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Village land politics and the legacy of *ujamaa*

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Abstract The paper explores the question of whether Tanzanian villages and their institutional and political legacies can provide a legal and locational alternative to the individualisation of land. It presents ethnographic data on village politics collected in Tanga, Morogoro and Mbeya region over a time span of seven years (2007 to 2014). It is divided in three sections. The first considers the *ujamaa* legacies on Tanzanian village administrative and political institutions and the political weight of past top-down politics, especially in handling dissent at the village level. In the second section, village land politics are investigated under the light of the reform of the land laws (1999), to then underline the role of village authorities in collective land claims in Tanga region – an area of historical land dispossession then; and to illustrate how village land allocations occur in practice. The third section analyses data from three villages in Kilombero district, to reflect on the salience of village land politics and Village Land Use Plans.

Keywords: villagisation, Tanzania, *ujamaa*, land, Village Land Use Plans

Introduction

Silence has fallen nowadays on the once much researched Tanzanian villages – the products of villagisation, possibly the most controversial among Nyerere's *ujamaa* policies. This contribution interrogates the institutional and political legacies of Tanzanian villagisation by asking whether these are providing a locational and legal alternative to the individualisation of land. The question of institutional legacies was posed by Lionel Cliffe in his late writings:

What are the legacies, the constraints and prospects for twenty-first century developments in Tanzania, given its particular history? Specifically...what difference the *ujamaa* experience ... will make to today's options? For instance: if villages did not become production cooperatives, as the *ujamaa* model intended, do they offer a locational and legal basis for an alternative to total individualisation of land – or any other legacy? (Cliffe, 2012,101-2)

Looking at contemporary global land grabbing from the vantage point of fifty years of uninterrupted study of reports on land struggles, Cliffe noticed with concern that in Tanzania land conflicts had turned increasingly violent and that conflicts recurred in areas of historical dispossession. He urged scholars to develop strategic thinking and to investigate how local land struggles could be translated into systematic land restitution plans.

In a country as diverse as Tanzania, these questions would require a country-wide research project. While this paper cannot offer exhaustive answers, it analyses ethnographic data on village land politics, drawing on primary research conducted in three regions as part of two different research projects. Data from Mbeya and Tanga regions were collected during doctoral research in 2007/8. In Mbeya, participant observation was complemented by a socio-economic survey of 67 households, 60 life histories and around 200 semi-structured

interviews. In Tanga, participant observation was supported by 123 semi-structured interviews and the analysis of 50 archival documents on collective land claims, plus a short follow-up visit in March 2014. Data from Morogoro region was collected during ethnographic fieldwork¹, which included participant observation in village assemblies, 44 semi-structured interviews and thematic analysis of 60 village archival documents on local land issues. The first section explores political and institutional legacies of villagisation, reflecting on village institutions, the abolition of customary authorities and resettlement as a political threat. The second part reflects on village land politics and the impact of neoliberal aspects of the land law reform of 1999. The reasons for the reform are briefly explained before going on to exemplify the role of village authorities in collective land claims in Tanga, a region of historical land dispossession, and to explore the practice of village land allocations. The third section reflects on the salience of village land politics and Village Land Use Plans through data collected in a pilot district in Morogoro region. The final section concludes.

Village authorities and land questions: *Ujamaa's* political and institutional legacies

Three generations of scholars have researched on ujamaa villages and villagisation. Back in 1981, a compiled bibliography about ujamaa villages vaunted 469 titles (McHenry 1981). Until the late 1980s, the debate maintained ideological undertones: ujamaa and villagisation were turned into a gym to flex ideological muscles in a pro vs. contra debate on Third World socialisms and theories of collective action (Lofchie 1978; Putterman 1986). Without delving too deeply in the historiography of the Tanzanian villagisation, scholars documented the political and social aspects of failing agricultural collectivisation (Von Freyhold 1979; Abrahams 1985); the consequences on the wider economy (Briggs 1979; Weaver and Kronemer 1981); the authoritarian, top-down practices and the use of force which turned villagisation into a synonym for forced resettlement into nucleated villages (Boesen et al. 1977; Kjekshus 1977; Moore 1979), bound to be remembered, alternatively, as a state-led disruption of local environmental and ecological practices (Kikula 1997; Lawi 2007); a state-led “high modernist” plan to capture the peasantry (Hyden 1980; Scott 1998); or a complex and contradictory scheme of social engineering (Schneider 2003; 2004). As the post-Arusha Declaration events unfolded, three volumes of work, the most comprehensive and systematic study of the political and social dynamics of socialism in Tanzania, were published, portraying the complexity of ujamaa and villagisation and their diversity across the regions (Cliffe and Saul 1972a; 1972b; Cliffe et al, 1975). Ironically, shortly after these volumes were published, villagisation entered into its third phase: that of forced resettlement (1973 to 1975). While semi-forced villagisation operations and bureaucratic excesses did occur before then, only after 1973 bureaucratic implementation prevailed over collectivisation practices (Coulson 1982) and the inclination towards the use of force on rural populations became more overt. Year 1974 is remembered as the year of forced villagisation operations. In 1975, the law introduced a clear-cut distinction between ujamaa villages and villages created by

¹ This research was supported by the Leverhulme Centre for the Study of Value (LCSV) in 2014/2015

villagisation operations, while subjecting both to the same administrative and political structure (URT 1975).

