Tenants in Tanzania- Invisible Dwellers?

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This paper takes its departure from the current international housing discourse where the government is seen as an enabler, a facilitator and not a provider of housing while the private sector, Non Governmental Organisations (NGOs) and communities are considered as important actors, not least in upgrading of unplanned settlements. The declaration of the United Nation's world conference on Human Settlements in Istanbul in 1996 Habitat II signed by 171 countries clearly marked this role. ' *We adopt the enabling strategy and the principles of partnership and participation as the most democratic and effective approach for the realization of our commitments*' (UNCHS, 1997: par.12). Tanzania was one of the signing countries and has developed a National Human Settlements Development policy (2000) in line with the Habitat agenda. However this policy does not discuss that large proportions of urban dwellers in Tanzania are tenants renting from private landlords. Researchers and UN Habitat have during the last two decades increasingly demonstrated the importance of rental tenure in many developing cities and have called for more attention by governments and aid institutions (see for example UNCHS, 1989,1993, 2003, Gilbert 1990,1993, Datta 1996, Kumar 1996).

This paper looks into views and actions of various actors in connection to housing provision in Mwanza, the second largest town in Tanzania, with focus on rental tenure. Although private small scale rental tenure has been an important tenure form in Tanzanian cities during many decades the ongoing changes in housing and urban planning polices makes it extra pertinent to bring up a discussion of the possibilities for participation, democracy and prevention of further growth of unplanned areas. The actors examined here are the National Government, the Local Government in Mwanza, the state representatives in three unplanned settlements and dwellers in these areas. The aim of the article is to examine where and how the various interests collide and where they simply co-exist and possible consequences of this. This involves deconstruction of the state apparatus at various levels of scale where each level transforms and treats policy and reality in relation to its own interests and the demand of other actors. It is clear that the higher state levels view private rental tenure as important for the housing situation, with a high demand for affordable housing, but mainly as a private issue where the involvement of the National Government focuses on the rental legislation. Lower down in the state hierarchy and among dwellers the attitudes change and the picture becomes complex.

Analytical tools and methods

This study has been inspired by the actor oriented approach developed by Long (2001) and by livelihood studies (see for example Rakodi and Lloyd-Jones, 2002) where the basic point is that despite many structural constraints people do act to change their circumstances and develop strategies. Policy implementation is not viewed as straightforward. Instead it is seen as a process where many interests are mediated and as an ongoing struggle between the interests of various actors (Long, 2001). In line with this perspective the state apparatus is in this study not viewed as a homogenous unit operating in one direction but as the political scientist Migdal (2001) suggests, as many different social actors struggling at various social arenas. He argues that each part of the state constitutes a single force interacting and relating to other parts of the state and other actors in society (Migdal, 2001:99-100). This means that policies are

transformed even within the state apparatus. A point in deconstructing the state apparatus is that it illuminates the relations between the National and Local Government. In the Tanzanian situation this is relevant because of the still strong position of the National Government in relation to the Local Government in the decentralisation era. From a democratic point of view the role of the regional level which is not elected is interesting. Foucault's perception of power has influenced both Long's and Migdal's thinking. Foucault views power as present in relations but this does not mean that power simply is the relationship between actors but it can be viewed as 'a mode of action upon the actions of others' (Foucault, 1983:121). This means that power only exists when put into action and he argues that this prerequisites the possibility for subjects to act differently (ibid).

Interviews of various kinds have been an important tool for collection of primary data. Interviewees have been state actors at various levels and dwellers in three different unplanned settlements of various age and location within Mwanza City. In the settlements a simple structured questionnaire of basic housing information, semi-structured interviews about the renting situation, longer interviews of life history type and a few more focused interviews on mobilisation, gender differences and influence have been conducted[1]. My sample of dwellers for the interviews has been made from the basic information in the structured questionnaire in order to get dwellers in various situations represented. The findings can thereby not claim to be representative in the statistical sense. Secondary sources such as policy documents, plans, reports, maps and evaluations have also been used mainly to find the views of the National and Local Governments.

