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## Land institutions and political ethnicity in Africa: evidence from Tanzania

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LAND INSTITUTIONS AND POLITICAL ETHNICITY IN AFRICA:  
EVIDENCE FROM TANZANIA

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with

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## Abstract

Existing work on land politics in Africa suggests that governments, by creating and upholding neocustomary land tenure regimes, create powerful incentives for individuals to embrace state-recognized ethnic identities. This paper strengthens this argument about the institutional determinants of ethnicity's high political salience through the use of contrasting evidence from Tanzania. In Tanzania, non-neocustomary land tenure institutions prevail, and the political salience of ethnic identity is low. Even in a hard-test region of high in-migration and high competition for farmland, the political salience of ethnic identity in land politics is low. The findings suggest that political science needs to take seriously the role of state institutions in producing politically-salient ethnic identities in Africa.

In comparative politics analysis, the African state often appears as the archetype of the patrimonial political form. It is depicted as animated by informal logics and fluid, personalized patronage networks that barely penetrate the rural areas. Institutional determinants of political outcomes are assumed to be exceedingly weak, and ideational and behavioral factors assume great weight in political explanations. Ethnicity in particular, taken as an ideational force that is exogenous to the state, is taken to be a powerful cause of a wide range of political outcomes, including low public goods provision, corruption, state weakness, and civil conflict.<sup>1</sup> This paper challenges this model of African politics by presenting new evidence of the powerful role of state institutions in producing politically-salient forms of ethnicity in rural Africa. It follows on the work of Daniel Posner (2005), who broke with non-institutional approaches by showing that electoral

institutions can shape which ethnic identity is activated in mobilizing voters.<sup>ii</sup> This paper goes considerably further than that, presenting evidence that suggests that in rural Africa, property institutions go far in determining whether ethnic identity has political salience at all.

The analysis focuses on rural property regimes in land. These are *institutional configurations* that vary across countries as well as across subnational regions within countries, and that are actively molded and enforced by African states. In most of Africa, rural property regimes are "neocustomary" in nature. The "customary" refers to the ethnic entitlements to land that these property regimes embody and convey, as well as to the place they grant to "customary" leaders in land rights adjudication and enforcement. "Neo" underscores the extent to which pre-colonial land tenure practices and authority structures were remolded under colonial indirect rule, and then modified by postcolonial governments in ways that reproduced their neocustomary character. About 80-90% of all farmland in most African countries is held under some type of neocustomary tenure. Most governments recognize neocustomary land rights and administer neocustomary tenure regimes at least partly through the intermediation of neocustomary leaders such as chiefs. Landholdings held under this form of tenure are not surveyed, registered, or titled.<sup>iii</sup>

Large literatures in history and economic anthropology have argued that neocustomary land tenure regimes in Africa create economically- and politically-salient ethnic identities, and uphold local political intermediaries such as chiefs as community representatives in the eyes of the state.<sup>iv</sup> From a broadly comparative perspective, this argument should not be surprising: property institutions that allocate access to natural

resources on the basis of membership in ethnic communities have been shown to produce identity-activating or identity-enhancing effects in other parts of the world, including on Native American (Indian) reservations in the United States and in "indigenous territories" in Latin American countries.<sup>v</sup> More generally, government institutions and policies that allocate goods on the basis of ascriptive identities often play a strong role in creating, shaping, and valorizing such identities, and in catalyzing the formation of social groups defined in terms of these identities.<sup>vi</sup>

In spite of the African and comparative evidence, arguments about the ethnicity-producing effects of neocustomary land institutions in Africa have not had much of an impact on literature in political science. Most of this work takes ethnicity in Africa as a behavioral variable that operates independently of (is exogenous to), and acts upon, state structure. This may be because arguments about the institutional causes of political ethnicity have not been "put to the test" through the use of contrasting and counterfactual evidence. The effects of neocustomary tenure have not been compared to the effects of *other forms* of rural land tenure in Africa.

This paper aims to remedy this deficiency. It uses qualitative political evidence from rural districts of Tanzania, where the postcolonial state has dismantled neocustomary land tenure institutions and replaced them with a "direct rule" or "statist" form of land tenure. This creates settings in which it is possible to use comparative logic and counterfactual reasoning to preliminarily "test" arguments about the political effects of statist land institutions.

Part I follows Mahmood Mamdani and others in differentiating neocustomary and statist land institutions as distinct ideal-types, and specifying their expected political

effects. We concentrate on two effects in particular. The first is an ethnic effect, or the production (or not) of politically-salient ethnicity. The second is a political-mediation effect, or the presence (or absence) of a layer of neocustomary intermediaries who impede rural citizens' access to national political institutions. Part II traces the dismantling of Tanganyika's neocustomary land institutions and the construction of statist land institutions. Part III presents evidence of statist institutional cause and political effect Tanzania's Manyara Region. Part IV summarizes and extends the results. Part V considers two possibly non-conforming situations.

The analysis provides support for the argument that Tanzania's distinctly statist land tenure institutions produce two distinct political effects. First, they devalue ethnicity as a political and economic identity because the institutional rules provide no incentives for overt political discourse that justifies claims to agricultural land in ethnic terms. Second, the statist land institutions give rural citizens direct channels of access to national judicial and electoral institutions. Neotraditional authorities are not imposed as intermediaries between rural citizens and the state. The conclusion draws out implications for institutional analysis in Africa, for explaining national identity in Tanzania, and for studies of ethnicity.

### I. Different types of land institutions and their political effects

There is a large literature on land tenure institutions in rural Africa, most of it focusing on the origins and effects of the so-called neocustomary land regimes. These were institutionalized as the foundation of colonial indirect rule and were upheld by postcolonial states (in modified forms) in much, perhaps most, of independent Africa.

Mamdani, Mathieu, Roe, and others draw a clear distinction neocustomary regimes and non-neocustomary or "statist" land tenure regimes.<sup>vii</sup>

*In Citizen and Subject*, Mahmood Mamdani offers the most stylized and explicitly-theorized contrast between the types of land institutions. He writes that the neocustomary type of land tenure institutions created colonial subjects "stamped with an ethnic identity and ruled by chiefs ['decentralized despots']." The neocustomary institutions produce an ethnic effect, which is tribalization, and a scale effect, which is indirect rule and "enclosure" of the tribalized subject in the local political and legal arena. By contrast, the statist or state-administered land institutions created the prototype of "a detribalized Africa ruled directly via the centralized despotism of the [colonial and] postcolonial state."<sup>viii</sup> The ethnic effect of the statist institutions is detribalization, and the scale effect is direct rule by the central state. Rather than "bottling things up" in the neocustomary, the statist institutions place the land user in a direct relationship with the state.

(a.) *The neocustomary regimes.* Economic anthropologists and land-use scholars offer a great deal of evidence in support of Mamdani's argument about the political effects of neocustomary institutions.

Neocustomary land tenure regimes assign land-access and land-use rights to *classes of users* based on their *ethnic status*.<sup>ix</sup> They rest on a basic distinction between two categories of land-users -- "natives " and "non-natives" of a given ethnic homeland. Native status (ie., membership in the officially-recognized ethnic group) provides an entitlement to claim land in the ethnic homeland as a birthright. Non-natives have

second-class status and must negotiate permissive occupancy and land-use with the ethnic "landlords." As Stephano Boni explained, classifying each farmers' ethnic membership *is necessary for the implementation of the tenurial and taxation regime.*<sup>x</sup> Across different parts of Africa, ethnic outsiders or in-migrants referred to in local and official parlance as strangers, *allogènes* or *alloctones*, newcomers, guests, tenants, or internal foreigners.

Governments enforce and reproduce these status designations by creating and recognizing ethnic jurisdictions, and the neocustomary land rules that govern inheritance, land transactions, and labor relations within these jurisdictions. Most appoint, confirm and/or pay neotraditional authorities to act as intermediaries between state agents and local people in land matters (and many other routine administrative matters).

