

# Beyond Villagization. Land Conflicts and Local Institutions in Northeastern Tanzania<sup>1</sup>

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## Introduction

The large village communes formed as 'Ujamaa' and 'Development Villages' in the late 1960s and early 1970s, once the focus of Tanzania's 'African Socialism', show undoubtable signs of disintegration. Communal enterprises such as Village Farms (*mashamba la kijiji*) and local water supply systems are decaying along with public facilities such as schools or health centres; Village Councils are caught in endless embezzlement disputes; and even the most tangible result of 'villagization', the nucleated settlements at the centre of newly formed Village Areas, seem to be slowly falling apart into their constituents, thus restoring the formerly typical feature of Tanzanian countryside, a multitude of scattered hamlets and homesteads.

Academic criticisms have variously emphasized that 'villagization' has brought too little and at the same time too much change in rural Tanzania: Too little was achieved, on the one hand, with regard to the actual transformation of rural economy and society towards new forms of production and a more equitable control of resources.<sup>2</sup> The large scale resettlement of up to three quarters of the rural population actually realized during the 1970s appeared in this view as a mere *alibi* for substantive change. Too much seemed to have changed, on the

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<sup>1</sup> An earlier version of this paper is being published in a collection on "Changing Rural Structures in Tanzania", edited by Doris Schmied, Bayreuth.

<sup>2</sup> E.g. Cliffe 1973, Sender 1974 and von Freyhold 1979 from a more socialist, and Hyden 1980 from a more modernist point of view.

other hand, with regard to relationships between peasants and 'the state'. 'Villagization', it was emphasized, was clearly a major step forward for the bureaucracy in their quest to 'capture' Tanzania's peasantry, even if perhaps not quite as completely as intended.<sup>3</sup> Where material incentives such as facilities and food aid did not work, it was pointed out here, heavy, sometimes violent, pressure was exerted during the 'Operations'. The new local leaders ('Village Chairman', 'Village Secretary') subsequently came to represent minority interest and were subjected to the hierarchy of one-party rule. Significantly, the executive body of Village self-administration, legally termed Village Council, is invariably called 'Village Government' (*serikali ya kijiji*) by other villagers.<sup>4</sup>

While much of these critical views are well founded, they seem to place too much emphasis on structural relationships, and somewhat underestimate the dynamic of interaction among villagers triggered by 'villagization'. This policy contributed greatly to the spread and intensity of local struggles, even though there were earlier roots and contributing factors such as the 'liberalization' of food trade in the context of 'Structural Adjustment'. These struggles revolve in particular around two crucial issues in present-day rural Tanzania: Control over land, and control over local institutions.

Competition for land (here understood as comprising the whole set of natural resources: soil, water, vegetation, fauna) has become much more frequent and bitter in the past two decades in many parts of Tanzania. It is often expressed in terms of disputes about land rights, but is at the same time intimately connected with questions of land use. These disputes can not be understood simply as competition for access to resources. At the same time, they have to be seen, particularly in Africa, as attempts to construct social relations embedded in a normative framework within which legitimate claims can be made.<sup>5</sup> The land issue, in particular, has become an arena, and therefore a key for the

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<sup>3</sup> See, for instance, McHenry 1979; Fortmann 1980; Coulson 1982: 237ff; this critique of power (rather than economic) relations more recently shifted to the intra-Village level (e.g. Donner-Reichle 1988; Ngware and Haule 1993).

<sup>4</sup> The term 'Village' and its composites are capitalized in the following text where the formal administrative structure is referred to.

<sup>5</sup> Cf. Berry 1993.

understanding, of changes in local social relations and institutions.

Any more regular form or norm of social relations can be called a social institution. The institutional area particularly affected by 'villagization' is the definition of and control over local 'public' institutions.<sup>6</sup> In a functional perspective, the performance of such institutions is essential for the negotiation of undividable issues encompassing several actors and interests, such as access to land. In case of conflict, they should ensure some solution. One of the fundamental problems of 'villagization' in Tanzania seems to be that it has aggravated land use pressure and a crisis of local institutions exacerbating land conflicts. By the same processes, institutional capacities to solve these conflicts and to foster local 'public' concern for more sustainable land use were weakened. In a more interactionist view, however, local 'public' institutions can be seen as arenas of struggle in which not only contradictory interests, but also the powers and meanings of the institutions themselves are negotiated.

In this contribution, I want to examine a particular example, the case of two neighbouring 'Development Villages' in Western Handeni, in which I did short-term but intense field research in 1992: Mafisa and Gombero.<sup>7</sup> They were 'villagized' around two older nodes of settlement and thus achieved their present shape and extent only in 1974. On the one hand, they can be considered as fairly typical for much of Tanzania's countryside: Before 'villagization', they exhibited a dispersed settlement structure;

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<sup>6</sup> I deliberately use this term 'public' here for communal (village) concerns, even though this case seems to be outside, or historically 'before', classical situations of opposition between 'private' (individual, economic) and 'public' (state, political) matters, such as in early-modern Europe. In a new introduction to his seminal book, however, Habermas himself concedes that there might be pre- or non-bourgeois understandings of the 'public sphere' (Öffentlichkeit) in other classes and cultures (1990: 17f). 'Villagization' in Tanzania is particularly interesting here because it was an attempt to create bounded local communities as a new (by no means primordial) form of social organization in the context of the modernizing nation state. This type of 'imagined community' (Anderson 1991) seems in many respects the one of a nation state writ small.

