A Handbook for Councillors

(Draft)

At the time, developments in local govt had
ever been so swift that guidelines & instructions
lagged behind; we had our instruction & handbook
on L.G., but local authorities did not.

Below are my attempts to remedy matters
in Ukraine.
This little book deals with local government in general and local government in South Africa in particular. But before writing about local government, it might be a good idea to decide exactly what we mean by government. Words like government, politics and democracy and so on are used fairly indiscriminately these days, but there is a tendency with people who use those words to put their own particular meaning to them and what Hamasia calls democracy is not necessarily exactly what Jonathan thinks of as democracy, and Rabbit's ideas about what Government's duties may be are not the same as those of Patrico. So first of all what is Government?

Government is the body, the individual or the group of people who govern a country. Let us put it for a moment how that government came into being or how it was selected or how it derives its powers. Its function is first of all to protect the people in the country - that is to preserve law and order, to make it possible for people to carry out their everyday business without fear of robbery, assault and becoming involved in warfare, fights, and so on. These may sound quite small jobs because we are so accustomed to peace, that although events in the Congo in 1960 showed how easily peace can be we have no idea, or very little idea of what the alternative is. The maintenance of order and peace is the basic function of any government and any government which fails to do that is a bad government.

Secondly, associated with the first duty, is the maintenance of the rule of law; that is that the country shall be run in accordance with law. Government involves dealing with wrong with authority.

It is not, for instance, the function of government, nor is it possible for any government, primarily to please people, it is primarily to run the country for the benefit of the inhabitants and in doing that it generally will manage to please the majority of people but it certainly will not please all the people all the time. It cannot hope to do so.
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Government is the body of the individual or the group of people who govern a country. Let us remind for a moment how that government came into being or how it was selected or how it derives its powers. Its function is first of all to protect the people in the country—that is to preserve law and order, to make it possible for people to carry out their everyday business without fear of robbery, assault and becoming involved in warfare, fights and so on. These may sound quite small jobs because we are so accustomed to peace, that although events in the U.K. in 1960 about how many lives can be maintained without order and peace is the basic function of any government and any government which fails to do that is a bad government.

Secondly, within the framework of the law and in the conditions of peace and order which it has created, it is the duty of the government to organize and develop the resources of the country; labour, wealth in all its different forms, natural resources and so on, for the benefit and the welfare of the country. Social services—medicine, public health, schools, social development and things of that kind, to improve the standard of living of the inhabitants of the country, and to protect that standard of living. This may all sound fairly simple and most of you probably understand this already. If you understand, it is perhaps as important as anything else to understand also what government is not and what its functions are not. It is not, for instance, the function of government, nor is it possible for any government, primarily to please people, it is primarily to run the country for the benefit of the inhabitants and is doing that it generally will manage to please the majority of people but it certainly will not please all the people all the time. It cannot hope to do so.
Democracy also requires that at any given time the minority views of minority parties must be prepared to accept the wishes of the majority - in the hope that they will be the majority themselves - and also that the only way of deciding who is in a majority is by holding properly conducted elections. However, it is important to have been suggested above that acceptance is demanded not only by the public but by the government itself - that is a willingness to be replaced by another elected government by election. Therefore, any government is always subject to change.

Unless these particular ingredients of democracy are accepted, then the only alternative is revolution, coup, war or the imposition of force. Essentially, in this case, simply a means of substituting one government by peaceful methods, or the alternative is war-like methods.
No doubt any tax-payer would be very pleased and happy to have a dispensary built just a few hundred yards away from his house, he would be very pleased if all his children could go to school and study right through to secondary standard, but he would not be so pleased at having to pay the extra taxation which these services demand. So the government has all the time to attempt to strike a balance between providing for the welfare of the country at large and in pleasing the public to which it is responsible. The demand for services usually exceeds the means of supplying them.