Such rules valorize ethnic-insider status through everyday land-holding rules and practices. They incentivize land users to claim ethnic identities as they seek to gain or retain land in their ethnic homelands. Prima facie evidence can be found in zones of rising land scarcity: as land grows scarce in one's ethnic homeland, the value and salience of ethnic indigeneity often rises. In regions of high in-migration, neocustomary institutions work to structure competition for land along along the ethnic-insider/ethnic-outsider lines.<sup>xi</sup>

At the same time, neocustomary institutions empower state-recognized chiefs or elders in land affairs, and authorize them to act intermediaries between members of rural communities and the state. Mamdani theorized this decentralized despotism that "containerized" or "enclosed" the rural subject in the local world of the neocustomary. In land politics, neocustomary institutions are designed to produce a localizing effect,

limiting possibilities for "exporting" cases outside of the local judicial arena. Studies of land dispute adjudication under neocustomary land tenure regimes in places like central Ghana and northern Cameroon in the 2000s confirm that this abstract model goes far in describing lived reality of land users.<sup>xii</sup>

*(b.) Statist land tenure regimes.* Statist land tenure regimes reject (or do not recognize) the principle of ethnic-based land allocation, and are not embedded in state-recognized ethnic homelands in which neocustomary authorities act as local land allocators or adjudicators. Herein lies their specificity. Under these land institutions, the central state itself, via its direct agents, makes land allocations directly to land-users. Secular (de-ethnicized) mechanisms of land dispute adjudication prevail.

Rural territories under statist land institutions exist in some subnational regions of most African countries -- they exist where governments do not recognize neocustomary authority and neocustomary land entitlements. Prime examples are urban areas, game parks, forest reserves, farmland that has been nationalized and is administered directly by state agents (Office du Niger, Senegal River Delta), and settlement scheme areas such as the farming districts of the Rift Valley in Kenya.

Following Mamdani's reasoning, the absence of neocustomary institutions should produce two effects. First, because statist land tenure regimes do not allocate on the basis of ethnicity or recognize ethnicity-based claims, the salience of ethnicity in routine land administration and dispute adjudication is expected to be low. Statist land tenure regimes should promote the coalescing of individual and group identities along non-ethnic lines (for example, as class, livelihood, or national identities). Second, because of the

government's *direct* role in land allocation, administration, and enforcement, relations between land users and the state are direct, rather than mediated through neocustomary brokers. Direct linkage should be visible in the presence of institutional channels by which land-related conflict can “scale up” through a hierarchy of national judicial and electoral institutions.

*(c.) Testing these arguments in Tanzania*

Arguments about neocustomary land institutions and their political effects have been developed extensively in Africa-focused literatures on land and the production of ethnic identities. Until now, however, they have not been put to the test by comparing the effects of neocustomary and *non-neocustomary* rural land institutions. In the absence of "variation on the independent variable," it can be difficult to distinguish institutional effects from the effects of other causes, such as ideological or cultural preferences. This paper strengthens the institutional argument by providing evidence of the contrasting case.

Postcolonial Tanzania is an important case because its government has built a unified system of statist land institutions that administer land *across all subnational regions of the country*.<sup>xiii</sup> Customary authorities do not have state-recognized authority in land administration and adjudication, and the postcolonial state has not institutionalized ethnic homelands for agriculturalists.<sup>xiv</sup> We can turn to Tanzania to see if statist land institutions produce the expected political effects.

## II. Development of a Statist Land Tenure Regime in Tanzania

Tanzania stands out as a rare example of a statist land tenure regime that has been imposed and implemented throughout the national space. Today's land institutions developed over time in seven key phases, or steps.

The first phase was the period of colonial indirect rule in Tanganika. Ultimate ownership of all non-registered land was vested in the colonial governor, as in many African colonies. The institutional infrastructure of indirect rule was erected throughout most of the territory. Chiefs were appointed to govern ethnic territories. Yet because of Tanganika's status as a League of Nations mandate territory, indirect rule in this case had some distinctive features. Mostly importantly, the unusual 1923 land law (and 1928 amendment) recognized customary rights of occupancy (deemed or permissive rights) in established farming areas, and invested these rights in *the land user*, not the ethnic group.<sup>xv</sup> The land user gained a customary or deemed right to land after 12 years of undisturbed use. With national independence, the ownership rights of the colonial governor were transferred to the President of the republic, and the 1923 (1928) land law was carried forward, unaltered.

Second, in the wake of independence, the government replaced most rural chiefs with direct state agents. In Ugogo (near Dodoma), for example, "when political chiefship was abolished in 1962, ... together with the sub-chiefs and village headmen, their secular functions were transferred to the new village executive officers, divisional executive officers, village development committees, and related offices."<sup>xvi</sup> Replacement of indirect rule's agents with direct agents of the central state strengthened the hand of central authorities at the local level, including their hold on land administration.

Third was the 1967 Arusha Declaration. It nationalized most privately-owned properties, including most of the approximately 2% of Tanzania's land surface that was alienated to Europeans and other foreigners under colonial rule. The state asserted direct control over these lands.

Fourth was the Ujamaa period of forced resettlement and the expropriation of African-held large landholdings in the mid-1970s.<sup>xvii</sup> Ujamaa resettlement cut against customary rights as hitherto defined in Tanzanian law, as villages were reconfigured, people were relocated into some 8,000 new villages, and smallholders were allotted new plots for farming. All told, about half the rural population was actually moved. This process also entailed the creation of new, local-level political structures: "These reformulated community institutions were to be supervised by a parallel system of governmental and party bureaucrats, thus effectively eliminating community leaders affiliated with the old colonial system. Land was henceforth available only from party-supervised village councils."<sup>xviii</sup> Donald Williams described this as "a vast administrative apparatus set up to displace lineage and neighborhood institutions..."<sup>xix</sup> Mascarenhas wrote that "villagization removed the last vestiges of 'tribal security'."<sup>xx</sup> Villagization also eroded the principle of ethnic homelands by altering settlement patterns and opening local lands to "arbitrary encroachment, invasion, and alienation in favor of outside individuals and institutions (including government) against the interests and wishes of villagers."<sup>xxi</sup> Many new villages were culturally and linguistically heterogeneous.

A fifth juncture was the "roll back of socialism" in the mid-1980s. Some African landholders whose property had been expropriated at the height of Ujamaa sought land restitution, but almost all of these cases were beaten back in court. In 1992, the

government passed the Regulation of Land Tenure (Established Villages) Act which, as Mbunda writes, "extinguished customary rights with respect to village land, which are lands within the jurisdictional area of villages previously established during the ... villagization programs of 1973-76. It also took away the right of compensation, and precluded civil suits or claims to assert any such right, terminated the many pending cases, and prohibited the execution of any judgment relating to the same."<sup>xxii</sup>

This set the stage for the sixth period, the Land Act period, defined by the 1995 National Land Policy, the 1999 Land Act, and the 1999 Village Land Act.<sup>xxiii</sup> The 1999 Village Land Act provided a legal standing for deemed or granted rights of occupancy allocated by the state under Ujamaa. The Acts made secular, decentralized local governments the allocators of village lands that are not assigned to individuals. Villages were recognized as local-level territorial jurisdictions (some are jurisdictions of 100 sq. kms) and administrative units. The 1999 Land Acts also created a hierarchy of formal land tribunals, running from newly-created village land *barazas*, to new ward land tribunals, to district level land and housing courts, and the national level high court for land in Arusha (with the possibility of appeal to the supreme court in Dar es Salaam). All levels of the juridical hierarchy were linked via the appeal mechanism.

