



Self-Governance in Condominium Housing in Tanzania: Performance, Dilemma and Sustainability

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Abstract

Despite the ever-growing preference for self-governance in diverse, multi-unit buildings in cities around the world, scholarly discussion on how this form of housing is governed and the potential inefficiencies with self-governing since the 2010s in the Global South is both limited and presented anecdotally. Reflecting on Ostrom's common pool resources principles, the study highlighted patterns of interaction to establish whether commonly held views about self-governance are borne out in practice. A case study approach used involved surveys of condominium homeowners and interviews with house management committee chairs or members. In addition, a document review was conducted. Findings showed underlying forces that prevented functional and sustainable self-governing communities are unsatisfactory participation and weak enforcement of house rules. These are driven by conflicting interests among homeowners, lack of adequate information, discrepancies in legal processes, and ineffective dispute resolution mechanisms. Such issues have the potential to damage building social cohesion. Hence, the study stressed implementing plausible dispute resolution mechanisms, preparing guidelines and standards on how condominiums can be effectively governed and ensuring individual cooperation and free-riding issues are avoided. Understanding the behaviour of individuals within a space for interaction is also crucial for self-governing institutions to function successfully.

Keywords: *housing, condominium, dilemma, sustainability, sub-Saharan, Africa*

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1. Introduction

The concept of condominiums as ‘self-governing communities’ is embedded in the management and governance of common spaces and systems in this form of housing or unity property, both in the developed economies of Europe, America and Asia, and many other countries in Africa (Treffers & Lippert, 2020; McKenzie, 2011; Adamu, 2012). As synthesised by McKenzie (2011, 222), this “collective action paradigm” holds that condominiums are relatively self-governing, autonomous communities. Homeowners are permitted under certain rules to guide their operations to collectively govern common spaces and assets without external influence. Thus, this model is seen as a vehicle for enforcing standards of behaviour designed to foster greater social cohesion. Moreover, to protect the property and secure long-term success.

However, for homeowners and researchers, the implementation of the self-governance system in the governance and management of condominium housing has been something of a puzzle (Treffers & Lippert, 2020; Kenna & Stevenson, 2010). Evidence suggests this “collective action paradigm” is not only regularly contested on a scale not seen from other forms of housing management (Chen & Webster, 2005; Low *et al*, 2012), but housing managers are under increasing pressure to demonstrate that their services centre the homeowner and continuous performance improvement is delivered (Treffers & Lippert, 2020; Adamu, 2012). This is against its premise of sustaining common ownership arrangements that are relatively autonomous, self-sufficient, and governable by its members (McKenzie, 2011). As a result, much of the last two to three decades has seen low participation of homeowners in collective action. Participatory democracy in the delivery of management services has failed to meet simple homeowner thresholds required functionally effectively (Lippert & Steckle, 2016; Lippert & Treffers, 2016).

In response to the discrepancy, Tanzania introduced a new approach to the management and governance of condominium housing in 2008. The Unit Title Act (UTA) 16 of 2008 demarcates how homeowners can collectively enforce joint ownership and responsibilities over the common property through HOAs – self-organised homeowners’ associations (UTA, S35-S40). These responsibilities include the power to enact house rules, mediate disputes, preserve the value of a property, and monitor both the living environment and arrangements. Despite this supporting policy provisioned, persistent conflicting expectations among homeowners often end up in the press or the courts challenging the idea that the “collective action paradigm” can effectively address management issues in Tanzania's condominium housing sector (Masinde, 2006). Similar evidence has been noted across several countries in Sub-Saharan Africa (Baboolal-Frank, 2020; Adam, 2012; UN-Habitat, 2010). Given the constraints the collective action regime must operate, it is critical that any gaps in the governance and management services are identified.

Yet, scholarly research undertaken to examine how condominium homeowners perceive their housing management implemented by HOAs and the governance problems that have overshadowed it since the 2010s in Tanzania and broadly cities in the Global South is surprisingly limited in its scope, dated and most are presented in anecdotal form (Haregewoin, 2007; Masinde, 2006). Even though, condominiums as self-governing spaces are a recent phenomenon for several African countries experiencing unique challenges in planning and execution Masinde, 2006; Adam, 2012). South of the Sahara, Adamu (2012) observed that self-governance was challenged by institutional discrepancies characterised by an inability or difficulty in designing effective

collective action rules. Nevertheless, the study was conducted ten years ago. For this reason, the lack of a consistent view of the house management system limits an appropriate strategy to preserve the value of a property and provide a safe and comfortable living environment (Smith, 2002; Walker, 2000; Miles *et al*, 2007).

Within the condominium housing sector in the Global North (GN), an internal debate commenced on the nature, role and place of inclusivity and participatory democratic arrangements, free-riding, or divergent interests or unchecked influence from external professional experts within the management and the governance model of common spaces and systems in condominium housing (Easthope, 2019; Easthope & Randolph, 2009; Lippert, 2019; McKenzie, 2011). The “scholarly debate” of the GN acknowledges that this housing this faced with various governance challenges. These issues differ by country and extent. This literature is framed on how housing management tasks are performed jurisdictionally in changing social, political and economic processes. Therefore, it is of limited use in answering the questions posed in this research on the Global South (Kenna & Stevenson, 2010); Lippert, 2019; Lehavi, 2015).

Against this background, three main issues need to be examined. Firstly, what explanations can be provided for the management problems the in condominium housing sector in Tanzania and generally in the Global South? Secondly, in promoting collective action, what are the wider governance and management consequences for different groups in Tanzania and the Global South? Thirdly, could the collective action in the condominium housing sector in Tanzania and the Global South facilitate instead of hinder management and governance in sustainable and meaningful ways as suggested by Ostrom’s (1990: 90) common-pool resource (CPR) theory. Drawing on Field’s (1997) definition, sustainability is a process that can be maintained over the long run without impairing the fundamental ability of the underlying asset to support future needs. Geographically, this study focused on Tanzania, but the literature from sub-Saharan Africa and other countries is analysed and discussed.