In terms of political institutions, ujamaa left a twin legacy: villages and cooperatives. Although a discussion of cooperatives is beyond the scope of this paper, it is useful to note that together with heavy top-down handling of labour issues, the decision to suppress the cooperative movement has been one of the most contentious among the authoritarian decisions of ujamaa times (Coulson 1982; Maghimbi 1992). Aware of this aspect, this article focuses on villages, because while much has been written on villagisation and resettlement, we know very little about their contemporary legacies and impact on present-day Tanzanian villages.

Legacies of ujamaa: village institutions

The most immediate legacy of villagisation lies in institutions which replicate at village level the structure of the local government system within which they operate. At each level of government – the village, the ward, the division, the district and the region - there is a two-tier structure: one tier is political, the other is administrative. The distinctive feature of village institutions is that they are based on a fundamental tool of direct democracy: the village assembly. The assembly is constituted by all the adult village residents and its meetings are scheduled every quarter, offering to residents a public space to discuss the conduct and the decisions of the village leadership. The village leadership is constituted by a village council (a board of a maximum of 25 representatives); a village chairman; and a sub-village (hamlet) chairmen (URT 1975). All of them are elected through village political elections.²

A settlement composed of a minimum of 250 households can be registered as a new village. Following registration, the Ministry for Local Governments posts a trained and paid administrator: the village executive officer. This civil servant, often coming from another district or region, manages the village budget and the funds from the ministry through a bank account and is in charge of disclosing the quarterly village budget and its audit. Nominally, s/he is in charge of ensuring that the central government's directives are observed and the administrative procedures are complied with. Village administrations receive a village registration number from the Ministry of Local Government (URT 1982); and a Village Land Certificate, which includes a description of the village boundaries.

A reform of the land laws (URT 1999) established that general land can be claimed as village land, provided that villagers have used it uninterruptedly throughout the 12 years preceding the reform. This provision in the Village Land Act 1999, operational since 2001, aimed at settling once and for all the innumerable disputes arising after villagisation. Subsequent legislation, the Land Disputes Courts Act, was passed in 2002 and instituted the Village Land Council, a committee at village level to deal with land issues in the first instance. Thus in principle, once a village is registered, its administration becomes the smallest unit of land

² Two decades after the introduction of multiparty elections (1994), CCM is still the dominant party, but it is not uncommon to find village councillors belonging to opposition parties. In 2014 civic elections, CCM has lost around 20% of civic seats to opposition parties (Mwananchi 2014b).

administration in the country. In practice, executives' decisions often clash with village land politics. The local government reform in the mid-1990s increased again the power of district executives over village administrations. District executives can directly intervene in village politics and discipline village executive officers (Pallotti 2006), often resorting to transfer them in case of gross misconduct – such as embezzlement of funds – or when they fail to mediate disagreements between the village council and the assembly. The practice of administrative transfers is another legacy of the ujamaa within the civil service, when it was used to diminish the scope for political patronage and corruption at the local level. Nowadays transfers are often used to bring political disputes to an end. From village to regional levels, is not uncommon for civil servants to be frequently transferred and thus to have to learn from scratch the complex realities of each locality.

On the one hand, the two-tier structure is a legacy of top-down authoritarian rule. Village executive officers must report to executive officers at ward and division levels, which in turn report at district level and so on up to regional and ministerial level. On the other hand, the existence of village assemblies offers space for democratic political debate. Rooted in the ujamaa political philosophy, the assemblies are a distinctive tool which generally widens political participation at the local level; they have proven to be able to convey discontent and disagreement over major issues, like land acquisitions. Because of the ujamaa legacy, from an administrative and legal point of view, the village jurisdiction is a consolidated institutional domain, rather than a loose territorial entity. In principle, this can promote collective action and reinforce popular democracy, because village assemblies have voting and vetoing powers and are not simply advisory institutions.

Legacies of ujamaa: the abolition of traditional authorities

The nation-building project in Tanzania came with attached institutional choices which were moulded by ujamaa. Among these, the crucial institutional change at the local level of government was the abolition of chieftainship (1964), which nullified the control of customary authorities over access to land and water. Part of the ujamaa political philosophy, that is the condemnation of the political use of cultural and ethnic identities, is rooted in socialist theory, which dismissed ethnic identities as archaisms which stand as obstacles on the way towards the unification of humankind and its liberation from class oppression. It has been recently argued that it is the “statist” element of land tenure in Tanzania which has resulted into the depoliticisation of ethnicity and thus the absence of ethnic politics of land in Tanzania (Boone and Nyeme 2015). This argument overlooks the fact that the decision to oppose the political manipulation of ethnicity was inspired by the socialist condemnation of tribalism as a divisive ideology. Neo-institutionalist analysis appraises institutional outcomes as if these were independent from specific political ideologies and, by doing so, selectively erases the progressive elements of past ideological projects from the current institutional scenario.

