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2. The Editor in Chief then sends the article to a reviewer for evaluation of the article and advises the Editorial Board on the following:
 - (a) Originality and contribution to knowledge;
 - (b) Relevance of the article in terms of substance;
 - (c) Propriety of the format;
 - (d) Whether the article should-
 - be published as it is;
 - be published after corrections indicated by the reviewer;
 - not be published at all.
3. After effecting corrections or improvements suggested by the reviewer the author resubmits the article to the Chief Editor for further processing.
4. The review team comprises all senior staff of the University of Dar es Salaam School of Law, i.e., those with PhD degrees and Professors and other qualified staff from outside the UDSM School of Law. An article is sent to a reviewer depending on the expertise of the said reviewer in the particular area of the law. The School has 13 professors who are PhD degree holders and 15 PhD degree holders who are not yet professors.

Instructions to Authors

The Editorial Board of the Eastern Africa Law Review, a Journal of Law and Development, welcomes submission of articles to be considered for publication in the journal.

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REMINISCENCE OF A LAW ACADEMIC IN THE ADMINISTRATION OF THE UNIVERSITY OF DAR ES SALAAM

*Gamaliel Mgongo Fimbo**

1. INTRODUCTION

Christensen of the Harvard Business School poses what he calls “exploring questions” everyone needs to ask:

How can I be happy in my career? How can I be sure that my relationship with my family is an enduring source of happiness? And **how can I live my life with integrity?**¹

The answer to the first question comes from another source, Herzberg who asserts that the most powerful motivator isn't money; **it's the opportunity to learn, grow in responsibilities, contribute, and be recognized.**²

This answer is awfully important in a university setting. It is in this context that I shall be considering historical facts in the light of the positions which I was privileged to hold in this University, as law academic, as Dean of the Faculty of Law (FoL) and as Chief Administrative Officer (CADO) of the University.

* Prof. Emeritus, University of Dar es Salaam School of Law. This article is an edited and abridged version of the text of a Public Lecture delivered by the author on 9th August, 2023 at 10.00 am in the University of Dar es Salaam School of Law Board Room in commemoration of the author's 80th Birthday Anniversary on 8th August, 2023.

¹ Christensen, C. M., “How will you Measure your Life?” *Harvard Business Review on Advancing your Career*, Boston: Harvard Business Review Press, 2011, p.3.

² Ibid.

Professor Carr has revealed to us that a historian chooses his theme, chooses his dates and chooses the facts.³ I am such a student of history this morning, my dates are 1965 – 2023. Professor Carr has told us further that facts of history are facts about individuals but not about actions of individuals performed in isolation. They are facts about the relations of individuals to one another in society.

In 1996, the second Vice-Chancellor of the University of Dar es Salaam, Mr. Ibrahim M. Kaduma made a profound statement at a Workshop on Managing University Crises. He stated,

... we need to tap the brains of these people while they are still “breathing.” It is very important that we should learn from the *horse’s mouth* the truth about what actually happened rather than rely entirely on secondary sources.

There is nothing to replace real experience, and real experience can only be accurately conveyed by the person who went through it. **Unless we record that experience through him or her, history will be lost.**⁴

2. THE CONVERSATION

Classification

In this conversation, the historical overview attempts to depart from the traditional events’ presentation approach. Accordingly, I

³ Carr, E. H., *What is History?* Middlesex: Penguin Books, (2nd edn.) 1987, pp. 27-29.

⁴ Kaduma, I. M., “Managing University Crises in the Seventies” in Mbwette, T. S. A and Ishumi, A. G. M (eds.), *Managing University Crises*, Dar es Salaam: DUP (1996) LTD, 2000, p. 186. The book was compiled following a workshop which was hosted and held by the University of Dar es Salaam in Arusha from 10-16 March, 1996.

have picked my historical facts and classified them into four groups, namely, on academic matters, on administrative matters, on changing lives and on Vice-Chancellors.

Within this classification and as already stated, I have considered the positions which I have held in this University, as law academic, as Dean of the Faculty of Law (FoL) and as Chief Administrative Officer (CADO) of the University. I shall attempt to point out lessons in order to make this conversation relevant and motivational. On historical facts, I have relied heavily upon a book compiled by Mbwette and Ishumi.⁵

I am guided by two principles. The first principle is that the University must be administered by academics.⁶ The second principle; a **responsible** citizen, in authority or not, must abide by the law in a broad sense to include the Constitution, legislation (statutes), rules or regulations. Besides the law as defined here, he/she must abide by and implement agreed principles and practices.

A On Academic Matters

Law Student and law academic, 1965 – 2023

The starting point is 1965, the date of my admission into the LL. B degree programme where I was confronted by an exciting Teaching Approach of the FoL. The approach was stated in University College Dar es Salaam: A Guide for Schools published in 1965, namely, to produce lawyers with thorough mastery of

⁵ Mbwette, T. S. A and Ishumi, A. G. M., *Managing University Crises*, 2000, op. cit. p. 1- 247.

⁶ I have borrowed this principle from Dean Professor Josaphat Laurean Kanywanyi.

the law and who will have studied against the social and economic background of East Africa. The guide stated boldly:

Legal education for East African lawyers must therefore entail more than the accumulation of knowledge about rules of law ... The good lawyer is the one who knows also something of the society in which the law operates and the processes by which the law may change and be changed by that society. Thus, we teach the law as it exists in East Africa today, but we do not stop there: we use this law as a firm base upon which future developments may be considered.⁷

Dean Professor Yash Ghai stated that the Arusha Declaration of 1967 impacted heavily on their teaching.⁸ He states that the basic frameworks within which they analysed law came under attack. In 1967/68, therefore, the Faculty reached a consensus that each subject was to be taught in a way that would portray its past and current socio-economic dimensions.⁹

Thus, the 1978-1979 Handbook of the Faculty of Law had emphasised:

The basic aim of the Faculty of Law is to produce first degree graduates to serve in the public sector and the lawyers are trained in such a way as to enable them to be society conscious.¹⁰

⁷ University College Dar es Salaam; A Guide for Schools, 1965.

⁸ TANU's Policy of Socialism and Self-Reliance, 1967.

⁹ Ghai, Y., "Legal Radicalism, Professionalism and Social Action: Reflections on Teaching Law in Dar es Salaam" in Shivji, I. G. (ed.) *Limits of Legal Radicalism*, Dar es Salaam: Faculty of Law, 1986, p. 27.

¹⁰ University of Dar es Salaam, Faculty of Law Hand Book, 1978-1979, p. ii.

What part did I play as a law academic in this organization? I shall discuss the following subjects, namely, some aspects of examinations, grappling with the vicissitudes of academic, suffering without bitterness, teaching and learning via the PhD *viva voce* examination sessions, mentorship, persuading colleagues to become Dean of the Faculty and Chairmanship of a Senate Committee.

My first sub-title is

1 Examinations

- i. Land Law Mid-Sessional Examination, 1976
The main character, as in a play, is Miss Magdalena Kamugisha, 1974/75 – 1976/77. (The class had 59 students).
The date is December 1976 – Land Law Mid-Sessional Examination.

I was a Senior Lecturer in Law and thirty-three years old. Immediately after the examination, Magdalena stormed into my office without knocking on the door and shouted angrily, “You stated in class that the examination would be easy,” followed by and a ridiculing sound that sounded like a kiss but in a traditional setting, extremely offensive. She stared at me, fuming. I did not respond. She then opened the door and shut it behind her.

The following week, she came to my office again. She stated politely, “I was very angry on that day. I hereby **apologise.**” I did not say anything even on the second occasion. Again, she opened the door and walked away. I should have accepted her apology. Nevertheless, she passed the Mid-sessional examination and the final examination.

Lesson 1: a law academic should always exhibit patience, endurance and maturity.

2 **Grappling with the vicissitudes of academic life.**

It is about the relationship with students.

Reverence

I shall discuss two students who exhibited peculiar reverence to me:

- i. The first student is Mr. Semistocles S. Kaijage, 1979/80 – 1981/82. (There were 43 students in that class).

With the support of the Republic of Ireland, Chief Justice Francis Nyalali had arranged for continuous legal education in the form of Workshops on Human Rights for new Judges of the High Court and the Court of Appeal of Tanzania. The resource persons were picked from the Faculty of Law, University of Dar es Salaam, the Law School of Trinity College, Dublin and members of the Irish judiciary. Tanzania Judges visited Trinity College Dublin in 1997, 2005, 2007 and 2009, while Irish law academics and Irish Judges made return visits to Dar es Salaam in 1998, 1999,¹¹ 2006, 2008 and 2010.¹² The Irish delegations were led by Professor Binchy of Trinity College, Dublin. Chief Justice Barnabas A. Samatta appointed me in 2005 to be the Team leader for Judges' visits to Trinity College and the Coordinator of workshops in Dar es Salaam.

¹¹ Binchy, W and Finnegan, C., (eds.), *Human Rights, Constitutionalism and the Judiciary: Tanzanian and Irish Perspectives*, Dublin: Clarus Press, 2006, Preface, p. vii.

¹² Fimbo, G. M. et al, (eds.), *Administration of Justice in Tanzania*, Dar es Salaam: Law Africa Publishing (I) Ltd., 2013. The book was a report of Tanzania Judges' workshop that was held in Dar es Salaam from 2nd to 5th June, 2010.

The year is 2007, and Mr. Kaijage had been elevated to Judge of the High Court: the scene is Trinity College, Dublin. Justice Kaijage approached me at the end of the workshop and stated, “This workshop has been very useful to me.” I responded, “We prepared a great deal for it”, to which he clarified:

I am not talking about the content of the workshop materials and their delivery; rather this workshop has reduced the distance between you and me. In the University of Dar es Salaam, I was seeing you in lectures and seminars only. I am now able to talk to you, Professor, in person.

This humble gentleman was subsequently appointed Justice of Appeal in the Court of Appeal of Tanzania and later served as Chairman of the Electoral Commission of Tanzania. The last Commission report available to me was signed by him on 20th July, 2021.

The second student is Mr. Kalabo N. Ntinginya (1991/92 – 1993/94), a prison officer, he was a mature-age entry student. Students referred to this category of students as TURE and TURESS.

(There were 63 students in his class).

Mr. Ntinginya refused to respond to my greetings; one day he had the temerity to say, “Sir, you are so senior to me that I am not permitted to speak with you.” On checking his student file, I found out that he came from Tabora Region, as I do.

Lesson 2: unlike the Ntinginya type, some students would love to speak to us law academics outside lecture hours.

Caution: law academics should allow discussion with students in their offices only and when departmental secretaries are still on duty. In this way, they will avoid being summoned to *Dawati la Jinsia*¹³ referred to by the Commissioner of Police Kaganda at Curriculum Review meeting.

3 Suffering Without Bitterness¹⁴

I shall tell you one experience in my capacity as Chairperson of the PhD *Viva Voce* Examination Panel:

The Plagiarism Case

The PhD Viva Voce examination session was held on 24.6.2013, the candidate was NGENDA HIMANA, Jean-Bosco, The Impact of Regional Integration on Human Rights Protection in Africa. The Examination Panel, which I chaired, unanimously agreed that the candidate had successfully defended the PhD Thesis, subject to making minor corrections within three (3) months.

We were unable to detect **plagiarism!** It was detected shortly before the graduation ceremony.