<sup>7</sup> Except where other sources are cited, all information contained in the following text originates from fieldnotes collected during our stay in these villages. For a more detailed presentation of this information see von Oppen 1992. - I wish to express my particular gratitude to Mr. Vincent M. Mhina whose assistance and collaboration during fieldwork and evaluation was invaluable.

their general population density was and is low; they have a mixed economy of agriculture and cattle keeping; they are located at a medium distance from major markets; and like much of the Handeni District, they were rather intensely affected by the 'Operations'. But, on the other hand, there are also quite distinct features, such as the fact that the land allocated to these villages comprises a range of very diverse eco-systems, each associated with a very different ethnic group: The relatively moist Ngulu Mountains, with peak altitudes just above 1600 metres and considered to be the traditional home of the Ngulu people (in Kiswahili: *WaNgulu*), at one end; and the eastern fringes of the dry Maasai Steppe, inhabited by the Parakuyo, a section of the Maasai people, at the other.

This spectrum of eco-systems or landscapes occupied by the two Village Areas will serve as a guiding matrix for the following first part of my paper: an account of the specific land conflicts which developed in the aftermath of 'villagization', and an introduction to their institutional background, especially land tenure. It will be seen that these varied significantly in the different Western Handeni landscapes. Subsequently, in a second step, I will take a closer look at different socio-political institutions at the local level which are relevant for regulating access to land and for the management of ensuing conflicts. I shall argue that these institutional arrangements are highly contentious elements in the reconstruction of villages as 'local public spaces'. Villages were reconstructed here as particular territorial forms of local organization with their own definitions of 'public concerns', including control of the common natural environment.<sup>8</sup>

## Landscapes and Land Conflicts

The present Village centre of Mafisa (comprising two separate cores, Madukani and Majengo) and Gombero are both situated on the lower mountain slopes. Some houses, especially shops, had been established there since about the 1940s, when the first motor roads were built along the lower slopes. But then, in 1974, 'villagization' brought a sudden and dramatic increase in inhabitants of these nuclei, as almost the entire population of

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<sup>8</sup> Cf. the lively general debate on 'common property' regimes, the legal side of this problematique (e.g. McKay 1987).

the former about 15 scattered Ngulu hamlets or neighbourhoods was moved there. Today, something like 80 % of the almost 7,000 inhabitants in each Village Area, exclusively of Ngulu origin, live in these settlement cores. The remainder is made up largely by Parakuyo Maasai who continue to live in their small hamlets, called *enkang*. Unavoidably, land pressure increased tremendously in and around the Village cores. With much land being taken up by housing, fallow periods on remaining fields in this zone were shortened considerably. There is a tangible lack of cultivable land near people's homes, aggravated by the fact that the newly formed Village administrations often expropriated more land than currently needed, as a reserve for future settlement and service needs. In addition, grazing pressure by small livestock and by cattle (which is moved in and out every day) concentrated considerably around the new Village cores. Finally, the demand for water often exceeds availability at nearby wells, and no firewood can be obtained any longer near the homes. The result has been rapid degradation of natural resources around the Village cores. Prior to 'villagization', most of the former Ngulu hamlets had been located on the **upper mountain slopes**. While houses had to be moved, land rights in these areas have mostly been maintained up to today. For some time after resettlement, the old fields were left fallow, mainly because of the long walking distances from the new homes. But with increasing scarcity and degradation of land near the new Village cores, these fields on the upper slopes, often called *malimani*, have been taken up again for cultivation, mostly by descendants of the previous owners.

The legal basis for this return to the upper slopes are current understandings, in fact often adaptations, of 'Customary Law'. In general, 'customary' land rights are maintained and inherited along kinship lines, as long as the land is actually used. In common understanding, even rights over fallows can be maintained in this way, at least for some time. The period during which rights over unused land are recognized seems to have been gradually extended in recent times. But claims on old lineage land may have been unusually persistent in Western Handeni. There was a strong identification of neighbourhood groups, usually dominated by one particular matrilineage, with particular tracts of land, called *si* or *tongo*.<sup>9</sup> It should not be

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<sup>9</sup> See Beidelman 1967: 59ff; Muya 1975: 6; Giblin 1992: 73ff.

assumed that claims according to 'Customary Law' are uncontroversial. To the contrary, it seems that there is ample space for conflict about these 'old family lands', especially among competing heirs. They arise, for example, from unequal subdivision of the heritage, from temporary absence of some of the heirs due to migration, from a probably increasing discrimination against female heirs, and from ambiguities between older matrilineal and more recent patrilineal patterns of inheritance.<sup>10</sup> Increasing conflicts about well-watered upper slope lands, in turn, seem to contribute to an increasing interest in plantations of trees or shrubs, i.e. agro-forestry plantations there, because ownership rights under 'Customary Law' can be less easily disputed when land use is of a more permanent type.<sup>11</sup>

The basic problem with the recultivation of the upper slopes remains their distance from the Village cores. Significantly, large numbers of shelters and huts are mushrooming in these locations. Invariably, they are called 'seasonal'; only under this assumption building outside the new centres is permitted by suspicious 'Village Governments'. But, on closer inspection, many of these 'seasonal shelters' appear quite well-equipped and durable, rather like proper houses. It looks as if, unadmittedly, the Village cores start to disintegrate into their pre-'villagization' elements. Nevertheless, this would be a somewhat misleading conclusion. What really seems to be happening is some degree of household splitting. While younger wives and children tend to live in the 'shelters' near mountain fields, senior wives and school children are more often found in the 'official' family home at the Village cores, with husbands commuting between them.

The **mountain tops** of the northern Ngulu range, east of the present Village cores, are occupied by remnants of a formerly rich moist forest, interspersed with large clearings of grassland. Economically, they serve as a reservoir of water, building materials and gathering products for cultivators (Ngulu), and as a drought pasture reserve for cattle keepers (both Parakuyo and Ngulu). One large part of it has been declared a National Forest

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<sup>10</sup> In this respect, the situation seems to be similar to the one in the nearby Uluguru Mountains - see the excellent analysis by van Donge 1993.

<sup>11</sup> See von Oppen 1993a, 1995.

Reserve since before Independence, which means that, in theory, nobody may even enter the area for any type of land use, except those authorized by the Forestry Department. As to the other parts of the mountain range, far-reaching land rights were vested since the colonial period into local authorities who were urged to impose various kinds of restrictions on individual land users for conservation purposes. These included rules and by-laws against burning, cutting certain trees, steep slope cultivation, and the like.

