Is there Hope for Heritage in Former British Colonies in Eastern Africa? A View from Tanzania

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ABSTRACT

British Colonial governments in eastern Africa became deeply involved in the protection and conservation of Protected Areas, zones of high value for natural history and wildlife. Often such areas were created without consideration of community interests and management expertise. Centralized power and decision-making militated against local engagement. This trend was accompanied by parallel developments in the heritage sector, which initially focused on the creation of institutions to facilitate the preservation of sites declared as national monuments in the respective colonies. Such institutions were given the mandate to ensure the security and conservation of the monuments, to investigate the history/archaeology of the respective colonies, and to provide permits to researchers. These institutions continue to document and preserve heritage sites and issue permits, but their strong application of central control has diminished local attempts to manage and develop heritage sites. Using Tanzania as a case study, this paper examines how the Division of Antiquities has come to mimic the Division of Wildlife’s failure to respond to community needs and initiatives—part of the colonial legacy of central control and maintenance of institutional interests before service to public concern.

KEYWORDS: Antiquities, Lost Heritage, Community Heritage, Wildlife Management, Tanzania, Participatory Management

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Setting the Scene
The recounting of positive results from participatory community projects is encouraging and adds significantly to our experimental knowledge of what methods do and do not work in Africa. Yet, underlying all efforts to effect community-based approaches are deeper systemic problems that frustrate and impede successful community engagement by archaeologists and heritage practitioner alike. It is important that we be aware of these deep-seated impediments and the way they came to be valorized by the official heritage bureaucracy. The legacies are fossilized policies promulgated during the colonial era and later inherited by postcolonial governments that accepted the philosophical and legal frameworks for heritage preservation and management. Some states have modified laws inscribed during the colonial era, but such changes often ignore deep systemic issues that arise from a heritage of direct state control. State-centric cultures of control and authority over heritage—often represented by “antiquities authorities”—are so deeply engrained that until recently they have gone unquestioned by those who control the apparatus of legal enforcement and review of appropriate development. In this paper, we present an analysis derived from the Tanzanian experience, which captures, more broadly, how eastern Africa as well as the continent of Africa came to be littered with legacies that militate against successful approaches to the conservation and judicious governance of material culture and intangible heritage.

Conservation and Resource Management, a Template for Heritage
Within this context, an examination of heritage governance must be made with a clear eye on the histories of colonial and recent treatments of heritage at both the national and local levels. These histories often incorporate colonial philosophies of conservation that were aimed at protecting natural features of the landscape as national heritage resources or Preserved Areas (PAs), what we may identify as ‘commons resources’ in Ostrom’s (1990) principles. The historical experiences of conservation management in states such as Tanzania provide keen insights into related ideologies and practices that govern heritage, with a picture emerging that illustrates the failures of state agents, and the struggles of communities to gain a footing as responsible stewards and managers. The picture that emerges is that centralized resource governance policies and practices effected during European colonial rule have been used and even reified without critical reflection by postcolonial governments. These practices have
come under increasing critique by mostly outside donors and wildlife organizations that have called for more local participation and economic benefits.

Community-based approaches to conservation in Africa have grown increasingly common, with the attendant arguments that locals should be charged with management of resources (Nelson et. al 2007), a trend also seen in heritage management (e.g., Schmidt and Pikirayi 2016) as well as interpretation of sites and features therein (Ichumbaki et al. 2019; Schmidt and Arthur 2019). Much more subtle and less supported by state and outside interests such as the United Nations Education, Scientific and Cultural Organizations—UNESCO—are communities who seek a larger role as managers of heritage commons.

Decentralizing strategies, mostly supported by conservation and development institutions, are paid lip service inside Tanzania, yet they are far from being effectively enacted due to historical and political reasons (Brockington 2002; Nelson et. al 2007). This history of central control and exclusion (often expulsion) of local management and indigenous expertise goes back to the first German decrees of the 1890s. From these first exclusionary actions grew a series of actions to increase central control and marginalize local actors/experts during the colonial era. Over the last two decades the trend towards reform and increasing involvement of local knowledge has made little headway in Tanzania, leading to tensions among outside interests, government, and rural communities. Because of the failure of central government agents to be effective managers, donors and conservation organizations have applied pressure to cede governance and oversight to communities. Tanzanian policy makers have engaged in a narrative that endorses such practice, yet simultaneously they have accelerated central control so that “local communities remain excluded from key resource management processes and decisions, and the integration of rural livelihoods and biodiversity conservation remains rhetorically espoused but practically elusive” (Nelson et. al 2007:254).