The legacy of this political decision on contemporary village land politics is remarkable. Village assemblies function as inclusive political spaces also in those localities where settlement patterns show some ethnic concentration at sub-village level. Large sections of agro-pastoralist groups like the Sukuma and the Maasai have migrated from the Northern

regions throughout the last three decades, mainly towards Mbeya and Morogoro regions. The settlement in new locations, where migrants are allocated village land, is directed by village authorities. Nowadays not only there are pastoralist-only villages, but many villages include “pastoralist hamlets” which, contrarily to the ordinary multi-ethnic nature of villages, display an aspect of ethno-cultural homogeneity. In Mbeya region (Mbarali district) village authorities have encouraged agro-pastoralists with large herds to settle in remote hamlets, separated from the village core. At least in part, this settlement pattern derives from past practices, established during villagisation, of creating a buffer zone between pastures and farms, to minimise land use conflicts and farm contamination. Unfortunately, agroecological concerns have often reinforced a legacy of social and political marginalisation of pastoralists, within an atmosphere of hostility and bias against them at the level of the central government (Benjaminsen et al. 2009; Askew 2013 et al.). In Morogoro region (Kilombero district) what emerged from participant observation in the assemblies of two villages which had pastoralist hamlets is that pastoralist groups tended to engage village institutions rather than passively accept their marginalised status. Young pastoralist men often recorded the assemblies with their mobile phones, to report back to those who could not attend; made it a point to intervene and speak out on contentious issues; and actively referred to the ujamaa political legacy to spearhead their causes. Part of this legacy is the strong condemnation of political manipulation of ethno-cultural identities; this principle is at the core of the day to day functioning of village assemblies (fieldwork notes, July and August 2014). Gender equality and a prohibition to use religious and ethnic belonging and identities in politics are observed in village council meetings and village assemblies. This of course does not mean that village institutions are egalitarian and gender balanced. In those same villages in 2014, two pastoralist hamlets had requested and obtained permission to become separate villages, in order to gain more control over issues relating to land allocations. The same dynamic was apparent in 2007/8 in Mbeya region (Mbarali district) where pastoralist hamlets, led by wealthy cattle traders, gradually tended to establish their own villages (Greco 2010). This pointed towards layered dynamics of class conflicts, devised through pastoralist identity. These class dynamics, bundled with and often muddled by cultural identities, are mirrored in the functioning of village administrations. On the other hand, these institutions sometimes offer space for redress, because there are specific rules and practices which emphasise the principles of equality and non –discrimination.

Legacies of ujamaa: forced resettlement and village institutions as spaces of political dissent

Forced and voluntary resettlement of rural population is far from being a thing of the past. In present-day Tanzania, resettlement is still considered as a viable development policy, for example for purposes of environmental conservation. When a protected area is expanded, rural residents are forcibly evicted through the compulsory de-registration and resettlement of whole villages (Brockington 2002; Neumann 1998; 2001; Tenga et al. 2008).

Beyond conservation policies, the government’s power to de-register villages leaves space for arbitrary, top-down decisions. Evidence from Mbeya region (Mbarali district) showed that resettlement of villages - through “de-registration”, which consists in revoking the Village Registration Certificate - can be used a political threat whenever village land politics oppose

the decisions of the central government. For example, from 2005 to 2008, a few village assemblies in Mbarali district organised a protest against the privatisation of a state farm located in the area. The government had decided to sell it to a private investor, refusing to give a chance to the local farmers' cooperative. There were considerable class tensions at play in this protest, because the cooperative was established mostly by big commercial farmers, whose interests clashed with those of small farmers and farm workers. Although these competing interests were expressed through village assemblies, village institutions were fundamental avenues through which to coordinate collective political action, thus expressing political dissent against the government decision. In this setting, an intricate boundary and land dispute between the most proximate village and the farm emerged as a way to convey political dissent. Given that redress was mainly sought through political negotiations, the intricate legal aspects of this dispute – aggravated by the existence of multiple, overlapping land titles for the farm - have never been ascertained in court (Greco 2010). After an escalation, the government threatened to de-register and forcibly resettle the village and all its residents, turning a regularly registered village with its administration and council into a “village of squatters”, as the press described it (Greco 2015). Individual politicians contributed to turn the dispute into an endless saga. Ministries and MPs intervened with official visits, political statements and the occasional populist promise of land restitution (The Guardian 2011; Mwananchi 2014a; ION 2014), which is a common scenario in other land disputes of the kind.

What this case has shown is that village institutions are caught in a contradictory role. On one hand, they are spaces for the expression of political dissent and of conflicting class interests (Greco 2015). Given that Tanzanian village institutions work through direct democracy, they nurture a possibility of political inclusiveness. On the other hand, given the supremacy of executive powers in land administration, the government has the power to disregard political dissent at village level. Arbitrary decisions are often conveyed to village assemblies either through a shrewd manipulation of village land politics, or by sheer authoritarianism. Sometimes village politics can appear as being insulated from the decisions of executive powers of central government authorities, or subordinate to them. Village executive officers can be instructed to impose unpalatable decisions upon disgruntled village residents, in a sort of “decentralised despotism” (Mamdani 1996). The question is: can the democratic potential of village assemblies be realised? Authoritarianism, the prevalence of discretionary power in decision making and the weakness of the rule of law have warranted a negative answer in the past (Shivji 2002).

