller during the early days of German rule. Schoeller had formed a company known as the Sultan Plantation Company. There were 7250 bearing palms on this piece of land, so that Schoeller allowed natives to settle there, charging them land rent. He was also speculating on the future value of the land, which in the 1910s had reached 1-2 rupees a square metre. This was too high for natives, although individual Indians were already buying plots in the area. Therefore, Kariakoo was already occupied haphazardly when German officials started working on a plan for the area.

With the commencement of railway construction, many Africans flocked to Dar es Salaam and settled haphazardly particularly on Schoeller's *Shamba*. By 1913, according to a source quoted by Vorlaufer⁶⁸, the government was being enjoined by Dar es Salaam European residents to acquire Schoeller's *Shamba* for the proper settling natives. They cited a number of reasons:

- o The plantation contained 1600 out of the 2400 native houses in the township;
- o There were 15,000 natives on this plantation out of the 24,000 natives in the township;
- o The development of a native town of such a size could not be left to a private company which was then making money from land rent and coconuts but which stood to lose if the area was to be replanned, since the existing structures would have to be demolished;
- o The purchase of the plantation was most essential from the sanitary point of view of the township;

⁶⁸

Vorlaufer, *Koloniale und nachkoloniale stadtplanung*.

- o Separation between natives and Europeans as stipulated in the *Bauordnung* would only be possible if the plots and the land in this native town were under the ownership of the Government.

Schoeller's *Shamba* was bought by the Government in 1914 for 500,000 rupees. During World War I, the planning of Kariakoo reached *Karavan Strasse* (today's Msimbazi Street). Land allocation in Kariakoo was at first well controlled, but became haphazard during the War period. Readjustment had to be made in the 1920s.

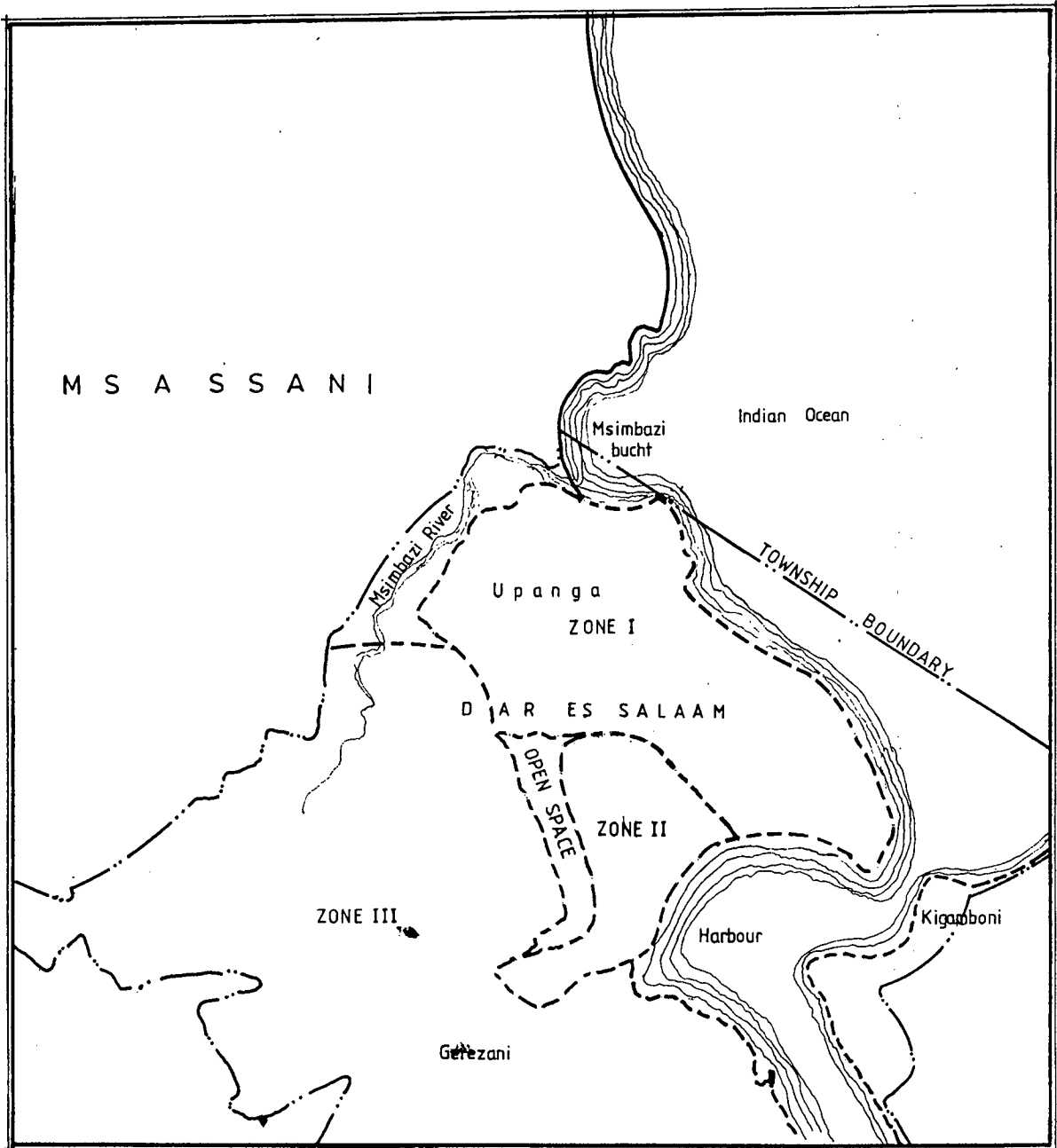
The 1914 *Bauordnung* for Dar es Salaam

In the light of the new circumstances since the 1891 *Bauordnung*, and also in view of the tremendous increase in Dar es Salaam's population which had grown from 9,000 people in 1894 to 19,000 in 1913, a new *Bauordnung* was called for. This appeared on July 1st 1914. Moulded along the lines of the 1891 *Bauordnung*, it divided Dar es Salaam into three zones spelled more or less along racial lines of Europeans, Asians, and African areas, as follows (Figure 3.5):

- o Zone I was reserved for European residential quarters. Permanent residence of natives in this zone was only permitted with the sanctioning of the authorities.
- o Zone II was the business quarter where block and contiguous buildings were permitted. Not however, houses of native style.
- o Zone III was reserved for the native quarter.
- o Between the native quarter and the first and second zones, there was (planned) a neutral zone. No new buildings were to be erected in this part (Figure 3.5).

War broke out a month after the 1914 *Bauordnung* was published, so, not much was done to implement its provisions during the rest of the German rule. It however laid the basis of Dar es Salaam's future growth almost throughout the interwar period since the British Administration implemented it to the letter (Chapter Four).

Figure 3.5: Dar es Salaam Zones as stipulated by the 1914 *Bauordnung*



Source: Tanzania National Archives File No. 12589, Dar es Salaam Township Layout, Vol II.

The Provision of Infrastructure in Early Dar es Salaam

The laying of roads in the European area of Dar es Salaam was relatively easy since the area had been cleared of all occupants. However, difficulty was experienced with the *bazaar* area and with the native town, where existing construction was unpatterned. The German officials prepared street layouts for these areas to which existing, and later structures had to conform. Not much is known on how these programmes were implemented but because of the limited resources available to the government, the road construction programme proceeded slowly, and was usually behind developments. It was reported, for example, that Becker *Strasse*, stretching from the Government Hospital to the city centre, as well as Wissman and Soliman bin Nasr *Strasses* (Figure 3.3), were laid out in 1907/08, and that native huts in the way of these roads had to be demolished; but that adequate compensation was paid.⁶⁹ The same must have happened elsewhere although much of the adjustment beyond the *Bazaar* area was carried out during the British period. The *Bazaar* area remained "a messy, labyrinthic triangle where the Indian dukas and dwellings mingled with Arab and African huts, a veritable slums area defying all effects of proper municipal administration and sanitation..."⁷⁰

With regard to **water supply**, use continued to be made of Majid's wells till the 1920s⁷¹. Many more were built. The use of modern well sinking methods and skilled workers from German permitted deeper wells, tapping more permanent water. Custom quickly developed that at least in the European part of town, each compound had its own water supply fitted with a hand pump worked by a houseboy⁷². Thus, even in a situation of poor water supply, the European area was well endowed. Satisfactory water prospecting was carried out in the 1900s. In 1901, excellent borehole water was found right in the harbour on the shore of Kurasini which was sufficient for the town and for ships. In 1903, plans to construct pipes

⁶⁹ German Colonial Government, *Annual Report*, 1907/08.

⁷⁰ Gillman, "Dar es Salaam: 1860-1940..", p. 15.

⁷¹ *ibid*, p. 3.

⁷² *ibid*, p. 9.

to supply Dar es Salaam were in hand. This mainly benefitted the European area.

Electricity was supplied to a limited clientele by the railways authorities after 1905. Early supply was limited to the railways itself, and to some hotels and streets in the European area.

There was equally limited infrastructure in the form of **sewers and drains**. As a result of the anti-malaria campaign, drains were constructed in parts of the European area and northward into what was later to become the Golf course. Otherwise there was no system of sewerage and drainage for the town although plans existed. In 1907 horizontal and vertical measurements were taken as a basis for Dar es Salaam's sanitation network, and a general plan was drawn but was not implemented.⁷³ A sewage and drainage network for central Dar es Salaam was not constructed till the 1950s.

It can be concluded therefore that, by and large, Dar es Salaam of the pre World War I era was a poorly serviced town. Whatever services there were, were concentrated in the European area. As a general observation too, services tended to follow development rather than vice versa. The major impact of servicing therefore was to reflect and emphasize the status quo but not to spearhead development.

3.3. Economic responses

3.3.1 Introduction

During the early colonial days, social groupings were conceived and policy implemented, on a racial basis. This kind of grouping is therefore adopted for studying this epoch, although it is realised that even within a broad racial group, there would be several subcategories, with various, and occasionally, conflicting interests. The broad interest groups that influenced Dar es Salaam's development were:

- (a) The Europeans, subdivided into (i) the government officials, and, (ii) the non officials, including private firms;

⁷³

German Colonial Government, *Annual Report*, 1907/09.

- (b) The Indians, and,
- (c) The Africans (generally referred to as "natives").

There were also a number of Arabs but German records on their holdings and behavior are scanty. Generally speaking, Arabs collaborated with the Germans against natives and the importance of big Arab landowners such as Suliman bin Nasr has been referred to.

3.3.2 The Europeans

(i) Government Officials

The situation confronting government officials was that of having substantial political power, but limited economic resources. The idea however was to create, in Dar es Salaam, an ideal environment conducive to work in, and to run the colony. Power was used to the utmost to acquire a lot of land. The European area was well laid out in large plots. Trees and other plants were abundantly grown. A botanical garden was created. The whole government area was a garden city.⁷⁴ The buildings that were put up were designed in such a way (with, for example, extended verandahs, and steep titled roofs) as to moderate their internal atmosphere, and provide a cooler environment.

While it was possible to acquire a lot of land, it was not possible to develop it immediately. A lot of land in the Government Area remained undeveloped till the British period. This was after natives and non Europeans had been ordered off that land.

Government officials took early steps to maximise their privileges in land. Besides creating a superior residential and working environment for themselves, German civil servants were allowed to acquire freehold land at half its market price. Many civil servants were thus enabled to put up substantial private property in the European residential area.⁷⁵ Thus, the

⁷⁴ J.E.G. Sutton, "Dar es Salaam: A sketch of a hundred years", *Tanzania Notes and Records*, No. 70, 1971, pp. 1-20.

⁷⁵ Weidmann, "A Short History of The Klub".

policy where government officials tune land policy to suit their own interests started during the German period.

(ii) European Non-officials and German private companies.

For successful early colonialism, migration to the colony, of white settlers and traders, was essential, and these were lured to come to East Africa. The colonial Government was anxious to see that these got land and developed it to colonial needs. Thus the land acquisition and zoning measures described above.

The response was rather mixed. The German East Africa Company, the pioneer of German colonialism in East Africa, did acquire a lot of land either along the harbour, in the Government area, and in the central area. No other commercial house acquired that much land, although several individuals and firms owned more than one plot of land. Many of the developments on this land comprised of warehouses, offices as well as residences. There were a few hotels, workshops, and factories, and residential houses.

According to the records kept by the *Custodian of Enemy Property* during the early 1920s, there were over 188 land lots owned by German nationals and firms in Dar es Salaam at the end of the German era. Most of the owners developed their plots as offices, warehouses, workshops, and factories. Many too combined residences on the same plots. Buildings were usually no more than two stories high, a reflection, not only of poor transportation facilities and poor general infrastructure, but also of the general precarious nature of incipient colonialism. A lot of land was also kept undeveloped. This was a reflection of lack of resources; but also, possibly of poor returns on property. In 1901 for example, private construction had nearly come to a stand still. Only one entrepreneur was ready to erect 3 small houses at the urge of the Government for civil servants, and even then, against guaranteed rent for 7½ years⁷⁶.

A number of Europeans took up agricultural land around Dar es Salaam and many were engaged in growing palms. Coconuts palms were relatively cheap to look after, and

⁷⁶

German Colonial Government, *Annual Report*, 1901/1902.

commanded reasonable returns, and helped to ease land speculation. There were however no really big plantations around Dar es Salaam and the small that existed, produced relatively little⁷⁷. The only really big plantation in the Kurasini area of Dar es Salaam, the *Rheinische Handel Plantagengesellschaft* was closed in 1901 for not being profitable⁷⁸. The area was later on taken over by the Government and converted into a police detachment.

In 1905/06, there were about 30 European owners of coconut plantations around Dar es Salaam most being businessmen who aimed at earning surplus incomes, again, a reflection of limited resources⁷⁹.

This kind of situation where land could be acquired but put to little development encouraged speculation. It also encouraged the unplanned occupation of land. Africans could easily occupy land on coconut plantations, paying rent to the owners, who would allow them to put up temporary shelter. The case of Kariakoo described earlier was a typical example of this land speculation/unplanned settlements scenario.

3.3.3 The Indians

Indians had established themselves in East African trade long before the advent of European colonialism. The coming of the Germans in East Africa brought some changes in the sense that traditional links with Zanzibar were weakened while the coming of the Railways weakened caravan trade. The German colonial government was quick to realise the advantages of the Indians, to the aims of colonialism. Count Leo von Caprivi, who succeeded Bismark as German Imperial Chancellor put it clearly: "We want them (Indians) because they have connexions with the interior and we should not be in a position to replace them"⁸⁰. However, German houses like W. Oswald and Co., Hansing & Co., and the German East

⁷⁷ German Colonial Government, *Annual Reports*, 1901/02.

⁷⁸ *ibid.*

⁷⁹ German Colonial Government, *Annual Report*, 1905/06.

⁸⁰ R.G. Gregory, *India and Africa: A History of Race Relations within the British Empire 1890-1935*, Clarendon Press, Oxford, 1981, p. 104; M.S. Honey, *A History of Indian merchant capital and class formation in Tanganyika 1840-1940*, Phd, Thesis University of Dar es Salaam, 1982.

Africa Company, were also interested in a major role in trade. A compromise had to be struck. Major German commercial houses made efforts to support and coexist with the Indian trader in business. Wholesaling went to the Germans, while retail trade went to the Indians⁸¹.

The Indians were faced with a situation where they did not have much money to spare for land development. The result was for them to cluster together in the central area carrying out commerce and living under primitive accommodation conditions. The situation was only rectified during the British rule (Chapter Four).

Within the Indian community, the German government preferred to work with Goans. While both Indians and Europeans found themselves in the city centre, the Europeans and Goanese concentrated in the area which came to be known as the European shopping area (Around today's Samora Machel Avenue). The Indians were concentrated nearby in the *bazaar* area (See Figure 3.3).

The situation facing the Indians was that of limited capital accumulation, but with a sympathetic government which aimed at setting them up to work hand in hand with it, to ensure the economic exploitation of the colony. The Indians were therefore under no pressure either to move, or to conform to the building (zoning) requirements yet. Many lived in simple huts. It was the British Government which later on enforced development conditions in the Indian (Commercial) Area during the 1920s and 1930s. Even then, the process to force Indians to develop their plots was a hardous one and entailed the granting them of soft terms by the colonial government.

3.3.4 The Africans (Natives)

In looking at the Africans, it is pertinent to note that some of these were "native" to Dar es Salaam i.e. they had stayed in the area long before colonialism came. These included those who stayed in the various villages around Dar es Salaam like Mzizima, Upanga, Kizingo, and Kisutu. Then there were the Africans who were slaves working on the various plantations belonging mainly to Zanzibari Arabs. Thirdly there were those who could be described as the

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S. Walji, A History of the Ismailia Community in Tanzania, Phd Thesis, University of Wisconsin, 1974, p. 124.

caravan people, the Nyamwezi and Manyema in particular, but also the Yao and the Makonde. Finally, one can talk of new migrants, people who came from outside the Dar es Salaam area, to seek new opportunities. The majority of these initially came from the Uzaramo country surrounding Dar es Salaam.

The reaction of these groups in the early days of colonialism is difficult to disaggregate given our present level of knowledge. But they all had an economic motive to come or to stay in Dar es Salaam. Sicard writes that although Dar es Salaam was situated in the traditional Zaramo territory, it was not a natural centre for the Zaramos, and the "4000 or so Zaramos had come because of attraction of employment", and that "if the Arabs with their large plantations, and the Indians with their trade left Dar es Salaam, so would the majority of Africans."⁸² The fact that these people owned no land, and had come to seek economic opportunities, affected their attitude towards investing in property.

As soon as the German administration got established in 1890, people began to flock to Dar es Salaam in search of opportunities. There was a lot of construction going on to create the new capital and this was bringing in "growing numbers of fortune seekers from upcountry and overseas, and the old peaceful backwater character of Dar es Salaam was being transformed into a bustling town"⁸³. Dar es Salaam was so attractive that even slaves or ex-slaves did not leave the town although they were given considerable freedom.

Despite their enthusiasm for coming and staying in Dar es Salaam, Africans were confronted with a psychologically demoralizing atmosphere couched in European superiority. They were moreover relatively poor. Thus, the locals had no choice but to give way to the German Government when it expelled them from the Government area. They did not go far though, deciding to settle just behind the *Bazaar* area (Figure 3.3). This was as near as they could venture towards their places of work in the harbour, and in the Government and *Bazaar* areas, and in the Railways. The *Bazaar* area is sometimes referred to as the old native town to distinguish it from the new one in Karikaoo. Africans who worked on plantations settled

⁸² von Sicard, *The Lutheran Church on the Coast of Tanzania*, p. 171.

⁸³ *ibid*, p. 83.

there laying the foundation for future unplanned settlements.

It is to be noted that in most cases the Africans built simple buildings, adhering to no pattern. This, to some extent is a reflection of the socioeconomic set up of the time including the limited resources that Africans had. de Boer argues that Africans, used to their rural village layouts, did not seriously stick to the European street pattern, while the Germans and Indians, with a completely different cultural background, were respecting the town plan layout and placed their buildings properly along the surveyed streets.⁸⁴ This deduction is not entirely correct. While it must be admitted that cultural influences were reflected in the urban form adopted by Africans, it is important to point out that government plans for African areas existed on paper but were not transformed into reality on the ground. Given the imperfections inherent in the land markets (i.e. private individuals ignoring public good land uses as well as externalities, (Chapter One), an unpatterned form of development is usually the result, where there is the absence of government intervention, or workable private contracts. A close study of Figure 3.3 reveals that where streets were instituted before settlement e.g. beyond *Neue Strasse* westwards, adherence to street alignment is noticeable. Besides, there was the question of economic resources. Even for the Indian part of town, improvement was only noticeable after substantial accumulation of resources had been realised, not before. The case of European areas should be evaluated from the angle of superior economic and social power that colonial officials commanded, plus the fact that most buildings and services therein were constructed or instituted by the Government. In the case of African Areas, construction was usually self-financed.

Thirdly, it must be pointed out that Africans were usually aware of their non permanence in most locations. They were usually in occupation of either Government land, or private land owned by Germans, Arabs or other Africans. Thus there was no incentive to aim at higher levels of investment apart from the bare shelter provided by the simple huts.

On the other hand, the Government attitude towards Africans, unlike its policy towards Indians, was not promotive of property development. It was always felt by the colonial

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de Boer, *Urban Renewal and Rehabilitation in Kariakoo*, p. 30.

government that there were more than enough of Africans coming to Dar es Salaam to satisfy the city's labour requirements. In later years, policies were to be adopted to try and stem immigration to Dar es Salaam. Given a situation of limited resources, large numbers of Africans were jeopardising the standard of life that the Europeans aimed at attaining. So, the policy adopted was aimed at doing as little for Africans as was necessary to ensure law and order and public health (e.g. the layout of native areas). Colonial policy preferred the African back into his village. The Africans in Dar es Salaam were therefore faced with a government policy hostile to their interests, a policy which they had little power to control.

3.4. Overall deductions on the resulting land use structure for Dar es Salaam.

German colonial policy, acting under the influence of the historical epoch in question played a major role in shaping the land use structure of Dar es Salaam. It was colonialism that selected Dar es Salaam as a suitable colonial capital city, and it was colonialism that determined the land use necessary for its propagation. Having been thus selected, Dar es Salaam had to yield land for colonial purposes including administration, trade, import/export etc. The German East Africa Company and the German Colonial Government played a crucial role in acquiring, planning, and developing this land into office, commercial, and residential buildings; into warehouses, roads and open spaces; into transportation land; and so on. Much as resources were limited, the Government was also able to shape the government administrative area, the European residential area, the port area (including the customs) and to some extent, the commercial area. In the latter case, the existence of the old Majid town, and particularly the Indian interests therein, moderated colonial policy somewhat, into some form of compromise which saw both the Indian and the European commercial interests being represented, equally, if in somewhat separated areas, within Dar es Salaam's commercial area. Orders, bordering to the use of force, intimidation, bribery and outright purchase, were some of the methods used to acquire land mainly from Africans. This land was either used for government purposes, or was subdivided and passed over for use by the private sector. In a number of cases the private colonial sector bought land in and around Dar es Salaam mainly for agricultural purposes (the major crop being coconut palms) but also for speculative purposes.

The 1891 *Bauordnung* was the major land policy document used to ensure that Dar es Salaam conformed to some kind of zoning scheme. This divided Dar es Salaam into three zones: areas where only European type of houses were allowed; areas where commercial/residential buildings were allowed; and areas where any type of buildings were allowed. This in effect divided Dar es Salaam into European, Indian and African areas, a situation later on confirmed in the 1914 *Bauordnung*. Zoning requirements in the European area, as well as the infrastructure therein were usually implemented through government investment, while it was usually the private sector that was relied upon in the Indian and African areas. As a result the standards of buildings, infrastructure and the general environment in these areas differed immensely. Throughout, the government expended efforts to shape Dar es Salaam, which it divided into a European area, a commercial/residential area, and a native town. The construction of the central railway line in 1905 brought a lot of money and a large influx of people to Dar es Salaam. New land uses to accommodate the railway infrastructure were added to Dar es Salaam's land use structure. Moreover, with the territorial tranquility of the post 1907 era, and a home government supportive of colonial investment, more resources could be expended in Dar es Salaam. The government embarked on an active policy of shaping the town's land uses. This included the northward expansion of the European area, and the deliberate planning of the native area. In the case of the latter area, the motive was to remove Africans, from the old native area, and locate them in Kariakoo, the planning of which had reached Msimbazi Street by 1916. Future German plans for Dar es Salaam were indicated as the 1914 *Bauordnung* of 1st July 1914 with its division of Dar es Salaam's land use structure into racial land zones. Although published in 1914, it must be assumed that the planning of Kariakoo was based on this as yet unpublished *Bauordnung*.

The various actors had little choice but to conform to this pattern which, in the case of both the Europeans and Indians, was beneficial, but which was oppressive against the Africans. The Africans were getting pushed outwards, and their areas were hardly serviced. Many too had to occupy other peoples' land. It therefore appears fair to point out that it was policy that mainly shaped Dar es Salaam in the early day of colonial rule, although it must be emphasised that by the time the Germans left, a lot of Dar es Salaam's areas occupied by

Africans and Indians did not conform to these government plans and much of the European area was undeveloped

Even at this early stages, elements of inequality had already begun to show themselves. It was the "poor" Africans who were being pushed out of the city centre, separating their work places from their residencies, while for both Europeans and Indians, the work place was never far from their residential places. This conformed neither to the classical land location theory nor to the theory justifying government intervention into land markets. Land consumption per capita, was highly in favour of the Europeans. The best roads of the time, as well as water supply, and electricity infrastructure, were all concentrated on the Government area. Government officials too created a policy of land acquisition that was favourable to them. It was neither efficiency nor equity that was behind land policy and the resulting land use structure for Dares Salaam.

On 4th September 1916, the British forces occupied Dar es Salaam and the German Government was forced to move to Tabora. From then until 1919 permits were given to natives (soldiers and civilians) to build houses in Kariakoo, in a somewhat haphazard manner. It was only after 1922 that much greater interest was evinced in the town planning of Dar es Salaam. The Open Space, and the three building zones as shown in the 1914 *Bauordnung*, were defined, and the plots which had been issued without reference to any street plan were squared up and houses realigned (Chapter Four). The rulers had changed, but the principles established for the colonial capital remained the same.

INTER WAR GROWTH AND DEVELOPMENT

4.1 The British Take Over of Tanganyika and its Implications for Dar es Salaam

4.1.1 Major tenets of British Colonial Policy Towards Land and Labour

World War I ended with the defeat of Germany in 1918. The bulk of the erstwhile German colony of East Africa, soon renamed Tanganyika¹, became a Class B mandated territory of the League of Nations, administered by Britain. Part of this territory, i.e. the districts of Rwanda and Urundi was given to Belgium for administration.

The end of World War I did not signify the end of colonialism. Although Germany was vanquished and denied repossession of her former colonies, the latter were taken over by the victorious powers through a policy of mandates/trusteeships. Colonial philosophy, economics and socio-economic relationships continued to persist during this interwar period.

Major issues that broad colonial policy had to address were how to exploit the colony, and this necessitated policies on land and labour, both of which were key to production and both of which had effects on urban development.

In terms of land, British Colonial policy propagated the idea that natives held land on communal tenure, and that individual land ownership was either not known prior to the coming of colonialism, or was limited to a few areas, e.g. on the East African coast where the contact with Arab culture had led to the break down of communal land tenure norms. To the African, land had no value before colonial conquest. It had owners, though not individual ones, with rights to cultivation, and these were entitled to compensation if their land was

¹ A notice in the Official Gazette (Extraordinary) Vol. 1, No. 9, of January 20th, 1920, read as follows: Peace with Germany having been ratified on the 10th of January 1920, it is hereby notified for general information that with effect from the 1st of February, 1920, the occupied territory of German East Africa will provisionally and until further notice be officially known as THE TANGANYIKA TERRITORY. The notice was signed by R. H. Crofton, Acting Secretary to the Administration.

taken over for private or government use. But since no land market existed, African "owners" could not claim the monetary value of land².

One major purpose of this stand was to allow the colonial governments to nationalise native lands either without compensation on the grounds that land was ownerless, or, with compensation limited to "unexhausted improvements" on the grounds that Africans knew no value in unimproved land. The other purpose was to prevent the proletarianization of the African, which, it was feared, was bound to lead to trouble in the long term perspective.

The labour policy of the British colonial administration was closely related to the notion of customary tenure. The African was considered to be attached to his rural area, where land was readily available to him, and it was not the intention of the colonial governments to upset this situation by creating a working class proletariat. Much as labour was required for plantations, mines, and in urban areas, it was conceptualised that this would be only temporary wage labour, cheap, and available only when required, and back in the villages when unwanted.

At least three policy elements emanating from this policy had fundamental effects on the land use structure of Dar es Salaam. One, African needs in land were accorded little priority, since Africans were considered to be only temporary urban residents. Two, Africans could easily occupy land particularly at the urban periphery under customary tenure. Three, the colonial government could acquire land from the natives with little or no compensation, thus creating a situation of conflict between public authorities and land occupiers, a situation which has on a number of occasions led to the frustration of planning schemes.

4.1.2 The British Takeover and Early Administration of Tanganyika

In 1916, British Civil Administration was established in the conquered Northern part of German East Africa, and was based at Lushoto. Soon after the War, in 1919, this administration moved to Dar es Salaam into the buildings of the former German

² Phillips, A., *The Enigma of Colonialism: British Policy in West Africa*, James Currey, London, 1989, p. 112.

administrators, despite that the Governor's Palace had been seriously damaged and had to be rebuilt.

British Administration was formally established by the *Tanganyika Order in Council* of 22nd July, 1920. The chief representative of His Majesty's Government was the Governor and Commander in Chief, assisted by an Executive Council made up of the Chief Secretary, the Attorney General, the Treasurer and the Principal Medical Officer. There was also, an independent High Court. Save for the Colonial Secretary's general powers of disallowance, the Governor had powers to make Ordinances for good government of the territory, provided he respected existing native laws and customs. Laws and orders made before the *Tanganyika Order in Council* are generally referred to as Proclamations, and those after, as Ordinances.

By the time Britain took over Tanganyika, certain essentials of the colonial process at a national level had already been achieved by the late German administration and need not be repeated. Territorial demarcation and subjugation was complete. Much of the infrastructure had already been laid, and need only be maintained, or extended. Cash crops had already been introduced and in some cases peasant production was quite good. New cash crops like tea and tobacco were introduced without much difficulty. Minerals prospecting was intensified. There was already an administrative set up as well as laws and orders which Britain could utilise as new ones were being evolved.

The early legislation enacted included: the *Regulation for Peace and Good Order* dated 22/2/1919 under which various rules for Dar es Salaam (including those for township administration) were made; and the *Township Ordinance* of 1920. Many laws related to land were enacted in 1923. Principal among these were: the *Land Ordinance*, the *Registration of Documents Ordinance*, the *Land Registry Ordinance*, and the *Law of Property and Conveyancing Ordinance*.

The immediate post-war economy of Tanganyika was in a bad shape, with many of the former German estates in ruins and with peasant production disrupted. Public works, especially roads, bridges, urban and rural sewers and drains, seawalls, lighthouses, etc., were

in a bad state of maintenance. The British colonial policy of self-sufficiency for each colony underscored the importance of getting the former German estates going as soon as possible; and of an early introduction and streamlining of the customs, trade licences, and hut and poll taxes, all of which were functional by 1922.

Among the urgent business that the new Government had to deal with swiftly was the question of enemy property. While the War was still going on, the *Enemy Property (Vesting) Proclamation* of 1917 was passed. It created the *Custodian of Enemy Property* with duties to manage the abandoned German and other enemy property in order to support the war efforts and to keep the economy going. Later, the *Custodian* was to oversee the sale and liquidation of this property. The sale of most ex-German property was completed by 1924, and its effect on the land use structure of Dar es Salaam is discussed later on below.

A lot of latitude was given to Britain in the formulation of both land and labour policies. With the exception of the ruling that native laws and customs should be taken into account, and the rights and interests of Africans safeguarded, Britain was free to formulate land and labour policies as it deemed fit. Moreover, there was no requirement to hand back to Africans, the land acquired by the settlers, "bearing in mind the achievements of the German settlers, and the need to maintain and build upon the foundation they had laid."³ It can therefore be argued that the mandated territory status did not confer to Tanganyika, a status any better than an outright colony.

A *Legislative Council* with a majority of officials, but on which non-official Europeans and Indians were represented was formed in 1926. African interests were supposed to be represented by the Governor, the Chief Secretary and the Secretary for Native Affairs. British Governor, Sir Donald Cameron wanted Africans to sit on the *Council* but "no African could be found with sufficient command of English to take part in the debates of the Council"⁴. The non representation of Africans allowed the inequitable segregative urban land policies to

³ K. Ingham, "Tanganyika: the Mandate and Cameron, 1919-1931", in, V. Harlow, E.M. Chilver, and A. Smith (Eds), *History of East Africa*, Oxford, Clarendon Press, 1965, pp. 543-593.

⁴ quoted in, W.A. Dodd, and J. Cameron, *Society Schools and Progress in Tanzania*, Pergamon Press, Oxford, 1970, p. 39.

remain unchallenged for a long time.

Much of the envisaged development of Dar es Salaam stopped during the First World War, but resumed from 1919. As a colonial major port, Dar es Salaam's port facilities continued to have cardinal importance in the colonial set up. After the war the harbour was cleared of the German obstacles. The harbour's entrance was greatly improved by dredging, after a careful survey of the channel. Anticipating considerable cargo to/from Dar es Salaam's hinterland from the late 1920s, the government constructed a large new goods and marshalling yard as an addition to the existing terminal facilities of the railways, together with new goods sheds and a new approach line from the high ground to the wharf⁵. Dar es Salaam was thus again made into the most important port in the territory, handling between 48 and 56% of all the import-export trade between 1925 and 1929 (Table 4.1).

Table 4.1: Distribution of the handling of Import-Export trade among the various ports in Tanganyika, 1925-1929, (%).

Port	1925	1926	1927	1928	1929
Dar es Salaam	56.0	53.9	49.8	48.5	51.1
Tanga	16.1	17.9	20.7	20.9	23.8
Mwanza	8.6	9.4	8.7	6.6	3.4
Bukoba	7.3	7.1	4.5	7.4	6.0
Moshi	3.4	3.8	4.3	2.8	2.8
Lindi	3.8	3.0	2.8	3.9	3.2
Other Ports	4.8	4.9	9.2	9.9	9.6

Sources: Colonial Office, *Reports on Tanganyika Territory*, His Majesty's Stationery Office, London, (relevant years)

The State House was rebuilt in 1922, partly on the old German foundation, but with

⁵ C.C. Gillman, "Dar es Salaam 1860-1940: A Story of Growth and Change", *Tanganyika Notes and Records*, No. 20, 1945, pp. 1-23.

a large additional new wing. The Secretariat offices also received a substantial new wing, but otherwise, no new accommodation was immediately added to that left behind by the Germans. Several ex-enemy properties were simply taken over for use by the colonial Government. Later on, though, the European residential area was extended northwards.

The mid 1920s witnessed considerable economic prosperity for Tanganyika. This was reflected in the extension of the central railway line from Tabora to Mwanza in 1924, thus extending Dar es Salaam's hinterland. In Dar es Salaam itself, this prosperity was perhaps reflected in the huge demand for building plots by the natives. The native town of Kariakoo had to be extended in the early 1920s to Ilala, where, as the government noted, construction was fast. But the Depression of the late 1920s was also felt bitterly and this was reflected not only in the government's policy of discouraging town planning schemes, but also in the Indian community's protests against their being forced to take up rights of occupancy for urban land which they held on *Kiwanja* tenure (discussed below).

As the headquarters of the colonial government, Dar es Salaam continued to receive considerable attention. It was among the first towns to have one of the four government power stations in the country. It was also the beneficiary of various public schemes including public housing (for Europeans), public water supply, road improvements, etc. Nevertheless, because of the inherited situation of poverty, the colonial policy of territorial self-sufficiency and the relatively lukewarm interest that the British administration had for Tanganyika (compared say to Kenya), central aspects of Dar es Salaam's management problems were not dealt with. The port remained relatively small compared to Mombasa. The town continued to lack a system of sewerage, drainage and sanitation, till the 1950s. The surfacing of roads was still very far from even a moderate standard of efficiency in most parts of town; and sidewalks, even in the main shopping streets, were in a deplorable and dangerous state⁶.

As Africans were not represented on the *Legislative Council*, the colonial government was rarely put to task particularly, with regard to its policy vis a vis Africans in urban areas. Indian members for the most part, raised issues related to the Indian community and the city

⁶ *ibid*, p. 19.

centre. Lack of proper representation made it easy for the Government to remove Africans from their areas (e.g. Gerezani), and to minimally service "native" areas (below).

By and large, the British administration did not come up with any new approaches to direct Dar es Salaam, different from the colonial frameworks set up by the German administration. Most of their policies were similar to, or, a continuation, of those of the Germans.

4.2 Land policy impacts

4.2.1 Introduction

The process of transforming Dar es Salaam into a colonial capital had more or less been achieved by the Germans, but the British administration had to deal with a number of issues related to the town's development. One, much of the German work in shaping Dar es Salaam was incomplete. In particular, the 1914 *Bauordnung* had hardly been implemented when World War I broke out. Two, Dar es Salaam was growing both in terms of population, area, and functions, and new issues related to land development had to be addressed. Three, the British administration could not continue using German legislation, and had to pass their own, even though the purpose of this legislation was the same.

In this section, tools of land policy used during the interwar period are surveyed by analysing the philosophy behind them, and by examining their provisions, and effects on land uses. This is done in a chronological order in order to capture the various circumstances that obtained before the passage, and during the implementation, of such legislation. It must be borne in mind that these tools of land policy were conceived and implemented in a broad framework where colonialism was expected to work. The flagbearers of colonialism were the colonial officials, and in as far as they were implementing a policy aimed at subjugating and exploiting an alien people, they had to adopt policies reflecting this. Thus, many land policies had an open, or covert, element of dividing people along racial lines, an important tool of domination and exploitation. Being on foreign soil, confronted by unfavourable circumstances like the general poverty of the colonies, made worse by the British Government's policy of territorial self sufficiency; and being imbibed in notions of European racial superiority, colonial officials upheld and propagated zoning policies aimed at segregating

themselves from their subjects. Colonial policy aimed at concentrating resources on Europeans. Within townships, medical officers occupied very high positions and were regarded in considerable high esteem in the early colonial administrative set up. As has been pointed out above, the Principal Medical Officer was among the four officials who made up the territory's Executive Council during the 1920s. Medical officers had a profound impact on land uses till the rise of the planners in the 1950s.

Among the important tools of land policy adopted during this period and which had fundamental effects on Dar es Salaam were:

- o The *Township Ordinance* of 1920, together with the various *Township Rules*, (particularly the zoning provisions) made under it;
- o The *Land Ordinance* of 1923;
- o The *Town (Development and Control) Ordinance* of 1936;
- o Direct land development by government (e.g. the construction of officials' housing); and,
- o The provision of infrastructure to the various areas.

4.2.2 Implementation set up

Colonial rule was essentially a one man - Governor's - rule. This resulted into the concentration of powers for most decisions. In the immediate postwar era, the District Political Officers, and later on, the Administrative Officers (district), carried extensive powers. By 1920, power was firmly concentrated in the Governor and most decisions related to urban management particularly in Dar es Salaam, had to be referred to him. These ranged from major issues to trivial ones such as the growing or cutting of trees in townships.

The *Township Ordinance* of 1920 empowered the Governor to declare any area to be a Township and to appoint, for the running of a township, a Township Authority. Under the *Township Rules* of 1923, the Governor could appoint the President of such a Township Authority. The President had to be a Senior Commissioner or next Administrative Officer, or an Administrative Officer in charge of a District or subdistrict in which the township was. Members were to be officials from Medical, Public Works, and the Land Departments,

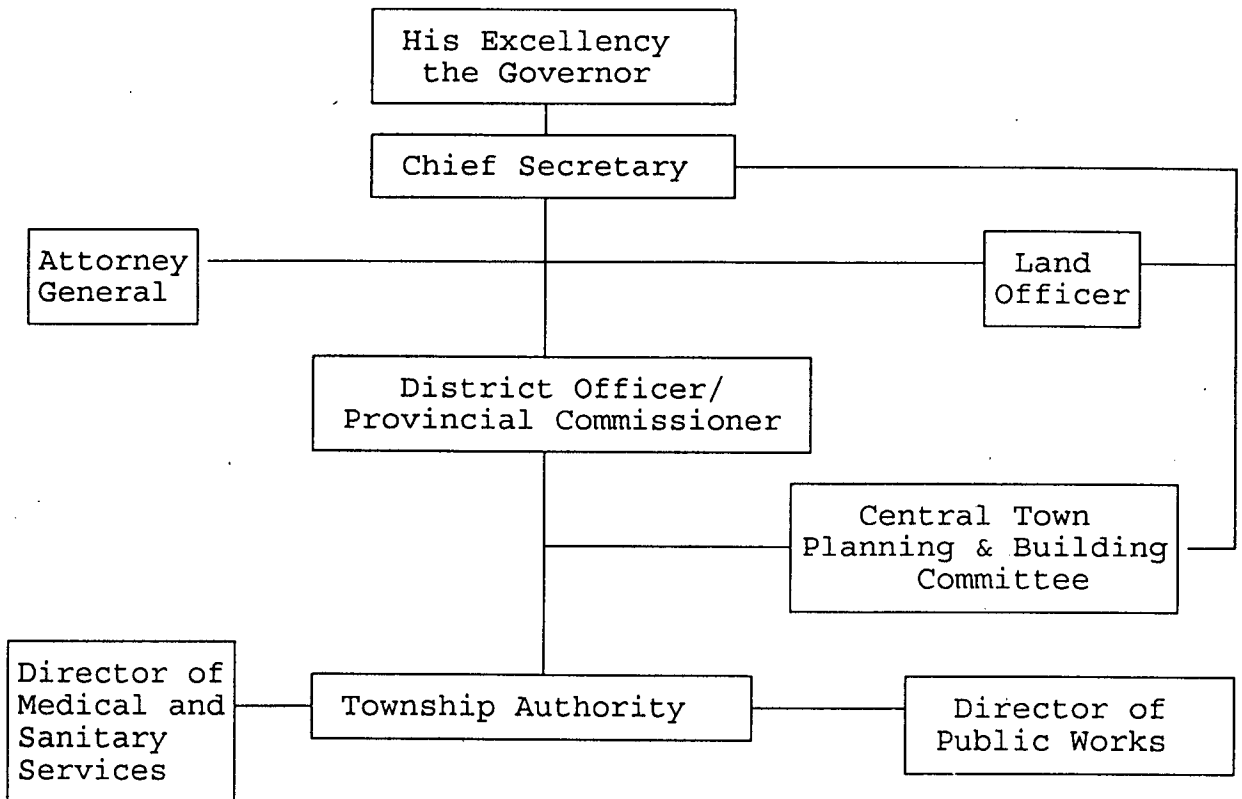
nominated by their Heads of Departments. The official from the Medical Department was to be the Township Authority's Executive Officer unless the President directed otherwise.

Issues related to township development were to be referred to the *Central Town Planning and Building Committee* created in 1922 and was made up of members nominated by Governor. The chairman was the Principal Medical Officer. Other members were: the Director of Public Works, the Land Officer, and the Senior Sanitation Officer (who was usually from the medical profession). The latter acted as the Committee's Secretary and its Executive Officer. The Committee was later expanded to include the Director of Surveys. The "Sanitation Syndrome", a major concern of early urban land policy, is apparent in the manning of this *Committee*.

Figure 4.1 is a representation of the typical flow of communication between the Township Authority and the Governor. Any of the authorities represented could initiate or raise any issue of land policy. The *Central Town Planning and Building Committee* was an advisory set up to which most town development proposals or issues were directed and its recommendations were usually sanctioned. Medical Officers, as can be gauged, were very powerful officers on issues related to urban land development. Medical considerations were usually put forward to justify racial segregation policies, change of township boundaries, land reclamation and drainage schemes, land servicing, differentiated land use schemes, building regulations, etc. In this respect, it may be pertinent to point out that the early Executive Officer of the Dar es Salaam Township Authority, from 1923 to 1930, R.R. Scott, was a doctor of medicine. He also served prominently on the *Central Town Planning and Building Committee*. In 1930, Dr. Scott was succeeded as Executive Officer of the Dar es Salaam Township Authority, by Mr. E.H. Helps who had been recruited specifically from South Africa to take up the post of Municipal Secretary, Dar es Salaam Township Authority, a position he held till 1946. The outgoing District Officer (Dar es Salaam) in 1930, Mr. T.P.S. Dawkins had also served in South Africa. Recourse for experience and advice on a number of urban development and race relation issues was usually made to Kenya, Rhodesia and South Africa.

(Under such circumstances racial segregation was possibly seen as normal and essential in land development issues.

Figure 4.1: A typical communication structure between the Governor and the Township Authority (1920's).



Source: Deduced from various Colonial Documents.

Because of the centralisation of Authority, decision making was very bureaucratic and files would be pingponged between various officials and departments for months, sometimes years, before a decision was made. For example, a request by the Dar es Salaam Township Authority for Town Planning powers to deal with land subdivisions on private lands, made in 1929 was not concluded till 1936. The request for the approval of land use layouts for the Upanga area prepared in 1929 had not been approved by 1938 and was overtaken by World War II in 1939. There was thus a lot of delay in decision making, and frustration among the officials administering Dar es Salaam, and among the aggrieved or interested parties.

4.2.3 The Effects of the Disposal of Enemy Property (1917-1933) on Dar es Salaam's land use structure

It has been pointed out earlier that the British Colonial Government took very early steps to ensure that enemy property was managed. The *Enemy Property (Vesting) Proclamation* of 1917, created the *Custodian of Enemy Property* to look after this property and the *Enemy Property (Disposal) Proclamation* of 1920 allowed the sale of enemy property through public auctions. Two factors resulting from this disposal are of importance to the land use structure of Dar es Salaam. One, many township estates were bought cheaply (at about 5% of their value) by Indians who therefore consolidated their foothold in the City Centre. Two, under the *Enemy Property (Retention) Ordinance* of 1921, some 99 ex-enemy buildings situated mainly in the European area of Dar es Salaam were removed from the list of buildings to be auctioned and were retained for government use, thus obtaining for colonial officials, superior accommodation cheaply, a policy that has been perpetrated thence. On top of that, the British colonial government acquired several ex-German *shambas* around Dar es Salaam (notable of which were Borman's *shamba*, and Busse's *shamba*) during the disposal of Enemy Property. These were later on put to pre-determined use. The conversion of Borman's *shamba* into an extension of the native town at Kariakoo, is a typical example of this policy, and is discussed later on below. Table 4.2 gives a breakdown of the liquidation of the Enemy Property among the various racial groups. Natives got very little of this land because they were not in the mainstream of the monetary sector and could not therefore compete with Europeans and Indians. Lyall⁷ notes, moreover, that the price per hectare paid by the buyers varied with their nationality. The Greeks paid £2.1 per ha; the British £2.8; the Indians, £3.6; and Arabs and Natives, £4.6! As it is unlikely that Arabs and Natives purchased the most expensive property, Lyall believes that the auctions must have been influenced somehow in order to produce such figures.

⁷ A. Lyall, *Land Law and Policy in Tanganyika, 1918-1932*, LLM Thesis, University of Dar es Salaam, 1973, p. 80.

Table 4.2: Sale of Enemy Immoveable Property, 1917-1933.

Nationality of Buyers	Total Area purchased (to the nearest ha)	Price paid (£'s)
British Europeans British Indians	249,148	705,435
Greeks	103,371	374,571
Indians in partnership with other Nationalities	58,477	122,767
Germans	20,536	55,390
Portuguese	11,231	21,007
Syrians	9005	16,280
Italians	2499	11,430
Arabs & Africans	3190	8626
Other	1851	8800
	19,846	20,299
Total	479,154	344,605

Source: Tanganyika, *Report on the Liquidation, Enemy Property Department, Government Printer, Dar es Salaam, 1933*, quoted in, Lyall, *Land Law and Policy in Tanganyika*.

4.2.4 The Township Ordinance, 1920

Background leading towards the Township Ordinance 1920

Soon after the War, besides keeping the German Administrative and legislative framework in force, the British colonial government passed an omnibus type of legislation called the *Regulation for Peace and Good Order*, dated 22/2/1919. Under the provisions of this piece of legislation, the Dar es Salaam District Political Officer issued the *Rules for the Township of Dar es Salaam*⁸ which came into effect on the 1st day of November, 1919.

⁸ Government Notice No. 6 of 1919.

These rules covered a whole range of issues, including licensing, carrying of dangerous weapons, and regulations related to: vehicles, markets, the slaughtering of cattle, bakeries, milk, entertainments, sanitation, suppression of mosquitoes, the general behaviour of people in the townships, etc. These regulations further defined the boundaries of Dar es Salaam Township and forbade the erection therein, of buildings, walls, etc., or the making of alterations thereto, without the permit of the District Political Officer. Using these rules, the Dar es Salaam Political Officer, M.A. West was able to police and regularise the native area at Karikao (below).

The *Rules* revealed a major aspect of colonial policy: that natives were aliens to urban areas. Under S.8 (of these *Rules*), no native arriving in the township was allowed to remain in there for 6 days without the written authority of the District Political Officer. The latter was empowered by S.12 to repatriate anybody to his home or district of origin. This was in consonance with the policy on labour and on land tenure outline earlier. The restriction on the natives' urban residential duration was later incorporated in the *Township Rules* of 1923.

In 1920, *Sanitary Rules for the Township of Dar es Salaam* were published and were effective from 1/9/1920. These gave the Medical Officer of Health, powers of ensuring the suppression of mosquitoes and of dealing with sanitary nuisances and insanitary premises⁹.

The Township Ordinance, 1920 and Rules made under it

Towards the end of 1920, the *Township Ordinance* was enacted¹⁰. It was a very short ordinance, with just nine sections, but it gave the Governor, powers to declare an area to be a Township, and to make rules for the health, order, and good government of the Townships. Soon afterwards, Dar es Salaam, and another 29 settlements in Tanganyika were declared to be townships.

In 1922, comprehensive *Township (Building) Rules* were published under the *Township Ordinance*. Besides creating the *Central Town Planning and Building Committee* to be

⁹ Government Notice No. 39 of 5/8/1920.

¹⁰ Proclamation No. 26 of 1920.

appointed by the Governor for any township, these rules provided building regulations applicable to Dar es Salaam and included provisions requiring that a building permit be obtained before erecting any, (including native), building. These rules were short lived and were soon replaced by the *Township Rules* of 1923, effective from 1/4/1923 for all townships in the country. These rules combined the 1919 *Rules for the Township of Dar es Salaam*, the 1920 *Sanitary Rules for Dar es Salaam*, and the 1922 *Township (Building) Rules*. The updated *Township Rules* allowed the Governor to appoint a Township Authority which would be the land development manager of a township. Section 94 of these *Rules* (shown in later documents as Section 84), gave the Governor, powers to prescribe, by notice in the *Government Gazette* in respect to any township, areas:

- (a) in which residential buildings of European type only were to be constructed;
- (b) in which residential and trading buildings may be erected; and
- (c) for native quarters only.

In 1924, *Building Areas for Dar es Salaam Township* according to the above scheme were published¹¹. The areas defined to correspond with (a), (b) and (c) in the paragraph above, were called Zone I, Zone II and Zone III respectively (Appendix 4.1). This definition corresponded in area with the zones as defined under the 1914 German *Bauordnung* for Dar es Salaam. (Figure 3.5)

The *Township Rules* were amended in 1930 by removing those rules related to buildings (i.e. Section 86-133) and re-enacting them as a separate piece of legislation, called the *Townships (Building) Rules* of 1930 (effective 1/5/1931). The "balance" of the *Township Rules* were further amended in 1933 to redefine the building areas where only native quarters were allowed, to be areas where buildings of any type were allowed. This amendment was aimed at legalising, retrospectively, and at allowing, in future, the erection of non-native types of buildings in the native areas. The amendment was necessitated by the fact that already many Indians and other non-natives were putting up buildings in native areas. The building areas (zones) for Dar es Salaam were republished in 1934 to reflect the above changes.

¹¹ Government Notice No. 160 of 11/6/1924.

Critique of the *Township Rules* 1920

These rules were too ambitious. They included so many items, ranging from the prevention of pollution to water supplies and regulating rickshaws, to regulating native behaviour, including their period of sojourn in townships, and their engagement in various forms of entertainment. The rules were also makeshift and not well laid out to flow logically.

With regard to building areas, the *Township Rules* never defined what was meant by "European buildings", "residential and trade buildings", or "native buildings". Moreover, the concern with residential buildings, say in Zone I, did not take into account the already existing, or future, office, industrial and commercial buildings. This definition of the building areas would appear to have been copied from the German 1914 *Bauordnung* without much alternation, to suit the circumstances referred to. Since the philosophy behind the 1914 *Bauordnung* was racial segregation, section 94 (later 84) of the *Township Rules* was aimed at achieving the same. That the rules were badly presented was perhaps a reflection of the heavy workload which must have confronted the law drafters in 1923. In that year alone, thirty four ordinances were enacted. Some of these, like the *Land Ordinance*, the *Native Authorities Ordinance*, the *Police and Prisons Ordinance*, and the *Customs Tariff Ordinance* were at the very core of colonial governance.

Other provisions of the *Township Rules*, and of the *Township (Building) Rules* relevant to this study were concerned with: structural safety, health, ventilation, and sanitary and public health provisions, all important and traditional safeguards during this early period of urbanisation. But these set such high standards for buildings that only a minority could afford them. The colonial answer to this paradoxical situation was to provide zones where simple buildings were allowed, and to make sure that these were always at a considerable distance, and usually separated by open space, or other lines of cleavage, from European residential areas.

While much of the 1930 zoning reflected the status quo, with its ancestry in the German period, the application of Zone I regulations northwards of the Residential area into Upanga was to cause a major problem to the Township Authorities since the area was already occupied by natives who were freeholders, and who had already constructed, and continued

to construct, native huts in this Zone I area; and used the area for agricultural purposes.

The definition of Dar es Salaam into three building areas was, as we will see later, translated into dividing the town in racial zones. This remained the case until well into the 1950s. However, Indians infiltrated both Zones I and II, sometimes causing negative reactions from the Zone "owners", both Africans and Europeans. Government provision of services varied with the three zones with a concentration, both qualitatively and quantitatively, on Zone I.

The *Township Rules* (in conjunction with the powers emanating from the *Land Ordinance*) were used to define the various zones in Dar es Salaam on the ground. In this respect, the *Rules* were used to clear the Open Space; to remove natives from the city centre, and to try to remove natives from Upanga (under the pretext of the illegality of native huts in these areas); and to remove natives from the Gerezani area (under the pretext that most huts in the area had been constructed without authority). Before describing and analysing these particular cases, a study must be made of the cornerstone of Land policy in the country: the *Land Ordinance* of 1923.

4.2.5. The *Land Ordinance* 1923 and related legislation

Provisions of the *Land Ordinance*

In all colonies it was found almost paramount to pass legislation to regulate the tenure of land. In Tanganyika this was the *Land Ordinance* of 1923. It drew a lot from the experience of British Colonialism in Northern Nigeria. It was enacted in a framework where the terms of the Mandate (though weak) had stipulated that "native interests" should prevail when passing laws related to land, but also where the colonial government wanted to control land, since this was the backbone of the economy. The result was a piece of legislation purporting to protect native interests while in effect it concentrated all powers over land in the Governor; although there was a little leeway for the few holders of freehold tenure granted or recognised by the German administration. The *Land Ordinance* was worded in such vague, and sometimes contradictory, terms, that the Governor could use its provisions to pursue any desired policy. Major provisions of the *Land Ordinance* were as follows:

- o All the land in the Territory, whether occupied or not, was declared to be public, vested in the Governor, for the use and common benefit, direct or indirect, of the natives. In exercising his powers, the Governor was to have regard to native laws and customs obtaining in the area in question.
- o Private titles to, and interests in, land, lawfully acquired before its coming into effect were recognised. However, such titles or interests had to be proved to the Governor's satisfaction within five years of the *Ordinance*.
- o The title to use land was the Right of Occupancy which the Governor could grant to both natives and non natives, but this could not exceed 99 years, and the area granted could not exceed 5000 acres without the sanction of the Secretary of State for the Colonies.
- o The rent to be charged for land being granted to non-natives for the first time, was to be the highest offer made at public auctions. Normally the land was allocated to this highest bidder.
- o Transfer of land from natives to non-natives, unless sanctioned by the governor, was prohibited.

The *Land Ordinance* gave extensive powers to the Governor and was considered vague and possibly anti-native by, among others, the Permanent Mandates Commission, particularly when it came to defining what Public Land was, since it appeared that customary tenure fell under Public Land. For the opposite to be the case, i.e. for customary tenure to be regarded as private land, lawful acquisition had to be proved and this was certainly impossible in the case of customary tenure. It appeared therefore that the *Land Ordinance* had converted customary land into Public Land under the control of the Governor. But, while this was so, holders of customary land had not originally been granted this land by way of a Right of Occupancy - the Governor's tool for granting land. In order to address this anomaly, the *Land Ordinance* was amended in 1928. Both the right of occupancy and the occupier were redefined as follows:

Right of Occupancy means a title to the use and occupation of land and *includes the title of a native community lawfully using or occupying land in accordance with native laws and customs.*(Emphasis added).

Occupier means the holder of a Right of Occupancy and includes a native, or *a native community lawfully using or occupying land in accordance with native laws and customs.* (Emphasis added)

The result of this redefinition was that there were two kinds of a Right Occupancy:

- o a granted one referring to the land directly granted by the Governor; and,
- o a deemed granted one, referring to land occupied under customary tenure.

This in effect confirmed customary land as public land vested in the Governor, but whose duration of tenure, like freehold interests, was indefinite, and which carried no covenants.

Some criticisms of the *Land Ordinance*

The *Land Ordinance* was said to fundamentally recognise the rights of the natives to the usufructu of the land in sufficient quantity to enable them to provide, not only for the sustenance of themselves, but also for that of their progeny. But, judging by its provisions, this was never stated anywhere except in the preamble which had no legal force. Provisions which could be interpreted as giving security of tenure to those holding land through customary tenure were oblique and not backed by any effective sanctions. No procedure was laid down to investigate customary rights. Native Laws and customs were never properly defined, nor were their parameters for dynamism and change ascertained.

The geographical jurisdiction of any community using land lawfully under customary tenure was never defined; nor was it made clear whether sections or individuals in a Community could move to another society or area and still use land according to "native laws and customs". No procedure was laid down to ascertain customary rights where land was to be alienated. There was no statement that land could not be alienated contrary to the wishes of the local communities. There were no provisions to specify the amount of land to be left to native communities for their current and future needs in the case of alienation.

Finally, there were no provisions for compensation in case African land was alienated¹². These important safeguards were left to Administrative Policy.

Besides, the *Land Ordinance* did not address the question of migration by natives within the territory. It left vague the question of freeholds obtained, or implied, by prescription along the coastal belt, and at the fringes of urban settlements. It was aimed at patronising the natives, but it did not address the dynamism emanating from socio-economic changes taking place over time. What for example, if natives sold their land? Would customary tenure end? If so, would the purchaser be a squatter on public land?

The non-granting of freehold tenure to natives was not meant, as might be construed, to protect native interests but to weaken them. Freehold tenure, as the case of Upanga discussed later on below shows, would have made it difficult for the colonial Government to tailor the use of land to its needs, thus the coining of the *Land Ordinance* in terms vague enough to be applied to any situation; and the denying of the natives of freehold tenurial status¹³. In implementation, only very weak efforts were made to investigate native titles in the country in general, and about the urban fringes, in particular.

The creation of a dual system of getting access to granted land, one for non natives through auctions, and the other for natives through administrative allocation, in a situation where Africans could not compete monetarily on equal footing with other races, served to exclude Africans from choice (particularly commercial) urban plots, thus perpetrating racial segregation and unequal access to economic power in urban areas.

The real functions of the *Land Ordinance* were:

- o In relation to African land held under customary tenure, to vest its legal control in the state, while inserting other provisions vague enough to be interpreted as actually doing the opposite i.e. giving security of tenure to Africans; and to justify, in legal terms,

¹² For the amplification of some of these criticisms, see Lyall, *Land Law and Policy in Tanganyika*, pp. 66-72.

¹³ A.L. Mabogunje, *Perspective on Urban Land and Urban Management Policies Policies in Subsaharan Africa*, World Bank Technical Paper No. 196, Washington, 1992.

any future shift in administrative policy towards land. It was a land grabbing act, garbed in benevolence to Africans. It gave near absolute powers to the colonial state over the tenure, use, and development of land;

- o To establish an attenuated form of private property (in the form of granted Rights of Occupancy) suitable for a small class of settlers, but whose security of tenure to land was tenuous, given the powers vested in the Governor with respect to the granting and cancelling of Rights of Occupancy, and the regulation of land use development;
- o To preserve the already alienated land in the North-east of the territory for settlers¹⁴.

The *Land Ordinance* satisfied the two conditions of general colonial policy outlined above that is, the non-privatisation of land considered to be owned by natives, and the non-proletarianisation of the African. It also created a framework where land could be acquired cheaply by the governor, and the occupiers replaced.

The issue of African freeholders of land, acquired, for example, by prescription (below), and the difference between this and customary tenure was left (and still is) vague.

Other Legislation related to land tenure

As was the case in other colonies, the British Colonial government enacted the *Registration of Documents Ordinance* 1921, early in its administrative era. It was meant in particular to have people with claims in land to come forward and register them with view of minimising/reducing claims and counterclaims. The *Ordinance* was later on repealed and re-enacted as the *Registration of Documents Ordinance* of 1923 whose section 21 prohibited dealings in land between natives and non natives without the sanctioning of the Governor. This provision was also enacted as Section 11 of the *Land (Law of Conveyancing) Ordinance* of 1923, and also as Section 8 of the *Land Ordinance*.

While as a general rule, colonial policy did not recognise freehold land tenure among

¹⁴ Lyall, *Land Tenure and Policy in Tanganyika*, p. 64.

natives, there were areas where it was considered that customary tenure had broken down and individual tenure was the norm. Such areas were seen as the whole coastal belt (though not precisely defined) and around inland towns like Tabora. Section 11 of the *Land Registry Ordinance* of 1923 allowed natives who could prove that they, or their ancestors, had been in continuous occupation of the land for 30 or more years prior to the coming into effect of the *Land Ordinance* (i.e. since 1893 or earlier) to claim freehold title. This did not apply where land was held under customary tenure, but it will be observed that: (a) 30 years continuous occupation was arbitrarily determined; and that, (b) proving this occupation was difficult. At any rate, as was the case during the German administration, no effective policy was undertaken to investigate these African titles.

The Effects of the *Land Ordinance* on Dar es Salaam's Land use structure

Several actions undertaken by the colonial government in shaping Dar es Salaam were based on the *Land Ordinance* and are described below. These included: the removal of Africans from the central area and directing them to Kariakoo and Ilala; the clearing of the Open Space; the use of the grant of a Right of Occupancy as a way of enforcing development conditions e.g. during the conversion of *Kiwanja* tenure into Rights of Occupancy; the allocation of short term rights of occupancy to Africans in urban areas thus discouraging them from developing permanent structures; and the offering of choice urban plots through public auctions to non-natives.

4.2.6 Shaping Dar es Salaam's land use structure through land policy

The German Legacy

The Dar es Salaam that the Germans left behind was partly well ordered, as in the case of the Government area and parts of the central area; but was partly chaotic, especially in the *bazaar*, and the "old" native area. The new native town, Kariakoo, had been planned by the Germans to Msimbazi Street, but its development particularly during the War period, had not gone in accordance with what had been planned for.

The Dar es Salaam District Political Officer was anxious to get the German 1914 *Bauordnung* for Dar es Salaam. Once this was obtained, the authorities went ahead to shape

Dar es Salaam according to the provisions of this *Bauordnung* whose building areas (zones) were published under the *Township Rules* in 1924 (Appendix 4.1). Thus, the major tool of urban land policy during this period was the zoning scheme for Dar es Salaam prepared in 1914. It was faithfully adhered to by the British administration. First of all, they tried to slot the various races in their proper zones, although as time went by, this practice proved difficult to maintain. Second, within the zones, efforts were made to regularise and direct land uses internally. Thirdly, consideration had to be given to the question of new land to cope with demand for urban land (Figure 4.2). In all these processes the issue of public health was usually put forward to justify racial segregation. In the following paragraphs the various steps taken to adhere to the zoning scheme for Dar es Salaam are presented.

The Clearing of the Open Space, 1921-1932.

As has been pointed out above, the German government had prepared a *Bauordnung* in 1914 which divided Dar es Salaam in three zones. Zones I and III were to be separated by a Neutral Zone (later on known as the Open Space) in which there would be no buildings. Having obtained the German *Bauordnung*, the first major British undertakings were: regularising and extending the native zone in Kariakoo and Ilala, and clearing the neutral zone of existing, (mainly native) buildings. It should be stated at the outset that the hitherto propagated view that the Open Space was cleared as a result of fire outbreaks¹⁵ seems to discount the fact that it was deliberately planned by the German colonial government.

According to some British colonial officials, the neutral zone was planned by the Germans: (a) as a lung; (b) to separate those classes who use WCs, from those who use more primitive methods of disposing waste matter; and, (c) to provide an open space for fire protection. These reasons are given in a document written in 1930 and are based on hindsight¹⁶. It is suggested that these reasons were considered but were not the most crucial. The sanitation standards between Indians and Africans, for example, could not have been much different since all lived at extremely high densities and relied on pit latrines as a

¹⁵ see for example, J. Campbell, "The State, Urban Development and Housing", in, N. O'Neil, and K. Mustafa, *Capitalism, Socialism and the Development Crisis in Tanzania*, Avebury, Aldershot, England, 1990, pp. 152-176.

¹⁶ See Tanzania National Archives File No. 10477, Compensation for Houses removed by Government.

major mode of sanitation. This was later on confirmed by colonial administrators in respect of the commercial area¹⁷. The main reason why the Open Space was planned to be between the commercial and native zones (not, as was more common elsewhere, between European and native zones) was that the Germans wanted a stake in the commerce and property in the commercial area which was already colonised by the Indians as well as natives. The Indians however were prominent in trade, and were being groomed to be even more so, while natives were not. If natives were removed and separated from the Indian (Commercial) area, they (natives) would, indirectly be separated from the Europeans in the commercial area. Moreover, the European residential area was at some considerable distance from the commercial area, and between these two areas, was a European shopping area and functional buildings and factories (e.g. the Brewery, see Figure 3.3) and a north-west/south-east thoroughfare.

The Open Space had originally been planned to be 300 yards wide although for some reasons this was reduced to 150 yards. From 1921, the Administrative Officer for Dar es Salaam took steps to prevent the erection of new buildings in the area earmarked for the Open Space, although its width was not fixed and settled till 1924¹⁸. In order to remove people from this area, the Township Authority decided to apply the *Township Rules* of 1923 in a curious manner. Under the provisions of these rules, permission was required to erect a building. "Erection" of a building was defined by the Township Authority to include rebuilding a wall that fell down, on the argument that if each wall that fell was rebuilt, a new building would result. Therefore, whenever the wall of a house in the earmarked open space collapsed, or fell into such disrepair as to necessitate major reconstruction, the Township Authority refused to grant permission to repair, and then could come in and demolish the building as being unfit for human habitation (rules 98 and 107, *Township Rules*). So, gradually buildings disappeared from the Open Space, although natives were in most cases unwilling to move. No compensation was paid to those required to move since they had built on public land. The purpose of denying the natives permission to repair was to let their

¹⁷ See Tanzania National Archives File No. 4/15, Housing in Zone 2, Dar es Salaam Township, where, in February 1945, the Medical Officer, G.A. Wilson, described the pit latrines in the Commercial (i.e. Indian) Area as the last word in filthy disposal, and where people lived up to 11 in one room.

¹⁸ Tanzania National Archives File No. 12589, Dar es Salaam Township Layout.

on public land. The purpose of denying the natives permission to repair was to let their buildings to run down and thus allow the authorities to take land without compensation.

In 1926, after complaints against the denying of permission to repair, and the obvious danger to public health that this policy entailed, the Governor set up a Commission of Inquiry. This recommended that rather than refuse permission to repair, each house should be given a "remaining life" period not exceeding 10 years. Permission to repair could be given provided this did not affect the "remaining life" of the building in question. This approach upheld the principle of wanting to take land without compensation, but avoided the adverse public health effects emanating from denying permission to repair. Most of native houses were arbitrarily given a remaining life of 3 years from July 1927 and notices to quit were issued. Some 170 native houses were affected. Realising the futility of fighting with the government, most natives had moved by mid-January 1930. They were no doubt aware of what had befallen the natives in Gerezani Village (below). However, some 63 houses whose owners had ignored the demolition notices served from 1927, remained in the area. These belonged to Swahilis (21), Arabs (10), Indians (31), and Goans (1). The District Officer and the Director of Medical Services were urging for the immediate removal of these houses, arguing that there should not be discrimination in implementing the law, since it was mostly natives who had obeyed the orders to move while those who remained behind were mainly non-natives. In the wrangle that ensued, the Provincial Commissioner, Eastern Province, inspected these buildings and found them still physically fit, so their "lives" were extended for another two years. This was simply a way to favour the non-natives and to avoid confrontation with them, for, as long as permission to repair continued to be granted, buildings would continue to be fit. It had however been agreed, in 1926, that the buildings' lives would not be extended beyond the "remaining lives" as originally determined.

But even after the expiration of that extra period, these people were still unwilling to move citing, *inter alia*, the World Depression. The Governor however, got tough and would not accept any pleas for extension of time, or for compensation. Even the case made by the District Officer on behalf of five Africans who were elderly, infirm, very poor, incapacitated, (in two cases, blind) and without wherewithal to demolish let alone to rebuild their houses,

were not entertained¹⁹. After March 1932 the government decided on a court action to remove the remaining, mainly non native occupiers.

By the mid-1930s the Open Space had been cleared of all buildings. Natives, and others were removed from this area because the land was public and was earmarked to serve colonial zoning interests. The alternative plots that were allocated to some, were distantly located in Ilala. The investment which the natives had made in their houses was deliberately made to deteriorate and condemned to demolition without compensation. The fixing of the "remaining lives" period was done arbitrarily considering that house repair was originally prohibited. Only hardship could have been caused to natives in the process of clearing the Open Space since they had to undergo costs of demolition and rebuilding. This was indeed admitted by some colonial officials. Commenting on the growth of Kheko Settlement to the south of Gerezani, (Figure 4.2) the Dar es Salaam District Officer, W. Fryer, summed up the situation by pointing out that:

During the past 12 months, several hundred natives houses have been removed from the Open Space area and Gerezani Village. When it is realised that the average house was one of 4 or 5 rooms and that each room housed a separate family, the amount of inconvenience to which natives have been put, and the extreme difficulty many experienced in getting accommodation sufficiently near their work, can readily be realised²⁰.

Conversion of *Kiwanja* Tenure into rights of Occupancy 1926-1932²¹.

As will be recalled, much of the commercial area had been acquired by the government during the German era but occupiers, both natives and Indians, were left unmolested for the time being. They continued to construct haphazardly in any materials. This kind of rather indefinite tenure on government land, and akin to squatting, came to be known as *Kiwanja* tenure. It was permissive occupation, though, since occupiers paid rent to the government, and tenure was terminable at 6 months notice. Once the Open Space had been defined the

¹⁹ Tanzania National Archives File No.10477, Compensation for Houses removed by Government.

²⁰ Tanzania National Archives File No. 52/A/1, Kheko Village Settlement.

²¹ Tanzania National Archives Files Nos 12248 and 94/A, *Kiwanja* Tenure, Conversion to Rights of Occupancy.

colonial government turned to the commercial area, in order: (a) to remove natives from there, and, (b) to force Indians to improve their buildings and the general environment of the commercial area. Two methods were used. One was to deny natives permission to repair their houses, and later serve them notices to quit as was the case with the clearing of the Open Space. The other was to force Indians to take up Rights of Occupancy, which incorporated expensive building and land use covenants.

Kiwanja tenure existed in other urban areas in the territory so that *Circular No 31* of 1926 was issued by the Chief Secretary to all Provincial Commissioners to the effect that all non-natives occupying land on *Kiwanja* tenure be given, before October 2, 1926, notices to quit ending their tenancy within six months i.e. on 31st March 1927. For some legal and administrative reasons, the deadline to convert these tenancies was extended to 1932. The aim of ending *Kiwanja* tenure was to get higher land rents, to improve building and environmental conditions in the commercial area without the government itself spending the money, and, to remove natives from some areas. The government was willing to negotiate with the affected non-native land occupiers to remain in occupation (without necessarily abiding by the expensive building conditions) provided economic rent was paid. The tenancy would then be converted into a year to year one, terminable at six months notice, until converted into Rights of Occupancy. The *Land Ordinance* required that Rights of Occupancy could be obtained by non-natives only via public auctions, but permission was being sought from the Secretary of State to waive auctions in the case of non-native holders of *Kiwanja* tenure. It was later decided that those occupiers who had complied by the notice to quit and had applied for Rights of Occupancy before 31 December 1927, or those in occupation of the land since 1923, would be granted Rights of Occupancy without going through auctions. This meant that those people were naturalised at where they were, although they had to pay higher rents and abide by building covenants.

In 1926, some 537 non-native *Kiwanja* tenants in the commercial and Kariakoo areas of Dar es Salaam were issued with notices to quit²². Most ignored these notices. By mid 1931, some 500 still held over. The Indians, who were most affected by this move,

²² Tanzania National Archives File No. 94/A, *Kiwanja* tenure, conversion to Rights of Occupancy, Dar es Salaam.

protested vehemently to the government, claiming that they had no money to pay the higher land rents and to abide by the expensive building covenants. A *Kiwanja Tenure Holders Committee*, with one D.K. Patel as its Secretary, was formed in October 1931, to protect Indian interests. The *Committee* made various representations to the colonial government, as a result of which, land rents were reduced, the period in which new buildings specified in the Rights were to be completed was extended from two to four years, compensation for existing building was increased to reflect disturbance, and in the case of hardship, each case was to be considered sympathetically. Because of their economic importance, and as they were better organised, the Indians were able to extract concessions from the colonial administration, a privilege that was not usually accorded to natives.

While some categories of Indians were granted Rights of Occupancy without going through auctions, and, as shown above, the government was prepared to be flexible with regard to rents and building covenants, no privilege of the sort was extended to natives. They were simply required to move out of the commercial area and go to Zone III. Some 334 native house owners were affected. The case of Huyura bint Islam²³ illustrates the plight of the natives. She was a widow and her family had lived at No. 4 Kitumbini Street, for over 55 years by 1951. As the government did not want native houses in the area, she had been denied permission to repair her house and was under notice to quit. Although she had a lucrative offer for her plot from a non-native buyer, since she could not herself meet the building conditions required for the area, the authorities would not let her sell the plot since the land belonged to the government and could only be disposed of via public auction, which she could in no way win, in which case she could only receive the value of her unexhausted developments, i.e. the value of her house which she had been denied permission to repair for years. This is what befell the majority of Africans in the commercial area. They were forced to leave, often empty handed, to start a new life in the native zone.

On the other hand, despite their earlier protests, the Indian community by and large complied with the requirements of the Rights of Occupancy, particularly after the Depression. Gradually the central area was regularised, and rebuilt. In 1936, the Land Division pointed out

²³ Tanzania National Archives File No. 255, Land: Transfer of Property, natives to non natives.

that there were no more plots in Dar es Salaam held on *Kiwanja* tenure:

The period of grace for demolishing condemned buildings and for carrying out the necessary improvements to convert existing buildings into approved buildings expired during the year and it is noticed that there has been a large addition to the number of modern, habitable and sanitary buildings in the *bazaar* area of the township²⁴

The effect of this process was two fold. One, it outlawed continued native residence in the commercial area, and the few remaining natives, like Huyura binti Islam mentioned above, were always under pressure to move to the native area in Kariakoo and Ilala. Two, the Indians got cemented in the commercial area. This slotted in very well with the zoning designs of the 1914 German *Bauordnung*, as later on reproduced under the *Township Rules* of 1923, made under the *Township Ordinance* of 1920.

The Kisutu Improvement Scheme, ca 1928²⁵

At about the same time as natives were being removed from the Gerezani area (below), an improvement scheme had been prepared for Kisutu, an inner city area between the Open Space and Bagamoyo Street (currently Morogoro Road). The scheme entailed the preparation of a layout for 34 commercial residential plots. The existing occupiers had to be removed. Because these were mainly Indians, the Governor, while expressing satisfaction with the whole scheme, saw no justification for evicting the occupiers in the arbitrary manner proposed, and ordered that they should be paid compensation for their properties, plus 50% of the compensansation to reflect disturbance. The total compensation bill amounted to 21,000/= (Compare to just over 1,000/= for the Gerezani natives, below). He further ordered that these Indians should be informed that the Government proposed to prepare a layout for the land and to sell it, and that they should be given alternative plots upon which to build. The term and conditions of the sale of the plots were given as 99 year leases with buildings whose value was to be no less than 20,000/= for plots facing the Commercial Street and 15,000/= for all others. Such conditions excluded all natives.

²⁴ Tanganyika Territory, Land Division, *Annual Report for 1936*, Government Printer, Dar es Salaam, 1937, p.9.

²⁵ Tanzania National Archives File No. 29/A/163, Rights of Occupancy, Kisutu Area.

Thus when it came to Indians, government policy was considerate, but when it came to natives it was absolute. This unfair treatment of some races was in fact pointed out by officials during the clearing of Gerezani. Officials noted that those being moved from Kisutu were being compensated, while those being moved from the Open Space were not, and that this could incite trouble²⁶.

Dealing with early native spontaneous settlements in Dar es Salaam

Together with the efforts to abide by the zoning provisions for Dar es Salaam, the authorities addressed their attention to the development of spontaneous native settlements within or about the township boundaries. Three examples are dealt with here. They all reveal various, sometimes contradictory, facets of colonial urban policy. The Gerezani settlement was swiftly dealt with and removed because it was contagious to a new European residential area. The Kheko one was ignored because it was far from the nearest European settlement. The Upanga one pitted the Town Authority against the Central Government and could not be removed partly because the residents put up a protest.

(a) Removing the Native Settlement at Gerezani, 1929²⁷

Early in 1929, Senior Health Officer, Dr. H.B. Follit, wrote to the Executive Officer, Dar es Salaam Township Authority, expressing concern over the development of a native settlement at Gerezani (Figure 4.2), which had grown from a few scattered huts to over 106 of these, covering a wide area of private land, extending, on the one hand to the banks of the Gerezani Creek, and, on the other, to within a few yards of the compounds of the European Railway employees' housing: "The conditions are thus almost ideal for the production of a malaria outbreak among Europeans".

He complained that the huts were constructed of any materials, and sanitation was very bad. When natives needed mud, he went on, they would scoop it from anywhere. There were therefore, several borrow pits along the banks of Gerezani Creek: "in a situation best calculated to nullify the efforts of the anti-malaria staff". He called for an urgent policy to

²⁶ Tanzania National Archives File No. 12589, Dar es Salaam Township Layout.

²⁷ Tanzania National Archives File No. 12589, Dar es Salaam Township Layout.

determine the boundaries of this native village and particularly: "the distance from existing and prospective Railway European houses within which no native huts should be permitted".

In their recommendations to the Chief Secretary, both the Dar es Salaam Township Authority and the Provincial Commissioner supported the removal of the natives from Gerezani. The Township Authority Executive Officer, Dr. R.R. Scott, believed that natives should be evicted at three months notice and that the area should be properly laid out for native habitation, provision being made for roads of access etc. He, added however: "the proximity of the area to the new European railway quarters ---- makes it undesirable to permit natives to occupy it."

In mid-1929, the Governor approved the demolition of the native huts in Gerezani as soon as alternative sites could be found. He promised compensation should this be necessary. On 10th November 1929, a meeting was convened by the authorities in the Gerezani area and all natives were given three months notice to move. Only two huts were not to be removed: that belonging to Halimi binti Fundi (who with her half-sister Mwanaasha binti Fundi, was one of the two freehold owners of the Gerezani land), and that of Hemed bin Said (husband of Mtumwa binti Ally, who was the other of the Gerezani land owners). The rest of the huts, 132 in all, were to go. Only 37 hut owners who had constructed before the passing of the *Township Rules* of 1923 (which required that a permit be obtained before constructing a hut in a Township) were judged as being entitled to compensation. The amount of compensation for these 37 hut owners was calculated by the District Officer to be only shillings 1,197/= (see Appendix 4.2 for the list of the payees). No compensation for disturbance was paid. Alternative land was offered much to the west of the township, beyond the offensive factories sites (Figure 4.2)

That the whole exercise was unfair, is reflected in the Governor's fears, when he queried whether the Gerezani settlers had accepted the removal orders and compensation "at these rates". He was however confident that trouble could be dealt with:

If there is opposition, there is ample means of overcoming it under the law, but it is always safer in these cases to find out before hand if the settlement is agreed upon.

Fortunately for the administration, all natives accepted compensation and all had moved before August 11, 1930. However, only 47 of the 132 people who were allocated plots west of the offensive factory site accepted them. This reflected the distance of these alternative plots from workplaces for these natives which were mainly in the harbour. It also reflected the natives' inability to meet the building conditions required by the Township Authority (even for native type of buildings).

It was however sad that the natives did not put up any protest. This might have been partly because, as the District Officer observed, the majority were "strangers to Dar es Salaam". At least two grounds of protest were in order. One, the area occupied was private (freehold) land occupied with permission from the owners to whom rent was being paid, and, as the Upanga case (below) shows, natives were entitled to stay there. Two, the area was *actually in Zone III* earmarked by the Government for native settlement (Figure 3.5). The problem would appear to be the intrusion in this native area, of European Railway Housing, and this necessitated the removal of natives to keep them far from Europeans! If the Authorities were unhappy with the quality of the huts that the natives were putting up, the solution was not to remove them, but to collaborate with them to improve these huts as well as the general environment of the settlement.

During the Gerezani saga, an issue was raised whether the colonial government was obliged to provide land for natives wishing to build in Dar es Salaam. It appeared to some officials that the government was not under any such obligation. In practice, however, since some natives were required in urban areas, many could not be repatriated anywhere, and many more kept coming to the township, there were restricted efforts to provide demarcated plots to the natives, in the interests of health and sanitation, although these had to be some distance from European residential areas. Colonial policy was always caught in a dilemma. It wanted only a highly limited number of natives in the townships, but it could not control the natives' movements. Thus the hostile policy toward the natives' land needs.

The Gerezani case demonstrates how medical reasons were invoked to achieve racial segregation. The same reasons were used unsuccessfully to try to remove natives from

Upanga area, and also to extend the Dar es Salaam township boundaries in the area near the high income residential area of Oysterbay.

(b) Khoko Village Settlement²⁸

This Settlement grew up near the southern boundary of the Dar es Salaam township, on high ground, East and South of Gerezani Creek (Figure 4.2). The area consisted of freehold land owned by Akida bin Mzee²⁹ and Suleman bin Nasr, and of government land, and of land whose ownership was unclear to the District Officer in 1930.

As was the case with Gerezani, the Township Authority expressed concern that new native huts had been erected, or were in the process of being erected at Khoko without permit as required by the *Township Rules*. There were 27 huts on Akida bin Mzee's land, 15 of which were new, i.e built during 1929 or thereabouts. Only 5 however, belonged to newcomers. The other 10 owners had upgraded their houses from the small *bandas* they had occupied previously. On Suleman bin Nasr's land were 53 native buildings, 38 of the owners having been on this land since before 1929. The number of new houses was 38 belonging to 15 new comers, and 23 old residents. On public land, there were 13 huts of which 4 had been constructed since 1929. Occupiers on Suleman's land were paying ground rent of between 3 to 6 shillings. On the land west of the Creek, whose ownership was unclear, there were 9 new huts built by people evicted from Gerezani Village. The total number of buildings was 107. They ranged from simple *bandas* to a good proportion of 3 to 4 roomed houses costing between 500/= and 800/= to build. There were signs everywhere of intended building activity (despite the Depression).

According to the District Officer, there were various reasons why Khoko was popular: it was near to the docks, wharves and railways where many natives worked; there were no building plots in Kariakoo, while Ilala (where plots were available) was fairly distantly located. Finally, rooms could be let at 5/= a month, a very excellent return on any capital invested.

²⁸ Details taken from Tanzania National Archives Files No. 52/A/1, Khoko Village Settlement.

²⁹ Today, part of Khoko is still known as Keko Akida.

The District Officer suggested that the area be Zoned "Zone III Extension", and that steps be taken to regularise the buildings, and to deal with those natives who had constructed since 1923 without permits. It is of interest to note that the District Officer, W. Fryer, who had overseen the removal of the Gerezani native settlement (above), and who was adamant against natives in Upanga (below), was the same and one advocating a somewhat liberal attitude with regard to Kheko. The reason for this was because Kheko was:

approximately a mile from the nearest European or non-native dwellings. Gerezani Creek forms a well defined line of cleavage and is the natural physical barrier separating the settlement from the already zoned areas in town.

Therefore, no action was taken. With the exception of an area redeveloped after Independence, Kheko is still an unplanned settlement. The above, however demonstrates that colonial policy was only interested in native settlements where it conceived that non-native life could be adversely affected.

(c) The Abortive Attempt to remove natives from the Upanga Area, 1931, 1935³⁰

Having triumphantly removed natives from Gerezani, the Open Space, and from parts of Dar es Salaam's town centre, the colonial authorities addressed themselves to the question of natives occupying the Upanga area, to the north of the Government and European Residential Area. Upanga was within Zone I of the Township and abutted the Ocean (Figure 4.2). It was not just natives who were living there. There were many Indians, Arabs, and Europeans, but the Town Authority's attention was vented on the natives.

In May 1931, the Dar es Salaam District Officer, W. Fryer, issued an order that natives should demolish their houses and remove themselves from Upanga area. He promised, where possible, to find alternative plots for those interested, in the extension of the Native Zone in Ilala.

Unlike the Gerezani case, this order was not taken meekly by the affected natives. Seven

³⁰ Tanzania National Archives Files Nos 81/85, Petition by Mwinyi Waziri bin Mwinshehe and others of Upanga, and 12589, Dar es Salaam Township Layout. Unless otherwise, shown information in this subsection is taken from the above two files.

of them: Mwinyiwaziri bin Mwinshehe, Mwinyikheri bin Akida, Mohamed bin Tambaza, Kidato bin Mwinyi Abdallah, Abdallah bin Mfaume, Mwinshehe bin Mwinyikondo and Mmanga bin Mwinyimkuu, on behalf of themselves and of others, submitted a petition to the Chief Secretary with copy to the Provincial Commissioner protesting against the removal order. They argued that Upanga was their birthright, that they could not see any reasons why they should be ordered out, that they would be unable to replace what they had already developed in the area, etc. Much as they revered the Chief Secretary, calling him the "Father of the people", "King of the whole Country of Tanganyika", and "elder of the town", and much as they referred to themselves as being stupid, they were firm in their message that they would not move (see Appendix 4.3 for the petition).

Contacted for his reaction on the petition, the District Officer put up a strong case for the removal of these natives from Upanga:

- o Erection of native houses was not allowed in Zone I of Dar es Salaam Township, in which Upanga was;
- o Many huts had been built without the permission of the Township Authority, but with permission of *shamba* owners;
- o He had sent for *shamba* owners to see him but many had not turned up;
- o The interests of non-natives had to be protected so that property values did not depreciate because of proximity to native huts;
- o There was the danger of fire spreading within the native huts and to non-native property; and,
- o *Township Rules* should not be breached so openly.

He nevertheless considered it unfair to prevent natives from building on their own land since they could not afford putting up a European house. Moreover, their *shambas* had valuable coconut trees. As an interim measure, he had allowed only one hut per native *shamba*, so that owners could keep an eye on their coconuts, but the development of the conditions as they were in Upanga could not be tolerated in Zone I.

In his advice to the Chief Secretary, the Provincial Commissioner, E.F. Brett, pointed out

that the petitioners were African freeholders living on the land, long before it was declared Zone I in 1924. They kept their *shambas* and had built and allowed to be built by their relations, native houses in the area. The Township Authority as well as the District Officer feared that another Gerezani Village was in the making, although these landowners had no means of building new houses elsewhere, and removing them would appear to be illegal without recourse to the *Land Acquisition Ordinance*. Yet the Provincial Commissioner seemed to contradict himself when he added that none of them (natives) had any right to remain where they were.

The central government, on advice from the Attorney General, decided that removing existing natives from Upanga under section 84 of the *Township Rules* (which empowered the Governor to declare building areas in townships) was illegal. As the law did not apply retrospectively, only construction undertaken subsequent to the passage of the *Township Rules* in an area demarcated as Zone I had to be of European Type. Hardship was only likely to befall the natives when their huts fell in such a disrepair that to repair them would amount to erecting new buildings.

This central government outlook differed from that of the Township Authority, which understood the rule to exclude natives from Zone I areas altogether. Because of this government ruling, natives were not removed from Upanga in 1931 as alleged by Fimbo³¹. Indeed some, like Mwinshehe bin Mwinyikondo and Kidatu bin Abdallah, both signatories of the protest petition to the Chief Secretary, were still in the area in 1950 and were actually bought out by Indians³².

In December 1935, the local colonial authorities again raised the issue of continued native residence in Upanga where already there existed 99 huts, and 60 native owned plantations. In his memorandum to the Chief Secretary, the Provincial Commissioner, G. Webster, pointed out that Health Officials wanted the huts to be removed, "in the interest of

³¹ G.M.M.Fimbo, *Law and Urban Housing: a Study of State intervention in Urban Housing in Tanzania*, Phd Thesis, University of Dar es Salaam, 1988.

³² Tanzania National Archives file No. 255, Land: Transfer natives to non-natives

public health with the least possible delay". Much as he was aware that the natives derived livelihood from their land in Upanga and had no other possessions, "the methods of life of these natives are a constant menace to the health of the non-native community", and that this was no doubt realised when, "the entire area was placed within the European residential zone in which residential buildings of European type only may be erected".³³

The Township Authority suggested that natives be allocated alternative plots, on Government land on Busse's *Shamba* on the Pugu Road, much to the west of Ilala and that recourse should be made to the *Land Acquisition Ordinance* to effect the getting rid of natives from Upanga. Not only were natives entitled to generous terms, the Provincial Commissioner went on, "but also the importance of accommodating them justifies them". The Health authorities, he wrote, were again pressing for the "urgent removal of these people".

Upanga natives were however not removed and it should be of interest to wonder why this should have been the case while the natives in Gerezani were swiftly removed.

The Attorney General's advice, that removing natives under section 84 of the *Township Rule* was illegal was only partially correct. The District Officer had pointed out that many huts had been put up without permission *after* the area had been declared Zone I in 1924. Thus, some of these had been "illegally" erected (ie without the permit of the Township Authority). One, therefore, cannot see any legal difference between the situation in Upanga and that in Gerezani. The reasons why the central Government chickened out of removing Africans from Upanga was because in the first instance, these people did put up a strong protest which could not be ignored easily, coming as it did from this kind of people (the Shomvis), who had settled in Dar es Salaam for over four centuries. Any attempt to remove them would have caused trouble. The colonial central government administration would have preferred a voluntary solution. In his note to the Attorney General on the Upanga issue,

³³ The *Township Rules* however, did not overtly define any area as "the European residential zone" as asserted here by the Provincial Commissioner.

Assistant Chief Secretary, G.F. Sayers, doubted whether at that time (June 1931),

a purchaser could be found by native residents of Upanga who would be prepared to pay a reasonable price for the land, and build a European type house. There is also the fact that a native is not necessarily tempted by financial inducement to abandon land which his father and forefathers had owned and cultivated.

In the Gerezani case, the Government had simply produced compensation money and did not dilly dally with legal niceties.

Secondly it was becoming apparent that Upanga would mainly be an Indian and non official European settlement. Many non-natives had already acquired freehold interests in the area. Government officials did not want a major stake in Upanga, having leapfrogged it and started a European officials' settlement at Oysterbay since the late 1920s. Commenting on a proposal made in 1927 by the Acting Governor to sell or lease out government properties at Seaview (part of Upanga) and create a residential suburb at Msasani (Oysterbay), the *Central Town Planning and Building Committee*, which favoured the scheme, ruled out the purchase of land West of Upanga Road for an officials' settlement since "this is the only available land for the non-government community"³⁴. At the same time, non-native plot owners in Upanga (particularly the Indians), were urging the Township Authority:

that land situated to the West of Upanga Road should be laid out in building plots and streets should be demarcated ----- so that owners know what is required of them, and prospective buyers be in position to acquire building plots.

It was obvious that natives in Upanga would sooner or later be replaced, and the central Government did not want to complicate matters for itself and to remove natives on behalf of Indian and other non-native land speculators, although the local authorities appeared to be bent on achieving just that.

Thirdly, as will be shown below, the Government was during this time resisting pressure to introduce a comprehensive town planning legislation, pressure which emanated in a large

³⁴ Tanzania National Archives File No. 20399, Proposed Suburb at Msasani.

measure from the continued haphazard development of Upanga. Removing natives from Upanga would have exposed the Government to the whole issue of Town Planning for Dar es Salaam which at that moment the Government was not prepared to address. For the time being therefore Upanga was to be left unmolested. All the same, the attempt to remove natives from Upanga reflected the prejudices that European officials had, and how they viewed the solution of the native problem in terms of segregation and distance from non natives, which was the basis of implementing the zoning provisions for Dar es Salaam. At the same time, the Upanga case revealed the contradictions between the two echelons of Government ("local" and "central"), and the independent use of Government power sometimes in a contradictory manner and not necessarily in the interests of private capital.

Internal reorganisation and extension of the zones

Although Dar es Salaam's zoning mainly emphasized the types of buildings allowed, it divided the town into three areas on a racial and functional basis. Zone I became mainly a European Residential area, although the freehold land in Upanga was owned and occupied by natives, Indians, Arabs and a few Europeans. We have seen above, the attempts to remove natives from Upanga. Europeans in Zone I were mainly officials although there was a number of non officials as well, engaged in private business. Zone II was occupied as a commercial/residential area by Indians and a few Europeans, all engaged in commerce, trade and some manufacturing. Zone III, also referred to as the Native Quarter or Native Town, was occupied by natives although there was an increasing number of Indians taking up trading plots, and (later) renting rooms in native houses, although this latter was illegal unless sanctioned by the Governor.

This section reviews how the three zones developed till 1945 bearing in mind the processes described earlier of moving natives from various parts of the town.

Zone I

This can be divided into roughly seven parts. (a) The area by the harbour front and east of the commercial area which comprised of the port and its appurtenances (including warehouses); (b) The area put to Government offices; (c) the area put to officials' residences and generally referred to as the Residential Area. It was generally south of the Golf Course and included the botanical gardens; (d) the Golf Course, which had been laid by the Germans

and included grounds for other sport and non native cemeteries; (e) the Upanga area, which was by 1935, largely freehold land put to coconut plantations; (f) the European residential area at Seaview; and, (g) the European residential area at Oysterbay across the Msimbazi River, (Figure 4.3). Land put to government buildings, officials' residences, and recreation grounds had, in the most, been earlier acquired by the Germans.

British officials simply took over former German residences, but as these proved insufficient for the existing requirements, some ex German private properties were "nationalised" by getting them withdrawn from public auctions during the sale of the Enemy Property in 1922, and by buying them at administratively determined prices. As demand for officials' housing was considerably high, another 12 houses were constructed in the late 1920s on Government land at Seaview. On advice from one Dr. A. J. Ornstein, an American who had worked as medical adviser for the German colonial government, and who, since 1913, had been working for the South African mines, Oysterbay was selected as a European settlement, although it was then outside the township boundaries. Writes Dr. Scott, then Executive Officer, Dar es Salaam Township Authority:

I did not meet Ornstein until 1927 when he introduced me to his mine hygiene in Johannesburg. After that, he visited us on several occasions and advised us to build our new residential extension at Oysterbay on the sea front, north of the old township, a breezy site which has proved a great success but which in 1919 had to be reached by canoe³⁵.

In 1927 a serious accommodation problem was facing government officials in Dar es Salaam. A scheme was thus drawn up to erect a number of quarters in a "pleasant and healthy site, at a distance, two or three miles from Dar es Salaam", at Oysterbay. The scheme, which cost £169,600 was funded from surplus balances, i.e. from general taxation.³⁶ Construction started in 1928 and by 1932, 40 units laid out at super low densities with a lot of open space and greenery were ready for occupation. A bridge³⁷ was

³⁵ R.R. Scott, "Public Health Services in Dar es Salaam in the 1920s", *East African Medical Journal*, Volume 40, No. 7, 1963, pp. 339-353.

³⁶ Colonial Office, *Report on Tanganyika Territory 1928*, His Majesty's Stationery Office, London, 1929, p. 85.

³⁷ Named "Salander", after the first Director of Public Works in Tanganyika.

Figure 4.3: Details of part of Zone I and Zone II, Dar es Salaam, 1940



Source: Gillman, "Dar es Salaam, 1860-1940"

constructed across the Msimbazi Creek in 1929 to replace an earlier temporary one, and this facilitated the northward extension of Dar es Salaam.

While it was a medical officer who suggested the extension of the European settlement to Oysterbay, it was medical reasons that were put forward to demand the extension of Dar es Salaam's boundaries to include Oysterbay. In a letter addressed to the Chief Secretary in April 1931, the Township's Authority's Executive Officer, E.H. Helps, on behalf of the Authority, and having obtained the approval of the *Central Town Planning and Building Committee*, requested the extension of Dar es Salaam's boundaries for two reasons³⁸:

- o One, the Medical Officer of Health had reported that there were prolific breeding places for anopheline mosquitoes in the area just outside the township boundary infesting the Government quarters at Oysterbay, but he had no jurisdiction over it, so, "it is considered to be essential, in the interest of public health, that the area should be brought within the Township for administrative purposes."
 - o Two, native huts were cropping up indiscriminately in the area and there was no authority to control the situation. Moreover, "Malaria carriers have been discovered in some of these huts and they cannot but be regarded as a danger to public health".
- In August 1931, the governor approved the extension of Dar es Salaam's boundaries North of Salander Bridge to include Oysterbay. (Figure 4.5)

Early Oysterbay was not popular with the officials. The Acting Director of Medical and Sanitation services, Dr. H. Owen, noted in July 1931 that the suburb was overgrown with grass and had many borrow pits. Proposals were made by both the Medical Officers and by a *Committee of Ladies* set up to look into the issue, that a small native village or common sleeping quarters for natives be erected within walking distance of Oysterbay to ease the problem of domestic servants, since it was observed that most workers did not want to sleep

³⁸ Tanzania National Archives File No. 19825, Dar es Salaam Township, inclusion of Oysterbay.

in the servant quarters provided. The idea was however not approved by the Governor³⁹, although later o "boys' villages" to serve Oysterbay were planned for, at Kinondoni and Msasani (see Chapter Five).