The seventh period is the neo-liberal, pro-investment period. Legal arrangements set in place over the course of most of a century have *facilitated* commercial land transactions and the alienation of village lands to investors. Individuals can now rent or lease registered allotments under the Land (Amendment) Act of 2004. Salme Maoulidi (n.d.) of Tanzania's Hakiardhi Institute sees this measure as fully commoditizing land.<sup>xxiv</sup>

The centralizing, legalistic, and bureaucratizing features of Tanzania's land laws have been targets of critique by Tanzanian academics and public intellectuals. Chris Peter argues that building the legal machinery for land adjudication in the 1990s and 2000s produced a "judicialization of [land] conflict" whereby social and political problems are turned into legal problems.<sup>xxv</sup> Local political actors must conform to legal convention if they are to be "heard" by the state, thus reinforcing state authority. Issa Shivji worried that Tanzania had created a bureaucratic-authoritarian form of land administration.<sup>xxvi</sup>

If statist land institutions "detrribalize rural power" and establish "direct rule" connections between land users and the state in the ways foreseen by Mamdani, then this should be visible in Tanzania.

### III. Six Manyara Cases: Statist Land Institutions and Their Political Effects

Our research in the western districts of Manyara Region, Tanzania, provides empirical support for this argument about the political effects of non-neocustomary (ie., statist) land tenure institutions. Research design principles guided this regional focus and case selection therein. The western part of Manyara is a region of relatively high population density, historically good rainfall levels, good soil fertility, and high levels of commercialization of agriculture, mostly on family farms. There are high levels of in-migration and widespread perceptions of land scarcity. The social and economic pressures that find expression in "sons of the soil" ethnic conflicts in other parts of Africa are present. However, because of institutional factors (ie., presence of de-ethnicized land tenure institutions), we expect this form of conflict to be absent. And in a region where land-related tensions run high, there are many opportunities to observe the *scale* at which

land dispute adjudication plays out. We expect some land cases to scale up through the national judicial and electoral system (to be "exported" out of local arena). This is because Tanzanian land institutions do not empower neotraditional intermediaries to "bottle up conflict" at the local level.

Figure 1 locates the six cases on a map of Manyara Region's western districts. Table I introduces the cases by key attributes. The table's top two rows show that all six are zones of high land pressure; five are zones of in-migration. The middle two rows indicate which cases have a history of colonial indirect rule and thus, a history of state-recognized ethnic land claims. Historical memories of state-recognized ethnic land claims make these localities an especially hard test of the hypothesis that statist land institutions extinguish incentives for advancing ethnic land claims. The penultimate row codes for the presence of elders with some historical authority in land matters. If disputes scale up in localities *even where* 'traditional elders' are alive and well, then the scaling up hypothesis has passed a hard test. The last row indicates whether we are looking at a pastoralist zone or not. The significance of this variable is discussed in Part V.

Figure 1: Northern Tanzania Study Zones

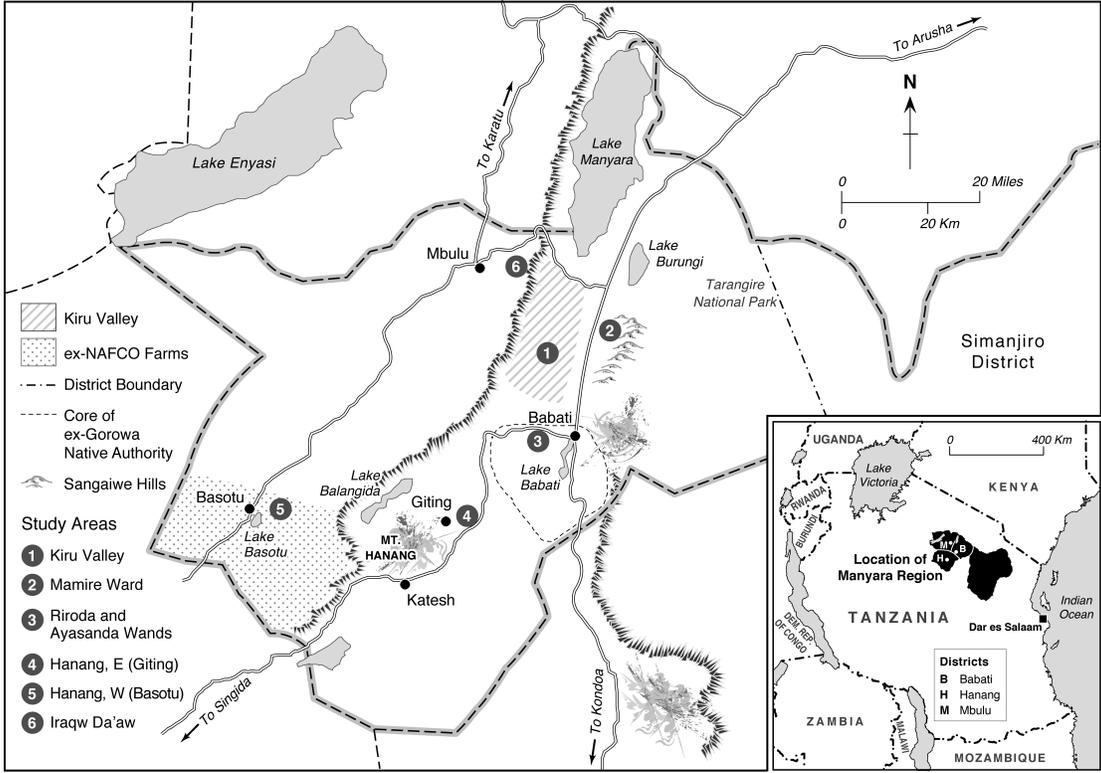


Table 1: Western Manyara Region Cases: Key Attributes

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cases	i. Kiru Valley	ii. Mamire	iii. Riroda and Ayasanda	iv. Hanang, E. (Giting)	v. Hanang, W. (Bassotu)	vi. Mbulu: Murray and Nambis (Iraqw Da'aw)
district	Babati	Babati	Babati	Hanang	Hanang	Mbulu
high pressure on the land?	yes	yes	yes	yes	yes	yes
high in-migration?	yes	yes	yes	yes	yes	no
residual neo-customary core, or memory of ethnic land claims?	no	no	yes	?	yes	yes
part of colonial ethnic territory?	excised from Gorowa area	periphery of Gorowa NA	core of ex-Gorowa NA	Mbulu "expansion area"	Mbulu "expansion area"	core of Iraqw NA
presence of elders who may claim some political authority over land	no	no	yes?	no	yes?	yes
pastoralist jurisdiction	no	no	no	no	yes	no

Information was gathered from the secondary literature, the Tanzania National Archives, and fieldwork in 2011-2013. Village and ward-level data came from ward executive offices and ward land tribunal chairpersons and secretaries; Babati district officials; agricultural, forest, and livestock officers in each district; and farmers in each study area, for a total of about 50 interviews (in Swahili and English).

*i.) Kiru Valley, Babati District*

The Kiru Valley is a well-irrigated, fertile valley in the Babati District of Manyara Region. A statist land tenure regime prevails without any traces of (ancestral) or customary claims by settled agriculturalists.<sup>xxvii</sup> There is no institutionalized customary

authority. Until the 1940s, the Kiru Valley was tse-tse infested and inhabited by a small community of hunter-gathers (the Mbugwe) in its northernmost reaches. The colonial government made large-scale land concessions to European settlers.<sup>xxviii</sup> With tse-tse eradication in the late 1940s, the process took-off, and most land in the Kiru Valley was owned by white settlers at the time of independence. Tanzanians in-migrated from many parts of northern and central Tanzania to provide farm labor. They were often allowed to farm small plots of a few acres on their own account, much like the African workers in Kenya's so-called White Highlands.

These large landholdings were expropriated under the 1967 Arusha Declaration. Most of the land was then leased by the Tanzania government as large NAFCO (National Food Corporation) concessions to foreign companies. After the economic failure of these ventures and the turn to privatization policies in the 1990s, the government leased these same properties to new investors. This time, most investors were Tanzanian citizens of Asian descent. There were strenuous objections from members of the culturally-heterogeneous communities of African farmers who were, by now, long-established in the Kiru Valley, some as squatters of properties abandoned by Europeans and/or NAFCO.

The government's decision to lease land to the Tanzanian citizens of Asian descent for the creation of sugar plantations, and the eviction of many squatters that has resulted, has been bitterly contested by small-scale farmers in the Kiru Valley, who are experiencing acute land shortage. As their families have expanded, the land available to them has shrunk. Today's large landowners combat encroachment by smallholders and their livestock, sometimes using force to evict them and to enclose their plantations.

