

JAHAZI

Culture
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Vol 10 Issue 3, 2022



Land Governance, Culture
and Heritage



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Vol 10 Issue 3, 2022

Land Governance, Culture and Heritage

CONTENT

From the Editor.....	4
From the Publisher.....	6
Reality or a Pipe Dream?: Securing Women Rights in Community Land Registration in Kenya.....	8
Angela Nyanchama & Eileen Wakesho	
Land and Spirituality in the African Socio-Cultural Context.....	21
Mary Getui	
On Cultivating African Architecture for the Africa We Need.....	27
Patrick Kabanda	
Reclaiming and Upholding Sacredness of Places, Objects and Personnel: A Case of the Agikuyu of Nyandarua, Kenya.....	52
Sr. Elizabeth W. Wanyoike, ESM	
Discriminatory cultural practices inhibiting youth and women access to family land among the Ndali: Insights from local leaders in Ileje District.....	64
Fredrick B. Magina & Agnes N. Mwasumbi	
Land and culture as symbols of remembrance, ancestry, rituals and initiations: The case of Kihamba, Kyungu and Kifunyi among the Chagga of Kilimanjaro, Tanzania.....	82
Valence Valerian Meriki Silayo	

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This Journal is the result of an initiative by Twaweza Communications -Nairobi and founding Editor Bantu Mwaura to encourage dialogue between academicians and art practitioners. The space is used to capture practical experiences in arts, culture and performance in Kenya and the East Africa region, and suggest the theoretical and policy directions. Views expressed in this Journal are the authors' and do not represent the position of the Publisher or that of African Land Policy Centre.

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From the Editor

Land has always been an issue close to the hearts and souls of our people, and not just in an amorphous or ambiguous way, even though ambiguities around land are also a present feature.

For many, land in the first instance connotes belonging and a feeling of 'home'. We are born attached in terms of identity, ethnicity and family, to land. We build our homes upon land, and when we die, we are buried on land – what some call 'ancestral land'. Land means belonging, an attachment that is both ephemeral and enduring to a place that has deep anchors on our identities and being. These anchors on our identities and being, are tied to practices, beliefs, rituals and rites that go back eons, to a past somewhat suppressed by colonialism and slavery. In this issue of Jahazi, we come across papers that demonstrate this fact, that land was tied to kingdoms, chiefdoms and systems that made a people, a people.

It is through land where we anchor our cultures and customs, and interact with our ecosystems. The land is where we build spiritual shrines, get medications for different ailments, and materials for the equipment, artefacts, machinery and technology we have always used as a people.

Land is also the site upon which discriminatory practices are built upon, based on ownership – for land is precious, not just on the continent, but worldwide. It is the aspiration of many to own land, which, as stated here, is akin to denoting home, belonging, and increasingly, ascension up the economic ladder. In most of Africa, land ownership is a highly aspirational goal for most who wish to, and indeed, purchase land in order to build homes, leave an inheritance for their children, and even use it as collateral to acquire wealth in the form of bank loans for business and other ventures. Land is therefore highly regarded, and of course, the clamour for land has led to a high level of inequalities and discrimination.

At the communal level, we have articles in this Journal, specifically the Nyanchama-Wakesho and Mwagina-Mwasumbi articles that examine in-depthways in which women and the young are systematically excluded from land access and ownership, rendering their states as precarious and transient. For women especially, the expectation that a husband would 'take care' of her means she is excluded from inheriting any land from her father, and in turn, are also excluded from inheriting or accessing any land via their husbands, who in many cases also prefer to keep their own land within their families. Here, we see how blood ties are loose and disenfranchising to women overall, the very same blood ties that are meant to offer her succour, belonging, and safety.

If land is also a marker of the spiritual as the articles by Mary Getui and Valerian Silayo strongly suggest, and women are excluded in large part from accessing these lands, then they are also in many ways cut off from the spiritual, as women. This fact alone has many implications on the

general well-being of communities, for it is the women who were closest to the spiritual in many African societies. Valerian Silayo argues in his paper that phenomena occurring on land are "... both symbols and means of identity creation in which social relations between ancestors, the living and even the environment are constructed and prosper." To exclude, or restrict women from these integral processes has serious implications and consequences for the communities at large.

But it is not all doom and gloom. The papers in this Issue show that there is concerted effort by many African governments to legislate equality and equity in land ownership so that women and youth are included, in practice, in accessing and owning land. The challenge continues to lie in the practical implementation of these progressive laws across the board.

This Issue is therefore an ongoing conversation on land, about how it is accessed, how it is owned, and what land means in a general and more specific sense to people, be it culturally, politically, or economically.

Four of the papers in this Issue will have appeared in the African Journal on Land Policy and Geospatial Sciences (AJLP&GS) Vol 5 Issue 4 as appears on the AJLP&GS website here (<https://revues.imist.ma/index.php/AJLP-GS/issue/view/1658/showToc>). The paper by Angela Nyanchama and Eileen Wakesho has appeared in AJLP &GS Vol.5 Issue 2, March 2022. We acknowledge AJLP &GS as having published these papers in their earlier versions. We are republishing them through a partnership because of the cultural dimension of land and to increase awareness of land issues in the creative sector. We thank Prof Moha El- Eyachi, Editor of AJLP&GS and Dr. Joan Kagwanja, Coordinator of the African Land Policy Centre, for their tireless efforts towards this.



From the Publisher

This issue of Jahazi is a product of a partnership with the African Journal of Land Policy and Geospatial Sciences (AJLP & GS) which is published at the Institut Agronomique et Vétérinaire Hassan II, Morocco, under the leadership of Professor El-ayachi Moha. AJLP&GS publishes articles on different aspects of land and its resources in Africa to increase knowledge about the subject by sharing research findings while simultaneously exploring emerging areas of land governance on the continent. The Journal is a product of the Network of Excellence on Land Governance in Africa (NELGA) which is a programme of the African Land Policy Centre (ALPC), a joint initiative of the African Union Commission, the United Nations Economic Commission for Africa, and the African Development Bank.

The collaboration was inspired by the 2021 conference on Land Policy in Africa (CLPA) in which this publisher participated. The goal of the biennial conference is to enhance the capacity of land stakeholders through knowledge sharing on policy, research, practices around land, and protection of land rights, among other areas of interest. The 2021 conference was held under the theme: “Land governance for safeguarding art, culture and heritage towards the Africa We Want.” It integrated creative and scientific approaches to land governance with artists performing and discussing alongside researchers, policy makers and academicians. This intersection was of particular interest to this publisher who remains committed to bridging the gap between spheres of knowledge, policy and practice and hence the decision to carry versions of some of the conference papers. Towards the end of the meeting, it was quite evident that good land governance practices in Africa must integrate culture and heritage at all levels – from conceptualization through formulation, development, implementation and evaluation. Equally, it is fitting that practitioners in the cultural and creative sectors pay attention to land governance because of its bearing on how culture, heritage, and community rights are safeguarded and promoted.

Culture and heritage are mainly created and expressed on land and its resource sectors including in agriculture, forestry, mining and tourism. Across Africa land is a source of livelihoods and provides opportunities for social and economic growth. But it is also an avenue for the expressions of social status, cultural identity, and spirituality. It embodies community life and connects the past, present and future. Like art, it carries intrinsic and extrinsic value.

The African Union Declaration on Land Issues and Challenges in Africa adopted in 2009 commits member states to “prioritize, initiate and lead land policy development and implementation processes”. In doing so, African states ought to consider the rights of communities, their lifestyles, heritage, cultural and artistic expressions, and histories. By injecting a cultural dimension to land

governance, we can have more sustainable food systems, thriving communities, responsible urban development and inclusive land-based investments underpinned by social justice. A close reading of the African Union Plan of Action on Cultural and Creative Industries which is an improvement of the 1992 Dakar Plan of Action on Action; the African Union Model Law on Protection of Cultural Property and Heritage; the Charter of African Cultural Renaissance (2006); and the African Union Agenda 2063 shows that they all point to the critical role that culture and arts can play in the socioeconomic development of the continent. Paying attention to the intersection of culture, heritage and land governance would be a good place to start.

Land tenure in Africa is complex due to many factors - legal pluralism occasioned by colonialism; land related conflicts; lack of access to land by women and youth; climate change; and the rapidly rising population growth. These factors require creative ways of navigating land governance. To this end, practitioners in culture, the arts, and creative industries ought to play their role in building inclusive and sustainable societies. They can actively demand for a curriculum that serves the African continent better and build knowledge about trends in land use practices, the role of technology in enhancing food security, ecotourism, smallholder farming, value addition in agriculture, heritage and the built environment, waste management, and creative spaces in communities. Artists celebrate land and its resources in their works. They can do even more by advocating for land governance policies that create cultural and social spaces for the imagination to thrive, protect historical sites, and secure areas for artistic expression through, for example, zoning dedicated spaces.

Given the complexity of land issues in the continent, conflicts over access to land and natural resources are common and are likely to increase on account of the vagaries of climate change. It is possible that by drawing on indigenous knowledge systems, communities can mitigate these conflicts through alternative dispute resolutions. Culturally sensitive conflict resolution processes – anchored in social justice - can maintain and restore social balance and contribute to stabilized co-existence of communities. This is not to suggest that cultural institutions and practices are not problematic. They have internal challenges and contradictions that can be resolved through deeper reflection, dialogue and utilisation of international instruments.

Reality or a Pipe Dream?: Securing Women Rights in Community Land Registration in Kenya¹

Angela Nyanchama & Eileen Wakesho

KEY TERMS AND DEFINITIONS

Affirmative action: Includes any measures designed to overcome or ameliorate an inequity or the systemic denial or infringement of a right or fundamental freedom.

Community Land: Land that is lawfully held, managed or used by specific communities as community forests, grazing areas or shrines; ancestral lands and lands traditionally occupied by hunter-gatherer communities; lawfully held as trust land by the county governments, but not including any public land held in trust by the county government.

Equality and freedom from discrimination: Every person before the law has the right to equal protection and equal benefit to law that includes the full and equal enjoyment of all rights and fundamental freedoms both women and men on opportunities: political, economic, cultural and social. Not discriminate, directly or indirectly on any ground, including race, sex, pregnancy, marital status, health, ethnic or social origin, colour, age, disability, religion, conscience, belief, culture, dress, language or birth.

Registration: Is bringing of an interest in land or lease under the provisions of the Act and includes making of an entry, note or record in the land register.

INTRODUCTION

Land remains a crucial factor of production. Besides labour and capital, land is critical to economic, social, political and cultural development. Secure access to land, sustainable land use planning and equitable distribution of land remain important for food and nutrition, security, employment, growth of industries, attraction of foreign exchange earnings and generally the socio-economic development of the country. Colonial misrule in Kenya is responsible for the continued unequal distribution of natural resources often to the detriment of indigenous communities (ACHPR, 2012).

1. A Version of this paper was originally published in African Journal on Land Policy and Geospatial Sciences : Vol 5, No 2: March 2022

To address these inequalities, land reforms became an urgent need. The Community Land Act, 2016 was enacted to provide a framework for recognition and registration of community land rights in Kenya. The exact size of community lands is in contention, however, estimates point to about 60% of all the land mass in Kenya. These lands are home to most indigenous communities who wholly depend upon access and rights to their traditional land and resources for their lives and livelihoods. The recognition of community land rights is therefore pivotal for the protection of property rights, cultural rights and religious rights of indigenous communities in Kenya. Customary land rights are property interests, deserving the same protection granted to non-customary entitlements.

Efforts to protect community lands are not immune to the notion that in law and in practice, systems of land management privilege male access and perpetuate inequality. Besides, people's relationships to land among communities transform to informal rules that guide people in how they relate to land and land-based resources. Nyamu (2006) confirms that indeed these informal rules and expectations become the immediate points of reference in people's land relations, more often than not, relegating formal laws and institutions to a marginal role or modifying them to suit the reality of their lives. The legal frameworks recognize and provide the basis for recognition and registration for women in most African countries.

Much of the contribution can be attributed to regional frameworks including the African Union (AU) Declaration on Land Issues and Challenges in Africa. Integration of international and regional frameworks that underpin action to prevent discrimination against women have been crucial as they aim at improving enforcement of laws by developing gender equitable regulations, procedures and strategies for implementation. Article 2(6) of the Constitution of Kenya, 2010 acknowledges these frameworks as it provides that any treaty or convention ratified by Kenya shall form part of the law of Kenya. They serve as best practices and recognize the importance to development and the right of access to land for gender equity.

Approximately 51% (Census in Kenya 2019) of the population in Kenya is female, thus their ability to make decisions about proceeds, the ability to control and own the land and properties on land for themselves and their families is crucial. The Constitution of Kenya, 2010 and successive land-related laws echo the need to secure tenure rights for women and men. The practicalities of this quest for women living on customary lands is still a pipe dream.

To succeed in the efforts to secure tenure rights for all, customary law should be harmonized with the constitutional value of equality, which, as some scholars argue, is valuable in directing debate away from the binary tension of “good” modern law and “bad” tradition (Assume Lyn, 2014).

While deconstructing De Soto’s narrative on titling, Nyamu’s (2006) argument that the casual link between titling and secure land rights ignores the fact that title spells both security and insecurity. In the context of recognition and registration of community lands in Kenya, the question we must unpack is: Security or insecurity for whom — women or men? Rugadya (2020) attempted to respond to this question. She argues that intentionally or unintentionally, titling is unable to uphold favourable pre-existing claims and “rights” of women on customary tenure that are already socially recognized by traditional norms. She further mentions that these existing rights are often lost, modified or erased as customary tenure gains formality. The dichotomy of “good formal law” and “bad customary law” is clearly incomplete: it fails to appreciate the possibility of good in customary law.

CONTRIBUTION OF LITERATURE

Recent efforts towards recognition and registration of community lands have seen researchers debunk development narratives that presume a direct link between formalization of land rights and or titling and security of tenure. In many countries, low incidence of joint registration, coupled with the established practice of registering land in the name of the “head of household” has meant that formalization weakens women’s claims to family property (Nyamu, 2006). While referring to individual land registration, Nyamu’s fears of weakening women’s claim on family land is a possibility in community land registration in Kenya.

This contribution grapples with the question of securing women’s rights in the context of community land registration in Kenya through a discussion of three distinct yet interrelated issues. First, by unpacking the concept of membership and how that determines the inherent rights for women and men. Membership is discussed from a point of existing legal frameworks and social constructions. Second, the paper critiques the notion that women automatically gain from community land registration processes, arguing that the process is limited by a set of assumptions including the nature of social relations. The paper assesses current debates in the literature

Recent efforts towards recognition and registration of community lands have seen researchers debunk development narratives that presume a direct link between formalization of land rights

regarding the efficacy of customary land registration in protecting women's rights to land.

Last, the paper argues that formalization of community lands may not cure existing inequalities among women and men in land ownership, instead it may further exacerbate those inequalities. Strengthening local land governance, shifting "real" power and going beyond "formal" registration to socially recognized processes offers a more promising pathway to secure tenure rights for women. The paper is a proponent of a shift from the simplistic and overemphasis on the concept of ownership to a focus on control. "Ownership asks who owns the land?" while control focuses on "who has what rights in the land"

METHODS

To understand the complex and multi-layered relationship between women, land and communities, we used systematic review and collected existing evidence on women's land rights within collectives through literature review. Systematic reviews can be used to inform decision making in many different disciplines, such as evidence-based healthcare and evidence-based policy and practice. In this case, we focus on systemic review to inform policy and practice on community land registration.

WOMEN AND COMMUNITY LAND RIGHTS

LAW AND POLICIES

Securing women's land rights is anchored in global, regional and national laws, policies and frameworks. International Legal Policies lay out a clear foundation for women's rights to land and other productive resources. Despite the efforts of AU and the spirit of Agenda 2063, social, economic and political spheres are still disadvantaged. Work remains to be done to ensure that women in Africa can acquire, access and control their rights to land and property. Various countries have explicitly taken measures to recognize these rights to land and property to promote the enforcement required to realize full achievements.