Beyond the township boundaries, the Oysterbay area was put to various uses including the quarrying of building stone, sisal plantations, saltworks and native cultivation. Various documents show that European Officials wanted to keep non Europeans out of Oysterbay. The views with regard to making Upanga an Indian area in order to prevent Indians from living in Oysterbary are presented later, but the case of Honourable Kassum Sunderji Somji, Member of the Legislative Council, an Indian tycoon of the late 1930s, illustrates the European officials' attempts to keep Oysterbay for themselves⁴⁰. Kassum was the owner of a salt factory at Oysterbay which he surrendered to the Government in 1938 in return for a plot of land with a 33 year lease on which to build a residence. The plan that Kassum submitted to the Authorities for his intended residence was beyond the wildest expectations of the European officials who described it as "terrifying", "likely to spoil the best site in Dar es Salaam", "unsightly", "Tower of Babel", "obstructive", etc. Besides, it was feared that Kassum might elect to live in Oysterbay, in a dwelling that dwarfed the existing European officials edifices. The view of the Central Government expressed by the Acting Governor and Chief Secretary, D.M. Kennedy, (who incidentally was wont of making overt racist statements), was that Oysterbay should be kept free for occupation by persons of a European standard of living. Officials tried to convince Kassum to cut the scheme down and the government offered to rent his house at £250 p.a; and to take it at the end of the lease with compensation at valuation. Furthermore, Kassum was offered an extension of the lease from 33 years to 99 years if he submitted plans for a single storey house acceptable to government. So anxious was the government to keep Kassum away from Oysterbay!

Throughout this period, Zone I remained more or less as described above, but with Upanga providing a scene of contention between the natives, the non natives, and between

³⁹ Tanzania National Archives File No. 19825, Dar es Salaam Township, inclusion of Oysterbay; and File No. 26177, Native Quarters North of Salander Bridge.

⁴⁰ The following is taken from Tanzania National Archives File No. 25555, Utilisation for the Area formerly occupied by the Salt Factory at Oysterbay.

the Township Authority and the Central Government. To solve this problem special legislation had to be passed in the late 1940s (Chapter Five).

Another interesting observation was the creation of a new European cemetery at Kinondoni (but just outside the township boundaries) in the late 1930s (Figure 4.5). The area was occupied by natives who were removed protesting against the unfair compensation given to them, and based on unexhausted improvements. In the case of one Saida binti Fundi who had been in the area for 15 years, compensation did not even cover her own input in clearing and tilling the land⁴¹. Her case clearly illustrates that the basing of compensation on unexhausted improvements was not aimed at preventing speculation, but at making it possible of the Government to acquire African occupied land at below its value. This was justified by the colonial philosophy which upheld that Africans knew no value in bare land, and were therefore not entitled to it; and in later practice that all land was either publicly owned, or was held under customary tenure.

Zone II

The conversion of *Kiwanja* Tenure into Rights of Occupancy described above, improved the environmental conditions of the commercial area. However, the triangle between Market Street, India Street and Kitchwele Street (Figure 4.3) remained highly overcrowded and insanitary. A number of small scale industries e.g. soap making, soft drinks manufacture, and mill grinding, had also been established in the commercial area in the 1930s. This was not unusual since the Germans had, for example, a brewery in this area (Figure 3.3). Medical Officers however insisted on the separation of industry from commerce and residences, so an offensive factories area was laid out beyond Ilala native settlement (Figure 4.2). Various notices to quit were issued to Indian factory owners to move from Zone II. Many refused to move. The policy was inconsistently enforced, some Indians being forced to move to the offensive factories area, others being allowed to remain behind (see Appendix 4.4 for a typical petition). The tendency was therefore for all to remain in the commercial area. The offensive factories area failed to take off mainly because it was distantly located and lacked the necessary infrastructure. Zone II however, was getting overcrowded and an outlet to relieve this pressure was urgently required. This was to be found in the native zone and in Upanga.

⁴¹ see Tanzania National Archives File No. 488, New European cemetery, Dar es Salaam.

Zone III (Kariakoo and Ilala)

With the British military occupation of Dar es Salaam in 1916, proper control of the erection of buildings could not, until 1919, be enforced. Construction was haphazard and did not necessarily conform to the German plan. From 1919 to 1921, the Dar es Salaam District Political Officer, M.A. West, with two assistants, undertook the task of realigning the houses in Kariakoo⁴². This was done partly through persuasion, and partly through denial of permits to build, or to repair or complete buildings. Many houseowners were forced to move without compensation. The authorities however were not sympathetic to these native developers and were capitalising on their non aggressive behaviour:

Although the native population may be regarded as exceptionally docile, and as willing to regard as an order, what may more accurately be described as persuasive positions, we must not lose sight of the fact that the land belonged to the Government, had been acquired for the purpose of building a model township of which the plans were in existence, and to which the existing street confirmed, and that the plots were held on one year's lease - the much discussed *Kiwanja* tenure, now regarded as terminable by six months notice.

At the same time, since it was obvious that the number of plots earlier demarcated in Kariakoo was insufficient to cope with demand, the land west of Msimbazi Street up to the Msimbazi River valley, was demarcated into plots. By August 1923, 600 of these were ready for issue. The market, disused since the War when it served as a Carrier Corps Depot, as well as the non-native trading plots around it, were formerly opened for business by the Governor at that time (Figure 4.4).

By 1929, there were so many native applicants for building plots that the government agreed to demarcate and issue some 600 plots on Borman's *Shamba*, a 500 acre ex-enemy property acquired for the government at auction for about £4,000, "for public purposes". This was yet another example of continuity with German policy. It will be recalled that the German government had purchased Schoeller's *Shamba* in Kariakoo in 1914 for settling natives. The new suburb, seen as the extension of the native Town, was named "Ilala" by

⁴² Unless otherwise shown, information in this subsection is taken from Tanzania National Archives File No. 12589, Dar es Salaam Township Layout.

the Governor, after the district in Rhodesia in which Dr. Livingstone died⁴³. A market square and some trading plots were demarcated at the site, and a small temporary market shed erected (Figure 4.2).

The colonial policy of segregating natives in Dar es Salaam had a built-in functional contradiction, for at the same time, the policy encouraged Indians to run trade in the native area. This was done by including a "non-native trading area" within the native zone. This, according to a government document, was necessitated by "various administrative, sanitary, and aesthetic reasons". This trading area included a large piece of land around, and near the new market in Kariakoo, and along Kitchwele Street, and other main thoroughfares carrying good frontages. Plots were allocated by way of auctioning Rights of Occupancy. The rights included expensive building covenants. A group of plots round an open square was set aside as a "native trading area". But none of these were taken up by the ordinary native. Rather than conceding that natives were facing unfair competition (since the prime sites were given to non-natives, for example), the government thought the native did not have the trading instinct, "sufficiently developed to run the business of a shop in competition with the non-native already established"⁴⁴.

Besides, as a result of overcrowding in their own zone, and as a way of looking for business openings, many Indians were seeking accommodation in the native area, accommodation which they could in some cases convert into shops. Some Indians were actually buying houses or plots from natives. Seeing the futility of fighting this process, the government decided to amend the *Township Rules* with respect to building areas to legalise the *de facto* construction of non-native houses in the native zone. The argument given was that zoning provided minimum, but not maximum standards. The terminology of the building areas for zone III was therefore changed to read: "an area into which buildings of any type could be built", provided authority was obtained⁴⁵.

⁴³ General Notice no. 1088 of 4.10.1930.

⁴⁴ Tanzania National Archives File No. 12589 Dar es Salaam Township Layout.

⁴⁵ General Notice 14 of 11/1/1933.

Broader Town Planning Issues for Dar es Salaam in general, and the attempts to plan Upanga in particular, 1929-1945

The late 1920s and early 1930s witnessed the world depression and adverse economic circumstances in Tanganyika, but it was during that time that two personalities, John H. Pashen and E.H. Helps, took up employment in Tanganyika. The former came as a Government architect who at the same time turned to town planning. The latter was employed as a municipal secretary for Dar es Salaam. Both came with considerable enthusiasm for developing Dar es Salaam: Pashen, as far as town planning was concerned, and Helps, with respect to both town planning and municipal status.

Realising that Dar es Salaam was growing without any kind of planning save for the implementation of zoning and building provisions, Pashen prepared a comprehensive planning scheme for the town but with particular emphasis on, and reference to, the Upanga Area. The scheme was placed before the Governor in 1929. The governor found it good but, "in advance of the present wealth and credit of the country"⁴⁶. However, he sent it to the *Central Town Planning and Building Committee* for further scrutiny, and Pashen was made *Committee* member. While the *Committee* commended the principles underlying the scheme, it was realised that town planning powers were required. The *Committee* was asked to prepare a draft *Town Planning Ordinance*, but in the meanwhile the Government was requested to make Pashen's scheme for Upanga, legal, as it would take long before a *Town Planning Ordinance* would be ready. This latter proposal however was opposed by the Attorney General. In 1930 the Governor, most unenthusiastically approved portions of the layout for Upanga: "they may certainly govern themselves accordingly", he wrote, but the surveying of land in accordance with this approved layout hit major obstacles. As the Land Officer pointed out, Upanga originally was, and to some extent still remained, owned by natives "with the result that the plots are very irregularly shaped, the boundaries following the limits or vagaries of the cultivation as it existed in each case when the plots were demarcated". Legislation was required to deal with this situation. Inquiries were sent to

⁴⁶ Tanzania National Archives File No. 13483, Town Planning Scheme for Dar es Salaam, Volume I.

Kenya for advice on the implementation of the *Mombasa Town Planning Scheme* since it was similar to that being proposed for Upanga. From Kenya it was learnt that the Mombasa *Scheme* involved the pooling, readjustment and redistribution of plots with the landowners surrendering portion of their land for the necessary roads. Mr. H.E. Fitzgibbon, planning engineer from Kenya, was invited to Dar es Salaam in September, 1930, to advise on the planning of the town. He had glowing words for Pashen's scheme for Dar es Salaam and proposed how to go about implementing it. Nevertheless, no support was forthcoming from the central government⁴⁷. Recourse was also made to the *Bombay Town Planning Act* of 1915, plus other documents related to the planning of Bombay. Indeed, the Governor suggested reference to the then recently passed Nigerian legislation which had made it adequate compensation, the return to the owner of a reduced portion of his land which had been acquired compulsorily and improved by the laying of streets, open spaces etc. Yet, he (the Governor) was against a comprehensive scheme for Dar es Salaam. He directed the *Central Town Planning and Building Committee* to constrain itself to the Pashen Plan as far as it related to Upanga, arguing that it was impossible to put the larger scheme into effect wholesale in the old areas without setting up a costly and large organisation and providing it with funds, "which for the present might be spent in a more productive manner"⁴⁸.

But even in the case of the proposed limited Upanga Scheme, legislation was necessary. Seeing the futility of proposing a comprehensive *Town Planning Ordinance*, the *Central Town Planning and Building Committee* drew up new *Township Rules* in 1932 to give the Township Authority powers to deal with new layouts, particularly to control, the subdivision and the laying down of streets, and incidental questions, on private land. These rules however were not acted upon by the law officers who claimed to be very busy throughout 1933⁴⁹. By mid-1935, the Attorney General had not acted on these rules, and on being reminded by the *Committee*, he continued dilly dallying, refusing to contemplate general town planning

⁴⁷ Tanzania National Archives File No. 19350, Report of the Municipal and Town Planning Engineer (Mr. H. E. Fitzgibbon) Kenya, on the procedure for carrying into effect the Town Planning Scheme for Dar es Salaam.

⁴⁸ *ibid.*

⁴⁹ Tanzania National Archives File No. 23243, Town Planning, subdivisions of Plots and Roads.

Figure 4.4: Details of part of Zone III, Dar es Salaam, 1940.



Source: Gillman, "Dar es Salaam 1860-1940"

legislation, but proposing that the scope should be limited to just the existing schemes like that of Upanga, because,

the danger with such comprehensive legislation is that unless it is framed in relation to existing schemes it sets up an ideal which is beyond the means of the government or the local authorities to realise.⁵⁰

From the central administration's point of view, the town planning issue in Dar es Salaam was chiefly Upanga which was under considerable pressure for development. It was moreover the first major freehold land within the township faced with the problem of how to develop. The existing legislation i.e. the *Township Ordinance* and its *Township Rules* were mainly building regulations and did not contemplate town planning or street planning with consequent readjustment of private properties necessitated by an approved scheme.

In March 1936, *Township (Amendment) Rules* were made under the *Township Ordinance*, "to avoid the imminent danger of an important area of land in Dar es Salaam township being ruined by uncontrolled development". These *Rules* prevented the laying out of streets on land, or its subdivision, fencing, hedging or demarcating, without authority. The *Rules* however were challenged in the Courts by would-be developers as *ultra vires*. As a result, the government hurriedly prepared and passed the *Town Development (Control) Ordinance* of 1936, as a control and preventive measure, but not an actual instrument of development. The *Ordinance*, applied to Dar es Salaam in 1937⁵¹, required that building plots on private land should not be subdivided without prior approval, and that private streets giving access to public streets should not be constructed without approval. It, moreover, regulated the use of land and buildings in designated building areas.

In January 1938, the Township Authority raised once more the issue of the Dar es Salaam planning scheme, particularly in relation to Upanga in the light of the 1936 *Ordinance*, and since, with respect to West Upanga, "owners were clamouring to the Township Authority

⁵⁰ *ibid.*

⁵¹ General Notice, 242, 1937.

wanting the area planned so that they can place plots on the market"⁵².

The Acting Governor, D.M. Kennedy, who, as Chief Secretary had on previous occasions opposed Pashen's planning scheme for Dar es Salaam, had by 1938 changed his mind, praising Pashen as being well grounded in town planning and agreeing that every day that passed without proper planning trouble was being stored up. The reason for his change of heart, however, was because he wanted Upanga planned, otherwise Indians would go to Seaview and Oysterbay, "areas which we have decided should be kept as far as possible for persons of a different standard of living"⁵³.

He decided that Pashen should be made a Town Planning Advisor, and directed that his salary be raised. He pointed out that Pashen had been crying in the wilderness for years, and, if opportunity arose, the government should get on with rectification of past mistakes. Small schemes already approved should be executed as funds became available, while proposals of replanning schemes for Dar es Salaam were welcome.

The Acting Governor had opened up a Pandora's box. In June 1938, six proposals for widening and improving parts of central Dar es Salaam, as well as the Upanga scheme, were submitted for approval and funding. The government was alarmed. It noted that the schemes were "bezerk", and that the Township Authority "flies rather high". It was also noted, rather gratuitously, that the submitted schemes did not cover the native and the bazaar areas which were a "disgrace" to Dar es Salaam. As a result, all these schemes were shelved and nothing really got going till after World War II. That was the farthest the *Pashen Plan* ever got to implementation. Dar es Salaam's development remained therefore ad hoc during this period.

⁵² Tanzania National Archives File No. 13483, Townplanning Scheme for Dar es Salaam, Volume I.

⁵³ *ibid.*

Agitation for Municipal Status for Dar es Salaam⁵⁴

Towards the late 1920s there were proposals and agitation that Dar es Salaam should be given municipal status. Thus the appointment of Mr. E.H. Helps of the Administrative Office, Cape Town, as Municipal Secretary for Dar es Salaam township. Mr. Helps arrived in Dar es Salaam in 1931 and the outgoing Governor, Sir Donald Cameron, wanted him to set up a municipal board for Dar es Salaam as well as for the towns of Arusha, Moshi, and Tanga, "if my successor agrees".

Immediately, there was opposition against municipal status from various officials. The Treasurer lamented the high cost of setting up such establishments. There was also the issue of a Common Roll and representation of non-British Europeans. Mr. Helps was therefore warned not work on the assumption that there could be a radical change from administering the townships in the near future. According to Acting Governor, D. J. Jardine, a municipality was never likely to be a success in a place like Dar es Salaam because not sufficient members of unofficials would be able to spare the time for municipal work and because of the fear of increased taxation. Besides, "the whole issue bristles with racial and other difficulties". Preparing a reply to a question posed by Hon. S.B. Malik in the *Legislative Council* in October, 1931, the Provincial Commissioner, Eastern Province, F. Brett, agreed that a municipality for Dar es Salaam was premature.

In mid-1934, Mr. Helps, sent notes to the Chief Secretary on the question of establishing municipal governments for certain towns in the territory. The views were influenced by South African practice, and recommended suffrage restricted to Europeans only. The issue was shelved as the government had no intention of establishing municipal governments. Helps was thanked and consoled that his paper had been "read with great interest"⁵⁵.

In early 1936, the Township Authority pressed for the establishment of an autonomous municipality for Dar es Salaam. Again the Treasurer opposed it for financial reasons. The Deputy Chief Secretary, G.F. Sayers, put up a bravado, that the government was not wary

⁵⁴ Tanzania National Archives No.13834, Dar es Salaam, Municipality, General.

⁵⁵ Tanzania National Archives File No. 22307, Municipalities, Establishment of,.

of unofficial majority in a municipality, but was worried that Dar es Salaam had a floating population lacking civic spirit. The Chief Secretary, D.M. Kennedy, put it more bluntly. Not only did he agree that Dar es Salaam had a floating population, but also he was "afraid of control by persons whose wealth may be great, but whose standard of living was low".

Nevertheless, as was usual with the government when under pressure, it was agreed in mid 1936 that the Municipal Secretary, H.E. Helps, should prepare a *Draft Local Government (Municipalities) Ordinance*. This he did, and his proposals were sent around for comments, but were not acted upon. Helps was also allowed to visit East London and Cambridge in S. Africa, as well as Nairobi and Mombasa in Kenya, and to get views from North and South Rhodesia, on issues relating to municipal administration. These efforts however did not bear any fruits.

In the late 1937, the Government was again questioned on a date for a municipality for Dar es Salaam. The Government said this was still far off, but the Deputy Chief Secretary, G.F. Sayers, advised on a slow process beginning by increasing the number of nominated officials, devolving powers to the township authority to make township rules and to have a say in expenditure. Powers for rating as well as elected representation could be given later. Nevertheless, the Governor decided in early 1939 that the issue of a Municipality for Dar es Salaam was pre-mature.

It is therefore important to note that in issues of urban and land administration, Dar es Salaam was, throughout this period, under the control of central government which tended to be conservative and slow in acting while the Township Authority was all for speed and action. The procrastination with granting Municipal status was chiefly a result of racial prejudice by colonial officials against the bulk of the residents of Dar es Salaam.

Infrastructure and Services provision: general observations

As a broad generalisation, the Government was not in the forefront of providing infrastructure to guide new development or to encourage efficient land usage. Dar es Salaam, as shown earlier, remained poorly serviced. Roads were poorly surfaced, and there was no comprehensive sewage or drainage network. Native areas remained poorly serviced as the

example of Ilala Native area (below) illustrates. Figures for water supply (Table 4.3) between 1933 and 1938, Europeans in Dar es Salaam consumed, per capita, between 31 and 43 gallons of water per day. By contrast, the Africans consumed only between 0.68 and 0.88 gallons per day per capita.

Table 4.3 The Supply and Consumption of Water by the Various races in Dar es Salaam, 1933-1938.

Years	Consumption p.a. ('000 gallons)	Population served	Gallons per capita per day
Europeans			
1933	16,675	1350	34
1934	15,223	1350	31
1935	15,752	1350	32
1936	16,208	1350	33
1937	16,458	1350	33
1938	18,651	1350	43
Asians			
1933	24,466	8900	7.5
1934	25,203	8900	7.8
1935	28,304	8900	8.7
1936	33,477	8900	10.3
1937	49,382	8900	12.5
1938	46,631	8900	14.5
Africans			
1933	6393	22,700	.75
1934	6368	22,700	.77
1935	5636	22,700	.68
1936	6296	22,700	.76
1937	7490	23,550	.87
1938	7551	23,550	.88

Source: Tanganyika Territory, *Annual Reports of the Public Works Department*, Government Printer, Dar es Salaam, relevant years

Even policing, essential for property development and safe urban residence, was inequitably provided. For example, it was stated in the *Legislative Council* in November 1935, that the number of night police patrols, exclusive of inspecting staff, in the three zones of Dar es Salaam was: 34 for Zone I; 28 for Zone II; and only 17 for Zone III (Table 4.4) Thus, the number of night patrols in Zone I was twice as many as the number in Zone III,

despite the fact that Zone III was badly lit.

The status of the roads in the three zones of Dar es Salaam is reflected in the Township Authority's road maintenance programme for 1938 (Table 4.5). Only 30.2% of the budgetted expenditure was earmarked for Zone III which had only earth roads and a limited length of metalled roads. While nearly 14,000 feet run of colas roads were budgetted for resurfacing in Zone I, there were no such roads in Zone III. While 12,000 feet run of earth roads were earmarked for maintenance in Zone III there were no such roads in Zone I.

Table 4.4: Police Patrols at night, Dar es Salaam, 1935

Area	No. of Patrols
Zone I Non-native residential area excluding Seaview and Oysterbay	24
Seaview and Oysterbay	10
Zone II Commercial area	28
Zone III Native Area including Ilala	17

Source: *Government Gazette, November, 1935*

Table 4.5: Dar es Salaam's Road Maintenance Programme, 1938.

Type of Roads	Road Length for maintenance (feet)		
	Zone I	Zone II	Zone III
Colas Roads	13,800	1,700	-
Metalled Road ³	13,950	11,600	5,800
Earth Roads	-	-	12,000
Total Budgeted Expenditure (Tshs)	13,700	14,420	12,170

Source: Tanzania National Archives File No. 18835, Dar es Salaam Roads, Volume I.

The relatively high expenditure per unit of road for Zone II is a reflection of the agitation that was going on at that time (and expressed by the Indian Members of the *Legislative Council*, for example) for better roads in the commercial area. While by 1939 the general status of the roads in Dar es Salaam was bad, roads and drains in the African area were the most neglected (Appendix 4.5).

The above are just examples of how native zones were generally neglected by the colonial administration and this was admitted on a number of occasions by the colonial officials themselves, as the following two examples show:

- o In 1944, Governor, Jackson, in a letter to the Secretary of State for the Colonies, Oliver Stanley, pointed out that houses in Zone III had neither piped water supply nor waterborne sanitation, and in almost all cases, no electricity⁵⁶.
- o Noting that the Native Municipal beer Hall had made profits totalling £2332 over the three years to 1939, the Chief Secretary, D.M. Kennedy, suggested that these funds (profits) should not be taken to General Revenue (as was the practice). Instead he advocated the setting up of a *Native Welfare Fund* which should be used to improve amenities for the native population who lived in native towns. This was not a bad idea since the capital expenditure in native zones for the previous *five* years was only £2200 i.e. less than the profits made by the beer Hall in *three* years. Commenting, one official wrote:

I do not know whether any plans for the betterment of the native township have ever been worked out or whether we have any idea of what we want...It is up to government to provide at least the minimum amenities for the native township of Dar es Salaam, and this, in my opinion, we have failed to do.

His suggestion for betterment, however, were: the clearing of the Open Space, and the improvement of the beer Hall!⁵⁷.

⁵⁶ Tanzania National Archives File No. 24387, Vol. II, Improvement to Native Houses.

⁵⁷ Tanzania National Archives File No. 26602, Dar es Salaam Township, Native Welfare Fund.

Another official expressed similar sentiments:

The problem of Dar es Salaam Township can be stated simply. It has been governed for years by gentlemen the interests of the majority of whom have been confined exclusively to the non-native commercial and residential areas with the result that the native areas have been sadly neglected⁵⁸.

The question of poor provision of infrastructure and services to native areas is further illustrated by the case of Ilala native area.

Infrastructure and Service Provision: The Case of Ilala Native Area

Thus a notable feature of land policy with regard to native areas was the usually limited level of services and infrastructure in these areas. In 1932 for example, there was just one stand pipe to serve the 600 houseowners of Ilala. There was only one public toilet in the area. There was no refuse collection service. There was no streetlighting or police patrols so that theft was common. In the light of this situation, native residents of Ilala submitted a petition to the Provincial Commissioner requesting: police patrols, piped water, electricity, and toilets. (see Appendix 4.6 for the petition). The Provincial Commissioner's reaction was generally hostile: "They have no hope of getting electric light I suppose", he wrote to the District Officer (Appendix 4.7).

The introduction of a municipal tax of 10/= for every native hut owner in Dar es Salaam in 1932 brought about a difference of opinion between the District Officer, who felt that natives in Ilala should be exempted until the normal municipal services were made available, and the the Provincial Commissioner, who, insisted that Ilala residents should pay; and that every endeavour would be made to ensure they got the services for their money. Ilala natives were therefore made to pay the municipal tax. But none of the promised services were made available for a very long time. In 1939, another petition was presented to the Provincial Commissioner,

demanding paved roads, a post office, and a hospital (Appendix 4.8). This again was not acted upon. Only in the early 1950s when native zones had been located very near European

⁵⁸ *ibid.*

residential areas (e.g. at Kinondoni) were officials alarmed at the possible adverse effects of keeping native areas unserviced. Commenting on the concern expressed by some officials on the non servicing of new African areas in 1951, the Member (Minister) for Lands and Mines wrote to the Member for Social Services:

This is no new problem, it has always been with us in areas such as Ilala, but no one has worried much owing to its remoteness from contact with low density housing⁵⁹.

Thus not only was Dar es Salaam poorly unserviced generally, but also, native areas suffered the worst from poor servicing. Native areas were deliberately located at a distance from European areas in order to make it easy for them to be denied of the usual infrastructure and services, although as the case of Ilala demonstrates, natives paid their taxes.

4.2.7: The Impacts of Land Policy on the Land Use Structure of Dar es Salaam (1918-1939)

The first two decades of British colonial administration in Tanganyika were characterised by a generally lukewarm and hostile attitude to urban development. The colonial government was, as a broad generalisation, contented with doing what it considered to be the bare minimum to ensure what it regarded as a liveable environment, particularly from its own point of view. In this respect it is noteworthy that the very first laws passed by the colonial administration were the *Peace and Good Order Regulations* of 1919 and the *Township Ordinance* of 1920, both meant to ensure that there was some kind of organisation and control in urban areas, since this was where the administrators lived.

However, there was no dynamism whatsoever in urban development in general or with regard to Dar es Salaam in particular. It was sufficient to abide by the zoning provisions of the late German administration. This was partly because of Tanganyika's status as a mandated territory. Colonial administrators were in Tanganyika to do a job of governing and go back home. Indeed, until the late 1940s, the terms of tenure in Tanganyika for most administrators, did not exceed four years.

⁵⁹ Tanzania National Archives File No. 41949, Health and Sanitary Measures, Dar es Salaam.

The land use structure of Dar es Salaam was profoundly affected by the British colonial government's policy of implementing the zoning provisions left behind by the Germans. These provisions were basically racist. As a result, Dar es Salaam was divided into the European area; a Commercial/residential area (mainly inhabited by Indians); and a native area. The latter two were separated by an Open Space, cleared of native and other structures in the 1920s and 1930s. The planning of all these areas predated the British Administration, but the native town had to be regulated internally, and extended from Kariakoo into Ilala. The European area was extended northwards by the Ocean, to Oysterbay. For the European area, the Government inherited most of the buildings but constructed new ones at Seaview, Oysterbay, and Gerezani. The Commercial/Residential area underwent fundamental transformation when the Government forced Indians to take up Rights of Occupancy, and to abide by building covenants therein. Limited improvement schemes (like that of Kisutu) were undertaken for the central area, although most improvement was left to private action.

Abiding by zoning provisions had two advantages: One, the government could be seen to be doing something to manage the urban areas. Two, by separating the races, the administrators were able to distance themselves from natives who were not only feared as disease carriers, but also, their manner of life (including their wealth) was seen as a danger to European races. Segregation allowed the concentration of the meagre resources on European and other non-native areas, and allowed this to be justified on an ideological framework of variable standards of living to which the various races were used and entitled. Anything outside this, as proposed for example by the Township Authority on several occasions, was opposed by the central government. Only a highly limited amount of resources was considered justifiable to be spent on urban development. Regulatory, control and directive measures were seen as being sufficient and cost-effective.

In this scenario, where resources from the central government were limited, and where the local and central administration was hostile to natives, it was the native majority urban dwellers who suffered most. They were pushed from various areas, and were directed to areas set out for them. These were both relatively and absolutely very poorly serviced, and inconveniently located. There, poverty could reproduce itself and be perpetrated. Petitions by natives to have the government service their areas usually met with cold response.

Unplanned development was also taking place as government policy was slow and sometimes, inappropriate to cope with the problems that manifested themselves. Upanga, for example, remained a bone of contention between the Township Authority, the Central Government, and native and non-native freeholders. The problem of Upanga was not solved till the 1950s. The Gerezani native unplanned settlement was removed, but that at Kheko was spared. The basis of policy in both cases was racism. The whole policy was geared at achieving and perpetrating racial segregation. Medical, but occasionally economic and social reasons were used to justify racial segregation. Comprehensive town planning was however, highly discouraged by colonial officials so that development control in Dar es Salaam was adhoc.

The moderating effects of the central administration against some of the excesses proposed by the Township Authority was not so much to favour natives as to avoid being drawn into situations of confrontation, or, where resources would have to be spent on urban development. Thus the refusal by the central government, to accept various townplanning schemes for Dar es Salaam, or to pass comprehensive town planning legislation. There thus lacked, in the overall administration of Dar es Salaam, a central concept as to how the town should develop.

The policy of allocating land by auctioning it to non-natives ensured that natives were kept out of choice, particularly trade, plots. Access to, and consumption of, most public service infrastructure was inequitably distributed over the township's space with native areas getting the very least servicing. The whole policy was inequitable, not only in terms of servicing, but also in other aspects of land policy. For example, native holders of *Kiwanja* tenure were excluded from being considered for conversion to Rights of Occupancy even where the terms of offering these Rights could be (and, were indeed), varied to suit individual or group circumstances of non-natives. Another example was the choice of the locations for areas zoned for native occupation. These did not consider the distance factor from workplaces.

A major result of colonial land policy for Dar es Salaam was a township segregated along racial lines although Indians had penetrated both Native and European areas by the end

of the period under review. Moreover, the policy initiated a ribbon land use pattern, along the Ocean northwards for Europeans and along the Central Railway line and Pugu Road for natives. It may be pertinent to point out that while European settlement was being planned to grow northwards to take advantage of the moderating effects of the Ocean, the native area was being pushed south westwards away from the Ocean. Near this latter area, moreover, were planned the offensive factory sites. This made the cost of overcoming distance particularly burdensome to the natives. Some chose to set up unplanned settlements in areas like Kheko and Gerezani, which were near their places of work; only to be removed by the Government in the case of Gerezani. Besides, this deliberate policy of urban sprawl made the provision of services very expensive. Both water (tapped at Gerezani) and electricity (from a power plant at Kurasini) had to cross long distances, bypassing native areas, before being distributed to European areas like Oysterbay. Natives who were living at high densities and therefore cost effectively using land were the ones denied most services, while Europeans living at low densities, were lavished with most, if not all, the services then available. The per capita cost of servicing European areas must have been very high indeed. Moreover, officials paid neither house rent nor rates. Neither did they pay for services like water and electricity lavished on their areas. The observation that the Germans had laid out Dar e Salaam oblivious to costs (Chapter Three) was being repeated during the British Administration.

4.3 Economic Responses

4.3.1 Framework of Interest Groups Affected by Land Policy

As in the pre-War period, government policy was implemented within a racially segregated framework, so that it is pertinent to continue identifying interest groups in terms of races. These groups were:

- (a) The Europeans, subdivided into officials and non-officials;
- (b) Other non-natives, particularly Indians who were mainly traders, although there were a number who were government employees. Others in this category were the Arabs (although in a number of legal and government documents these were classified as natives).
- (c) The Africans (natives) most of whom were employees in the docks, wharves, and

railways; and on coconut and other plantations belonging to Europeans, Arabs and Indians. Many too were employed as domestic servants, and some, as junior government officials. Others were small traders, subsistence farmers, and fishermen.

The interests of the various social groups were expressed through social associations and clubs, trade unions, and adhoc groups. The Europeans had their own club. There was an *Indian Association* as well as an *Arab Association*. A *Tanganyika Territory African Civil Service Association* was formed in 1922 and was active in Dar es Salaam between 1925 and 1928, championing the interests of African clerks. A quasi political *African Association* was formed in 1929, carrying with it most members of the *Tanganyika Territory African Civil Service Association*. As a result, the latter collapsed, but was revived as the *Tanganyika African Civil Servant Association* in 1944. A *Railways African Association*, was founded in 1929 but was most effective during the War in 1945. An *Association of Cooks and Houseboys (Chama cha Wapishi na Mabo)* was formed in Dodoma in 1939, and opened a branch in Dar es Salaam in 1941.

The first Tanganyikan Trade Union as opposed to Staff Associations was formed by Asians in response to a *Trade Union Ordinance* enacted in 1932. It was called the *Union of Shop Assistants of Tanganyika*⁶⁰. Registered in 1933, this Union lapsed in 1940. In 1937, the *Asiatic Labour Union*, an organisation formed mainly by Sikh carpenters, organised the first serious strike in Dar es Salaam. Labour action started in the 1920s among Civil Servants. It went through the service and transport sectors and reached the industrial workers in the 1950s. Thus, during this period, there was agitation for, and expression demanding, better living conditions. This had considerable effects on Dar es Salam's land use structure particularly during the post-1945 era.

4.3.2 Europeans

Europeans Officials

Unlike their German counterparts, British colonial Officials were, until 1947, forbidden

⁶⁰ Information on trade unions is taken from, J. Iliffe, "Wage Labour and Urbanisation", in, M.H.Y. Kaniki, (Ed.), *Tanzania under Colonial Rule*, Longmans, London, 1979, pp. 278-306.

from taking up land and property in the territory. Officials had therefore to depend on their employer, the Government, for their land use requirements, particularly housing and land services. The government took care of these interests by constructing housing estates for its officials e.g. at Seaview, Oysterbay and Gerezani and by taking over various German properties some of which were previously privately owned. While shortage of accommodation among officials was expressed on several occasions, and while several officials had to share houses, or had to be housed in private estates, the colonial government, by and large, took care of its officials.

The separation of officials from land ownership adversely affected their interests in land development. This would, for example, help to explain the government's nonchalance with regard to the orderly development of Upanga. As was to be the case later, officials were as yet not worried about the racial effects of allocating land to non-natives through public auctions. This was to change when officials got interested in acquiring land in Tanganyika. The *Land Ordinance* had to be amended in 1947 to suit the needs of these officials (Chapter Five). On the other hand, officials got accustomed and addicted to obtaining land services cheaply and this has continued to afflict land policy.

European non-officials

Little information has been obtained about the behaviour of these. It would appear that many took up agricultural estates. Several acquired freehold land within and about the Dar es Salaam township, either by way of purchasing Enemy Property, or through private negotiations. Important landowners who ran agricultural operations outside the Dar es Salaam township boundary and who affected the town's development in the 1950s, included the owners of Helvetia and Victoria dairies; one John Zavellas, a Greek, who ran a Sisal Estate on government land at Msasani; and Ursino and Regent, both Greeks who owned freehold estates just outside Dar es Salaam. The colonial government later on allowed them to subdivide these estates into high class residential areas. European non-officials may not have been active players in the shaping of the land use structure of Dar es Salaam within the township boundaries of the 1930s. Perhaps, partly because of this, government policy concentrated in its interaction, on Indians and natives.

4.3.3. Indians (and Arabs)

The main government policy was directed towards Indian land holdings, but during the process, a number of Arabs were affected as well. The following discussion is concentrated on Indians. Arabs are mentioned where they affected or were affected by land policy. Response to policy is analysed in relation to (a) the Commercial area (b) The Upanga Area, and (c) Other Areas.

(a) the Commercial Area

Like their German predecessors, the British Administration regarded the Indians as an important social group, for its role in manning the commercial sector in the territory. There were some 23,800 Indians in Tanganyika in 1931. Writing in 1934, one Tanganyika Colonial Official noted:

On the whole, the Indian of the frugal, petty shop keeping class which is the most numerous, serves as a useful and necessary link between the European and the Native. Dealing, as he does, mostly in cotton piece goods and in hardware, he acts as a retailer for the manufactured products of Europe, which are distributed by the large firms on the coast and elsewhere⁶¹.

Indians were therefore seen as indispensable by the colonial government, although they were hated by both the Africans, and the European settlers, as underhand fellows. Promotion of the Indian meant the maintenance of an alien (and hence, politically more amenable) group to perform functions which would otherwise have been carried out by Africans in commerce, skilled trade and the civil service, a phenomenon unwanted at the time since it would have hastened the challenge to colonialism. Besides, Indians had predated colonialism in East Africa. The colonial government therefore adopted policies averse to the participation of Africans in trade in competition with Indians. The *African Credit (Restriction) Ordinance* of 1923, for example, ensured that Africans could not be advanced sufficient credit to allow them to compete with Indians. The colonial government also favoured Indians traders, by demarcating important commercial plots in the native zone of Dar es Salaam e.g. around the market and along the major thoroughfares, into a "non-native trading area". Indians were also favoured during the allocation of long term Rights of occupancy in the central area of Dar es

⁶¹ E. Reid, *Tanganyika without Prejudice*, London, 1934, p. 144.

Salaam, during the conversion of *Kiwanja* tenure, at the very same time as natives were being removed from there to go to Kariakoo and Ilala.

Moreover, Indians were allowed early representation on the *Legislative Council* in 1926 while Africans were not represented till two decades later in 1945. Besides being favoured, Indians had a capacity to organize themselves and defend their group interests especially since they were aware of their indispensability to colonial designs. In 1922 for example, they successfully fought off government efforts requiring them to pay more taxes, and to keep proper business books in English, by refusing to open their shops until the colonial government withdrew the new taxes and other conditions.

In terms of reactions to government land policy, Indians (and Arabs) were among the very last persons to move from the Open Space, and only moved when the government had resorted to legal actions. Indians too, by and large, ignored the government notice of 1926 requiring them to take up Rights of Occupancy by 1927. Only when a second deadline was approaching in 1932, did the Indians form a *Kiwanja Tenants Committee* under the auspices of the *Indian Association* to protect the interests of *Kiwanja* tenants. In their presentations to the Governor, the *Committee* argued that the rent required upon taking up a Right of occupancy was too high; and that the period for putting up the required structures was too short. They wanted this extended from two, to ten years. Besides, they pointed out that compensation for existing buildings was too low. Finally, they wanted the deadline to end *Kiwanja* tenure extended. As a result of these protests, land rent was reduced, the period in which the required building had to be completed was extended from 2 to 4 years, and compensation was raised to reflect disturbance. The deadline for ending *Kiwanja* tenure was however not extended, but individual cases of hardships were entertained by the Governor and individual decisions given. Several Indians were allowed to keep their plots without going through the procedure set out in the *Land Ordinance*, that required land rent for non native plot allottees to be determined by the highest bidder through public auctions.

It is of interest to ponder as to why Indians should have objected at being required to take up long term Rights of Occupancy of highly valuable city centre plots. Apparently the Indians wanted to keep their valuable city centre plots, and to continue making money at

those locations, without, at the same time, having to invest in expensive buildings commensurate with the value of that city centre land; and without having to share the benefits of this high land value with the government, in the form of higher land rents. Indians too have been observed elsewhere to be highly reluctant to invest in immovable property, until they have utmost confidence in the socio-economic system in which they are operating, and even then, until they have accumulated adequate, surplus capital.

On its part, the government was determined to ensure that Dar es Salaam's Centre area did not develop into, or remain, a slum. The public health factor was a major aim behind requiring Indians to take up long term Rights of Occupancy. The colonial government wanted Dar es Salaam's central area reorganised, ordered, and redeveloped to acceptable standards, but without itself spending the money. The government was also aware that the Indians had sufficient, or could get access to sufficient, capital to redevelop the central area. It was aware, for example, of the way the Indians had bought many of the township's ex Enemy Property (some of which had been resold at considerable profit). Besides, the land in question was government land and the government felt entitled, and under obligation, to have it developed to standards it considered appropriate.

Thus, while several conditions in the Rights of Occupancy were eased and while several individual cases were presented and considered favourably, the Government, later on, got tough against recalcitrant *Kiwanja* owners who refused to take up longterm Rights of Occupancy. The Land Officer advised the government to give no further concessions since many of the petitioners were not necessarily poor people and many had other properties which they let. He pointed out that Dar es Salaam was likely to improve in the following 16 years, while rents could only be revised after 20 years (i.e. in 1952 or later). Despite their earlier protests, the Indians took up the Rights of Occupancy and invested in modern buildings, giving Dar es Salaam's city centre, a major facelift. The Land Department was happy to report for the year 1938 that:

During the year, in accordance with the terms of conversion of *Kiwanja* Tenure into Rights of Occupancy, the demolition of old unsuitable premises continued with even greater celerity than previous years. The results are striking, and anyone who knew the *bazaar* area of the township a few years ago cannot fail

to be impressed by the altered appearance of that area with its towering buildings of modern design in place of the low, ramshackle and unsightly buildings of the past⁶².

As it is unlikely that the Indians constructed these buildings with their personal savings, there must have been some financial arrangements to help with land development. The Indians realised soon enough that the colonial government was working in their favour, although the economic problems of the early 1930s, and uncertainty over the future of Tanganyika, were genuine reasons working against capital investment in fixed property, and were invoked by the Indians against their being forced to take up longterm rights of occupancy. From the mid-1930s, however, the Indians embarked on rebuilding the commercial area.

(b) the Upanga Area

Although Indians in East Africa are known to live at very high densities, the commercial area was proving too small for them as their numbers grew, particularly since, as British citizens, they could move to Tanganyika very easily. (Overcrowding in the commercial area is discussed in Chapter Five). Several Indians, Arabs, and a few Europeans had bought or otherwise obtained freehold land in the Upanga area since as far back as the German era. According to a study made by Land Officer, A.R. Cotton in 1936, (at a time when the Township Authority wanted natives out of Upanga), the following Indians (including Goans) and Arabs had their records of land tenure in Upanga traceable to the German *Grundbuch* or other land records: Suleiman bin Nasr, Saleh bin Abdallah, P. de Souza and C.S.C. de Souza, Ramji Gulamali, Abdulhussein Mulla, Adamji and Sons, Muni Abdallah, the Patel Brotherhood, Rahim Abdullah, Rajibhai Rajibhai, Abdullah Shariff, Jafferli Nurmohamed, de Souza Junior and Co, R.F. and J.C. Noronha, Musaji Daudbhai, Gulamhussein Mohammedbai, and Karimjee Jivanjee and Company. These however were only some of the plot owners whose records could be easily traced in 1936. In addition there were many natives but whose interests in land were not recorded⁶³.

⁶² Tanganyika Territory, *Annual Report of the Lands Department, 1938*, Government Printer, Dar es Salaam, 1939, p. 37.

⁶³ Tanzania National Archives File No. 12589, Dar es Salaam Township Layout.

It would therefore appear that Indians and other non-natives had already penetrated Upanga by the mid 1930s, yet, as seen above, the Township's and the District Authority's anger was vented against Africans (natives). Therefore, it appears plausible to conclude that the authorities' insistence on removing natives from Upanga was aimed at promoting Indian and other non natives' land and property interests. Because the central government was not coming forward with a clear land development policy for Upanga, a number of owners decided, in the mid 1930s, to subdivide the land and to sell or develop parts as they deemed fit. The Township Authority was put in an awkward position where it did not want Upanga to develop haphazardly, but where the central government was not forthcoming with any relevant town planning legislation or layout for the area. It is these pressures to redevelop Upanga by Indian and other private individual land owners, which brought about the enactment of the *Town Development (Control) Ordinance* in 1936 which has been discussed above.

(c) Other areas

Other non native Dar es Salaam landowners appearing in the records include Ahmed Abed, Sulliman Daya and Abdallah Shariff, all in Ilala; Gulamhussein Mohamed Nasser Jidani in the Kurasini area; Hannah Nassif in the Kinondoni area and Ali bin Said in the Pugu Road area. The land held by some of these persons was invariably later on developed haphazardly and in most cases, the localities have retained the names of these former land owners (e.g. Ilala Shariff Shamba, Buguruni kwa Daya, Kinondoni Hanna Nassif). Ali bin Said (an Arab) appears in the records as a person who subdivided and sold a lot of Industrial land along the Pugu Road (Chapter Five).

4.3.4 The Natives (Africans)

(a) Africans in General

While the general colonial policy towards Indians was positive, that towards natives was hostile, or, at best, lukewarm. Government policy was perhaps best expressed by the District Officer, Dar es Salaam, in October, 1928, when he made a request to the *Central Town Planning and Building Committee* for plots to accommodate natives who were under notice to move from the Open Space. He thought such natives were really entitled to government plots, and if these plots were to be granted the government would have met its obligations, and:

I do not ask for more. The Native Township is now quite large enough for the accommodation of what I term the legitimate needs of native occupation together with the labour requirements of the town⁶⁴.

According to the District Officer, many natives were not wanted for the township's good governance or servicing. His idea was that labour villages or compounds could be established at accessible and convenient positions which would be outside the township, but near enough to be controlled by the Administration, and would therefore come under the *Sanitary Rules for Minor Settlements*. (Such a labour village was established at Kigamboni, in the 1950s. See Chapter Five)

It is this kind of negative attitude that natives faced from colonial officials. The docile African reaction to hostile government land policy when removing natives from the Open Space, the central (Commercial) area, and Gerezani, has been described, as has the protest against removal of the natives from Upanga. The petition by the natives of Ilala for some land servicing has also been described. The investment in the Kheko unplanned area by natives, some of whom were expellees from Gerezani, the Commercial Area, and the Open Space, has also been dealt with.

Africans, however, were keen to invest in urban property, if only the policy was positive. The demand for plots in the native zone had already led to the extension of this zone to the valley of the Msimbazi in the 1920s, and to Borman's *shamba* (named Ilala by the Governor) in the mid 1930s. Despite the lack of services in the native areas, and the distance from employment opportunities, a colonial report noted:

the erection of native houses has proceeded at a rate so rapid as to cause one to ponder where the capital comes from to enable natives to build such good houses in so short a time⁶⁵.

The observations made in respect of Kheko (above) that Africans occupying freehold land

⁶⁴ Tanzania National Archives File No. 12589, Dar es Salaam Township Layout.

⁶⁵ The Report is entitled: "Notes on Building Plots in the Native quarter of Dar es Salaam", in Tanzania National Archives File No. 12589, Dar es Salaam Township Layout.

were putting up new expensive houses, or upgrading the old small *bandas* (huts), lends credence to the view that hostile government policy and precarious security of tenure over land, were as much a cause of Africans putting up temporary huts, as was sheer poverty. The ideology of native rurality and backwardness should be seen within this framework. Since, moreover the government provided only limited number of plots, many Africans chose to settle outside the town's boundaries, mainly on private land.

(b) African Government Officials

The *Tanganyika Territory African Civil Servants Association* attempted to champion the interests of African government officials in getting a stake in land development but with dismal results.

The *Association* started in 1926 by requesting the government to help its members acquire houses in the township by way of a government sponsored housing scheme to be acquired on terms of tenant purchase, by clerks earning not less than Shs. 140/= a month, who would be given a loan of up to 75% of the cost of constructing the houses. The *Association* suggested houses with corrugated iron sheets roofs as opposed to thatched roofs. Reacting, the Governor formed a *Committee*, chaired by the District Officer. The Medical Officer of Health, and a nominated educated African, were members. The *Committee* was to consult with the Honourable Treasurer and the Land Officer, to see if the *Association's* proposals could be acted upon. He hoped the *Committee* "will not raise hopes in the minds of Africans which it may be impossible to realise." He further observed that Africans built only in mud, wattle, and thatch; houses that could not be insured against, so there would therefore be no security against advances of public funds. The District Officer (T.P.S. Dawkins) did not approve the *Swahili* house (which the African was expected to build if given a chance). It required frequent repairs; was insanitary; and was difficult to be rid of pests. He, instead, proposed the construction of modern houses by government to be rented by Africans.

At the *Committee's* meeting in November 1927, attended by African clerks, B. Madalito, and S. Chiponda, and three other senior clerks, it was agreed that a pilot scheme involving five type "A" houses for married men, and one block type of houses for single men, be erected and should be provided with water and electricity. These would be for renting to

Africans, as the tenant purchase scheme seemed impracticable, given the cost of these buildings and the low wages of the Africans. A site was proposed in what was later on to be the Open Space. The scheme was quite modest but the Governor considered and rejected it: "It is not proposed to proceed with the scheme which is considered too ambitious and costly".

The governor, instead, suggested that members of the *African Civil Servants Association* be helped to get plots as near government offices as possible. The *Association* followed this up, and in July 1928, wrote to the Chief Secretary, asking the government to assist them to secure plots near their offices. The Provincial Commissioner (E.F. Brett)'s advice to the Chief Secretary stated that there was no chance of these African Government Officials being allocated plots even in Zone III, since all plots were (to be) allocated to natives being moved from Zone II and the Open Space. The existing plots would not suffice for this purpose, let alone for new applicants. In any case he did not think it was fair to allocate the African clerk with land, just because he was a government employee since he could leave government service any time. His suggestion was that Government should acquire land across the harbour at Magogoni for a native residential area. (This proposal was to be implemented later on in the 1950s)⁶⁶.

Thus, the early efforts by the African Civil Servants to get preferential treatment in the acquisition of land and property in the township failed, sabotaged by the Governor in the case of housing scheme, and by the Provincial Commissioner in the case of building plots. This was not perhaps surprising since colonial officials themselves were not allowed to own land in the territory and must have regarded their junior co-civil servants as getting too ambitious, too soon. Let it be noted as well that the *Association's* request was not in favour of all Africans but was limited to the interests of Civil Servants in general, and those earning over 140/= per month, in particular. Seeds of division within the African ranks, particularly the drive for preferential treatment in land matters by civil servants, were being planted. Most members of the *African Civil Servants Association* joined the *African Association* when it was

⁶⁶ Tanzania National Archives File No. 12589, Dar es Salaam Township Layout, and File No. 4/3 Housing Accommodation, African Government Employees.

born in 1929. This later became the *Tanganyika African National Union (TANU)* which championed the cause for independence and whose members formed the post colonial government. These people must have looked back with nostalgia to the colonial era, and must have determined to set matters related to the Civil Servants' acquisition and development of land, "right". This is discussed in Chapter Six.

4.4 Overall deductions related to the evolution of the land use structure of Dar es Salaam during the interwar period

The British colonial government was possibly not as interested in the overall development of Dar es Salaam as were the Germans, and this may have been in part a result of the stringency policies adopted after the War. The British government did not therefore propose or undertake any land development schemes for Dar es Salaam which were substantively different from those left behind by the Germans. Their scope was limited mainly to fulfilling the 1914 *Bauordnung*, save for the extension of Zone I to encompass Oysterbay, and the extension of Zone III to Ilala. They also opposed any comprehensive town planning approach, and would not provide any legislative framework to achieve this. Their argument was usually that town planning was premature and too costly for Tanganyika. Any direction towards Municipal status for Dar es Salaam was opposed for a number of reasons which included the cost of running the municipality, as well as a racial bias against the residents of Dar es Salaam. The Dar es Salaam harbour was only slightly improved. It remained and operated as a lighterage wharf till the late 1950s. The Depression and the German claim for colonies in the 1930s added to the British colonial authorities' lukewarm approach to Dar es Salaam. It is thus probable that had the Germans not left, Dar es Salaam would have experienced a more dynamic land development policy.

Lack of African representation on the *Legislative Council* as well as the colonial attitude towards Africans (whom it regarded as backward and best suited to the rural areas where land for subsistence and economic undertakings was available), caused the colonial government to address land development issues concerning Africans in Dar es Salaam negatively.

However, despite this lukewarm government attitude to Dar es Salaam, the major

impact on Dar es Salaam's growth emanated from government policy through the implementation of the Dar es Salaam building areas scheme planned by the Germans and published in 1924 under the *Township Rules* of 1923. This implementation involved the sifting and sorting of Dar es Salaam's population into three major racial groups of Europeans, Indians and natives, a policy already pursued by the Germans. Direct government undertaking e.g. the construction of Quarters (mainly for Europeans), the provision of roads, and the distribution of water and electricity networks added and facilitated racial fine tuning in terms of land uses. Colonial officials, though forbidden to take up land, used land policy to enhance their interests e.g. in terms of living comfortably, in quality housing, on choice plots, but free of charge.

The responses of the various interest groups operated within a government determined land use framework. Most actors were forced against their will to adopt certain land use/development decisions. The Open Space was cleared and the evacuees resettled against the will of its occupiers. Certain native settlements were forcibly removed. Attempts were made to remove others. Natives in the commercial area were compelled to move out to areas reserved for them in Ilala and Kariakoo. But even in such areas, commercial plots were reserved for non-natives. Indians in the city centre were forced to take up Rights of Occupancy and to redevelop the commercial area. Market forces of supply and demand were hardly the determinants of the resultant land use structure. In the case of Upanga where the demand for land was being overtly expressed, the government buried its head against facilitating the working of the market which it could have done, e.g. by adopting or providing planning proposals for the area. Theoretically (as explained in Chapter One), it was the duty of government to assist Upanga to develop regularly, but this it avoided doing.

The impression obtained from the above discourse is that both the central and township authorities had fairly narrow goals for Dar es Salaam. They saw the town as a settlement in which Europeans and Indians had to stay and in which some natives had to be tolerated. The general approach to land use was negative. It was mainly confined to defining who should live where and what should or should not be constructed where, within a general framework of public health and sanitation considerations. Dar es Salaam was not seen as a living socio-economic entity in which various social groups, and various economic opportunities had to

be integrated. Apart from the original German policy, British land policy was, on the main, reactive, determined by adhoc responses to crisis situations. The general urban economy (if Dar es Salaam was so conceived) was seen in fairly narrow terms of employment for Europeans, Commerce for Indians and menial and casual jobs for natives. The two powerful social groups (i.e. the Europeans and Indians) were only marginally committed to Dar es Salaam, while the natives who would have been committed to the town were powerless.

The general level of infrastructure standards in Dar es Salaam was low, and was not equitably distributed among the town's residents. Europeans took the lion's share, while Africans got the least.

Important issues like employment, social integration, and political and civic development, were only marginally considered. Thus, Dar es Salaam was a phenomenon devoid of central dynamism or of a longterm perspective. It was a town made up of social and geographical entities encased in a kind of parochialism, couched in terms of different needs for different races. Metropolitanism expected of an urban area, with social and economic integration and interaction, was not there. Officials did not, for example, care that natives lived near their place of work because the issue of employment was marginal to colonial policy. It was sufficient that natives were in their own zone with some minimal land ordering, and away from the Europeans.

In the broader theory of colonial exploitation and domination, Indians were favoured because they were a positive asset in this process. The racial group that was oppressed most by government policy was the natives (Africans). These were removed from various locations, and denied the privileges that were made available to other races. This oppression was justified under an ideology purporting that natives were a health hazard to other races and were not used to high standards of living. The colonial policy of straitjacketing people into racial groups was not progressive. Complemented by lack of dynamism in the overall conceptualisation of land development, this policy led to overcrowding in both the Indian and native areas; and to social strife between the various races; like when the Indians "overflowed" into the native areas (Chapter Five). Lack of dynamism affected both the Indians and natives adversely in certain aspects. Much as it was realised that the city centre

was getting overcrowded, no efforts were made to regulate Upanga; although it was clear that Upanga would be the area for expansion of Indians from the city centre. The native areas were even more adversely affected. No building plots were provided for Africans outside the areas of Kariakoo and Ilala, both prepared before 1930. Between them, these two areas comprised just over 2000 plots. This was all that was provided for the thousands of natives in Dar es Salaam during the 60 years of German and British colonialism till 1950. The plots that were demarcated were to cater mainly for those already in the town. For the newcomers, the policy kept but a blind eye. This led to overcrowding, and to the occupation of available land haphazardly.

The vision of natives as a backward lot did not match the realities that natives were coming in large numbers to Dar es Salaam. The 1940s were to witness various demands from natives for better standards of living. A new post-war phase was ushered in, dominated by the decolonisation process and the planning for the post colonial era. Land policy was to play its part by embracing town and country planning legislation, direct active government land development, attempts to address the question of African urban employment and residence, and so on. These and other factors that shaped the land use structure of Dar es Salaam in the post war era and discussed in the following Chapter.

As narrated earlier, Dar es Salaam was growing, and by the mid-1930s, its boundaries had to be varied from those inherited from the Germans, to encompass new areas particularly Oysterbay, as shown in Figure 4.5.

POST WAR GROWTH AND DEVELOPMENT (1940-1961)

5.1 Colonial Philosophy on Post War Development and its effects on Dar es Salaam's growth

Urbanisation in most African countries began to grow at high rates during the 1940s, in response to further capitalist penetration of the rural areas, as well as the declining living and economic conditions in the countryside. By the end of World War II, colonial policy had already been redefined from one of territorial self sufficiency, to one of Colonial Development and Welfare. This change was necessitated by the impending decolonisation and, the need to prepare for the future relationships after independence, between the former coloniser and the former colonies.

Moreover, there was need to create a new impression of concern against socio-economic backwardness, and to meet some demands of the restive colonised populations. Investment in Development and Welfare in the colonies was seen as the answer.

Britain as the colonising power put up the Colonial Development and Welfare Funds and colonial Governors were encouraged to draw up Ten Year Development Plans for their territories. In Tanganyika, a document known as "*An Outline of Post War Development*" was published in 1944. This was followed, in 1946, by a "*Ten Year Development Plan for Tanganyika*" (hereinafter referred to as *The Plan*). This guided Tanganyika's development until superseded by the *Vassey Plan*, in 1961. The *Plan* had considerable impact on urban development in Tanganyika in general, and on Dar es Salaam in particular. It provided for investment in urban infrastructure like roads, drains, sewers, public buildings, housing, airports, ports, and water, electricity, and sewage networks, social infrastructure (like schools and health centres) and so on.

Everywhere, but particularly so in urban areas, the African was aspiring to, and demanding better living conditions. There was agitation for independence by the colonised peoples.

Labour problems were acute, and workers easily allied themselves with nationalist movements to fight colonialism. In Tanganyika, a nationalist Party, the *Tanganyika African National Union* was formed in 1954 out of the former *Tanganyika African Association*¹ and went about mobilising the population to demand independence.

While Dar es salaam's population was 25,000 in 1939 it had more than doubled in 1949 to 69,277. This growth, mainly through immigration, undermined living conditions and threatened jobs and housing. Moreover, housing supply had fallen somewhat during the War, due to retrenchment measures. A report of the Dar es Salaam District Commissioner and District Officer submitted to a meeting of the Native Affairs subcommittee held on 22/7/1947, noted that there were in Dar es Salaam 45,000 Africans as opposed to 33,000 before the War. There were however only 3127 native houses, all privately provided, in the town (Table 5.1). The occupancy rate per house of 10 persons before the War had therefore gone up to 15, leading to serious overcrowding.

Table 5.1: Native Houses, Dar es Salaam, 1947

Area	No. of Native Houses	Remarks
Zone II, Kariakoo, Ilala	2084	Plots demarcated by both German and British Administrations.
Zone II, Upanga Kisutu	173	Natives unwanted in these areas and earmarked for removal
Unzoned, Keko, Chang'ombe & outlying areas	866	Unsurveyed
Total	3127	

Source: Tanzania National Archives File No. 24387, Improvement of Native Houses, Vol. II.

¹

In September, 1931, the Governor approved the grant of a Right of Occupancy in terms of *Circular No. 4 of 1926*, over the plot at the corner of New (now, Lumumba) and Kariakoo Streets to the *Tanganyika African Association* at a rent of 6/= p.a. for use as a Library and as a meeting place. This later on became the TANU headquarters. See Tanzania National Archives File No. 29/A/192, African Association.

A 1942 report of inquiry into the wages and cost of living of low grade African government employees found that 87% of government employees in Dar es Salaam received a wage on which they could not subsist.² Thus, there were various industrial actions, the most serious being the Dockworkers strike of 1947, which resulted into the Government addressing itself to issues of wages, shortages of essential commodities, urban squalor, and housing. In October 1955 the *Tanganyika Federation of Labour* was formed.

There was no more denying of the existence of a wage labour problem. Workers in permanent employment became increasingly restive against colonial rule and supported nationalist movements. Labour strife, high rates of urban growth, together with the new postwar colonial strategy based on "development" necessitated government action with respect to urban land development and African housing. In Dar es Salaam, action ranged from the panicky constructed temporary African housing of 1947, (below) to a more concerted effort of providing government quarters for renting by Africans; of provision of demarcated plots for self-construction; and of instituting financial provisions to assist Africans desirous of being house owners.

Moreover, by the late 1940s, capital accumulation among the Indians had reached proportions allowing them to invest in industry. At the same time, a new strategy of capitalist relationships between the colonisers and the colonies were evolving, envisaging import substitution industrialization. In terms of land uses, it was deemed necessary to create, or expand "Industrial Areas" in townships. In Dar es Salaam, an Industrial area was thus laid out along the Pugu Road, to take advantage of Pugu Road itself, and of the railway line.

Nevertheless, the colonial state still believed in its civilising mission as well as in the racial superiority of the colonising and non-native races over Africans. At the political level, the principle of the racial parity in political representation that was being advocated in Tanganyika was not so much as a measure of equality, but of superiority of the minority races. At a land use development level, racial segregation of the foregoing decades was still being advocated in the 1950s. Europeans still considered it within their prerogative to determine the location

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Tanzania National Archives File No. 30598, African living Conditions in Dar es Salaam.

of African areas, the kind of infrastructure to be provided therein, as well as the type of housing appropriate for the African's pocket and mind. Investment in housing and other infrastructure continued to vary according to race, with Europeans consuming the most, and Africans, the least.

Continued racial prejudice against Africans was perhaps a reflection of the misjudgment by Europeans of the speed of the decolonisation process. But it served to intensify the nationalist struggle and to identify the colonising races as "the problem" to be dealt with. After Independence, the new rulers stepped into the shoes of the former colonisers and continued with the previously entrenched socio-economic relations.

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5.2. Land Policy Impacts

5.2.1 Key Policy Tools used in the Post War Era

The situation described in the preceding section produced a mixture of policies that had fundamental effects on the land use structure of Dar es Salaam. For the first time, the Government addressed itself seriously to the issue of native housing in urban areas. Broader cognizance was taken of wider issues in town planning and land development. A comprehensive Town and Country Planning legislation was enacted. Dar es Salaam was given municipal status and a considerable amount of public funds was invested in the town in public infrastructure and services, public buildings, and housing. Land was demarcated and made available for private construction under various planning schemes. Access to land and land services however, continued to be along racial lines.

Notable among the policy tools that affected Dar es Salaam's land use structure were: the *Land Ordinance*, the various planning schemes made under the *Town Development (Control) Ordinance* of 1936, and the *Town and Country Planning Ordinance* of 1956. The other major tool was direct government intervention through provision of infrastructure, construction of housing and public buildings, provision of land for private development, provision of finance, control of overcrowding in residential areas, and cooperation with the private sector. Investment undertakings of a national character like the construction of trunk roads and airports and the expansion of the harbour, also had considerable effects on Dar es

Salaam's development.

5.2.2 Details of Policy Tools and their effects

The *Land Ordinance (Amendment)*, 1947.

The *Land Ordinance* of 1923 continued to be the major piece of legislation governing land tenure. However, in December 1947, it underwent an important amendment which removed the necessity to have public land allocated to non-natives through public auctions. This had important connotations for the future access to land by non-natives (particularly European government officials) in Dar es Salaam.

Presenting the Bill to amend the *Land Ordinance*, the Director for Lands and Mines outlined before the *Legislative Council*, the reasons which had necessitated the amendment:³

- o Allocating land by auction was inequitable and farce since a person could undergo considerable expenses and trouble to look for land only to be later on outbid by another person;
- o Collusion was possible, (and possibly rife) during auctions particularly among established traders in townships;
- o A lot of people (particularly Indians) had made money during the War and had no way of using it except inflating land prices. Many would-be property owners with money to build might not get land continued to be sold through auctions.
- o If land became too expensive, house rents would unnecessarily go up;
- o Land auctioning was not operating in the best interests of the native. Allocating land administratively allowed the Governor to scrutinise each case of applicant individually;
- o Mere bidding (especially in the case of agricultural land) did not ensure that land was

³ see Hansard, *Proceedings of the Legislative Council*, 21st Session 1947/48, Government Printer, Dar es Salaam.

developed.

In order to demonstrate that land prices had gone through the roof, the Director cited various examples of how plots sold at auctions fetched prices that far exceeded the Government's wildest expectations as shown by the upset rents (Table 5.2).

Table 5.2: Upset rents compared to Rents obtained at auctions, selected areas, 1947

Town	Type of Plots	Upset Rent	Rent at Which sold at auctions
Mbeya	Commercial	180/= - 240/=	3700/=
Dar es Salaam	Godowns	130/=	1750/=
Dar es Salaam	Commercial	109/= - 320/=	2000/= - 2625/=
Arusha	Residential		5-6 times upset rent.
Arusha	Commercial		10 times upset rent.

Source: Tanganyika, *Proceedings of the Legislative Council (Hansard)*, 21st session, 10th December 1947, Government Printer, Dar es Salaam, 1947.

To those who may have favoured the retention of the system, the Director pointed out that the public auctioning of land was not being abolished altogether, but the Governor's hands were being untied so that he could have some discretion in deciding on the mode of land allocation appropriate for the circumstances.

Some of the shortcomings of the land auctioning system presented by the Director had been pointed out as problems way back in the 1920s. The land "discoverer" problem had been presented before Governor Cameron by the Provincial Commissioner, Northern Province in April 1928. The Governor had dismissed it as a serious problem although he had directed that future land for pastoral and agricultural use to be offered for auctioning should be

identified by the Government and not by individuals. Apparently this had not been done.⁴ Again the problem of collusion among buyers had been pointed out earlier in July 1928 by the Chamber of Commerce, Dar es Salaam. The Government had however insisted then that it would stick

to the system of land auctioning.⁵ Thus, there was a fundamental reasons why the colonial government sought to change the system at that particular time.

Discussing the Bill to amend the *Land Ordinance*, it immediately became apparent that the Honourable Members of the *Legislative Council* were divided along racial lines, all Indian members opposing it (in favour of continued land auctioning); and all European and African members supporting it (against land auctioning). (See summary of views, Table 5.3).

The pattern of views shown in Table 5.3 supports the contention that the Indians had the money to buy up all auctioned land. That is why they were all for land auctioning. The position of Europeans was different. In the 1920s, colonial administrators had seen themselves as temporary residents in Tanganyika and cared the least whether or not the Indians bought all the land. In the late 1940s, many European officials could see the end of colonialism (and their own careers) coming sooner than later. Indeed many would be retiring and could see their future being in Tanganyika rather than back in the United Kingdom. Thus their need to acquire land in the territory. But they could not, in this respect, compete with Indians to buy land if it was offered at public auctions. It is also suggested that as far as social status was concerned, Africans were slowly rising (at least politically), while Europeans were on the decline, thus the coincidence of interests of these two social groups against the Indians.

The colonial government's proposal to amend the *Land Ordinance* went hand in hand with the creation of conditions under which Government Officials could acquire land in Tanganyika, which they had hitherto been forbidden to do. *General Order 460(e) (Amendment slip No. 134)* provided conditions under which officers might, with the approval of the Governor in

⁴ Tanzania National Archives File No. 12203, Land Ordinance, Bidding by Auction.

⁵ *ibid.*

Table 5:3 Stand of Legislative Council members with regard to the *Land Ordinance(Amendment) Bill, 1947*.

Member	Stand Taken	Summary of Reasons given
INDIAN MEMBERS		
Hon. V.M. Nazerali	Against	.Auctions had worked well thus far .Development conditions existed in Rights of Occupancy (to prevent speculation)
Hon. I.C. Chopra	Against	.Auctions had worked well thus far. .How was the Governor going to select the right man for a piece of land? .How about those already paying rents determined at auctions? Were these rents to be revised downwards?
Hon. A.M.A. Karimjee	Against	.The Bill discriminated against the Indian community
EUROPEAN MEMBERS		
Hon. the Rev. R.M. Gibbons	For	.Auctions shut out natives and were subject to collusion
Hon. M.A. Carson	For	.Auctions gave land to the wealthy. In India, they were trying to break up big landowners.
Hon E.C. Phillips	For	.Land values had gone through the roof. .Bill would help those not so wealthy and especially demobilised soldiers to be able to own a house. .Opponents of the Bill had benefitted immensely from the War and were then very wealthy. .Land ownership should not be related to wealth.
Hon. Major S.E. duToit	For	.Bill gave something to demobilised soldiers who gave up every thing while away in War while those left behind made bags of money and would buy up all land.
Hon. J.H.S. Tranter	For	.(no further views given)
AFRICAN MEMBERS		
Hon. Chief M.H. Abdiel Shangali	For	.(no further views given)
Hon.Chief K. Makwaia	For	.(no further views given)
Hon. Adam Sapi	For	.(no further views given)

Source: Tanganyika, *Proceedings of the Legislative Council, (Hansard)*, 21st session, 10th December 1947.

Council, acquire land in the Territory subject to assurances, and the Governor's satisfaction that the land was to be acquired *bona fide* for purposes of residence or farming, and not for speculative purposes.⁶ *Circular Letter No. 27* of 1947 expounded on the terms of land development by officials, which would normally be limited to preparing for the relevant

⁶ Information in this paragraph is taken from Tanzania Archives File No. 12481/42, Acquisition of Land by Government Officials, Details of the Executive Council's Approval.

official's retirement by such measures as the building of a house and farm buildings, the planting of trees and the establishment of a herd of cattle. Written permission from the Chief Secretary was required before the officer could engage in the production of crops or animal produce for sale prior to retirement. *Staff Circular Letter No. 153* of July 1951 loosened matters somewhat when it allowed officials to apply for permission to acquire small holdings for residential purposes at any time during their service (not just before retirement) though the approval of the Governor in Council had to be sought. This encouraged many officials to apply to be allocated rural or urban land⁷.

Despite the Indian members' objections, the *Land Ordinance (Amendment) Bill* of 1947 was carried. Section 14 of the Principal Ordinance was varied thereby empowering the governor to allocate land to both natives and non natives at any rent he deemed reasonable. In most instances such rent was lower than what could be fetched in the market.

In the case of Dar es Salaam, this *Amendment*, as well as the relaxation of conditions by which officials could acquire land, coincided with the availability for allocation to would be developers, of plots in the Oysterbay and Msasani areas towards the end of 1947. A Committee appointed to advise the Government on the disposal of residential plots in Oysterbay suggested that these plots should be allocated administratively rather than through auctions. Thus there is reason to believe that the amending the *Land Ordinance* in 1947 was geared towards making it possible for European Official to acquire land in those choice areas of Dar es Salaam (but also elsewhere), in the light of the changing circumstances under which they were economically disadvantaged.

It is of immense interest to note that as soon as Oysterbay was allocated, the land office issued a circular in April 1948 directing that in future, all Rights of Occupancy over building plots offered for disposal in Townships, Minor Settlements and Trading Centres must be advertised calling for tenders in terms of premiums. The government fixed the annual rent to be charged, but the premium was to be determined through tendering. Only in "special

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For example, Mr. L. Sylvester White, Chief Town Planning Officer, applied to the Chief Secretary in November 1951 for consent to acquire land in Lushoto in order to establish a "*pied-a-terre*" to which he could eventually retire. Approval of the Governor was obtained the following month. See Tanzania National Archives File No. 12481/42, Acquisition of Land by Government Officials, Details of the Executive Council's approval.

cases", and where it was in the public interest to do so, would Rights of Occupancy be disposed of other than by the tender system. In June 1948 another circular was issued by the land office directing that even short term Right of Occupancy be disposed of through a locally advertised tendering system.⁸

The tendering system however appears to have been mainly confined to commercial and industrial plots. Residential plots in the planned schemes of the late 1940s and 1950s continued to be allocated administratively.

The Town Development (Control) Ordinance, 1936

Although the *Town Development (Control) Ordinance* was mainly a preventive measure and not actually an instrument of development, its Part III concerned zoning plans and building areas, and allowed the preparation of planning schemes. It was brought into operation over a number of towns including Dar es Salaam after the War.⁹ Various schemes were prepared for Dar es Salaam using this legislation. For example the proposals to vary and extend the boundaries of the Dar es Salaam Commercial Area (Zone II) in 1951, were approved by the Governor in Council under section 24, sub-section (4) of this *Ordinance*.¹⁰ The *Upanga Area Planning and Development Scheme* was prepared and approved under the *Ordinance*. Planning Schemes for Parts of the Pugu and Kilwa Road Industrial area were prepared and gazetted under this *Ordinance*.¹¹

All the same, being a product of the era when the government was averse to town planning, the 1936 *Ordinance* was very much inadequate, and did not give authorities sufficient powers to deal with issues like the acquisition of private land in order to effect exchanges and to adjust claims. Thus the passing of a special *Ordinance* for Upanga area, (*Upanga Area (Planning and Development) Ordinance, 1949*). The *Town Development*

8 Tanzania National Archives File No. 205, Vol. II, Land Alienation Policy.

9 Tanzania National Archives File No. 23831, the Town Development (Control) Ordinance (Cap 103).

10 Government Notice No. 152 of 23/5/1952, Town Development (Control) (Approval of the Dar es Salaam Commercial Zone Planning Scheme) Order of 1952.

11 General Notice 863, 13/4/1956.

(Control) Ordinance of 1936 was repealed and replaced by the *Town and Country Planning Ordinance* of 1956. It is however proposed that most planning schemes for Dar es Salaam conceived in the 1950s were influenced by ideas incorporated in the *Town and Country Planning Ordinance* of 1956 since it was already drafted in 1949 but was not made law till 1956. The *Town Development (Control) Ordinance* continued to be used as an expedient by the proposers of planning schemes some of whom were the drafters of the *Town and Country Planning Ordinance*.

The Town and Country Planning Ordinance, 1956

The *Town and Country Planning Ordinance, 1956*, is currently the principal Town planning legislation in Tanzania. It is therefore considered pertinent to delve into it in more details.

(a) Background

It will be recalled that as early as the 1930s, it had been realised that a comprehensive town planning legislation was necessary for the proper urban land development and management (Chapter Four). The Government however, was against such a comprehensive town planning approach which it regarded as an expensive undertaking and a luxury which the Territory could hardly afford. For partly the same reasons, the colonial government opposed the granting of municipal status to urban areas in the country. Dixon notes that up to 1947, town planning in Tanganyika was rudimentary. The *Township Rules*, the *Town Development (Control) Ordinance*, as well as Land Laws, were all applied to provide little more than the orderly layout of plots within the separate zones which were maintained partly by administrative regulation of building types and conditions under which leases could be held. Increased rural urban migration, land tenure laws that restricted non-natives to Crown Land within the urban boundaries and bad siting added to the growing congestion in the African and Indian areas, and as a result, "periurban growth developed, usually a collection of native huts lying just outside the boundaries without health or sanitary controls, only administered by nominally responsible native authorities". All these led to the urgent need for comprehensive town planning¹².

¹²

A.J. Dixon, *The Evolution of Indirect Rule and the development of rural and urban local government in Tanganyika, 1940-1961*, B. Letters Thesis, University of Oxford, 1969.

In 1944, the future of Dar es Salaam's development was discussed. At a third meeting of the Dar es Salaam Township Development subcommittee held on 19th June 1944, it was agreed that comprehensive town planning was essential for Dar es Salaam, and that a town planning engineer be appointed as a matter of first priority. It was further agreed that a £12,000 native housing scheme be embarked upon without delay; that a source of water supply to Dar es Salaam be investigated; and that a *Municipalities Ordinance* be enacted at an early date. Finally, it was agreed that a *Town Planning Ordinance* was necessary to allow the preparation of a new town plan.¹³

In 1947, a London firm of Engineers, Sir Alexander Gibb and Partners were engaged as advisors to the Town Planning Unit which was set up under the Director of Lands and Mines. Mr. Harry L. Ford of this firm was invited to Tanganyika to act as a Town Planning Advisor on various town planning schemes for Dar es Salaam (and to advise on the planning of Kilwa and Mtwara). Among Ford's undertakings was the preparation of a *Plan for Dar es Salaam* (discussed later). He also circulated a *Draft Town Planning Legislation* which was later on modified and enacted as the *Town and Country Planning Ordinance* of 1956.

(b) Major Provisions of the *Town and Country Planning Ordinance* 1956, as amended in 1961

The *Ordinance* gives powers to the Minister responsible for Town Planning to declare an area to be a Planning Area (S.13). For each planning area there is an Area Planning Committee which in the case of a municipality or city like Dar es Salaam is a Municipal or City Council. The Minister is responsible for the preparation of the development scheme for a planning area but may delegate his powers to the Area Planning Committee. A scheme prepared by the Area Planning Committee must be approved by the Minister. Copies of schemes must be placed before the public for their comments and objections in writing, before approval by the Minister.

Powers are given under section 26 and Schedule I for the preparation of planning schemes to provide, *inter alia* reservation of areas, zones and sites for various uses for residential, industrial, commercial, institutional and agricultural uses. Part IV of schedule I allows the

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Tanzania National Archives 27/8, Townships and Minor Settlements Development Scheme.

regulating and controlling of the density of development in any area either by limiting the number of buildings of any type which may be constructed on, or in any area or plot, or by limiting the number and size of plots in any area.

Two major types of schemes are provided for: a general planning scheme and a detailed planning scheme. Planning schemes may make provisions for all or some of the following: Roads, public services, use of land, building or structures regulation, and amenities. No development is allowed in a planning area without a planning consent given by the Area Planning Committee which is also responsible for the controlling of development in a planning area.

Section 27 and the Third Schedule allow land in a chaotically developed area to be pooled together, replanned and redistributed among the owners. The President (S. 45) may acquire land in a planning area in order to have it developed according to a planning scheme. Compensation is payable. S.50 awards the compensation as being the value of such land on the date of declaration plus the value of any development carried out thereafter with planning consent, determined according to existing land compensation laws. Section 78 empowers the Minister to prepare regulations for the better carrying out of the provisions and purposes of the *Ordinance*. Under this section, *Town and Country Planning Use Classes Regulations* were made in 1960 specifying the various use groups to which land is to be developed in the form of buildings, including dwelling and other residential buildings, shops, offices, public buildings, warehouses, industrial buildings, etc.

The *Town and Country Planning Ordinance*, provided new bases of differentiating between land uses, away from the crude zoning (building areas) of the *Township Rules* but had sufficient provisions to allow the continued differentiation of urban dwellers along racial or social-economic status lines (e.g. by varying the densities for different areas) as had the *Township Rules*. ▽

The 1956 *Town and Country Planning Ordinance* created a national *Town and Country Planning Board* to maintain control of all future urban development. The *Board* however, was abolished in 1961 as it proved unworkable and its duties were taken over by the Minister

responsible for Town Planning. The bad relations between the Chief Town Planning Officer, (L. Sylvester White) and the local authorities accelerated the abolition of the *Board* (see Chapter Seven). Town planning was up to 1947 put under the Public Works Department. Then it moved to the Department of Lands and Mines, and in 1956 it was put under the Minister responsible for Local Government. Until 1956, the *Town and Country Planning Board* lacked legal powers, but it influenced most planning schemes for most urban areas in Tanganyika, including minor settlements. Provisional planning schemes existed for 30 centres by 1955, dividing their land use pattern into residential, commercial, and industrial zones, with sites for public buildings, open spaces and land for future development. These schemes accommodated the many thousands of new plots surveyed between 1949 and 1955.¹⁴

(c) Some Criticisms of the *Town and Country Planning Ordinance* 1956

Several criticisms can be levelled against the *Town and Country Planning Ordinance*. These include the concentration of planning powers in the Minister; the slow speed provided for the preparation and approval of planning schemes; and the failure to address the issue of land ownership.

Table 5.4 summarises the procedure and time schedule envisaged by the 1956 *Ordinance*, with respect to planning schemes. From the schedule, it can be deduced that the *Town and Country Planning Ordinance* provides a snail slow process of preparing planning schemes. The most optimistic time for preparing a scheme is one and half years, but as shown in the schedule, most steps, particularly those involving the Minister, have no time limit so that the preparation and approval of planning schemes takes an indefinite period.

The *Ordinance* provides a highly centralised and bureaucratic system of preparing and approving planning schemes. Most powers are vested in the Minister. This is a reflection of the centralised authority system operating during colonial rule. It is difficult to see why it should be the Minister who must decide that a certain area should be declared a planning area, and not the local authority or the inhabitants of the area doing so in consultation with the Minister. The Minister has the final say on an area's planning scheme despite the opinion of

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Dixon, *The Evolution of Indirect Rule and Local Government in Tanganyika*.

Table 5.4: Time Schedule Envisaged by the *Town and Country Planning Ordinance 1956*, in respect of Planning Schemes

Step/Action	Time Span	Remarks
1. Preparatory period. Minister, in consultation with Local Authority, declares area a planning area	Unspecified	It takes very long before a Minister can decide to declare an area a Planning Area
2. Preparation of a general Planning Scheme for a Planning area by the Minister or if he has delegated his powers to it, by the Area Planning Committee	Unspecified	It takes very long. Misunderstandings and lack of communication between Minister & the Local Authority can occur
3. Approval for publication of a General Planning Scheme by the Minister	Unspecified	It takes long before the Minister decides on the issue
4. Publication of a General Planning Scheme and its deposit for public inspection	Unspecified	It takes long for Minister/Area Planning Committee to publish the scheme or makes it open for inspection
5. Receiving objections	2 months	
6. Depositing copies of objections for further public scrutiny and representations	1 month	
7. Submission of the scheme plus objections to the Minister for his decision	1 month	
8. Minister approves general planning scheme with/without modification	Unspecified	It takes very long for the Minister to make up his mind
9. Decision by Minister, or by the Area Planning Committee to prepare a detailed planning scheme for a planning area	Unspecified	Can take very long
10. Informing land owners of intention to prepare detailed scheme. Land owners may prepare their own scheme	6 months	
11. Preparation of a detailed planning scheme for a planning area (by the Minister or by the Area Planning Committee)	Unspecified	It takes very long for detailed planning schemes to be prepared
12. Approval for publication of a detailed planning scheme by Minister	Unspecified	It takes long before the Minister decides on the issue
13. Publication of a detailed Planning scheme and its deposit for public inspection	Unspecified	It takes long before Minister/Area Planning Committee publishes the the scheme or avails it for public inspection
14. Receiving objections	2 months	
15. Depositing copies of objections for further public scrutiny and representations	1 month	
16. Submission of scheme plus objections to the Minister for his consideration and decision	1 month	
17. Minister approves detailed planning scheme.	Unspecified	It takes very long.

the Area Planning Committee, or, the various objections submitted. Such concentration of power is typical of the colonial era where the Governor's consent had to be sought even for

such trivial decisions as the cutting or planting of trees in townships. While concentrating the powers, the *Ordinance* gives no sanctions against a Minister or other Authority who takes long to give a decision, or gives an inappropriate or an incompetent decision. It is significant that most steps involving the Minister have an indefinite time schedule in which the Minister must act. Moreover the whole process is bureaucratic and does not provide for decentralised operations. Plans must be published in the *Gazette* (which, for example, has a very restricted circulation and is not read by most urban residents); must be deposited somewhere for inspection; and objections must be made to somebody in writing. It all implies that the authority is fixed somewhere and the afflicted should go to it. The *Ordinance* does not provide for the authority itself to go out and consult the people and make decisions *with* them.

The slow speed at which the bureaucratic set up responds to changes and needs of urban development is largely to blame for today's unplanned development and the continued failure of the local authorities to manage rapid urban development in a city like Dar es Salaam.

The other criticism of the *Town and Country Planning Ordinance* is the failure to address and appreciate the issue of land ownership within, and about the boundaries of urban areas. Planning areas are usually declared over land which is occupied. Under the *Land Ordinance*, all land in Tanzania is public unless private ownership was proved by 1928. We have argued above that theoretically even customary tenure is public land since rights of occupancy are deemed to have been granted. Yet most land in urban areas is occupied by people who need not fall squarely into customary land tenure. Referring to the whole colonial period Dixon¹⁵ notes that the colonial administration failed to give sufficient attention to the land tenure problem so that valuable urban freeholds lay undeveloped for the whole of this period, while the more basic reforming of customary rights upon which the organic growth of towns with settled African populations was never tackled. While the *Town and Country Planning Ordinance* provides for the preparation of planning schemes, it hardly addresses itself to the question of land on which planning must be done. The question of land ownership between public and private domains remains vague.

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ibid.

Drafters of the *Town and Country Planning Ordinance* 1956 were perhaps addressing a slow growing well endowed situation addressed by the United Kingdom's *Town and Country Planning Act* of 1932, on which the 1956 *Ordinance* was based. They were not addressing a situation of rapid urban development and change, coupled with unstable administrative set ups and limited resources.

On the other hand, the criticism levelled against the *Town and Country Planning Ordinance* in Tanzania, that it does not give room for consultation particularly with those occupiers of land which is to be planned or upgraded, needs to be moderated. Section 24 for example, allows the occupiers of land which has been declared a planning area to submit *their own* planning scheme to the Planning Authorities.¹⁶ In practice, this opportunity is hardly afforded to those occupiers. In most instances too, planning schemes are not made public to invite objections (see Chapter Eight). Land pooling and redistribution provided for under section 27 and the Third Schedule, has possibly not been used outside the *Upanga Planning Scheme*, which predated the 1956 *Ordinance*. In some respects, therefore, the "top down" and non-consultative approach adopted by the officials responsible for town planning today does not have its basis in law, but rather in administrative practice. If the consultation provided for in the *Town and Country Planning Ordinance* was to be applied fully, and much as the *Ordinance* itself has its own shortcomings, a good number of the problems currently encountered in urban planning in Tanzania could be ameliorated. Given the widespread violation of consultation and public participation provisions of the *Ordinance*, it is likely that a number of planning schemes prepared by the Ministry of Lands for Urban Tanzania are illegal. The *Ordinance* is nevertheless weak in that it does not clearly give the public, powers of redress against planning authorities. However, it enhances the powers of public authorities over land uses, powers which have been used to advance the interests of those in authority.

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It is suspected however that this provision was put in to allow European and Asian freeholders within, and at the fringes of urban areas, to be able to propose their own planning schemes and thus avoid the complications of land acquisition and compensation.

Direct intervention by Government

(a) The Ten Year Development and Welfare Plan for Tanganyika

During the period under review, the government was able to intervene directly and affect land use, using funds provided for under the *Colonial Development and Welfare Acts*, and the *Ten Year Welfare and Development Plan* for Tanganyika. This intervention involved: the provision and improvement of infrastructure; land acquisition for various planning schemes; direct development of European, Asian and African housing, and of various public buildings; and cooperation with the private sector by the provision of plots for the construction of residential and industrial buildings, establishing housing finance institutions, and encouraging and advising private landowners to subdivide their land. Investment decisions of a national character (e.g. the construction of the Dar es Salaam- Tanga Road, under which scheme a bridge was constructed across the Msimbazi River at Jangwani in 1953 (which in turn opened up the Magomeni area for development), affected Dar es Salaam's land use structure. The construction of a new airport and its appurtenances at Ukonga (in 1954) also affected the development of Dar es Salaam. The town's harbour which was until 1956 only a lighterage wharf was expanded in capacity by the construction of three deep water berths.

The *Ten Year Welfare and Development Plan for Tanganyika* (1947-1956) (hereinafter referred to as the *Development Plan*), earmarked considerable expenditure on urban development. According to Dixon¹⁷, urban areas took more than their fair share of capital investment during the duration of the *Development Plan*. Table 5.5 summarises the proposed expenditure during the 1947-56 period and as revised in 1950 to take account of higher prices.

A new *Colonial Development and Welfare Act* made available extra funds p.a from 1956. As a result a new schedule for planned expenditure for the period 1955-60 was prepared (Table 5.6). It will be seen from both Tables 5.5 and 5.6 that urban areas were allocated substantial sums of money under the various categories of expenditure.

¹⁷

ibid., p. 23.

Table 5.5: Earmarked Expenditure (£'s) *Ten Year Development and Welfare Plan for Tanganyika*

Category of Expenditure	Original Plan (1947-1956)	Revised (1950) Plan
Conservation and Development of Natural Resources	2,958,500	4,355,191
Communications (including Railways)	6,944,800	8,783,000
Social Services	5,250,500	2,934,000
Township Development	1,129,500	3,573,000
Public Buildings and Works	1,000,000	3,480,000
African Urban Housing	300,000	1,230,000
Miscellaneous	300,000	115,000
Total	17,883,300	24,450,191

Source: Tanganyika, *Revised Development and Welfare Plan for Tanganyika 1950-1956*, Government Printer, Dar es Salaam, 1951, p. 10.

Between 1950-1955, £370,000 was spent on Township roads and surface drainage. Out of this, £140,000 was spent in Dar es Salaam. The new airport (opened in 1954) cost £880,000. Some £2,010,000 was spent on improving Dar es Salaam water supply. The supply of water doubled to 2,000,000 gallons per day, although this was still insufficient to meet the Municipality's demands. Thus it was decided to proceed with the plan to tap water from Ruvu, 45 miles from Dar es Salaam, which would supply 3,500,000 gallons per day. The cost of this was expected to be £1,500,000. The sewage scheme for Dar es Salaam was approved in 1949. By 1956 it was already constructed and operational. It covered the central area of the Municipality and cost some £450,000. Industrial site development was also seen as being important. £100,000 was earmarked to provide serviced areas for industrial sites. The money was to be recovered from premia. £40,000 was earmarked for the drainage of the Msimbazi Creek as an anti-malarial measure. Large areas were to be reclaimed in the

Msimbazi Valley, to be utilised as playfields. The area was also intended to provide a permanent parade ground for use on ceremonial occasions. Construction of the Dar es Salaam Group Hospital had cost £690,000 by 1955 and required another £234,000. A medical training centre and hostels were to be built in Dar es Salaam at a cost of £190,000, while a

Table 5.6: Earmarked expenditure (£'s), *Ten Year Development and Welfare Plan for Tanganyika, 1956 - 60.*

Items of Expenditure	Amount (£'s)
Development of Natural Resources	4,950,000
Communications	7,470,000
Urban Development	3,215,000
Electricity	2,000,000
Social Services:	
- Medical	1,400,000
- Education	3,793,667
- Broadcasting and Films	100,000
Public Buildings	1,950,000
African Urban Housing	970,000
Total	25,848,667

Source: Tanganyika, *Development Plan 1955-60: Capital Works Programme*, Dar es Salaam, 1955.

clinic at Magomeni was to cost £22,500. The Dar es Salaam Technical College was to be built at a cost of £280,000. £2,075,000 was earmarked for the Railways and Ports. Besides, the Government planned to spend £7m between 1948-1956 on Dar es Salaam Harbour. Work was undertaken on 3 deep water berths, and was completed in 1955. Some £25,000 was spent on constructing the maternity wing at Dar es Salaam Hospital; £100,000 on Dar es Salaam Council Chamber Offices; £35,000 on the Government Press and £250,000 on

relocating the King's African Rifles barracks from the harbour area to Lugalo. A small proportion of the £1,230,000 spent on the Dar es Salaam-Tanga road was expended in Dar es Salaam.

As of 1955, £3,000,000 had been spent on staff (European) housing since 1948. Another £1,000,000 was earmarked. The new expenditure (1955-1960) on Public Buildings (under which staff housing was) was £1,950,000, and most of it (about £1,600,000) was earmarked to be spent in Dar es Salaam.

(b) Inequity in allocating the *Development Plan* Funds

It should be pointed out at the outset that the funds of the *Development Plan* were inequitably allocated between the races, with Europeans getting the most, and Africans, the least. The example of the expenditure on housing and schools illustrated in Table 5.7 illustrates this point.

The unit cost for European housing for example, was between 10-30 times the unit cost for African Housing, and between 2-5 times that of Indian housing. The cost of the Indian Primary School at Upanga was three times that of the African Primary School at Mnazi Mmoja, while the cost of the European school exceeded by 5 times, the cost of the African Middle School. This was despite the fact that Africans were much more numerous than the other two races so that the investment per capita for Africans was extremely low. This kind of inequality was perpetrated to the very eve of Independence.

Table 5.7: Select Expenditure on various races in Dar Salaam, 1950s.

Year	Area	Type of Construction	Earmarked race	Unit Cost (£'s)
1955	Ukonga	53 Quarters and 2 shops	Africans	180
1955	Ukonga	6 "O" Type Govt Houses Grade "A"	Europeans	2150
1955	Ukonga	5 "E" type Govt Houses Grade "A"	Europeans	3440
1956	Upanga	Indian Primary School	Indians	58,412
1956	Mnazi Mmoja	African Primary School	Africans	18,506
1956	Ilala	200 Quarters	Africans	177
1956	Kinondoni	96 Quarters	Africans	185
1956	Kinondoni	3 "F" Type Govt houses Grade "A"	Europeans	4800
1957	Chang'ombe	4 Type VI Quarters, Housing "B"	Indians	1150
1958	Magomeni	African Middle School	Africans	7539
1958	City Centre, Burton Street	European School	Europeans	37,755
1959	Chang'ombe	Asian Primary School	Indians	24,417

Source: Tanganyika, *Annual Report of the Public Works Department*, Government Printer, Dar es Salaam, relevant years.

(c) Major Housing Schemes Undertaken

European Housing

During the late 1940s, the housing situation for government European Officials was desperate. A total of £4,000,000 was spent on European housing (referred to as staff housing) during the period under review. The houses were mainly located in the Kurasini area and at Oysterbay in Dar es Salaam.

Asian Government Housing

A total of 500 units of Asias Government housing, each costing £1,000 was projected. About 350 of these were to be in Dar es Salaam. Most were constructed in the Chang'ombe area.

African Housing

From the early 1940s the Government accepted the provision of housing for Africans. This was conceived at four levels:-

- i. African Government Housing: This was meant for Government employees in outer stations and not in townships.

- ii. African Urban Housing: This was meant for all Africans and not just government employees. The colonial government did not appear to want to favour its African staff, since we have seen earlier how it refused to help them with access to housing or building plots (Chapter Four). Experimental buildings were carried out in order to produce a cheap, economic house in permanent materials. The types and kinds of rents charged for these buildings are discussed later, but such "*quarters*" as they became to be known, were constructed in the Ilala, Temeke and Magomeni areas of Dar es Salaam. As a result of the Dockworkers strike of 1947, the Government was catapulted into conceiving a plan to put up, by April 1948, 1000 temporary houses for Africans in order to relieve overcrowding, and force down house rents. These houses were expected to last 5-10 years and cost each, £45. The plan backfired miserably. Only 79 houses were ever constructed at Ilala, but to such low standards that conflict soon arose between the central government which, in view of the accommodation shortage in Dar es Salaam, defended these houses but loathed to maintain them, and the Municipal Authorities who found the houses unfit for human habitation and considered them the responsibility of the central government. By the end of 1953, the temporary housing scheme was in shambles, but even demolishing these ignominious structures became a cause of conflict between the Municipal Council and central

government.¹⁸

A total of £2,200,000 was spent on African Urban Housing during the duration of the *Development Plan*. Some £1,600,000 was possibly spent in Dar es Salaam since it had been planned to provide African Housing in a ratio of 5 for Dar es Salaam to 2 for other urban areas. African urban houses cost around £216 on average, compared to £1,000 for Asian houses, and to between £1,500 - £3,000 for European houses. Besides, funds for African urban housing were to meet all the expenditure connected with such schemes including expenses of administration, construction, internal roads, site preparation, land acquisition, and installation of water supplies and other incidentals.¹⁹ Therefore, the amount spent on actual African Housing was highly limited.

iii. Sites and Services Plots

Although the concept of sites and services is usually related with the World Bank in the 1970s, it has been shown in Chapters Three and Four that both German and British Colonial governments demarcated plots in the Kariakoo and Ilala areas of Dar es Salaam, where construction in any materials by Africans was allowed. These were the early sites and services schemes in Dar es Salaam. Such policy was continued in the 1950s in areas of Temeke, Magomeni and Kinondoni and across the Harbour at Kigamboni. In these areas, plots were demarcated and issued to Africans on short term tenure, for self construction. Nearly 8,000 plots were demarcated during the 1950s on both government land, and on land acquired from its owners. It was hoped that land would be fully serviced before allocation, but in most cases, plots were allocated with rudimentary or no services.

iv. The African Urban Housing Loan Fund

The fourth level at which African housing was conceived was for the better off

¹⁸ Tanzania National Archives File No. 36707, African Housing Scheme, Dar es Salaam Temporary Housing.

¹⁹ Tanganyika, *Revised Development and Welfare Plan for Tanganyika, 1950-1956*, Government Printer, Dar es Salaam, 1951.

Africans who wanted or were encouraged to construct permanent houses in urban areas to be provided with financial assistance, and longer security of tenure. For this reason, the *African Urban Housing Loan Fund* was set up in 1953 to meet this need. With a deposit of £75, applicants could borrow up to £500, to be repaid over 20 years at a flat rate of Shs. 12/50 per £100 per month.²⁰ By 1954 only a few loans had been sanctioned but it was hoped that applications would pick up. By 1960, the demand for loans had grown to exceed the available funds. The maximum amount borrowable was raised to £1,000 and the interest rate was to be raised to 6% (from 4% in 1953).²¹ Certain areas in Dar es Salaam (e.g. Block W in Magomeni) were set aside for allocation to beneficiaries of this loan fund.