With efforts to reform policies in the 1990s came limited successes when village initiatives to assume governance began to take root, in good part because state attempts to restrict village initiatives for governance proved difficult to enforce. Thus, a few communities received benefits as a consequence of centralized authorities failing to monitor and oversee local efforts, even when they were perceived as contrary to the interests of central authorities. These trends toward accelerated state disengagement
apply to heritage resources as well. The histories of both wildlife and heritage authorities illustrate the failure of the state to monitor, engage, and supervise management, and both typify how communities have been ignored and continue to struggle to have their expertise recognized and used.

It is noteworthy that the Ministry of Natural Resources and Tourism in Tanzania includes the Wildlife Division and the Antiquities Division, a juxtaposition that may have influenced the absence of policy reform in the latter institution. Beginning in 1998 this relationship appears to have led to a shared culture that ignores local voices and eschews encouraging community participation in management. Both agencies continue to privilege central control over local engagement and initiative. Communities view both with suspicion and see them as threats regardless of any advantages. Rather than devolve central power and encourage communities to take up initiatives, the opposite has occurred. The expansion of natural Protected Areas continues, with villages and landholders being removed in a manner that resembles the creation of the Serengeti Park where Maasai were expelled from the park upon its creation eight decades ago (Bonner 1993).

The creation of the Ngorongoro Conservation Area is an illustrative case. Carved out of the Serengeti, it presents an informative history of resource governance under colonial and later governments. Ngorongoro Conservation Area initially appeared to be a radical departure from normative colonial policies in Africa that required designated conservation areas to exclude residents—displacing them and their lifeways permanently (Rogers 2009). Instead, when created in 1959, it initially allowed for the continued use of the land by the Maasai, a pastoral group that had used that landscape for more than a century. Even more surprising for its time, it included Maasai elders in the governance team.

This privileging of Maasai participation in governance and land use in what was traditionally an area managed by the Maasai was idiosyncratic when implemented during the mid-20th century. Unfortunately, however, it was very short-lived, with almost immediate exclusion of Maasai representatives who were deemed uncooperative and demanding (Rogers 2009). Over the years, international conservation interests have dominated governance, becoming the primary interest group in terms of management principles, with the Maasai being incrementally excluded from key “sensitive” ecological zones, thus reducing the role of indigenous stakeholders. The idea of shared multiple use has
been submerged, with external interests ensuring a disequilibrium in access to common resources. The history of Ngorongoro Conservation Area captures vividly the colonial legacies that continue to dominate in much of Africa—a forgetfulness about principles of shared resources, an experience that came to influence policy on heritage resources.

Introducing the Case Studies

With the background, we present here Tanzanian heritage case studies, where one of us has been engaged in archaeological and heritage research for five decades and the other is currently confronting continuous contradictions in heritage policies. We begin with two brief introductory examples drawn from Swahili sites along the coast. These and the subsequent detailed case studies illustrate the tensions between central authorities and local management initiatives, including attempts to inhibit and prevent successful local heritage initiatives and management—reminiscent of the processes that unfolded at Ngorongoro and continue today more recently under the mask of “community participation” dominated by state managers.

Our collaborations with local communities in several cases have accelerated over the last decade and include long periods of residency. This long-term, longitudinal perspective allows us to dig deeper into some of the systemic issues that plague heritage commons from taking root in Tanzania. Eschewing the rhetorical hyperbole of “community participation” proffered by international organizations and NGOs, we embrace how people think about, represent, conceptualize, and protect their heritage (Schmidt and Kehoe 2019). The most serious impediment, inherited from the era of conservation, is the state’s ineptitude regarding heritage management and its outright disparagement of and hostility toward local heritage initiatives—a perspective that mimics Wildlife, a sister agency in the same ministry since 1998.

Tanzania: A Record of Disengagement

Tanzania, like most African states, inherited laws from the colonial era that were mostly focused on objects (‘relics’) and architecture (‘monuments’) (Giblin 2018). Whatever mention was made of archaeological sites in colonial legislation pertained mostly to permit processes directed at professionals and to unauthorized disturbance of “monuments”, with only incidental or no attention paid to archaeological values of sites and their indigenous heritage meanings (Ichumbaki 2016). Enforcement
provisions were noticeably weak. All cultural sites of antiquity are governed by the Department of Antiquities (DoA) located within the Ministry of Natural Resources and Tourism. This institution is authorized to govern all affairs pertaining to antiquities by an agency that was until recently situated in the capital city of Dar es Salaam—a great distance from many regional and district authorities. The DoA has a history of poor funding, with much of its limited budget being spent by antiquities officers at the head office to travel abroad and engage in workshops, the lessons from which are rarely if ever applied to heritage sustainability. In addition, the DoA continues to be inadequately staffed. Some newly recruited staff who expected to bring changes at various heritage sites in the country have been kept at the agency’s headquarters and assigned minor administrative works, a condition that resembles what McIntosh (2009) calls “eating the young” when senior heritage administrators prevent advancement of the careers of upcoming young professionals.