This paper therefore argues that addressing the above issues is critical to understanding the outcomes of the last 15 years of condominium housing management and governance in Tanzania. How these issues are answered and the resulting policy choices made based on the findings support advancing knowledge and the prospects of self-governance as a model for condominium management in emerging markets in the Global South with similar housing policies and legal frameworks. The findings provide the opportunity to explore how buyers of condominiums maintain their property rights and autonomy, while still contributing to the resolution of housing problems. Also, the unique character of this research is due to the empirical evidence on the case for and against the performance of self-governing systems within the continent to communicate Africa’s condominium management story. In so doing, the paper highlights good practices and approaches proven successful in other emerging markets. These could be adaptable to the circumstances encountered in Tanzania.

The importance of this study is further highlighted in the declaration of Sustainable Development Goals (SDGs). As such, the limited research available not only prevents governments from understanding condominiums’ legal and institutional designs but undermines governments’ efforts to achieve SDG 11. This goal seeks to ensure access for all to adequate, safe, and affordable

housing and basic services. Thus, these findings could assist in identifying effective ways of closing management and governance gaps and prioritising which gaps to focus on.

The next section presents theoretical issues applicable to the evaluation of self-governing institutions within the common pool resource (CPR) structure using Ostrom's design principles. Section three provides an introduction to condominium housing management practice in Tanzania and its aims and their intended or unintended consequences. Section four discusses the research methodology, while section five demonstrates the research results. The results are then linked to the existing body of knowledge. Thereafter, the key inferences from the analysis are made. Finally, recommendations from the study are provided.

2. Condominiums Collective Action as a Common Pool Resource Regime

To understand the effect of collective action on condominium management performance and homeowners' behaviours, the common pool resource (CPR) theory is applied. Developed by Elinor Ostrom (1990), the theory examines the notion of joint governance. It conceptualised the most efficient ways to manage a class of goods known as "common-pool resources" or simply the commons. Her argument noted goods are not simply "public" or "private" goods, but are "common-pool resources" with the characteristics of public and private goods. However, these features need not necessarily be attributable to private or public goods (Ostrom, 2009a, 2012b). The consumption of common-pool resources is always non-excludable in access but rivalrous in consumption (Ostrom, 1995: 7). There are interesting cases of goods and services large enough to make it costly to exclude potential beneficiaries for everybody to enjoy (Ostrom, 1990: 30). While the optimal sharing group is more than one person, consuming common goods and services does not reduce the possibility of someone else having the same opportunity for consumption. The second dimension is "subtractability" or competition in consumption. Goods that are depleted in consumption are rivalrous (subtractable) in consumption because one person's appropriation of a resource reduces the availability of that resource for others.

The best example of a common good in condominium housing is common spaces and assets. These include lifts and staircases amongst others once labelled for consumption. Under normal circumstances, access to these common spaces and assets cannot easily be restricted to a homeowner/resident unless access to the housing facilities is limited by membership restrictions. Homeowners (or residents) also experience non-rivalry in consumption when one person's use of a balcony or parking space affects the opportunity for others to use it. Quite often common pool resources are susceptible to incidents of free-riding and the tragedy of exclusion (Ostrom, 1990: 60; Hardin, 1968). Hardin (1968: 1247) stressed the tragedy of the commons could arise from some lack of consensus and/or appropriations of common-pool resources by greedy societies or the self-interest of users. Leading to the loss or exhaustion of the resource appropriators were supposed to preserve.

The experience of dilemma in condominium housing conforms to what Ostrom (1990) discussed. For instance, it is difficult to stop a homeowner from using the "common property". Thus, self-governing communities are likely to face a similar dilemma when undertaking numerous governance responsibilities to manage and sustain living arrangements. Such dilemmas range from not making housing payments on time, not participating in decision-making meetings, and non-

adherence to house rules (McKenzie, 2011; Chen & Webster, 2005; Bandy et al., 2010; Low et al., 2012; Vihavanien, 2009; Adamu, 2012).

The (CPR) theory's direction to escape the exploitation of common resources involves a model of governance based on individuals working jointly together for a common end rather than functioning through the market or the state (Ostrom, 1990: 31). In other words, the theory states that beyond the institutions of "market" and "state," there is a third institution: the community. Thus, Ostrom (1990) and those committed to her work like Frischmann (2013), Pennington (2012) and Tarko (2012) claim this occurs when a system of working together is created. That is, through a self-organised and self-governed system the commons are sustainably managed and governable. Notably, resource users would establish a system that benefits everyone involved while protecting the CPR for long-term use. Therefore, diverting attention from the challenges described in Hardin's Tragedy of the Commons and free-rider.

For these individuals to succeed, the CPR theory lists a set of principles for common self-governance (Ostrom 1990: 90; Obeng-Odoom, 2021: 55). These principles constitute the Ostrom IAD framework described in Plate 1 below. Ostrom's design principles introduced a specific approach for analysing a wide range of resources that are consumed collectively such as shared common areas and facilities in condominium housing. The five design principles concern: boundaries, membership, rule-making, monitoring, sanctioning, conflict-resolution mechanisms of the regime and recognition by authorities.

According to Ostrom (1990), the boundary principle is concerned with understanding resources being shared. The principle highlights focusing the analysis on physical assets and membership. In the context of this study, this implies homeowners must know the spatial limits of their common spaces and facilities, as well as who is included or excluded in the collective process. Key to interpreting the collective action principle is identifying essential action situations, the role performed by each actor within the action situation, and appreciating their motivations and beliefs. The principle further states the rate of participation in accomplishing the action situation determines the effectiveness of the self-governance regime. The principles also underscore that rules governing all aspects of CPR regimes must be established by those who use them. Equally, there must be a congruence between the collective action rules relative to local practices and the nature of the individuals. Thus, a particular concern of this study is to understand whether the rules and mechanisms put in place were collectively enacted and ensured effective monitoring of the house and living arrangements contrasted with sound sanctions on what could be achieved under alternative arrangements.

Finally, the other three elements of the design principles show the significance of the CPR regime to monitor areas of risk, implement sanctions and determine whether changes are needed to improve the effectiveness of a monitoring system (Ostrom, 1990). Accordingly, a key part of the analysis concentrates on whether the regime monitors the condition of the physical structure, facilities and tasks performed by the property managing agency efficiently. If counterproductive and deleterious behaviours are monitored, and whether those responsible for monitoring the condition of the commons are accountable to the appropriators. This is followed by an examination of potential inefficiencies within the enforcement of sanctions and examining the case for and against the efficiency of dispute resolution mechanism in self-governing communities.