And now for type of government and our second definition. It is usual for us to think in terms of a democratic type of government, but this is by no means the only type of government there is. There are many countries in the world that are not governed democratically, there are also many countries in the world which are governed most undemocratically and there are still other governments which might have certain democratic features but which lack some of the essentials of democracy and are therefore not democratic. The British like to think that their form of democracy is the best working form of democracy in the world. Not everyone agrees with this, certainly the British did not invent it and there is no certainty that either the British form of democracy or indeed any form of democracy is necessarily the best form of government for another country. In Africa we shall just have to wait and see that we can say at the moment is that when African political leaders talk about democracy they have got in mind something after the British pattern, though not necessarily to come in very detailed. That is good enough reason for sticking to an accepted definition of what democracy is in this little book. Books have been written defining what democracy is, people have lost their heads in trying to define it or in arguing about it. Here we shall have to be content with a fairly brief definition.

A democratic government is a government in which the people generally decide their own affairs. Governments are of that type of government suits them, and having decided that they have a say through their freely elected representatives as to how that country should be governed. They have the duty of electing their representatives. Theagreement of that government (which is composed of their representatives) is the final decision. If they displease them in properly conducted and free elections, by means of force. This is not a one-sided affair because whilst it is easy for people to elect a government it is not so easy for people to remove that
government unless the government itself is willing to be moved. It is
the failure of some governments to accept this which results in some democratic
governments degenerating into dictatorships. This leads on to some of the
other features of democracy, and one of the essential features is personal
freedom, as distinct from national independence; the freedom of the
individual to be allowed to think his own thoughts, to say what he wants to say
without being intimidated by or threatened by other people, the freedom to write
what he wants to write, the freedom to attend which church he likes, wear what
kind of clothes he likes, the freedom to be able to walk from his village to his
nearest town without being waylaid by thieves or members of another political
group and freedom from oppression by the state or the government. This freedom
is best assured by another feature of democracy and that is free and independent
courts of law. That is courts which are servants of the government and which are
independent of the government and to which any person and every person has access,
so that a person who feels that he achieved as a result of the action of
the state or the government has a final recourse to the court of law and that
court of law can give its judgement or decision not according to the wishes of
government but according to the law of the land. There are many other
features of a democracy but I will just mention one more very important, and that is the existence of a politically educated and interested public
because unless the people of a democracy are interested in seeing that it is
properly run, are concerned in expressing their views and taking an interest
in government at the highest and lowest levels, then the democracy will perish.
Because once the people lose interest, they lose control and once the people
lose control the government passes into the hands of a small powerful minority or
a dictator. Before leaving democracy altogether it should be understood
also what democracy is not. It is frequently said that democracy is
government by the people. This definition should be qualified to the extent that democracy
is government by the people in accordance with certain rules which are established
by law. Democracy does not mean that people can do exactly what they like.
It does not mean that groups of people can gang together and because there happen
to be a few of them or a lot of them to do exactly what they like. A wrong thing
is wrong whether it is committed by one individual or whether it is committed
by a thousand individuals and the fact that there are a thousand indivi
duals doing the bad thing does not make it right or democratic.
Finally, if people are not prepared to accept this view of what democracy is and what democracy is not, then we might just as well forget about democracy and take the word out of our language because it will not survive. The brief definition that I have given you is not a new one; there is nothing novel about it and it is a definition which has been accepted by learned men for generations in many of the more important countries in the world. And if people in talking about democracy describe something which is definitely different to what I have described to you then they are not talking about democracy, they are talking about something completely different—although they may be perfectly sincere about it.