Lesson 3: Plagiarism processes at the University of Dar es Salaam have been improved since then. Each Supervisor is primarily responsible.

¹³ *Dawati la Polisi* at Police Stations investigates instances of sexual harassment against girls and women.

¹⁴ Borrowed from a book by Jomo Kenyatta.

4 **Persuading Colleagues to become Dean of the Faculty of Law**

With extreme pride and satisfaction, I advised and **cajoled** nine (9) law academics to offer their names for election and appointment. The period is 1985 to 2015:

Prof. Costa R. Mahalu, (1971/72-1973/74), Dean, 1985-1991, served for two terms. I would credit him for formalisation of the Collegium.¹⁵

(Note: Prof J. L. Kanywanyi was Dean for the third time from July 1991 to September 1994. He states that the three-month extension from July to September was caused by a decision that the academic year should be of two semesters instead of three terms and that started in October instead of 1st July.¹⁶ Prof. Kanywanyi mixed up the dates since semesterisation of curricula was recommended by the UDSM academic audit report of 1998).¹⁷

Prof. Zebron S. Gondwe, (1976/77-1978/79), Dean, October 1994-1997. I would credit him for the establishment of the Centre for the Study of Forced Migration (CSFM) in 1995, the Dar-Ghent Law of the Sea Centre, 1995.

¹⁵ The Collegium comprised Heads of Department in the Faculty. It advised the Dean and acted as a clearing house for the Faculty Board.

¹⁶ Kanwanyi, J. L. *My Journey, From Family to University in faith searching for God*, 2020, p. 69.

¹⁷ Fimbo, G. M., "Fifty Years of Legal Education in Tanzania: Development of the LL.B. Curriculum" in Fimbo, G. M. (ed.) *Fifty Years of Legal Education in Tanzania*, 2011, p. 35.

Dr. Wilbert B. L. Kapinga, (1978/79-1980/81), Dean, 1997-1998, served for hardly one full academic year before resigning.

Dr. Sengondo Edmund Adrian Mwarabu Mvungi, (1978/79-1980/81), Dean, 1998-2003. I would credit him for,

- curriculum review, 1999, the four-year LL.B programme, change in assessment of examinees and establishment of the Taught LL.M..
- publication, in 2001, of the Faculty of Law Prospectus for the Year 2000/2001 which described the new academic programmes as approved by the University Senate at its 212th meeting held on 13th October, 1999.

Prof. Ibrahim Hamisi Juma, (1984/85-1986/87), Dean, 2003-2006. I would credit him for hosting the 13th African Human Rights Moot Court Competition on 2 – 7 August, 2004.¹⁸

Prof. Sifuni Ernest Mchome, (1986/87-1988/89), Dean, 2006-2009. I would credit him for three monumental events:

- establishment of the Bachelor of Arts in Law Enforcement (BALE) programme,
- establishment of the Tanzania-German Centre for Postgraduate Studies in Law (TGCL) and
- hosting the Law School of Tanzania (LST), which led to the third-floor extension of the Faculty of Law building.

Prof. Palamagamba John Aidan Mwaluko Kabudi, (1980/81-1982/83), Dean, 2009-2012. I would credit him for the commencement of the Taught LL.M. in 2009/10. Law academics love this programme.

¹⁸ Finbo, G. M., “Sixty Years of Exemplary Service in Tanzania by the University of Dar es Salaam law academics, 1961-2021, 48(1) *EALR*, 2021, p.1 at p. 32.

Prof. Bonaventure Ishengoma Rutinwa, (1984/85-1986/87), Dean, 2012- 2015. I would credit him for accepting the task of forwarding comments and recommendations of the law academics Constitutional Forum to the Constitutional Review Commission on 28th January 2013.¹⁹

Prof. Hamudi Ismail Majamba, (1988/89-1990/91), Dean, 2015 – September 2021. He served, slightly, for over two terms. I would credit him for:

- the Breakfast Talks, two of which led to publications titled “Compendium of Procedural Laws in Tanzania: An exposition of the Court of Appeal Decisions,” 2018 and “The Controller and Auditor General in the National Assembly,” 2019.
- Teach-In on 13th April 2019: “The National Assembly Resolution on Prof. Mussa Juma Assad, The Controller and Auditor General: Constitutional Crisis in the Making?” The proceedings were published in a book, Fimbo, G. M., and Ngaiza, C (Eds.), University of Dar es Salaam School of Law, 2019.
- publication titled “Guide for New Academics at the University of Dar es Salaam School of Law, 2018. I wrote at length about Dean Majamba in the Eastern Africa Law Review, Vol. 48, Issue No. 1, June 2021.²⁰

¹⁹ Ibid, p. 39.

²⁰ Ibid, pp. 56-60.

5 Mentorship

There are fourteen (14) law academics who became part of the Land Law Family; five (5) others who belonged to another family, the Constitutions and Legal Systems of East Africa.

Land Law family

Dr. Willy Mutunga,²¹ (1968/69-1970/71), Dr. Ringo Tenga, (1973/74-1975/76), Mr. John B. M. K. Ngeleshi, (1972/73-1974/75), now deceased, Selina M. Goulbourne (Mrs), Prof. Zebron S. Gondwe, (1976/77-1978/79) now deceased, Mr. Ebenezer S. Mshana, (1996/97-1998/99), Dr. James Jesse, (1996/97-1998/99), now deceased, Prof. Kennedy Gastorn, Dr. Baraka Kanyabuhinya, Dr. Laurean Mussa, Dr. Evaristo Longopa, Dr. Aron Kinunda, and Dr. Abdon Edward Rwegasira.

Constitutions and Legal Systems of East Africa family; Prof. Mwemezi Christian Mukoyogo, now deceased, (1972/73-1974/75), Mr. Omwony Ojwok, Dr. Sengondo E. A. Mvungi, (1978/79 -1980/81), now deceased, Dr. Aggrey K. L. Mlimuka, (1980/81-1982/83), Mr. Semu Thomas, (1996/97-1998/99).

In the context of mentorship, there are other law academics who participated in consultancies with me as their **Team Leader**:

- i. CLIENT: Ministry of Lands and Human Settlements Development; Drafting of A Bill for the Land Disputes Act (with Dr. R. W. Tenga). The draft was submitted to the Government of the United Republic of Tanzania, Ministry of Lands and Human Settlements Development in **2001**. It

²¹ Chief Justice of Kenya and President of the Supreme Court, 2010-2016.

- was enacted as the Land Disputes Courts Act, No. 2 of 2002.
- ii. CLIENT: Ministry of Lands and Human Settlements Development: Review of Town and Country Planning Ordinance, No. 42 of 1956 Cap 355 (with Prof. Z. S. Gondwe, R. Makaramba, Prof. A. S. Kauzeni of the Institute of Resource Assessment, University of Dar es Salaam and Dr. T. Nkya of the Ardhi University. A draft Bill for the Town and Country Planning Act, 97 sections and Four Schedules were submitted to the Client in **May 2003**. This draft Bill led to enactment of the Urban Planning Act No. 8 of 2007 and the Land Use Planning Act No. 6 of 2007.
 - iii. CLIENT: Ministry of Lands and Human Settlements Development: Preparation of Regulations under the Urban Planning Act No. 8 of 2007 (with J. Jesse, E. S. Mshana, E. Longopa, L. Mussa and Dr. A. Kyesi of the Ardhi University; the Final report and 15 sets of draft Regulations were submitted to the Client in February **2013**. The Regulations were published in the Government Gazette as GN No. 91 OF 2018 (Use Groups and Use Classes), GN No. 93 of 2018 (Space Standards).
 - iv. Tanzania Judges' Workshops, **2008** and **2010** (with Dr. I. M. Mandi and Dr. E. Longopa). The record of proceedings was submitted to the Hon. Chief Justice. The proceedings of 2010 were published in a book, Fimbo, G. M., Mandi, I. R., and Longopa, E (Ed.), Administration of Justice in Tanzania, LawAfrica, Dar es Salaam, 2013.

- v. University of Dar es Salaam School of Law, Teach-In on 13th April, **2019**: ‘The National Assembly Resolution on Prof. Mussa Juma Assad, The Controller and Auditor General: Constitutional Crisis in the Making?’ The proceedings were published in a book, Fimbo, G. M., and Ngaiza, C (Ed.), University of Dar es Salaam School of Law, 2019.
 - vi. CLIENT: Ministry of Constitutional and Legal Affairs through the UONGOZI Institute: Preparation of the National Prosecution Policy (with Dr. S. Jabba and Dr. Praygod Amani). The final report was submitted to the Ministry via the UONGOZI Institute on 12th June, **2022**.
6. Teaching and Learning via the PhD *viva voce* examination proceedings.

Herein-below I present a dignified list of the PhD *viva voce* examination panels in which I have participated as a member, (5) or supervisor, (5) or supervisor and internal examiner under the old regulations, (1) or internal examiner, (6), or chairperson of the Panel, (25).

- i. Supervisor of PhD Candidates (5 candidates)
 - ABDULRAHMAN, Hamza Ismaili, “Constitutional and Human Rights Dimensions of Real Property Taxation in Tanzania,” 3.5.2018.
 - MWASHIUYA, Elias Tenson, Examining the Application of Competition Rules in the Tanzania Real Estate Market, 14.8.2019.

- OBA, Issa Babatunde, Application of Islamic Jurisprudence on Marriage in Kadhi's Courts in Zanzibar and Kwara State. 28.8.2019.
- KINUNDA, Aron Alfred, Certification of Village Land in Tanzania: Examining the Protection of Indigenous People's Security of Tenure, 20.11. 2020.
- OKUMU, Maurice Jumah, Legal and Administrative Challenges of Public Participation in Budget Making Process: Case Study of Two Counties, 2. 3. 2021.
- ii. Supervisor and Internal Examiner, under the old Regulations (1 candidate)
 - ZEIJA, Flavian, Corporate Governance in Uganda: The Role of Directors and Secretaries, May, 2013.
- iii. Internal Examiner PhD Candidates (6 candidates)
 - BAKARI, George, Legal and Institutional Framework of Regional Integration and Human Rights in the East African Community, 21.1.2015.
 - MAMBI, Adam, Legal Implications of Information and Communication Technology to Privacy and Freedom of Information in Tanzania Mainland and Kenya, 4.5.2015.
 - TEMBA, Ferdinand Marcel, Assessment of Legal and Practical Challenges in the Realisation of the Right to Health in Tanzania, 6.4.2018.
 - MARWA, Ryoba, Legal and Practical Challenges on Enforcement of Commercial Arbitral Awards in Tanzania, 15.5.2019.
 - MANDI, Idd Ramadhani, (Regr. No. 2016-06-00148), Application of the Principle of Sovereignty

in the Constitutional Making Processes in Kenya and Tanzania, 6.2.2023.