Ujamaa legacies and neoliberal policies

In the late 1980s, the IFIs condemned past socialist policies by arguing that weak property rights, insecurity of tenure and land disputes had a negative impact on economic development. An emerging neoliberal agenda, pushed by the World Bank in particular, put pressures on the Tanzanian government for a reform of property rights, to ensure land tenure security and stronger protection of private property. This agenda sat uneasily aside other urgent domestic political priorities, such as the food crisis (Sundet 1997). It is undisputable

that in some regions villagisation had dramatically disrupted land access, expropriating and resettling people, often without any compensation; and that the arbitrary character of land allocations and expropriations gave way to land disputes, many of which had emerged in the 1980s. But while these disputes are significant, their exact import has been often misconstrued. In the early 1990s, a Land Commission carried out a comprehensive investigation of the land questions (URT 1994). The Commission's reports established that land disputes were endemic and mostly caused by sweeping discretionary powers of the executive over land matters, big or small, rather than post-villagisation claims. The reports also underlined that the majority of rural Tanzanians was not asking for land titles, but rather advocating the protection of access to the commons – that is, to commonly held village land. What mattered to rural citizens was the creation of a legal safeguard of access to village land from the arbitrary power of the executive; and measures to counter the increasing corruption of a centralised, top-down land administration system, marred by multiple authorities. These two factors, more than past claims related to villagisation, were seen to be the cause of land disputes.

While fractions of the government recognised these factors as causes, neoliberal agendas prioritised by donors have insisted on the paramount importance of land titling for land tenure security. The same blueprint was applied to several African countries, in a “third-wave” of land law reforms aimed at strengthening private property rights by negotiating with neo-customary systems (McAuslan 2013; Manji 2006). In the conditionality regime of the mid-1990s, the agenda of formalisation of land rights prevailed over the political priority of democratising the land tenure system. In Tanzania De Soto's thinking on the importance of formalization of property rights for poverty reduction gained currency (De Soto 2001).³ The idea of land titling in itself is of course not new to African countries, where the Individualisation, Titling and Registration (ITR) model was notably devised by English late colonial rule as a response to land tenure problems in Africa. De Soto's neoliberal rebranding of ITR stresses the role of property rights as the key to economic development. According to this view, the formalisation of property rights is an easy, relatively cheap and non-intrusive policy for poverty reduction through financial development. The overall idea is that poor people, once given property titles, will use it as collateral, become bankable and lift themselves out of poverty. Formalisation thus became the catchword in Tanzania, in amnesia about earlier failures of the ITR model on the continent (Nyamu-Musembi 2009). The reformed land administration system prescribed the creation of village land registries, which issue land titles to rural residents. Two decades later, village land registries, which are expensive and require procedural knowledge on the side of local administrators, are far from being the norm in Tanzanian villages. Two specific programmes tackling implementation issues - Mkurabita (www.mkurabita.go.tz) and the Ministry of Land's Strategic Plan for Implementation of Land Laws (SPILL) – proved to be expensive and with uncertain results.

³ De Soto's dismissive responses to scholars' early critiques about the applicability of this approach in Africa (Mathieu 2002; Benjaminsen and Sjaastad 2002; De Soto 2002) appear misplaced a decade after, given the debacle of pilot projects like the ones in Tanzania.

In addition to that, pilot titling projects have proved to have unintended results. With class dynamics in rural areas, titling can be turned into the formalization of local land grabs, as professionals and big farmers take advantage of titling to grab the poor's land (Ole Kosyando 2007; LHRC 2006).

The 1999 Land Laws displayed the contradictions of a two-sided legacy. On one side, they consolidated the role of village administrations and the practices established during ujamaa times. On the other, they reaffirmed the supremacy of the Ministry of Land and of all the executive bodies over land matters, not least by creating the figure of the Land Commissioner, leaving ample space for discretionary action from above (Shivji 1998; 1999a; 1999b; 1999c). The reforms established that village administrations have jurisdiction over land, by introducing a new legal category: that of "village land". This is distinct from "general land", which falls under the jurisdiction of the Ministry of Lands and "reserved land" which is held by public agencies for the purpose of environmental conservation (URT 1999). One of the consequences is that what is included and excluded from village land is to date a contentious issue. As a legal category, it could potentially reinforce the role of village authorities over land administration and politics. When a company wishes to acquire land which is not general or reserved land, it must obtain approval by the concerned village assemblies, which are requested to meet, discuss the land transfer and put the decision to the vote. The same procedure applies to village land transfers to residents (when above 50 acres) and to all land transfers in favour of non-residents. For these deliberations, the village assembly must have a minimum quorum of 75% of the members (URT 1999). At the same time though, the President and the Ministry of Land can authorise the transfer of village land to general land in the name of public interest, defined in the Village Land Act as "investment, or national interest" (VLA no.5, part III, 4.I.2). This entails that when the President decides over a land transfer, village assemblies can only give non-binding recommendations and are thus relegated to consultative bodies.