This history resembles other postcolonial trends witnessed in the governance of natural resources such as Ngorongoro, that is, the increasing accrual of power by central authorities and the exclusion of other institutions and interest groups including communities. It is informative that a former DoA employee has discussed the marginalization of communities in a manner that normalizes their exclusion from heritage management, viz: “Community awareness and involvement have not been adopted as a strategy to motivate local populations to safeguard their heritage ... the communities should therefore be made an integral part of the protection and conservation process” (Kamamba 2009:15). This rhetorical flourish betrays a failure to work toward such integration, another example of lip-service to community engagement that infects natural resource management and protection; it shows no resolve to effect concrete steps to make it work. Any sense that protecting the heritage of Tanzania should be the foremost responsibility of this office is lost in a culture disengagement.

In Dar es Salaam (now in Dodoma), the DoA became a power center that was increasingly isolated from national and local heritage needs, building walls of privilege that excluded all but those who held secure positions in the bureaucracy, a center of stasis and disengagement from the welfare of Tanzanian heritage. A succession of failed interventions and active “hands-off” positions in a wide range of heritage

1 In 2018, the entire Ministry of Natural Resources and Tourism, of which the Department of Antiquities is a part, moved to Dodoma region, the central part of Tanzania.
preservation issues declare botched advocacy and formulation of oversight, monitoring, and investment policies that are discussed in detail below. Rather than address local concerns in a manner that would have the potential to recognize the common values and principles of heritage as national commons, the department ignored or ineptly responded to legitimate appeals from local officials and concerned citizens for central assistance in heritage preservation. This purposeful behavior ensured that each case would fail and be forgotten along with any sense of common, uniting interests.

As this informal policy unfolded over the years, it elevated other principles at the expense of the public good, perhaps best expressed in the erosion of the state’s right to acquire and protect heritage sites. Tanzanian antiquities law is explicit about the state’s right to acquire heritage sites ("Monuments") when it is in the public interest (Section 7, 1964 Antiquities Act). Under the terms of this Act, authority is given to the Minister to protect any structure, object (relic), or area with cultural value (Ichumbaki 2016; Sheriff 2014; also see Kamamba 2009). Regardless of this explicit principle codified in law, those responsible for heritage protection have privileged private ownership above public interests, as witnessed in the attempts of the DoA to lease the important and sensitive religious and historic Kunduchi Swahili site north of Dar es Salaam to commercial tourism interests—a venture that failed because of stiff local opposition that included destruction of infrastructure built without consulting the community (Masele 2012) as well as neglecting intangible heritage embedded in monumental ruins and nearby baobab trees (Ichumbaki 2015).

In another case, failure to address critical violations of antiquities law, such as intrusive disturbances where archaeological sites are known to exist in and around the Kilwa Kisiwani and Songo Mnara World Heritage Site, DoA continues to perpetuate practices that ignore local voices and participation (Ichumbaki and Mapunda 2017; Karoma 1996; Mturi 1996; Wynne-Jones and Fleisher 2015) (See Figure 1 for sites mentioned in this essay). Only after the investment of millions of dollars of donor funds and decades of prompting by UNESCO did Tanzania develop a new integrated management plan, thirty-six years after the sites’ inscription on the World Heritage List. Though the document discusses the various stakeholders involved in its development, Ichumbaki and Mapunda (2017:12) record how their "interactions with the local authorities in Kilwa Kisiwani indicate that the local authorities have no idea how the process occurred."
By failing to register important sites and monuments and by not acquiring significant and threatened sites in the public interest, central government officials have signaled their disinterest in engagement with those who see erosion of heritage in their communities as a significant issue. The upshot of this trend is the establishment of a dangerous precedent that separates heritage into small, individually owned entities. To further cement our arguments, we provide four case studies to show how the preservation of heritage in Tanzania is in a dilemma, if not disarray.