- NKOMBE, Noel Edward Tagagas, (Regr. No. 2018-07-00178), Examination of Procedural Technicalities and Their Impact on Access to Civil Justice in the Court of Appeal of Tanzania, 5.4. 2023.
- iv. Chairperson PhD *viva voce* examination sessions (25 candidates)
- HOSEA, Edward Gamaya, Grappling with the Epitome of Corruption in Tanzania: The Case for Circumstantial Evidence, 16.11.2007.
 - MWAIPOPO, Rita Alice, Ms., Intellectual Property Rights and the Regulation of Access to Genetic Resources and Benefits Sharing in Mainland Tanzania, 6.11.2008.
 - FELESHI, Eliezer Mbuki, Contribution of Criminal Intelligence in the War Against Crime in Tanzania Mainland, 20.7.2011.
 - LUKUMAY, Zakayo Ndobir, An Analysis of the Legal Basis for Electronic Banking in Tanzania, 13.10.2011.
 - MWAKAJE, Jacob Saudin, Regulatory Framework of Intellectual Property Products, 17.5.2012.
 - KAMUGISHA, Grace Kazoba, Ms., Legal and Institutional Framework for Combating the Prevalence of Counterfeit and Substandard Pharmaceuticals in Tanzania, 2.7.2012.

- LEVIRA, Mary Caroline, Ms., *Criminal Sanctions Efficacy in Environmental Management in Mainland Tanzania: The Case of Wildlife Resources*, 5.10.2012.
- NGENDAHI MANA, Jean-Bosco, *The Impact of Regional Integration on Human Rights Protection in Africa*, 24.6.2013.
- KILANGI, Adelardus Lubango, *The Principle of Permanent Sovereignty over Natural Resources: Its Application in Regulating the Mineral Sector in Tanzania*, 5.11.2013.
- MHINA, Mkombozi Vincent, *Transnational Investment, Environmental Degradation and Human Rights: A Cross-national Case Study Based on Petroleum and Mineral Industries in Selected Developing Countries*, 28.2.2014.
- KANYABUHINYA, Baraka Francisco, *Examination of Legal Challenges in Addressing Counterfeit Goods in Tanzania Mainland: The Right of Consumers to Redress*, 20.10.2014.
- JESSE, James, Elisa Mchome, *An Inquiry into the Right to Freedom of Expression for Promotion of Good Governance in Tanzania*, 29.10.2015.
- HAMAD, Yahya Khamis, *Jurisprudential Approaches in Enforcing Human Rights in Tanzania*, 13.11.2015.
- LUAMBANO, Tasco Romanus, *“East African Court of Justice and Human Rights Protection: Challenges and Opportunities,”* 3.6.2016.

- SABBY, Francis, *Approximation of Competition Rules within the EAC Partners States: A Case Study of Tanzania, Kenya and Rwanda*, 22.10.2018.
- AMING'A, Stephen Philip Mang'erere, *Quest for Harmonisation of Legal and Institutional Frameworks for Protecting Consumers of Legal Services in Kenya*, 2.7.2019.
- MZURIKWAO, Anthony, *Legal and Practical Challenges Relating to Protection of Rights of Customers of Electronic Banking in Tanzania*, 17.9.2019.
- KITURURU, Abduel Gilead, *Voluntary Tax Compliance as a Progeny of Public Respectability of a Tax System: A Critique on Tax Reforms in Tanzania*, 11.11.2019.
- KANIKI, Abdulrahman, Omari Juma, *An Examination of the Law and Practice Relating to Asset Recovery in Tanzania*, 26.3.2020.
- ASHER'S, Elijah Oluoch, *East African Community Law Governing Economic Subsidies and their Impact on Competition*, 27.10.2020.
- ODHIAMBO Felix Otieno, *Investigating the Role of Regional Cooperation on Conservation of the Living Marine Resources of the Exclusive Economic Zone: A Case Study of the East African Community*, 17.6.2021.
- PETRO, Protas, (Regr. No. 2018-06-00203), *Assessment of Tanzania Legal and Policy Framework*

for Protecting Refugee Children Affected by Conflict, 16.8. 2022.

- RWEGASIRA, Abdon Edward, (Regr. No. 2017-07-00109), Efficacy of the Land Administration System for Protection of Land Rights in Tanzania, 16.12.2022.
- DOMINIC Daniel, (Regr. No. 2017-07-00283), Review of Parliamentary Powers to Amend the Constitution vis-à-vis Judicial Protection of Human Rights In Tanzania, 11.8.2023.
- KEREGERO, Keregero, (Reg. No. 2010-07-00126), The Legal Framework Protecting Persons with Disabilities in Tanzania: Case of Persons with Albinism, 24.11.2023.

v. Member PhD viva voce examination sessions (5 Candidates)

- ONESMO, Michael, Fair Competition Law in Relation to Price-Fixing in Tanzania: Evolution and Efficacy, 27.3.2015.
- NGWALA, Atuganile Florida, Adjudication of Land Disputes in Mainland Tanzania: An Examination of Legal and Institutional Challenges, 10.11.2017.
- UTAMWA, John Harold Kulimba, Investigation for Promoting Fair Criminal Trials in Tanzania: The Case of Conducting Committal Proceedings and Preliminary Hearing Simultaneously, 17.5.2018.

- MULI, Mercy Koki, An Assessment of the Legal and Institutional Frameworks of Elections in East Africa: A Case Study of Kenya and Tanzania, 23.10.2018.
 - MORRIS, Cleophas Kassenene Kakiziba, Analysis of Implementation of the United Nations Framework Convention on Climate Change in Mainland Tanzania, 21. 6. 2019.
- vi. External Examiner, PhD Thesis (1 candidate)
- External Examiner, PhD. Thesis, MNYASENGA, Thobias Raphael, Administrative Legal Framework of Central – Local Government Relationship and Its Implications on Autonomy of Local Government Authorities in Mainland Tanzania, Mzumbe University, Tanzania, 3.11.2017.

I have gained immense knowledge through participation in these PhD *viva voce* examination sessions.

7. **Chairman of a Senate Committee**

At a formal meeting of the University Senate, I was appointed Chairman of the Senate Committee on the University of Dar es Salaam Act 1970 during 1979/80 academic year. Mr. Ibrahim M. Kaduma was the Vice-Chancellor (VC) and chairman of the University Senate. At that date, I was Dean of the Faculty of Law (FoL). As Dean, I was a member of the University Senate. Thereafter, the Committee became the Fimbo Committee.²²

²² Mwapachu, J. V., “Historical Overview of the Major University of Dar es Salaam Crises During Its 25 Years” in Mbvette T. S. A and Ishumi, A. G. M. (eds.), *Managing University Crises*, Dar es Salaam: DUP (1996) LTD, 2000, p. 52.

Institutional Arrangement

The University of Dar es Salaam was established in 1970 during the era of nationalist developmentalism, where the state assumed the status of a paternal provider of essential services such as education. The One-Party political system had been erected in 1965. Hence, the hierarchical organisational structure which was erected by the University of Dar es Salaam Act 1970. I have stated elsewhere that the Act erected a top-down statist University.²³ The government and control of the University was vested in the Council, whose membership was stated to be twenty-nine (29). The membership consisted primarily of bureaucrats from the City, in addition to Party cadres.²⁴

Crisis of Internal Governance

Mwapachu²⁵ has stated that there was a *Crisis of Internal Governance* during the 1970s at the University of Dar es Salaam. Its indices were,

- Inadequacy of decision-making machinery in the University of Dar es Salaam Act,
- Lack of adequate contact between the Central Administration and students, on the one hand, and between the Administration and teachers and workers on the other,
- Failure on the part of the Administration to treat students as mature people,

²³ Fimbo, 2011, p. 15.

²⁴ The University of Dar es Salaam Act, No. 12 of 1970, ss. 11 and 12.

²⁵ Mwapachu, 2000 p.48. At the date of the workshop Mr. Juma Volter Mwapachu was the President of the Convocation of the University of Dar es Salaam and also Vice Chairman of the UDSM Council. Mr. Mwapachu has a rare distinction of having been my classmate at Tabora Boys Secondary School (1959-1962) as well as my classmate at the Faculty of Law, University College, Dar es Salaam, University of East Africa (1965-1969).

- Lack of broad democratic structure for debate and decision making processes,
- Lack of elections of academic staff to various organs of the University,
- UDASA did not enjoy an independent legal status.²⁶

Kihore states, with reason, that the Act “itself basically deprives members of the University community of their basic democratic rights. As such, **that law could itself be considered as a crisis.**”²⁷ Hence, the establishment of this Committee which was recommended by academic staff.

The Secretary of the Committee was Mr. S. L. Katabalwa, LL.B., 1978 and an administrative officer in the University Administration. Before completing studies for the Certificate in Law and the LL. B degree, Mr. Katabalwa had been Publications Secretary, 1967-1975 at the FoL for the High Court Digest (HCD) 1967-1972 and the Law Reports of Tanzania (LRT) 1973-1979. I appointed him Administrative Officer (Legal Matters) when I became Chief Administrative Officer in 1982.

Senate Committee Report²⁸

The Senate Committee reported to the Senate in October, **1981**. Mr Nicholas Kuhanga had been appointed Vice-Chancellor in January 1980. The University Senate, including Vice-Chancellor

²⁶ Mwapachu, 2000, pp. 40 and 49.

²⁷ Kihore, Y. M., “Udasa’s Perspective of the Major Crises at University of Dar es Salaam During the Last Three Decades” in Mbwette T. S. A and Ishumi, A. G. M. (eds.), *Managing University Crises*, p. 181.

²⁸ Fimbo, G. M and Katabalwa, S. L., Report of the Ad hoc Committee on the University of Dar es Salaam Act, 1970, submitted to the University of Dar es Salaam Senate, October 1981, p. 1-22.

Kuhanga were highly impressed by my presentation of the report on amendments to the University of Dar es Salaam Act. Dean Dr. Alfayo Nikundiwe (of the Faculty of Science), who was sitting next to me, was smiling and almost applauding all the time. I reckon that by this presentation, VC Kuhanga was satisfied that I knew the operations and problems of this University. The main points in the report were as follows;

- Appointment of Professors in the office of the VC through a Select Committee; the Mroso Committee 1990²⁹ endorsed this recommendation.³⁰ This recommendation was not adopted in the University of Agriculture Act, 1984.³¹ In the University of Dar es Salaam Rules, 2007, the appointment of the Vice-Chancellor is through a search committee.³²
- Establishment of the Office of the Registrar; it was adopted in the University of Agriculture Act, 1984.³³
- Research: The Committee noted that in the Act, research did not appear to have been given the emphasis it deserves. This gap was rectified in the University of Agriculture Act, 1984, in this way, “to initiate and conduct basic and applied research in the fields of land use, crop and livestock production, fisheries, natural resources and allied sciences ...”³⁴ In the University of Dar es Salaam Charter, 2007,

²⁹ Report of a Committee of Inquiry to Investigate Events Leading to the Closure of the University of Dar es Salaam (Mlimani Campus) on 12th May, 1990.

³⁰ Fimbo, G. M. “Governance Issues in Student Crises” in Mbwette T. S. A. and Ishumi, A. G. M. (eds.), *Managing University Crises*, 2000, p. 222.

³¹ The University of Agriculture Act, No 6 of 1984, ss. 10 and 25.

³² The University of Dar es Salaam Charter Clause 8(2) and the First Schedule: The University of Dar es Salaam Rules, 2007, r. 5(2).

³³ The University of Agriculture Act, No. 6 of 1984, s. 12.

³⁴ Id, s. 6(g).

there is a clause to this effect, “to promote research into economic, political, social, cultural, scientific, technological, legal and other matters ...”³⁵

B On Changing Lives

There are six special individuals. I do not claim to have changed the lives of these special individuals, far from it; I merely impacted upon the trajectory of their lives.