Small farmers, workers, and the landless have attacked the investors and vandalized their properties, burning sugar plantations and killing farm owners and managers in the early 1990s, mid-1990s, and in 2011. Through violence, protests, civil disobedience, and the multiparty system, they continue to demand that the government terminate the commercial leases and allocate land to them. The state backs the investors but has not responded forcefully to repress violence and threats against the investors, or to prevent encroachment on the plantations.

In the absence of institutions for the creation or affirmation of neocustomary (ethnic) rights, land-related conflict in this setting is not expressed as *ethnic* conflict. Rather, it has taken the form of politicized land-related violence pitting "indigenous Tanzanians" against "outside investors" (who are non-indigenous Tanzanian citizens).

The conflict scaled up through national-level electoral and judicial institutions. Local politicians did miss the chance for electoral gain. An opposition-party (Chadema) candidate for a Babati District seat in the national legislature sought to represent those who are demanding that the government turn over some of the large holdings to land-poor and landless peasants. A Kiru Valley landowner reported that "All the people in Kiru Valley voted for Chadema in the [2010] elections. The Chadema candidate campaigned on the promise that the land would be returned to the people."<sup>xxix</sup> The government, for its part, sent several MPs, including the Speaker of Parliament, to Kiru Valley in 2010. It "promised to resolve the conflict, but it has not done so."<sup>xxx</sup> For the most part the government seeks to lay low: in summer 2011 it stationed extra policemen in the Kiru Valley, but declined to pursue aggressively or prosecute the local

villagers who are accused of farm burnings and of the sensational murder in 2011 of a sugar estate manager.

Smallholders and large landholders use the national court system intensively, as indicated by the large number of cases that are processed through the formal land tribunals (Table 1). Two Kiru Valley land cases have reached the High Court at Arusha.

*ii.) Mamire Ward, Babati District*

Mamire is a ward in which almost everyone is a post-1950 in-migrant, and in which agriculturalists have no ancestral land claims.<sup>xxx1</sup> This jurisdiction lies on the hills on the eastern side of the Kiru Valley. Under British rule it was part of the Gorowa Native Authority, the core of which lay near the end of Lake Babati. The territory was very sparsely inhabited until aggressive tse-tse clearing campaigns of the late 1940s and 1950s. Starting in the 1940s and 1950s, other land-seekers from Central Tanzania also came to these areas to settle, some more or less spontaneously and some through land purchases from the Gorowa Native Authority. In the 1966 "Operation Mbugwe," the Tanzanian government resettled the Mbugwe, who were viewed by both the colonial and post-colonial administrations as non-industrious and "bad cultivators," to lands to the east of the Kiru Valley that were now open to settlement.<sup>xxxii</sup>

Settlement patterns in Mamire and the other jurisdictions in eastern Babati District were completely reorganized under Ujamaa. Farmers were moved from their homes and properties and relocated to administrative villages. They received new land allocations in these village jurisdictions. Some continued to commute to their old farms and mosques. In the immediate post-Ujamaa period, there were some rumblings of

demands to recover lands lost in the Ujamaa expropriations/resettlement, but these were definitively squelched by the state in 1992, as noted above. This extinguished pre-Ujamaa claims to farmland in Mamire and throughout the eastern Babati wards (which had not been based on ancestral rights or indigeneity in the first place). All land in the village jurisdiction of Mamire has now been allocated -- no open land remains -- and those in need of land can out-migrate, rent land, or work on the holdings of others.

Routine land administration in these "administrative (government-created) villages" happens via the formal, secular system. The elected Ward Land Tribunal handles a wide variety of mundane and low-level cases. "Now, everything having to do with land is in the courts."<sup>xxxiii</sup> Many cases are processed through the formal courts (Table 1). A Mamire Ward Land Tribunal staff person reported that 80% of the cases are resolved at the Ward level.<sup>xxxiv</sup> Appeals go to the District Land and Housing Tribunal in Babati.

This is a region that is fully multi-cultural and in which ethnicity is not recognized as the basis of making claims to land.

### iii. Riroda and Ayasanda, the ex-Gorowa Native Authority area

Within Babati District, two rural wards are considered "Gorowa native areas" and represent part of the core of the now defunct Gorowa Native Authority: Ayasanda and Riroada. This was a territory with a titular ethnic group with communal claims to territory, and that was represented by a state-recognized chief under colonial rule. If there is anywhere in Babati where agriculturalists can claim to have ancestral claims to territory, it is here.

Today, the native Gorowa are outnumbered by in-migrants, many of whom arrived and received land allotments from the government under the Ujamaa programs in the 1970s. The government has delimited parcels of all users and there are few conflicts over boundaries or ownership. There is a Gorowa communal consciousness, but as one member of the Riorda Land Tribunal said, "We Gorowa understand that the land belongs to the government. If we want land, we go to the government. There is no 'Gorowa land.'"<sup>xxxv</sup> In 2012 conflict over the management of the former Gorowa native authority forest became politicized in Riroda ward in a local election that pitted the ruling party (Chama cha Mapinduzi, or CCM) candidate against an opposition (Chadema) candidate. The issue had to do with opening forest land to settlement, but the dispute did not cut along an ethnic line. This is an indicator of the secularization (de-ethnicization) of land management in this jurisdiction. Interviewees reported the ward-level land courts in Riroda and Ayasanda were "not functioning,"<sup>xxxvi</sup> but that several disputes were in the district court. Minor disputes were settled at the subvillage level *without* the involvement of Gorowa elders.

iv.) Hanang District, eastern part: Giting Ward

Barabaig pastoralists were pushed out of this area in the early- to mid-1950s when the colonial administration decided to create a yeoman class of African commercial farmers on holdings about 500 ha. each in Giting, which lies at the well-watered foot of Mt. Hanang's northern side.<sup>xxxvii</sup> Mechanized wheat farming became the centerpiece of the local economy. The statist nature of the land regime in this jurisdiction was confirmed in 1967, when these properties were taken over by the state, and 1970s land

reforms carried out under Ujamaa. Giting's large holdings were broken up and redistributed in 4 acre plots to smallholders and landless residents, many of whom had immigrated to the Giting/Hanang area to work on the large wheat farms.

Vesa-Matti Loiske explains that when Ujamaa was abandoned, the former land owners sued the state to regain their properties.<sup>xxxviii</sup> Although the lawsuits failed, the land administration system set up in this area in the 1990s, which devolved land adjudication to the village and ward levels, was quickly captured by the original large landholders. They used the prerogatives of the local court system to regain control over much of the land they had lost in the 1970s. This has been contested by the smallholders in the courts, but they have not been successful in preventing the reconstitution of the old landholding elite. Under the statist land tenure regime, these land conflicts have been played out through the national system of land administration institutions, and in confrontations between local residents and police. A large number of cases have made their way through the formal hierarchy of land tribunals.

The jurisdiction is culturally-heterogeneous, with the Iraqw constituting the majority in Giting. Loiske argues that land-related conflict has played out largely along class-like lines, with the leading families of the community, the wealthiest 25%, often at odds with the others. There is not *ethnic* conflict over land in these wards.

#### v. Hanang District, western part (Basotu)

In western Hanang District, on the former NAFCO lands, there is a bitter, long-running conflict over the disposition of lands taken by the state from the Barabaig pastoralists for the creation of Canadian-run mechanized wheat farms in the 1970s.