Plate 1: Ostrom's Design Principles for Successful Governance of the Commons

1. **Clearly defined boundaries:** Individuals or households who have the right to withdraw resource units from the CPR and the boundaries of the CPR. In 2012, the principle of clarity of boundaries was expanded to incorporate clarity on users' boundaries (Ostrom, 2012b).
2. **Congruence between appropriation and provision rules and local conditions:** Appropriation rules restricting time, place, technology, and/or quantity of resource units are related to local conditions and to provision rules requiring labour, material, and/or money.
3. **Collective-choice arrangements:** Most individuals affected by the operational rules can participate in modifying them.
4. **Monitoring:** Details the audit CPR conditions and appropriator behaviour and the process of accountability for appropriators.
5. **Graduated sanctions:** Appropriators who violate operational rules are classified as graduated sanctions (depending on the seriousness and context of the offence) by other appropriators, officials accountable to these appropriators or both.
6. **Conflict-resolution mechanisms:** Appropriators and their officials have rapid access to low-cost local arenas to resolve conflicts among appropriators or between appropriators and officials.
7. **Minimal recognition of rights to organise:** The rights of appropriators to devise their institutions are not challenged by external governmental authorities.

Source: Obeng-Odoom (2021: 55)

Therefore, this paper argues the peculiarity of condominium housing exposes it to multiple points of vulnerability. The performance and sustainability of condominium self-governing communities cannot be understood without a comprehensive grasp of the interaction between homeowners shaping collective action and what is available at the critical stages throughout the self-governing process. More so, it positions the pillars to govern common property to resemble Ostrom's design principles. In one sense, the study argues the framework combining CPR theory and Ostrom's design principles is useful for understanding and analysing performance and dilemma experiences in a self-governance system. Building on this theoretical framework, three issues are of interest: the notion that self-governance prevents inclusivity and participatory democratic governance of condominium management in Tanzania, an examination of how condominiums are governed, and the potential inefficiencies within self-governing communities.

3. Management Approach of Condominium Housing Commons in a Tanzania Context

The governance and management of unity property in Tanzania is led by the Unit Title Act (UTA) No 16 which came into effect in 2008. In this form of housing, the units of real property are owned by an individual for their exclusive use. While the "commons" are held in co-ownership for common use. The unity property consists of several forms: high-rise structures in a row or terraces or a cluster form whereas the common property refers to common spaces and assets which

everyone in the building has a common right to utilise. As such, every homeowner has the right of ownership in the commons areas which is equal to the size of the fractional share. Through this clear distinction of what constitutes the commons and individual units, it is possible to treat condominium “commons” as a common good. Its use may be categorised by the tragedy of the commons perspective. Thus, the enactment of the UTA strengthens the management and resolution of disputes arising from the use of the common property.

The statutory reform preference for collective action ensures homeowners can individually and jointly take simple steps to address the housing condition question (UTA, 2008, S6). In this way, condominiums are treated as self-governing communities, in which self-organised homeowners associations (HOAs) are responsible for the enforcement of by-laws and the control and management of the commons and assets on behalf of homeowners (UTA, 2008, S40). HOAs are neither business enterprises nor professionalised associations, but non-profit housing management organisations (UTA, 2008, S35 & S36). They are created from the bottom up when more than four units have been privatised and only existing homeowners may form or join associations (UTA, 2008, S35). It is expected that HOAs perform in line with regulatory requirements from the UTA and house by-laws. This legal requirement makes HOAs a ‘genuine’ common pool resource since no owner of the unity can be excluded.

The managerial dynamic anticipates condominium self-organized homeowners’ associations to also operate based on democratic principles. Under this form of organisational implementation, a permanent management committee is formed regarded as a ‘House Management Committee’ (UTA, 2008, S47). It monitors the activities of the HOA and serves as an executive organ of the association. The committee is elected by a common meeting where members are exclusively the homeowners led by a chairperson. The management tasks are assumed by an external property managing agent (PMA) as per section 49 of UTA that provides the desired services to the organisation. However, the responsibility for strategic house management rests with homeowners through their organisation's management committee, whilst joint decisions take place at a general meeting (UTA, 2008, S40). The voting rights, however, depend on the unit factor of the unit (UTA, 2008, S44). This means the owner of a larger apartment has more votes than the owner of a small apartment. Though a unit owner may exercise their voting right personally or by proxy (UTA, 2008, S44), two-thirds of all the association’s votes are required to make decisions about fundamental matters of the association. An HOA has the power to make its own set of collective choice rules within the constraints of provisions specified in the UTA giving homeowners slightly different experiences. The contents of the house rules are discussed and agreed upon in a common meeting (UTA, 2008, S50).

Overall, the management approach illustrates the importance of the partnership between the residents and the professional property management agency. It also highlights the importance of sustainable house management and the involvement of both the homeowners in reaching this goal. The fundamental question is: To what extent does this management setup constitute a compelling solution to condominium housing governance and management questions? Drawing on the theory, this research makes the following argument: Implementation of policies patterned after the CPR regime concept is problematic as may lead to major social costs.

4. Research Methodology

4.1 Research Design and Cases

The study followed a case study approach that administrated a survey to condominium homeowners. Interviews were conducted with house management committee chairs or members from condominium self-organised homeowners' associations. To further enrich the study, a document review was done.

Based on the purpose of the study self-organised condominium homeowners' associations were conveniently sampled. This reflected a wide range of condominium attributes in Dar es Salaam. It was purposively selected from a list of ten profiled condominium establishments accessed by the National Housing Corporation (NHC). The city has one of Tanzania's highest condominium housing stocks and experienced an upsurge in demand across all social classes compared to other cities and urban centres in Tanzania. This trait enabled easy access to information for the study to maximise for research.