(a) Dean Dr. Sengondo Mvungi, (1978/79 – 1980/81).

The date is 1983, he had been a senior journalist at the Party newspapers, *Uhuru/Mzalendo* 1982-1983. On Dean Kanywanyi’s recommendation, Sengondo Mvungi was appointed Tutorial Assistant (TA) with effect from 1st May, 1983.

The Test

Hardly three months after his appointment, I received an open letter addressed to “Prof. G. Mgongo Fimbo, Chief Administrative Officer, University of Dar es Salaam.” It came from the Principal Secretary, Office of the President, State House. There were some lines masquerading as a signature, which were not familiar to me and no name. The letter instructed me to remove Mvungi from the service of the University on account of an act or omission (undisclosed) while Mvungi was serving at *Uhuru/Mzalendo*. After reflection, I wrote a minute sheet in Mvungi’s file, “FOR RECORD, Folio No ... No action required.” I then asked Dean Professor Kanywanyi to accompany Sengondo Mvungi to my office where I explained to them that I did not take any disciplinary action since Sengondo did not

³⁵ The University of Dar es Salaam Charter, 2007 clause 4(2) (k).

contravene any of the terms and conditions of the University of Dar es Salaam Staff Regulations. The matter ended there.³⁶ At the 40th Anniversary Celebrations of the FoL in 2001, Dean Professor Kanywanyi made an evaluation of Dean Dr. Mvungi in these words,

Under the able leadership of a young, dynamic Dean and his Associates, and with the availability of resources to fund necessary meetings, new curricula for all programmes were worked out and are now in the second year of implementation.³⁷

(b) Prof. Jwani T. Mwaikusa, (1978/79 – 1980/81)

The date is **1986**; Jwani was an Assistant Lecturer at the Institute of Development Management (IDM), Mzumbe, but felt that he deserved to teach at the Faculty of Law. Dean Costa Mahalu encouraged him to lodge an application, which he did promptly. I signed a letter of appointment in due course on 8th July, 1986. I knew that under the directions of the Standing Committee for Parastatal Organisations (SCOPO), I had to undertake some discussion with the Principal of IDM, Mr. Gaudence Tibakweitira for Mwaikusa's release since the IDM had sponsored his LL.M. studies in the United Kingdom. The Principal would have none of it. He refused to discuss this matter. So, in December 1986, I advised the late Mwaikusa to report for duty. He gladly did so on 29th December 1986. The rest is history.

³⁶ Sendoro, E, Kijo-Bisimba, H and Peter, C. M (eds), Sengondo Mvungi: Breathing the Constitution, Dar es Salaam: Legal and Human Rights Centre, 2014, pp. 50-51.

³⁷ Kanywanyi, J. L., "An Outline History of the Law Faculty of the University of Dar es Salaam", in Mvungi, S.E.A.(ed.) *Forty Years of the Faculty of Law University of Dar es Salaam 1961-2001*, 2002, p. 24.

Lesson 4: The two cases of Sengondo Mvungi and Jwani Mwaikusa would not be handled in the same way today since a new factor has emerged, namely, academics in all public Universities are paid salaries directly by the Treasury.

(c) Paschal Buberwa Mihyo (1971/72-1973/74)

The date is 1979; Promotion from Assistant Lecturer to Senior Lecturer.

I was Dean of the Faculty and a member of the Committee of Deans;³⁸ Mr. Ibrahim M. Kaduma was VC and Chairman of the Committee of Deans. Earlier, in the morning, the Committee of Deans had agreed to recommend the promotion of Dr. Keto Elitabu Mshigeni from Senior Lecturer to Professor of Botany.

What happened? The Faculty of Science had recommended promotion to Associate Professor. However, when the VC scrutinised the list of publications, he announced that he saw no impediment to promotion to Professor and it was so recommended. So, when the case of the FoL came, I told the Committee that we, in the Faculty, had recommended promotion of Paschal Mihyo to Lecturer, but having scrutinised the publications, I was varying the recommendation to promotion to Senior Lecturer; the Chairman and members of the Committee readily approved my recommendation.

³⁸ The Committee of Deans, a non-statutory Committee, was a clearing house for the Appointments Committee for Academic Staff, a Committee of the University Council. Further, the Committee of Deans served as advisor to the VC in emergencies and University crises.

Lesson 5: A member or representative must be attentive in meetings so that he or she can pick up decisions and points which may work in favour of the Faculty, School or Department.

(d) Dr. Abu Abdalla Kambaza Mvungi

The date is August or September 1982; I was Chief Administrative Officer.

I held a meeting of administrative officers in the University Administration Block; As Chairman, I looked around and nominated a recorder of the proceedings. It turned out to be Mr. Abu Mvungi, and I was highly impressed by the record, which I signed with pleasure without alteration. I found out that Mvungi was a holder of B.A. with Honours.

When Dean Professor Kanywanyi asked for an administrative officer for the Faculty of Law, I quickly dispatched Mr. Mvungi. I reasoned that the Faculty of Law must get a bright, efficient administrative officer in Mr. Abu Mvungi.

Mvungi met a group of talented young men who were pursuing studies for the LL.M. degree by coursework and dissertation - Wilbert B. Kapinga, L. X. Mbunda and Michael K. B. Wambali. They encouraged him to study for the M.A. degree. In addition, Dean Kanywanyi proved extremely cooperative in this regard.

What outcome? In the University of Dar es Salaam Prospectus, 2002/2003,³⁹ Dr Mvungi's name was listed as Lecturer, Department of Sociology and Anthropology, B.A. (Dar), M.Sc. (Surrey), PhD. (Johanes Kepler, Linz.). He recently retired as Principal of the Institute of Social Work, Dar es Salaam. I would extend my congratulations to him.

(e) Subira Joseph Nyerere, Ms. (1980/81 – 1983/84), daughter of Mr. Joseph Nyerere, President Nyerere's brother.

The date is November 1980 during 1980/81 academic year and she was in her first year of study for the LL.B degree. I received a report from her Academic Advisor⁴⁰ to the effect that she fell ill and was hospitalised for three months during the term.⁴¹ Thus she missed lectures and tutorial seminars. I was Dean of the Faculty.

When she came to report to me, I sympathised with her. I told her that, as Dean, I was not satisfied that she would meet the requirements of the relevant Regulation during examination time in March 1981. I had checked the Dean's powers which were spelt out under the General University Examination Regulations which were made under the University of Dar es Salaam Act, 1970.⁴² The relevant regulation stated,

³⁹ The University of Dar es Salaam, Undergraduate Prospectus 2002/2003, Dar es Salaam: DUP, 2002, p. 198.

⁴⁰ At the commencement of the academic year, each fresh student was assigned a law academic as Academic Advisor.

⁴¹ At that date, the academic year in the University of Dar es Salaam was organized into three terms with examinations at the end of the third term followed by a long vacation.

⁴² The University of Dar es Salaam Act, Cap 346, s. 57(1) (f).

No candidate shall be admitted to any examination in any subject unless the Dean of the Faculty has satisfied himself that the candidate has completed **by attendance and otherwise** the requirements of the course. If such a candidate enters the examination room and sits for the paper, his/her results in that paper will be declared null and void.⁴³

Presently, regulation 3.1 of the General University Examination Regulations under sub-title 3. Eligibility for Examination states,

The Dean of a School, Principal of a College or the Director of a teaching Institute may bar any candidate from being admitted to any examination in any subject or course when the Dean, Principal or Director is not satisfied that the candidate has completed satisfactorily by attendance, performance or otherwise the requirements of the subject of the course. Satisfactory attendance shall mean attending a minimum of 75% of the prescribed contact hours for the course.⁴⁴

So, on the basis of the above regulation and consultation with the Associate Dean, I advised her to postpone studies until the following academic year. The next day, she submitted an application in writing to that effect. I forwarded it to Prof. Isaria N. Kimambo, the Chief Academic Officer (CACO) with my

⁴³ The General University Examination Regulations, Regulation 2(1). The candidate would be liable to discontinuation from studies.

⁴⁴ The University of Dar es Salaam, Undergraduate Prospectus 2020/2021, Dar es Salaam: DUP, 2020, p. 58. This regulation is unworkable on account of the huge population of students in every course.

recommendation. The application was approved and she left the University.

What happened next involved three eminent persons, namely President Julius Nyerere, Mr. Joseph Butiku, Personal Assistant to the President and Vice-Chancellor N. A. Kuhanga.

At the close of a meeting in the Council Chamber, Vice-Chancellor Kuhanga called my attention and asked me if I had sent away Subira Nyerere. He said that he had met Mr. Joseph Butiku who told him that President Nyerere, in the State House, had overheard Subira complaining to some girls there that Dean Fimbo was responsible for the University's decision to send her away for one academic year. The President had remarked that she was young and the period of absence would have no appreciable impact upon her. I explained to the Vice-Chancellor what transpired and that the final decision was made by the Chief Academic Officer, Professor Isaria N. Kimambo. The matter ended there.

Subira rejoined the University the following academic year in 1981/82 and graduated in 1984. How did Subira Nyerere impact upon me? I can mention two notable impacts; Firstly, I became Chief Administrative Officer (CADO) of the University of Dar es Salaam in June 1982. President Nyerere was Chancellor and Mr. Kuhanga was Vice-Chancellor. The University of Dar es Salaam Act 1970 stated:

There shall be a Chief Administrative Officer of the University who shall be appointed by the Chancellor after consultation with the Vice-Chancellor.⁴⁵

Both the Vice-Chancellor Nicholas Kuhanga and the Chancellor must have felt that they needed a courageous and independent person in Mgongo Fimbo in the office of CADO.

Secondly, in 1999, I was appointed a Consultant in an international arbitration. After graduation, Ms Subira Nyerere became the Corporation Secretary of a huge public corporation, the Tanzania Electric Supply Company Limited (TANESCO). In 1999 she appointed me to the post of TANESCO Consultant/Expert in an international arbitration: In the ICC Court of Arbitration, Arbitration No. 100058/AC/DB Between China Sinchuan Corporation for International Techno-Economic Co-operation (“SIETCO”) and Tanzania Electric Supply Company Limited (“TANESCO”). A final Report of the Expert appointed by TANESCO was submitted on 31st May 1999. I was paid handsomely.

Certificate in Law student

1. General University Examination Regulations

1980/81 Academic year; I was Dean of the Faculty. This incident relates to a Certificate in Law student, Police College, Kurasini, during the 1980/81 academic year. The FoL, with approval of the University Senate, had allowed the Police College, Kurasini, to open and run a Certificate in Law course whose duration was one academic year using

⁴⁵ The University of Dar es Salaam Act, Cap 346, s. 10(1).

our syllabus. Examinations would be set and marked by the Faculty. Shortly before the examination period, I received a note forwarded to me by the Acting Chief Academic Officer, Prof. P. B. Vitta. The note came from the Commandant of the Police College, Senior Superintendent Makoye, to CACO demanding that the Dean bar the named student from examinations. The stated reason was that at the morning parade, it was found that the student had not cut his hair.

I was unable to find any University Examination Regulation which would empower me to bar this student for the stated reason. So, after consultation with the Associate Dean, I decided to take **no action**. As a result, the student passed his examinations and was awarded his Certificate in Law.

Lesson 6: Every person in authority should abide by the rules fearlessly and should not be intimidated by titles.