For example, the Universal Declaration of Human Rights provides that all human beings are born free and equal in dignity and rights and sets the principle of non-discrimination to include the enjoyment of rights among other rights. The UN Convention on the Elimination of all forms of Discrimination against Women emphasizes the need for women to have access to agricultural finances marketing facilities, appropriate technology and equal treatment in land. At

the regional level, AU is committed to attaining gender equality and women's empowerment as a critical goal and strategy in the realization of Agenda 2063.

It recognizes that gender equality is a fundamental human right and an integral part of regional integration, economic growth and social development and has developed the AU strategy for Gender Equality and Women's Empowerment to ensure the inclusion of women in Africa's development agenda. Further, the AU Declaration on Land Issues and Challenges in Africa urges Member States to review their land sectors and develop comprehensive policies taking into account their peculiar needs. Peculiar needs include, but are not limited to indigenous and community land rights.

In 2015, the AU Specialized Technical Committee on Agriculture and Rural Development, Water and Environment adopted a recommendation aimed at facilitating women's economic empowerment. It provided that Member States move toward allocation of 30% of land to women through legislative and other mechanisms. Agenda 2063 envisages a non-sexist Africa, an Africa where girls and boys can reach their full potential. Aspiration 6 of Agenda 2063 envisions an Africa whose development is people-driven, especially relying on the potential offered by its women and youth. It aspires for a continent in which all forms of violence and discrimination against women have been eliminated thus allowing them to enjoy fully all their human rights by 2063.

Agenda 2063 emphasizes implementation of commitments to promote respect for human rights, land rights, gender equality, and environmental sustainability and related areas. Women's land and property rights could be greatly improved if all AU member countries implement the existing commitments. These instruments mainstream gender equities and equalities and their application is upheld by Article 2(5) of the Constitution of Kenya. Ratification of International Legal Policies defines a footing to their application as they lay out a clear foundation for women's rights to land and natural resources. This means that there is no need for national legislation to domesticate all provisions of international instruments that the country signs up to, but rather, their endorsement provides compliance.

It acknowledges that they guarantee women's equal rights over land by providing that general rules of international law shall form part of the Law of Kenya. At the national level, the National Land

Policy, 2009 sets out land policy principles to include equitable access, intra- and inter-generational equity, gender equity, secure land rights, effective regulation of land development, sustainable land use, and access to land information. The policy further sets principles to be upheld by the Constitution including: participation of the citizenry in decision-making processes in land matters; security of legitimate rights to land; equitable access to land in the interests of social justice; resolution of genuine historical and current land injustices; and protection of human rights for all, especially the rights of minorities with respect to access to and ownership of land.

Despite the progressive legal frameworks, Kenyan women's rights to land continue to lag behind due to poor implementation and enforcement of the laws,

Giving effect to Article 63 of the Constitution of Kenya, Parliament enacted the Community Land Act, 2016 providing for recognition, protection and registration of community land rights. Thus finally providing the space to promote and guard the actualization of the community customary rights to land. In the law it is referred to as rights conferred by or derived from African customary law, customs or practices. It introduces customary landholding in as much as the law also appreciates freehold and leasehold holdings. However, there exist substantial gaps between formal land laws and the reality on the ground.

Despite the progressive legal frameworks, Kenyan women's rights to land continue to lag behind due to poor implementation and enforcement of the laws, especially those addressing retrogressive customary practices. Fortunately, Article 2(4) of the Constitution of Kenya has mitigated the issue of customary discriminatory clauses by providing a criterion of applying customary laws. It provides that application of customary law shall only be allowed as long as it is not inconsistent with the Constitution. It further upholds this through defining the major principles of non-discrimination under Article 27 of the Constitution of Kenya and reiterates that every person has the right to equal protection and benefits under the law.

It appreciates the conflicted measures but also provides the situation for accommodating the application of customary law. Therefore, Community Land Law provides an opportunity to reconcile the legal framework with socio-cultural norms. The Act also provides for the management and administration of community land and repeals the Land (Group Representatives) Act (Chapter 287 of the Laws of Kenya) and the Trust Lands Act (Chapter 288 of the Laws of Kenya). These repealed laws are critical in unpacking the concept of membership, informed by the past.

WOMEN'S LAND RIGHTS: A SYSTEMIC REVIEW

IN OR OUT: UNDERSTANDING COMMUNITY LAND MEMBERSHIP

The process of formalization of community tenure rights starts with a community member organizing members and registering as a community. Outlining the prominence of a Membership Register may provide a platform to protect each and every member of the community as it delineates who can access and use the land and natural resources within. The register defines the members of the registered community. This provides the basis of inclusiveness, ensuring that all eligible members are identified and recorded. It legitimizes the validity of existing customary rights of occupancy confirming equal treatment for women and men in all land dealings.

The Community Land Regulation affirms that membership includes all members of the Community Land in having user and access rights. It defines that membership is to consist of: members whose names are in register upon registration; new members born and married in the community; or those who inherit interests from a in the register. Also, members from decisions of Community Land Management committees agreed upon at a Community Assembly and those identified through a court decision. The definition of membership ensures participation of minorities including women, youth, and persons with disability. This guarantees their rights and obligations, thus safeguarding the user and access rights on the Community Land. The definition appreciates the diversity in membership of women and acknowledges the different social categories that determine and influence the ability to enjoy their land rights. Although, this step negates the existence of communities before the formalization process, thus requiring them to “form” and register communities afresh, who then register their land claim.

This construction is problematic; it dismisses rights among women and men that existed in the presumed “community” before the registration. Rugadya (2020) expressed scepticism with such processes, as they formalize inequity in land rights by creating new rights for men at the expense of women, by worsening existing vulnerabilities of and creating “new additional conditions” that intensify the loss of rights for women, hence deteriorating tenure relations that previously held limited favour for women on customary tenure. A previous attempt to formalize indigenous and community land rights in Kenya under the repealed Group Land Representative Act, saw many group ranches exclude women in the group ranch registers.

In most of these communities, before formalization to group ranches, social relations had user and control rights that allowed women to use land and, in some cases, control the proceeds from the land. Group ranches were notorious for excluding women in their membership, with only widows and a few elite women finding their way into the community register (Wakesho, 2020) With registration under the repealed law, many women were not included in the register and the rights of exclusion were given to men fully and officially. With progressive gender specific legislations, there is a likelihood of more inclusion of women as members of communities. However, the reality of exclusion of some categories of women that have weak systems of legal enforcement of rights continues. When that happens, the violation continues, notwithstanding the gender specific laws. Membership gives women the rights to vote and influence key decisions on how their land is governed. It also means that women can be elected to the Community Land Management Committee, a local land management structure that makes decisions with approval of the larger community.

Members of the Community Assembly dictate who appears in the Community Register who has the legitimacy to make decisions on the registered community land. The law has defined Community Assembly as a gathering of registered adult members of a community, members who are to be in the register which includes women. The bylaws specify the details to be included in the register; of significance is the enumeration of members of the registered community.

The law requires that each decision made by the Community Assembly has to be validated by two-thirds of the entire membership of the Assembly, which equates to 67%. The Community Assembly members are crucial in the decision-making process as they determine decisions on disposition of the registered Community Land. The identification of the Community Assembly is controlled by the register which contains the membership of the entire registered community and defines those entitled in ensuring accountability, transparency and effective participation. This is because every member of the Community Assembly is entitled and expected to attend, speak, to be heard and to vote at all times in all decision-making processes on Community Land. Therefore, the Community Assembly, if established efficiently, provides the opportunity for women's equal participation and subsequent gender equitable land tenure decisions. Community members approve community

laws that then guide how the different groups — women and men — relate to land. Correcting mistakes of exclusion that have been formalized through registration is likely to be elusive, involving court processes and, or other justice systems that may be costly, and inaccessible and adversarial to women. While looking at land titling projects and initiatives for customary and community tenure systems in Uganda, Rugadya (2020) concludes that of all the pilot projects, titling did not deliver any major improvements for women's land rights to customary tenure.

All the pilot projects struggled with maintaining a focus on women by describing their roles and responsibilities in land transactions and dispute resolution, but none provided any innovative approach beyond the inclusion of women's names in applications and titles issued.

WOMEN'S SECURE TENURE RIGHTS THROUGH REGISTRATION: A CRITIQUE

Land titles are often used as a proxy for women's land tenure security. But while getting land registered in a woman's name is important, evidence demonstrates that focusing on titling alone — whether individually or at the household level — may not necessarily lead to greater tenure security for women. It can instead do just the opposite (Salcedo-La Viña, 2020). This argument aligns with that of Giovarelli and Scalise (2019) that women's tenure rights must be legally and socially recognized, to mean formally and informally acknowledged. The danger of overemphasis on titles and registration process over-relies on "formal law" and downplays the position of customary and or informal law.

Yet, for many women in Kenya, customary law is that which lives with them, formal law is still distanced. The process of titling as prescribed in the Community Land Act creates new conditions that could limit or modify existing structures that ensured women's rights to land were otherwise safe. Rugadya (2020) insists that land registration may further constrain women's land rights to customary tenure by demanding precise decisions on who is included and how on the titles to be issued, leading to uncomfortable conversations within families and between families. She argues that this results in silencing "problematic" women by silencing dissent or any demand for their rights (Rugadya, 2020.)

It is assumed that explicitly providing for a limitation clause on

access and user rights for the members of the registered community may mitigate the identification of who should be in the register. In addition, this indicates members who are guaranteed equal treatment and accorded equal legal capacity on the registered community land including on rights of occupancy matters. The Community Land Law Section 30 promotes equal benefit of community land by every member thus full and equal enjoyment of rights of use and access. This, if holistically applied, tends to protect women's rights to non-discrimination, maximizing access to land and related resources while minimizing the impact of land disposition and promoting affirmative action initiatives.

A widow remains on her husband's land on condition that she remains single and chaste or is inherited. This goes against the fundamental freedom on the right to human dignity to have the right to freely choose.

It promotes security rights to resources with special attention to the provision of equitable access for women. Article 40 of the Constitution of Kenya stipulates that "every person has the right, either individually or in association with others, to acquire and own property and that the State shall not deprive that right unless provided by law". This is stated to reduce the possibilities of depriving rights to land (Community Land Regulations — Third Schedule paragraph 7) as it provides for cessation of membership factors which are: subject to death, voluntarily relinquishing membership or remarriage after divorce or death to another community.

The limitation clause may be viewed as a blessing in disguise as it has clearly stipulated when women's rights to access and use can be disadvantaged although cessation is a misrepresentation for a woman as it provides instances when they may lose their rights to land. A widow remains on her husband's land on condition that she remains single and chaste or is inherited. This goes against the fundamental freedom on the right to human dignity to have the right to freely choose. The section neither shows equity or equality as, inasmuch as there are progressive laws, women are mostly not allowed to own or inherit property. Moreover, if a woman does decide to leave, she becomes highly vulnerable and consequently may leave empty-handed, denied of her rights by the husband's family or community at large.

In seeking precision and accuracy on how communities define themselves, who is included or excluded under the Community Land Act, the process is likely to shift and, or create new power relations that then alter processes at the family or clan level that guaranteed women's rights instead shifting them to the State. New processes created by the Community Land Act may be user unfriendly to women, more bureaucratic and may result in women

resenting the process and missing out on the registration process.

Land titling processes such as under the Community Land Act, bestow absolute ownership in a community. Community members, women and men with absolute ownership, have a tendency to view the land in question as a commodity and not a common good. This is always at the disadvantage of members, mostly women omitted from the community register or registered by proxy of the head of households. The law emphasizes the place of community assembly, comprising of all community members in approving all decisions of the committees. This is very similar to the repealed Group Land Representatives Act where the Group Representatives were required to convene annual general meetings with a quorum of at least 60% of the registered members to make any decision.

In practice, however, many group ranches went for years or even decades without holding annual general meetings or electing new officials. Decisions were made at the group representative's levels and, in many cases, never subjected to the group members as required by the law. This, in some cases, resulted in sub-division of group ranches into individual holdings within two decades of their formation. Absolute ownership of community lands if unchecked, may result in sale or mortgage of these lands at the expense of women's rights.

CONCLUSION AND RECOMMENDATIONS

Community land registration like any form of formalization of tenure rights has its merits and demerits for women and the community at large. With many Africa countries embracing the path to formalization of indigenous and community land rights, the need for an in-depth analysis of the best or better options to enhance tenure rights for women should be interrogated.

The paper fails to pick a dichotomy of "good" or "bad" in reference to registration of indigenous and community lands in Kenya but makes several recommendations that should hopefully deepen the discourse on securing women's land rights under community land tenure systems through registration.

First, the discourse on women's rights in communal land tenure systems must shift from ownership to control. Interrogating who has what rights in the land is more beneficial than knowing who

owns it. This appreciates that registration of community lands, while including women in the community register, may not necessarily result in them having control over the land.

Second, evidence of positive and negative customary and traditional practices on women's rights to indigenous and community lands does exist. Skewed analysis that focuses purely on the negative aspects is incomplete and starves the positives of the customary and traditional laws and practices.

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Land and Spirituality in the African Socio-Cultural Context

Mary Getui

This article captures a working definition of African socio-cultural context; what spirituality entails; and an analysis of selected themes on land and the link to spirituality.

THE AFRICAN SOCIO-CULTURAL CONTEXT

Two key points are highlighted regarding the African socio-cultural context. The first is that Africa is a vast geographical space with people of diverse worldviews. Nevertheless, there are also many principal similarities. The ideas discussed in this article are specific to particular communities but could also apply to many other communities across the continent. The second point is that the article has a present tense approach. This is in recognition of the fact that the ideas discussed are still practised, albeit limitedly, but we consider that they are relevant and could apply or be applied today.

SPIRITUALITY

Africans are a deeply spiritual people. This is well summed up by Mbiti in the following words: "Africans are notoriously religious, and each people has its own religious system with a set of beliefs and practices." (Mbiti, 1969, p.1). Magesa (2014) notes that spirituality as understood from the African perspective is the struggle to be in touch with the mystery of life ... dynamic relationship between visible and invisible powers ... the mutual exchange of energies among all beings ... it is primordial, helping the universe to exist harmoniously in and with all its constituent components. Perhaps it is necessary to point out that Africa is home to many religions including Christianity and Islam. Many Africans adhere to these religions, which they have converted or been converted to. Yet, despite adhering to these (new) religions, many Africans still maintain and remain rooted in African socio-cultural beliefs and practices directly and indirectly.

As relates to the issue of the universe, and in particular land, Mbiti (1975, pp. 31–32) opines: "As they went through life, Africans observed the world around them and reflected upon it... Obviously many ideas have emerged... These views are expressed in myths, legends, proverbs, rituals, symbols, beliefs and wise sayings..." It is

generally believed all over Africa that the universe was created. The Creator of the universe (including land) is God. Suffice to note that Mbiti (1969, pp. 93–94) further states that the myths of the Akamba, Basuto, Herero, Shona, Nuer and others tell that God brought man out of a hole or marsh in the ground. For the Akamba, Nyamweru (2021, p. 39) notes "... they emerged from underneath a rock at a particular place in Mbooni. They claim that footmarks on the rock as they were left by our great-parents can still be seen today."

Mbiti (1969) also notes that in the African socio-cultural context, religion permeates all the departments of life so fully that it is not always easy or possible to isolate it ... there is no formal distinction between the sacred and the secular, between the religious and non-religious, between the spiritual and the material areas of life... Wherever the African is, there is his (her) religion; he (she) carries it to the fields where he (she) is sowing seeds or harvesting a new crop. The sowing and harvesting of crops is definitely linked to the department of land, thus land has spiritual significance and value. Indeed, Magesa sums the close interconnectedness of life, and the embedded spirituality in the title of one of his books, *What is not Sacred? African Spirituality*. In short, Magesa puts forth that in African spirituality, there is nothing that is not sacred.

LAND AND THE LINK TO SPIRITUALITY

The themes of focus are names of land and rituals related to land; ownership and use of land; land and identity; physical land and land-related features; soil; water; and totemic systems.