In the global land rush triggered by the 2007/8 financial crisis, Tanzania has become a hotspot for land grabs (Benjaminsen and Bryceson 2012). Supported by FDI promotion policies and a legal framework which leaves ample space for top-down decisions, when investments fail and companies withdraw from land deals, the state agency in charge hardly ever gives back the land to the villages which surrendered it, but rather renders it available to the next willing investor (Mwami and Kamata 2011). Local residents often take up farming on the abandoned lands, to then be evicted again should another investor show up. In many cases, land deals had been approved by individuals from the village administration, without consulting the village assembly. It is relatively easy to bribe village executives and village councils in order to obtain bogus documentation. A common scenario is that leaders produce fake minutes of village assembly meetings, showing approval of land transfers, while on the ground assemblies had never met or had not reached the minimum quorum. Petty corruption of unpaid village chairmen and councillors, combined with a lack of accountability of the executive officer, are the main dangers to which the new village land administration

architecture, introduced by the Village Land Act, can fall prey (Shivji 1999; Manji 1998; 2001). The reformed village land administration can reinforce those aspects of local government which can result into “decentralised despotism” (Mamdani 1996). It should be added that the unpaid nature of most of these posts encourage petty corruption. Village meetings can be long and time – consuming; this notwithstanding, elected representatives are unpaid and only receive sitting allowances, which makes them susceptible to petty corruption. In such a context, village land allocations can become a remunerable affair. Village residents often do take initiative to seek redress against episodes of corruption. In this regard, village assemblies are important political spaces for emancipatory politics, being the ultimate arena where both corruption and contestations and negotiations of land deals are voiced – an aspect analysed in the following section.

Collective land claims and village land politics

In areas of historical land dispossession, the ujamaa commitment against the individualisation and privatisation of land has invited mobilisation for land restitution. This is the case in three sisal districts in Tanga region (Korogwe, Lushoto and Muheza) where colonially inherited sisal plantations prevailed (URT, 1994; Greco, 2016). Since the mid-1980s, village administrators and politicians had spearheaded collective land claims to repossess plantation land, seeking political mediation with the government and organising village committees for land redistribution. In the early 1990s, the Land Commission had recommended “a mini- land reform” in the sisal districts. In 1997, upon privatisation of state sisal plantations, plans for land redistributions came under the double pressure of accelerating class dynamics on one side and neoliberal policies from the other. In this area of historical collective land claims, in the 1980s village assemblies had become the agents for collective action in favour of land redistribution. Collective land claims continued through the 1990s until when the prevalence of a neoliberal agenda led villages to give up in the 2000s. Ethnographic work carried out in 2007/08 revealed that collective land claims fostered by the political legacy of ujamaa ideology continued uninterruptedly until the early 2000s, to then morph into individual land disputes between sisal estates and “squatters” (Greco 2010). Some privatised estates allocated land to sisal contract farmers, who became the beneficiaries of a privatised form of land redistribution. Ironically, these were mostly big commercial farmers and urban professionals, who displaced pre-existing claims on highly contested lands and triggered new land disputes with previous land occupiers and claimants.

To conclude, village institutions have been at the forefront in the day to day organising of collective land claims in Tanga region and have eschewed localism by effectively using their institutional power and addressing the upper levels of local governments. Ultimately, though, the neoliberal shift closed down the political space of negotiation on land redistribution, by sanctioning the primacy of private property rights, and village institutions were forced to acquiesce. In the following section, on the basis of ethnographic data about village land allocations, I turn to appraise the potential of villages as spaces for alternatives to the total individualisation of land..

Village land allocations - privatising the commons?

Each village administration is in charge of village common lands within its boundaries. Village common lands are residually identified as all the areas which are not under the control of individuals, families and clans. But how does the process of managing the commons actually occur within village administrations? A partial answer to this question comes from oral history data, collected in 2007/8 with village elders in Mbarali district (Mbeya region). I take as examples two neighbouring villages with starkly different land uses in Mbarali District (Greco, 2010), in a frontier area where marshlands and wetlands, until the 1950s exclusively devoted to pasture and fishing, have been gradually converted into irrigated rice plots throughout the last forty years (Greco 2010). In this area, oral history showed that until the late 1980s land allocation was not formalised and occurred on a collective basis. The 1990s marked a turning point: intensification of rice farming, land dispossession through the establishment of a large farm, and immigration of agro-pastoralist groups, triggered a local land rush. Village land allocations changed from being a collective exercise towards observing a principle of individualisation. Village administration would start summoning individual applicants on specific days, in order to allocate individual plots on frontier lands, against payment of a nominal fee, for which a receipt was issued and a record kept in the village files. Given the sudden localised land scarcity, village administrations became the tool of de facto individualisation of the commons. A cognate reflection is that village land allocations have the potential to offer low cost access to good quality plots. This kind of cheap and available land access in an agricultural frontier area experiencing massive conversion of dryland pastures to irrigated rice farming proved to be the key element influencing migrants' choice of locality (Greco 2010). Through this process of village land allocations, village commons are slowly but surely being individualised. Oral history has evidenced that village land use change is an important factor in how the commons are managed and that the pace of land allocation within the village commons increases alongside commodification of land and of farming.