On the other hand, the selection criteria for buildings comprised of three factors: active HOAs with over five years of experience in performing housing management functions, diversity in condominium typology and homeowners. The case studies included two "row-rise"; and three "high-rise" buildings with active HOAs (see: Table 1). The buildings were also chosen to include exclusively privately owned units based in both the city centre and in suburbs that accommodated large inventories of the units ranging from 200-500. Furthermore, the sample contained new single-story, semi-detached, shared-equity ownership (SEO) buildings mostly located in the suburbs. Designated as "Row-Rise Building" (RRB) in this study, these new categories of single-story, semi-detached condominiums had a high proportion of homeowners of which the majority were in the middle or lower middle-income bracket. Other condominiums designated as "High-Rise Buildings" (HRB) chosen included the newly built and modern high-rise buildings located in the city centre accommodating a mixture of high- and medium-income earners. This research design helped determine whether homeowners' attributes are more likely to facilitate or hinder collective action using condominium technologies as a control variable. To preserve anonymity, the selected buildings and corresponding HOAs have been assigned random numbers rather than using their real names.

4.2 Data Collection

The information of this study was gathered using a series of well-structured questionnaires for condominium homeowners' representatives, semi-structured interviews with selected board members and document reviews. Document analysis was carried out to understand the legal and institutional framework guiding the self-governance concept and its operations in condominium properties. This involved engaging with the Unit Titles Act of 2008, The Land Act of 1999, and other relevant documents in printed and electronic form. A literature review was also performed on a framework which empowers owners of "Unit Property" to exercise their rights and facilitates them in Tanzania.

The questionnaire was the primary data collection instrument. This approach was adopted to facilitate systematic measurement and analysis of variables to generate themes. The questionnaire

was organised into five sections: (i) how collective action is conducted, (ii) the work involved in collective action, (iii) patterns of interaction and outcomes, (iv) potential challenges or pitfalls and (v) how to avoid them. As such, the structured questionnaire contained a mixture of open and close-ended questions. The questionnaire utilised a five-point Likert scale, ranging from 1=very dissatisfied/strongly disagree to 5=very satisfied/strongly agree. The use of the response category “other or explain” was included to capture the underlying cause of the issues noted. Ostrom (1990) asserted there is use in analysing action situations to understand the incentives, values and beliefs facing users of common resources.

The survey was administered to 255 condominium owners residing in five buildings selected. A simple random sampling method was used to select the representative condominium homeowners. This procedure ensured each homeowner in the selected case studies had an equal chance of selection. In this study, Yamane’s (1967) sample size determination model (equation 1.0) was used to get reasonable information from each selected condominium building. In expression (1.0) n is the sample size N is the population size to represent the total number of unit owners in each condominium property, and e is the level of precision. A 95% confidence level (i.e., 5% level of precision) was allowed. Table 1 presents a summary of respondents drawn randomly from each the of selected buildings.

$$\text{Sample size } (n) = \text{Population}(N) / (1 + N(e)^2) \quad (1.0)$$

Table 1: Summary of Valid Responses

SN	Condominium	Category	Population of Co-owners	Sample size	Valid Responses Per	
					Building	Cluster
1	Case 1	High-rise	60	40	33 (83%)	134 (69,43%)
2	Case 2	High-rise	88	50	45 (90%)	
4	Case 4	High-rise	120	60	56 (93%)	
3	Case 3	Row Building	60	35	18 (51%)	59 (30,57%)
5	Case 5	Row Building	201	70	41 (59%)	
	Total		529	255	193	193

Source: Author’s compilation (2020)

Out of 255 questionnaires, 193 were returned (Table 1) suggesting an overall response rate of 76%. Out of 193 valid responses, the responses from high-rise buildings were approximately 134 (69,43%), while in row-buildings were 59 (30,57%). The high response rate is due to questionnaires administered and collected in person by trained assistants in the Kiswahili language. The study also conducted semi-structured interviews primarily with board chairs and members from five cases Interviewees were purposely chosen based on their role and experience in condominium governance in their establishments. All interviews with the house management committee chairs or members were conducted face-to-face at interviewees’ workplaces by the researcher.

Interviews were exploratory in nature and interview questions directly reflected those found in the survey. They were designed to collect in-depth information on the present collective action environment and the consequences. It assisted with refining the data collected in the questionnaire. Interviews were semi-structured to allow for an ongoing process of follow-up questions (Strauss & Corbin, 1998). In addition, interviews proceeded to validate the results. The respondents and interviewees were guaranteed anonymity.

A substantial number of fact-finding visits and consultations with key stakeholders involved in the condominium management were sent out to retrieve primary data. The pilot survey and interviews were conducted in the last quarter of 2019 and the final phase of the survey and interviews were conducted in August 2022. Multiple data sources allowed the analysis to triangulate the data obtained by looking at issues to identify, processes to increase the validity and reliability of the research outcome and its decision (Easterbrook et al., 2008).

4.3 Data Analysis Techniques

For analysis, the Statistical Package for Social Sciences (SPSS) was used to compute descriptive statistics and statistical tests. The overall level of satisfaction was obtained by calculating the relative importance index (RII) of all surveyed respondents' ratings across small (RRB) and large (HRB) condominiums. Each of the factors evaluated was rated according to the pre-determined rating scales. Conversely, thematic analysis was used to code the themes and concepts arising from the qualitative data. We then used the qualitative findings to corroborate the survey findings. Both the quantitative and qualitative methods had the same priority status (Molina-Azorin, 2007).

It is from the aforementioned methodological approach that the study demonstrates in the section that follows how the self-governing HOAs succeed in practice in managing their commons and the key drivers for success or failure in the Tanzanian context based on the data. A key strength of the approach adopted in the study is that it reveals the precise prevalence of the identified governance issues and accounts for the impact of size on governance issues.

5. Results

The analysis and presentation of results are structured in two main themes. The first part focuses on self-collective governance that provides incentives for homeowners to contribute positively to condominium management and the resulting patterns of interaction. This is then followed by an analysis of performance and the dilemma of self-governance.