NAMES OF LAND AND RITUALS RELATED TO LAND

Sacredness of the earth is noted in the names accorded it. Mbiti (1975) points out that one significant name is Mother Earth. The term mother is associated with life, nurture and hospitality. The earth is thus regarded as a living thing.

Mbiti further notes that in some African communities, rituals are performed to show respect to the earth. In parts of Zambia, when the rains fall, people must refrain from working on the ground in the fields for a few days. Perhaps this is to allow the earth and the rain to gel as it were, so that there is harmony between them in preparation for planting and, consequently, good harvest.

OWNERSHIP AND USE OF LAND

Closely linked to the idea that God created the universe, including land, is the question of ownership and use. Gyekye (1997) notes that in African society, land is a fundamental property and it is

in some African communities, rituals are performed to show respect to the earth. In parts of Zambia, when the rains fall, people must refrain from working on the ground in the fields for a few days.

communally owned. The chief or head of the lineage or clan serves as the custodian or trustee of the land, with power to manage and administer the communal property, with an obligation to do so in the interests of the members. Individuals have a right to the use of the land through liberal allocation. The individual is under moral obligation to use the proceeds to enhance the welfare of the members of the lineage. A hardworking, energetic and frugal individual also has opportunity to derive personal gain.

LAND AND IDENTITY

Land also has a bearing on identity. As mentioned above, land was associated with clan and lineage. This made it imperative that significant facets of an individual's life, such as rites of passage, were marked with kin and at designated geographical spaces. One key rite of passage is death. Mbiti (1975) notes that Africans believe that the next world is invisible but very close to that of the living, hence funeral rites should take this belief into consideration. Burial locations should be such that that identity is both appreciated and honoured. Hence, one should be buried in the family or familiar space. Healey and Sybertz (1996) emphasize this idea when they note that among the Luo, if a member dies away from home, the body is transported back to the home village; or if buried where they work, then a handful of dirt from the grave is carried back to the parcel of land where their traditional home is located. It is important to also point out that among the Luo and in many other African communities, if a family member dies and the body cannot be traced, then a tree or banana trunk is buried to symbolise that the deceased has been laid to rest in family ground. The burial site thus gives the deceased social and spiritual status, as well as connection with the dead, the living and those yet to be born. A person accorded due funeral rites qualifies to be born again through future generations.

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PHYSICAL LAND AND LAND RELATED FEATURES

Africans consider some physical features to be of spiritual significance. Mbiti (1975) mentions some of these as graves, groves, rocks, caves, hills, mountains, boulders, and under certain trees. These features are regarded as holy places where the people meet with God and are respected such that no bird, animal or human being hiding in them may be killed—hence they serve as havens of refuge, peace and harmony. These features and places are tended by priests and other appointed personnel to keep them clean, receive those who come to pray or make offerings and protect from desecration or misuse, thus they also serve as conservation agents.

SOIL

Soil is perhaps the most significant component of land. Gitau (2000) has indicated that among the Agikuyu, soil has religious significance besides being sacred. Quoting several authors, Gitau highlights that the Agikuyu are agriculturists who safeguard soil against erosion, practise shifting cultivation, retain and rebuild soil fertility, allow regeneration of natural vegetation, identify suitable crops for specific types of soil, and utilise land responsibly and scientifically. The Agikuyu also believe that land was God-given. They even use soil for swearing rituals—some traditional oaths are administered by people holding fistfuls of soil and swearing to abide by the terms of the oath. Mau Mau freedom fighters are believed to have died holding fistfuls of soil.

WATER

Fish and Fish (1995, p. 139) have aptly noted that “As with people throughout the world, so with the Kalenjin, water was and is still an important part of life. It is essential because ... it is needed for the life of human beings and animals ... it is necessary for the raising of crops; it quenches the thirst of the soil. It is a free gift from God.” Land cannot be handled without water. Many African communities have beliefs and practices that guide the use of water. For example, it is taboo to contaminate a water source and to be selfish with water. Indeed, water is a key component of rituals for it is regarded as a cleanser or cleansing agent.

TOTEMIC SYSTEMS

Magesa (2014, pp. 171–172) has noted that the African totemic system is a source of inspiration for respect for other-than-human modes of existence in that it perceives the “presence of the human spirit in animals, plants and other beings depending on the myth of origin of the clan or ethnic group”. Some totems are identified with the ancestral spirit; the spirit of the one exists in a real and present way in the other. The totem should not be violated or harmed; nor should the totem violate or harm the human counterpart. Magesa echoes Berry (1999) that the spiritual lesson drawn from the totemic relationship is that of the communion of every being with all other beings in existence. Magesa also echoes Hathaway and Boff (2009, p. 314) in the idea that “A plant then is not just something before me — it is a resonance, a symbol, and a value within me. There is within me mountain, vegetable, animal, human and divine dimensions.”

Magesa also echoes Hathaway and Boff (2009, p. 314) in the idea that “A plant then is not just something before me — it is a resonance, a symbol, and a value within me

The deeper meanings and significance of the totemic relationship are relevant and indispensable to ecological spirituality today. In the preface of the publication, *Totems of the Kisii* (O'Keragori, 1995), Okeng'o Matiang'i states,

During their dispersal and these early settlement periods, sons of Mogusii, the great-great-grandfather of the Abagusii, encountered some animals and natural phenomena with which they later identified themselves. They later became the various totems of the different clans ... thereby giving each group a criterion for exogamy and a sense of kinship, identity in battle and an obligation among its members to help and protect each other.

CONCLUSION

The world over, including in "Mother Africa", there is an outcry over land. Land has been politicised, secularised and commercialised. Other terms associated with concerns over land include consumer, rape, abused, crisis, commodity, power, grab, and social class. The issues raised above are an urgent call to various stakeholders, indeed all humanity, that matters land are critical to human survival in this time of the global climate change crisis. However, there is a ray of hope in revisiting the African socio-cultural principles and implementing them in a move to safeguard art, culture and heritage towards a friendlier and more sustainable Africa and on matters land, being faithful to Mother Earth as envisioned in the African socio-cultural context is the way to go for sustainable of the continent.

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On Cultivating African Architecture for the Africa We Need¹

Patrick Kabanda

there is a pressing need to consider how African architecture can play a meaningful role in shaping the Africa we need, not to mention contributing to inclusive and sustainable global architecture.

KEY TERMS AND DEFINITIONS

Lo--TEK: A growing body of multigenerational knowledge, practices, and beliefs derived from Traditional Ecological Knowledge. It seeks to counter the notion that indigenous or native innovations are isolated from technology and thus are primitive (Watson, 2020).

Natural Synthesis: The merging of the best of traditional art forms and ideas with Western influences deemed useful to create a distinctive Nigerian aesthetic outlook. The Art Society developed the concept at Zaria, an art group formed in the late 1950s by Uche Okeke, Demas Nwoko, Simon Okeke, Bruce Onobrakpeya and other art students at the University of Zaria and the Nigerian College of Arts, Science and Technology (now Ahmadu Bello University) at Zaria in northern Nigeria (Lathrop n.d.).

INTRODUCTION

As one African proverb goes, “Knowledge is like a garden: If it is not cultivated, it cannot be harvested.” When it comes to African architecture, what is unequivocal is that the knowledge is there. But, as is often the case with many African creative endeavours, it is not fully cultivated and thus not entirely harvested. Yet given challenges such as COVID-19, which has highlighted the usage of space, and climate change, which raises questions on how structures are designed and made, there is a pressing need to consider how African architecture can play a meaningful role in shaping the Africa we need, not to mention contributing to inclusive and sustainable global architecture.

The land around the world is increasingly becoming a matter of life and death, and in Africa this problem is no stranger. Conflicts often crop up because of land. Who is the owner? What should it be used for? And why? These are common land queries. In this quarrel, what is often missed is that land is not needed for its own sake; it is often needed for something else. That is the case, whether it is to build a house, a place of worship or a cemetery. Moreover, from extractive activities to agriculture and city planning, land hosts a whole variety of ventures — and indeed, even for those who might choose to keep or acquire land as a sign of wealth (or, for that

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matter, prestige), as Aristotle argued, “wealth is evidently not the good we are seeking; for wealth is merely useful for the sake of something else” (Aristotle, trans. by Doss, 2009). It then becomes clear that land usage is at the centre of land-related challenges. Upon careful consideration, this is where architecture is crucial as it could help us manage land better and reduce the burden on such resources as water. And since architecture is a form of art, culture and heritage, it carries immense power in shaping our minds and the kind of world we want to live in.

This paper aims to showcase African architecture and how local materials and design can help mitigate issues running from climate change and affordability to public health and communal living. But, first of all, what is architecture? While the definitions are as infinite as architecture itself, consider the following take:

Like “history”, the term “architecture” has both broad and strict meanings. In the widest sense, architecture is everything built or constructed or dug out for human occupation or use. A more restricted definition would emphasize the artistic and aesthetic aspects of construction. A third, and still more limited, definition would say that architecture is what specially trained architects do or make (Crouch and Johnson 2001, p. 1).

Such definitions are helpful, but the tendency to have specific definitions, as often espoused in the West, sometimes renders unintended consequences. For example, when one defines music as “organised sound” from a Western sense, they might mean that music that is not “organised” in specific ways, highly subjective ways, is not music, hence compounding the unfortunate tendency to look down on local arts like traditional music from Africa or even music from nature. The same is true with architecture. If vernacular architecture is seen as amateur, and thus not architecture, then that might mean it is less likely to be taken seriously. Moreover, since even birds and ants, for example, make spectacular architecture that can inspire human imagination, a definition that suggests that architecture is just a human experience may overlook the role of nature in inspiring design. So, while this paper considers the sum of the above, it also considers that architecture can carry multiple perspectives.

The rest of this paper is structured as follows. After the next section, the paper delves into three case studies to highlight how the richness of African architecture can be harvested for better land governance in tandem with safeguarding arts, culture and heritage. The first site is in Nigeria, where Demas Nwoko is championing the use of local architecture to meet local needs. The second is in Algeria, where the M'Zab Valley exemplifies how African community-oriented architecture, which from the ages past, has used organic materials, including papyrus, grass, wood, clay, soil and stone, may have answers to some of the pressing problems facing land usage in Africa. All the while promoting Africa's identity.

The third considers the African American Museum in Washington, the world's largest dedicated to African-American history and culture, which bears witness to the influence of African architecture on the global stage — the building's corona is inspired by the three-tiered crowns used in West Africa's Yoruba art not only to evoke a profound aesthetic experience but also to tell the project's history, present and future. In that trio, if the building is meant to "sing for us all", as Lonnie G. Bunch III proclaimed (Aden, 2018), then it sings Ada Louise Huxtable's rendition of architecture also to remind us that: "Architecture is a formmaker, problem-solver and environment-creator, and the international exposition is its laboratory" (Quintal, 2019).

METHODOLOGY/APPROACH

This discussion uses the case mentioned above studies, starting with an individual, then to the community and global levels, to render relatable, real-life examples, as if by crescendo or inverted pyramid or ziggurat. Demas Nwoko, highlighted in the first, is a Nigerian painter, sculptor, architect and designer, among other things. Born in 1935 in Idumuje-Ugboko town, Nigeria, Nwoko exhibits the architecture of social responsibility steeped in cultural and environmental factors to meet local needs. He does this via natural synthesis, a methodological approach anchored in African arts even as it incorporates outside influences.

The second case, the M'Zab Valley is to consider how culturally sensitive architecture has allowed this natural region to adapt and flourish in one of the harshest of environments. Founded between 1012 and 1350 in present-day Algeria, this valley of more than 350,000 residents is located in the heart of the Sahara Desert at

a latitude of 32° 29' 8.39" N and longitude of 3° 40' 31.79" E. Its perimeter is some 665.03 hectares. The main objective is not to determine what the valley needs to do to “modernise” or delve into the conflicts it has endured, but rather what can be learned from this “open-air museum” (Mosaic North Africa n.d.) vis-à-vis African architecture and land policy.

The study of the African American Museum in America’s capital, Washington, DC, examines how African architecture can contribute to global architecture in matters running from aesthetics and sustainability to inclusion and functionality. The research involved archival materials, encyclopaedias, books, journal and newspaper articles and websites (notably those of UNESCO and the Smithsonian). It also involved secondary interviews, videos and images. The geographical distances (where provided) were derived using [Google Maps](#).

CASE STUDIES/ANALYSIS

DEMAS NWOKO: FROM THE ZAIRA ARTS SOCIETY TO THE NEW CULTURE STUDIOS

In 1958, a group of art students at the University of Zaria and the Nigerian College of Arts, Science and Technology, now called Ahmadu Bello University, formed a group called the Zaira Arts Society. What motivated these students — Demas Nwoko, Simon Okeke, Bruce Onobrakpeya and Uche Okeke — to form a cultural society at a centre of higher learning was not so much about forming an arts group for the sake of it. It was about mobilising a collective of conscience to ignite their vision’s pedagogical and practical value. As one of the legendary members of the group, the Nigerian artist and architect Demas Nwoko remembers, when he arrived at Zaira, “there was a complete absence” of Africa’s traditional knowledge in the syllabus. Europeans tried not to teach modern art because, according to Nwoko, this would reveal the presence of the African influence (Sijuwade, 2020).

Hence, for Nwoko and the others, this was fertile ground to start “a collective committed to the independent study of Nigerian artistic heritage as a means of forming the foundation for their curriculum”. The Zaira Arts Society’s action was again more than simply filling a void; it was an onus to present things as they ought to be on the cusp of Nigeria’s independence. This move went against the grain

where many African arts have typically been seen as primitive and hence relegated to the back burner of Africa's progress, and for that matter, global civilisation. This mode of thought caught on like wildfire across Africa to the point that, even after the corrupting forces of colonisation were no longer in charge, many Africans were not so excited about their architecture, languages, music and other art forms.

But not all was lost. From architecture to music, in all its manifestations, African art is linked to the people. Among the Igbo, for example, this concept is clearly emphasised: "art must never be allowed to escape into the rarefied atmosphere, but must remain active in the lives of the members of society" (Achebe, 2013, p. 56). As active members of society, the founders of the Zaira Arts Society were putting into practice what Achebe was talking about. Moreover, as Achebe would see a good phrase in the Western canon and get influenced by it (Achebe, 2013, p. 54), so did they when they adopted Western influences were germane.

But not all was lost. From architecture to music, in all its manifestations, African art is linked to the people.

Accordingly, they developed a methodology called "natural synthesis". If "Music is liquid architecture; Architecture is frozen music", as one saying generally attributed to Goethe goes, natural synthesis, in a way, is like jazz. For it is anchored in the African art traditions of drawing, painting, printmaking and sculpture, yet it borrows from Western innovations where useful (Sijuwade, 2020); and if jazz emancipates improvisation and freedom of thought, so does natural synthesis. Consider this statement from Uche Okeke's manifesto on natural synthesis. This process was Zaira Arts Society's creative linchpin: "The key work is synthesis, and I am often tempted to describe it as natural synthesis, for it should be unconscious not forced" (Okeke, 1960).

Nwoko has taken this approach and formed the concept of "New Culture", a philosophical guide that describes his architecture and other creative endeavours. He draws from his ancestral legacy, his roots to render culturally relevant innovation in development. He believes that heritage is the foundation of our very existence, which grounds everything, and that culture is a constant which continues to evolve (Sijuwade, 2020) — and here, it must be noted that African architecture itself has been evolving. As is often the case with other endeavours, African architecture has been influenced by outside

ideas inasmuch as it has also influenced them through natural synthesis. The key aim therefore is to consider how the philosophy behind African architecture can be applied to meet a sustainable future, even if the materials themselves may not be purely African.

At any rate, if knowledge is a garden that must be cultivated to be harvested, Nwoko has done the cultivation by embracing traditional methods to harvest in his architectural practice. But this has been an anomaly. Although Nigeria's independence in 1960 brought new energy, any boost in national pride did not readily translate into meaningful application of local knowledge. It was as if Nigeria was allergic to its own knowledge, a trend common across Africa. According to Nwoko, the country did not want to pursue its own knowledge, because the idea, as palpable even in today's digital age and consumerism, was to follow the modish global trend whether it served Nigeria or not (Sijuwade, 2020). It is as if Okeke saw all this coming when he wrote: "Young artists in a new nation, that is what we are! We must grow with the new Nigeria and work to satisfy her traditional love for art or perish with our colonial past. Our new nation places huge responsibilities upon men and women in all walks of life and places, much heavier burden on the shoulders of contemporary artists" (Okeke, 1960).