Figure 1: A Map of Tanzania with natural areas and heritage sites mentioned in the text.
Pangani “Slave Depot”

These practices were openly manifest by the early 2000s in Pangani, a small coastal town where enslaved people were once owned by wealthy merchants of foreign origin. Jonathan Walz (2009) exposes the failed performance of heritage principles by government authorities during a crisis to preserve Pangani’s most prominent heritage monument—the nineteenth century “slave depot.” The Old Chama Cha Mapinduzi (CCM)² building or “slave depot” is a site of traumatic memories, built along the riverfront near the iconic colonial-era Customs House (Figure 2a). The heritage associated with the building was actively contested. Omani descendants, the former occupants, claimed that their ancestors owned plantations in another, distant locale rather than keeping slaves at this site (Walz 2009). They purportedly gifted the building to the then ruling political party, Tanganyika African National Union (TANU), sometime during the early independence era. The counter-narrative from the residents suggested that slavers once occupied the building on its second floor and that the bottom floor was a slave depot. TANU (later CCM) left the building for new headquarters in 1987, when it started to fall into disrepair.

Attention focused on the building in 2001 when the Omani family accused a tourism Non-Governmental Organization (NGO) of spreading lies about its links with slavery. This led the NGO to approach the DoA with the expectation that the building would be documented and preserved, “but nothing was done to officially record, gain ownership of, or conserve the building” (Walz 2009:28). Walz quotes a resident who despaired over the absence of government intercession regarding the potential loss of the slave depot: “Our town will have no meaning... [and] the district government is run by people born outside Pangani. They don’t know this town. They’re unfamiliar with our history. They’ve forgotten themselves” (Walz 2009:27). The open emotion of this appeal speaks to the central place that nineteenth century buildings and spaces linked to slavery occupy in local memory, historical meaning, and identity. As a highly visible and enduring part of the community, the CCM building was an icon for those with narratives of enslavement as well as a source of counter-narratives promulgated by descendants of the original Omani owner (Walz 2009).

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² (CCM, Revolutionary party, current ruling party)
During this period, representatives of the DoA traveled to Pangani to make heritage assessments and observe the degradation of this significant building, being witnessed by residents (Walz, personal communication to Peter Schmidt, March 11, 2019). Tragically, the lack of response from the DoA emboldened the Omani owners and their collaborators to take sledgehammers to the building in 2003, significantly harming it. Intense and conflicted debate in the community followed, bringing to the surface the African community’s belief that their memories of violence were being ignored (Figure 2b). Lies and fabrications by the former owners about the building’s history masked a deeper issue — the failure of the state to intercede to prevent the site’s destruction or to acknowledge its heritage values.

Figure 2a: The TANU building or slave depot in 1999, before destruction (Photo: J.R. Walz)
The active refusal to enter the dispute over the heritage values associated with the Pangani “slave depot” is characteristic of DoA’s normal practice and set the tone for further disengagement. By pulling away from its responsibilities to protect this controversial heritage monument, the DoA announced two new unofficial policies: 1) that contested heritage settings are to be avoided by state agents and left to local resolution, even if it leads to the destruction of heritage of local and national importance; 2) that private ownership will prevail over state and public interests. Both trajectories militate against any hope for heritage commons in Tanzania despite the governance plans of local groups often representing a more pragmatic approach. The Pangani failure along with the Kunduchi case provided an important precedent for the extra-legal path taken by state authorities thereafter.
Bagamoyo historic town

Bagamoyo is a historically prominent entrepot located along the northern coast of Tanzania about 70 kilometers north of Dar es Salaam City and 120 kilometers south of Pangani historic town, discussed above. During the 18th and 19th centuries, Bagamoyo linked areas as far as present-day Democratic Republic of Congo (DRC) and the rest of the Indian Ocean world through Zanzibar (Brown 1970, 1971). Bagamoyo did not exist on its own, it was linked to other small port towns that emerged earlier along the Swahili coast, including Kaole, Nunge, Mlingotini and Mkadini, which were also connected to the interior (Kessy 2019; Ichumbaki 2015).

Bagamoyo has experienced significant neglect under the oversight of the DoA, including degradation of historic buildings, later used for administrative and residential purpose, and new construction that harms historical values. Archival evidence and physical surveys demonstrate a long history of the destruction of historic buildings at Bagamoyo, beginning in the early 20th century and continuing today. One example is the loss of structures in the India Street neighborhood, where 72 buildings documented in 1908 (National Archives of Tanzania-- NAT. G. 32/4) had diminished to 28 assets in 1968 (Karlson 1968). By 2001 a survey recorded 16 buildings, which by 2013-2014 had decreased to 13 remaining buildings (Ichumbaki 2015), a loss of 82% of the historic buildings over one century.

