

CRIME AND POLICING ISSUES IN DAR ES SALAAM
TANZANIA FOCUSING ON: COMMUNITY NEIGHBOURHOOD
WATCH GROUPS - "SUNGUSUNGU"

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Preface:

COMMUNITY NEIGHBOURHOOD WATCH GROUPS: “SUNGUSUNGU”

“As a nation built on the foundations of peace and tranquillity, we need the unity we have achieved so far to wage a prolonged and protracted war against a common enemy (crime) threatening the existence and survival of our communities.”¹

Report on Dar es Salaam Victimization Survey (2000) highlighted profiles on major crime trends and magnitudes experienced by city residents in the last five years to include burglaries (43%), mugging (32%), assaults (16%) etc. Other profiles included in the survey were violence against women, and youths at risk. Feelings of safety in areas of residence revealed 61% of the people in the city feel unsafe in their residential areas after dark. It is also in record that crime incidents reported and recorded by police in mid 90's towards the end were on increase at a rate of 8% annually (with about 53% increase in the last 10 years) this being in discount of 7 – 10% of “dark figure crime” due to a number of factors to be mentioned. Police /population /area ratio in the country is presently reported to be 1:1000: 41 (sq.km) while the “Standard Ratio Requirement” is supposed to be 1:200-400: 7-14 (sq.km). The Victimization Report further revealed that about 50% of the city residents interviewed recommended that effective crime prevention interventions depends on police/public co-operation, in community-neighbourhood-watch groups (*Sungusungu*). It is in record that during the “peak” period of *Sungusungu* interventions (late 80's towards early 90's) crime rate in the country dropped by 60% and 72% in mugging and robberies respectively, with 20% drop in burglaries and 24% drop in assault cases.

Combination of these factors suggests that, visible policing by police involving community neighbourhood watch groups: *Sungusungu*, ensures sustainable and substantive city's initiatives in crime prevention, reduction and control in communities especially in areas of the marginalized poor majority, given a political commitment, drive and will by leaders and residents. The move has to take into account problems which are currently reported to exist in the police force, i.e. logistic problems, training and relationships between police and public which sometimes lacks proper communication channels and understanding. Combination of these factors withholds police from sufficiently and effectively providing safety and security

¹ Editorial comments: The Guardian Newspaper, July 2000

services expected by communities especially in rural and emerging suburbs in and around City jurisdictions.

Sungusungu activities are recognised by law (i.e. People's Militia Laws (Miscellaneous Amendments) Act, 1989); its members having been granted powers of arrest without warrant of arrest, arrest on reasonable suspicion for having committed or about to commit crimes and powers of search and seizure of property found in possession which forms material evidence of crimes committed or about to be committed. So far the law lacks regulations for securing, "effectual and smooth operations" in discharge of their functions.

Participants of the City Consultation Workshop organised to study and make recommendations to the report (June 2000) were informed of the government intention working out ways and modalities of establishing community policing system through the existing structure of the police force and the envisaged Dar es Salaam City Auxiliary Police at grassroot level i.e. in Wards and Subwards². Community policing which in essence is policing **for** the community as opposed to policing **of** the community is expected to solve some of the problems encountered by *Sungusungu* interventions and police operations on visible policing in communities in bid to restore and maintain the ongoing efforts aimed at strengthening the capacity of the City and Municipal Authorities in building a conducive environment of an **"urban safety for all the heritage of the glory in the name of Dar es Salaam: Haven of Peace"**.

² Speech by the Deputy Minister for Home Affairs, Hon. John Mgeja, on the occasion of closing City Consultation Workshop on Dar es Salaam Victimization Survey (2000) on 19/6/2000 at Karimjee Hall, Dar es Salaam Tanzania.

Executive Summary

"...that the basis of development of defence and security in Tanzania, is on the Tanzanian themselves, and in particular every patriotic Tanzanian. The country has no ability to employ a big paid force to manage its defence and security affairs.³"

The policy statement pre-suggests that police alone will not be able to fight crime if residents do not support the crime control and prevention efforts. Solid working relationship between police and community they serve are the only lasting solutions in the ongoing and ever increasing battle against crime and criminality in communities.

"*Sungusungu*"/"*Wasalama*" are organized groups of Tanzanians operating and protected by the government for law enforcement in protection of life and property, but does not include members of the Police Force, Defense Forces, National Service, Prison or Immigration services.

Sungusungu (or neighbourhood watch groups) emerged as "traditional defence groups" volunteering to fight cattle rustlers, witchcraft, banditry (and other crimes associated with rural life) on the rampage in rural areas of Tabora, Shinyanga, Mwanza, Mara and Singida regions between mid 70's and early 80's. *Sungusungu* was a reflection and reaction of the people caused by the dramatic increase of crimes and criminal behaviours in those rural areas and inadequacy of law enforcing agencies (i.e. police and courts) to effectively and sufficiently meet the challenge. The result was people in the areas opting to defend themselves and their property against criminals poised for the acts and behaviours. The move was strongly supported by the ruling *Chama Cha Mapinduzi* (CCM) party, (the only political party in the country then) which had enshrined the mentioned policy in its 1971 Party Guidelines, later to be adopted by the government as one of its national defence and security policies.

By late 80's *Sungusungu* had spread to 12 other regions in mainland Tanzania, with remarkable success in terms of crime prevention, reduction and control through arresting, exposing culprits and seizure of property involved in crimes committed or about to be committed. But despite the successes, *Sungusungu* activities were not **easily** recognized by law, and therefore by the courts in the country.

³ "*MWONGOZO*" (1971), The then TANU, adopted by the Ruling "*Chama Cha Mapinduzi*" (CCM) Party Guidelines, and later by the government - to date.

Due to lack of professionalism some of the *Sungusungu* members had infringed the basic human rights by way of torture and unlawful detentions on suspects or culprits arrested by them, as a result some were in conflict with the law and therefore police by being arrested, prosecuted, convicted and some sent to jail.

However, members of public continued to support *Sungusungu* operations activities, and political pressure on the need for *Sungusungu* made the government enact a law which recognizes *Sungusungu* activities by granting its members powers of arrest, search and seizure of property involved with crimes committed or about to be committed. The powers granted were similar to those granted to police officers of the rank of a Police Constable. The law, **The People's Militia Laws (Miscellaneous Amendment) Act, 1989** also *entrusted* *Sungusungu* in the Ministry of Home Affairs by granting the Minister powers to make Regulations for **effectual and smooth operations** of *Sungusungu* in the country. The law also makes provisions for **compensations** on death or injuries sustained during *Sungusungu* activities.

In early 90's (1991/92) "the peak period of *Sungusungu* interventions" (i.e. after the empowerment of the 1989 Act) the country experienced a drop on crime rate of about 60% and 72% in mugging and armed robberies, respectively with 20% drop on crime rate in burglaries, and up to 24% drop in assault cases⁴.

With the emergence of multi partism in 1992, some members of public started to associate *Sungusungu* with CCM ideologies hence participation in night patrols exposing culprits/suspects and the building of police posts in Wards on self-help basis started to deteriorate. Crime waves in urban centres started to increase again with Dar es Salaam accounting for 25 – 27% of all crime incidents reported and recorded by police throughout the country in 1995-97.

In March 1997 Safer Cities was initiated in the country (Dar es Salaam) by the United Nations Centre for Human Settlements (UNCHS – Habitat) with technical support from International Centre for Prevention of Crime (ICPC) Montreal Canada through the United Nations Development Programme (UNDP) Dar es Salaam. The project was officially launched in the

⁴ Budget Speech of the then Minister for Home Affairs, Hon. Augustine Mrema (MP), 1992/93

then City Commission on 19th August 1998 with an objective preventing/reducing and eliminating violence and crime through partnership strategies. *Sungusungu* initiatives in the Wards and Subwards in the three municipalities of Kinondoni, Temeke and Ilala provided proven and promising structures and strategies to work through in communities pursuant to Local Government (Urban Authorities) Act 1982 (section 51(1)(a) and 54(2)(b), etc.) as entrenched in the Constitution of the United Republic of Tanzania, 1977; (Article 146(1)(2)).

Again at the City and Municipal level the authorities were found to be strategically placed to initiate and coordinate local action between citizenry and other stakeholders in crime prevention/reduction and control. The sum total was in line with Habitat Agenda, a document adopted in the Habitat II Conference in Istanbul 1996 which the Government of Tanzania is a signatory. The Government committed itself “to prevent, reduce and eliminate violence and crime and promote personal security and reduce fear”.⁵ The Agenda recognizes that “governments at all levels including local authorities have the responsibility to ensure access to safety.”⁶

Through its objectives, and focusing on the evaluation objective of the project activities, Safer Cities: Dar es Salaam was able to reactivate and enhance 15 *Sungusungu* groups at Ward and Subward (*Mitaa*) levels in Kinondoni (6), Temeke (6) and Ilala (3) municipalities. Where *Sungusungu* had difficulties in pursuing its activities due to political differences emanating from “hangovers” of associating *Sungusungu* activities with the Ruling Party (CCM) ideology, Safer Cities through Ward Executive Officers in Ward Development Committees developed an alternative partnership strategies namely “**Block Security System**” and “**Community Security System**” to work in areas where *Sungusungu* initiatives were unoperative. There are five areas working through the systems so far, in Kinondoni (2), Temeke (2) and Ilala (1) municipalities.⁷

Safer Cities at City level (and later at municipal level) is still working towards enhancing the activities of both groups by sensitizing and mobilising residents to form more workable and affordable *Sungusungu* and other groups especially to the marginalized poor majority who are mostly affected by the consequences of crime and criminality in their communities. Alongside

⁵ The Habitat Agenda: (Goals and Principles, Comments and Global Plan of Action) Istanbul, Turkey, 3-14 June, 1996.

⁶ Supra

⁷ ...Safer Cities: Dar es Salaam Six Months Report: Nov.1999-April, 2000

the initiative is one directed towards the Ward Executive Officers through their Ward Development Committees, initiate proposals for by-laws, necessary, desirable, conducive or expedient to ensure the welfare and wellbeing of residents for suppression of crime and maintenance of peace and order, by facilitating smooth and effectual operations of *Sungusungu* and other security groups in the communities pursuant to the said Local Government (Urban Authorities) Act, 1982 (Section 16(1) and the People's Militia Laws (Miscellaneous Amendment) Act, 1989 {Section 4(1)} respectively.

During the City Consultation Workshop organised to study and make recommendations on the Draft Report of Dar es Salaam Victimization Survey (2000) participants called on the government to enact Orders and Regulations under (section 4(1) of the People's Militia Laws (Miscellaneous Amendment) Act 1989 for securing effectual and smooth operations of *Sungusungu* in discharge of their functions by making non participation impede, obstructions, prevent or defeat be enforced by courts of law. The Deputy Minister for Home Affairs was in agreement with participants call and on his closing speech to the workshop (19.6.2000) the promised participants to see to it that regulations as per the Act were enacted and later published in the **Government Gazette** so as to secure smooth operations of *Sungusungu* in communities. He also mentioned that there was an urgent need for the government through the police force work out modalities of imparting community police knowledge to police officers stationed in wards and sub-wards (*Police Kata*), and also to Auxiliary Police officers in the envisaged Dar es Salaam City Auxiliary Police on by-law enforcement. This should initially be done through pilot projects by police in cooperation with Safer Cities Dar es Salaam in sampled Police Posts in different Wards of Dar es Salaam.

The subject may not have been fully covered hence it would be gratifying to have comments, suggestions and/or useful criticisms for guidance in planning subsequent papers on the subject or subjects related to the one in question.

1.0 Introduction

Dar es Salaam in Brief

1.1 Geographical location:

The City, (region) of Dar es Salaam lies between 6° 45' Latitude and 39° 18' Longitude, E and 7.10' on the West Indian Ocean coastline, stretching about 100 kms between Mpiji River to the north, and beyond Mzinga River in the south, enclosing some 1350 sq. kms of land with 8 offshore islands. Whilst national in character, the city's immediate sphere of influence extends from Bagamoyo in the north, beyond the Ruvu River in the west, as far south as Kisiju, with surrounding villages and towns focusing on Dar es Salaam as the market for their produce and the source of supplies and consumer goods.

In addition, the Tanzania Zambia Railways Authority (TAZARA), and Tanzania Railways Corporation (TRC), links Dar es Salaam to the neighbouring countries of Zambia and Malawi in the south. TRC with its central Tanga and Mwanza lines, links Dar es Salaam to the interland in the central, north and western parts of the country, and through its marine services in Lake Victoria and Tanganyika, the linkage is extended to the neighbouring great Lake region of Burundi, RWANDA, and Democratic Republic of Congo (DRC) in the west; with Uganda and Kenya in the north.

The railway system has expanded the City's influence to the very heart of the continent; and its natural harbour and airport having been developed into a modern port and airport have enhanced the linkage nationally, regionally and internationally. The all-weather road to the north, south and the central part of the country also link the capital City with other mainland regions, and the neighbouring Kenya, Uganda, Rwanda, Zambia and Malawi. Dar es Salaam is linked to Zanzibar and Pemba by the marine services of the Indian Ocean in the east.

1.2 Historical:

Dar es Salaam which historically means: "**Haven of Peace**" was founded by Sultan SAYYID MAJID of Zanzibar, who in 1862 wanted to move his capital **Bagamoyo** to a small port of **Mzizima** later to be known as DAR ES SALAAM, reflecting a relaxed and informal atmosphere of its "Citynites".