Mwanza City
Mwanza City, located at the southern shore of Lake Victoria, has close to half a million inhabitants (United rep. of Tz, 2002). It is the second largest town in the country, placed in north-western Tanzania. It is more than 1000 km to the largest city Dar es Salaam but Mwanza has a strategic position because of its relative closeness to the cities Nairobi and Kampala, and the countries Rwanda and Burundi. The fishing related industry is important in the town. In the Mwanza region cotton has been a major cash crop while the gold mining industry is expanding at present. Mwanza City has a peculiar topography offering many challenges for provision of infrastructure and houses. The central part, established in late 19th century by the German colonisers as an administrative centre, is located on relatively flat land but is surrounded by many stony hills. In the only Master plan prepared for Mwanza most hills have been reserved for tree planting (United rep. of Tz, 1994). They are now covered with houses. A reason for the growth of unplanned areas is the extremely low supply of officially surveyed plots and planned residential areas compared to the high demand for housing in this rapidly growing city.

Actors in housing provision
The National Government
In 2000 the Tanzanian government adopted the National Human Settlements Development Policy, which is in line with the Habitat agenda. Involvement of actors such as NGOs and CBOs are stressed: '...*People will be able to contribute better if they are mobilised and*

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[1] In each of the three settlements a sample of 100 housing units was selected as randomly as possible from a map. These data have constituted the base from which 50 dwellers in each area have been selected for longer interviews. Out of the 150 interviews 60 were focusing on the rental and sharing situation while the other 90 were conducted in a life history approach where the dweller told me about her or his housing experiences since childhood until today and the future plans. Interviews were conducted with tenants, sharers, owners and landlords. As a final stage of fieldwork 19 more focused discussions were conducted with former informants on above mentioned themes. Observations of the everyday life of tenants were also conducted in a few houses.

organised. NGOs and CBOs will have a big role to play in harnessing individual resources for human settlements development' (United rep. of Tz, 2000: 53). The previous housing policy was produced in 1982 when the Tanzanian economy was in a very difficult situation and the policy was not implemented to significant extent. In that same policy it was stated that it is all Tanzanians' responsibility to provide themselves with accommodation. However, it was also argued that rental housing was needed and the public National Housing Corporation (NHC) still had the role to build regulated affordable rental housing for dwellers (United rep. of Tz, 1982). In the current policy from the year of 2000 this attitude has changed and private rental tenure is to be encouraged through liberalisation of the legislation, while public rental tenure is stated to distort the rental market because of its non-economical rents. The Rent Restriction Act is claimed to give too many rights to tenants and too many obligations to the landlords, which prevents investment in rental tenure. According to the current policy local authorities shall among its responsibilities construct low-cost housing for sale and / or rent but at an economic rate (United rep. of Tz, 2000:55) Apart from that rental tenure is not discussed in the National Policy (2000). In the housing policy from 1982 unplanned settlements were not highlighted while they are in the policy from 2000. It is there estimated that 70 per cent of urban dwellers in Tanzania live in unplanned areas (United rep. of Tz, 2000:5). Land in Tanzania has been nationalised and vested in trusteeship of the president. In urban areas people are supposed to apply for plots, be allocated one in an area planned for residential use, build according to official regulations and be offered a title deed for a certain period of time not exceeding 99 years. The supply of officially surveyed plots is very low compared to the high demand in the rapidly growing towns and it is usually a cumbersome and expensive process to get a plot and house in this way. Instead an 'unofficial' land market has developed and unplanned areas have spread widely. In the policy of 2000 the approach towards unplanned settlements is that these are to be upgraded by their inhabitants organised in Community-Based Organisations (CBOs) and NGOs. In order to prevent rapid expansion of further unplanned settlements the governmental strategy is to plan areas and survey plots through cost sharing approaches with dwellers.

In my personal communication with the assistant director for Human Settlements at the Ministry of Lands and Human Settlements Development I realised that there is an awareness that private rental tenure is needed in towns because all people will not be able to own a house. The need of a rental legislation, which puts less responsibilities on the landlords than the existing one, is recognised but above that rental tenure is viewed as an issue between the landlords and the tenants (interviews 2003, 2005).