There are other cases that illustrate the destruction of the historic fabric of Bagamoyo. For example, the failure of the DoA to object to construction of a five-story hotel within the historic town signals a reluctance, if not a resistance, to act on a legal requirement that buildings in conservation areas such as Bagamoyo should not exceed three-stories. The Principal Antiquities Act No. 10 of 1964, amendment Act No. 22 of 1979, as well as conservation principles and guidelines in Tanzania (see Kamamba 2008), prohibits, restricts and regulates the construction, alteration, alignment and elevation of buildings and other structures found within a conserved area. Under these legal requirements, no government authority may approve erection of a building taller than the existing height of three-stories in Bagamoyo. Despite this requirement, the Bagamoyo District Council and the DoA remained silent when a five-story hotel was constructed overlooking the sea close to where the old custom house is located and encroaching on the old post office, an important building emblematic of Bagamoyo heritage (Figure 3).
An inquiry revealed a scenario that demonstrates the incapacity of the DoA to care for national heritage. In this example, of greater concern, was the influence exerted by politicians that undermined the heritage law. As recorded during interviews with officials from the Bagamoyo District Council and Antiquities Officers based in Bagamoyo, the approved building plan originally aligned with legal requirements, but during construction two floors were added to the original plan to create a hotel of five-stories. Some representatives of the two authorities claimed to be unaware of the changes to the approved architectural plan and observed the change when the building was nearly complete. Suffice it to say that no Bagamoyo District Council member, Conservator of Antiquities in Bagamoyo, or citizen of Bagamoyo questioned this deliberate breach of law. The absence of intervention may be linked to

Figure 3: The Old Post Office in Bagamoyo, compromised by contiguous high-rise hotel (Photo: E. Ichumbaki)
hearsay that the hotel belonged to Jakaya Kikwete, the former president of the United Republic of Tanzania or one of his close relatives. An interview with an Antiquities Officer who attended the meeting that approved the proposed hotel architectural plan, revealed:

We were informed of...a new hotel within the historic town. The structural drawings of the then proposed hotel were presented and discussed by members of the [Bagamoyo] District Council. Being a conservator discharged with the duty to care for the town’s cultural heritage, I was invited to attend as well. I remember very well that the drawings discussed were of three floors and not five, which we now see. Almost all members approved the project and anticipated that it would create employment for the locals and boost the District’s economy. When the construction started, many of us were surprised to see a building extending to five instead of the approved three floors. As an officer responsible for the conservation and management of cultural heritage within the town, I reported this matter to the Director of Antiquities. A few days later, although not officially, the Director replied that there was an order from the president’s office [to ignore the change] (Ichumbaki 2015: 230-1).

The continued deterioration of the Fathers’ house in the Roman Catholic Mission area, is another example that illustrates how deterioration of heritage in Bagamoyo arises from a lack of intervention by mandated authorities. Built in 1873, The Fathers’ house is one of the few buildings built as a residential house after the Holly Ghost Fathers settled in Bagamoyo from Zanzibar during the 1860s. This building served a residential purpose until the late 1970s when most church activities moved from Bagamoyo to Morogoro. Because it was not being used and because the Government of Tanzania needed housing for the Agency for Development of Education Management (ADEM), the building was considered ideal to serve as infrastructure for training facilities. The ADEM claims to have purchased this building and its nearby land in 1985, but the Church disputes this claim. This dispute has been in court since early 2000. Because of the court case, nothing has been done to conserve this historic building and it continues to deteriorate and collapse. With mandates to protect the heritage, the Department of Antiquities should intervene, using the law to require that the building be renovated as the court issue continues. Given that this key historic building meets more than the 100-year age requirement, the lack of action by the DoA is yet another indication that the agency will not engage its mission to protect heritage.
Dar es Salaam City

Dar es Salaam is the oldest and most populous city in Tanzania, with about 8 million people. The City is said to have grown out of the small fishing village of Mzizima and that Sultan Sayyid Majid of Zanzibar was behind its establishment in the early 1860s (Schotsman 2003). According to Sutton (1970), the first major building was the Sultan’s palace built in 1860. The Sultan’s palace was followed by many other buildings including the White Father’s House, Old Boma, Custom House, and many others that were built during Germany Colonial rule (Mturi 1982; Brennan and Burton 2007). Since then, the city has grown more rapidly than any other area of Tanzania. It is now a focal point for government activities as well as a hub for the country’s economy. Dar es Salaam hosts manufacturing industries, trade, and other engines of social economic development. Present-day Dar es Salaam city covers about 1,800 km². The area with buildings and other infrastructure that qualify as heritage under the 1964 Antiquities Act is 210 km² (Lwoga and Mabulla 2013).