Through the courts and lobbying efforts, pastoralists now demand restitution of some of the ex-NAFCO lands that the central government has leased to the Hanang District Council.<sup>xxxix</sup> They do so on the basis of livelihood claims, not ethnic claims, because as Hodgson concluded, this is the register in which their demands will be recognized by government.<sup>xl</sup>

Both the CCM as the government party and the Chadema opposition have sought political (electoral) gain in these disputes.<sup>xli</sup> As one Dar es Salaam observer put it, "this is a very hot issue that has allowed Chadema to get one of its first rural constituencies."<sup>xlii</sup> The Barabaig cause was championed by an appointed Chadema MP, Rose Kamili Slaa (wife of the party leader) who is from Basotu, the geographic epicenter of the Basotu/Mulbadaw conflict over the ex-NAFCO farms that has pit the Barabaig against the government.

vi.) Mbulu District, Murray and Nambis Wards ("Iraqw Da'aw")

On the western side of the Rift Valley escarpment, overlooking Lake Manyara, is the part of Mbulu District considered to be the homeland of the Iraqw people (*Iraqw Da'aw*). This fertile, well-watered, densely populated zone is one of the "islands of intensive agriculture in Eastern Africa" studied by Widgren and Sutton.<sup>xliii</sup> The Iraqw claim ancestral rights to the land. Demographic pressure is very high, and rates of out-migration have been high since the 1940s.<sup>xliv</sup> Now, with land pressure in the Iraqw "expansion areas" to the west and south, the only in-migration is the return flow of children and grandchildren who are asking their parents for access to farmland. There are no ethnic-outsiders in these wards.

Under Ujamaa, the government attempted to relocate local populations to administrative villages located along hill ridges, but farmers continued to cultivate their family holdings.<sup>xlv</sup> People were not expelled from what they considered their traditional homeland area, and outsiders did not move in. With the relaxation of the villagization policy in the late 1970s, many people moved back to their original homes.

Land-related conflict runs high in these localities. Claims are not ethnicized: in these localities, everyone is considered an indigenous member of the traditional homeland. In adjudicating land conflict, clan elders whose positions were recognized by the colonial state as representing customary authority have some residual land-adjudication authority. Elders sit as elected members of the village and ward land *barazas* or tribunals. Yet even here, the secular and statist character of land institutions weighs heavily on land politics, and the statist institutions often trump the authority of elders.

Locals often resist the decisions of the Ward Land Tribunals. Many cases scale up the formal hierarchy of land courts. According to a Village Land Officer in Haylote (Murray Ward, 23 July 2011), only about 20% of the land-dispute cases that are heard at the Murray Ward Land Tribunal are resolved there. Eighty percent of the cases are appealed up to the regional land court in Babati. As the Mbulu Land Officer explained it, "Everyone wants the top court only; they barely wait for the judgment of the Ward Tribunal."<sup>xlvi</sup>

Under the pressure of land scarcity, land-related tensions are manifest in land disputes within families and communities. Yet as predicted, these conflicts are channeled

into institutions that are local instances of national-scale land administration machinery, rather than bottled up at the local level.<sup>xlvi</sup>

#### IV. Summary Overview: Ethnicity and Scale Effects of Statist Land Institutions

In the six local cases discussed above, the statist land tenure regime contributes to two effects. First, open discussion and public discourse about land competition and conflict does not revolve around discussion of ethnic land rights, even in jurisdictions with very high levels of in-migration. Land competition does not find political expression as ethnic conflict.

What we observed at the village and ward level was observed by the Nairobi-based African Policy Institute (API) at the national level. The API (2009:10) wrote that land-related identity cleavages are

clustered around the discourse of *Uzawa* (indigenous Tanzanians) versus the 'non-wazawa' (usually Tanzanians of Asian origins) or *Makaburu* (whites or Boers, foreigners), and Moslems versus Christians...[E]specially in the rural areas, ethnic tensions revolve around the production of identifies such as farmers versus pastoralists, and *wanachi* (villagers) versus *wawekezaji* (investors). There is also generational tension... and gendered tension where women are pitted against men in land ownership."

Afrobarometer national opinion polls also provide support for our findings regarding ethnicity. Question 58 in the 2008 (Round 4) survey asked interviewees "who allocates land?" and offered "traditional leaders" as a response option.<sup>xlvi</sup> Across the 19 regions of Tanzania, the response rate for "traditional leaders" ran from a low of 0.0 percent (for Manyara and 12 other regions) to a high of 8.33 percent (for Kagera), with 1.41 percent as the national average. Tanzania's national average response rate of 1.41 for "traditional leaders" was the second lowest (after Mozambique, which scored 0) for all 21

African countries in the Afrobarometer survey. Ghana's score on this register was 66.4 percent.<sup>xlix</sup> Afrobarometer survey data also reveal very low levels of politically salient ethnic identity *across all regions* of mainland Tanzania. These results suggest that we are correct in classifying Tanzania's rural property regime as non-neocustomary (because of the non-role of chiefs in the land tenure regime), and that our findings regarding political ethnicity's low salience in Manyara Region land politics are (1) correct for Manyara, and (2) tap into a phenomenon that holds across Tanzania's regions.

A second finding is that in all cases, land conflicts "scale up" to institutions and arenas that are distinctly part of the formal state apparatus and the national polity.<sup>1</sup> Whereas neocustomary land tenure regimes work to "bottle up" of land dispute adjudication at the local level, under Tanzania's statist land regime, conflicts are often exported out of the local arena. Table II shows that in all jurisdictions, land cases travel up the formal hierarchy of village, ward, and district land courts. In three of the cases, land conflict "scales up" into the national electoral arena.

Table II: Manyara Region Districts and Wards: In-Migration and Use of Land Tribunals											
cases and names		population (2002, in '000s)	n. of villages	in- migration?	village baraza		ward tribunal		district tribunal		land conflict in electoral arena?
					n. cases	years	n. cases	years	n.cases	years	
	Babati District n. wards (2012):21	303									
i. Kiru case	Kiru (2011)***	15.0	6	yes	60	2006-9	36	2006-12	10	2006-12	yes
ii. Mamire case	Mamire (2009)	19.5	6	yes			25	2007-9	5	2007-9	
	Mamire (2012)*	--					7	2012	1	2012	
iii. Riroda and Ayasanda	Riroda (2011)**	9.0	4	yes			"not functioning"			"some"	yes
	Ayasanda (2011)**	7.0	2	yes			"not functioning"	2010-12	2	2010-2	
	Hanang District n. wards (2012):22	205.1									
	Farming wards:										
iv. Hanang, E. (Giting)	Giting (2009)	16.7	3	yes			64	2009, 2011	4	2009, 2011	
	Endasak (2009)	21.6	3	yes			30-40	2007-10	5	2007-10	
	Endaswold	4.8	3	yes			14	2011	1	2012	
v. Hanang, W. (Bassotu)	Pastoral ward: Bassotu (2009)	31 or 10.2	4	yes	"none"		13	2010-13	1	2012	yes
	Mbulu District n. wards (2012):16	237.9									
vi. Mbulu	Iraqw homeland wards:										
	Murray (2012)	8.3	4	no			60-80	"per year"	9	Oct.2011- July 2012	
	Nambis (2011)	5.6	3	no	>10	2012	46	2011-12	10	2011-2	
	Gehandu (2011)	11.5	4	no			~10	2006-9	2	2006-9, 2012	
	Other Mbulu wards:										
	Haydom(2010)	23.7	6	yes	"none"		24	2011-12	4	2011	

\* Jan.-July 2012 only. \*\* ex Gorowa Native Authority jurisdictions. \*\*\*at least 2 Kiru cases went to the High Court at Arusha in 2010-2.

Boundary disputes are common at the village and ward levels. Ownership disputes dominate at the district level: Askew and Stein found that in 2004-2010, 57% of Babati tribunal land cases involved ownership disputes.<sup>li</sup> Court costs do represent a barrier to access for poor families, and they do give the wealthy a distinct advantage.<sup>lii</sup> Yet the data show that costs do not constitute a near-absolute barrier to access. Askew and Stein tracked steadily-rising caseloads at the Babati district tribunal, with the average annual caseload of 227 for 2006-2007 more than doubling to 508 in 2008/9.<sup>liii</sup> These findings show that in spite of the costs, formal institutions do provide real channels of access to higher instances of the state apparatus.