I will now briefly account for the Rent Restriction Act, which has been the main law in regulating rental tenure.

The Rent Restriction Act of 1984
One of the basic ideas of the act is that housing tribunals shall set a standard rent for each premise rented. If a landlord wants to evict a tenant he has to go through the court. Shivji, professor in law, writes that landlords have not the right to confiscate possessions of the tenant if the latter fails to pay the rent and more than two months of rent is not allowed to be charged in advance (Shivji, 2005). Although a Rent Restriction (exemption) order from 1992 exempted some parastatals from parts of the law it is mostly within the public rental sector that the legislation has been used and cases taken to court. After the review of the Rent Restriction Act, suggested in the policy, the parliament decided in June 2005 to repeal the act and make amendments to other relevant ones. This means for example that landlords will not have to go to court to legally evict tenants but giving a notice will be enough and the system

of standard rent will be removed (United rep of Tz 2005, Shivji, 2005). Other studies (for example Kiduanga 2002, Kabwogi 1997, Tenga 1991) as well as this one, show that the Rent Restriction Act has not been applied to significant extent within the private rental sector and the legal changes may not affect the rental sector at large. The modification is however a sign of the privatisation trend. The government limits itself to 'enable' the rental sector by liberalising the legislation to stimulate investments.

The view on housing provision is related to urban planning which e.g. puts the framework for land use for residential purposes. Like the housing policy the urban planning system in Tanzania has gone through major changes during the last decade. The emphasis is also here on involvement of various stakeholders such as the private sector, the civil society and the local communities.

Changes in urban planning
The base in the mostly used type of urban planning has been long term master plans regulating land use and prepared by technocrats. A more strategic type of planning is now replacing it, based on participation of different stakeholders within various sectors, the same principles as those promoted in the Habitat agenda. This change in Tanzanian urban planning started when Dar es Salaam was to review its general plan in the beginning of the 1990s and UN suggested that the city participated in the world wide UN Sustainable Cities Programme (SCP) instead. The involvement of a city in SCP aims to promote a sustainable urban development through institutionalising the concept of Environmental Planning and Management (EPM) in urban planning. The procedure involves making environmental profiles of the city, prioritise certain issues, and establish working groups with actors from various sectors; the public, the private and the civil society. The working groups produce action plans with suggestions on demonstration projects to show how the issues can be handled. Mwanza City started its work to institutionalise EPM in the urban planning in 1998 with support by the Danish International Development Agency (Danida).

The Local Government in Mwanza
The Local Government in Mwanza consists of Mwanza City Council (MCC) with ward councillors elected in the 21 wards, and also members of the national parliament. The chairman is the City Mayor who also is a ward councillor and elected by the council. Below the council there are committees with some councillors taking decisions in sector issues, such as the urban planning committee. The administrative organisation of the City Council is led by the City Director, appointed by the president, and various departments with employees. Each ward has an employed ward executive officer and a ward development council where the chairman is the ward councillor and the members are the so called street leaders–mitaa leaders. The latter are elected in the neighbourhoods and are thereby the lowest level of state representatives. They were introduced when Tanzania got a multi-party system in the beginning of the 1990s. Before that the most local level of state and party representatives were the ten cell leaders (the name originates from that they were to be responsible for ten houses even if it usually were more than ten). These ten cell leaders still exist as local representatives of the old socialist and still dominating party CCM.

Within the Sustainable Mwanza Programme one prioritised issue was the unplanned settlements. A pilot project to regularise plots and to reserve space for public use and later to upgrade the areas started in two settlements. The project was however not finalised because Danida decided not to prolong the support to the next phase of the Sustainable Mwanza Programme. The reason given in an evaluation report draft by the Danish technical adviser in

Mwanza were that Mwanza City Council was not committed enough to the project (Danida, 2003:9). The idea within the council is still to regularise plots in unplanned areas through contributions of dwellers. The council tries to inform the dwellers while they have to go together and seek help from the council. These projects are of much smaller scale than the demonstration one within the Sustainable Mwanza Programme and so far they do not include upgrading activities.