In practice, neither the boundaries of the forest reserve nor local authority rules were ever very much respected by villagers. With 'villagization', these rights to control public land use passed from chiefs and headmen to the two new villages, or rather their 'Governments'. Propelled by their followers, but also their own personal interests, they often seem to have encouraged increased exploitation rather than protection. With resettlement, for instance, a sudden enormous need for building timber arose, which was satisfied from nearby mountain tops. Later, financial difficulties caused some Village officials to issue licenses for commercial loggers, i.e. sell off irretrievably a part of the Village's natural heritage. Some upper slope cultivators also have started to extend their fields into the mountain top forests, with Village officials only recently showing some inclination to intervene.

Downhill the present Village cores, older and more recent locations of farming activities have to be distinguished. The older ones are **small valleys** descending from the mountains. Because of their high moisture, and the risk of intermittent drought, intensely cultivated valley bottom fields (*mabonde*) have been particularly valuable elements in the Ngulu food system for a long time. Some of them even allow dry season cultivation. The relocation of population nearer to the *mabonde* areas clearly increased the scramble for these lands. Resident families jealously guarded their inherited ('customary') land rights to nearby valley bottoms. New settlers arriving from further away hardly got any access to them, even by purchase or borrowing. At most, some individuals managed to hire plots of *mabonde* land, but for fear that they might refuse to return them later on, owners started to insist on written contracts. These were formally witnessed by local notables, a copy being filed in the 'Village [i.e. Party] Office'. Typically, these contracts

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stipulate, among other things, that hirers may not set up any permanent investments on these plots, such as tree plantations. Conversely, owners themselves are very keen to plant permanent crops (especially fruit trees) on their *mabonde*, which can serve as proof of their ownership claims. It looks as if 'Customary Law' is being defended here by means of formal procedures resembling Statutory (Title) Law.

By the 'Village Law' introduced after 'villagization', Village governments were obliged to see to it that people resettled from outlying hamlets would be allocated sufficient new land near the Village cores; they were even entitled to expropriate and reallocate land for such purposes.<sup>12</sup> But, here as elsewhere in Tanzania, the fact that 'sufficiency' is often a matter of location rather than size was conveniently overlooked. The 'Village Governments' failed to enforce a reallocation of land between villagers to any substantial degree, let alone precious *mabonde* land. This was not least because Village officials themselves seem to have had strong ties to families resident in the Village cores. They were caught up in a conflict between vested local interests on the one hand and the need to secure sufficient loyalties from land-hungry newcomers (notably resettlers and young people) on the other. Their typical way out was the opening up of new areas for farming.

In the case of Mafisa and Gombero, these were the vast **plateaus and plains** to the west and north-west. Going into this direction, average rainfall rapidly decreases in proportion with increasing risk of drought. The removal of bush and dry forest (*miombo*), followed by seasonal cropping, is certainly not conducive to the maintenance of soil fertility. But this has not prevented a dramatic spread of bean and maize fields in the plateaus that happened in the course of the 1980s. Resettlers from former mountain hamlets, farming entrepreneurs and land-poor heirs, including single women, seem to be the driving forces behind this thrust. The 'Village Governments' played a vanguard role. First, they opened the communal fields (*mashamba la kijiji*) and block farms (*mashamba la bega kwa bega*) prescribed for all 'Development Villages', in hitherto uncultivated plateau areas.

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<sup>12</sup> Villages and Ujamaa Villages Act of 1975; Local Government Act of 1982.



Subsequently, they tried to keep the competing land demands of cattle owners at bay, notably Parakuyo Maasai.

In a broader historical perspective, this move downhill into the dry steppe follows a much older line of Ngulu ambition to expand from their narrow mountain homes into the land of the Maasai. But only 'villagization' with its new concept of local territories and 'public' village land rights seems to have enabled them to make decisive advances in this direction. The Ngulu majority now tends to regard all land within the new village boundaries (which have recently even been demarcated by government surveyors) as theirs. The Parakuyo Maasai groups inhabiting the drier parts of it, in contrast, are not recognized as rightful land owners, in fact not even as proper members of the village community, although they have been attached to this land for at least a century. Usually, they are confronted with a combination of two arguments. According to the hegemonic (agriculturalist) understanding of 'Customary Law', only cultivation constitutes a sufficiently intensive use of the land to create ownership claims. As a second argument, the recent experience is cited that the Parakuyo were, for whatever reason, exempted from the hardship of compulsory resettlement which, in many villagers' eyes, also excludes them from entitlement to the benefits of 'villagization'.

The cattle owning part of the population, mainly the Parakuyo, suffers from this advance of cultivation into the plateaus and plains in two ways. First, they lose much of their main grazing areas, especially the slightly moister (higher) parts. What seems to matter at least as much is, secondly, the obstruction of customary cattle tracks. From the herders point of view, a sophisticated pattern of cattle movements is vital in order to strike a balance between fodder, water and salt needs of the animals. The cultivators, on the other hand, different from the mountain areas with their more or less coherent neighbourhood/lineage blocks, seem to regard this new frontier area as entirely up for individual land grabbing. Even if neighbours or friends decide to go into the same direction, they would still leave tracts of uncultivated bush between them, for future expansion and to avoid boundary conflicts. The resulting fragmentation and haphazard arrangement of newly opened farming areas makes it increasingly difficult for herders to find open and sufficiently wide routes along which to move their

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cattle. This leads not only to technical problems, but also to new social tensions. Among the Maasai, as among other pastoralist peoples in Tanzania, seasonal movements of cattle between different pastures and water sources (transhumance) are regulated in a communal way, by agreement between elders of all hamlets in one area. Specialists have come to agree that these communal systems of pasture and water management are quite efficient in balancing out the land use pressure by livestock.<sup>13</sup> With pastures and tracks being increasingly obstructed by cultivation, it seems that such agreements are now rarely reached among the Parakuyo of Mafisa and Gombero, with foreseeable consequences for the environment. More obvious even are the constant conflicts between cattle and field owners, especially along cattle tracks. When they are too much narrowed or suddenly found blocked, the animals start to encroach adjacent fields, eat up crops etc. Field owners, already on alert, regularly claim heavy compensation for the damage, often by taking the animals hostage. Cattle owners, worried about their animals and knowing that they have little chances to win a case at court, usually give in to such claims.