City expansion and growth continue to occur at the expense of important heritage. In the 1970s and 1980s, several buildings were ignored, abandoned, and threatened (Mturi 1982), among them significant buildings that started to be demolished beginning in the mid-1990s (Moon 2009; Lwoga and Mabulla 2013). To save some of this patrimony, the Department of Antiquities in 1995, then housed in the Ministry of Education and Culture, surveyed and inventoried buildings considered to be of historical, architectural and aesthetic importance. In addition, to documenting 28 historic buildings, 5 gardens, and 1 conservation area, this initiative developed guidelines to be followed in advance of any activities that might impact heritage assets.

On 8th September 1995, the DoA published the guidelines through the Government (of Tanzania) Notice (GN) number 498. These guidelines were not followed. Along historic streets such as Samora Avenue and India Street, construction began on skyscrapers at the expense of historic buildings (Figure 4). The DoA declared through Government Notice No. 135 of 22nd September 2006, that 110 buildings were protected. Yet, in 2007, Notice 135 was revoked on the grounds that it contradicted other laws that protected buildings located within economically important zones (Lwoga and Mabulla 2013). The repeal of Notice No. 135 by court order resulted in the demolition of McGeorge House (Salamander). McGeorge House on Samora Avenue (the primary, central Avenue of Dar es Salaam) was built in 1898
and served as the German Officer’s mess. It remained a government property until 2006 when it was sold to a private investor who planned to erect a 22-storey building. The DoA applied for a court injunction to arrest demolition of the building, certainly a case which shows the DoA representing heritage interests—the apex of its advocacy.

Figure 4: The Old Boma in Dar es Salaam, saved decades ago when threatened, now it is compromised by contiguous high-rises. (Photo: Chiku Said).
This legal action, taken under Antiquities law, was dismissed on grounds that Notice No. 135 on behalf of historic buildings including McGeorge House was done without consulting the Ministry of Lands, as per legal requirements. The court dismissal drew on a technicality, the need for prior consultation with Lands, that was superseded by governing antiquities law protecting this and other similar historical buildings in Tanzania, regardless of Notice 135 that simply specified protected heritage under the law. This decision undermined the authority and legitimacy of the DoA and may well mark the moment that this agency and its agents institutionalized a hands-off attitude—already on display at Pangani, Kunduchi, and Bagamoyo—accepting that passively standing by and watching heritage crises without action is a “safer” way to proceed. The knockdown of the DoA by a court action was clearly wrong under law but its impact seems to have created a deep reluctance within the agency to champion, advocate, and act when heritage is threatened. Antiquities officials who followed their legal and socially responsibilities in defending heritage suffered through a period of trauma and offense caused by a serious misreading and official denial of their legal and moral responsibilities. Added to this was an active avoidance, if not hostility to community approaches in the Division of Wildlife—a policy that appears to have been taken up by Antiquities.

The humiliation of the DoA helps us to understand their consistent actions later. While we may recognize the agency’s once-important advocacy and their important contribution to heritage preservation, we must also recognize that the DoA has failed to initiate a process that would harmonize contradictory laws falling under the jurisdiction of various government agencies. For example, Section 5(1a) of the Antiquities Act prohibits any person without the permission of the Director of Antiquities to destroy, injure, deface, make any alteration, addition or repair; Local Government (Urban Authority) Act of 1983 (2002 Revisions) and Local Government (District Authority) Act of 1984 (2002 Revisions) give mandates to local authorities to make by-laws, and perform functions related to heritage management or mismanagement (access, repair, fence, demolish, etc.). Using these two acts, local authorities have the power to, and indeed do, demolish historic buildings that seem unfit for human habitation (Ichumbaki 2016). As stipulated in Section 122(4) (8) of the Local Government (District Authority) Act of 1984, revised edition of 2002, the District Council has powers to:

...prohibit, restrict or regulate the construction, alteration, alignment and elevation of all buildings and other structures and of parts thereof, and compel the demolition, removal,
repair or rendering safe of any building, structure or part thereof which, in the opinion of the authority is dangerous or unfit for occupation for structural or sanitary reasons or which otherwise constitutes a nuisance and for the, doing of any such work as aforesaid at the cost of the owner or occupier and for recovering such costs.

Unfortunately, these powers may be implemented without consulting the DoA. It is through such Acts that contradict the principal Antiquities Act (1964) and its amended Act (1979) under which important historical buildings in Dar es Salaam and other regions in Tanzania continue to be demolished. Regrettably, the DoA has not taken initiatives to enact a new law to harmonize existing but contradictory laws. Thus, new construction of high-rises continues in urban authorities and at the expense of historic buildings.