Private rental tenure is not discussed in the various planning documents. The focus, besides regularisation is to prevent further unplanned settlements in the outskirt areas of the town. The strategy to achieve this is in line with the national policy and a project of surveying 3500 plots through cost sharing methods has recently been conducted. This means that the plot holder pays for the planning and survey costs including compensation for people who have previously used the land.

Each region in Tanzania has a Regional Commissioner who is appointed by the president. He or she acts as 'the assistant proper officer' for the City Council because the proper officer, the Minister of Regional Administration and Local Government can not control all urban councils (Warioba, 1999:85). Mwanza region got a new Regional Commissioner in March 2003. After inspection tours in the city he gave the City Council order to put a stop to further growth of unplanned settlements. It was decided to give demolition orders for all buildings constructed without a building permit after the 28th of June 2003. To be able to know which houses that were built before that date all squatter houses were registered by council officials together with mitaa leaders painting numbers on the houses. Squatter houses built in areas reserved for public use such as schools or roads did not get numbers and were to be demolished. Hundreds of houses were demarcated for demolition but few have actually been torn down and those have usually been located in areas planned for collective purposes or in the central business district. According to the Regional Commissioner the reason for not fulfilling the demolitions was the mitaa election in November 2004 which made the local politicians reluctant to demolish houses of prospective voters (interview, 2005). The town planners at the City Council estimate nevertheless that the rate of squatting has decreased since the decision was taken and more communities want to have their areas regularised. The role of the Regional Commissioner in relation to the City Council in this issue is interesting considering the current approach by the government to decentralise and give more power to local authorities through the ongoing Local Government Reform Programme. The Regional Administration Act of 1997 is also promoting a decentralisation where more functions are to be transferred to the local level from the regional one (Mnivasa and Shauri, 2001). The EPM approach in urban planning does also emphasise planning from and at the local level. From readings of minutes from the Urban Planning Committee it is shown that no decision was taken within the council in connection to the slum demolition decision but it is only described as being an instruction from the Regional Commissioner (Urban Planning Committee, 2003). The chairman of the committee says however that the decision was not controversial within the council since the growth of unplanned settlements has been discussed there for many years (interview, 2005). From the town planners' point of view the action by the Regional Commissioner was a support to their work towards the local politicians (interviews, 2003, 2004).

With regards to rental tenure Mwanza City Council, in the same way as the National Government, realises that the housing situation would be worse without it (Interview City Director 2003) but has no policy or projects regarding it. The town planners report that they do not think that tenants would be as willing to participate in upgrading projects as owners because of their temporary stay in settlements. One planner comments that he has never

thought of the fact that people rent dwellings (interview town planners, 2004). Also the Regional Commissioner is surprised when I ask him about the reasons why private rental tenure is not discussed within neither National nor Local Government and he wonders why it should be discussed (interview, 2005). I will return to possible answers but bearing in mind the prevalent neo-liberal discourse on how housing problems are to be solved it is difficult to see what a governmental policy benefiting tenants would look like.

Ward and Mtaa level
While the Sustainable Mwanza Programme was actively ongoing, councillors and ward executive officers in my two studied wards hoped for upgrading projects but the chances for that have decreased after Danida's withdrawal from Mwanza. The mitaa and ten cell leaders play an important role in housing provision in unplanned settlements because they often witness land transactions and thereby give approval that land is sold and bought and that houses can be built. In connection to the decision to prevent further squatting they have been given order not to allow subdivisions of land. The mitaa leaders and the other members in the mtaa committee are themselves living in the settlement and they are in daily contact with their voters. The power of this lowest level was demonstrated in the implementation of the demolition order. The mtaa level is also the state level, which faces rental tenure mostly because here rental conflicts are often mediated. According to the mitaa leaders in the study areas these conflicts are common and often evolve around rent payments. The hard employment situation makes it difficult for tenants to pay rents and the landlord comes to ask for help when tenants are in arrears with rent payments or water and electricity bills. It is not rare that the situation is solved by the tenant leaving the rental accommodation with several months payment in arrears. If mitaa leaders fail to solve the rental conflict it can be handed over to the ward level and the ward tribunal, which is the lowest juridical instance with appointed members. Difficult rental cases are forwarded to the regional housing tribunal (interviews, 2003, 2004, 2005).