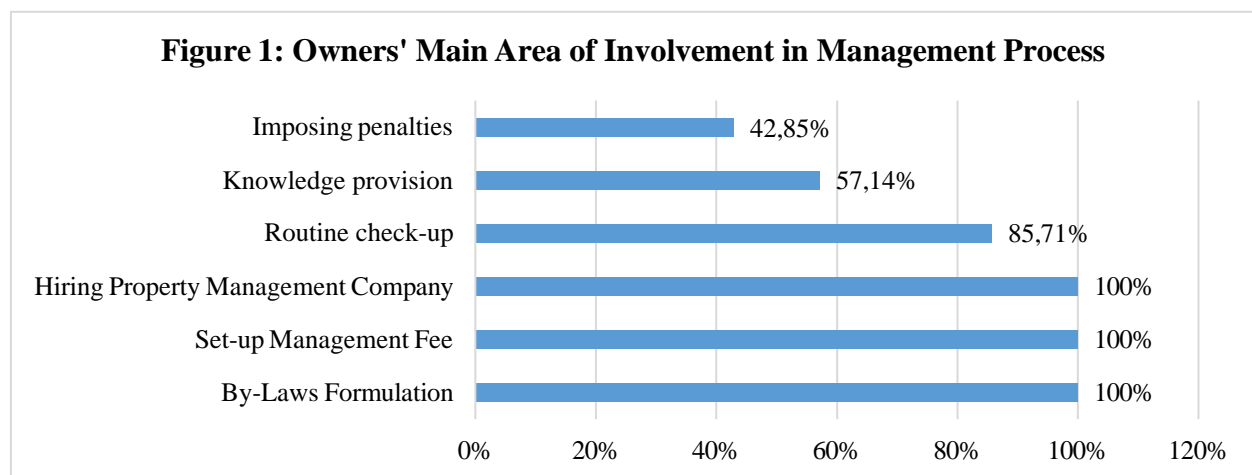
5.1 Collective Governance and Factors Precluding Participation

From the survey, three main influences were identified in Tanzania that shaped how condominium homeowners defined and delineated their role whilst interacting with their organisations.

5.1.1 Does Democratic Collective Governance Envisioned in UTA Translate into Practice

As one aspect that forms the pillars of self-governance, democratic collective governance in common parlance materialises when homeowners participate effectively in all-important matters of condominium governance (Ostrom, 1990: 90). To test this view in practice, an open-ended question asked respondents to identify action situations occurring at all levels within self-governance that had physical participation. The responses were then grouped into six general categories in order to better understand them (Figure 1). Overall results showed that homeowners participate in condominium governance but not equally across a number of management functions. The mean level of participation was 80%.

One significant finding was the rate of participation for homeowners was much higher in non-repetitive tasks such as hiring PMA, enacting house by-laws or determining management fees, but declined significantly in repetitive tasks. The latter included monitoring and enforcement of house rules alongside information provision. Coupled with the difficulties that homeowners face this resulted in limited knowledge and experience in dealing with management-related matters. It explained the mere 42% of homeowners who participated in enforcing house rules and the 57% of respondents who participated in monitoring and shaping their living arrangements. These shortfalls could have been mitigated if proper incentives were in place. This also highlights the critical element of Tstrom’s design principles, namely the relevance of good relationship management.



Author’s calculations using survey data

5.1.2 Factors precluding effective participation in self-governance

Homeowners’ response to the question, “what are the dominant factors that preclude participation in decision-making?” pointed to conflicts among homeowners during decision-making meetings or the desire to influence decisions. These were the primary mechanisms driving poor participation. A respondent remarked:

Some homeowners attending the meeting are motivated by their own interests and thus, discouraging others from participation.

Some interviewees who were members of the HOAs committee commented that full participation cannot easily be achieved because of absentee homeowners. One interviewee shared:

It is impossible to gather the whole house unless is at the point of crisis. Some homeowners find it difficult to participate because they don't live there themselves.

Likewise, the data showed that a lack of information is another possible reason discouraging homeowners from contributing to collective responsibilities. One homeowner, for example, described: *They think that self-governance is only about contributing money only*". This view is substantiated by the survey data. For example, the analysis revealed between 10%-28% of respondents confirmed that they were indifferent because they felt that they could not influence any events.

Another respondent extended the argument by linking poor participation to diverging interests:

Many homeowners chose to buy apartments not because they were committed to the concept of collective ownership and self-governance from the start, but perhaps because that was the only choice they had.

Overall, the numerous perpetual governance problems that have plagued participation in decision-making could have been averted with proper awareness sessions. This also highlights the important aspect of relationship management within self-governance discussed below.

5.1.3 *Adopted Mechanisms to Ensure Commitment by Homeowners*

Respondents were asked to highlight mechanisms used to overcome and ensure active participation among unit users. Reflecting on the question, one interviewee claimed that low participation had contributed to the realisation that the self-governance regime needed what he called "an alternative form of participation". This included "*submitting ideas for improvements in writing or direct in the office*". This was illustrated by other interviewees who said: "*alternative participation solves the problem of low attendance*", "*causes the association to work better*", and "*creates solidarity among homeowners*". These respondents expressed that learning and adaptation to a changing environment are critical to the success of self-governance.

5.2 *Performance and Underlying Dilemma Facing Self-Governance*

In condominium housing, the self-governance role is not portrayed solely by relationship management. It has expanded to monitor the condition of the common spaces and facilities for and on behalf of homeowners (UTA, 2008, S40). The ability to perform these functions consistently as underlined in the design principles is of importance to any self-governance. Without compliance, Ostrom (1990) suggests the existence of a successful self-governance is difficult. Thus, it was of utmost importance to establish how these principles are fulfilled in practice. The survey attempted to understand the level of satisfaction on three major components: (i) monitoring the condition of the physical structure, facilities and tasks performed by PMA such as cleaning, landscaping, and repairs; (ii) management of homeowners' relationships; (and iii) the ability to plan and implement preventative maintenance.

5.2.1 *Monitoring Mechanism Plagued by Lack of Capacities and Complicated Procedures*

It is evident from Table 2 that a majority (67%) of respondents were satisfied their self-governing communities were effective in relationship management. It is also evident that the unit owners residing in High-Rise Buildings (HRB) are overall happier than those residing in Row-Rise Buildings (RRB). It must be stated that the units of HRB were newly built units located within the city centre and the units of RRB were row/terrace buildings situated outside the city centre.

Monitoring is not only about managing relations. It functions to monitor the work of the PMA and rules to get insights that can be used to manage and sustain the buildings and living arrangements. In relation to this, Table 4 illustrates that a high percentage of homeowners were not satisfied with the self-governing communities in terms of monitoring physical structure, operating facilities and the task performed by hired PMA (i.e., 62%) and conducting preventive maintenance (56%). It is also evident that the unit owners residing in HRB were unhappier than those residing in RRB. Compared with the previous analysis the problems in managing multi-unit buildings persist in Tanzania despite statutory reforms. In 2006, Masinde (2006) revealed that more than two-thirds the homeowners were not satisfied with the quality of housing management.