Significantly, however, the potentially most serious source of land conflict arises at a different point. Contrary to the established Ngulu majority view, Parakuyo are also engaged in cultivation. They assert that they started to open small fields soon after they were pushed into this marginal part of the Steppe by stronger groups of Kisongo Maasai, more than a century ago. In recent years, they have increased their fields continuously, and apart from the usual annual crops such as beans and maize, they even started to plant permanent crops such as fruit trees. This development in particular has alarmed their Ngulu neighbours, for several reasons. As the Parakuyo are becoming increasingly self-sufficient in staple crops, Ngulu cultivators lose an important traditional local market for their products. Instead, many of them are forced to work as labourers on Parakuyo fields, because the latter still find it difficult to get themselves (or their wives) to do much of the cultivation work. The fact that cattle-rich Parakuyo seem to find the money to pay labourers relatively easily reminds the Ngulu once again of what they see as an unjust inferiority in wealth and status, customarily measured in heads of animals. The potentially

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<sup>13</sup> E.g. Lane and Moorehead 1995.

largest bone of contention, however, is that the Parakuyo have started to use cultivation, including permanent crops, consciously as a way of establishing long-term claims to part of the land in these villages.

Before proceeding to the second part of this contribution, the findings of this overview on land-related conflicts in the landscapes of Mafisa and Gombero should be summed up. It can be said that 'villagization', at least in this case, had a paradoxical result. While intended to place all inhabitants within one common political and moral framework, based on communal territory, it has deepened existing rifts between different groups of land users within the new villages. In these struggles, different types of land rights and competing concepts of land tenure are invoked, from various adaptations of 'Customary Law' to statutory 'Village Law' and individual 'Title Law' (my terminology), sometimes even within the same group. As the most salient result, increasing pressure on and resulting conflicts about agricultural land near the new Village cores, both on mountain slopes and in valley bottoms, mainly among Ngulu, seem to have been effectively 'exported' into the drier plateaus and plains hitherto used mainly by pastoralist Parakuyo Maasai. It has to be emphasized, however, that there were a number of independent factors which seem to have reinforced these trends. Notable among these are the more recent 'liberalization' policies in Tanzania, which made the seasonal production of food cash crops much more attractive and thus fuelled the search for new farming land; and an enormous, much above average growth of population among the Ngulu of Western Handeni due to particularly high natality, which seems to have both social and political causes.

Instead of going further into the complex causalities of these expanding land disputes, however, I would like to ask now for the institutional potential to manage them. A very general impression obtained during fieldwork in Mafisa and Gombero was that 'public' institutions, which are normally expected to generate and sanction legitimate norms of land use as well as to mediate between conflicting claims of land rights, are critically weak. Jan-Kees van Donge, for instance, diagnosed an inability of local courts in the Uluguru Mountains to reach sustainable decisions, thereby blocking possible ways out of paralysing land

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conflicts.<sup>14</sup> A similar inability seems to prevail even at the national level, where High Courts, parliamentary majorities, ministerial lobbies and a presidential 'Commission of Inquiry' are in virtual deadlock over proposals for a new land law for Tanzania.<sup>15</sup> But still very relevant institutions trying to regulate access to and conflicts about land must be sought at the very local level, i.e. within the village; in Western Handeni, very few cases of land litigation are actually taken to court.

## **Dispute Settlement and Local Institutions**

In their seminal analysis of dispute settlement in Tswana villages, Comaroff and Roberts have distinguished different 'institutional contexts' for such attempts. They cite village norms that settlements should be sought first and foremost through negotiations between the individual litigants themselves, before a third party, which can be relatives (kin, agnates) or, after that, local political leaders (headmen, finally the chiefs' council), is called in.<sup>16</sup> While these distinctions seem to be a useful analytical tool also for Tanzanian Villages such as Mafisa and Gombero, no clear order of priority between such settling institutions, as asserted for the Tswana case, can be ascertained here. The degree of overlapping, or competition, between different concepts of local 'public institutions', which has emerged in the foregoing analysis of land conflicts, becomes even more noticeable at the level of dispute settlement. In the following analysis, I hope to make a contribution towards a more dynamic view of 'institutional context' for local-level dispute settlement.<sup>17</sup> For reasons of convenience, I will nevertheless distinguish three important sets

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<sup>14</sup> van Donge, 1993.

<sup>15</sup> See the events around the precipitated enactment of the "Regulation of Land Tenure (Established Villages) Act", No. 22, of November 1992, which was declared unconstitutional by High Court judgement in December 1993 (cf. Mvungi and Mwakyembe, 1994).

<sup>16</sup> Comaroff and Roberts 1981: 108f.

<sup>17</sup> Comaroff and Roberts (1981), in fact, propagate a highly dynamic view of settlement processes, but concentrate on rules and procedures, while taking their 'institutional contexts' largely as given.

of institutions, whose character, function and interaction are then looked at more closely.<sup>18</sup>

### Network relations

All inhabitants of Mafisa and Gombero are involved in a variety of personal relations providing everyday institutional and normative frameworks for their interaction. These consist either in membership to corporate units (clan and lineage groupings; the more recent 'Development Village') or in 'network' structures, the two often overlapping each other. It seems that existing network relations are of foremost importance when individual litigants try to settle disputes among themselves. Struggles about access to crowded water points, for instance, seem to be regulated to some extent along neighbourhood relations within the 'quarters' (*mitaa*) of the Village cores, which emerged from pre-'villagization' hamlets. Elder inhabitants of these neighbourhoods are said to sit together when problems arise. Groups of younger men cooperate in digging wells, fences and access ways in order to avoid quarrels. Neighbourhood relations, however, are less instrumental today in the case of disputes about agricultural and forest or bush land. The main reason is that 'villagization' has spatially detached *mitaa* groups from the areas which they used to control in the past, usually as followers (not necessarily members) of one dominant lineage or clan segment. Most inhabitants of a neighbourhood now own land rights in very different parts of the Village territories, which has contributed to a relaxation of their formerly strong common interest in particular (up-hill) areas.