After having looked at the views and actions of various state actors it is time to turn to the dwellers as actors in housing provision.

The dwellers
The majority of studied tenants in the three areas rent one or two rooms in a house with other households, often including the landlord. This means sharing of toilets and outdoor space used for cooking, washing and other domestic activities. The houses are one-storey buildings, which are extended horizontally and can have up to twenty or more tenant households. Most housing studies in the developing world conclude that dwellers aspire for home ownership at some stages in their lives (see for ex. Gilbert, 1993, Schlyter, 2003). Urban Africa has been viewed as an exception where dwellers have been considered as temporary residents who rather invest in their home areas than in the towns (see for ex Andreasen, 1996, Peil, Saida, 1984). This is being questioned since more people are being born in towns and in growing cities houses are assets. Among my interviewees I got the comment that there was no reason to move back to the rural home area when having acquired a house in Mwanza. In their rural home areas people may have access to land but often it involves sharing with relatives. Dwellers who eventually or possibly planned to move back saw no contradiction in getting a house in Mwanza.

The demand for rental tenure is high in all the three study areas even if the newest outskirt area had a much lower level than the two older more consolidated settlements. Landlords say that it is easy to get tenants but it can be difficult to get good ones. Some

landlords do only accept tenants who have been recommended by someone while others try to judge the behaviour of the tenant by talking to them before accepting them. Most landlords say that they accept both families and single persons while some tenants argue that it is harder for single persons, especially women to be accepted by landlords. One way of securing that the tenant pays is to require rent payments in advance, which almost all landlords do. Many houses lack electricity and water supply and in those 3 or 6 months rent payments in advance is required when moving in. After the initial period tenants are often allowed to pay for shorter periods. In houses with higher standard it is common to pay one year's rent in advance also after the first period. Contracts can be both oral and written. The majority of interviewed tenants say that their landlord had or would allow them to be late with rent payment if they explained the reasons. Many landlords say the same. The relationship between landlord and tenant is often described as good although many tenants prefer not to have a resident landlord.

The rent payments are the biggest mentioned disadvantage of rental tenure. The classic argument that it prevents people from using money for their own development was given. This must be viewed in relation to the threat of irregular incomes that many of the dwellers face, being self employed, temporary workers or casual labourers. This is true both for tenants and owners although those who have larger businesses are owners. An important aspect in explaining the preference for ownership over rental tenure is that houses in unplanned settlements are built without official loans and most dwellers have bought plots and built houses from their savings. This means that housing costs are very low after the house has been erected and it can instead be used to generate an income by letting rooms out. This is not least a security for women becoming widows compared to renting widows who meet difficulties in paying rent when loosing the income of the husband. Whether housing is an expense or an income is one of the major differences between tenants and landlords. Most rental studies conclude that home owners and landlords tend to be older and have larger households than tenants (see for example Gilbert 1993, Datta 1996, Kiduanga 2002).

An additional disadvantage of rental tenure is the lack of control. It is the house of the landlord and he can decide that he needs the house for his own sake or that he wants to increase the rent etc. The majority of inhabitants said that they could not see any good things with renting but viewed it as a non-option solution. Those dwellers who saw advantages compared it with sharing with relatives where renting was seen as giving more independence. It has for long been known that sharing with relatives is a common form of housing tenure for recent migrants but the study also show that at divorces women often move back to stay with the family. To stay free in a house while taking care of it for a relative, friend or an acquaintance is also a practised form of tenure.

The wish of tenants to get a house is also seen in their actions. Many have already bought plots for residential use in either more peripheral areas or higher up in the hills and some of them have started to build there. For most tenants it is not considered as an alternative to apply for a surveyed plot at the City Council but buying in unplanned areas was the main strategy. Not all tenants who want a house in Mwanza view it as realistic, but express that 'if God would help' they may be able to get a house. The majority of interviewed owners and landlords have been tenants before they acquired their house while only one current tenant had owned a house in Mwanza but had to sell it because he needed the money. One other family let out their house in Mwanza while renting a cheaper to save money. It is hard to speculate how many tenants will manage to get their own house in Mwanza. The plots currently being surveyed by the City Council will cost much more than many owners in the study areas have paid for a plot in an unplanned area. With the rapid growth of Mwanza the

demand for land will hardly decrease and it remains to be seen how the current policy to prevent further squatting will affect the housing careers of residents.