In conclusion, whether democracy is to be or not a democratic state remains to be seen; whether democracy is to be seen in the form of government today may not be known yet. In any event, the principle from a democratic government cannot be unimportant, but the principles and these are important not only in central government but in local government also. These principles and qualities on which just government depend are:

i. that everyone, if not equal in wealth, ability etc., is equally entitled to respect and fair treatment.

ii. that every single person matters.

iii. that everyone is entitled to his own personal opinion and is not wrong just because he is in a minority.

iv. that everyone is entitled to have his wrongs righted by lawful means, not by force.

v. that everyone is entitled to be treated as human beings.
Chapter 2

You now have a new constitution for this District. This constitution has been devised by the people of this District and it has not been imposed on the District by Central Government. This constitution is not rigid; the fact that it is written down does not mean that it cannot be changed. It should nevertheless be thought of as being semi-permanent, and permanent enough to be relied upon. People, including yourselves will not have confidence in this constitution if they are continually altering it. This constitution has been designed around the principles which have already been expressed in the previous chapter and a framework has been established within which it will be possible for this District to be carried out in conformity with the general wishes and desires of the people. Local government can only be done through the approved mechanism, that is through law councils established under this constitution which you now have. To attempt to express your wishes by any other means will be unlawful and can only lead to chaos and a breakdown of local government. The fact that you now have a constitution does not mean that local government in this district will automatically be carried on smoothly; the constitution has not got an engine inside it and it cannot work by itself; it needs you to work it, it needs you, all the people of this area, as well as the elected and official members of your various councils. Remember that if your constitution and the councils set up under it do not work it is not the fault of the constitution; it is your fault for not making it work. And if it does not work it might be useful to reflect the fault may lie with the people and not with the constitution itself. It is emphasised that this is because if the fact is not recognised anything and your constitution and your councils go through a difficult starting period there may be a tendency for people to blame the constitution and try to make in a new one instead of making sure that the one they already have works. It can work if you are determined to make it work as similar constitutions have been made to work elsewhere. Finally remember that a constitution is as good as bad as the people who make it work and a council is as good or bad as the members comprising it. Unless this is kept in mind people will never see the constitution itself as their own, but their council.
Relations between Central and Local Government  
Before going on to write in more detail about the work of the District Council and other councils it would be a good idea to define reasonably accurately the relationship between Central Government and Local Government in this case the relationship between the government, central government and your District Council. Unless this definition is made there is likely to be a good deal of misunderstanding.

The first and most important thing to remember is that the District is not independent, it is still part of Tanganyika; and because it is part of Tanganyika it is subordinate to the government of Tanganyika whoever and whatever that government may happen to be at any particular time.

The idea seems to have developed over the last few years that "mandarins" in local government means that local councils can do exactly as they like; they cannot. Everything that they do is done with the general approval of Central Government and they can do nothing without the general approval of central government. If you think about it for a moment this is perfectly reasonable if local government councils were not subordinate to central government, there would be no need for central government; every council would be its own government, every council would run its own district as it wanted to do without any reference to anyone else. Some people may think that this is a good idea, but a little reflection will lead you to understand that this could only lead to chaos. No district council on its own could hope to run education services up to secondary or up to university standard. No district on its own could afford to run hospitals, specialist medical services; no district on its own could afford to maintain police force, prisons and all the other institutions which form a part of wider central government policy.

A district cannot support, and pursue independent policies which are not related to policies already agreed by central government. If this relationship is understood there should be no difficulty. Legally, and in practice all power which is exercised by local councils derives from central government; that it is to say it is central government and not the local council which decides exactly what functions and powers a local council may exercise, and this is at the absolute discretion of central government. Central government can give these powers; if these powers are misused by local authorities then central government can also withdraw those powers or cancel them.