If residence and production no longer coincide on the same land, alternative network bonds with relevance for land conflicts may be expected along the lines of productive specialization. Common interest in particular types of land-use, especially those technically requiring cooperation, can provide powerful incentives to overcome individual disputes and to adapt land rights to environmental protection. A striking example, not (yet?) present in Handeni-West, are the irrigation groups

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<sup>18</sup> Other village level institutions such as Christian and Muslim congregations, which might be relevant as well, had to be left out of this study.

encountered in places like Pare or Usambara.<sup>19</sup> In Mafisa and Gombero, cattle management is the most likely field to bring individual producers into agreements over competing demands for natural resources. Parakuyo pastoralists are used to conclude individual friendship pacts among themselves concerning the sharing of information of pastures and suitable cattle tracks, the use of cattle wells, and the borrowing of animals themselves - all items which are considered individual property. Interestingly, also some specialized Ngulu cattle owners are included in such arrangements, usually having known their Parakuyo partners as boys when herding in the same areas. Cattle-centred friendships seem powerful enough to produce agreements about the use of resources such as pastures, water and space for movements. Potentially, larger Ngulu cattle-owners might be able to play a pivotal role as mediators here.

A third, and more 'traditional' type of network relations among villagers, in contrast, cuts across the local division of labour. For at least about a century, everyday local exchanges stabilized neighbourly, often personal relations between crop and livestock producers (i.e. mainly between Ngulu and Parakuyo),<sup>20</sup> often including women, and with an important element of credit. These relations of personal trust often seem to have been glossed as 'friendship',<sup>21</sup> and may have cushioned potential land conflicts. Again, the disappearance of productive difference, hence of complementarity, between Ngulu and Maasai has, ironically, increased rather than eased tensions between local groups, to an extent which now impedes the solution of land conflicts. With the weakening of personal relations based on neighbourhood, friendship and trade, common territory (the principle on which the new administrative villages are built) may in fact be the only arena left in which complementary land-related interests can meet to negotiate. But this requires that landscape units, or localities, which are decidedly smaller than the official Village territories, achieve some degree of autonomy in their decisions. villagers concerned also demanded, during interviews, regularly the assistance of mediators or arbitrators who should

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<sup>19</sup> See, for instance, Johansson 1988.

<sup>20</sup> See the travel account of Oscar Baumann (1891:277f); he calls the Parakuyo Maasai Wakuafi (Wakwavi) which term is current among the Ngulu and has today strongly negative connotations.

<sup>21</sup> For another example of this socially and economically significant type of relationship, see von Oppen 1993b.

be endowed with legitimate authority but not with dictatorial powers.

### The elders

Even before 'villagization', land use in the Ngulu areas of Mafisa and Gombero was controlled to a large extent by individuals, and ownership rights were usually transferred through inheritance within small, relatively autonomous kin groups, increasingly along the paternal line of descent.<sup>22</sup> Nevertheless, the elders of the matrilineages (*milango*) and -matriclans (*ukolo*), which dominated particular local territories (*tongo* or *si*), continued to exert certain older rights of superior 'ownership' or sovereignty in their areas. These rights included allocation of land to newcomers, settlement of disputes, and the performance of land-related fertility and cleansing ceremonies (*tambiko*), e.g. 'rainmaking'.<sup>23</sup> It is important to note that disputes among community members or neighbours and disturbances in the balance between land users and nature (e.g. drought) were seen as closely related to each other. These functions, especially the last, seem to have outlived colonial attempts to formalize and restructure local power by replacing clan leaders by 'chiefs' (*mazumbe*) and neighbourhood leaders by 'headmen' or 'sub-chiefs' (*majumbe*) within the institutional setup of 'Indirect Rule'.<sup>24</sup> The inhabitants of Mafisa, for instance, strongly remember that until 'villagization' they were settled in, and owed allegiance to, two distinct 'clan areas' with 4 to 5 different neighbourhoods each; these units do not seem to have coincided with the colonial 'Zumbeates' and 'Jumbeates', respectively, which were generally larger.<sup>25</sup>

The 'villagization' of the 1970s, then, was designed, among other things, to remove all older structures of local power, be they 'colonial' or 'traditional', and substitute them in every respect by 'Village Council' powers. Resettlement and the extension and redrawing of village boundaries in fact seems to have contributed considerably to the loss in (land-based) authority of clan and lineage elders in Mafisa and Gombero.

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<sup>22</sup> Grohs 1980: 41f.

<sup>23</sup> Beidelmann 1967: 58ff.

<sup>24</sup> See Giblin 1992: 137f.

<sup>25</sup> This aspect, however, is still under research.

Other factors were, of course, labour migration and the easier access of younger people to cash incomes. Elders' loss of authority, in turn, may have further weakened the potential for solving local land disputes. For example, Gombero neighbourhood elders are said to have been active in the past in negotiating and demarcating sufficiently wide cattle tracks by incisions in trees or branches stuck into the ground, and to have prevented the inhabitants of their hamlets from cultivating within these lines. A parallel example of the consequences of the decay of elders' authority on balanced grazing management among the Parakuyo has been mentioned earlier already.