The importance of disaggregating the household and looking into the housing provision situation of the individuals must be acknowledged although only mentioned here. A wife moving to a house of the husband does in many cases not face a more secure tenure situation than a sharer when she is there on the conditions of the husband. In cases where the husband is the major breadwinner and the couple acquiring a house during the marriage she will often loose access to the house at a separation. According to the statutory legislation she has a right to it if it can be proven that she has contributed to the property or the maintenance of it.

All the various views, strategies and actions by different actors co-exist at the same time in Mwanza. What does that mean and how can the pattern be interpreted?

Colliding or bypassing actors?
An important point in explaining the gap between the views is that the relationship between unplanned settlements, urban planning and rental tenure often is neglected. One reason for the low attention by both the Central and the Local Government to rental tenure is that Tanzanian housing policy the last decades has focused on land issues, not housing. Both the 1970s site and service schemes and upgrading as well as the regularisation projects of today focus on land and infrastructure, not shelter. Since the closure of the Tanzanian Housing bank in 1995 there is no institution providing housing finances. In the draft to a National Housing programme in order to implement the 2000 year's National Policy it is argued that housing matters are only dealt with at central governmental level while the implementation are the Local Government's responsibility. Within the latter there is however no administrative structure for dealing with this (UCLAS, 2003:81-82). Thereby no structure within the state system encourages actors to deal with housing and in particular not with rental housing which is not directly related to land matters.

Many dwellers do struggle for home ownership and for many of them the only way of reaching it is to build in unplanned areas. The rapid growth of the latter is something that interests both the National and Local Government. Rental tenure and unplanned settlements are nevertheless related. A report in Mwanza by ICLEI (1996) states that uncontrolled house rents and harassment by landlords have contributed to constructions in unplanned areas. Also this study shows that people leave renting by building in the unplanned areas. At the same time much of rental tenure takes place in unplanned settlements. The government can be said to contradict itself when it on one hand wants to stop further squatting and on the other hand wants to encourage private rental tenure. To what extent will homeowners in the future be able to afford to buy surveyed plots large enough to extend several rooms for renting and to build according to building regulations? In discussing unplanned areas the poor service, infrastructure and overcrowding are often mentioned. To what extent is this related to rental tenure where many households share facilities and where houses are extended with rooms for rental purposes, leading to increased population density and sometimes overcrowding? That renting is supposed to be private and not public is expressed but it is never discussed if it is the sort of rental tenure described here that should be encouraged and if there are alternatives.

As has been demonstrated here the National and Local Governments do not meet dwellers in their rental situation and this can be related to the discussion of state-population relations in modern society by Chatterjee (2004) drawing upon Foucault's work on governmentality. Chatterjee writes 'Citizens inhabit the domain of theory, populations the domain of policy' (Chatterjee, 2004:34). He argues that populations are empirical, possible to count, and classify and do not contain a norm. Citizen on the other hand ' ..carries the ethical

connotation of participation in the sovereignity of the state...' (ibid). He argues that the modern state tries to seek legitimacy by claiming that it provides well being for the population, rather than promoting participation by citizens in state matters (ibid). Relating to this reasoning it can be said that tenants in private rental tenure are not considered a population group by the government. A reason for this can be that they do not have control of land and are therefore not so interesting for the government to govern regarding housing and planning issues.