These contemporary artists are also contemporary architects. With climate change and challenges like the COVID-19 pandemic and the ever-present land issues, the "very fabric of our social life is deeply affected by this inevitable change," as Okeke said. "Therefore the great work of building up new art culture for a new society in the second half of this century must be tackled by us in a very realistic manner." That realistic manner can be seen in Nwoko's New Culture Studios and African Designs Development Centre.

The African Designs Development Centre can be seen as a tinkerer's office. But apparently, it is the only industrial enterprise in Idumuje-Ugboko, a rural town in Aniocha North, Delta State, southern Nigeria. At this centre, Nwoko and his family build custom parts for his building commissions. (These include a government commission to design Nigeria's National Gallery in Abuja.) For Nwoko, who grew up as a prince in a mud palace designed to resemble the palaces of Oba in Benin, from where his royal family descends, architecture has been a close-up of fascination since childhood. And if this fascination is artistic, it is also functional. As these royal grounds featured "spaces for public gatherings, private meetings,

and secret rituals, all constructed from laterite” (a reddish clayey soil) to Nwoko, this was a signal to design not only for design’s sake, but alforith social responsibility, environment and culture in mind. (Sijuwade, 2020; THISDAY, 2001). And this touches on Samuel Mockbee’s definition of architecture: “Architecture is a social art. And as a social art, it is our social responsibility to make sure that we are delivering architecture that meets not only functional and creature comforts, but also spiritual comfort” (Quintal, 2019).

Moreover, the usage of clay laterite, timber and other natural resources lying around building sites has been a hallmark of Nwoko’s work. “Echoing the practical elements of traditional Nigerian design”, Moreover, Nwoko’s own home and studio were built with few windows to curb intense light and heat. “Ventilation portals create pathways for breezes to enter from the floor and for hot air to escape at ceiling level. With this passive cooling system as well as the natural temperature regulation provided by the mud walls, no air conditioning is needed, year-round” (Sijuwade, 2020).

As climate change propels extreme and unpredictable weather, some places in Africa and elsewhere bear the brunt of punishing heat. Yet air conditioning is not a reality for millions of people, nor is it particularly sustainable

As climate change propels extreme and unpredictable weather, some places in Africa and elsewhere bear the brunt of punishing heat. Yet air conditioning is not a reality for millions of people, nor is it particularly sustainable. This means the African design sensibilities, such as those used by Nwoko, which can curb heat building in our ever-warming planet cannot be underestimated. This is particularly crucial, because if we believe that climate change may continue to become a driving force for migration (IOM, 2017), we can expect to see more land battles as people seek to occupy land in places that are perceived as more desirable to live.

Whatever the case, in this moment of COVID-19, if the research suggests that air conditioning can circulate the transmission of the coronavirus (Lu et al., 2020; Shukman, 2021), that surely means that natural means to improve ventilation are equally important. In addition, recommended approaches like social distancing also mean better space usage. And this means the better application of architecture that meets current social needs and the “inevitable change” Okeke discussed, and which Nwoko has tackled with a touch of African design even in a modern sense.

But since modernisation is too often erroneously equated with Westernization, Africa has been subject to the concept of “imported problems, imported solutions”, as Nwoko (2001), whose structures are “a model of culturally relevant and sustainable African design,” has argued. The problem, however, is perhaps not so much about the usage of imported ideas since cultural practices do certainly pollinate. The problem is that these ideas, like the British materials and styles of building imported in Nigeria and elsewhere, were designed not only to reflect different cultural aesthetics and values but also to meet different social and environmental needs (Sijuwade, 2020).

The temptation to keep up with the times may be one reason the usage of ideas disregarding local social and environmental needs is so widespread. For “an essential part of being modern is thinking you are modern”, as the great British historian C. A. Bayly put it. “Modernity is an aspiration to be ‘up with the times” (Bayly, 2014, p. 10). Structures made with sand and imported cement bricks are arguably seen as a sign of progress, even though they raise costs and many people in Africa are unlikely to afford a house that costs US\$100,000 or more (Sijuwade, 2020). The cost notwithstanding, and while this may not be an issue for large-scale government buildings and corporate construction, materials such as sand are running out. Sand and its cousin gravel “represent the highest volume of raw material used on earth after water”. They “are now being extracted at a rate far greater than their renewal,” the United Nations Environment Programme has warned. “Furthermore, the volume being extracted is having a major impact on rivers, deltas and coastal and marine ecosystems, results in loss of land through river or coastal erosion, lowering of the water table and decreases in the amount of sediment supply” (UNEP, 2014; see also Edwards, 2015). Given such a warning, the work of architects like Nwoko, who have championed the use of local materials is as timely as it can get.

THE M’ZAB VALLEY, ALGERIA

About 2,200 kilometres from Nigeria, in Algeria, the largest African nation exceeding 2.38 million square kilometres (it is 4.3 times bigger than France and ten times bigger than the UK), lies a region called the M’zab Valley. The valley exemplifies humanity’s millennia-old “ingenuity on how to live in symbiosis with nature”, which Watson (2020) talks about. Founded in the early 11th century by the M’zabite Berbers, the M’zab region, or the M’zab confederation,

has been a case study for scholars, geographers, anthropologists, architects and many others for its vernacular architecture and urban planning that has stood the test of time. As described by UNESCO, which declared the valley as a World Heritage Site in 1982 for its outstanding universal value, for today's urban planners, the place is a source of inspiration, or perhaps, more fittingly, an oasis of inspiration: "A traditional human habitat, created in the 10th century by the Ibadites around their five ksour (fortified cities), has been preserved intact in the M'Zab Valley. Simple, functional and perfectly adapted to the environment, the architecture of M'Zab was designed for community living while respecting the structure of the family" (UNESCO n.d.; see also Alport, 1954 and Urwin, 2021).

The M'Zab Valley or M'zab Oasis is located in Ghardaïa Province (also called Wilaya) in north-central Algeria, roughly 600 kilometres from Algiers, the nation's capital. The province lies along the left bank of the Wadi M'zab, "a partially dry riverbed whose waters rise just once every three to five years" in the Sahara Desert (BBC). Ghardaïa Province's chief settlement or chief town is also called Ghardaïa. Notwithstanding if the settlers wanted to found Ghardaïa in Ghardaïa is another matter. But if the architecture of the name suggests anything, the place was built around a cave (ghār in Arabic)

which was supposedly inhabited by the female Berber saint Daïa, a saint that the M'zabite women still venerate. At any rate, Ghardaïa, which has also been called the Cave of Daïa (Everett-Heath, 2020), is a fortified town, for reasons that are explained later, with red and white clay dwellings — "houses that rise in terraces and arcades toward the pyramid-style mosque at its centre".

But if the usage of clay to build suggests anything, it can tell us that this was a natural material, which could be found in a cave and around a somewhat dry riverbed. This goes back to Nwoko's philosophy of using readily available local materials. In any case, the second use of clay is about practicality, which brings us to one of Algeria's celebrated architectural marvels — the Clay Palace of Ghardaïa (see Figure 1). Such places as this one, built some 1,000 years ago with just clay, stone and wood, exhibit what can be achieved with the application of culturally pertinent and sustainable architecture. At the time of its construction, there was no electricity in the Algerian desert to air condition the palace. In considering

the theme of “Land governance for safeguarding art, culture and heritage towards the Africa, we Want” a major question then arises: How can the use of materials like clay, which handle high temperatures well, inspire modern structures in our increasingly warming world while also maintaining cultural vitality?



*The structure has not needed painting and other major repairs since it was built some 1,000 years ago. Figure 1. The Clay Palace of Ghardaïa
Source: Natalia Milko, aka Sun_Shine via Shutterstock: www.shutterstock.com/image-photo/ghardaia-algeria-april-3-2017-sidi-619980887.*

Since clay can also keep buildings warm in colder times, that question can be reversed. Yet perhaps what is more vital to learn from M’zab is what Nwoko and others have been preaching and what UNESCO also recognised: at the start of the first millennium, the Ibadis, an offshoot of the Khawarij in early Islam (B.C. 2018), “created in the M’Zab, with local materials, a vernacular architecture which, with its perfect adaptation to the environment and the simplicity of its forms, is an example and an influence for contemporary architecture and town-planning” (UNESCO n.d.). Whether it was the town planning which informed the architecture, or the other way around, in terms of land usage, culture and heritage, there was

arguably a much bigger purpose. Given that the Ibadi's were fleeing persecution — they originally came from southwest Asia, according to UNESCO, and were forced into exile to escape prosecution in the 7th century (UNESCO/NHK 2015) — defensive mechanisms were also at play.

If the valley's five villages (ksour) and palm groves, namely El-Atteuf, Bounoura, Melika, Ghardaïa and Beni-Isguen have conserved the same way of life, this has also meant the conservation of the same architecture and building techniques. In this pentapolis, each of the villages is a miniature citadel encircled by walls with a mosque at the centre. The mosque is not only a prayer house but also a fortress. As this was conceived as the last bastion of resistance in case of a siege, it comprises both an arsenal and a grain store. The mosque is essential for communal life, and around it, up to the defensive walls, are bosom structures, houses constructed in concentric cycles. "Each house constitutes a cubic cell of standard type, illustrating an egalitarian society founded on the respect for the family structure, aiming at the preservation of its intimacy and autonomy" (UNESCO n.d.). Ultimately, as UNESCO saw, the case study of M'zab can teach us the following points:

First, under criterion ii, the M'Zab Valley, a compendium of "anthropic ensembles" on a limestone plateau, bears witness to original architecture dating from the dawn of the 11th century. It portrays the central Sahara's cultural area of human settlements in outstanding ways, ways that could only be explained by a synthesis of "rigour and organization", imbued in heritage, creativity and practicality. As a model settlement, the valley has considerably influenced Arab architecture and town-planning for ages as if by natural synthesis. Among those influenced, as UNESCO notes, are towering architects and town-planners of the 20th century. These include Charles-Édouard Jeanneret, aka Le Corbusier, a Swiss-French architect, who, as a polymath like Nwoko, was a designer, painter, urban planner and writer; and the French architect André Ravéreau. Ravéreau, who was utterly spellbound by the composition of M'Zab, could not help but call it "une leçon d'architecture", a lesson in architecture. (UNESCO n.d.; Jani 2011). That lesson in architecture has also inspired a plethora of scholarship. For example, consider *Towards a Socio-Cultural Approach for the Design of the House/Settlement System: A Case Study of Ghardaïa*, a PhD thesis by Naima Chabbi-Chemrouk (1988), an architect, urban planner and professor at the Ecole Polytechnique d'architecture et d'urbanisme in Algiers.

Second, under criterion iii, the three M'Zab elements — ksar (fortified village), cemetery and palm grove with its summer citadel — which constitute the valley's "urban ensembles" and settlements are exceptional not just because of their creativity: They are "testimony of the Ibadis culture at its height and the egalitarian principle that was meticulously applied by the Mozabite society". Indeed, the Ibadis, perhaps as a matter of convenience, have been said to take a liberal line in a modern Western sense, have accommodated not only other Muslims but also Christians and Jews (UNESCO n.d.; B.C. 2018). The point is vital in a world where sometimes land quarrels are fuelled by religious conflicts, as it is informed by a culture of respect and heritage of mutual welfare. It also curbs the tendency to stereotype all Muslims as dangerous beings.

The third point, under criterion v, which touches on water, could not be more apropos. This is because water, the world's most utilised resource, maybe the next battle frontline, as climate change catches up with the world's unsustainable water consumption. According to UNESCO: "The elements constituting the M'Zab Valley are an outstanding example of a traditional human settlement, representative of the Ibadis culture that, through the ingenious system for the capture and distribution of water and the creation of palm groves, demonstrates the extremely efficient human interaction with a semi-desert environment" (UNESCO n.d.).

Indeed, in this valley, where a river used to flow until several thousand years ago, the settlers created a green oasis. Water sources still exist underground, and there are more than 7,000 wells in the area. Digging one is nonetheless a laborious effort, as it can take several years to "strike water" (UNESCO/NHK, 2013). Although the valley is hyper-arid, its average rainfall does not exceed 100 millimetres per year, with occasional floods when it rains. The rare floods that channel in the M'zab River drain volumes and volumes of surface water. "Thanks to the genius of the local population, traditional dams were made for artificial recharge of groundwater, as Ouled and Remini (2016) put it. "Grace of traditional wells drilled in the valley, farmers irrigate their palm groves and gardens." It has been said that date-palm groves, which are watered from the river dams, are of "legendary lushness" and that the pulleys' of over 4,000 wells are called the "Song of M'zab". Indeed, although the M'zab Valley is in a desert, its local market is verdant. It is full of fresh fruits and vegetables, produce grown beneath the palms

(UNESCO/NHK, 2013; Encyclopaedia Britannica, 2014), all thanks to sound vernacular architecture that celebrates culture and heritage in tandem with land management that calls for more extraordinary celebration and promotion.

AFRICAN ARCHITECTURE BEYOND AFRICA

The noetic feats of African architecture are not limited to promotion in Africa. In the United States, for example, the Smithsonian National Museum of African American History and Culture in Washington is a testament to how African cultural ideas can powerfully shape how we come to see and understand our world. As the story of this museum's African connection unfolds, it is worth taking a step back and considering its location and how the major pieces fit together.

Regarding land usage, the museum is located in a prime location not only in the United States capital but also in the world. Located just a few blocks from The White House, it is in the company of various art galleries, cultural institutions, memorials, sculptures, and statues within and around the National Mall, a place that pre-COVID-19 attracted more than 20 million visitors each year. It sits on what was once Tiber Creek's south bank. The creek, which was filled in later in the 19th century, had been known as Goose Creek before 1790, after the layout and designation of Washington, DC, as the nation's capital (Histories of the National Mall n.d.). "Architects and engineers came up with a solution — erecting a kind of giant underground bathtub around the museum to help divert water — but it was just one of many instances that required improvisation, no small feat for a massive team of architects, curators, exhibit designers, engineers and building contractors" (Shin, 2016).

If this massive team of players were an orchestra, the architects, who comprised the Freelon Group (now part of Perkins and Will), SmithGroupJJR, Davis Brody Bond and Adjaye Associates, were like conductors possessed with sound judgment on aesthetic and technical matters. They had to detect anything out of tune and anything out of rhythm. And to them, although the museum's location at first glance seems logical, as it sits between the Washington Monument and the Mall's museum core, it was nothing but a headache. Indeed, the Freelon Group's ground-breaking architect Zena Howard, who was tasked to coordinate the work of the architectural firms and the Smithsonian, said the museum's site "has always had an identity crisis" (Shin, 2016). On the theme of land quarrels, politics and public policy, efforts for the museum's inception, which was established in 2003, opened in 2016, and can

be traced back to 1915, were not a breeze. When US Congressmen John Lewis and Mickey Leland introduced legislation for a stand-alone Smithsonian African American history museum, the project received immediate pushback due to its cost.

But the issues were not just about cost. What should it look like? How tall should it be? What would its relationship with other nearby structures be? These were some of the questions that were, in many ways architectural alongside land policy. As Howard explained, while some people saw the museum as part of Mall's "formal rhythm and geometry", others saw it as part of the adjacent Washington Monument with a rolling landscape. Moreover, "the museum could not overwhelm the monument" as some government officials said it would. It could not be taller than the adjacent museums and Depression-era office buildings in the so-called Federal Triangle. Yet, as Howard said, everyone had always agreed on one thing: "the building should be distinct". It should have "its own place and own time and not the time of some of its adjacent neighbours" (Shin, 2016) — though, as if to echo Lincoln, whose memorial is an eyeshot away, it would be a museum of the people, by the people and for the people. This is where the work of the Adjaye Associates comes in, which brings us to the African connection.