The loss of elders' authority has various consequences for the management of the natural environment. Part of their religious role, expressed as mediation between those living off the land and the spirits inhabiting nature, is that clan and lineage elders as well as rain makers protect the 'sacred groves' where these spirits are thought to reside. According to Ngulu elders themselves, such places include trees and shrubs along sources and watercourses, burial places, certain tree species in general, and certain mountain top forests where *tambiko* rituals are performed. The spiritually and ecologically most important such site in Western Handeni is undoubtedly the top of Mt. Toga, a 'holy mountain', which holds an important role in Ngulu oral traditions. While it has to be asked, of course, how effective protection was in the past, such places are apparently very little respected today; branches, bushes and entire trees are cut or damaged by fire, in pursuit of benefit by individuals or even the 'Village Government'.

On closer inspection, however, the influence of 'traditional leaders' on public land matters seems to have survived 'villagization' to some extent. Behind the scene of 'Village Government' and Party rhetoric, respected clan and lineage elders are still frequently called upon to mediate in disputes. An important basis for this seems to be the fact that the spatial expressions of older local identities have not really been extinguished, but to some extent replicated by resettlement. The maintenance of neighbourhood land blocks at former hamlet sites has been mentioned already. The new homes within the core Village are clearly grouped in what people call *mitaa*, 'quarters', which correspond, even by name, to the former neighbourhoods people came from. The existence of two separate



Village cores at Mafisa - with a good deal of rivalry between them - can also be explained in this way: they received, separately, the former inhabitants of two distinct clan areas already mentioned.

In an interesting recent incident, the old and the new authorities clashed even directly, apparently with some success for the former. A former Village Chairman had enriched himself in office by giving licenses to loggers for cutting trees on the top of Mt. Toga. When this came to the fore (through angry villagers' complaints), elders of the *Samateke* Clan, guardians of that sacred forest, got the culprits (both the Chairman and the loggers) to pay a sheep as 'fine', which was then, according to an eye-witness, sacrificed in their presence in a *tambiko* cleansing ceremony. - While the combined religious and environmental awareness which was redressed in this case is certainly to be welcomed, the broader effects of such developments still remain to be seen. With regard to their legal implications, for instance, the question is whether 'customary law' is being retained and readapted not only on 'private', but also on 'public' land, and to what broader effect. Sociologically speaking, on the other hand, one could ask whether this is an instance of older authorities, structurally weakened not only by 'villagization', being placed in some sort of deadlock against similarly weak new ones.

### **The 'Village Government'**

The weakness of the new Village self-administrations (officially called 'Village Councils') established through the 'Villages Act' (1974) and the 'Local Government Act' (1982) can be described, at one level, as a lack of genuine political and financial powers vis-a-vis the Central and District Government machinery. Up to very recently, in addition, Village officials were in almost every respect controlled by the Party, through a hierarchy of 'Secretaries'. This strikingly contradicts not only the rhetoric of Village autonomy, but also the extensive powers Village Councils are vested with vis-a-vis their fellow villagers, among them substantial land rights. These include, as mentioned already, rights to expropriate, reserve and reallocate individually held land; to establish communal plantations and decide on the proceeds thereof; to restrict or ban certain land uses in any part of the Village territory through 'orders' and 'by-

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laws' threatening fines; and finally to arbitrate in local disputes.<sup>26</sup> Even if these rights are not (or no longer) being practiced very often, villagers are aware, and afraid, of them, even though they know that these village land rights openly infringe upon their rights under 'Customary Law'. Only recently, complaints about village and central government infringements begin to reach the courts in Tanzania in growing numbers.

Put differently, then, the major weakness affecting so many Village Councils in Tanzania is their incapacity to generate legitimacy for their definitions of and decisions on 'public affairs'. In most cases, village officials are judged by other villagers to be too partial or selfish to be accepted as true mediators and representatives of 'public interests' of the 'village community' as a whole, mainly because of embezzling communal revenues. This may be partly due to a lack of democratic procedures, even where these are prescribed by the laws (e.g. the ultimate rights of the 'Village Assembly' of all inhabitants).<sup>27</sup> But structural rifts within the 'communities' are strong enough by themselves. The contradictions between interest groups, which have been increasing anyway in recent decades, were further aggravated by the fact that the new village boundaries lumped together a variety of heterogenous older local identities. Rivalries between different pre-'villagization' neighbourhoods and areas still crop up on many occasions, for instance in Mafisa during elections of the present 'Village Chairman', causing considerable tension. Although economic activities of different groups (notably pastoralists and cultivators) intersect considerably throughout, and beyond, the village territories, the newly formed 'villages' often appear too big as decision-making units. At any rate, village leaders have, until now, seem to have been largely unable to reconcile conflicting land interests, as in principle expected by villagers, but rather to have poured more oil into the flames, even applauded by some of their followers.

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<sup>26</sup> Until recently, jurisdiction at the village level was done through a 'reconciliation committee' (baraza la usaluhishi) of the Village Council, which represented something like the lowest level of the judiciary. Now, their function has been taken over by more centrally controlled 'Ward Tribunals'.

<sup>27</sup> See, for instance, Ngware and Haule 1993.

Failures to reach sustainable agreements on land conflicts at formal village level thus leads increasing numbers of inhabitants, on all sides, to hope for a once-and-for-all solution. Top priority is given by radicals to the drawing of a hard and fast boundary between Ngulu and Parakuyo. This would effectively split the villages into two, or remove one group altogether. These demands are often backed up by the allegation that such a division already existed in the past, although there is considerable disagreement, of course, as to where this boundary line should properly be. In reality, such a step would imply a completely novel, and much narrower, understanding of local public space. Seen in a long-term perspective, it would also amount to a further twist in territorialization. What is demanded here is a clear-cut spatial separation of different, hitherto overlapping types of land-use which were once seen as highly complementary, even mutually beneficial. A complete territorial separation of land uses in Western Handeni, however, is still impractical, hence unlikely. More serious is probably that with mounting competition for identical resources, a breakdown of the basic consensus seems to occur, which is required for any negotiation of opposing interests. Any attempt to establish 'clean' ethnic territories at the local level would threaten, here as elsewhere, to end up in violence.