In its relations with central government the local government has two functions
first of all to carry out certain aspects of central government policy
which central government may devolve upon the district council
for example the running of primary schools and middle schools and the running
of rural dispensaries and medical services and things of that kind. It also
allows local authorities, district councils, to make rules, bye-laws on a variety
of subjects, markets, forestry, collection of local rates, the control of drunken
ness, the carrying of weapons and a whole variety of other things.
But all these rules before they are made and brought into use must be approved
by central government. Finally, lower down the scale there are a variety of
things with which government is not directly concerned; for instance how many
sweepers you are going to employ in your markets, how many clerks you need to
run your barazas, how many carpenters and masons you need to build your buildings,
how many drivers you need to run your lorries. Government is not directly
concerned with these things, all it is concerned with is that the services is
that the apr should be effectively and efficiently administered. One way in
which it carries out inspection and exercises this control is by way of audit,
and government has the obligation to see that local government finances are
administered correctly in accordance with estimates which have approved by
central government, that these funds are administered honestly and that they
are administered without waste, and it is within government's power to take
action against local councils which do not fulfill all these duties which I have
mentioned correctly. The way in which control is exercised
is changing, it will no doubt continue to change
may be through the D c or another district
office, by a local (provincial) inspector,
by detailed provincial audit, or even by direct
 correspondence with the Ministry.

The important thing is that is a part
language and that councils are subordinate to central govern
Chapter III. Relations

Local Government: how it works.

Relations between public, councils, and local government staff.

We have seen some of the principles of government and now we must see how these principles are related to local government see how local government works. The relationship between central government and local government has already been defined as a part of government as a whole. Local government within the district also has its own particular relationships, that is between the people, councils, council employees, and all three are essential elements in modern local government. The people alone cannot effectively do anything without expressing themselves through councils; the councils can do nothing without close contact with the people and assistance from the council employees; whilst council employees can do nothing without the instructions of the councils. The last statement is not quite true because the local civil service can do a great deal without reference to the council or people, but only if they are allowed to do so, and of course as a last resort the council (or the employer) has the final word.

It will be seen that the relationship between the three elements in local government is a very close one, although it is only just coming to be
clarified. There have been many changes over the past few years: formally the Director and many chiefs combined the 3 functions and were the eyes and ears of the public who then held political and corporate experience, & carried out what were now the functions of councils and finally carried out the execution of policy themselves. Over many years this pattern has changed to form a pattern which has gradually by a process of slow education and experience, the modern pattern has emerged & is becoming clearer. In the intervening period D - C - & Chiefs were advised by advisory councils. Now these are disappearing & being replaced by fully representative councils which the D - C - may attend as a guest or advisor, whilst the Chiefs are usually the chief executive officers of the council.

These changes are desirable but because they have been so rapid there may have been some confusion in people's minds as to what has been going on. One thing is certain & that is that the rate of change is slowing down & a period of consolidation is - or should be - setting in. Once a house is built there is nothing else to do about it - except to move in & use it in the best way possible. And so but

E - G - works in the best way possible.
it is necessary to understand the relationships between people, councils, local civil servants, and the public. Councils are the main focus here. Firstly, the public has a duty to elect its councilors, and to elect them wisely. Ideally, people will choose the best and most intelligent man for the job, one whom they can trust to rely upon not because he is a friend or member of a particular clan, tribe, or other group. This ideal is not usually met, as a person is often selected because he represents some sectional interest. Having elected their councilors, the public have a duty to see that he does his job properly—by speaking to him, by attending council meetings, and listening to what he says. They also have the more difficult duty of being heard by his advice and because the councillor, by attending meetings covering a whole sub-shire or district, is in a better position to take an intelligent overall view than the village. He knows only what is going on in his own village and also by attending council meetings or hearing details of government policy, by knowing details of N.A. finance, etc. He has more facts on which to base his opinions and decisions than has the ordinary person. The public must therefore be prepared to be guided by their councilors not only to tell the councilors what they want.
This leads to another duty of the public, that is, to make their wishes and opinions known to their councillors. Councillors are not mind-readers so if people remain silent, councillors cannot be expected to know what they are thinking about.

In brief, the public's first duty is to take an interest in what the councils and councillors are doing. Unless they do this, councils will not reflect public opinion nor will the public be aware of what is going on.

Councils have duties to the public. They were elected by the people and are therefore responsible to them.

Finally, the public have a duty to recognize that a councillor is not there simply to express their own views; if this were all, he did not need the public's support. They choose him because they trust him to expect him to use his own intelligence and judgement when acting in council on their behalf. In doing this, he may even be going contrary to the wishes of the people, but because he is in a position to take a wider view, he does what he thinks is best for the district as a whole and not just his own village.