(d) African Urban Housing and Changes in Colonial Policy

It may be wondered why during the 1940s, colonial policy accepted the policy of African Urban Housing, which was before then just not on the agenda, and housing was not considered outside the labour lines provided for under the *Master and Servants Ordinances*. The acceptance of African Urban Housing was an offshoot of the acceptance of African labour as a permanent phenomenon in urban areas as compared to the earlier period when African labour was seen as casual and migratory and therefore entitled to just temporary shelter.

The second reason leading to the acceptance of African urban housing was to cultivate the goodwill of the Africans towards the colonial government, particularly after the labour disturbances of the 1940s, and in the light of the impending decolonisation. There was a feeling among colonial officials that the Africans regarded the colonial government as uncaring, as far as their problems were concerned. A *Memorandum on Housing in Dar es Salaam* written for the Executive Council in the mid 1940s argued that the Government should put up 30 modern houses for Africans in Zone III of Dar es Salaam:

²⁰ Tanganyika, *Development Plan 1955-60: Capital Works Programme*, Government Printer, Dar es Salaam, 1955.

²¹ Colonial Office, *Tanganyika Report for 1960*, Her Majesty's Stationery Office, London, 1961, p. 121.

One of the difficulties at present in Zone III is that the African is convinced that the Government is not interested in his housing; this feeling makes for political unrest ... If the building of these 30 houses cost £12,000, it will be a cheap price to pay to preserve peace and good order in the African Community during the next five years.²²

Commenting on the necessity of the temporary African Housing Scheme in October 1947, the Provincial Commissioner, Eastern Province, impressed upon the Chief Secretary that:

the scheme will have immense goodwill value and will convince many Africans that Government is making real effort to solve their present difficulties.²³

It is notable as well that in the *Ten Year Development and Welfare Plan*, African housing was prominently categorised, while European housing was "hid" within Public Works and Buildings.

The third reason was to tackle overcrowding which was then rife in both Zones II and III. In Zone III it was made worse by the influx of Asians who took up the best properties that there were, and who could pay higher rent for any accommodation they desired. According to the *Tanganyika Standard* of 15th February, 1945, Africans could hardly pay 10-15/= a month as rent for a room, while Asians were willing to pay 20/= . A letter of 5th February 1945, by the Honorary Secretary of the *Tanganyika African Government Servants Association* to the Chief Secretary complained of bad housing conditions for Africans pointing out that all good housing in the African quarter was being taken up by Asians, replacing Africans. He suggested the provision of temporary housing for Government employees; the expulsion of Asians from the native area; the control of house rent in the native area and the provision to African employees, of "quarters". The Chief Secretary brushed these suggestions aside, but hoped that the then already sanctioned experimental programme for the construction of permanent houses for Africans would ease the situation somewhat. The problem was formidable and growing, especially as a result of Dar es Salaam's rapid increase in population

²² "Memorandum on Housing in Dar es Salaam", in, Tanzania National Archives File No. 32982, Shortage of Housing in Zones II and III.

²³ Tanzania National Archives File No. 36707, African Housing Scheme, Dar es Salaam Temporary Housing.

which had grown from 41,000 people in 1939 to 55,000 in 1945.²⁴ The Government could no longer ignore this issue.

There were various discussions and deliberations concerning the issue of African urban housing. In October 1943, a meeting took place between various high ranking officials in the Tanganyika Government including the Chief Secretary, and Mr. A.C. Jenkins, Director, Native Lands, Southern Rhodesia, who had studied native housing from Kenya southwards. Views were exchanged on the whole issue of native housing in Tanganyika. It was agreed that Native housing in urban areas was desirable and that the problem of resources would soon be solved by the provisions of the *Colonial Development and Welfare Fund*. It was agreed to insert £2000 for an experimental native housing scheme in Dar es Salaam in the 1944 Territorial estimates.²⁵

In 1943 the Labour Office proposed the control of natives moving to Dar es Salaam, but at the same time urged the Township Authority to expand the native town and extend to it, medical, educational and recreational facilities (including a better and more hygienic native beer hall!) and to institute a proper native housing scheme.²⁶ Among the views circulated concerning the native housing scheme were those of Municipal Secretary, Dar es Salaam, E.H. Helps, who supported the idea of constructing "garden villages housing" for natives as was being advocated by one Mr. Hutton who had designed and constructed a garden village in the Makongeni Area of Nairobi. He suggested that Kariakoo should be relaid piecemeal into a garden village.²⁷ Unfortunately Mr. Helps' views were just p.a.'d.²⁸ by the District Commissioner but this goes to prove that the idea of native housing had caught on.

24 Tanzania National Archives File No. 32982, Shortage of Housing in Zones II and III.

25 Tanzania National Archives File No. 4/12 Native Housing Scheme, Dar es Salaam: Minutes of a meeting convened to discuss matters with Mr. Jenkins, and other matters related to Native Housing, Dar es Salaam.

26 Tanzania National Archives File No. 27/8, Township and Minor Settlements Development Scheme.

27 *ibid.*

28 p.a. (put away) and n.f.a. (no further action) were common abbreviations used by officials who did not intend to deal with the issues presented to them.

Besides accepting to construct completed houses, the government accepted to provide demarcated, and, hopefully, serviced plots, where Africans were to be encouraged to become house owners by constructing traditional or modern type houses. Unlike the previous era, better amenities, i.e. roads, water supply, markets, schools, recreational grounds and so on were being stressed. It was also proposed to set up an *African Housing Company* to take up the functions of housing development from the central government. The Company was never formed, though.²⁹

Thus, African Urban Housing was conceived under three major concepts: the economic, the political, and that of public health. These concepts affected the location of the earmarked African residential areas in Dar es Salaam (refer to Figure 5.2).

The **economic concept** aimed at providing planned areas for African housing in relation to labour supply to the economy of Dar es Salaam. Africans were conceived to have three areas of employment.

- o The Docks, for which a settlement was planned at Kigamboni;
- o The Industrial areas along Pugu Road, for which a settlement was planned at Temeke; and
- o The High Income Areas of Oysterbay for which a settlement was planned at Kinondoni.

In the above three areas, plots were earmarked for allocation to employers, as well as to individual builders.

The **political concept** aimed at getting the goodwill of the Africans towards the colonial government. This was centred on the Government providing complete houses for Africans - the so called "quarters" - in Ilāla, Magomeni and Temeke, and on providing plots in Magomeni, Temeke and Kinondoni for self construction in traditional materials without financial assistance; or in permanent materials, with the help of the *African Urban Housing Loan Fund*.

²⁹

Tanganyika, *Development Plan, 1955-60*.

The **public health** concept centred upon the drive to reduce overcrowding in the native zones of Kariakoo and Ilala. The area earmarked to take surplus African population was Magomeni where over 3000 plots for self construction were provided.

5.2.3 Institutional Set Up for Implementing Land Policy

Much of the land policy during the 1940s and 1950s grew out of, and was closely knit with, the *Ten Year Development and Welfare Plan* which was handled by the Development Commissioner. A major implementing agency of the *Development Plan* was the Public Works Department, under the Member (Minister) for Development and Works. This Department was responsible for the construction or supervising the putting up of public building (including Government, and African housing); as well as of much of the infrastructure e.g. roads, bridges, water networks, and drains and sewers. Typically, the Department would construct or oversee the construction of such infrastructure and then hand over the completed works to the Municipal Council for management.

The Member for Lands and Mines, and in particular, the Land Officer, was responsible for all issues related to land including acquisitions, grants, transfers, and the registration of titles; land surveying; and town planning. With the appointment of the Town Planning Advisor (who was later renamed Chief Town Planning Officer) in 1947, all issues related to Town Planning originating from the Municipal Council, or from other Government Departments were referred to the Chief Town Planning Officer for advice and ruling. With the expansion of local government business, the Member for Local Government became very important in all issues related to Municipal development. Distantly related to urban land use was the Director of Medical and Sanitary Services whose role became merely advisory, and was getting confined to issues of direct medical consequence like mosquito control. Here, he however overlapped with the Director of Public Works who was responsible for drainage, sanitation, and water supply services. The role of the Medical Officer in Land development was becoming less and less significant compared to the 1920s. There was also the member for Social Services who influenced policy towards Africans. At the same time the role of the Governor in issues related to Dar es Salaam's land use development was no longer as direct as it used to be in the 1920s and 1930s. Nevertheless, planning schemes and many other undertakings had to

be approved by the Governor in Council.

At the local level, the Provincial Commissioner, and the District Commissioner were important overseers of land development (and other) issues in Dar es Salaam. In fact, in 1950, it was decided to create a District of Dar es Salaam whose boundaries coincided with those of the Municipality.³⁰ Prior to that, Dar es Salaam was part of either Kisarawe, or Uzaramo Districts. A series of strikes in 1950, convinced the government that Dar es Salaam Municipality had to be brought closer to the District Administration "to bring the government closer to the people, therefore pre-emptying situations of strikes".³¹

A major change in the administrative status of Dar es Salaam, was the town's attainment of Municipal status in January, 1949 under the *Municipalities Ordinance (Cap 106)* of 1946. The latter had been drafted in 1936, and reviewed in 1944, but for reasons discussed in Chapter Four, it was not then enacted into law till 1946. The *Municipalities Ordinance* gave the Governor powers to declare any area to be either a Municipality, or an urban district. It provided powers for the appointment of Municipal Councils and for the regulation of their business. It provided for the financial viability of the councils, and gave them legislative and executive powers, including those related to town planning and land development. In its original form, the *Municipalities Ordinance* combined powers contained in the *Township Ordinance* (including the *Township Rules*) as well as powers for rating. The *Ordinance* was later scaled down as some of its powers were provided for in other later legislation, including the *Town and Country Planning Ordinance* of 1956, and the *Local Government (Rating) Ordinance* of 1952. Though passed in 1946, no municipalities were proclaimed till 1949. The Acting Chief Secretary told the *Legislative Council* in 1946, that the *Municipalities Ordinance* was an enabling legislation and "the time has perhaps not yet quite arrived, when all that remains to be done is to order a large supply of mayoral chains of office".³² Some preparations, particularly the Councils' financial aspects were yet to be done, thus the delay in declaring Dar

³⁰ General Notice 173 of 28/7/1950.

³¹ Tanzania National Archives File No. 39159, African Administration: Dar es Salaam Municipality.

³² Tanganyika, *Proceedings of the Legislative Council, (Hansard) 20th Session (Hansard), 1945/46, Parts III, IV and V*, Government Printer, Dar es Salaam, n.d., p. 173.

es Salaam the first Municipal Council in the Country.

In 1950, the Dar es Salaam Municipal Council formed several Committees, nearly all of which had some duties related to land uses although, in this respect, the Town Planning Committee, the Housing Committee and the Highways and Works Committee were the most important. Of the council officials, the Municipal Engineer was a key person as far as land use development was concerned. He proposed and implemented land use layouts, and land servicing schemes, subject to their approval by the Chief Town Planning Officer in the Department of Land and Mines. The Municipal African Affairs Officer was consulted on most matters related to the access and development of land by Africans.

It can be summed up that the land policy for Dar es Salaam was implemented at two levels: the central government level where most development plans (i.e. capital expenditure) were conceived and implemented; and the municipal level where day to day management was undertaken. Occasionally, though, the Municipal Council had their own capital works schemes as well. Land development policy, implementation schemes and finances emanated from the central government sometimes in consultation with, sometimes without consulting, the Municipality. Inevitably, there were several instances where the central government acted without informing the Council. In April, 1950, for example, the government sold, or otherwise allocated shop plots at Oysterbay without the knowledge of the Municipality.³³ It was also usually a matter of contention as to who between the central government and the Council, was responsible for servicing government land, or maintaining the infrastructure there upon. Central government powers over land use and development in Dar es Salaam was overwhelming, but power overlaps, and conflict over policy were common between the Council and the central Government, a situation that persists todate.

33

Municipal Council of Dar es Salaam, *Minutes*, 1950, p.73.

5.2.4 Shaping Dar es Salaam's Land use Structure through Land Policy

The Leadbeater Plan for Dar es Salaam: Mid to late 1940s

With the prospect of the end of the War in sight, and with development plans being mooted, it was obvious that Dar es Salaam's land use development would receive some considerable official financial support. The Township Authority was therefore anxious to have a town plan ready. *Pashen's Plan*, prepared in the 1930s was, by mid 1944, found to be conflicting with so many of the existing township establishments (e.g. the Open Space) that it required serious revision. A town planner was therefore urgently required. In May 1945, a Local Government Engineer employed under the Directorate of Works, Mr. H. Leadbeater, was engaged to deal with preliminary matters relating to Town Planning and Housing Schemes throughout the Country, and was asked by the Township Authority of Dar es Salaam to advise on: the general town plan for the township; a pilot native housing scheme; the provision of plots for all official, industrial and commercial requirements, and, the extension of the various zones and township boundaries. Lack of a town plan was seen as a hindrance to the release of plots for housing, commerce, industry, public uses, etc. There was also the question of overcrowding in a number of areas. Urgent attention needed to be directed to the questions of:

- o Upanga, a freehold area which had been in demand for years, and whose owners were restive;
- o Industrial sites required by important commercial houses;
- o School sites then being demanded by the Director of Education;
- o Extension of the African town to relieve overcrowding.³⁴

In his advice, Leadbeater suggested five zones for Dar es Salaam, based on racial and functional considerations as follows:

Zone I, residential, to include the Government Area, Upanga, Oysterbay, Kurasini, and a small part of Keko. This was meant for the use of Europeans and Asians;

Zone II, commercial, being part of the city centre adjoining the Government area, and also parts Oysterbay, and parts of Gerezani. This too was meant mainly for European shopping;

³⁴

Tanzania National Archives File No. 13483, Town Planning Scheme for Dar es Salaam, Vol II.

Zone III, Bazaar, being the Indian commercial/residential area in the town centre for Indian residence, and general shopping;

Zone IV, African, i.e. Kariakoo and Ilala, extended outwards, as well as Kinondoni, Mwananyamala, and Regent Estate, meant for African residences;

Zone V, Industrial, that is the Pugu Road - Temeke Area as extending Westwards, and the Port Area.

In this plan the old concepts of seeing land uses in the terms of races was upheld. However, an important divergence from earlier practice, was the proposals for an Industrial area.

It would appear that there were no efforts to implement this plan to any substantial degree. Though it was gazetted in November, 1946, it was declared abandoned in early 1947. It is not clear why there was this quick turnabout but it possible that the antiplanning tendency in government, of the 1930s and 1940s, was still lingering in the minds of the officials. The other reason could be the fact that the Municipal Authority was not yet in place. A third reason could be personality clashes between officials. The plan, however had considerable influence on the decisions to site of a number of planning schemes in Dar es Salaam, including: the European residential areas in Kurasini and Oysterbay; the commercial neighbourhood centres in Oysterbay; the African zones in Kinondoni and Mwananyamala and the industrial area along Pugu Road, and the various changes to the zone boundaries of the main commercial area.

Important planning schemes for Dar es Salaam in the late 1940s were conceived before Harry Ford's "*Plan for Dar es Salaam*" discussed below. Thus the *Leadbeater Plan* can be said to have been the basis of most planning schemes in Dar es Salaam, in the 1940s, and 1950s. Its five zone scheme was adopted in a number of documents related to Dar es Salaam's land use development.³⁵

³⁵

See for example, General Notice 863 of 13/4/1956 in relation to the Industrial Areas.

Harry L. Ford's Plan for Dar es Salaam, 1949.

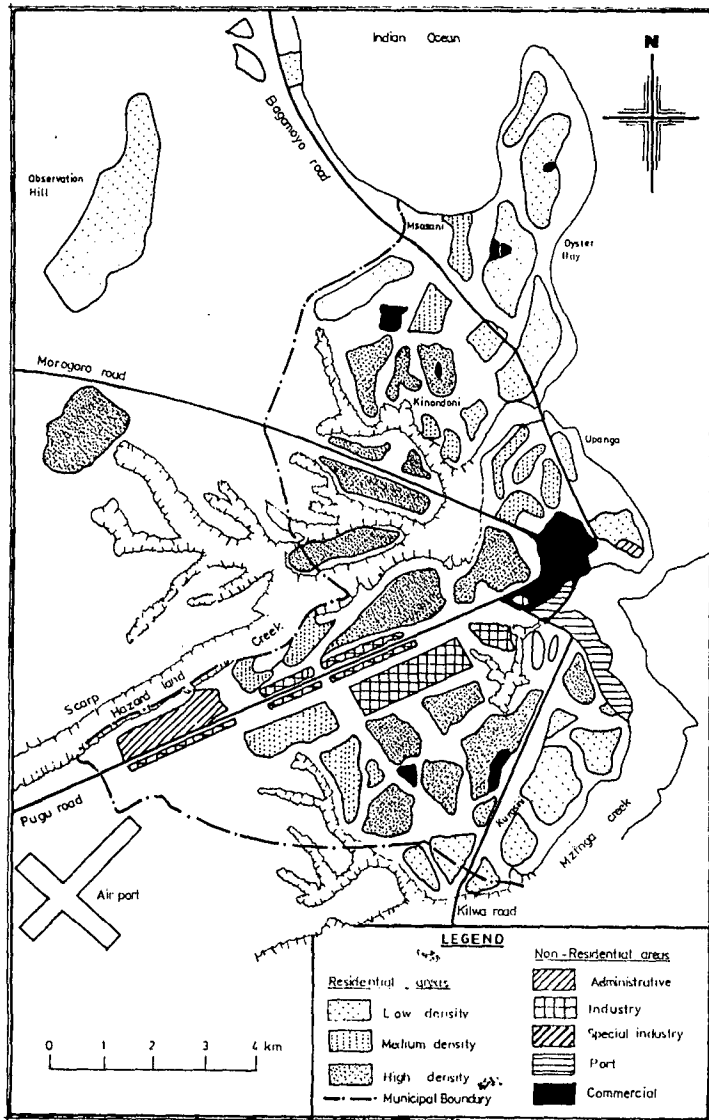
While the need for comprehensive town planning had been argued since the 1930s, the 1940s made the issue more pressing. Urban areas were getting larger and more complicated and it was no longer possible to be satisfied with the zoning and building regulations under the *Township Ordinance*. Just as the Colonial territories were required to prepare Development Plans, so was it deemed necessary that even urban areas, particularly the larger ones like Dar es Salaam, should have their own plans. Some aspects of urban development would be included in the territorial development plans, but the question of town planning, particularly the aspects of land ordering, in part to accommodate the funds provided under the *Development Plans*, required to be addressed. In Tanganyika, this resulted into the appointment in 1947, of a firm of Consulting Engineers, Sir Alexander Gibb and Partners, of London, as Town Planning Advisors to the government of Tanganyika with the tasks of: preparing planning schemes for a number of urban areas in the country, including Dar es Salaam; setting up a Town Planning Division within the government departments; and preparing a *Town Planning Ordinance*.³⁶ The firm selected Mr. Harry L. Ford, ARIBA, MTPI, who had some experiences elsewhere in Africa, as the key person to undertake these tasks. Town planning was only one of the firm's assignments in Tanganyika. It was also deeply involved in two major civil engineering undertakings: the construction of the Tanga - Chalinze - Dar es Salaam road which opened up the Magomeni area in Dar es Salaam; and the construction of the new Dar es Salaam Airport which was opened in 1954. Between 1945 and 1949 various adhoc planning schemes were prepared for various townships throughout Tanganyika, in between the drafting of the *Town Planning Ordinance*, and the preparation of a comprehensive planning scheme for Dar es Salaam.

In looking at the future of Dar es Salaam, Ford proposed three types of residential uses: low density which he assumed to be European housing; medium density which he equated to Asian housing, and high density which he assumed to be African housing. No theoretical or practical reasons were given for such proposed access to land consumption based on race. He proposed a further four zones for functional uses i.e. commercial, inoffensive industry, special (a term he preferred to "offensive") industry, and open space. Special reservation

³⁶

A.M. Armstrong, "Masterplans for Dar es Salaam, Tanzania: The Shaping of an African City", *Habitat International*, Vol. 11, No. 2, 1987, pp. 135-145.

Figure 5.1: A Plan for Dar es Salaam, 1949.



Source: Armstrong, "Masterplans for Dar es Salaam"

areas were made in his *Plan* for Port works and the Railways. Some of the land was classified "undetermined" and was to be frozen or developed only for agriculture. Building without permission on such land was to be forbidden. Ford's planning area extended beyond the Municipal Boundaries, where development would require permission under the Town Planning legislation, but not necessarily the approval of the Municipal Council. This was aimed at controlling development outside municipal boundaries.³⁷

Besides racial and land use segregation, Ford's plan for Dar es Salaam³⁸ (Figure 5.1) proposed generous open spaces which he called "breeze lanes", arranged in a continuous form in the direction of the prevailing breezes. Some were to be put to playing fields, schools, etc. "Also of course, they form the segregation between the various use groups".³⁹

In planning residential zones, Ford complained that the biggest problem he was facing was the difficulty of making provisions for the needs of the different races. "In Tanganyika, no racial zoning is provided and unless it is introduced, it will be difficult to create satisfactory zones."⁴⁰ The layout for Oysterbay, for example, assumed the area to be for Europeans and Upanga for Asians. With Asians already in Oysterbay, Ford pointed out, services needed serious revision.⁴¹

The areas which Ford proposed for low density residential uses were: Oysterbay, the central Dar es Salaam area around the botanical gardens, Kurasini, and a part of Pugu Road. He further proposed that the elevated land at the Observation Hill (most of which later became the University of Dar es Salaam) be laid out as a high class residential area since it was "the finest and most elevated residential area close to town", and he opposed the proposed siting

37 Armstrong, "Masterplans for Dar es Salaam", suggests that Ford limited himself within the municipal boundaries. This was not the case and Armstrong was certainly aware of Ford's proposals for the Observation Hill, (most of which area is currently occupied by the University of Dar es Salaam), which was outside the Municipal boundaries.

38 Tanganyika, *A Plan for Dar es Salaam: Report*, Sir Alexander Gibb and Partners, London, 1949.

39 *ibid.*, p. 30

40 *ibid.*, p. 33

41 *ibid.*

of the King's African Rifles cantonment near this area.⁴² For medium density residential uses Ford proposed Upanga, Kinondoni, Chang'ombe and Kurasini. For high density residential uses he proposed Kariakoo, Ilala, Temeke, Magomeni, Kinondoni and Msasani. He also proposed the reduction of overcrowding in the old native area of Kariakoo, and the institution there of breeze lanes and more open spaces. For Industrial uses he proposed the Pugu Road, a small site at Gerezani for bulk oil, and a small area at Msasani where there was already a sisal decorticating factory. For commercial uses, he decried the uncontrolled development that had taken place since the War in the commercial area and proposed the decentralisation of retail trade to commercial areas earmarked for the planned neighbourhoods. While he favoured the "ruthless replanning of the commercial area", he was nevertheless aware that economy did not permit such a course of action.⁴³

It will be realised that many of Ford's proposals drew heavily on the existing land uses and on the earlier *Leadbeater Plan*, and many of the town planning schemes had already been conceived. Ford was aware that his *Plan* fell short of "any grandiose town planning scheme".⁴⁴ The *Plan* itself, while adopted by the Municipal Council in 1950, does not appear to have had a direct impact on the land use structure of Dar es Salaam. Most of what it proposed was already being implemented while hardly any of its novel proposals were implemented. Moreover, it does not appear that the *Plan* was ever given legal status e.g. by getting the approval of the Governor in Council, or by being gazetted. Nevertheless, Ford, (and his successor, L. Sylvester White) were regarded in high esteem in Government and were consulted on most town planning issues. Ford's contribution was mainly in "fine tuning" the existing or earmarked proposals, differing, agreeing, or criticizing here and there⁴⁵ and generally delaying action. For this, he invited upon himself, the wrath of the Press which, attacked his "tentative", and "wait" proposals, as well as his stand against temporary houses

42 *ibid*, p. 45.

43 *ibid*, p. 82.

44 *ibid*, p. 1. With this in mind, it does not seem proper to call Ford's *Plan* for Dar es Salaam, a "masterplan", as is generally upheld.

45 See for example Tanzania National Archives File No. 13483, Town Planning Scheme for Dar es Salaam Vol II (late 1940s period).

in medium and low density areas, (which (houses) nevertheless were allowed by the government), in a situation of acute shortage of accommodation. Town planning in general was accused of leading to land shortage and to overcrowding.⁴⁶

It is submitted that Ford's contribution to the land use structure of Dar es Salaam was mainly the ideological reification of racial and land use segregation concepts in land uses, despite that such concepts were fast losing currency. It is true, for example, that both the German and early British governments had planned African residential areas at high densities, but except for racial bigotry, and perhaps imported notions of Western European working class living, it is difficult to see why this should have been considered to be the appropriate standard for Africans. Given that for the most part, African areas were not considered worthy servicing, and given that Africans were poor, residential areas planned for them should have been at low density, and the European areas at high density. Yet it is the opposite that usually happened. European areas, expensive to service per capita as they were, got most infrastructure and the cheap to service African areas got the least. Observation should have also indicated to Ford that Asians, for the most part, lived at high densities. The concept of planning medium density residential areas for them must be seen as an attempt to "gentrify" them as being second in line after the Europeans. Finally there cannot have been any town planning principle justifying different standards of land servicing for different races, or making it of necessity the securing of seafront and/or elevated sites for the recluse of Europeans. The low esteem in which Ford regarded Africans did not tally with the changing political situation in Tanganyika (and elsewhere in the colonised world). He was apparently unaware that Africans would be in control of their countries in ten years' time.

Ford's *Plan for Dar es Salaam* reflected the planning ideas then in currency in the Western World, i.e. the Garden City movement, and the burgeoning neighbourhood unit concept⁴⁷. Because of this, lavish open space provision, and land use segregation, were resorted to. These were space consuming, leading to the uneconomic spreading of Dar es Salaam. The *Plan*, like earlier land use and development practice' was over-concerned with matters of

⁴⁶ See Leader, *Tanganyika Standard*, 14/8/1947.

⁴⁷ Armstrong, "Masterplans for Dar es Salaam", p. 136.

public health and physical aesthetics. The planning for a separate industrial zone was discriminative against the small scale industrial establishments, while concern with racial segregation hardly addressed the question of the economic life of Dar es Salaam except perhaps with relation to the planning of "boy's villages" near European residential areas. Finally, the *Plan* hardly addressed itself to the question of implementation. It is submitted that while the major impact of this plan was in the realm of ideology rather than physical realities, this ideology led to the implementation of a land use structure in the favour of the few Europeans and Indians. It produced an inefficient and uneconomic urban form for Dar es Salaam.

Land Use Schemes Earmarked for Africans

(a) The Ilala directly constructed African Housing Scheme

Ilala was the first government sponsored African housing scheme in Dar es Salaam conceived in the early 1940s. Pressure was mounting on colonial governments from the Colonial Office requiring them to address the question of African Housing. In April 1942, the attention of the East African governors was drawn by the Colonial Office to the details of some of the recent housing experiments in the South African Municipalities in view of the important developments in native housing then being projected or actually carried out in various African colonies⁴⁸. Even African employees were pressing the government. In August 1944, one Jeremiah Mukondya of Morogoro Township wrote to the District Officer Morogoro, urging the government to build or buy houses for its African servants since all good housing was occupied by Indians, and, bad housing "causes sickness".⁴⁹ Commenting on the above, the Dar es Salaam Township Authority agreed, and had recommended for consideration of the post war planning committee, that government schemes for housing its employees be initiated. "In most territories to the South the municipalities have housing schemes for Africans", they added.

48 Tanzania National Archives File No. 24387, Improvement to Native Houses, Vol. II.

49 Tanzania National Archives File No. 4/3 Housing Accommodation, African Government Employees.

In a meeting between various Tanganyika officials and Mr Jenkins referred to above, it was agreed to set aside £2000 for an experimental native housing scheme in Dar es Salaam in the 1944 territorial budget. The area decided upon for the location of this experimental native housing scheme was Ilala, where it had earlier (1943) been suggested that the government acquire the 153 acre *shamba* belonging to an Arab, Mohamed Abeid, opposite the Msimbazi Mission (Figure 4.5), and erect thereupon a "better class residential suburb for artisans and clerks".⁵⁰ It was proposed that in this scheme, lodgers be prohibited to prevent overcrowding, and that adequate light, water, roads, sewerage transport and other public services be considered. Some 261 houses, the majority 2 roomed, with an external pit latrine, and a kitchen, and constructed of cement sand blocks for walls and thatch for roofs were put up as part of the African Housing Scheme at Ilala between 1946 and 1950.⁵¹

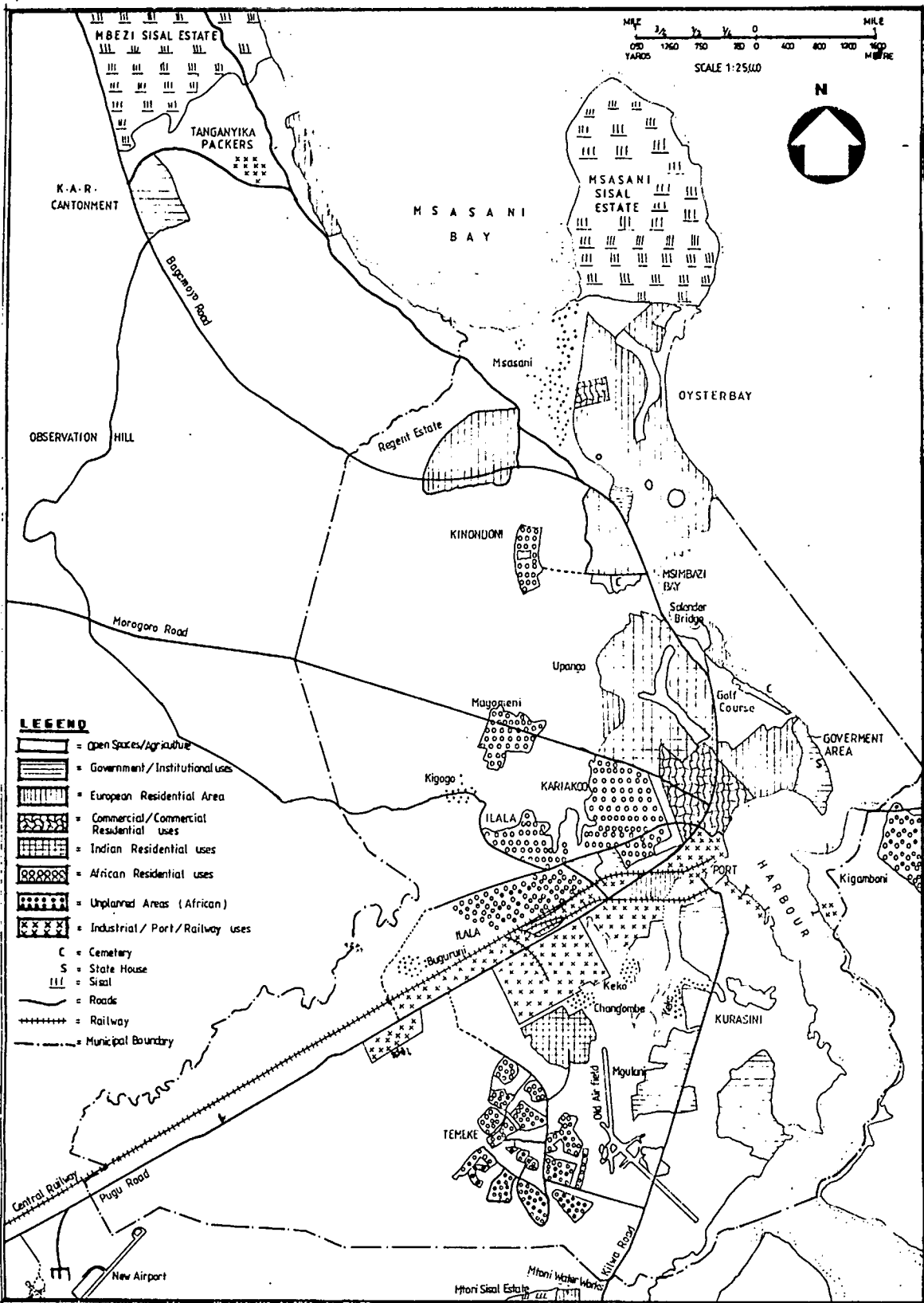
The Ilala African housing scheme was the early product of the epoch of native housing in urban areas. It was perhaps influenced by Southern African practice. It was undertaken as a political gesture to seek the goodwill of the Africans. Thus, it was sited at Ilala, near the native houses, so as to highlight the difference between the government provided housing, and the dilapidated self-constructed native houses. In part, it was also aimed at relieving overcrowding in Zone III. It was aimed at being cheap, thus the use of thatch, but this did not tally with the drive for "permanence". As such, the thatched roofs were later on replaced with clay tiles. During the 1950s, experimenting was going on on a new ideal African house. The Ilala design was therefore not adopted at Temeke or at Magomeni, but due to the location of the area, and the low rents, the Ilala quarters proved to be extremely popular.

Nevertheless, the government soon realised that this "direct construction" strategy could not solve the problem of African housing. In later schemes, it remained only part of a wider strategy which included the demarcation of plots for self-construction.

⁵⁰ Memorandum on the proposal for the extension of Zone III, prepared by M.J.B. Molohan and A.H. Pike on 27/7/1943. See Tanzania National Archives File No. 24387, Improvement to Native Houses, Vol. II.

⁵¹ Colonial Office, *Tanganyika Report for 1948*, His Majesty's Stationery Office, London, 1949, p. 177.

Figure 5.2 Dar es Salaam, 1957.



Source: Department of Survey and Mapping.

(b) The Kigamboni Minor Settlement Scheme⁵²

As far back as the late 1920s when the *African Governments Servants Association* was pressurizing the government to help its employees either to own urban houses, or to acquire plots near their places of work, the Provincial Commissioner Eastern Province, E.F. Brett, had suggested to the Chief Secretary that an African residential area be planned for at Kigamboni (also known as Magogoni) just across the harbour. The idea was not immediately taken up by the Government, partly because local medical research in mosquitoes and in malaria, was showing that the malaria carrying mosquito (*anopheles funestus*) could cross the harbour especially with good on shore winds, and affect the European residential area. Indeed a number of mosquitoes definitely bred at the Kigamboni area, had been caught in October 1935, in Government House as well as in the (European) Residential area.⁵³

The dictates of the post war era however overrode such anti-malaria fears, and by 1950, the government had acquired the large piece of land at Kigamboni, hitherto owned by the Berlin Mission, and put to little economic use (Figure 5.2). An Africa settlement scheme was designed, and applications for plots were being received and processed in 1950.

The African settlement at Kigamboni was conceived with the labour supply to the docks in mind. The government idea was that stevedoring and other companies with operations in the harbour should be encouraged to take up land and to build for their African employees. Among the employers earmarked and encouraged to take up this land were: the Tanganyika Boating Company; the African Wharfage Company and the East African Lighterage Company. The Labour Commissioner wrote to these firms inviting them to a meeting with himself to discuss the whole issue of employer provided housing at Kigamboni. The response of these companies was poor, so that in December 1950, the Acting Member for Development and Works asked the Provincial Commissioner, Eastern Province, to allocate to individual Africans, 200 out of the 500 plots reserved for Employer Companies, but to survey another 200, so that the reserve number of 500 plots be maintained should these companies require them. In

⁵² Unless otherwise shown, information on this scheme is taken from Tanzania National Archives File No. 11/3, Land for Africans at Magogoni.

⁵³ Tanzania National Archives Files No. 23159, Malaria Research: Scheme for drainage of the Kivukoni Area; and No. 31630, Malaria in Dar es Salaam.

all, some 1,000 plots were demarcated at Kigamboni, and by January 1951, 500 had been allocated to individual Africans at an annual rent of 6/= paid in advance. Kigamboni, being the first land provision scheme for Africans since Ilala was allocated in the early 1930s, attracted considerable demand, especially from employed Africans. Partly because of communication problems, the area developed slowly, so that in January, 1951, there were only 150 residents in Kigamboni.

An interesting administrative problem that cropped up was whether Kigamboni should be brought within the boundaries of Dar es Salaam, since it was then, without them, and there was concern that the usual *Township Rules* to protect public health might not apply to the area. It was decided to gazette Kigamboni as a Minor Settlement.⁵⁴ The rules applicable to Minor settlements were considered adequate for the protection of Dar es Salaam's public health. The idea was to avoid making Dar es Salaam too large, for effective management, but at the same time, to avoid the siting of an African settlement near Dar es Salaam (particularly near the European Residential Area) which could be a public health menace to the Municipality. The compromise was a Minor settlement status which would allow the African labourers to put up housing at fairly low standards. It also allowed some minimum public health controls but at the same time did not oblige the government to provide infrastructure expected of a township. In this respect, it is noteworthy that instead of a piped water supply, the government floated a tender for the construction of wells and boreholes within Kigamboni.

(c) **The Temeke African Settlement Scheme**

Temeke was considered for an African residential urban settlement in tandem with policies of labour supply to Dar es Salaam's emerging industrial area along Pugu Road. At a meeting that took place at the Secretariat in March 1938 regarding sites for African Housing, the area of Temeke Village, between the Veterinary and the aerodrome (then at Kilwa Road) (Figure 5.2) was considered suitable since it had various advantages. It was almost wholly government land with only about 30 native dwellings on it. But more important, the inoffensive factories site was shortly to be developed nearby. "A settlement here would form a reservoir of labour for the factories", it was pointed out. A tentative layout for 525 houses

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General Notice 272 of 15/12/1950.

and a further area where large employers of labour might erect accommodation for their employees was presented. It was also pointed out that there was another 200 acres of government land available westwards, where 1000 houses could be accommodated with ease. The question was whether it should be for the government to build, and if so, at what standards, or whether the plots should be allocated to Africans to build for themselves.⁵⁵ In the end the government decided to put up a number of "quarters", and at the same time, make available a lot of land to Africans for self construction.

i. Temeke directly constructed "Quarters"

The construction of Temeke Quarters began in 1950. By September, 1951 the first houses were ready, and by January 1953, some 242 houses had been completed. The rent for these houses was determined at 52/=, 35/= and 26/= per month for a 3, 2 or 1 room house respectively. A Miss Gold, Woman Welfare Officer trained in the Octavia Hill methods of Housing Management, was employed and was available for help. She suggested that households could spend up to 20% of their income on housing, thus it was decided that nobody would be allocated a government quarter in Temeke, unless they were wage earners with a salary of at least 150/= per month.⁵⁶ Thus the quarters were only available to the cream of the Africans.

Temeke quarters were originally quite unpopular. The rent was considered extortionate, the area lacked services, and was too far from the city centre, and was yet to be served by public transport. Thus, of the 242 houses allocated by December 1952, half remained unoccupied in 1953, although everyone on the waiting list had been offered accommodation.⁵⁷

The Temeke quarters were constructed when experimenting was still going on an economic house for the African. The quarters built slightly later at Magomeni were cheaper, and the rents lower.

⁵⁵ Tanzania National Archives File No. 12859, Dar es Salaam Township Layout.

⁵⁶ Tanzania, National Archives File No. 36707/1 Government Policy on African Housing.

⁵⁷ *ibid.*

ii. Temeke Sites and Service Plots

Together with the construction of the Temeke quarters, several hundreds of plots were demarcated and allocated in the area, beginning in 1950. At least 1,500 plots were demarcated but the figure may have exceeded 3000 by 1960. Within the Temeke settlement, it was found necessary to include trade plots, "to save occupants to go to Dar es Salaam." These trade plots were allocated for 33 years, at an annual rent of 100/= plus a premium equivalent to 5 year rent paid on allocation, and a covenant to put up a building not less than 10,000/= in value.⁵⁸ Unlike was the case with the Magomeni settlement which was meant to relieve overcrowding in Kariakoo, the Temeke settlement was earmarked to provide labour to the nearby industrial estate, thus the need to have trade plots in the area i.e. Temeke residents were not expected to be frequent visitors of the Dar es Salaam's centre. It was perhaps for this reason that connecting Temeke to the city centre was not considered a priority and the Dar es Salaam Town clerk, C.W. Baxter complained to the Director of Public Works in April 1952 that "the only access road to the expanding African District of Temeke was still untouched".⁵⁹

(d) Magomeni African Settlement Scheme

The selection of Magomeni (Figure 5.2) as an area suitable for an African Housing Scheme in the late 1940s and early 1950s, was forced as much by circumstances, as by the area's geographical location as the next in line for urbanisation after Kariakoo. Magomeni, however, was inaccessible, since there was no bridge over the Msimbazi River at Jangwani. Access to Magomeni was possible on foot except at the height of the rainy season, but motor vehicles could not cross the Msimbazi Creek.

For this reason, while contemplating a site for the infamous temporary African Housing Scheme in 1947, Magomeni was given second priority to the area beyond Ilala. The latter was seen as not only accessible, but also as a natural extension of the existing town. However, the private Indian land owners in the Ilala area (like Abdul Shariff, Suleiman Daya and the Gullamhussein Brothers) could not reach an agreement with the government on the

⁵⁸ Tanzania National Archives File No. 11/44 Land: Temeke Minor Settlement.

⁵⁹ Tanzania National Archives File No. 18835, Dar es Salaam Roads.

issue of compensation, arguing that since their land had hitherto not been zoned for African housing, which depressed land values considerably, they were free to put it to the highest valuable use, on which they therefore based their claim for compensation. Because of this, the government began to seriously think of the siting of the temporary African housing scheme in Magomeni.⁶⁰

The area earlier contemplated for this purpose was about 130 acres across the Msimbazi Creek, to the West of the northern portion of Kariakoo. Most of it was by March 1948, outside the township boundaries, but within the proposed new ones which were adopted in 1949. It was as yet unzoned. The area was elevated, 25 to 30 feet above the Creek, with mainly sandy soils. It was also well drained and cool due to the fact that the breeze came from the Ocean down the Creek, without interruption. It had natural springs of good quality water, sufficient for between 800 to 4000 families. This was besides the Msimbazi River whose water could also be used. Extensive anti-malarial drainage works had been undertaken in adjoining Creeks, and the incidence of malaria was not likely to be higher than elsewhere on the outskirts of the town. These facts induced the Provincial Commissioner Eastern Province to suggest that, as an alternative to the African Housing Scheme, the area was also suitable for a non-native residential area.⁶¹ A major disadvantage of Magomeni was its inaccessibility to direct vehicular traffic from the municipal centre. It was also heavily cultivated by natives, the principal crop being coconuts.

Magomeni was not in the end selected for a temporary African Housing Scheme, which in any case foundered, but for two major permanent African Housing Schemes: A scheme where the government constructed complete housing units (the so called "quarters"), and a scheme where demarcated plots were provided on which Africans may themselves build, either in semi-permanent materials (as in the earlier cases of Kariakoo, Ilala and Temeke), or, in permanent materials in which case finance could be obtained from the *African Urban Housing Loan Fund* set up in 1953. The problem of Magomeni's accessibility was solved when the Tanga-Dar es Salaam Road was constructed through Magomeni, and a bridge built

⁶⁰ Tanzania National Archives File No. 36707, African Housing Scheme, Dar es Salaam Temporary Housing.

⁶¹ Note to the Chief Secretary, from the Provincial Commissioner, Eastern Province, 23rd March 1948, in, *ibid.*

over the Msimbazi River in 1953. Some 740 acres in the Magomeni area was compulsorily acquired by government in 1951 for the African Housing Scheme⁶².

i. Magomeni Quarters

Experimenting had been going on since the mid 1940s using various building designs and materials, in order to come up with a type of a house which would be 'economic' i.e. whose rent, (based on the cost of construction), could be paid by the African without subsidy from the government. Taking cue from the Temeke Quarters whose cost proved to be rather high, a type adopted for Magomeni was one of precast concrete piers; 3-inches thick hollow blocks walls; concrete floors; and tiled roofs; constructed in blocks of four units. Lavatories were the pit type, with four compartments over each pit (one for each housing unit in the block). The kitchens were externally constructed as small outbuildings, each with two units. Services like water or electricity were not connected. The economic rent was worked out at monthly rates of 12/=, 20/=, and 29/= for one, two or three room units respectively, a major improvement on the Temeke Quarters. By December, 1953, 450 houses had been completed.

ii. Magomeni Sites and Services Plots

For the larger part of the Magomeni area, the government demarcated several thousands of plots which it allocated to Africans throughout the 1950s, for construction in any materials. Applicants scored highly if they had large families, a high income, large savings, and if they intended to use cement/concrete for foundations and floors, or "*debe*" (crushed tins) or iron sheets for roofs. For example, a person who elected to use thatch (presumably the poor) would score naught ("0") while the one who elected to use the expensive "*debe*" or iron sheets would score 20 points. By the end of 1958, 3107 plots had been demarcated, and 1782 surveyed and allocated by the District Commissioner, as shown in Table 5.9. It will be observed that the point system used to allocate these plots was skewed in favour of the "cream of the poor", a policy that has been perpetrated to date.

The duration of the Rights of Occupancy over most of the allocated land was one year. Plots were to be put to residential uses only. Subletting to non-natives was prohibited and

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General Notice 689 of 28/4/1951.

Table 5.9: Magomeni Plots, November, 1958

Blocks	Plots Available	Plots issued	Blocks	Plots available	Plots allocated
1	25	All	A	56	44
2	25	"	B	75	52
3	25	"	C	72	62
4	25	"	D	115	--*
5	48	"	E	41	41
6	48	"	F	76	52
7	32	"	G	137	104
8	134	"	H	64	22
9	24	"	I	189	--**
10	64	"	J	127	76
11	48	"	K	NIL	NIL
12	25	"	L	36	36
13	23	"	M	101	95
14	91	"	N	110	--*
15	36	"	O	95	95
16	23	"	P	80	--*
17	8	"	Q	84	--*
18	14	"	R	122	--*
19	39	"	S	143	94
20	153	"	T	111	3
21	92	"	U	120	--*
22	1	"	V	134	--*
23	3	"	W	111	--***
Total	1006	1006		2099	766

* = Unsurveyed ** = Hanna Nassif *** = Reserved for the *African Housing Loan Fund*
 Source: Tanzania National Archives File No. 11/38 Right of Occupancy to Africans.

the Right could be revoked if such subletting took place⁶³. Over 100 plots in Block W were reserved for the beneficiaries of the *African Urban Housing Loan Fund*. These plots were larger, carried longterm Rights of Occupancy, and beneficiaries were expected to construct on them houses in modern materials.

Like was the case with Temeke, land servicing remained a second priority to land demarcation and allocation, so that by the end of 1958 the government was contemplating putting a moratorium on the further development of Magomeni until services could be instituted to new areas before plots were allocated.⁶⁴

(e) The Kinondoni African Settlement Scheme

During the 1930s, and with relation to the Oysterbay residential area, it was noted that domestic employees in Dar es Salaam did not like to live at their places of work. The suggestion by a *Committee of Ladies* set up to look into problems of Oysterbay, that a houseworkers' village be established near Oysterbay, was turned down, but with the expansion of the European residential areas, both by government and the private sector (like Kingsway Estates Ltd., and Regent Estates Ltd), there was a general consensus among colonial officials that there should be a high density (i.e. African) residential area near these mainly European areas. In his planning proposals for Dar es Salaam, Leadbeater had earmarked Kinondoni as an African residential area. In his plan for Dar es Salaam, Ford supported the concept of "houseboys" towns. In Ford's opinion, low density plots, the most common of which were 1 acre in extent, were difficult to provide with sewers or hedges, but at the same time smaller plots were inconvenient, if servants quarters were built in. Since he favoured smaller low density plots, he suggested the introduction of "boy's towns" at convenient distance from low density areas, but within easy walking range to them. With proper control, he argued, such "boys towns" could be made most attractive; and be free from any criticism which might be levelled against them from the health aspects. He therefore planned for an Oysterbay with smaller plots, but with African residential areas sited nearby

⁶³ Tanzania National Archives File No. 11/38 Rights Occupancy to Africans.

⁶⁴ see note from Deputy Provincial Commissioner to the District Commissioner 18/10/1958, in Tanzania National Archives File No. 11/38 Right of Occupancy to Africans.

at Kinondoni, and at Msasani.⁶⁵ It would appear that Msasani high density scheme did not take off, although an unplanned settlement developed in the area. The Kinondoni scheme was realized when over 700 plots were demarcated in 1950, on Government land, to the West of Bagamoyo Road (Figure 5.2).

The Kinondoni scheme was similar to the schemes of Magomeni and Temeke in terms of planning standards, procedure of land allocation, development requirements and dearth of land servicing. Unlike Magomeni and Temeke, there were no "quarters" constructed at Kinondoni. Instead, plots were issued for construction in whatever materials. But in view of its location near low density housing, Kinondoni's non-servicing caused a stir in colonial circles (Chapter Four). As a result, it was decided that in future, new high density residential areas should be provided with some basic standards to avoid public health danger particularly to residents of the low density areas.⁶⁶

Land Use Schemes Earmarked for the Asian Community

Besides the city centre, and the trade areas in the native parts of Dar es Salaam, the government earmarked two major schemes for Asian residential occupation i.e. Upanga and Chang'ombe (Figure 5,2). Upanga entailed a land pooling and redistribution scheme for private construction, while Chang'ombe was government land demarcated to provide plots for the construction of complete housing units by the public or private sectors.

(a) The *Upanga Area Planning Scheme*

The unsuccessful efforts by the Township Authorities to remove natives from Upanga, and to get a planning scheme for the area in the 1930s have been described in Chapter Four. By the early 1940s, there was little worry about continued native occupation of Upanga. Instead, the Government was ready to see Upanga regularised and made ready for development on modern lines. There were several reasons why Upanga had to be regularised: First, was to reduce overcrowding in the city centre, and in this respect, some developers

⁶⁵ Tanganyika, *A Plan for Dar es Salaam*.

⁶⁶ Tanzania National Archives File No. 41949, Health and Sanitary Measures, Dar es Salaam Municipality.

were allowed to put up temporary accommodation in the area.⁶⁷ Second was to give Asians a planned area in which to invest, considering that they had considerable resources at their disposal. The alternative was for the Indians to expand, on a large scale, into the native area, and into Oysterbay, both of which happenings were deprecated by the Government.

Prior to its regularisation, Upanga consisted of approximately 100 different holdings, for a larger part, irregular in shape, most unsurveyed and undeveloped, and with no access roads, electricity water or other amenities. The land was held by both natives and non-natives, the latter slowly buying out the former. The area comprised of some 470 acres bounded by the Msimbazi Creek, portions of Bagamoyo Street, Sultan Street, Kisutu Street, Upanga Road and Ocean Road (see Figure 4.3)⁶⁸.

A preliminary planning scheme for Upanga was published in 1946. This formed the basis of the large scale planning scheme of 1948. Meanwhile, special legislation was drafted to enable the execution of the scheme. This became the *Upanga Area (Planning and Development) Ordinance (Cap 283)* of 1949. The purpose of *Cap 283* was to allow the appointment, by the Governor, of a Committee, whose duty would be to plan Upanga, i.e. to provide piped water, open spaces and roads, and to subdivide the land into plots for residential and business purposes, and for public uses (e.g. schools, places of worship, hospitals, etc). As this land was freehold in private ownership, the *Cap 283* gave powers for the whole land to be pooled i.e. for each of the owners to lose rights to a particular piece of land, but to be reallocated another piece which would be 75% of the size of the original piece. The 25% of land contributed by all owners was to be used for the provision of roads, open spaces, and other public purposes. The authorities were given powers to form roads, and other public infrastructure, and charge either the whole or part of the costs against the owners of the land. In July 1949, the *Upanga Area (Planning and Development) Committee* was appointed. The members were: the Land Officer (Chairman), the Town Planning Advisor,

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In July 1947, Yusuf Jaffer Daya was given permission to erect 20 temporary (i.e. mud and pole, and *makuti* (thatch)) houses on his freehold Shamba off Upanga Road to relieve congestion in the Commercial area. The tenants were to be recommended by the Township Authority, who would also determine the rent. See Tanzania National Archives File No. 13483, Town Planning Scheme for Dar es Salaam Volume II.

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Government Notice 808, 7th August, 1946.

and the Chief Surveyor. Others were Jafferali A. Meghji, and Municipal Councillors P. Everett, D.K. Patel, and J. Scott-Barrett. Later on, an African, Mr. S.M.O. Mtamila was added.

The *Upanga Planning Scheme*, whose aim was to convert the 100 or so holdings into between 900 - 1000 plots, was ready in July 1950⁶⁹ and was adopted in 1951. No major objections were presented against it by the land owners except that places of worship, burial grounds, and other sacred places should not be tampered with. Surveying started in 1952 and in that year alone, 753 plots were demarcated. Another 370 were surveyed 10 years later in 1962 as additions to the earlier plots.⁷⁰

In order to ensure some finality in plot ownership in Upanga, the *Land Registry Ordinance* was amended. Prior to 1949, land registration was optional. From 18th March 1949, an amendment allowed the Governor to order compulsory registration in any area he considered it necessary and within a timeframe specified. Failure to comply with the order could lead to the forfeiture of all rights in the land in question. Immediately, an order for compulsory registration was made in respect of a 2 square miles area in Dar es Salaam's City Centre and in respect of the Upanga Area. The closing date for application for first registration was 31st December, 1949. A study of the applicants for the registration of land in the Upanga Area gives some idea of the ownership of Upanga land, just before the adoption of the new planning scheme for the area. Results of study of the gazetted applications for first land registration related to plots in the Upanga Area between 1946-1950 are given in Table 5.10.

⁶⁹ General Notice 1119 of 7/7/1950.

⁷⁰ I. Mwanasamba, *The Success and Failure of the Upanga Area Planning and Development Scheme (Cap 283 of 1949)*, Diploma Project, Ardhi Institute, Dar es Salaam, 1991, p. 16. This work, however, would appear to be highly unreliable and should be read with caution.

Table 5.10: Gazetted applications for First Registration under the Land Registry Ordinance, Upanga Area, 1946-1950

Years	Applicants			
	Indians	Other non natives (Europeans, Arabs, Goans)	Natives	Total
1946	8	2	-	10
1947	11	2	1	14
1948	11	6	1	18
1949	95	10	3	108
1950	30	16	4	50
Total	155	36	9	200
%	77.5	18	4.5	100

Note the impact of the compulsory registration order of March, 1949
 Source: *Tanganyika Gazette*, relevant years.

By far the majority of the applicants (77.5%) were Indians. These had been acquiring land from the natives over the years. To some extent, this was the result of government policy which had since the mid 1930s encouraged the market forces to remove natives from Upanga. During the World War II, as we have seen, Indians made bags of money. Upanga became their target. There was some conflicts within the colonial administrators whether it was opportune for Africans to sell their land to non-natives. In mid-1950, the Provincial Commissioner Eastern Province, was opposed to the idea, arguing that land had been a source of income for Africans for years. In a note to the Member for Local Government in June 1950, the Provincial Commissioner protested:

The displacement of these Africans for the value of comparatively small sums representing the difference between the price the coconut tree could fetch if sold to other Africans or to non-natives, does not appear to me to be altogether

justified or desirable.⁷¹

This was a complete turnabout from the stance taken by the Provincial Commissioner Eastern Province in the 1930s, when he constantly urged the central government to remove natives from Upanga. As nevertheless, the views in the above protest were against the current, the Member for Local Government's reply was that the issue would be discussed at a Provincial Commissioners' Conference. Meanwhile the transfer of land from natives to non-natives was going on unabated. By mid 1951, Government policy, as stated by the Member for Land and Mines was that the government did not favour the exclusion of non Africans from African areas, since this would amount to racial reserves, contrary to the Trusteeship principles and African wishes. The point should be to ensure that the non-African did not swindle the African.⁷² Section 11 of the *Land (Law of Property and Conveyancing) Ordinance, (Cap 114)*, of 1923, prohibited the transfer of land from native to non native without the consent of the Governor. In 1950, and in order to *speed up* such transfers especially in the case of Upanga, the Governor delegated his powers of consent to the Director for Lands and Mines, and to the Land Officer provided disposition was recommended by the District Officer.⁷³

It will be seen that the government was actually in favour of the transfer of Upanga land from the natives. The reference to avoiding racial stratification presented in the above paragraph should be compared to the conditions under which land was being allocated to natives at about *the same time*, within their native designated areas like Magomeni. Here, occupation of such land by non-natives (e.g. through subletting) was prohibited and was a serious breach of the conditions of the Right of Occupancy and could lead to its revocation.

Using its powers of refusing consent, the Government ensured that natives were not cheated by crafty Indians. This had various effects. First, the Africans were given "offers they could not refuse". Some of the signatories of the Upanga petition in the mid-1930s were offered between Shs. 30,000/= and 140,000/= for their land (see later on below). These

⁷¹ Tanzania National Archives File No. 255, Land, Transfer of property between Natives and non-natives.

⁷² *ibid.*

⁷³ General Notice No. 914, 7.6.1950.

were fantastic sums at the time, which forced even those with scruples about family tombs to sell their land. Only a handful of natives including Mohamed Tambaza, and possibly the family of Mfaume were still in Upanga in the mid 1950s.⁷⁴ It is however indicative of the discriminative nature of the colonial land policy that even with such large sums of money, natives could only find their way to "their" areas in Kariakoo and Magomeni or further out, but not to the City Centre, or Oysterbay for example. Building covenants in the Oysterbay required that the building put up should be no less than £2000 (Shs 40,000) in value, which some of the sellers of Upanga could have fulfilled, if only they were allocated the land.

Second, by ensuring that the natives got reasonable offers for their land, the colonial government made it appear as if it was standing for native rights, a measure which had some considerable political significance. Ulteriorly, however, the government favoured and eased the buying of natives out of Upanga. Thirdly, by insisting on a high price for native land bought by non natives, the government was applying the hitherto held principle of "non proletarianisation" of the native, who, though losing usufructary rights on his traditional land, should be paid high enough to be able to set themselves up elsewhere. There was little chance that the natives would remain in Upanga in the wake of the Indian onslaught, but the government should not be accused of turning a blind eye when its subjects were being ill treated.

Because they already owned the area, implementation of the *Upanga Planning and Development Scheme* meant that it was mainly Indians who got back the land after its pooling and replanning. While the *Upanga Scheme* excluded Africans, it was nevertheless an example of a successful application of the principles of the land pooling and redistribution approach, and it borrowed immensely from the application of this approach in some Kenyan towns, particularly Mombasa. The *Upanga scheme* was what can be termed basic, as opposed to a full, land pooling and redistribution scheme. It involved the demarcation of roads, and other public use land, but the actual financing for the construction of some of these was organised separately. The cost of making good Upanga Road, for example, was established in 1955 to be around Shs. 291,220/= . The Municipal Council contributed Shs. 66,319/= , and the

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A secondary school in the Upanga area is named after Tambaza, and there is a "Mfaume" Road. Tambaza's mosque, though greatly extended and modified still stands on United Nations Road in Upanga.

balance was apportioned over the premises fronting, joining or abutting this road.⁷⁵ Other services like electricity, and in some cases, sewers and drains were paid for outside the main scheme. Upanga also benefitted through the construction in the area, by government, as well as by the private sector (particularly the Ismailia Community), of several public buildings and institutions including a number of schools and a major national hospital (then, called Princess Margaret, now, Muhimbili Hospital).

It may be wondered why the government opted for a land pooling and redistribution scheme, as opposed to using compulsory purchase powers. Three reasons may be given. First, the government would only have found it necessary to acquire the land if it intended to bring some other people in the area. The colonial government wanted Upanga for Indians who were already the majority in the area. It did not earmark the area for other races, so there was little need of acquisition. Second, Upanga land was already high in value so that negotiations for acquisition would have been protracted, and compensation prohibitive. Third, some of the owners of Upanga were very powerful people socially and economically and included His Highness the Aga Khan, the families of Karimjee, Adamjee, Hirji, Mehta, Visram, de Souza and Gomes, and other important business names. Others included Abdullah Shariff, Sheikh Seleman Nassoro El-Lemki, once Liwali of Dar es Salaam, Hanna Nassif, Hassanali Abdulhussein Patwa, Mohamed Suleiman Daya, Habib Jamal Walji, Mohamed Suleman Versi, and Habib Punja. An important Greek businessman, one of the richest men in Tanganyika in 1950, George Nicholas Arnautoglu, and a famous Doctor and Municipal Councillor, Dr. R.F. Noronha were among the owners. For the above reasons, the Government chose to cooperate with these people, rather than to resort to compulsory purchase powers. In the case of the poorer land owners, like the Africans of Magomeni, compulsory purchase powers were readily resorted to.

Therefore, Upanga developed as an Asian, and to a lesser extent, as a European area and it is still regarded so even today. The addition of nearly 400 plots in the area, soon after independence, in 1962, allowed the acquisition of land in Upanga, by several of the then prominent Africans in government service, service, business, and so on (See Chapter Six).

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General Notice 1787 of 9/9/1955.

(b) The Chang'ombe Asian Housing Scheme

While Upanga was a residential area earmarked to be developed by the private sector, for Indians and a few other non-natives, Chang'ombe (Figure 5.2) was designed as an area to be developed by both the public and the private sector. By 1950, the *Chang'ombe Planning Scheme* had been completed and in 1950 and 1951 at least 121 Asian Houses had been earmarked for construction each costing £1000.⁷⁶ At the same time, some 100 plots at Chang'ombe were allocated to the East African Railways and Harbours for construction for their Asian staff.⁷⁷

The Government too intended to make land available for the poorer Asians to build for themselves, but was not sure of their response. In October 1950, applications were invited from people who wanted plots in this medium density housing zoned area. Plots would be 7000 sq.ft, allocated at an annual rent of 70/= p.a; a premium equivalent to 5 years rent; and a minimum building covenant of 20,000/=. The area would be surveyed as soon as demand was ascertained.⁷⁸ The demand was overwhelming and a select Committee had to be set up to recommend plot allottees. The condition of plot allocation, however, had been so designed as to exclude most Africans.⁷⁹

It is not certain why Chang'ombe was selected for an Asian residential scheme but the fact that Chang'ombe was government land, and that there would be employment in the nearby Industrial area may have been major consideration. The earmarked residents of Chang'ombe were Indians in the public service, or the poorer Indians in the private sector who could not buy their way into Upanga and who were not wanted in Oysterbay. On the other hand, to consider an Indian housing scheme for, say, Magomeni would have complicated land acquisition negotiations. (by pushing up the price for land, for example).

⁷⁶ Tanganyika: *Revised Development and Welfare Plan for Tanganyika, 1950-56*, Government Printer, Dar es Salaam, 1951.

⁷⁷ Tanzania National Archives File No. 27/31. Township and Minor Settlement, Government Housing Scheme, Chang'ombe.

⁷⁸ General Notice 1631 of 30/10/1950.

⁷⁹ General Notice 958 of 11/6/1951.

Land earmarked for European residential uses

The major scheme earmarked for European residential use was the Oysterbay. There was a smaller scheme at Kurasini, put up in part, in connexion with the *Groundnut Scheme* of the 1950s. Within Oysterbay, and in parts of Kinondoni, the Government constructed several senior officers' bungalows although there were also junior houses and a hostel.

While land policy continued to be conceptualized along racial lines it proved no longer possible to segregate Europeans from the better off Asians except in government constructed housing. Thus it is necessary to bear in mind that schemes earmarked for European residences also attracted Asians. Some of the latter were better off economically when compared to Europeans.

Private freehold land owners within the Oysterbay area e.g. at Kingsway, and at what was then known as the Victoria and Helvetia Dairies, were encouraged to subdivide their land into low density plots, so that some 250 plots were available and many were put to the market. These form part of the current Regent Estate (Figure 5.2). The rest of this section will concentrate on Oysterbay.

The Oysterbay Planning Scheme

From early days, Oysterbay was seen as an area suited to a European residential settlement. Except for a small part along Queen's Drive and Kingsway known in 1952 as the "Millionaires' corner"⁸⁰ the whole of the Oysterbay extending into Msasani Peninsula was government land.

The soil in Oysterbay is of coral formation with a thin soil layer and this has in the past attracted stone quarrying in the area. Small scale stone quarrying is still taking place. The coral formation is excellent for building foundations although it makes gardening difficult. The long coastline provides a good breeze to moderate the effects of the high humidity in Dar es Salaam. The coral reef extends below the Ocean, but there are number of good spots for bathing facilities. For a long time, a good part of Oysterbay was used as a sisal estate. This

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Tanzania National Archives File No. 18835, Dar es Salaam Roads, Volume II: Note from the Director, Lands and Mines, to Member, Development and Works, 26/3/1952.

attracted African settlements near the estate. The Msasani village, for example, was deriving livelihood as much from fishing as from the sisal estate.

The *Oysterbay Planning Scheme* appears to have been conceived around 1945, in anticipation of the *Colonial Development and Welfare Funds*, as an area of extension of the European Government residential area. At the same time or a little later, it was decided that Oysterbay should be offered to the "general" public as well; "general" being limited to those people, or corporate bodies with the ability to put up expensive buildings. As its President, S.B. Malik, noted in November 1947, the Dar e Salaam Township Authority wanted Oysterbay to be a "first class residential suburb".⁸¹

By February 1947, Oysterbay was ready for development. Its planning was greatly influenced by the views of Harry L. Ford, Town Planning Advisor to the Government. Construction started in 1947 on a number of government houses meant for European Officials. Plots were, each, one acre in size. Each plot had, besides a huge bungalow with a large sitting room, but with only one, or two bedrooms, a garage and a servants' quarter. As Dar es Salaam was then experiencing a shortage of accommodation for officials, construction of temporary or semi permanent houses in Oysterbay was allowed.⁸²

Ford planned for 730 plots at Oysterbay to accommodate 2695 Europeans, 1540 Asians and 3760 Africans. The latter were to be house servants and the figure was based on the assumption that government quarters would have each, a boys' quarter with 2 rooms and that in each of the room would be a "boy" and his wife, i.e. there would be 4 Africans per 1 plot. He however was quick to point out that this high African figure should not be cause for alarm since the Township Authority would allow only one boys' quarter per plot, and he was advocating for the institution of African (boys') villages near low density area. An example was the proposed Msasani High Density area that he had planned to serve Oysterbay. The number of Africans was therefore likely to be much lower than the above figure.⁸³ It was

⁸¹ Tanzania National Archives File No. 13483, Town Planning Scheme for Dar es Salaam.

⁸² See, *Tanganyika Standard*, 27/2/1947.

⁸³ *Tanganyika, A Plan for Dar es Salaam*, p. 38

also assumed that there would be 4 Asians per 7 Europeans. Therefore, according to Ford's plan, plot owners in Oysterbay were supposed to be Europeans and Asians (though Ford thought this made town planning difficult since each race required different standards). Africans were to be in the area just as domestic servants.

That Africans were completely unwanted in Oysterbay can be gauged from the colonial officials' attitudes, when in early 1948, it was found necessary to establish a police post in the area. Harry Ford, the Town Planning Advisor, suggested that the African police lines should be West of Bagamoyo Road (i.e. in Kinondoni) where an African Housing Scheme had already been planned. The Commissioner for Police put it even more bluntly. In a note to the Member for Law and Order in May 1948, he pointed out that the Oysterbay police post had been planned to be in the Oysterbay shopping centre but:

As the shopping centre is in the middle of the European residential area, it is not possible to site the living quarters for African Police in the near vicinity of the Police Station.

He, like Harry Ford, suggested a site in the new African area⁸⁴.

A meeting convoked in October 1947 to discuss Ford's layout scheme for Oysterbay, resolved that the Right of Occupancy over the Msasani Peninsula land (alienated for 99 years with effect from 1928 and used as a sisal estate) be revoked with the least possible delay so that sufficient land be made available to enable the comprehensive planning of the area. It was further agreed that half the number of plots in Oysterbay should be allocated administratively, rather than through public auctions, to avoid speculative buying, and that short term rights of occupancy could be given to a maximum of 5 years during which allottees could put up temporary structures.

In November 1947, the Government appointed an *Oysterbay Committee* to advise on how to dispose of Oysterbay plots, two hundred of which were nearly ready, and the final total was expected to be in excess of 600. Services were to be provided later. The *Committee* was composed of Mr. D.R. Macdonald, (Ag. Director, Lands and Mines) (Chairman); Mr. D.A.

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Tanzania National Archives File No. 37124, Police Post at Oysterbay.

Barry, (President, Dar es Salaam Township Authority); Mr. P.H. Hutchinson (Land Officer); and Mr. E.C. Lingham Lees, (Secretary).⁸⁵ There was no African member on this *Committee*.

The *Committee* suggested, *inter alia*, that Oysterbay plots should be allocated administratively and not through auctioning. After the *Land Ordinance (Amendment)* of 1947, it was possible for non-natives (for whom Oysterbay was earmarked) to be allocated land without going through public auctions. It suggested, moreover, that rents should be between 300/= and 500/= per acre per annum, plus a premium equivalent to 5 years' rent; that temporary buildings should be allowed; and that permanent buildings that would finally be put up, should be no less than £2000 in value. These recommendations were accepted by the Government, and that is how Oysterbay was allocated. Even if they had been considered for allocation, which they were not, Africans would have found such conditions, with the exception of permission to put temporary housing, difficult to abide with.

Meanwhile the government called tenders in May 1949 for the construction of 50 "European" type houses, each with a garage, and servants quarter. The average cost per house worked out at at £3062 per house, well above the minimum proposed by the *Oysterbay Committee*. In June, 1949, tenders for a further 50 houses were called.⁸⁶

What is remarkable about Oysterbay is that it was planned mainly on government land, to the deliberate exclusion of Africans as lessees, even when initial development conditions were made slightly less stringent e.g. since temporary buildings were allowed. The selection of plot allottees, as well as the high building and rent covenants effectively excluded Africans. It is also likely that some non-Africans were finding the covenants difficult to meet, since the number of houses put up by corporate bodies, as opposed to individuals is remarkably high. Of the 81 applications for building approval in respect of Oysterbay submitted to the Municipal Council in 1950, 42 were from individuals (8 from one person only, Hanna Nassif), and 39 from companies.⁸⁷ If it should be recalled that a third of the plots were developed by the

⁸⁵ Tanzania National Archives File No. 13483, Town Planning Scheme for Dar es Salaam, Volume II.

⁸⁶ General Notice 917, 30/6/1949.

⁸⁷ Municipal Council of Dar es Salaam, *Minutes*, 1950.

Government, it will be seen that individual plot developers in the Oysterbay were perhaps in the minority.

Oysterbay was allocated to both Europeans and Asians despite Chief Secretary D.M. Kennedy's desire to exclude the latter from the area in the late 1930s. The assertion that Oysterbay was a purely European area is therefore not quite correct. The collusion between Europeans and Asians to divide up Oysterbay to the exclusion of Africans is an example of the constantly changing alliances forged between the colonial government and the population under them as explained theoretically in Chapter One. It did not appear strange to the Township Authority's President, Dr. S.B. Malik (an Asian) to state that Oysterbay must be a first class suburb, although when the *Land Ordinance* was being amended in 1947 to make it easy for Europeans to be allocated Oysterbay, the Asian members of the *Legislative Council* objected strongly arguing for the retention of the auctioning system. It then appeared that the Europeans and Africans were one against the Asians. But once the amendment was carried, and since Europeans did not want Africans in Oysterbay, the alliances soon changed and Europeans and Asians sat together on the *Oysterbay Committee* and allocated this area to themselves. Africans were not even thanked for their support for the Amendment of the *Land Ordinance* in 1947 in the *Legislative Council*; an amendment which favoured Europeans.

The Industrial Area

Although the building areas of Dar es Salaam in the mid- 1930s did not specify any area for industrial uses, the Dar es Salaam Township Authority set aside an area beyond Ilala as an offensive factories area (Figure 4.2) and tried to force small scale industries then being run by Indians in the Commercial area, e.g. soap making, grain milling etc, to move this area but with dismal results. The industrial area was then meant to serve objectives of public health, and since it could be argued that many of the industries in the commercial area were not a danger to public health, (and moreover since the government failed to service the offensive factories sites) many remained in the commercial area.

By the mid 1940s though, a more sophisticated approach to the siting of industries was deemed necessary. In the first instance, the demand for industrial land, both from local (mainly Indian) entrepreneurs, and also from overseas (mainly British) firms was considerable.

Industrial land was required for manufacturing, commodity processing, and storage and warehousing. Capital accumulated by the Indians over the years, and particularly during the War, was seeking outlets, while the *Development Plan* meant the expansion of the territory's purchasing power, and therefore, a market for many products. Perhaps as a result of international competition, many firms within the developed world started to embark on import substitution industries in the colonies to protect their markets. In other cases, industries were required to process local products for sale to the developed countries. An industrial area with plots served with the necessary infrastructure was therefore deemed necessary, so sited as not to be a nuisance, or to cause public health hazards to high status residential areas, and to be able to reap the benefit of complementarily and locational economies. The colonial government was on its part supportive of industrialization for the employment opportunities to be provided, and for the revenue which would accrue to it (the government). Industrialization also meant a new phase in the development of capitalism, whereby the colonies would now be expected to purchase capital goods, and commodity inputs rather than finished consumer products.

The German administration had earmarked the land along Pugu Road for industrial uses, mainly because of the railway line. The British government concurred with this and acquired for the government, much of the land along Pugu Road, formerly in the hands of German nationals (e.g. Busse's Shamba) However, the demarcating and allocating of this land in the mid 1940s when it was required, proved evasive partly because of lack of a town plan, but also because of the dearth of resources to service it. As a result, private landowners led the way and started demarcating and selling or leasing industrial plots. Prominent among these was Sheikh Ali bin Said, an Arab freehold land owner, who, during 1947 and 1948, sold or leased industrial plots to companies like the Lever Brothers, the United African Company, the Twentsche Overseas (T) Company, Temeke Timber Works, Bombay Flour Mills, Mohamed Abdulla Bharmar, Colonial Construction Company, and Commercial Printing Works, as well as to several Greeks. These private subdivisions were later on incorporated in the main government industrial area scheme.⁸⁸

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Tanzania National Archives File No. 255, Land Transfer of properties, Natives to non natives.

The *Leadbeater Plan* of 1945 earmarked the Pugu Road-Temeke Area as Zone V, Industrial. Ford modified on this by differentiating between the inoffensive industries, and the offensive (which he preferred to call "special") industries. The latter were to be much to the West of Pugu Road. Throughout 1948 and 1949, and throughout the 1950s plots were demarcated, serviced (with roads, water and railway sidings), and auctioned to those requiring them. Typical condition of alienating these plots were that the highest bidder in terms of premium was usually allocated the land. Tenure was usually between 33-99 years. Other condition included a 5 year rent premium to be paid in advance, a reserve premium to meet unexhausted developments, various fees, as well as minimum (though expensive) building covenants. From 1952, a road frontage premium and a railway siding premium were payable as well.

The land on which most of the early industrial area was sited, belonged to the government, although a number of natives were settled on it. Between November, 1947 and May 1953, about 160 natives were removed from the Chang'ombe areas South of Pugu Road, to make way for the industrial sites. Some 69,000/= was paid as compensation.⁸⁹ Slowly the Industrial Area developed taking advantages of both the railway and the Pugu Road, as well as the Port, and the government designated residential areas (Temeke and Chan'gombe) to support it. Spontaneous settlements also grew up in response to income earning opportunities. These included Keko Toroli, Vingunguti and Buguruni (Figure 5.2).

The designating of a separate industrial area was a reflection of the then held ideas of largescale capital intensive industrialization, as the propeller of "development". It has however been argued that this was at the expense of small scale industries which were later on to provide most of the required employment.⁹⁰

89 Tanzania National Archives File No. 11/39, Land: Inoffensive factory sites.

90 Armstrong, "Masterplans for Dar es Salaam".

Infrastructure Provision

(a) Sewerage and Drainage

Proposals for the sewerage and drainage system for Dar es Salaam had been prepared in the 1930s by a firm of Engineers, Howard Humphreys, but no action had been taken for want of funds. During the early 1950s some £525,000 was made available to the central government for the institution of a sewage disposal and surface drainage system in Dar es Salaam. The scheme was restricted to the commercial, and to the old European residential areas around the Botanical gardens. These areas were considered to be "the more important areas of the Municipality". It was moreover stated that any further extension should be the responsibility of the Municipality.⁹¹ Towards the end of the 1950s both the Upanga area and the Industrial area had been provided with sewerage and drainage facilities. The rest of the Municipality, that is the part occupied by Africans, remained unserved in this respect and this adversely affected the high density areas to a much higher degree than it did the low density areas where large plots allowed the convenient institution of septic tanks.

(b) Electricity Supply

Public supply of electricity in Dar es Salaam was first set up by the Germans, serving the Railway Workshop and part of the town. In 1920, a Government Electricity Department was formed under the General Manager, Railways to take over and operate the public supplies left by the Germans. It operated very arduously, hampered by lack of capital. In 1931, two private companies were formed to supply public electricity to Tanganyika. One was the Dar es Salaam and District Electric Supply Company Limited (DARESCO), which was given monopoly to supply electricity to the towns of Dar es Salaam, Dodoma, Tabora, and Kigoma and to an area of a 60-miles radius of the Post Office in each town. Preferential rights were given to this Company for the remainder of the territory except in an area of 60 miles radius centred upon the Grand Pangani Falls, where the monopoly for the power supply was given to the second company, known as the Tanganyika Electric Supply Company Limited, (TANESCO)⁹².

⁹¹ Tanganyika, *Development Plan 1955-60*, p. 19.

⁹² J.P. Moffett, *Tanganyika: A Review of its Resources and their Development*, Government Printer, Dar es Salaam, 1955, p. 706.

In its early days, DARESCO operated a power plant at Kurasini, in Dar es Salaam, and had by 1954, 7997 customers in the Municipality.⁹³ In 1953, a review of the workings of the two companies was carried out by a consultant who urged the further development of hydroelectric power as well as the amalgamation of the two companies⁹⁴. In the revised *Ten Year Development Plan*, £2,000,000 was set aside to help in the bulk supply of power from Pangani Falls, and in the amalgamation for the two Companies.⁹⁵ On 1st March 1957, TANESCO and DARESCO were merged to form a new TANESCO which was until 1992, the monopolist supplier of power in the country.

Public electricity supply to Dar es Salaam was not equitably supplied to the residents of Dar es Salaam and this was admitted by Governor Jackson in 1944.⁹⁶ We have also seen in Chapter Four, how inhabitants of Ilala unsuccessfully demanded street lighting in the 1930s. It will be noted as well that it was illegal to connect electricity to most types of buildings put up by natives.

Street lighting was non-existent in native areas, and the police complained regularly that the absence of street lighting in these areas was causing increasing crime. In response, a meeting took place in January 1946 between the Municipal Secretary, the District Commissioner, the Director of Public Works and the Manager, DARESCO, and it was agreed to institute street lighting in parts of the African areas i.e. part of Bagamoyo Street (Kisutu) and Mkunguni, Msimbazi, Swahili and Livingstone streets in Kariakoo. Ilala too got street lighting at the same time.⁹⁷ Street lighting in native areas was thus a result of concern with public security in existing areas. Many existing and new planned residential schemes for Africans in the 1950s however were not connected to electricity. In 1954 a Consultant's report noted that:

⁹³ Colonial Office, *Tanganyika Report for 1954*, His Majesty's Stationery Office, London, 1955, p. 49.

⁹⁴ F.P. Egerton, *Report on Electricity Supplies in Tanganyika*, Government Printer, Dar es Salaam, 1974, pp. 13-24

⁹⁵ Tanganyika, *Development Plan, 1955-60*, p. 20

⁹⁶ Tanzania National Archives File No. 24387, Improvement of Native Houses, Volume II.

⁹⁷ Tanzania National Archives File No. 27/20 Townships, Municipal Council, Street Lighting, Dar es Salaam.

In Dar es Salaam the capital town of the territory, the main illumination of the town centre is provided from shop window lights, and in most African residential areas there is no street lighting at all⁹⁸.

(c) Water Supply

As described above, the Mtoni water supply scheme was found inadequate, and during the *Development Plan* it was decided to tap water from the Ruvu river, 45 miles from Dar es Salaam. The Ruvu water scheme was approved in 1954, and was completed in August, 1959, costing some £2,000,000. As in the earlier period, most of the public water was consumed by the non native community both absolutely, and per capita.

While it was realised in colonial circles that water supply was an important service in urban areas, supply to African areas was conceived in terms of communal water kiosks. The government quarters constructed in the late 1940s and 1950s were not designed to have individual piped water connexions. But, as is discussed below, even when it came to public water kiosks, water supply to African areas remained highly restricted.

(d) Roads

As a general observation, a number of Dar es Salaam central area roads were greatly improved in the 1950s, in line with the new drainage and sewerage networks. The *Development Plan* set aside £150,000 for Dar es Salaam Roads and Surface Drainage. In 1952, Dar es Salaam had 116 miles of roads of which the Municipal Authorities were responsible. Out of these, 53 miles were bituminised.⁹⁹ The central government generally accepted the initial construction of roads in Dar es Salaam's developing areas, but maintenance lay with the Council. As was the case with other services, provision of roads to new developing areas earmarked for Africans remained minimal. As Moffet¹⁰⁰ noted of the early 1950s:

of recent years, the town has expanded so rapidly that it has been difficult to maintain and construct roads to meet development.

⁹⁸ Egerton, *Report on Electricity Supplies*, p. 9.

⁹⁹ Moffet, *Tanganyika: A Review of its resources*, p. 127.

¹⁰⁰ *ibid.*, p. 140.

Besides, the relationship between the Council and the Public Works Department (which constructed the roads) was anything but cordial. The Public Works Department, in a drive to keep costs down, usually aimed at standards which the Council considered to be low. An example was the Kinondoni Estate Access Road which, in June 1954, the Council estimated to cost £7900, a sum considered too high by the government which, instead offered, £6400. The Council refused to undertake the work, and warned the Public Works Department that it (the Council) will not accept to maintain the road, if it was constructed to standards lower than those required by the Council. By August 1954, the road had not yet been constructed and the Police were complaining that lack of access road to the Kinondoni Native village had led to the cancellation of police patrols, and in that year alone there had been 30 break-ins and 2 murders. The Council insisted that the standard of the road must be high as to accommodate public buses. On the other hand the government made it known that it would not construct an access road suitable for heavy buses and in fact reduced the standard of the road further to a cost of £4300, "although this is hardly likely to please the Municipality."¹⁰¹ The Municipality was accused of demanding standards which were too high, and of being unreasonable. Thus the Dar es Salaam road programme was not only inadequate, but it was also engrossed in controversy between the Government and the Council, reminiscent of the 1930s when the then Township Authority was suggesting action while the government was insisting on non action. The result was poor, and low grade servicing for Dar es Salaam.

(e) General observations on the servicing of African Areas in Dar es Salaam during the 1940s and 1950s

As we have pointed out above, the express acceptance and adoption of a broad policy referred to as African Housing, was a novel policy forced on the government by realities of the time and the projected future policies in relation to the colonies. Since the question of "economics" and resources was important, the colonial government elected to do only what it considered to be important for it to be seen to be doing something about African housing. Construction of "economic" complete houses for renting to Africans, and demarcating of plot

¹⁰¹ Tanzania National Archives File No. 18835, Dar es Salaam Roads.

for Africans to build for themselves were seen as being basic. The provision of services could wait.

This policy of allocating land without services prompted complaints from the Medical Officer of Health in 1951. In a note to the Member for Social Services, he pointed out that the high density areas demarcated in the Dar es Salaam's town Plan were conspicuous by a complete lack of any controlled development. He cited the Kinondoni African area which was some 300-400 yards from the low density (i.e. European) residential zone where housing and amenities had been provided consistent with a satisfactory state of environmental hygiene and sanitation. In the African Village however, demarcated plots only had what he called "doubtful earth roads". Nothing whatsoever was done to drain the area, or to provide roadside drainage or to control building standards or to prevent overcrowding, or to have provided, an adequate system of sewerage and refuse disposal. He further pointed to the shallow, water-filled pit latrines, and complained of the health dangers that such a situation posed to urban life.¹⁰² Commenting on these, the Member for Lands and Mines agreed that the problem of African areas non servicing was not new, but no one had worried in the past, owing to the remoteness of such areas from low density housing.

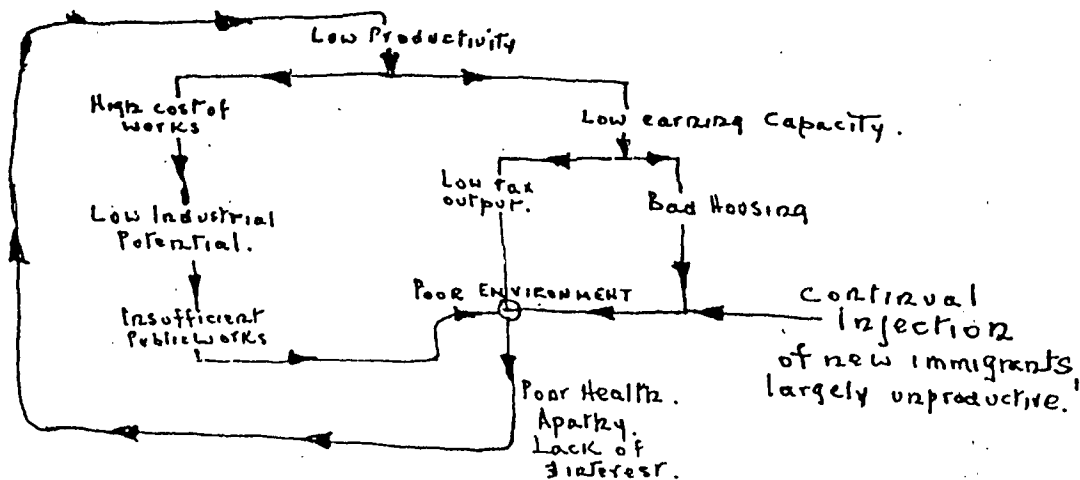
The Medical Officer of Health's views were echoed by the Chief Town Planning Officer, L. Sylvester White, who in a Memorandum to the Member for Social Services written in December 1951, produced a hypothesis which identified the African as being solely to blame for the low quality of environment (i.e. low quality housing, unserviced land, etc) in which he found himself in Dar es Salaam. In his opinion, the African could not afford to build anything more elaborate than an ordinary mud and wattle shack, and could only afford the most elementary means of sanitation. This was a result of the African's low productivity which put him at a low economic level; his low earning capacity which limited his expenditure on housing; his low taxation capacity which made him unable to pay for the public services like drainage, street sweeping, refuse removal, police, education, and public health; insufficient industrial potential for development works in hand, partly again due to the African's low productivity; unrestricted immigration of Africans, most of whom unproductive, to the towns, thus increasing demand for houses; and the unfortunate apathy and lack of skills of the

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Tanzania National Archives File No. 41949 Health and Sanitary measures: Dar es Salaam Municipality; from which the rest of the information in this paragraph is taken, unless otherwise shown.

African who was satisfied with too low a standard. The vicious combination of cause and effect was shown by White diagrammatically (Figure 5.3).

Figure 5.3: L. Sylvester White's vicious combination of cause and effect as far as the African urban environment in the 1950s was concerned.



This was a gross distortion of facts. White did not mention that most European houses, which the beneficiaries enjoyed cost free, were usually constructed and serviced with public funds. He also did not mention that it was, usually in the case of African areas that economics (i.e. undue emphasis on costs) was brought in. As was noted in January 1939:

Surely the native town deserves something when officials who pay no rates have their hedges cut and their drives gravelled for nothing¹⁰³

¹⁰³

Minute written on 31/1/1959 in respect of Native Welfare in Townships. See Tanzania National Archives File No. 26602 Dar es Salaam Township, Native Welfare Fund.

The hostile attitude of colonial officials against Africans in urban areas; the inferior, badly located, unserviced land which was usually allocated to Africans (As White himself noted in his Memorandum cited above: "Africans have until recently been turned loose on more or less virgin land which is neatly marked out in plots but where public services exist only as marks on a plan."); the precarious status of tenure of land allocated to Africans; the lack of any financial provisions to help in housing construction; the artificially depressed wages; etc. were all potential causes of Africans investing minimally in buildings and the environment.

As a result of the Medical Officer of Health's complaints, a meeting of officials took place in January 1952. and was attended by the Members for Development and Works, and Lands and Mines; the Director of Medical Services; the Chief Town Planning Officer, the Municipal African Affairs Officer and the Provincial Commissioner. It was agreed that some minimum (basic) services were required in areas zoned for high density (i.e. African) housing, but it was insisted upon that the provision of such services should not add to the costs and therefore, land rent. It was proposed that any new area should have the following done before land allocation: drainage of any swamp or depression; provision of minimum water kiosks and stand pipes and provision of skeletal roads, but not too many of these as paths could be sufficient. Municipal bylaws could be used to regulate the standard of pit latrines. As will be noted, these suggestions were not radical as far as land servicing for Africans was concerned. All the same, it would appear that little was done, so that in October 1958 it was found necessary to call another meeting to discuss land servicing in African areas

This meeting was attended by the Provincial Commissioner, the Town Clerk and the Member for Local Government.¹⁰⁴ It was noted that both the Government and the Municipal Council had been aware for sometime then, of the almost complete lack of such services as roads, drainage and street lighting in the high density (i.e. African) residential areas of Dar es Salaam, which arose because of the urgent need for additional housing units to accommodate the rapidly increasing population. Indeed, there were some new housing areas which were inaccessible to Municipal cesspit emptying and garbage vehicles. This caused serious public health concern. The government, in view of this situation, agreed to give £20,000 p.a. for the

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Tanzania National Archives File No. 11/38 Right of Occupancy to Africans.

following three years (1958-61) to be matched by an equal sum from the Municipal Council, but it was realised that the total sum of £120,000 would only "touch the fringes of the work required". It was agreed to freeze development before servicing in the area of Magomeni but to allow this to continue without services in Kinondoni, Temeke and Kigamboni, partly to avoid political complications since land development had proved popular with Africans. It was agreed that the cost of installing services in Magomeni would perhaps not be prohibitive since standards aimed at need not be high, and that a premium of 50/= per plot be levied to meet these costs, the balance being provided by the government and the Municipal Council.

It does not appear that these proposals were implemented. Until the eve of Independence, African areas were poorly serviced, it being generally accepted that the standard of the level of services in these areas could be kept very low. The ideology behind this was that Africans were not used to a high standard of land servicing and could do without most facilities, and in any case they could hardly afford to pay the concomitant costs.

It seems pertinent to wonder why, in the light of the purported lack of resources, and the poverty of Africans, no efforts were expended to mobilise the Africans' own resources, to service their areas. Three reasons are submitted. First, mobilising Africans for self-help would have meant their wholesale acceptance in urban life, and the colonial government was not quite ready to take that stance. Second, mobilising Africans for self help would have compromised the colonial government's powers of land development control including the rationale of giving Africans only short-term titles. Third, the colonial officials' own experience was for the government to provide the services, and they held their paternalistic view of civilising the African. Mobilising the Africans for self help in urban areas would have implied that the colonial government had failed in its civilising mission. Such attitudes are still upheld to date. It is submitted that the status of land servicing could have been higher had the colonial government worked with the people.

Cooperating with the Private Sector

The major scheme whereby the colonial government cooperated with the private sector to shape Dar es Salaam's land use structure was that of Upanga described above. Smaller schemes involved the encouraging of private land owners to subdivide the land with the

advice of the Town Planning section. In this respect, the Government envisaged that such land owners would contribute to low density plots, and it was considered in 1950 that at least 250 plots could be expected from private subdivisions.¹⁰⁵ Typically landowners would submit a subdivision plan to the Council for approval, and then go ahead and market the plots. Among the subdivision submitted to the Municipal Council in 1950 were those of Shariff Shamba in Ilala, and those of the owners of Helvetia and Victoria Dairy in the Oysterbay area. No private land subdivisions were earmarked for high density (African) housing since this was considered to depress prices.

5.2.5 Policy impacts on the land use structure of Dar es Salaam during the 1950s: An overview.

It has been shown in this section how tenure policies were modified, and how land acquisition, land use regulation, planning and economic resources investment powers were all used to achieve certain predetermined land use patterns which were for the most part, based on racial and functional attributes of the residents of Dar es Salaam. It has also been argued that land policy was responding to wider colonial policy considerations which included the acceptance of African residential permanence in urban areas, and the conceptualisation of their housing and land use needs in terms of their earmarked employment opportunities, and in terms of public health considerations as well as political expediency. It has, further, been shown how infrastructure usually followed development rather than vice versa, and how African residential areas remained minimally serviced. To some extent, some of these policies reflected the wider colonial/capitalist perspective which required the widening and deepening of the market in the colonies, the stabilisation of labour, and generally, the preparation of the colonies for take over by the indigenous populations. Other races were catered for in areas different from those reserved for Africans, but in Oysterbay, at least, Asians and Europeans were converging. Large non-native private owners of land, like the Upanga freeholders and freeholders in Msasani and Ilala were helped by the government to regulate their areas and to develop the land in the way approved by the government.

¹⁰⁵

Tanzania National Archive File 42656, Acquisition of Land.

Contradictions and disagreements between officials as to what was the correct policy to adopt have been alluded to, but the trend in land policy was unmistakable. The land use structure of Dar es Salaam during this period reflected past policies (e.g. racial segregation), but was also indicative of the future (e.g. the acceptance of African urban housing).

5.3 Economic Responses

Since land and most other government policy was conceived and implemented in racial perspectives, it is considered proper to analyse the reactions of the various actors on the Dar es Salaam land use scene in the 1940s and 1950s in terms of race. Africans, Asians and Europeans are discussed in sequence.

5.3.1 Africans

Africans were moving by the thousands to Dar es Salaam, so that the Municipality's population rose from 69,277 people in 1948, to 128,742 in 1957, an annual growth rate of 7.1%. This growth brought pressure on existing housing so that overcrowding in the native area was rife. In 1939, an official report had drawn attention to the "grave" position in Dar es Salaam, with 30,000 natives living in 3000 huts, without land for settlement and with more than 4000 of the males unemployed.¹⁰⁶ During the War and immediately after its end, the situation could only have become worse. There was pressure on the existing accommodation in the native area, a pressure made worse by the penetration to this area, of Asians as a result of an equally grave accommodation crisis in the commercial area. The Asians were willing to pay rent several fold what the African was paying and as a result, African landlords with better houses were throwing out African tenants and taking in Indians. In October, 1944, the Director of the Intelligence Unit Bureau reported to the Provincial Commissioner, Eastern Province, that there were 111 Indians renting houses in African areas. In February 1945, a special mass meeting of the *African Government Servants Association* decided to bring before the Chief Secretary, the issue of Asians residing in the African town. A letter was written to the Government proposing the construction of temporary houses for

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Rhodes House Library, Afr. MSS S.870 (H.H. McCleary, "Extent and Conditions under which natives are Occupying land on the outskirts of Dar es Salaam Township".) quoted in Dixon, *The Evolution of Indirect Rule in Tanganyika*, p. 26.

government employees (which idea the Chief Secretary rejected, but which was to be adopted in 1947 for all Africans at the proposal of the Provincial Commissioner). It further proposed the expulsion of Asians from the native quarter, and the control of house rents. The government's proposed solution was not to let Ilala to non-natives, and to stop leasing Kariakoo plots, to non-Africans, although the latter area already had too many Indians in it, a fact which it was decided not to publicise as doing so could cause ill feelings.¹⁰⁷

The government's attempts to put a clamp on the leasing of property to non natives in native areas met with little success. For a start this letting was allowed in "exceptional" circumstance, and secondly, many transactions could be carried out illegally. The attempts to "preserve" the native areas for natives only was not only racist but sometimes it worked against the poorer African property owners who were thus disabled to repair their houses, leading to the creation of native ghettos. The case of Fatma, a native landlady in Sikukuu Street, Kariakoo is illustrative.¹⁰⁸

In November 1948, Fatma, through her lawyer, sought from the Government, sanction to lease her property to a non-native (an Indian clerk). The lawyer pointed out that while there were people who would be willing to pay and ask no questions, Fatma wanted a clean deal and was even prepared to take out a Right of Occupancy (which would have meant her paying of higher land rent). She needed the rent money to complete her house. The Land Officer declined consent pointing out that, since January 1948, government policy was that there should be no further leasing of native property to non natives. The lady was warned that her Right of Occupancy would be revoked if she let her house illegally to a non-native. Despite the lawyer's plea that there was no reason why a native should not better herself, the government declined sanction. This should be compared with the Land Department's policy with relation to Upanga where consent to transfer land from native to non-native was being given smoothly ostensibly, to avoid racial segregation. It will be seen therefore that this policy was not conceived in the interests of the native, but in that of the colonial state i.e. to

107 see Tanzania National Archives Files No. 4/14, Housing in Zone 3 Dar es Salaam, Penetration by Indians, and 32982, Shortage of Housing, Zones II and III.

108 Details taken from Tanzania National Archives File No. 255, Land Transfer of property between Natives and non-natives.

preserve law and order by depressing rents, to prevent the displacement of natives, and to avoid racial strife. This view was paramount over the economic interests of natives. The policy benefited existing tenants who paid low house rents. They however, must have lived in a degraded environment. This however was of no consequence to the colonial government since its own policy aimed at cutting down house rents in the wake of the 1947 labour disturbances, was to erect very low grade temporary housing for natives which soon turned into a public health hazard. Landlords suffered from depressed rents while new migrants could do nothing but move into existing housing, aggravating overcrowding. This issue, in part convinced the government that new housing areas for Africans were required, thus the African housing schemes described above.

African Government employees had for long agitated for government housing. While the government African "quarters" were for all wage employees, government workers must have got preferential treatment so that in 1950, 75% of the tenants in Ilala quarters were government workers.¹⁰⁹ Except for the Temeke scheme, which proved initially unpopular because of high rents, and distance from the town, the "quarters" proved popular, though by 1951 complaints were registered from Ilala, where a *Tenants' Association* had been formed, that the Municipal Council was not responding to requests for house repair and maintenance.