In 1880, the whole coastal line region of the then Tanganyika was bought from the same Sultan of Zanzibar by German East Africa Company for £200,000; making the area part of the mainland under German Protectorate. Mzizima, and later Dar es Salaam then ended up being part of the then mainland "Dutch Oast Africa", later to be known Tanganyika.

In 1899 Major Von WAISSMAN, a German explorer and soldier on this part of the area, was appointed Commissioner of the then German East Africa Company, and thereafter an administrator for Tanganyika for the German company. Major Von WAISSMAN opted to move the capital/headquarters from Bagamoyo to Dar es Salaam (75 km south), having been attracted by its natural harbour, and armour stored in its various parts. This marked the beginning of Dar es Salaam: "**Haven of Peace 1862/99**". Dar es Salaam grew rapidly, especially following its reallocation to the German Colonial administration; but stagnated during the inter world war one and two.

With the implementation of the Arusha Declaration in 1967 (which among other things. Emphasized rural development with the economic thrust in rural municipalities like Arusha, Moshi, Morogoro, Dodoma (to mention only a few), had the effect of reducing social and physical infrastructural development and investments of Dar es Salaam as a capital city. Dodoma for some political reasons, was as from 1973 targeted a Capital City, but despite several initiatives towards this end, coupled with financial constrains which have continually been facing the government, the move of making Dodoma a Capital City has thus remained a political dream for the years 2000, more than a reality.

- *Population:*

The 1988 national census established that Dar es Salaam had a population of 1,360,850, with an estimated annual population increase of about 4.8% in the 1980s, and 8% in mid 1990s. Dar es Salaam population is therefore estimated to be not less than 3 (1998) million See Table 1 below:

Table 1:⁸

Dar es Salaam Population Changes: (1967-1998)

Year	Population	Annual Compound Rate of Change (%)
1967	272,515	7.0
1978	843,090	70.8
1988	1,360,850	4.9 ^(*)
1992	2,300,000 ⁽⁺⁾	7.2
1998	3,000,000 ⁽⁺⁾	8.0

The population is distributed in the three districts of **Kinondoni, Temeke and Ilala** with a total of 10 Divisions, 73 Wards and 26 Villages as shown in the following **Table 2** and **Chart 2** (Administrative structure)

1.3 Socio-economic and environmental setting:

Socio-economic and environmental setting of Dar es Salaam is a reflection of the national and international socio-economic and political free market economy characterised in the globalisation and digitization process which the country will have to sail through in the years 2000.

The socialisation and nationalisation process of the Arusha Declaration in mid 60's and 70's in which the vast sisal estates were until then the country's number one labour employer and foreign exchange earner, were nationalised as with other private sectors, thereby expanding the parastatal sector with formation of new industrial and commercial firms, the TREASURY being the main investor. The process lured people from the rural areas who in some way *albeit* temporarily had managed to find easy life through the expanding parastatal sectors as compared from arduous labour in the rural areas which meant having to earn a living by tilling land with a hand hoe for a minimum reward.

⁸ projections based on rural ward growth rates enumerated 1978-1988 (*) in the period city boundaries were adjusted.

Easily procured money through bad management of the nationalised industrial and commercial private sectors for 30 years turned the parastatal sectors formed thereon into some sort of beehives or magnet fields for attracting wild bees from all corners of the country's rural community.

Parallel to this was ensuing villagisation exercise in the mid 70's which only succeeded in sending people fleeing into the urban areas as if some wild fire had engulfed the rural areas. This was a way of escaping from the unorthodox "UJAMAA" village governments which was to function under the **Ujamaa and Ujamaa Villages Act, 1975**.

The unfolding nature of these international socio-economic, political and cultural phenomenon have had a historical impact in the country notably from the mid 60's during the **nationalisation** and socialisation of the country's major means of production and exchange – **the 1967 Arusha Declaration era** i.e. the socialist aspiring era. The era was followed with the **liberalisation process** in the mid 80's (1984 – 1990) and now the **privatisation process** (1990 – 1999) to be followed with the **globalisation** and digitization process after year 2000. Rural Urban Migration in mid 80's and early 90's was characterised by another phenomenon commonly known by the name: *MACHINGA* or *WAMACHINGA* hawkers. These are a product of the liberalisation of trade policies in 1985 – 90. They are petty traders operating mainly in Dar es Salaam and they become the most conspicuous symbols of RURAL URBAN YOUTH migration in early 90's. *Wamachinga* apparently means hawking goods, or jokingly "marching guys". *Machinga* phenomenon is not only in Dar es Salaam but stretch from Dar es Salaam to Dakar, Senegal; and Durban in South Africa. By the end of 1998, the population of *Machinga* in Dar es Salaam was estimated to be not less than 850,000 about 24.2% of the City's population.⁹

A survey conducted by Research on Poverty Alleviation (REPOA) on this group of population in Dar es Salaam found out that the group was forced into Dar es Salaam by POVERTY. The results revealed the following as among others:

- *Wamachinga* are young people with about 80.8% aged between 20 – 29 years and 92% with primary school education

⁹ ...Social Service Imbalances cause for Urban Migration: ("Wamachinga hawkers") Sunday News: 13th June, 1999.

- 18.4% originated from Mtwara region, 15.2% Morogoro region, 15.2% Coast region, 14.0% Tanga region, 10.8% Lindi region and 8.4% Kilimanjaro region.

Machingas who normally come from Mtwara (mostly in a village by the name *Machinga*, where they derive the name *Wa-machinga*) and Lindi regions perceived their areas of origin as areas deprived from social activities with 78.8% coming from big families of 6 – 16 members.

According to the survey, reasons for choosing Dar es Salaam include:

- Availability of social and economic opportunities for advancement (46.8%).
- Following parents and/or spouses (34%).
- Do business because Dar es Salaam is market oriented (15.2%).
- To pursue further studies (15.2%).

REPOA results reveals that *Wamachinga* draw youth labour from rural areas because current policies seem to favour urban centres with respect to investments trade, infrastructure, social services and employment opportunities while most rural areas are characterised by: poor social services, meagre agricultural earning, non-existent employment opportunities, poor agriculture and marketing infrastructure for agricultural output, etc.¹⁰

These socio-economic conditions have to a large extent, contributed to RURAL URBAN MIGRATION notably beginning mid 60's to early 90's.

As the country approaches the close of 1999, beginning year 2000, the **national economic** performance has been marked by the following, (as among many others):

- Slow economic growth of 3.8% annually as of 1995-98
- Per capita income is reported to be US \$210 (1998/99) with the gap between the rich and poor increased by 20% on those who in are control of the 45% of the country's *national cake* (1998/99)
- 50% of the country's population live under the **national poverty line** with 92% of the **obsolete** poor living in rural areas with no safe clean water, poor health services, high mortality rate, illiterate and "unskilled", poorly nourished, disease prone, poorly sheltered, etc.¹¹

¹⁰ ...Social Service Imbalances, cause for Urban Migration ("Wamachinga hawkers") Sunday News: 13th June, 1999.

¹¹ ...Tanzania still performs poorly economically: Daily News 23.7.1999.

Dar es Salaam being the economic capital city of the country has had a notable part of a share in this continuous rural urban migration which not only involves the youths, but as of late has also involved the aged who flee into the city and other urban centres due to lack of basic social services which includes health services and sometimes food. The trend has therefore set Dar es Salaam on the socio-economic and environmental scenario summarised herein below as follows:

- Dar es Salaam population has dramatically increased from 1.36 million in 1988 to an estimated 3 million in 1998 at an annual rate of 8%.
- Annual Economic growth rate is 4% with per capita income of TShs.197,000/= annually about TShs.16,425/= monthly (1994), which is less by 95.5% of the estimated rate of TShs.300,000/= monthly. 23% of the population live under poverty line
- Mortality rate is at 9% (1998).
- Illiteracy is at a rate of 30% with primary school enrolment at 70%, 65% adult, women and 77% adult men cannot read and write.¹²
- 650,000 about 21.7% (1998) of Dar es Salaam population is unemployed, while 850,000 (about 24%) of Dar es Salaam population live with no regular income – “the *machinga*” group. 19% (about 376,369) population is employed under public sector, informal sector 43.6% (about 843,000) while those engaged in agricultural/pastoral activities in a greenbelt area account for about 11% (217,898) of the 3 million population.¹³
- 70 – 75% of Dar es Salaam population live in unplanned settlements (*squatter* areas) which lack or have inadequate social services and infrastructure posing serious environmental problems to the City and Municipal authorities. These include:
 - Safe and clean water.
 - Sewage system.
 - Health facilities; hospitals (13% government hospitals, 18.5% government dispensaries and 30.8% health centres).
 - Electricity.
 - Passable roads – 60%.
 - Adequate market centres.
 - Inadequate open spaces and play grounds for children and youths

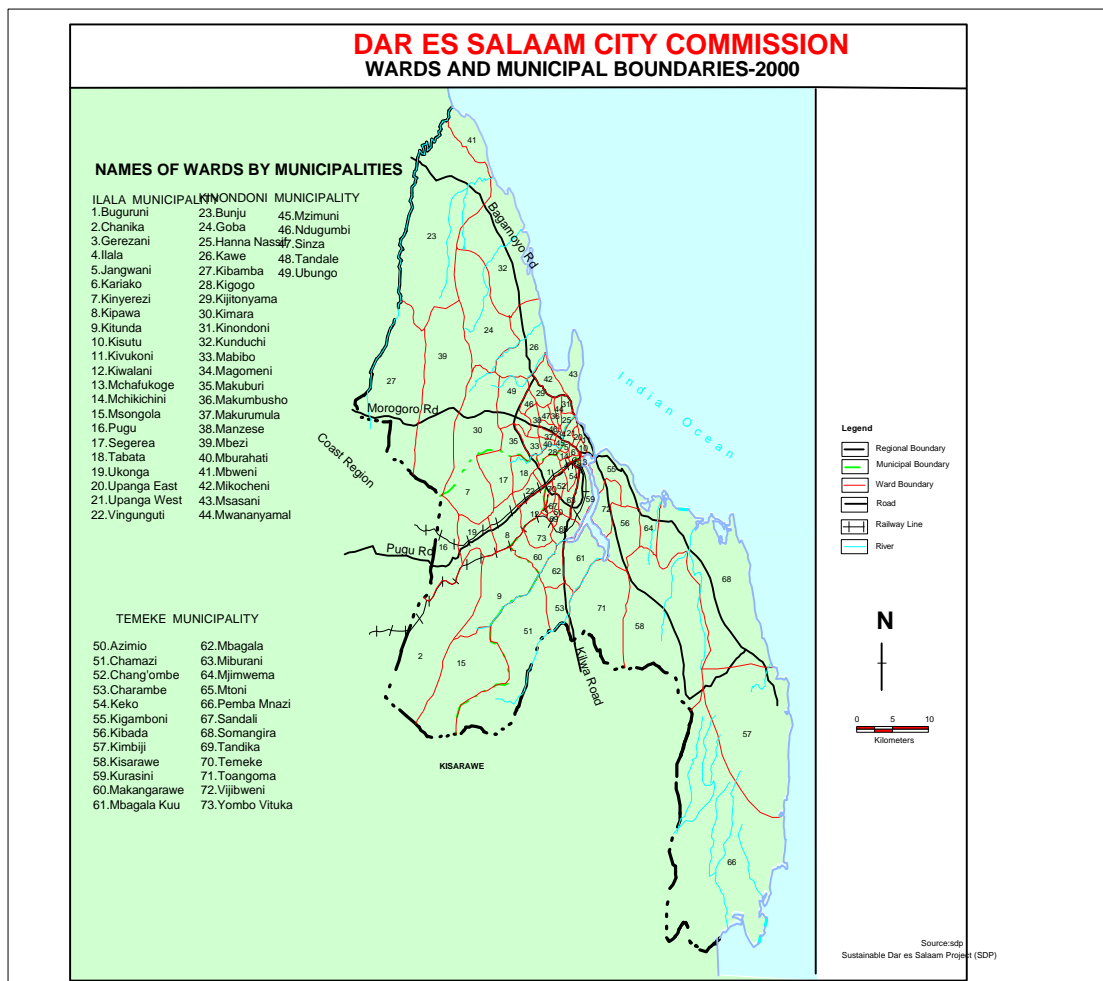
¹² Mpango wa Kuondoa Umaskini: Mkoa wa D’Salaam Ofisi ya Mkuu wa Mkoa (1998).

¹³ Daily News (ibid) Tuesday January 5, 1999.

- Surveyed building plots.
- Burial grounds /cemeteries (presently some are scattered others turned into “multi storeyed” cemeteries.
- Public telephone system, security private or public (presently there are about 43 police posts in 73 Wards of the three Municipalities of Kinondoni, Ilala and Temeke).¹⁴

1.4 Organisational setting:

In an effort to achieve the desired objectives of *Sungusungu* amidst the foregoing information and experiences, one is tempted to look first into the Organisational Setting of Wards and Subwards (*Mitaa*) of Dar es Salaam in relation to its safety and security issues and the Law applicable to *Sungusungu* activities.