C On Administrative Matters

Under this sub-heading, I wish to discuss the Dean as an academic and administrative head of the Faculty, Chief Administrative Officer of the University: Making a Difference, Interaction with Academic Staff Association, Students, Students' Organisations and Administrative Staff.

I have spoken about the institutional arrangement of the University. I would emphasise that it was that environment in which I would operate as Dean of the Faculty of Law and subsequently, as Chief Administrative Officer of the University.

This structure was maintained substantially when the University Charter was approved in 2007.⁴⁶

1 The Dean as an academic and administrative head of the Faculty, July 1979 to June 1982

Appointment

I was appointed Dean during the Vice-Chancellorship of Mr. I. M. Kaduma. Prof. I. N. Kimambo, Professor of History, was the Chief Academic Officer. Mr. Kaduma was the second VC. He was appointed VC in February, 1977 immediately after the tenure of Mr. P. Msekwa had ended. Mr. Kaduma had been the Director of IDS at the University. Curiously, he hated Marxists. Before returning to the University, he was Minister for Trade and Industry in the Government of the United Republic of Tanzania (URT).⁴⁷ When Mr Kaduma was appointed VC, I was a Senior Lecturer. I was promoted to Associate Professor with effect from 1st July, 1979, during Mr. Kaduma's tenure as VC.

The appointment process of the Dean was initiated by the Chief Academic Officer, who undertook consultation with the Faculty Board and the Senate. Thereafter, the Senate would submit to the Council "not more than three and not less than two persons who, in his opinion, are qualified and suitable for appointment as the Dean of that Faculty ..."⁴⁸ The Council would proceed to elect the Dean and submit to the Chancellor that name together with

⁴⁶ The University of Dar es Salaam Charter and Rules, 2007. The Rules, Rule 11(2); membership of the Council is not less than 15 and not more than 21 persons. Tule and 11(3); there are at least 9 bureaucrats under paragraphs (c), (d), (e), (f), (j), (k), (l) and (m) of this sub-rule.

⁴⁷ Minister Kaduma was responsible for the price control.

⁴⁸ The University of Dar es Salaam Act, Cap 346, s. 23(2).

the names of other persons submitted to it by the CACO, and the Chancellor “may approve or disapprove of the appointment of the person elected by the Council.”⁴⁹ Presently, the appointment of Deans and Associate Deans of Schools and Faculties is by way of search.⁵⁰

When I became Dean, the academic staff positions in the Faculty were as follows: Professor – 1; Associate Professors – 2; Senior Lecturers – 3; Lecturers – 7; Assistant Lecturers – 6.⁵¹

Duties of the Dean

The term of Associate Dean, 1976 -1979, had taught me what the office of Dean entailed. The Dean’s functions were stated in general terms: Chairman of the Faculty Board,⁵² member of the Senate,⁵³ I sat in the Appointments Committee for academic Staff if an appointment was to be made to the Faculty.⁵⁴

It should be stated that the Faculty Board had power to review and to make recommendations to the Senate in respect of “the control and regulation of the instruction, education and research within the Faculty.”⁵⁵ However, it must be stated that major policy and legal issues relating to the Faculty were decided by central organs of the University or, through such organs, by the State. Thus, the process of staff recruitment, staff development,

⁴⁹ Id, s. 23(3).

⁵⁰ The University of Dar es Salaam Charter, the Rules, r. 9(1).

⁵¹ University of Dares Salaam, Faculty of *Law Handbook*, 1978/79, p. iii-iv.

⁵² University of Dar es Salaam Act, Cap 346, s. 15(2)(a).

⁵³ Id, s. 19(d). See also the Rules, 2007, r. 15(3)(f).

⁵⁴ Id, s. 16(2)(a). See also the Rules, 2007, r. 13(4)(a).

⁵⁵ University of Dar es Salaam Act, Cap 346, s. 15(3)(a).

motivation and discipline was regulated by the central organs of the University.

Was I prepared mentally for the position?

i. The first Test

Examination papers

University Safe;

The date is the end of the academic year, 1979/80; the University changed the system of custody of examination papers; it became the responsibility of the Dean. I had a terrifying dream about the loss of examination papers!

ii. The second test: Elevation to Vice-Chancellor, 1980

Mr Nicholas Alfred Kuhanga had been appointed VC in January 1980. We were at a cocktail in the Council Chamber in late 1980. Vice-Chancellor Kuhanga told me privately, “*Nimeamua kukuteua Acting Vice-Chancellor na wewe ujisikie.*” (I have decided to appoint you Acting Vice-Chancellor so that you, too, should feel good).

I was exhilarated, and I answered immediately, “*Naam.*” (Sure).

I was Acting Vice-Chancellor for thirteen days. I cleared the pile of files on his table, including a grant of approval for the transfer of Professor Mrs Marjorie Mbilinyi from the Department of Education to the Institute of Development Studies (IDS) and a research grant to Professor Hosea Y. Kayumbo of the Faculty of Agriculture, Veterinary Science and Forestry, Morogoro. I

prepared notes on every file for his perusal on return. (An Aide-mémoire) At that date, I was thirty-seven years old. Of course, *niljisiikia*. (I felt good)

Lesson 7: In an acting capacity, you must sit in the boss' office and you must perform duties as if you are the holder of that office.

iii. Staff Development in the Faculty

There are two aspects: appointment of Tutorial Assistants and postgraduate studies.

(a) Appointment of Tutorial Assistants (TAs)

As Dean, in consultation with the Associate Dean, I was responsible for scouting for eligible persons for appointment as Tutorial Assistants (TAs). After consultation with the Associate Dean, I would present these names to the Faculty Staff Development Committee, and thereafter, recommendations would be forwarded to the Chief Academic Officer for appointment.⁵⁶ This process was done immediately after the announcement of examination results. The Associate Dean was Mr. Paschal Buberwa Miho, (1971/72 - 1973/74) for three years, 1979 - 1982.

Tutorial Assistants (TAs) (seven)

1980 - Chris M. Peter and Asha Rose Mtengeti, 1981- Wilbert B. L. Kapinga, Ludfried X. Mbunda and Michael K. B. Wambali,

⁵⁶ In 1969 Thomas Mkude, Judge, now deceased, and I were appointed TAs after recommendation of Dean Professor Yash P. Ghai.

1982 – Herbert H. Nyange, Kibuta Ong’wamuhana. It should be pointed out that I was responsible for appointment of fifteen other TAs when I was a member of the Staff Development Committee, 1974 – 1979. I shall list their names here; 1974 - Costa R. Mahalu, Leonard P. Shaidi and Paschal B. Mihyo, 1975 - Nicholas N. N. Nditi, John B. M. K. Ngeleshi, Jovin A. Lyimo, Mwemezi C. Mukoyogo, 1976 - Ringo W. Tenga, Hawa R. Akarro (Mrs) (nee Sinare), Masumbuko R. M. Lamwai and Faustin L. Ngwahi, 1977 - Hamisi S. Kibola, Angelo M. Mapunda and Alex T. Nguluma, 1979 - Zebron S. Gondwe.⁵⁷ This is how this Faculty was made. The recurring problem has been one of retention. Consequently, some of you, law academics in 2023, hardly know some of the above names.

(b) Doctoral studies abroad

In 1979, Professor Dr. Carsten Thomas Ebenroth of the University of Konstanz, Germany, visited me in the Dean’s office. After fruitful discussions, he agreed to host two postgraduate students initially for doctoral studies. Accordingly, Mr. Mwemezi Christian Mukoyogo, (1972/74 - 1974/75) and Hawa Akarro, Mrs (nee Sinare) (1973/74 - 1975/76) who had conveniently obtained the LL.M. degree were admitted at the University of Konstanz for doctoral studies in the same year. They opened the door for others to go to the University of Konstanz, including Emeritus Professor C. M. Peter and Asha Rose Migiro (nee Mtengeti), (1977/78 – 1979/80), Justice Dr. Fauz Twaib,

⁵⁷ Fimbo, G. M., “Emeritus Professor Josaphat Kanywanyi in the Context of the Law Faculty and University of Dar es Salaam History”, in Kanywanyi, J.L. (ed.) *My Journey, From Family to University, In Faith Searching for God*, 2020, p. 121 at p. 125.

(1985/86 – 1987/88) and Dr. Daniel A. Shayo (1998/99-2000/2001).⁵⁸

(iv) Presentation of graduating students to the Chancellor

LL.B. with Honours, First Class

As Dean, I was privileged to present to the Chancellor, at Graduation Ceremonies three LL.B. Hons First Class graduates as follows; 1980 – Asha Rose Mtengeti (now Migiro) and in 1981 - A. S. Mapande and Eric Sikujua Ng'maryo.⁵⁹

During my teaching career, the Faculty has produced ten others as follows;⁶⁰ 1974 - Mutula Kilonzo (K) (53), 1975 - A. K. Kameja, G. Mukubwa Tumwine (U), W. G. Muwayire (U) (56), 1976 - R. W. Tenga, M. R. M. Lamwai (54), 1977 – H. S. Kibola (59),

1983 - P. J. A. M. Kabudi (57), 1986 - A. K. T. Nyaga (60), 1991 - H. I. Majamba and S.N. Mosha (59).

During the relevant period, 1970-2000, the Faculty conducted tutorial/seminars since student numbers were small, hardly 60. After the semesterisation and modularisation of curricula in 2000, student numbers increased to unmanageable proportions; we were unable to conduct tutorial/seminars and, consequently, we were unable to produce LL.B. Hons. First Class graduates. With regard to student numbers, a Committee of the University

⁵⁸ Currently, Dr. Shayo is the Head of the Department of Economic Law.

⁵⁹ The graduating classes of 1980 and 1981 had 52 and 42 students, respectively.

⁶⁰ The figure in brackets represents the number of graduating students in that year.

Senate (Nikundiwe Committee 2004) had recommended in 2004 as follows,

The Faculty of Law should be allowed to put a ceiling on the number of students it can admit for the next few years in order to attain an optimal student/staff ratio.⁶¹

2. Chief Administrative Officer of the University: Making a Difference, 1982-1987

Introduction

In June 1982, I was appointed Chief Administrative Officer of the University of Dar es Salaam; President Nyerere was still the Chancellor and Mr. N. A. Kuhanga was VC having been appointed in January 1980. Mr. N. A. Kuhanga had been a Resident Tutor at the Institute of Adult Education of the University College, Dar es Salaam⁶² before engaging in active politics. Dean Professor Kanywanyi saw my appointment as a promotion from Dean. In July, 2020, he wrote, as a justification for accepting Deanship of the Faculty in July 1982,

In short, one may say that the second time of heading the Faculty was the gap that had emerged after my successor was promoted to be Chief Administrative Officer from July 1982 and later on.⁶³

⁶¹ Fimbo, 2011, p. 20.

⁶² The University of East Africa, Calendar for the Session 1969/70, p.421; The University of Dar es Salaam Act 1970, s. 21(3)(a). Mr. Kuhanga obtained his M A in the USA before being elected a Member of Parliament representing Educational Institutions.

⁶³ Kanywanyi, 2020, 76.

I was expected to report to the University on 1st July, 1982. I was on a Fulbright Senior Research Scholarship when I heard of the appointment. I was based at Rutgers, the State University of New Jersey, Centre for Urban Policy Research, New Brunswick, New Jersey.