The plot allocation scheme proved popular as well, despite the lack of land services. Most of the applicants were longtimer residents in Dar es Salaam and many expected to remain there permanently. Construction was mainly in wooden poles and thatch, and the 6 rooms *Swahili* house designed to take in lodgers was preferred. By 1958, the waiting list for Magomeni plots was 2,000 applicants, although it was pointed out that only 30 turned up whenever called, indicating that effective demand for the plots was waning, and also possibly that Africans were taking up plots in the informal sector. By 1958, the government was confident to report that there was no housing shortage in Dar es Salaam and elsewhere having been mostly solved by the people themselves¹¹⁰, at least as far as renting units and building

¹⁰⁹ Municipal Council of Dar es Salaam, *Minutes*, (Housing Committee 16/6/1950), 1950.

¹¹⁰ Colonial Office, *Report on Tanganyika for the year 1958*, Her Majesty's Stationery Office, London, 1959, p. 155.

plots were concerned. Plots too continued to be available in the Kigamboni area in the late 1950s suggesting that the initial popularity of this area waned when the more accessible schemes became available.

In the foregoing Chapter, reference was made to the growth of unplanned residential areas at Gerezani, Upanga and Kheko. While Gerezani was removed, and Upanga regularized unplanned settlements were growing. Kheko continued to expand. Another such settlement developed at Chang'ombe Toroli and grew in response to the siting of the Industrial area nearby. Though just outside the Township boundary authorities proposed the removal of this settlement as well as that at Kheko in the 1940s, in order to form a green belt between the Township and the surrounding rural areas as an effective way of combating malaria in the Dar es Salaam.¹¹¹ The Director of Medical Services, Dr. R.R. Scott, was all for the prevention of the growth of native settlements South Pugu Road, arguing that native huts provided food, as well as hiding places for mosquitoes. Clearly his views had not changed since the 1920s. He had measures taken under the *Defence (Control of Buildings: Uzaramo District) Regulations* of 1943 to prevent the construction of native huts in areas surrounding Dar es Salaam. Nevertheless, unplanned developments continued to spring up at Buguruni, Kigogo and Msasani.

It is however to be noted that in all of the planning schemes discussed above, existing native land occupiers had to be removed. In some cases i.e. that of the Industrial Area, natives elected not to confront the government, but to just receive compensation and move elsewhere. In other cases, land acquisition orders were not taken meekly, as was the case of Mwinyigogo bin Mwinyimkuu and his relations, with reference to their land at Mzimumi in Magomeni which the government wanted to takeover in 1951 vide General Notice 689 of 28/4/1951. In his letter to the Acting Governor (E.R.E. SurrIDGE), Mwinyigogo protested against the intended land takeover, pointing out that the land in question had been the occupation of his ancestors for 400 years then. These ancestors were interred there. It was being used for agriculture, and the clan intended to be buried there. They had been required to register their land (first registration) and although they had complied and paid the requisite

¹¹¹ see Memorandum on Proposals for the Extension of Zone II, in Tanzania National Archives File No. 24387, Improvement to Native Houses, Vol II.

fees six months previously, no titles had been issued, and instead, all they saw was the notice of the Government's intended acquisition of their land. He pointed out that they already lost their land in Upanga and if this Magomeni land was lost as well, they would have nowhere to go and would be destitute. It is not known for sure what transpired afterwards, but Mwinyigogo was called to see the authorities.¹¹² It would appear that his land (plots 121, 122, 123, and 124, Flur I) was acquired all the same since it appears in the land classified as belonging to Government in General Notice 1007 of 31/3/1958.

Not all the land acquired in Magomeni in 1951 was built upon or demarcated into plots so that in 1958 tenders were floated for the collection of coconuts on this Government land in Magomeni, Mbulahati/Kigogo, Magogoni and Kurasini.¹¹³ It is submitted that these large expanses of undeveloped government land were "forgotten" by the authorities after Independence leading to genuine squatting on these areas.

5.3.2 The Asians (mainly Indians)

Indians presented a variety of reactions to the above described scenario, depending mainly on their economic status. As Tanganyika was British territory, immigration from India became much easier, and by 1944, there were many Indians coming into the country in abject poverty "of mind and currency."¹¹⁴ These simply overcrowded with their families in trading shops in the commercial area. The government's proposals to deal with this situation by way of restrictive covenants proved impractical. Shortage of building materials due to War restrictions were also to blame, but even when these were partly relaxed, applications for building permits was low i.e. property was not a profitable venture then. So the *Economic Control Board* (a War time obundsman) allowed "austerity" buildings in the commercial area. There was also a suggestion by the secretary of the *Economic Control Board* that Asians should be encouraged to go back to India, by making a steamship available for repatriation.

¹¹² see Tanzania National Archives file No. 11/40 Land, Sundry complaints on shamba and plot Matters.

¹¹³ see General Notices 1006, 1007, and 1009, of 31/3/1958, and 1008 of 2/4/1958.

¹¹⁴ Tanzania National Archives File No. 32643, Proposals to deal with overcrowding in business premises.

This idea however, was not taken up.¹¹⁵ Party because of the grave accommodation situation in the commercial area, Asians overspilled to the native areas aggravating the accommodation situation there, and causing social tension. The more prosperous Indians however, invested in the city centre, acquired residences in the old (former European) Residential area and in Oysterbay, and acquired land in the Upanga area. While the government was opposed to the overspill of Asians to Zone III, apparently since this was likely to cause discontent, social tension and homelessness among Africans, it supported the Asians' purchase of native property in Upanga and in the city centre. Thus referring to the intended purchase of House No. 2, Mtendeni Street (belonging to an African)(Figure 4.3) by one Mr. Afzal Khan, the Dar es Salaam District Officer, on forwarding the relevant documents for consent to the Director of Lands and Mines in November 1947, recommended the purchase, since:

The house is situated in the Kisutu area, which is not reserved for Africans and which forms a natural area of expansion for non-natives living in Zone II.¹¹⁶

It was noted by Harry Ford¹¹⁷ that there was, after the War, heavy Asian demand for accommodation in the central area, and that the speculator was cashing on the boom. Much of the buildings in the area went largely uncontrolled in the form of additional floors, and the engulfing of open spaces. There was little thought for building lines, street widths or street layouts. The central area was getting more and more congested, so that densities in the Commercial area, according to the 1948 population census, varied between 72 and 198 people per acre. In part, this made the Government to regularize Upanga for Indians.

The Indian, and other non-native acquisition of Upanga was going on during the German colonial era, but it was intensified during the late 1930s and the 1940s so that while there were some 60 native landholdings (and some 100 native huts) in Upanga in the mid-1930s less than 10 native landholders applied for registration between 1946-1950, in spite of this registration having been made compulsory in 1949. We have seen previously how

115 *ibid.*

116 Tanzania National Archives File No. 255, Land, Transfer of Property, Natives to non natives.

117 Tanganyika, *A Plan for Dar es Salaam*, pp. 73-79.

government policy made it administratively easy for Indians and other non-natives to acquire Upanga, although in so doing, it tried to ensure that the right price was paid. This can be illustrated by the cases of Mwinshehe bin Mwinyikondo, and Kidatu bin Abdallah, both signatories of the 1931 petition against the intended removal of natives from Upanga.¹¹⁸

Mwinshehe owned 2.28 acres of freehold land in Upanga, being plot 70/61, Flur II. In October, 1950, he was approached by Messrs G.M. Chavda and H.K. Patel, who wanted to buy his land for 30,000/=. The Acting Land Officer (J.R. Kennedy), to whom matters were directed for consent, considered the value of the land to be 42,000/=, and noted that the value would be even higher when the land was divided into the earmarked 12 plots under the *Upanga Scheme*. The would-be buyers then offered the 42,000/=, arguing that Mwinshehe was putting up a building in the African area of Ilala, which included a small shop, and was hard pressed for money and wanted to use the proceeds of the sale for his Ilala building scheme. The Land Officer was still unhappy with the price but was prepared to give consent if the Provincial Commissioner felt that:

The African concerned appreciates the value for money and really requires a large sum to enable him to proceed with his building If you feel that such is not the case, perhaps he could be persuaded in his own interest to wait a few months longer.

Mwinshehe was interviewed and the District Officer reported that he needed the money and the deal had to be concluded by April, 1951. Apparently however, Mwinshehe knew the value of money as well, and did not sell yet. He was bought by Ismail Kassam and Badrudin Shariff in May 1951, for 70,000/=.¹¹⁹

Kidatu bin Abdallah, together with relations: Balrashi bin Salehe, Yahaya bin Salehe, Madia bin Salehe, Mwakungu bint Horera, Saida bint Horera, Suluhu bin Njani, Abdallah bin Salehe, Mwamambo bint Salehe, Mwatatu binti Horera and Badi bint Horera, owned 150,512

¹¹⁸ Details are taken from Tanzania National Archives Files Nos. 255, Land Transfer of property between natives and non-natives, and 11/40, Land, Sundry complaints on Shamba and Plot Matters.

¹¹⁹ To appreciate the value of this money, let it be known that two decades later, in the early 1970s, one could buy an acre of land at the outskirts of Dar es Salaam for just 200/=.

sq.ft. of land being plot 64 Flur III, Upanga area. In May 1951 a deed of transfer in which 140,000/= had been offered, had been executed by Patel and Co. (Advocates) for the transfer of the land to a non-native, and was forwarded to the Land Officer for consent. Since the land in question would have worked out at 14 plots in the *Upanga Scheme*, the District Commissioner considered the offer of 10,000/= per plot to be too low, so the deal fell through. Meanwhile Kidatu had earlier required that the *Upanga Scheme* should not disturb his family's cemetery. On reading through the deed above, and finding no mention of the family tombs, the District Commissioner concluded quite erroneously:

I presume his religious scruples over the tombs of his ancestors have been overcome by the offer of so many thousand of shillings.

On the contrary, Kidatu had insisted on the walling off of the family cemetery. It was for this reduced area (i.e. excluding the cemetery) that another offer of 150,000/= was made to Kidatu by Ismail Kassam and Badrudin Shariff in June 1951. This, the Dar es Salaam Municipal African Affairs Officer (A. Maddocks) thought was reasonable, but the Land Officer still thought that the land could fetch higher in the open market. Nevertheless the deal was concluded.

Two points are noteworthy from these two examples. One is the patronage which European Officials accorded themselves vis a vis Africans, who were portrayed as not knowing what was good for them. Two, was the drive by Asians to buy African land at prices which they knew to be lower than the land could fetch in the market.

After the *Upanga Scheme* had been prepared, and land redistributed, the Indians became the main developers of the area. The Ismaili Indians were possibly the most prominent, and we describe their reactions in further details.¹²⁰

Unlike the Hindus, Ismailis came to Tanganyika to settle permanently, and Ismaili Khojas (i.e. Hindus converted to Islam) are the majority of Indian Community in Tanzania. The majority of them migrated to the country between 1900 and 1940 on the advice of His

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Unless otherwise shown, the information on the Ismailis is taken from S.R. Walji, *A History of the Ismaili Community in Tanzania*, PhD Thesis, University of Wisconsin, 1974.

Highness the Aga Khan, who required them to leave farming and take up trade and economy. Among the early well known Ismailis who came to Tanzania were Sewa Haji Paroo (1851-1897), Allidina Visram (1863-1916) and Tharia Topan. Most went into business but diverted into small scale industry when conditions so dictated. In the 1920s, the Aga Khan directed the formation of the Jubilee Insurance Company, a non profit making body incorporated in Kenya, to lend money to anyone seeking a loan, and could produce two guarantors. The interest was set low at 6%. In 1946, another company, the Diamond Jubilee Investment Trust Company, was set up to help Ismailis throughout East Africa to put up commercial and residential buildings, lending money at low interest rates to first mortgagors. From 1945, the Ismailis in East Africa were advised to diverse into agriculture and industry, since Africans were coming up, and would be encouraged to take up trade to replace Indians. Agricultural ventures did not fare well, but commerce and industrial undertakings, as well as investment into property did well. In the early 1950, the Aga Khan suggested a scheme whereby every Ismaili family in East Africa should have a home, "if poor, a small one, an apartment, a room, but absolutely his own". Building societies were then formed to help Ismailis who could not build their own houses. Initially single storey buildings and bungalows were put up. Later on apartments were preferred.

The first scheme in Dar es Salaam centred upon the Chang'ombe Construction Company, founded in 1953. Many plots were taken up in the Chan'gombe area and bungalows put up. These were sold for a deposit of 8000/=, and a monthly rent of 275/= covering the instalment and interest charges. After the construction cost was met in 1969, the housing scheme became free. The second scheme was in Upanga where two and three bedroomed apartments were constructed and sold to Ismailis. For a deposit of 7000/=, and a monthly rent of 240/= one could get a 2 bedroomed apartment. For a 9000/= deposit and a monthly rent of 260/=, one could get a three bedroomed apartment. The scheme started in 1955 and the apartments were fully paid for in 1970. There was a variety of apartments. The most expensive ones were the 48 Crescent Flats which were sold for between 62,000/= and 66,000/=, with an initial deposit of 25,000/= and the balance to be paid in five years. The cheapest (2 bedrooms) cost 22,000/=, with an initial payment of 4000/= and a monthly rent of 100/=. There were 42 Ismaili building societies in Dar es Salaam in 1975 with a total investment of Tshs 21m/= mostly in Upanga. All these borrowed from the Diamond Jubilee

Investment Trust Company and the Jubilee Insurance Company, and by 1955, £2,100,000 had been given to these as loans to individual Ismailis on mortgages on buildings. At least 150 houses were constructed in Upanga. Besides, various educational and social institutions, including the famous Diamond Jubilee Hall, were put up.

Finally, it will be noted that the Industrial area in Dar es Salaam was for the most taken up by Indian entrepreneurs. For the Ismailis, this was in response to the Aga Khan's advice, but for the Indian community in general it was felt that they would be less vulnerable, and, if anything, more powerful, if they concentrated on industry in addition to commerce.

All this was done with the encouragement of the colonial government, and it is submitted that this was a continuation of the trend which in the 1920s helped the Asians to virtually take over all land in the commercial area of Dar es Salaam. It was all part of the responsibilities which the Asian Community was supposed to handle and play in the wider capitalist relationships. The Asians were, on their part, out to make money. They had judged the situation in Tanganyika in particular, and East African in general, to be secure enough to allow investment, growth and profit making. On its part, the colonial government saw the Asian community as the right persons to man the territory's commercial and industrial ventures, and it was doing what it could to help within the constraints of the colonial setup. Viewed this way, the interests of the Asian community, and the colonial state as agents of capitalism, coincided.

5.3.3 The Europeans

We have seen earlier how the colonial government amended the *Land Ordinance* in 1947 to enable the governor to allocate land to non-natives otherwise than through public auctions. This made it easy for Europeans, particularly officials, to acquire land in the Oysterbay area of Dar e Salaam. At the same time, government policy aimed at encouraging employers to put up housing for their employees and we have shown above how several companies took up plots and constructed for their senior officials in Oysterbay. Among key companies owning plots in Oysterbay were: Brooke Bond (East Africa), K.J. Properties, Lehmans (Africa), African Merchantile, East African Lighterage, Cable and Wireless, East African Oxygen Acetylene, Wigglesworth, Riddoch Motors, Dalgety's East Africa, East African

Airways, African Trading, Smith Mackenzie, and Car and General Equipment.¹²¹

As a general rule, temporary buildings for the first three years of the Right of Occupancy, (but extendable to five years) were permitted. Besides, Oysterbay allottees were not required to pay the road frontage premia when these were introduced so that although Oysterbay was, initially, not well serviced, infrastructure was soon extended to this highly valuable land without the allottees contributing to the cost. Thus the government was all out to help Oysterbay people acquire land cheaply, develop it at moderate speed, and have it later on serviced at full public cost. This was only made possible because colonial officials wanted a stake in the area. This kind of approach to land policy is still upheld todate.

5.3.4 Economic responses: an overview

One major economic response during the period under review was the rapid migration of people to Dar es Salaam. The aftermaths of the War created a situation of optimism among households on the one hand, and situation where the government could spend more on urban development on the other. There was pressure on the government to act to relieve overcrowding, regulate land uses, provide housing, improve infrastructure, and generally, manage urban growth. Because of its sounder economic standing as a result of the funds of the *Ten Year Development and Welfare Plan*, plus a buoyant post War economy, the government was able, within the limits of its own conceptualisation of what urban land uses should be, to undertake various planning schemes, which generated enthusiastic responses from the various actors. Where the government was slow to act, as in the cases of the Industrial area, Upanga, the City Centre as well as in the cases of government land left idle, spontaneous activity took place, but this was later on incorporated in the government's planning schemes. The Government policy of zoning for the various races was producing mixed result. In the native areas, zoning was supported by African tenants, but opposed by landlords and Indian tenants who wanted to occupy native houses. Acquisition of native land for town planning schemes generated some limited reaction from Africans, but by and large, many accepted government terms.

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Municipal Council of Dar es Salaam, *Minutes*, 1950.

Most development took place in response to, and in accordance with government policy. Even private freeholders of land were advised to have their land subdivided in a certain directions. There were only a few happenings outside government dictates e.g. the unplanned development that were taking place at places like Keko, Toroli, Msasani, Kigogo, and Buguruni.

5.4 Overall Deductions on the Evolution of Dar es salaam's Land Use Structure in the 1940s and 1950s

The major historical happenings of the period were World War II; the agitation for better conditions of living by Africans; and the decolonisation process. In anticipation of the latter two, the colonial government had been posed for change since the late 1930s. The past policy of territorial self sufficiency seemed to have failed. Territories like Tanganyika, remained poor, and under such conditions, remained a poor current or future market for consumer or producer goods from the mother country, and remained a poor produces of raw materials. Poor colonies were also hapless to be handed Independence to. The colonial territories had therefore to be "developed". Roads, railways bridges, airports, ports etc, were constructed or expanded. Mines were opened up and natural resources tapped. Social welfare, in the form of expanded education and health facilities, for example, was improved. All these were incorporated in the *Ten Year Development and Welfare Plan* which was the major backup of urban land policy in Tanganyika during the period. This had major effects on the land use structure of Dar es Salaam, since it allowed the improvement in infrastructure, as well as the conceptualisation and undertaking of the various residential, and functional land use schemes within the Municipality.

Colonial policy with regard to African labour changed, and labour stability in urban areas was accepted, at least for those with employment. This was in part, in responses to the emerging import substitution industrialisation. If labour was accepted for permanent residence in Dar es Salaam, it was not only to be employed, but to be housed as well. Schemes to ensure the supply of African housing were undertaken. The directly constructed houses were earmarked for the upcoming African "cream". Although the standards adopted were much lower in comparison to European or Asian housing, these schemes were considered a major uplift for the African. For some of the African "cream", opportunities to own modern urban

housing were provided through the loans of the *African Urban Housing Loan Scheme*. Demarcated plots were provided for self construction.

Housing schemes were also prepared for the Asian and European communities. There were publicly constructed complete houses for renting or occupation free as part of the employment. There were also demarcated plots for private construction. The standard of housing, land and housing services and size of plots differed with race, Europeans getting the most and Africans the least. The principle of public health could not be avoided, thus the concern with overcrowding in the Indian and native areas. The solution to this was also sought in creating new African housing schemes. The non-servicing of African areas continued to create concern in terms of public health dangers throughout the 1950s, particularly when unserviced African areas got sited too near the low density (European) Housing.

Besides residential schemes, an Industrial area was designed along Pugu Road. It was serviced and allocated to Europeans and Asians. A new drive towards comprehensive town planning was embarked upon from the mid 1940s culminating in the 1949 *Plan for Dar es Salaam*; the introduction of a Town Planning Department in Government; and the enactment of the *Town and Country Planning Ordinance* of 1956. Despite that Africans were agitating for equality, and were poised to take over the reigns of power, access to land and land use in Dar es Salaam continued to be conceived in racial terms throughout the 1950s.

This was perhaps the colonial officials attempts to preserve their privileges in the face of the onslaught against racism driven by the economic power of the Asian Community (which aimed at breaking racial barriers between itself and the Europeans), and the African nationalism. It was also meant to create a psychological situation as to the status of the African vis a vis the European. Colonial officials may also have misjudged the speed of the decolonisation process.

The *Land Ordinance (Amendment)* of 1947 was clearly meant to give officials easy access to urban and agricultural land. The Europeans forged close relationships and a working environment with Asians in view of the latter's economic importance. The African continued to be segregated. This situation was articulated at territorial level whereby the policy of

"parity", which the colonial government attempted to install, and which meant that the different races were represented by an equal numbers of members in the *Legislative Council*, was clearly a means to preserve the privileges of the Europeans, and Asians against the Africans. This would appear to be another example of the colonial state propagating its own interests instead of the interests of capitalism. Propagating the interests of the latter would have meant, during this period, doing away with racial segregation, and encouraging social interaction and equal opportunities.

Public authorities, particularly the central government, were a key player in determining Dar es Salaam's land use structure; selecting, acquiring, demarcating, servicing and allocating land for various uses. In many cases, Public Authorities also directed or influenced the actions of the private sector. The central government regularized the land use in private ownership in Upanga, for example, and smoothed the process of removing natives from there. It directed Africans to their own designated areas. It allocated Oysterbay and the Industrial area to Asians and Europeans, and it continued to oversee the development and servicing of the these areas. Spontaneous action outside government policy was limited.

In the wider context of the capitalist penetration of Tanganyika, the Dar es Salaam port was greatly improved, the airport relocated and several roads and other means of communications, linking Dar es Salaam to the rest of the country, greatly improved. Dar es Salaam became better connected to the country and to the world and could work much more efficiently as a port, and as a commercial and administrative centre. All these led to the fast growth of Dar es Salaam so that by 1957, the Municipality was over three times as large in terms of population as the next largest town of Tanga. It seems fair to conclude that Dar es Salaam's land use structure during the 1940s and 1950s was almost entirely the result of government policy, which in turn was a response to the dictates of the epoch which required the stabilisation of labour and more effective urban management. However, the old order of racial segregation continued to be upheld. Colonial officials were perhaps under pressure to protect and possibly enhance their own privileged positions.

On the eve of independence, the landuse structure of Dar es Salaam had grown further to add to the previous structure: an extended European (and Asian) area at Oysterbay, and

to a lesser extent at Kurasini; a regularised Upanga areas for Indians; new African residential areas at Ilala, Temeke, Kinondoni, Magomeni and Kurasini; and the Industrial area along Pugu Road. Several unplanned areas developed at Kheko, Chang'ombe, Kigogo, Msasani and Buguruni, and several others were in the making just outside the Municipal boundaries. This landuse structure was mainly a result of government policy whose motivation, however, was neither efficiency, nor equity.

With the coming of Independence, racial segregation had to go but the already established land use patterns and relations could not be obliterated. The independence period ushered in a new era. New attempts were made at "development", but the government's ability to regulate urban land uses was to get constrained under the sheer weight of rapid urban growth, inadequate and in appropriate regulative and administrative frameworks, dwindling resources, and many other fundamental adverse factors that faced the independence government.

THE EVOLUTION OF THE LAND USE STRUCTURE OF DAR ES SALAAM

1890-1990: A STUDY IN THE EFFECTS OF LAND POLICY

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By

J.M. Lusugga Kironde

MSc (Urban Studies) (Salford)

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Department of Land Development,

Faculty of Architecture, Design and Development,

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CAPITAL OF THE INDEPENDENT COUNTRY

6.1 The Enhanced Importance of Dar es Salaam after Independence

Tanganyika got Independence in December 1961. In 1964 Tanganyika united with Zanzibar to form the United Republic of Tanzania. As part of the Independence celebrations, Dar es Salaam was granted City status. The city was also retained as the country's capital. It thus became the focus of the nation's attention from all corners. It attracted new people and new socio-economic infrastructure. It attained immense political significance and was privileged to be the locus from whence national affairs were to be managed. All these had their impacts on the policies adopted for the city's development and affected the city's land use structure.

The attainment of Independence brought a new status to Tanzania's capital city, Dar es Salaam, and initiated a new phase of the city's development. The affairs of the country started to be managed wholly from the capital while the greater civil functions and commitments of a sovereign state meant more people, more buildings, and therefore, more growth. In 1955 for example, there were only 9 Ministries running the country. In 1963 the number had risen to 15, all with headquarters in Dar es Salaam. In 1960 there were only 9 consulates in Tanganyika. In 1966, this had risen to 44 countries represented.¹ The new independence government championed the liberation of the oppressed peoples in Southern Africa and elsewhere. This not only brought liberation movement to Dar es Salaam, but the importance of the Dar es Salaam harbour to a number of landlocked countries which were dependent on South Africa for external trade was enhanced. The harbour had therefore to be expanded to meet, not just internal needs, but also to serve neighbouring countries, to which it was connected by road, rail, and, in the case of Zambia by an oil pipeline. The Zambian case deserves special attention since political happenings in the then Southern Rhodesia in 1965

¹ A.C. Mascarenhas, "The impact of Nationhood on Dar es Salaam," *East African Geographical Review*, 5, 1967, pp. 39-46.

necessitated Zambia's reliance on Dar es Salaam harbour. The Dar es Salaam-Zambia Road had to be improved; and a 1680km, 8" diameter oil pipeline was constructed in 1968 linking Zambia to Dar es Salaam. Most significantly, a 1860km railway line was constructed with Chinese help between Dar es Salaam and Kapiri Mposhi in Zambia between 1970 and 1976. These developments necessitated the expansion of the harbour.² The Tanzania-Zambia Railway had the local effects of opening up Dar es Salaam's south and south-western areas to development.

Ecologically, the city changed after Independence. The previous land use pattern had been based on racial segregation. With internal self government, the first Africans moved into Oysterbay (a then predominantly European residential area) in 1959, as Ministers or Senior administrators. Later on, many of these were allocated plots for private construction (see next section) in this, and the predominantly Indian area of Upanga. Racial barriers were broken but differentiation between senior African administrators and politicians and the more ordinary Africans was taking place.

As the nation's capital and primate city, Dar es Salaam had a lot of political strategic importance, so that early policies which were considered to be of political significance, like the ameliorating of Africans' urban living conditions including slum clearance and public investment in housing and infrastructure, were concentrated in Dar es Salaam. Other socio-economic infrastructure like major hospitals or institutions of higher education were also concentrated in Dar es Salaam. These in turn attracted more people as well as investment to the city. Dar es Salaam's attraction was not substantially affected by government policies aimed at diverting activities from the city, or indeed by the stated policy (since 1973) of shifting the country's capital to Dodoma.

The need to spearhead economic development meant the adoption of various Five Year Development Plans which earmarked considerable investment in urban areas in the form of, for example, physical and social infrastructure, as well as considerable investment in industry either through the Public Sector (particularly the National Development Corporation)

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M.B. Gleave, "The Dar es Salaam Transport Corridor: An appraisal ", *African Affairs*, 91, 1992, pp. 249-267.

or by attracting the private sector. This necessitated for example, the expansion of the industrial area along the Pugu Road, and the creation of new industrial estates at Ubungo and at Mikocheni in the late 1960s/early 1970s. An oil refinery was established within the harbour area in the 1960s, while a cement factory was, out of necessity, sited some twenty miles from the city centre at Wazo. In the social development field, the need for skilled manpower was realised early enough and soon after independence, a school of Business Management was established at Dar es Salaam and the Dar es Salaam Technical College, opened in the late 1950s, was greatly improved. Most significant however, was the establishment of the University College, Dar es Salaam occupying an 800 acre site at the Observation Hill.

Tanzania's adoption of the policy of socialism (through the *Arusha Declaration* of 1967) also affected Dar es Salaam's land use. In the first instance, legal changes aimed at removing exploitative tendencies in land tenure and land holding, as well as the benevolent attitudes towards the mass of the people, encouraged the haphazard occupation and development of land, while decentralisation policies adversely affected the land development control and management mechanism, leading to further uncontrolled development. A major political initiative was taken in 1971 with the nationalisation of all privately rented housing valued at more than Tshs 100,000/=. This particularly, affected the Indian landlords in the urban centres, and in particular the city of Dar es Salaam. Some 2000 properties were taken over and administered by the a body known as the *Registrar of Buildings*. This, to some extent allowed the entry of the Africans in the city centre as tenants, but it also froze private investment in high cost buildings till well into the 1980s. Most tenants of these nationalised buildings turned out to be people well placed in government and politics.

6.2. Land Policy Impacts

6.2.1 Major Policy Tools

During the decade after Independence, the government adopted policies which had a direct or indirect impact in the land use structure of Dar es Salaam. While the major basis of land tenure remained the *Land Ordinance* of 1923, there were a number of enactments aimed at extinguishing freehold titles and at removing exploitative and feudal tendencies in land tenure. The *Town and Country Planning Ordinance* of 1956, as amended in 1961 remained the major instrument governing urban planning under which planning schemes (including

masterplans) for Dar es Salaam were prepared. The other major policy initiative affecting Dar es Salaam's land use structure was direct government intervention particularly through the National Housing Corporation and the Sites and Services Directorate. On the other hand, the general *laissez-faire* government policy toward unplanned development encouraged the unplanned occupation of land to an excessive degree. While urban land policy during the colonial era was motivated by clear issues like racial segregation, public health and employment, these were no longer important in the post-colonial era. Instead, political expediency as well as the consolidation of the African in the urban areas appeared to be the new key considerations. Both the central government and the Dar es Salaam City Council were key players in determining and implementing land policy.

6.2.2 The *Freehold Titles (Conversion) and Government Leases Act* of 1963, and other Legislation

We have seen in Chapter Four how the British Colonial government supported the concept of customary tenure among Africans, with a clear aim of preventing the proletarianization of the African. It was however, apparent that customary tenure conflicted with the need for rural transformation aimed at high productivity and involving the use of capital. The *East African Royal Commission* appointed in the 1950s to, *inter alia*, look into the issue of land tenure, recommended the replacement of customary or tribal tenure by freehold tenure among the Africans. Similar recommendations had been made to, and adopted by a number of African countries. The *East African Royal Commission's Report* was adopted by all the East African Governments. In 1958, the Government of Tanganyika outlined its proposals for extending the freehold system to Africans on the lines already adopted in Kenya since the early 1950s that is, by giving individual title to land held under customary law by the process of adjudication, consolidation and registration.³ These proposals were opposed by the nationalists, and in particular the TANU leader, Julius Nyerere. His main line of objection was that freehold tenure did not allow the government to control land uses so that the owner of the land was free to use or abuse it the way he liked. Secondly, Nyerere pointed out that freehold tenure would allow non Africans or a few "clever" Africans to buy the land belonging to the bulk of Africans so that "within a short period, there would only be a few

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Tanganyika, *Review of Land Tenure Policy*, Government Printer, Dar es Salaam, 1958.

Africans possessing land in Tanganyika, and all others would be tenants."⁴

The colonial government was aware of the shortcoming of the freehold system and two principal dangers were recognised.⁵ One, that some Africans may be tempted by what might appear to be large sums of money to part with their land without any plans for the productive use of this money, and two, that some Africans might borrow on the security of their land, again, without putting the money to productive use. The result would be the appearance of a class of landless persons and the reduction of the peasantry to a state of indebtedness. The safeguards suggested by the colonial government were: one, the maintenance of the law requiring the consent of the Governor in cases of land disposition between Africans and non-Africans, and, two, the expansion of credit facilities available to Africans for land development.

British colonial practice had long resisted the recognition or extension of freehold tenure to Africans for reasons more or less similar to those advanced by Nyerere, although colonial officials were more worried about the landless African getting detribalised and becoming not just unproductive, but also a burden to the colonial government. Stren notes with respect to colonial policy in Mombasa, Kenya, that, although many Africans wished to have individual title to their land, officials argued for the retention of communal tenure:

If they (Africans) were given freehold title, their improvidence and desire for cash could soon result in the alienation of large tracts of land to non-Africans. Then, having lost their security in land and cut off from the tribal communities, Africans who sold their land would become "detribalised" and subject to the influence of urban life.⁶

Again, in the case of the Wadigo tribesmen on the Kenyan coast in the mid 1930s, it was pointed out that if they were to be permitted to dispose of their land in the open market, many

4 J.K. Nyerere, *Mali ya Taifa* (National Property) in *Uhuru na Umoja: selected Writings*, Oxford University Press, Dar es Salaam, 1967, p. 53.

5 Tanganyika, *Review of Land Tenure*, p. 3-4.

6 R.E. Stren, *Housing the Urban Poor in Africa*, Institute of International Studies, University of California, Berkeley, 1979, p. 112.

of them would quickly become landless and consequently cease to be self-supporting, and the prospects of their ever becoming an economic asset to the colony would disappear.⁷ In these respects, both Nyerere and the British colonial government agreed. The major difference of opinion between Nyerere and the colonial government with regard to the dangers of freeholds tenure was that the government would lose control over freehold land.

Soon after independence proposals were put forward to abolish freeholds altogether from Tanganyika. In 1963, the *Freehold Titles (Conversion) and Government Leases Act*, converted the existing freeholds into 99 year leases. Later on, in order to smoothen land administration, these leases were converted into Rights of Occupancy by way of the *Government Leaseholds (Conversion to Rights of Occupancy) Act* of 1969. This streamlined the system of land tenure, recognising only Rights of Occupancy either directly granted, or, in the case of customary tenure, deemed granted.⁸ Thus the Independence government completed the earlier colonial drive to put the complete control of land in the hands of the government. The colonial policy of the 1950s, of rehabilitating the freehold land tenure system which it had opposed since the 1920s, was seen by the nationalists as a trick to perpetrate the exploitative racial privileges, and to weaken the new post-colonial state. The latter required to consolidate its position, and thus required that land be vested in the government.

The significance of the 1963 *Act* as the instrument that nationalised land in Tanganyika is certainly an exaggeration. The *Land Ordinance* of 1923 had virtually nationalised all land, recognising only those freeholds that existed then, and this latter policy was necessitated by the need to favour the existing settlers, and to muster their support and cooperation in the post World War I reconstruction. The colonial government did not then favour the freehold system, and no new freehold titles were given out under the *Land Ordinance*. The 1963 *Act* affected a very restricted portion of land (although some considerable urban freehold land was involved) in Tanganyika but political capital was subsequently made out of this *Act* by the independence government. The significance of the 1963 *Act* however, was in the

⁷ Mombasa Land Office file M/1383/B, quoted in, *ibid*, p. 112.

⁸ R.W. James, *Land Law and Land Policy in Tanzania*, Nairobi and Dar es Salaam, East Africa Literature Bureau, 1971.

strengthening of the government hold over land, including the enabling of the government to take land cheaply from or to replace existing landowners and poor peasants at the urban fringes and choice rural areas through planning and other schemes, and to allocate this land to the people of the government's choice, whenever it deemed it fit. The existing land users' room for manoeuvre (e.g. in terms of claiming compensation) was thus highly restricted, since land did not legally belong to them but was "public property", with no value to individuals except in terms of unexhausted improvements. Customary land tenure (with its indefinite and unconditional tenure characteristics akin to freehold) was somewhat left on a cliffhanger by the abolition of freehold.⁹

The other area of concern soon after Independence, was the prevalence of feudal tendencies in rural land holdings, as well as the sceptre of absentee landlordism in both rural and urban areas. These had behoved the colonial government. The *Nyarubanja Tenure (Enfranchisement) Act* of 1965 enfranchised the *Nyarubanja* tenants in the parts of Tanganyika where the system existed¹⁰. The following year, the *Rural Farmlands (Acquisition and Regrant) Act* of 1966 granted leases to tenants of land belonging to absentee lease owners, and in 1968, the *Urban Leaseholds (Acquisition and Regrant) Act* of 1968 did the same for tenants of urban land.

The effect of all these policies was to legalize and popularize the policy of "land to the tiller", which was to find further support in later socialist policies. The 1963 Act however, converted tenants on former freeholds land into squatters, and an example of such conversion concerned the tenants of the Hanna Nassif Estate in the Kinondoni area of Dar es Salaam. This was freehold estate land with tenants paying rent to the landlord. After the abolition of freehold tenure, these tenants became "illegal" occupiers of government land. The government however, did not take any steps to impose its ownership. Subsequently the

⁹ Ever since Independence, the Government has been grappling with the question of the inadequacies of customary land tenure in Tanzania. During the 1960 and 1970s it sought the answer in Villagisation. Recently (December, 1992) a new Act virtually extinguishing customary tenure in some villages was passed by Parliament. See R.Tenga "'Monstrous' Land Bill to make most Tanzanians Landless". Article appearing in, *The Express (Tanzania)*, December, 1992, pp. 12 -13. In November 1993, the Act was challenged in court and was declared unconstitutional.

¹⁰ The *Nyarubanja* system was a feudal kind of land holding whereby one person or institution owned a large tract of land (called the *Nyarubanja*) on which were tenants or fiefs.

estate developed into a sizeable squatter settlement. However, since government policy with regard to squatters was not hostile, occupiers of former freehold lands did not in practice suffer. Indeed, it could be argued that they gained by enjoying the general security extended to all squatters by government policy. Thus the extensive growth of squatting on other former freehold land.

6.2.3 Africanisation and Dar es Salaam's Land Use Structure

After gaining independence, Africans replaced non-Africans in managing the nation. Gradually, the civil service and other employment was Africanised. In tandem with this, African presence increased in the high class areas of Upanga, Oysterbay, Kurasini and Chang'ombe in Dar es Salaam. These areas were mainly the recluse of Indians and Europeans during the colonial era. In the situation prevailing before Independence the colonial government set aside Block W Magomeni for the use of the emergent African elite. The area was planned at lower densities and higher standards of buildings were expected. Owners of plots in Block W also benefited from the *African Urban Housing Loan Scheme*.

A study of the applications for building permits made to, and approved by, the Dar es Salaam City Council in 1965, together with other land office documents, gives us the names of some of the important personalities who then held plots in Block W Magomeni. These are given in Table 6.1. It is also known that the Tanzania President, Mwalimu Nyerere was one of the plot owners in Block W.¹¹ The names listed in Table 6.1 include those of the then Ministers, City Councillors, and high ranking civil servants and politicians.

Africans however could not just be contented with this colonial arrangement which was aimed at perpetrating racial discrimination, discrimination which was breaking down anyway, since Africans, as a result of their new responsibilities, were taking up residence in the former European and Indian areas. The early breed of top officials and politicians aimed also at owning (rather than mere living in) property in these areas. Government policy made plots available in Oysterbay, Upanga, Kurasini and Kinondoni (Ada Estate), by way of subdividing

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The Town Planning Committee which met on 12 July, 1963, agreed to a proposal that Block W Magomeni be called "Butiama" area, in reference to President Nyerere's home village. See Dar es Salaam City Council, *Minutes*, 1963, p. 508.

the larger plots, or by creating new ones on existing open spaces, or extending layout to formerly unsubdivided land in these high class areas. In 1963, only 6 Africans (or people whose names are considered

Table 6.1: Successful applicants for Building Permits, in relation to Block W. Magomeni, in 1965, and other important landowners in the Block

Name	Plot No.	Name	Plot No.
Hon. Chief A.S. Fundikira	67, 68, 69	Hon. Lucy Lameck	109
A.W. Sykes	172	L.K. Bakuname	169
R.J. Abdallah	102	R.C. Simkoko	188
R.K. Mwanjisi	111	Ali K. Sykes	167
Saada Salum Omar	39	H.O. Bwata	106
O.L. Millinga	181	J. Keto	84
K.H.M.S. Kungulilo	108	S.A. Kandoro	183
Selemani Mkwawa	21	Kitwana Kondo	79
A. Lubulwa	168	F.K. Burengelo	179
R. Makange	20	G.Y. Mpupuya	78
P. Aoko	180	S.R.M. Makutika	80
Sheikh Yahya	19	Lotti Y. Zacharia	59
M.N.E. Shaidi	34, 35	E.E. Akena	192
S. Mlatie	193	J.B. Mwenda	203
E.C. Mzena	175	Hon. R.M. Kawawa	10,11
Andrew Abdallah	205	Mrs Grace Nderimo	42
M. Litunu	11	Dr S.A. Mwankemwa	100
J.G. Mutayoba	197	B.I. Suwedi	1
E.J. Samuel	206	J.K.L. Mutaboyerwa	195
B.J. Sichiambo	199	Lila Mwinyikondo	110
R. Mgana	99	Donald Roman	97
M.M. Songambe	49A + B	H.M.S. Ibrahim	190
H. Mlezi	10	M.A. Max	177
Saidi Juma Mzee	15	R.M. Nanyomwa	178
Athumani Mtipuka	41	S. Machangu	8
S. Mkwa	21	W.F.I. Maro	23
M. Mfaume	107	W. P. Mpira	76
Mbiyu Koinange (Kenyan)	116	M.T. Ntare	112
Sheikh Amri Abeid	26,27,28	P. Mwishihage (SWAPO)	17
J.M. Halwenge (Mrs)	63, 64	S. Kibwana	98
		O.S. Kambona	29,30,31

Source: Dar es Salaam City Council, *Minutes of the Meetings of the Town Planning Committee*, 1965; and some Land Office Files

to be African) were given permits to put up buildings in these areas: Four were in Upanga (i.e. R.K. Juma (Plot 205), I.F. Lambert (Mrs) (Plot 2 Seaview), E.Ebrahim (Plot 672 Upanga) and S.L. Juma (Plot 165 Upanga). Two were in Oysterbay i.e. J.A. Namatta, (Plot 349 Msasani), and L.K. Bakunama (Plot 380 Msasani). In 1965 this number had jumped to 86 as follows: Upanga (38 permits), Oysterbay/Msasani (41 permits), Kurasini (13 permits) and Kinondoni Ada Estate, (4 permits). The list of the successful applicants for permits to build in these areas of Dar es Salaam in 1965 and their plot numbers is given in Table 6.2. It is almost wholly made up of Ministers, Members of Parliament, top civil servants and judges, army officials, chiefs, councillors, and key politicians. This is the group that is usually referred to as the ruling elite.

Besides Upanga and Oysterbay, the new elite aimed at acquiring land further north by the Ocean. In May 1965 the Director of Town Planning presented for approval of the Dar es Salaam City Council, a layout (Town Planning Drawing No. 1/408/385) of ten new large plots approximately six acres each, created at Msasani Village along the Ocean to the north of Msasani Peninsula (see Chapter Six). The layout was initially rejected by the Council which particularly objected to the creation of such large plots, and instead suggested plots of a maximum size of 1½ acres each. In June 1965, a new layout with 1½ acre plots was presented to the Council, and this time the Commissioner for Lands was applying for the layout's approval so as to enable him to offer Rights of Occupancy. The Council approved this layout and the area was allocated to several Ministers of the early national government of Tanganyika.¹² Up to today this area remains exclusive with properties owned by important personalities in Tanzania's politics. Just like the colonial officials had used their political power to get access to land, so the new independence government used its newly found power to do just the same. By the late 1960s key politicians and civil servants owned plots in several key areas of Dar es Salaam particularly Magomeni, Upanga, Oysterbay, Msasani, Kinondoni and Kurasini¹³

¹² Dar es Salaam City Council, *Minutes*, 1965 p. 728.

¹³ The *Arusha Declaration* of 1967 was in part aimed at curbing the tendency of the new leaders to amass wealth.

Table 6.2: African grantees of building permits in the Upanga Oysterbay, Kurasini and Kinondoni (Ada Estate) Areas of Dar es Salaam, 1965

UPANGA			
Name	Plot No.	Name	Plot No.
J. Malekia	372	J.L. Okiji	115
Hon. J.B. Mwakangale	79	H.S. Gondwe	148
A.C. Tandau	80	S.K. Gabba	147
Hon. Theresa Ntare	315	G.A. Mhina	376
A.W. Mwakangale	272	Hon.J.M. Lusinde	288
R.M. Lyabai	122	Hon. E.A. Mang'anya	287
S.R.M. Makutika	991,989	W.R. Mwakitwange	519
J.L. Kimwaga	986	F. Burengelo	932
T.P. Mwanjisi	383	J.P. Singano	1003
Chief Humbi Ziota	74	B.J. Maggid	373
Lt. B. Lukwembe	146	M. Kamuntu	925
Col. Tarimo	139	A.J. Adela	929
R.H. Saidi	395	R. Makange	612,613
H.I. Taratibu	983	P.S. Kalanga	371
L.S. Saguti	375	H.I. Taratibu	365
B.M. Juma	595	A.A. Aziz	135
E.D.A. Mwinchumi	143	S.B. Matovu	368
S. Pashuwa	369	V.S. Makame	141
		N.A. Kiondo	453

Cont.

OYSTERBAY/MSASANI

Name	Plot No.	Name	Plot No.
Dr. Nhonoli	268,269	B. Munanka	404
V.M. Eyakuze	890	Hon. Joseph Nyerere	402
Hon. S.N. Eliufoo	379	R.W.G. Rugarabamu	294
Otinni Kambona	396	Ally K. Sykes	394
Hon. J.S. Kasambala	361	Hon. L.P. Dantes-Ngua	421
G.W. Kiletta	397	J.S. Masayanyika	197
E.I.M. Mtei	332A	Hon. E.A. Kisenge	415
A.J. Nsekela	365	Z. Mtemvu	107
J.A. Nzunda	420	H.K. Katua	389
H. Aziz	418	Hon. T.S. Tewa	370
A.C. Mwingira	195	Hon. Abdul Faraji	386
R.O. Kirundu	422	Hon. E.B.M. Barongo	388
C.P. Ngaiza	419	S. Chale	332
Just. M.P.K. Kimicha	424	F.V. Mponzi	374
D.A. Nkembo	110	M.M. Songambele	416
C.A. Kalaghe	408	A. Saidi	112
Hon. Bibi T. Mohamed	450	Hon. Lucy Lameck	364
S. Kitundu	390	Brig. M.S.H. Sarakikya	40
A. Mbuga	109	Chief Marealle	192
Hon. R.M. Kawawa	426	K.R. Baghdellah	423
P.C. Walwa	392		

Cont.

KURASINI			
Name	Plot No.	Name	Plot No.
H. Magambo	47	G.V.S. Chaussa	38
I. Mwajasho	14	G.P. Shirima	27
Z.A.H. Kyessi	23	A.R. Shungu	18
F.K. Lwegalulila	28	D.S. Nkulila	32
B. Makatte	41	G.M. Rutabanzibwa	5
C.F. Ijumba	33	S.H. Pundugu	11
H.Z. Talawa	13		
KINONDONI (ADA ESTATE)			
J. Jacob	8/23	Chief J. Maruma	14
L.M. Gama	102	J.G. Kileo	14

Source: Dar es Salaam City Council, *Minutes of the various Town Planning Committees*, 1965.

It is not only that top government officials and politicians got themselves allocated plots in choice residential areas of Dar es Salaam. Facilities were created to give them access to development finance. The *African Urban Housing Loan Scheme* of the 1950s had been discontinued in 1960. It was succeeded by the *Urban Roof Loan Scheme*, but this was unsuited to the requirements of these officials and politicians, most of whom, in line with both the planning conditions required of the areas they were aiming at, as well as in line with the standards previously set, had applied for permits to put up two storey buildings. A *Revolving Loan Fund* for senior government employees was thus established in 1963. By August 1968, it had disbursed Shs. 16.3 million to 230 borrowers¹⁴.

¹⁴ J. Campbell, "The State, Urban Development, and Housing", in Norman O'Neil and Kemal Mustafa, (Eds), *Capitalism, Socialism, and the Development Crisis in Tanzania*, Gower Publishing Company, Aldershot (UK), and Brookfield (USA), 1990, pp 152-176.

The government, moreover, eased conditions by which civil servant might acquire land. In a letter to the Dar es Salaam City Council in 1964, the Minister for Lands asked the Council to permit government servants who were granted loans for building houses in the Upanga Area to pay road frontage premiums in instalments, pointing out that the Government was making that facility available to its servants where a road frontage premium was charged for making up of the roads.¹⁵

It will therefore be seen that the government did adopt a deliberate policy of allowing top officials and politicians access to land in choice residential areas of Dar es Salaam, during this first decade of Independence. This was the phase of consolidation and access to land by Africans was seen as an important tool in achieving this goal. As a result, the racial composition of Dar es Salaam's land use structure changed considerably, but the struggle for Dar es Salaam's coastline was perpetrated.

6.2.4 The National Housing Corporation (NHC) and Dar es Salaam's Land Use Structure Background to and the Establishment of the NHC

Independence brought a new situation as far as the housing of Africans was concerned. Looking back to the colonial era, it was stark clear that Africans had been given low quality houses, or had been confined to houses constructed in traditional materials in poorly serviced planned areas or in emerging unplanned areas. The problem was three pronged: housing shortage, poor quality structures, and poor residential environment. During the immediate post colonial period, this situation was seen as unacceptable, particularly in the capital city of Dar es Salaam, which for many politicians was the window portraying the image of the rest of the country. Addressing the Dar es Salaam City Council in January 1963, the Minister for Local Government, Job Marecera Lusinde, made this point:

We must never forget that Dar es Salaam is not merely a large town, but it is also the capital city and the commercial centre of Tanganyika. To many of our visitors, Dar es Salaam is Tanganyika and we are responsible for seeing to it

¹⁵ Dar es Salaam City Council, *Minutes*, January, 1964.

that the picture presented to them is a favourable one (Emphasis in the original)¹⁶

This "favourable" picture was not being presented by the bulk of African houses constructed in traditional materials in unserviced areas. Besides, there was the need to break away from the colonial past by providing Africans with public houses of good quality. Commenting on the *National Housing Corporation Bill*, presented in Parliament in June 1962, one Member of Parliament enjoined the government to ensure that "the houses which the Corporation is going to devise suits the type of a progressive African of an independent Tanganyika, not an African under a colonial government"¹⁷. To the politicians and the Ruling Party, TANU, the solution to the African housing problem lay in the creation of a National Housing Authority (an idea which had been mooted by the colonial government when they proposed to create an African Housing Company in the 1950s). They could cite support from the Report of the Commission appointed in March 1961 to look into salaries and conditions of service appropriate to the local civil service (*the Adu Report*) which noted the "continuing shortage of houses which appear to be general in Tanganyika"; and strongly recommended that early action should be taken to encourage housing schemes; and that the "impetus to build must come from the central government"¹⁸.

Expatriate officials who continued to occupy senior civil service positions after Independence however, opposed the direct government intervention in housing provision in general, and the formation of the National Housing Corporation (NHC) in particular. Permanent Assistant Secretary responsible for Housing in the Ministry for Local Government, Mr. K.G. Mather was the chief proponent of the expatriate anti-NHC stand¹⁹. Mather, *inter alia*,

16 Address by the Minister for Local Government, Hon. J.M. Lusinde, to the Dar es Salaam City Council on 16/1/1963, in, Dar es Salaam City Council, *Minutes of the Proceedings of the Meetings of the Council and of the Committees thereof for the Year 1963*, Dar es Salaam, 1964.

17 Tanganyika, *Proceedings of Parliament, (Hansard)*, 1962, Dar es Salaam, 1963.

18 Tanganyika, *Report of the Tanganyika Salaries Commission (Adu Report)*, Government Printer, Dar es Salaam, 1961, p. 128.

19 Information on the views expressed by Mr. Mather is contained in various memoranda to higher ranked officials in the Ministry of Local Government, and is cited in, R.S. Mukandala, *The Political Economy of Parastatal Enterprise in Tanzania and Botswana*, Ph.D Thesis, University of California, Berkeley, 1988.

disputed the generalised existence of a housing shortage, arguing that where this appeared to exist, it was localised and a result of subsidised rents in government housing. He doubted whether government constructed housing could find takers at economic rents. He therefore saw there being pressure for subsidising such government housing, which though politically popular, was unaffordable in the long term by a poor country like Tanganyika.

TANU and the politicians, on the other hand, thought poor quality structures, put up by the bulk of Africans were unbecoming. The Minister for Local Government called for "more houses of better quality and good facilities like roads and street lights", and also pointed out that in some places, houses were built so close to each other such that they constituted a major fire hazard and posed the danger of the development of slums which were injurious to health. Moreover, many urban houses did not give a proper picture of Independent Tanganyika²⁰. To the TANU politicians, expenditure on housing was not to be seen as an economic burden but as an "adjunct to production". More and better houses "produced a better and brighter towns people who can make great contributions to the country's development". More and better housing expanded the building trade, increased the demand for further houses and encouraged people to work harder to attain such good houses. Further, housing paid for itself in the long run. TANU therefore preferred a welfare state solution to housing which, the government would be prepared to subsidise in anticipation of the indirect advantages cited above. As the Minister for Local Government said somewhat later, "Sometimes it may be necessary for the government to subsidise housing schemes and in such cases, the Corporation (the NHC) may lend people money and forget about the interest"²¹ TANU stood for active central government role in solving the housing problem by, for example, making finance available and setting up a public corporation which would, *inter alia*, construct houses for the low income people. TANU moreover, wanted to mobilise people for self-help, but Mather opposed this as well, arguing that saving in self-help undertakings, was illusory, and that the traditional Swahili house represented a sound investment with returns of up to 25% on invested capital. The quality of the houses, he argued, should be improved slowly over time, rather than have the houses demolished and rebuilt, since during

²⁰ *ibid.*, p. 195.

²¹ *ibid.*, p. 196.

the rebuilding period, the owner lost income; and after he was given back his house, he was saddled with a loan which would take some twenty years to repay. "To rush, for political reasons, into such an ill advised self-help scheme as this appears to be, would, with due respect, be most unwise".²²

There was however something deeper engaging the minds of the politicians than the mere question of the economics of housing. The new government was going through a phase of consolidation. Participation in public housing was one way of mobilizing people, consolidating national political power and forging national identity. This was in fact noted by Mather: "There is something deeper underlying this clash of conceptions of housing policy than is superficially apparent". This deeper something was spelt out by the Minister for Local Government who said that the issue of improving housing conditions for Africans was not only in order to "improve the lot of the towns people", but also to ensure "the promotion of unity and loyalty to the Government"²³.

In order to come to a compromise, a two man team of advisors from Israel was appointed in 1962 to: (a) advise on the suitability of the continuation of housing policies then pursued by the government, and, (b) to investigate the suitability of establishing a central housing agency, a corporation, or a board, to finance and promote housing construction. The team recommended more or less what the Tanganyika politicians wanted to hear, that is:

- o The subsidisation of housing for low cost housing projects for people in the middle and low income brackets;
- o The expansion of tenant purchase schemes for government officials, local government employees, foremen, overseers, and "responsible labourers";
- o A Five Year Plan to construct 10,000 houses, implemented in two or three stages;
- o The establishment of a construction corporation to carry out housing schemes; and,

²² *ibid.*, p. 220.

²³ *ibid.*

- o The organization of a National Housing Authority.²⁴

Not surprisingly, Mather thought nothing of the advisors' report. He found it abominable, unprofessionally prepared and presented, and an affront to the Government of Tanganyika. Politicians, however, found it quite satisfactory. Realising that they were convinced on the need to create a National Housing Corporation, Mather conceded defeat in February 1962. In June the same year, the *National Housing Corporation Act* was passed, and the Corporation became operative in August 1962.

The functions of the NHC were spelt out as being:

- o to lend, guarantee or provide finance to local authorities and individuals, for the construction or improvement of buildings and approved housing schemes;
- o to undertake direct construction;
- o to eliminate shortages of residential houses and to meet the needs of a rapidly growing population; and,
- o to clear slums and other unsuitable housing and to replace these with modern residential housing, and to administer all houses built in urban areas by the colonial government and all houses constructed under the defunct *African Urban Housing Loan Scheme*.

The National Housing Corporation was moreover politically-symbolic, being the first parastatal organisation to be set up after Independence. Mukandala²⁵ provides a thesis whereby the creation of parastatal organizations in emerging African nations was an important tool of realising socio-economic changes, and of ensuring the political consolidation of the

²⁴ M. Bar-Ilan and K. Porath, *Report on Housing in Tanganyika*, Department of International Cooperation, Jerusalem, 1962.

²⁵ Mukandala, *The Political Economy*.

new nationalist rulers. In the case of Tanzania, he identified three periods: that of power consolidation (1961-67), that of hegemony (from just after the *Arusha Declaration* in 1967 to 1969) and that of rationalization (1969-1985). A period of the demise of parastatal organizations could be added, from the late 1980s. The NHC fits into this periodisation very well. It was an important parastatal with a cognitive role during the power consolidation phase. When this role was over, the importance of the NHC waned, and from the mid-1970s the Corporation began drifting without clear support and policy guidelines from the Government.

The impact of the NHC on Dar es Salaam's land use structure can be divided into two phases. The first ten years (1962-72), and the post 1972 period. During the first phase, the NHC enjoyed considerable government support by way of capital grants with which the Corporation was enabled to carry out a substantial slum clearance programme, as well as to construct hundreds of houses for tenant purchase and for rental. During the second phase, slum clearance and tenant purchase schemes were discontinued, and from 1973, the government stopped giving the NHC development grants so that its construction output dwindled. Moreover, its estate management role was hampered by low rents, and huge rent arrears, problems which the Government did little to help the NHC solve. The major impact of the NHC on the land use structure of Dar es Salaam was therefore during its first decade of existence, and this study concentrates on that period.

The NHC's First Decade

During the *Three Year Development Plan* for Tanganyika, (1961-64), £300,000 had been earmarked for housing and it was intended to establish a National Housing Corporation during the second and third year of the plan. Mather's objections to the formation of the NHC (above), was so much anti-current since the World Bank prepared *Three Year Development Plan* approved by TANU, had already earmarked the formation of the NHC. Besides, £30,000 had been set aside for launching a pilot tenant purchase scheme, and another £30,000 had been set aside for launching an *Urban Roof Loan Scheme*. It is thus clear that the views of the World Bank Mission, and those of the TANU politicians, as far as the necessity for setting up a NHC was concerned, were coincident.

Table 6.3 Summary of NHC's attempts to raise funds outside the Government, 1964-1967

Year of Negotiations	Party Negotiated with	Scheme/Funds	Outcome
1964/65	Seaboard Construction	Kariakoo Redevelopment Scheme	Fell through
1964/65	Sir Isaac Wolfson	Old Airfield Housing Scheme	Fell through
1964/65	Standard Bank	Musoma Housing Scheme	Loan agreement concluded, 25/8/1966. NHC started construction in anticipation of refunds from the Bank, in phases starting 24/2/1967. The Bank withdrew from the agreement before paying the first instalment when Banks were nationalised in the wake of the <i>Arusha Declaration</i> of February 5, 1967. Consequently, the Musoma Housing Scheme was abandoned. Only 100 of the earmarked 400 houses were constructed.
1965/66	Norwegian Government	Credit of 10m/=	Negotiations fell through as agreement could not be reached upon over the interest rate to be charged.
1965/66	Messrs Massarda	Loan of £2m for Old Airfield Housing Scheme	Fell through but engineering works on the scheme undertaken by the NHC.
1966/67		2,000,000 buy-a-brick and build the Nation stamps printed cost free by the W. German State of Hessen. Offered to the public at 1/= each to raise funds with effect from 3.3.67.	Sales disappointing. Only 185,653/60 raised by 1968/69. Not reported in later NHC reports.
1966/67	Continental Houses	Tshs 35.6m/= for Old Airfield Housing Scheme	Fell through

Source: NHC, *Annual Reports*, Relevant Years

During the *First Five Year Development Plan* (1964-69), the NHC was earmarked to spend £20m, out of which the government was set to provide £5m, and the balance was to be sought by the NHC from other local and external sources. The government's contribution was to be used for: house construction (£3.5), site development (£1m.), reconstruction and improvement of houses (£0.25m.) and the *Urban Roof Loan Scheme* (£0.25). In effect therefore the NHC was allocated only 25% of what it was supposed to spend between 1964

and 1969. Because of this, various fund raising trips to countries like West Germany, the USA, United Kingdom and Holland were undertaken by NHC authorities and the Minister for Housing. Only West Germany provided first, a loan of Tshs 19.4m/=, and then a grant of some capital equipment, as well as a loan of Tshs 3m/= for slum clearance in Arusha, and another for clearing the Buguruni squatter settlement and redeveloping the site. Attempts were made locally to raise funds for various of the NHC's schemes mainly in Dar es Salaam as itemised in Table 6.3.

It will be noted that the NHC's efforts to raise funds proved unsuccessful. It does appear that there was something discouraging investors to risk their money with the NHC. It is surmised that the reason for this was that there was fear that the NHC was more of a political, rather than an economic institution. So the Corporation relied almost entirely on government grants and rental income for its development activities. The government however did not fulfil its pledge of giving the NHC the Tshs 100m/= during the *First Five Year Development Plan*. Only Tshs. 69.4m/= was given out. Thus, the ideals of improving housing conditions through the NHC were not matched by resources from the government. This suggests that the NHC was not seen as the key solution to the housing problem as is usually portrayed, but as a political ruse, which it has continued to be. During its first decade of existence, the NHC undertook various slum clearance, tenant purchase, and selfhelp schemes; as well as constructed thousands of housing units for rental. The bulk of these schemes were in Dar es Salaam and affected the city's land use structure.

(a) The Slum Clearance Scheme

The word "slum" was used during the 1960s, to refer to an area with houses constructed by Africans in traditional materials of pole and mud walls and thatched roofs. In Dar es Salaam such buildings were constructed in the 1950s in the areas of Kinondoni, Magomeni, and Temeke. Older "slum" areas going back to the mid 1930s and earlier, were at Kariakoo and Ilala, and newer ones of the late 1950s and 1960s, included Mwananyamala. It is noteworthy that some of the so called slum houses that were demolished by the NHC were new having been constructed in the 1960s, some, on the eve of, and during the progress of, the slum clearance exercise. Buildings constructed of modern materials in the slum cleared areas were not demolished. The issue was mainly to get rid of buildings constructed of traditional

materials.

Slum clearance started in earnest in the Magomeni Area of Dar es Salaam in 1964. The exercise was then extended to Ilala, Temeke, Keko and Mwananyamala. The procedure was usually that temporary structures would be put up to accommodate the owners of the houses to be demolished, until the new buildings were ready. The owners could, if they wished, contribute their labour as part of the cost. What was demolished in most cases was the six roomed *Swahili* houses in traditional materials. This was replaced by a similar *Swahili* house in modern materials. In most cases each house was provided with a pit latrine, a stand water pipe, and electricity. Roads in the slum cleared areas were tarmaced, and surface water drainage provided.

Significantly, slum clearance *per se* does not appear to be prominent in the programmes outlined in the *First Three Year Development Plan*, or in the *First Five Year Development Plan*. The prominence given to slum clearance appears to have been the brainchild of the politicians who indeed capitalised on the scheme. The foundation stone for the first slum clearance house was laid by Emperor Haile Sellasie of Ethiopia.²⁶ In 1963, President Nyerere, several cabinet Ministers, senior government officials, Members of Parliament, and other prominent personalities in the country, took part in a self-help scheme to build houses in the Magomeni area of Dar es Salaam which were (to be) used as transit houses for people whose houses were (to be) demolished for rebuilding.²⁷ This supports the view that the slum clearance undertaking had as much the drive to improve the quality of houses, as to gain political popularity. For, it can be pointed out that, even as the slum clearance was in full swing, the Dar es Salaam City Council was issuing new building permits to people to build in traditional materials. In one year alone, 1965, 349 permits were given for the construction of such buildings in areas such as: Temeke (142 permits), Mwananyamala (155 permits), Kigamboni (18 permits), Kinondoni (30 permits), and Ilala and Magomeni (2 permits in each area).²⁸

26 National Housing Corporation, *Annual Report 1964/65*, Dar es Salaam, 1965.

27 J.D. Kikenya, "N.H.C.: Progress in Housing the Masses", *Tanzania Notes and Records*, 76, 1975, pp. 185-191.

28 Dar es Salaam City Council, *Minutes*, 1965.

The contention that political popularity may have been a more important consideration than the quality of houses is supported by this continuation of the issuing of building permits for temporary houses while similar ones were being demolished. It is hereby advanced that there were possibly two caucuses within the government ranks in relation to public housing. The first, which included Local Government Minister Job Lusinde, upheld the colonial idea of the danger to public health, of slums, and also held the neocolonial concept of housing that presented a proper image of the country. The other included President Nyerere, and saw in land policy, an opportunity for political consolidation. This latter group had the upper hand and was able to demolish and rebuild slums to gain political popularity, but at the same time allow the continuation of the putting up of housing in traditional materials, as well as of squatting since preventing these would have been politically unpopular. Popularity was doubled, when a few months later, the government would move into a "slum" area and convert the newly built traditional houses into ones of permanent materials. Thus, the slum clearance exercise was generally aimed at improving the political position of the government.

The Magomeni area in Dar es Salaam was pivotal in the whole slum clearance exercise. It was singled out by the politicians as an area in which they would physically participate. This was due to the fact that many of the leaders had plots in Magomeni and the general environmental status of the area affected their interests directly. It was moreover necessary to remove the obvious contrast between the properties belonging to the leaders and those belonging to the masses in the same locality.

By 1969, when the slum clearance exercise was stopped only, 3667 houses (out of a targeted 50,000) had been demolished and rebuilt. Of these, 70% were in Dar es Salaam, in areas of Magomeni, Kinondoni, Mwananyamala, Ilala, Temeke, and Keko. The rest were in the towns of Morogoro, Dodoma, Mtwara and Songea.²⁹

It is intriguing that Kariakoo, the oldest African area in Dar es Salaam, was not slum cleared during this period. It is hereby suggested that Kariakoo people must have protested against the slum clearance exercise as they were unsure of its effects. For, as the NHC

²⁹

Tanzania, *Second Five Year Plan for Social and Economic Development, 1st July, 1969 to 30th June, 1974, Volumes I and II*, Government Printer, Dar es Salaam, 1969, p. 189.

admits in the case of Magomeni, there was a feeling of anti-pathy when the exercise started. It appears that the NHC had grander designs for redeveloping Kariakoo and replacing the existing occupants. This is suggested by the search for funds from private sources (see Table 6.3) for Kariakoo's redevelopment. This search did not materialise living Karikaoo maroned.³⁰

The slum clearance exercise had to be abandoned because it no longer made sense. It was realised that little was being added to the housing stock, while new buildings in traditional materials were being put up everywhere. There were also signs that the beneficiaries were not repaying their loans, some people arguing that President Nyerere had given them free houses as the product of Independence. Most significant however, was the fact that the late 1960s presented a different political situation where symbolic undertakings like slum clearance were no longer necessary.

(b) Self Help Schemes

Together with the slum clearance exercise, an attempt was made to organize people to carry out selfhelp schemes in terms of housing development i.e. to provide their labour and build their houses with the advice from, and materials provided by, the NHC, although self-help *per se* predated the creation of Corporation. Self help was also mobilised for the construction of roads, dispensaries, community halls, Party Offices etc. As far as selfhelp housing was concerned, the results were disappointing, with a very slow rate of construction, and the lack of a true spirit of selfhelp. As the NHC noted, "the only selfhelper was the paid labourer, while the Corporation paid the skilled man".³¹ Later on, loan collection, proved difficult and selfhelp was abandoned in 1968, with only 540 houses put up mainly in the Magomeni area of Dar es Salaam.³²

(c) The Tenant Purchase Scheme

This scheme started in 1963. Houses were built on new plots acquired by the NHC and complete buildings in various designs were put up and sold outright or on long term repayment

³⁰ National Housing Corporation, *Annual Report 1964/65*.

³¹ Mukandala, *The Political Economy*.

³² Tanzania, *Second Five Year Plan*.

terms extending to between 15 - 25 years at a 5% rate of interest. The majority of the tenants were civil servants in middle positions, and the scheme was aimed at allowing them access to quality urban property, like had been *African Urban Housing Loan Scheme*. Like slum clearance, the tenant purchase scheme was given priority in the early days of the NHC. In 1964/65, of the 1,115 houses constructed by the NHC, 80% were for tenant purchase. By the time the scheme was abandoned in 1969, some 2,130 houses had been constructed mainly in Dar es Salaam's areas of Mwananyamala, Kinondoni, Magomeni, Keko, Kigogo and Temeke. The scheme had to be abandoned, however, mainly because it was an expensive undertaking, and loan repayment was proving to be a problem. Besides the political demise of such schemes in the later 1960s, it was being conceived that the provision of plots and finance for people to build for themselves, would pay higher dividends both in terms of quantity and quality of houses put up.

(d) The New Rentals Scheme

In September 1964, the NHC gained control of some 4359 urban African quarters constructed during the colonial period.³³ Only the quarters earmarked for Africans, as opposed to all government quarters, were given to the NHC. Previously these African quarters were under the urban authorities. The government retained the senior and middle cadre houses put up by the colonial government which continued to be estate managed by the Ministry of Public Works. This fact, together with the observation that the NHC did not build substantially in the high class areas such as Oysterbay, suggests that the NHC was conceived to provide and manage housing in the middle to low cadre ranges, in the spirit of the colonial African urban quarters.

Besides the above quarters, the NHC put up several of its own buildings for rental. Between 1962/63-1972/73, the NHC constructed 12,966 housing units utilising government grants totalling some Tshs 122.3m, plus a Tshs 19.4m loan from West Germany, plus the Corporation's own income e.g. from rents of the rental housing units. Of the total housing units, 63% (or 8209 units) were in Dar es Salaam. Table 6.4 shows the NHC's output in Dar es Salaam during its first ten years of existence.

³³

National Housing Corporation, *Annual Report, 1971/72*.

Table 6.4: NHC housing units constructed in Dar es Salaam 1962/63-1972/73

Area	Low Cost Houses	Medium Cost Houses	Low Cost Flats	Medium Cost Flats	Total
Magomeni	1523	-	-	-	1523
Kinondoni	1387	-	-	-	1387
Ubungo	624	-	432	-	1056
Ilala	688	168	96	72	1024
Keko	504	5	192	273	974
Temeke	416	-	-	-	416
Morogoro Road	-	-	-	72	72
Kariakoo	12	-	-	-	12
Upanga	-	-	-	32	32
Drive In Cinema	-	80	-	-	80
Hanah Nassif	199	-	-	-	199
Kijitonyama I	123	-	-	-	123*
Kijitonyama II	795*	-	-	-	795
Makurumla	310	-	-	-	310
Kigogo	142	-	-	-	142
Tandika	64	-	-	-	62
Total	6787	253	720	499	8209

Source: N.A. Pillai, *A Study of the National Housing Corporation with special Emphasis on Financial performance, and a brief survey on the National Housing Sector in Tanzania*, Economic Research Bureau, University of Dar es Salaam, 1976, p. 40.

*Core slabs.

(e) The National Housing Corporation, and the Government Strategy of Sites and Services

With the abandonment of slum clearance and other schemes towards the end of the 1960s, government housing policy was slowly moving back to giving prominence to the sites and services schemes, preferably to be undertaken on a cooperative basis to reflect the government's socialist orientation. It was stated in the *Second Five Year Development Plan* (1969-74) that self-help and cooperative efforts in housing were to be encouraged. The NHC, besides its traditional role of providing houses, was to provide building plots as well. With respect to the latter, a total of Tshs 68m/= was planned to be spent by the NHC to provide sites and services plots, beginning with the expenditure of Tshs 1.25m in 1969/70.³⁴ In

³⁴

Tanzania, *Second Five Year Plan*, p. 25.

pursuit of the above, the NHC was in 1970/71, given Tshs 1m/= by the Ministry of Lands, for sites and services projects. The money was used to construct foundations, foundations with core houses, and 2 model houses in the Kijitonyama/Mwenge area. The NHC spent a total of Tshs. 1.572m/= and 795 plots were serviced. The NHC expected to make some profit out of the sale of these plots only be told by the Ministry of Lands that 365 of the above plots had been allocated by the Ministry, to the Mwenge Cooperative Society, and that no profit was to be made out of the project. The NHC had thus to write off Tshs. 895,771/= from its capital fund, and was, according to its 1973/74 *Annual Report*, struggling to recover the Tshs 512,171/= overexpenditure on the sites and service project from the Ministry of Lands.³⁵ Thus the NHC made a loss on this scheme. The Mwenge scheme was initially portrayed as a model low income households cooperative housing scheme. However as can be implied from the above, the scheme was highly subsidised and was once again, one of those symbolic projects in which, moreover, the NHC was used with disastrous results. It was not replicated. Later sites and services undertakings were simpler, and did not involve the NHC.

The Decline of the National Housing Corporation

With effect from the 1st January 1973, the government stopped giving capital grants to the NHC, which was directed to get its development resources from the newly created Tanzania Housing Bank. This marked the beginning of the demise of the NHC, as the Bank loans were given out at commercial interest rates. Earlier, through its operations the NHC had witnessed its other sources of income getting precarious. The collection of the Urban Roof Loans which had been inherited from the local authorities, as well as the collection of repayments in respect of the slum clearance and the tenant purchase schemes had become difficult. Worse still, even the collection of rents from its own estate managed houses had become a major problem. In 1968/69 the NHC started complaining of large rent arrears.³⁶ In 1970, the government responded to this by exempting the NHC from sections 19 and 20 of the *Rent Restriction Act* of 1962, so that the NHC was enabled to sue defaulters. This, however, covered only direct tenants not slum clearance or tenant purchase beneficiaries.

³⁵ National Housing Corporation, *Annual Report, 1973/74*, p. 12.

³⁶ National Housing Corporation, *Annual Report, 1968/69*.

Arrears on the slum clearance scheme alone stood at Tshs. 2.15m/= as of 30/6/1970, the NHC pointing out that that had become:

"a baffling problem for us to collect these arrears. As the matter involves some socio-political problems, we have brought the problem to the notice of higher authorities and sought their help in its solution"³⁷

Other arrears persisted as well. In 1970, total arrears stood at Tshs. 5.86m./=. Despite the NHC's issuing prompt demand notes and opening their offices late at month ends, rent arrears continued to grow.

The NHC tried to work through the ruling party (TANU)'s branches to explain the importance of rent payments but, "it is unfortunate that these discussions were endless and did not bear any fruits".³⁸ In 1971/72, arrears stood at Tshs. 7.26m/= . The NHC was complaining of political interference and was appealing to top National leaders and Members of Parliament to find a solution.³⁹ Partly in response to this, the government, in 1973, decided on a new system of rent collection from public employees residing in public (including NHC) housing, whereby house rent would be a percentage of the employees salary i.e. 7½ %, 10%, and 12½ %, depending on the salary scale, deducted directly from this salary by the employers, who would then remit it to the NHC, topping up, or keeping, the difference between the property's passing rent and the proportion of the employees' salary deducted as rent. Employers were expected to effect some cross subsidy since highly paid employees would subsidise poorer ones. The scheme appears to have only served to exacerbate the NHC's problems. The Corporation lost direct control over its tenants, and many employers reneged on submitting rents even when they had deducted their employees' salaries. Major defaulters included Government Ministries, Parastatal Organisations and the Ruling Party, making NHC's financial position most precarious. As of December 1977, public bodies owed the NHC, 90% of rent arrears⁴⁰.

37 National Housing Corporation, *Annual Report, 1969/70*, p. 5.

38 National Housing Corporation, *Annual Reports, 1971/72*.

39 *ibid.*

40 *Daily News* (Tanzania), 27/12/1971.

The other major problem facing the NHC was the low rents charged for its houses. Until 1984, rent determination was controlled by the *Rent Restriction Act, 1962*, which applied to the NHC, and which limited rents to a maximum of 14% of the historical cost of construction. Thus, as years went by, the value of the NHC rent income went down. The *Rent Restriction Act* did not provide for rent reviews. A new 1984 *Rent Restriction Act* allowed the determination of rents on the basis of 14% or 18% of the value of residential and commercial property respectively, but the NHC was, from 1985, engaged in a struggle between itself and its tenants over the new rents which it wanted to introduce⁴¹. The NHC did subsequently manage to put up rents over a number of its properties but such rents have been described as being "too little" and coming "too late"⁴². In 1992, the NHC was exempted from the provisions of the *Rent Restriction Act 1984*, but its efforts to get higher rents from its business properties, have been hampered by continued court and political action spearheaded by the business (mainly Asian community). Government support for the NHC has been hostile, ambivalent, lukewarm, and capricious.

In response to the government policy requiring it to raise its own capital development funds, the NHC negotiated with the Permanent Housing Finance Corporation of Tanzania for a loan of Tshs 10m/= during 1968/69. In the following consecutive years, loans of Tshs 5m/= and Tshs. 5.4m/= were respectively raised. In 1971/72 another loan of Tshs 13.17m/= was raised from the newly created Tanzania Housing Bank. Besides, the NHC began to get engaged in contracting work for government departments and for parastatals to boost its income.

The loans raised were to be repaid at commercial interest rates, and with low and poorly paid rents, and rising overheads, the NHC found that it could not repay its loans promptly. In 1972/73 only Tshs. 0.835m/= out of the Tshs 2.048/=m interest due, could be repaid to the Tanzania Housing Bank. The NHC also started defaulting on the West German loan, and was by 30/6/1973, Tshs. 2.09m/= in arrears. While total repayment default stood at Tshs

⁴¹ J.M.L. Kironde, "Rent Control Legislation and the National Housing Corporation in Tanzania, 1985-1990", *Canadian Journal of African Studies*, Volume 26, No. 2, August 1992, pp. 306-327.

⁴² *ibid.*

4.14m/= as of 30/6/1973, revenue arrears stood at Tshs. 8.402m/= suggesting that there was scope for meeting loan repayment obligations if revenue arrears could be paid.⁴³ However, there was no positive government policy to help the NHC solve its problem of low revenue, much of which was in arrears. By December, 1990, the NHC had an outstanding loan with the Tanzania Housing Bank of Tshs 327m/=. As there was little hope of it ever being repaid, the government, rather than allow economic rents, decided to write it off. The decline of the NHC can be gauged from the fall in its construction output as shown in Table 6.5. Thus in the eight years to 1990, the NHC's output was less than 30 units per annum. NHC financial reports show consistent losses from the mid - 1970s particularly on the rental activity. This has forced the NHC not just to seek contractor work, but also to construct for sale (rather than estate management), a task which is hampered by limited capital, and lack of well located plots. It has had also to sell some of its capital assets to raise income. In fact the NHC was again able to convince the government to give it a subsidy which has been Tshs .60m/= p.a. since 1985⁴⁴.

Table 6.5 Units completed by NHC, 1962/63 - 1989/90

Year	Units Completed	% Units Completed	Amount invested (Millions, Tshs)	Amount invested per unit (Tshs)
1962/63-1971/72	11,632	72.9	198.0	17,000
1972/73-1981/82	4,098	25.7	144.7	35,300
1982/83-1989/90	234	1.5	184.4	788,000
1962/63-1989/90	15,964	100	527.1	33,000

Source: National Housing Corporation Records

Besides, the condition of the NHC's housing stock has deteriorated seriously due to lack of maintenance, leading to a vicious circle where tenants refuse to pay high rents because the houses are not maintained, while the NHC says it cannot maintain the houses because of low

⁴³ Pillai, A Study of the National Housing Corporation.

⁴⁴ Matrix Development Consultants, Strategy for the 1990s and Beyond, Report prepared for the National Housing Corporation, 1992.

Table 6.6: NHC's Profit and Loss Appropriation Account, 1986- 1990, (Million Tshs.)

Type of Activity	1986	1987	1988	1989	1990
Profit (Loss) on Rental Activity	(30.6)	(20.6)	(27.9)	(16.9)	28.4
Profit (Loss) on Construction Activity	-	26.5	-	19.0	58.1
Profit (Loss) on contract work	-	-	3.6	(3.9)	20.3
Profit (Loss) on Factories*	(0.5)	(0.6)	(0.4)	(2.0)	0.5
Net Profit (Loss)	(31.1)	5.3	(24.7)	(3.7)	107.4
Accumulated Profit (Loss) brought forward	(119.5)	(150.6)	(145.2)	(169.9)	(182.1)**
Accumulated Profit (Loss) carried forward	(150.6)	(145.2)	(169.9)	(173.6)	(74.6)

* The NHC owns a number of factories manufacturing building materials.

** Figures adjusted by the Auditors to add an extra Tshs. 8.5m/=.

Source: NHC Audited Accounts, relevant years. The improvement shown in 1990 was a result of the merger of the old NHC with the Registrar of Buildings, the latter created in 1971 to manage high cost nationalised buildings. The Registrar of Buildings was making a comfortable profit from its rental activity.

rents. A summary of NHC's audited accounts for the five years to 1990 shows a gloomy picture (Table 6.6)

The Corporation has been drifting since around 1973 without a clear government supported role⁴⁵. Today, there are claims of high circle involvement in the sale or lease of

⁴⁵

Mukandala, The Political Economy....

NHC houses to private individuals at give away prices. The Asian community, who were the most adversely affected by the nationalisation of buildings in 1971 are also claiming their properties back, and are challenging the legality of the NHC charging them any, let alone high, rents. While such wrangling is going on, there is no hint as to what government policy in respect of the future of the NHC is although it has directed the Corporation to sell most of its rental property. A recent consultants Report recommended that the NHC abandon its estate management and construction activities, and instead, concentrate on providing serviced land.⁴⁶

This may not be possible because of the importance attached to the public ownership of some buildings by the government and by the political system. Nevertheless service land provision would be a role worthy serious consideration. The NHC needs a new dynamic and profitable role away from its current problematic estate managing of an ageing property portfolio, if it is not to die out altogether.

The impact of the NHC's activities on Dar es Salaam's land use structure

The slum clearance exercise of the 1960s introduced new housing and environmental standards in the affected areas, by transforming the *Swahili* house from its hitherto construction in traditional materials, to modern materials. Each house was, moreover, connected to piped water and was provided with a hygienic pit latrine. Roads in these areas were all macadamized. So, compared to the African residential areas of the colonial era, the slum cleared areas represented a major transformation, and this squared well with the conception of the housing problem soon after independence. Slum cleared areas could always be pointed to as a clear symbol of the government's concern for peoples housing. Up to the late 1970s, the *Swahili* house in the slum cleared areas dominated the housing rental market both conceptually and practically in the city of Dar es Salaam. Later, private house construction, taking cue from the cleared areas, tended to be in modern materials.

⁴⁶

Matrix Development Consultants, Strategy for the 1990s and Beyond.

The actual addition to the housing stock by the NHC was however limited averaging no more than 400 units p.a. during the 1964-69 first *Five Year Development Plan*. These new housing units were usually allocated by powerful national or local bodies, usually to government or other public sector employees; or allocated in "block" to institutions. Institutions renting substantial NHC units include the Army, the Treasury and "Housing Allocation Committee 'A'", the latter being the one dealing with housing for important government officials. Most NHC tenants are therefore those who could be called "the elite". However, since the NHC's output has been low, its impact on the general housing stock has been highly restricted.

In putting up tenant purchase as well as rental houses, the NHC developed sizeable areas of Dar es Salaam. However, in cases like those of Keko, and Buguruni, this involved the demolition of existing unplanned areas whose occupiers were usually replaced. Nevertheless, unplanned areas removal was not a generalised policy in Dar es Salaam. In the cases, like those of Mbulahati, and the Kijitonyama/Mwenge sites and services scheme, the NHC was a pioneer, opening up then undeveloped areas, and attracting building activities there.

The NHC, particularly after its merger with the Registrar of Buildings, is the owner of extensive urban property including valuable city centre plots. The NHC's limited maintenance and redevelopment capacity (largely due to low rents) means that such property is deteriorating fast, and the land occupied by such buildings is in many cases being underutilised.

It is however submitted that the NHC has throughout its life, been used as a political expediency, with negative effects on the national economy (in terms of grants and loans which are not recovered), but with positive advantages to households occupying NHC houses who pay comparatively low rents, and enjoy tight security to tenure. While it is admitted that some landlords and tenants in the slum clearance areas were among the poor who benefitted from better quality housing, this does not mean that slum clearance was undertaken merely to alleviate poverty, or to simply improve housing conditions but to achieve political ends. The NHC later concentrated on medium to high income housing hardly doing anything about the traditional poor man's areas. Thus unplanned areas grew chaotically, devoid of most service

infrastructure, without the NHC playing any role to ameliorate this situation. Since the NHC's unit output has remained miniscule vis a vis private construction, its housing has ended up in the hands of a few, who continue to be subsidised by the rest of society. Low rents have in turn led to poor maintenance so that some for the NHC estates, particularly, the old ones, are in pathetic conditions. To claim, as the then NHC general manager does, that the NHC did anything to house the masses⁴⁷ is simply expeditious.

6.2.5 Land Policy impacts on the land use structure of Dar es Salaam during the 1960s:

An overview

The 1960s can be seen as a period when national consolidation was necessary. Policies undertaken by the government included the Africanisation, not just of the Civil Service, but also of former European and Indian residential areas, as well as the encouraging of sections of the African population to put up permanent houses in Dar es Salaam. This policy involved mainly senior civil servants and politicians. The NHC carried out limited slum clearance, tenant purchase, and rental housing schemes which were mainly politically symbolic, and benefited a limited number of urban residents. For the rest and majority of the Africans, continued self-

construction in traditional materials was allowed, and squatting (discussed in the following Chapter) was tolerated.

6.3 Economic Responses

6.3.1. The Unfolding post-colonial set up

After Independence, racial stratification as practiced during the colonial era was no longer tenable. The Africans exerted their supremacy which had been suppressed throughout the colonial period. Europeans, declined both in numbers, and in social power. While the continuation of identifying the actors on the Dar es Salaam land use scene on a racial basis would still be plausible, increasingly the Africans were getting dominant in all areas of policy making, and were getting stratified within themselves. We will now examine the economic reaction to the unfolding post-colonial set up in relation to Dar es Salaam's land use structure.

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Kikenya, "National Housing Corporation".

6.3.2 Africanisation

Throughout the 1960s to 1967 Senior Civil Servants and politician utilised the opportunity to acquire land in Dar es Salaam, as has been discussed earlier on, in the area of Magomeni, Upanga, Oysterbay, Kurasini, and Kinondoni. By far the majority invested in single or double storeyed structures in permanent materials, and no doubt utilised the existing financial facilities i.e. The *Revolving Loan Fund* for government Senior Officials and the Permanent Housing Finance Company of Tanganyika (which was later on taken over by the Tanzania Housing Bank). By the time of the *Arusha Declaration* in 1967, several of the top leaders owned more than one house in Dar es Salaam. The dangers which such tendencies to amass wealth posed to President Nyerere's goal of creating a socialist and egalitarian society, led to the adoption, in the *Arusha Declaration*, of a tough code against the ownership of rented property by public officials and their families. A number of these were compelled to sell their properties mainly to the expanding parastatal sector. This was however, only a temporary set back, for, as Yaeger notes, the *Leadership Code* was being violated so that in 1973, an *Enforcement Committee* had to be formed. "The problem of how to eradicate the avaricious and authoritarian inclination in Tanzania's political class" remained.⁴⁸ Politicians and government officials continued to acquire and develop land furtively under various guises.

The bulk of the African population who were allocated plots in the Dar es Salaam's City Council's plot allocation schemes continued to build in traditional materials almost throughout the 1960s so that by 1968, only 35% of Dar es Salaam's dwellings were in permanent materials.⁴⁹

6.3.3. Slum Clearance

The government's endeavour to clear slums produced mixed reaction. At first the move was unpopular, perhaps because the landowners were not too sure whether the government would deliver. The NHC's report for 1964/65 notes that there was a feeling of antipathy when the slum clearance operation began in Magomeni. This then disappeared. "We now find

⁴⁸ R. Yaeger, *Tanzania: An African Experiment*, Westview Press, Boulder (Colorado) and Gower Hamshire (England), 1982, p. 61.

⁴⁹ J. Leaning, *Housing and Urban Land distribution in Urban Tanzania*, Economic Research Bureau, University of Dar es Salaam, 1972, p. 9.

ourselves unable to cope with the demands for house demolition".⁵⁰ This was mainly due to the fact that the whole scheme was highly beneficial to the landowners who got new houses in a well serviced environment, for their old ones in a poor environment. It is true that these landowners had to pay back the loan but this was spread over a long period at a fixed low interest rate of 5%. Most landlords were required to let out several of the six rooms in their new houses and retain one or two for their own use. The typical rent for such rooms was Tshs 30/= per month. If five rooms were let, this yielded Tshs 150/= while repayment to the NHC was usually in the region of Tshs 80/= per month. This was therefore affordable. Nevertheless it is noted that many landlords soon fell into arrears presumably because they consumed all the money. Realising this, the government increased the rents for *Swahili* house rooms in 1977, from Tshs 30/= to Tshs 50/= per month, so as to encourage repayment. This did not improve matters and up to today (1993) many beneficiaries of the slum clearance scheme still owe the NHC, although all should have cleared their loans during the 1980s. According to NHC officials, however, such arrears are so low in value that they are not worthy following up. Thus these landowners got themselves a bargain and the contention that the slum clearance exercise was detrimental to the landowners' interests is probably misplaced.

6.4 Overall Deductions on the Evolution of Dar es salaam's Land Use Structure During the 1960s

The period under review witnessed the rapid development of Dar es Salaam both in terms of area, and population. The ushering in of the post colonial era and the need to consolidate this phase dictated government policy. The hand of the government in controlling land was strengthened by the enactment of the *Freehold Titles (Conversion) and Government Leases Act* of 1963. The effects of this law was to be felt heavily in the 1970s and 1980s during the implementation of planning schemes. "Symbolic" and politically popular schemes like slum clearance, or housing construction by the NHC were undertaken. These schemes transformed the environmental quality of the areas involved. The slum clearance and other NHC schemes allowed the beneficiaries to acquire or occupy housing at very favourable terms. The NHC in particular had some considerable impact on Dar es Salaam's land use

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National Housing Corporation, *Annual Report*, 1964/65, p. 7.

structure, although its role declined fast during the 1970s. At the same time, and for the same reasons, squatter development, as well as continued house construction in traditional materials were tolerated. The racial composition of the former non-African residential areas changed drastically as the government encouraged Africanisation, and as the new leaders utilised their positions to acquire land in former European and Indian areas, and created conditions enabling them to develop it, and as they extended their grip on new choice areas. The struggle to occupy land along the coastline by the powerful was clearly manifest.

Thus Dar es Salaam's land use structure continued to be shaped by government land policy. What is significant is that this policy was motivated by neither efficiency nor equity, but rather, by personal interests and political expediency. However, despite the government's planning schemes, the phenomenon of squatting (discussed in the following Chapter) was taking place in Dar es Salaam at an alarming rate, and the government seemed both powerless and unwilling to control it.

A CITY OF SQUATTERS¹ AND PLANNING SCHEMES

7.1. Dar es Salaam: The Second Decade of Independence

Major historical happenings during the second decade of Independence which had impacts on Dar es Salaam's land use structure included: the adoption of Socialism in 1967; the accelerated villagisation during the second half of the 1970s; the abolition of local governments between 1972 and 1974; and the economic crisis that gripped the country from about 1974. The abolition of local governments, had detrimental effects on urban management in the country and is discussed in Chapter Eight. The rest of these happenings are broached in this section.

In 1967, Tanzania had opted for *Ujamaa* socialism. This policy barred senior public officials and politicians from investing in landed property and from accumulating wealth. The policy too required the peasantry to live in communal *Ujamaa* villages. Movement to these villages was originally meant to be voluntary, but by 1973 it was realised that this movement was slow. In 1974 there was a major countrywide "operation" to move millions of peasants into these villages. It is likely that accelerated villagisation also encouraged rural-urban migration. The population of Dar es salaam more that trebled between 1967 and 1987. From 1974, Tanzania was thrown into a deep economic crisis.

All the above disastrous consequences for Dar es Salaam. While the City grew at a very high rate, urban management was disrupted at the same time as the nation was suffering from an economic crisis.

There were various efforts to guide urban development through various planning schemes. Key ones were the Dar es Salaam masterplans of 1968 and 1979; and the World Bank

¹ The term "squatting" is used strictly to denote a situation where people acquire and develop land outside the government system. It is not meant to imply any attitude towards the legal status of tenure over the land occupied.

supported sites and service schemes of the 1970s. The masterplans do not appear to have been implemented. The sites and service project yielded results contrary to those originally aimed at; and in 1984 the World Bank pulled out of the project. Nevertheless, planning schemes have continued to be hatched for various parts of Dar es Salaam, and in this process, the struggle by the authorities to control land through planning schemes has become manifest. However, unplanned development, popularly known as squatting, was growing fast, so that, by 1979, over 60% of Dar es Salaam's population was living in such areas. Therefore, the Dar es Salaam of the 1970s onwards can rightly be called a city of squatters and planning schemes.

7.2 Land Policy Impacts

7.2.1 Major Policy Tools

No major legislation related to land was passed during the period under review, but several policy undertakings, and attitudes affected Dar es Salaam's land use structure. We consider, in sequence, the attempts at the overall planning of Dar es Salaam, including masterplanning; squatting and government attitudes towards this phenomenon; the World Bank supported sites and service schemes; planning schemes outside the sites and services schemes; and the attempts to perpetrate the sites and services schemes without the World Bank.

7.2.2. Policy towards the general planning of Dar es Salaam

Background

By the time of Independence, a Town Planning Department was well established in the country within the Ministry for Local Government and the *Town and Country Planning Ordinance 1956*, was in operation. However, throughout the 1950s, the Chief Town Planning Officer, L. Sylvester White, was wont of complaining that Town Planning was not properly understood in the country, and that he was starved of resources (particularly manpower). A town planning scheme for Dar es Salaam prepared by White had been placed before the then Dar es Salaam Municipal Council in 1954 but had not been fully adopted by it, (the Council). Therefore Dar es Salaam grew in accordance with *ad hoc* planning schemes prepared for various areas, despite the *1949 Plan*. White would appear to have had anything but cordial relationship with other planning authorities in the country in general, and with the Dar es Salaam Municipal Council in particular, so that changes were deemed necessary. The *Town*

and Country Planning Board which he headed, was disbanded in 1961 and its powers transferred to the Minister responsible for Town Planning. White himself was replaced in 1961 while on leave. His assistant, R.L. Sharp, was promoted to the post of Chief Town Planning Officer, which was made a Commission. The declaration of Dar es Salaam as a planning area was renewed in 1960, although no progress in the preparation of a General Planning Scheme for Dar es Salaam was reported in 1961.² Addressing the Dar es Salaam Municipal Council in February 1961, The Minister for Local Government and Housing, Hon. R.M. Kawawa, complained that although the Council had been made a preparatory (planning) authority and was as such expected to prepare a planning scheme for Dar es Salaam, it was neither doing that, nor accepting plans, services, or advice from the government Town Planning Department:

the present position is that, here in Dar es Salaam there is less active and creative Town Planning than in many of the small upcountry towns. No one really knows what the plan is, or what the intentions are; many investors and developers are puzzled, and there is no yardstick to use in the control of development.³

Kawawa alluded to the "long and sad history of dissension" between the Council and the *Town and Country Planning Control Board*, but hoped that that then belonged to the past, and that the Council would "get down to planning and to the smooth control of development".⁴

Relations between the Town Planning Department and the City Council improved considerably in 1961 after White's departure, and arrangements were made for informal discussions between the Commissioner for Town Planning and the City Engineer concerning applications submitted for planning consent. On its part, the Council appointed one Mr. K.M. Ghandhi as a Town Planning and Architectural Assistant in the City Engineer's department, to advise it on planning issues.⁵

² Tanganyika, *Annual Report of the Town Planning Department, 1961*, Government Printer, Dar es Salaam, 1962, p. 2.

³ Dar es Salaam Municipal Council, *Minutes*, 1961, p. 65.

⁴ *ibid.*

⁵ Tanganyika, *Annual Report of the Town and Country Planning Department, 1961*, p. 31.

All the same there was little progress in the preparation of a general planning scheme for Dar es Salaam. Addressing the City Council on 16/1/1963 the Minister for Local Government, Job Lusinde, hoped that the Council would then "come to grips with the problem of drawing up a general planning scheme for the city which has been so long delayed, although it is the first duty of your Council as a preparatory authority".⁶

In October 1963, Tanganyikan President, Julius Nyerere, criticised town planning within the City of Dar es Salaam and wanted to know what was being done to improve matters. As a result, the Council was required by the Minister for Local Government to submit a general planning scheme for Dar es Salaam within one year with effect from 22/11/1963 otherwise the Minister threatened to cancel the declaration of Dar es Salaam as a planning area.⁷ The Council was able to convince the government that it had no resources to fulfil such a feat, and that help be sought from outside consultants. In 1964, efforts were made to obtain overseas financial and technical aid to prepare a revised master plan for Dar es Salaam, and in 1965, Canada tentatively agreed to support this with a longterm loan. At the same time, Macrosurveys of Nairobi were engaged to carry out a comprehensive social survey of Dar es Salaam including land uses, building types, travel habits and family composition, to form the basis of a revised Dar es Salaam Masterplan.⁸ In February 1967, Project Planning Associates, a Canadian firm of planning consultants, started preparing the Dar es Salaam Masterplan. The project was, except for local costs, financed by Canada, with a Tshs. 2.8m/= interest free loan, repayable in 50 years. The Masterplan (herein referred to as the *1968 Dar Masterplan*) was ready around April, 1968.

Instead of the Dar es Salaam and Central government authorities sitting together and working out a development policy for the city in consultation with the city residents, they preferred to seek foreign assistance. This fitted in well with the concept of the internationalisation of national management which had started in 1959 with the World Bank

⁶ Dar es Salaam City Council, *Minutes*, 1963, p. 8.

⁷ *ibid.*

⁸ Tanzania, *Report of the Town Planning Department, 1964*, p. 6.