Overall, it is of uttermost importance for self-governing institutions to ensure that management functions respond positively to current and future needs to be successful and sustainable. If a self-governance regime neglects monitoring of the physical structure and PMA, the resulting property damage can cause conflicts among homeowners or between homeowners and governing institutions or encourage non-participation thereby undermining the success of the self-governance.

Table 2: Level of Satisfaction on Relationship Management and Monitoring of Common Property

Aggregate Indicators	Overall Level of Satisfaction			Relative Importance Index	
				High-Rise Buildings	Low Buildings
	Satisfied	Less Satisfied	Not Satisfied	RII	RII
Relationship Management	67,35%	22,79%	9,84%	0.87	0.84
Planning and Executing Preventive Maintenance	44,04%	39,38%	16,58%	0.74	0.80
Monitoring of Physical Structure and Tasks performed by PMA	39,89%	41,96%	19,17%	0.71	0.74

Source: Author's calculations based on survey data

In an open-ended question, respondents were also asked to isolate possible factors clouding the active monitoring function of common spaces and systems, living arrangements and tasks performed by PMA. However, responses indicated the dilemma was coming from a wide variety

of sources as self-governing communities deal with complex and multi-dimensional governance tasks. Nevertheless, the dominant factors identified included behavioural explanations and weaknesses of the condominium legal framework.

The survey result shows there are two broad aspects of irrationality: slowness to respond to management issues and failure to incentivise homeowners to collaborate. Figure 2 identified that 45% of concerns with failure actions were centred on issues to do with a mismatch between the skills and abilities of those who are responsible for monitoring and the general process required for an intervention. One respondent indicated:

Major tasks or activities in the building are not done properly.

Another respondent added:

A big challenge for the house management committee is to know when to intervene.

The lack of responsive and timely in-service delivery is frequently correlated with the inoperative collective-choice arrangements in Sub-Saharan Africa. Adam (2012) observed in Ethiopia such problems become critical when condominiums are largely occupied by renters because of their limited rights. Having said that, 41% of respondents suggested they experienced a sense of failure in motivating homeowners to author specific rules and sanctions in a meaningful way. For them, it signified a lack of broad knowledge and experience required to self-govern.

Moreover, a self-governing institution's health is also a crucial part of a successful regime. Financial health depends on two important aspects: ensuring the regime has enough resources to fulfil its function and considering if its financial condition is not under threat. The analysis found that around 50% of homeowners were unsatisfied with the assessment and collection strategy (Figure 2). The dissatisfaction is the result of a poor collection method, complex payment processes or a failure of the collection process to avert possible defaults. Expounding on the issue, some respondents indicated:

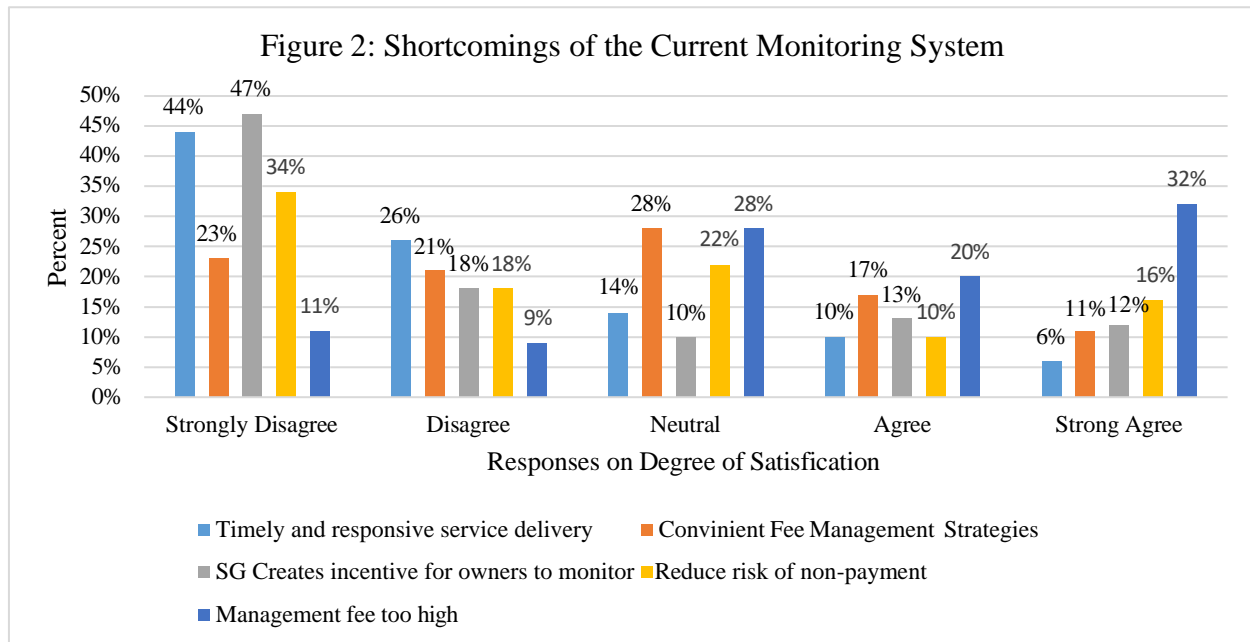
Completing the service charge payment process regularly is costly in terms of both time and money.

Another respondent reflected a similar view:

Determining service charges often involves lengthy and erratic decisions.

In this instance, 52% of homeowners indicated the management fees were higher than what most homeowners had expected or were perceived to be required¹ to maintain and manage the property. This approach leads to default charges that impact the institution concerned (see: Figure 2). One of the respondents suggested that because charges were not affordable to many homeowners it “can attract non-payment” which in his own words, “could harm the building in the long run”. Along with the evidence that between 20% and 43% of the homeowners desired full disclosure on service charges setting, the data disputes the assumption that self-governance can address

governance issues in Tanzania. The lack of full disclosure can lead to poor accountability or influence a few homeowners to participate in the ‘greater collective good’ and become complicit in arrangements that stifle participatory democracy (Low et al., 2012). As a consequence, the system fails (Hess & Ostrom, 2007). Thus, for the long-term growth and success of self-governance, the governing institutions need to establish rules and maintain effective communication with their users.