¹⁴ Environmental Profile for Metropolitan D'Salaam 1998/99 (Dar Ward Map)

Political Structure

- *Regional, District and Divisional level*

The City/region of Dar es Salaam consist of a political structure of three hierarchical levels, with an administrative structure of four levels: City, Municipal, Ward and Sub ward level. The highest political level is headed by the Regional Commissioner (RC) who is appointed by and accountable to the President of the country on all matters related to the city/region amongst which are safety and security matters. Whereas the city/region has been restructured into three districts of Kinondoni, Ilala, and Temeke, the RC is the chairperson of Defence and Security matters at the regional level and accountable to the President for the same.

Under the Regional Commissioner is the second political structure formed by **three District Commissioners** of the three districts mentioned. These are also appointed by the President and accountable to him through the Regional Commissioner. The District Commissioners, (like the Regional Commissioner at the regional level) are the chairpersons of the District Development Committees amongst which is the Defence and Security Committee of which the District Commissioners (DCs) are the chairpersons and therefore accountable to the President through the Regional Commissioner for the same.

The third and most decentralised political structure is formed by ten (10) **Divisional Secretaries** in which four (4) are in Kinondoni District, three in Temeke, and three in Ilala District. However, this part of the structure is answerable to the District Commissioners on matters of safety and security. They only link with Ward Executive Officers on matters related to safety and security in their wards. *(NB: See the Table 1)*

Administrative Structure

- *City and Municipal Level*

Alongside the political structure is the administrative and executive structure in which at the highest level is the Dar es Salaam City Council (DCC) headed by the City Director appointed by the President and accountable to him through the Minister for Regional Administration and Local Government. Below are the three Municipal Directors appointed by and accountable to the Minister through the City Director and below the Municipal Directors are the Wards and Subward (*Mtaa*) leaders. The Subward leaders (*Mtaa* Chairperson) are elected, while Ward leaders i.e. Ward Executive Officers are appointed by the City Director through Municipal Directors, and accounted to the City Director.

- *Ward and Sub wards Level*

Under the municipalities are the Ward and Sub wards (*Mtaa*) and further below (in some areas) are the villages (*Vijiji*) and hamlet (*Vitongoji*). See **Table 2** below.

Table 2:

District or Municipal and area	No. of Divisions	No. of Wards	No. of Subwards (<i>Mtaa</i>)	No. of Villages (<i>Vijiji</i>)	No. of Hamlet (<i>Vitongoji</i>)	Population (est. 1998/99)
KINONDONI (521,695 sq.km.)	4	27	113	14	14	1.2mil
TEMEKE (786,515 sq.km.)	3	24	97	15	62	1.0mil
ILALA (272,677 sq.km.)	3	22	65	9	27	0.8mil
Total	10	73	275	38	103	3.0mil

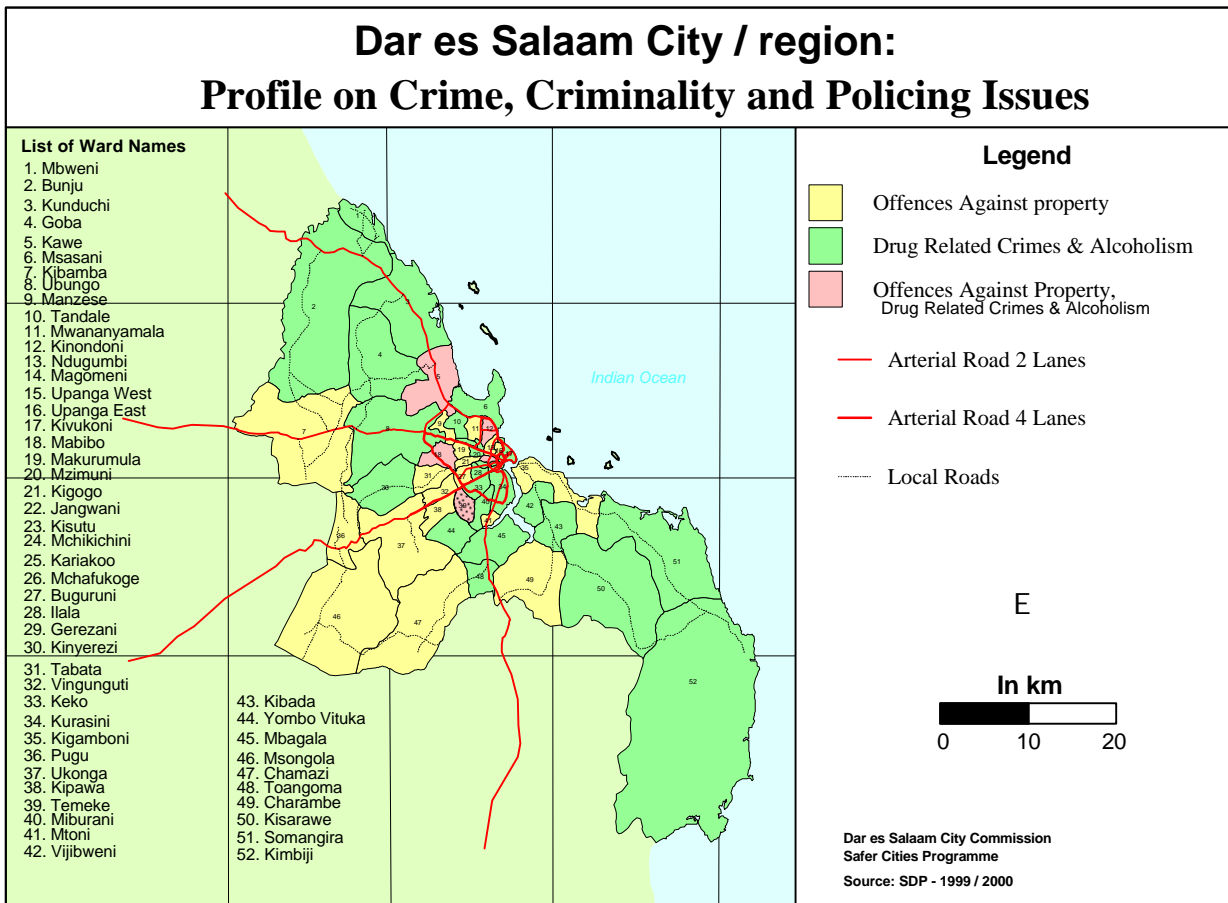
[NB: Source – Environmental Profile for Dar es Salaam City (1998/99) by SDP and CIP, 2000]

The Subward (*Mtaa*) is the lowest level of the governance. Duties associated with the position are outlined in Government Notice No. 3 of 1994 in which under section 56 the Subward chairperson (*Mwenyekiti wa Mtaa*) has power to appoint three persons to advice him/her on how best to perform Subward duties. Under the principle of SUBSIDIARY the City and Municipal administration through Ward and Subward administration the local government is brought closer to the people by involving them in DECISION MAKING PROCESS and prioritising development requirements. This participatory initiative is essential in making development activities substantive and sustainable. The *Mtaa* Chairpersons are therefore required to be involved in the **identification planning, implementation, monitoring and evaluation** of safety and security issues in their jurisdiction.

2.0 Exploratory Study of Dar Es Salaam Crime Scenario 1990 - 1999

2.1 Policing and Urban Safety Issues of Dar es Salaam 1990– 99 (10 years)

Dar es Salaam Crime Scenario through police records in the period between 1990-99 demonstrates that by the end of the year 1999, Dar es Salaam had accounted for not less than 25% (1995) of all crime incidents reported and recorded by police throughout the country with the figures rising to 26.92% in 1997. The figures are in discount of unreported “dark figure” crime, which stands between 7 and 10% of all the reported crimes.¹⁵



¹⁵Speech by the Commissioner of Operations and Training Mr. Laurian Tibasana on behalf of the Guest of Honour Hon. Ali Ameir Mohamed (MP) Minister of Home Affairs at the occasion of Launching Ceremony of the Safer Cities Dar es Salaam Project on 19/08/1998

Factors leading to unreported **dark figure** crimes are many, they include:

- Lack of victims data, e.g. in some traffic offences.
- Fear of revenge from the offenders, offenders' associates, etc.
- Social acceptance of the use of domestic violence as a way of instilling social traditional values (e.g. violence against women, or children among some parents).
- Treatment of domestic crimes which are gender-related; e.g. fraudulent pretence of marriage, bigamy, deserts of children, neglecting children, are normally not reported to police and they are referred to some other institutions e.g. religious institutions or social and welfare centres or Ten Cell leaders for counselling or family.
- Perceptions on cumbersome investigation and court procedures, corruption, inadequate police resources for investigations, inefficiency, ineffectiveness, etc. and subsequent emergence of private security and investigation systems in Dar es Salaam reflects such inadequacies.
- Limited insurance coverage on private property; or crimes considered too petty to report to police, are sometimes dealt with by individuals concerned or community and therefore not reported to police.

Offences against morality, (e.g. homosexuality, adulteration and prostitution) are often not reported for fear of being social outcast. Street prostitution and loitering are often reported in form of “police roundups” .

Where the victim and the offender are in agreement before or after the commission of the offence, part of the agreement becomes not to report the matter to police or other law enforcing agencies e.g. corruption offences, embezzlement of public funds or property, such incidents are often settled administratively and offenders ordered to remit or pay for the loss.

The combined effects of these factors and others not mentioned results into low crime incidents reported to police, and Dar es Salaam has remained no exception to this. However, with the aforementioned factors notwithstanding, Dar es Salaam Crime Scenario, according to police statistics still reveals:

- That in Dar es Salaam there were a total of 1,016,865 crime incidents reported to police during the period under review; which accounted for not less than 25% of all crime incidents reported to police throughout the country for the period.
- That a total of 138,351 crime incidents were reported to police in Dar es Salaam in the year 1999, the highest in the period under review. The figure reveals an estimated 378 crime incidents reported DAILY and 16 crime incidents reported HOURLY. The daily and hourly crime figures for Dar es Salaam at the time (199) reveals an increase of about 53% for the past 10 years, i.e. 1990 - 1999, an increase of about 5.3% annually.

Table 3: Crime Incidents Reported to Dar es Salaam Police: 1990 – 1999 (10 years)

Year	No. of Crime incidents reported in a year	Estimated No. of Crime incidents reported daily	Estimated No. of Crime incidents reported hourly	Average % increases from 1990 - 99
1990	64,662	177	7	53%
1991	71,206	195	8	
1992	88,883	243	10	
1993	96,762	265	11	
1994	125,754	343	14	
1995	126,401	346	14	
1996	108,735	297	12	
1997	59,139	162	7	
1998	136,977	374	15	
1999	138,351	378	16	
TOTAL	1,016,865			

Source: Tanzania Police - Dar es Salaam Annual Crime Situation: 1990-1999 (2000)

(See also **Annex “A”** Some of the major serious crimes reported to police in 10 regions undergoing Sustainable Cities Programme: **(Region-wise 1996-98)**).

Added to this, are the crimes that have **heightened public fear** during the period under review. These include:

- Robbery, armed robberies and burglaries at times resulting in loss of life
- Mugging, neck-lacing of muggers, assaults, violence against women and children
- Manufacture, consumption and sell of illicit liquor “gongo” and crimes associated with alcoholism
- Riot and unrest e.g. among informal traders, students and other groups
- Embezzlement of public funds, corruption and bribery
- Traffic offences including fatal accidents.¹⁶

¹⁶ Commissioner of Police L. TIBASANA - Speech on behalf of the then Minister for Home Affairs ALI AMEIR on the occasion of Launching Safer Cities: Project D’Salaam August 19, 1998.

Included, and of **unprecedented** nature are:

- The September 1995 riots of protesting arm streets and pavement vendors at Kariakoo area and city centre.
- The April 1998 sectarian Mwembechai riots in Magomeni area (Kinondoni District) which left two people “shot dead” by police.
- The August 1998 bomb blast at the American Embassy at Upanga area Kinondoni District killing 10 people and 70 injured.

The then Minister for Home Affairs Ali Ameir on crime wave in the government-owned Daily News on 5th June 1999 – “AMEIR TALKS TOUGH ON CRIME WAVE”, had the following to say in part:

“... aware of the recent crime wave which has hit the country including bombings, kidnappings, mass rape, computer fraud and robberies, shocking criminal which have never happened on such a scale before ...” Mr. Ameir appealed to the members of the public to co-operate fully with state organs by way of volunteering information on any abnormal situation which might cause insecurity since state organs could not work successfully alone. “A good citizen who cherishes peace and tranquillity will not hesitate to volunteer information which aims at exposing criminals”.¹⁷

2.2 EXPLANATIONS ON CAUSES OF CRIME IN DAR ES SALAAM (AND ELSEWHERE IN THE COUNTRY)

The causes of crime increases in Dar es Salaam are multiple and tentative. Tanzania has not been exception to the on-going global phenomenon with most of its people urbanized in almost all of their socio-economic, political and cultural activities. With the advancement of the global technology and communication system oriented and developed through market economy system, Tanzania, and Dar es Salaam in particular, has continually been part of international urban criminality rooted on urban poverty, rural migration, environmental degradation scarcity and mismanagement of its basic social services and infrastructures, especially the poor and the marginalized majority groups.

