CHAPTER 1

COMMUNITY DEVELOPMENT AND LAW: DEMONSTRATING THE INTERCONNECTIONS

Introduction

Integrating law and community development requires a careful examination of the relationship between these two fields. This chapter focuses on embedding law within the framework of community development. Although these areas may initially appear distinct, each with its own principles, methods, and approaches, the objective is to explore their interconnection. The chapters ahead will demonstrate how law and community development complement each other, bridging conceptual gaps and facilitating practical implementation.

Community development (CD) is deeply entrenched in the origins of humanity, much like the evolution of law, which is inherently connected

to the development of communities. The concept of community is as old as humanity itself, serving as a fundamental aspect of human existence. As inherently social beings, humans have always sought to live together in groups influenced by both nature and necessity to interact and form communities.[1]

In Africa, communal life was the foundation of many societies long before the arrival of foreign influences. People collectively participated in farming, hunting, building and harvesting through different social systems. These communities flourished by relying on social networks, mutual trust, shared responsibilities, and strong interpersonal bonds.[2] Also, cooperation was the potent weapon for communal survival long before the development of basic tools for defence and general work.[3]

From a legal standpoint, rules and regulations emerged to guide communal living and support informal community development efforts. As people interacted, they developed contractual, familial, and commercial relationships, necessitating the need for governance through law. Law coordinated and managed these relationships at both personal and communal levels. Over time, legal systems became integral to regulating community life, shaping its development both directly and indirectly.[4]

Brief History of CD

Community development has a long and evolving history, taking various forms throughout different eras.[5] As a long-established practice, it traces back to the earliest civilisations. In Tanzania, and Africa more broadly,

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[1] Ryle, G and Dennett, D.C., *The Concept of Mind,* University of Chicago Press, 2000, p. 44.

[2] Putnam, R. D., *Bowling Alone: The Collapse and Revival of American Community*, Simon & Schuster, 2000, p. 19.

[3] Madondo, B.S.S., "Community Development: A Quiet Evolution from Rhodesia to Zimbabwe," *Community Development Journal*, Vol.20, No. 4, 1985, p. 293.

[4] Cummings, S.L., "Thematic Overview: Community Development Law and Economic Justice, Why Law Matters," *Journal of Affordable Housing,* Vol.26, Issue 1, 2017, p. 37.

[5] Swanepoel, H and De Beer*,* F., *Community Development. Breaking the Cycle of Poverty*, 5th ed., Juta Limited, 2011, p.35.

community development existed well before colonialism. As a philosophy, CD is founded in African traditions, values, and cultural practices.

Pre-colonial African societies practiced informal community development grounded in self-help, reciprocity, mutual aid, volunteering, self-reliance, and solidarity. These practices were essential for the survival and cohesion of many local communities. Furthermore, different systems of social organisation shaped communities through popular participation, communal support, and collective responsibility. Hence, community development is not an external concept. Pre-colonial societies served as both the foundation and driving force behind its development.

Elsewhere, the origins of community development, particularly in Britain during the 18th century, emerged as a response to social reforms. These reforms were necessary to address challenges which threatened the breakdown of societal and community structures. [6] Many of these focused on improving the welfare of poor and low-income communities, especially in rural areas.

The concept of formal community development was first introduced in the 1940s by the British Colonial Office, which oversaw the administration of all British colonies.[7] Colonial governance was either managed directly from the Colonial Office in London or through representatives stationed in colonies. The origins of community development within colonial states can be attributed to several factors. These are the aftermath of World War II, the rise of nationalism in the colonies, and growing opposition to British imperialism.[8] According to Smyth, the war altered the political and economic relationship between the state and colonial

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[6] Smyth, S., "The Roots of Community Development in Colonial Office Policy and Practice in Africa," *Social Policy and Administration*, Vol. 38, No.4, 2004, p.419.

[7] Lotz, J., "Community Development -A World View," *Canadian Journal of Public Health*, Vol. 62, No. 4, 1971, p. 314.

[8] Ovendale, R., "The Empire-Commonwealth and the Two World Wars," in Winks, R. and Wm. Roger Louis (eds.), *The Oxford History of the British Empire: Vol. V Historiography*, Oxford University Press, 2007, pp. 354-365.

societies.[9] Although Britain emerged victorious from war, the conflict left behind immense economic, social, and political challenges. The country faced economic hardships causing reduced industrial production and shortages of essential goods.

On the other side, domestic challenges complicated efforts to finance colonial development across its extensive empire. Further, the colonies' push for self-government and independence prompted Britain to reassess its strategies. For example, following their independence, India (1947), Burma (1947), Ghana (1957), and Ceylon (renamed Sri Lanka in 1971), demanded political autonomy. Moreover, global opposition, particularly from the United Nations and the United States, rendered British colonialism politically untenable.