Author’s calculations using survey data

A few respondents emphasised certain problems. For example, a lack of experience and knowledge required to self-govern was noted as a marker of poor governance. In support of this view, one board member said: “*The qualification of chairperson can be problematic, causing a lot of disputes inside the associations*”. However, most members of the House management committee regarded this problem as emanating from discrepancies in the legal design. That is, self-governance institutions are unable to attract appropriate skills because the election board members are limited to owners of the property (see: UTA, 2008, S35 & 47).

Across the continent, legislation and administrative procedures necessary for condominium self-governance are still to be developed. In Ethiopia, provisions that deal with the structure and operation of the house management committee that is responsible for performing management functions for homeowners lacked clarity in operationalising it (Adam, 2012). The study noted the impreciseness of these provisions renders the condominiums vulnerable and subject to deleterious and counterproductive behaviours. A unique feature in South Africa is the institution relying on homeowners with the capacity and right technical expertise to be committed members of its house management committee (Baboolal-Frank, 2020). Furthermore, Griffin (1992) concurred that property managers must have experience in different areas.

Overall, it appears that a legislative framework that lacks clear delineations for a house management committee operates at the expense of good governance. Management services that

have poor regulations contradict the design principles of effective self-governance. The next section shows relatively weak enforcement of rules on self-governance. It challenges the assumption that collective action can solve management issues for condominiums in Sub-Saharan Africa.

5.2.2 *Enforcement Mechanisms in Place Facilitate Free-riding*

The design principles define effective governance as the ability to enforce rules consistently to all users of common property. This aspect considers the level of satisfaction on characteristics of the enforcement, potential inefficiencies, and how their rights can be exercised.

Overall, the research found that a majority (75%) of homeowners were satisfied with the systems and methods proposed to sanction offenders, but less satisfied with the enforcement aspect. The lack of homeowners participation was found by a large portion (57%) to be one of the problem areas. Between 27% and 50% of the homeowners indicated measures taken against defaulters and free-riders were relatively weak and did not take into consideration the severity of the problem (Table 3). The self-governance regime needs to respond appropriately when counterproductive and deleterious behaviours are detected. Weak enforcement can negatively affect the integrity of a self-governing institution and deter other functions of the property at risk. For this reason, it is important to develop an effective enforcement policy for the institution to take immediate and firm action on defaults.

The data also showed that another unique challenge faced by condominiums is a lack of clear delineation on the right to manage and decide on the ongoing management for renters in the legislative framework. This concern was voiced by one interviewee as follows:

Apart from their growing prevalence, renters are neither involved in the making nor enforcing house by-laws. The self-governance may work at the cost of growing inefficiencies.

What the evidence infers is that renters are the real users of common property. Moreover, the decision on the right to manage is administered – regulated and enforced – at lower levels. Treating “use interest” in different and inferior ways continues at the expense of good governance.

In light of these outcomes, respondents were asked questions on how the enforcement mechanisms were affecting their motivation and actions. Most of the respondents (75%) felt that the core problems associated with opportunistic and free-riding behaviours of homeowners derived from the weak enforcement of rules governing day-to-day activities and collective action itself. The free-riding problem includes an array of disputes between parties from non-payment of house management fees to exclusive use area disputes. As a result, the issue of apathetic homeowners remaining unresolved has meant that an improved commitment to monitoring, creating mechanisms and developing clear decisions on this issue persist as essential ingredients for improving condominium management in Dar es Salaam.

Table 3: Satisfaction on Measures Taken against Defaulters

Respondents	Satisfaction with measures taken against defaulters and free-riders		
	Satisfied	Less satisfied	Unsatisfied
High-Rise buildings	22.40%	50%	27.60%
Row housings	23.70%	49.20%	27.10%
Total mean	22.80%	49.70%	27.50%

Source: Author's calculations based on survey data

5.2.3 *Lack of Adequate Dispute Resolution Mechanisms*

The survey was able to validate Ostrom's characterisations of effective dispute resolution. An exemplar is the tendency of prioritising low-cost, local arenas (in-house tribunals) dispute resolution over a court-based system. Yet, several widely held beliefs about alternative dispute resolution mechanisms remain under scrutiny. For example, while it is widely believed that Alternative Dispute Resolution (ADR) is subject to short and guaranteed solutions this was not observed to be the case in Dar es Salaam. For most respondents, ADR is still problematic because mediation, arbitration or negotiation are not remedies that are binding or enforceable. For instance, imposing penalties against free riders is possible but less effective. Some respondents described the situation as follows:

A seriously indebted homeowner cannot be expelled or its unit taken into possession.

Furthermore, many believed:

When it comes to controlling non-payment, the associations are on their own as there is a lack of binding legislation to prevent it. In the UTA, it is there but there are no real sanctions.

The court system is often approached to deliberate on contentious issues (Section 65 of the UTA). However, the survey revealed that decisions to proceed to litigation can be difficult. It requires balancing the prospects of litigation becoming costly and lengthy. A respondent cemented this argument by saying:

The court process requires much in terms of time and energy. It involves huge costs for hiring a lawyer. This can bring about unhealthy outcomes to the building in the long run.

Based on reasonable conjectures from the survey data, none of these three views seems likely to support the existence of effective ADR. First, self-organised HOAs have the power to come up with their own rules to guide their operations and business affairs, but such power is limited by external authority. Secondly, problems such as free-riding arise because of a lack of clarity in rights.

6. Discussion

This study has shown there are dilemmas associated with a self-governance system within the condominium-housing sector in Tanzania. One of the main findings is the lack of a functional collective choice arrangement. Diverging interests among homeowners affected poor enforcement of rules and absentee homeowners prevented the involvement of homeownersⁱⁱ and functional self-governing beyond the lack of adequate information and renters participating in decision-making. In the Global North and Global South, it is common knowledge that a failure in collective action is linked to the lack of a functional self-governance system (Adam, 2012; Baboolal-Frank, 2020; Lehavi, 2015; Low et al., 2012). This research identified the governance issues, including authoritarian forms of governance and rule-making, and regulation of rampant conflict among stakeholders. Treffers and Lipert (2020) concluded that self-governing in the USA is just a myth borne out of legislative idealism. Service providers and experts are increasingly influencing governing arrangements, which results in a conflict of interest or counterproductive decisions (Lippert, 2019; Lippert & Steckle, 2016).