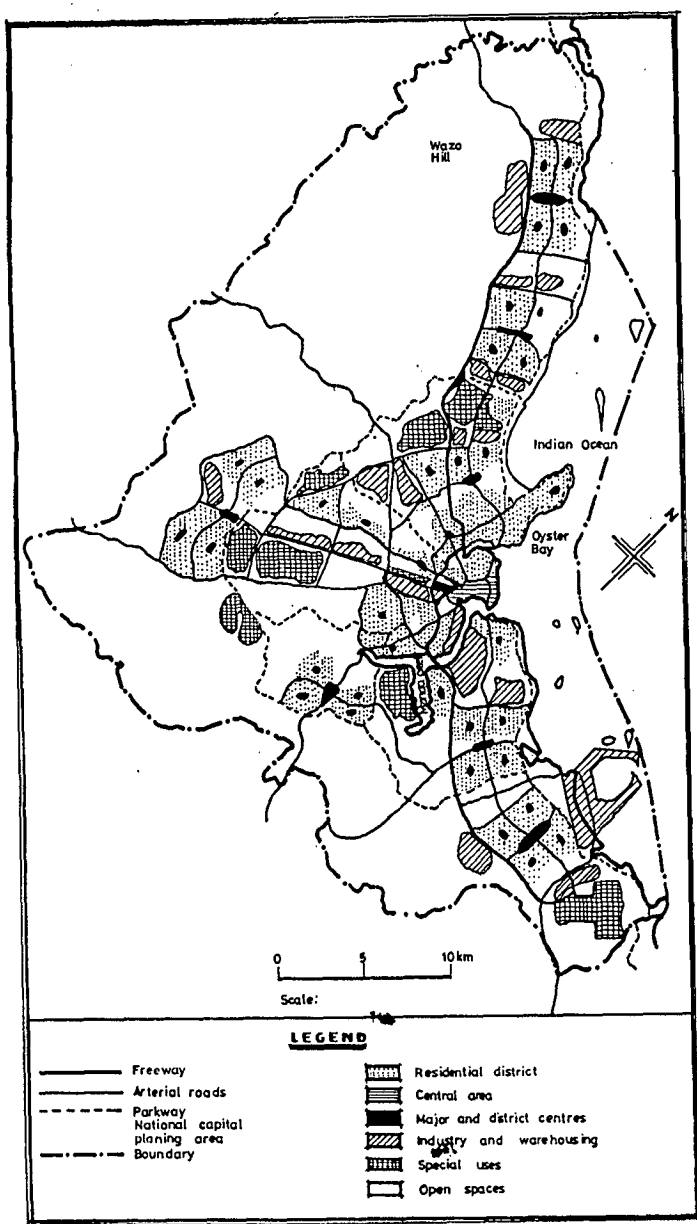
Mission to Tanganyika. The internationalisation of town planning appeared beneficial since the consultants were to be paid by a long term loan provided by external support. The loan would not be repayable for decades. More importantly, both the Council and the central government were, at least in the short term, relieved of the burden of policy making, and of the pressure to effectively control the development of Dar es Salaam (like dealing with squatting, for example). In the longterm, a masterplan was a useful tool of reference which could guide land uses but which could also enable authorities to illegalise existing land uses and therefore effect the displacement of existing occupiers.

The Dar es Salaam Masterplan of 1968

The proposed land use scheme proposed in the *1968 Dar Masterplan* is shown in Figure 7.1. It was the product of an ambitious post-war second generation which emphasized scientific rigour and methodological complexity as the panacea for urban problems in contrast to the descriptive and impressionistic approach based on notions of architectural design which characterised the previous generation of the *1949 Plan for Dar es Salaam*.⁹ It stressed the importance, not just of the city, but also of the region. In terms of time scale, it incorporated, not just the customary twenty years, but also a long range perspective of how Dar es Salaam should be developing by the year 2,000. It utilised the then popular "systems" view so that the envisaged eightfold expansion of the city's growth was to be accommodated according to a planned modular growth. Expansion was to grow westwards until the western scarp was reached, then north and south, parallel to the coast. To prevent sprawl there would be a green belt guiding the city, beyond which satellite sub-cities would be developed as far as Wazo Hill to the north, and Mzinga Creek to the South (Figure 7.1). Within this framework, new residential areas were to be formed into neighbourhood units, i.e. partly self contained units providing district level services to their planned 40,000 inhabitants, and themselves comprising four district village units. To reflect some aspect of Tanzania's socio-political preferences, the *1968 Dar Masterplan* proposed to breakdown racial segregation, and to create a variety of plot sizes in each area. Densities too were to be reduced in high density areas, and increased in low density ones. Housing clusters were to be based on the ten cell

⁹ A.M. Armstrong, "Master Planning for Dar es Salaam, Tanzania", *Habitat International*, Volume 11, No. 2, 1987, pp. 133-145.

Figure 7.1 The 1968 Dar Masterplan: Proposed Land use plan and direction of city growth.



Source: A.M. Armstrong, "Masterplans for Dar es Salaam, Tanzania", *Habitat International*, Volume 11, No. 2, 1987, p. 133-145.

unit, and building standards were to be relaxed and the use of traditional materials encouraged.¹⁰

However, contrary to the then grain of political thinking, in Tanzania, prestige and aesthetics received considerable stress, with a planned new impressive government complex as a phallic showpiece at the Western edge of the city, linked to the Central Business District by a wide parkway set in an open corridor. The concept of the breeze lanes in the 1949 *Plan*, was, like that of neighbourhood units, reintroduced in the 1968 *Masterplan* in the form of landscape corridors and open space fingers. A tough policy was proposed against unplanned development, and the draconian measures proposed included the employment of a staff of enforcement officers, the outright removal of emergent squatter areas and all those developments inconsistent with the *Masterplan*, and the non payment of compensation for disturbance and non-resettlement of squatters thus cleared.¹¹

This antisquatters attitude may have been the influence of the Commissioner for Town Planning, R.L. Sharp, who throughout the 1960s had been hammering at authorities, both central and local, to do something about squatting but getting little action out of them (below).

The 1968 *Dar Masterplan* was hardly implemented despite its impressive proposals. The main problem would appear to be that it proposed a level of government investment and land use direction completely inconsistent with existing realities in terms of financial resources, political willingness and manpower availability.¹² The *Masterplan* did not make clear what was wrong with the then city's organic and piecemeal development necessitating such proposed drastic action. Besides, it was clearly overambitious. The government therefore ignored it (despite that its cost had to be repaid and despite the massive expenditure through the Town Planning Department proposed in the *Second Five Year Development Plan*) and went

¹⁰ *ibid*, p. 141.

¹¹ *ibid*; O. Sandberg, *Attitudes Towards Squatting: A Review*, BRALUP Research Report, University of Dar es Salaam, 1974.

¹² A.M. Hayuma, *Economic and Financial Constraints in the Implementation of the 1968 Dar es Salaam Masterplan*, Occasional Paper No. 3., Department of Urban and Rural Planning, Ardhi Institute, Dar es Salaam, 1984.

ahead and proposed its own programme of urban development. This included the decentralisation of economic activity from Dar es Salaam to other urban areas, and the shifting of the country's capital to Dodoma.¹³ These policies, to some extent, diverted government attention from Dar es Salaam and its *Masterplan*.

Dar es Salaam continued to develop on two bases: piecemeal planning schemes (including sites and services) which never took a holistic view of the whole city or region; and squatting, which the government continued to tolerate and to legalise. It would moreover appear that the *1968 Dar Masterplan* did not influence the government's decisions with respect to planning schemes like the sites and services schemes of 1970s. Within some ten years after the *1968 Dar Masterplan* was completed, the government had engaged a new firm of consultants to prepare a new one.

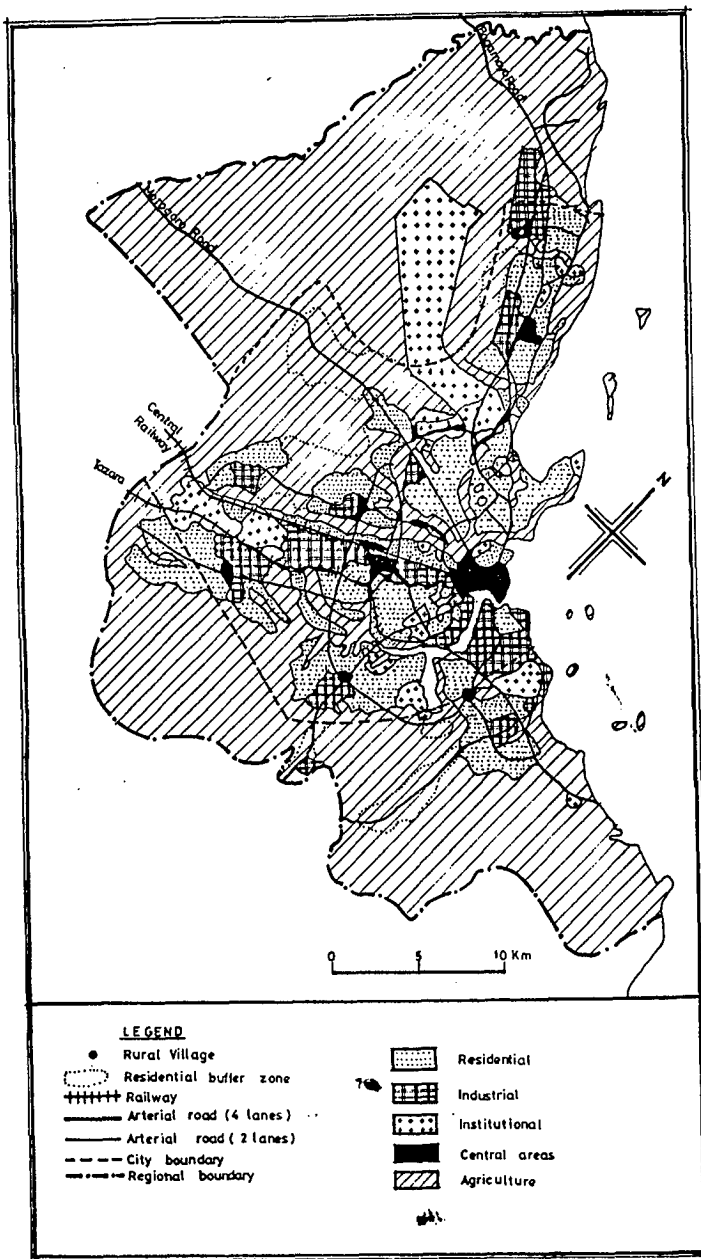
The 1979 Dar es Salaam Masterplan

The inadequacies of the *1968 Dar Masterplan*, and the felt need of a comprehensive approach to Dar es Salaam's development led to the commissioning of another Canadian firm, Marshall Macklin Monaghan, to prepare a new Dar es Salaam masterplan. Funded by a Swedish grant-in-aid, the *1979 Dar Masterplan* is considered to be still current. Its proposals were more flexible, pragmatic and down to earth than those of its predecessor,¹⁴ concentrating more on the pressing and detailed concern of urban management. This was in line with a new generation of planners who shunned the rigid, overdetailed long range scenarios, in favour of less exhaustive preplan survey and analysis, and attempts to lay down practical programmes in the light of the prevailing realities; and emphasizing control and implementation rather than design. No rigid schedule of population forecast was stipulated. It merely identified three broad development stages by way of the level of population to be attained, and for each stage, areas of the city to be developed, and the capital works programmes to be implemented. The population levels to be accommodated were 1.2m, 1.5m

¹³ It is nevertheless baffling that this same firm of Planning Consultants was engaged to prepare the Masterplan for the new capital city at Dodoma.

¹⁴ Armstrong, "Masterplans for Dar es Salaam", p. 142.

Figure 7.2 The 1979 Dar Masterplan: Proposed landuse scheme



Source: A.M. Armstrong, "Masterplans for Dar es Salaam, Tanzania", *Habitat International*, Vol. 11, No. 2, 1987, pp. 133-145.

and 2.4m inhabitants, the latter figure earmarked for the year 2000. The *Masterplan* also incorporated greater "participation", a then fashionable trend in the planning world, but not of the general public and urban land users, but of the politicians, administrators, and national and city agencies. This was aimed at overcoming the problem of poor coordination, and also of forestalling criticism.¹⁵ The *Masterplan* was pragmatic against separating land uses, suggesting that industry be encouraged to locate throughout the urban area to achieve balance between job opportunities, residences, and distances. Squatters were also to be accommodated, as was housing constructed in local materials. As a result, all areas then squatted upon, were zoned residential.

The landuse scheme proposed for Dar es Salaam by the *1979 Dar Masterplan* is shown in Figure 7.2. While the *Masterplan* tried to avoid the criticisms levelled against the earlier plans, it nevertheless proposed a level of expenditure that exceeded that spent by the Dar es Salaam City Council on all development projects within the previous five years, at a period of gathering economic hardships and stringency. According to Campbell, the *1979 Dar Masterplan* was impossible to implement as it "bore no visible relation to developments actually taking place."¹⁶ With rapid population growth, limited development expenditure, and the continuing inadequacy of the city planning machinery, the pattern of development on the ground in Dar es Salaam increasingly diverges from that shown in the *1979 Masterplan*¹⁷, and even where actual land uses agree with the proposed landuse schemes, this is more fortuitous than by design. For example, as will be shown below, land earmarked as open space, or for industrial or public utility use had mostly been squatted upon; and much of the proposed investment in infrastructure has never been realised.

¹⁵ *ibid*, p. 143.

¹⁶ J. Campbell, "The State, Urban Development and Housing", in, Norman O'Neil and Kemal Mustafa, (Eds), *Capitalism, Socialism and the Development Crisis in Tanzania*, Gower Publishing Company, Aldershot, UK, and Brookfield, USA, 1990, pp. 152-176.

¹⁷ Armstrong, "Masterplans for Dar es Salaam", p. 144.

Criticisms of Masterplanning in the Dar es Salaam Context

Masterplanning is still regarded as an important tool of urban planning in Tanzania despite its abandonment in the West where it originated, and despite the general concurrence that masterplans are expensive to prepare, are quickly outdated by the pace of development and most of their proposals are usually hinged on factors outside the realm of planning, and are therefore difficult to implement. Such factors include economic resources, as well as the political and administrative set up. It would appear that masterplanning is the planner's version of the governments' "*Commission of Inquiry*" whenever faced with a problem. While the Inquiry is going on, the problem would be put in abeyance. After the Inquiry, its report would be being studied and that could be the end of the story. Alternatively by the time when a decision must be made, the Inquiry's Report would be out of date, requiring revision.

We have seen above how colonial authorities felt the need of an overall plan for Dar es Salaam in the 1930s and 1940s. When this was prepared in 1949, it was not implemented. By 1954 another Draft Scheme was prepared and revised in 1958 but this too was not adopted by the Dar es Salaam Municipal Council. We have also seen how during the 1960s, the government pressed for a General Plan for Dar es Salaam which it saw as a revision of the 1949 one, but only to shelve it when it was prepared in 1968. Again, the 1979 Plan was seen as a revision of the 1968 one, but was hardly implemented, i.e. no deliberate efforts were taken to realise the goals of the *Masterplan* in terms of controlling land uses or instituting infrastructure for example.

A masterplanning section exists in the Department of Urban Development in the Ministry of Lands, and is currently engaged in formulating or revising masterplans for various urban areas in Tanzania, including Dar es Salaam. Yet these plans are hardly, if ever, implemented. Masterplanning does appear to be aimed at demonstrating that action is being done about the development of urban areas, while in fact planners have little control over this development. It appears to be a substitution for desirable or appropriate action dictated by the circumstances, and it seems to be a mode of preserving bureaucratic power in the wake of accelerated spontaneous urban development. It is also a means by which government expenditure can be realised. The following points summarise the major criticisms of

masterplanning:

- o Masterplans assume slow growth and longterm stability, assumptions which are most unrealistic in Third World cities, which are characterised by rapid growth and uncertainty;
- o Masterplans assume a level of land use control and investment capacity which governments do not possess in terms of economic resources, political muscle, and legal and administrative set ups;
- o Masterplans tend to have an implicit assumption of right and wrong, the right being development according to the plans' stipulations. Yet what might be wrong with the existing urban growth is never made clear. The climb down by the 1979 *Dar Masterplan* to accept most of the spontaneous land uses in Dar es Salaam, e.g. squatter settlements, or undifferentiated land uses, is testimony that the *de facto* situation has a lot of merit to it;
- o It is doubtful whether masterplans take in wider national circumstances, particularly the country's economy;
- o Masterplan are expensive undertakings and the money utilised to produce them could perhaps be best utilised to cooperate with, and strengthen, or direct spontaneous action.

Within the context of international relations, masterplanning has been a way of strengthening relationships between poor and rich countries not only through the capital expended (whether it be paid back or not), but also through the indirect input of imported concepts and expertise in planning. It is notable that the three plans for Dar es Salaam (1949, 1968, and 1979) have all been externally financed. Clinging to masterplanning in a country like Tanzania, when the concept has largely been abandoned can be explained by examining the alternative to masterplanning. In the latest generation of fashions this is seen as structural

planning and action planning.¹⁸ The structure plan is the planning framework for an area and includes such matters as the distribution of population, the activities and relationships between them, the patterns of land use and the development the activities give rise to, together with the network of communications and the systems of utility services. The structural plan should indicate action areas and the nature of their treatment. These would be the priority areas for intensive action. This requires that planners leave their ivory tower offices and directly work with the masses of urban developers. This, unfortunately, entails the loss of bureaucratic powers and privileges, a phenomena which must be undesirable on the part of the planners and other land policy makers. The upholding of the old order (i.e. masterplanning) has denied a city like Dar es Salaam the effective government intervention necessary for proper land development. In other words, masterplanning in a situation of rapid growth and limited resources, is irrelevant. It is not undertaken to make inroads into the City's problems, but to strengthen the hand of the land administrators, particularly planners. As a result of clinging to this unsuitable tool of urban planning,, the city of Dar es Salaam has grown its way, while plans have pointed their ways. A major impact of this has been in the negative, i.e. in the encouraging of uncontrolled urban development popularly known as squatting.

7.2.3. Squatting, and government Policy towards squatting in Dar es Salaam

Definition of, and Introduction to Squatting in Dar es Salaam

The term "squatting" is normally used in Tanzania to mean the occupation and development, at fairly high densities (which would normally disqualify an area from being called agricultural), of urban land, obtained otherwise than by way of allocation by public authorities. Such land is also developed in an irregular manner. This concept transcends that of squatting in the legal sense of occupying land without the express permission on the owner, and its use in this study should not be construed to mean that the land in question is illegally occupied.

The legal status of many squatters in urban Tanzania is vague. One opinion holds that since many squatters hold land by way of acquisition from, or with the express consent of,

¹⁸ *ibid*, p. 145.

the recognised private landowners, then they hold it under customary tenure in which case they hold a deemed right of occupancy, and are therefore legally, not squatters. This argument is emphasized when urban boundaries are shifted to encompass existing rural settlements. The other opinion is that once an area is declared to be a planning area, customary tenure ceases to exist. This was certainly the view of colonial officials in the 1950s, a view that ended up in a proposal to extinguish customary or tribal land tenure in urban areas. The proposal was however not converted into legislation.¹⁹ The issue however, is whether non government-allocated land in, and around, urban areas like Dar es Salaam, can be called customary. Colonial land policy understood customary land tenure to mean native communal, or tribal, or family ownership of land, and a complete negation of individual freehold tenure. Thus, where communal ownership of land was considered to have had broken down, like in the case of the coastal strip, freehold, not customary, tenure was recognised among the natives. However, any claim to freehold tenure had to be proved within 5 years of the *Land Ordinance*, i.e. by 1928. Any land that was not proved to be in private ownership became expressly public land vested in the governor unless it was held on customary tenure, in which case it was only indirectly public land since occupiers were assumed to own deemed rights of occupancy from the Governor.

In many parts within, and about urban areas, (and indeed in many rural areas), new people have moved in, acquiring land from locals through purchase, or have occupied unclaimed land which they have subsequently subdivided and sold to others, who, in turn, have done the same. Much as these transactions involve Africans, it is difficult to see such kinds of land dealings as being compatible with the concept of customary tenure under the *Land Ordinance*. But, at the same time, it is difficult to agree that as customary (i.e. communal) tenure breaks down because of changed circumstances (particularly since the colonial concept of customary land tenure was devoid of any dynamism (see Chapter Six)), then occupiers of such land become squatters on public land. The Tanzanian court's ruling, in the case of *Nyagwasa v. Nyirabu*²⁰ in 1985, established that a person's rights in land are

¹⁹ G.M.M. Fimbo, *Law and Urban Housing: A Study of State Intervention in Urban Housing in Tanzania*, PhD Thesis, University of Dar es Salaam, 1988.

²⁰ G.M.Fimbo, *Essays in Land Law in Tanzania*, University of Dar es Salaam, 1992.

not extinguished by the mere declaration of an area to be a planning area, but left the question of tenure vague. Reputable commentators²¹ have noted that Tanzanian courts have so far, not cleared this murky aspect of land tenure particularly with regard to urban areas. Dar es Salaam presents even a more complicated legal case. The City is located in the coastal strip which falls within the ambit of the area where colonial policy assumed customary land tenure to have had largely broken down. If this view is taken, then a lot of people who acquire land privately in the area are squatters in the legal sense unless the earlier occupiers of the land had proved their having freehold interests in the land to the British Colonial authorities by 1928. In practice though, many people who acquire land from recognised owners, consider themselves, and are considered by the rest of society, to be doing so under customary tenure, and this acquisition appear to have the support of some state organs like the ruling Party.

Unplanned settlements²² were a feature of the colonial era, either as existing villages that became engulfed by, or as new settlements that grew up in, urban areas. The colonial government however was able to keep the growth of such areas in check, by outright removal (like in the case of Gerezani Village), or regularisation (like in the case of Upanga), or by the underbounding of the urban areas. A few areas (like Kheko) were tolerated. After independence, squatting began to assume alarming proportions and was reported in 1962 as being extensive within, or just outside the boundaries of Dar es Salaam, Mwanza, Tanga, Iringa, and Mbeya urban areas. In Dar es Salaam, the Town Planning Department in the Ministry of Lands noted that illegal building was increasing but that there was no noticeable signs that the City Council had taken any steps to control it. Discussion in this respect had taken place with the Government in relation to Tanga and Dar es Salaam but no useful progress had been achieved.²³ A survey of squatting carried out in Dar es Salaam and other towns in 1963 established that there were 12,000 squatter families within, or at the

²¹ e.g. Fimbo, *ibid.*

²² This phrase is used interchangeably with the term "squatter settlements".

²³ Tanganyika, *Annual Report of Town Planning Department*, 1962, Government Printer, 196.

immediate periphery of towns and these were increasing.²⁴ After some considerable discussion, the Ministry of Development Planning agreed to include in the *First Five Year Development Plan*, an item of £140,000 for resettlement of some 1,390 squatters mainly in Dar es Salaam, from land earmarked for industrial development. To resettle all known squatters some £1,140,000 was required.²⁵ An item of £1,139,368 was therefore included in the *First Five Year Development Plan* (1964-69) for squatter removal and resettlement. Meanwhile the City Council prepared a redevelopment scheme for Keko Juu, near the Industrial area, "where the traditional village had expanded to several times its original capacity by squatting".²⁶ It was hoped to resettle these on proper layouts on nearby government land.

The Dar es Salaam City Council Housing Officer, C.H.F. Mchaina, in his report to the *Markets, Housing and Fire Committee* of the Council in October 1962, reported illegal buildings, particularly in Magomeni, Buguruni and Temeke; and called for stern action. He pointed out that the old methods of deterring squatting/illegal building had failed because of squatting took place *en masse* and therefore the issue became political. Many owners of such illegal buildings refused to give their names, or to allow details of their buildings to be taken, threatening to beat up the building inspectors. So, many such illegal buildings could not be dealt with.²⁷ The Council however seemed to be on the squatters side. The following year, His Worship the Mayor, Mohamed Mfaume, castigated building inspectors for being harsh with "the people".²⁸

Furthermore, Housing Officer Mchaina noted that the *Urban House Tax Ordinance* of 1962, empowered the Dar es salaam City Council to collect house taxes from buildings in unplanned areas. This required that houses be numbered. Such numbering encouraged

²⁴ Tanganyika, *Annual Report of the Town Planning Department*, 1963, p. 3.

²⁵ *ibid.*

²⁶ *ibid.*

²⁷ Dar es Salaam City Council, *Reports to Committees*, 1962.

²⁸ Dar es Salaam City Council, *Minutes*, 1963.

squatting as it appeared to legalise the otherwise illegal structures: "I fear if matters came to the worst, these squatters might claim ownership of land after paying the House Tax".²⁹ By charging house taxes, the Council was indirectly recognising the squatters and thus compromising its position of attempting to remove them.

Relations between the Department of Town Planning and the Land Division on the issue of squatting were, by 1964, getting sour, with the former accusing the latter of not appreciating Town Planning and of tolerating squatters; thus forcing the Town Planning Department to plan areas far from town to avoid the cost of removing squatters.³⁰ Meanwhile, squatting was increasing fast. In 1965, there were some 20,000 illegal buildings within and just outside the town boundaries of Dar es Salaam, having between 80,000 - 100,000 people.³¹ It was decried that, at any time, dozens of huts could be seen under construction. Old huts could be seen being improved, and virtually being converted into permanent materials, and inhabitants were demanding piped water supply. The Ministry of Lands was being pressed to take action if only to stop squatting: "political issues however, are involved and it seems unlikely that any action will be taken without a Cabinet decision. Meanwhile the problem assumes alarming proportions".³²

The Town Planning Department advocated the determination to deal with the problem in the form of strict enforcement of *Township Rules*, and provision of funds to prepare layouts for resettlement areas. It was noted that there was little inclination on the part of the local and other authorities to prevent squatting, and already in Dar es Salaam, a large layout designed for 630 high density plots was held up since the land was occupied by squatters. Indeed, it was noted, even if squatter areas were to be zoned residential, they were being used to such high densities in irregular patterns, that it was not possible to improve matters

²⁹ Dar es Salaam City Council, *Report to Committees*, 1962.

³⁰ Tanzania, *Annual Report of the Town Planning Department*, 1964.

³¹ Tanzania, *Annual Report of the Town Planning Department*, 1965, p. 2.

³² *ibid*, p. 2.

without resort to clearance and displacement of some persons.³³ Attempts at partial redevelopment planning were frustrated by further building after surveys (usually, by air) were done. Nevertheless, there was the realisation that squatter housing could be put to good use, but there was need to put up a large number of serviced plots for self help housing in traditional materials, diverting squatters to these. This required resources, particularly finance and staff.³⁴

Squatter removal was thus hampered by lack of resources as well as political will. While the Town Planning Department urged stern action against squatting, the Land Department, The Dar es Salaam City Council and the Cabinet preferred to take no action. This was possibly because, while the Town Planning Department remained in the hands of expatriates, the last fully-fledged expatriate commissioner for Lands had left in July, 1964. After a nearly a year of instability which saw four acting Commissioners for Land (three Africans and one European), the first African Commissioner for Lands, Mr F. Rutakyamirwa had been appointed with effect from 6th July 1965. The Dar es Salaam City Council was also African dominated.

There were also signs of feet dragging and sabotage. A squatter area at Makaburini, along Pugu Road (Figure 7.3) identified for removal in 1965 to give room for industrial development, was still unremoved in 1966, due to delays in the surveying and servicing of new plots, and the allocation of those available to applicants who were not the earmarked Makaburini squatters. This fact is remarkable. The new plots that were being provided were going to the non-squatting population (i.e. the elite). This made fighting squatting difficult. Squatting was therefore releasing planned plots to those who were socially powerful. The Department of Town Planning *Report* for 1965 lamented that "the squatter situation has deteriorated. Though there was greater realisation of the need for action, nothing had been done and nothing was likely to be done until this was decided at high political level, and funds and implementation resources were made available".³⁵

³³ *ibid*, p. 7.

³⁴ *ibid*.

³⁵ *ibid*.

Some decision was made in 1967 when the first comprehensive squatter removal exercise in Dar es Salaam took place. Around 320 houses were demolished at Makaburini, along the Pugu Road to give way to land required for industrial use. Compensation was paid and the evacuees settled at Kigogo Road, where construction in traditional materials was allowed. Another extensive squatter clearance undertaking was carried out by the NHC in the same year and involved the removal of part of a large squatter area at Keko Juu. In its place, new houses for rental and tenant purchase were put up. A smaller squatter removal exercise took place at Temeke South, undertaken by the NHC for the purpose of constructing tenant purchase houses.³⁶ Much later, in 1975, part of another extensive squatter settlement at Buguruni was demolished by the NHC. Some 550 people were displaced, and the area put to multistorey residential buildings. Again, in the same year, an old squatter area at the edge of the city centre known as Kisutu, and famous for its immoral notoriety, was razed. Some 93 huts were demolished and the area put to commercial uses.³⁷

Outside the above areas, there was no major squatter area demolition in Dar es Salaam during the 1960s and 1970s. In the first seven years of independence, the government was unwilling to remove any squatter areas, no doubt because of the unpopularity of such a move, particularly in the light of the non existence of viable alternatives, but also because squatting served a useful purpose. Squatter removal was therefore, never a generalised policy. The squatters at Makaburini had to go because they were occupying some 240 acres of land which, as the Director for Town Planning remarked, has immediate economic benefit i.e. zoned industrial, during an era when industrialisation was seen as being a national priority.³⁸ Kisutu, being in the City Centre, did not conform to the principle of depicting a good picture of the country, both physically and morally, so it had to go. The rest of the affected squatter areas (Keko, Temeke and Buguruni) were cleared in relation to the NHC's construction activity, and it can be noted that, particularly in the case of Buguruni, this involved foreign aid. Given the extent of squatting, the areas removed were only a tip of the iceberg. In any case further squatting continued unimpeded.

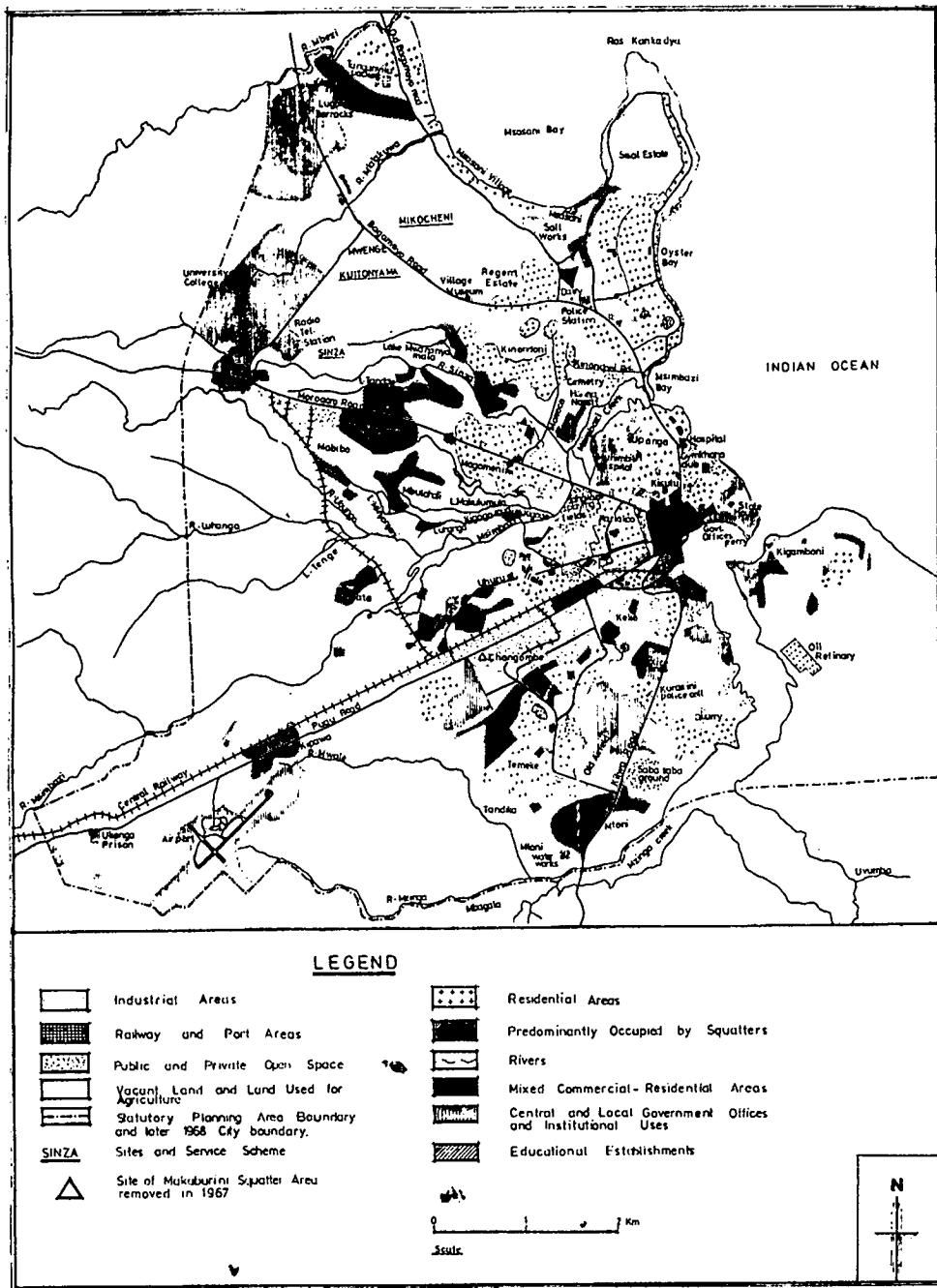
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³⁶ Tanzania, *Annual Report of the Department of Town Planning 1966 and 1967*, p. 3.

³⁷ J.L.P. Lugalla, *Socialist Construction and the Urbanisation Process: An analysis of Urban Poverty and Politics in Tanzania*, PhD Thesis, University of Bremen, 1990, p. 282.

³⁸ Tanganyika, *Annual Report of the Department of Town Planning 1963*, p. 3.

Figure 7.3 Dar es Salaam: Major Land Uses in 1968.



Source: Based on the 1968 Dar Masterplan
 Note the extent of Squatting.

Studies for the *1968 Dar es Salaam Masterplan* found that there were 97,500 people (out of Dar es Salaam's 272,515 people in 1967) living as squatters in the Dar es Salaam's city area, and more in the statutory Planning Area (see Figure 7.3). Squatting had by 1967, increased by 70% since 1963.³⁹ In 1969, a systematic count based on aerial photographs showed a total of 14,720 houses in 14 main squatter areas of Dar es Salaam. A similar count carried out in 1972 and based on the same methods, showed that the number of squatter houses had nearly doubled to 27,981, an average compound yearly rate of increase of 24%.⁴⁰ In 1972, Stren estimated the squatter population in Dar es Salaam to have gone up to 224,000 people, or some 44% of the total city's population.⁴¹ Figure 7.3 shows the main squatter areas in the Dar es Salaam statutory area in 1967 while Table 7.1 and Figure 7.4 show these areas in Dar es Salaam's city boundaries in 1979. In view of the fact that 60% of Dar es Salaam's population was by 1979 living in squatter areas⁴², a major phenomenon of Dar es Salaam's growth since Independence has been squatting.

Factors encouraging squatting in Dar es Salaam

Peil, in a comparative study of squatting in urban Africa suggests that government flexibility and low standards of buildings are a precondition for the containment of large scale squatting.⁴³ The colonial government in Dar es Salaam followed this policy, but as Stren⁴⁴ points out, squatting began to take on alarming proportions after Independence despite the continuation of this policy by the Independence government of Tanzania. Why then has squatting been so prevalent in Dar es Salaam, despite the known advantages of planned land? Several reasons can be cited:

³⁹ Project Planning Associates, *National Capital Master Plan, Dar es Salaam*, Toronto, 1968.

⁴⁰ R.E. Stren, "Underdevelopment, Urban Squatting and State Bureaucracy: A Case Study of Tanzania", *Canadian Journal of African Studies*, Vol. 16, No. 1, 1982, pp. 67-91.

⁴¹ R.E. Stren, *Urban Inequality and Housing Policy in Tanzania*, Institute of International Studies, University of California, 1975, p. 62.

⁴² Tanzania, *Dar es Salaam Master Plan*, Marshall Macklin Monaghan Ltd, Toronto, 1979.

⁴³ M. Peil, "African Squatter Settlements: A Comparative Study", *Urban Studies*, 13, 1976, pp. 155-166.

⁴⁴ Stren, "Underdevelopment ...", p. 73.

Table 7.1 Population living in Unplanned Residential Areas in Dar es Salaam 1979

No.	NAME OF THE UNPLANNED AREA	UNITS				AREA IN HECTARES	AVERAGE DENSITY ppgH	ESTATIMATED POPULATION
		1969	1972	1975	1979			
1.	Keko/Gerezani	1,450	2,240	1,183	1,491	60	273	16,401
2.	Chang'ombe	651	1,345	332	481	14	328	4,589
3.	Kurasini	-	363	960	1,210	52	256	13,310
4.	Mtoni	1,650	3,855	774	975	63	170	10,725
5.	Tandika	1,300	2,426	3,885	4,895	264	204	53,845
6.	Temeke	1,025	214	2,760	3,476	152	252	38,236
7.	Ilala	-	570	451	568	24	260	6,248
8.	Buguruni	1,000	3,020	1,495	1,884	119	174	20,724
9.	Vingunguti	-	130	2,363	2,977	147	223	32,747
10.	Kiwalani	-	-	942	1,187	110	119	13,057
11.	Kipawa	690	1,242	1,099	1,385	53	287	15,235
12.	Gongolamboto	-	-	-	1,764	98	198	19,404
13.	Kigogo	630	1,643	1,312	1,653	60	303	18,183
14.	Magomeni	1	188	488	615	25	271	6,765
15.	Manzese	4,650	6,869	7,500	9,444	680	152	103,884
16.	Mabibo	-	-	420	529	25	233	5,819
17.	Ubungo	380	675	579	730	47	171	8,030
18.	Kimara	-	175	121	152	18	93	1,672
19.	Hanna Nassif	-	-	954	1,202	37	357	13,222
20.	Mwananyamala}	500	1,572	2,051	2,584	129	220	28,424
21.	Kinondoni }			1,197	1,508			
22.	Mikoroshoni	-	-	950	1,197	46	286	13,167
23.	Mikocheni	-	-	344	433	17	280	4,763
24.	Mwenge	-	-	226	285	21	149	3,135
25.	Kawe	530	714	744	937	47	219	10,307
	TOTAL	-	-	34,770	43,501	2,349	204	478,489

Source: Marshal Macklin Monaghan, *Dar es Salaam Master Plan*, Toronto 1979. Table 13, page 58.

o Large variation in unit counts are a result of using different boundaries, and of redevelopment.

o ppgH = Person per gross hectare.

- o One, while the Government prepared plots for allocation, these were usually available sporadically and in small quantities, unable to meet the demand in a situation of rapid urban growth. Besides, getting government land involved considerable bureaucracy e.g. form filling, fees, interviews, etc., and one had to wait for long before learning of the allocating authority's decision. The official system land allocation system was not open, and, to the novice, it was formidable. All these factors worked against the weak in society. This did not apply to unplanned areas where one could get a plot immediately one made a decision, either through occupying vacant land or through acquisition from recognised owners.
- o Two, while the authorities in Dar es Salaam were flexible and allowed construction in traditional materials, they allowed this in some areas but not in others. Even then, construction had to conform to the City Council's house designs. As was the case way back in the late 1920s with the Gerezani evacuees (Chapter Four), some people could not afford to put up such houses, and therefore resorted to squatting. City Council standards required of African urban developers may have been low but they were then still too high for some sections of Dar es Salaam's population.
- o Three, even when one got allocated a government plot, one could not build on it without a building permit and this depended on the would-be builder submitting plans of his proposed building to the authorities, who need not give a decision immediately. As early as the late 1950s, the District Commissioner for Dar es Salaam, J.H. Adams, was complaining of delays in issuing building permits to would be African builders in Magomeni by the Dar es Salaam Municipal Council. In a squatter area, one could simply start building, to any standards as soon as one made a decision and was able to.
- o Four, there was the question of location. It was pointed out in Chapter Four that some of the Gerezani evacuees in the late 1920s did not take up plots allocated to them by the government because of the distance of these plots from the beneficiaries' work places. Availability of government land was not usually coincident with the locational preferences of some land seekers. It was noted by PADCO in 1969, that with centrally administered land, development planning, and implementation, there was apt to be a

more accurate reflection of bureaucratic preferences and needs than those of the people:

"An area may be chosen for development simply because the land can be obtained and prepared with little difficulty. There are surveyed plots available in Dar es Salaam, but there is a tremendous backlog of demand for plots in locations people considers desirable"⁴⁵

The desire for some locations will led to squatting and to the densification of structures in these desirable locations.

- o Five, there are sociological factors related to squatting. In a squatter area, new developers are usually first accommodated within the area itself. A typical squatter area starts off as a small village which grows from within, occupying neighbouring lands. The new builder in a squatter area is not usually a stranger, but would have colleagues therein, who can be handy both during the quest for land, and during construction. In a government allocated area, everybody is a stranger, and the land allocated is many times distantly located and devoid of developments; thus discouraging some households, particularly those in low income brackets from taking up such plots. This would appear to be one reason that discouraged low income households from taking up sites and service plots in Dar es Salaam in the 1970s.
- o Six, the availability of land to squat upon is another positive factor encouraging squatting. Despite the law to the contrary, a lot of land within and around Dar es Salaam was, and still is, in private hands, or is unclaimed, or has nobody to look after it. There are also many traditional villages that get engulfed by urban development. It is not the abolition of freehold titles that of necessity encouraged squatting as Stren argues.⁴⁶ Early squatting in Dar es Salaam, e.g. at Gerezani and Keko was on freehold land, as was later squatting on Suleiman Daya's land at Ilala/Bungoni, or on Hanna Nassif's land at Kinondoni. There has been a flourishing market for land in various parts of Dar es salaam, but particularly at the city's periphery. Traditional rights in land are recognized (by the populace, and indirectly by state organs e.g. the ruling Party),

⁴⁵ Tanzania, Ministry of Lands, *A Proposal for an Urban Development Corporation in Tanzania*, PADCO, Washington DC, 1969, p. 20.

⁴⁶ Stren, "Underdevelopment ...".

irrespective of what the law on land tenure says. In any case, even if it could be argued that the land belonged to the public, the government has never taken effective steps to assert its ownership. Recognised land transactions usually involve land (supposedly) on customary tenure; abandoned private land (e.g. in the case of the sisal estates around Dar es Salaam in the 1950s); undeveloped and uncared for government land (e.g. in Mbulahati and part of Manzese areas); or marginal land (which would, theoretically, be government land).

- o Seven, if by squatting it is meant, as is usually the case, unplanned and irregular development, the government has never worked out a scheme whereby it would cooperate with these developers. Powers for land pooling and adjustment, for example, are given in the *Town and Country Ordinance, 1956*, but these have only been used to an appreciable degree with respect to the mainly Indian Upanga area (Chapter Five). The received concept of dealing with squatters has been their removal and resettlement on planned land but not cooperating with them. The squatter areas upgrading policies of the 1970s was externally advocated and supported, and was not generalised. As removal and resettlement proved impracticable, chaotic development prevailed in the absence of the government's guiding hand.
- o Finally, the government itself has been unable to politically and practically justify extensive squatter removal in the light of: its failure to provide alternative land and to pay adequate compensation to squatters; the fact that some squatter areas are encompassed by urban growth and the government has usually no viable policy to deal with them; and in the light of the politics of anti colonialism and socialism which rejected coercive action against the African poor. In fact, from about 1970, squatting was given *de facto* recognition and squatters could count on the support of the politicians against their removal. During the 1970s, the policy turned into possible upgrading (at least theoretically).

Squatting is therefore a result of government land policy, which, on the one hand decided to tolerate the phenomenon for political expediency, but on the other, failed to evolve appropriate policies to cooperate with the occupiers of unplanned land, cooperation which could have dealt with the common manifestations of squatting, e.g. irregular development, lack of

services, lack of title to land etc. The failure to cooperate with the squatters is rooted in the drive to conserve bureaucratic power over land control. Any policy aimed at close cooperation and working with squatters entails the loss of bureaucratic power, thus the resort to just ignoring these areas, with an ulterior belief in their eventual removal or regularisation on terms dictated by the authorities.

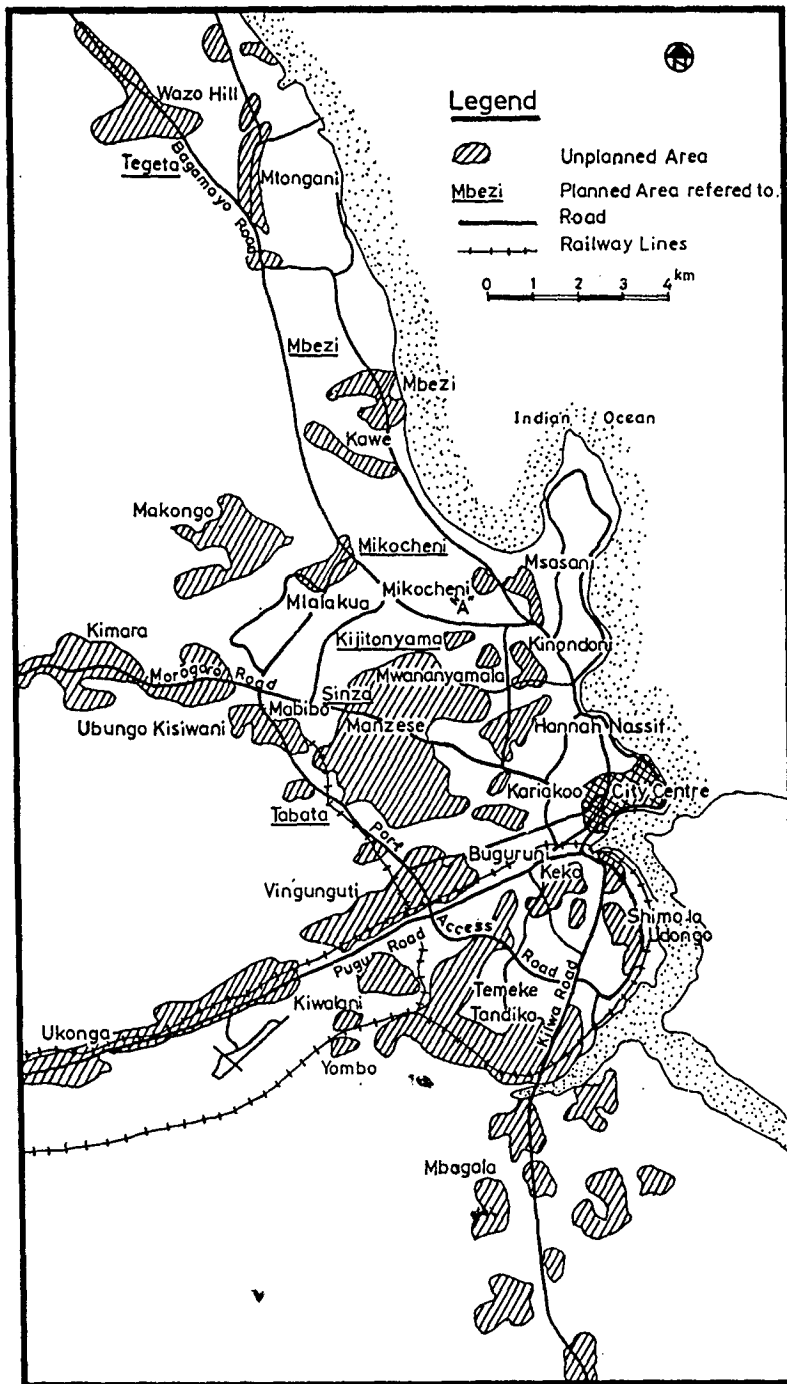
The impact of squatting on Dar es Salaam's Land Use Structure

Irregular land development and lack of land for public infrastructure and public uses (e.g roads and open spaces) are two of the manifestations of the failure of the operation of the market in land, characterising squatter areas. Government intervention would be beneficial to iron out these and other imperfections. In Dar es Salaam, government policy has largely been that of doing nothing. Squatter areas have not been removed, but they have not been helped either to overcome their problems. In 1979, some 2349 hectares (or nearly 40% of the city's residential land) was occupied by some 25 squatter settlements. In 1990, I calculated that there were some 40 squatter settlements in Dar es Salaam occupying some 5000 hectares (Chapter 2). Major squatter areas in Dar es Salaam in the late 1980s are shown in Figure 7.5. Squatting therefore has a major impact on the city's land use structure as large expanses of land get developed irregularly, at extremely high densities but with little or no land for vehicular access, drains or public open spaces. Usually, too, the number of the people living in such areas, and the number of structures therein is unknown, and this has negative connotations for urban management.

In some cases, land squatted upon has been earmarked for other uses. This has been the case with industrial land in Dar es Salaam and thus has, in a number of cases, frustrated or delayed earmarked land use development (Chapter Eight). Successful squatting encourages further squatting as the fear of eventual removal diminishes. Moreover, squatting frustrates efforts to produce planned land which in turn encourages squatting as planned land gets scarce. The government has recently admitted that the non-availability of unoccupied land within urban areas has emerged as a major constraint for planned urban development: "In many of the urban centres, most of the unplanned areas have been squatted upon and the compensation is beyond the means of the government"⁴⁷.

⁴⁷ Tanzania, *Economic Survey for the Year 1991*, National Planning Commission, Dar es Salaam, 1992, p. 157.

Figure 7.5 Major Squatter areas in Dar es Salaam



Source: Maps of the Survey and Mapping Department, as well as Field Surveys.

As can be observed in today's Dar es Salaam, squatting is no longer the realm of the poor as the rich and socially influential also end up occupying land in such areas, partly as a result of lack of planned land and partly as result of wanting to acquire large pieces of land.⁴⁸ The movement of the latter households into squatter areas makes their removal even more difficult (although it may in future facilitate such policies as land pooling). Indeed, this appears to be a phenomenon taking place elsewhere in Africa. Mabogunje notes that at the periphery of many subsaharan African urban areas,

land is not developed by the squatters but by the middle class individual developers who have bought land from locals and have been accorded enough legitimate rights of ownership that they can develop their plots in peace and without hindrance⁴⁹

Viewed that way, squatting is beneficial to the middle and upper classes in society as a mode of land grabbing, on the one hand, and as a way through which the bulk of the population can provide their own accommodation (thus leaving planned land for the few), on the other.

Finally, squatting has encouraged planned land use sprawl as the government, in order to avoid conflicts with squatters (including the thorny question of compensation), chooses to locate planned schemes on distantly, but usually thinly populated land. This is a phenomenon currently taking place in Dar es Salaam.

7.2.4. The World Bank supported Sites and Services Schemes

Background

As we have indicated above, the provision of sites where urbanites could build for themselves has a long ancestry in Dar es Salaam, going back to the German era. During the 1960s it was the City Council's policy to allocate planned land to would be developers for construction in modern or traditional materials in certain areas. However the sites and services scheme of the 1970s bore some deflections from the hitherto administered land allocation

⁴⁸ Lugalla, *Socialist Construction*.

⁴⁹ A.L. Mabogunje, *Perspective on Urban Land and Urban Management Policies in Subsaharn Africa*, World Bank Technical Paper No. 196, World Bank, Washington, n.d. (ca 1992), p. 7.

schemes.⁵⁰

- o The aim of sites and service schemes was to provide serviced plots before development. In the past, only land demarcation was usually undertaken, while land servicing followed development.
- o Construction on sites and services schemes was expected to be mostly in modern materials. So, long term Rights of Occupancy were usually offered; and facilities for long term finance were created in the form of the Tanzania Housing Bank. Previous policies mainly envisaged construction in traditional materials, and short term rights of occupancy were usually offered. Only in exceptional cases (like that of Block W Magomeni), was financing considered.
- o Foreign international capital and expertise in the form of IDA loans and World Bank experts were involved. The form that the sites and services scheme took, owed a great deal to World Bank proposals in use elsewhere in Africa and were strongly marked by a high degree of centralised "expert" planning.⁵¹ From the beginning, the project was in the hands of expatriate staff/ consultants who formulated policy and evaluated project implementation. Mgullu⁵² sees the World Bank's entry into the housing sector (in the form of sites and service schemes) as a ploy to avoid social and political unrest and revolutions on the one hand, but to further capitalists interests on the other, since the bulk (80%) of IDA's finance went towards the purchase of goods and services from capitalist suppliers. While the project purported to aim at housing the "masses of the underprivileged and ill housed people", loan repayment was IDA's major worry, so that the beneficiaries were those who could pay "the instalments without difficulty."

⁵⁰ The term sites and services will be hereafter used to mean those World Bank supported sites and services projects of the 1970s/1980s.

⁵¹ Campbell, "The State, Urban Development and Housing".

⁵² Mgullu, Housing.

Internal pressure to seek a solution to increased squatting, the possibility of getting new land, external influence in respect of experience elsewhere, and the possibility of external finance, all encouraged the adoption of sites and services schemes in Tanzania in the early 1970s.

Sites and Services Schemes in Dar es Salaam and the social struggle to get access to planned land

In terms of social class formation in Tanzania and within Dar es Salaam, the sites and services schemes represented what Mgullu has described as the maturity of the petty bourgeoisie who found it necessary to construct self contained houses or flats for rent and to get loan advances for owner occupied housing.⁵³ Mgullu's contention is supported by the contradictions that were apparent between the stated aims of sites and services schemes, and the stipulations incorporated in the carrying out of these projects:

- o One, while purportedly triggered off by an alarming rate of squatter development, sites and services schemes in Dar es Salaam were related to the upgrading of only parts of just two, out of some twenty major squatter settlements. The bulk of the project resources went to the provision of new sites, not to squatter area upgrading.
- o Two, the cumbersome procedures to get sites and service project land as well as development finance cannot have been meant for the poor.
- o Three, the locating of the sites and services schemes in Dar es Salaam, on distantly located, virgin land⁵⁴ in Kijitonyama, Sinza and Mikocheni (Figure 7.3), where employment opportunities were highly restricted, and the existing social ties would have to be cut by the schemes' beneficiaries, could not have been conceived in favour of the poor. A squatter areas occupants/low income households "friendly" scheme would have consisted of simple layouts abutting the existing squatter or other low income households areas, and as near as possible to major employment centres like the Pugu Road industrial area. Most money too would have gone the upgrading of

⁵³ Mgullu, Housing... p. 76.

squatter areas. Yet, it must be significant that the first of the sites and services schemes, at Kijitonyama, abutted Bagamoyo Road, a road considered to be a symbol of status in Dar es Salaam.⁵⁴ This view is shared by Halfani who questions the concentration of the sites and service schemes initially in one district - Kinondoni, although the selected areas had a much higher cost per plot than the alternatives like Tabata West in Ilala District that were rejected. He notes that Kinondoni District has the largest areas of "bureaucratic residences" since the colonial era; and that the selected areas for sites and services schemes were contiguous to these areas of prestigious residences. Mikocheni was contiguous to Msasani, Kijitonyama to Regent Estate, and Sinza to the University Hill, although the latter is also contiguous to the largest squatter area in Dar es Salaam - Manzese. He concludes, and we concur, that the concentration of the project in the Kinondoni District was a plan by the decision makers to expand the area where government officials, politicians and those in middle and higher income brackets could invest in property.⁵⁵ It could be added that the Mikocheni area, near the Ocean, was planned with a relatively higher proportion of medium sized plots. A random investigation of plot owners in Mikocheni medium density area revealed several names of personalities in higher echelons of the public service. These included Ministers like L.N. Sijaona (Plot 45); judges like R. Korosso (plot 308), and N. Mzavas (plot 554); workers of the Ministry of Lands like one time Director of Lands, Judge H. Mkatta (plot 555), land officers like M.H. Sanze (plot 39), and land surveyors like A. Nyangali (plot 617) and expatriate advisors like R. Martin (plot 395); principal secretaries like B. Mwapachu (plot 284); ambassadors like J.W. Opanga (plot 560); and prominent businessmen like M. H. Bachool (plot 285) and R.S. Patel (plot 286).

- o The point system used to allocate the plots was skewed in favour of the middle income salaried people (see below).

It is thus submitted that the sites and services project (and the other planning

⁵⁴ Most high income residences in Dar es Salaam are located North or East of Bagamoyo Road or just to its South or West side.

⁵⁵ M.S. Halfani, *Urban Management and the Implementation of an Externally Financed Project in Dar es Salaam*, Ph.D Thesis, University of Toronto, 1986, p. 148.

schemes discussed below) represented a second phase of self consolidation of the "elites" in Dar es Salaam (the first one being the Africanisation of Upanga, Oysterbay, and Msasani, discussed above)⁵⁶. The elites had all the reasons to want to invest in the city in which they were then getting well established. Senior officials and politicians had, as we have seen, got themselves allocated land in the choicest areas of Dar es Salaam in the 1960s, but there was no large scale system to deal with new land needs from both the old and the upcoming elite strata. The National Housing Corporation was on the decline. Its tenant purchase scheme had been discontinued, and, in any case, it offered very little in terms of choice of types of houses. The existing land allocation system administered by the City Council was not only grossly inadequate, but it tended as well to favour locals, as opposed to government and other public employees. Yet this upcoming strata was desirous of investing in property in Dar es Salaam for at least two reasons. One, for owner occupation, in order to get away from renting (particularly in the prevalent multi-occupied *Swahili* houses), with its attendant social problems. In this respect it is significant that the well known low income household six roomed *Swahili* House hardly featured in Dar es Salaam's sites and services schemes. Two, was to secure themselves some kind of permanent investment either for renting out, especially to the growing parastatal sector (and despite the Leadership Code of the *Arusha Declaration*), or as an insurance for the future.

It is inconceivable that government officials would have hatched a scheme which would consume vast sums of local and external funds to provide thousands of building plots in which they would just be spectators or, at most, implementors; and out of which they were not to benefit, when it is plausible to argue that they too required land on which to build. The government and other elite strata must have known that they would somehow get into this scheme as land owners/developers. Thus, the conception of the sites and services schemes in reflection of their own requirements (e.g. in terms of location, land servicing, and development finance). Thus, the institution of bureaucratic procedures completely unrelated to the needs of the low income households residing in squatter areas or elsewhere. This would also perhaps account for the creation of a separate Sites and Services Directorate in the

⁵⁶ The Third Phase could be seen as the acquisition of large tracts of unplanned land as well as the acquisition of agricultural land in the periurban areas of Dar es Salaam that has been going on in the 1980s.

Ministry of Lands (as opposed to letting the Dar es Salaam City Council), to manage these schemes.

Why then call the project "low income"? Two reasons can be advanced. One, government and other public employees have never regarded themselves as being anything but low income households and this is plausible when only salaries of most civil servants are taken into account. Non salary income, both as a result of an employee's position, or as a result of side businesses can however, sometimes be substantial. It is thus interesting to note that the sites and service schemes in Tanzania were skewed in favour of salaried persons; but against those earning less than 300/= a month (i.e. the really low income households) on the grounds that the latter were too poor to afford the sites (see point system, below). The interests of the unemployed, those on intermittent incomes, poor tenants, and the like, are not reflected in the sites and service schemes. The salary range most favoured i.e. between Tshs 300/= and 750/=(, (later (1975) raised to 1000/=() per month, covered 60% of all household income groups in Dar es Salaam.⁵⁷ This meant that only the very poor and the very rich were disfavoured.

The second reason why the sites and services scheme was paraded as a low income housing project was because the concept was appealing. It was (and still is) characteristic of the bureaucracy in Tanzania and in other countries, to use appealing slogans like "low income households", "the poor", etc. to seek external assistance, or to popularise programmes both internally and externally. Indeed the ideology propagated by influential bodies like the World Bank had already turned to purporting to support low income households. Once the project took off, its terms of reference can always be changed during implementation. Indeed this is what took place in Tanzania's sites and services scheme.

Our argument is that sites and services schemes in Dar es Salaam and elsewhere in Tanzania were aimed at low income households only in theory. In practice, they were aimed at the middle and upper strata, particularly among public employees. The later preoccupation

⁵⁷ B.B.K. Majani, "The concept of the National Sites and Services and Squatter Upgrading Projects in Tanzania", in, P. Crooke, (Ed), *Management of Sites and Services and Squatter Upgrading Housing Areas*, Occasional Paper, Centre for Housing Studies, Ardhi Institute, Dar es Salaam, 1985, pp. 19-30.

with the "mystery" of high income households take over of the sites and services areas should perhaps be reexamined in the light of the above argument.

General provisions of sites and services schemes

The *Second Five Year Development Plan* (1969-1974) indicated a change of emphasis of government policy from slum clearance and complete housing provision, to the provision of serviced plots. During the implementation of the *Plan*, the Land Division was expected to spend Tshs 7m/= to provide some 25,000 residential plots in the Dar es Salaam's areas of Kijitonyama, Tabata, Sinza, and the Old Airfield; as well as to provide industrial plots at Ubungo. Some Tshs 31.1m/= was to be spent on the expansion of the general site clearance and servicing scheme for residential and industrial plots. The Town Planning Division was to spend Tshs 70m/= to provide economic infrastructure in Dar es Salaam in pursuance of the provisions of the *1968 Dar es Salaam masterplan*. Main residential areas to be developed were along Morogoro Road, Kijitonyama, and East and West Tabata. An industrial area was to be developed at Vingunguti, along Pugu Road, while the one at Kurasini was to be extended. Three new deep water berths were to be provided to the Dar es Salaam port. The National Housing Corporation was also earmarked to spend some Tshs 68m/= on sites and services schemes. We have seen above how some Tshs 1.5m/= out of this money was spent on the provision of 795 serviced plots, with core houses at Kijitonyama/Mwenge in 1969. This scheme proved expensive and was not replicated, but was symbolic of the government's future policy.

The change of policy emanated from the realisation that the National Housing Corporation was hardly contributing to new housing stock. This was not all. The era when there was political compulsion for symbolic schemes in visible structures had come to an end. The new era required the consolidation of the urbanites in urban areas like Dar es Salaam. This could not be done through the National Housing Corporation. Squatters were doing that, thus their striking of a sympathetic chord in government policy. Provision of serviced plots for self construction (with financial provisions for those who may need such help) was seen as the answer. Besides, there was worldwide evidence that major international financing institutions were then tuned to supporting low income selfbuilt housing or squatter area upgrading.

Between 1969 and 1973, deliberations went on within the Ministry of Lands, and between that Ministry and the President's Office on what to do about the proliferation of squatting.⁵⁸ In October 1973, the Ministry of Lands prepared a document known as the *National Sites and Services Programme* which was later on adopted by the Cabinet. The document included proposals to establish a Tanzania Housing Bank and the establishment of a Sites and Services Directorate in the Ministry of Lands. Following detailed project application and an appraisal report by a World Bank Mission, two agreement were signed in 1974 between the IDA and Tanzania, by which credit of Tshs 103.2m/= was provided for serviced plots, squatter improvement, and housing loans for an initial four years project. A portion of this principal sum was to be given to the Tanzania Housing Bank, which would give housing loans to the beneficiaries of the plot development and upgrading projects. This Phase I of the project was designed to benefit some 160,000 low income people through the provision of 10,600 new serviced building plots in Dar es Salaam, Mwanza, and Mbeya. In Dar es Salaam, 7450 new plots were to be provided in the areas of Kijitonyama, Mikocheni and Sinza, while 530 hectares of Manzese "A" and "B" squatter area were to be "upgraded", positively affecting 7600 houses (Table 7.2).

Table 7.2: Phase One of the Sites and Services Project in Tanzania

	Area (Ha)	No. of Plots
<u>Dar es Salaam: New serviced sites</u>		
Sinza	234	3800
Kijitonyama	160	1672
Mikocheni	35	710
<u>Dar es Salaam: Upgraded Houses</u>		
Manzese	530	7600
<u>Mwanza: New sites</u>		
Nyakato	170	1900
<u>Mbeya: Upgraded Houses</u>		
Mwanjelwa	140	2050

Source: World Bank, Tanzania National Sites and Services and Squatter Upgrading Project Appraisal Report Phase I, Washington, 1974, cited in Mgullu, Housing, p. 79.

⁵⁸ Zubeida H. Remtulla, The National Sites and Services Project in Tanzania: A case study, MSc. Thesis, niversity of British Columbia, 1976, p. 30.

The second phase, estimated to cost Tshs 243.0m/ = , was to provide 14,150 serviced plots in the Dar es Salaam's area of Mbagala and to upgrade 9,138 houses in the Mtoni/Tandika squatter area. Other towns to benefit were earmarked to be Iringa, Morogoro, Tabora and Tanga. Due to cost overruns however, the project was later on drastically scaled down.⁵⁹

Implementation of the Sites and Services Schemes in Dar es Salaam

From 1974 contractors were engaged to institute the necessary infrastructure whose general standard was kept low (compared say to standards adopted elsewhere in Africa, e.g. in the Umoja Scheme in Nairobi). Only a limited number of roads were macadamised. The rest were gravel-rolled, or earth compacted. Drainage was by unlined ditches, except on steeply rolling areas, with culverts at crossings. Foul water drainage was planned to be by improved pit latrines. Water supply was to be by public standpipes with four stand pipes for 50 plots. Plots were allocated bare, and the types of buildings expected, simple. Building in cheap materials like soil cement blocks was expected and was encouraged. Most of the plots were the high density type (288m²).⁶⁰

It may be wondered why low standards of land servicing were adopted. Six reasons are put forward:

- o One, Dar es Salaam had a long tradition of poor land servicing, even in such high income areas as the Oysterbay;
- o Two, there was a drive to keep the cost of the plots down. This would, for example enable the not so much rich civil servants to get access to land without keen competition from the richer groups like the businessmen, who would be attracted by the superior services (a similar policy had been adopted by the colonial government

⁵⁹ Campbell, "The State, Urban Development and Housing", p. 165.

⁶⁰ J. Mghweno, "Tanzania's Surveyed Plot Programme", in, G. Payne, (Ed), *Low Income Housing in the Developing World*, John Wiley, Chichester, 1984, pp. 109-123.

in respect of the Oysterbay);

- o Three, poor servicing allowed plots to be developed slowly, a policy suited to the financial position of government officials;
- o Four, there was a need to maximise the extent of land to be included in the scheme. The issue at stake was access to land, not its servicing which could always come later once land was controlled;
- o Five, poor land servicing allowed easy manipulation of land administration (e.g. the creating of new plots on open spaces, or the clandestine reallocation of plots);
- o Six, poor land servicing was a built-in factor discouraging the administration of cost recovery (so that in effect, plots could be obtained very cheaply).

The majority of the plots were first allocated between 1975-1979 (Table 7.4). Original allocation was based on a point system as shown in Table 7.3.

Table 7.3: The Point System originally used in the allocation of Sites and Service Plots

Category of consideration	Points earned
For every child or dependant	1
Permanent employment	2
Income per month	
0-300/=	3
301-750/=	6
751-1000/=	3
Over 1000/=	0
Every Year on the waiting list	2
Willingness to join a cooperative	1
Payment of Land Rent:	
Through Salary Check off	5
Through the Tanzania Housing Bank	5
Directly to the Land Office	0

Source: Ministry Lands.

Our discussion with key site and services project implementators suggest that the point

system was originally strictly followed. However, it will be seen that the point system was highly skewed in favour of people in middle incomes and in permanent employment. It is, for example, low income non salaried persons who would pay their land rent through the District Land Office (in which case they would score nothing). It is mainly the middle to high income households who would register themselves on the waiting list (in which case they would score highly as the years went by). It is also implied that a non salaried person would score no point under the "permanent employment" category. Moreover, while it would be common for low income households to be willing to join a cooperative and to have large families, these two items were given relatively low scores. It is thus not surprising that the only major group of non employed persons who benefitted from the sites and services schemes were those who were displaced from Manzese to give way to part of the area's upgrading. Many were allocated plots in Block "C" of the Sinza area.

As if the above was not enough, soon after the debut of the sites and service scheme, conditions of eligibility were changed to suit further, people in middle income brackets as well as government officials. In 1975, the upper income limit for qualifying for sites and service plots was raised from the original Tshs 750/= to Tshs 1000/= per month.⁶¹ A year later, in 1976, the Ministry of Lands obtained agreement from the World Bank that 25% of the project plots be issued to individuals irrespective of their income. It was argued that this was in order to prevent the growth of low income segregated areas in a socialist country.⁶² It is suggested that this witnessed the end of the point system. Most likely, as a result of these changes the pace of allocations picked up. Most plots were allocated between 1975-1979 when conditions had already been altered in favour of the middle income groups (Table 7.4).

⁶¹ . Mgullu, Housing

⁶² *ibid*, p. 120.

Table 7.4: Percentages plots allocated, compared to percentages plots changing owners, Kijitonyama, Sinza and Mikocheni, 1970-1988.

Years	% Plots Allocated	% Plots changing hands
1970-74	5.5	-
1975-79	54.6	18.4
1980-84	21.3	55.2
1985-88	6.2	15.4
Not determined	12.4	10.8
Total	100	99.8

Source: J.M.L. Kironde, "Land Scarcity Amidst Land Abundance: The Paradoxes of Tanzania's Urban Land Policy", in *Open House International*, Vol. 17, No. 1, 1992, p. 6.

In the first half of the 1980s, there was a major plot reallocation exercise of sites and service plots (Table 7.4). This was a result of: many offers for plots remaining "unaccepted" i.e. the original fees plus one year's land rent not being paid; and/or, of plots remaining undeveloped. This would tend to support Mgullu's contention that many low income households were discouraged from taking up the plots because of the suffocating bureaucracy. Getting the Land Office to show one one's plot was in itself a prime nightmare, as was the labyrinth of fees and levies amounting to an initial lumpsum figure of Tshs. 2590/= . In the mid-1970, this figure was too high for low income households to give out at one go.⁶³ One key official during the implementation of the sites and services schemes in the 1970s intimated to me that many self employed plot awardees may not even have known that they had been allocated a plot. Many "offers" for plots were addressed to the beneficiaries through indefinite addresses like care of TANU Offices. Such plots were among those that were reallocated in the 1980s. Besides, such "beneficiaries" need not exist. Low income households would be put off as well by the original "wilderness" nature and distant locations of the sites and services areas. Both Mgullu and Blunt point out that many of the

⁶³ Mgullu, "Housing", p. 80.

600 people displaced in Manzese and allocated plots in the sites and services schemes simply decided to take up land within the same area, leading to further overcrowding rather than take up distantly located and expensive sites and service plots.⁶⁴

The development of the sites and service areas took off at a very slow pace. Schmetzer notes that when in 1977 contractors had finished servicing the sites and services areas, and were leaving, no development was to be seen on the allocated plots.⁶⁵ Mghweno too notes a contradiction that while insufficient plots were surveyed to meet the demand, it took too long for the allocated plots to be developed.⁶⁶ World Bank figures for completion, five years after the project completion date, indicate that of the 8,848 sites that were officially reported as complete in the sites and services schemes in Tanzania, only 48.3% were finished with occupants in the houses, 22% were developed but not yet occupied, and 26.6% showed no development.⁶⁷ A study carried out over the sites and services areas in 1988 showed that 15.4% of all plots in Sinza, Kijitonyama and Mikocheni were completely undeveloped, although most had been allocated ten or more years earlier. Another 20.3% though partly developed, had not yet been roofed.⁶⁸

However, in the case of the plots that were being developed, houses that were being put up appeared to be beyond the means of low income households. Even where a Housing Bank loan was obtained, houses constructed cost several times over what such loans could finance. This was despite the government's policy of encouraging low cost houses on sites and services

⁶⁴ Mgullu, Housing; A. Blunt, Problems that arose during the Implementation of Phase I of the Sites and Services Schemes in Tanzania, Final Report of the Consultant in charge of monitoring and Evaluation, Ministry of Lands, 1977.

⁶⁵ H. Schmetzer, "Slum Upgrading and Sites and Services Schemes under different political circumstance: Experience from East Africa", *African Urban Quarterly*, Vol. 2, No. 3, pp. 276-286.

⁶⁶ Mghweno, "Tanzania's Surveyed Plot Programme."

⁶⁷ Campbell, "The State, Urban Development and Housing" p. 167.

⁶⁸ J.M.L. Kironde, "Sites and Services in Tanzania: The Case of Sinza, Kijitonyama and Mikocheni Areas in Dar es Salaam", *Habitat International*, Vol. 15, No. 1/2, 1991, pp. 27-38.

plots and despite the the general paucity of institutional land development credit⁶⁹.

At the same time, the demand for plots in the sites and services areas was actually getting keen leading to the accusation by World Bank Officials, that land officials in Dar es Salaam had a different land allocation system, and were corrupt. Partly in response to this pressure, and since the sites and services schemes superseded all other plot allocation programmes in Dar es Salaam⁷⁰, land officials (particularly planners) went back to the sites and services areas and "created" plots out of land earlier left unsubdivided for private use because it had been considered to be unsuitable for building, or was earmarked for public purposes like public open spaces, local car parks, schools, community centres, etc. Official records showed that in 1988, already 17.4% of the 4,540 plots in Sinza were "creations". The extent of these "creations" can be gauged by looking at the various open spaces or public land that has been converted to land for private use (Figure 7.6)

Plot beneficiaries were expected to pay back to the government, the cost of the infrastructures but this has been fraught with problems. Most likely as a result of poor records and poor follow up, households have been lax in paying back their dues. Government figures quoted by Kulaba for 1983 showed that 75.2%, 63.6%, 60.5%, and, 54.3% of the project beneficiaries in Manzese, Kijitonyama, Sinza and Mikocheni were in default⁷¹. The high default rate in Manzese (considered to be a low income households area), and the relatively low default rate in Mikocheni (considered to be a high income area) should be noted. The high default rate, and such adverse factors as a high rate of inflation and funds mismanagement, have all made the question of sites and services replicability very difficult. In view of the fact that the plot beneficiaries were the ones entrusted with cost recovery, it is hereby argued that effective cost recovery was deliberately sabotaged in the general philosophy and onslaught to get land cheaply.

⁶⁹ S.M. Kulaba, "Managing Rapid Urban Growth through Sites and Services and Squatter Upgrading in Tanzania: Lessons of Experience", in, P. Crooke, *Management of Sites and Services and Squatter Upgrading Housing areas*, pp. 31-42.

⁷⁰ The non sites and services Mbezi Planning Scheme was ready for allocation from 1979. Initially, its distant location and paucity of service infrastructure did not relieve pressure on the Sites and Services areas.

⁷¹ Kulaba, "Managing Rapid Urban Growth.."

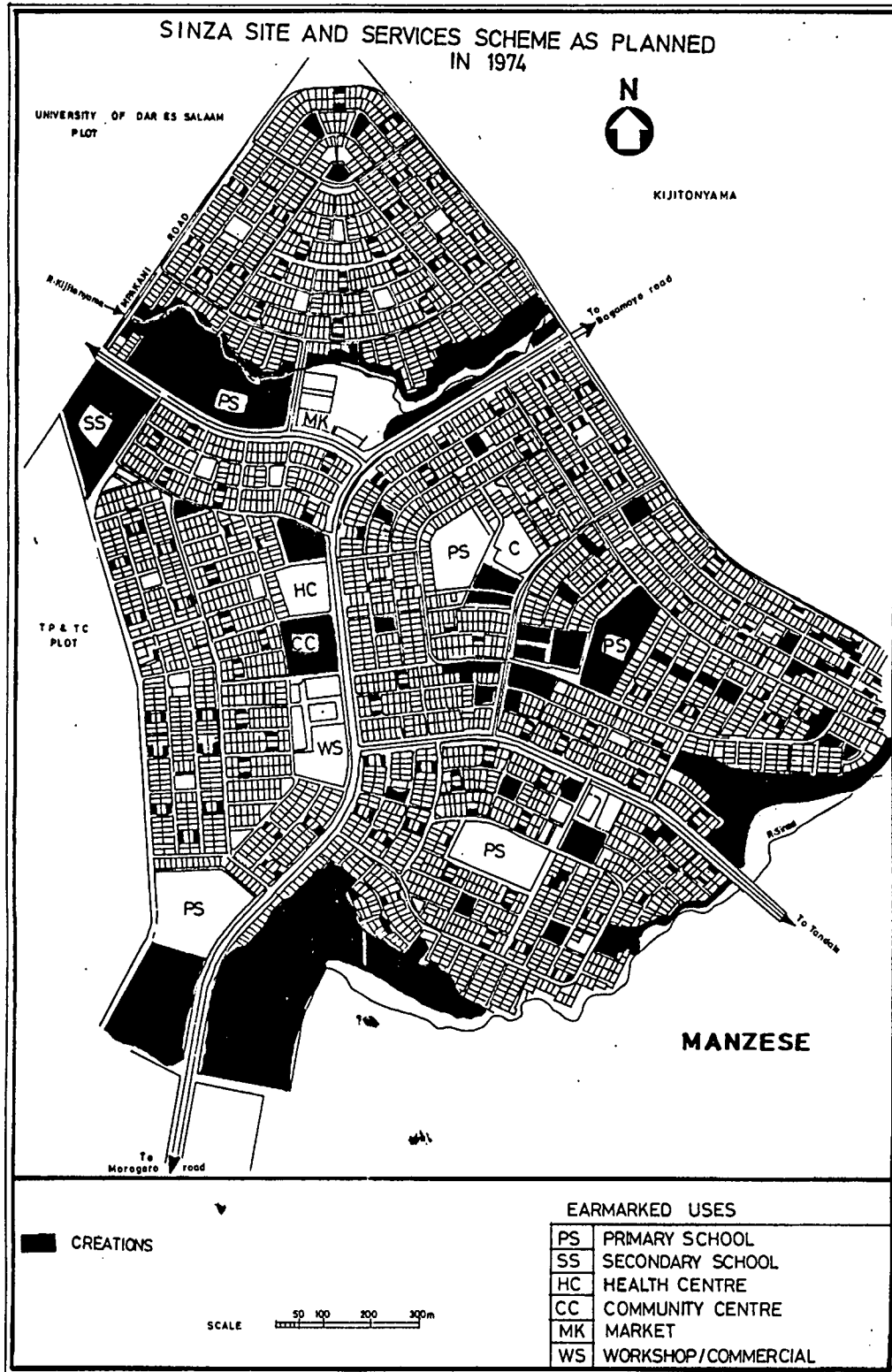
There has always been an argument that the sites and services areas were originally allocated to low income households, but that the latter were bought out by middle to high income households. In order to get some insights into this apparent take over phenomenon, a study was carried out in 1988 in Sinza, Mikocheni and Kijitonyama, whereby details of plot allocation and transfer of every 10th plot were collected from the Land Office, and the plots visited physically to note the development on the sites. The findings indicated that the majority (57.9%) of the original plot awardees were still the owners. Where the plots had changed hands (i.e. in 42.1 of the cases) this had been mainly (63%) due to plot reallocation as a result of plot non take up (i.e. not payment of the initial fees and other dues), or plot non development, or revocation. Only in about 3.5% of the case were plots sold. In 1.4% of the cases plots were transferred for "love and affection", or were surrendered (in which case, a possibility existed that these plots might have been sold).⁷² There were thus no large scale plot sales by the original awardees. These findings would tend to support the argument that low income households (the majority of whom were perhaps among those whose plots were reallocated) were edged out of the scheme *ab initio*, by the unfavourable conditions attached to the sites and services scheme. The propagated view that low income households areas were taken over, is perhaps the "elites" mode of shedding crocodile tears.

Verdict on the Sites and Services Scheme in Dar es Salaam

Implementation of the sites and services scheme in Dar es Salaam revealed that a policy-making caucus is capable of instituting conditions suited to its own needs and requirements while at the same time claiming to want to serve another group. The sites and services schemes were hardly conceived with the needs of low income households in mind. The latter were right from the start disadvantaged so that plots ended up in the hands of government and parastatal officials, and later on, important businessmen. Not that these did not qualify. The system had been designed in such a way as to incorporate the majority of them. During the negotiation stage, and the early days of implementation, concern was expressed for low income households, though these were poorly defined. From about 1975, the concept of low income households was dampened, and was thrown out altogether during the 1980s. This is not to say that the original poor man's plots were subsequently taken over,

⁷² Kironde, "Sites and Services in Tanzania".

Figure 7.6 Creations added to the original layout in the Sinza area



Source: Kinondoni District Land Office.

but that the poor were outsmarted right from the start. Slow plot development was not only a reflection of lack of readily available development finance, but also of the fact that it was access to planned land (rather than its development) that was considered important. The Effects of the Sites and Service Schemes on Dar es Salaam's Land use Structure

The sites and service project was a major plot provision undertaking paralleled only during the 1950s. Areas that were considered to be yet wild were opened up and developed albeit slowly. The three areas of Sinza, Kijitonyama, and Mikocheni have sorted themselves out with Mikocheni coming out as a high class residential areas with expensive houses some of which are let to expatriates. This is partly because of Mikocheni's location by the Ocean and partly a result of deliberate policy that subdivided the area into a comparatively high proportion of medium sized plots.

Sites and services schemes created a psychological conviction that no area in Dar es Salaam was too remote so that subsequently, households were no longer afraid of seeking and developing distantly located, unserviced areas. This is currently leading to Dar es Salaam's sprawl. More importantly, the sites and service schemes demonstrated the power that planning schemes could endow to land administrators in terms of controlling and getting access to land. As a result, the Ministry of Lands then launched a major non sites and services planning scheme in Mbezi, while the sites and services directorate itself made an abortive bid for survival, by launching new schemes in Tegeta and Tabata areas. These manoeuvres are described in the following paragraphs.

7.2.5. The Non Sites and Services Planning Scheme at Mbezi⁷³

Background to the Mbezi Planning Scheme

During the early days of implementing the sites and services project, it became obvious that the sites and services directorate had become powerful. Other powerful social groups could not easily control the administration of land in the sites and services project. Moreover, plots in the sites and services project were not adequate to meet the needs of other social groups in terms of quantity, and size and location of plots. It was therefore decided to launch

⁷³ Where the name Mbezi is used, it refers to the Mbezi Planning Scheme area, along Bagamoyo Road, not Mbezi along Morogoro Road.

a major planning scheme in the Mbezi area of Dar es Salaam.

The Mbezi Planning Scheme Area is located between 10-15 kilometers from the Dar es Salaam City Centre and is bounded to the South by the Mbezi River, to the East by the Ocean, to the North by the Tegeta River and to the West, by a hilly area linked to Goba and Kimara. The topography is flat to undulating. Low lying and marshy ground along the Ocean is suited to mangrove tree growth and provides expansion areas for the Ocean. This led to the establishment of salt works in the area. Sand quarrying was, until recently, carried on in the Mbezi River area, while stone quarrying was carried out in the Kunduchi and neighbouring areas.

The area that is known as the Mbezi Planning Scheme covers some 5,500 hectares, of which 3,184 were earmarked for residential uses, 558 for industrial uses, 145 for institutional uses, 55 for District Centres and 1,558 for agricultural uses and open spaces. The *1968 Dar es Salaam Masterplan* had zoned the Mbezi area, for industrial and residential uses. This was upheld in the *1979 Masterplan*. The development of the area was expected to follow a planning scheme TP/DSM/MISC/15/478 prepared by expatriate consultants A. Janson and E. Jensen in 1978, and approved by the Dar es Salaam Urban Planning Committee during the same year.

Part of the Mbezi along the Ocean had already been occupied by (mainly) European settlers. During the 1950s, Mbezi was considered to be agricultural land. In the mid-1955, Mbezi was well outside the boundaries of Dar es Salaam, in Kisarawe District and was put to general farming establishments. Early (1955) attempts by the farm owners and settlers in the area, spearheaded by one Captain D.F. Heath of Heathley Farm, Box 1336, Dar es Salaam to organise the raising of funds for road servicing (called the Beach Plots Road Fund) met with problems as a number of land owners especially the Indians, did not pay the 200/= contribution.⁷⁴

In 1974, most of the Mbezi area was put to sisal growing with two estates: Mbezi Sisal

⁷⁴ See Tanzania Archives File No. 11/100 Volume II, Beach Plots, General Correspondence.

Estate, belonging to a Greek, D. Mathekiaris and the Kunduchi Sisal Estate. Possibly because sisal business was depressed, the estates were not well looked after, and were, as a result, nationalised by the government and given over to small scale farmers for agricultural purposes (see Chapter Eight). Part of Mbezi, not put to sisal growing, belonged to "wenyeji" (native population). In 1976, Mbezi was declared a planning area, and a planning scheme was prepared and the area surveyed. Plots began to be allocated in 1978. The area was earmarked to be surveyed into 3,445, 2,246, and 225, high, medium and low density plots respectively, as well as a large number of industrial plots in the earmarked Mbezi Industrial Area. The actual number of residential plots in Mbezi is about 7,000, as a result of the parcellation of many open spaces and land originally meant for public and institutional uses. It is important to point out that the Mbezi Planning Scheme was not related to the sites and services schemes going on at the same time. The Mbezi Scheme was nevertheless one of the largest plot provision undertakings, outside the sites and services schemes, ever to be undertaken in Dar es Salaam. The area's servicing was to be funded wholly by the Tanzania government.

Part of Mbezi, adjacent to the River Mbezi was earmarked to be a greenbelt in the 1979 *Dar es Salaam Masterplan*. No administrative measures were taken to define or protect this greenbelt, so that it was slowly occupied spontaneously. A high income squatter settlement with high and low density plots has therefore developed in the earmarked greenbelt.

The Mbezi Planning Scheme as an arena of the Social Struggle to get access to land

Within the struggle to have control over the land delivery process discussed in Chapter One, the Mbezi Planning Scheme must be seen as being aimed at countering the preponderance of, and providing an alternative to, the sites and services schemes.⁷⁵ The Mbezi Planning Scheme was thus under the Directorate of Urban Planning in the Ministry of Lands, as well as the Dar es Salaam City Council, and not under the Sites and Service Directorate which by then was very powerful as far as the allocation and administration of

⁷⁵ A hypothesis where Parastatal Organisations enhance their powers by hatching subsidiaries has been presented in, R.S. Mukandala, *The Political Economy of Parastatal Enterprise in Tanzania and Botswana*, PhD Thesis, University of California, Berkeley, 1988. An analogy with respect to land policy is hereby drawn whereby officials enhance their powers over the land delivery process by hatching (new) planning schemes which they can control.

new development land in Dar es Salaam was concerned.

As the first major non sites and services plot allocation scheme in Dar es Salaam, it is significant that the Mbezi Planning Scheme perpetrated the earlier trend of abutting the Ocean and Bagamoyo Road, both symbols of status. Like the first phase of the sites and services schemes, the Mbezi Planning Scheme was, too, an extension of the area for property investment by the elite. In any case no pretense was this time ever made that the scheme was earmarked for low income households. It is significant too to note the proportion of low and medium sized plots (42%), compared to high density plots. Except for Mikocheni (again by the Ocean), there were hardly any low or medium sized plot in the earlier sites and services schemes. The Mbezi Planning Scheme was another example of the struggle by the policy makers to control the coastline, started during the colonial era (Seaview and Oysterbay) and perpetrated during the early days of independence (Msasani Beach); and during the early sites and service schemes (Mikocheni) and was later to be extended to Tegeta. This has led to the sprawling of Dar es Salaam northwards while nearer areas to the west, south west and south have remained, until recently, relatively undeveloped.

Thus, during the 1970 and 1980s there were two major (land) planning schemes in Dar es Salaam: The sites and service schemes under the sites and services Directorate, and the Mbezi Planning scheme, under the Town Planning Department in the Ministry of Lands and the Urban Planning Department under the Dar es Salaam City Council. This did not augur well for land servicing and land administration. The meagre resources available could only be spread thinly over a wide area, during a period of the economic crisis in the country. Besides, there were at least three major land administrating authorities in Dar es Salaam, i.e the Town Planning Department and the Sites and Services Directorate, both in the Ministry of Lands, and the Dar es Salaam City Council.

In order to implement the Mbezi Planning Scheme, the area had to be acquired from the existing farmers. This was relatively easy. The area was simply surveyed over their heads. They were however promised compensation for their "unexhausted improvements". For many this amounted to nothing since they grew annual crops and had no structures in the area. Others were promised plots within their land. In both cases, the government hardly kept its

promises, so that to date many people are yet to be compensated, more than a decade after the land was acquired, and many never got allocated any plots (see Chapter Eight).

Problems of developing Mbezi: Land non-servicing and poor land administration

As alluded to earlier, the Mbezi Planning Scheme came at the wrong time as far as its servicing was concerned. Without any external help, money for servicing had to come from the coffers of the Tanzania government. Yet by 1979, the economic crisis described in Chapter Seven was biting. With the government unwilling to increase the cost of land, there were no resources to institute the necessary infrastructure. But land servicing was not as crucial as the getting hold of land by the authorities on which to wreak their will and expend their powers through its planning and allocation. Plots were therefore demarcated, surveyed, and allocated in the Mbezi "Bush" (either as planned before surveying i.e. from Town Planning Drawings, or, as later on surveyed. The land surveyors added a lot of plots to the original Mbezi planning scheme, which they allocated themselves). Many small scale farmers continued to till the land, many times destroying survey beacons and pins. There were no services whatsoever instituted in the area. Not even rough roads were carted into the bush that was being allocated. It was thus an uphill task to identify ones plot, let alone develop it.

Originally, Mbezi was not popular since it was regarded to be too far and its unserviced nature discouraged some would be plot takers. Besides, plots were still available in the sites and services scheme areas with relative ease. Nevertheless some of the beneficiaries particularly those near the Ocean, took up the plots and started developing them slowly. Some parts of the Beach were already allocated or developed mainly by Europeans. By the mid-1980s, with the sites and services schemes almost wholly allocated, the Mbezi Planning Scheme became popular and plots began to be keenly sought after in the area. This demand came at a time of confused urban land administration practice in the country so that various officials involved themselves in shoddy deals some of which have resulted into disputes (see Chapter Eight).

Developing Mbezi was originally a nightmare. Roads were spontaneously instituted

particularly by lorries carting through the bush to deliver building materials. Many times, such "roads" cut through other peoples' plots, and therefore kept changing courses whenever the owners of the plots surfaced. Water had many times to be fetched from distantly located sources. Some developers who decided to lay their own individual pipes found the cost prohibitive particularly because of the distances involved. Lack of co-ordination among developers led to repetitive action i.e. each individual laying their own pipes sometimes in the ditches dug earlier by another developer, where co-ordination would have led to lower costs. Lack of security in the area led to some of these water pipes being unearthed and stolen. Building materials too were usually stolen from sites.

By 1988, over 4000 plots lay undeveloped in Mbezi, though most were allocated in 1983 or earlier. Currently (1993), however Mbezi is taking off. Although plenty of land is yet to be developed, it is allocated, and the owners are there, somewhere. A plot in the area is now a goldmine and is difficult to come by even to those prepared to pay. Most developers appear to aim at grandiose, multistorey houses, with flat concrete slab roofs or tiled roofs. Some of the earlier developers who put up simple buildings are finding themselves out of place. Perhaps because of its location, Mbezi is coming up as a visually high income residential area. The paradox that exists in Mbezi however, is that the value of the properties being put up, is not matched by any service infrastructure. The few improvised roads that exist are not passable during the rainy season. There are no sewers, or storm water drains, or street lighting. There are no schools, health centres, markets or police posts in the area. These will no doubt be instituted one day, but it means that much of the property that is complete in Mbezi cannot yield returns. It cannot be occupied by the owners or rented out, not only because of poor infrastructure, but also because of poor security. Many of these grandiose houses are occupied by paid up guardsmen, particularly the Makonde tribesmen, who specialise in that kind of service.

The Mbezi Planning Scheme: Some Conclusions

The Mbezi Planning Scheme has been presented as an example of the struggle to control land, particularly valuable land by the Ocean, by land administrators in Dar es Salaam. Other aspects of Mbezi's development, particularly land maladministration, and the inefficiency and inequity of land policy are discussed further in Chapters Eight and Nine. In terms of planned

plots Mbezi nearly equals the sites and services project. Although devoid of services, Mbezi is developing to high standards. The Mbezi planning Scheme demonstrated that access to land was more basic than the provision of services. As a result, the key issue in Dar es Salaam has now become access to plots, but not the integrated conception of planned development of neighbourhoods.

7.2.6. Attempts to perpetrate the Sites and Services Project without the World Bank

The exit of the World Bank from the Sites and Services Project in Dar es Salaam

As it was becoming apparent, during the 1980s that the World Bank was not too happy with the sites and services schemes in Tanzania, the sites and services Directorate was faced with the spectre of being redundant should the Bank withdraw. The Bank did withdraw in 1984. According to the then Director of the sites and services Directorate in the Ministry of Lands, Mr. B.B.K. Majani, the Bank withdrew because it differed with Tanzania over the continued centralization of sites and services powers in Dar es Salaam. The bank wanted these powers centrifuged to the other towns where schemes were to be carried out, that is, the Bank was proposing to break up the powers of the sites and services Directorate. This was unacceptable to the Directorate, who were the negotiators on behalf of Tanzania, and, as no agreement could be concluded, the Bank withdrew its support.

Tegeta and Tabata Sites and Services Schemes

In order to justify its continued existence, the sites and services Directorate hatched a Third Phase of the Sites and Services Scheme which leapfrogged Mbezi, by then hardly developed, to Tegeta, where a planning scheme was prepared. Initially 929 low density plots were planned. Later, another 2840 high density plots were demarcated. The low density plots in Tegeta were allocated to fairly powerful people in the country. Apparently this was aimed at palmgreasing the powers that be to support the proposals for the government to fund the Third Phase of the Sites and Services Scheme. And apparently, the proposals were approved. Initial funding was secured to service Tegeta. Like was the case with the first Phase of the sites and service schemes, it was necessary to show that the interests of low income households, particularly those living in unplanned areas, were the motivating force behind the scheme. Thus the Third Phase earmarked to upgrade the unplanned areas of Hanna Nassif

(which had been earmarked for removal since 1965), Mwananyamala Kisiwani and Kinondoni Shamba. The 2840 high density plots demarcated in Tegeta and another 1434 plots demarcated in Tabata, were earmarked to take the population that would be displaced from those three unplanned areas. Some 630 houses were earmarked for demolition in those areas, and by 1987, the properties to be demolished had been surveyed and valued, and compensation amounting to Tshs 118m/= paid.⁷⁶

The Third Sites and Services Project as a demonstration of the social struggle to control land:
The disbandment of the Sites and Services Directorate

It is baffling that land administrators in Dar es Salaam could have convinced themselves that the poor and the not so poor residents of the areas of Hanna Nassif, Mwananyamala Kisiwani and Kinondoni Shamba would have been willing to move from their locations which were within 5 kilometres of the city centre, to unserved locations like Tegeta, some 20 kilometres away. In fact these people have not moved despite the payment of compensation. It is hereby submitted that the whole concept of the Third sites and services scheme in Dar es Salaam was aimed at enhancing the interests of (sections of) the bureaucrats in getting access to new land in general, and to prime land along the Ocean in particular, using the mirage of squatter area upgrading to justify their motives and to get hold of funding. This is further supported by the lack of correspondence between the number of houses earmarked for demolition in the areas to be upgraded (i.e. around 630 houses) and the number of planned new plots which was 5203. Indeed the government was castigated in the *Bunge* (Parliament) that the new plots in Tegeta and Tabata were not just allocated to the replacees, but also to civil servants and Party leaders.⁷⁷ Within the bureaucracy itself, the struggle over land administration was between the sites and services Directorate, and the rest of the land administration set up, and the hatching of the Tegeta Scheme by the former was to match/counter the Mbezi Planning Scheme, earlier hatched by the latter to counter the powers of the former. In this struggle something went wrong for the sites and services Directorate. It may have been personality clashes. In any case, the World Bank's withdrawal

⁷⁶ Tanzania, *Parliamentary Debates (Hansard)*, 20th June - 28 June, 1988, Government Printer, Dar es Salaam, 1988, pp. 308-312.

⁷⁷ *ibid.*

had removed the carpet from under the feet of the sites and services Directorate. Despite its strategy to remain powerful by hatching the Third Sites and Services Project, it was disbanded in the late 1980s and its duties transferred to a section under a Department in the Ministry of Lands. Its Director was able to reverse an order to transfer him out of Dar es Salaam, but he was nevertheless transferred out of Ministry of Lands. That spelt the end of sites and services schemes as conceived in the 1970s in Tanzania.

The development of Tegeta and Tabata: Some Conclusions

Although the sites and services directorate was disbanded, a sites and services section was retained within the Ministry of Lands. It is this section (and not the Dar es Salaam City Council) which is handling Tegeta and Tabata, since these areas, being categorised as sites and services schemes, fall under the Ministry of Lands for allocation and management. Like was the case with Mbezi, the allocation of land in Tegeta and Tabata is haphazard. In most cases, the rights of existing land occupiers are not extinguished before allocation, causing major problems for the existing and would-be new occupiers. Because of lack of service infrastructure, the areas are difficult to develop, although, like the case of Mbezi, the developers are aiming at very high building standards. Land policy created these areas but has again failed to ensure both efficiency and equity in their development.

7.2.7. Land Policy Impacts on the land use structure of Dar es Salaam during the 1970s and 1980s

The late 1960s and 1970s saw concerted efforts to prepare general and longterm land use plans for Dar es Salaam. The impact of these on the ground was limited. Policy emphasis was at the time put on the provision of sites and services and other planning schemes. The effect of these was to extend Dar es Salaam's planned area, but the beneficiaries were mainly people in middle to high income brackets. Both the non sites and services planning scheme at Mbezi and the sites and services ones at Tegeta and Tabata served to increase Dar es Salaam's sprawl, but at the same time underscored the importance of planning schemes in the overall struggle to acquire and control planned land, particularly by the Ocean. There were thus no planning schemes which in practice were aimed at benefitting low income households.

For the masses of Dar es Salaam, squatting became the major form of access to land.

Though policies of squatter removal were advocated, the government was generally unwilling to confront such squatters. Leaning observes that while there were moves and even orders for demolitions to remove squatters, politically and unofficially, "quite a lot is done to permit or even to encourage it (squatting)"⁷⁸. During the 1960s, squatting was seen as undesirable, but removing squatter areas was inexpedient. During the 1970s, squatting was seen as being inevitable. Thus the policy of squatter areas upgrading undertaken in parts of Manzese and Mtoni/Tandika. For the rest of the squatter areas however, nothing was done to ameliorate their conditions so that these areas continued to develop haphazardly.