Having reached this level of tension and tribalist re-interpretation, any attempts to foster agreements among land-users at the level of the village as a whole appear as uphill struggles. In one respect, a return to sub-village neighbourhood ties seems much more promising as an arena to negotiate land disputes. Paradoxically, however, it is precisely the instability of the situation in the aftermath of 'villagization' which lends additional relevance to village-level institutions. In the past, senior levels of leadership would have had to come in only if elders of localized neighbourhoods failed to solve their disputes among themselves.<sup>28</sup> Today, land uses and land rights in Western Handeni are so fragmented and scattered, even at neighbourhood level, that village institutions may often provide the only forum bringing heterogenous land-users

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<sup>28</sup> Such leaders could have been, at different times before 'villagization', clan elders (*wegazi*), patrons or 'chiefs' (*mazumbe*), headmen (*majumbe*), according to Giblin (1992: *passim*). This is not to say that these personalities necessarily realized their potential for mediating between neighbourhood groups.

together. Significantly, despite all their negative experiences, villagers frequently voice a demand for truly impartial village leadership to chair crisis meetings even at sub-village level. Remarkable pessimism is shown about the possibility to reach binding decisions and impose sanctions about land use among villagers themselves. At the same time, they would certainly not subscribe to the idea, propagated without much success since 'villagization', that the Village Council should have **exclusive** rights to deal with public matters in the village. It remains to be seen whether the current drive for democracy will sufficiently shake up the established power structures down to the village and sub-village level, strengthening the legitimacy of local leadership and decision-making procedures, and thus overcoming the present weakness of these institutions.

## Conclusion

This case study has shown that, for good or for evil, 'villagization' has irrevocably shaped the physical as well as the social and mental landscapes of land users in Western Handeni, at least to some extent. To be more precise, it has added another important dimension or layer to these landscapes. Building on older processes such as the advance of cultivators, and combined with independent factors such as the liberalization of food trade in Tanzania, it has, firstly, favoured a concentration and expansion of settlement and agricultural activities into formerly less intensely used areas, thus increasing some forms of production at the expense of others, and often - not always - at the expense of environmental resources.

At a second level, these processes can be described as social change. Previously more complementary and perhaps more balanced social relations between different groups of producers<sup>29</sup> were exacerbated, resulting in increasingly desperate struggles about land, with resettlers, women and pastoralists suffering particular disadvantages. 'Villagization' has provided Ngulu cultivators in the mountain areas with an opportunity to export, to some extent successfully, their rising competition for

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<sup>29</sup> A more in-depth analysis of the history of relationships between the different local groups and their claims to land, however, is still missing. It is one of the topics of my on-going research.

'Customary' land rights into other areas, notably the drier plateaus and plains, hitherto the main grazing lands of the Parakuyo Maasai. Resettlement, land pressure and changing patterns of production have severed former relations of neighbourhood and exchange. The authority of elders and personal networks of 'neighbours' and 'friends' continue to exist, but were seriously weakened.

These struggles and changes had consequences at yet another, institutional level. Villagers' identities seem to have been transformed to an extent which has substantial implications for their ideas about land rights and legitimate 'public' representation. This was a history of interaction between different institutional concepts of regulating access to and conflicts about land. The result, it appears, has been to some extent mutual blockage rather than new synthesis. On the one hand, territorial concepts of local community, which were already important elements in older Ngulu identity, seem to have been preserved, restructured and expanded through the imposition of the exclusively territorial concept of the 'Development Village'. To some extent, and probably furthered precisely by the struggles it triggered, the village itself has become an important reference framework in villagers' consciousness. On the other hand, the newly imposed village claims a monopoly in managing local 'public affairs' vis-a-vis older local institutions, a claim which is, in villagers' eyes, by no means matched by their actual legitimacy. In everyday practice, however, new institutions do seem to have developed at both village and sub-village (locality) level, which, in addition to older forms of neighbourhood organization, appear crucial for negotiating land conflicts today. They rest on new forms of identification with local territory, which are based on new constellations of interest in land, and find symbolic expression, for instance, in new contractual procedures and in new names (toponyms) given to the land. One example deserving particular attention is the making of new localities on the new frontier of cultivation, i.e. the plateaus and plains, which are jointly opened by groups of individual cultivators.

To make the story still more ambiguous, competing communal identities based on ideas of descent rather than territory also seem to have expanded in the aftermath of 'villagization'. The multiple tensions and blockages between social groups and

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institutions seem to have increased the desire for overarching communal identities of this kind. Almost all major conflicts in the two villages are now often being explained, on both sides, by the divide between Ngulu and Parakuyo Maasai. This is, in reality, often far from true; as far as land use is concerned, for instance, cattle keeping or cultivation can no longer be neatly attributed to either side. The pervasiveness of the ethnic paradigm seems to increase in inverse correlation with its substantive basis, the economic specialization between pastoralists and cultivators. As an image of rivalry rather than exchange, the ethnic paradigm becomes a major hindrance for attempts towards solving land disputes by negotiation.

At present, three scenarios seem possible in the case of Mafisa and Gombero, each with specific implications for the solution of current intra-village conflicts. If none of the various institutional concepts of regulating access to land got the upper hand, more spaces for negotiation would remain, but also insecurity and the danger of deadlock. If territorial identity and institutions, with the village at its apex, became dominant, perhaps in the current context of democratization, land conflicts could be negotiated or mediated more effectively. A precondition would certainly be the recognition of lower-level (sub-village) identities and institutions in decision-making. But existing inequalities in access to local power and land might become even more accentuated. The same would be true if, finally, the ethnic paradigm would continue to rise and, as it already does, enter a contradictory marriage with territorial identity. But the only option to 'solve' land conflicts in this case, would be 'ethnic cleansing' at the very local level.