Given the reasons outlined above, a shift in colonial development policy was necessary. Pure extractive imperialism needed to be replaced by a more participatory approach of 'developmental colonialism.'[10] CD became a key instrument for managing a smooth transition of power. It was employed as a tool to prepare local populations for independence while simultaneously safeguarding colonial interests.[11] Communities were encouraged to participate in development efforts by contributing free labour and raw materials sourced from local available resources. A top-down approach was used to mobilise local resources, relying heavily on coercion and control.[12] Forced communal labour was used for constructing schools, roads, churches and other projects.[13] This approach was influenced by the colonial need to ensure the sustainable production of the raw materials indispensable for Britain's

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[9] Smyth, S., op. cit., p. 418.

[10] Eckert, A., "Regulating the Social: Social Security, Social Welfare and the State in Late Colonial Tanzania," *Journal of African History*, Vol. 45, No. 3, 2004, p.469.

[11] Gilchrist, A and Taylor, M., *The Short Guide to Community Development*, Policy Press, 2022.

[12] Jimu, I.M., "Community Development: A Cross-Examination of Theory and Practice Using Experiences in Rural Malawi," *Africa Development: A Quarterly Journal of CODESRIA*, Vol. 33, Issue 2, 2008, p. 26.

[13] Midgley, J., *Social Development. The Developmental Perspective in Social Welfare*, Sage Publications, 1995, p. 116.

economic recovery and post-war reconstruction.[14] Local populations undoubtedly resisted these pre-designed development programmes—not out of opposition to change or modernization, but because they were excluded from the planning process.[15]

In this light, the origins of community development within the colonial administration can be traced back to the necessity of stimulating local efforts to implement development programmes through centralised planning.[16] Simultaneously, local or native governance structures were strengthened as vehicles for involving communities in CD projects, albeit in a limited capacity.[17] The colonial government devolved the administration of certain CD programmes and responsibilities to native authorities.

In carrying out CD, the British colonial administration implemented state-sponsored social welfare programmes as part of a broader social development strategy. The Colonial Development and Welfare Acts of 1940 and 1945 provided a legal framework for the implementation of these programmes. These Acts, among other things, were enacted to promote the development of the resources of colonies, protectorates, protected states, and mandated territories and the welfare of their people. Between 1945 and 1960, CD was integrated as a key element in building the welfare system. Initially, the primary goal was to address the welfare needs of African soldiers who had returned after the end of World War II. Social welfare and community centres were established, particularly in urban areas, to provide leisure activities and adult learning opportunities

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[14] See, Development of Colonial Resources: Memorandum by the Secretary of State for the Colonies', May 1947, Folder: UE4478/4478/53; Formation of Colonial Development Corporation, FO 371/62546.

[15] Koza, C., 'Human Development: A Crucial Factor for Community Development,' in Barratt, J., Collier, D.S and Glaser, K., Mönnig, H. (eds), *Strategy for Development*, Palgrave Macmillan, 1976, pp. 57-61.

[16] Sautoy, P. du., "A Guide for the Administrator to the Principles of Community Development," *Athens Centre of Ekistics*, Vol. 17, No. 102,1964, p. 341.

[17] Prosser, A.R.G., "Community Development and Its Relation to Development Planning," *Community Development Journal*, Vol. 5, No. 1, 1970, p.11.

for local people. These centres were also tasked with fostering a spirit of community self-help, and they served as recreational centres for activities like dancing, theatre performances, and sports.[18] Over time, developmental efforts expanded to include mass education, rural planning, and extension services. To this extent, CD became a central strategy for implementing colonial development policies, particularly in the agriculture, health, and education sectors.

The primary objective was to secure the active participation of local communities in development activities.[19] To a certain degree, colonial policies recognised the importance of engaging communities in managing social issues and challenges. From the British colonial perspective, community development aimed to enhance social and economic conditions within the colonies and raise the living standards of the local population. On the surface, they appeared to be a genuine effort to provide social services and uplift communities. In reality, they were largely superficial measures designed to preserve Britain's image amidst its declining global power and, more significantly, to advance Britain's economic interests.[20] Overall, the colonial notion of community development was limited. It chiefly focused on interventions which intended promote social development within the colonies.

Although Britain was far from a philanthropic colonial power, community development schemes did provide some benefits to the local population through the provision of social services. In Tanganyika, different programmes were implemented under the colonial social development department on infrastructure, public health, agriculture, and education

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[18]   Eckert, A., op.cit., 2004, p. 478.

[19]   Holdcroft, I.E., "The Rise and Fall of Community Development in Developing Countries, 1950-1965: A Critical Analysis and an Annotated Bibliography," *MSU Rural Development Papers, Paper No. 2*, 1978, p. 5.

[20]   Shriwise, A., "Social Policy and Britain's 1929 Colonial Development Act," in, Nullmeier, F., et al., (eds.), *International Impacts on Social Policy. Short Histories in Global Perspective*, Palgrave Macmillan, 2022, p. 83.

particularly in rural communities. These initiatives, to some extent, led to the improvements in the welfare of local populations.