7.3. Economic Responses

The sites and services plots were, as we have seen, not implemented in the favour of low income households. The low cost small houses, constructed in low cost building materials like soil cement were not adopted to any substantial degree. In a number of cases, grandiose structures have been put up without substantial development financial credit. This is despite the very poor infrastructure, or its lack altogether in the sites and services area. The six roomed *Swahili* house, typical of the slum clearance areas, and well suited for low income household subletting was not widely adopted either. Instead, most houses were constructed with complete house occupation (by owner or tenant) in mind. The government's attempts to portray the site and service areas as low income areas by propagating small, cheap houses was thwarted when households put up expensive structures, thus manifesting their true economic and social status.

A study carried out in 1988 concluded that 36% of all houses in the sites and services areas were occupied by tenants,⁷⁹ while a more recent study found the percentage of houses occupied by tenants in the Sinza area to be 44%. In 63.3% of the rented houses in the Sinza area, the employer (usually a parastatal) paid the rent.⁸⁰ Areas like Mikocheni,

⁷⁸ J. Leaning, *Housing and Urban Land Administration in Urban Tanzania*, Economic Research Bureau, University of Dar es Salaam, 1972, p. 12.

⁷⁹ Kironde, "Sites and Services in Tanzania", p. 37. Table 5.

⁸⁰ A.A. Moshia, *The Study of Planning Practices, Residents' awareness and attitudes, and their environmental consequences on women and children in the High Density Area of Sinza in Dar es Salaam*, Women Research Documentation Project, University of Dar es Salaam, 1992, p. 32, Table 6.

have attracted very high cost buildings, several of which are let at very lucrative rents to expatriates. During the 1970s however, sites and services areas were developed slowly and even today, there are still many vacant or partially developed plots. An interesting observation in the complete transformation of houses abutting major roads like Shekilango Road (Chapter Eight) into commercial users, shops, groceries, restaurants, bars and workshops, in complete contradistinction from what was planned for. In other planning schemes particularly those in Mbezi, Tegeta and Tabata, land development is slow. Despite the lack of service infrastructure, the buildings that are being put up are quite expensive.

As has been pointed out above, the major phenomenon of Dar es Salaam's land use structure in terms of the population accommodated, has been squatting. Many areas seem to have grown in relation to places of employment opportunities particularly industry, the port, and high income areas, or along major roads, and surrounding planned areas. Old squatter areas are developed to high densities. In other settlements, particularly those at the periphery and those colonised by high income households, densities are low and land is, in some cases, put to agricultural use. The type of buildings differ from the simple to multi storeyed ones.

All indicators show that these squatters are confident with their areas and are not worried about removal, lack of amenities, or lack of security of tenure authenticated by legal document.⁸¹ Thus investment of all standards is going on, making, it all the more difficult for squatter areas to be removed or even to be "upgraded" by demolition.

7.4. Overall Deductions on the evolution of Dar es Salaam's Land use Structure during the 1970s and 1980s

The land use structure of Dar es Salaam continued to be shaped by land policy, positively through various planning schemes (including the sites and services projects); and negatively by failing to address the question of squatting. It has been argued that the planning schemes ignored the interests of low income households and were conceived and implemented with the middle to higher income/social status in mind. Throughout the 1980s, land policy dragged

⁸¹ S. Kaitilla, "The Upgrading of Squatter Settlements in Tanzania. The role of security of land tenure and the provision of amenities in housing improvement", *Journal of Asian and African Studies*, Volume 26, No. 3/4, 1991, pp. 220-236.

Dar es Salaam northwards along the Ocean, in conformity with the interests of high income households and policy makers, but issues of equity or economic efficiency in land uses received little consideration. The fastest growing aspect of land uses in Dar es Salaam particularly in terms of population was squatting, and we have argued that this too was a result of land policy which chose to ignore this phenomenon, rather than work with the various communities in the existing or potential squatter areas, to regularise them. It has been argued as well that, squatting took care of the interests of the poor and thus left planned land to the elites. In recent years, even the middle to higher income households have resorted to squatting. Thus the indirect encouragement of this phenomenon by the government. In the following Chapter, we show how land administration, in both the planning schemes and the squatter areas was in a crisis, thus leading to gross inequity and inefficiency. The crisis, however, was beneficial to, and was thus perpetrated by, the land administrators.

A CITY IN CRISIS, THE 1980S AND AFTER

8.1. The Economic and Political Changes of the 1980s**8.1.1 The Economic and Political Framework**

The 1980s witnessed two fundamental phenomena in Tanzania's history. One was the economic crisis that the country faced and still faces and which led to Structural Adjustment Programmes. Two, was the departure of Mwalimu Nyerere, the longstanding national leader and shaper of most of the country's socio-economic policies for over three decades, from the country's leadership in 1985. His departure was followed by the ready acceptance, by the new government, of Structural Adjustment Programmes as dictated by the International Monetary Fund (IMF), which Tanzania had earlier strongly resisted. In the wake of structural adjustment pressure, came pressure for political reform, which resulted in Tanzania's abandonment, in 1992, of single party, for multiparty, democracy.

On top of the national economic crisis, Dar es Salaam had been facing a management crisis since the 1970s, particularly since the abolition of local government in Tanzania in 1972. The national economic crisis limited the scope of operation of the central government, while the importance that investment in land acquired, both as a hedge against adverse economic circumstances, and in the light of the demise of the *Arusha Declaration*, created a situation where all powers that be found it opportune and necessary to gain control over the land delivery system. Under such circumstances, the poor and the weak suffered, while the advancement of individual interests took precedence over social interests. Land policy failed to unfold itself to embrace the interests of the poor, since, traditionally, this had never been its role, and moreover, since within a confused status of land policy, lay the power of those who controlled the directions of land policy.

The situation facing Dar es Salaam in the 1980s was that of a crisis. The economic problem which the country was going through had its toll on Dar es Salaam, which therefore

faced an economic crisis. On the other hand, Dar es Salaam being the capital, was attracting the interests of all social groups in the country, particularly the powerful politically and economically. While this meant that Dar es Salaam was able to attract comparatively more resources to itself compared to other urban areas in the country, it also meant that managing Dar es Salaam's land became a scene of contention between the Dar es Salaam City Council, and the Central government, and, within the Council itself, between councillors and functional officers. Dar es Salaam was therefore facing a managerial crisis. The evolution of Dar es Salaam's land use structure in the 1980s must therefore be seen within this framework of adverse national economic conditions, changing political circumstances and a crisis in urban management.

8.1.2. The National Economic Crisis

Aspects of the national crisis

During the first decade of Independence, Tanzania was fairly successful in terms of meeting basic human needs and performed well in terms of achieving economic growth. The situation changed in the mid-1970s. In 1974, the country suffered a major balance of payments deficit as a result of falling primary agricultural commodity prices, the first of the oil price rise shocks, drought, and accelerated villagisation. Fifty percent of the export earnings in that year (1974) was used to import food. The situation was rectified by an IMF extended facility to which Tanzania, as IMF's ordinary member was entitled. A subsequent boom in coffee prices, between 1975-1978, saw Tanzania accumulating surplus reserves, allowing a belief that the economic problem was ephemeral. With the costly War with Uganda (1978-79), the fall in coffee prices, new oil price rise shocks, the collapse of the East African Community, and recession in the advanced countries, the economic crisis cropped up once again.¹ Some indicators of the economic crisis were:

- o The decline in GDP growth from an average of 5.1% p.a. between 1970 and 1976 to

¹ G. Rutihinda, "Structural Adjustment, External Debt and Growth in Africa: the Tanzania Experience", in, Bank of Tanzania, *Economic and Operations Report for the Year ended 30th June, 1991*, pp. 57-64; W. Biermann and J. Campbell, "The Chronology of Crisis in Tanzania", in, B. Onimode, (Ed.), *The IMF, the World Bank, and the African Debt, Vol. 1: The Economic Impact*, Institute of African Alternatives, Zed Books, London and New Jersey, 1989, pp. 69-89.

- less than 2% between 1976 and 1986;
- o The soaring in the annual rate of inflation, from an average of less than 5% over the 1966-70 period, to 30% after 1979;
- o The adverse external balance of payments, from a surplus of US \$ 137m in 1977, to an annual deficit ranging between US \$ 50m and 395m between 1978 and 1990;
- o The runaway overall public finance deficit which grew six and half times between 1978/79 and 1984/85, reaching 20% of the GDP in 1980;
- o The change in the price index for goods and services consumed by urban dwellers, from 100 in 1977, to 1991 in 1990; and,
- o The falling value of the Tanzania shilling against the US dollar from Tshs 7.5 between 1969-1977, to Tshs. 198/= in 1990.

In the first half of 1979, foreign exchange reserves fell to less than what was required to procure basic necessities for two weeks. Tanzania went back to the IMF and although the first tranche of \$ 40m was released, negotiations stalled and were abandoned as the conditions demanded of Tanzania were unacceptable to the Tanzanian government. These revolved around a massive devaluation of the Tanzania shilling, a steep increase in producer prices, the lifting of price controls, the freezing of wages, import liberalisation, the balancing of budget deficits, privatisation of the economy, the increase in bank interest rates and internal trade liberalisation.² Tanzania resorted to increasing the supply of money. New negotiations with the IMF made some headway but were abandoned and inflationary measures were resorted to once again. In 1981, a homegrown National Economic Survival Programme which included several deflationary measures like cuts in salaries and social services, increase in taxation, export promotion, and increases in rural prices, was adopted. The Programme was soon abandoned for lack of support from the IMF because it did not include stabilisation policies.³ In 1982/83, under pressure and direction from the IMF, Tanzania produced a three year Structural Adjustment Programme which included stabilisation policies, particularly

² W. Biermann and J. Wagao, "The IMF and Tanzania: a solution to Crisis", in, P. Lawrence, (ed.), *World Recession and the Food Crisis in Africa*, Review of African Political Economy and James Currey, London, 1986, pp. 140-147; K.A. Malima, "The IMF and World Bank conditionality: The Tanzania Case", in, Lawrence, *World Recession*, pp. 129-139.

³ Rutihinda, "Structural Adjustment ...".

stricter fiscal and monetary policies, liberalisation of domestic trade, liberalisation of crop marketing, removal of food subsidies and reduction in the government work force. A major disagreement remained that of devaluation. While the Tshs had been gradually devalued (by 10% in January 1979; 10% in March 1982; 20% in June 1983; and 26% in June 1984), and while the government favoured this gradual devaluation, the IMF wanted a "shock" 300% devaluation to stimulate exports, so, negotiations failed again. In August 1982, the World Bank withheld transfers, as Tanzania had fallen behind in its repayment of the principal and interest on World Bank loans. However, several structural adjustment measures, including the removal of food subsidies, had been implemented in 1983 and in 1984, and as these did not produce the typical "bread" or "IMF" riots, further adjustment measures were implemented. It was obvious that the IMF's and Tanzania's positions were converging. The economic crisis however, deepened. In 1985, foreign exchange earnings financed only 46.6% of imports. Debt repayment obligations as a percentage of the value of exports rose from 12.5% in 1980 to 80.1% in 1985. In the same latter year, Tanzania got a new leader. In 1986/87 after extensive consultations with the IMF and the World Bank, Tanzania produced the first Structural Adjustment Programme (SAP) conforming to the IMF requirements and was known as the First Economic Recovery Programme (ERP I). The conditionalities of ERP I were that there should be :

- o A liberal policy in the form of exchange rate depreciation. The Tshs was devalued by 135% and currently (March, 1993) stands at Tshs 350 to 1 US \$;
- o The upward adjustment of bank interest rates which were increased by over 50% and now stand between 24-31%;
- o Retail trade liberalisation. The function of state monopolies was curtailed, and food subsidies removed;
- o Increase in producer prices. The official prices (per kg) of maize, paddy, wheat, and beans were respectively increased from Tshs 1, 1.75, 1.65 and 3, in 1980/81, to 13, 26, 32 and 35 in 1990/91, a rise of between 1000 and 1900%. Several products were decontrolled and the private sector allowed a greater role in their marketing;
- o Liberalisation of external trade and payments. This culminated into the introduction of private Bureaux de Change. By June, 1992, 26 bureaux had been licensed, and 14

were operating.⁴

- o Restrained fiscal and credit policies. This entailed massive public expenditure cuts. In 1977/78 the overall deficit was 4% of the GDP. In 1978/79, it shot up to 19%. After the launching of the Economic Recovery Programme it dropped to 11%, but was expected to go up to 22.4% in 1992/93.⁵

According to some criteria, the Tanzanian economy improved. Between 1986 and 1989, (with 1980-85 figures shown in brackets) the GDP grew at 3.9% (1%), agriculture at 4.8% (3.2%) and manufacturing at 2.7% (-5%). The rate of inflation fell to 19% in 1990, (from 30% between 1980-85). There has also been some increase in foreign exchange earnings as well as in the export of non traditional materials. But there has not been a major improvement in export drives. The rate of capital formation has in fact fallen to 0.3% compared to an increase of 4% between 1980-85. That means that there has been a disinvestment process. There has also been a disindustrialisation process in favour of trade and commerce. Capital flight has increased. At the same time, there has been a serious deterioration of social overhead capital, particularly in the education, health, and water supply sectors. Between 1970 and 1983, the proportion of the Budget spent annually on education, ranged between 10-15%, and that on health, between 5-8%. Since 1983/84 these proportions have fallen to between 5-7% for health, and 4-6% for education. Many commentators and researchers⁶ have pointed out that the redirection of government priorities coupled with other adjustment measures (i.e. higher prices, unemployment, etc.) during the first Economic Recovery Programme have increased the hardship experienced by the vulnerable groups in the economy: the poor, children and women. The Government admits this, so that in launching the second Economic Recovery Programme (ERP 2) in 1989/90, it launched as well, a Priority Social Action Programme (PSAP) aimed at promoting growth "with a human face", by taking account of the social dimension of the adjustment measures, and

⁴ *Daily News* (Tanzania), 12.8.1992.

⁵ M.S.D. Bagachwa, "A comment on the 1992/93 Government Budget", in, *Tanzania Economic Trends*, Volume 5, Nos 1 and 2, 1992, pp. 49 - 61.

⁶ e.g. Rutihinda, "Structural Adjustment ."; A. Tibaijuka, *The Impact of Structural Adjustment Programmes on Women: the Case of Tanzania*, Economic Research Bureau, University of Dar es Salaam, 1988; C.S.L. Chachage, *Forms of Accumulation Agriculture and Structural Adjustment in Tanzania*, University of Dar es Salaam, Mimeo, 1992, p. 12.

to particularly increase expenditure on education, health and rural water supply. However, such increase as there has been in the budgetary allocations to these three sectors does not appear to have yielded any tangible results so far.

As a result of these Structural Adjustment Programmes, aid to Tanzania increased from US \$ 287m in 1985 to \$850m in 1989. Of this money, 47% was spent on import support. Dependence on external assistance has increased. In 1991, 95% and 45% of development and recurrent expenditure respectively depended on foreign assistance.⁷ While there are few signs of productive reinvestment of capital, glaring signs of inequality e.g. grandiose houses, luxury trucks and conspicuous consumption, are prevalent.⁸ The rich have been grabbing land in Dar es Salaam, including open spaces and hazard lands, in shoddy deals, in order to invest in property. What is emerging out of structural adjustment in Tanzania is that it has introduced new forms of accumulation based on the plundering of non renewable material resources including timber, birds, marine resources (line prawns), minerals, live animals, animal products, illegal exports/imports, tax evasions and massive corruption. Those who were poor before structural adjustment are poorer and those who were relatively better off have become poor.⁹

The Effects of the Economic Crisis on Dar es Salaam's Land Use Structure

The economic crisis meant that relatively little could be spent by the government on land development and management. This was so under a situation of rapid urban growth and a poor urban management set up. The result was a general accelerated breakdown of public infrastructure like roads, water supply networks, and drains, and of services like solid and waste water disposal. Although Dar es Salaam has a long history of poor endowment with infrastructure, the economic crisis made matters worse. Moreover Dar es Salaam had no prior experience with infrastructure maintenance since most of the city's infrastructure had been instituted only in the 1950s had 1960s. This infrastructure had survived the 1970s reasonably

7 Chachage, *Forms of Accumulation*, p. 6.

8 Rutihinda, "Structural Adjustment ."; Chachage, *Forms of Accumulation*.

9 Chachage, *Forms of Accumulation*, p. 12; A. Tibaijuka, "Issues arising from the non traditional export drive policy of Economic Adjustment: The case of Wood and Wood Products", *Tanzania Economic Trends*, Volume 4, No. 1, 1991.

well, but needed rehabilitation and extension in the 1980s. With limited economic resources available to the government to expend, direct investment in infrastructure and services in existing and new planning schemes became highly constrained. The results were: The breakdown of existing infrastructure; the failure by government to service new areas required for the city's development; and the incapacitation of the government's ability to effect new planning schemes (from the failure to acquire land, for example); and the continued spontaneous development of Dar es Salaam as more and more households of all income levels and status, (partly compelled by the economic crisis to get hold of land for economic activities) resorted to the unplanned sector for their land requirements.

8.1.3. Political Changes

The 1980s were also years of political changes. President Nyerere relinquished power in 1985. His departure, together with the economic realities of the time, brought into question, the continued adherence to the *Arusha Declaration* and the policy of socialism and self reliance. The ready acceptance of IMF conditionalities, as much a result of compelling circumstances, as of President Nyerere's retirement from the government, undermined the basis of socialism as privatisation was encouraged, and government expenditure and control over various sectors of the economy, trimmed down. In 1991 the country's leadership under President Ali Hassan Mwinyi, reviewed the *Arusha Declaration* and replaced it with the *Zanzibar Declaration* which allowed leaders to own houses for renting and to participate in private business ventures. While the Nyerere era had not eliminated the quest for wealth by top leaders, it had kept this quest under check. The new era introduced a near *laissez faire* situation, a situation encouraged by the anti-public sector and pro-privatisation and economic liberalisation policies of the IMF. The 1980s witnessed the open private accumulation of wealth and witnessed various incidences where the economically or socially powerful members of society have participated keenly in land acquisition and development, either by buying out poor households in areas like Kariakoo and at the City's periphery, or by using their muscle to acquire some of the most sought after land in Dar es Salaam, either from the limited planning schemes that there has been, or by forcing "creations" on, or invading open spaces and beaches. Besides, many leaders have had their houses which had been either nationalised, or sold under the political compulsion of the *Arusha Declaration*, returned to them.

The impact of the multiparty system of governance adopted in Tanzania during 1992 has yet to be felt as far as land uses are concerned. Despite the unearthing, in recent times of various national scandals (a number of which have involved urban land in Dar es Salaam) by the proliferate private press, there are signs that top leaders are becoming "criticism resistant". However, one suspects a sense of urgency among the powerful classes in Tanzania to utilise their positions to acquire and develop as much land as possible while the going is still good, and to do as much as possible not to rock the boat by introducing new reforms. Many people in authority are under pressure from the wealthy to shortcut land allocation procedures and to allocate valuable land in questionable deals.

8.2. Land Policy Impacts

8.2.1. Introduction

While previous eras had major policy themes guiding land use development, there is a lack of such themes in the 1980s and after. Slum clearance and tenant purchase had been discontinued. Direct house construction by the NHC was miniscule. Sites and service projects were in shambles and the World Bank had pulled out in 1984. Squatter areas upgrading was being hailed by the authorities but little or nothing was being done realise this goal. The new *1979 Dar es Salaam Masterplan* had just been completed, but there were no resources to implement its provisions. What however transpires, is a situation of confusion and power struggles in the whole process of land delivery and administration; and a direct move to get access to land by those in authority. We discuss policy impacts under four headings: Policy in relation to City Centre land; the policy in relation to squatter areas; policy related to new planned areas; and policy in relation to open spaces and hazard lands. Before discussing these, it appears pertinent to present first, the issue of the struggles over land delivery problems between the central and local government.

8.2.2. The Managerial Crisis in Dar es Salaam

It is possible that even without the abolition of local governments between 1972-1974, the Dar es Salaam City Council would have faced a managerial crisis but their abolition created a hiatus during which Dar es Salaam was managed directly by the central government through the Regional Authorities. When the urban councils were reestablished from 1978, local management had been disturbed and could not be recast to preform satisfactorily in the

new circumstances.

This managerial crisis has manifested itself in Dar es Salaam in the high turnover of City Directors. With the exception of Mr. B. Kasege, who was Director for 3½ years from 1978 to 1981, subsequent Directors who have held office to 1992 have had an average tenure of less than two years each. Many commentators discussed with, blamed this situation on the current (since 1980) Dar es Salaam Mayor, his Worship, Councillor Kitwana Selemani Kondo, who, it is argued, derives his power from his close and long association with President Ali Hassan Mwinyi. (City Directors are appointed by the President). The Mayor however denies this, pointing out that he has all along been a democratically elected leader. Nevertheless many officers with the Dar es Salaam City Council expressed a reservation that the Mayor was standing in the way of most of their progressive policy proposals, accusing him of insisting on having his way almost on everything, and throwing his weight about; of violating existing land use regulations; of misusing the Councils resources; and of ensuring a high turnover of top Council Officers. One also suspects a confrontation between the "local" Mayors and councillors, and the "upcountry" directors and other high ranking officers. What this demonstrates is a situation of instability within local government, within the triangular relationship between council technocrats, the Councillors, and the central government. The high turnover of its top executive officials has denied the Dar es Salaam city council, the longterm leadership stability necessary for effective management.

As a support for this observation key national leaders have had to intervene directly to solve some of Dar es Salaam's problems (like city cleanliness or the protecting of the City's open spaces and hazard lands) which fall squarely on the city authorities' shoulders. The managerial crisis has also been used to distort land administration for the benefit of select classes. Major areas of conflict have been with regard to local revenue collection, and with regard to land administration.

Table 8.1 Dar es Salaam City Directors, 1978-1992

Name	Period in Office
Benedict Kasege	1978 - 1981
David Mgwasa	1981 - 1983
Edward Oluoch	1983 - 1985
Abbas Farahani	1985 - 1987
Felix Ndaba	3 months in 1987
George Chale	1987 - 1989
Sigiti Mayeye	1989 - 1991
Evarist Kweba	1991 - 1992
Omar Mkhandi	1992

Source: Dar es Salaam City Council

8.2.3. Revenue Collection

Although Dar es Salaam is by far the richest of all urban areas in Tanzania, its record of self-sufficiency in revenue collection is possibly the worst. In July 1991, at the height of the breakdown of Dar es Salaam's infrastructure and services, the Dar es Salaam Mayor caused quite a stir in Parliament when he accused the central government of giving the City Council very little funds in comparison to its needs. According to the Mayor, the Government was responsible for providing various services like roads, sanitation and health, but was giving the Council very restricted funds for these purposes. Furthermore, the Council had proposed a petrol tax of 1/= per litre of fuel for its own revenue, but the central government had declined to give its sanction. In reply, the Minister for Local Government, J. Warioba, (who was once the Dar es Salaam City Council Solicitor), castigated the Dar es Salaam City Council for not utilising the human, material and technical resources at its disposal to augment, or reduce reliance on, government grants. He pointed out that in 1990/91 the Dar es Salaam City Council received 64% (i.e. Tshs 517.2m/= out of Tshs 806.5m/=) of the development subsidy earmarked for all the 119 urban councils in the country. In 1991/92, 60% (i.e. Tshs.

750m/= out of Tshs. 1.25bn/=) of the Ministry of Local Government's development budget was allocated to Dar es Salaam. Besides, the *per capita* government expenditure on the delivery of social services in Dar es Salaam was, at Tshs. 1,246/=, the highest in the country. For Mwanza, Moshi, Tanga and Arusha, the figures were Tshs. 800/=, 672/=, 657/= and 518/= respectively. The Minister stressed that the City Council should involve the city's residents in its management, and enhance its revenue collection, pointing out that Dar es Salaam's record was very poor compared to other urban and district councils.¹⁰ The result of this confrontation, however, was the sacking, a few days later, of the City's Director, S. Mayeye, who was known to sympathise with the Minister's views expressed above. Prior to Mayeye's sacking, but in clear reference to him, the Mayor had warned the central government that his Council would not be the dumping grounds for incompetent civil servants. In reference to such views as expressed by the Dar es Salaam City Council Mayor, a seminar on strengthening Local Government held in April 1991, had urged the politicians not to treat local government technocrats as casual labourers by firing them from service over the radio or through the Press without following the proper procedures.¹¹ This however did not prevent the unceremonious sacking of City Director Mayeye, and of his successor, E. Kweba, less than a year and half later.

While instruments exist to allow the City Council to collect adequate revenue, these are not used to the maximum. In particular, it is significant that despite the existence of the Urban Authorities (Rating) Act of 1983, the Dar es Salaam City Council has not taken significant steps to effect property taxation.¹²

In relation to city management and to revenue collection, it is observable that most of Dar es Salaam streets, outside the areas developed before 1970, have no names, and most buildings are not numbered (see also Chapter Nine). The Council has no record of properties in its jurisdiction which would form the backbone of the Council's revenue collection

¹⁰ *Daily News*, (Tanzania) 2.7.1991.

¹¹ *Daily News*, (Tanzania) 19.4.1991.

¹² There is, at the time of writing (1993), a World Bank supported scheme to survey the properties of Dar es Salaam for rating purposes, but it is not all that clear whether there is the political will to support property taxation.

over the issue. Prior to the demise of the local authorities in 1972, land allocation was done by the Council except in limited cases. During the period when local authorities were in limbo, powers for land allocation reverted to the central government. With the restoration of local government in 1978, there followed "a tussle between different authorities particularly local governments and the Ministry of Lands as to their respective powers with regard to the allocation of Land".¹³ This situation, as well as the general confusion and breakdown in land administration, is blamed on the Decentralization period:

In this major process of reorganising the government's executive machinery, land administration suffered severe disruption and possibly a loss of sense of policy direction. The result was the proliferation of land allocating authorities, loss and breakdown of keeping of routine records, frequent transfers and devolution of responsibility on relatively unsuitable staff resulting in loss of valuable experience, and multiplication of opportunities for unethical behaviour on the part of key allocating officers at different levels.¹⁴

A study on behalf of *The Presidential Commission of Inquiry into Land Matters*¹⁵ found "irrefutable" evidence demonstrating the resultant confusion, and a virtual collapse of land administration.¹⁶ Nevertheless, since the decentralisation period lasted only six years, the tussle over land administration is perhaps an indication of a more fundamental problem revolving around the whole question of the struggle by the powers that be to control the land delivery process. Once powers of land administration were concentrated at Ministerial level during the Decentralization period, (and this included the creation of the Sites and Services Directorate in the Ministry of Lands), central government authorities found it difficult to devolve these powers again, especially since a period when every power that be, wanted to control the land delivery process, had been ushered in. But at the same time, the local authorities, realising the powers and privileges attached to land allocation, also wanted these powers for themselves. The decentralization period may have brought about confusion in land

¹³ Tanzania, Report of the Presidential Commission of Inquiry into Land Matters, Volume I, 1992, p. 27.

¹⁴ *ibid.*, p. 23.

¹⁵ *ibid.*

¹⁶ F.P. Mgullu, The Problem of Multiple Allocation of plots and enclosure of Beaches in Dar es Salaam, Mimeo, 1992.

endeavour. The other major source of revenue i.e. development levy (poll tax) which every able bodied urban resident is obliged to pay, is effectively collected only from those who are employed, i.e. the levy is deducted from their salaries by the employers. The rest of the residents are hardly taxed unless there is some loophole where they can be netted, e.g. when they are seeking a business license. Central government policy, particularly with respect to the collection of development levy, has been ambivalent as well. Whenever local authorities have resorted to draconian measures like the rounding up and jailing of tax defaulters to enforce levy payment, the central government has always intervened, castigating these authorities for "harassing" *wananchi* (the people). The local authorities on their part, have not investigated other ways of effectively collecting development levy (e.g. by cooperating with the local neighbourhood leaders). With the shrinking formal employment sector, revenue from development levy has also suffered.

The reason why the Dar es Salaam City Council is shying away from effective local taxation is suspected to be the fear of accountability to Dar es Salaam's residents. Thus the preference of the direct subventions from government. Funds from the government, however, have been limited as a result of the government's hamstrung budget, particularly during the structural adjustment era. Thus in the nine years between 1981/82 and 1989/90 the Dar es Salaam City Council got from the central government only Tshs 554.2/= (i.e. 9%) of the Tshs 61,350m/= it had requested. Dar es Salaam has therefore lacked the economic base required to have a dynamic land delivery programme. It must be stressed however, that the potential for raising local revenue in Dar es Salaam is enormous, but the concerned authorities will not exploit the various sources largely for fear of accountability to the public.

8.2.4. Crisis in Land Administration

Of direct relevance to this study, has been the crisis in land administration. Ever since its re-establishment, the Dar es Salaam City Council has faced the problem of who should be responsible for land allocation within the city boundaries. Legally, this is the duty of the Minister for Lands, unless he delegates his powers. The Council however feels that land allocation should be its duty, as was the case before Decentralization (1972). There has therefore been a tussle between the Ministry of Lands and the Dar es Salaam City Council

administration but the struggle to control land administering powers between local and central government authorities is common in many African cities.

According to the Dar es Salaam Mayor, the President of Tanzania had in 1978, directed that all plots in urban areas be allocated by local authorities.¹⁷ This was reaffirmed in Parliament by the Minister for Lands in 1980¹⁸ who said that her Ministry would not involve itself in plot allocation, and that this should be done through the urban councils' plot allocation committees. Yet even in that Parliamentary session, the Minister was reminded (by the Dar es Salaam Mayor) that her Ministry was involved in plot allocation in Dar es Salaam. The issue of plot allocation continued to dominate both the Council's and the Ministry of Lands' policy discussions. As matters were getting out of hand, the Prime Minister of the day had to intervene, and as a result, the Ministry of Lands issued a directive in 1989 (the *Iringa Directive*) spelling out three levels of plot allocation:

The Ministerial Level where land for large users e.g. heavy industry, hotels, foreign missions, farms exceeding 500 acres, and land for villages was to be allocated. Within Dar es Salaam, the Ministry of Lands reserved to itself, powers to allocated City Centre land; land in sites and services projects (irrespective of densities); medium and low density plots and beach plots in non sites and services land delivery schemes; as well as the plots earmarked for the government and the parastatal sector. The Dar es Salaam City Council was left with powers to allocate only high density plots in non sites and services schemes;

The Regional Level, where land in the following categories was to be allocated: industrial land (except heavy industry); land for government, parastatals, and religious bodies; residential and commercial plots in urban centres; farms of between 100 and 500 acres; and, beach plots. These powers did not extend to Dar es Salaam, in which city, regional land allocation functions were to be performed by the Ministry of Lands;

The District Level where land for commercial, residential and service plots and farms not

¹⁷ *Property Digest*, Vol. 2, No. 2, p. 10.

¹⁸ Tanzania, *Parliamentary Debates (Hansard)*, 24th-26th June 1980, Government Printer, Dar es Salaam, 1980.

exceeding 100 acres; and land for small scale industry, was to be allocated. For Dar es Salaam, district allocation committees had powers to allocate only high density plots and farms of less than three acres.

In all cases, available plots were to be advertised, and applicants were to fill in forms. Every local authority was to make monthly returns of plot availability and allocation to the Ministry of Lands.¹⁹

This directive meant that powers to allocate land were concentrated in the central government, and this caused an immediate outcry from the local authorities in general, and from the Dar es Salaam City Council in particular. In October 1989, the Dar es Salaam City Council Mayor threatened that his Council would not issue building permits to those allocated land by the Ministry of Lands, while the latter threatened to withhold certificates of Title for those allocated land by the Dar es Salaam City Council contrary to the above directive.²⁰ Furthermore, City Council's letter Ref. DCC/C.LD/DMM/4 Vol. IV/46 instructed Councillors and Dar es Salaam District Land Officers not to attend plot allocation committee meetings convened by the Ministry of Lands. So far, however, there is no evidence that the committees are operative. Land in Dar es Salaam is allocated on an adhoc basis, without following the laid down procedures by both the Ministry of Lands and the Dar es Salaam City Council.

The situation is one of utter confusion. Plots to be allocated are never made public as required by the *1989 Iringa Directive*. Both the Ministry of Lands and the Dar es Salaam City Council allocate land *in camera*. Thus, the Ministry does not abide by its own directive. The criteria happens to be that the land seeker has some political, social or economic muscle, and/or has personal contacts. Within any of the authorities, various officials i.e. land officers, land surveyors, town planners, directors or higher ranking officials, and councillors, do allocate, or immensely influence the availability and allocation of plots. In some cases, officials keep in personal custody, details of planning schemes and are the only ones knowledgeable

¹⁹ Tanzania, *Directive on the Preparation of Layouts, Surveying and Allocation of plots in Tanzania*, Ministry of Lands, Dar es Salaam, 1989.

²⁰ *Property Digest*, Vol. 2, No. 2, p. 10.

about the status of the areas concerned. Kulaba²¹ reports on councillors allocating or pressuring the allocation of plots, and on the Ministry of Lands subdividing areas and creating plots without involving the councils. This is possibly illegal, and in contravention of the *Town and Country Planning Ordinance*. According to Kulaba:

dishonest Council Officials tend to take advantage of a such fluid and confusing state of affairs where the major actors do not respect the limits of their authorities by engaging in various malpractices. These include the conversion of open spaces into residential plots, or plots for vehicle repair garages and workshops, and the allocation of those plots to individuals contrary to procedures or existing masterplans.²²

The *Presidential Commission of Inquiry into Land Matters* found overwhelming evidence that different political leaders and government officers at various levels of administration were directly or indirectly involved in the allocation of land, particularly prime urban land, open spaces, beaches, and large tracts of farm land in rural areas. The *Commission* was shown written evidence from some top politicians and officers giving instructions as to who should be allocated what land.²³

The result has been a state of confusion throughout the land development regime characterised by the conversion of public open spaces, catchment areas, conservation lands, beaches, sacred plots (including cemeteries), and government and institutional plots, to private uses. Other results have been the allocation of one plot to more than one person (known as double allocation, although in some cases treble allocations have taken place); the failure to follow any laid down procedures in the whole process of land demarcation and allocation; the allocation of land by various authorities without coordination; the failure to enforce any development controls; and, above all, the failure to have an integrated conception of how Dar es Salaam's land use structure should be. By way of an example, of all the 13,059 plots allocated in Dar es Salaam between 1983 and 1989, 11% were double allocated. In 68% of

21 S.M.Kulaba, *Urban Management and the Delivery of Urban Services in Tanzania*, Research Report, Centre for Housing Studies, Ardhi Institute, Dar es Salaam, 1989, pp. 201-204.

22 *ibid.*

23 Tanzania, *Report of the Presidential Commission on Land*, Volume I, p. 29.

the cases of double allocation, recourse had to be made to the Courts, and of the cases filed in the courts, only 38.4% were settled within three years. The rest took longer, causing untold misery and inconvenience to the concerned.²⁴

Causes of double allocations were identified by the *Presidential Commission of Inquiry into Land Matters* as: malpractice in Land Offices, defective plot allocation systems, issuance of plots from Town Planning Drawings before the land was surveyed, overlapping plot issuing authorities, prolonged non development of allocated plots, revocation of previously allocated plots without following laid down procedures and absolute shortage/non availability of plots²⁵.

The allocation of recreation grounds has led to the diminution of public open spaces, while the allocation of hazard land has led to pollution, erosion, and dangers of flooding. The allocation of conservation beach plots which has blocked the flow of Ocean water onto the lowlying lands and Creeks (e.g. at Msasani kwa Mamwinyi, and at Mikocheni) has contributed to much of the observed Beach erosion in the areas of the Africana, Kunduchi, Rungwe Oceanic, Bahari Beach and Silversands Hotels. When the Ministry of Lands officials decided to survey and allocate the beachside open spaces at Msasani, all allottees were top government and Party officials.²⁶

Besides carving plot out of open spaces and hazard land, power struggles over the control of land has been demonstrated through officials hatching planning scheme for various parts of Dar es Salaam, as has been discussed in the Chapter Seven.

Land policy has therefore been conceived and implemented within a framework of confusion, power struggle and the consolidation of private interests over public interests. This situation has been perpetrated because various officials and and politicians benefit from this

24 A. Semtenda, *Litigation Delays as an obstacle to Urban Land Development in Dar es Salaam*, Diploma Project, Ardhi Institute, Dar es Salaam, 1991, p. 17.

25 Tanzania, *Report of the Presidential Commission into Land*, p. 30.

26 Mgullu, *The Problem of Multiple Allocation of Plots*, p. 73.

confusion.

8.2.5. Policy impacts in relation to Dar es Salaam's Central Areas

(a) The Central Business District

Plans existed as far back as the late 1940s/early 1950s for the redevelopment of Dar es Salaam's central area,²⁷ but little could be done because of lack of resources. Any projections to effect city centre redevelopment through the private sector suffered a major setback after the nationalisation of buildings in 1971. During the 1980s, there was renewed interest in city centre redevelopment. In 1982, the Dar es Salaam City Centre was declared a redevelopment area.²⁸ It does not appear however that this declaration was followed up by any action. The need for action on the city centre is generally acknowledged but no comprehensive policy yet has been implemented. There is, however, piecemeal redevelopment taking place with existing open spaces or public land being passed on virtually free to private developers.

(b) Kariakoo

Kariakoo has attracted redevelopment schemes since the 1930s. This is discussed in Chapter Nine. In the 1980s, it was the Dar es Salaam City Council's policy that building permits for Kariakoo area would be issued only for multistoreyed buildings. In 1989, Kariakoo (together with a number of squatter areas in Dar es Salaam), was declared to be a redevelopment area under s.27 of the *Town and Country Planning Ordinance*, where land redistribution was to be undertaken.²⁹ This is strange since Kariakoo is a planned area and s.27 would hardly apply to it. Section 27, which was in fact replaced by section 12 of the *Town and Country Planning (Amendment) Ordinance* of 1961, applies to areas whose plot shapes and sizes are so irregular that land pooling and redistribution is the only feasible option (see Chapter Five). The declaring of Kariakoo to be a redevelopment area under s. 27 of the *Town and Country Planning Ordinance* demonstrates the kind of confusion that general land

²⁷ Colonial Office, *Tanganyika Report for years 1948 and 1950*, His Majesty's Stationery Office, London, 1949, 1951.

²⁸ General Notice 98 of 30/7/1982.

²⁹ *Town and Country Planning (Dar es Salaam Land Redistribution) Order*, 1989, published as General Notice No. 374 of 21/11/1989.

administration is suffering from. The official redevelopment schemes for Kariakoo, have hardly had any effects. Kariakoo is being redeveloped slowly but haphazardly by the private sector (Chapter Nine). The government has its own schemes for Kariakoo, but these remain unimplemented.

Redevelopment plans for both the CBD and Kariakoo have been prepared by the Ministry of Lands, and not by the City Council, and the collision of interests between these two authorities has contributed to frustrating any comprehensive scheme implementation.

8.2.6. Policy impacts in relation to squatting

Continued unplanned Development in Dar es Salaam

Although during the 1970s the policy of squatter area upgrading was propagated, we have seen in Chapter Seven that little was done to realise this goal. As a result squatting continued so that in 1988, over 70% of the City's population lived in squatter areas. As the official land allocation system failed to deliver, the unplanned sector continued to grow, taking in all kinds of households; some squatting because of lack of planned land in absolute or in the desired neighbourhoods; others squatting because they preferred larger plots which the official system could not deliver, etc. However, the policy of turning a blind eye to squatting was sooner or later bound to cause conflict with other land uses especially where squatting took place on high value residential or industrial land. The following examples which hit the media headlines in the 1980s illustrate the problems and constraints of government policy with regard to squatting.

The Case of Ubungo Kisiwani

This squatter area (Figure 7.4) on elevated ground overlooking the Morogoro Road/Port Access Road junction, was sparsely occupied during the mid 1970s. Its population however, began to increase particularly since employment and other income earning activities were getting established at the University of Dar es Salaam and in nearby government and parastatal offices, as well as in the Ubungo industrial area. In the *1979 Dar Masterplan*, Ubungo Kisiwani was zoned for light industries. With the completion of the Port Access Road in 1980, the Dar es Salaam City Council was keen to see the light industries area established. In 1979, there were 48 houses in the area with 240 people. By 1986 the houses had grown

to 306, and the people, to 1530.³⁰ Residents of the area included University dons, various high ranking government officials and businessmen, as well as the more ordinary citizens. In 1980, the City Council issued a stop order against further development in the area, pending the assessment of compensation and demolition, so that the area could be put to the planned use. The residents rose in arms, appealing to the Ruling Political Party and the Central government who in turn intervened on the side of the squatters. The stop order was quashed. In May 1986, the City Council made another attempt to remove the squatters of Ubungo Kisiwani. This time, the residents had even stronger arguments against removal. They cited, *inter alia*, the earlier attempt to remove them, after the failure of which, they had been given a go ahead to continue developing their land. They also cited the Tanzania Housing Bank loans which had been issued to some of them, and which had been sanctioned by Ward, District, and city authorities, thus condoning residential development in the area. Besides, they cited the two primary schools in the area which had been constructed by the City Council itself. Finally, they argued that the proposed industrial establishments would pollute nearby residences; and that some of their houses were new, and very expensive, compared to the earmarked compensation. The second attempt to remove the Ubungo Kisiwani people was again stopped by the government. It is unlikely to be tried again. The case demonstrates the problem of policy conflicts within the City Council itself, and between it and the central government, the Party, and other land development institutions. Today several of the area's resident have had their plots surveyed and have been issued with title to land.

The Port Access Road

The area 0.7km on both sides of the Port Access Road (which was completed in 1980) had been zoned industrial in the 1979 *Dar Masterplan*. Although the Dar es Salaam City Council demarcated and allocated these industrial plots, it did not deal adequately with the question of the existing occupiers. In 1979, there were 461 houses in the earmarked industrial area, with 2305 residents. In 1986, the houses had grown to 1520 with 7600 residents. Between 1979-1987 only 13 of the Industrial plots were developed. The Dar es Salaam City Council tried to remove the squatters but failed. Instead the Council turned to supporting the plot allottees to negotiate with the residents and pay them compensation. Some industrialists

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P.G. Mtae, Some crucial issues in the implementation of planning proposals in declared areas, Diploma Project, Ardhi Institute Dar es Salaam, 1988.

have done this. Others have failed so that the area is developing in a mixed fashion of planned industrial/warehousing plots, unplanned residences, and unplanned industrial and commercial establishments.³¹

The Case of Ukonga Majumba Sita

This is an area between Pugu Road and the Central railway line, opposite the Airport (Figure 7.4). The area had been zoned industrial in the *1968 Dar Masterplan*. It remained undeveloped, but had on it, several users on customary tenure. With the modernisation of Pugu Road in 1977, the area became more accessible and ripe for industrial development. In 1979, a local entrepreneur, one Mr. Rajani, was allocated 12 plots in the area for industrial development. He intended to put up an oil mill as well as a textile mill. As he did not immediately develop the land, new people settled the area, and unofficial subdivisions of land continued. Later in the year, in the light of the existing residential squatters, the *1979 Dar Masterplan* (which aimed at preserving existing residential areas) zoned the area Residential, including the part that had already been allocated to Rajani. In the light of this *1979 Dar Masterplan* zoning, the Dar es Salaam City Council allocated a number of plots in the area for residential development on 99-year leases.

During 1980, Rajani tried to enforce his rights. In this, he had the support of the Mayor, the city planner and, initially, the Director of Town Planning in the Ministry of Lands. The former two argued that the *1968 Dar Masterplan* had never been revoked. It, therefore had not been replaced by the *1979 Dar Masterplan*! This was a most curious translation of events to be taken by Senior Government and Council functionaries in support of a rich industrialist. The Director of Town Planning, in his letter of 2/11/1981, informed the Dar es Salaam City Council that the *1979 Dar Masterplan* had been wrong in zoning the area residential. The area should be industrial. He did not give any reasons for this reasoning.

The area's residents took the issue to the High Court, where it was argued between 1979 and 1985. Meanwhile the number of houses in the area grew from 1576 in 1982 to 2805 in 1987. The population rose from 8184 to 14,025 during the same period. The Mayor

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ibid, p. 13

and the Council officials were insistent that these people should move³² but perhaps in the light of the political implications that the dispute was taking on, the Director of Town Planning changed his mind and in 1985, he declared the area to be residential. Unconvinced by such vicissitudes in the attitude of a senior government official, the residents insisted on a Court ruling, which, when it came, declared the *1979 Dar Masterplan* to have had replaced the 1968 one. The area was therefore residential, and only the Minister for Lands had the authority to change a masterplan.

The Ukonga Majumba Sita case again illustrated the state of confusion within land development, with the backing of an important industrialist by officials and councillors bringing into question, the validity of a masterplan, and threatening the livelihood of thousands of people.

Msasani kwa Makangira

This is an area which was originally a small fishing village, but which grew up near the beach in response to job opportunities in the then sisal estate at Msasani, as well as in the high income residential areas nearby (Figure 7.4). The name of the village is reputed to be the corruption of Musa Hassani a reputable area's resident of the past. The area had, by 1980, already been leapfrogged by the high class residences along the beach at Mikocheni and further northwards, and there was pressure for Msasani to be redeveloped. In March 1987, the Dar es Salaam Mayor was reported as saying that Msasani squatters were to be removed and the area put to low density residential development. He claimed that he was acting on government instructions issued since 1982, when the Principal Secretary, Ministry of Lands, was said to have had instructed the City Council to allocate the disputed area for low density residential development.³³ However, the Msasani Residents' Committee, led by one Mr. J. Mkondwa, had copy of letter with reference number DSM/Val./41663/Vol.3/96, addressed to the Kinondoni District Area Commissioner (in whose district Msasani was) implying that the order to remove Msasani residents had originated from the State House,

³² *Daily News* (Tanzania), 29/5/1985.

³³ *Daily News* (Tanzania), 14/3/1987.

three years earlier.³⁴ In view of this revelation, the government backed down and the squatters were not removed, but this is an issue likely to crop up again sooner or later because of the valuable location of this squatter area, and as the existing open spaces in the Msasani Peninsula and Oysterbay areas get exhausted.

Kinondoni Shamba

In October 1987, there were reports that the Dar es Salaam City Council was planning to demolish 60 houses at Kinondoni Shamba (Figure 7.4) and that the affected persons were to be given alternative plots in Tegeta and Tabata. This was in relation to the Third Phase of the sites and services project (Chapter Seven). The Acting City Council Director, Mr. G. Chale admitted that the plan had existed sometime in the past, but that his Council did not have the Tshs. 50m/= necessary for paying compensation. The plan therefore could not be carried out.³⁵

Kurasini Shimo la Udongo

This squatter area had developed on what was, until 1963, freehold land belonging to the Roman Catholic Mission at Kurasini. The area was well located with respect to employment opportunities in the Harbour (Figure 7.4). Sometime in 1988, Shimo la Udongo residents were informed that their houses would be demolished to give way to the construction of godowns related to the storage of Malawi cargo. Between 66 and 76 houses were involved. The residents, naturally, protested. The bone of contention between them and the government was compensation, and the provision of alternative land. They disputed the compensation of between Tshs 8000/= and 200,000/= per house that was awarded to them. Some were not given alternative land. But, according to the Council valuers, the residents had been paid three times by the incoming company, Interfreight, either through the City Council, or directly, much as they still claimed that compensation was inadequate.³⁶ The Company also offered facilities to transport the affected residents and their salvaged building

³⁴ *Sunday News* (Tanzania), 15/3/1987.

³⁵ *Daily News* (Tanzania), 21/10/1987.

³⁶ In most cases of squatter removal in Dar es Salaam, residents would accept the inadequate compensation while putting up a case for more.

materials to Yombo Vituka where new plots had been made available. Some residents moved. Others didn't and took the case to court seeking an injunction against demolition, pending the review of compensation and other issues. On Saturday 11/3/1989, Inter freight bulldozed the settlement, and this resulted into an uproar which attained national political proportions as some 600 people spent a night in the open air.³⁷ All the government and Party sympathy was with the squatters and the two Council valuers who had accompanied the bulldozers, one Mtwewe and one Malogo, plus the city solicitor were suspended indefinitely from their employment. Two days later, the residents of Shimo la Udongo announced plans to sue Interfreight but it would appear that the issue was subsequently settled quietly, but the Shimo la Udingo residents were moved.

Some observations on the policy with regard to squatting

The above are some examples of confrontation between squatters and policy dictates. They show that the policy towards squatter areas has been ambivalent and adhoc; and many times characterised by confusion. While, in principle, the government attitude was anti-squatting and pro-expropriation and redevelopment, authorities have generally shied away from demolition. Even where it was deemed necessary to remove the squatters, (as in the case of Shimo la Udongo), the government was lax in creating the conditions for the successful implementation of this policy i.e. adequate and prompt compensation and the allocation of appropriately located alternative plots. Whenever it came to the crunch, authorities in higher echelons almost always preferred to leave the squatters alone (usually to make political capital out of the situation) against earlier decisions or instructions. In cases like Shimo la Udongo it is junior officials who sometimes bore the brunt of the saga.³⁸ The result has been what we could call "squatting without fear", and this to some extent, accounts for Dar es Salaam's high incidence of squatting in land uses. This however is not necessarily a desirable phenomenon, nor can it be argued that the government options are limited to either demolition or the turning of a blind eye to squatting.

³⁷ The *Sunday News* (Tanzania), of 12/3/1989, carried a headline banner "Kurasini Residents get shock of the Year as bulldozers raze down houses.

³⁸ Both Mtwewe and Malogo, of the 1989 Shimo la Udongo squatter area removal fame had, by 1993 been cleared of all misdeeds in the incident by the State House.

Attempted alternative policy towards squatter areas

Perhaps in view of the failure of the concept of squatter removal and in view of the need to address the question of the squatter areas, the government has from 1989, thought of adopting a new approach i.e. that of land pooling and redevelopment as provided under s.27 of the *Town and Country Planning Ordinance* (as replaced by s.12 of the *Town and Country Planning (Amendment) Ordinance* of 1961). General Notice 374 of 21/11/1989 published the *Town and Country Planning (Dar es Salaam Land Redistribution) Order, 1989*, which declared the following areas in Dar es Salaam to be redevelopment areas in which land redistribution was to operate:

Kariakoo, Keko, Yombo, Temeke, Mlalakuwa, Msasani Village, Ubungo, Kimara, Buguruni, Vingunguti, Majumba Sita, Gongo la Mboto, Mbagala, Mikocheni, Kawe, Mwananyamala Kisiwani, Tandale, Hanna Nassif, Kinondoni Shamba, Mtoni, Tandika and Manzese.

As pointed out above, Kariakoo is odd in this list since the area has, by and large, a regular land use pattern and does not need land pooling. According to the above *Order*:

all that land specified in the *Order* shall vest in the President on the coming into effect of the *Order*. The President shall thereafter, allocate the land so vested in him for the purposes specified in the detailed scheme.

This latter statement would appear to be *ultra vires*, since s.27 (or, for that matter, the whole of the *Town and Country Planning Ordinance*) does not give the President, powers of divesting the owners of their land interests. Besides, popular consultation powers and other procedures provided for in the *Town and Country Planning Ordinance* for land pooling schemes were not followed. Finally the definition of the areas affected needed to be much more definite than their mere naming. Nevertheless, in view of the above order, the Ministry of Lands has been preparing redevelopment schemes for such areas and anybody with a property in the area can have it surveyed according to the provisions of the scheme. No remedies are specified for the owners whose land would be adversely affected by the schemes and no formula is provided on how much of the land is to go to public uses like roads. Not only is the legality of such schemes highly questionable, but also they are highly impractical. A study of one such a scheme for part of Buguruni squatter settlement demonstrated the weaknesses of the Ministry of Lands' approach. The Ministry's

redevelopment scheme bore little semblance to the situation as then existing in Buguruni. On inquiry it was found that the redevelopment scheme was based on 1982 aerial photographs. Yet between 1982 and 1991, 558 structures had been added in the affected area. No survey of the existing situation was made. No inventory was taken of existing land owners, and neither were the area residents consulted in the preparation of the scheme. It is highly unlikely that such a scheme can be implemented, and any attempts to do so in likely to lead to serious disputes. The success of such top down engineered land pooling and redevelopment schemes is therefore likely to be highly limited principally because those planned for are not consulted or involved in the proposing of a new land use layouts. As the *Presidential Commission of Inquiry into Land Matters* observes, such schemes illustrate the expropriation tendency embedded in the administrative practice of land administration, where even the liberal provisions of s.27 and the Third Schedule of the *Town and Country Planning Ordinance* are distorted. The inequitable and impractical compulsory acquisition is readily resorted to, rather than the preservation of existing rights and their redistribution to effect planning.³⁹ Interviews with the City Surveying Office confirmed that they had failed to most survey the squatter areas in in Dar es Salaam in accordance with the Town Planning Schemes, as prepared by the Ministry of Lands.

8.2.7. Policy in relation to new land for planned development

Weaknesses in Policy Approaches

The traditional approach to the provision of new land for development has been by way of the government declaring an earmarked area to be a planning area under the *Town and Country Planning Ordinance*. After such a declaration, no further development is allowed in the declared area without planning consent. The government then prepares a planning scheme for the area, acquires existing interests, surveys the land and allocates it to new developers. This process is continuously getting highly constrained, and the authorities have been unable to cope with the demand for plots. Between 1978/79 and 1989/90, the Dar es Salaam City Council received 281,002 applications for plots, but allocated 22,746 i.e. only 8.1% of the applicants got plots. In 1990, only 1830 plot surveys were approved for Dar es Salaam. In

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Tanzania, Report of the Presidential Commission of Inquiry on Land, p. 76.

1991, this had fallen by almost 50% to 934.⁴⁰ This situation has many times been blamed on lack of resources, particularly manpower and equipment. But there are more reasons. Poor land pricing, which see the government not recovering its input in surveyed plots certainly starves it of resources. Outdated, inefficient, and bureaucratic approaches towards land acquisition and land surveying exacerbate the problem. The struggle by the authorities to control planning schemes also contribute to the problem. Of late, the government has admitted the problem of lack of land to plan and survey, as most that is available, is built upon haphazardly, and the government cannot afford compensation.⁴¹ The general policy geared towards replacing existing land users is getting highly constrained. Policy approaches towards the provision and administration of new planned areas are discussed below to highlight the problems and constraints in policy implementation. Two examples are presented: one from Segerea, and the other from Mbezi. The Mbezi Planning Scheme is delved into in considerable details as it has been the hallmark of the crisis in land administration in Dar es Salaam in recent years.

Segerea

Segerea is an area which, until the mid 1980s was considered distant from Dar es Salaam because of poor accessibility, but which has in recent years seen the city coming too near, too fast. It is located beyond Tabata, between Pugu Road and Morogoro Road. In 1987, the people of Segerea saw surveyors in their area, without any prior warning. They were told that these had been sent by the government.⁴² From there on, plots were surveyed and allocated, and new people have been taking these up and developing them. Only a handful of the existing residents were allocated plots or compensated. Where paid, compensation was paltry. A number were give offers for plots which did not exist. Some have therefore continued to occupy their plots, at the risk of quarelling with the incoming owners, although

⁴⁰ Tanzania, *Hali ya Uchumi wa Taifa 1991, (Economic Survey for 1991)*, Government Printer, Dar es Salaam, 1992, p. 200.

⁴¹ *ibid*, p. 199.

⁴² It is now well known that the appearance of surveyors (and valuers) is the first sign that a land expropriation scheme is being hatched by the government. In some cases, like that of Mabibo (Chapter Nine) these government Officials have been prevented, through threats of, or actual violence, from executing their mission by angry residents.

they realise that their legal rights have been taken away.⁴³ It is also possible that since Segerea was allocated without extinguishing the rights of the existing occupiers, such allocation was illegal.

The case of Segerea is particularly interesting since the area appears to have been declared to be a planning area only in 1990.⁴⁴ If, therefore the planning scheme which was used to survey the area in 1987, was implemented without the area being declared to be a planning area, the scheme may have been illegal.

The Mbezi Planning Scheme

Details of the Mbezi Planning Scheme have been given in Chapter Seven. This section concentrates only on the problems of land administration that manifested themselves in Mbezi during the 1980s.

We have argued in Chapter Seven that the Mbezi Planning Scheme reflected the struggle by the powerful social groups (particularly government officials) to get hold of valuable planned land. The official land administration of the Mbezi Planning Scheme demonstrated a high level of mismanagement and violation of legal, technical, and administrative procedures in urban land delivery. In order to get into the picture of the kinds of problems that cropped up in Mbezi, it was decided to study one hundred, randomly selected, files from the Kinondoni Land Office. These were selected from ten of Mbezi's fourteen blocks, again selected randomly. In each of these blocks, ten plots were selected on the basis that the selected plot's number ended in "0". Only in 36% of these studied plots was there no record of some dispute (e.g. double allocation); or, of the non compliance with terms of allocation; or, of suspicious behaviour. Evidence collected by the *Presidential Commission of Inquiry into Land Matters* was also referred to. The following were major highlights of the process of land maladministration in Mbezi:

43 Tanzania, Report of the Presidential Commission of Inquiry into Land.

44 General Notice No. 70, published on 16/3/1990.

- o Violation of the provisions of the *Town and Country Planning Ordinance*. The declaration and preparation of the Mbezi Planning Scheme was done without consulting the public in general, and the existing residents of the area in particular. Land was also allocated without extinguishing the interests of most of the existing land occupiers. There were 1200 residents /small scale farmers in Mbezi, who, in 1978, were promised compensation. By 1989 (i.e. eleven years later), only 175 had been paid.⁴⁵ This has not only led to frustration and discontent among the earlier Mbezi residents; it has also created a situation of confrontation between the new and the old owners of the area. By and large, however, the poorer people have been overwhelmed and replaced by the incoming allottees who are developing Mbezi as a high class residential area. The fate of the poorer old Mbezi residents is discussed further in Chapter Nine.

- o Multiple allocation of plots. Several plots in Mbezi were allocated to more than one person. Examples include Plot 344 Block E which was allocated to M. Kakiziba of P.O. Box 9084, Dar es Salaam in 1984; to M. Rashid, in 1988; and to F. Ramadhani in 1991. Plot 261 Block J was allocated to Zainab Ali of P.O. Box 20624 Dar es Salaam in 1981 and to W. Mtengule, in 1984.⁴⁶ Plot 460 Block F was allocated to H.M. Tegisa of P.O. Box 2834 Dar es Salaam in 1982 and to Baya Salemu in 1983. Plot 110 Block D was allocated to H.C. Nindi of Box 2930 Dar es Salaam in 1986, but it was later found that to plot had already been allocated to a private company called Louvent.

- o Allocating non-existing plots: According to the District Land Officer, Kinondoni, there were in 1991, at least 500 people who had been allocated *Viwanja Hewa* (i.e. ghost plots) in the Mbezi area.

- o Arbitrary changes in plot numbers. In a number of cases, plot numbers in the area were changed (usually by land surveyors) when the plots had already been allocated

⁴⁵ Tanzania, Report of the Presidential Commission of Inquiry into Land, p. 76.

⁴⁶ *ibid.*

from Town Planning Drawings. Land would then be reallocated to new people on the basis of the new numbers, leaving the earlier allottees stranded, particularly where land was yet to be developed. For example, Plot No 11 Block D was allocated to E.J. Shayo in 1986. The area was resurveyed and his plot renumbered 235 in 1992, complete with a new owner leaving Shayo with no plot. In an opposite example, two plots were assigned the same number (490 Block K).

- o Allocating land without following the laid down procedures: Evidence in the files suggested that the allocation of land in Mbezi was not done through Plot Allocation Committees, but through a syndicate, involving land surveyors (who were the ones who increasingly knew where the plots were, and who assigned numbers to plots), and land officers, (who wrote the offers for plots). Pieces of papers were galore in the files instructing land officers to allocate specified plots to specified persons.⁴⁷ Sometimes the pressure to allocate land came from as high an authority as the Principal Secretary, Ministry of Lands. In one case, on 26 October 1985, the City Planner instructed the Kinondoni District Land Officer to allocate eight plots "that very same day" to eight people proposed by the Principal Secretary, Ministry of Lands, "*kabla hajatuhamisha*" (i.e. "before he -the Principal Secretary- transfers us"). These people were immediately allocated plots 50 - 57 Block G. In another example involving Plot 80 Block G, the Land Officer was instructed to allocate land but to leave blank, details of the meeting of the Plots Allocation Committee.

- o Creating plots on public or institutional land, open spaces and hazard land: As Mbezi got developed, there was increasing evidence that land earmarked earlier for public or institutional uses; as well as open spaces and hazard land was getting converted to private uses. This was made easy by the disjointed manner in which the area was developing; by the lack of the usual land service infrastructure (like roads); and by the non availability to the public, of the area's planning scheme. In June 1992, the Minister for Home Affairs ordered the arrest of three Dar es Salaam City Council land officers for alleged malpractices in land administration, including the allocating of land

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These pieces of paper were retained in the files by the Land Officers apparently to cover themselves in the case of queries.

earmarked for a police station. Plots 664 - 670 Block H were "created" by a land surveyor - one I. Setumbi - on hazard land which was a deeply dissected water course (*Korongu*) and completely unfit for building. These plots were then allocated to people who found it impossible to develop them.

- o Poor follow up after the allocation of plots. In all cases, it appeared that the concern of the land administrators was with land allocation not its development. This has been referred to in Chapter Seven with respect to sites and service plots that remained undeveloped for long. No follow up was made after allocation. In 69% of the case where land remained undeveloped and had to be reallocated, action was taken after six or more years had elapsed since allocation. Yet the terms of allocation were that construction should be complete within three years. It was moreover noted that follow up was undertaken only when interested parties identified the idle land and were seeking its reallocation to themselves.
- o Officials selling planned land. While concrete evidence is difficult to come by, it is known that several officials have engaged themselves into accepting huge sums of money in order to allocate or transfer plots. In one example that became public, a land surveyor, one Michael Wejuli admitted before the Minister for Home Affairs, to taking Tshs 2.05m/= from three persons to allocate them plots in the Jangwani Beach area of Mbezi, plots which were already allocated (see Appendix 7.1). There were in the files, requests for the transfer of land "for love and affection" in circumstances which suggested the sale of land, and this was usually accomplished with the help of land officials.
- o Creating plots in the field, contrary to Town Planning Drawings: The land surveyors in charge of demarcating Mbezi became extremely powerful by creating and assigning numbers to plots without consulting the Town Planning Department. An example is plot 360 Block F which was allocated to Mathias Dominic in December 1986. He was shown the plot by a land surveyor, one I. Setumbi. He had, by January 1990, not been issued with a site plan by the land surveying office. On making a follow up on this issue, he was told that the Town Planning Department did not have plots 344

upwards on their Town Planning Drawings!

- o Improper revocation /reallocation procedures. In several cases land was reallocated after backdating the notices of revocation, or, without revoking the earlier allocations.

The messing up of Mbezi was a result of many factors, chief among these being the outright malpractices emanating from land administration. In a drive to satisfy personal gains, the whole land administration control setup disintegrated leaving individual officials to do what they wanted. According to the Director of Urban Development in the Ministry of Lands, the major culprits in this respect were the then City Planner and the City Surveyor. Sources within the City Council also identified the City Draughtsman as another major culprit. Yet much of the malpractice could not be implemented without the collaboration of the officials in the Ministry of Lands who, for example, approve changes in Town Planning Drawings; issue survey instructions to allow the demarcation of changes; and who approve the land surveys. As a result of this confusion some areas in Mbezi are still being "adjusted" ten years since they were allocated. In the case of some blocks, it has been difficult to approve the surveys. In the opinion of the Director of Urban Development in the Ministry of Lands, the confusion in Mbezi can only be solved by an *ad hoc* Commission of Inquiry to regularize matters. However, the government is not in favour of such a Commission since it would lead to the unearthing of many scandals with regard to Mbezi and possibly elsewhere.

General Observations on the government policy in relation to new land for planned development

The general town planning practice, which however has no legal basis is that once an area is declared a planning area, then customary rights in land cease. This is what the colonial *Government Circular No. 4*, of 1953 stated. It was however, not converted into law, but it became accepted practice. Fimbo points out that such colonial intentions were adopted hook, line and sinker by the Independence government. In 1968, Minister for Lands, Settlements and Water, Abdulrahman Mohamed Babu, is reported to have said that native laws and customs was inapplicable in townships and other urban centres, and only applied

to tribal areas.⁴⁸ Thus, the practice has been to assume the non existence of customary land rights in urban areas. However, since the practice is oppressive, it has not been smoothly carried out particularly since it has generated a lot of opposition. Some commentators have argued that since the *Town and Country Planning Ordinance* under which planning areas are declared is only regulatory in nature, it could not extinguish tenurial rights. In a recent case of *Nyagwasa v. Nyirabu* (Civil Appeal No. 14 of 1985, unreported), the Court of Appeal in Tanzania held that customary rights in land persist after the declaration of an area to be a planning area, until these rights are properly extinguished in law. This stand has been most recently reaffirmed in the case of *Kakubukubu v. Kasubi* where it was held that:

In any event, a Right of Occupancy under customary law does not become void merely upon an area being declared a planning area ... other statutory provisions must be operated to occasion such eventuality.⁴⁹

The effect of the above rulings is yet to be felt but administrative practice, drawing from the colonial days, assumes that the only entitlement of customary title landholders is compensation for unexhausted improvements i.e. the existing developments, not the value of the land itself. Once cleared by compensation, it is assumed that the customary holder no longer holds the title. As pointed out above this is not all. In many cases moreover, planning schemes have been prepared, approved, and the land allocated in complete violation of the provisions of the *Town and Country Planning Ordinance* e.g. without making the schemes public, and without consulting existing residents, or giving them a chance to give out their objections; and allocating land without extinguishing the existing occupiers' rights. Besides, compensation is usually poorly assessed so that it is never related to the cost of replacing the improvements being acquired (i.e. the principle of equivalence); it is never paid in one month as required by the law, and where it is not paid on time, it is never paid with interest, again as required by the law. In many cases, compensation is not paid at all, especially where the existing land occupiers are poor, or otherwise socially weak.

In practice, therefore the administration of land, and the powers of town planning have

⁴⁸ G.M.M. Fimbo, *Essays in Land Law in Tanzania*, Faculty of Law, University of Dar es Salaam, 1992, p. 69.

⁴⁹ quoted in, Tanzania, Report of the Presidential Commission of Inquiry into Land, p. 74.

been the process of expropriation of land right of the large majority of town dwellers who own or possess customary tenure and short term rights of occupancy. Town planning to a larger majority has been the expropriation of land rights. That is why planning schemes have been opposed, leading to the prevalence of squatting. Rather than incorporate peri-urban residents into urban life, land policy has been antagonistic against them.

A clear example of such antagonistic land policy is the declaration, in March 1990, of various peri-urban areas around Dar es Salaam to be planning areas, by way of the *Town and Country Planning (Areas Ripe for Development) Order*, published as General Notice No. 70 of 16/3/1990. The areas, declared under s. 13 of the *Town and Country Planning Ordinance*, were: Mbezi Juu, Kunduchi/Mtongani, Radio Tanzania, Kunduchi, Tegeta, Ununio, Boko Maji, Basi-Haya, Wazo Hill, Mabibo, Segerea, Tabata/Kimanga, Kitunda, Yombo Vituka, Mtoni Kijichi, Kidete, Kigamboni and Kibonde-Maji Mbagala.

Some of these areas, e.g. Segerea, Tegeta and Tabata, appear to have been declared retrospectively since land in these areas had been surveyed and allocated from about the early 1980s. The *Order* above, goes on to state that all the land specified shall vest in the President on the coming into effect of the Order, and that the President shall thereafter allocate the land so vested in him for the propose specified in the detailed scheme.

As pointed out above in the case of redevelopment areas, the question of divesting owners of their land rights is *ultra vires*. It is not provided for in s.13 of the *Town and Country Planning Ordinance*, which only prohibits further development in declared areas without planning consent. In fact, s. 45 allows the government powers to acquire land in a declared area should this be necessary, and the land owners can insist that their land be acquired if they are adversely affected by the planning schemes. There is therefore no question of vesting land rights in the President. Besides, the provisions in the *Ordinance*, of consultations with the public, particularly the directly affected public, are never followed. This was confirmed in an interview with the Director of Urban Development in the Ministry of Lands. According to the evidence presented to the *Presidential Commission of Inquiry into Land Matters*, many people felt they were not represented in the planning process (although legal provisions exist. See also Chapter Nine). Land Officials too admitted before the *Commission* that the system

of depositing plans for public inspection had largely broken down.⁵⁰ Thus the question of getting new land for planned urban development around Dar es Salaam has largely been a matter of confrontation between land officials and residents of these areas. A notice in the local newspaper, *Uhuru* of 10/8/1992 announced the declaration of most of Dar es Salaam's peri-urban areas to be planning areas, and this has already created a situation of confrontation between the areas' residents and the government.

It may be asked as to why land planning and administration practice should be so biased towards expropriation, and against public participation and incorporation. As far as we could deduce from observations and discussions with several officials, the question is about power consolidation by the bureaucracy. Current land administration policies endow power to various officials. They also make it relatively easy for those who are socially powerful, and this includes government officials, to acquire land from, and to replace, the weak cheaply. The failure to involve the masses in planning schemes, or to adopt pro-masses planning approaches like land pooling and redistribution provided in the *Town and Country Planning Ordinance*, is really aimed at making the weak easy prey to the powerful while at the same time enhancing the powers of land planning and administering officials. The *Presidential Commission of Inquiry into Land Matters* too formed an opinion that the whole process of land delivery was aimed at the displacement of the weak by the powerful.⁵¹

The argument can be extended further to say that the phenomenon of poor land taxation to pay for government input in planned land preparation, and to pay for infrastructure in Dar es Salaam's new areas, as well as the weak follow up on whether land is developed after allocation or not, are all manifestation of the same process i.e. to allow the powerful to get land cheaply (the services would usually be put in sooner or later, at government expense), and to develop it without undue duress (which therefore allows some speculation e.g. the owning, by one households, of several plots while there is no ability at the present to develop them all).

⁵⁰ Tanzania, Report of the Presidential Commission of Inquiry into Land, p. 74.

⁵¹ *ibid.*, p. 67.

Parallels can be drawn with colonial practice in Tanganyika. Whenever it wanted to have new people in the area (e.g. in the case of Magomeni in the 1950s) powers of expropriation were usually resorted to. When it did not want to put new people in an area, like in the case of Upanga, then land pooling and redistribution was used (see Chapter Five). Land administration practice in Dar es Salaam has since Independence, aimed at putting new people in planned areas, and at consolidating the officials' powers, thus the resort to powers of expropriation.

The *Presidential Commission of Inquiry into Land Matters* expressed surprise that the relatively liberal and attractive land pooling and redistribution approach was hardly used in the land delivery process in urban Tanzania.⁵² The answer would appear to be that land pooling and redistribution diminishes the officials' leverage as far as land administration is concerned, and limits the possibility of introducing new people sponsored by the bureaucracy in the new areas. It is to avoid these, and to achieve the opposite that land pooling is eschewed, and expropriation, espoused.

Together with the general hostile attitude towards existing land users in the conceiving of planning schemes, we have also shown how the administration and management of land in these schemes has been characterized by inefficiency, confusion, corruption and gross malpractices. These have not augured well for the efficient and equitable evolution of Dar es Salaam land use structure.

8.2.8. Policy in Relation to Open Spaces and Hazard Lands.

Dar es Salaam's Disappearing Open Spaces

By mid - 1984 it was increasingly becoming clear that many hazard land, open spaces, and undeveloped institutional plots, were being converted into building plots.⁵³ These kinds of new, private plots, added to the original Town Planning Schemes, are known locally as "creations". They are not a systematic official policy of densification, but have tended to

⁵² *ibid*, p. 72.

⁵³ C.C. Mosha, *The Encroachment of Open Spaces in Urban Tanzania*, Diploma Project, Ardhi Institute, Dar es Salaam, 1984.

be on random areas scattered throughout neighborhoods, and have been implemented on an *ad hoc* basis. There was a public outcry against the invasion of open spaces in Dar es Salaam in the late 1980s, but the process went on unhampered, and increasingly, some of the principal open spaces and hazard lands were invaded by private developers with the collaboration and approval of top national and Dar es Salaam City Council politicians and officials.⁵⁴ Two examples are detailed below to highlight the kind of crises that Dar es Salaam has been facing in managing its open spaces and hazard lands, against the onslaught of a drive for profiteering and personal benefits by officials and politicians.

The Case of Beachlands along the Indian Ocean

As we saw in Chapter Two, Dar es Salaam has a long coastline with several beautiful beaches.

By the mid 1980s there were two opposing camps with regard to Dar es Salaam's Beaches. One, from the environmentalists urging for the Beach lands to be kept free of buildings; and the other, from private developers who wanted to build upon such lands. It looked like the environmentalists had won when, in 1989, the Ministry of Lands issued the *Town and Country Planning (Public Beaches Planning Areas) Order, 1989*, which stated that "no development shall take place within two hundred metres of the shore". Unfortunately a number of developments were already taking place within this area. Prominent among these was the White Sands Hotel, reputed to be owned by key national politicians. Apparently, in order to defend such interests, the Ministry of Lands interpreted "development" to mean only residential development. This interpretation was strongly challenged by sections within the Dar es Salaam City Council; and by the National Environment Management Council, the Attorney General, the Ministry of Tourism and Natural Resources, and the Permanent Commission of Inquiry. On the latter's recommendations, the titles already allocated for beach plots within the 200 metre zone were revoked, but, apparently to hoodwink the public. Pressure from the State House was brought to bear on the Ministry of Lands that 200 metres clear of the shore was too big. In any case, construction of the White Sands Hotel and other

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Headlines from the local media tell the story: "Do not build on open spaces, says Premier", *Daily News*, 4 September 1988; "Sinza Sports Plot invaded", *Daily News*, 20 August 1988; "More open spaces invaded", *Sunday News*, December 1988; "Msimbazi Creek invaded by builders", *Daily News*, January 1989.

developments continued unabated. The Dar es Salaam City Council had been "forced" to issue a building permit for the White Sands Hotel, despite its earlier reluctance. In 1991, in order to legalise developments on beachlands the 1989 Order was revised and replaced by the new *Town and Country Planning (Public Beaches Planning Areas), Order, 1991*. This reduced the 200 metres to just 60: "a strip of not less than 60 meters from the high water mark shall be reserved exclusively for conservation and for strictly water-related human activities." "Water-related human activities" were defined to include: "tourism, aqua recreation, luxury beach hotels, fishing, boat and ship building, harbours, mining, defence and security, and structures of supreme national importance." The objectives of the amended order were: "to protect marine and coastal environments against pollution and degradation, and to avoid the privatization of the beaches and allow access and enjoyment of the beaches by the general public as their common heritage."

The *Order* was signed by the Minister for Lands in April 1992, gazetted on 22 May 1992 (General Notice No 76), but was to be effective retrospectively from 24 November 1989. This covered White Sands Hotel, where construction had nevertheless gone on illegally for the previous two and half years. In anticipation of this new *Order* the State House ordered the Ministry of Lands to give the title deeds back to the White Sands Hotel developers, East African Holidays Limited, since Hotel development on the beaches would then be legal. White Sands Hotel went on to enclose the affected beaches exclusively for their own use.

Thus contrary to all expert opinion and recommendations, with regard to preventing beach erosion and pollution, and preserving the beaches for public use, Dar es Salaam's beaches are being privatised. The end result is likely to be further beach erosion and pollution, and the denial of the public to enjoy this common heritage. The failure to prevent the privatization of the beaches is because the most powerful social groups in the country are out to drive for private benefit from this public but choice land, which incidentally they get almost free of charge.

The Case of Mnazi Mmoja Grounds

The story of Mnazi Mmoja Open Space has been narrated in the foregoing Chapters. Currently, Mnazi Mmoja is regarded as one of the most important open spaces in Dar es

Salaam's City Centre, where, moreover, key national functions are performed. A historic monument to commemorate Independence, the Uhuru Monument, is also located in Mnazi Mmoja . In May 1993, it began to be rumoured that Mnazi mmoja had been "sold" to a rich Arab, for the construction of rows of shops. This came in the wake of the parcellation of another historic open space, the Gymkhana Grounds, to put up a major hotel (Sheraton).

During the first week of November 1993, fencing activity started along the edges of Mnazi Mmoja grounds. An alarm was raised by the media, and on learning of this, the newly appointed Minister for Lands, Edward Lowassa, who had just promised to iron out corruption and irregularities in land administration, cancelled the allocation of Mnazi Mmoja, which had been done surreptitiously by the Dar es Salaam City Council, without the knowledge of the Ministry of Lands. He ordered the Dar es Salaam City Council to demolish the incipient construction work within 24 hours. This was not done, and there were rumours that the Council, under its Mayor Kitwana Kondo, was unwilling to fulfil the Minister's Order. Whereby on 19th November 1993, a mob of angry Dar es Salaam residents descended on the construction (a fence) and demolished it.

The Dar es Salaam City Council issued a statement admitting that it had allocated part of Mnazi Mmoja grounds to one Mohamed Akber Baghdad to build a series of shops. This allocation was illegal since the change of use has not been sanctioned by the Ministry of Lands. The allocation was also a violation of various laws protecting public open spaces. This allocation sent shock waves through Dar es Salaam residents and there were claims that the Mayor and the whole council had received hefty sum of money (40m/=) from Mr. Baghdad. A few days later residents, in Changombe area thwarted yet another attempt to build on an Open Space in the area, by one Ali Akbar Saleh who had also been allocated the area by the Council.⁵⁵

Mr Baghdad, who had been allocated parts of Mnazi Mmoja, claimed that he had the support of the State House. A statement issued by the President's Office admitted that Baghdad has indeed routed his application through the State House, but that the State House

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Daily News, 30.11.1993.

had directed him to the City Council for their consideration of his application, but had not issued instructions for the law to be violated. Nevertheless there is evidence of a deeper State House-Baghdad connexion. Before the Mnazi Mmoja saga, the new Minister for Lands had revoked titles over a number of public (government) plots allocated to this same man in the Oysterbay area. The plots had been allocated with the assistance of the State House. It was later on rumoured that despite the public announcement of revocation by the Minister for Lands, the State House had directed that this revocation be put in abeyance. Newspaper reports claimed that the President would soon transfer this Minister from Lands, since he was probing into various land allocation scandals, many of which involved government officials and high-ranking politicians.

Meanwhile, the Mayor for Dar es Salaam defended the Council's action in allocating Mnazi Mmoja, and blamed the law which allowed the "interference" by the Ministry of Lands into the Council's affairs. He was advocating that powers for Land allocation and management should be vested entirely in his Council as was the case before the decentralisation period⁵⁶. He also wondered why the Council was blamed for allocating Mnazi Mmoja to Mr Baghdad while no blame was raised when Open Spaces near the International School in Oysterbay were parcelled and allocated to "big shots".⁵⁷

The Mnazi Mmoja case is still simmering and despite the popular protest, the building on these grounds can as yet not be ruled out entirely given the current leadership in the Dar es Salaam City Council, and the State House connexion. Rather than defend its open spaces, it is the Council itself (with the Mayor at the forefront), which is decimating Dar es Salaam's open spaces, and beachlands, and, in most cases for private gain. The Ministry of Lands has also got a large part of the blame in this process, since it too has parcelled several open spaces in the City, although the current Minister (November 1993) may succeed in putting a stop to some of the worst excesses. The Mnazi Mmoja example shows the impunity with which those in authority are bent on benefitting from Dar es Salaam's valuable land, public

⁵⁶ The unearthing of various land allocation scandals involving the City Council, however, undermines the advocacy for the devolution of land administration powers to the local authorities.

⁵⁷ *The Express* 25-27 November, 1993.

interests notwithstanding.

General Observations

Almost all of Dar es Salaam's open spaces and hazard lands are "endangered species". The recent public outcry against the parcelling of Mnazi Mmoja and Chang'ombe open spaces may retard the rate at which open spaces are currently being decimated by the authorities but the pressure for this decimation is there, and is likely to surface from time to time. In order to avoid scrutiny from the public, planning authorities may decide to keep land use schemes in new areas secret. There unfortunately does not appear to be any central authority inclined to protect Dar es Salaam's public lands from grabbing by those in power.

8.2.9. Policy Impacts on the Land Use Structure of Dar es Salaam during the 1980s

The 1980s can be seen as a period when there was no major policy theme behind which land policy could be rallied. With the withdrawal of the World Bank from supporting sites and service schemes in 1984, the sites and services ideology could no longer be upheld, although drawing on past experience, the government undertook major plot provision schemes in Mbezi, Tegeta, Tabata, Segerea, Yombo Vituka and Kigamboni. Nearly 23,000 plots were earmarked for plot surveying in Kigamboni, Yombo Vituka, Mtoni Kijichi and Mbagala areas in 1990, but due to lack of funds for compensation, only 3000 plots were surveyed.⁵⁸ In Mbezi, Tabata, Tegeta and Segerea areas, some 15,000 plots were earmarked for survey and allocation during the 1980s. These schemes have been hit by the problems confronting the whole issue of the land administration process, i.e. the confused implementation of the *Town and Country Planning Ordinance*, lack of appropriate compensation and alternative land for those affected, lack of basic infrastructure, inappropriate and tardy land surveying methods, confused land allocation procedures, unreliable land records, etc. Some of these problems are discussed further with reference to the Mbezi and Mabibo area (Chapter Nine).

Unplanned areas and peri-urban semi-rural areas have continued to grow. The whole land policy is in a state of confusion, conceptually, legally and practically, characterised by illegal promulgation and undertakings by Government and by the City Council; institutional

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Dar es Salaam City Council, Report of the Urban Planning Committee for 1991.

power overlaps; lack of co-ordination; and conflicts between the functionaries charged with land administration. The result is the state of chaotic and unco-ordinated development observable throughout Dar es Salaam. The breakdown of the administrative structures during the Decentralization and villagisation period of the 1970s, has something to do with this situation. The economic crisis of the 1980s made a bad situation worse. The 1980s could be seen as a period of maturity, as land administration faced new challenges emanating from the keen search for land as permanent investment and residence in urban areas became the norm. It is however felt that, so far, the impact of land policy in general has, on balance, been negative, not leading to an equitable and efficient land use structure for Dar es Salaam.

8.3. Economic Responses

8.3.1 Framework for Analysing Economic Responses

While in the foregoing chapters, economic responses to land policy have been analysed on a racial basis, such an approach is hardly applicable to the 1980s. The main actors on the scene were racially heterogenous although the Africans were by far the majority; and the Europeans, almost non-existent. Ever since the 1950s, Africans had slowly become differentiated into socially powerful people who included top politicians, government and other public officials and top businessmen. There were also the more ordinary citizens. These had varying reactions to land policy although the powerful usually got their way. Economic responses of the 1980s are discussed, not in terms of races, but in relation to various integral parts of Dar es Salaam's functional areas, i.e. the City Centre; the old native (African) areas, like Kariakoo; the old unplanned areas like Mabibo; and the new planned areas like Mbezi. It is noted as well, that there is a lot of spontaneity in The City. There is also evidence of increased farming activities in Dar es Salaam, and the uptake of periurban land for settlement and cultivation. In view of the lack of policy theme, lack of wherewithal, and inappropriate policy tools, economic responses have been spontaneous.

Within Kariakoo, and to a lesser extent, within the former African areas of Magomeni and Ilala, the major phenomenon taking place since the 1980s has been the replacement of the older *Swahili* houses, owned by the poorer African households, with multistorey buildings. This, together with other tenets of Kariakoo, is discussed in Chapter Nine. Increased densification, and change of use from residences to shops and offices along major

thoroughfares, is observable in the old squatter areas like Manzese and is discussed in Chapter Nine. Some of what is taking place in the sites and services areas has been discussed in Chapter Seven. Further elucidation is presented in Chapter Nine. The new unplanned areas are experiencing increased penetration by household of various socio-economic status. The example of Mabibo is discussed in Chapter Nine. Land uptake and development in the new planned areas like Mbezi is slow, although in most instances, the structures that are put up are quite expensive. These areas are characterised by isolated developments and lack of infrastructure. Mbezi is discussed further in Chapter Nine.

In the rest of this Chapter, we look at a number of economic incidents related to Dar es Salaam's City Centre land uses. We also describe some spontaneous changes in land uses, usually involving commercial uses, observable in various parts of Dar es Salaam. Finally, we highlight on some farming activities within the main urban areas and the peri-urban areas of Dar es Salaam.

8.3.2. Dar es Salaam's City Centre in the 1980s

The development of Dar es Salaam's City Centre got adversely affected by the nationalisation of buildings in 1971. Problems of low rents, and the managing a large estate by the public sector, created a situation where the nationalised buildings, most of which were in the City Centre, remained poorly maintained. With the demise of the nationalisation of buildings, development in the city centre is picking up again. Many of the older buildings are now being redeveloped.

Demand for city centre land is great from investors. Several of the government properties in the former Residential Area (Chapter Four), originally the recluse of Europeans, have been sold by the Government on long term leases, to embassies and to other foreign missions. The older buildings have been knocked down and replaced by modern ones. Others have been allocated clandestinely, and there are current moves to revoke these allocations.

City centre open space is under pressure. In March 1993, part of the Gymkhana grounds was carved off and allocated to a private firm for the construction of a Sheraton Hotel. There were various protests against the scheme from sports lovers, environmentalists

and several of the city residents who respect open spaces but to no avail. Indeed, the Minister for Lands had assured the public, sometimes in 1991, that there were no plans to build on the Gymkhana grounds. Yet on 24th April 1993, the foundation stone for the Dar es Salaam Sheraton was laid on these grounds by the Tanzanian Prime Minister, Hon. John Malecela. It appears plausible, in the light of the above, and in the light of inquiries in the Ministry of Lands, to conclude that the decision to truncate the Gymkhana Open Space was made at a level higher than the Ministry of Lands.

Another observable, but unquantified phenomenon is the replacement of the Africans from the City Centre flats which had been allocated to them since the 1971 nationalisations of buildings. The process, though unresearched, entails the offering of very lucrative terms (monetary and materials, e.g. building materials, or a house) to the Africans, by members of the Asian community, to get the Africans to vacate. This process is taking place in the nearby area of Upanga as well. Segregation in terms of race seems to be creeping back.

In short, the Dar es Salaam City Centre of the 1990s is growing upwards, is consuming its open spaces and is getting de-Africanised. The consumption of Open Spaces appears to have top government support, and the beneficiaries have tended to be non-Africans or Africans closely related to top politicians and government officials.

8.3.3. Spontaneity in Dar es Salaam's Land Uses

A major observable land use phenomenon in Dar es Salaam is what we have called spontaneity, whereby residential uses and open spaces are converted into commercial uses, particularly along the major thoroughfares, bus termini and main road junctions, without government sanctioning. A spectacular example, is the area at the junction of Bagamoyo Road, and the road to the Drive in Cinema, known today as Namanga shopping centre. The origin of the name, is the post on the border between Kenya and Tanzania called Namanga. At the apogee of the economic crisis in Tanzania, when most consumer goods were in short supply, traders usually travelled to Namanga "where you could get everything". The Dar es Salaam Namanga area developed in the mid-1980s and since its shops were full, when shops elsewhere were empty, it earned itself the name. The shopping centre serves mainly the needs of the high income households including the expatriate communities in Kinondoni, Oysterbay

and Msasani. Namanga developed on road reserve and hazard land without any official prompting or permission.

Other large scale changes from residential to commercial land uses can be observed along Morocco Road, at the Mwenge bus Terminal, and along Shekilango Road, and in many other places. The string, (or strip), of the unplanned for shops, groceries, restaurants, and bars land along Shekilango Road earned itself an imported name of Gaza (strip). The ruling Party (CCM) has in the past been given custody of many public open spaces where it would usually erect a small offices, and use the space at night as a vehicle custody area. Several of these open spaces are now being enclosed by rows of shops built by the Party for renting. Along several major roads, e.g. the Port Access Road, one notes several "squatter shops" on road reserves and on industrial land. In most cases, these conversions or constructions have neither planning consent, nor building permits, although the business carried thereon will usually have a trading license. Neither the central government, nor the Dar es Salaam City Council have deemed it necessary to take any action.

8.3.4. Urban Farming

During the 1970s and 1980s there was an increase in the phenomenon of urban farming in Dar es Salaam.⁵⁹ This involved both agriculture and livestock keeping. There is little doubt that this increase was caused by the economic difficulties facing various households. Within urban Dar es Salaam many people keep chicken, dairy cattle and pigs at their backyards for income generation. Several others undertake cultivation of crops like spinach, maize, tomatoes, cassava, sweet potatoes, etc., either on their plots or on hazard or other public or private undeveloped land. Those who are able, own large pieces of land at the periphery in areas like Bunju, Goba, Kimara, Kwembe, Mbagala and Mjimwema and have established therein, "weekend" farms, or, in some cases, residences. The most common crops grown are orange, banana, and coconut trees; maize; cassava; and pineapples. Livestock is also kept. Tables 8.2 and 8.3 give a picture of the extent of urban farming in Dar es Salaam during the latter half of the 1980s. All kinds of households engage in urban farming. High income/status households are prominent in farming activities which require substantial start

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C.J.Sawio, *Feeding the Urban Masses?: Towards an Understanding of the dynamics of Urban Agriculture and Land Use Change in Dar es Salaam, Tanzania*, PhD Thesis, Clark University, 1993.

up capital like dairy cattle rearing.⁶⁰ It is significant that most livestock in Table 8.3 (over 60%) was to be found in the Kinondoni District, a district in which most high income/status Dar es Salaam residents (e.g. top government officials) live.

Table 8.2: Select Seedlings sold in Dar es Salaam, 1987-89

Type of Seedling	Quantity sold			Percentage increase (1987-98)
	1987	1988	1989	
Bananas	5,870	36,706	136,786	479
Oranges	185,443	1,124,245	1,253,739	576
Pineapple	30,000*	n.a.	1,195,000	819

* 1985

Source: Ubungo Coconut and Citrus Nursery Cooperative, Dar es Salaam.

Table 8.3 Agricultural animals kept in Dar es Salaam 1985/86-1987/88

Type of animals	1985/86	1986/87	1987/88	Percentage increase: 1985/86- 1987/88
Dairy Cattle	1449	3788	5741	33
Goats	2617	3820	5764	120
Pigs	8601	10454	13383	56
Poultry: Broiler	180500	194500	237000	31
Poultry: Layers	292000	390000	445000	52
Poultry: Free range	93389	98304	103341	11
Ducks	4900	6800	8100	65
Total	586156	707666	818329	40

Source: Dar es Salaam City Council, Livestock Office.

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The Principal Secretary, Ministry of Lands, recently admitted in public that he was one of the farm animals keepers in the City. See *Daily News* 27 August 1991.

The City Council's policy has been generally to support agriculture by selling agricultural inputs, offering extension services, and zoning some of the land to be rural. However it has at times waged war against farming activities in the City. City bye laws, for example, allow only four farm animals per household to be kept within the plot, and not to be moved without the Council's authority. It is however common to see herds of animals browsing and feeding on open spaces in Dar es Salaam. Occasionally the Council attempts to enforce its bylaws. Towards the end of January, 1993, the Council apprehended livestock found loitering on the streets and by Sunday 22/1/1993, some 100 goats and 24 cows had been herded. Several of these were later on auctioned, but the whole cattle apprehension exercise was soon abandoned⁶¹, apparently as a result of pressure from above. The Ministry of Lands has also taken a public stand against uncontrolled urban farming although privately, many of its senior officials keep animals, or own *shambas*. The recently gazetted *Town and Country Planning (Urban Farming Regulations)* of 1992 prohibit the keeping animals in urban areas, unless this is done under zero grazing. They also limit urban land holdings to no more than three acres per individual unit. These rules, however, are likely to be difficult to enforce since urban farming is now a major activity in Dar es Salaam. The authorities have therefore failed to formulate a policy suited to the agricultural activities of Dar es Salaam.

8.4. Conclusion

The Dar es Salaam of the 1980s has been a city without a central policy theme, but has experienced many spontaneous and adhoc actions and undertakings emanating from the public authorities as well as from individuals, with little control or direction. There has also been a clear land delivery mismanagement, as well as land grabbing by those who are socially powerful. The resulting land use structure particularly in newly colonised areas has therefore been heterogenous, unsystematic, uncoordinated, and uncontrolled. This is what has given Dar es Salaam the look of spontaneity observable in its current development, both in terms of changes in land uses in old areas, and in terms of developments in new areas; and is reflective of the management crisis which Dar es Salaam is going through.

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Daily News (Tanzania), 25/4/1993.

PRESENT-DAY DAR ES SALAAM, AN EVALUATION

9.1 Research Methodology

It was indicated in Chapter One that in order to put the current land policy practice in perspective, it was considered necessary to administer a questionnaire to a sample of population, selected from five areas of Dar es Salaam. The five areas were selected on the basis of their representativeness of other areas in Dar es Salaam. These areas were:

- o Kariakoo, representing the old colonial natives residential areas like Magomeni, Kinondoni, Ilala and Temeke;
- o Manzese, representing Dar es Salaam's squatter areas in general and the upgraded squatter areas in particular;
- o Kijitonyama, representing areas planned during the sites and services schemes of the 1970s like Sinza, Mikocheni and Mbagala;
- o Mabibo, representing the new unplanned areas like Kimara, Makongo, Ukonga, Mbagala and so on; and,
- o Mbezi, representing the new planned areas like Tabata, Mbagala, Yombo Vituka and Tegeta.

The questionnaire was administered in Kiswahili. Most of the questions were structured and are reproduced in Tables 9.3 - 9.16. The fieldwork was done during the month of October, 1992.

In each area, the plan was to select one hundred houseowners for interviewing. First, a list of all the ten-cell leaders in each area was obtained, and ten of these leaders were selected randomly. Each of the selected ten-cell leader produced a comprehensive list of house/plot owners under their jurisdiction. These ran into several tens. From this list, 10 house/plot owners were randomly selected and, (where found) interviewed. For reasons of non-availability of some houseowners, the figure of 100 was attained only in the case of

Kijitonyama. The situation was worse in the Mbezi area, which is only partly developed, and where most plot owners live elsewhere (even where plots are developed) and visit their plots only occasionally. As a result, only 56 households were interviewed in Mbezi, despite the tracking of some to their places of work or domicile. In Manzese, Mabibo and Kariakoo, 97, 89 and 76 households were interviewed respectively. The total number of house/plot owners interviewed was therefore 418. The questionnaire was standard in all areas, but a few additional questions were asked in the case of Kariakoo. The results of this questionnaire are presented for the most part in percentage form.

Prior to the presentation of the results of the questionnaire, a brief description of the areas in which the questionnaire was administered is given below. Land policy directions with regard to these areas are also discussed and highlighted.

9.2. The Study Areas

9.2.1. Kariakoo

The story of Kariakoo as an area earmarked for native settlement during the colonial era has been told in the foregoing Chapters. By the 1930s Kariakoo was already attracting redevelopment schemes from policy makers. We have seen in Chapter Four how, in 1943, the Dar es Salaam Municipal Secretary E.H. Helps, proposed that Kariakoo be redeveloped piecemeal into a garden city. The 1949 *Plan for Dar es Salaam* proposed the redevelopment of Kariakoo to increase open spaces and reduce densities (Chapter Five). Towards Independence, the Ministry of Lands prepared a Town Planning Scheme for Kariakoo¹, with the support of the Dar es Salaam Municipal Council. The latter urged the government that "consideration be given in the 1961/62 programme, to the constructing of the flatted development in Kariakoo, thereby also assisting in the clearance of the present unsuitable houses in that area".² It was felt, in the 1960s, that Kariakoo did not represent the true picture of Dar es Salaam. The National Housing Corporation planned to develop parts of Kariakoo, but this was not implemented. In 1965 a *Kariakoo Development Order* was

¹ See Minutes of the Town Planning Committee, 13.2.1960, in, Dar es Salaam Municipal Council, *Minutes*, 1961, p. 101.

² Minutes of the Markets, Housing and Fire Committee meeting of 15.2.1961, in, Dar es Salaam Municipal Council, *Minutes*, 1961, p.101.

published. This required that only multistorey buildings be put up in the area, a policy that was confirmed in the 1968 and 1979 *Dar es Salaam Masterplans*. The 1965 *Kariakoo Redevelopment Scheme* had proposals to alter the street pattern of the area to make it suitable for modern traffic flows, while taking care of pedestrian interests. Community facilities and open spaces were to be increased. In 1969 another *Redevelopment Plan* was prepared. It envisaged the demolition of 500 houses along Lumumba, Mkunguni, Livingstone, and Uhuru Streets to give way to multistorey offices and quasi-government office blocks. The affected population was to be moved 7-8 miles away from Kariakoo to Dar es Salaam's periphery. This never materialised. The *Scheme* was greatly opposed by the Kariakoo residents, supported by local politicians, including the current Dar es Salaam Mayor, Councillor Kitwana Selemani Kondo, who was then Member of Parliament of the Ilala constituency in which Kariakoo was (and still is). A new scheme was prepared in 1975, while the 1979 *Dar es Salaam Masterplan* had provisions for Kariakoo's redevelopment. In 1989, Kariakoo was declared a redevelopment area in which land pooling was to take place, and, in the light of that declaration, a new redevelopment scheme is now under preparation. Previous redevelopment schemes have remained unexecuted, mainly because of popular resistance by the indigenous people of Kariakoo against their replacement and resettlement. Therefore Kariakoo has not had a major government redevelopment scheme implemented in the area, save for the paving of some roads, and the expansion of some sewers in the mid 1970s.