## References

- Anderson, Benedikt, 1991: *Imagined Communities. Reflections on the origin and spread of nationalism*. London/ New York: Verso.
- Baumann, Oscar, 1891: *Usambara und sein Nachbargebiet*. Berlin.
- Beidelman, T.O., 1967: *The matrilineal peoples of Eastern Tanzania* (Ethnographic Survey of Africa; East Central Africa Part XVI). London: International African Institute.

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- Berry, Sara, 1993: Access to land: Property rights as social process. In: Sara Berry: *No condition is permanent. The social dynamics of agrarian change in Africa*. Madison: University of Wisconsin Press, pp. 101-134.
- Cliffe, Lionel, and G. Cunningham, 1973: Ideology, Organisation and the settlement experience in Tanzania. In: Cliffe, Lionel, and S. Saul, (eds.): *Socialism in Tanzania, Vol. 2: Policies*. Dar es Salaam: EAPH, pp. 131-140.
- Comaroff, John, and Simon Roberts, 1981: *Rules and processes: The cultural logic of dispute in an African context*. Chicago: University of Chicago Press.
- Coulson, Andrew C., 1982: *Tanzania. A political economy of Tanzania*. Oxford: Clarendon Press.
- van Donge, Jan Kees, 1993: Legal insecurity and land conflicts in Mgeta, Uluguru mountains, Tanzania. In: Jan-Kees van Donge, *Trapped in decline. A sociological analysis of economic life in Mgeta, Uluguru Mountains Tanzania*. (Published Ph.D. Dissertation), Wageningen Agricultural University, pp. 133-160. (First published in "Africa" 63 (1993), 2, pp. 197-218).
- Donner-Reichle, Carola, 1988: *Ujamaa-Dörfer in Tanzania: Problematik und Reaktionen der Bäuerinnen*. Hamburg: Institut für Afrikakunde.
- Fortmann, Louise, 1980: *Officials and participation in rural Tanzania: Experiences with villagization and decentralization*. (Cornell CIS RDC, Special Series on Rural Local Organisation No. 1) Ithaca: Cornell University.
- von Freyhold, Michaela, 1979: *Ujamaa-Villages in Tanzania: Analysis of a social experiment*. London: Heinemann.
- Giblin, James L., 1992: *The politics of environmental control in North-Eastern Tanzania, 1840-1940*. Philadelphia: University of Pennsylvania Press.

- Grohs, Elisabeth, 1980: *Kisazi: Reiferiten der Mädchen bei den Zigua und Ngulu Ost-Tanzanias*. Berlin (Reimer).
- Habermas, Jürgen, 1990: *Strukturwandel der Öffentlichkeit. Untersuchungen zu einer Kategorie der bürgerlichen Gesellschaft*. Frankfurt/Main: Suhrkamp.
- Hyden, Göran, 1980: *Beyond Ujamaa in Tanzania: Underdevelopment and an uncaptured peasantry*. London: Heinemann.
- Johansson, Lars, 1988: *The Chambogo Programme - an evaluation of the early implementation*. Lushoto (Report for TIRDEP/SECAP).
- Lane, Charles, und R. Moorehead, 1995: New directions in rangeland and resource tenure and policy. In: Scoones, I. (ed.), *Living with uncertainty: new directions in pastoral development in Africa*. London: IIED, pp. 116-33.
- McHenry, D.E., 1979: *Tanzania's Ujamaa Villages: The implementation of a rural development strategy*. (Unpublished PhD Dissertation, University of California, Berkeley, Institute for International Studies).
- McKay, Bonnie, and James M. Acheson, 1987: Human ecology and the commons. In: McKay and Acheson (eds.): *The question of the Commons: The culture and ecology of communal resources*. Tucson (Arizona), pp. 1-34.
- Muya, Mwalumwambo A.O.M., 1975: A political economy of Zigua Utani. In: Stephen A. Lucas (ed.): *Utani relationships in Tanzania*. (University of Dar es Salaam, Institute of Swahili Research) vol. 6, Dar es Salaam: University of Dar es Salaam., pp. 187-248 (1-62).
- Mvungi, Sengondo, und Harrison Mwakyembe, 1994: Populism and invented traditions: The new Land Tenure Act of 1992 and its implications on customary land rights in Tanzania. In: *"Afrika Spectrum"*, 29, 3, pp. 327-338.
- Ngware, Suleiman, and Martin Haule, 1993: *The forgotten level: Village Government in Tanzania*. (Hamburg African Studies 1) Hamburg: Institut für Afrikakunde.



- von Oppen, Achim 1992 (in cooperation with Vincent M. Mhina): *Landrights and their impact on individual and communal forms of land use in the project area of the Handeni Integrated Agroforestry Project, Tanzania*. (Consultancy Study Report for the German Agency for Technical Cooperation/GTZ) Berlin.
- von Oppen, Achim, 1993a: Bauern, Boden und Bäume. Landkonflikte und ihre ökologischen Wirkungen in tanzanischen Dörfern nach Ujamaa. In: *"Afrika Spectrum"*, 28, 2, pp. 227-254.
- von Oppen, Achim, 1993b: *Terms of trade and terms of trust. The history and contexts of pre-colonial market production around the Upper Zambezi and Kasai*. (Studien zur afrikanischen Geschichte 6) Hamburg/Münster: LIT Verlag.
- von Oppen, Achim, 1995: Trees of contention. Land conflicts and ecology in Tanzanian villages beyond Ujamaa. In: Liisa Laakso (ed.), *Development and its discontents*. Proceedings of the Second Finnish Africa Days, Hyytiälä, May 23-25 1994. Helsinki: University of Helsinki, Institute of Development Studies, pp. 57-61
- Sender, John, 1974: *Some preliminary notes on the political economy of rural development in Tanzania based on a case study in the Western Usambaras*. (ERB Papers 74.5), Dar es Salaam: University of Dar es Salaam.