Village land allocations can represent an equitable and affordable means of land acquisition for the poor and they have often been, in practice, pro-poor land redistributions, because they are distinct from the local, informal land market transactions. At the same time, given the increasing commodification and class dynamics in the countryside, they can provide the local large commercial farmers, traders and professionals with an opportunity for land grabbing. Given the class dynamics at play in the Tanzanian countryside, large commercial farmers are often joined by large traders and professionals in the rush for land (Greco 2015). These three sections share common class interests and systematically resort to bribes to appropriate the village common land. Petty corruption of village administrations on issues related to land allocations is very common (Greco 2010). In this area, large commercial farmers and cattle keepers repeatedly bribed the village administration in order to get advantageous allocations of village land. Administrators would agree to “anticipate the allocation” (*kutangulia mgao*) – an euphemism to indicate that pre-organised, individual allocations for wealthy individuals would take place a few months ahead of the scheduled official village allocation. This practice allowed the wealthier individuals to secure allocation of the larger and higher - quality plots, serviced by irrigation channels and located in the more accessible areas of the

village. Marginalised groups, like the poorer sections of pastoral and farming societies alike, tend to lose land access when village commons start shrinking, because of individual village land allocations. This case exemplifies how petty corruption of village administrations can become a vehicle for primitive accumulation through land grabbing within the village commons.

In areas where pastoral and farming production rely on the same irrigated lands and resource competition is high, villages typically issue decrees which allow them to fine non-resident pastoralists when found accessing village common pastures. The exclusionary power conferred to village councils by the Village Land Acts has been pointed out as potentially detrimental to groups who use resources spanning across village boundaries, like pastures used by transhumant cattle-keepers (Flintan 2012;2013). Village councils have legislative powers, as they can issue village by-laws (URT 1982) through which they can impose taxes, levy fees and regulate the access to the commons. Village by-laws need to be approved by the district authorities, where a law officer checks their consistency with national legislation. This notwithstanding, it is not uncommon to find that these decrees are enforced at village level even when district approval is pending, or absent. In the following section, I will address the issue of corruption in village land allocations and the grassroots politics attached to them, by discussing data from fieldwork carried out in 2014 in Kilombero district, Morogoro region.

Village authorities, corruption, land and class dynamics

The village political chronicles that follow were collected in Kilombero district in 2014, in the area adjacent to a recently revived large scale farm of around 5,800 hectares. The farm, originally established in the mid-1980s by a parastatal company, had been abandoned for longer than a decade, during which local residents reappropriated it, farmed it, used it as pasture and built new houses on it. In 2006, the government sold it to a private company, following which local residents were resettled through a voluntary resettlement scheme which caused considerable contestations at village level (Chachage, 2010). The village councils around the farm were not given a choice over the land transfer. Technically, they had to recognise that the leasehold title covering the farm since the 1980s had put these lands outside of the jurisdiction of village administrations and under the authority of the Ministry of Lands. Successive data collected in 2014 show that, after the re-establishment of the large scale farm and resettlement of local residents, many were dispossessed and the area became land-scarce.⁴ Land scarcity has had three remarkable consequences in the villages surrounding the farm. The first is that land prices on the informal land market have increased. The second is that there has been an escalation of land disputes around the large farm (Greco, 2015). These are of various natures - both individual (farmer to farmer, farmer to pastoralist, farmer to Village Council) and collective (group of farmers to farmer, group of farmers to VC). Village administrations are overwhelmed by the workload caused by land dispute

⁴ I collected qualitative data in May and June 2014, through 36 in-depth interviews with key informants in three villages around the large farm. The identity of both villages and individuals is intentionally not disclosed in order to avoid possible repercussions, given the ongoing and unresolved nature of the disputes here analysed.

resolution. The third is that village administrations have carried out village land allocations in rapid succession. In practice, the remainder of village commons were privatised through individual allocations, to accommodate the residents' land applications. Village councils have also established a political practice whereby failure of a resident to farm a plot allocated by a village results in revocation and the land being made available to another user. Village authorities claim that this practice is established through a village bylaw, although there is no evidence that the district office approved the bylaw, which is in clear contrast to the Land Laws (1999). This measure leads many to rent out their plots to keep them farmed and thus avoid losing them. At the same time, the dispossession caused by the establishment of the large-scale farm has accelerated the process of land concentration at the local level. Large commercial farmers, urban professionals and traders took advantage of village land allocations to acquire village land; many non-residents were allocated village land by using bogus kin names or paying a poor relative to resettle in the village, acting as a dummy to use his/her residence rights to be entitled to village land allocations.

Village 1. The Village Executive Officer was transferred after charges of having embezzled part of the funds disbursed by the company to the village administration to build a school and a water point. In this village, several village land allocations to private individuals do not respect the legal limit of 50 acres per head. Allocations are reported up to the size of 185 acres, with several cases of people using dummy names to cover up multiple allocations. This process of land concentration on village common lands occurs through bribes of members of the Village Land Committee.