The area generally referred to as Kariakoo has, administratively, four wards i.e. Gerezani, Jangwani, Mchikichini and Kariakoo, all covering an area of 137 hectares. Kariakoo (hereinafter used to include the four wards), had a population of 47,187 people in 1978. This had grown to a slightly higher figure of 50,416 in 1988. It is considered that this slow growth, of less than 1% p.a., is a reflection of the redevelopment that has been taking place in Kariakoo, whereby residential buildings, mainly the multioccupied *Swahili* type, are being bought, demolished, and replaced by multistorey commercial buildings.

Kariakoo is bounded by Morogoro Road, Lumumba Street, Nkrumah Street, Pugu Road, Shauri Moyo Street and the Msimbazi Valley. Between Kariakoo and the city centre proper is an open space, the Mnazi Mmoja grounds planned by the German Colonial government (Chapter Three). The area was planned in grid-iron blocks. Individual plots are

small, measuring 12m x 12m. Land uses in Kariakoo are mixed and include: residential, commercial/residential, institutional, service trade, and transportation. In the Gerezani area, are to be found numerous small scale industries, fabrication workshops, motor vehicle repair garages and woodworks, reflecting the characteristics of the "Zone of Transition". Most of the African-owned buildings in Kariakoo are constructed of mud and pole, except along the main streets of Uhuru and Msimbazi, and about the Kariakoo Market, where the colonial government had deliberately planted Indians and Arabs, and gave them long term rights of occupancy. Buildings in these parts are mainly multistoreyed. Piecemeal unco-ordinated and haphazard redevelopment of Kariakoo into high rise blocks has been going on since the 1950s, picking up pace since the 1980s.

Kariakoo is generally considered to be the second Central Business District of Dar es Salaam. It has a large food market supplying the entire city. The history of this market goes back to the German era, but a new ultramodern market, with refrigerated storage facilities was opened in 1974. Today's market, occupies a 1.4 hectare site and is a focus of commercial activities in the area. Around the market, and along Msimbazi and Uhuru Streets are many shops dealing in wholesaling and retailing of clothing and shoes, general hardware, building materials, electric goods, spare parts, and so on. Street trading is also keen in Kariakoo, reaching near choking point along Congo Street³. Kariakoo is also a terminus of many local and upcountry buses, while the open space at Kidongo Chekundu has been turned into a lorry park.

Government policy towards Kariakoo has been ambivalent. While on the one hand it has favoured the redevelopment of the area, it has shied away from demolition and rebuilding, partly because of financial constraints, but more significantly, because redevelopment has always been politically too unpopular to be undertaken. The Government however has never come out clearly in support of the African "landowners" of Kariakoo. Until relatively recently, it upheld the colonial policy of refusing to give longterm titles to owners of houses constructed in traditional materials, the most prevalent of whom were the Africans. It even upheld the colonial policy of denying the owners of traditional houses, permission to

³

An attempt by the public authorities to remove street traders from Congo Street, in September, 1993, sparked off widespread riots in Dar es Salaam.

repair, extend, or improve their houses unless these houses were to be rebuilt into multistorey buildings. Therefore many traditional houses fell into very bad repair.⁴ The people of Kariakoo have therefore remained in the area on account of their political muscle. But the land which they have held mostly on short term rights of occupancy, reverts, legally, to the government annually unless the rights are renewed. There was thus, always the danger that one day, the government might feel strong and remove these people. With the government doing nothing to help the people of Kariakoo remain in the area e.g. by providing them with development finance, it can be concluded that, like was the case with the natives of Upanga in the 1940s and 1950s the government is adopting deliberate policies that deliver these people to the forces of the market whereby they are bought out and replaced by the moneyed people. It does not want them in the area. The government's guillotine has always been hoisted over the necks of the people of Kariakoo. Some have therefore sold because of the fear of losing their land. Even the recent policy of granting longterm rights of occupancy can hardly help the people of Kariakoo since it commits them to expensive building conditions which they cannot meet (without substantial development credit, for example), and this failure can offer the authorities an excuse to repossess and reallocate the land. This policy therefore, can only serve to accelerate the process of disposing of the land by these people.

The combined effects of lack of security of tenure in the past, expensive development conditions, and lack of government positive support, has exposed the people of Kariakoo to wealthy land seekers who are usually "foreigners". According to the Ilala District Land Officer, a third of Kariakoo residents had, by 1987 transferred their plots to other persons.⁵ Prices offered for the aged Kariakoo structures ranged between Tshs 0.5m/= to Tshs 1.0m in 1984/85, but had gone up to between Tshs 2.5m/= - 4.0/=m in 1988/89. Inquiries made in 1992 revealed prices of Tshs 7.0m/= for plots away from commercial centres, and Tshs. 10.0m/= for plots with immediate commercial potential. Some well-located plots have fetched as much as Tshs. 40.0m/= . It is hereby argued however, that the relationship between the indigenous people of Kariakoo and the "foreign" buyers is not that of willing

⁴ See Speech in Parliament by Hon. Kitwana Kondo, in, Tanzania, *Parliamentary Debates (Hansard)*, 30th June - 4th July, 1980, Government Printer, Dar es Salaam, 1980.

⁵ *Sunday News*, (Tanzania) 8/2/1987.

seller, willing buyer. With only short term titles in the past, Kariakoo people were always under the threat of losing their land. This was even more so in the light of the various proposed redevelopment schemes which entailed their replacement. The current willingness by the government to give longterm rights of occupancy to Kariakoo residents to has come at a time when these people have no ability to meet the new development covenants. In either cases, and in order to salvage something for themselves, they have no choice but to sell. Without such "threats", it is highly unlikely that it is in the interests of the poor people of Kariakoo, or of their progeny, to lose such centrally located land and move (usually) to the periphery, despite the apparently lucrative monetary offers. This is reflected in the answers to our questionnaire, where 83% of the interviewed Kariakoo houseowners said they were completely unwilling to sell their landholdings in Kariakoo.

Official attitude towards the indigenes of Kariakoo is perhaps best reflected in the proposals contained in the new *Kariakoo Redevelopment Scheme* which recommend that the government should intervene in the ongoing land transactions in Kariakoo by fixing the amount which the incoming developer has to pay as compensation to the outgoing owner, and by ensuring that the incoming developer pays for the cost of the public expenditure on infrastructure. The amount recommended to be paid to the outgoing owner:

Should be sufficient to enable the outgoing occupier to construct another house of *Swahili* type elsewhere in the city. Having done so, the government should revoke the short term titles at the end of their duration and *allocate* plots potential developers."⁶ [Emphasis added]

It might be wondered as to why government policy should be against the indigenous people of Kariakoo in favour of "foreigners", although the area was deliberately set aside for natives since colonial times. It is hereby argued that colonial policy was characterised by removing natives from areas of high, or potentially high, land values, like the seafront, or the commercial area. The post colonial government is perpetrating this practice with respect to Kariakoo, since indigenous people there are occupying highly valuable land with immediate commercial potential. To the policy makers, the resolution towards the realisation of such high land values has always been the removal of the poor indigenous population, together with

⁶ Tanzania, Kariakoo Redevelopment Scheme, (Final Draft), Department of Urban Development, Ministry of Lands, Dar es Salaam, 1993.

their structures.

The danger of this kind of population displacement is realised. The new *Kariakoo Redevelopment Scheme*, in contradiction to its recommendation outlined above, puts in a note of caution:

The ongoing gentrification whereby local residents are systematically being displaced by developers who are often economically powerful non-natives, is a potential social and political problem which should be pre-empted through government intervention in the land market in Kariakoo. Urgent administrative measures should be taken to ensure that the entire population now living in Kariakoo is not displaced.⁷

Unfortunately, proposals in the *Scheme* do not offer any recommendations that might help in the realisation of the goal of preventing the displacement of the indigenous people of Kariakoo. On the contrary, the *Scheme's* proposals, are meant to ensure this displacement at an even faster rate.

Kariakoo is being rebuilt. A survey carried out in April 1991, found that there were 23 newly completed commercial/ residential buildings, 20 of which were multistoreyed. Another 56 were under construction, 49 of which were multistoreyed. This redevelopment has led to the overworking of the existing infrastructure. The water supply network was laid in the late 1920s and is worn out, pipes are too small (80 - 100mm in diameter), and the pressure is insufficient to ensure water flow to the multistoreyed buildings. The sewerage system is equally old and overworked despite the fact that most buildings use on site systems i.e. septic tanks and pit latrines. Storm water drainage is inadequate and blocked. Roads are badly damaged. Traffic is highly congested. There is a dearth of parking space; and there are hardly any open spaces in Kariakoo. The old planned Kariakoo has now overspilled into the flood-prone land in the Msimbazi River Valley, where dozens of unplanned buildings have been put up in recent years, thus swallowing up a natural open space that was readily available to some residents of Kariakoo.

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ibid. p. 28.

At the moment, government policy appears to be the ready issuance of longterm certificates of occupancy to Kariakoo residents who may apply for them. These certificates have new, stringent redevelopment conditions which cannot be met by the low income residents of the area. The result is the systematic replacement of the people of Kariakoo by the new comers. While these incoming owners of Kariakoo are showing a financial ability to redevelop the area, the price at which they buy land is never disclosed. Thus the government loses revenue on capital gains tax. The activities of these redevelopers are uncoordinated, and are completely unrelated to the existing level of services. The result is congestion and the overworking and deterioration of the existing infrastructure, as well as the mixed development of Kariakoo with isolated multistorey blocks towering over the ramshackled *Swahili* houses. The new developers will no doubt be looking to the government to improve the infrastructure for whose deterioration they can be said to have contributed immensely, without they themselves being taxed.

9.2.2. Manzese

Manzese is reputed to be the largest squatter area in Dar es Salaam in terms of both area and population. It is located between 6-8 kilometers from the City Centre, and straddles Morogoro Road. It is bounded to the West, by the Ubungo Industrial Area and the Ubungo Friendship Textile Mill Flats; to the South by Mbulahati Road; to the East by the valley of River Luhanga and Kagera Road; and, to the North, by River Sinza. A bridge over the River Sinza to the West of Manzese, leads to the Sinza sites and services area, which was in part earmarked to take up the replaced population, as Manzese was being upgraded in the 1970s. Manzese "A" is to the South of Morogoro Road, and Manzese "B", also known as Tandale, is to the North, both covering an area of 530 hectares. In 1974, Manzese had a population of 93,000 people, housed in 7,600 dwelling units. This population exceeded that of Tanzania's then second largest town, Tanga, (whose population then was 91,670). Manzese has an irregular, undulating terrain; and has several river and shallow lakes valleys. These include those of the Sinza and Luhanga Rivers, and those of Lakes Minyonyoni, Makurumla, Magomeni and Tandale (Chapter Two).

During the 1940s, Manzese was a rural settlement outside Dar es Salaam's boundaries. By 1957, part of Manzese had already been included within Dar es Salaam City

boundaries. As was narrated in Chapter Five, part of the Manzese area, towards Magomeni and Mbulahati (together with Magomeni itself) had been acquired by the government for public purposes. While Magomeni was developed into a planned African residential settlement, the Manzese part of the acquired land remained as a coconut plantation for the letting of which, the government invited tenders during the late 1950s. After Independence in 1961, this land had nobody to look after it, and it would appear that it "reverted" to a *de facto* customary tenure, despite its being government land. The rest of Manzese, like other peripheral areas of Dar es Salaam was owned and occupied by "Wenyeji" i.e. natives. Although still sparsely populated in the mid-1960s, Manzese became fully integrated in the city when the city boundary was moved out around 1968. With the planning of an Industrial area at Ubungo, Manzese started developing very fast, land being subdivided and occupied totally outside government control. At first, houses were built on good lands. When these were filled up, even bad land was tackled. The built up area grew from 45% of the available land in 1967, to 96% in 1980. The average housing density in the built up land increased from 22 houses per hectare in 1967, to 32.5 in 1980.⁸ The growth of Manzese was mainly through infilling rather than areal extension. This is reflected in changes in room density, from 40 rooms per hectare in 1967 to 165 in 1987. There are hardly any open spaces in Manzese since even marginal and hazard land has been built up at an even faster annual growth rate of 5% between 1982 and 1987, in comparison to the rate of only 2% for the good lands.⁹

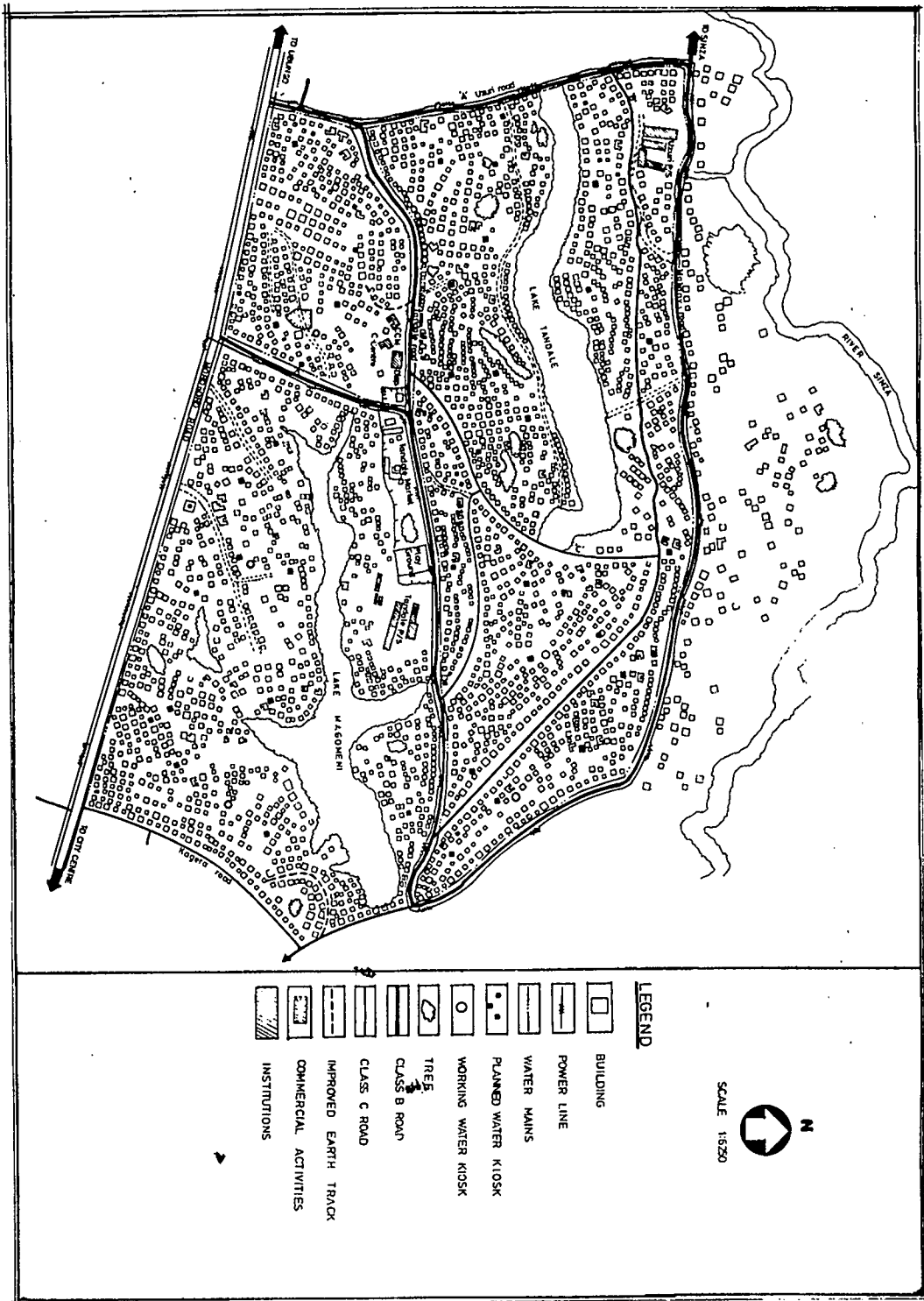
During the late 1960s and early 1970s, Manzese was notorious for its lawlessness and thus earned itself the name of "Soweto", reflecting the image of the South African black township, where violence was rife.¹⁰ It was partly for this reason that Manzese was selected for upgrading. A study of the upgrading process covering Manzese "B", (200 hectares in area; 16,686 people in 1740 dwellings in 1973) (Figure 9.1), highlighted that, prior to upgrading starting in 1974, Manzese "B" had no roads, no drainage facilities, no

⁸ C.A. de Bruijn, "Monitoring a large squatter area in Dar es Salaam with sequential aerial photographs", *ITC Journal*, 1987-3, 1987, pp. 233-238.

⁹ R.V. Sliuzas, Problems in Monitoring the Growth of a Squatter Settlement: The Housing Process in Manzese, MSc. Thesis, ITC, Enschede, Netherlands, 1988.

¹⁰ During the 1970s and early 1980s, the University of Dar es Salaam was also nicknamed Manzese, because its general learning and living conditions were constrained.

Figure 9.1 Manzese B



Source: Msham, An Evaluation of Manzese Squatter area Upgrading

electricity, no educational or health institutions, and no market. There was just one water tap in the area. The majority of the households used pit latrines for excreta disposal. Solid waste was disposed of by way of dumping or burning. Most of the houses were the 4-6 roomed *Swahili* type, constructed in traditional materials.¹¹

The proposals to upgrade Manzese in the 1970s included a plan to construct grade A, B, and C roads; the carrying out of block land surveying to facilitate road alignment; the improvement of water supply by instituting 82 water points; the institution of drainage facilities; the construction of an electricity network to ease house to house connexions; the construction of three primary schools to which would be affiliated public playfields and open spaces; the reservation of two plots for the future expansion of educational institutions and the construction of a health centre and of a market.

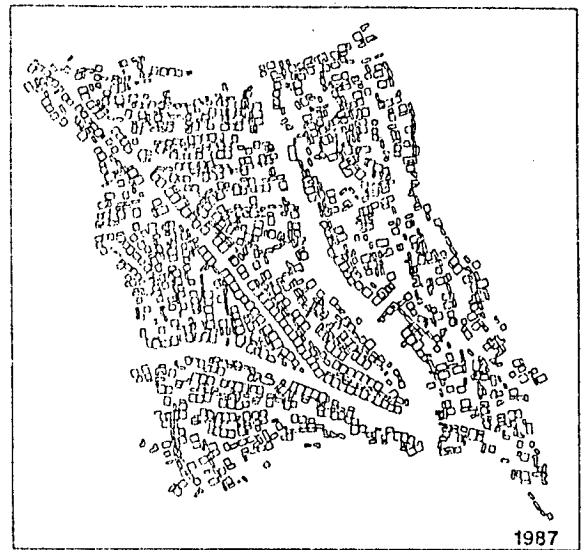
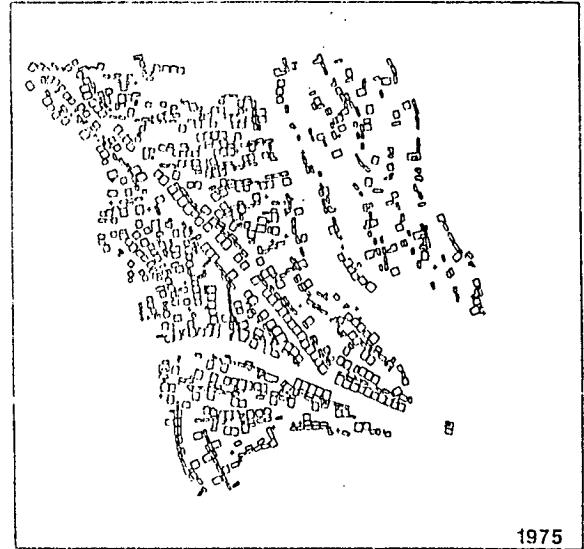
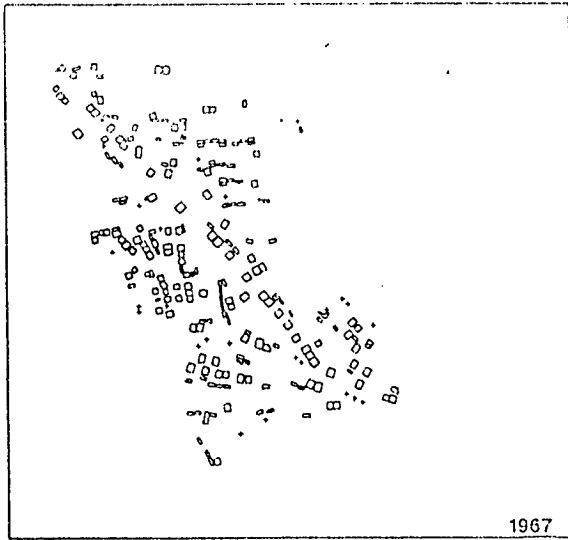
During implementation, grade "A" (i.e. macadamized) roads were not provided. Only grade B and C, i.e. murrum and compacted earth roads, were constructed. Main service water pipes were provided along the roads, and 35 public water kiosks (instead of the planned 82) were provided. Unlined ditches were dug for storm water drainage. An overhead electricity network was provided along the roads, but street lighting was not. Pit latrines were to be the major mode of excreta disposal. A health centre, three primary schools, and a community centre were constructed. Playgrounds for the public were reserved and planned with the Primary Schools. Two plots were reserved and planned for the future expansion of educational facilities, and a market was constructed. In order to facilitate the process of issuing loans for house improvement, the Tanzania Housing Bank opened offices in Manzese.

Between 1974 and 1988, the population of Manzese "B" increased from 16,686 to 91,000. During the same period, the number of persons per hectare increased from 83 to 459; the number of persons per dwelling rose from 9.6 to 13; and the number of houses increased from 1740 to 7315. Houses increased mainly through subdivisions and through encroachment on existing open spaces (which had been left unallocated during the upgrading process). Figure 9.2 illustrates the house densification process in part of Manzese "B", in the Lake Magomeni area between 1967 - 1987.

11

Hawa S. Msham, An Evaluation of the 1974-77 Manzese Squatter Area Upgrading Programmes, Dar es Salaam City, Diploma Project, Department of Urban and Rural Planning, Ardhi Institute, Dar es Salaam, 1988.

Figure 9.2 Densification in the Lake Magomeni Area, Manzese, 1967-1987



Approximate scale 1:10000

Source: Sluizas, Problems of monitoring the growth of Manzese

The upgrading scheme had some positive effects on the area. Circulation was greatly improved, as was law and order.¹² Answers to our questionnaire show that security was one of the areas in which the people of Manzese showed considerable satisfaction. The general condition of public services was greatly improved. Msham found that, of the houses she surveyed in Manzese "B" in 1988, 42% had private water connexions; 40% had electricity; and 34% used flush toilets, (though 60% still relied on Pit Latrines, and 6% used neighbours' toilets). Only a few houses could be described as "temporary". In 75% of the cases, roofs were constructed of corrugated iron sheets; 23%, of old tins; and only 2%, of palm leaves or thatch. In 53% of the cases, house walls were constructed of cement blocks; 27%, of plastered mud and pole; and 20% of unplastered mud and pole. Of the floors, 64% were in cement and sand screed, and 36%, in compacted earth. In 68.7% of the cases, house construction and improvement depended on personal savings and not institutional credit. Only in 8.4% of the cases was reliance made on loans.¹³

The current situation in Manzese "B" is that roads and storm water drainage facilities have greatly deteriorated due to lack of maintenance. Only 8 water kiosks (out for the 35 installed) were working in 1988 mainly as a result of personal initiative of the users. Both the health and educational facilities are overworked. School land, together with the earmarked playfields, was not surveyed or otherwise properly demarcated, so it has been encroached upon by private builders. There has been some considerable change of land use from residential to commercial or commercial/residential uses along the main roads. Most (82%) commercial establishments started business in 1984-86 after the government had liberalized trade. The market at Tandale has earned itself national fame as the main centre for the distribution of food produce (particularly maize, rice, oranges, beans and pineapples) within Dar es Salaam. A spontaneous market known as "*gengeni*" sprang up to relieve congestion at the main World Bank provided market site, but both the old and the new markets are now overcrowded and business overflows to the nearby primary school and health centre land.

During upgrading, house owners were not given certificates of title to land since only

¹² See article entitled " Manzese, the silent revolution" by Subira Kumbuka in the *Daily News*, 8/11/1978.

¹³ Msham, An Evaluation of the Manzese Squatter Upgrading Programme.

block, and not individual, plots surveying was carried out. Thus, most people have no proof of official security of tenure. House registration however, was carried out¹⁴, but as this was not an ongoing exercise, many of the houses constructed later are not registered. That is why most of the houses (56%, see Table 9.3) in our survey had no identification numbers.

While the World Bank envisaged the recovery of the costs through the increase in land rent in Manzese by 15%, i.e. each owner would pay Tshs 115/= p.a., partly through the Internal Revenue Office, and partly through the City Council, this has proved difficult. As was the case elsewhere with sites and service schemes, defaulting on land rent is widespread and increases as time goes by (Table 9.1).

Table 9.1: Land Rent Defaulters, Manzese "B", 1979-1982

Year	Number of Eligible Land Rent Payers	Number of Defaulters	% defaulters
1979	16,447	4,227	26
1980	16,447	6,579	40
1981	16,447	9,211	56
1982	16,447	9,835	60

Source: Hawa S. Msham, An Evaluation of the 1974-77 Manzese Squatter Area Upgrading Programmes, Dar es Salaam City, Diploma Project, Department of Urban and Rural Planning, Ardhi Institute, Dar es Salaam, 1988, p. 42.

It may be noted from Table 9.1 that the number of eligible recorded land rent payers has remained static over the years despite the increase in buildings and houseowners.

A major weakness in this upgrading process of the 1970s was that it was seen in static terms, as if once the upgrading proposals were implemented, that would be the end of the problems in Manzese. No provisions were made for maintenance. Given that the

¹⁴

B. Sichone, House Registration in Manzese, Diploma Project, Department of Land Management and Valuation, Ardhi Institute, Dar es Salaam, 1989.

standards of the services provided had been kept low, and that the population has increased tremendously, most services have deteriorated, since there was no policy to address such happenings. Besides, the people of the area were not involved in the planning or the implementation of the upgrading scheme, which was seen as belonging to the government; and with which the people had little or nothing to do. No provision/allowance was taken of future changes e.g. in terms of population, buildings, or uses. The question of land tenure and land use regulation was left vague so that subdivisions, densification and encroachment of open spaces continued without any government direction. It appears plausible to see the upgrading of Manzese as a political showpiece which moreover was used to justify the expenditure on the provision of new plots in Sinza, Kijitonyama and Mikocheni, but not as a viable longterm land policy to solve Manzese's problems. In view of the notoriety of Manzese, the government was interested to know what was going on in the area. This dictated the institution of some roads and house registration. In this respect, it will be noted that the registered houses in Manzese were required to bear clear house numbers for easy identification, while houses in the sites and services areas were under no obligation to display house/plot numbers. It may also be pointed out that the other (and only) squatter area that was upgraded after Manzese, was a large, equally notorious, area known as Mtoni-Tandika.

Currently (1993), the Ministry of Lands is preparing planning schemes for Manzese which can be used by those who wish, to have their land surveyed. Thence, they can be issued with a Certificate of Title. The house owners of Manzese are not involved in the preparation of these schemes (see Table 9.11), which, as suggested in Chapter Eight, are possibly illegal and are likely to lead to serious disputes if followed up. However, according to the Director of Urban Development in the Ministry of Lands¹⁵, no serious complaints had reached his office thus far from any unplanned area for which his Department has unilaterally prepared planning schemes, although many people had used these schemes to have their land surveyed. Nevertheless, it is becoming clear that the majority of the residents of Manzese who are having their land surveyed are the economically and socially better off who are able to hire private land surveyors and who are anxious to use Certificates of Title to get credit from financial institutions. There is thus a likelihood that the poorer homeowners of Manzese are

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Interviewed on 3rd May, 1993.

adversely affected by these planning schemes which may see them getting displaced by the rich in due course. This is most likely to be the case, since the planning schemes are based on outdated (1982) aerial photographs which do not show the buildings constructed since then, and since the schemes purport to leave aside land for roads, etc., land which may be built upon already. Although the Director of Urban Development pointed out that the land surveyors had some leeway to vary the planning schemes to incorporate the existing houses, should the schemes vary with what is on the ground, this raises the question of why prepare the schemes, unilaterally in the first instance, and why not demarcate land parcels according to the boundaries known by the residents themselves, instead of the new boundaries arbitrarily determined by the planners. These planning schemes are therefore likely to give powers to the rich to terrorise the poor out of Manzese.

9.2.3. Kijitonyama

Kijitonyama area is the "oldest" of the three Phase I sites and services areas in Dar es Salaam. The name derives from river Kijitonyama which transgresses the area and which for a long time formed part of Dar es Salaam's boundary line. Geographically, the area is bounded by Bagamoyo Road to the North, Shekilango Road to the West (although the area west of Shekilango Road, known as Mwenge, is considered by some to be part of Kijitonyama); Sinza area to the South, and Mwananyamala to the East. Kijitonyama has an area of 160 hectares. The area was declared a planning area under the *1968 Dar es Salaam Masterplan*. During the early 1970s, part of Kijitonyama was developed by the National Housing Corporation into detached tenant purchase houses. The rest was planned in 1972-75 into a residential neighbourhood with a majority of high density (400m²) plots. Part of the area was provided with a sewer network (see Figure 2.8) The neighbourhood was subdivided into some 1,672 residential plots; and into land for schools, a market, a health centre, religious and other institutional uses and open spaces. Plot allocation and development started in 1972, and as was the case with the other two sites and services areas (Sinza and Mikocheni), water and electricity networks, as well as a low quality network of roads, were instituted in the area. Plot development was slow. By 1988, some 523 plots, or 23.8% of all the plots in the area, were still completely undeveloped though most had been allocated over ten years earlier. But, like was the case with Sinza, several of the originally planned open spaces were converted into plots for private use, so that the total number of residential plots increased

from the original 1672 to 2,197 in 1988.¹⁶

Like elsewhere in Dar es Salaam, Kijitonyama is suffering from very poor infrastructure. Most roads are poor and become impassable during the rainy seasons, because they are flooded or are badly eroded by surface water which has no drains. The water table in most of Kijitonyama is high so that waste water drainage is a major problem. Pit latrines have to be built well over the ground level to be usable. Septic tanks are always filled up so that their emptying is impossible even if roads were to be easily passable (which they are not so that many areas are inaccessible to emptiers). Many septic tanks are therefore left to overflow onto public lands (e.g. roads) and into natural drainage channels. The conversion of land uses abutting Shekilango Road into commercial uses described Chapter Eight is also taking place in Kijitonyama, but here, some of the land so converted is a road reserve cum hazard land. Some developers have built on the top of the Kijitonyama river apparently with official sanctioning, and although drains have been provided, these are likely to get blocked in due course leading to the river flooding the road as well as neighbouring properties. A clearer evaluation of the effects and efficacy of land policy in the Kijitonyama area will emerge during the discussion of the results of the questionnaire, later on in this Chapter.

9.2.4. Mabibo

The area known as Mabibo straddles the Port Access Road, and is in the region of 8 to 10 kilometers from the City Centre. The population of Mabibo ward grew from 28,187 people in 1978, to 45,963 in 1988, a 5% annual population growth rate. A study carried out in 1991 over a 24.8 hectare part of Mabibo (known as Mabibo Maziwa) gives some insights into the characteristics of Mabibo.¹⁷

In the 1940s, Mabibo was used for agricultural purposes including the growing of sisal. Part of the land was owned by one Mwinyigogo Mwinyikambi who allowed people to settle the area, but prohibited the growing to permanent crops (like coconuts). At

¹⁶ J.M.L. Kironde, Some insights into issues related to Urban Land Development in the sites and services areas of Sinza, Kijitonyama and Mikocheeni, all in the City of Dar es Salaam, Research Report, Ardhi Institute, 1990.

¹⁷ Centre for Housing Studies, A survey of Mabibo unofficial Settlement, 4th March - 4th June, Mimeo, Ardhi Institute, Dar es Salaam, 1991.

Independence, Mabibo was outside the City boundaries, and was only incorporated in the late 1960s. By then the establishment of an industrial estate at nearby Ubungu, and of the government offices and institutions, including the University of Dar es Salaam and the Water and Electricity Supply Soles, attracted people to the area, leading to keen plot subdivisions. The opening of the Port Access Road in 1980 added impetus to this process.

In 1991, the population in the 24.8 hectares area referred to above was 4,149 people, living in 585 housing units, that is, seven people per unit. The majority (90.7%) of the housing units were constructed in permanent materials (i.e. concrete or sand cement block walls and corrugated iron sheet roofs). Only 9.3% were constructed in traditional materials. The gross density was found to be 189 people per hectare, and 24 houses per hectare. While there are major roads about Mabibo, internal circulation within the area was found to be very poor and dependent on nonstandardized and uncoordinated roads and footpaths. Drainage facilities were completely lacking. The disposal of solid waste was by way of pit latrines though a few houses were connected to septic tanks which were however, rarely emptied.

Although no systematic survey was made in the rest of Mabibo (which was nevertheless covered during our interview), casual observation showed that plot sizes varied from very small in some areas to very large in others. The appearance of land surveyors in Mabibo in the second half of the 1980s, raised alarm among the area's residents who refused to sanction the surveying of the land. The surveyors were threatened away and did not survey the area. A planning scheme prepared by the Ministry of Lands exists for Mabibo. At the same time, the people of Mabibo came together in 1989, to seek the surveying of the area according to the existing land holdings. While the various plots have been surveyed, it has become difficult for the surveyors to marry, what they have found on the ground with what the official planning scheme stipulates.

Roads within Mabibo are either non-existent, or very poor. Water and electricity networks have been instituted through the efforts of individual households. There are no drains. Some of the houses that are coming up in Mabibo are quite substantial, but this is hardly surprising given that some of the residents are personalities well placed in business, and in government and parastatal service.

9.2.5. Mbezi

Information on Mbezi and the Mbezi Planning Scheme has been presented in Chapters Seven and Eight. It has been argued that the Mbezi Planning Scheme was an example of the power struggle within public authorities to control land. We have also highlighted how the land delivery process in the area was mismanaged, and how Mbezi lacks the usual infrastructure, but how it is developing to very high standards. Mbezi also demonstrated how planning schemes were used to replace the poor existing land occupiers. What remains to be highlighted further, is how planning schemes in this area, like in Kariakoo, have worked against the poor and the weak.

We have pointed out above that the original Mbezi area occupiers were promised compensation. As the government did not keep its promise, existing occupiers increasingly began to resist being displaced by the new plot allottees. But even in this resistance, as the following examples show, the weak were easily defeated¹⁸.

One Jane Josephat was allocated plot 110 Block D Mbezi in 1980. In January 1988 she requested the land office to transfer the plot (which was yet to be developed) to her brother Gilbert working with the Army, and who was economically able to develop it. This plot 110 (together with plots 109, 111 and 120) fell in *shamba* land belonging to one Selemani Kondo, who was therefore entitled to compensation, alternative land, or "naturalisation" on his land. As government policy has always inclined to replacing existing users, valuers inspected Kondo's *shamba* in June 1988, at the request of Gilbert. The "unexhausted improvements" found on Kondo's land were: one banana tree which was valued at Tshs 225/= and six cassava trees which were valued at Tshs 4.75 each. Thus the total compensation due to Kondo was assessed to be only Tshs 245.45. In February 1989 Kondo was made to take the compensation, paid by Gilbert, through the City Council. Kondo was apparently illiterate since he could only thumb-sign the voluminous compensation documents. He continued tilling the land. In June 1989, Gilbert obtained a building permit and was poised to develop the plot. Kondo must have found out that he has been dragged into a bad deal dispossessing him of his land for peanuts. Taking cue from other *shamba* owners in Mbezi, he complained to the

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Information obtained from Kinondoni Land Office files for Plots 110 Block D, 610 Block C, and 493 Block L, Mbezi.

Land Office that the land allocated to Gilbert was his (Kondo's). The Land Office revoked Gilbert's offer for a right of occupancy. But on getting evidence that Gilbert had paid compensation, the Land Office restored Gilbert's offer for a right of occupancy. Thus Kondo lost his land for just Tshs 245.45.

Kondo's case should be contrasted with that of Brigadier H. Mziray whose *shamba* in Block C Mbezi, was similarly parcelled into several plots. One of these, plot 610 Block C, was allocated to one Helena in 1988. The Brigadier would not let Helena gain entry to the plot. When she complained to the Land Office, in July 1990, her offer for a right of occupancy was revoked. On the orders of the Commissioner for Lands, Brigadier Mziray was naturalised in his *shamba* by being allocated eleven plots (602-612 Block C) falling therein, "as a way of solving the problem of the *shamba* owners in Mbezi".

Lest it be argued that Kondo (in the previous example) had not productively kept his *shamba* (thus the miniscule compensation), the case of plot 493 Block L is illustrative. Allocated to one Calister in April 1988, the plot was also claimed by one Mkali as his *shamba*. The Mkali family is socially and politically powerful in Dar es Salaam. On being consulted, the officer who surveyed the area (one Shija) pointed out that he could not have imagined that the area in dispute could in anyway be regarded as a *shamba*, since it was sheer wild bush (*vichaka tupu*, he wrote to the Land Officer). All the same, Callister's allocation was cancelled and land allocated to Mkali.

Therefore, together with the maladministration of land delivery in Mbezi described in Chapters Seven and Eight, land policy in Mbezi (as in other planning schemes) operated oppressively against the poor and the socially weak.

9.3. Evaluating Land Policy in the Study Areas

9.3.1. Tools of Land Policy to be Evaluated

As indicated in Chapter One, tools of land policy to be evaluated include: land tenure, registration and transfer; land taxation; and land use regulation (i.e. zoning, building regulations, regulations concerning land subdivision, urban planning, and the approval, by public authorities, of land development schemes). Other land policy tools emanate from direct

government intervention through: providing infrastructure, land acquisition, direct development, cooperation with the private sector, surgical action, and national and local investment decisions. The results (aims) of such land policy would be the provision of public goods; the prevention of externalities; the provision of reliable and cheap information on land attributes and its development; the reduction of monopolistic tendencies in land holdings and development; the taking care of future costs or benefits, as well as of communal risks; the provision of merit goods, and the redistribution of income. In the following discourse, use is made of the results of questionnaire, presented later on in this chapter.

9.3.2. Evaluating Land Policy with regard to Kariakoo

Land Tenure Registration and Transfer

Government policy since the colonial times was to give the people of Kariakoo only short term rights of occupancy, renewable annually. This was purportedly to enable them to build in "temporary" materials, which they could afford. However since colonial policy did not want Africans in urban areas and it regarded their sojourn therein to be temporary, the policy of giving short term rights of occupancy to Africans was to allow the colonial government powers to remove them whenever it deemed it necessary. This is reflected also in the adoption of the term "temporary materials" instead of "traditional materials" for the houses that the Africans built. There is nothing temporary about a mud and pole house which in practice can last for a decade or longer if well looked after. Many traditional houses in Kariakoo have lasted for decades. Long term rights of occupancy were, during the colonial times, granted on a racial basis so that those considered worthy (i.e. Europeans and Indians), were given those rights and allowed some years in which to meet the development covenants. Indeed in some cases, construction in traditional materials was allowed, at least for some duration. With a longterm right of occupancy, development finance could be organized. This kind of opportunity was never availed to Africans who were viciously confined to short term titles only, till the 1950s when colonial policy began to couch a strata of Africans (who later became the rulers of the country), to build, or acquire houses built, in modern (called permanent) materials in Dar es Salaam. Together with granting long term titles to these Africans, financing facilities in the form of, for example, the *African Urban Housing Loan Scheme*, were also provided. No opportunities of that kind were made available to the Africans of Kariakoo. However, if any of the Kariakoo residents was able to transform their

buildings to be "permanent" they could be granted longterm rights of occupancy. Surely this was putting the cart before the horse, since a long term right of occupancy was a *sine qua non* of getting land development finance. As there was no question of the African-built traditional houses being temporary, the people of Kariakoo were, as much entitled to long term rights of occupancy, as were the Europeans and Indians, particularly, if it could be borne in mind that in some cases these long terms rights were given to the latter peoples, and, later, to the African *elite*, before their developing of the allocated land. It appears therefore that the confinement of the people of Kariakoo to short term titles was both racist and aimed at giving powers to the government to replace these people whenever it felt like.

The hostile colonial policy against Kariakoo residents was perpetrated after Independence. Past government policy with regard to tenure, disenabled the people of Kariakoo from developing their properties to higher standards, both for lack of finance, and also for the fear that the government could always repossess the land. This forced some to sell their land.¹⁹ Political muscle, however, has enabled the people of Kariakoo to survive in the area, despite various redevelopment schemes aimed at replacing them. This resistance is now being eroded by the onslaught of the new rich developers.

Our inquiries at the Ilala District Land Office indicated that the government is now willing to give long term rights of occupancy to Kariakoo residents, who must however, apply for these rights. But the conditions attached require the construction of multistoreyed buildings. Most indigenous Kariakoo residents cannot fulfil this condition as there are no viable financing institutions that can advance them credit for such structures. Thus the issuing of these longterm rights of occupancy to the people of Kariakoo at this age and time is not necessarily in their favour. It exposes the grantees to the clutches of the state machinery demanding redevelopment, failure to fulfil which, could lead to the land getting repossessed. Thus the poor people of Kariakoo have little choice but to sell their property and, according to the Ilala District Land Officer, this is exactly what they are doing. We have pointed out above that by 1987 a third of the old Kariakoo residents had transferred their plots. This information is to some extent collaborated by the responses to our questionnaire which show

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These views were given by Professor Issa G. Shivji, Chairman, Presidential Commission on Land Matters, interviewed in April, 1993.

that 24% of the plot owners acquired them in 1980 or later and that 29% acquired the plots through buying of a house or a foundation. Our data, however show that 83% of the Kariakoo houseowners do not wish to sell their property. In the balance of the cases where the sale of the plot could be entertained, asking prices were given as being between Tshs 10m/= and Tshs 40m/= . Asked about how much their plots could fetch without buildings the majority expected this to be in millions of shillings as summarized in Table 9.2. These results tally with the prices at which properties change hands in Kariakoo. Thus Kariakoo residents are aware of the high prices which their land could fetch, yet the

Table 9.2: Expected price ranges for undeveloped Plots in Kariakoo

Expected Price Range	Percentage of Respondents (N = 53)
Under Tshs 1m	8
Tshs 1 - 4m	26
Tshs 5 - 9m	28
Tshs 10 - 14m	14
Over Tshs 14m	11

Source: Field survey, October, 1992

majority (83%) were absolutely against selling their plots. What the effect of government policy has been to the people of Kariakoo is to deny them the opportunity to realise their wish of remaining in Kariakoo, a wish which they have demonstrated time and again by opposing the various redevelopment schemes.

While the government could congratulate itself that it was then granting long term rights of occupancy to Kariakoo residents, we have argued that this may lead to their fast replacement. All the same getting these titles has not been easy. While most of our

respondents had these titles, the system of getting them (titles) is still closed and oppressive so that in 68% of our respondents, acquiring a long term title was considered to be very difficult.

Several of our respondents who did not want to move out of Kariakoo resented being replaced by "foreigners".²⁰ Some described their threatened replacement as being "robbery". Many felt that the government should extend credit facilities to them to enable them meet the new planning requirements of putting up multistorey buildings. Others wanted partnership with the new developers e.g. a floor, or a flat in the new multistorey development. The majority (53%) felt that Kariakoo should be redeveloped by the government which would sell the new buildings to the existing owners on credit. The government could recover its money from the rents. They felt that they were under undue pressure from the wealthy, who are supported by the government, to move out of Kariakoo. At least 46% had been approached by people wanting to buy them out. The building of multistorey blocks towering over the old ramshackled single storey Kariakoo houses was seen by some as a psychological and practical pressure of terror to force them out of the area.

The way matters stand is that land policy has failed to find a policy solution to the old occupiers of Kariakoo. A viable approach would appear to be the one based on a dialogue between the government and the old occupiers to come to an agreed solution, a solution that will ensure that the existing residents are not replaced, and do benefit from the existing redevelopment process. The solution is not for the government to let matters take their course, or to unilaterally prepare redevelopment schemes. Negotiations which may ensure the non-displacement of the indigenous people of Kariakoo are delicate and require active government backing. Since this backing is not forthcoming, one after the other of Kariakoo residents finally succumb to selling their property. The result is the polarisation of society, the unco-ordinated redevelopment of the area, and fear, and resentment among the existing old residents.

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A good number of the new Kariakoo buyers are of Arabic/ Zanzibari, or Indian origin.

Land Taxation

A major weakness with the current piecemeal and fragmented redevelopment of Kariakoo in a situation where land transactions are not open, is that the government does not get its fair share of capital gains tax when plots are transferred. In most cases, prices are understated. Secondly, the land rent charged in Kariakoo is generally low. The maximum land rent paid in Kariakoo according to our study is Tshs 5,000/= p.a. This is too low for many of the multistoreyed commercial/residential buildings in the area. Another form of taxation which would be appropriate in Kariakoo is Development Impact Exaction to take care of the stress on the environment and infrastructure that results from the new redevelopments. The system of poor land taxation means that no resources are tapped from the new developers to meet the cost of the necessary expansion of infrastructure. When this cost is taken from the general government budget, it can be argued that this is an inequitable subsidy to the new developers, who are apparently rich. The overburdening of the infrastructure and services by the new development, adversely affects the poor who are however not the beneficiaries of these developments.

Land Use Regulation

Several planning/redevelopment schemes have been prepared for Kariakoo. A new redevelopment scheme is currently (1993) under preparation within the Ministry of Lands, but there are indications that in general, Kariakoo's development has not conformed to these planning schemes. However, the current conditions for getting a building permit in Kariakoo is that the new building must be four storey or higher, constructed of permanent materials and provided, *inter alia*, with car parking space. It must be a major sign of the inefficiency of planning that for nearly six decades, urban planning has failed to deal effectively with Kariakoo. The problems are both within and without the realms of urban planning. The planning schemes have been done at Ministerial level without interaction with the residents. Moreover, the redevelopment schemes have been conceived within the concept of clearing Kariakoo of the existing residents, and developing the area anew. This has, of necessity generated political opposition. However, there is little doubt that Kariakoo has for long been ripe for redevelopment. With the failure of planning to harness, guide, and work with this process in the interests of the majority, Kariakoo has been developing haphazardly despite impressive official planning proposals, and despite the amount of money the new developers

have shown to be willing to invest in the area. The result is overworked infrastructures, and isolated high rise buildings towering over the old dilapidated single storey buildings, mainly in traditional materials. A tripartite coming together of the government, the existing residents and the new developers is perhaps a pre-requisite for Kariakoo to redevelop efficiently and equitably.

Direct Government Intervention

The intensification of land uses in Kariakoo through building upwards required that infrastructure i.e. sewers, storm water drains, water and electricity supply networks, roads, open spaces, car parks, etc, be extended. This has not been done despite several proposals. The problem has principally been lack of resources. The government does not get its fair share of income from the ongoing land transactions in Kariakoo and, as we have seen, it does not tap the potential of the private developers of the area in order to extend infrastructure. This could possibly be done through effective taxation. The alternative would be for the government to seek the cooperation of the developers by inserting covenants requiring these developers to extend or contribute to the extension of infrastructure. The issue of equity and the problem of the indigenous Kariakoo residents could be addressed by incorporating in the longterm titles, covenants stipulating shared ownership in a development, between the old residents and the incoming buyers. Currently, land policy can hardly be said to address these issues.

Conclusion

The impact of land policy on Kariakoo, as presented earlier, can be concluded to be the failure to achieve the hypothesised aims of land policy. It has failed to extend goods and services with public good characteristics (e.g. infrastructure) in line with the intensification of developments, or to minimise harmful externalities (e.g. by harmonizing redevelopments, or preventing environmental degradation resulting e.g. from congestion and overworked infrastructure), or to encourage positive externalities. It has however succeeded, to a small extent, to ease the flow of information on Kariakoo land since the majority of Kariakoo plots have known numbers, and titles, and houses are well numbered. But the government is not all that conversant with who the redevelopers of Kariakoo are, or with the various land transactions going on in the area. Fragmented redevelopment may also have prevented the

growth of monopolistic land holdings. But haphazard redevelopment ignores the issue of social polarisation which land policy has not addressed. The policy can also be said to have failed in taking care of communal risks e.g. by looking into the appropriate service infrastructure required in the area. It has also failed in its role as provider of merit goods, since it has not helped the people of Kariakoo to extoll the conditions of their properties, and since income inequalities are getting blatantly manifested in the form of highrise blocks towering over the humble structure belonging to the indigenes of Kariakoo.

On the other hand, it has been argued that Kariakoo residents who have sold their property have obtained huge sums of money which they could not otherwise transfer from the new developers. In some cases some sellers have had alternative houses constructed for them in the outer the areas of the city. But, given the potential superiority of Kariakoo plots in terms of current and future value, this kind of income redistribution may be illusory.

9.3.3. Evaluating Land Policy with regard to the Manzese Area

Policy related to land tenure, transfer and registration

Having grown up as an unplanned area, Manzese landowners are assumed to have deemed rights of occupancy. The upgrading of the 1970s never tackled the question of land tenure, so, land owners in Manzese were left within the realm of the vague application of customary tenure, and so, spontaneous subdivisions of land have continued. In order to get granted Rights of Occupancy, individual plots had to be surveyed. This was never done. Only block surveying was done to ease the institution of roads. Thus, 92% of our respondents had not titles to land, mainly because the area is not surveyed (Table 9.5 and 9.6). House registration was carried out as part of the area's upgrading in the 1970s, but buildings put up after the original exercise had been completed, are not registered. Without streamlining the question of tenure, the question of land transfer becomes murky, and information on land ownership, and the prevention of externalities become difficult.

Policy on Land Taxation

The efficacy of land taxation depends to some extent on the efficacy of land tenure and registration, and reliable information on properties and property ownership. Since the policy on tenure and registration has been weak, so too has land taxation. For example,

imposts to recover the costs of upgrading the area in the 1970s have not been efficiently collected, and most eligible payers are in arrears (see Tables 9.1) A good number of Manzese residents (16% of our respondents) do not pay any land rent. While it could be argued that there is little justification for advocating the taxation of the people of Manzese, who could be said to be poor and not benefitting from public services, there are within Manzese, signs of rich people penetrating the area. These signs include the conversion of many residential buildings to commercial uses, and the construction of multistorey structures.

Land Use Regulation

The development of an area into an irregular unplanned settlement implies that land use regulation had failed in the first place. The usual land use regulation measures i.e. zoning, control of land subdivision, building regulations, development schemes approval and urban planning have therefore not applied to Manzese even after upgrading. It is therefore not surprising that 85% of our respondents in Manzese have never sought a building permit from the authorities (Table 9.11). A major initiative undertaken by the Ministry of Lands since the late 1980s is to prepare various planning schemes for Manzese and to have individual plots surveyed as far as possible in accordance with these schemes. This has important connotations for the land tenurial status of the area i.e. those whose land is surveyed can get titles. We have argued above that such schemes are difficult to implement, and are likely to work against the poorer landowners of Manzese in favour of the rich ones. The planning schemes are being done without consulting the residents, so that 97% of our respondents said that they have never been consulted by the authorities in the preparation of the planning schemes for their area. According to the Director of Urban Development in the Ministry of Lands, such consultation would be too involving to the extent of making the whole exercise aimed at surveying and titling the area impossible. We have argued however that, one reason why consultation is not done is because it connotes the loss of bureaucratic power over land administration, which officials want to preserve within themselves. The result of this lack of popular participation and consultation is that Manzese is growing with little control.

Direct Government intervention

As pointed out in Chapter Seven, direct government intervention in Manzese has been through surgical action, i.e. the area's upgrading in the 1970s, whereby some

infrastructure i.e. roads, water and electricity networks, schools and health centres, was provided. This, to some extent, changed the land use status of Manzese and one notable effect was further densification of the area (including the construction of multistorey buildings), and the change of the most accessible land from residential to commercial uses. These changes however, are taking place with little government control or regulation and this includes loss of valuable revenue (e.g. on transfer or land use changes, which should command higher land rent). However, the provision of infrastructure during the area's upgrading was conceived on a short term horizon so that no provision was made for its maintenance or extension, both important considerations since the standards of infrastructure adopted were low and since densification of use was expected. Besides, the population was not involved during the conception and implementation of the upgrading scheme which the people of Manzese saw as belonging entirely to the government. Most Manzese landowners interviewed expressed a view that infrastructure was instituted in their area as a result of the efforts their former Member of Parliament, who was also a senior cabinet Minister, the late Mr. Derek Bryceson. As a result of lack of maintenance, public infrastructure, particularly roads, drains and water kiosks, is badly damaged, uncared for by the both the City Council, and the local residents.

Since the public participation option was not adopted, intervention by cooperating with the private sector could not be contemplated, yet approaches like land pooling and redistribution or land sharing could have been usefully applied during the upgrading process to regularize the area. Even today, people who are apparently wealthy and able to put up multistorey buildings in Manzese, are doing so without cooperating with the public sector whereby some of their resources could have been tapped to regularize and service Manzese. Moreover, the various developers, big and small, are not co-ordinated, so that their impact on existing infrastructure is not known. Not known too, are future infrastructural requirements. Manzese, like many parts of Dar es Salaam, is developing with hardly any government control or direction.

Conclusion

Land policy can be said to have played a major role in providing services with public good characteristics during the upgrading of Manzese. These included infrastructure like

roads, water and electricity networks, drains, schools, markets, health centres and open spaces. This was aimed, as much at ameliorating conditions in Manzese as to helping the government in policing the area. Besides, the concept of upgrading was an important component in securing funds for preparing new plots for allocation. Thus the servicing of Manzese was not aimed at smoothening or overcoming the limitations of the operation of, land markets in the area.

As a result of the limited goals of this upgrading, the role of land policy in preventing harmful externalities in Manzese has been highly restricted. Externalities emanate from incompatible users (all kinds of uses are mixed up in Manzese), pollution, especially from uncollected surface waste water, uncollected solid waste, smell and other nuisance (e.g. from pit latrines) particularly where houses are overcrowded without any general alignment, etc.

Again land policy has succeeded only to a limited degree to provide cheap and reliable information on land holdings and development in Manzese. According to our research findings, in 45% of our respondents, plot numbers were not known. In 56% of the cases, the houses carried no clear plot/house numbers. This suggests that around half of the houses/plots of Manzese are not registered (presumably because they were constructed after the registration exercise was over). The majority of homeowners interviewed did not have certificates of title. The authorities too cannot claim to be well acquainted with the land transactions that are going on in Manzese, or with the land developments that are taking place in the area. Not when 85% of the developers never sought to get a building permit!

The broad failure of land policy to play an active role in the interest of the peoples of Manzese, means that other roles of land policy, i.e. reducing monopolistic tendencies, taking care of future costs or benefits, shouldering communal risks, ensuring the provision of merit goods (e.g. tap water for all) and redistribution of income, are not being taken care of.

9.3.4. Evaluation of Land Policy with relation to Kijitonyama

Policy related to Land Tenure, Registration and Transfer

As has been the case with other new planned areas, the original residents of Kijitonyama were more or less replaced. Some were promised plots in the area, and there is

some evidence suggesting that this promise was fulfilled. In parts of Kijitonyama, short term rights of occupancy were originally allocated to allow the construction of traditional buildings and a number of such houses exist in places today. By and large however, Kijitonyama has developed as a middle to high income residential neighbourhood despite the stated aims of the planning scheme, earmarking the area for low income households.

After its planning, Kijitonyama was allocated to new people and institutions. Judging by the proportion of people who have certificates of title, which according to our survey, was 64%, and considering that 86% of those who have no title have official letters of offer (Tables 9.5 and 9.6), it could be argued that the official system of land tenure has worked fairly well in Kijitonyama. However, 71% of our respondents did not obtain their plots through the normal system of allocation, but by way of buying plots, houses or foundations from the owners, or from officials (Table 9.4). This would seem to contradict the findings of a research carried out in 1988²¹ which found that only a limited number of plots in the area were officially recorded as having been transferred through sale. The implication of this is that a lot of people do transfer/acquire plots and report e.g. to the courts, lawyers or ten cell leaders, but do not report the changes to the land offices, because the official process of land transfer is cumbersome and capital gains is payable. It is therefore possible that the records of landowners in Kijitonyama as officially held, do not reflect the actual situation.

Policy with relation to Land Taxation

Like other official land delivery schemes in Dar es Salaam, land in Kijitonyama is grossly undertaxed. By far the majority of the plot owners in the area pay an annual land rent of Tsh 500/= or less. Only 11% paid more than Tshs 500/=. Besides, as argued in Chapter Seven, many eligible payers are in arrears. This poor land taxation incapacitates government's ability to muster sufficient resources to invest in public infrastructure, for example.

Policy with relation to Land use Regulation

By and large, Kijitonyama is a planned area with buildings regularly sited. But building control appear not to have been rigid. Plot ratios are violated and building heights are poorly

²¹ J.M.L. Kironde, "Sites and Service in Tanzania: The case of Sinza, Kijitonyama, and Mikocheeni", *Habitat International*, Vol. 15, No. 1/2, 1991, pp. 27-38.

regulated, so that it is common to see a high rise block towering over the adjacent single storey building. With an average area of 400 square metres, the high density plots of Kijitonyama are fairly generous. Generous too, were the original provision for open spaces. Most of these have been converted into private plots, and as pointed out earlier, hazard land along Shekilango Road has been converted into commercial uses. Kijitonyama is therefore getting congested. Nevertheless, although Kijitonyama has gone through nearly 20 years of development, there are still a number of undeveloped, or partially developed plots. This implies that development conditions are violated. Squatting has also taken place in areas left over as hazard land.

Direct Government Intervention

Kijitonyama benefited from direct government intervention by way of land acquisition for the implementation of the sites and services scheme, and by way of infrastructure instituted in the 1970s. The standards of infrastructure aimed at, particularly with relation to roads and drains were low, so that with poor maintenance and overuse, infrastructure is in very poor condition. Many public water kiosks no longer work. In a number of cases, land earmarked for public water kiosks has been converted into plots for private use. Part of Kijitonyama was "directly developed" into houses, by the National Housing Corporation, and the Tanzania Housing Bank, for tenant purchase scheme.

In view of the bad condition particularly of roads, a condition made worse by the lack of drains which force rain water to use roads as drains thereby badly eroding them, there has been instances where people in the area have come together in order to muster resources for "self help" road maintenance. Commendable as these efforts were²², lack of trust among the population, and lack of the necessary knowhow did manifest themselves as major hindrances to the success of such "self help" endeavors. For instance, some people refused to contribute to road maintenance, arguing that they owned no motor vehicles, or were mere tenants in the area. Rather than contribute, others recommended that the bit of the road abutting their properties be left out during maintenance. It is possible that these self-helpers of Kijitonyama could have benefitted from government policy aimed at cooperating with them,

²²

In 1990-92 the author participated in a scheme to maintain a major neighbourhood distribution road (unfortunately unnamed) separating Kijitonyama, and Sinza.

and helping them to help themselves, but this has not been forthcoming so that the situation is pathetic as far as infrastructure is concerned.

3.4.5 Conclusion

Originally, it can be said that land policy was successful in its aims of taking care of public goods, and preventing harmful externalities in Kijitonyama. This success is now qualified by the poor status of infrastructure. Surface water pollution, from overflowing septic tanks is a major problem whose solution would appear to be the institution of a comprehensive sewer network to the area since the water table is very high and septic tanks cannot cope. Yet such a scheme is unlikely to be undertaken unless resources can be mustered. With a weak system of land taxation in Tanzania, resources are unlikely to be obtained from that source so that Kijitonyama is likely to suffer from poor infrastructure for the foreseeable future.

As for information provision, it is likely that official records are grossly inaccurate. It is also noticeable that while in the majority (96%) of our respondents, plot numbers were known, these were not displayed on the houses in 88% of the cases. With the exception of the two trunk roads bordering the area i.e. Bagamoyo Road and Shekilango Road, not a single road in Kijitonyama is named. Thus the status of information on land and land developments in Kijitonyama is poor.

Perhaps the question of monopolistic tendencies does not arise in Kijitonyama since land was fragmented and allocated to many applicants, but land policy is possibly storing trouble for the future by allowing the near 100% conversion of open spaces to private uses, or the condoning of construction on hazard land. Already, the "besieged" Kijitonyama river is showing signs of flooding and eroding roads and properties near it.

Land policy has not addressed itself to the question of communal risks, a key problem in Kijitonyama, by looking into appropriate and affordable modes of road construction and maintenance; drainage; and waste water removal. As for merit goods, it can be said that the standard of houses in Kijitonyama is satisfactory although there are many incomplete, but occupied properties. The water network infrastructure is fairly comprehensive so that most

households can get access to piped water (although it is likely that many do not pay for it). But the failure of recovering the cost of infrastructure from the beneficiaries of Kijitonyama means that considerable subsidy was bestowed to these people.

9.3.5. Evaluating Land Policy with Respect to Mabibo

Policy related to Land Tenure, Registration and Transfer

Being an unplanned area which has not benefitted from upgrading, Mabibo cannot be said to have enjoyed a positive land policy impact with relation to land tenure. The tenurial status of Mabibo is within the realm of customary tenure. However, residents would like to have title to their land, despite their prohibiting the survey of the area by government instructed surveyors. This survey was meant to get Mabibo land into the hands of the government for its allocation. Drawing from past experience, the people of Mabibo would not let that happen. But sometime in 1989, a group of landowners of Mabibo External came together to seek the survey of their land lots. They collected funds and got the services of land surveyors. To date (1993), this survey has not gone beyond the surveyor's drawing table through the labyrinthine process of getting approved. The snag is that the actual pattern of land lots does not tally with the planning scheme prepared for the area by the Ministry of Lands. A solution to this problem is yet to be found, but in the meanwhile, land subdivision is going on and more buildings are coming up totally independent of the planning scheme. Thus the status of land tenure, "registration", and transfer is done entirely outside the official system.²³

Policy related to Land Taxation

Without streamlining the question of land tenure, the question of land taxation cannot be easily tackled. Thus most Mabibo landowners do not pay land rent, and this has important connotations for land servicing. Without income, say from land rent, the government is starved of resources to invest in services.

Policy in relation to Land Use Regulations

Mabibo is growing outside the realm of land use regulations, but as alluded to above, the government has a planning scheme for the area which remains unimplemented, and is

²³

The author collaborated with the residents to get the area surveyed.

probably unimplementable. Subdivision and land development is going on without the benefit of land use regulation, making the planning scheme even more outdated.

Direct Government intervention

The major form of government intervention had been earmarked to be land acquisition and relocation of the existing occupiers. This was resisted, and as a result the government "ignored" Mabibo.

The infrastructure that exists has been instituted by the people themselves but has a lot of problems. Roads for example are very narrow, unmade and windery. In many cases, buildings are not sufficiently setbacked from the roads, and many buildings have no road frontage. Surface or other waste water drainage is non-existent. Electricity and water networks exist in parts of Mabibo, mainly as a result of individual efforts.

Mabibo is unplanned, but most of it is yet to be highly densified. This is an area where the policy of cooperating with the land owners through such policy as land pooling and redistribution could work successfully. For reasons outlined earlier, this policy option, though provided for under the *Town and Country Planning Ordinance*, has not been contemplated for application to such an as yet lightly populated area as Mabibo. Land pooling does not accord with the inherited concept where land planning has been seen in terms of displacement, relocation and allocation. As the area is densifying rapidly with the authorities clinging to the old planning approach, it will not be surprising that there might be calls in future for the area's upgrading, an expensive option which could be avoided if the authorities cooperated with existing land owners to regularise the land uses before it was too late.

Conclusion

Land policy cannot be said to have played any positive role in Mabibo. But it has attempted the negative approach of trying to replace the existing residents by way of conniving a planning scheme for the area. This has proved difficult to implement, so that Mabibo is slowly developing into a typical high density unplanned area, despite the existence of apparently rich people with large land lots and imposing buildings in the area.

9.3.6. Evaluating Land Policy with respect to Mbezi

Policy related to Land Tenure, Registration and Transfer

The replacement of the landowners of Mbezi before the area was declared a planning area, a process which caused injustice to those people has been described above. The allocation of tenurial rights over Mbezi was done unsystematically and in an uncoordinated manner as a result of the multiplicity of allocating authorities and of malpractice. This resulted in problems like plot double allocation described above. The majority (80%) of our respondents in Mbezi had no Certificates of Title to land, a reflection of the inefficiency of land policy in allocating tenurial rights.

A lot of land in Mbezi (45% of our respondents) was acquired by way of purchase. Since most of the land was allocated from 1980, a lot of it was acquired and sold within a relatively short period. This implies acquisition of land for speculation. These transfers are usually done at the back of the government which therefore loses revenue. These too bring to question the continued adherence by the government to the policy of allocating land cheaply. Nevertheless, using the policy tool of granting tenurial rights, the government was able to reallocate most of the land in Mbezi to new owners, except in a few areas where powerful land occupiers resisted displacement.

Policy with relation of Land Taxation

Although Mbezi land is not provided with infrastructure, its acquisition, planning, surveying, and allocation cost money and enhanced the value of the land. Neither is this cost being recovered nor is betterment value properly taxed. Thus while it cost some 10,000/= to survey a high density plot in Mbezi, in the 1980s, the government charged only 25/= as survey fee. As 3445 high density plots were earmarked for surveying in the area, some Tshs 34,450,000/= can be assumed to have been spent on land surveying these high density plots alone, yet, at 25/= a plot, only Tshs 86,125/= could have been recovered. The implication of this is that surveying of more land becomes difficult since new money must always be sought from the government and this is not usually forthcoming. The root cause of this problem is the policy that in practice aims at allowing the economically and socially powerful to acquire land cheaply. Those who get this land directly from the government do so cheaply, but those who have to buy it from the original allottees, or from land officials, pay dearly.

According to our study, plots in Mbezi that were acquired through purchase, were bought for between Tshs 3000/= and Tshs 1.2m, depending on the size of the plot, its location and the year of purchase. In one ascertained case, plot 240 Block G Medium Density, was sold by one A. Yahya to one Dr Emmanuel Sifuel Munyo on 6/10/1992 for Tshs 1.25m/=. Yahya had obtained the plot in December, 1985 for fees totalling less than Tshs 500/=, and an annual land rent of Tshs 650/= ²⁴.

Asked to assess how much their plots could be sold for without buildings, respondents in Mbezi gave prices of between Tshs 0.1m to Tshs 20m. Yet the land rent that was being charged in Mbezi ranged between Tshs 175/= and 1750/= p.a. This poor land taxation has partly been responsible for the government's failure to institute infrastructure in planned areas, and to have a dynamic land delivery system. Surveyed plots have as such been scarce, thus getting into the hands of those who are socially and politically powerful, leaving the poor to their wits.

Policy in Relation to Land Use Regulations

Mbezi is a planned area with about 7000 residential plots whose various planning schemes have been implemented in a situation of confusion in land administration. The various planning schemes for the area have been revised clandestinely so that a future developed Mbezi is likely to be starved of public open spaces or land for public uses. Disputes over plot ownership are also prevalent. Yet the area's developers are slowly but surely putting up very expensive properties in the area. A recent study found that most developers exceeded the allowed ceilings for site coverage and plot ratios.²⁵ This is not surprising since many builders did not hold building permits from the City Council, nor were they visited by building inspectors. Only 27% of our respondents found it easy to get a building permit. The rest either found getting it difficult (9%), were still struggling to get one (16%), or had not sought to get one (48%). But even where permits were held, developers did not conform to what

²⁴ See File related to Plot 240 Block G, MD, Kinondoni District Land Office.

²⁵ P.K. Kazungu, A decade of Local Government (Urban authorities) in Tanzania, 1982-1992: Evaluation of Achievements and Bottlenecks in Property Development: Case of Dar es Salaam City Council, Diploma Project, Department of Land Management and Valuation, Ardhi Institute, Dar es Salaam, 1992, p. 44.

the permits required²⁶. Again, this is not surprising, since building inspectors never visited the sites during construction in the case of 75% of our respondents. This is because the land is in accessible, far from the planning offices, and lacks infrastructure and services. In most cases, it would be cumbersome for the officers even to be able to know the demarcation of the plots. In any case, facilities to allow building inspectors to visit the sites from their centralized offices are lacking, and while on site, inspectors can always be "persuaded" to turn a blind eye to the violation of regulations. Land use regulation as a tool of land policy has thus been inefficient in the Mbezi area. The root causes of this failure is the internal weaknesses in conceptualising and implementing these regulations, lack of resources, malpractices, etc.

Direct Government Intervention

We have pointed out how Mbezi was planned and is developing without the semblance of the infrastructure standard in developing planned areas. The reason given by the government is lack of wherewithal. Yet we have seen above how cheaply land is allocated. In political terms the government argues that this policy is aimed at ensuring that access to land is open to all, rich and poor. The government feels that pricing land highly is unethical since land is a gift of nature and "selling" it would exclude the poor from access too this it (land). Yet there are no pretenses whatsoever, that there are hardly any poor people in Mbezi planned Area. To some extent, it could be argued that the non servicing of Mbezi is equitable (if inefficient) since no public resources are expended to add further gain to the area's land owners. But already the people of Mbezi are clamouring for services and sooner or later, these are going to be instituted at public expense unless the government taps the plot allottees potential. It is unlikely that the government will tap this potential, and two reasons are advanced to explain this reluctance: Like was the view of the colonial government in the 1950s (Chapter Five), incorporating the peoples efforts to institute infrastructure connotes the admission that the government had failed in its role, and this, of necessity mean loss of bureaucratic power. The solution is to wait, and institute infrastructure as and when the government is able to do so/ itself. The second reason is the preservation of the colonial inheritance of getting access to land cheaply and preserving the bureaucracy's power to

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ibid.

determine who gets access to what land. This would certainly be compromised if land was offered through an open land pricing system e.g. premium tendering.

It has been questioned that if the argument is that the Mbezi plot owners are not poor people, how come plot development takes such a slow place?²⁷ The answer is suggested to be the lack of effective development financial institutions in Tanzania. The Tanzania Housing Bank is hamstrung for resources, and the maximum it can offer (currently Tshs 2.0m/= for residential buildings), and even then, in paltry instalments, is in most cases only a (small) fraction of what is required to put up a normal house, let alone the types of grandiose houses coming up in Mbezi. Much as we consider the Mbezi plot owners to be relatively well off, we do not think they have millions of shillings readily available to develop their plots in a short period, but they are able to do so in the long run. There is also the observation that the process of plot acquisition and plot development are two independent variables. It certainly takes a lot of struggle and resources to acquire land whether this be done through allocation, or through purchase. Developing the plot is another protracted struggle. There is also the possibility that given the lack of infrastructure, some developers prefer to go slowly since no return are expected to be obtained in the short term from the completed buildings. No houseowners is debarred from putting up a small house which can be completed within the available resources.

The potential for cooperation with the people of Mbezi is there. We have seen how they individually engage in repetitive and expensive investments to institute their own infrastructure, particularly roads, water and electricity. These efforts could be co-ordinated, advice given, and some powers of enforcement sought. The developers of Mbezi have no forum where they can meet and many do not know each other. Many too rarely visit their sites.

Except for land acquisition and planning, direct government intervention e.g. in terms of constructing infrastructure, direct development, offering financing facilities or cooperating with the private sector has not been very active in Mbezi.

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Anonymous Referee for *Land Use Policy* on a paper by J.M.L. Kironde, "Land Policy of Options for Urban Tanzania", Mimeo, Ardhi Institute, Dar es Salaam.

Conclusion

It can be concluded from the above discourse that land policy in Mbezi has failed to achieve many of its stated aims i.e. the provision of public goods; minimisation of harmful externalities and maximisation of positive ones; the provision of cheap and reliable information; the reduction of monopolistic tendencies in land uses; the taking care of future costs and benefits; the taking of communal risks; the provision of merit goods; and the redistribution of income. The result is the inefficient development of Mbezi which is devoid of infrastructure, but with expensive buildings, access to which is precarious and whose owners are finding it difficult to occupy or let. Investing in Mbezi is made unnecessarily expensive by this lack of infrastructure which forces individuals to undertake repetitive and expensive actions, where joint action would be cheaper.

9.4. Inferences from answers to our questionnaire

Further insights into the efficacy of land policy can be gauged by discussing the results to our questionnaire. The questions that were posed are reproduced in each table together with the answers. Unless Otherwise shown, all answers are in percentages.

9.4.1. Plot identification

The first set of questions sought to find out certain characteristics of the plots owned by the respondent households. The results are presented in Table 9.3. From the answers, it will be realised that in several cases, prevalent in the unplanned areas of Mabibo and Manzese, as well as in the unplanned parts of Kariakoo and Mbezi, landowners did not know the number of their plots, although in almost all cases, the plots were developed. In both Manzese and Mabibo areas, the majority of the plots were unsurveyed, and this was to be expected of unplanned areas. But what we find worth further stressing is the lack of clear house or plot numbers in the majority of cases in the areas surveyed with the exception of Kariakoo. Surprisingly, this is even more so in the planned areas of Kijitonyama and Mbezi. Manzese, though unplanned, has a considerable proportion (45%) of its houses clearly numbered. This is the consequence of house registration undertaken during the area's upgrading in the 1970s. The prevalence of unnumbered houses in Manzese, despite house registration, is a reflection of the post-registration property development which was not catered for. This is a task which

the local leadership could have been entrusted to do as houses came up. Apparently this was not the case. Authorities too have not made a follow up on the new structures coming up.

Table 9.3: Plot Identification

Questions/Answer options	K/koo N=76	Mabibo N = 89	K/nyama N=100	Manzese N=97	Mbezi N=56	All Areas N=418
Is the Plot number known?						
Yes	68	19	96	55	66	61
No	32	81	4	45	34	39
Is the Plot Surveyed?						
Yes	95	22	97	21	70	59
No	5	78	3	79	30	41
Is there a clear plot number on the house/plot						
Yes	67	19	12	44	0	29
No	33	81	88	56	100	71

In Karikao, most houses have clear numbers, and it can be argued that this was inherited from the colonial era. The colonial government would have wanted to have houses numbered for administrative purposes. Modern Dar es Salaam administrators seem to prefer to govern in the dark. Lack of house numbering as well as street naming is considered to be a major impediment to efficient land administration, though it is realised that keeping basic information on plots/houses, such as their numbers, secret, could be preferred if administrators have things to hide. It is however a glaring sign of inefficiency in urban management in general, and land administration in particular, particularly if it should be considered that no considerable resources need be expended to ensure this. A bylaw requiring every landowner to fix a number or street name on their houses/plots could go a long

way to achieve this basic requirement of urban management.

9.4.2. Plot Acquisition

Table 9.4 shows when the plots in the various areas were acquired, and the relatively "young" ages of Mbezi and Mabibo compared to Kariakoo Manzese, and Kijitonyama come out clearly.

With the exception of Kariakoo, by far the largest group of landowners, got their plots through purchase, either of bare plots or of a house, or foundation. With the exception of Mbezi, only a minority obtained plots by direct allocation from the government. The high proportion of acquisition through land allocation in Mbezi is a reflection of the abundance of planned plots during the early 1980s, and the then unpopularity of the area.

The revelation that most people buy their plots, a finding highlighted by other studies as well²⁸, has important connotations for land policy, since the government's refusal to recognise urban land markets, and to help them to work openly and with certainty, is because it believes in land allocation. Yet, the majority of urban dwellers in Dar es Salaam, do not get their land by way of purchase. What this means is that in planned areas like Kijitonyama and Mbezi, original allottees (some of whom happen to be land officials) sell their plots to other people, and in the case of unplanned areas, the purchase of land from existing owners is prevalent. This is a strong case for policy makers to address the question of smoothening the working of the land market in land allocation; since as can be seen from Table 9.4 the process of plot acquisition was rated to be very difficult.. The continued belief in government land allocation is merely a political expediency, and, as we have argued above, would appear to be aimed, not at benefiting the majority, but the minority who are able to use political, bureaucratic or social muscle to get cheap government land.

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E.g. M. Hoek-Smit, *The Urban Housing Sector in Tanzania*, Report prepared for the World Bank and the Ministry of Regional Development and Local Government, 1990.

Table 9.4: Plot Acquisition

Questions/Answer Options	Kariakoo N = 76	Mabibo N = 89	K/nyama N = 100	Manzese N = 97	Mbezi N = 56
When was the Plot Acquired?					
Before 1941	22	1	0	1	0
1941 - 1960	16	2	2	8	4
1961 - 1980	25	39	72	59	11
Since 1980	24	51	26	25	84
Not Given	13	7	-	7	2
How was the plot acquired?					
Allocated by Govt./City	4	7	17	1	41
Inherited	55	3	2	8	-
Allocated by 10 cell leader	-	2	-	-	-
Allocated by owner	2	3	2	9	4
Occupied without anybody's permission	-	2	8	4	9
Bought empty plot from owner	5	74	12	47	45
Bought house/foundation	29	4	44	26	-
Was sold a govt. plot	5	1	15	2	2
Other means	-	2	-	2	-
How did you find the Plot acquisition Process?					
Very difficult	86	87	96	88	88
Not very difficult	8	4	2	5	5
Easy	7	8	2	7	7
Not given	-	1	-	-	-

9.4.3. Certificates of Title

In both Kariakoo and Kijitonyama, the majority of landowners had Certificates of Title over their land. This was not the case (and was not expected to be the case), in unplanned Manzese and Mabibo, but was surprisingly the case in planned Mbezi (Table 9.5). As the majority of Dar es Salaam urbanites live in unplanned areas, it is safe to conclude that the majority hold no title to land. In all cases, respondents rated the process of getting certificate of title to land to be very difficult. This was particularly so in the case of Mbezi where it can be assumed that the new landowners were anxious to get title to land. The failure of policy to deliver certificates of title to Mbezi is, to some extent, a reflection of the land administration confusion in the area. As pointed out above, the survey of several blocks in Mbezi cannot be approved because of malpractices in the

land administration of the Mbezi Planning Scheme. As a result, no titles can be issued to these unapproved surveys, yet this is no fault of the plot allottees.

Table 9.5: Possession of Certificates of Title

Question/Answer Option	Kariakoo N = 76	Mabibo N = 89	K/nyama N = 100	Manzese N = 97	Mbezi N = 56
Do you have a Certificate of Title over your land?					
Yes	88	11	64	8	20
No	12	89	36	92	80
How do you rate the process of Acquiring the Title?					
Very difficult	68	62	56	72	89
Easy	28	20	40	22	11
Very easy	3	3	-	-	-
Not given	1	15	4	6	-

In the case of planned Mbezi and Kijitonyama, letters of offer are held by those without certificates of Title, and hopefully the titles can be granted one day. But in the cases of unplanned Mabibo and Manzese, it is sales agreements that are mainly held, and this highlights the importance of the local organisations in land markets (Table 9.6). The figures for Kariakoo have little significance. The major cause of having no title except for Mbezi is that the land is unsurveyed, or that the landowners have not bothered to seek them, presumably because the process is clogged, discouraging many even from bothering.

Table 9.6: Alternatives to Certificates of Title

Question/Answer Options	Kariakoo N = 9	Mabibo N = 79	K/nyama N = 36	Manzese N = 89	Mbezi N = 45
If you have no Certificate of Title, what evidence do you have to authenticise your plot ownership?					
. Letter of Offer	22	19	86	2	62
. Sale agreement	44	70	6	75	29
. No evidence	33	11	8	16	9
. Not given	-	-	-	7	-
What prevents you from getting the title?					
. Have not bothered	22	35	61	34	31
. Tried and gave up	44	13	33	17	38
. Plot not surveyed	33	12	6	49	2
. Not given	-	-	-	-	29

9.4.4. Plot Preferences

In all the areas, the majority of the respondents claimed to have had alternatives to the plots that they finally acquired (Table 9.7). The high percentages showing for Kijitonyama and Mbezi do possibly reflect the newness of the areas in the early and later 1970's respectively, when plot allottees were usually given various plots to select from. This practice disappeared in the mid - 1980s. The majority are happy with their plots. Small plots size is cited by majority who were dissatisfied with their plots. This reflects the general attitude which people in Tanzania hold over land, compared to other countries, possibly as a result of its being cheap. The plots that are considered small (with the possible exception of unplanned Manzese) range from 144m² in Kariakoo to 400m² in Kijitonyama, and would in, in countries like Egypt, India and Kenya be considered generous. In Kenya, for example, high density plots in sites and service scheme rarely exceed 120m², although the superiority of infrastructure, especially sewers, eliminates the need to have land for septic tanks.

Table 9.7: Plot Preference

Questions/Answer Options	Kariakoo N = 76	Mabibo N = 89	K/nyama N = 100	Manzese N = 97	Mbezi N = 56
Did you have alternatives to the plot that you finally acquired?					
Yes	51	54	83	58	73
No	42	39	17	42	27
Not given	7	7	-	-	-
Given an opportunity, would you prefer different plot from this?					
Yes	42	26	16	23	11
No	58	73	84	73	89
Not given	-	1	-	-	-
If you would prefer a different plot, what is wrong with this one?	N = 32	N = 23	N = 16	N = 22	N = 16
. Plot too small	56	39	56	50	0
. Plot badly located	41	39	44	23	33
. Plot too far	3	22	-	23	17
. Not given	-	-	-	4	50

9.4.5. Plot Transfer

While the majority of our respondents said that they would inform the government or City Council, if they decided to sell or transfer their plots (although in practice, this is not done), it is significant that in the case of a dispute concerning their plots, the majority in each area would first go to the Ten-cell leader (Table 9.9). This reflects the confidence that people have in the local leadership, a factor that has not been effectively incorporated in the administration and delivery of urban land policy.

Table 9.9: Plot Transfer

Questions/Answer Options	Kariakoo N = 76	Mabibo N = 89	K/nyama N = 100	Manzese N = 97	Mbezi N = 56
If you decided to sell or otherwise transfer this plots, would you inform the government, or City Council?					
Yes	99	76	90	95	68
No	1	16	10	5	32
Not given	-	8	-	-	-
If there was a dispute concerning this plot where would you first go to seek a solution?					
To the Ministry of Lands/ City Council	45	11	19	8	36
To the 10 cell leaders	47	80	75	67	61
To the Neighbours	-	-	-	-	-
To the courts	8	3	3	25	4
Not given	-	6	3	-	-

9.4.6. Land Rent

Most land payers pay land rent to the Internal Revenue Office, but, as would be expected, a sizeable proportion of households living in unplanned areas like Mabibo, Manzese, and in the unplanned part of Mbezi do not pay land rent (Table 9.10). The high proportion of rent payers in Manzese unplanned area is perhaps a result of the house registration exercise of the 1970s, and also of turning into commercial uses of many houses, since, before granting a business licence, the authorities usually insist on the updating of land rent.

Table 9.10: Payment of Land Rent

Questions/Answer Options	Kariakoo N = 76	Mabibo N = 89	K/nyama N = 100	Manzese N = 97	Mbezi N = 56
Where do you pay your Land Rent?					
Internal Revenue Office	93	25	86	39	64
Party Offices	-	1	-	2	2
Ministry of Lands	3	2	9	11	-
Do not pay Land Rent	4	48	3	16	30
Not given	-	24	2	34	4
How much do you pay as Land Rent? (Tshs)					
100 or less	2	1	2	8	-
101 - 500	17	31	84	34	7
501 - 1000	29	1	10	11	18
1001 - 5000	26	3	1	3	39
Over 5000	-	2	-	-	-
Do not Pay Land Rent	4	48	3	16	30
Not given	18	12	-	27	6
When was Land Rent Last Paid?					
Up to date (1992)	51	22	39	20	39
1991	8	10	16	22	20
1990 or earlier	14	12	41	20	7
Do not Pay Land Rent	4	48	3	16	32
Not given	22	7	7	23	2

The land rent paid in all areas is generally low. In Kariakoo, Mabibo and Kijitonyama, the

majority of rent payers paid Tshs 1000/= or less p.a. In both Kariakoo and Mbezi though, there is a substantial proportion of rent payers paying over Tshs 1,000/=. In Karikaoo, rents go up to Tshs 5,000/=:, while in Mbezi, the highest land rent was given as Tshs 1,750/=. There is then the bulk of rent non-payers. The incidence of land rent arrears was also substantial especially in an area like Kijitonyama which, incidentally, has the lowest levels of land rents. A pattern whereby those who had the lowest land rents to pay were the most significant in arrears also depicted itself within the data for Manzese. Our interview with the Internal Revenue Officers, who are the collectors of land rent, indicated that the Internal Revenue Office did not bother following up on arrears where the rents were low, since the cost of doing so did not justify the expected income. The Internal Revenue Office's records were also in a mess and they did not have any information on the bulk of the plots in Dar es Salaam.

Land rent was found to be low in the "older" residential areas like Kijitonyama compared to the newer ones like Mbezi. This suggests that land rents are hardly revised, once fixed. Low income from low land rents make land servicing difficult, while poor land servicing makes it difficult for the authorities to collect land rents or to raise them. An efficient and dynamic land policy requires realistic land rents, effectively collected.

9.4.7. Land Use Regulation

The majority of our respondents in the unplanned areas of Manzese and Mabibo did not know the government's intended uses for their area (Table 9.11). This is perhaps not surprising in the light of the prevalence of non-consultation in planning policy in urban Tanzania. With the exception of Kijitonyama, and to a lesser extent Mbezi, most of our respondents said it was not easy to consult the official land use schemes for their areas. This, for example, made it easy for officials to easily convert public open spaces to private use without inciting any reaction from the local populations. With regard to the City Council's building conditions, the majority of the respondents in all the areas found them difficult or very difficult to abide with. Only in Kijitonyama did most respondents find it easy to get a building permit. In the rest of the areas, it was either difficult or the respondents had not sought one. This was particularly so in the unplanned areas of Mabibo and Manzese, but also in the planned areas of Mbezi. Given that the majority of Dar es Salaam's buildings are in unplanned areas, it is safe to conclude that the majority of the builders hold no building permits from the City Council. This is partly a result of the upholding of unrealistic

standards and bureaucratic procedures in issuing building permits and partly because unplanned areas are generally ignored by policy makers. Other studies have found that it can take up to four years to get a building permit. The number of permits issued by the Dar es Salaam City Council fell from an average of 1489.2 between 1979-1983, to 570.2 between 1984 and 1988.²⁹ The fact that most of the builders in Dar es Salaam hold no permits means that the Council loses valuable revenue on permit fees and also denies itself the chance to be aware of what building activity is going on within its jurisdiction and be able to make a follow up and give directions and regulations. For, even in unplanned areas, some regulation e.g. building alignment and orientation or distance from one structure to another, is desirable.³⁰ That the Council hardly knows what kind of building activity goes on within its jurisdiction, is reflected from the fact that with the exception of "old" Kijitonyama, the Council's building inspectors never visited the sites of builders even in such planned and "new" areas like Mbezi. Asked about why this was so, City Council authorities readily cited lack of resources (eg. vehicles or motor cycles to be used by the inspectors), but there is also a structural problem whereby land regulation powers are concentrated both geographically and within officials. There is also the question of poor infrastructure, e.g. lack of passable roads, poor records, and information on land parcels, poor incentives (which sometimes encourage corruptive behaviour) etc. All these make the enforcement of land regulation very difficult.

9.4.8. Infrastructure

With the exception of Kariakoo, most of our respondents reported lack of the usual infrastructure in urban neighbourhood i.e. roads, piped water, electricity, health centres, schools, and markets in their areas when they first got their plots (Table 9.12). The majority felt that the residents of the respective areas were willing to come together to institute or maintain the infrastructure. By far the majority reported that they were willing to contribute to the institution or the maintenance of roads, piped water and electricity networks, police stations, health centres and primary schools. In Mabibo, Kijitonyama, and Mbezi, most of our respondents had been involved in the institution and maintenance of roads, piped water and electricity networks, and (overwhelmingly) the areas' cleanliness.

²⁹ L.S. Sylvester, *Building Permits: An impediment to property development in urban Tanzania?*, Diploma Project, Department of Land Management and Valuation, Ardhi Institute, Dar es Salaam, 1990.

³⁰ Here we are not arguing for the enforcement of the unrealistic, inherited building rules.

Table 9.11: Aspects of Land Use Regulations

Questions/Answer Options	Kariakoo N = 76	Mabibo N = 89	K/nyama N = 100	Manzese N = 97	Mbezi N = 56
Do you know the intended use of this area?					
Yes	66	37	53	25	84
No	34	63	47	75	16
Would you say that it is easy to consult the official land use scheme for your area?					
It is easy	30	38	80	15	54
It is not easy	70	62	20	85	46
Have you ever been consulted by the authorities with regard to preparing land use schemes for this area?					
Yes I have been consulted	16	4	3	3	2
No I have never been consulted	84	96	97	97	98
How do you find the City Council's building conditions?					
Very difficult	38	20	8	36	18
Difficult	42	40	56	45	55
Easy	20	16	34	-	28
Not given	-	24	2	8	-
Was it easy to get a building permit from the City Council?					
It was easy	42	18	76	7	27
It was difficult	26	10	10	3	9
Have tried, but have been unsuccessful so far	3	3	3	5	16
Have not sought to get one	30	69	11	85	48
Did the City Council's building inspectors visit your site and guide you during construction?					
Yes, they came and helped	42	3	69	4	25
Yes, they came but I was fined	-	-	1	-	-
No they never visited the site	58	94	30	96	75
Not given	-	3	-	-	-

As infrastructure was instituted in most of Kariakoo during the colonial days, residents therein had participated only to a limited degree in the instituting and maintaining of roads, piped water

Table 9.12: Infrastructure

Questions/Type of Infrastructure	Kariakoo N = 76		Mabibo N = 89		K/nyama N = 100		Manzese N = 97		Mbezi N = 56	
	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No
Was the following Infrastructure available in your neighbourhood when you first got the plot?										
. Roads	89	11	55	45	56	44	44	56	43	57
. Piped Water	76	24	39	61	62	38	62	37	41	59
. Electricity	75	25	20	80	34	66	30	70	38	62
. Health Centre	87	13	1	99	15	85	18	82	2	98
. Primary School	93	7	67	33	44	56	37	63	9	91
. Market	92	8	2	92	26	74	54	46	7	93
Is it easy for your area's residents to come together to institute/maintain services?										
	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No
	86	14	97	3	88	12	93	7	71	29
Have you ever been involved in instituting/maintaining the following?										
	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No
Roads	18	82	58	42	82	18	36	64	68	32
Piped Water	18	82	83	17	68	32	28	72	64	36
Electricity	13	87	55	45	34	66	14	86	21	79
Area Cleanliness	70	30	94	6	100	-	97	3	70	30
Are you willing to contribute to the institution or maintenance of the following?										
	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No
Roads	89	11	97	3	100	-	96	4	98	2
Piped water	91	9	94	6	100	-	97	3	100	
Electricity	86	14	94	6	92	8	90	10	98	2
Police Station	92	8	97	3	97	3	97	3	96	4
Health Centre	91	9	97	3	100	-	98	2	98	2
Primary School	91	9	97	3	100	-	98	2	98	2

and electricity. The level of participation (with the exception of cleanliness) is also low in Manzese. This is a reflection of the non-participatory nature of the squatter area upgrading undertaking of the 1970s which instituted roads, piped water and electricity without involving the local population.

The figures in Table 9.12 suggest a great potential for popular public participation in one way or another, in the whole question of instituting or maintaining infrastructure. Government policy has however, not made use of this potential, and we have offered an explanation that this is a result of the inherited colonial norms which saw popular participation as eroding the powers of the authorities vis a vis their control of the urban population in general, and land administration in particular; and which always aimed at getting planned (serviced) land on the cheap.

Most of the respondents rated the condition of the infrastructure or services, i.e. roads, waste water removal, storm water drainage, or open spaces; and to some extent, health services, to be poor or very poor. (Table 9.13). Only 11%, 13%, 14%, 9%, and 26% of our respondents in the respective areas, considered roads, waste water removal, storm water drainage, open spaces, and health services to be "good". The rating for piped water, electricity and telephone services was relatively good. A substantial proportion of the respondents did not give their opinion (with the exception of the Karikao area) on open spaces and telephone, services, but nevertheless, the majority of our respondents in Kariakoo, Kijitonyama, Manzese and Mbezi showed great concern for the lack of open spaces. Area security scored highly on the "good" rating and this is most probably a reflection of the current (1992) Minister for Internal Affairs' efforts to organise Dar es Salaam residents into popular vigilante groups known as *Sungusungu*.

Table 9.13: Respondents' rating of infrastructure services

Questions/Answer/Type of Infrastructure	Kariakoo N = 76	Mabibo N = 89	K/nyama N = 100	Manzese N = 97	Mbezi M = 56	Total N = 418
How do you rate the condition of the following infrastructure/ services in your area?						
(a) Rating: Very Poor						
Roads	61	25	28	40	43	39
Piped water	20	9	1	19	16	13
Electricity	14	-	1	11	5	6
Telephones	22	10	-	24	7	13
Security	24	12	-	10	16	12
Health Services	25	49	15	46	39	35
Waste water Removal	58	43	53	57	29	48
Storm water drainage	62	51	62	57	55	57
Open Spaces	54	33	50	52	39	46
(b) Rating: Poor						
Roads	36	40	66	47	54	49
Piped water	30	40	32	44	36	36
Electricity	45	43	24	56	16	37
Telephones	46	27	19	31	13	27
Security	24	20	11	25	32	22
Health Services	30	26	36	28	14	27
Waste water Removal	21	40	28	35	9	27
Storm water drainage	26	29	25	32	21	27
Open Spaces	30	3	8	5	11	11

continued

(c) Rating: Good						
Roads	4	31	4	12	4	11
Piped water	50	47	66	36	48	49
Electricity	41	42	66	23	68	48
Telephones	32	18	31	14	36	26
Security	53	65	89	65	52	65
Health Services	45	9	22	22	7	21
Waste water Removal	21	9	19	6	11	13
Storm water drainage	12	17	12	9	18	14
Open Spaces	16	4	4	10	11	9
(d) Rating: Not given						
Roads	-	3	2	-	-	1
Piped water	-	3	1	1	-	1
Electricity	-	16	9	10	11	9
Telephones	-	45	50	31	45	34
Security	-	2	-	-	-	-
Health Services	-	16	7	4	39	13
Waste water Removal	-	8	-	2	52	12
Storm water drainage	-	3	1	2	4	2
Open Spaces	-	60	38	33	39	34

9.4.9. Policy Priorities of the respondents

The respondents were asked to rate their three top policy priorities from a given list of given options. The results are presented in Table 9.14. The first absolute priority in all areas was Certificates of Title given as top priority by around a third of all the respondents. The certificate of title option appears to command a special position in that it is relegated to relative

Table 9.14: Respondents' Priorities.

Questions/Answers/Policy Options	Kariakoo N = 76	Mabibo N = 89	K/nyama N = 100	Manzese N = 97	Mbezi N = 56	Total N=418
Please select, from the given list of services, your three topmost priorities						
(a) First Priority						
Certificates of Title	32	43	32	31	39	35
Roads	21	9	12	9	27	14
Piped water	12	20	23	18	5	17
Electricity	7	1	-	1	2	2
Telephone	1	1	1	2	-	1
Storm water drains	-	-	1	2	-	1
Area Security	8	4	5	9	4	6
Health services	7	13	14	15	18	13
School	3	6	8	5	4	5
Market	7	1	-	2	-	2
Waste water removal	4	-	4	1	2	2
Not given	-	1		4	-	1
(b) Second Priority						
Certificates of Title	7	4	-	5	4	3
Roads	14	15	15	20	25	17
Piped water	21	26	22	14	36	23
Electricity	8	9	9	7	5	8
Telephone	1	1	-	4	-	1
Storm water drainage	1	-	2	1	-	1
Area Security	16	11	11	9	9	11
Health Services	21	21	32	27	14	24
School	7	6	7	5	2	6
Market	6	6	-	1	4	3
Waste water removal	3	-	2	1	2	1
Not given	-	1		5		1

continued

(c) Third Priority						
Certificates of Title	4	1	3	8	-	4
Roads	7	7	17	11	11	11
Piped water	11	17	20	9	21	15
Electricity	12	8	2	5	16	8
Telephones	1	6	2	7	2	4
Storm water drains	1	1	3	2	2	2
Security	14	16	16	13	14	15
Health Services	25	25	21	20	20	22
School	9	13	9	13	9	11
Market	7	6	3	2	2	4
Waste Water	9	2	3	3	4	5
Not given	-	1	1	5	-	1

insignificance in the second and third priorities. Other preferred services were piped water, roads and health services and these show significantly within all the three priority ratings. This is translated to mean that there is a widespread concern and need for these services as a matter of priority. Least priority options included telephone services, storm water drains, waste water removal and the market. Other low rated options e.g. area security, schools and electricity do gain ground as third priorities. It is rather surprising that storm water drainage and waste water removal described as being poor or very poor, do not feature as priorities in all the three rating categories. This is perhaps an example of how individual priorities may differ with social priorities. Good roads cannot remain good roads without proper drainage but this may not be realised unless the roads are there. With better land administration, the satisfaction for the need of Certificates of Title cannot be too difficult. With popular/public participation and proper land taxation policies, it should be possible to make some inroads into satisfying the Darves Salaam residents' needs for better roads, piped water and health services.