## V. Non-conforming situations?

There is no loud clamor of *ethnic* land claims in Manyara Region, despite high land pressure, the presence of in-migrants, and the existence of many multi-cultural communities. To further test and generalize this claim across other parts of Tanzania, we can look to the most visible possible exceptions to this rule. These have to do with the land claims of pastoralists, and perhaps cases in which clan rights are invoked in land competition.<sup>liv</sup>

In Tanzania, pastoralists' land claims have at times been advanced as ethnic claims or ethnic rights to land, territory, and pasture. Well known examples are movements for Maasai or Barabaig rights.<sup>lv</sup> As in much of sub-Saharan Africa, there is a long history of Tanzanian government political, economic, and territorial marginalization of pastoralists. Rie Odgaard explains that "large areas where they used to live have been alienated and turned into fields, plantations, national parks, etc."<sup>lvi</sup> Pastoralists in Tanzania have organized politically to resist dispossession, and although there is clearly an ethnic dimension to these mobilizations, the political effects of the statist land institutions are visible in at least two ways. First, the claims to land and territory appear mostly as arguments for pastoralists' rights, rather than as ethnic claims per se. Second, when these claims *did* appear as ethnic revendications, they were advanced as indigenous peoples' claims. Maasai activists rallied around the United Nations 2007 Declaration on the Rights of Indigenous Peoples, but as Hodgson explained in *Being Maasai, Becoming Indigenous* (2011), the indigenous discourse did not gain much traction in the Tanzanian context. Maasai groups eventually repositioned their land claims as livelihood claims.

The homeland claims of the Barabaig pastoralists of Hanang District (Hanang, west [Basotu], case v., above) also evince these patterns. Ethnic or descent-community

claims are strongly present but not deployed overtly in political discourse. In Basotu, there is strong land competition between Iraqw in-migrants in search of farmland and Barabaig pastoralists, and between Barabaig pastoralists and the state over the state-owned NAFCO farms that cover the rump of their former territory on the eastern Hanang Plains. This however finds it most overt political form as open struggle between pastoralists and the state over livelihood rights, rather than ethnic rights or autochthony claims.<sup>lvii</sup> It has played out in the national-level institutions -- both electoral and judicial - - as expected under statist property regime.

Some literature on land politics in Tanzania stresses the continuing vitality of clan rights in localized settings. This research does not enfeeble our argument. Clans or lineages can retain their social and political salience in the absence of the overarching institutions of neocustomary land tenure. Salk Falk Moore argued that the clan was the smallest unit of the old ruling party, the Tanganyika National Union, in the Chagga areas around Mount Kilimanjaro, for example. Her observation shows that clans can function as collectives that are nested within statist institutions.<sup>lviii</sup>

## VI. Conclusions

Even though land tenure institutions are arguably the most important state institutions in rural Africa, they have remained largely invisible in comparative political analysis. The analysis here trains a spotlight on these poorly understood institutions, offering a typology of how they vary, framing hypotheses about the political effects of these variations, and probing hypotheses through the use of original data from a contrasting or counterfactual-type case. The study spotlights the role of state authority

and state-backed property institutions in projecting state power in rural Africa, and thus contrasts sharply with accounts of rural Africa as mostly ungoverned or uncaptured.<sup>lix</sup> And by theorizing structure, variation, and the effects thereof in African land tenure institutions, the research creates a bridge to studies of the political effects of direct and indirect rule institutions in other parts of the developing world.<sup>lx</sup>

Findings of this analysis challenge the tendency, common among political scientists and economists, to take ethnic identity as an independent variable in explanations of political outcomes in Africa. For many writers, ethnicity is pre-political source of individual preferences and values that actors bring to the table in their interactions with the state. The present study invert this views. It adds new evidence to established literatures that show that neocustomary institutions produce ethnic identities through mechanisms embedded in *everyday rules and practices of land administration*. Under neocustomary institutions, the high economic and political salience of ethnic identities is *an institutional effect*.

A by-product of this study is a new answer to an enduring "puzzle" in studies of African politics: the low salience of ethnicity in Tanzania, compared to ethnicity's high salience in Tanzania's neighbors -- Burundi, Kenya, Uganda, Rwanda, and Zambia. The low salience of political ethnicity in Tanzania is picked up in Afrobarometer survey data, and is stressed in diverse literatures focusing on both the national and local levels.<sup>lxi</sup> Scholarly discussion has been over *how to account* for the Tanzania anomaly, rather than whether it exists. Existing work has pointed to a range of non-institutional causes: low population density and high ethnic fragmentation, use of Swahili as a unifying national language, socialist ideologies and strong civic-education policies, the unifying force of

President Julius Nyerere (1963-1990), and the existence of an "inclusive elite bargain" at the national level. These explanations seem plausible yet underdetermining, given that similar factors have existed elsewhere without producing the same effects.

So far, the structure and character of state institutions -- including the statist character of Tanzania's land tenure institutions -- have not been featured in political science explanations of the anomaly of Tanzania's strong national identity. Yet the "detrribalization of rural power" that Mamdani identified as an effect of the abolition of neocustomary land tenure must have contributed to this outcome. Without the powerful effect of state-mandated ethnic entitlements to land that are the foundation of neocustomary land institutions, ethnic claims recede and other factors are foregrounded in land claim-making and land disputes. In Tanzania, statist land institutions are working to structure settled communities' land claims as nationalist, legal, class-based and livelihood claims, or in terms of a race-centered ethnonationalism (black or African Tanzanians), rather than as ethnic claims. Land tenure institutions appear to be playing a significant role in the on-going forging of national citizenship and nation-building.

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<sup>i</sup> See for example William Easterly and Ross **Levine**, "Africa's Growth Tragedy: Policies and Ethnic Divisions," *Quarterly Journal of Economics* **112 (4) 1997** (November): 1203–1251, which is often taken as a basic reference in this literature. As Adrienne LeBas ("Violence and Urban Order in Nairobi, Kenya, and Lagos, Nigeria," *Studies in Comparative International Development*, 48/3, 2013: 241) wrote recently, ethnicity appears in much of the Political Science literature "as a master key to understanding African politics." On how this definition of ethnicity can differ from vernacular idioms of kinship and community, see Christian Lund and Catherine

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Boone. 2013. "Gathering Authority: Forming States? Land Struggles in Contemporary Africa," *Africa: Journal of the International African Institute*, 83.1 (February) 2013: 1-13, and Carola Lentz, *Land, Mobility, and Belonging in West Africa* (Bloomington: Indiana University Press, 2013).

<sup>ii</sup> Daniel N. Posner, *Institutions and Ethnic Politics in Africa* (Cambridge and New York: Cambridge University Press, 2005).

<sup>iii</sup> On informal documentation, see Jean-Pierre Chauveau, Jean-Philippe Colin, Jean-Pierre Jacob, Philippe Lavigne Delville, and Pierre-Yves Le Meur. 2006. "Changes in land access and land governance in West Africa: markets, social mediations, and public policies," London: International Institute for Environment and Development (IIED) April 2006; Catherine Boone, "Property and Constitutional Order: Land Tenure Reform and the Future of the African State," *African Affairs* 106 (Oct. 2007): 557-86; and Sandra Joireman, *Where there is no Government: Enforcing Property Rights in Common Law Africa* (Oxford and New York: Oxford University Press, 2011).

<sup>iv</sup> See for example Lentz, 2013; **Jean-Pierre** Chauveau, "Question foncière et construction nationale en Côte d'Ivoire," *Politique Africaine* **78** (2000), 94–125; **Stefano** Boni, *Clearing the Ghanaian Forest: Theories and Practices of Acquisition, Transfer, and Utilisation of Farming Titles in the Sefwi-Akan Area* (Legon, Ghana: University of Ghana Institute of African Studies, 2005); J.P. Dozon, *L'Afrique à Dieu et à Diable: Etats, Ethnies, et Religion* (Paris: Ellipses, 2008).