Adjaye Associates is the firm of the Ghanaian-British architect David Frank Adjaye, who was knighted in 2017 for his services to architecture. Adjaye's services to architecture played a major role in what the museum would become. As a master known for his fusion of artisanal detail, with simple yet powerful shapes Adjaye wanted to render a "punch". That punch would be at the end of other museums or the "row of palaces", as he put it, and it would be delivered with a kind of royal African ancestral power. As he concluded: The architecture needed to speak the museum's story, its African origins, it could not be another "stone box with things in it" (Shin, 2016).

In his investigations, Adjaye, a Ghanaian diplomat's son who has visited all 54 independent nations of Africa, found an African wooden sculpture of a man wearing a crown. The top portion of that sculpture would inspire the museum's trapezoidal, stacked shape (see Figure 2). And that came about because as the architect Hal Davis, one of the designers responsible for the museum's look

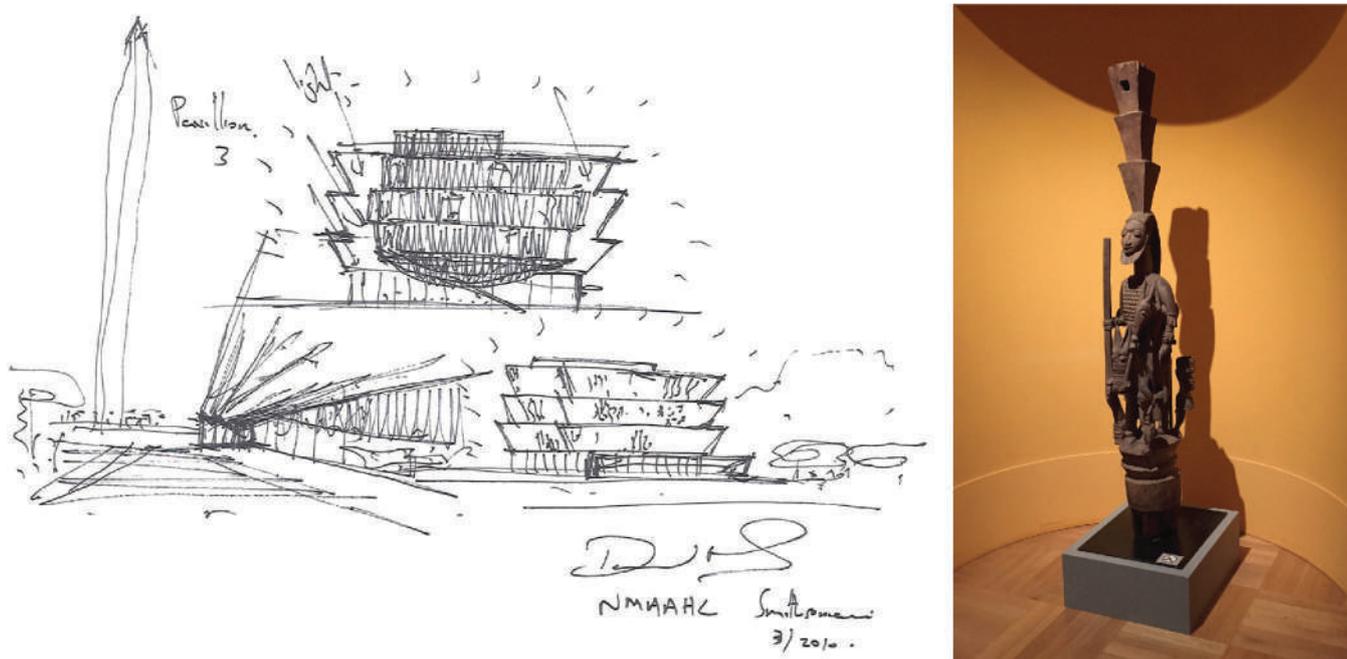


Figure 2: L: An early sketch of the museum | R: Yoruba wooden sculpture that inspired the museum's design
Sources: National Museum of African American History and Culture; Shin (2016); Claessens (2016).

and feel, thought that the sculpture captured everyone involved. Indeed, people associated the sculpture's raised arms shape with "a sense of uplift" that Lonnie G. Bunch III, the museum's founding director, had envisioned.

In his memoir *A Fool's Errand: Creating the National Museum of African American History and Culture in the Age of Bush, Obama, and Trump*, Bunch "delves into his personal struggles — especially the stress of a high-profile undertaking — and the triumph of establishing such an institution without mentors or guidebooks to light the way" (Bunch, 2019). Yet, in the aforementioned African sculpture, the museum's vision of uplift, in a way, had a guidebook to light the way. The sculpture was the work of the *Olówè* of Ise. An early 20th-century Yoruba craftsman, Olowe was a master innovator in the African design style called *oju-ona*. Born in the town of Efon-Alaiye, a major artistic centre in Yorubaland, he spent most of his life in Ise, also known as *Ìṣẹ̀-Èkìtì*, a city in Ekiti State, Nigeria. Though Olowe was first engaged as a messenger at the court of the Arinjale — the King of Ise — where his work as a sculptor is thought to have begun (NMAfA, n.d.) he was in many ways a messenger of art in people's lives.

In line with Achebe's reflection that art must remain active in people's lives, Olowe's fame spread throughout eastern Yorubaland. From Akure to Idanre, Ikere to Ilesa, in towns located within 60-miles, even rulers and wealthy families of Ise understood the value of Olowe's work since they valued art in their lives: they summoned him to carve elaborately sculpted personal and ritual objects as well as doors and veranda posts for them. These items were not just art for art's sake as some strong voices in the West have tended to proclaim. From Nigeria, where Olowe's sculptures were a staple, to Benin, where Adjaye saw similar forms in fragments of doors as well as posts and pillars (NMAfA, n.d; Shin, 2016), they were also functional insofar as they were aesthetic. Indeed, though many Western art collect and art historians consider Olowe as the 20th century's most important Yoruba artist, it is equally important to note that his own people recognised his artistic genius (NMAfA, n.d.).

"Olowe's art, if not his name, reached overseas in 1924", according to the Smithsonian National Museum of African Art (n.d.), "when a door and lintel ensemble he carved for the royal palace at Ikere was selected for the Nigerian Pavilion at the British Empire Exhibition at Wembley, London." Though that might have marked the first step of the master's work on the global stage, its manifestation at the African American Museum in Washington propelled it further. For in finding the guidebook that Bunch needed to light the way, for the architects, Olowe's sculpture was a significant source of inspiration, a mental vade mecum, as they sought to synthesise into the building's design various distinctive elements from Africa and the Americas. And they did this with their own kind of natural synthesis.

As the art historian Àngels Ferrer Ballester has argued, "From one perspective, the building's architecture follows classical Greco-Roman form in its use of a square base and shaft, topped by a capital or corona". Nevertheless, the structure also appears like a ziggurat (Ballester, 2017), a massive structure in the form of a terraced compound of successively receding levels built in ancient Mesopotamia. So, from another perspective, since the word ziggurat comes from ziqqurratu, which can be translated as "rising building", or zaqâru, which in Akkadian can mean "to rise high" (Lending, 2004), the synthesis blends naturally with Olowe's sculpture as it lights a sense of uplift.

That sense of uplift was also synthesised with architecture that radiates history and meaning. As Olowe's art is steeped in the catalogue of Yoruba art of West Africa, the connection with the Yoruba people (one of the largest African ethnic groups) was also palpable. "A 2015 Oxford University study found the majority of African Americans and modern-day Yoruba people in West Africa have a similar ancestry, confirming that the region was a major source of African slaves" (Shin, 2016). The story of slavery is a story of pain everywhere. Yet, besides its super capitalist overtures, overwhelming inequality, and increasingly confrontational politics, there is perhaps nothing that haunts America's psyche more than its history of slave trade and racial tension. Whether these factors are interrelated is another story. But the sense of uplift in Yoruba art's three-tiered crowns echo what Robert Farris Thompson observed in *African Art and Leadership*: The crown "symbolizes the aspirations of a civilization at the highest level of authority". It "incarnates the intuition of royal ancestral force, the revelation of great moral insight in the person of the king, and the glitter of aesthetic experience" (Thompson, 1972, p. 227).

As architecture can reveal great moral insight in society, "the royal ancestral force" again is like the punch Adjaye suggested. For the three-tiered crowns incarnate the three elements that organise the building: its history, present and future (Ballester, 2017). Most of all, however, the dark history it chronicles in that trio cannot enslave the present and the future it radiates. As Adjaye said:

The form of the building suggests a very upward mobility. It's a ziggurat that moves upward into the sky, rather than downward into the ground. And it hovers above the ground. When you see this building, the opaque parts look like they're being levitated above this light space, so you get the sense of an upward mobility in the building. And when you look at the way the circulation works, everything lifts you up into the light. This is not a story about past trauma. For me, the story is one that's extremely uplifting, as a kind of world story. It's not a story of a people that were taken down, but actually a people that overcame and transformed an entire superpower into what it is today (Stromberg, 2012).

The African influences of the museum, which serves as the Smithsonian's "Green Flag" — it is the first on the Mall designed to meet sustainability standards — do not stop with quoting Olowe's

sculpture. The structure's main entrance is a welcoming porch with African architectural roots across the African Diaspora, particularly the American South and the Caribbean. Moreover, "by wrapping the entire building in an ornamental bronze-colored metal lattice, Adjaye pays homage to the intricate ironwork crafted by enslaved and free African Americans in Louisiana, South Carolina, and elsewhere" (Smithsonian, 2016).

The history of ironwork in Africa is longstanding, even though Africa's Iron Age (traditionally marked as between about 200 BCE–1000 CE) is not prefaced by a Bronze or Copper Age, as is the case in Europe and Asia. According to the archaeologist K. Kris Hirst (2020), all the metals were brought together. At any rate, though metals appear across Africa, Nigeria's "bronzes" (often brass) are particularly noteworthy (Sieber, n.d.). Therefore, the architectural homage to the intricate ironwork of African Americans cannot but highlight another craft already embedded in their roots.

But as it happens, in the monument for their first president, Americans were already paying homage to Africa (Ballester, 2017). Whether accidental or not, the Washington Monument is an obelisk (see Gordon 2016 and Brown 2016), a large upright stone column with four sides with a pyramidal top of Egyptian origin. The ancient Egyptians called obelisks *tekhenu*, which means "to pierce". And they tightly connected these "piercing" structures to their beliefs: The *tekhenu* "rose high into the Egyptian sky as symbols of the sun god, Ra [also Re], and sun worship, as well as of the power of the pharaoh and his relationship to the gods". When the Greeks visited Egypt, they referred the *tekhenu* to obelisks, from *obeliskos*, their word meaning "a small spit" or "skewer". The Romans adopted the word, and so did the English (AIA, n.d.; Baker and Baker, 2001). And if the word has been adopted worldwide, so has the architecture. As the Washington Monument, the tallest obelisk in the world rises high into the American sky side by side with the African American Museum, which lifts people into the light, we should never forget how African architecture can powerfully shape how we come to see and understand our world.

POLICY RECOMMENDATIONS

If we believe that the Greek philosopher Eratosthenes used an obelisk to calculate the Earth's circumference around 250 B.C. (Gordon, 2016 and Brown, 2016), then African architecture has

The history of ironwork in Africa is longstanding, even though Africa's Iron Age (traditionally marked as between about 200 BCE–1000 CE) is not prefaced by a Bronze or Copper Age, as is the case in Europe and Asia

presumably had a role in “calculating” land for millennia. But that position has to be reclaimed. The first policy therefore has to do with appreciating Africa’s past as we shape its future. For, even in what might be seen as abstract modes of thought, here is the thing: philosophers, like those who might have come after Eratosthese, “almost always knew the work, the ideas, the theories, of at least some of the philosophers who came before them”. It is certainly well to recall that. “They built on predecessors’ ideas, or rejected them, or enriched or circumvented them with new insights; but whichever of these they did, their work is related to a continuing conversation” (Grayling, 2020, p. 132).

First, while the private sector has a role to play, African governments are responsible for shaping a curriculum that promotes African architecture, providing architectural scholarships, and much more

That statement is germane in continuing the conversation of how African architecture can practically benefit land policy. But to get to the gist of this, the role of arts, culture and heritage comes in. And the foundational approach here is to do what the Zaira Arts Society did: elevate African arts in the curriculum. Since many students are often discouraged from studying the arts because there is no money there, even those who would like to study architecture have no better chance.

Yet creativity and innovation that draws on African heritage can play a meaningful role in confronting a variety of land uses, ranging from satisfying the political and cultural to the practical and sustainable. So, in our contemporary society, what can ancient African innovations like the obelisk, the M’Zab Valley’s “anthropic ensembles”, and Yoruba art teach us in building on Africa’s architectural ideas instead of often simply rejecting or circumventing them?

First, while the private sector has a role to play, African governments are responsible for shaping a curriculum that promotes African architecture, providing architectural scholarships, and much more. Also, there is a need for government agencies to work in an integrated manner. Ministries of education for example, could work with those of culture, urban planning, and lands and survey to determine how best to integrate African architecture into the education system. This can be done at the pedagogical level and translated into land policy at the practical level. Meanwhile, schools themselves have much to offer. As custodians of knowledge, they can offer rigorous training in African architecture in conjunction with African arts, culture and heritage. And this can be embedded in subjects running from African history and sustainability to cultural studies and natural resource management.

Second, suppose Zena Howard, who was involved in building the African American Museum in Washington, is one of the Black women who in the United States make up less than 1% of licensed architects. In that case, that certainly suggests that the problem of gender inequality is not just an African problem. It is a global problem. Yet if we talk about art and leadership, Africa can lead the way in having more women represented in such a critical area that can immensely shape our minds and the kind of world we want live in. Also, given Africa's burgeoning youth population, young people are also needed. They are needed at the table not only as architects of their own lives, but also as architects of the world they will inherit, one that is battered with climate change and scarce resources running from water to sand. But how can women and young people be effectively recruited and retained?

Besides supporting them through ways and means like architectural fellowships, another crucial area is mentorship. Architects such as Demas Nwoko, Zena Howard, and David Adjaye could be part of a consortium that mentors African women and young people in architecture. Other names include Diébédo Francis Kéré, Victoria Heilman and Naima Chabbi-Chemrouk. Finally, perhaps most importantly, there is a need to jettison the idea of seeing African architecture as "uncivilized". This must be done to build environments based on age-old principles suitable for the local environment. From Algeria to Nigeria, Africa is full of historic innovations that wait to be fully harvested. Ironically, while this is hard, it is also easy: it is mindsets that need to be shifted. That process can no doubt work like the natural synthesis the Zaria Arts Society championed. But in places like Africa, it is as if it is one-sided, saddled with elimination and circumvention. Indeed, as Bayly (2014, p. 10) noted, "It seems difficult to deny that, between about 1780 to 1914, increasing numbers of people decided that they were modern, or that they were living in a modern world, whether they like it or not". This echoes Nwoko's observation that, in Nigeria (and surely elsewhere), the idea was to follow the global trend, whether it served the people or not (Sijuwade, 2020). Moreover, as they still do today, the icons of technical modernization were everywhere to "dramatize this sensibility" by the end of the 19th century. Indeed, by the 1900s, many elites from Asia to Africa were convinced that this was an age where cultural customs and community should not only erode but erode further (Bayly, 2014, p. 10).

It is hardly true that there is a perfect culture with no unquestionable traditions, which should erode further. But one would think that modernity can be many things, including adapting local ideas with new insights. Yet even in the M'zab Valley, an oasis of local genius that can continue to inspire, what is seemingly seen as modern is captured in such statements: "A small industrial zone and natural gas piped from Hassi R'Mel are helping to modernize the area" (Encyclopaedia Britannica, 2014). While the industrial zone may be warranted, this comes off as if anything that came before was primitive. But is everything "modern" useful? Nwoko might think otherwise: "The contribution of new techniques of water harvesting (boreholes and pumps) has unbalanced the M'zab Valley" (Ouled and Remini, 2016, p. 1; Benguergoura Laradj and Remini, 2014). The question may then be: How can the previous local knowledge, which has inspired so many, work in tandem with new techniques as if by natural synthesis — synthesis that does not unbalance but balance and sustain the needs of society?