Katuruka and the Rugomora Mahe Site

The next case study illustrates the effective application of disengagement and valorization of private control over heritage in Tanzania. Under such conditions, hope for inclusive heritage policies continues to wane and signal that other issues such as corruption and private influence may be an important focus for examination. For years virtually every archaeologist trained by the University of Dar es Salaam knew of the importance of the Rugomora Mahe (RM) site in Katuruka, Bukoba (see Tree of Iron 1988; Schmidt 1978, 2006). Known for the deep antiquity of iron working, its significance as a major sacred site, and its association with ancient and detailed oral traditions about its history, the RM site experienced significant modifications and manipulations before and since it came to public and scholarly attention in the late 1970s (Schmidt 1978, 2010). The history of its appropriation from the commons into private ownership by illegal means goes back to the early 1960s when the spiritual caretaker of this ritual center abandoned the site for reasons of poor health and significant political changes (Schmidt 2017).

These events occurred during a time of political disruption when local chief and kings were stripped of their authority in 1963. The burial estate of this 17th century king (also the locale of an ancient iron forge tied to oral traditions as well as a sacred shrine) were seized in the early 1960s by the local mukama or king. Upon the departure of its legitimate ritual occupant, the king dispatched one of his wives to be the “owner.” He would have been very conscious that his actions violated ancient taboos
that prevented his association with the site (Schmidt 2017), and moreover as a sacred heritage site it was an integral part of the commons (Cory and Hartnoll 1945:159-61).

Thus, King D. Rugomora of Bukara initiated an illegal land grab that violated the heritage values of the time. Acting with clear knowledge of prohibitions and knowingly violating land tenure rules, he shrewdly took advantage of its abandonment at a chaotic political moment and thereby negated any sense of commons ownership and values long codified in the cultural practice (Cory and Hartnoll 1945). The king’s seizure of another, neighboring burial estate and sacred site associated with the embandwa (spirit medium) of Prince Bwogi (an historical figure) parallels that of the RM site in Katuruka. In the case of the Bwogi estate, a knowledgeable and involved descendant challenged the illegal confiscation of his ancestral land in a decades-long court case that was finally adjudicated in his favor (Mushumbusi 2010). It was found to violate traditional law (inappropriate confiscation of a sacred site) under a false nyarubanja claim (an estate held by an elite landowner).

The consequences of appropriation at the burial estate of Rugomora Mahe were different; there was no descendant to mount a challenge. With the departure of the ritual officiant and her death shortly after, the reigning king of neighboring Kihanja Kingdom failed to appoint a successor to the traditional ritual office (Schmidt 2017). Significant change induced by Christianity had eroded values regarding the efficacy of spiritual offices. A national government hostile toward any individual considered a “king” (as this female spiritual leader was called) opened the door to a private appropriation of land considered commons under traditional law. The local appropriator was illegitimate, and the families linked to the site for generations were excluded from its use until recently, and then only on a temporary basis.

This short background about the tumultuous transition in religious and political life sets the scene for a contemporary contest over rights to govern and represent the heritage of this nationally significant heritage site once valued as part of a traditional heritage commons that stretched across the entire culture area. The meanings of the Katuruka heritage site are deeply embedded in the heritage practices that ensure that dead kings live on, that they join the present as snakes that are cared for and interact with the female ritual officials ruling burial sites and their surrounding territories. In these numerous historical locales, new moon rituals were conducted to renew the vitality of the kingdoms and to ensure
the fertility of their populations, metaphorically expressed by the ancient king/snake mating with his female counterpart—a reproductive trope that had culture-wide meaning across political boundaries.

In the center of each burial estate was a *Buchwankwanzi* house where the king once met his spirit mediums and advisors (Figure 5 below). After his death it became a sacred shrine with his jawbone, drum, spears, and other royal regalia curated and used for ritual purposes over generations, sometimes for hundreds of years. Scores of similar shrines with the regalia of dead kings, princes, and others of note are found in all the kingdoms of Buhaya. The materiality of these places and their associated ritual performances ensured deep social memories about the sites’ histories over time.

![Figure 5: A reconstructed Buchwakwanzi house in the burial estate of King Rugomora Mahe, a place revered and held in common by the community in the past. (Photo: P.R. Schmidt).](image)

This fishnet-like network of like heritage locales with common values was once revered and meticulously cared for by commoners and elite alike across the Haya landscape. It had prescribed rules and ritual performances that affirmed curatorial values applied to ancient regalia. With rapid culture change,
however, only two *Buchwankwanzi* remain—testimony to the disappearance of once vital principles that governed this heritage commons.