<sup>v</sup> See Karen Engle, *The Elusive Promise of Indigeneous Development: Rights, Culture, Strategy* (Duke University Press, 2010); Todd Eisenstadt Todd, *Politics, Identity, and Mexico's Indigenous Rights Movements* (Cambridge: Cambridge University Press, 2011); C.M. Hann, ed. *Property Relations: Renewing the Anthropological Tradition* (Cambridge: Cambridge University

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Press, 1998); and Stanley Engerman and Jacob Metzger, eds., *Land Rights, Ethno-Nationality, and Sovereignty in History* (London and New York: Routledge, 2004).

<sup>vi</sup> Eric J. Mitnick, *Rights, Groups, and Self-Invention: Group-Differentiated Rights in Liberal Theory* (London: Ashgate, 2006); Rogers M. Smith, "Which comes first, the ideas or the institutions?" in Ian Shapiro, Stephen Skowronek, and Daniel Galvin, eds., *Rethinking Political Institutions: The Art of the State* (New York: New York University Press, 2006), 91-113.

<sup>vii</sup> Mahmood Mamdani, *Citizen and Subject: Contemporary Africa and the Legacy of Late Colonialism* (Princeton, NJ: Princeton University Press, 1996); Paul Mathieu, "La sécuritisation foncière entre compromis et conflit," in *Démocratie, Enjeux Fonciers, et Pratiques Locales in Afrique*. P. Mathieu, Pierre-Joseph Laurent, and Jean-Claude Willame, eds. (Paris: L'Harmattan, 1997), 26–44; Emery M. Roe, "More than the Politics of Decentralization: Local Government Reform, District Development, and Public Administration in Zimbabwe," *World Development* **23** (5) 1995, 833–43.

<sup>viii</sup> Mamdani, p. 296.

<sup>ix</sup> as well as by age, gender, lineage, and political status within the local political arena

<sup>x</sup> Boni, p. 82.

<sup>xi</sup> Peter Geschiere and Josef Gugler, "The Urban-Rural Connection: Changing Issues of Belonging and Identification." *Africa: Journal of the International African Institute* 68 (3) 1998: 309–319; Chauveau 2000; Lentz, 2013.

<sup>xii</sup> See Catherine Boone, *Property and Political Order in Africa: Land Rights and the Structure of Politics* (New York and Cambridge, Cambridge University Press, 2014), chs. 6-7.

<sup>xiii</sup> Rie Odgaard, "The Struggle for Land Rights in the Context of Multiple Normative Orders in Tanzania," in Sandra Evers, Marja Spierenburg, and Harry Wels, eds., *Competing Jurisdictions: Settling Land Claims in Africa* (Lieden and London: Brill, 2005, p. 250) writes that Tanzanian

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smallholder rights are considered "customary in nature" in that "they are normally unwritten [informal] and are tied to various obligations related to use and management." In the present analysis, by contrast, the term "neocustomary" refers to indirect-rule style land institutions by which state-recognized neotraditional authorities wield state-recognized powers in land administration, and the state recognizes land entitlements in ethnic homelands.

<sup>xiv</sup> On pastoralists, see below.

<sup>xv</sup> The 1923 Land Ordinance and 1928 amendment gave customary land titles (for "natives or native communities") statutory recognition. Since then these have been called 'deemed rights of occupancy.' See Issa Shivji, *Report of the Presidential Commission of Inquiry Into Land Matters, Vol. 1: Land Policy and Land Tenure Structure* (Dar es Salaam: United Republic of Tanzania, Ministry of Lands, Housing, and Urban Development, 1992), published in 1994 by Uppsala, Sweden: Scandinavian Institute of Development Studies, p. 11 inter alia. Indirect rule in Tanganyika departed from the Lugardian blueprint in a few other important ways. See L. Schneider, Colonial legacies and postcolonial authoritarianism in Tanzania: Connects and disconnects, *African studies review* 49/1 (April 2006), 98.

<sup>xvi</sup> Peter Rigby, "Local Participation in National Politics: Ugogo, Tanzania," in Lionel Cliffe, James Coleman, and Martin Doornbos, eds., *Government and Rural Development in East Africa* (The Hague: Nijhoff, 1977), 85.

<sup>xvii</sup> See Goran Hyden, *Beyond Ujamaa in Tanzania: Underdevelopment and the Upcaptured Peasantry* (London: Heinemann, 1980); Shivji 1994; WTS Gould, "Migration and Recent Economic and Environmental Change in East Africa," in Jonathan Baker and Tade Akin Aina, eds., *The Migration Experience in Africa* (Uppsala: Nordiska Afrikainstitutet, 1995), 122-148.

<sup>xviii</sup> Donald Williams, "Reconsidering State and Society in Africa: The Institutional Dimension in Land Reform Policies," *Comparative Politics* 28/2 (January 1996), 217-8.

<sup>xix</sup> *Ibid*, p. 219-220.

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<sup>xx</sup> Adlofo Mascarenhas, "Aspects of Migration and Urbanisation in Tanzania," in Suleiman Ngware and J.M. Lusugga Kironde, eds., *Urbanising Tanzania: Issues, Initiatives, and Priorities*, Dar es Salaam: UDSM Press, 2000, 70.

<sup>xxi</sup> Shivji 1994, 59.

<sup>xxii</sup> Luitfried Mbunda, "Securing Human Rights Through the Rule of Law in Tanzania," in Paul Zeleza and Philip McConaughay, eds., *Human Rights, the Rule of Law, and Development in Africa* (Philadelphia: U. of Pennsylvania Press, 2004), 152-3. The last provision was ruled unconstitutional, setting the stage for the next round of land legislation.

<sup>xxiii</sup> Tanzania Land Law "will register a customary right of occupancy to a person or persons who are found to have occupied or used the land in a peaceful, open, and uninterrupted way for not less than 12 years, either by custom, allocation, or transaction under customary law or by a written law and for which there is documentary proof" (Liz Alden Wily, *Governance and Land Relations: A Review of Decentralization of Land Administration and Management in Africa*. London: International Institute for Environment and Development (IIED), June 2003, 35, 39).

<sup>xxiv</sup> Salme Maoulidi, "Critical Analysis of the Land Laws in Tanzania, Land Rights Research and Resources Institute (Hakiardi Institute), Dar es Salaam, n.d. (2005?)

<sup>xxv</sup> Chris Maina Peter, "Human Rights of Indigenous Minorities in Tanzania and the Courts of Law," paper presented at Christian Michelsen Institute (CMI) "Courts and the Marginalized Workshop," Diego Portales University, Santiago, Chile, December 2005.

<sup>xxvi</sup> Issa G. Shivji, *Let the People Speak: Tanzania Down the Road to Neo-Liberalism* (Dakar: Council for the Development of Social Science Research in Africa, CODESRIA, 2006).

<sup>xxvii</sup> There are six large commercial farms and eight registered villages in Kiru Valley, according to interviewees (19 July 2011).

<sup>xxviii</sup> George Six, for example, had 2,000 acres just south of Lake Manyara.

<sup>xxix</sup> Interview, Babati, July 19, 2011. An ex-forestry officer concurred (Babati, 20 July 2011).

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<sup>xxx</sup> Ibid.

<sup>xxxi</sup> On this part of Babati District, see Jon Lovitt, Claire Quinn, Hilda Kiwasila, et al., "Overview of Common Pool Resource Management in Semi-Arid Tanzania, Report for NRSP [Natural Resource Support Program] Project R7857, a report prepared for UK Department for International Development, December 2001.

<sup>xxxii</sup> On Sarame Village, see Lovitt et al., 2001.

<sup>xxxiii</sup> A Mamire Village Officer, Mamire Village Center, 20 July 2011.

<sup>xxxiv</sup> Mamire, 20 July 2011. Many disputes do not enter the formal adjudication system at all and are settled informally. We did not explore these.

<sup>xxxv</sup> Interview in Riorda, 18 July 2012.

<sup>xxxvi</sup> We were not able to determine why. There may have been a dispute over fees.