It can be questioned how much influence tenants have in urban planning activities such as regularisation and upgrading when these in first hand turn to owners? The observed higher mobility of tenants than owners and their temporary stay in a house can also be assumed to decrease their motivation for participating and contributing in community projects. Researchers have protested against the tendency to view communities as homogenous, democratic entities without power relations (see for ex. Platteau and Abraham, 2002, Cooke and Kothari 2001) which neglect of the existence of various tenure forms in a neighbourhood can be an example of. In my study areas with high proportions of tenants all the mitaa leaders (6) are house owners and tenants have commented that it would be difficult to run for local election when you know you will move eventually. An assumed dominance of owners in community organisations and leading positions in the areas may contribute to neglect of tenants' needs and interests and make them invisible citizens. If well organised communities are a prerequisite for the state and other institutions to engage in a neighbourhood, what happens to areas with high levels of tenants? Andreasen (1996:359) has warned against a development where settlements dominated by tenants are excluded from the participatory based planning. Regularisation of unplanned settlements benefit tenants if they lead to investments in houses but can also mean increased rents. To get legal titles to plots is assumed to increase the security of tenure for plot holders but how about the security of tenure in the type of renting described here? According to the view by UN Habitat security of tenure is ' ...an agreement between an individual or group to land and residential property which is governed and regulated by a legal and administrative framework' (UNCHS, 2005). The situation of the studied tenants in Mwanza would thereby not be considered as providing secure tenure.

I have argued that the most obvious and common way for tenants to show dissatisfaction with rental tenure is to strive for a house of their own. They can also choose to change rental house when a contract has expired although the demand for rental housing is high. Both these actions can be termed 'exit' in *the exit, voice and loyalty* theory by Hirschman (1970). Is there no practice of voice –to protest– against the conditions? Refusal to pay rent can be a way of protest to the landlord, but is often rather because of financial shortcomings. Within private rental tenure there is no collective organising among tenants in Mwanza which is not surprising considering that tenants are widespread in settlements and that they face different conditions. Gilbert has argued that tenant organisations in general do not seem to have played the same significant role within urban protest movements as trade unions, squatter associations and neighbourhood groups etc. The exception being when tenants face a common threat which has often been within public rental housing (Gilbert, 1990:16-17). This is true in the Tanzanian case and the Tanzania Tenants Association (TTA), which has existed since 1984 has run several cases against the public National Housing Corporation (NHC). TTA works for tenants' rights in both the public and the private sector but it is practically impossible to make sure that the law is followed by the numerous small scale landlords in the cities. They do however assist private tenants who come and seek for their advice. The commercialisation of NHC and the attempts to increase rents to reach an economic rate has

caused conflicts between the TTA and the NHC. In discussion with the assistant director of Human Settlements at the Ministry of Lands he did not see any need for an organisation working for tenants' rights but argued that the landlords are the one with problems. My interpretation is that this conflict dominates the relations between the TTA and the government, leaving most tenants and their situation invisible in the discussion.

Since the government has never provided the large majority with housing there is no expectation that it would and access to housing is not an issue in the national or municipal elections. Except TTA and a landlord organisation in Dar es Salaam I am not aware of any organisation working with rental issues in Tanzania. TTA has no branch in Mwanza due to scarce resources and there is no NGO working with access to housing in the city.

When the National or Local Government do not 'see' the tenants but rather pass by them tenants act in the same way. They do not protest loudly but they develop their strategies to get a better housing situation, preferably by building their own house. This can be resembled with the concept *quiet encroachment* by Bayat, which refers to how the urban poor mostly individually, but occasionally collectively, silently encroach the regulations and laws in order to survive or improve their daily, for example through squatting, rather than protesting politically (Bayat, 1997). A reason for this, according to Bayat, is the lack of institutional mechanisms through which these groups collectively can solve their problems compared to those of for example students or formal workers (Bayat, 1997:9).

It can be concluded that tenants in private rental tenure and the National and Local Governments exist side by side without conflicts until the tenant realises his housing strategy and build a house without legal permission in an unplanned area in Mwanza. This point alone should be a reason for the government to consider rental tenure. The study shows that the concept of rental tenure is wide and it is not possible to say that rental tenure in general give less security of tenure than ownership but the conditions of each type must be explored.

UN Habitat's report (2003) on rental tenure in developing countries states that despite the fact that the organisation during more than ten years time has pinpointed that governments do neglect rental tenure in policies and aid organisations in programmes not much has happened. I argue that tenants will continue to be invisible by higher levels of the state and by international institutions until the interdependency between unplanned settlements, rental tenure and urban participatory planning is better understood and analysed.

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