Bureaucrats

All my predecessors in office, Augustine C. Mwingira, Anthony Hokororo and Michael J. Kinunda had been bureaucrats from the Ministry of Education. Thus academic staff had voiced dissatisfaction on “bureaucratization” of the office of the Chief Administrative Officer through the appointment of civil service functionaries. Had the Chancellor, this time, answered their call in appointing me?

Some background information:

University crises

Firstly, in October 1966, there had been a student demonstration against certain features of the National Service. As a result, three hundred (300) Tanzanian students of the University, including the author, were sent down by the Government without consultation with the Principal, Dr. Wilbert K. Chagula. Secondly, the Akivaga crisis of 1971 led to the cessation of academic activities between 9th and 13th July, 1971. Thirdly, another students demonstration in 1978 over the government decision to increase salaries and fringe benefits to Members of Parliament; demonstrating students were sent down by the Government without consultation with the VC Mr. Ibrahim M. Kaduma.

Crisis of Confidence

Besides the *crisis of internal governance* referred to above, there existed what Mwapachu calls the Crisis of Confidence. The Government's stand had always been that the people were the conscience of the nation. As such, the Government vested onto itself the responsibility to cultivate and enforce a rigour of conformity in the University's academic and administrative culture.⁶⁴ In this context, the Government indulged in appointments of TANU and later CCM cadres to the Vice-Chancellorship, membership of the University Council and the University Senate, the Chancellor's power to appoint the Chief Academic Officer and the Chief Administrative Officer, as well as the Chancellor's approval of appointments of Deans of Faculties. Young law academics in 1996 joined in this assessment when they wrote,

The suspicious and hateful attitude of the state towards universities undermines the role of the university as a social critic. The development of an anti-university ideology is a result of illiberal socio-economic systems that are intolerant of democratic discourse.⁶⁵

At the date of my appointment in 1982, the Crisis of Confidence was in vogue; similarly, the Crisis of Internal Governance prevailed since the Fimbo Committee report⁶⁶ had not been acted upon by the Government. Would my appointment as CADO and

⁶⁴ Mwapachu, 2000, pp.50 and 51.

⁶⁵ Nditii, N. N. N., Mvungi, S. E. A and Mwaikusa, J. T., "Origins and Causes of the Crises at the University of Dar es Salaam (1970-1990)", in Mbwette, T. S. A and Ishumi, A. G. M. (eds.), *Managing University Crises*, p. 175.

⁶⁶ Id, p.40.

the appointment of Mr. Nicholas A. Kuhanga as VC alleviate the situation? Was the appointment a cure or a palliative or mere tranquilizer?

I reported to my new office in the third week of August 1982.

Strange Advice

The advice came from a subordinate staff member, the Chief Internal Auditor. It was on decision-making. The University Chief Internal Auditor, Mr. Sharma, from the Indian subcontinent, came to my office on a courtesy call. He said, regarding my predecessor, Mr. Michael J. Kinunda, “I told him that he would be promoted to a big position after here, maybe UNESCO or Principal Secretary. He asked me why I had said that. I told him, you make no decisions, you annoy no one.”

That statement was strange since, to my knowledge, *anon* had stated, “To avoid criticism, do nothing, say nothing and be nothing.” On my part, I promised myself to make firm decisions FEARLESSLY. I believed then and believe now that if I went wrong or was mistaken, a higher authority would correct me.

Institute of Development Management (IDM)

Shortly after reporting for work, I was whisked to the Institute of Development Management (IDM), Mzumbe, in order to attend a residential Executive Development Programme for three weeks. We were exposed to management of meetings and public relations, rudiments of accounting: statement of account,

budgeting and the role of the accounting officer in a public institution.

The Office

The functions of the CADO were stated in general terms in the Act. The governing provision stated,

The Chief Administrative Officer shall be responsible to the Vice-Chancellor in respect of **all administrative matters** pertaining to the University.⁶⁷

Accordingly, under section 26(a) the CADO was included in the category of administrative staff of the University and subsection (4) of section 10 proceeded to state the obvious that the CADO shall have such other functions as are conferred upon him by this Act or as may be prescribed. Other sections of the Act specified additional functions: member of the University Senate, member of the Appointments Committee for Academic Staff, Vice-Chairman of the Appointments Committee for administrative staff, Secretary of the Convocation. I had the power to appoint certain categories of administrative staff.⁶⁸ I was the **disciplinary authority** for students with the power to investigate every charge of a disciplinary offence against a student and the power to impose punishment.⁶⁹ I was obliged to be present at the affixing of the **Seal** of the University.⁷⁰ Finally, like the CACO, Professor

⁶⁷ The University of Dar es Salaam Act, Cap 346, section 10(3).

⁶⁸ Second Schedule, r. 2(3).

⁶⁹ The University of Dar es Salaam Act, Cap 346, ss. 34 and 36. The framers of the Act had no idea about the rule against bias.

⁷⁰ First Schedule, to the University of Dar es Salaam Act, Cap 346, r. 13(2). Actually, the Seal was kept in a Safe in CADO's office and the combinations were known by CADO alone.

G. R. V Mmari, I had the right to be present at every meeting of the University Council and to participate in its deliberations, but no right to vote.⁷¹

Apart from the above statutory functions, I, chairperson or member of numerous non-statutory bodies. I was chairperson of the Housing Allocation Committee and Silversands Hotel Board; I was a member of a host of non-statutory committees, such as the University Management Committee,⁷² the Committee of Deans, Dar es Salaam University Press Board, Estates Committee, the University Tender Board and the Workers Council. I was a **signatory** to letters of appointment, promotion, dismissal or termination of academic staff and senior administrative staff.

Accordingly, during the second year of my tenure, I prepared a Schedule of Duties and a Calendar of Activities for the CADO.

Size of the University

What was the size of the University of Dar es Salaam in 1982?

Faculties, Institutes and Other Organs

Faculties, seven, namely, Faculty of Law, Faculty of Arts and Social Sciences, Faculty of Science, Faculty of Engineering, Faculty of Commerce and Management, Faculty of Medicine at the Muhimbili Medical Centre, Faculty of Agriculture, Forestry and Veterinary Science at Morogoro with 3,350 hectares of land on the campus some of which was the University Farm, 26

⁷¹ Id, r. 6.

⁷² This Committee advised the VC on day to day matters and normally met every fortnight.

hectares of land on the mountain in a location called Morning Side, 840 hectares of forest at Olmotonyi, Arusha, 500-hectare forest of Mazumbai, Usambara.⁷³

There were five Institutes, namely, the Institute of Kiswahili Research, the Institute of Development Studies, the Institute of Marine Sciences, Zanzibar, the Institute of Resource Assessment and the Institute of Production Innovation.

There were twelve other organs, the University Library, the Dar es Salaam University Press, the University Health Centre, the University Bookshop, the Auxiliary police (University Security Guards), the University Hill Post Office, the Silversands Hotel, CCM University Branch, the University Hill Primary School and the *Umoja wa Wanawake wa TANU* (UWI) Kindergarten, the University Mosque and the University Church.

The Chief Administrative Officer was expected to have an eagle's eye to oversee this vast territory.

I shall report on five items, namely, vetting minutes of the Senate, *Mzee PUNCH*, the University of Agriculture Act No 6 of 1984, commercialisation of the University Cafeteria and improvement of academic staff emoluments.

⁷³ Jamal, A. H. Speech by the Chairman of the University Council at the Sokoine University of Agriculture and Council Inauguration Ceremony, Morogoro, 26.9.1984, in Sokoine University of Agriculture Inauguration Speeches, p. 4.

i. Vetting of Minutes of the University Senate, 1982

Mr. Stephen Rugaimukamu was a full time Senate Secretary. As Dean of the Faculty of Law, I had noted, with dismay that correction of minutes would take not less than three hours in the formal meeting of the Senate. Consequently, Senate meetings would conclude beyond 8.00 pm. It was distasteful.

So, from the first day in CADO's office, I took upon myself the responsibility to vet Senate minutes. This effort was highly appreciated by all Senate members! In meetings of the Senate which followed, members found that there was nothing to correct. Senate meetings would conclude before 4.00 o'clock.

Lesson 8: Vetting of minutes is an art. I had learnt that art from Dean Professor Kanywanyi.

ii. Mzee Punch

*Mzee Punch*⁷⁴ operated at the wall of the University Library which was later named the Wilbert Chagula Library in honour of the second Principal of the University College, Dar es Salaam. I had formed an opinion that *Mzee Punch* had a basis for *punching* a student or staff member.

On one occasion, Anna Tibaijuka, Mrs, an Assistant Research Fellow at the Economic Research Bureau (ERB) stormed into my office. The date is 1983. She complained that her sister, a B. Sc.,

⁷⁴ Lenganasa, L. S., "The Students Perspective of University Crises: The Case of the Dar es University," in Mbwette, T. S. A and Ishumi, A. G. M. (eds.) *Managing University Crises*, 2000, p. 146; Mlipano, G. B. "60th Anniversary of the University of Dar es Salaam School of Law: Reflections of an Alumnus", 48(1) *Eastern Africa Law Review*, 2021, p. 285 at p. 294.

student, had been ‘punched.’ Anna demanded immediate action against what she termed ‘culprits.’ I told her that I would reflect on the matter. After obtaining the substance of that *punch* and on reflection, I took no action.

Mzee Punch had the temerity to *punch* me once as CADO. I read the whole piece, he argued that I ignored student interests and he called me names. The head of the Auxiliary Police was visibly disturbed. Yet, I ordered him to take no action. I felt that *Mzee Punch* was a forum for self-expression, a medium for the expression of grievances by students.⁷⁵

Lesson 9: Taking no action is a firm decision.

iii. University of Agriculture Act, No. 6 of 1984

Professor Martin Luther Kyomo, Dean of the Faculty of Agriculture at Morogoro, a faculty of the University of Dar es Salaam, the Faculty Board and I had worked tirelessly in making a draft of the Bill for the University of Agriculture, Morogoro. We modelled it on the 1981 draft document for amendment of the University of Dar es Salaam Act (the Fimbo report).

The Bill for the University of Agriculture, Morogoro Act enabled me to attend a consultative meeting⁷⁶ at the State House, Dar es Salaam, in the company of the Vice-Chancellor, Mr. Kuhanga.

President Nyerere on Chancellorship
Section 9(1) of the Bill read,

⁷⁵ See contrary views of a former student, Lenganasa, 2000, p. 146.

⁷⁶ It was not a Cabinet meeting although all the Ministers were present.

The President of the United Republic shall, unless he sees it fit to appoint some other person to the office of the Chancellor, be the Chancellor of the University.

On reading this section, President Nyerere remarked, in a jovial mood, *Ndiryo mlivyoandika? Mimi napenda kuma Chancellor.* (This is what you wrote; I like the post of Chancellor)

Yet he did not instruct any change to be made in the provision.

Dodoma

Vice-Chancellor Kuhanga and I were in the delegation of the Ministry of Education to Dodoma for the meeting of the National Assembly on the Bill. We met the Prime Minister, Mr. Edward Moringe Sokoine in Dodoma in the morning of 11.4.1984 for a briefing session on the Bill which was passed by the National Assembly on the same day as the University of Agriculture Act, No. 6 of 1984. This enactment was immediately followed by Sokoine's death on 12th April, 1984. Thereafter, the Act was amended to read, Sokoine University of Agriculture Act⁷⁷ on 1st July, 1984, hence the acronym, SUA.