Councils have duties to the public. They were elected by the people and are therefore responsible to them.
The Councillor's duties are manifold. First, he must make himself aware of public opinion and relate this to his own knowledge and experience in forming his views. Secondly, he must attend council meetings regularly, to take an active part in them, not fall asleep or some do. And thirdly, he must make the Council's decisions known to the public— not necessarily by holding formal meetings (though this can be done) but in the course of general conversation with people.

Council matters are not secret, & Councillors are unable to attend meetings at least.

Council matters are not secret & Councillors should publicise what goes on, what decisions are made, & why people are & not known all about. Local government is at the present time, until people have found out for themselves, Councillors are teachers & leaders & not merely people who attend meetings.

A Councillor who does not do all the 3 things mentioned is not a good Councillor.

iii. Council & Staff. Councillors also have a special relationship with local government employees. The District Council is, for example, the employer of a large number of people, with the right of appointment & dismissal. On the other hand, the Council must use this power carefully because it is itself very much in the hands of its employees.
is completely dependent on it to carry out its own policies; the employees could run the district without the Council, but the Council could not run the district without staff.

In recognition of this close interdependence, the Council has a particular duty towards its staff if it expects them to work hard and loyally: that is, it must pay them fair wages, and otherwise treat them fairly — regarding leave, security, medical attention, and so on. Particularly, staff are entitled to consideration of a degree of security and should only be dismissed for insufficiency, dishonesty or insubordination; they should not be dismissed for political reasons, or because of 'fitting' or family reasons. This is not only unfair to the employee personally, it will also affect morale throughout the local council staff and the best type of employee will never be attracted to work for a council which treats its employees unfairly. A council will get the sort of employee it deserves; if it pays 

treats well, it will get good workers; if it pays 

treats badly, it will get bad staff and the district will suffer.

Finally, a councillor must recognize that the employee knows how to do his job, so at any rate better than the councillor does; he is
after all being paid to do it is generally has some experience of the job which the councillor has not got. The Council as a whole is an employer, the individual councillor is not, once he is out of the Council Chamber he is just the same as anyone else. He has not got the right to personally criticise — — staff or tell them what to do, or even "telling" to persuade or bully them. He is of course entitled to criticise staff, but this should be done only through the Establishment Committee of the District Council (or the sub-chief or senior executive officials in the sub-division). The councillor must not expect favourable treatment from staff because he is a councillor. The councillor is, after all, just a member of the public the same as everyone else.

**Staff — Council.** The other side of this relationship is that if the Council plays fair by its staff, the staff should play fair by the Council. Fairly the employee must give good value for money, he is being paid a certain wage for doing a certain job so must therefore do it to the best of his ability — for a full working day 5½ days a week, 48 not for an hour or two a day only. A lazy employee who does not do this is, in effect, a thief, is feeling money (wages) to
which he is entitled which is paid to him by the council out of the ratepayers' money. A lazy employee is not only a burden, he is dishonest.

Finally the employee who is employed by the council should treat the councillors with respect. The councillors may not be able to do the employees' job, but that is not what he is paid for. He qualifies to council's work so is entitled entitled to respect from council employees.

Staff Public. It does not seem to be generally recognized that council staff have a responsibility to the public, and there is as yet little tradition of "public service." The idea that a. employee are servants of the public and there to help them is rare and the concept that employees are is all too common. Employers are all too common. Employees are not accountable for the council which appoints them to serve the public, and their wages are paid by the taxpayer through the Treasury. If employees do not do their work properly — if they are lazy, come to work late, leave early, get drunk, behave rudely or in any way neglect their duties — the public are entitled to complain and as a last resort the council, representing the public, has a right to punish or dismiss such staff.
Remember that posts do not exist for the purpose of earning that a certain number of people receive annual wages; they exist in order that the public may be adequately served.