There is little doubt that the deeply rooted limit in renters' rights is a critical issue that undermines the success of self-governing and is not exclusive to Tanzania but is a concern for other countries too. Adam (2012) described a case of failure in condominium management in Bahir Dar City, Ethiopia because of the poor formulation of institutions (rules) governing various aspects of condominium management. The study noted rules governing condominium management valued homeowners and disenfranchised renters in making decisions on day-to-day activities and collective actions. The conflict between tenants and management encourages counterproductive and deleterious behaviours leading to enforcement costs increasing and the system failing. Treffers and Lipert (2020) asserted the failure to account for varying interests in the legal framework on condominiums at the national level reinforces power imbalances between homeowners and other stakeholders. If the issues remain unresolved condominium housing will remain a space of low-level contention.

One of the key restrictions is the lack of capacitiesⁱⁱⁱ and experience among homeowners in management-related issues. This can be addressed by conducting capacity development courses and developing a framework for implementing housing management. South Africa and the USA designed specialist courses for house management committee members focused on corporate governance and property management in the condominium housing sector (Treffers & Lipert, 2020; Baboolal-Frank, 2020).

Consistent with Ostrom's (2000; 1990) arguments, the failure to get monitoring and sanctioning mechanisms right is another domain which impedes the process of self-governance. An undeveloped system allows for counterproductive and opportunistic values such as free-riding^{iv} to progress. This is despite the legal design and policy reforms providing incentives, procedures and mechanisms that permit effective monitoring and imposing graduated sanctions on offenders. With this understanding, McKenzie (2011) and Chen and Webster (2005) posited that greater involvement can be achieved by fostering a participatory culture, which is a sense of community and homeowners' social capital.

7. Conclusion and Policy Recommendations

This study relied on the common-pool resource regime (CPR) theory and Ostrom's design principles to explore whether commonly held views about self-governance are borne out in practice and potential inefficiencies. There is no modeling of the data in this study instead there is a qualitative and descriptive analysis. From a theoretical perspective, the study investigated commonly held views about self-governance and democratic collective governance practices in Tanzania to align with Ostrom's theory. In turn, it contributed to a better understanding of whether condominium self-governing communities can effectively function to address house management issues to foster collective governance, monitoring and the enforcement of rules related to self-governance in emerging countries. This was examined using Tanzania as a case study and drawing on first-hand experiences of condominium homeowners.

Findings showed the discrepancy in beliefs about self-governing. A collective decision that describes self-governance is not achieved when there are diverging interests, conflicts or absentee homeowners. Nor does the monitoring or enforcement of rules governing condominium housing seem effective in maintaining community cohesion. It was found that deterring free-riding behaviours is not possible if there is poor communication, lack of experience and knowledge about condominium governance, limited renters' rights and weaknesses in the condominium legal framework. Even though, alternative dispute resolution mechanisms are used, they are less effective as mediation or negotiation are not binding or enforceable.

However, there are strategies to improve the functioning of self-governing communities in condominium housing. Firstly, involving renters to take part in self-governance will lead to efficiency and greater community cohesion. Secondly, there is a need to identify target areas for active management and formulate an appropriate strategy for monitoring and enforcing rules. An example includes preparing guidelines and standards on how condominiums can be effectively governed. Lastly, building a plausible dispute resolution model designed to enforce management fee payment and arbitration to reduce free-riding.

Though sufficiently in-depth and enlightening, there is no formal discussion in this study on the relationship between self-governing communities and property management agencies. It would be critical to examine whether conflicts of interest do arise in a contract between PMAs and HOAs and the dispute resolution processes required. Although, the Dar es Salaam condominium housing sector reflected the trend of model application it may not contain all the encompassing dynamics. Further work could be done by extending the analysis geographically to understand the procedure for collective action. Moreover, the limitations identified in this study do not weaken the significance of the findings.

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Declaration of competing interest

None.

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Endnotes:

ⁱ A perceived lack of control by unit owners over governance activities involving fee determination, regulation and property management. Though it is seemingly not a critical issue to the majority of issues that respective condominium owners find perplexing across countries. They reinforce the existing empirical findings (Wekerie et al., 1980; Yip & Forrest, 2002; Blandy et al., 2006) that power is distributed unequally and individuals have little power in this housing form. The situation helps explaining why some owners do not support self-governance and collectivist values. Likewise, Lippert and Treffers (2016) and Treffers and Lippert (2020) observed the lack of transparency and trust in decision-making were the reasons for passivity in self-governance. The evidence confirms previous international scholarly discussions in Europe, Asia and Australia (Atkinson et al., 2005; Yip & Forrest, 2002; Dupuis & Dixon, 2004; Cassidy & Guilding, 2007; Hsieh, 2009), who established that management and maintenance issues in the condominium common property are likely to drive misunderstandings between respective homeowners and their governing bodies or other stakeholders.

ⁱⁱ Poor participation in condominium collective action is not an issue limited to Sub-Saharan Africa. Results reported in other regions (Zlatař, 2015; Gruis et al., 2009) showed that homeowners poor participation in collective action is linked to a lack of information. In transition economy, participation is found to be challenged by the legacy of socialist-imposed collectivism that lead to a refusal to work together (Borisova et al., 2014; Pojani & Baar, 2016). Other scholars have shown that it is linked to a lack of social capital (Cirman et al., 2013), or the “technical civic competence” (Borisava et al., 2014).

ⁱⁱⁱ The management system depicted shows the lack of education and experience required to fulfill self-governance duties. Prevailing literature (see: Treffers & Lippert, 2020; Lippert & Steckle, 2016) revealed similar governance problems in other jurisdictions.

^{iv} This is apparent even in high income countries from the Global North. Free-riders and apathetic behaviours are linked with poor enforcement of house by-laws/rules and subsequently impose greater constraints on the success of a collective action (McKenzie, 2011; Walks, 2010; Lippert, 2019).