Lesson 10: There is something to be said about a legal dimension in CADO.

Cocktail

Before I close on the SUA subject, I shall refer to a cocktail on the 26th September, 1984 for the inauguration of the Sokoine University of Agriculture, Morogoro and President Nyerere's installation as Chancellor. At the cocktail, President Nyerere

⁷⁷ Sokoine University of Agriculture Act, Cap 195.

approached me from behind, placed his famous stick on my right shoulder and spoke softly, “Professor.” I was dumb-founded. The President did not stop.

iv. Commercialisation of the University Cafeteria

The mischief was food wastage at the University cafeterias. The main beneficiaries were residents of Ubungo, Changanyikeni, Ubungo and Sinza who visited the cafeterias in their pick-ups to carry away what were said to be food “left-overs.” In 1986 students, through their organisation, *Muungano wa Wanafunzi Tanzania (MUWATA)*, demanded commercialisation of the University cafeteria services.⁷⁸

I went for it. And the University Management Committee instructed me to undertake preparatory steps immediately. Accordingly, on 1st July, 1986 the Faculty of Commerce and Management (FCM) and I signed a “Gentlemen’s Agreement” for the provision of consultancy services by the Faculty. The terms of reference were as follows:

- a). Appraisal of the existing system,
- b). Carry out a feasibility study on whether or not to operate the cafeteria on a commercial basis,
- c). In light of the above, make recommendations on the future structure and mode of operation of the UDSM cafeteria.

⁷⁸ Nditi, et al, 2000, p.170.

Commercialisation of the cafeteria removed one area of conflict between students and the Chief Administrative Officer. This is what I wrote in 1996,

During my first three years as Chief Administrative Officer (1982-1985), the University Cafeteria was the focal point of student politics. The CADO spent many hours in meetings with MUWATA leaders to discuss cafeteria matters. When in early 1987, the cafeteria system was restructured following a Faculty of Commerce and Management consultancy report commissioned by CADO, and student politics changed dramatically. The portfolio of cafeteria affairs in the MUWATA government became less attractive and less interesting.⁷⁹

v. Academic emoluments, 1985

The Chairman of the Council, Mr. Obed Mbogo Katikaza⁸⁰ at the Chancellor's residence, Msasani 1985

The date is 1985. VC Kuhanga and I had spent many hours debating on academic emoluments and making visits to the Ministry of Education and the Treasury. Nevertheless, academic staff would deride me that I never returned to the Main Campus with my nose oozing blood. So, this time the University administration appealed to the Chancellor/President. It is not my

⁷⁹ Fimbo, 2000, p. 216.

⁸⁰ B A Hons (Makerere). He had been Chief of Protocol, Ministry of Foreign Affairs; Tanzania's Ambassador to France, Principal Secretary, Ministry of Foreign Affairs, Chairman and Managing Director of the National Insurance Corporation (NIC). Chairman and Managing Director of the National Bank of Commerce (NBC), before privatization. While holding the position of Chairman of Council, he suffered a debilitating illness which necessitated permanent use of a wheelchair. Despite this condition, his mind remained active and lucid.

intention to tell the content of our recommendations to the Chancellor. For today's conversation, I shall focus on the treatment meted to me by the Chairman of the University Council, Mr. Obed Katikaza. I spent considerable time in briefing the Chairman of Council and he assured me that he would gladly make a fitting and intelligent presentation to the Chancellor. It was agreed that I would merely escort him. It did not happen as planned when we reached the Chancellor's residence, Msasani. After the usual introduction, the Chairman told the Chancellor that the CADO would make the presentation. Gathering courage, I delivered a Professorial lecture to the Chancellor's satisfaction. On our way back, the late Katikaza expressed deep appreciation and confidence in me.

Lesson 11: A law academic, in the company of the boss, must be prepared for all eventualities.

3 Interaction with Students, Students' Organizations, Academic Staff Association and Administrative Staff

There were two levels, at the Dean's office and at the higher office of the Chief Administrative Officer.

At the Dean' office

Students

Following TANU's Musoma Resolution of 1974, Form Six Leavers were required to work for two years before being admitted to the University. So, students at the Faculty were to be mature age entrants mostly. I shall take Peter's class, 1977/78-

1979/80; (52): 2 non-Tanzanians; 24 mature age entrants, 24 young women direct from High/Secondary School.⁸¹

Faculty Board

Five students at the Faculty were Faculty Board members.⁸² Chris Peter was a member of the Board. These student Board members were more cooperative in the Faculty Board than they were during Prof Kanywanyi's Deanship.

At the University level, students had a non-autonomous organization by the name of *Muungano wa Wanafunzi wa Tanzania (MUWATA)* operating under the umbrella of the TANU Youth League (TYL). Subsequently students formed the Dar es Salaam University Students Organization (DARUSO) in 1991. Neither MUWATA nor DARUSO had any impact at Faculty level.

Academic Staff

Faculty Board

Fifteen members of academic staff at the Faculty were members of the Faculty Board.⁸³ These were key with regard to all Faculty Board decisions.

The University of Dar es Salaam Staff Assembly (UDASA) had been formed in 1980.⁸⁴ Yet it had no impact at the Faculty level.

⁸¹ In 1977 Female Form 6 leavers were exempted from the requirement to work for two years and from the National Service.

⁸² University of Dar es Salaam Act, Cap 346, s. 15(2)(d).

⁸³ Id, s. 15(2)(b).

⁸⁴ Kihore, 2000, p. 176.

At CADO's Office

Administrative Staff - Women in Leadership

As soon as I settled in the office of CADO, I reorganized the office by making key appointments. Three energetic women were placed in leadership positions – Justina Minja, Mrs, (B.A., Dar) became head of the academic recruitment section, Sherbanu Kassim, Mrs, (LL.B., Dar) became head of the Main Registry. When the office of Secretary to Council (STC) fell vacant, I chaired an interview panel which recommended the appointment of Fabia Shundi, Mrs (B A., Makerere) to the high office of Secretary to Council (STC).

Students

The Students Organization elected three members to the University Senate. At the level of the University Council the Students Organization elected five members. I should have operated under the umbrella of VC Kuhanga. However, for the most part, I endured as MUWATA's punching bag because of the octopus-like structure of CADO's office. Areas of interest and concern to students were; academic and administrative staff, cafeteria, halls of residence, estates (roads, transport, street lights, the University Garage, the swimming pool, football and netball grounds), the University Security Guards, Health Centre, the University Library, the Bookshop, Lecture Theatres, Science and Engineering Workshops, Laboratories, the University Garage. The late Bernard Camillus Membe, who was MUWATA's General Secretary, was a constant visitor to my office. He subsequently proposed to Doris, an assistant to my personal secretary and married her.

Academic Staff

Academic staff were members of the Senate.⁸⁵ They were members of the Council as well.⁸⁶ However, the framers of the Act did not envisage representatives of the academic staff association. For the most part, I dealt with them individually.

UDASA Club

House No. 1 is located at the corner of Simba Road, now Chief Kunambi Road. It had been occupied by Professor Awadhi Sadiki Mawenya, the first Tanzania Dean of the Faculty of Engineering. As soon as this house became vacant in 1985 and on application by UDASA, I allocated this house to UDASA on very generous terms. The UDASA Chairman and CADO signed a licence at a consideration one shilling per calendar year.

Lesson 12: Students and academic staff form the life blood of the University.

D On Vice-Chancellors⁸⁷

I am discussing my superiors with circumspection. All VCs 1970-1991 carried a typical civil service attitude, “administer the office as you find it, **do not attempt to modernize it.**”

⁸⁵ The University of Dar es Salaam Act, Cap 346, s. 19(1) d, f, g, and h.

⁸⁶ Id, s. 11(1) j.

⁸⁷ In discussing Vice-Chancellors, I am taking a leaf from Professor Evance Kalula, in Kalula, E., “The Will to Live and Serve: Personal Reflections on Twenty Years of Continuity and Change in the Faculty of Law, 1992-2012, Farewell Lecture to the Faculty of Law, University of Cape Town, 5 August 2013, p.1-52, at p. 40.

P. Msekwa, 1970

I was a Tutorial Assistant, having been appointed with effect from 1st April, 1969. Mr. Msekwa was a Party cadre and had been TANU Executive Secretary. On his first day, 1st July, 1970,⁸⁸ he entered the University in a Land Rover of the TANU YOUTH LEAGUE⁸⁹ (TYL). The TYL cadres were jubilantly singing,

2. *Kilikuwa kichaka, sasa mwanga. (It was bush, now there is light)*

Mr. Msekwa introduced TANU presence on campus; the NBC building was built specifically as TANU University Branch office. When he came, the following five Faculties were in place, the Faculty of Law, the Faculty of Arts and Social Science, the Faculty of Medicine at the Muhimbili Medical Centre, the Faculty of Science and the Faculty of Agriculture at Morogoro. The Faculty of Engineering buildings were erected in his time by funds provided by the Federal Republic of Germany. The Faculty was established in 1973.

There were four Institutes, namely, the Institute of Public Administration, Institute of Swahili Research, the Institute of Adult Education and the Institute of Education.

Mr. D. M. K. Bishota who had been Acting Dean of the Faculty of Law was deprived of Deanship by legislation. The Third Schedule to the University of Dar es Salaam Act stated emphatically,

⁸⁸ Issa Shivji and I had been earmarked to leave on 1st September, 1970 for the University of London to pursue studies for the LL.M. degree. Mr Thomas Mkude had already left for Columbia University, USA for the same purpose.

⁸⁹ Youth Organization of the Party, TANU.

The Deans of Faculties of the former College shall cease, with effect from the effective date, to hold the offices of Deans.⁹⁰

This provision paved the way for the appointment, as Dean of the Faculty of Law, of Justice P. L. U. Cross, Barrister at Law, with no postgraduate training or teaching background. It may be recalled that the Dean of a Faculty was appointed by the Council with the approval of the Chancellor.

Mr. P. Msekwa⁹¹ who obtained his M A (Dar) while he was Vice-Chancellor may be credited with the establishment, in 1975, of the University Teaching and Learning Programme (UTLIP).

Ibrahim M. Kaduma, 1977

The late Ibrahim M. Kaduma was the second VC. He was appointed VC in February, 1977 immediately the tenure of Mr. P. Msekwa had ended. Mr. Kaduma had been the Director of IDS at the University. Mr Kaduma proudly told me,

Fimbo, mlikuwa hamjapata Vice-Chancellor sasa mmepata.

(Fimbo, you haven't had a Vice-Chancellor, now he is here)
I was perplexed. On another occasion, shortly before the University Graduation procession and while in the Vice-Chancellor's gown, he joked,

Fimbo, hamtampata VC mwingine mfupi kama mimi. (Fimbo, this University will not get a Vice-Chancellor who is shorter than me)

⁹⁰ Third Schedule, r. 6(1).

⁹¹ Mr. P. Msekwa lives in Nansio, Ukerewe, Mwanza Region.