In practice the attitude of staff to their jobs is most important, as unless the Council is efficiently served it can do nothing, so the Council is dependent on staff for carrying out the efficient administration of the district.

Finally, the public have a duty towards Local Government staff. Much of what has been said in para above applies also to relations between public and staff.

Assuming that staff is kept to their part of the bargain as in the previous paragraph (which the public must do from being the case) the public must recognize that staff have a job to do; and his job is not always an easy one; and his duties that although "public servants" are determined by the Council, for example a rate collector, although a Council employee, cannot by virtue of his job be very popular, and the public should regard him not as a person to be a stranger but as a person who has a job to do — and one which, if he does not do it, will result in the district coming to a standstill. All services — education, dispensaries etc. depend on all services — education, dispensaries etc. depending on all services — education, dispensaries etc.

Finally, as with councillors, the public must realize that the employee knows more about his job than other people do. If there are any problems, a senior officer or councillor should
he told, not the employee himself. Finally, remember that employees are servants of the public, so do not tolerate bad service.
Again, too much attention is paid to the vote or perhaps too much emphasis laid on the vote. A vote, like an election, is simply a means to an end, so what is important is not the vote or who votes, but the person who is elected. And the same person is likely to be elected whether there are 20 or 20,000 voters.
Local Government in Practice.

Elections. These are not an everyday occurrence but important elections are mentioned first because they provide a means of selecting councillors and with this is done there can be no council. Elections are held at intervals for the district, sub-district, and other councils as is laid down in the constitution. The precise way in which the elections are held is also a matter for the local constitution and the committee appointed under it to deal with election matters. In detail, elections vary from district to district and between one election and another. But all elections should have certain things in common; they are:

1. That a person should be free to vote (secretly if necessary) for whichever candidate he likes.
2. That no person should have influence brought on him to choose a particular candidate. He must be allowed to make up his own mind.
3. No pressure must be brought to bear on candidates to withdraw from the election if they wish to stand.
4. All the provisions of local election regulations must be carried out to ensure that elections are fairly conducted. More than this it must be clear to everyone that they have been fairly conducted.

Popular elections, with all persons taking part, are a comparatively new thing in Tanganyika, and these
are certain misconceptions which should be corrected. It is a popular idea that to solve a problem, to rectify all the faults of local government, all that is necessary is to hold an election and everything will be alright. This is not so. An election is simply a means to an end; it is not an end in itself and is no guarantee that the persons elected will be any more capable, honest, able, industrious than their predecessors—in fact the probability is that they will be about the same, but even more dedicated in expediency. It is also thought by some that an election is simply a means of attaining power, of ensuring that their wishes and opinions are imposed on the community, that anyone else's views should be either suppressed or ignored. This is not the object of an election, but it may easily be the result of an election if the people permit it.

Many people are also of the view that following popular elections a council can do what they like. Again, this is not the case, and people's council remain subject to certain discipline—either voluntarily accepted by agreement to the following rules of conduct or failing this by imposition from above. People must be aware of the general limitations upon local authorities and their relations with central government as has already been described.

What then is the point of an election if there are so many things that it is not?
Ideally it is simply a way — not necessarily the best way but certainly a popular way — in which the public can select a representative to take his place in a council which by its deliberations and decisions will regulate the local government and administration of the district. That is perhaps obvious — but no more should be made of an election than this. Ideally also an election should secure the selection of the best man for the job, the person whom the people think is best able to represent their interests in council and also who is sufficiently intelligent and wise to make the right decisions in his own mind without having to depend upon the advice or leadership of other people. This ideal is not always attained and people may be elected not because they are clever or able but because they belong to a certain family or party, because they are good voters, or because no one has opposed them. This cannot be helped so it can only be repeated that people will get the council they deserve.

An election is an important event and will determine the shape of the council for 1, 2, or 3 years to come. It is however only a brief event itself achieves nothing. It is after election that the work of the council begins and the public can see for