With 70 - 75% of Dar es Salaam residents presently living in unplanned areas, 21.7% of her three million population unemployed, and up to 850,000 youths doing unproductive informal or petty business crime prevention in terms of knowing and respecting the laws, more so, City by-laws has remained a myth to the majority. In fact, the colloquial term "*Bongo*" country or

"Ruksaland" for Dar es Salaam depicts a culture of struggle for survival, or living in luxurious lifestyle, sometimes through criminality in form of the aforesaid - robberies, burglaries, mugging, swindling, cheating, theft, corruption or bribery, drug abuse and alcoholism, prostitution, etc. notwithstanding.

The explanations on causes of crime under such an environment has thus been associated with the following, *inter alia*:

- **Socio-economic explanations:**

- Poor economic conditions**

Unbalanced economic and social development with effects of social alienation and disintegration which has created embitterness, aggressiveness and apathy on the low income majority or the have-nots, whereas among the sizeable high income group, attitudes of pride, arrogance, dishonesty, cupidity, or laissez faire" etc., characterizes conditions among the two groups very much conducive to violent crime and/or potential criminals.

Poor economic conditions caused by low economic growth and unfair distribution of national capital often leads into lack or inadequate **social services and infrastructure** which in turn creates **crowded, criminogenic-slum** areas favourable to criminals and/or *criminal* behaviors. Areas like **Manzese, Tandale, Tandika, Buguruni**, etc. to mention just a few, most people living and working in such areas, are in constant struggle for survival in acquiring needy social services e.g. health, education, shelter, etc. sometimes, with criminality notwithstanding. Others who see no future in such struggles live grilled with attitudes of **jealousy, desperation, and severility** - attitudes which are often conducive to **violent crimes**, or offences such as, **alcoholism, suicides, drug abuse, prostitution**, etc. It is in record that as of 1980s most of Dar es Salaam residents were living on an average per capita income of US \$260 with about 23% households living below poverty line. The annual inflation rate is at a rate of 6%¹⁷ (2000) as compared to 7.5% in 1998/99.¹⁸

In contrast, are the secluded posh areas of the *high income group* in low or medium-densely populated areas with most, (if not all) social services adequately provided for or assured.

¹⁷ Government Owned Daily News.....July, 2000.

¹⁸ Mpango wa Kuondoa Umaskini Mkoa wa D'Salaam (1998/99).

Criminality in such areas is based on **cupidity** Culture, characterized by **competitive and/or imitative desires** of acquiring more, sometimes criminality notwithstanding.

Youths or some adults living in these areas, having been endowed with almost all required social services, and physical infrastructure and their future assured, grow up with **get rich quick** mentality, **arrogance, obesity, and/or laissez faire** attitudes. In Dar es Salaam we have people and youths with such attitudes and *crimino-genic behavior* in **Masaki, Msasani, Mbezi Beach, Oyster Bay and Upanga** areas.

Social injustice breeds crimes and violence, as stated by the inspiring quote from ALUKO captured from the **Watchtower Bible Society (1996)** where he states:

“The poor cannot sleep at night because they are hungry; the rich cannot sleep because the poor are awake; when there is no more social injustice that breed crime, no more haves and have-nots, then there will be no more assassinations, poison gas attacks, or terrorists bombs!”

- ***Unemployment***

Dar es Salaam has a "reserve army" of the unemployed **youths and redundants**, who were reported to number up to **650,000** by the end of year 1998. This figure was about **21.7% of the 3 million** Dar es Salaam population by the end of the year 1998. The youths are on run for petty business such as arm-street and pavement vendors ("*machingas*"), make-shift food vendors or restaurants ("*mama ntilie/Lishe*"), simple mechanics and tradesmen, barmaids, etc. while others engage in unlawful activities such as prostitution ("*changudoa*"), drug abuse and /or trafficking, etc. Some of redundants and the educated youths who are often on run for employment, which normally is not forthcoming, with time, some end up as potential criminals in an organized professional manner.

- ***Conspicuous and Liberalism Consumption Habits: A Case Study of Dar es Salaam 1985-95 (“Conspicuous Consumeristic Culture”): (Kinondoni ward Map)***

There is a growing number of city residents who have cultivated attitudes of acquiring quick "backs". They are no longer the modest citizens of the pre-liberalization period of the "Ujamaa" (socialist) era. They want big, luxurious posh houses (mansions) and cars. They want to eat in luxurious hotels and restaurants; they want to dress elegantly, etc. The unnecessary expensive luxurious items and life style imitative and competitive in nature need not contribute to their future development. The habits often create "*cupidity*" culture amongst some of them and

because most of these individuals cannot afford most of these goodies legally, they contemplate and engage in illegal means. Such lifestyles and habits is often unaffordable by ordinary means hence some resort to unlawful means in acquiring them. Those in offices engage in crimes such as "**white collar crime**", e.g. corruption, bribery or embezzlement of public funds. Some working girls and women engage in prostitution and/or procuration. It is a criminogenic environmental behaviour to those who cannot afford, but who believe cannot do without criminality notwithstanding.

- ***Squalor and Disorderly Homes***

Lack of proper parental guidance; protracted television viewing, **aloof parents, broken families** or families occasioned by constant quarrels, alcoholism, prostitution, drug abuse, etc. creates conducive environments for children or youths turning into potential criminals with criminal behaviors in form of **hooliganism, aggressiveness, embitterness, obesity, "laissez faire"**, etc.

- ***Moral Degeneration***

Erosion or decline of **religious and traditional** values, with men becoming more and more **materialistic**, and/or falling victim of **animal instincts** due to **unpermissive western cultures**, creates favourable conditions for criminal behaviors and/or potential criminals. **Modernization** of values needs to go hand in hand with **moderation** to conform to the accepted community values and norms. Sexual abuse and harassment against women and children is part of moral decay/ decline.

- ***Traditional Healers and/or Witchcraft***

Some traditional healers (or traditional medicinemen) whose activities are not in line with the required ethical or professional conduct are reported to have wrecked havoc and brought chaos into family members and neighbourhood. This is due to the fact that such healers have used their positions and professional status in society to cheat their patients or patient's families and friends that the root causes of the patients disease(s) is their relative (mother, grandmother, etc.) or neighbours who might have bewitched them. In some cases they have pointed a finger to their culprits as the elder women with "red eyes" in their families or living in their neighbourhoods. Such accusations have sometimes lead to revenge, which have resulted into killings, conflicts and violence against family members or neighbourhoods. Statistics from

police show that between June 1994 and June 1997, about 400 persons were killed on mere suspicion that they were witched.

Traditional healers dealing with women infertility have at times prescribed sex with their female patients as a pre-condition or part of their source of cure for infertility to such women. This has, in way led to sex offences and violence against women chastity.

Some traditional healers in the city are unlicensed and constantly on the move with no fixed abode, (except perhaps in guesthouses, streets, or open grounds). Such healers are prone to commit unprofessional or unethical acts and crimes to their patients and vanish into thin air without being noticed or detected.

○ ***Limitation of Law Enforcement Agencies***

Insufficient, ill equipped, corrupt of law enforcing officers, (e.g. police and those in justice department), and by using cumbersome legal procedures, often frustrate attempts by crime victims to bring culprits to justice. Disproportionate lenient sentences which often amounts to "**softness to criminals with cruelty to community**" ends up with courts failing to dispense justice by being the very enemy of it. The worse part of it all, is when people resort into taking law into their own hands in form of "*mob justice*" by methods like "**neck-lacing**" and setting ablaze suspects. It is ironically that through "neck lacing", and setting alight **petty and hard core muggers** ("*vibaka*" and "*vibaka sugu*") punishment is often **swift, certain and almost fiery** by reducing the number off crime incidents in the community in the expense of denying the culprits a fair justice.

But again, as observed on the issue of **dark figure** crime, the said explanations are not **exhaustive** on the nature of the causes of crime in Dar es Salaam; nor are they **conclusive**, but at most, serve as indicators of what was (and is) happening in terms of urban criminality, delinquencies, and violence during the period under review. It is therefore reiterated that, it is only through **Victim Surveys** and other proven and promising crime prevention initiatives which can claim working authority on the extent and patterns of crime, delinquencies, levels of violence, public perceptions around crime (and fear of it) and other range of safety issues including perceptions of the working of law enforcing agencies.

2.3 HIGHLIGHTS ON RESULTS OF VICTIMISATION SURVEY (2000):

Dar es Salaam Victimization Survey (2000) was conducted for Safer Cities: Dar es Salaam Project as one of its activities in identifying the following:

- The nature of crime
- The extent of crime
- Those who are at risk of particular crimes
- Public perceptions around crime, (and fear of it), and perceptions of service delivery by the law enforcing agencies, e.g. Police and civic groups.
- Victims of crime and their needs.

There were two (2) objectives:

- (i) One, to consolidate the diagnosis foundation for Safer Cities: Dar es Salaam project through production of **a local safety appraisal**. With such an appraisal, subsequent project phases, risk being subjective, consensus of partners may not be achieved around priority interventions and vital issues may be missed. Also crime reports based primarily on police statistics do not provide sufficient information for effective **project planning** since the data is restricted due to low reporting rates especially those relating to violent crimes (e.g. against women and/or children), limited police access to certain areas of the city, as well as limitations regarding the type of information usually reported and/or recorded by police i.e. **Dark Figure Crime** due to a number of factors on part of the victim and/or police.
- (ii) The second objective is to develop a **City Prevention Strategy** for Dar es Salaam and local capacity to implement it.

The activities were conducted through the following research process which lasted for six weeks, beginning 29th February – April 7, 2000 in the following order:

- (i) Selection of Field Manager (selected Field workers)
- (ii) Appointing of key role players to standardized questionnaires – Safer Cities
- (iii) Selection of social workers and councilors – Safer Cities
- (iv) Training of field workers, social workers and councilors – Data Research Africa (DRA)
- (v) The survey: this was divided into the following categories:
 - Street scanning
 - Household survey
 - Women abuse

- Youth offender, which focused on the following groups
 - (a) Focused group organised by NGOs, i.e. *Dogo Dogo* Centre, Child in the Sun, *Tua Moyo*, Youth Cultural and Information Centre (YCIC), and *Kwetu* Counselling Centre (women under probation and street girls/women).
 - (b) Youths in remand homes
 - (c) Youths in approved school.

Drawing up samples for household survey

Sampling for Household Survey was guided by Data Research Africa (DRA) Consultant and discussed by consultants and key role players/stakeholders in which they later came up with 20 subwards (*mitaa*) as areas for the household Victimization Survey for the three Municipalities of Dar es Salaam in the following order:

Kinondoni:

Manzese, Mbezi, Kawe, Mikocheni, Kijitonyama, Mbweni, and Yombo Vituka

Temeke:

Keko, Tandika, Mji Mwema, Somangira, Kisarawe, Azimio, and Vijibweni.

Ilala:

Upanga West, Mchafukoge, Kariakoo/Kivukoni, Kisutu/Gerezani, Buguruni, Segerea, and Kitunda.

The sampling of the subwards (*mitaa*) was done through the categorization of the development structure of the city i.e. inner city, established suburbs, emerging suburbs and rural suburbs. These were therefore represented in the following order.

Inner city:

Mchafukoge, Kariakoo/Kivukoni, Kisutu/Gerezani, and Upanga West.

Established suburbs:

Buguruni, Keko, Tandika, Azimio, Mikocheni, Kawe, Kijitonyama, and Manzese.

Emerging suburbs:

Segerea, Kitunda, Mji Mwema, and Mbezi.

Rural suburbs:

Kisarawe, Somangira, Kitunda, and Mbweni.

In summary, sampling of the subwards represented the municipal is as shown in **Figure 1** hereunder:

Municipal	Inner city	Established suburbs	Emerging suburbs	Rural suburbs	Total
KINONDONI	-	Mikocheni Kawe Kijitonyama Manzese	Mbezi	Mbweni	6
TEMEKE	-	Yombo Vituka Keko Tandika Azimio	Mji mwema	Kisarawe Somanga Vijibweni	7
ILALA	<ul style="list-style-type: none"> • Mchafukoge • Kariakoo/Kivukoni • Upanga west • Kisutu/Gerezani 	Buguruni	Segera Kitunda	-	7
TOTAL	4	8	4	4	20

DRAFT: REPORT OF THE VICTIMISATION SURVEY (SUMMARY)

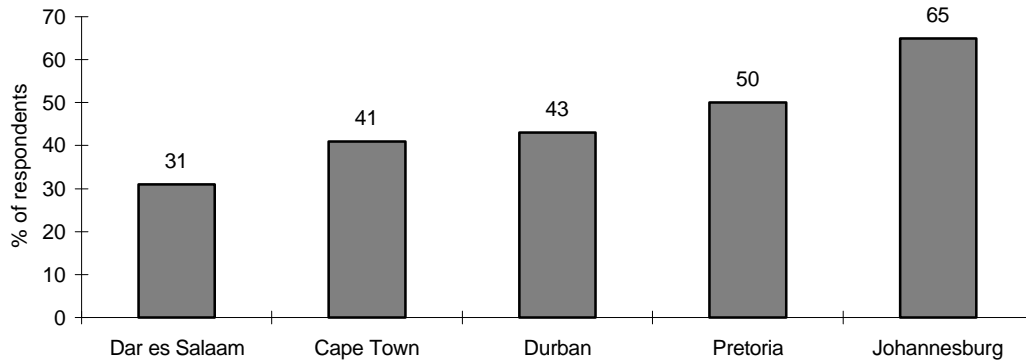
1. Fear of Crime

The report shows that the vast majority of the people (94%) in the city of Dar es Salaam feel safe walking in their areas during the day. Nearly two thirds of the people (61%), however, felt unsafe walking in their areas during the night. Compared to South African cities, fear of crime is low in Dar es Salaam. Women, young people between 15-25 years, those with the least education and those living in 'new suburbs' and 'established suburbs' felt least safe after dark in their areas of residence. Fear of crime is higher among women than among men: they are the ones who think that they have the greatest chance of victimisation or worry most about the consequences of crime, whether psychological, social, physical or economic.