<sup>xxxvii</sup> On Karatu and Giting, respectively, see Philip Raikes, "Rural Differentiation and Class Formation in Tanzania," *Journal of Peasant Studies*, 5/3, 1978, 285-325 (and the dissertation upon which it was based) and Vesa-Matti Loiske, "Social differentiation, Conflicts, and Rural-Urban Interaction in the Babati Area, Tanzania," in Jonathan Baker and Tade Akin Aina, eds., *The Migration Experience in Africa* (Uppsala: Nordiska Afrikainstitutet, 1995), 220-233.

<sup>xxxviii</sup> Loiske, 1995, 228-231)

<sup>xxxix</sup> Integrated Programme for Pastoralists Development (IPPD), "Hanang, District of, Dirmaland Case Study and NAFCO farms," 16 July 2009; Shivji 1994, 56, n. 1; Joseph Lyimo, "Government Mulls Repossessing Privatized NAFCO Farms," *The Citizen*, 13 December 2010, posted at AllAfrica.com, accessed 15 May 2011.

<sup>xl</sup> Dorothy Hodgson, *Being Maasai, Becoming Indigenous: Postcolonial Politics in a Neoliberal World* (Bloomington, Indiana University Press, 2011), 11.

<sup>xli</sup> See Levina Kato, "Slaa vows to redistribute Narco land [to pastoralists]," *Daily News Online Edition*, 4 September 2010, at [www.dailynews.co.tz/election](http://www.dailynews.co.tz/election), accessed 16 Sept. 2011.

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<sup>xlii</sup> Interview, University of Dar es Salaam, 15 July 2011.

<sup>xliii</sup> See Lowe Börgeon, "The History of Iraqw Intensive Agriculture, Tanzania," in Mats Widgren and John E.G. Sutton, eds., *Islands of Intensive Agriculture in Eastern Africa* (Nairobi, Dar es Salaam, Athens, and Oxford: E.A.E.P, Mkuki na Nyota, Ohio U. Press, and James Currey, 2004), 68-104.

<sup>xliv</sup> See Jonathan Baker and Hege Wallevik, 2003. "Poverty and Wealth at the Rural-Urban Interface: An actor-centered perspective from northern Tanzania [Mbulu], *Environment and Urbanization* 15/2 (October) 2003, 232; Katherine Snyder, *The Iraqw of Tanzania: Negotiating Rural Development* (Boulder, CO: Westview Press, 2005), 91 inter alia.

<sup>xlv</sup> Snyder, 2005, Yusufu Qwaray Lawi, "Tanzania's Operation *Vijiji* and Local Ecological Consciousness: The case of Eastern Iraqwland, 1974-1976," *Journal of African History*, 48 (2007), 69-93.

<sup>xlvi</sup> Interview Mbulu town, 24 July 2011.

<sup>xlvii</sup> This contrasts with what Odgaard (2005) observed in Iringa District, where she found a reluctance among local people to engage the formal system of land-dispute adjudication. She attributed this "the costs of doing so and the fear of corruption and partiality." Maganga also stresses the informal. See Faustin Maganga, "The Interplay between Formal and Informal Systems of Managing Resource Conflicts: Some Evidence from South-Western Tanzania," *European Journal of Development Research* 14/2 (2002), 51-71.

<sup>xlviii</sup> Afrobarometer Merged Round 4 Codebook and Data, 2008, available at [www.afrobarometer.org](http://www.afrobarometer.org). I thank Kai Ping Huang for generating these descriptive statistics in 2011.

<sup>xlix</sup> Comparable national averages for Zambia, Zimbabwe, Malawi, and Ghana were many orders of magnitude higher, at 41 percent, 43 percent, 62 percent, and 66.4 percent, respectively. The cross-regional standard deviation for Question 58 responses for Tanzania was also strikingly low

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by comparison to the other countries in the sample, a fact that takes on full significance in light of the fact that Tanzania's population is one of the most rural (least urbanized) in Africa.

Approximately 75% of all Tanzanians live and work in the rural areas.

<sup>1</sup> Under Kikwetwe, thousands of land disputes were channeled through an ad-hoc presidential commission, which is further evidence of this phenomenon. See Hazel Sophia Gray, "Tanzania and Vietnam: A Comparative Political Economy of Economic Transition," Ph.D. Thesis, Department of Economics, School of Oriental and African Studies (SOAS), London, 2012, 207-8.

<sup>li</sup> Kelly Askew and Howard Stein, "Poverty and the Formalization of Property Rights in Tanzania: The Case of Manyara," a paper presented at the Annual Meetings of the African Studies Association, Washington, DC, Nov. 18, 2011.

<sup>lii</sup> Kelly Askew, Faustin Maganga, and Rie Odgaard, "Of Land and Legitimacy: A Tale of Two Lawsuits." *Africa: Journal of the International African Institute* **83 (1)** (February 2013): 120–141. Our interviewees reported that land tribunal registration fees averaged Tsh 10,000 (USD 5) for village *barazas* and Tsh 15,000 for ward tribunals, and that district court direct and indirect costs jumped to Tsh 50,000 to Tsh 100,000 for ordinary cases in our study areas.

<sup>liii</sup> Askew and Stein, 2011, 13.

<sup>liv</sup> In recent struggles over state-owned lands in Arumeru East, citizens' demands for land redistribution (restitution) were advanced as "villagers claims," rather than ethnic claims, and were confined in scope to particular localities and properties. Land struggles have found expression in violence around parliamentary elections, as in Kiru Valley, conforming to our theoretical expectations.

<sup>lv</sup> See Faustin Maganga, Rie Odgaard and Espen Sjaastad 2007. "Contested Identities and Resource Conflicts in Morogoro Region, Tanzania. Who is Indigenous?" in Bill Derman; Rie Odgaard and Espen Sjaastad, *Conflicts over Land and Water in Africa* (Oxford, James Currey, 2007), 202 - 214; Charles Lane, *Pastures Lost: Barabaig Economy, Resource Tenure, and*

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*Alienation of their Land in Tanzania* (Nairobi: Initiatives Publishers, 1996), 29-30; Hodgson 2011.

<sup>lvi</sup> Rie Odgaard, "Scrambling for Land in Tanzania: Processes of Formalisation and Legitimation of Land Rights," *European Journal of Development Research*, 14/2 (2002), 81.

<sup>lvii</sup> Lane, 1996.

<sup>lviii</sup> Sally Falk Moore, "Postsocialist Micro-politics: Kilimanjaro, 1993" *Africa* 66/4 (1996), 587-606.

<sup>lix</sup> See for example Jeffrey Herbst, 2000. *States and Power in Africa* (Princeton: Princeton University Press, 2000).

<sup>lx</sup> For example, as in Eisenstadt, 2011, and Abhijit Banerjee and Lakshmi Iyer, "History, Institutions, and Economic Performances: The Legacy of Colonial Land Tenure Institutions in India," *The American Economic Review* 95 (September 2005), 1190-1213.

<sup>lxi</sup> See for example Paul Kaiser, "Structural Adjustment and the Fragile Nation: The demise of social unity in Tanzania," *Journal of Modern African Studies*, 34/2 1997, 222-37; Tim Kelsall, "Governance, Local Politics, and Districtization in Tanzania," *African Affairs*, 99 (2000): 546-547; Edward Miguel, "Tribe or Nation? Nation-Building and Public Goods in Kenya vs. Tanzania," *World Politics*, 56/3 (April) 2004: 327-62; Michael Jennings and Claire Mercer, "Rehabilitating Nationalisms: Conviviality and National Consensus in Postcolonial Tanzania," *Politique Africaine* 121 (2011): 87-106; Elliott Green, "The Political Economy of Nation-Formation in Modern Tanzania: Explaining Stability in the Face of Diversity," *Commonwealth and Comparative Politics* (49/2 April 2011), 223-244; Richard Whitehead, "Historical Legacies, clientelism, and the capacity to fight: Exploring pathways to regime tenure in Tanzania," *Democratization* 19/6 (December 2012), 1082-1116; Stephan Lindemann and James Putzel, "State Resilience in Tanzania -- Analytic Narrative,": Crisis States Research Center, LSE, Development Studies Institute (DESTIN), n.d.

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