On the other hand, the implementation of colonial CD schemes benefited the struggles for political independence. Although colonial community development officers were prohibited from participating in politics, they played a crucial role in preparing people, particularly in rural communities, for independence. Many local people feared the departure of colonial powers and were unprepared for self-governance. Therefore, changing mindsets was required to rally support for the independence movement. Community development officers discreetly educated the populace on the importance of independence and even mobilised resources by collecting funds to support the activities of the Tanganyika African National Union (TANU) party which fought for independence.

Nonetheless, the main goal of CD schemes, as argued before, was to facilitate the efficient exploitation and extraction of colonial resources for the benefit of the colonial powers. A notable example is the failed East African Groundnut Scheme (EAGS). At that time, Britain heavily relied on imports of vegetable fats and oils, which were in short supply.[21] The scheme was thus designed to address the oil shortage in Britain following World War II.

Community Development in Post-Independence Tanzania

After gaining independence in 1961, Tanzania's new government inherited an administrative structure comprising both central and local governments. From the early days of independence, CD assumed a higher priority as the government accentuated self-reliance and African socialism. From 1961 to the 1980s, the government initiated a series of social, economic, and political reforms geared towards promoting

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[21] Rizzo, M., "The Groundnut Scheme and Colonial Development in Tanganyika," *African History*, 2022, pp. 1-17.

development. A good example is the adoption of the Arusha Declaration in 1967 which underlined self-reliance, social cohesion, and equality.

The principles of community development were instrumental in mobilising and empowering local populations to engage with developmental issues. These principles guided the planned change processes ensuring that local voices and needs were central to the development efforts.

Mwalimu Julius J.K Nyerere, the founding father of Tanzania, firmly believed that people could not be developed; they could only develop themselves. According to Nyerere, personal development occurs through active participation in the life of one's community.[22] His message was clear; development must be people-centred. Henceforth, the philosophy of community development became central in all developmental spheres, informing policies, campaigns, projects, and programmes to combat the three enemies of development namely; poverty, disease, and ignorance.[23] To facilitate genuine community participation in their own development, the government revived traditional community development practices. For instance, in 1962, a political call for self-help schemes was made. In response, local communities took the initiative to pool their labour and resources to construct village schools, dispensaries, and roads.[24]

CD Institutional Framework

The Community Development Department was established under the Ministry of Local Government and Housing during the 1961-1962 period. This establishment showed the government's commitment to promoting community development. The department's mandate broadly included

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[22] Nyerere, J.K., *Freedom and Development*, Oxford University Press, 1973, p.2.

[23] *These include programmes and campaigns such as Uhuru na Kazi, Uhuru na Maendeleo, Uhuru na Umoja, Kilimo cha Kufa na Kupona, Mtu ni Afya, Ujamaa na Kujitegemea, Kisomo chenye Manufaa* na *Lishe Bora.*

[24] Nyerere, J.K., "Tanzania Ten Years after Independence," *African Review, A Journal of African Politics, Development and International Affairs*, Vol. 2, No. 1, 1972, pp. 1-54; Lembuka, M.H., "The Evolution of Community Development thorough Ubuntu Perspective in Tanzania," *East African Journal of Arts and Social Sciences*, Vol.7, No. 1, 2024, pp. 219-231.

facilitating community-based socio-economic measures. Recognising the importance of adequately trained personnel, the government underlined the need for training-institutions to prepare community development workers.

In 1963, the government established a community development training centre at Tengeru to provide induction and refresher courses for community development workers or technicians.[25] The purpose of this centre was to equip trained personnel to facilitate development activities in communities. Other training centres were established over time to serve as centres for farmers and rural development training. These centres eventually evolved into Folk Development Colleges (FDC), and later transformed into community development institutes.[26]

Principally, these training institutions were responsible for producing a pool of community development workers (*mabwana na mabibi maendeleo*), who became the earliest cadres deployed nationwide to facilitate and enable development activities. In the current environment, these institutes are tasked, among other things, with producing better communities by training community change agents.

Generally, at the local government, CD workers acted as change agents, promoting conditions conducive to collective action and problem-solving. They improved the community's capacity to manage its development process using locally available resources. By that time, another important task was to raise awareness of the First Five-Year Development Plan, published in 1964. It's worth noting that due to their mobilisation capacity, several community development workers were subsequently employed as administrative executives for TANU.

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[25] The Centre later evolved into the Community Development Training Institute-Tengeru, which has since been renamed the Tengeru Institute of Community Development (TICD).

[26] See, Buhare Community Development Training Institute (1966), Rungemba Community Development Training Institute (1926), Missungwi Community Development Technical Training Institute (1982), Ruaha Community Development Training Institute (1960), Mlale Community Development Training Institute (1967), Uyole Community Development Training Institute (1971), Monduli Community Development Training Institute (1977) and Mabughai Community Development Technical Training Institute (1975).