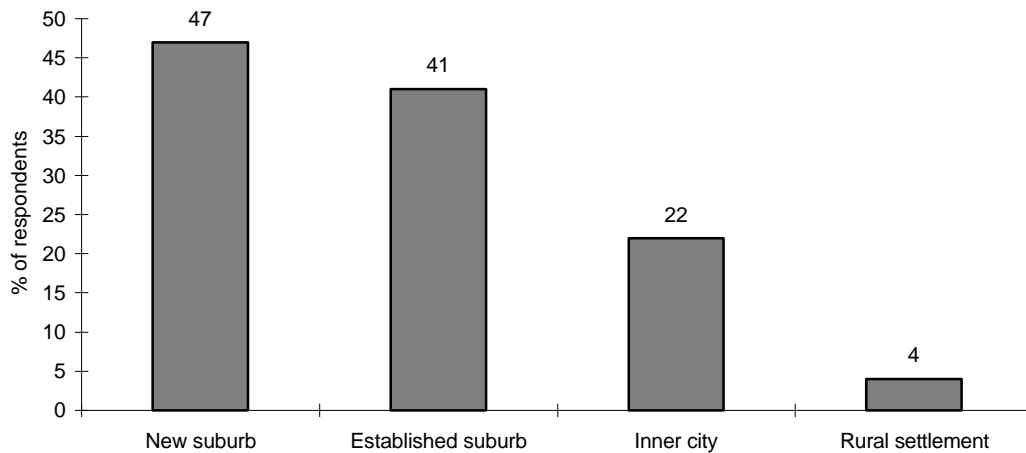
Table1. How safe people feel walking in their areas of residence (%)

	During the day n=1012	After dark n=1012
Very safe	54	9
Fairly safe	40	29
A bit unsafe	4	30
Very unsafe	2	31
Total	100	100

Graph 1: People who felt 'very unsafe' walking in their areas after dark in Dar es Salaam and selected South African cities



Graph 2: People who felt 'very unsafe after dark in particular parts of the city (n= 1004)



The difference in the feeling of crime between the different areas of residence reflects *property crime*. People living in suburbs are wealthier and thus more at risk of this form of crime than those living in other parts of the city. In South African cities by comparison, people living in suburbs often feel more safe than other city residents. This can be attributed to the high levels of *violent crime* in South African cities and the fact that people living in the poorer parts of the city are much more at risk of violence than their wealthier counterparts. In addition, the capacity of the police is significantly greater in wealthier areas where residents also have the added

benefit of being able to afford elaborate private security systems to protect themselves and their property.

The majority (62%) of the people in Dar es Salaam believed that, compared to previous years, the level of crime in their area has increased. People living in new suburbs and established suburbs were twice as likely to say crime had increased than were residents from the inner city or rural settlements. These perceptions provide probably an accurate picture of how crime levels in the city are changing. It also suggests, however, that perceptions about crime may be shaped more by subjective judgements than by information or about the actual situation. Nevertheless, one indication that public perception indeed reflects real changes in crime levels, is the significant difference in views between residents living in different parts of the city.

Table 2: Views from people living in different parts of the city about whether the crime level changed compared to previous years (%)

	Inner city n=196	Established suburb n=383	New suburb n=198	Rural settlement n=197
Crime increased	42	79	81	40
Crime decreased	28	11	15	37
Stayed the same	30	10	4	23
Total	100	100	100	100

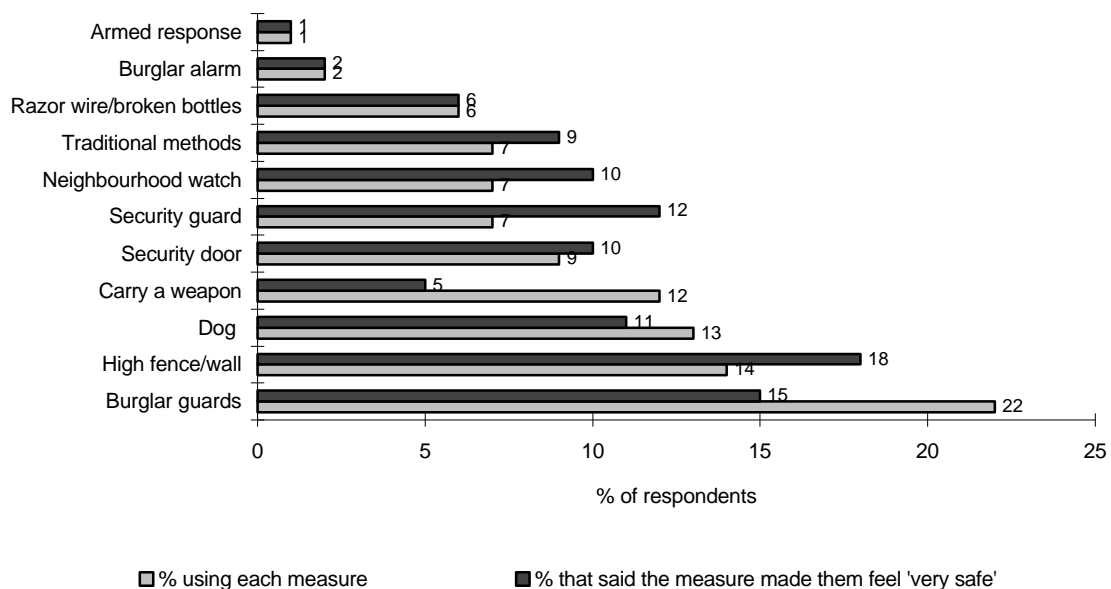
By asking the respondents which crime types the respondents feared most in the area where they live, respondents were most likely to say house breaking and theft (37%), followed by mugging (23%). Since these are the two crimes also identified as most prevalent, people probably fear those crimes they believe they have the greatest chance of becoming a victim of. It is however important to note the role of other factors such as anxiety about the consequences of crime: 9% of the people said the crime they feared as most was murder and 5% said it was rape. Although the actual risk of victimisation of murder is very low in Dar es Salaam (only 1% of the people reported a murder in their immediate family in the past five years) nearly one in ten people fear this crime more than any other. Although anxiety about crime does not always match the actual risk of crime, fears should not be regarded as irrational. Rather than accusing people of “worrying too much”, fears should be addressed where they occur.

Perceptions on how to Improve Safety

Data coming from the respondents (victims and non-victims) on how to perceive the improvement of personal safety as well as that of the city in general can provide an important guide for officials in their planning of crime reduction strategies. It reveals what people are currently doing to enhance their safety as well as what they believe the city government's priorities in this regard should be. From this point of view, it is necessary to collect these data according to gender. The Safety audit for Women, carried out in Manzese Ward, gives a picture of how women perceive safety in their area. In spite of local prevention measures, women still feel unsafe in this area.

The types of protection measures against crime and violence used by the vast majority of people (80%) were mostly burglar guards, fences/walls, a dog and a weapon, and 68% said that they felt fairly safe as a result of using them. These are cheaper than devices such as burglar alarms and services such as armed response, which were used by comparatively few people (respectively 2% and 1%).

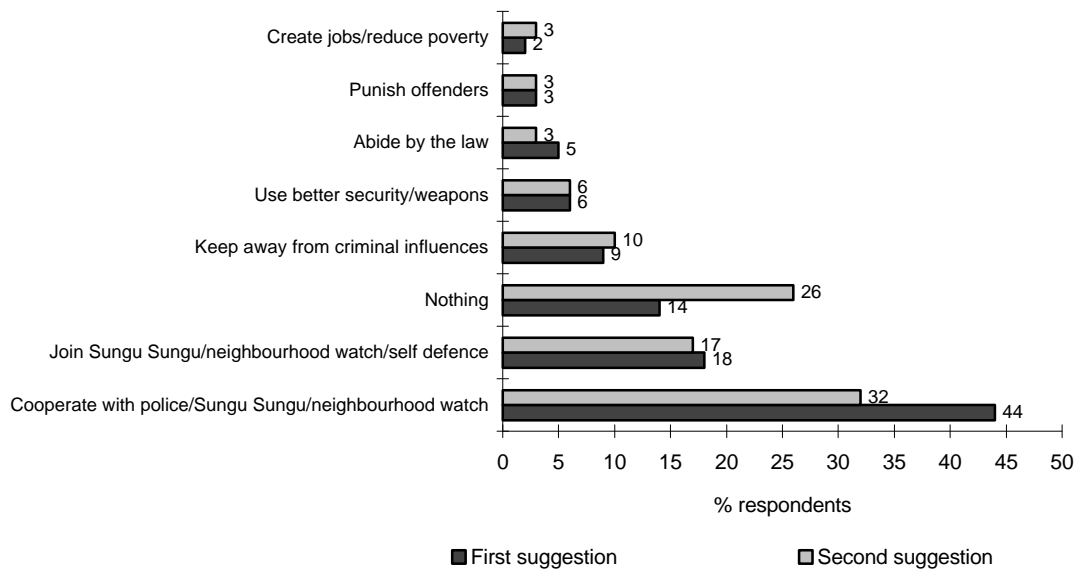
Graph 3: Types of protection measures used and whether they make people feel 'very safe'.



The overall level of safety provided by these measures may partly explain why, when asked what else they could do to improve their own safety, most respondents (66%) said there was 'nothing else' they could do. Alternatively, it may also be true that people are unaware of how else to become involved in crime reduction, or that they believe it is the government's job rather than their own to provide security. Those with formal and informal employment were less likely to say that there was nothing they could do (60% and 63% respectively) than those dependent on other income (70%) and unemployed (71%). Nevertheless affordability is not the key determinant since a majority of employed respondents still maintained there was nothing they could do to improve their safety.

Ideas about how the government should intervene are, according to the majority (56%), that government should provide more visible police and security guards and a better distribution of police posts. Subsequently, the respondents emphasised a need for better policing. 44% said that compared to previous years, policing has stayed the same; 39% thought it had become worse. Better policing must be considered in the planning of the strategy and how it is 'marketed' to various constituencies. Access to the police is less of a problem than the lack of visible policing and patrols: 36% never see a police officer on duty and 17% said they saw a police officer less than once a month. Visible policing should be targeted in the suburbs. In new suburbs 62% said they never see the police and 48% in established suburbs said the same. These people were much more likely than those in other parts of the city to think crime has increased. They also display high levels of fear of crime.

Graph 5: What individual can do to make Dar es Salaam es Salaam safer



Recommendations and conclusions:

The report shows that the vast majority of the people (94%) in the city of Dar es Salaam feel safe walking in their areas *during the day*, nearly two thirds of the people (61%) however felt unsafe walking in their areas *during the night*. Compared to South African cities, fear of crime is low in Dar es Salaam. Women, young people between 15-25 years, those with the least education and those living in ‘new suburbs’ and ‘established suburbs’ felt least safe after dark in their areas of residence.

The majority (62%) of the people in Dar es Salaam believed that, compared to previous years, the level of crime in their area increased. People living in new suburbs and established suburbs were twice as likely to say crime had increased than were residents from the inner city or rural settlements.

The types of protection measures against crime and violence used by the vast majority of people (80%) were rather burglar guards, fences/walls, a dog and a weapon than devices such as burglar alarms and services such as armed response (2% and 1%).

66% of the respondents said there was 'nothing else' they could do to increase their security. Those with formal and informal employment were less likely to say that there was nothing they could do (60% and 63% respectively) than those dependent on other income (70%) and unemployed (71%). Nevertheless affordability is not the key determinant since a majority of employed respondents still maintained there was nothing they could do to improve their safety.

Ideas about how the government should intervene are, according to the majority (56%), that government should provide more visible police and security guards and a better distribution of police posts. Subsequently, the respondents emphasised a need for better policing. 44% said that compared to previous years, policing has stayed the same; 39% thought it had become worse. Better policing must be considered in the planning of the strategy and how it is 'marketed' to various constituencies. Access to the police is less of a problem than the lack of visible policing and patrols: 36% never see a police officer on duty and 17% said they saw a police officer less than once a month. Visible policing should be targeted in the suburbs. In new suburbs 62% said they never see the police and 48% in established suburbs said the same. These people were much more likely than those in other parts of the city to think crime has increased. They also display high levels of fear of crime.

When asked about how individuals can improve safety, the findings correlate to the need for a more visible presence of guards, either in the form of police officials or non-state agencies. As a first suggestion, 62% said they could cooperate with or join the police, security guards, Sungusungu or neighbourhood watch organisations. This shows the inability of the police to fulfil this role and that the need for some security presence is a priority. Between 14% and a quarter said there was nothing they could do to improve safety. None mentioned taking precautions or being more alert which suggests a limited knowledge about crime prevention and risk avoidance behaviour. Therefore, education prevention programmes are needed to assist on this aspect.

The propensity to report crime is determined by a range of factors and as such the accuracy of official statistics of crime levels is, in turn, largely determined by the influence of these factors. This is important since, if crime is to be reduced, as a result of policing or the action of the criminal justice system, it must be reported so that appropriate action can be instituted.