CONCLUSION

African architecture is like a garden that can feed Africa and the world with ideas. But except for a few isolated cases, it has yet to be fully cultivated and harvested. Nonetheless, if land usage is paramount, and if the arts, culture and heritage are needed to build the Africa we need, then there is a need to take African architecture seriously in land policy. This is especially important because, as land increasingly becomes a matter of life and death, particular attention needs to be paid to its usage. For the land is often not needed for its own sake; it is needed for something else. How, then, should this resource, which continues to become scarcer and scarcer, sometimes leaving bloody battles in its wake, be used? This is where architecture is fundamental. For it could help inform better land policies and reduce the burden on resources like sand, gravel, and water, items that "represent the highest volume of raw material used on earth" (UNEP, 2014).

Now, to talk about resources and land usage is to consider that, besides climate change, which challenges the way structures are designed and made, new challenges such as COVID-19 have also highlighted how space should be used. Innovations like those found in African architecture may have answers to the present land challenges. This is because, from Nigeria, where Demas Nwoko's work exhibits culturally relevant and sustainable design, to the

M'zab Valley which inspires simple, functional and environmentally sensitive planning, Africa is rich with vital architectural innovations. There is therefore an urgent need to consider how these architectural feats can help shape land policies that inform the Africa we need, one that is prosperous not only for the very few, but sustainable and inclusive for everyone.

What is more, African architecture is not limited to Africa. It can make a difference on the global stage, as the African American Museum in Washington shows. Harvesting all these benefits, however, demands a shift in mindsets. And this, among other things, would mean having African governments invest in African architecture; having African institutions offer rigorous training in African architecture; supporting Africans, especially women and young people, to study African architecture; and jettisoning the idea of seeing African architecture as “uncivilised”.

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AUTHOR CONTRIBUTIONS

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Reclaiming and Upholding Sacredness of Places, Objects and Personnel: A Case of the Agikuyu of Nyandarua, Kenya¹

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KEY TERMS AND DEFINITIONS

Culture: A community's lifestyle is distinguished by its ecological conditions like geographical boundaries, economy, political organisation and religious beliefs.

Perception: Knowledge of the nature of a subject in each context acquired through seeing, learning and relating with the object of concern.

Religion: Adherents' view of the supernatural being conveyed in beliefs and practices.

Sacred: *What pertains to God and is distinguished from the ordinary. It evokes a sense of awe.*

INTRODUCTION

Human beings have not lived in a totally secular world. There is a belief in the existence of mysterious powers that control the world and human life. Communication between these powers and people leads to religion. According to Dawson (1959), these powers are associated with particular people, things or places through which humans and the divine worlds communicate. Eliade (1987) refers to these media of communication as the "Axis Mundi", that is, the centre of the earth.

Religion is complex as it consists of many features and means many things to different people at different times and in different cultures. The relationship between religion and culture is two-sided. The way of life influences the approach to religion, and religious attitude influences the way of life. Consequently, cultural change is likely to impose change in religion and vice versa. This paper explores explicitly the contemporary perception of sacred places, objects and personnel (SPOP). Each community identifies its SPOP depending on its lifestyle, experiences, practices, teachings or beliefs. Once disconnected from the divine and from the community they represent, SPOP ceases to communicate the mysterious power they represent.

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PERCEPTION OF SACREDNESS IN TRADITIONAL RELIGION AND CHRISTIANITY AMONG THE AGĪKŪYŪ

THE RELIGIOUS, GEOGRAPHICAL, AND HISTORICAL BACKGROUND

The AgĪkŪyŪ constitute the largest ethnic group in Kenya. They are spread throughout the country although their population is concentrated in what was known as the Central Province before 2013 and now refers to five counties — Nyandarua, Nyeri, Kīrīnyaga, Murang'a and Kiambu. The sampled area of study, North Kinangop division in Nyandarua South district, is situated in Nyandarua (Kenya Gazette, April 2009).

During colonization, the traditional religion was disrupted in Nyandarua as the squatters were not allowed to hold religious meetings. No time or place was set for worship, but they worshiped secretly

The AgĪkŪyŪ trace their origin mythically to Mt. Kenya. They believe in one God the creator of the universe, who lives in the sky and has an official dwelling place in Kīrīnyaga (Mt. Kenya) with other minor mountain dwelling places. They worship facing the mountain but have specific areas set apart at home and a sacred grove (mŪgumo tree/strangler fig/*Ficus natalensis*) identified and dedicated for offering sacrifices in each territory.

The AgĪkŪyŪ religious beliefs and practices were closely interwoven with the social organisation of the ethnic group and family life (Leakey, 1977). Religion was never an individual matter but rather a family or community involvement. When an individual member rejected religion, the family worship was intermittent, and it was necessary to disown the person to be complete and undivided in worship (Leakey, 1977).

The people in Nyandarua migrated from Nyeri, Murang'a, Kiambu and a few from the Rift Valley while others are born there. Some of them had already converted to Christianity since missionaries arrived in the AgĪkŪyŪ land by 1902 (Baur, 1990).

During colonization, the traditional religion was disrupted in Nyandarua as the squatters were not allowed to hold religious meetings. No time or place was set for worship, but they worshiped secretly (Bottignole, 1984). Currently, most are Christians, a few are traditionalists and Muslims, while others belong to some indigenous denominations with their various sects. The main Christian denominations are Catholic, Protestant and Evangelical.

COLLECTION OF DATA

The data were collected from 3 types of samples, namely: 30 Agĩkũyũ traditional informants, 30 Christian informants and 270 respondents. The Agĩkũyũ traditional informants, purposively sampled, ranged between 61 and 120 years old. Most were between 70 and 90 years old with 16 females and 14 males of whom three-quarters had not gone to school. The Agĩkũyũ Christian informants ranged between 55 and 96 years old and most were between 60 and 80 years old, with 53.3% females and 46.7% males. Of these, 36.7% had no academic education. Their places of origin were represented. Among these informants, 43.3% were Catholic, 36.7% Protestant and 20% Evangelical. Church leaders were 20%, and 80% were ordinary active Christians. Only two elderly people were unable to attend church services.

The 270 randomly sampled respondents comprised active church attendees, of whom 24.5% were 15–35 years old, 47.8% were 36–55 years old, and 27.8% were 56 years old and above. Women formed 56.3% of the sample, and the men were 43.7%. Most (64.5%) were born in Nyandarua; only 6.9% of the respondents had gone to school. Most respondents were Catholic, while Protestant and Evangelical faithful were in equal numbers. Out of the 270 copies of the questionnaire distributed, 245 were returned complete: 50.6% by Catholics, 26.5% by Protestants and 22.9% by Evangelicals. Church leaders completed 13.9%, and 86.1% were from church members.

Two interview guides were administered to both the traditional and Christian informants to determine the meaning of sacredness for both Agĩkũyũ traditional religion and Christianity. Data collected from the Christian respondents using a questionnaire supplemented the findings from the interview guides.

The data, gathered with the help of field assistants, were organised, categorized, coded and summarised based on the following chosen themes:

- The perception of sacredness and SPOP in both Traditional and Christian religions
- Similarities and differences between them
- Change in perception of sacredness and SPOP in both religions

- The factors causing change
- The need to reclaim traditional perception of sacredness and SPOP
- The way forward

PERCEPTION OF SACREDNESS AND SPOP IN TRADITIONAL RELIGION

The term “sacredness” was translated in Kikuyu, by the word “kwamŭrwo”, meaning to set apart from the ordinary and for God. Most informants immediately alluded to this meaning but explained it differently. Being clean and pure are essential elements in sacredness. The community scrutinised what was used, done or set apart in order to ensure there were no defects in representing it.

Community activities such as acquiring and tilling land, planting and harvesting, were well stipulated and done sacredly. This included sharing the first fruits of the harvest, normally placed in a common barn built by the roadside for travellers and the needy. The political lifestyle, according to an elderly informant, was handled over ceremoniously from one age group to another. Their explanation affirms what Mbiti (1975) said that in African communities, religion permeates every aspect of life.

The mŭgumo tree, specifically chosen for its features, composition and nature, was the Agĩkũyũ’s shrine. It was the symbol of the wholeness of the community

Rituals of consecration involved the community. They included many aspects, such as prayer and celebrations with various specific meals from chosen sources, prepared to represent the entire community.

The mŭgumo tree, specifically chosen for its features, composition and nature, was the Agĩkũyũ’s shrine. It was the symbol of the wholeness of the community, for it represented the whole life of the community. After consecrating the tree ritually, sacrifices and community rituals were carried out here. During calamities, the community gathered to offer sacrifices on the mountain. The leaders, who offered sacrifices, were set apart by a ritual. Objects used in such rituals were scrutinized and once used, were known to be sacred.

The history, election and consecration of SPOP explained their significance and prompted the community to value them. Therefore, choice and attitude of the community towards its SPOP reflected

the cultural, social, spiritual, political, economic, mythical and communal ethical life. As Ekwunize (1997, p. 7) says, "sacredness in African culture is wholeness in unity". Currently, those places are rare and hardly used due to a decline in adherents. Christianity has replaced them with churches. The Agĩkũyũ who embraced Christianity had to abandon the traditional concepts, but do they in reality find fulfilment in the Christian SPOP?

PERCEPTION OF SACREDNESS AND SPOP IN CHRISTIANITY

Informants described sacredness in Christianity in terms of setting apart for God. What is sacred is empowered with authority to be and do and is considered holy. According to the Christian informants and respondents, SPOP, purposely set apart by rituals, were sacred. In some churches, rituals of consecration have a big impact, and participants observe symbols, actions, blessings and celebrations that speak deeply to them. Their meaning communicates the act of consecration and their new status, imparting a sense of sacredness to the community.

Some Christian denominations do not emphasise rituals of consecration of SPOP. Consequently, some informants did not know or understand such rituals and their impact. This is quite different from the traditional perception of SPOP, and the approach does not relate to the traditional, familiar ways.

SIMILARITIES AND DIFFERENCES IN PERCEPTION OF SACREDNESS

Most informants and respondents found it difficult to tell the similarities and differences between sacredness in Christianity and traditional religion due to a lack of proper knowledge of both religions, especially conventional religion. Instead, others, especially Catholics, compared their pre-Vatican II Council with contemporary experiences. The description from some participants include:

- Sacredness entails setting a part of unblemished object in both religions. However, in traditional religion it was preserved by taboos and rules. Christians were not able to connect the sacrificial aspect of traditional religion with the sacrifice of Christ.
- An elderly man (101 years old) described sacred places in Christianity as a moral teaching ground while the traditional places are for worship. This implies that traditional believers

Sometime back, sacred objects were entrusted to chosen people, but nowadays, more and more people are handling them with no reverence. An informant expressed this with sadness and wondered what the church's future would be like.

hold that Christianity cannot replace traditional religion, it is just an additional aspect emphasising society's morals. Would this be one of the reasons why some African Christians practice both religions; they attend go back to traditional practices when in great need al practices?

- Traditional initiation rites prepared people to embrace sacredness, religion and leadership but sacramental preparations do not replace them.
- Unity in worship with some unfaithful church members was a concern. How can the sacrament of penance and the confession of sin from a Christian perspective be explained in this context?
- Negative attitude towards other believers' practices even in the same family was expressed. This did not exist in traditional religion.
- Sacredness is related to holiness and set apart for God in both religions. Boundaries of sacred places were was common in both religions but in Christianity, it is slowly vanishing.
- The concept of setting apart by ritual involved the community's entire life in traditional religion unlike in Christianity.
- Some Christian denominations have rituals to mark the consecration of SPOP and define them but not others.

These comments have strong implications on the contemporary perception of SPOP. Lack of knowledge of the surrounding creates questions and suspicions instead of reverence. This may lead to what is presented in the problem addressed here, i.e., in time of war, SPOP are vandalized. Thus, the concept of sacredness in traditional religions emphasizes the wholeness and reverence which denotes relationship (unity) and reverence. Perception of SPOP varies among Christians depending on each denomination.

CHANGE IN PERCEPTION OF SPOP

Religious values are interactive since they are embodied in a people who are influenced and shaped by material and social conditions (Livingston, 1998). Thus, a change in lifestyle leads to change in religious approaches. This can be a reinforcement and affirmation of the existing values or a decline of the same.

Informants believed many traditional sacred objects were discarded because they could not be used elsewhere, and they would not be used in Christianity.

One sacred mūgumo tree in the Aberdare Ranges, is still standing. People visit there although no sacrifices are offered, it is still respected. But for how long?

Several informants noticed changes in the perception of contemporary SPOP, even in Christianity. They no longer arouse the sense of awe like in the past. The sense of awe, that first excitement and enthusiasm people had when they embraced Christianity, is no longer experienced.

Church buildings are now sometimes used as public areas where non-religious issues are addressed, as confirmed by 91.4% of the Christian respondents. Sometime back, sacred objects were entrusted to chosen people, but nowadays, more and more people are handling them with no reverence. An informant expressed this with sadness and wondered what the church's future would be like.

Three informants said the sacred personnel are no longer enthusiastic about God's work, and their behaviours have changed. They are not respected, and when they make mistakes, they are criticised in public. Some of them are drawn to secular life, as portrayed by their behaviour, and so lose their credentials. A few informants still see sacred personnel carrying out their roles faithfully. Remarkably, the respondents' study was very different, as 95.5% were satisfied with the performance of sacred personnel.

Change in perception of SPOP was not felt by 52.2% of the young respondents and 43.0% of the young adults. Only 4.8% of the older respondents saw no change. Therefore, age differences can explain the perception of SPOP. The older one becomes, the more one gains experience and can identify discrepancies. Young people do not have the necessary expertise to understand the differences.

Change is a gradual process that is difficult to notice. It is inevitable and can be a decline or a growth. Thus, it is possible that some

Sometime back, sacred objects were entrusted to chosen people, but nowadays, more and more people are handling them with no reverence.

Christians are not actively involved in the church or are new members and therefore do not know the difference.

Hence, the difference indicated by the age gap and knowledge of sacredness can be interpreted as an indication and confirmation of loss in perception of sacredness. This is a sign that this concept of sacredness may be gradually wiped out. The more people draw closer to SPOP, and the more SPOP are simplified, the more they lose their real identity of the “mysterious otherness” they communicate.

Livingston (1993) states, “the unique characteristic of sacred power is the fact that it evokes an ambivalent response...simultaneously as awe and aversion and purity and danger”. The community lifestyle, handling the common good such as lands, environment, and human life depicts the spiritual connection with God (sense of sacredness). SPOP is still needed to draw and lead people to sacredness.

THE FACTORS BRINGING CHANGE IN PERCEPTION OF SPOP

According to respondents, changes are initiated by modernity, ungrounded faith, loss of cultural values and demystification of SPOP. Some traditional informants included a lack of proper teaching of cultural values. Most Christian informants said the elders’ wisdom and knowledge of SPOP is no longer instilled in the younger generation. Most young people spend their time on academic studies and little or no time learning religious values.

Some respondents commented that children are exposed to mass media where sacredness is ridiculed, SPOP is portrayed negatively and are based on European culture. This is an extension of the lack of inculturation of positive African values in Christianity which were ignored and replaced by European culture that wrapped the gospel values. Finally, Africans end up throwing out the baby with the bathwater. SPOP is demystified by stripping them of the taboos and the stipulated rules that endorsed them.

RECLAIMING AND UPHOLDING A SENSE OF SACREDNESS AND SPOP

Reclaiming and upholding sacredness does not mean going back to a traditional lifestyle. It calls for identifying and upholding the values that give people their identity and the notion of sacredness

that shaped and will continue to give them their identity. Dawson (1959) clearly stated that any society without a culture is formless. The Church in Africa has been advocating for the inculturation of positive cultural value, providential preparation for the gospel (Pope John Paul II, 1995). Integrating the positive values would give the Church in Africa its identity.