Table 9.15: What the respondents liked most about their areas

Questions/Answer Options	Kariakoo N = 76	Mabibo N = 89	K/nyama N = 100	Manzese N = 97	Mbezi N = 56	Total N=418
What of the following do you like most about your area?						
(a) First Likes						
Area near places of employment	61	21	26	19	20	29
Efficient transport	21	31	53	41	11	31
Friendly neighbours	14	26	18	33	29	24
Large plot	-	17	2	6	30	11
Area well serviced	4	3	1	1	2	2
Not given	-	1	-	-	9	2
(b) Second Likes						
Area near places of employment	17	7	-	12	2	8
Efficient transport	47	33	33	36	16	33
Friendly neighbours	26	35	52	35	23	34
Large Plot	7	20	9	15	11	12
Area well serviced	3	2	-	1	-	1
Not given	-	3	6	-	48	11
(c) Third likes						
Area near places of employment	9	17	3	22	5	13
Efficient transport	14	21	5	20	21	16
Friendly neighbours	43	20	26	19	5	23
Large plot	18	20	36	28	14	23
Area well serviced	14	3	6	4	-	5
Not given	-	18	24	8	54	21

9.4.10. What the respondents liked or disliked about their areas

Finally, respondents were asked to select their first three likes and their first three dislikes in their areas, in order of magnitude, from a number of options listed (Table 9.15 and 9.16). Efficient transport tops the list overall in the first "likes" category. In Kariakoo however, it

is nearness to places of employment that scores highly, while in Mbezi, which, because of distance, from the city centre and bad roads, could not score highly on the efficient transport option, it is the size of the plots, and the friendly attitude of the neighbours which was rated high. Together with efficient transport, friendly neighbourhood is a major "like". Given the poor level of service infrastructure described in this work, it is not surprising that "area well serviced" hardly features as a "like" in any of the study areas. Rather surprisingly, nearness to work does not feature highly as a "like" except in Karikao. This is possibly a result of the efficient transport, which is, in turn, perhaps a result of the proliferation of the private "daladala" buses, legalised since 1983, which have generally taken over the role of providing public transport from the ailing Dar es Salaam Public Transport Company, *Usafiri Dar es Salaam (UDA)*. It could also be a result of the proliferation of work places and the importance of the informal sector in the provision of income earning opportunities.

The results of the "likes" are collaborated by the results of the "dislikes", with "lack of services" and "poor roads" topping the list, and long distance from work and unfriendly neighbours not featuring significantly.

9.5 Conclusions

The implementation of various aspects of land policy in the five study areas has demonstrated that the policy has generally been conceived in the interest of the government and has hardly addressed the needs of the residents, whom it has sought not to involve in any policy undertakings. In Karikao, the policy has sought to replace the indigeneous population from the area but has failed to harness the potential of the incoming population to service the area. In Mabibo, government attempts to impose a land

Table 9.16: What the respondents disliked most about their areas

Questions/Answer Options	Kariakoo N = 76	Mabibo N = 89	K/nyama N = 100	Manzesa N = 97	Mbezi N = 56	Total N=418
From the options given below please indicate three that you dislike most in the area, in descending order of degree of disliking						
(a) First Dislike						
Long distance from work	-	15	15	3	9	8
Lack of services	26	33	45	26	43	35
Haphazard building arrangement	9	16	5	32	9	14
Poor roads	41	28	34	25	36	33
Lack of water	1	6	1	4	4	3
Poor environment	13	2	-	7	-	4
Noise	9	-	-	1	-	2
Unfriendly Neighbours	6	-	-	-	-	1
Not given	-	3	-	2	-	1
(b) Second dislikes						
Long distance from work	-	3	1	2	2	2
Lack of services	7	27	18	22	36	22
Haphazard building arrangement	1	12	2	20	11	9
Poor roads	41	28	55	31	38	39
Lack of water	7	9	2	5	11	7
Poor environment	30	10	14	19	-	15
Noise	13	-	1	-	-	3
Unfriendly Neighbours	1	1	-	-	-	-
Not given	-	9	7	2	4	4

continued

(c) Third dislike						
Long distance from work	1	1	1	1	16	4
Lack of services	26	20	15	22	16	20
Haphazard building arrangement	9	13	-	11	5	8
Poor roads	4	15	8	23	23	15
Lack of water	5	3	4	9	18	8
Poor environment	38	18	44	29	2	26
Noise	14	2	5	2	2	5
Unfriendly Neighbours	1	-	2	-	-	1
Not given	-	27	21	3	18	14

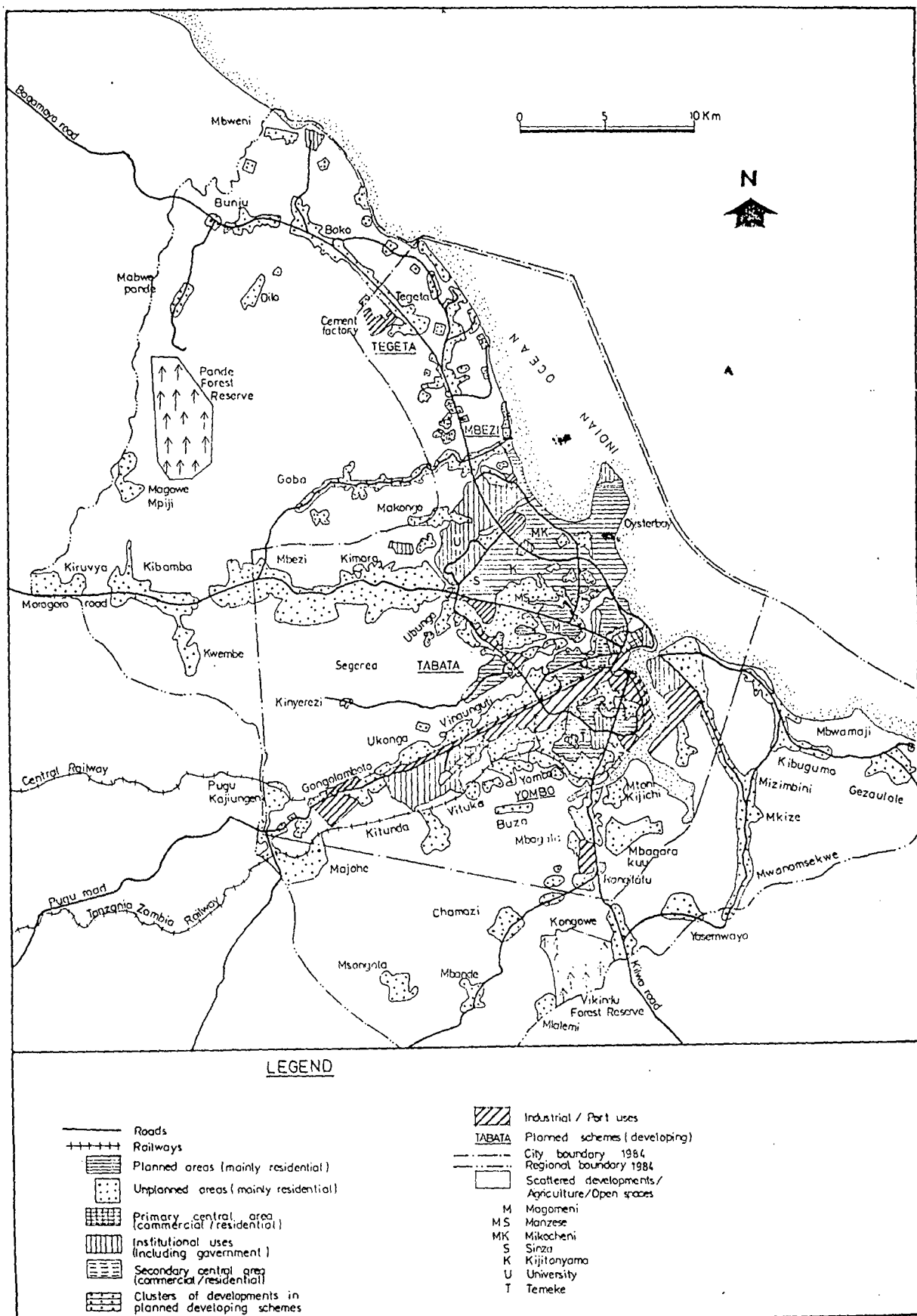
use scheme in the area failed but by institing rigidly on the implementation of its own planning scheme, the government is not supporting the area's residents' efforts to obtain certificates of title which would perhaps help in the area's improvement. In Kijitonyama roads, drains, etc are in a poor condition. In Manzese, the upgrading scheme was aimed at allowing the government easy policing of the area, but did not address the question of sustainable future development. In Mbezi, a government scheme replaced the residents but government policy has failed to institute efficient land administration, or infrastructure and services. Everywhere land policy is leading to inefficiencies in land uses and is being inequitable at the same time.

CONCLUSIONS

10.1 MAJOR FINDINGS

This study sought to find out how the land use structure of Dar es Salaam (Figure 10.1) evolved. It was at the outset considered that this land use structure was a result of spontaneous action, i.e. of market forces, with little government control or direction. Instead, the study has found that, despite the indicators that the interest for Dar es Salaam, of the consecutive governments since 1890 has all along been detracted, the land use structure of Dar es Salaam is not a result of spontaneous growth. On the contrary it is the result of various government policies aimed at tuning Dar es Salaam's land use structure to serving external, and local power interests. These interests have been examined over consequent epochs spanning 100 years and covering the German and British Colonial eras, as well as the post-colonial period. As the country's seat of government and chief port, Dar es Salaam had the largest concentration of the powerful social groups in the country, and was also such a critical focal point of political, economic, and social activity, that it attracted to itself, sufficient government interest to significantly affect its land use structure. This interest however, was rarely aimed at efficiency or equity, and for the most part it was more of a response to prevailing circumstances rather than a forward looking, longterm land regulation policy aimed at creating a Dar es Salaam with a predetermined land use regime.

Figure: 10.1 Dar es Salaam, mid-1980s



Source: Maps of the Department of Survey and Mapping

In shaping Dar es Salaam's land use structure, certain interests were dominant at various periods and these reflected themselves in the policy tools that were adopted or perpetrated to shape the form which the city took. Up to 1914, it was the overall colonial interests, and the interests of government officials which were dominant. The interwars phase was really a continuation of the German era, and, again, it was colonial interests, (including the status accorded to the Indian community) and the interests of the local colonial officials that determined government action on Dar es Salaam's land use scene. The post war era witnessed a period of preparation for decolonization. Government land policy continued to favour officials and Indians, and aimed at placating the Africans and at moulding a stratum that could take over the running of the would-be ex-colony. The early years of independence were years of national political consolidation, and this particular interest, spearheaded by the politicians, determined government land policy for Dar es Salaam. With the allocation of choice plots to influential Africans, with the creation of the National Housing Corporation with its crusade of replacing slums and providing good low cost housing, and with the toleration of squatting, the elite was consolidating itself. Increasingly, however, urban development was being internationalised in terms of ideologies, expertise, and financial resources, and these affected the 1970s, in the form of sites and services schemes which were used to consolidate the interests of the "elite" in land acquisition in Dar es Salaam. As national consolidation was no longer an issue during the 1970s, the importance of the National Housing Corporation as a tool of land policy declined.

The 1980s were years of crises: economic, political and administrative. Land policy was a tool used by the various sections of the bureaucracy to advance their interests, for example, in the form of hoarding or clamouring for powers of land allocation, in the form of new planning schemes and in the form of grabbing land wherever possible. Struggles too surfaced over land administration.

While, during the 1980s, the local situation as well as international ideology advocated the wholesale revision of stipulations of the various tools of land policy, including land tenure, zoning, building regulations, land administration and so on, to suit the prevailing circumstances, this advocacy has so far gone unheeded because the *status quo* serves (albeit inefficiently) the interests of the bureaucracy who are the ones who can initiate change.

Since land policy has therefore been monolithically addressed to the interests of a minority, the majority, including many households well placed in society, have opted to operate outside it. This has created a situation where the official land delivery process is inefficient because of its adherence to inherited unrealistic and sometimes irrelevant laws, rules and procedures, and because of the administrative confusion surrounding land policy. At the same time, the unofficial land delivery system is also inefficient for want of the necessary government intervention.

In pursuing the interests of the minority, land policy has been consistent over the study period covers a century: it has been hostile to the existing land users whom it has, throughout, not consulted when contemplating or implementing aspects of land policy; it has aimed at displacing existing African land users whenever conceiving land use schemes, and, it has bent on obtaining land cheaply. Displacement has, in most cases, been inequitable since, either compensation is not paid, or where it is paid, the principle of "equivalence" has rarely been upheld. Compensation, has always been underassessed, as it has been based on the colonial concept of "unexhausted improvements", and has never been paid on time, while the allocating of alternative land has usually gone unfulfilled, or, when fulfilled the, alternative land offered has, in most cases been unsuitable. In the past days, governments were powerful enough to get away with such inequitable policies. In recent years, as more of the elites have found themselves in unplanned areas, there has been political opposition towards land appropriation. This has led the government to avoid substantially built up areas in its new planning schemes. This in turn, has encouraged further squatting as well as urban sprawl, making Dar es Salaam's land use structure inefficient. Other manifestations of protests against inappropriate land policy have been the opposition or the disregarding, of the various planning schemes, and the reluctance to pay land rent and property taxes.

By aiming at getting (planned and serviced) land cheaply, land policy has usually hurt the interests of the poor, who have either been replaced without adequate compensation, or shut out of planned land. On the other hand, such policy has usually bestowed substantial, socially generated benefits to those few who are allocated planned land by the government. The defence of this cheap access to valuable land under the justification of protecting the interests of low income households, has discouraged proposals to increase the cost of land. The need

to service land has been seen as of secondary importance compared to getting access to land cheaply. The power struggles to control land within the various authorities that there are, has resulted in the confusion in land administration which is prevalent at the moment, yet, streamlining land policy, making it transparent, and insisting on accountability, is difficult since this is likely to impinge on the benefits currently being derived by those who wield powers over land.

The prevalence of unplanned development in Dar es Salaam, the non-sanctioned changes in land uses in planned areas, and the lack of land servicing, have all been found to be the outcomes of inappropriate land policy particularly, that of non-cooperation with land developers, and that of aiming at giving planned land cheaply to the few.

The main emphasis of this study has been to highlight how officials conceptualised land policy, and how these concepts were translated into the location and development of various land uses. Overall, government officials and politicians have been identified as having had a major impact on the land policy for Dar es Salaam and on the resultant City's land use structure. The conceptualisation and implementation of land policy has been found to have been tuned to suit these officials' needs and interests, but not to attain equity and efficiency.

Over the years, government land policy has been shown to have trampled on the rights of the majority of Dar es Salaam's urbanites under various guises which have included the ideologies that: Africans knew no individual rights in land prior to colonialism; Africans were best suited to rural life; Africans were not used to high standards of living; land was public property with no realisable value to its private African owners; Africans were occupying government land or land zoned for particular uses; and that many land users were "squatters". Where policy did not oppress existing land users (e.g. by formulating planning schemes to replace them), it ignored dealing with their needs.

In terms of the objectives of this study (Chapter One), it has been found that land policy has been a major determinant of the land use structure of Dar es Salaam. This is despite the fact that Dar es Salaam changed both national and local rulers, whose interests in the city varied. Given the periodisation in the evolution of urban land policy in Africa outlined in

Chapter One, it is likely that Dar es Salaam followed more or less the same trajectory in its evolution, as that followed by other urban areas in the region, although the German factor, and the later coming of the British Administration, meant that Dar es Salaam was always "behind schedule" from the 1920s. Unlike what has been written on some cities within the region (e.g. Nairobi), there has not been, in Dar es Salaam's history, a powerful local caucus aimed at creating the "Dar es Salaam that we want". This has meant that the development of Dar es Salaam has been generally considered in terms of short term planning schemes and other aspects of land policy, aimed at meeting the interests of some social groups, as well as political expediency. Equity and efficiency have never been the aims of land policy in Dar es Salaam. Unlike some conclusions arrived at in the case of Nairobi¹, land policy in Dar es Salaam has not aimed at leading to the highest returns from land. The socialist ideology adopted in Tanzania in the 1960s appears only to have had an indirect impact on Dar es Salaam's land use structure, by tolerating and abating squatting, and by reinforcing the "cheap land policy" in the formal land sector. Up to the mid-1980s, the policy of socialism discouraged investment in expensive urban property.

10.2 RECOMMENDATIONS

10.2.1 General Recommendations

At the level of the conceptualisation of land policy, it is necessary to have an approach which is geared towards the interests of the majority of urbanites rather than a policy geared towards the narrow interests of officials and of the "elite". The idea of a temporary urban African population is grossly outdated but is possibly still upheld in conceiving land policy. Most of those who are currently sojourning in Dar es Salaam (and other urban areas), and many more to come, are there to stay. Dar es Salaam is their home. Many have, or are aspiring to have, considerable economic and social investments in the City. They must therefore be fully incorporated in the formulation and implementation of land policy. An efficient and equitable land policy is the one geared towards meeting the aspirations and the needs of the majority, and to support their actions in solving their problems. The principles of a land policy geared towards the needs of the majority are that it must:

¹

C.M. Kiamba, *The Role of the State in the control of Urban Development: Urban Land Policy for Nairobi*, Phd Thesis, University of Cambridge, 1986.

- o be supportive of popular action, not against it in solving urban problems;
- o aim at extensive consultation with the City's residents;
- o be transparent and accountable to the public;
- o be simple, expeditious in its operations, flexible, and responsive to popular needs;
- o aim at unclogging and smoothening transactions in land in both the planned and the unplanned areas;
- o aim at preservation rather than displacement of the existing populations. In this respect it should aim at working with the land occupiers to regularize or service their areas;
- o aim at adequate and prompt compensation, where land must be compulsorily acquired (i.e. adhere to the principle of equivalence);
- o be sufficiently decentralised, to local neighbourhood levels;
- o avoid unnecessary technical and procedural bureaucracy in land administration;
- o aim at recognising land transactions in the informal land markets (where the majority get their land), and at helping this system to overcome its inefficiencies;
- o aim at minimising the differences between the formal and the informal land use schemes;
- o aim at getting out of the cheap planned land policy;
- o ensure that society benefits from the land values that it creates by instituting proper land taxation measures, the income from which should service land for all income

groups.

10.2.2. Specific Recommendations

Policy on Land Tenure, Transfer and Registration

The principal legislation on land tenure i.e the *Land Ordinance* of 1923 was conceived with colonial interests in mind. It needs to be retuned and focused to the needs of the majority. In particular it needs to address, in unvague terms, the question of customary tenure and other tenures to be found in urban areas like Dar es Salaam, for this is where the majority of the urban dwellers get their land from. There are various tenures besides the two recognised by the *Land Ordinance*, i.e. granted rights and customary tenure. The latter, in particular, has undergone considerable metamorphosis and is no longer adequately addressed by the law. There is thus the need to probe into the existing types of tenures and come up with appropriate, comprehensive, but dynamic legislation.

The theoretical equivalence between customary tenure and public land granted by way of Rights of Occupancy is, in practice, illusory. Customary or quasi customary tenurial rights are easily trampled upon or ignored, in the implementation of planning schemes and other aspects of land policy. Yet the majority of Dar es Salaam urbanites obtain their land through, and consider themselves to be holders of, customary or other non-government tenure.

The process of granting tenurial rights needs to be streamlined and decentralised, so that it can work fast. The situation whereby the majority of Dar es Salaam's land owners have no title over their land (a carry over from the colonial days during which Africans were considered to be temporary urban residents), is inequitable and adversely affects both urban and general national development.

There is no reason why the government should believe that the duty of allocating urban land is solely its own. We have seen that only a minority get land directly from the government. There is therefore the need to support the parallel system of land allocation, which in any case serves the majority. Ways of realising this support include advice on land use layouts and subdivisions by private landowners who may be desirous of bringing their land to the market, or of having this land developed; recognition of parallel land transactions by

government, and the expeditious extension to such land transactions, of certificates of title. Overall, the system of granting certificates of title to land is snail slow. One reason for this situation is the unrealistic land surveying standards adhered to. These need to be simplified, and made to work faster. At the same time, the bureaucratic procedures in, and the centralisation of powers of, giving titles must be revised.

The process of land transfer, be it of planned or of unplanned land needs to be supported so that it comes out in the open. Currently, since land transfer is regarded with suspicion by the government, many such transfers are not done in the open, thus leading to problems in land administration.

We have argued that the system of allocating planned land has consistently sought to allocate land cheaply. There is need to review this policy, so that land is allocated as close to its market value as possible, and the cost that the government might have undertaken to prepare such land, recovered. Such an approach, it can be argued, may have adverse political effects (and may be inequitable), if it will be construed that planned land can only be acquired by with money, to the exclusion of the poorer urbanites. Currently, since planned land is highly restricted in supply, it all the same ends up in the hands of the rich and the socially powerful, and at a highly subsidised cost at that. This means the poor are subsidising the rich, and in order to get access to land these poor must resort to the informal land market where the price of land is higher than that of planned land allocated directly by the government. In order for land policy to cater for the interest of the poor, the solution would be, first, to increase and sustain the supply and variety of planned plots (which requires resources which are best obtained from the land itself); and, two, to minimise the differentials between planned land and unplanned land by e.g. servicing or extending tenurial rights to, both. Thus, there should be differently priced planned plots which can suit the various pockets, with, if necessary, the most valuable land subsidising land earmarked for low income households. This way, both the poor and the rich can be catered for. Unless the government can muster substantial resources, the current policy of allocating land cheaply only serves the interest of the rich and the socially powerful members of society, and excludes the poor and the weak.

There are, at the moment, stalled government plans announced in the 1992 budget, to set up a *Plot Development Revolving Fund* to be used to acquire, survey and service plots which would then be disposed of through the market.² The government's concern however, is mainly related to reducing government expenditure or boosting its coffers, rather than creating a dynamic system of land administration. This should be remedied.

The proposal to allocate land by way open monetary means has connotations for land administration. It calls for the decentralisation of the various land administration powers from the central government to local institutions and neighbourhoods, including land development bodies that may be set up to oversee the development of certain areas of Dar es Salaam. In the spirit of increasing transparency and responsibility in land administration, there is need to have open land allocation systems, including the advertising of the available land, and of the successful allottees, and this should apply to both planned and unplanned land. There should be a general drive to improve the flow and reliability of land information concerning land and land uses in both the formal and the informal sectors.

All the above proposals, it is hoped, can ease the general process of land registration which, as we saw in Chapter One, is important for almost all aspects of efficient land administration, general urban management, and even the economic advancement of the urban population. Basic undertakings to enhance land information, like street naming and house/plot numbering need to be undertaken without delay.

Land Taxation

We have argued that land taxation in urban Tanzania is generally low and not related to the needs of land management and development. Specific taxation e.g. in relation to land development projects is hardly imposed, although powers exist under the *Urban Authorities (Rating) Act* of 1983. Existing land taxation practice is seen in terms of keeping the cost of land down, and in relation to its contribution to the general government budget, as opposed to easing land development and administration. In this approach, the government has been losing revenue and thus has had always to seek new resources to provide and service land

²

Daily News (Tanzania), 21/7/1992.

for development. This has restricted the availability planned land which has then become a scene of contention, and from which the poor and the not so poor, have been edged.

It is recommended that realistic land taxation is necessary for efficient urban land management and administration, and that the feared political unpopularity of such taxation can be surmounted if the government delivered the good e.g. by servicing land, maintaining infrastructure and ensuring adequate considerable supply of planned plots. Proper taxation increases accountability, enhances democracy, and allows land servicing. A redistributive element whereby those who are allocated the more valuable land pay proportionally more than those who are allocated less valuable land, can be an inbuilt condition of land taxation. At the moment, those who are apparently able, get their land almost free, but even where they buy it, what they normally pay to the government is peanuts.

The system of land taxation needs to be simplified to ease payment and follow up. The relation between central government and the Dar es Salaam City Council over the issue of land and property taxes is confused and is not conducive to efficient land administration. Likewise, if land is to be serviced, then the authority to do this servicing must be clearly defined. At the moment this is not the case, and both the central government and the Dar es Salaam City Council seem to be responsible, or can easily trade accusations against each other as to who is at fault. It is nevertheless the case that the central government feels that it has to control Dar es Salaam and has as such, been unwilling to decentralise taxation powers.

Land Use Regulation

A degree of government land use regulation is necessary for efficient urban land administration, but the current land use regulation regime is still as was inherited from the colonial era and badly needs revising in view of: the unsuitability of many of land use regulation provisions to the local scenes, as well as the demonstrated impossibility of enforcing or operationalising the system as inherited.

There is still a feeling with the Ministry of Lands that masterplanning is an essential ingredient of urban land management, that a masterplan provides a framework within which

the urban area can grow and a reference point to which future urban land uses can be related. Yet, except for some generalisations that certain parts of Dar es Salaam have developed according to the uses stipulated in the masterplan, a phenomenon which is usually fortuitous, it is difficult to argue that the *1979 Dar es Salaam masterplan* is being adhered to. The level of public investment envisaged, for example, has never been attained. There are many neighbourhoods in Dar es Salaam that are growing chaotically, without any government direction, where this direction is clearly desirable and possible, if a more flexible approach to urban planning, e.g. action planning, or land pooling and adjustment was to be adopted.

The *Town and Country Planning Ordinance, 1956*, needs reviewing. It gives too much powers to the planning authorities (particularly to the Ministry for Lands) but does not provide remedies when the authorities (including the municipalities) are inefficient or incompetent. It should also give powers to the area residents to be able to declare their areas to be a planning areas for example, and for they themselves to be able to prepare planning schemes which would be legally binding. In this endeavour, the residents should be entitled to advice from the planning authorities. Legal provisions should be skewed in the favour of such popular planning schemes being approved by the planning authorities.

While the *Town and Country Planning Ordinance* is ill suited to the situation of rapid urban growth whereby most households can easily gravitate to unplanned areas, it nevertheless has provisions for land pooling and redistribution, which need a wider application than has hitherto been the case. Admittedly the colonial administration of the 1950s passed s.27 of the *Town and Country Planning Ordinance* (which provides for land pooling and redistribution) with the Indian earmarked area of Upanga in mind, and not its general application to African dominated squatter areas. A feeble and unsuccessful attempt at land pooling and redistribution was mooted with respect to the Keko African squatter area in Dar es Salaam in the 1960s, but the area ended up being removed. Otherwise, much as expatriate officials lamented the growth of squatter areas in the 1960s, they never attempted the land pooling and redistribution approach, and we have suggested that this was the result of an antagonistic and non-collaborative approach to urban planning. The same attitude has been carried over by the Independence government. It is hereby advocated that land pooling and redistribution, or any of its variations, like land sharing, is the most plausible approach to

the regularisation of unplanned areas in Dar es Salaam, particularly those that are still lightly densified. Land pooling, however, requires the genuine decentralisation of planning powers, as well as a willingness to have a dynamic and collaborative land policy and the shedding of some bureaucratic powers over land administration by the authorities.

Our data has shown how secretive planning schemes are. This works in favour of officials who can therefore vary these schemes at their whims, or use the planning schemes for their own benefit. There is need to bestow some legal permanence to those schemes as they are being prepared, and once they are approved; and to deposit them where they could easily be consulted within the relevant neighbourhoods. This goes hand in hand with the proposal for the decentralisation of planning powers to give the local residents, enablement to see to it that their neighbourhood is developed as envisaged, and in particular, that public lands, open space, etc are provided and are not unscrupulously converted to private use. This is in the spirit of more transparency in land administration, which is desirable and imperative for an efficient and equitable land policy.

It can be argued that zoning as implemented during colonial days has lost some of its lustre (particularly since it was conceived in terms of racial segregation), although the inherited income and racial distinction is still pervasive. Dar es Salaam depicts a picture of mixed uses in many residential neighbourhoods. This was endorsed by both the 1968 and 1979 *Dar es Salaam masterplans*, which recommended, for example, the dispersion of industry within the various residential localities. All the same, some enforcement of zoning regulations is desirable in the growth of Dar es Salaam, but the success of any zoning proposals hinges strongly on factors like decentralisation of planning powers, provision of infrastructure, public participation, etc.

Land subdivision in the planned areas of Dar es Salaam is guided by standards which allocate rather generous pieces of land, i.e. 288-400m² for high density plots; 400 - 800m² for medium density plots, and 800m² and above for low density plots. These standards need to be revised downwards to increase densities (and therefore efficiency), but this would be desirable, and is indeed cost effective, if land is provided with infrastructure. No subdivision regulations exist for unplanned areas, so that subdivisions to choking levels are usually

attained especially in (parts of) unplanned areas occupied by low income households. This is a result of the fact that these areas have largely been ignored by the authorities. Our proposals for the decentralisation of land administration powers include the collaboration between the planning authorities and the people residing in unplanned areas, in which case some realistic standard of minimum plot size subdivision can be enforced.

We have also seen how most buildings put up both in the planned and unplanned areas of Dar es Salaam, carry no building permits. Part of the explanation for this situation is the impractical bureaucracy and the technical standards required before one gets a permit. These should be simplified. In the case of simple residential buildings, simple drawing and/or building descriptions could suffice. Authorities too should set themselves the maximum time (which must be as short as practicable), in which they must give a decision. As for the unplanned areas, again our proposals for collaboration with the areas' residents can go a long way to ensure that the proposed buildings carry building permits. Stipulations in building permits must be those reflecting local conditions, and which can beneficially and easily be enforced.

Direct Government Intervention

Infrastructure Provision

The continued keeping of Dar es Salaam poorly endowed with, or totally denied of, infrastructure whose provision is on the shoulders of the government, is certainly undesirable and leads to inefficiency. Our main recommendation is that the government must adopt a more dynamic land policy which can ensure that the land itself is the major source of revenue for its own servicing.

Land Acquisition

Powers of eminent domain are important and must from time to time be used. However, acquisition should go hand in hand with the timely payment of compensation and the adherence to the principle of equivalence. This spells that compensation be assessed at market value and must include the value of disturbance and other intangible costs. The oppressive concept of "unexhausted improvements" should be discarded. It is however recommended that powers of acquisition should be used sparingly and resorted to only in special circumstances.

Direct Development

Direct development of land by government or quasi-public bodies does not serve a substantial proportion of Dar es Salaam urbanites. The ideology that government constructed housing (including that of the National Housing Corporation) is meant for low income households is a farce. It is however not recommended that bodies like the National Housing Corporation (NHC) be disbanded but that they be committed and allowed to operate as commercial enterprises. The NHC could in fact work hand in hand with the government to service and sell plots rather than remain tied to the politically volatile role of estate managing a property portfolio whose returns are low.

Financing

There is a dearth of land development financing institutions in Tanzania. These are mainly limited to the Tanzania Housing Bank (THB), which in 1993 was near-bankrupt. But even in its restricted role, the THB could be more efficient by being less bureaucratic in giving out loans and by following up on its debtors. Lack of institutional finance makes land development slow, and this is a misuse of resources which leads to land hoarding. There is the need to institute land development finance which is "friendly" to low income households.

Cooperation with the Private Sector

A major recommendation that has been made in this study is that the government should co-operate with the urbanites, both rich and poor, to ensure an efficient land use structure for Dar es Salaam. Large landowners could be advised and assisted in subdividing and servicing their land. Able developers could be committed to servicing land parcels as condition of land allocation. Poorer land owners could be assisted in regularising their land. Our advocacy for land pooling and redistribution is in the spirit of boosting government cooperation with the private sector. The government should also play a facilitating role where people are desirous of coming together to ameliorate conditions in their areas. The current preference by the government, of the policy of confrontation with existing land occupiers in its approach of replacement, relocation, and allocation, is aimed at preserving bureaucratic power over land, and leads to the proliferation of unplanned areas and the failure to service land.

Surgical Action

Squatter area upgrading is advocated at policy level in Tanzania as being desirable since it does not substantially replace existing residents, but upgrading within Dar es Salaam, has been highly restricted and tied to externally assisted projects. It has not been an internally generated process. There is need for the government to work more closely with the residents of squatter areas to upgrade/regularise these areas. The current land use schemes being prepared unilaterally for these squatter areas are, in our opinion, retrograde and possibly illegal. In any case they are impracticable and are likely to work in favour of the rich against the poor. What is required is a set of schemes prepared in collaboration with the people themselves.

In contemplating upgrading action, it is most important to relocate those to be replaced not very far from their current locations so that land around squatter areas could be planned to receive those who are to be replaced.

10.3. AREAS FOR FURTHER RESEARCH

This study has added another case to the understanding of the effects of land policy on the urban landscape in East Africa. An evaluation of an extensive range of land policy tools has been done, and a feedback sought from households in five areas of Dar es Salaam, representing the rest of the City. Throughout, it has been shown that the Dar es Salaam land use structure is a result of land policy which has been motivated by narrow goals particularly racial segregation and land grabbing. Policy has mainly been a response to a crisis situation. Nevertheless, there are many areas that it is felt, need further study so as to enhance our knowledge on the historical evolution of Dar es Salaam, and also to understand better, what the trends in society are, or are likely to be, as far as land development is concerned are, and thus get better prepared to cope with the future. Some of these areas of further study are outlined below:

- o Mainly as a result of the language barrier, the German period is still poorly studied. There are hundreds of German files and other documents on land in general, or as related to Dar es Salaam in particular, that remain untapped. The few German scholars who have studied Dar es Salaam have usually, read only a couple of files. Moreover, most studies have been related to Tanga, Tabora and to a lesser extent, Iringa. Thus

the system and extent of German land acquisition in, and about Dar es Salaam, plus records of land registration, transfers and land taxation during the German era, remain poorly known. Anthony III gives some clues on how the definition of unowned land during the German era (which included the absence of trees) deprived many Africans of their land³. Nevertheless, alot still needs to be done in this area.

- o The extent of government land acquisition, while better known as related to the British era, is still very much wanting. In particular, the extent of government owned land at Independence, and what the Independence government did with this land remains undocumented.
- o The question of government land, public land, and customary land tenure as conceived under the *Land Ordinance*, needs further investigation, both at a theoretical and at a practical level.
- o The impact of early immigration to Dar es Salaam is an area worthy further investigation. It has been observed, for example, that many landowners in Kariakoo have their ancestry in areas within or without Tanzania and far from Dar es Salaam. Presumably these would be the progeny of the Caravan peoples of the 19th century. It is also worthy noting that many "owners"/occupiers of land at Dar es Salaam's periphery, have diverse origins and include not only the Wazaramo (the local people), but also the Wanyamwezi, Wagogo and the Wamakonde, from diverse parts of the country. How did these people get the land? Should such land holdings be recognised as customary tenure?
- o It is moreover obvious that several (including high ranking) people are taking up big chunks of land at Dar es Salaam's periphery and are engaged in agricultural activities. This has meaning in terms of permanent population immigration patterns, as it appears that these people are preparing their retirement abodes and no longer subscribe to the notion of "going back home" to their rural areas of origin. This can affect Dar es

³ David Henry Anthony III, *Culture and Society in a Town in Transition: A People's History of Dar es Salaam, 1865-1939*, Phd Thesis, University of Wisconsin-Madison, 1983, pp. 71-74.

Salaam's growth, and must mean something to the local population who are being displaced. At the moment, a lot of big people own land to the North of Dar es Salaam by the Ocean in areas like Bunju and Boko. Although these areas have been declared "areas ripe for development" and although a maximum of 3 acres per land holding has been imposed by the Ministry of Lands,⁴ it is unlikely that the planning authorities in the Ministry of Lands will get their way and effect planning schemes for these areas, since, essentially, diminution of current land holdings, and introduction of new people, sponsored by the authorities, would be the outcome. Several of the powerful landowners in Dar es Salaam are known to be opposed to the subdivision of their land, and are prepared to use all means, including violence, to prevent their land lots from being taken over through planning schemes. There are signs that with the northward growth of Dar es Salaam facing obstacles in the form of these agricultural landsteads (but also of long distances), Dar es Salaam has identified "the line of least resistance" to its expansion, to be to the South and Southwest, in the lands mainly owned by the local people.⁵ Already industrial plots are being earmarked for the village of Kitunda south of the airport where surveying is going on over the land belonging to the local population as if these people did not exist. The city seems to have discovered its "lost south", and beach plots in areas like Mjimwema, to the South of the Harbour are now hotly sought after. Increasingly, the local population of Southern Dar es Salaam will soon see themselves being displaced. This is a process worthy studying, as is the whole phenomenon of urban agriculture within Dar es Salaam.

- o While it has been argued that planning schemes have served to replace existing population with new people, it has also been pointed out that even influential/rich people find themselves in the unplanned areas of Dar es Salaam. The effects of this would appear to equally be the replacement, though slowly, of the existing populations. Observations suggest that the poor are not quickly displaced in the unplanned areas as they are in planned areas. In many unplanned areas, rich and poor influential and ordinary, live side by side. What does this mean in the context of the

⁴ *Town and Country Planning (Urban Farming) Regulations, 1992.*

⁵ I am indebted to Mr. F. Lerise of Ardhi Institute for this observation.

received concept of categorising residential area into low, medium and high income areas?

- o The impact of foreign aid on Dar es Salaam's growth needs further investigation. While the World Bank removed itself from the sites and services schemes in Dar es Salaam in 1984, it is now back in full swing supporting urban infrastructure. There are many other externally supported projects going on in Dar es Salaam, related to the expansion of water and electricity supply, sewer network maintenance and expansion, road rehabilitation and solid waste removal. In whose interests are these projects carried out? Who executes the projects and how is the money "repaid"? How efficiently are the funds utilised? Both Halfani and Mgullu⁶ raise very interesting issues related to the purposes of these schemes as being to placate the restive population in Third World urban areas and to repatriate the money through, for example, the purchase of inputs from abroad, as well as expatriate manned consultancies. How is this aid related to the external control of Tanzania's economy?

- o This study has emphasized that land policy should operate to support and ease the workings of the urban land markets. Although we have shown that most urbanites get their land by way of purchase, research is required to identify the types of people who actually become landowners. Is there a section of the community which cannot get access to land through the market and which could therefore need government subsidy? This brings into question the whole issue of urban poverty which needs to be studied further. In areas that are considered as traditionally belonging to the poor, e.g. the unplanned areas, and areas on marginal land, are to be found all kinds of households, and this is manifested in the type of properties that are put up, which are very diverse in quality. Besides there is need to find out the effects of structural adjustment programmes on the operation of the land markets, especially as far as the poor are concerned. There are signs of the rich penetrating areas considered to belong to the poor, be they planned (e.g. Kariakoo) or unplanned (e.g. Manzese). Could this

⁶ M.S. Halfani, *Urban Management and the Implementation of an Externally financed Project in Dar es Salaam*, Ph.D Thesis, University of Toronto, 1986; F.P. Mgullu, *Housing, A study of Tanzania's National Sites and Services Schemes*, LLM dissertation, University of Dar es Salaam, 1978.

be described as a gentrification process? If so, how is it taking place and where do those who are replaced go? Is it a desirable process?

- o The question of urban land values in Tanzania is an area requiring investigation. Without an open land market system, assessing land values has in the past been more conjectural than scientific. Land administration and valuation practice has taken it that, given Tanzania's socialist policies, and the stipulations of the *Land Ordinance* that all land in the country was public, bare land in Tanzania had no value. Most property valuations are, as a result, based on the depreciated replacement concept, and even then, the cost of land is usually ignored. The determination of land rent is based on unit values usually determined by the Treasury or the Ministry of Lands, without clear formulae related to land values. Valuation for crop compensation is based on unrealistic schedules prepared by the Ministry of Agriculture, which are rarely revised over the years. Thus there is little reference related to land values in land administration practice in Tanzania.
- o This study has only broached the question of location of employment and income generating activities. There is need to study further, the location of industry, services and public sector employment opportunities, as well as the proliferation of informal sector activities. Just like residential neighbourhoods are developed slowly, designated industrial areas are developed even more slowly. The location, development, and use of industrial land is an area which has hardly been studied in Tanzania.
- o Finally, this study has not addressed the questions of ethnicity, religion and gender in urban land administration and development. There is evidence for example that the majority of those who are allocated land by the government are men, but it is not known to what extent women benefit, as a result, say of marriage or other associations with men, or how they suffer as a result of traditional biases against women inheritance of property. In inner areas like Kariakoo, there is, surprisingly, a sizeable proportion of female land owners. If land policy has been inefficient and inequitable in general, it is likely that the weak in society, usually poor women and children have suffered more than their male counterparts.

CONCLUDING REMARK

This study has investigated the evolution of Dar es Salaam's land use structure over the past century. Land policy has been identified as the main determinant of land uses. This policy, however, has been shown not to have been aimed at efficiency and equity as hypothesised in the theory of land markets. It has been suggested that future land policy should aim at stopping being a tool for serving the interests of a minority, and be tuned to serving the interests of the majority. It should at the same time, aim at unclogging all market inefficiencies, in both the formal and informal sectors in land. Only this way, it is believed, are we likely to see an efficient and equitable land use structure for Dar es Salaam.

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APPENDICES

Appendix 3.1 Some documents related to the forceful Acquisition of Land from natives then residing in the Government Area, 1890s

From:
Msuo bin Majidi,
c/o Post Office,
Dar es Salaam.

DAR ES SALAAM,
22nd January, 1931.

The Honourable the Chief Secretary,
through The Hon'ble the Provincial Commissioner,
DAR ES SALAAM.

Pwana,
Nakuomba mimi raiya wako nilio chini ya miguu yako,
nalikuwa na baba yangu, jina lake Halidi bin Msuo, kabila yake Mgunya.
zamani baba yangu alikuwa na shamba hapo Dar es Salaam, na shamba
hili liko mahali palipokuwa 'Kunundo' ya Magermani hapo zamani, na
Magermani walitaku kumpa fedha ili shamba liwe mikononi mwa
Serkali, lakini hawakuwahi kumpa fedha mara Vita kuu ikuingia,
halafu Magermani wakamwambia baba yangu ya kuwa sasa viko Vita
hatuwezi kununua shamba lako, lakini utapata fedha kidogo-kidogo,
ili zikufae kwa chakula, kwa kila mwezi mpaka Vita kwisha, sababu
wewe mzee sana; lakini mimi sijui fedha ngapi walizompa.

Hatimae baba yangu akashikwa na ugonjwa sana asiweze
kwenda kuchukuwa fedha, bali alimtuua mkwewe jina lake Mwinyihija
bin Mwamba kwenda mchukulia fedha yake, na hata sasa huyu Mwinyihija
yuko hapa Dar es Salaam. Pandaye baba yangu akafa katika mwaka
1915, na mimi nalikuwa huko Tanga, na baba yangu alizaa mtoto mmoja,
mwanamke, jina lake Chausiku binti Halidi, nae pia amekufa, sasa
yuko mtoto wake huyo Chausiku, jina lake Tute binti Shebwana yupo
hapa Dar es Salaam, basi Pwana mkubwa naomba Serkali ifanye haki
na kuwasaidia masikini juu ya haki zao, maana mimi halikuwa huko
Tanga siwezi kufahamu vyema mashauri haya maana huyo hi mjomba
wangu; na mtoto wa dada ni mwanamke hawezi kuangalia mashauri haya,
lakini wako mashahidi wanaweza kujua shamba hili na namna zake:
kwanza Mwinyihija bin Mwamba, wa pili Mwinyihija bin Mwinyimkuu
Mshindo, nuo wote wako hapa Dar es Salaam, basi Pwana sina zaidi
ya maneno, na nisamehe sana juu ya maneno haya.

Mimi mtumishi wako,

Sd. Msuo bin Majid c/o Posts, Dsm.

The Hon. The Land Officer,
Dar es Salaam.

Reference: Claim by Shaha Jagna (Native) to ownership of Plots
19 and 17, Flur 1, Dar es Salaam Township.

Referring to your No.C.6803/11001 dated 14.8.1930, the correct name of the claimant, and the correct numbers of the plots claimed are as stated above. The mistake in the plot numbers appears to have arisen through the person who traced Survey Department plan No.D $\frac{1}{247}$ $\frac{185}{247}$ mistaking the German figure "1" for the figure "7". This is clearly seen on Survey Department plan No.G D $\frac{1}{12}$.

2. In order to settle the matter of Shaha Jagna's claim it has been necessary to find out how the German Government acquired the plots in question.

Attached hereto are translations of what appear to be the titles for the land of which the plots in question form part.

- (a) Document No.1 appears to be the title for part of plot 18 (on the harbour), plots 19, 20, 22 and 24 (possibly also 23). This can be checked by the Survey Department from the following particulars: The area stated in Document No.1 viz: 6 $\frac{1}{2}$ ha appears to agree closely with the plot as shown on the plan dated 1891 at page 12 of K.G.R. File VII C 32 Vol. I attached hereto, and the German stones marking the boundaries of this plot are shown on Survey Department plan No.G D $\frac{1}{12}$. Within these limits, but not to be counted in the area, is plot No.21 which was acquired later being registered in G.b.Dar-es-Salaam Folio 33 in the name of the Fiskus on the ground of a Contract of Exchange dated 24.5.1905 (filed at pages 1 and 3 of G.L. Dar-es-Salaam Folio 82), whereunder the Fiskus transferred parcels 70/76 and 72/73 Flur 2 Dar-es-Salaam to Suleiman bin Nasr, and received in exchange therefor plot No.21 Flur 1.
- (b) Document No.3 appears to be the title for Plot Nos.14, 15, 16, 17 and part of 18 (on the harbour).

There are no plans attached to these two documents, but everything points to the fact that the Contracts relate to the areas in question, and, assuming that this is so, it will be seen that Jagna is not one of the parties concerned, and has no title to the areas claimed.

3. Document No.2. Jagna, the father of the claimant, is one of the parties to this contract, being No.16 of the Vendors,

but the area concerned is stated to be in the so-called Government Park, which appears to be bounded here by Liebert Street (now Burton Street) and by Magogoni Street, and has therefore nothing to do with either Plot 17 or Plot 19. Shaha Jagna may be under the impression that his mother had planted some palms on these two latter plots, but nothing can be traced in support thereof, or that his father Jagna had palms elsewhere than in the Government Park area, and for these Jagna received compensation under Document No.2, so that Shaha Jagna's claim to compensation appears to fall to the ground.

4. K.G.R. File VII C 52 Vol. XI. As Shaha Jagna's claim to compensation appears to fall to the ground states, the matter was raised in the German tome viz: in 1911 (see Document No.4 attached hereto), but it will be noticed that Shaha Jagna's claim is repudiated by Halidi bin Msuo who was one of the Vendors under Document No.1, who nevertheless himself puts in a claim for compensation. These people appear to have hoped that 20 years after the expropriation happened the relative documents might have gone astray. As a matter of fact nobody in the Government appeared to know about these documents in 1911 (see page 92 reverse). Herr Leue, however, stated that there ought to be records in the earlier Government files, but that in any case he was Officer Commanding the District from December 1890 and had been instructed by Governor S o d e n to purchase the shambas situated east of the lace (Ort - Village Kisingo?), and that in case of refusal to sell the parties had been expropriated and had received compensation for disturbance (page 114).

The Governor decided against the parties on the ground that at the time in question (1890) Natives, as distinct from Arabs, had no right of private ownership in land (see minute by the German Legal Officer on page 116 reverse) and that as, according to Herr Leue, the parties had received compensation for disturbance they had no further claims in the matter (page 126, J.No.25151/II^B dated 20/12/1911).

6. Later, as Halidi bin Msuo had fallen on evil days, the Governor as an act of grace only, ordered that a permanent compassionate allowance

(3)

H/C

Allowance of Rs.6/- per month should be paid to him(K.G.R.File VII C 32 Vol.XII page 37 reverse, J.No.30005/13 II^B dated 18/12/1913).

No further reference to these claims can be traced.

7. It may be noted that there is a grave still standing on the land at the back of the house of the Deputy Traffic Manager (Mr.Smart). This would appear to be the grave of Msuo, Halidis father, as referred to in Document No.4.

8. May I suggest that the duplicate hereof be filed separately among your German Records as a reference to the title of these Government plots ?

Sd/- H. Nimmo.

KEEPER OF GERMAN RECORDS.

Translation from German of Contract of Purchase dated 16th October 1890 between Chef A. Leue, Officer Commanding the Station of Dar-es-Salaam, as representative of the Imperial Reichs - Kommissariat for East Africa, Purchaser, and (1) Mgunya Khalid bin Msur, (2) Rasgalla, brother of (1) and (3) Said bin Abdalla (Arab), Vendors, relating to the sale of a shamba situated on the road between the (Military) Station of Dar-es-Salaam (now Police and Prisons Buildings) and the Evangelical Mission.

(K.G.R. File VIII K 3 Vol I page 2).

Original

(rubber stamp) (Military) Station

Dar-es-Salaam.

Grundbuch J.No.6.

Transacted at Dar-es-Salaam 16 October 1890.

J.No.I A 1094.

Contract of Purchase (Kaufvertrag).

The following Contract of Purchase (Kaufvertrag) has been completed this day between A. Leue, Officer Commanding the (Military) Station at Dar-es-Salaam, as representative of the Imperial Reichskommissariat for East Africa, and Mgunya Khalid bin Msur (Msuo) and his brother Rasgalla as also Kadi Mohamed bin Seliman, as representative of Said bin Abdalla, Arab, absent in Zanzibar.

The said persons viz: Mgunya Khalid bin Msur and his brother Rasgalla and Kadi Mohamed bin Seliman representative of Said bin Abdalla, Arab, sell their shamba, owned by them as tenants in common about $6\frac{1}{2}$ hectares in area, for the purchase price of

-- Rs 200/- in words: Two hundred Rupees --

The shamba is situated on the road between the (Military) Station at Dar-es-Salaam and the Evangelical Mission and is bounded:-


by the harbour, by a shamba of Hashil bin Suéli, by a shamba of Fundi Saburi and by another shamba of Hashil bin Suéli, by a shamba of Hamis bin Diwani Kitembe (the stammerer).

The witnesses whose names are hereto subscribed testify that M(g)unya Khalid bin Msur, his brother Rasgalla and Said bin

Abdalla, Arab, the latter represented by Kadi Mohamed bin Seliman are the sole legitimate holders of the shamba sold. Kadi Mohamed bin Seliman one for all, has this day been paid Rs 200/- in cash in the presence of the same witnesses, being the purchase price stipulated, and thereupon the shamba indicated passes into the undisputed possession of the Imperial Reichs-Kommissariat for East Africa.

Signature of Vendors:

Signature of the Purchaser:

Mark of Khalid bin Msur (Msuo) 
 (signed in Arabic characters) Razkallah.
 (" " " ") Kadhi

(Sd) A. Leue
 Officer Commanding the
 (Military) Station at
 Dar-es-Salaam.

Mohamed bin Sileman, representative of (wakil) Sayid bin Abdallah. Representing the Imperial Reichs-Kommissariat for East Africa.

Witnesses:

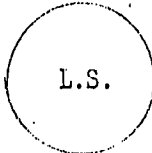
Mark of Bura Haji X X X

Mark of Kombo bin Waziri + + + rubber stamp



The Administrative Official
 (signed) Greff.

The foregoing Contract of Purchase (Kaufvertrag) is herewith approved.



Zanzibar 11 November 1890
 Acting Reichskommissar for East Africa
 (signed) Dr. W. Schmidt.

To the Kanzler for information: thereafter to be filed.

23.5.91 (signed) Soden (Governor)

Noted.

(signed) Eschke. 25.5.91.

Translation from German of Contract of Purchase dated 16.5.1891 between Binti Muinikishimba Majumbe and 15 other natives (including Gagna No.16) and an Arab No.17, Vendors, and the Imperial Governor of German East Africa, Purchaser, shambas included in the area known as the Government Park, Dar es Salaam.

(K.G.R.File VIII K 3 Vol I page 4)

J.No.II.935.

Contract of Purchase (Kaufvertrag).

The following Contract has been concluded this day between Freiherr von Soden, Imperial Governor of German East Africa, represented by Herr Leue, Officer Commanding the District of Dar-es-Salaam and the following landholders (Landbesitzer):

- 1) Binti Muinikishimba Majumbe (pencil correction: Mwenyi Kushimba)
- 2) Binti Muinikishimba Shausiku
- 3) Muinikishimba
- 4) Binti Weche
- 5) Muinikondo Weche
- 6) Muinikondo Shomwilali
- 7) Muinigogo
- 8) Muinishande
- 9) Muinisuakali
- 10) Muinihagi
- 11) Muinikambi
- 12) Muinikambi jungruwe
- 13) Waziri Suru
- 14) Daraja
- 15) Jumbe Kitembe
- 16) Gagna
- 17) Wali Mohamed ben Selimani

To be filed 22/5/01 (signed) R. Wegener.

Clause 1.

The said landholders sell their plots of land situated in the so-called Government Park to the Imperial Governor for the total price of

1562 Rs. One Thousand Five Hundred Sixty Two Rupees,

in amounts received as stated below:

Binti Muinikishimba Majumbe, and	}	together	200/	Rps.
Binti Muinikishimba Shausiku				
Muinikishimba	}	together	100/-	"
Binti Weche and				
Muinikondo	}		31/-	"
Muinikondo Shomwilali				
Muinigogo			400/-	"
Muinishande			200/-	"
Muinisuakali			50/-	"
Muinihagi			75/-	"
Muinikambi			200/-	"
Muinikambi jungruwe			50/-	"
Waziri Suru			10/-	"
Daraja			17/-	"
Jumbe Kitembe			35/-	"
Gagna			40/-	"
Wali Mohamed ben Seliman			100/-	"
			60/-	"

Clause 2.

The payment of the purchase price has been duly made in cash and thereupon the ownership has passed to the Purchaser.

Clause 3.

Upon application of the persons living within the area sold the Imperial Governor is under obligation to assign to them elsewhere free of costs equivalent sites for dwellings.

Clause 4.

The vacation of the Park by these persons shall take place at the latest within six months. They shall be allowed to pull down their houses and utilize the building material thereof for their own use. Should they settle elsewhere within the township area the Purchaser guarantees to them a monetary subsidy not exceeding 50 Rupees.

Dar es Salaam 16 May 1891

(sd) Leue
District Chief.

(signed in Arabic characters) Diwan Kitembe for himself, for the parties mentioned under 1 and 2 and for Gagna.

(signed in Arabic characters) Mohamed bin Sileman

(remark in German under the above signature): Mohamed ben Seliman for himself, for Muinikishimba and for Waziri Suru.

(signed in Arabic characters) Muinikondo Showwilali.

(signed in Arabic characters) Muinihaji. (in German Muinihagi)

X Mark of Muinikondo, Weche for himself and for Binti Weche.

X Mark of Muiniswakali

(signed in Arabic characters) Muinigogo for himself and for Muinishande

(signed in Arabic characters) Muinikambi jungruwe

X Mark of Muinikambi for himself and for Daraja.

Certified that the foregoing is a true record of the proceedings (geschehen wie oben)

(sd) Eschke.

Kanzler to the Imperial Government.

Sanctioned.

Imperial Governor
(signed) Soden.

Translation from German of Contract of Purchase dated 25.5.1891 between (1) Wali Mohamed bin Seliman (2) Jumbe Kitembe (Vendors) and the Imperial Governor (Purchaser) Plot bounded by the harbour, the Mission, the Government Park and the Government land in Kizingo.

(K.G.R. File VIII K 3 Vol page 19).

Contract of Purchase (Kaufvertrag).

The following contract was concluded this day between Freiherr von Soden, Imperial Governor, represented by Herr Leue, Imperial Chief District Officer (Bezirkshauptmann) of Dar-es-Salaam and the following landholders:

- 1) Wali Mohamed ben Seliman
- 2) Jumbe Kitembe

Clause 1.

Mohamed bin Seliman and Jumbe Kitembe sell to the Imperial Governor their shambas which are bounded by the foreshore of the harbour (Hafsenstrande), by the Mission ground, by the Government Park, and by the ground in Kizingo belonging to the Government, the total purchase price together being:

460 Rps -- Four Hundred Sixty Rupees --

whereof Mohamed ben Seliman receives 60 Rps, Jumbe Kitembe 400 Rps.

Clause 2.

The purchase price has been duly paid in cash and thereupon the ownership of the plots of land indicated has passed to the Purchaser.

Dar-es-Salaam 25 May 1891.

(signed) Leue.

Chief District Officer.

(signed in Arabic characters) Diwan Kitembe.

(signed in Arabic characters) Mohamed bin Seliman al Hadharmi.

As witnesses:

(signed) Freiherr von Moltke

(signed) Scheid,

Sanctioned 25/5/91.

Der K.G. (The Imperial Governor)

(signed) Soden.

L.S.

Translation from German of Affidavit dated 23.10.1911 by Halidi Suo and others relating to the ownership of the land whereon are the Casino and other Government buildings. (K.G.R. File VII C 32 Vol XI page 113).

Copy.

Transacted, Dar-es-Salaam 23 October

There appeared

- | | |
|--------------------|---------------------|
| (1) Halidi bin Suo | (4) Mwinyi Sawakali |
| (2) Saleh Shaban | (5) Mwinyigogo |
| (3) Nahoza Bilali | (6) Mwinyikondo |

The parties having been cautioned to speak the truth declared:

"At the time of Governor von Wissmann (then Reichs Kommissar) all the people (Natives) lived in the quarter where now stand the Hauptkasse, Kommando and the remaining Government buildings. The present Native quarter was bush. An official order was issued that no one would be allowed to continue living there (i.e. where the Government buildings now are). The people were compensated and received about 1 Rupee for each large palm and 20 to 50 Rupees for a house.

Halidi was not willing to sell at that time, because there were standing on the plot the grave of his father and a small mosque."

Halidi declares that there were standing on the plot at that time 2 stone houses of the value of a few hundred Rupees, and 65 palms, a part whereof were bearing.

The other witnesses confirm these statements. All of them abandoned their plots without regard to compensation out of fear of the Europeans.

Shaba (Shaha) clerk at the District Office declares:

"My mother had palms standing in that neighbourhood which she did not sell. I beg for compensation if Halidi should receive anything".

Some of the witnesses confirm these statements, but Halidi disputes these statements, he maintains that these palms were planted by his (Halid's) father.

Concluded
(signature of) Nygebrecht.

Certified true copy.

Dar-es-Salaam 25 October 1911
(Signed) Karstedt.
Sekretär.

Note by K.G.R. On the plan at page 92a of K.G.R. File VII C 32 Vol XI dated 1911 the building which is now the Land Department & is marked "Kommando der Schutztruppe" (Headquarters of the Defence Force) the building which is now Police Headquarters & is marked "Hauptkasse" (Treasury) and the building which is now known as the Casino is marked "Kasino".

Verhandelt, Mtoni, den 21/ Februar 1901

Appendix 3.2 Some documents related to the deceitful acquisition of land from natives in Mtoni, 1900

1)
Nachstehende Personen verkaufen ihr
aus anliegender Skizze näher bezeichn.
Grundstücke an das Kaiserliche Gouvern.
ment von Deutsch Ost Afrika.

2)
Die auf dem Lohamben befindlichen
Bäume, Palmen etc. Bäume werden mir
verkauft, die Britten bleiben Eigenthu-
mer, Eingeborenen, denen auch das Recht ge-
sagt wird, daß sie weiter auf ihren Loh-
amben wohnen bleiben dürfen, das Grund-
stück selbst, haben sie jedoch - wenn es abgem.
ist - auf Verlangen dem Gouvernemen-
zur Verfügung zu stellen.

3)
Verkäufer leisten dafür Gewähr, daß an

Fre

fragliche Grundstücke keine Rechte, oder Forderungen für dritte Personen lasten, wollen, derartige Ansprüche hervortreten, so verpflichten sich, die Verkäufer, dieselben, aus eigenen Mitteln, abzulösen.

Personen welche etwaige Ansprüche auf Palmen oder Mangobäume (welche auf dem verkauften Complex stehen), haben sollten, hat Verkäufer selbst abzufinden. Feldfrüchte wie Mohohogs, Mais, Kunde etc. wird nicht ^{mit} verkauft.

p. Usiali behält einen Theil seines Lhainba, worauf sein Wohnhaus und eine kleine Palmenpflanzung steht. Diese Fläche ist in anliegender Skizze rot markirt, der Flächeninhalt beträgt etwa 10 Hektar.

Die Kaufpreise sind provisorisch und

werden vom Rll. Gouvernement festgesetzt.

Name des Verkäufers	Bezeichnung des Ishamba	Umfang in Größen	Rp.	Bemerkungen
Ishanzi bin Kibinda	A, B, C, D, E, F - A.	1	350	Palmen schamb einbezogen
Msarra bin Muniuguma	F, G, H, I, J, K	2	350	1/2 Eshamba 1/2 Löffland
Munimuka bin Mshandeni	L, M, N, O, P, Q, R	3	500	1/3 Löffland 2/3 Eshamba
Jumbe Kirumbi	S, T, U, V,	4	600	1/2 Löffland 1/2 Eshamba
Munimuka bin Mshandeni	W, X, Y, Z,	5	200	Eshamba Land
Jumbe Mshandeni	AA, AB, AC,	6	900	Eshamba Löffl.
Munimuka bin Paji	AD, AE, AF,	7	1200	Palmen im Eshambaland
Munimuka bin Paji	AG, AH, AI,			
Munimuka bin Paji	AJ, AK, AL,			
Munibegwi bin Rwamba				

Anzahl 7 11150

N ^o .	Name des Verkäufers	der Schaumbi	der	Ort	Bemerkungen
8	Yumbe Madenge Mtoni	Q, R, S F - Q.	8	4400 500	Sfamben + Kalim gegen übrige Sfamben die gefordert sind sind für!
9	Limba mdunung und Munibegu bin Mschäc	P, U E, F, Q - S	9	400	Sfamben abum 200 Kalim
10	Munig'oa bin Langwa	P, U, B C, I, J M, P	10	300	Kalim, 1/3 Sfamben 1/3 Löffel
11	Jumbe Gira Gira, Idi bin Tshavvemb, Mischäc bin Limba, Munikamba bin illbaräna	U, L, A, I B, I - U	11	200 (200)	1/3 Sfamben 2/3 Löffel
12	Gira Gira Yumbe in Mischäc	A, I, J, B G, I, F E, I, B, I A, I	12	150	1/3 Sfamben 2/3 Buschlan
				5950	

Kosten des Vertrages übernimmt das Gouverneur
Vorgelesen im Rismaheki, dessen alle Anwe
den mächtig sind, überzieht und unter
ben

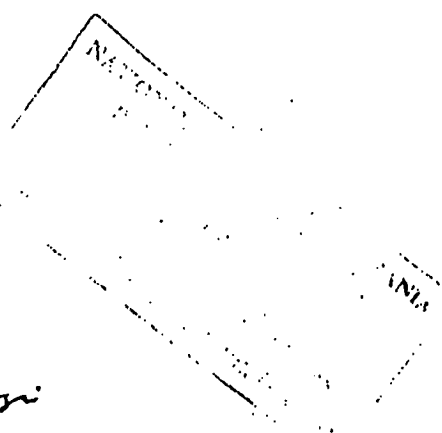
Tshangi Ruben M...
Yumbe Mungazara
(Gellosani)
Guntzgriffen Ad p. Tshangi + Consorten.

OB

{ 7 + t Maara bin Munguma
v) Yimbe Kivumbi amba ni Lubagarra

X Mwinimukhi bin Chokande ni
{ + Yimbe Kivumbi Mboni
X Chokasimadi

{ + Yimbe Mshanda ni Mshimani (Kongorani
Ludu)
+ Mshipa
+ Mchali
+ Pazi



{ III Mwinimukhi bin Pazi
+ Mungu bin Pazi
+ Mwinimukhi bin Pazi
+ Mwinibegu bin Kwamba

X + Yimbe Madenge

{ v) Simbathume bin Kibawa
+ Mwinibegu bin Mochac

Kaji bin Mbakamu

Munimanku Konkwayu als Angrenger

Munigia bin Lungwa

Girra Girra

Idi bin Fokawembe

Mischac bin Simba

Munkambi bin Albaraka

Abameddi bin Said als Angrenger in für die des Soliman 1/2 für Gr

Sali bin Said als Angrenger

Kinguri als Angrenger

als Leuten für 4

Yumba Madenge, Utoni

Kimambi, Utoni

Kumbi amto, Albagarra

Mishande, Alkoni

Girra Girra, Muale

Für das Kaiserliche Gouvernement

Neuvet

Vernefs Frohnholt

Purchased, Mtoni, 21st-22nd February 1900

1

The undermentioned persons sell their plots of land, as shown in the sketch, to the imperial Government of German East Africa.

2

The plants which are in the plots: palm trees, etc, will be paid for; the huts remain under the ownership of the indigenous people who are to be advised that they may keep staying on the plots until such a time when the Government may need them.

3

The seller must guarantee that the plot in question plots shall not have the right or demand to burden a third party. Should such a situation arise, then it will be upon the seller to resolve the problem unassisted.

4

People with other (crop) claims besides coconut palms and mango trees (which are on the purchased plot) have to look for customers themselves. Crops such as muhogo, maize, kunde, etc will not be included in the purchase of the plot.

5

Usiali has kept part of his shamba on which are his house and an orchard of coconut palms. This area is marked with red; it is about 10 ha.

6

The prices are provisional and shall be fixed by the Government.

3

The seller must guarantee that the plot in question plots shall not have the right or demand to burden a third party. Should such a situation arise, then it will be upon the seller to resolve the problem unassisted.

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5

Usiali has kept part of his shamba on which are his house and an orchard of coconut palms. This area is marked with red; it is about 10 ha.

6

The prices are provisional and shall be fixed by the Government.

		Sign of Plot		Price	Remarks
1.	Chanzi bin Kibinda	ABC DE F-A		350	Palm shamba
2.	Msarra bin Muniuguma	E, F, G H, I, E	1	350	$\frac{1}{2}$ shamba $\frac{1}{2}$ shamba
3.	Mwinyi mkuu bin Mohammed	G N U L K H G	2	800	Fallow shamba
4.	Jumbe Kirumbi	N O P	3	600	
5.	Mwinyi Mkuu bin Moh'd Mwiny: Mkuu	M N X N	4	200	
6.	Jumbe ^W Uishande ^{Mshipa} Usiali Pazi	V W Y - V	5	900	
7.	Mwinyi Abdallah bin	X G P	6	1200	
8.	Mwinyi gogo bin Pazi Mwinyi Mkuu bin Pazi Mwinyimbegu bin Kwamba	Q R S S R S	7		
9.	Jumbe Madenge Mtoni	Q R S	8	500	
10.	Simba Mdume bin Ribawa and Mwinyimbegu bin Mshee	P U - P	9	400	
11.	Mwinyi goa bin Sangwa	P U B C, D, Mm P	10	300	
12.	Jumbe Giragira, Id bin Chaurembo, Misheo bin Simba, Mwinyi Kambini bin Mbarana	U Z A1 B - U	11	200 (200)	
13.	Girra gira Jumbe in Mwale	A. J. H. G. J.	12	150	

The costs of contracts are borne by the Government. This was read in Kiswahili in which all the present (concerned) are conversant, translated and signed.

dem da Appendix 3.3 The 1891 Bauordnung für Dar es Salaam will, hat sie erhält von demselben einen Begleitschein und sodann bringt er seine Ladung mit diesem Schein nach einem der oben genannten 7 Haupt-Zollämter, wo sie nachrevidirt und verzollt werden, worauf die Erlaubniß zur Ausfuhr in das Ausland erteilt wird. Damit aber die Zollverwaltung die Sicherheit hat, daß solche Exporte wirklich einem Haupt-Zollamt vorgeführt werden und nicht etwa direkt von dem Neben-Zollamt ins Ausland gehen, kann daselbst die Stellung einer Bürgschaft oder Hinterlegung einer Sicherheit verlangt werden.

Wer Waaren nach einem der genannten Nebenplätze von dem Auslande einführen will, hat zunächst dieselben einem Haupt-Zollamt zur Abfertigung vorzuführen; nach erfolgter Revision und Verzollung erhält er für seine Waaren einen Begleitschein und bringt sie mit demselben nach ihrem Bestimmungsort, wo sie nochmals dem Beamten vorzuführen sind, um sie mit dem Scheine zu vergleichen; findet sich keine Unrichtigkeit, so wird die Waare dem Eigentümer ausgeliefert.

Wer Waaren von einem der genannten Plätze nach einem anderen auf dem Seewege überführen will, hat im Ausgangshafen von dem Zollamt einen Begleitschein über seine Waaren unter Angabe des Bestimmungsortes zu lösen; mit diesem Scheine sind sie an letzterem Orte dem Zollbeamten vorzuführen; sie werden dort nachrevidirt und wenn sich keine Unrichtigkeit findet, wieder in den freien Verkehr gesetzt. Die Hinterlegung einer Sicherheit oder Stellung einer Bürgschaft kann gleichfalls verlangt werden.

Alle Exporte und Importe und alle Verschiffungen von einem deutschen Hafen nach einem anderen müssen, wenn sie dem Zollamt zur Abfertigung gestellt werden, von jedem Waarenversender nach Kollid-Zahl, Marke und Nummer, Waarengattung, Gewicht bezw. Stückzahl und Werth schriftlich in deutsch oder englisch auf einem amtlichen Zollformulare, welche von der hiesigen Zolldirektion gekauft werden können, wahr und richtig deklarirt werden; Deklarationen in anderen Sprachen werden von der Zollstelle übersetzt und dafür eine Uebersetzungsgebühr bis zu 1 Rupie entrichtet; die gleiche Gebühr entrichten des Schreibens unkundige Personen, welche mündlich deklariren dürfen. Unrichtige Deklarationen werden nach Maßgabe der Zollstrafbestimmungen geahndet.

Alle vorstehend nicht genannten Plätze sind für den Seeverkehr geschlossen.

Dar-es-Salaam, den 22. Mai 1891.

Der Kaiserliche Gouverneur.

(L. S.)

(gez.) Freiherr v. Soden.

Bauordnung für Dar-es-Salaam.

§ 1.
Für die künftige Anlage der Stadt Dar-es-Salaam *) ist ein Bauplan entworfen worden, dessen Einhaltung von heute ab Jedermann zur Pflicht gemacht wird.

§ 2.
Dieser Bauplan befindet sich auf dem Kaiserlichen Bezirksamt in Dar-es-Salaam und ist auf Wunsch dort Jedermann vorzulegen.

*) Vergl. den dieser Nummer beigegebenen Plan.

§ 3.
Durch diesen Bauplan wird der Baugrund zunächst in 46 verschiedene Looße eingetheilt.

§ 4.
Von diesen 46 Looßen sind die Looße I, III bis X und die dem Hafen zugekehrte Seite des Looßes II, ferner die Looße XLIV, XLV und XLVI, und die dem Hafen zugekehrte Seite der Looße XXVI, XXVII, XXVIII, XXIX, XXX und XXXI ausschließlich für die europäische Niederlassung bestimmt; d. h. es dürfen auf ihnen bloß solide Gebäude im europäischen Stile aufgeführt werden.

§ 5.
Auf der Rückseite der Looße II, der Looße XXVI bis XXXI, auf den Looßen XI und XII, auf der Barra, Nasla und der Indier-Straße sind auch andere Gebäude zulässig, dieselben aus solchem Material bestehen und nicht unter die Kategorie der Negerschenke fallen.

§ 6.
Was unter einem in europäischem Stile gebauten Hause im Sinne des § 4 zu verstehen und welche Gebäude unter dem § 5 zu subsumieren seien, darüber entscheidet zunächst das kaiserliche Bezirksamt, von welchem seine Berufung an das kaiserliche Gouvernement stattfindet.

§ 7.
Wer eines der in Frage kommenden Looße zu bebauen vorzuziehen hat, deshalb zunächst die Genehmigung des kaiserlichen Bezirksamtes nachzusuchen.

§ 8.
Im dem Gesuche ist die Verichtigung zur Bebauung des Looßes nachzuweisen, desgleichen ein Situations-Bauplan, sowie eine möglichst genaue Beschreibung des beabsichtigten Baues beizufügen.

§ 9.
Das Gesuch ist vom Bezirksamt unter Zuziehung eines Bautechnikers zu prüfen. Eodert der Bau der gegenwärtigen Verordnung, sowie den nothwendigsten hygienischen Ansprüchen genügt, kann die Genehmigung nicht verweigert werden. Der Beginn des Baues vor Ertheilung dieser Genehmigung ist nicht gestattet.

§ 10.
Es ist als Grundsatz festzuhalten, daß von jedem Looße immer nur zwei gegenüberliegende Seiten und auch diese nur zur Hälfte bebaut werden dürfen, derart, daß die andere Hälfte als Hof oder Garten freigehalten wird. Darüber, welche Seiten der einzelnen Looße bebaut werden und welche freibleiben müssen, entscheidet von Fall zu Fall das kaiserliche Bezirksamt, wobei vor Allem darauf zu achten ist, daß die für die einzelnen Straßenlinien einmal angeordnete Straßensfront auch beibehalten wird. Weitere etwa erforderliche polizeiliche Anordnungen im Interesse der öffentlichen Gesundheit und Ordnung sind je nach dem Gange der baulichen Entwicklung vorbehalten.

§ 11.
Innerhalb eines Jahres vom Erlaß dieser Verordnung ab muß jedes Looß durch einen Baum oder lebende Hecke umfriedigt und zum mindesten von allem Unrat gereinigt sein. Der

Bezw. die Eigentümer der Posten sind hierfür verantwortlich, in Fällen wo dies innerhalb der genannten Frist nicht geschehen sein sollte, wird die Umschließung und Säuberung von Umschlüssen wegen auf Kosten der Eigentümer bewerkstelligt.

Dar-es-Salaam, den 14. Mai 1891.

Der Kaiserliche Gouverneur

(L. S.)

(gez.) Freiherr v. Soden.

Regulations for construction in Dar es Salaam

§ 1

For the future development of Dar es Salaam, a plan was made, which everybody will have to adhere to.

§ 2

This plan is in the Imperial district office in Dar es Salaam, and has to be shown to everybody, who wants to see it.

§ 3

By this plan the land is for the time being divided into 46 lots.

§ 4

Of these 46 lots no. 1, 3 up to 10 and the parts facing the port of lot no. 2, the lots no. 44, 45, 46 and the sides facing the port of lot no. 26, 27, 28, 29, 30 and 31 are exclusively for European settlement, which means, that in these lots only solid buildings in European style may be constructed.

§ 5

On the backside of lot 26 up to 31, on lot 11 and 12 in the Barra Rasta and in Indian Street, also other buildings are allowed, as long as these are out of solid material and as long as they can not be categorized as Negro huts.

§ 6

The decision what is a house in European style according to § 4 and which type of buildings are meant by § 5 lies initially with the Imperial district office, but there can be an appeal to the Imperial gouvernement.

§ 7

Therefore, when somebody wants to build on the lots concerned, he has first to apply for a permission from the Imperial district office.

§ 8

In the application it has to be proved, that the applicant is entitled to build in the area. He has also to submit a plan of the intended building in its surrounding and a detailed description of the planned construction.

§ 9

The application is to be scrutinized by the district office with the help of a construction technician. If the construction satisfies the present building regulations and the necessary hygienic standards, a permission can not be denied. It is not allowed to start building before the permission is issued.

§ 10

Normally in a lot, only the two opposite sides should have buildings, and the buildings should be placed in a way, that space is reserved for gardens or yards. The question, which side of the lot is used for construction and which space has to be left open, is decided separately in every single case by the Imperial district office. It has especially to be considered, that the direction of the street and of the house fronts is maintained.

More necessary regulations in the interest of health and order can be issued in the course of the town development.

§ 11

Within a year after the declaration of these regulations, each lot has to be surrounded by a fence or by a living hedge, and it has at least to be cleared of all rubbish. The owner or owners of the lot are responsible for it. In case, where this does not happen in the given time, the fencing and cleaning will be done by the administration on the expense of the proprietors.

Dar es Salaam, May 14, 1891

The Imperial governor

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Appendix 4.1 Dar es Salaam's building Areas under the
Township Rules 1923

September 26th, 1924. TANGANYIKA GAZETTE

397

GOVERNMENT NOTICE No. 160.

(S.M.P. 3089/195).

NOTICE.

The Township Rules, 1923.

BUILDING AREAS IN DAR ES SALAAM TOWNSHIP.

In exercise of the powers conferred upon the Governor by Rule 94 of the Township Rules, 1923 and of all powers thereto enabling me, I, ALAN EDWARD STACK, Officer of the Most Excellent Order of the British Empire, Governor's Deputy, do hereby prescribe the following areas for the purposes specified:—

Firstly, in the area specified in the First Schedule hereto, residential buildings of European type only may be erected. Such area shall be called Zone I.

Secondly, in the area specified in the Second Schedule hereto, residential and trading buildings only may be erected. Such area shall be called Zone II.

Thirdly, in the area specified in the Third Schedule hereto, native quarters may be erected. Such area shall be known as Zone III.

Dar es Salaam, 11th September, 1924. A. E. STACK,
Governor's Deputy.

FIRST SCHEDULE.

Zone I. Commencing at the junction of Versailles Street and Azania Front the boundary shall follow the eastern side of Versailles Street until it reaches the north-west corner beacon of Plot 58/21 Flur 3; thence it shall follow a straight line in a westerly direction for a distance of about 660 yards until it reaches the point where Bagamoyo Pool Culvert crosses Selous Street; thence it shall follow a straight line in a south-westerly direction to the most southerly beacon of Plot 15 Flur 3; thence it shall follow the boundary of Plot 15 in westerly and north-westerly directions for an approximate distance of 135 yards; thence it shall follow successively in westerly and north-westerly directions the boundaries of Plots 14, 13, 14, 87/12 and "Mullors" Shumba until it reaches high water mark of Maimbazi Creek; thence it shall follow the high water mark until it reaches the sea coast; thence it shall follow the sea coast along high water mark until it reaches a point in alignment with the eastern side of Versailles Street; thence in a straight line to the point of commencement.

SECOND SCHEDULE.

Zone II. Commencing at the junction of Versailles Street and Azania Front the boundary shall follow the eastern side of Versailles Street until it reaches the north-west corner beacon of Plot 58/21 Flur 3; thence it shall follow a straight line in a westerly direction for a distance of about 660 yards until it reaches the point where Bagamoyo Pool Culvert crosses Selous Street; thence it shall follow a straight line in a south-westerly direction until it reaches the most southerly beacon of Plot 15 Flur 3; thence it shall follow a line parallel to Wadigo Street for an approximate distance of 335 yards; thence it shall follow a straight line in a south-easterly direction for an approximate distance of 730 yards until it reaches the south-east corner of the junction of Stanley Street and Sultan Street; thence it shall follow the eastern side of Sultan Street until it reaches a point in alignment with the northern side of Kisorawa Street; thence it shall follow the alignment of the northern side of Kisorawa Street until it reaches the western side of Sikuku Street; thence it shall follow the western side of Sikuku Street until it reaches the southern side of Mbaraku Street; thence it shall follow the southern side of Mbaraku Street until it reaches the western side of Gorozani Street; thence it shall follow the western side of Gorozani Street in a southerly direction until it reaches the Railway boundary of the harbour branch line; thence it shall follow the Railway boundary until it reaches the eastern side of the old railway road; thence it shall follow the said road until it reaches the junction of Mbarano Street; thence it shall follow a straight line in a north-easterly direction until it reaches high water mark; thence it shall follow high water mark until it reaches a point in alignment with the eastern side of Versailles Street; thence it shall follow a straight line to the point of commencement.

THIRD SCHEDULE

Zone III. Commencing at the junction of Msimba Creek with the southern boundary of "Mullers" Shamba the boundary shall follow successively the boundaries of "Mullers" Shamba Plots 87/12, 14, 13, 14, until it reaches the second beacon of plot 14 on the eastern side of Plot 13; thence it shall follow a straight line in a southerly direction to the south-eastern corner of the junction of Bwalyo Street and New Street; thence it shall follow the eastern side of New Street until it reaches the northern side of Amani Street; thence it shall follow a straight line at an angle to New Street for a distance of 100 feet; thence it shall follow a straight line parallel to New Street until it reaches the northern side of Stanley Street; thence it shall follow the northern side of Stanley Street until it reaches New Street; thence it shall follow the eastern side of New Street until it reaches the alignment of the northern side of Kiungani Street; thence it shall follow the northern side of Kiungani Street until it reaches the western side of Sikuku Street; thence it shall follow the western side of Sikuku Street until it reaches the southern side of Mbaruku Street; thence it shall follow the southern side of Mbaruku Street until it reaches the western side of Goroani Street; thence it shall follow the western side of Goroani Street in a southerly direction until it reaches the Railway boundary of the Harbour branch line; thence it shall follow the Railway boundary until it reaches the eastern side of the old causeway road; thence it shall follow the old road until it reaches the junction of Magazine Street and the Causeway; thence it shall follow a straight line in a north-easterly direction until it reaches high water mark; thence it shall follow high water mark in a southerly direction until it reaches the Township Boundary west of the South Harbour; thence it shall follow the Township Boundary first in a westerly direction then continuing along the Township Boundary until it reaches a point due west of the point of commencement; thence it shall follow a straight line to the point of commencement.

Appendix 4.2 Gerezani Native Settlement Removal: List of those compensated

N.B: Only those who had built before the coming into force of the Township Rules of 1923 were compensated. These are listed below. the rest (97) were not compensated.

Name	Year when built	Amount of Compensation (Tshs)
1. Nassor Kamano	1920	10
2. Mama Omari	1918	120
3. Mama Omari	1918	40
4. Salshe Mwinyihamisi	1905	10
5. Binti Yusufu	1905	10
6. Mwinyigoha Mwinyimkuu	1905	20
7. Mshindo Bakari	1905	30
8. Mzee bi Mwinshehe	1919	40
9. Fatima binti Rajabu	1919	10
10. Abdallah bin Rajabu	1905	10
11. Salehe bin Salehe	1905	200
12. Salim bin Sultani	1910	80
13. Salim Simba	1918	150
14. Gungu Mayegaye	1918	15
15. Gungu Mayegaye	1918	10
16. Asha binti Jura	1920	60
17. Asha binti Jura	1920	15
18. Abdallha Mwana	1907	15
19. Selemani Wakili	1919	35
20. Selemani Wakili	1919	5
21. Binti Mwinyigogo	1919	19
22. Saidi Hassani	1919	35
23. Selemani Mwinyimkuu	1905	35
24. Mzee Marungo	?	25
25. Mzee Marungo	?	0
26. Abdallah bin Chanzi	?	12
27. Seif Ebrahim	1923	10
28. Ali Kirença	1922	15
29. Mgeni Mohamed	1919	15
30. Athmani	1921	10
31. Masudi Hemedi	?	15
32. Jamasha binti Selemani	?	15
33. Ibrahim Saidi	1921	15
34. Ibrahim Saidi	1921	10
35. Seif bin Salim	1921	30
36. Seif bin Salim	1921	20
37. Binti Fundi	1921	20
Total		1197

Source: Tanzania National Archives File No. 12589 Dar es Salaam Township Layout.

Appendix 4.3 Petition by Natives of Upanga against removal, 1931

Dar-es-Salaam
16th May, 1931.



To
The Provincial Commission
Dar-es-Salaam

Tunakuarifu baruwa ili kusudi la shida yetu tunayo-
shitakia kwako, kwani wewe ndio mambo matatu.

Kwanza wewe ndio baba wa raiya
pili " " mzee wa mji
tatu " " Mfalme wa inchi hii yote ya
Tanganyika tangu mwanzo hata mwisho.

2. Basi tunakuomba utusamehe kwa maneno ya makosa yaliomo
ndani ya baruwa hii yasio na adabu mbele yako, lakini hatuna
budi kuileta baruwa hii mbele yako kwani hatuna mahala pengine
pa kushitakia shida zetu ila kwako wewe mfalme, ingawa hazina
haja; na maneno yetu ni mabaya juu yako, na wewe ni mzee uwezae
kuchukua kila wema na ubaya wa watoto wako.

Shida zetu ni hizo:-

Bwana mkubwa serkali inatuumuru tuondoke ndani ya
mashamba, na majumba yetu yalio Upanga shamba,
basi kwa amri hii, twaiomba serkali itupe msaada,
wa kutusamehe, kwamba sisi inakuwa ni vigumu sana
kuhama Upanga na kuwacha mali zetu na kuvunja majumba
yetu.

3. Kwani hata wewe bwana mkubwa yakuelea yote kuwa kuchuma
ni kugumu, tena kazi kubwa sana mtu kuirudisha hali kama alikua
nayo zamani, na mali hizi zilizo hapa Upanga, ni mashamba na
majumba ambayo tuliopata zamani tulipokuwa na wasaa. Na vingine
ni mali ya asli, "Writi" ambao tulipata kwa wazee wetu. Jee bwana
mkubwa tukiondolewa hapa Upanga wapi utatuweka? Na mali zetu wapi
utazipeleka? ao nani ataziangalia. Na sisi wenyewe hatuwezi kuzi-
acha mali zetu, kwa hali iwayo, peke yake wala kuwa nazo mbali.
Hapo haya bwana mkubwa ni mazito juu yetu hatuyawezi kuyachukua,
twaiomba serkali itupe amri ingine badala ya hii ilio na wema na
upole, na lililo na huruma xx juu ya sisi raiya zake. Na sisi
tunakuomba ndani ya baruwa hii ndio wazee na wenyeji wa mji huu
wa Dar es Salaam, tuliobaki.

4. Labda serkali itasema kuwe haikutuona tangu zamani, ni
kweli nasi tutajibu ya kama haikututaka zamani kabla ya maneno
ao mambo haya ao mengine yanayo andamana na wazee wa mji.

Basi kwa huruma na msada wa serkali itusamehe kwa makosa yetu na utovu wa adabu ~~na~~ tunaofanya mbele yake, kwani sisi ni watu tusio elimu nzuri ya kuinasihi serkali.

Watumai kuwa tutapata majibu upesi kwa baruwa hii ututoe wasiwasi juu ya maombaji tulioyahitaji mbele yako.

Sisi raiya zako wajinga.

1. *Mwinyi Waziri bin Mwinshela*
2. *Mwinyi Kheri bin Akida*
3. *Mohamed bin Lambara*
4. *Kudato bin Abdallah*
5. *Abdallah bin Mfame*
6. *Mwinshela bin Mwinjanda*
7. *Mwanga bin Mwinjambun*

*Copy to the
Chief Secy*

Hon. P.C.

The D.D. may be able to inform us as to the extent of their return from the Mfame area. I don't think this letter refers to petitions in connection of the "Open Space" scheme.

P.C.

*1966
Att. AD return for report
Jan 19/66*

Ref. No. 81/85/1.

Author's Note:

This letter was addressed to the Chief Secretary and copied to the Provincial Commissioner.

This is the PC's copy

Appendix 4.4 Petition by Indian factory owners against removal from the commercial area, 1930s

13
Dar-es-Salaam,
26th, June, 1931

The Hon'ble The Chief Secretary to the Govt.,
Tanganyika Territory,
Dar-es-Salaam.

Sir,

Most humbly and respectfully we the undersigned Mill owners at Pugu Road Godowns jointly beg to lay the following few lines for your favourable consideration.

We were compelled by the Township Authority to shift to our present business premises at Pugu Road Godowns stating that no one is allowed to work any machinery particularly for corn grinding in the commercial and native areas as this nature of business breeds rats and is a menace to the public health.

We had to build our own godowns at considerable expenses through mere necessity and compulsion.

Our grinding business is at a stand-still as our mills are outside the town and in view of the fact that the Township Authority is granting permission to the new applicants for grinding corns through whatsoever cause which is a plain ~~injust~~ injustice and against which we have our strong protest, ~~no~~ one likes to bring his corn for grinding to our mills.

We beg to give herebelow the names of persons at present carrying on business in corn grinding in the town in commercial and native areas prohibited for us.

1. Kalyanji Ramji - Kitchwele St.
2. Lakshman Ramji - Ring St.
3. Nurmohamed Jessa- Bagamoyo St.
4. One Khoja (JIVAN DAWJI) New Market

We have full confidence in your honour's sense of justice that you will kindly give a favourable consideration to this humble petition and redress our grievances by applying the ~~same~~ same law to the ~~persons~~ above named corn grinders which has already been applied to us, otherwise it is just possible that the ~~fix~~ matter may go from bad to worse.

Hoping to meet with justice

R. R. SHARMA

M. MOGAM LALJI (+)

We have the honour to beg
Sir,
Your obedient servant.

Appendix 4.5 Conditions of roads and drains in African areas
in Dar es Salaam, 1939, 1948
Tanganyika Standard, dated 11th May, 1939.

CUTTING FROM THE TANGANYIKA STANDARD
DATED 11.5.39.

DAR ES SALAAM ROADS

The Editor, Tanganyika Standard.

Sir,—May I claim a little space in your columns to voice a few complaints which I am afraid will fall on deaf ears.

We in this town contribute to the Municipal taxes and we are supposed to keep vehicles in such a state of repair that their wheels are not likely to damage the surface of the road. So far, so good. Will somebody sponsor an amendment in the Highways Ordinance making it an offence on the part of the local authority concerned to permit roads to remain in such a condition as to damage the wheels and the vehicles. For my part I have had my car sufficiently damaged by the Township roads.

The irony of the situation is that if I owned a hamali cart with loose or out of shape wheels and it traversed these pot-holed, surfaceless apologies for roads I should be fined under the traffic rules because our Township boasts a few so called tarred roads and hence there is a possibility of my hamali cart being taken on those roads and damaging them.

I am tired of complaining about this road repair and maintenance problem of this Township, particularly in view of the fact that the old Oyster Bay Road, mainly used by lorries, has a section recently added to it and it is tarred even when certain localities in the Township have no roads. Is there no way to remedy this state of affairs?

The other point I should like to bring to the notice of the authorities is the danger of collisions at the junction of Main Avenue and Ingles Street. The fanwise parking of cars outside the New Africa Hotel greatly impedes a clear view of Main Avenue and hence the danger. The island at this junction is also a danger. It has in no way checked the speed of the traffic. It would be wise, I feel, to have an Askari at this point.

Yours, etc.,
"ULTRA-VIRES."

Dar es Salaam,
May 10, 1939.

Africans Neglected

There are roads and drains in the African part of the township where monsoon is a menace not only to passersby, but to the African residents. There have occurred in the past instances of some children having been swept away by heavy flow of drain water. Some repair work seems to have been started on a couple of main streets but nothing is being done for lanes. There

are a number of lanes with knee-deep holes and during rainy days not only they refuse to allow any light traffic to pass over them but prove nuisance to the occupants.

These areas are never visited by high officials. Not even by the responsible public spirited persons who claim to sympathise with the Africans. It is no wisdom to wait till the African feels the pains of this unhealthy condition and comes out with a list of grievances for an immediate redress. A visit to these areas by responsible officials, including the Governor, would, it is believed, put the thing right.

Appendix 4.6 Petition by Ilala natives for better services, 1932

Dar-es-Salaam;

30/2/32.

The Honourable

The Provincial Commissioner,

Dar-es-Salaam.

Tunakuomba sana kwa maombeo yetu kama haya tusemayo hapa chini katika mji wa "Ellala" Wilaya Dar-es-Salaam. Maombe yetu kuna haya tunashida tatu, shida ya kwanza kama jambo la Asikari lapili Maji Bomba ni moja inakuwa tabu sana na latatu jambo la Taa basi katika mambo haya matatu yafikiri sana Bwana sababu wewe Baba wa watoto wote basi kutifurahisha sisi wazee tuliyotia sahihi hapa chini. *na choo tu*

- | | |
|--------------------|-----------------------|
| 1. Makamdi Adika | 11. M. M. M. M. M. |
| 2. Makamdi Makand. | 12. Kikwama Saigwa |
| 3. U. M. M. M. M. | 13. M. M. M. M. M. |
| 4. M. M. M. M. M. | 14. M. M. Saidi M. M. |
| 5. Kambo Makand. | 15. Hasani Saidi |
| 6. M. M. M. M. M. | 16. M. M. M. M. M. |
| 7. M. M. M. M. M. | |
| 8. M. M. M. M. M. | |
| 9. M. M. M. M. M. | |
| 10. M. M. M. M. M. | |
- K. Makamdi
G. M. M. M. M.
Simba Ellala

File

J.O.

Please enable me to reply.

It is not clear what the jambo lu Askani is. do they want a patrol

Magi they apparently want another stand for

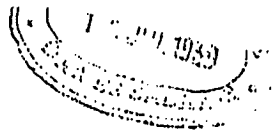
Taa they have no hope of getting electric light I suppose. I do not know if the E.L. Company could be asked to look into it.

Choo I think provision can be made for minor works this year for latrines.

W.S.P.C. There is a lot of missing of slate & a night
Chief has wanted. I had frequently requested the to the
S.P. who has not been able to do so:
(2) a second slate pipe may be necessary. but E.L. Eng. I.W.D.
should find slate remains obtained from existing pipe.
(3) Electric light should be extended along Keel well St.
(4) latrine accommodation is very necessary.

W.S.P.C.

3827



DAR ES SALAAM.
4th July, 1939.

The Honourable the Provincial Commissioner,
Eastern Province,
Dar es Salaam.

Salam sana tunakuletea barua sisi Wazee wa Ilala kwa wema wako Bwana Mkubwa, sisi Raiya zako tuna ziki sana kwa mambo tunayokuarifu kama haya tusemaye "Hapa Ilala zipo nyumba karibu ya 600 ju! Bwana Mkubwa mahali hapa kukosa Baraza ya Wazee, wala hapana hata Barabara iliyo pigiliwa mawe kwa ajili ya hataji ya moto, wala hapana Kisanduku cha Post? wa Hafana Hasip. Kwa hivi Bwana Mkubwa pakumbuke sana bwana wetu mtukufu, kama ukitifikia kwa jambo kama hili tutafurahi sana Raiya zako.

Wazee wa Ilala.

- ..Salemari.. Himba
- ..Haray.. ka.. sampam ba
- ..M. a.
- ..Shah.. jama.. Musa
- ..Kazim.. Ghomari
- ..R. a. m.
- ..Nasara.. nyi.. ku
- ..Nasara.. Simbo
- ..Jafari.. ..
- ..K. a. d.
- ..Saidi.. ..
- ..Saidi.. ..
- ..Mazwi.. Kaputi

Appendix 7.1 Land official admits taking a large sum of money to allocate land, 1993

Daily News 27.10.1993

HOME NEWS

Mrema orders DCC worker to pay 2.05m/- for ghost plots sold

DAILY NEWS Reporter

The Home Affairs Minister and the Minister of Lands, Ndugu Augusto Mrema, has ordered the police to make sure that a District Council employee Michael Temende, who sold ghost plots, pay 2.05m/- to six people whom he sold ghost plots. Speaking with the three parties in court yesterday, Ndugu Mrema said Wejuli who works

with the City's Land Survey Department, should settle the debts within one week (seven days) effective yesterday otherwise he should be sent to court.

He also directed Wejuli's head of section, Ndugu W.P. Temende, to make sure the money was returned to the owners even through sale of Wejuli's house or plots if any.

The Minister was told in his office that Wejuli received 1.6m/- from three people for four plots at Jangwani beach in the city.

It was alleged before the minister that Wejuli received 800,000/- from Ndugu Sikitu Peter Kisumo for plots number 258 and 259; 400,000/- from

Ndugu Saumu Moldenhauer for plot no. 154 and another 400,000/- from Ndugu Isack Shekiondo for plot no. 157.

These plots however, had allegedly been allocated to other people since 1990.

Ndugu Mrema was also told that Wejuli received 350,000/- from J.J. Bushesha and 50,000/- from J.J. Bushesha and 50,000/- from J.J. Bushesha.

and Isack Abdallah Majura.

Wejuli agreed to have received the money from all the people but pleaded for money from the minister as he was being used by other officials from the City Council who were preparing offers for lease.

Ndugu Temende explained to the minister that Wejuli was responsible for so many such

cases but the problem was that most of the agreements between Wejuli and the buyers were taking place secretly outside the office, and that the cases were reported to them only when Wejuli had failed to allocate some of them the promised plots.

He cautioned the people that the role of surveyors was to sur-

vey land and not to offer plots.

Wejuli who said he had sold several other plots to individuals who had constructed houses, said he was ready to surrender his house which he built under a THB loan in order to raise money to settle the debts.

After the case was over, Wejuli who is over 40 years, said he

would retire and go back to his home village with his family because he could not afford living in the city and get such problems for the benefit of others.

"Most of the said money had gone to officers' pockets. I have ended up facing such problems.

I think the time has come for me to quit the city", he lamented.

Table 2.3 The Wards of Dar es Salaam, with their Population in 1988

ILALA DISTRICT (210km ²)		KINONDONI DISTRICT (527km ²)		TEMEKE DISTRICT (650km ²)	
Urban Wards	Popula- tion	Urban Wards	Popula- tion	Urban Ward	Popula- tion
Kariakoo	12,569	Mzimuni	23,985	Mbagala	40,866
Mchafukoge	8,547	Magomeni	16,944	Miburani	72,892
Kisutu	8,358	Ndugumbi	32,736	Mtoni	39,417
Gerezani	7,487	Makurumla	53,991	Temeke	91,144
Kivukoni	5,372	Manzese	54,499	Kurasini	26,776
Jangwani	15,320	Kigogo	21,222	Keko	42,868
E.Upanga	9,807	Mabibo	45,963	Kigamboni	26,078
W.Upanga	11,020	Ubungo	46,980	Charambe	18,624
Ilala	35,048	Kinondoni	42,387		
Mchikichini	15,040	Mwananyamala	72,508		
Buguruni	48,247	Msasani	51,293		
Vingunguti	33,690	Tandale	58,413		
Kipawa	36,910	Kawe	44,085		
Tabata	18,465				
Ukongwa	45,203				
Total population,urban wards					
311,083		565,006		358,665	
Rural Wards	Popula- tion	Rural Wards	Popula- tion	Rural Wards	Popula- tion
Kinyerezi*	3,048	Kunduchi*	22,743	Yombo	13,408
Pugu	6,226	Kibamba*	16,751	Vituka*	13,408
Msongora	13,351	Goba	4,753	Kimbiji	6,465
		Bunju	9,977	Somangila	6,730
		Mbweni*	2,159	Vijibweni	2,557
				Kisarawe II	2,821
				Tuangoma	6,652
				Chamazi	5,452
				Kibada	3,003
Total population rural Wards					
22,625		56,383		47,088	
Total					
Population 333,708		621,389		405,753	

HRA	
No. d'inventaire	
Date	
Cote	

Source: Bureau of Statistics, *Population Census, 1988: Regional Profile, Dar es Salaam*, Dar es Salaam, n.d.

* Rural wards with Town Planning layouts already.