Starting in 2008, a local group of elders embarked on a journey to preserve and represent the RM site in Katuruka. Their motivations were complex, touching on economic development, local job growth, education, and revitalization of heritage values (Schmidt 2010, 2017). As witnesses to the devastation caused by HIV/AIDS among their age group, they became alarmed that with the death of knowledge-keepers they were faced with an extinction of heritage knowledge in their community (Schmidt 2010, 2014, 2017). Among those elders was a senior member of the royal clan of Bukara—one of the children of the king’s wife who was given the estate to use. Aware of the site’s importance to broader Haya history and local identity, he vigorously supported the elders’ attempts to restore and reclaim this heritage; he helped to promulgate, along with his two sisters’ collaboration, a 99-year lease for heritage governance and development in the face of long-term failures of the DoA to nominate the site as a national monument and to govern it as part of a national heritage commons.

Hovering offstage, however, were the two sisters who immediately after the death of their brother filed suit against the village NGO managing the site, trying to void a valid lease (Schmidt 2017). Meant to intimidate and harass the local committee of elders, the suit destroyed the project’s momentum toward sustainability, deflated local participants, and threatened the principle of local governance of heritage under traditional values of the commons. The open expression of greed and private interests over the heritage values enshrined in the site and in Tanzania law deflated participants. Even more disquieting was the involvement of state representatives in Antiquities whose lack of response to local stewards ensured the status quo. When the local committee appealed to Antiquities officials to intercede and protect the site from fraudulent legal maneuvers, the agency sent a small delegation to interview the chief protagonist, committee members, and local officials. During this visit and subsequently, their representatives were subjected to lies and misinformation provided by one litigating sister who had taken up residence on the land—trying to lay claim by physical possession. Her motivation was to gain control over what she saw as a cash-cow, with no awareness that the local, legitimate managers suffered from continuous financial short-falls that were accelerated by the nuisance suit.
Though the state investigators knew without question that the suit lacked merit, they did not act on a claim of private ownership that violated traditional law, contravened Tanzania law on nyarubanja land tenure, violated Tanzania law affirming heritage ownership to the state, denigrated Tanzanian heritage, and was motivated by greed underwritten by lies. Requests to the DoA from Kagera Region authorities to resolve the case went unanswered; state authorities failed to act. The matter came to a head in early 2016, when one of us requested the Director of Antiquities to step in to solve the issue. His response was to call a meeting in Dar es Salaam—not locally—where staff members outnumbered other representatives from the University of Dar es Salaam and the National Museum of Tanzania. Both of us attended but learned in that meeting that the DoA was not prepared to defend the heritage interests of Tanzania and to innovate policies that would link local managers and stewards with the national mission.

As discussions unfolded and representatives from the University of Dar es Salaam pressed the DoA staff about why nothing had been done to nominate a major site as a national monument and to prevent an invalid ownership claim and harassment, it became clear that there was significant reluctance to use heritage law or act on the principles enshrined therein. Rather than invoke law where it was applicable, staff announced that they feared lawsuits against the state if the state acquired ownership through legal means to preserve the integrity of heritage (Schmidt, field notes 2016). They preferred to negotiate with local owners to resolve disputes over ownership rights.

There was no disagreement over a negotiated approach, but it was also noted that it had not been employed, and that the state should not withhold its advocacy and legal power to seek a successful resolution that favored common interests and the rights and knowledge of the local stewards. When asked what they would do in the case of the litigious sister, they assured their visitors that they would commence negotiations with her to make certain that the site remained in control of the local committee as well as guaranteeing to start the nomination process.

Since the meeting four years ago, no action has been taken by the DoA. Queries have gone unanswered. In the meantime, the land court found in favor of the village elders after four years of litigation. Within one year, the principal sister began to build her own traditional house contiguous to the boundaries of heritage land under lease. This and other blatant encroachments were followed by another suit in 2017.
in the High Court of Tanzania, challenging the findings of the district land court and adding to the discouragement and financial hardship of the local heritage managers. Antiquities have remained silent and inactive in the face of challenges to a heritage project that draws deeply from the indigenous heritage philosophy of commons and curation of the past.

**Final Thoughts**

Recent Antiquities disengagements result from informal policies that have evolved over the last several decades from the time that the DoA in 1998 joined the Wildlife Division in the Ministry of Natural Resources and Tourism. We now understand that the disengagement of the DoA from community interests in Pangani in the early 2000s as well as other locales where local voices were ignored is influenced by a pervasive philosophy within a ministry that hosts the Division of Wildlife, known to eschew community participation and engagement. More problematic, this official position of disengagement sets a dangerous precedent for those who envision a different approach to heritage, one that draws on indigenous ideas of governance while also trying to link individual heritage management efforts into a coherent country-wide heritage commons approach where power is shared by both state and community parties. The future does not look hopeful with such a deeply entrenched, inert, and uninvolved heritage bureaucracy.

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