Car theft was the crime most likely to be reported to the police followed by other forms of property crime. Reporting rates for violent crimes are relatively low. Predominantly rural crimes such as crop theft were the least likely to be reported. The survey further shows that reporting is driven by a range of factors independent of insurance coverage. Reporting it seems may be driven more by the victim's perception of the seriousness of the crime rather than by an immediate need to replace the lost property.

When the same person is the victim of the same crime more than once, this phenomenon is known as *repeat victimisation*. Repeat victimisation of the same crime is fairly common in Dar es Salaam (compared to Durban, South Africa) particularly for the predominantly rural crimes. Assault victims are probably more likely to be victimised repeatedly if the assault takes place in the home, these findings are concurrent with the patterns of domestic abuse.

Patterns of repeat victimisation in Dar es Salaam for crimes such as burglary and robbery present opportunities for programmes, which target at situational prevention. Repeat victimisation for crimes such as assault however is of equal importance and asks for effective social prevention. Furthermore, the report showed a *resilience* to the fear of crime in the sense that repeat victims (more than once victimised) felt safer than those who had been victimised once only and even those who had never been a victim of crime.

The survey recorded a great deal of details of the nature of victimisation along particular circumstances often specific to the crime type.

The survey asked questions to understand the dynamics of reporting in relation to each crime type and the respondents' perceptions and experiences of policing. Reasons for non-reporting vary according to crime type. However, there is a strong tendency in the overall responses of the respondents to mention police corruption and to a lesser extent a perceived or experience attitude of the police to consider crime experience by victims as not being serious. For corruption in particular, the levels indicated here as the reason for not reporting were considerably higher than in South African cities.

For most crime, with the exception of assault, dissatisfaction levels with the police were very high. The predominantly rural crimes, vehicle theft, murder and hijacks were excluded from the research. These satisfaction levels ranged from 83 % of reporting respondents for simple theft, through 73 % for vehicle part theft and 66 % for robbery to 61 % of burglary. Furthermore, when

explaining the reason for their dissatisfaction respondents identified the lack of police action and police not taking the crime seriously as the overriding reason (with the exception of robbery). Reasons for satisfaction not surprisingly were linked to whether arrests were made.

2.4 POLICIES AND INITIATIVES ADDRESSING CRIME AND CRIMINALITY IN DAR ES SALAAM AND ELSEWHERE IN THE COUNTRY)

Crime is a multi-dimensional issue. In this regard actions on crime, particularly of a preventive measure can only be inferred rather than directly intended. They virtually cut across all the sectors of the different individuals, communities, institutions and different government ministries. But since there is the perception that much of it can be associated with the youths and their problems of employment, then perhaps one could briefly review the initiatives taken so far under the Ministry of Labour and Youths Development.

These initiatives began in 1983 when the Human Resource Deployment Act was passed. Under that legislation, local authorities were to assure that each able bodied person was engaged in productive work. In 1983/4 some Tshs.40 million was allocated for the undertaking. The following year Tshs.30 million was allocated for the same purpose. This program was accompanied by repatriation of youths to their rural homes. The program failed.

Following the political and economic liberalization program of the mid 1980s, it was considered that promotion of the informal sector would be a solution to the youth unemployment problem and the accompanying crime incidences. In the case of the city of Dar es Salaam, this was accompanied with a call to the NGOs and private agencies to assist in the financing of the informal sector to ease out youth unemployment. Those involved included: Pride Africa, Tanzania Youth Development and Employment Foundation (TYDEF), SKUVI and Poverty Africa and its credit shops, Presidential Fund, etc. These and other institutions attempted to solve the youth unemployment for problem for eight years, but admittedly to no avail todate.

○ Preventive Policy at City Level

If there is one single action the existing City Commission is going to be remembered for, positively or otherwise, is what is locally known as "*Bomoa bomoa*" or demolition. The stated objective of *bomoa bomoa* is to keep the city clean by demolishing all structures that were not built according to the City Plan. With regard to the question of crime, this resulted into the clearing of all the makeshift *machinga* business premises which in a number of cases, served

as criminals hideouts. In this regard, the City Commission was not only handling crimes related to abuse of municipal by-laws but to criminality and violence in general.

○ **Vulnerable Groups Protection**

In Dar es Salaam, indeed in Tanzania in general, it is mainly women who are more identified as the discriminated groups of the society. Right to property, burden of work, sexual abuse is at the centre stage of present discourse with regard to the rights of women. In response, there have been two major initiatives with regard to the women issues. First is the government's decision to create a Ministry, which deals with Women and Children affairs.

Secondly, a number of NGOs have been formed with objectives to handling issues related to women, children, youth, disabled and the old, rights. These are:

On women:

- Tanzania Women Lawyers Association (TAWLA)
- Women Advancement Trust (WAT)
- Tanzania Media Women Association (TAMWA)
- Women Media Workers
- Environmental and Human Rights Care (ENVIRONCARE) , etc.

On children:

- Save the Children
- Sweet Home
- Tanzania Anti Child Abuse Society
- Save the Children Society
- Child in the Sun, etc.

On Youth:

- Tanzania Youth Development and Employment Foundation (TYDEF)
- SKUVI
- VIBINDO

On Disabled

- Tanzania Federation of Associations of People with Disabilities

For the old

- Tanzania Association of Unemployment Benefits

- Going Old is to Grow Society
- Help Age, etc.

Other vulnerable groups include those who have committed criminal offences, convicted and sentenced. These are helped to return to normal life by NGOs like: Local Inmates Fraternity Trust (LIFT) and Tanzania Association for Crime Prevention and Rehabilitation for Offenders (TACARO), etc.

○ **Government Initiatives**

Police

From the time of its establishment, under Proclamation No. 6 of 1919, duties of the then Tanganyika Police Force were among others to **maintain law and order**. During this time, the whole process of administration of justice was interwoven between administration police and prisons. Later the mandate of the Police Force in prevention and control of crime was inserted in the **Police Force Ordinance Cap. 322** (1959), as amended by Act No. 3/1995 in which, **section 5(2)** states in part:

*"The Force (Police force) shall be employed in and through the United Republic for the preservation of peace and **the maintenance of law and order, prevention and detection of crimes.**"*

In exercising general powers of this basic objective of law enforcement in the area of crime prevention, the powers conferred to police by the Ordinance include:

Powers to conduct searches in buildings, premises, vessels, carriage boxes, and receptacle items, etc. (s.34)

- Taking finger prints, photographs, etc. (s.35)
- Inspecting licenses and licensed premises (s.36)
- Regulate and control traffic (keep order on public roads) (s.37)
- Control music and control assemblies (s.39)
- Issue permits for assemblies and processions in public places (s.40)
- Disperse assemblies and processions wherever held in breach of peace (s.42)
- With the foregoing, the basic objectives of police in exercising these general powers of law enforcement in crime prevention are therefore said to be:

- To prevent crime and delinquency in helping to modify and change conditions that reduce them, by instilling respect for law and order, by cooperating with other agencies in promotion of public peace and security.
- Repression of criminality and delinquency of persons so inclined by patrolling neighbourhoods, inspecting premises and keeping full informed regarding the affairs of peace and security of members of public.
- Apprehension and identification of offenders and accumulation of evidence against persons charged with crime and delinquency.
- Recoveries of stolen property so as to reduce cost of crime, and to restrain those who thought they could benefit from gains of crime and delinquency.
- Crime stoppers (Crime line 995 - "*A call in time will stop more crime*")
- Regulation of people in other non-criminal activities: e.g. by directing traffic, inspection of licenses and licensed premises,
- Supervision of Habitual Criminals on Court orders,
- Storage of Private Arms,
- Beats and patrols.

Other Government Bodies involved in crime prevention /control in Dar es Salaam and Countrywide include:

- Government Security and Intelligence Services
- The Anti Corruption Bureau (President's Office)
- Prisons Services
- Immigration Department (Ministry of Home Affairs)
- Attorney General's Chamber (Ministry of Justice & Constitutional Affairs)
- Law Reform Commission
- Controller and Auditor General (Ministry of Finance)
- Revenue Authority
- Probation Services (Ministry of Labour & Youth)
- Labour Department
- Dar es Salaam City Commission including the Wards and Sub wards (Ministry of Local Government)
- Courts
- Permanent Commission of Enquiry (PCE)

○ **Civic Initiatives Involved in Crime Prevention**

Auxiliary Police

Auxiliary Police is established under **Section 3 of the Auxiliary Police Ordinance Cap.262**, which states: "There shall be established a Police Force, which shall be supplementary to the Tanzania Police Force."

Section 6 of the Ordinance provides: "*Where the President is satisfied that an undertaking is **engaged in any activity for commercial, industrial**, agricultural, pastoral, building or mining development whatsoever in the United Republic, or any area of the United Republic and that special provisions should be made for policing the area where such development is taking place, the President may, on the request of such an undertaking by Notice in the Gazette declare such area or part therefore to be special area for the purpose of this Ordinance*".

Section 16(1)(-3) provides for powers of arrest, and immunities as those conferred upon members of Tanzania Police Force of equivalent rank by any Ordinance or law for the time being in force in Tanganyika, and shall obey lawful orders of their superior officers and of magistrates.

In Dar es Salaam members of this force are presently established at Muhimbili Medical Centre (MMC) and Tanzania Harbour Authority (THA), with proposals to have one under the City Commission **Dar es Salaam City Auxiliary Police**

The envisaged Dar es Salaam City Auxiliary Police: (i.e. auxiliary police for city or municipal policing)

Auxiliary Police is established and operates under the law¹⁹ on request and satisfaction by the President of the country. Unlike the National Police Force, Auxiliary Police operates in a declared area by the President,²⁰ and its more inclined towards crime prevention duties in the area by way of **visible policing** and if adequately trained, **community policing**. i.e. policing **for** the community as opposed to policing **of** the community.

Auxiliary Police Officers are under the general command and supervision of the Inspector General of Police (National Police) by way of recruitment, basic training, confirmation of ranks, badges of ranks to be used and uniforms. Under the law establishing the force, members of

¹⁹ Auxiliary Police Ordinance Cap.262

the Auxiliary Police have the same powers of arrest as those vested to police officers of a rank of a Police Constable. These include powers of arrest with or without a warrant, search a person who has been lawfully arrested, seizure of only property found in possession which forms material evidence of the crime committed or about to be committed. But Auxiliary Police Officers have no powers of investigation, detentions or maintain lock-up facilities. Once Auxiliary Police Officers arrest a suspect within the declared area of their jurisdiction they must immediately hand him/her to the nearest police station for further legal actions.

Dar es Salaam City Auxiliary Police when established will play a supplementary or augmenting role to the National Police Force on visible policing in enforcing city/municipal by-laws through targeted **patrols, guard** duties on strategic city/municipal buildings/installations, **crackdown** on violators of prioritised city/municipal by-laws on trading licences, environmental violations, violations of building regulations, traffic parking violations and city guide initiatives.

- ***Commercial Security Guards***

These groups are established and operate under Company Ordinance Cap. 212 of the laws. As the country is irresistibly be drawn into market economy, Dar es Salaam as the economic capital city and region is increasingly becoming more commercialized and industrialized and therefore be linked to the rest of the country, Africa, and the rest of the world.

Under such conditions, commercial security systems are continuously becoming a necessity having started in the City in 1985 with Group 4 Security (T) Ltd. and Ultimate Security (T) Ltd. Most of these are deployed in sensitive areas, e.g. in Foreign Missions, Banks, etc. There are presently 98 security companies operating in Dar es Salaam.

- ***People's Militia***

People's Militia is “established” under the then People's Militia Act, 1975 (Act No. 25 of 1975), and now under Militia Laws (Miscellaneous Amendments) Act, 1989.

"Crime Conscious Consumers" involved in Crime Prevention

This is a general phraseology given to those who are committed to crime prevention through knowing the relevant laws and putting them into practice or easily said, “a culture of respecting and adherence to the laws, of the country, and city by-laws”. This would also include such

²⁰ Auxiliary Police (Amendment) Act No.19 of 1969.

initiatives as, use of watchmen; applying anti-crime devices as those mentioned somewhere in this paper, etc.

○ **Other Civic Bodies**

Other Civic initiatives involves institutions such as:

- Building Designers and Contractors
- Training Institutions
- Workers Committees in Trade Unions
- Business Community
- Printing and Electronic Mass Media
- Religious Institutions
- Youth and Women Organizations
- Sports Clubs
- Crime Prevention Panels, Associations Boards, Commissions or Councils

NGOs Initiatives and Partnerships

- NGOs are a vital multilateral link between international donor agencies such as UNDP, UNICEF, NORAD, etc. and targeted communities or ventures.
- They fill the vacuum where the government is not able to offer adequate or any assistance as would be DAR ES SALAAM CRIME PREVENTION PROJECTS.
- NGOs have the capacity to influence the government decisions on areas of operations.
- They play an **educative and advisory** role by **mobilizing and sensitizing** masses and such targeted groups like children, youths, parents, traditional doctors, government leaders, community workers, etc. on matters regarding crime and delinquency prevention and control in Dar es Salaam in elsewhere.