Village 2. Several rounds of village land allocations had occurred in rapid succession from 2007 to 2014. In 2012, following rumours about bribes in village land allocations, the village assembly decided to establish a Village Audit Committee (*kamati ya uhakiki*) to investigate into the allegations. The committee audited each allocation case by case, by visiting the beneficiary to check the authenticity of the allocation receipt, the plot location and its boundaries. Many allocations were judged irregular, either because of fake receipts issued to cover up for bribes, or because they exceeded the maximum ceiling. Given that irregular allocations were nullified, the whole exercise proved contentious and rumours arose about corruption of members of the Audit Committee as well. This episode was the culmination of a longer saga in village land politics. Exasperated village residents organised a protest, led by an opposition party ex-councillor. The escalation led to a gathering in front of the village offices of a mob of about 500 residents who were asking for the resignation of both Village Executive Officer and Village Chairman. Residents symbolically closed the village office with a padlock, retained the keys and declared the VEO and VC off service. The District Commissioner was immediately called in. In an emergency village assembly, she was asked to investigate the facts. Establishing that the VEO has accepted bribes in exchange of land allocations, she decided to transfer him to another location. The discredited village chairman kept his post, but residents refused to recognise his authority and responded through passive resistance, mainly by refusing to attend village assemblies.

Village 3. The village chairman was deposed in similar circumstances by a mob of enraged citizens after accusations of embezzlement of funds. This time the village found itself without

a chairman, because the DC refused to authorise new village elections. This kind of authoritarian action from the district against an elected village chairman is put down to his belonging to an opposition party.

In all three cases the petty corruption of village authorities is amplified by class dynamics in the Tanzanian countryside. If petty corruption is somehow encouraged by the fact that only the VEO receives a salary, while all the other posts are unpaid, this should not detract from the main analytical conclusion: petty corruption is a consequence of the wider trend of primitive accumulation and class dynamics in the countryside. Different sections of the rural capitalist class bribe village committee members to appropriate village land. To conclude, all the three surveyed villages had drafted Village Land Use Plans (VLUPs) in 2012, but this did not seem to help to diminish conflicts over land. The process of drafting the plans was at the centre of local land politics and it became a source of further land conflicts. In the following section, I will explore the issue of village land use plans in more detail.

Village Land Use Plans and village commons

In the vast majority of Tanzanian villages, Village Land Use Plans have not been carried out and village land allocations take place under the legal domain of village land and customary practice and can be revoked, according to village by-laws. In this light, Village Land Use Plans and their use in issuing Customary Rights of Occupancy can potentially turn the existing, relatively flexible management of village common lands into a more rigid and formalised system based on the issuing of individual, formalised, non- revocable land titles. The 1999 Land Laws have formalised territorial jurisdiction of village administrations by creating a new legal category – that of village land. This is a residual category, which excludes all public lands and reserved lands.⁵ On village land, individual land titling can only occur after the village has obtained an approved VLUP and had its boundaries surveyed by the Ministry of Land surveyors. Should boundary disputes among neighbouring villages arise, these need to be resolved first; the last step is then the issuing of a Village Land Certificate. When a village has this certificate, individual residents can apply for a Customary Right of Occupancy (CRO). An ad hoc agency – the National Land Use Planning Commission - has been established within the ministry to deal with VLUPs, which are the technical precondition to enable village administrations to issue individual land titles to village residents. A village administration issuing land titles without having to pass through the higher levels of land administration (district land office, regional land office, Ministry of Lands) would be the embodiment of two neoliberal ideals: the De Soto ideal of low-cost formalisation of property, coupled with the IFIs' Washington Consensus emphasis on decentralisation – as formalisation is implemented at the most decentralised level possible. This sophisticated piece of legislation proposed a model for formalisation of customary land rights without resorting to statutory law. From a legal point of view, Customary Rights of

⁵ Throughout the 1980s and 1990s the definition of village boundaries became a bone of contention (URT 1994), because the definition of village boundaries often defines how much and which land is controlled by village residents, or by the government as general or reserved land. A purely technical analysis of the laws can claim that the reverse is true, namely that general land is a residual category (see Sundet 2005); but administrative practice in the last decade has pointed in the opposite direction.

Occupancy are not freeholds or leaseholds on public land, but individual titles to village land. It very soon emerged that the procedures for VLUP drafting are too expensive and costly, thus implementation is likely to continue at a very slow pace. Ample evidence has been collected on the inadequacy of this neoliberal ideal in the Tanzanian rural context, pointing towards an increase of disputes and land grabbing during and through formalisation pilot projects, like Mkurabita and SPILL (Chachage 2006; LHRC 2006). Others have tended to look at the slow implementation of VLUPs as a deliberate - if silent and covert - political decision to slow down individual land titling (Stein and Askew 2008).