Based on this study, the people in Nyandarua recognise that the traditional notion of sacredness and respective approaches SPOP shaped the community. The need to recapture a sense of sacredness was supported by 88.2% of the respondents and 94.7% of them indicate a great need to respect SPOP a sign that the people are open to learning and would like to reclaim and maintain sacredness.

Therefore, Christians value and want to maintain respect for SPOP and reclaiming and maintaining traditional positives perception of SPOP would strength this. This is a long process, and it will most likely encounter many obstacles and difficulties. However, life is always changing and adapting to what seems attractive in the world. Consequently, sacredness has to be advocated for as a rewarding value that can attract people in many ways. Use of mass media, such as creating movies that reward sacredness might gradually have an impact on some people. More research can be done on this area.

Other ways of reclaiming a sense of sacredness included teaching of the sound traditions surrounding sacredness and SPOP to young people. This can be included in catechetical sessions according to 31.4% or organized seminars as indicated by 34.3% of respondents. Some informants recalled having attended such teachings led by an elderly priest (Fr. George Wambugu of Nyeri Diocese) and they still remember what they learned about the relationship between Christianity and Agĩkũyũ traditional religion. In the beginning traditional religion was presented in a negative way and with no link between the two.

Currently, some young people seek knowledge from the elders regarding the community's traditions that were taught during initiation rites. This had been abandoned for over 30 years. Moreover, group initiation rites of young men have been revived, and this is an opportunity to teach positive values.

The quest for traditional practices and teachings might have developed from need. During the land clashes, many people were displaced from their lands and they have realised the need to find and deepen their cultural values and identity. The lack of sacredness manifested by these experiences created nostalgia for sacredness, and their relationship with God that gives meaning to their homeland. It is crucial to guide Christians on integrating positive values to avoid syncretism.

CONCLUSIONS

The Agĩkũyũ traditional SPOP were legitimate constitutional properties of the community and the manner of their election and consecration pointed to their significance. The root of the Agĩkũyũ spiritual life is well elaborated in the symbol and meaning found in the mũgumo. The rituals that surround it unite the community. The people identified themselves with the mũgumo tree in its size, greatness, and importance in the healing of animals and humans and in matters of power of leading the community (Karanja, 2008). The ruling body reclaimed the mũgumo tree by the ritual of dedication. They influenced the community and with their guidance, life in the society flowed and was knitted together. In this context, sacredness permeated every aspect of life.

Today, this role is in the hands of government leaders. The people and their needs depend highly on them. They have an influence on the concept of sacredness in the community too. Many issues, including land, political clashes, and acquiring of places to build churches, depend on them. Their attitudes towards community lands, for example, the Aberdare forests in Nyandarua that are continually deforested, are at their mercy, and so is the handling of vandalism of SPOP. This concept is often neglected during elections and in making policies that guide the community.

If protected, the mũgumo tree in the Aberdares that meant so much to the community would remain a teaching tool for generations with policies in place to identify such treasures and cherish them. A concept of sacredness in the role of leadership can renew unity and eliminate divisions. Hence, the church and the government are recommended to work hand in hand to reclaim and uphold sacredness in society.

Sacredness in traditional religion as wholeness and unity impacted African communities. Change in contemporary perception of sacredness, seen in the decline of a community's lifestyle, reflects a decline of sacredness. Certainly, losing a sense of "sacredness" is losing African identity, where God is at the centre of everything. The hope of building the Africa we want requires reclaiming and upholding the African spirituality based on the sense of sacredness and the importance of SPOP, which are the Axis Mundi.

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The author researched, interpreted the data and wrote the work.

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Discriminatory cultural practices inhibiting youth and women access to family land among the Ndali: Insights from local leaders in Ileje District¹

Fredrick B. Magina & Agnes N. Mwasumbi

DEFINITION OF KEY TERMS

Culture: The set of distinctive spiritual, material, intellectual and emotional features of society or a social group that encompass, in addition to art and literature, lifestyles, ways of living together, value systems, traditions and beliefs (UNESCO, 2002). It is the lifestyle of a specific group of people, seen in people's behaviour, beliefs, values, customs, dress style, personal accessories like make-up and jewellery, and relationships (Akinola, 2018).

Family land: A parcel of property jointly owned by members of a particular family. Once property is jointly owned by members of a family, no single member can sell such property without the concurrence of all other family members or head of the family (www.definition.net/define/family-land).

Access to land: Way of getting land and can be through formal and informal means. In the formal land delivery system, the allocation and transference of land is via procedure laid down by the government. In the informal land delivery system, the allocation or transference of land is outside the ambit of the government (Kironde, 1995).

Discrimination: The unjust or prejudicial treatment of different categories of people, including on the basis of race, age, sex, or disability

INTRODUCTION

Land continues to be the cornerstone for many communities of farmers, pastoralists, hunters and gatherers all over the world. It constitutes a productive asset that is used as capital for rural and urban dwellers (Lipton, 2009; Akinola, 2018). Discourses on land use and gender provide that in Africa and in other developing countries, women and the youths constitute a larger group of agricultural producers and maintainers of their families than all groups and

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thus spend much of their time working in the fields (FAO, 2006; RISD et al., 2017). About 60% of women in Africa depend on land for their livelihoods (Mutagandura, 2004) whereas Tanzania's youth population (defined by the National Youth Development Policy of 2007 as women and men between 15 and 35 years) constitutes about 35% of the country's population (URT, 2007, 2014; LANDESA, 2021). With changing global and regional trends that call for inclusive socio-economic development, youth have been identified as key drivers for economic transformation in many countries. In Tanzania youth engagement in agriculture is considered vital since youth form the largest part of the population and labour force in the country (LANDESA, 2021). As a result, women and the youth provide 80% to 90% of the labour in subsistence production and over 70% in cash crop production. Above all, a large proportion of these groups engaged in agriculture have limited access to land ownership rights since only 18% of women own land in rural areas (ibid). Resting on this reality, Odeny (2013) reiterates the central position of women's land rights in developmental discourse because of its impact on women's access to land resources, security of the land tenure system, agricultural productivity and improvement in livelihood.

While this is the trend in many African societies, ownership and access to land among different gender groups has remained in the preserve of men (RISD et al., 2017). A study by Akinola (2018) shows that in Africa, women own less than 1% of the land. On this account, Allendorf (2007) has argued that most women remain dependent on the existence and goodwill of male relatives for access to land. The importance of land and its unequal distribution between male and female, as observed by Deere et al. (2012), has called for a rethinking of land reform and women's land rights in Africa. Despite the enactment of gender-free laws in many African States, women have consistently been denied access to this resource in many parts of the continent, particularly in rural areas (Akinola, 2018).

Further, African culture and traditions acknowledge land as a source of identity and cultural heritage (Garvelink, 2012; Odeny, 2013; Akinola, 2018). Eniola and Akinola (2019) have further demonstrated that the social legitimacy of these traditions is a stumbling block to realizing women's property rights for traditions regard women as being incapable of exercising control over landed properties. Subsequently, women, especially in sub-Saharan African countries, continue to face discrimination, accessing farmland only through

their husbands or fathers as they are only granted usufructuary rights as land titles pass through the male line (Mutagandura, 2004). This stark reality of gender discrimination in land ownership leads to women's vulnerability to poverty as they are denied access to credit (Aigbokhan, 1998; Cagatay, 2001; Mulungu, 2021) due to, among other factors, lack of collateral; they cannot present land as an asset for securing a loan.

As pointed out earlier, the denial of women's rights on land is framed within various traditional and cultural practices based upon men's superior position, causing women to suffer much cultural abuse (Msuya, 2017, 2020). Spencer-Oatey (2012) has argued that men dominate because traditions and cultural practices form their identity, and UNESCO (1994) has noted that many harmful traditional practices are performed at the expense of women. Against this background, our intension was to identify and describe the discriminatory cultural practices on access to family land by youth and women among the Ndali in the Southern Highlands Zone of Tanzania amidst the prevailing policy and legal reforms, and how discrimination has had an impact on the lives of these groups.

LITERATURE REVIEW

1.1 AFRICAN CULTURE AND GENDER EQUALITY ON LAND — A HISTORICAL PERSPECTIVE

The question of culture and gender equality on land in Africa can be described in three phases: pre-colonial, colonial and post-colonial eras. History reveals that before colonialism in Africa, there was a cultural system that allowed easy access to land for women because land was owned communally. Among the many responsibilities which were bestowed on women such as fishing, farming, herding, and commercial activities such as making clothes, pottery and handicrafts (Van-Allen, 2014), women enjoyed the profits of their work and were not stereotyped on access to and use of land (Fredoline, 2002). Building on this argument, Hakansson (1994) ascertains that in some areas, like among the Kikuyu in Kenya, women were the major food producers, choosing how to cultivate the land.

During colonialism, colonialists used women, children and the youth as the main source of casual labour on their plantations (Amedium, 2000). But in the pre-colonial period, the main responsibilities of

women were limited to finding water, tilling, sowing, harvesting, and managing the home. These activities were interrupted when colonialists claimed land previously cultivated by women, alienating women's roles (Nduye, 2013). Keet (2013) confirms this by arguing that this alienation had a negative impact on women economically, causing them to be more dependent on men. Consequently, Becker (2002) observes that men became patriarchal, concerned with controlling women's movements in order to retain the purity of their clan, control moral decline and discipline women. Rodgers (2013) argues that women therefore had limited access to food, available terrain, and less diversity concerning available soil types and crops that could be cultivated. This resulted in social, physical and emotional male supremacy and dominance, and a loss of female identity.

During the post-colonial period, most African States started correcting past gender discrimination by changing laws imposed by the colonialists (Msuya, 2020). Some African States changed their constitutions to include a provision prohibiting discrimination based upon sex and gender (Mbilyi, n.d). A focus on agriculture and food production as a mainstay of economic activity took root (Murunga 2016). To restore the post-colonial access to and use of land, different African States took initiatives to reform their land policies and laws to provide equal access to land for the special groups, especially women and the youth who are the main producer groups. Despite this, access to land by these special groups has not been effectively achieved because of the dominance of customary and colonial laws has continued to prevail in many African societies. Spencer-Oatey (2012) indicates that a "present-oriented" culture pays little attention to what happened in the past or what the future holds.

INITIATIVES ON WOMEN'S AND YOUTHS' ACCESS TO LAND - REALITIES FROM EAST AFRICA

African States have undergone rigorous reforms on land policies and laws in order to, among other things, mainstream gender in development. The Government of Rwanda established laws that protect the rights of women and emphasize the importance of gender equality in social and economic development. It was among the first countries to enact a law in 1999 that provides for equal inheritance rights for both the girl and boy child; the law also institutes matrimonial regimes, liberalities and successions. Of particular interest in this law, are the equal inheritance rights of

women and girls to those of men and the boy child. However, some authors argue that some men believe that the law is unjust, and will allow women to benefit from land from two sources: their parents and their husbands (Musahara, 2006). Some studies, such as RISD (2014), also claim that this provision has been a source of land disputes, especially intra-family disputes mainly due to land scarcity but also due to the increases in land values that occurred in Rwanda after land registration. As part of their commitment to gender equality and women's empowerment, the government made the implementation of land reform a priority. In 2004 a National Land Policy was put in place with the aim of guaranteeing a safe and stable form of land tenure, while marking the end of customary rights in Rwandan land policies. This was followed by the enactment of the Organic Land Law (2005), determining the use and management of land in Rwanda; this was later reviewed in 2013. Article 4 of the law provides that all forms of discrimination, such as that based on sex or origin ought to be prohibited in relation to access to land and the enjoyment of real rights to land. These legal frameworks are implemented through the Land Tenure Regularization Program (LTRP), understood as one of the most ambitious land reform efforts in Africa aimed at registering every piece of land through individual titles. However, the implementation of these legal frameworks still faces challenges. One indicator is that, with the implementation of the LTRP, intra-household disputes over land have increased, mainly relating to inheritance, and these disputes have a disproportionate impact on women.

In Uganda, the agriculture sector has the potential to grow since it employs approximately 58.4% of the youth (Deloitte, 2016; UNCDF, 2016) and most youth in the country reside in rural areas where the potential for creating employment lies in enhancing rural farm and non-farm activities (MoFPED, 2011). However, one of the factors reported to curtail youth engagement in agriculture is limited access to productive resources, of which land was mentioned as a key determinant (MoFPED, 2011; Deloitte, 2016). The issue of access to and control over land still lingers although several policies and legislations have been enacted and established. This could be due to inadequacy of existing policies and legislation (with limited focus on enabling youth access and control); poor policy implementation; lack of intersectoral coordination and cooperation; inadequate awareness and information; corruption; unclear processes; increasing pressure on land as a result of population growth; inefficiency; disorderliness in most of the country's land

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registries with cases of double certificates of title over the same piece of land; long time of conveyance observed; and political interference. Due to these challenges, the government through policies, strategies and laws such as the Land Act (1998) and its 2004 and 2010 amendments, the Constitution of Uganda (1995), the National Land Policy (2013), National Development Plan II-NDPII (2015/16-2019/20), Vision 2040, among others has endeavoured to streamline the land process and secure the tenure, ownership of and access to land for use in development and settlement. However, this has not adequately addressed the issue of land access, ownership and security of tenure as shown by increasing landlessness and land poverty; underutilization and scrambling over communal lands; discrimination against women and youth in accessing land; inadequate land administration services, especially land dispute resolution; and poorly functioning land sales and rental markets (NDP-II).

Tanzania's land policy and legal reforms developed in the 1990s contain provisions to ensure that land rights and tenure security are protected for different groups

Acknowledging the centrality of inclusive land access and tenure security in agricultural growth and productivity, Tanzania's land policy and legal reforms developed in the 1990s contain provisions to ensure that land rights and tenure security are protected for different groups, enabling them to engage in agriculture. However, the legal frameworks give little attention to the land rights of women and youth. Rather, these documents seem to imply that these groups are regarded as protected as adults under the existing frameworks, omitting the unique needs which youth have when it comes to land access. The National Land Policy (1995) which is under review, the Land Act No. 4 and the Village Land Act No. 5 all of 1999, provide for the right of every citizen to own land within the United Republic of Tanzania. This right gives life to Article 24 of the Constitution that provides for every person to own property, including land. These frameworks also guarantee equal rights between men and women to access, own and control land. However, the land policy and legal frameworks neither contain youth-specific provisions nor recognize the challenges that youth face in accessing, using, controlling and owning land. Because customary norms often leave youth, especially young women, out of village level land allocation processes, and because youth face delayed inheritance and challenges accumulating resources to purchase land, the absence of youth-specific provisions or references in land policies and laws makes it difficult for young women and men to enjoy their legal land rights in practice (LANDESA, 2021).

Other sectoral policies have made strides geared towards increasing youth involvement in agriculture to reduce youth underemployment and unemployment while transforming the agriculture sector. In particular, the National Agriculture Policy (2013), the National Strategy for Youth Involvement in Agriculture (2016–2021) and the National Youth Development Policy (2007) all acknowledge the important role of youths' access to land for agricultural growth and youth economic empowerment. The National Strategy for Youth Involvement in Agriculture of 2016–2021 thus directs all local government authorities to allocate land for youth groups interested in agribusiness.

CONCEPTUAL BASES

The study deployed the concept of culture and a human rights-based approach to better understand the behaviours, customs and traditions of patrilineal societies on women and youths. The concept of culture frames gender identities and relations as critical cultural aspects that shape daily family lifestyle, workplace behaviour and behaviour within the broader community (Akinola, 2018; Msuya, 2020). The concept provides that African traditional communities still conceive the duty of a woman to be primarily that of child bearing and rearing. The concept further expresses the fact that African culture continues frowning on women's participation in economic activities for survival. This role falls to the man or husband, who is expected to provide for the woman and his entire family (Eniola and Akinola, 2019). Women, seen as adjuncts to their husbands, are not expected to own land or claim the produce thereof (Akinola, 2018).