3.0 *Sungusungu* Phenomenon in Tanzania

3.1 AN OVERVIEW

Sungusungu has been defined as organised groups of people of the United Republic of Tanzania operating with the authority and under the aegis (protection) of the government for law enforcement on protection of people and their property. The groups are known by the name of *Sungusungu/Wasalama* or any other name²¹ but does not include members of Police Force, National Service, Defence Forces, Prisons or Immigration Services²².

Sungusungu is legally recognized through the Peoples' Militia Laws (Miscellaneous Amendment) Act, 1989 (No. 9 of 1989). According to the Act, one of the major objective functions of *Sungusungu* is to protect people and their property within the United Republic of Tanzania (s.2) and in order to fulfil this function the Act has granted members of *Sungusungu* with:

- Powers of arrest without warrant of arrest
- Arrest on reasonable suspicion for having committed or about to commit a crime; and
- Powers of search and seizure of any property found in possession which forms material evidence of crime committed, or about to be committed.

The powers granted to *Sungusungu* are similar to those vested to police officers of the rank of Police Constable²³. The Act itself does not elaborate Police Constables powers of arrest, but the powers are derived from the common law²⁴ as enshrined in the Tanzania Criminal Procedure Act, (No. 9/1985)²⁵.

Although the powers of *Sungusungu* are comparable to police officers of the rank of a Constable, the Minister for Home Affairs may by **Notice** published in the Government **Gazette** designate ranks to *Sungusungu* which are comparable to the ranks in the Police Force and shall have the same powers of arrest and search as those vested to police officers of a

²¹ (Ibid)

²² (Ibid)s.4

²³ Celia Hampton: Criminal Procedure, 2nd Ed. Maxwell London

²⁴ Criminal procedure Act, 1985 (Act No.9/1985) (s.14)

²⁵ Criminal procedure Act, 1985 (Act No.9/1985) (s.14)

comparable rank²⁶. To date, no such ranks have been designated to any of the groups in the country.

Administratively, *Sungusungu* is “entrusted” in the Ministry of Home Affairs. Section 4(1) of the Peoples Militia Laws (Miscellaneous Amendment) Act, 1989 provides:

“The Minister may make regulations for effectual and smooth operation of Sungusungu in discharge of the functions under the Act.”

Again, to date no such regulations have been made. These are but some of the snags, which have posed some problems in the effectual and smooth operation of *Sungusungu* in discharge of their functions under the Act, issues which will be dealt with later in the study.

3.2 HISTORICAL BACKGROUND

Sungusungu/Wasalama traditional defence groups were originally rural defence groups formed by people volunteering to fight **cattle rustlers, banditry** and **murders** resulting from cattle rustling or beliefs in **witchcraft** in Tabora, Shinyanga and Mwanza regions (1981) and later on in Kagera, Mara and Singida regions (1982)²⁷.

Causes for the rise and spread of *Sungusungu/Wasalama* in the country in mid 70's and early 90's were many and multiple and can be said to be caused by socio-economic and political factors due to the following, as among others:

- Economic hardships in the mid 70's caused by:
 - the 1973 quadruple hike on prices of petroleum products
 - the 1974 draught which wrecked havoc the agricultural sector of the economy²⁸
 - the collapse of East African Community in 1977, and
 - the 1978/79 war with Idd Amin of Uganda.

Both natural and man-made economic calamities added to an already ailing economic socialist policies of the 1967 Arusha Declaration. The period (mid 70's and early 80's) was characterised by emergency of unprecedented levels of crime waves, which included:

- open corruption in the government and public sector
- embezzlement of public funds

²⁶ Supra: Peoples Militia Laws 1989 (s.3)

²⁷ Report from National Security and Defence Committee (Feb. 1986)

²⁸ Workshop Proceedings on the National Integrity System in Tanzania (August 1996) – The Role of the Private Sector by E.A. Musiba, Tanzania Chamber of Commerce and Industries.

- black marketing; and in rural areas
 - cattle rustling and smuggling²⁹.
- The law enforcing agencies, i.e. police and courts were inadequate, in terms of personnel and training, ill equipped and to some extent corrupt to be able to deal sufficiently and effectively with the dramatic increase of crime wave both in the rural and urban centres. For an example, it was reported and later acknowledged by the present Inspector General of Police (IGP) that the police/population/area ratio in the country is 1:1000:41 sq.km while the “standard ratio” requirement is 1:200-400:7-14 sq.km.³⁰
 - The training and working of the police was not community oriented to do community policing, but state oriented to deal mostly with state matters, and wait people to bring their problems to them through the few police posts which were ill equipped and sparsely situated. The cumbersome legal procedures in terms of investigations and prosecutions by police with the ultimate decisions on convictions /acquittals and sentencing by courts, made some people resort to measures such as mob justice, sometimes setting suspects ablaze.

This period also witnessed the degeneration of ethics in the public service, which in turn bred loss of respect to authority, with law and order being under attack. To curb the slide of lawlessness the government adopted some unorthodox approach, which infringed on the basic freedoms but acted as a shock treatment to restore national values. *Sungusungu* was the reaction of the members of public, beginning in the rural areas.

The ruling *Chama cha Mapinduzi* (CCM) Party, the only political party in the country at the time (1971), came up with a policy which seemed to have been aimed at calling upon people to fill in the gap between law enforcers and the alarming rate of crime wave and magnitude in the country. The policy later adopted by the government, states:

*“that the basis of development of defence and security in Tanzania, is on the Tanzanians themselves, and in particular every patriotic Tanzanian. The country has no ability to employ a big paid force to manage its defence and security affairs”.*³¹

²⁹ (Ibid) (August 1998) Corruption Conundrum in Tanzania: Defining its limits and Impact, by A. Muganda, Prevention of Corruption Bureau (PCB)

³⁰ Inspector General of Police (IGP) Omari Mahita: Speech on Passing Out Parade for Police and Immigration Officers, Police Training School (CCP) Moshi, 29/12/1999

³¹ Chama Cha Mapinduzi (CCM) Party Guidelines, 1971

The emergence of People's Militia and *Sungusungu* in the mid 70's was a reaction on heeding the call in both rural and urban areas.

3.3 GOVERNMENT'S RESPONSE TO *SUNGUSUNGU*

When *Sungusungu* emerged, police neither appreciated the assistance nor did they accept it. They took them for a bunch of criminals operating without mandate and therefore susceptible to arrest and prosecution. *Sungusungu* on the other hand understood police to be co-operating with criminals or to be corrupt and did not want to have anything to do with them, in terms of reporting their cases. This can be evidenced by the report of the Inspector General of Police who said between August 1982 and October 1983 *Sungusungu* had not reported a single case to the Police in Geita District³². As a result of this hostility between *Sungusungu* and police, several policemen and *Sungusungu* are said to have died in the battle that ensued in Shinyanga, Tabora, Mwanza and Mara regions³³.

The state of relations was worsened by the professionalism which gave the police the right of detection and investigation of crimes. They tracked *Sungusungu*, arrested them and eventually prosecuted them in the Courts of Law. The ***Sungusungu army*** which did not have such powers relied on ambush and throwing arrows or spears to police. This state of affairs continued up to the point where the party and the government had to intervene by ordering that all cases involving *Sungusungu* be withdrawn from courts.³⁴

As early as August 1982 the then President Nyerere cum Chairman of the party (CCM) politically sanctioned the activities of *Sungusungu*. However, legally this institution was not recognized³⁵. Addressing Regional party and government leaders in Tabora after his tour of Kigoma, Shinyanga and Tabora regions, the Chief Justice said he appreciate the role of the traditional defence groups in society; the significance of their work being understood from the 1:1000 ratio of police per population³⁶. He however, cautioned that they should operate within the limits of the law, and that unless those limits of law were observed, there was a possibility of

³² An examination of Sungusungu Movement: Department of Education, University of DSM (1983)

³³ S. Bukarara, *Sungusungu, the Challenge to Legal Order* (IDM, Mzumbe)

³⁴ (Ibid)

³⁵ (Ibid)

³⁶ Daily News, 30/5/1988

causing chaos as they (*Sungusungu*) were assuming duties and powers of other state organs i.e. Police and Judiciary.

Chief Justice's statement raised a very significant issue about the place of *Sungusungu* in the administration of Justice in the country unlike the Chairman of the party's statement which politically sanctioned the activities of *Sungusungu* as complimenting the police force in the maintenance of peace and tranquillity. His Lordship statement raised the issues of *Sungusungu's* administration without setting them fully.

Many defendants of *Sungusungu* then contented that they were operating within the Party guidelines, they were however, astonished to learn later that the guidelines issued by the Party had no legal effects³⁷. In the case of **Charles Charari Maitari vs Matiko Chacha Gheti** and 4 others Justice Mwalusanya who conducted a wide research on the activities of *Sungusungu* made a very useful recommendations. If we can borrow his words:

*"It is crystal clear that the **traditional armies** have been operating outside the legal framework of this country. It is submitted that this is a dangerous move and a betrayal of law".*³⁸

In this case Justice Mwalusanya recognised that *Sungusungu* had a role in the society and in the overall administration of Justice in Tanzania, however practically they were operating outside the legal framework. The Constitution of the United Republic of Tanzania puts it very clear:

"147(1): No person or organisation other than the government shall raise or maintain in Tanzania any military Force of any kind.

(2): The government of the United Republic may, in pursuance of some legislation raise or maintain in Tanzania military Forces of various categories for the purpose of the defence or the security of the Territory and the people of Tanzania."

In line with this article the recognition of *Sungusungu* before 1989 was unconstitutional despite the fact that their activities were politically sanctioned by politicians.

³⁷ Amon Magigi Nyamugonda & Another V. Boniface Kilingo + 15 others, High Court (T) Civil Case No.22/1988

³⁸ High Court (T) Civil Case No.15/1987

3.4 PROBLEMS ENCOUNTERED BY *SUNGUSUNGU*

Sungusungu has been encountering, (and at times still encountering) problems and setbacks which can be summed up as follows.

Although *Sungusungu* is statutory entrusted to the Minister of Home Affairs the reporting mechanism is still construed by opponents to be in the hands of the ruling CCM Party leaders. The reporting system used to comprise the Ten Cell leader, the Chairman of the village government (who used to be a Party Chairman of the ruling CCM Party), the Ward Secretary (who had a dual role), Divisional Secretary (a Party leader) and Police.

With the multi party system, political alliance with political parties is supposed to be non-existing, for the reporting system commences with a Subward (*Mtaa*) Chairperson who is elected from any of the registered political parties to the Ward Executive Officer (who is a government appointee), *Sungusungu* activities are hereinafter organised sanctioned and monitored by the Ward Executive Officer through Ward Development Committees representing Subward leaders from different registered political parties in the area.

Although the Minister of Home Affairs has been given the mandate to make regulations for the purpose of securing, ***effectual and smooth operations of Sungusungu*** in discharge of their functions the study reveals that, so far there is no statutory instrument in terms of regulations, by-laws or enforceable orders which have been made by the Minister to effect smooth operations of *Sungusungu* in the country.

The situation can be even more complicated now, now that the local government at Ward level is sometimes is working under multi-party, Development Committees in which security matters are discussed and endorsed by the Committee before implementation. Where you have in such committees members who still believe *Sungusungu* is politically oriented through the ruling CCM ideology will find it difficult to initiate or endorse *Sungusungu* initiatives in their areas with no such regulations from the Minister of Home Affairs, or Minister of Regional Administration and Local Government as per Militia Laws (Miscellaneous Amendment) Act, 1989 and Local Government (Urban Authorities) Act, 1982, respectively. Administrative pressure (as was political pressure) must be applied from the grassroots level Wards and Subwards (*Mtaa*) where *Sungusungu* functions to have the regulations and/or by laws formulated and passed by the respective Minister of Home Affairs or Regional Administration and Local Government endorsed and published in the Gazette as per the said Peoples Militia

Laws (Miscellaneous Amendment) Act, 1989 or Local Government (Urban Authorities) Act, 1982 (No.8/1982) respectively.

There is virtually no elaborate government policy governing the administration of *Sungusungu* for there is no legislation which establishes *Sungusungu* in the country. The 1971 Party Guidelines were meant for one party state under the ruling CCM, and the Militia (powers of arrest) Act 1975 and the People's Militia Law (Miscellaneous Amendment) Act 1989 which is an amendment of the Militia Laws of 1975 do not establish *Sungusungu* in the country. The legislation recognises activities of *Sungusungu* on law enforcement in relation to protection of life and property.

Since there is no law which establishes *Sungusungu*, there is also no government chart which illustrate the smooth operation of *Sungusungu* in the administration of justice in the country. However, inspite of all the problems which might have hindered *Sungusungu* activities. *Sungusungu* groups have continued to emerge and spread to all regions in the country. By February 1989 session of the Parliament, the Minister of Home Affairs announced that *Sungusungu* had spread to a total of twelve (12) regions. Today *Sungusungu* has spread to almost all urban centres as well as in rural areas where it has become so popular with notable achievements.

3.5 ACHIEVEMENTS OF SUNGUSUNGU IN CRIME CONTROL/PREVENTION IN THE COUNTRY

The emergence of urban and rural neighbourhood watch groups i.e. *Sungusungu* and involvement of the people in exposing crime suspects did in 1990/91 help reduce crime incidents substantially, as summarized herein below:

- house breaking and stealing declined by 617 incidents
- theft of public property and funds dropped by 37 incidents
- cattle theft dropped by 1822
- robbery with violence (mugging) dropped by 374 incidents
- 19.7 tonnes of "*bhang*" were seized in addition to other drugs
- 15,000 litres of the illicit liquor "*gongo*" and 443 backyard distillers were seized.