To date, few Tanzanian villages have a VLUP, not least because of the high costs and the complex technical aspects of drafting the plans, among which are the use of GPS and satellite mapping of village boundaries. Given the context, it becomes possible only through donor money, and villages often seek sponsorship, usually from environmental agencies or donors who might have an interest in solving boundary issues and ongoing disputes. Kilombero district stood out from the national average, with 73 out of a total of 97 villages having completed a village land use plan as of May 2014. Apparently, this is so for two reasons. The first is connected to the resolution of a collective dispute between about a hundred villages and a RAMSAR protected wetland site. Before resolving the dispute, all the involved villages must obtain a VLUP. The second pertains to the status of Kilombero as pilot district for the Southern Agricultural Growth Corridor of Tanzania (SAGCOT) - a mega-project aimed at attracting corporations in the agribusiness sector in central and southern Tanzania (SAGCOT 2013). The private companies willing to create large scale farms in the district have an interest in avoiding excessive legal expenses and the bad press which is often the by-product of land disputes with local residents. In this regard, ensuring that the pilot district has a village land use plan in place makes it look like a safer bet to investors, as the village land use plans allow for more expeditious voluntary resettlement operations in the case of land transfers from villages to companies. While investors attached to SAGCOT are not yet materialising in Kilombero, this mega-project has convinced donors to fund village land use plans for the district. To conclude, the speedy implementation of VLUPs in Kilombero district seems to indicate that they are more likely to be sponsored when strong corporate interests are at play, which require rapid and effective formalisation of land property – possibly to ensure that the legal prerequisite for land transfers from village land are in place. If villages have VLUPs and Land Certificates, private companies acquiring village land can comply with the legal requirements to resettle local residents, avoiding the kind of land disputes and endless arbitration which is a common scenario in localities where village boundaries are not well defined. Seen in this light, it is appropriate to pose the question: for whose needs are VLUPs catering? Designed to formalise the land property of the poorest part of the population through village land registries, VLUPs seem hardly ever to be delivering to them, but rather offer the legal basis for land dispossession of the poorest of the poor. In this regard, there is a substantial difference between the practice and the law. The law regulating VLUPs is clear on the priority of preserving village commons. During participatory village land use planning, villagers are asked to identify and demarcate the commons (*ardhi ya akiba*). What appears to be happening is that in frontier areas where land scarcity is pressing, VLUPs will be carried out too late, after the commons have already been privatised. Several

villages will declare not to have any unused village land. In areas like these, VLUPs will have to limit themselves to become a tool to formalise the privatisation of village commons.

Conclusions

To conclude, village administrations are much more than administrative avenues used by the government to implement orders. Village assemblies display a potential for political and social empowerment and, conceding that the two-tier system can often be used as a tool to impose top-down decisions, village assemblies still provide space of politicisation of rural residents. The cases of mobilisation for land restitution in Mbeya and Tanga regions prove that the very existence of village assemblies provides for an enabling space for grassroots politics and these have the potential to become locational alternative spaces for collective action and political mobilisation from below. The political ideology deployed by local leaders revolves around the emancipatory legacies of ujamaa: a repeated commitment to gender equality, the condemnation of tribalism and of the mobilisation of ethnicity as a political tool, and the idea of democracy as grassroots participation through debate.

At the same time, village land politics are the mirror of a rural society where gender and class conflicts are pervasive. Village land is often expropriated and ceded to investors by decision of the central government, which can technically bypass village administrations. The prevalence of executive decisions over the rule of law can often invalidate the workings of village politics, although when this happens prolonged land disputes are bound to emerge. In addition, through petty corruption, village administrations can often become an avenue for primitive accumulation. The limited financial autonomy from central administrations systematically encourages petty corruption and embezzlement within village administrations, whose majority of members do not receive a salary and impose taxation on villagers to pay themselves sitting allowances. Far from idealising village administrations and grassroots politics, this is a reminder of the fact that the existence of this political grassroots space is remarkable for it can make space for contestation, collective mobilisation and public debate on issues pertaining to social justice, in defence of the most vulnerable groups in society.

After the end of forced resettlement operations, when collectivisation and collective production faded from the policy and from the debate, ujamaa and villagisation were liquidated as a social engineering scheme and a development failure. Documenting the politics of land at village level can help reappraise their political and institutional legacies. Without downplaying the authoritarianism, bureaucratic hijacking and state violence which characterised the time of ujamaa, this reappraisal is based on an historical approach, to counter dominant narratives which consign the whole experience to the dustbin of failed development policies. There is a historical continuity between villagisation and the reality of village politics in Tanzania – a reality which presents a potential for democratisation from below. The administrative and political institutions of present-day Tanzanian villages are very much a legacy of the institutional reforms brought about by villagisation. Having said this, it is equally important to acknowledge that there is also continuity between past and present authoritarianism, centralised decision making and top-down policies. What the evidence from village politics has shown is that rural villages are hardly ever places where

government orders – or donors’ projects – are passively accepted. Whenever democratic spaces are captured, rural villages demonstrate themselves to be places where there is a quality of political consciousness which is a distinctive legacy of ujamaa. If the democratic potential is clearly unrealised, the political specificity of Tanzania’s vibrant grassroots politics cannot be overemphasised. What the politics of land at village level is showing is that, while class dynamics in the countryside are leading to substantial land concentration, village administrations have become the ultimate site of negotiation over land acquisitions. Village politics inevitably mirror the contradictions of wider processes of social change within Tanzanian society, such as gender, ethnic and class dynamics as they unfold within village social structures. More fundamentally, they are enmeshed in the dynamics of contemporary capitalism, where Tanzanian villages are considered as mere locations to buy cheap farmland for speculation.

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