His first notable act as Vice-Chancellor in May 1977 was to expel certain academic staff and one administrator who were transferred to the Government or parastatal organizations. It has been argued that expulsion of academic staff constituted a major precipitating cause of unrest and instability in the University. The report of the Macha Committee which had been appointed by the University in January 1979 to enquire into the causes of the March 1978 Students Demonstration, discerned expulsion of academic staff as one of its root causes.⁹² The Vice-Chancellor, Mr. Kaduma saw it as an issue between academic staff and the Vice-Chancellor. In his own words,

Similarly, the Vice-Chancellor had used the fiat of the University Act (1970) and requested the Chancellor to direct that certain dons and one administrator to be transferred out of the University to either the government or parastatals. To some extent, this created some rift between the Vice-Chancellor and members of the academic staff.⁹³

Some students were sent home by the Government as a result of the demonstration. The Dar es Salaam Students Organisation (DUSO) was banned and replaced by TYL caretaker 'government.'

Mr. Kaduma's term as VC was brief. In 1980, he was appointed Minister for Foreign Affairs in the Government of the United Republic. I would credit the late Kaduma for recommending me for promotion from Senior Lecturer to Associate Professor in

⁹² Mwapachu, 2000, p. 43.

⁹³ Kaduma, 2000, p. 194.

1979, for recommending me for appointment as Dean of the Faculty of Law in 1979 and for the establishment, in 1979, of the *Fimbo* Committee on the University of Dar es Salaam Act as demanded by academic staff.

Mr Nicholas Alfred Kuhanga, 1980

Mr Nicholas Kuhanga⁹⁴ was appointed Vice-Chancellor in January 1980. He was a Member of the National Assembly, a Member of the National Executive Committee of CCM and Minister of Education. His appointment as VC meant that his appointment as Minister of Education was revoked by the President of the United Republic of Tanzania but membership of the NEC of CCM and Parliament subsisted.⁹⁵ In January 1980 I was Associate Professor and Dean of the Faculty of Law. When Mr. Kuhanga came, he told me,

This is a horizontal transfer; it is not a demotion.

I simply nodded. I would credit Mr. N. A. Kuhanga for recommending me for appointment as Chief Administrative Officer in 1982 and for accepting, in the Senate, the Faculty of Law recommendation for departmentalisation in 1985. Prof. J. L. Kanywanyi was Dean of the Faculty. On the basis of this Senate decision, five departments were established, namely, Civil and Criminal Law, Constitutional and Administrative Law, Economic Law, International Law and Legal Theory.⁹⁶

⁹⁴ Mr. Kuhanga is 90 years old. He lives in Bunju, Kinondoni District, Dar es Salaam.

⁹⁵ *Fimbo*, 2000, p. 221.

⁹⁶ *Fimbo*, 2011, p. 20.

From 1966 to 1978, the University had the experience of closure and students being sent down by the government. However, during Mr. Kuhanga's tenure 1980 -1988, despite the subsistence of the crisis of internal governance and crisis of confidence, the University was never closed. He often told me, "Chief, if the Government closes the University it means that **you and I** have failed." I summarised his philosophy at a workshop on University Crises in 1996.⁹⁷

Lesson 14: In the absence of students, University administrators lose legitimacy.

Prof. Geoffrey R. V. Mmari, 1988

Professor Mmari had been Headmaster of a public secondary school in Shinyanga. On joining the University as a staff member, he was admitted to the Institute of Education.⁹⁸ He later transferred to the Department of Education, Faculty of Arts and Social Sciences, where he had a meteoric rise. He was appointed Dean, 1979 – 1982 (when I was Dean of the Faculty of Law). He and I ascended to the University Administration at the same period, he was appointed Chief Academic Officer (CACO) in 1982 when I became CADO. On the date of completion of two years in CACO's office, 30th June, 1984, he was appointed the first Vice-Chancellor of the Sokoine University of Agriculture and led the new University for four years, 1984-1988. He returned home as Vice-Chancellor of the University of Dar es Salaam in 1988. The University of Dar es Salaam was closed once during his

⁹⁷ Fimbo, 2000, pp. 221-222. In 1988 Mr. Kuhanga was appointed Vice-Chancellor of the Open University of Tanzania.

⁹⁸ The University of East Africa, Calender For the Session, 1969/70, p. 508; University of Dar es Salaam Act, No.12 of 1970, s. 21(3)(b).

tenure on 12th May, 1990 for eight months.⁹⁹ When the University reopened in January, 1991, Professor Mmari was immediately appointed Vice-Chancellor of the Open University of Tanzania.¹⁰⁰

Professor Mmari marks the end of appointments of TANU and later CCM cadres to the Vice-Chancellorship of the University of Dar es Salaam. At the same time it marks the commencement of the appointment of Professors in the office of the VC, UDSM.

Professor Matthew L. Luhanga,¹⁰¹ 1991–2007

I stated above that all VCs 1970-1991 carried a typical civil service attitude, “administer the office as you find it, do not attempt to modernise it.” Professor Matthew Luhanga was different. He did not have a civil service background or civil service experience. He had taught at the Technical College, Dar es Salaam, before transferring his services to the Faculty of Engineering, University of Dar es Salaam. Thus, he was aware of countless University crises as he was around as a University don and later as CACO under Vice-Chancellor Mmari. Professor Luhanga was daring, an innovator and a reformer.

I would credit him for four matters;

Firstly, he hosted a Workshop on preemption, Prevention and Management of University Crises Under Changing Political and

⁹⁹ Nditi, et al 2000, p. 170; Lenganasa, 2000, p. 150.

¹⁰⁰ Professor G. R. V Mmari now lives in Oyster Bay, Kinondoni District, Dar es Salaam after retirement.

¹⁰¹ I was promoted from Associate Professor to Professor of Law during his tenure.

Socio-economic Conditions,¹⁰² at Arusha, 10-16 March 1996. The purpose of the workshop, in the words of the Vice-Chancellor, “to look back at the course of time and events: to identify the main causes, decipher the issues at stake, look at the action options taken and the methods applied during those critical moments.” Selected speakers (authors) were individuals who had been students, teachers, researchers, administrators or direct stakeholders during one or more of the crises identified and analysed.¹⁰³ At the date of the workshop, Vice-Chancellor Luhanga had been subjected to a university crisis, namely, industrial action by UDASA commencing on 24th February, 1995. The usual drawback is that the workshop was organised with the “generous financial assistance” provided by the European Union, through the EDF VII Human Resource Development Programme and the European Union Representative attended the workshop.¹⁰⁴

Secondly, as Chairman of the Senate, he approved the 4 Year LL.B. Programme, based on a module and unit system, 2000/2001.

Thirdly, the Vice-Chancellor’s office conceived, in 1994, the Institutional Transformation Programme (ITP – UDSM 2000). The ITP was anchored upon the Corporate Strategic Plan (CSP),

¹⁰² In my contribution to the workshop, I defined a University crisis as “an extraordinary event and it involves change. In the context of the University, a crisis involves cessation or boycott of normal businesses of lectures and tutoring.” For details see Fimbo, 2000, p. 214.

¹⁰³ Mbwette, T S A and Ishumi, A G M.(eds), *Managing University Crises*, Dar es Salaam: DUP (1996) LTD, 2000, p. v. vi.

¹⁰⁴ Makwetta, J. “Opening Speech by the Minister of Science, Technology and Higher Education” in Mbwette, T S A and Ishumi, A G M. (eds), *Managing University Crises*, 2000, p. 232.

which was approved by the Council in 1994. The end result was expansion of student enrolment, semesterisation and modularisation of curricula.

Fourthly, creation of campus colleges and schools as a necessary component of the ITP. The process was accelerated by the Universities Act, No 7 of 2005 under which public and private universities have been established by Charter. Consequently, under the University of Dar es Salaam Charter and the Rules, March, 2007, constituent colleges, campus colleges, schools and institutes were established.

Drawbacks

Three drawbacks of the ITP-UDSM 2000 may be isolated; Firstly, the ITP was not original, it was preceded by similar programmes at the University of Botswana, the University of Nairobi and Makerere University. Secondly, the ITP was not consultative, there was a lack of consultations within the University community.¹⁰⁵ The third and main drawback relates to the role of the Faculty/School Board. I have stated it before, and I would repeat it here that under the Rules 2007, “The role of Faculty/School/Institute Board is spurious and that Boards have moved into obscurity.”¹⁰⁶ I was comparing the status of Faculty Boards under the Rules, 2007 and under the University College Dar es Salaam Decrees, 1964. Under section 17 of the Decrees, the Academic Board had no power to disallow any decision of the Faculty/School/Institute Board without first having referred it back to the appropriate body. Accordingly, I would urge that a new sub-rule (7) should be added to Rule 16:

¹⁰⁵ Mwapachu, 2000, p. 53.

¹⁰⁶ Fimbo, 2011, p. 28.

In respect of any matter in relation to which the Senate is required to report to the Council or to make By-laws in accordance with or furtherance of the provisions of paragraphs (a), (b), (c), (d), and (e) of sub-rule (2), the Senate shall not initiate any action in respect thereto until such report has been received from the Faculty, School or Institute Board as the case may be, **and the Senate shall not reject any such report without further reference to the Board.**

Nevertheless, the late Luhanga and the Programme Manager, the late Mbwette will be remembered for ever on account of the ITP-UDSM 2000 Programme and the concrete seats, the *Mbwettes*, strewn on the Main campus. It was a masterpiece of monumental proportions.

Prof. Rwekaza S. Mukandala, 2007

Vice-Chancellor Mukandala must get credit for completing the ITP tasks, which began and were left unfinished by Vice-Chancellor Luhanga. A list of Campus Colleges, Schools and institutes was published on 18th June, 2010. On 30th January, 2015, another list of campus colleges, schools, institutes, centres and libraries was published in the Government Gazette. Further credit goes to him for leading successful discussions on the appointment of Professor Emiriti followed by the preparation of applicable rules. Eventually, eight Professor Emiriti (including the author) were appointed in 2020 under the Vice-Chancellorship of Professor William A. L. Anangisye.

3. CONCLUSION

I set out to engage the audience in a conversation about the University of Dar es Salaam. The paper was divided into three

parts, namely, Introduction, the Conversation and Conclusion. In the conversation, I set out historical facts relating to the University and I classified them into four groups, namely, On Academic matters, On Administrative matters, On Changing lives and On Vice-Chancellors. Within this classification and groups, I sketched my humble contribution as law academic, as Dean of the Faculty of Law and as Chief Administrative Officer of the University. I had the confidence to identify fourteen (14) lessons for my colleagues.

I have had a rich and fruitful life at this University. Students, academic staff and administrative staff, my subordinates and superiors have all impacted upon me. I would happily state that all the decisions recounted here involving action and non-action exhibit courage and self-confidence. None of them shows impetuosity. I have already stated that none of you, Colleagues, will replicate this experience, but all you are able to learn from it. Let me end by addressing a piece of advice to me by Dr. Gladys Taylor McGarey, MD;

Did things mostly turn out all right? If so, be **grateful**. Is there anything funny about it? If so, **laugh!** Have you learned anything new since then? If so, **enjoy** what you now know and **express** it however you can!¹⁰⁷

I can say that this CONVERSATION is a vital means of expressing my joy. Let us soldier on TOGETHER with optimism.

¹⁰⁷ McGarey, G. *Longevity Secrets from a 102-Year-Old: Six Secrets to Live with Joy, Vitality and Purpose at every Age*, New York: Atria Books, 2023, p. 76.