Crime rate dropped from 12.7% in the year 1990 to 9.2% in 1991, a drop of 3.5% in one year.

On crime detection the following scores were recorded in the same period (1990/91):

- Shs.377m/= property worth was recovered from Shs.1.3bn/= property worth stolen from house breaking crime incidents
- a total of Shs.1.7bn/= was reported stolen from public funds out of which a total of Shs.26.7m/= was reported recovered.
- 467 were arrested for receiving bribes in 421 cases, during which Shs.1.3m/= was intercepted by police being paid to the said culprits.³⁹

The then Inspector General of Police was reported to have briefed the then Prime Minister John Malecela, when he officially paid a visit at Police Headquarters on CRIME DECLINES due to the involvement of the public in combating crime. He had said in part,

*“.....there were 191 less murder cases last year (1991) while robbery with violence declines by 344 cases. Incidents of house breaking decreased by 619 and there were less cases of theft of cars, arms, government and parastatal property. This was largely because of the campaign launched by the Minister of Home Affairs to involve the public in combating crime”.*⁴⁰

3.6 EXPERIENCES OF SAFER CITIES DAR ES SALAAM AND SUNGUSUNGU INITIATIVES:

3.6.1 Safer Cities: Dar es Salaam Project

Safer Cities: Dar es Salaam Project is an initiative aimed at strengthening the capacity of local authorities in managing and sustaining urban safety and security by preventing and reducing crime and violence in the communities at Ward and Subward (*Mtaa*) levels in the three municipalities of Kinondoni, Ilala and Temeke which make up the Dar es Salaam City/Region. It is part of the UN Habitat Agenda adopted in the Habitat II Conference in Istanbul (1996) in which the government of Tanzania is a signatory. The Agenda recognises that “governments, at all appropriate level, including local authorities have the responsibility to ensure access to safety”.

The programme was initiated at the City and Municipal Authorities because:

- Urban safety and security is one of the basic functions of the Local Authorities as per Article 146 (1)(2) of the Constitution of the United Republic of Tanzania, 1977, and sections

³⁹ Budget Speech Minister for Home Affairs, 1991/92

⁴⁰ Daily News, 03/03/1992

51(1)(a) and 54(2)(a) of the Local Government (Urban Authorities) Act, 1982 (Act No. 8 of 1982)

- Local Authorities are strategically placed to initiate and co-ordinate local action between citizenry (as grassroots stakeholders) and secondary stakeholders in crime prevention/reduction initiatives.
- The City and Municipal authorities are working towards supporting viable socio-economic development for its residents through poverty reduction programmes with crime prevention/reduction initiatives as one of its priorities.

The programme has its objectives activities aimed at:

- Strengthening the capacity of local authorities (city and municipal) in reducing delinquency, violence and security at Ward and Subward (*Mtaa*) level
- Supporting and upgrade “preventing policing” on law and city by-law enforcement through the proposed City Auxiliary Police, community policing (by the National Police Force) and community /neighbourhood security groups (such as *Sungusungu*, etc.

3.6.2 Safer Cities and Sungusungu Initiatives in Dar es Salaam

In the endeavour to accomplish the objectives, Safer Cities learnt of *Sungusungu* experiences in the orientation, sensitization exercise and in Evaluation and Enhancement of safety and security initiatives at Ward and Subward levels. Both exercises revealed (among other things) that ***Sungusungu*** was still recognised by most of the residents as the only system workable and affordable to the marginalised majority who are mostly affected by the consequences of crime and violence (or the fear thereof) in their communities.

As of April 2000 *Sungusungu* groups were found ***functioning effectively*** in the following municipal areas of Dar es Salaam:

Kinondoni:

Changanyikeni (Kawe), Mburahati Kwa Jongo, Manzese Midizini, Manzese Kilimahewa, and Kawe Mlalakuwa

Ilala:

Mafuriko, Koja, and Kasulu.

Temeke:

Ward No. 14 Mpaganya, Mpogo and Mabatini, Mtoni Relini, Mtoni Bustani, Mtoni Sokoni, Shimo la Udongo (Kurasini), and Mnazini (Kurasini)⁴¹

Sungusungu has failed to operate effectively in some areas due to ideological differences by some Subward chairpersons (*Wenyeviti wa Mitaa*) who are from opposition political parties and who wrongly seem to associate *Sungusungu* with the ideologies of ruling CCM Party. Safer Cities through the Ward Executive Officers in Ward Development Committee meetings worked out strategies to overcome the hindrances by introducing other workable and affordable systems like **Community Security Groups** and **Block Security System** based on an intermediary like NGOs, CBOs and Private Security Companies working in the area. The system has hitherto worked successfully in the following areas:

Kinondoni: (by CHAWAMATA Security Wing, NGO)

Manzese, Midizini, Darajani and Mferejini; Sinza; and Tangi Bovu.

Temeke:

Uwanja wa Taifa: Areas I & II (by SKUVI, private company for Youths in Dar es Salaam) and Kurasini (by TOB Security Service (private security company) - block security system)

Ilala: (Block Security System by Timex Security Co.)

Tabata Bima Area. Others are: Changanyikeni (Kinondoni), Kisukuru and Machimbo ya Upogolo⁴²

3.7 Laws Applicable to Sungusungu activities:

The law applicable to the activities of *Sungusungu* must as of necessity be based on the Constitution of the country considered to be the basic law of the land.

According to **Article 25(1)(3)(a)(c) of the Constitution of the United Republic of Tanzania, 1977** it is stated:

Article 25(1)(a) and 25(3)(c): Duty to participate in work, “.....every person has the duty to participate voluntarily and honestly in lawful and productive work

⁴¹ Safer Cities: D’Salaam Evaluation and Enhancement Report at Ward and Subward levels, April 2000

⁴² (Ibid)(April 2000)

(a) the work has to be done is to the wellbeing of the society”(emphasis added)

Based on the above, is the aforementioned **People’s Militia Laws (Miscellaneous Amendments) Act 1989 (Act No. 9/1989)** Section 2 states (in part):

*“People’s Militia means an organised group of the people of the United Republic operating with the authority of and under the aegis of the Government ...**for law enforcement exercise in the protection of the people or the propertyby whatever name known, whether as Wasalama, Sungusungu or any other”** (emphasis added).*

Again under the Constitution of the country Article 146(1)(2) {Functions of Local Government Authorities}, states:

Article 146(1): *“The purpose of having local government authorities is to transfer authority to the people.”*

Article 146(2)(b): *“A local government authority ... shall have the following functions:-
(b) to ensure the enforcement of law and public safety of the people;*”

Pursuant to the aforementioned Article 146(1)(2), of the Constitution, and in Section 54(1)(a) and 54(2)(a) of the Local Government (Urban Authorities) Act, 1982 (No. 8/1982), the basic functions of local government authorities are stated to be:

Section 54(1)(a) states: *“It shall be the responsibility of each urban authority as local government authority to (a) maintain and facilitate the maintenance of peace, order and good governance within its area of jurisdiction;”* and

Section 54(2)(a) states: *“For the purposes of better execution of its functions ... local government authority shall take all such measures as in its opinion are **necessary desirable, conducive or expedient** (a) for the **suppression of crime**, the maintenance of peace and good order and the protection of public and private property lawfully acquired.....”* (emphasis added).

At the grassroots level, i.e. Ward and Sub wards, **Section 16(1)(c)** of the said **Act (No.8/1982)** states:

Functions of Ward Committees: *“It shall be the function of a Ward Committee to initiate to formulate and undertake any task, venture or enterprise designed to ensure the welfare and wellbeing of the residents of the Ward”.*

Section 16(1)(e) states: *“It shall be the function of the Ward Committee to formulate and submit to the urban authority, proposals for making by-laws in relation to the affairs of the Ward”.*

When the Articles of the Constitution when read together with provisions of the statutes mentioned, the following observations will be made:

- **That**, *Sungusungu* though not established by law, its activities are recognised by law provided they are conducted lawfully;
- **That**, Urban Authorities under the Local Government have a responsibility of maintaining and/or facilitating initiatives aimed at maintenance of peace, order and good governance within the area of their jurisdiction. Such initiatives could either be necessary, desirable, conducive or expedient as per the requirements its residents. (s.54(2)(a) Act No.8/1982
- **That**, at the grassroot level (Wards and Subward (*Mtaa*) level) the Ward Development Committees have a legal duty to **formulate** and **submit** to the Urban Authority proposals for making **by-laws** designed to ensure the welfare and wellbeing of its residents (s.16) which when made must be at the **suppression of crime and maintenance of peace and order** pursuant to section 54(1) and 54(2) of the same Act No.8/1982.
- **That**, when such by-laws are made and published in the **Government Gazette** should stipulate the organised community groups supposed to implement the by-law and the manner of implementing the same. This is where the People’s Militia Laws (Act NO. 9/1989) could be invoked, whereby according to Section 2 of the Act, *Sungusungu Wasalama* or any other organised and recognised community groups (by whatever name) could enforce the by-laws or regulations as **lawful orders** pursuant to section 124 of the Penal Code Chapter 16 of the Laws.
- **Lawful order according** to the said provision of section 124 of the Penal Code has been defined by courts as:

“For an order to qualify as a lawful order, it has to be published in the official Gazette

and the publication must bear the parent Act of Parliament and relevant section”⁴³

Any person who contravenes such an order on conviction is liable to an imprisonment for two (2) years.

Sungusungu initiatives can also be implemented and enhanced under the **Self Help Scheme Act, 1962 (Act No.6/1962)** still in force in the country. Section 86(c)(1) of the Act stipulates:

“Any person who with intent to impede, obstruct, prevent or defeat any self help schme approved by the Regional Commissioner or the Area (District) Commissioner, or attempt to dissuade any person from offering his services or assisting in connection therewith, shall be guilty of an offence and liable on conviction for a term not exceeding six months...”

The law when used should be in conformity with Article 25(3)(d): Duty to participate in work or service which forms part of the “wellbeing” of society. Suppression of crime and maintenance of peace and order could be taken as part of the “wellbeing” of the society, and when done under an Order published in the **Gazette** contravening such an Order by impeding, obstructing, preventing or defecting the purpose or spirit of the Order will amount commission of an offence under the Act, and on conviction liable to an imprisonment for a term not less than six (6) months.

⁴³ Abdul Yusuf V.R. (1976) LRT 57

4.0 Conclusion:

- **Community/Neighbourhood Policing:**

The experience of the people in organizing themselves for community safety through institutions like the People's Militia, *Sungusungu* and security neighbourhood watch groups could provide a base for Community/Neighbourhood policing where Police Officers at Ward Level ("Police Kata") in the 73 wards could adopt a KOBAN POLICING SYSTEM on community/neighbourhood policing. the system calls for the following, (as among others):

- Initial response to violations of law.
- Regular patrols on community areas.
- Visiting residences, particularly elderly who live alone, youths, women etc
- On such visit police should ask questions, emergency contacts and hearing requests from people they visit to meet in the communities
- Police interact with residents and engage in community safety activities as well as supporting victims of crime.

Community (or public safety) extend beyond crime to include **disorders vandalism** and public **noise** Police alone cannot solve all these problems of crime and disorders; public agencies and people need to play their part. Community safety word has to get to the heart of the problem by planning, learning and investing in "what works". Mainstream departments such as **Housing Street lighting**, education and social services should target some of their resources to ensure solutions are found to long running problems of safety and security in communities. Information on "what works" needs to be available on where it matters on the ground. At the national level the strategy should be on crime reduction by taking a role in tracking and evaluation process. Government departments should identify what they can do to raise the profile of community safety and contribute to finding solutions. Causes of end solutions to community safety problems have to be looked into with evidence of problem analysis, **monitoring** and **evaluation**.

Unsafe communities can wreck people's lives, in particular women the elderly and those in poorer areas are most likely to live in fear of crime, while those who are victimized can endure long-term physical and emotional suffering. Safety problems cost everyone financially directly as a victim or indirectly through higher insurance premiums or taxes. Some people suffer disproportionately on crime. Those living in lower quality of social life are three times as likely to be the victims of property crime, while "repeat victims" are most likely to be found where crime is concentrated.

As stated before in the study, Safer Cities Dar es Salaam Project has on objective of strengthening the capacity of the three local municipalities in managing urban safety and security issues, develop and implement partnership crime prevention strategy through the proven and promising initiatives workable and affordable by communities. **Sungusungu** (or neighbourhood watch groups) as a system is one of the tasted and proven partnership strategies which is already recognized by law and found workable and affordable to the marginalized poor majority, given the administrative and political commitment will and drive by leaders and residents from the grassroot level to the national level. The findings of the Dar es Salaam Victimization Survey (2000). Comments and recommendations of the follow up in the City Consultation Workshop (June, 2000) could provide benchmarks for successful local crime prevention coalitions involving **Sungusungu**/neighbourhood watch groups and community policing through the envisaged Dar es Salaam City Auxiliary Police in cooperation and co-ordination with the national police force at all levels in strengthening the capacity of Dar es Salaam Local Authorities in building a conducive environment of an “**urban safety for all**”, the heritage of the glory in the name of “**DAR ES SALAAM: HAVEN OF PEACE**” in the years 2000 .

Dar es Salaam
August 2000