The human rights-based approach advocates for the centrality of the rights to use and control land by rural women (Mutagandura, 2004). The approach insists that women and girls lack land rights, as well as indicates that all vulnerable groups, particularly women, are victims of discrimination since land is considered the most fundamental resource to their living conditions, economic empowerment and, to some extent, their struggle for equity and equality within a patriarchal society (Knowles, 1991; Mutagandura, 2004; Msuya, 2019, 2020). Without rights to land, women's economic and physical security is compromised. The approach puts more emphasis on an individual's tenure status as composed of a "bundle" of rights, not simply their access to a plot of land. These rights comprise, for example, rights of access, use, mortgage and sale of land, yet there are different rights produced by the combination of land and labour (Simpson, 1976; Bruce, 1986).

Based on this understanding, Knowles (1991) have claimed that the bundle of rights comprising women's tenure is both significantly smaller and less secure than that of men because of the prevailing male dominance in most African countries.

CONTEXT, METHODS AND DATA

THE CONTEXT — WHERE DO THE NDALI LIVE?

The Ndali people belong to the Sukwa-Bantu group and inhabit the south-western mountain plateau of Tanzania and the northern part of Karonga, Malawi. In Tanzania they are found in Mbozi, Rungwe, Ileje and Songwe districts in Songwe region (see Figure 1). The group has very similar languages, culture and traditions with the Nyakyusa, Lambya, Malila and Ngonde ethnic communities, who are said to also belong to the Sukwa group. The Ndali are mainly farmers and raise cattle on a small scale. The Ndali are known for a unique method of fermenting milk allowing it to last for up to three weeks. The estimated population of the Ndali community in Tanzania is approximately 150,000. On this account, local leaders in Ileje district were engaged to explore cultural practices which inhibit the youths and women from accessing family land. We targeted these two groups based on the reason that among the Ndali, patrilineal systems prevail amidst the policy reforms which advocate for equal access to, and use of land, for all groups.

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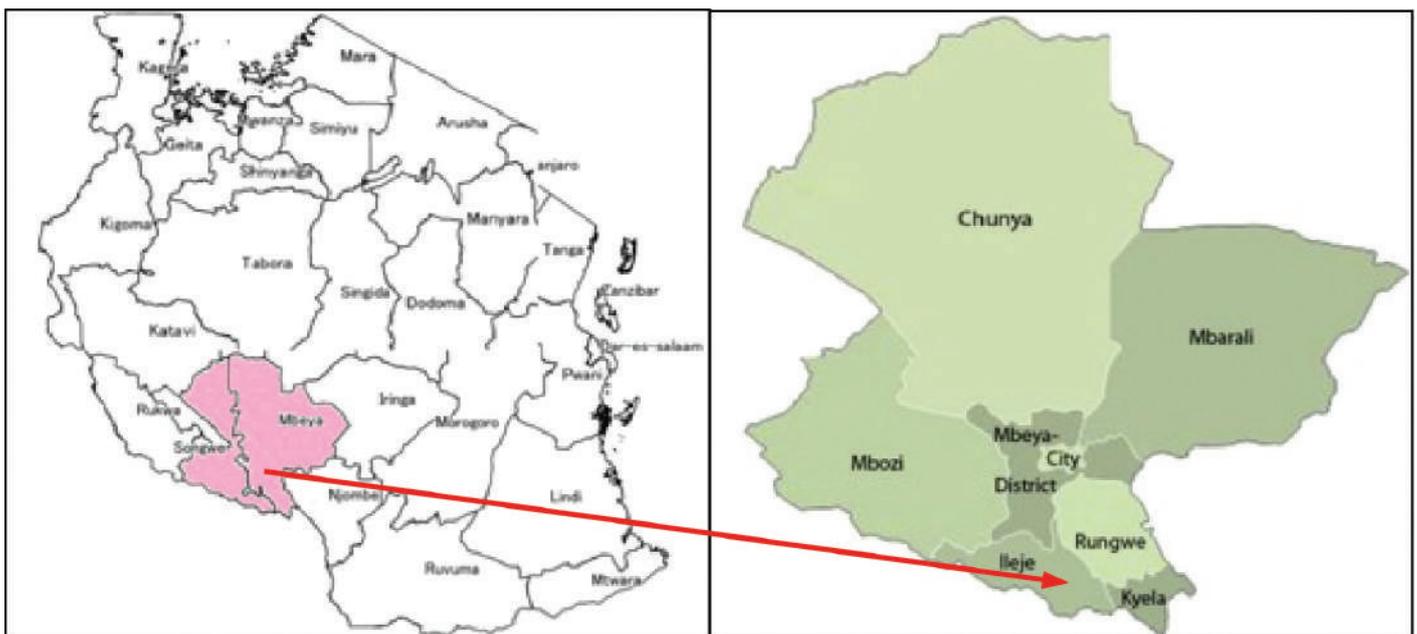


Figure 3: Location of the Ndali tribe at regional and district level
 Source: Authors' own construct, 2021

METHODS AND DATA

A qualitative research design, mainly explorative, was used in this study which was conducted in Ileje District in the Southern Highlands Zone of Tanzania. The main source of data was a seminar on land administration which was held in July 2021 in the district. The participants in the seminar who took part in the focus group discussion included grassroots leaders comprising hamlet leaders, village leaders (chairpersons and village executive officers, VEOs), members of village land councils, a few members of the village councils, ward councillors, ward executive officers (WEOs) and divisional secretaries. Several district officials, including the representatives of the District Executive Director, District lawyer and District Land Officer also took part in the discussion. In addition to focus group discussions, the participants took part in interviews, and open discussions and experience sharing in the plenary session. At district level, the local leaders and their experiences were drawn from six villages, namely Itumba, Isongole, Nyenzebwe, Mlale, Ilulu and Izuba. In total, 65 participants took part in the seminar whereby 29 were male adults, 26 women adults and 10 male and female youths.

FINDINGS AND DISCUSSION

DISCRIMINATORY CULTURAL PRACTICES ON YOUTHS AND WOMEN'S ACCESS TO FAMILY LAND

5.1.1 PATRILINEAL LINEAGE AND DISCRIMINATION ON ACCESS TO LAND

The discussion revealed that a very strong patrilineal system exists among the Ndali. The system shapes the nature of women and youth access to land and decision making on family land. Families and clans are headed by male elders and inheritance follows the male lineage in which sons inherit property from their fathers. Women become members of a family and clan by virtue of marriage and have no rights to inherit anything other than domestic utensils. In land inheritance, male members are allocated land by their fathers, whereas female members are given user rights on land owned by male relatives such as fathers and brothers. Such allocation is temporary because, once married, women are expected to leave and access land owned by their spouses' clan.

The discussion on what constitutes marriage in the Ndali community in relation to property ownership indicated that men viewed marriage as a symbolic unification with women as couples to have and raise children, making families and households. They [men]

denied women's rights to own landed properties particularly family land as the quotation below reveals:

"...In our society, the Ndali, married women are not entitled to family land as sole owners since they have no birth rights in our clans. Although, upon marriage we get children and families together, still this is not a warrant for them to acquire land ownership rights... Women can use family land under the umbrella of marriage, out of marriage despite her having children, she is not considered. In our clan, land is for men and not for women". [Village Chairperson, a man, Itumba village, 2021].

This quote shows that the right to use family land is associated with marriage, i.e., marriage does not give married women rights to access land, but rather rights to use land. In this scenario, marriage only joins couples to be called husbands and wives but entitlements on access to and ownership of family land are excluded for married women. The other connotation from the response is the reality that among the Ndali, access to family land is a traditional masculine conception which puts the right to own land on men only. The study further noted that not only are married women denied access to family land by their parents or siblings (fathers or brothers), but also female children who belong to the same families (daughters by their fathers or sisters by their brothers). The idea of side-lining women hinges on the fact that female children get the rights to use their fathers' land while unmarried and their husbands' family land upon marriage.

Findings from this study align with the observation in most of sub-Saharan Africa and other communities in Tanzania, where access to land is a masculine right, which still causes women to access land through marriage or other male relatives (Knowles, 1991). Although this situation affects women differently, their effects are no less profound (Aveling et al., 2013). Idris (2018) observes that although women form the largest proportion of adults in Tanzania and agriculture is their main form of employment, they do not have rights to immovable resources such as land. Thus, their marginalization is traditionally created and maintained by societies that recognize men as the dominant group and women as subordinates who are treated as people in transit from their natal homes to join their spouses (Bourdieu and Wacquant, 1992; Odeny, 2013).

COMMODITIZATION OF WOMEN THROUGH DOWRY PAYMENT

Commoditization of women through dowry payment was emphasized as a disqualification for a woman to inherit land in her own right in the husband's clan land. Related to the strong patrilineal system and discriminatory behaviour of men against women in the Ndali ethnic community, the denial of women the right to access and own land is the conception of women as a commodity. Most participants believed that dowry paid before marriage equates the woman to a commodity just like land. As such, a woman, who is a commodity, can only use land but not own it. A divorced man, aged 41 years, had this to say:

"I have paid dowry in the course of marrying her. Why should I make her a land owner of family land? This does not work among the Ndali. Land ownership in our society is a birth right to men, therefore, this right cannot be passed over to someone whom you have bought at a price". [Chairperson from Izuba village, 2021].

Men perceive and believe that the dowry paid is a price offered to buy women and so they should just use family land to produce for their families through agriculture. Unfortunately, therefore, married women are considered temporary members in the husband's clan as they may leave upon divorce, separation or death of their husbands in which case all the use rights given expire. As such, women have neither birth nor marriage rights to inherit land and may be rendered destitute in the event of divorce, separation or death of their husbands. One participant gave an account of how a female relative became homeless upon divorce as she was not welcomed by her brothers who inherited their fathers' land. She had to move to the nearest urban centre where she bought land.

The foregoing narration coincides with observations by RISD and Burnet (2003) and Kairaba and Simmons (2010). Their observations emphasize that women are considered as producers for their families because they are bought at a price (dowry); thence, they do not deserve to own their husbands' land. Furthermore, they are considered temporary members in their families and clans, as previously stated.

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GENDER-BASED DISCRIMINATION ON INHERITANCE

“...In the Ndali community, women; married, divorced, widows even blood daughters are not allowed to inherit family land”. [FGD with women, 2021].

A high level of gender-based discrimination was observed in matters related to inheritance of land and other landed resources. This applies to both women and especially female youths within Ndali land. During interviews, 36 women and youths out of 65 leaders who participated in the seminar raised their concerns about gender-based discrimination on inheritance. Results have proven that men in all cohorts are symbolically entitled to ownership through inheritance or allocation by the elders of the clan or tribe, while women and female youths are disadvantaged. Among the Ndali, women are evicted from their marital homes after divorce, separation or being widowed. For the youths, the main cultural barrier is associated with the timing of inheritance. We found in this study that it is a common practice for male youth to inherit clan and family land at the death of the male head of the family. Before this, the youth remain landless with only access rights. These customary and traditional practices result in landlessness as women and youths are denied inheritance rights to parent’s land.

These discriminatory practices found among the Ndali also occur in other African societies. Observations by Fonjong (2008), Pedersen (2015) and Wineman and Liverpool-Tasie (2017) reveal that traditional practices dictate that women and female youths are not entitled to inherit land or landed properties but must access land through their male relatives, such as their fathers and husbands. Richardson (2004) adds that land ownership in most African societies is traditionally passed through male heirs. As such, a woman’s right to access and use land has customarily been defined solely by her relation to men.

GENDER-BASED DISCRIMINATION IN DECISION-MAKING PROCESSES: A TRADITIONAL DILEMMA

Another form of a gender-based discrimination was on the right to decision making. During the seminar and focus group discussions the researchers observed that women’s and youths’ freedom of speech, especially in public, was limited by ethnic customs and traditions. This practice is common when males, elders or spouses are present. Although women and youths form decision-making bodies within villages, they do not freely air out their ideas particularly on matters

related to family land. While the policy and legal reforms have made provisions for the inclusion of women in decision-making bodies, women and youths are rarely members in Village Councils and Village Land Management committees. In most cases, the few who are involved do not have freedom to present their concerns in meetings in the presence of men. During in-depth discussions with women on their position in decision-making bodies they had this to say:

"...Where can you get confidence to argue against men or make decisions which sometimes do not favour men? [...]. Overall, our presence in decision-making organs is just physical; we have no rights to speak". [Village Land Council member, female, from Nyezebwe village, 2021].

Similarly, the youth also expressed their concerns on their position in making decisions amidst elders or their male parents:

"...we are also not very free in making decisions in the presence of our grandfathers, fathers and clan elders because of the belief that we are still young and we don't know much about land issues". [Male Village Council member, male, aged 23 years, 2021].

Here, we argue that the practice is a social and a traditional construct which has been cultivated over time and still holds on in Ndali society. Women, who are the primary victims of land conflicts, are excluded from public decision-making, including in the area of the management of conflicts related to natural resources for cultural reasons of division of labour between sexes. Further, the masculine character that accompanies women's and youths' access to land resources and their control is still a main challenge.

Odeny (2013), drawing from experiences in Mali, also supports this observation by arguing that the informal systems of land administration and management operate in a void that makes women's participation or leadership in land administration and management ineffective. Richardson (2004) insists that land and housing in most traditional African cultures is regulated by customary law. Although varying to a certain degree from culture to culture, women are generally prohibited by customary law from owning or inheriting land or other property (Richardson, 2004).

CONCLUSIONS AND RECOMMENDATIONS

What is apparent in the villages studied (Itumba, Isongole, Nyenzebwe, Mlale, Ilulu and Izuba) is the fact that the patrilineal system of human relations, which subjugates women in matters related to resource ownership, still prevails. The customary land tenure system, which remains relevant even within the statutory system, has affected women disproportionately in terms of limiting their access to, control over and ownership of land by virtue of their gender. Patriarchy determines how women access land: they can access it through marriage or male relatives, and in the event of the deaths of a father or husband occurs, a woman's right to land is suddenly placed in jeopardy. Therefore, a woman's access to land is always traced from a man: father, brother, husband and even in-laws in case of the death of the husband. This, in turn, has a negative impact on the economic empowerment of women and youths.

The customary land tenure system, which remains relevant even within the statutory system, has affected women disproportionately in terms of limiting their access to, control over and ownership of land by virtue of their gender

Studies from different African countries have shown that policy and legal reforms on land issues have been made and they exist for operational purposes. Still, due to limited financial resources, most women and youths who are the main producers in their families, continue to suffer due to traditions and customs. This study recommends that people in rural areas are enlightened on the current policy and legal reforms on the rights of all groups to a common land resource in order to create a balance among all land users. The government should establish gender-responsive land administration systems that enhance women's and youths' participation at all levels and mainstream gender in the systems. Moreover, capacity building of rural women's and youths' organizations at local level, facilitating establishment of forums and networks on women's and youths' land rights at national and regional levels can help to move forward the land rights agenda for the vulnerable groups.

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AUTHOR CONTRIBUTIONS

Both authors were involved in conceptualizing the study; writing the draft introduction, methodology and data collection methods; analysis and writing of the findings. Both authors have read and agreed the manuscript to be published.

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Land and culture as symbols of remembrance, ancestry, rituals and initiations: The case of Kihamba, Kyungu and Kifunyi among the Chagga of Kilimanjaro, Tanzania

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Kyungu¹ and Kifunyi² are revered places for any Chagga family. It is located within a Chagga Kihamba and is believed to be the origin or first settlement of the clan, marked by the presence of a significant tree and traditional Chagga sacred plant — isale. Within the Kyungu and Kifunyi landscapes, one finds a scatter of material remains, including potsherds, bones, bottles and pieces of clothes. These materials of culture, plus local narratives, signify spiritual practices, rituals and remembrance ceremonies around the Kyungu and Kifunyi area. Elders and spiritual leaders meet under Kyungu to perform such rituals and other related ceremonies to remember clan ancestors and ask for ancestral interventions to resolve hunger, drought and other natural calamities. Following these community — Kyungu and Kifunyi – interactions, the landscape in which the isale plant forms a part has acquired a special status serving as a medium through which the living communicates with the dead. Although there is a slight alteration in the performance and continuation of these practices due to the invention of modern religions such as Christianity, these activities continue to take place under and around these spots. The community still cherishes and maintains these places as a heritage and a connector between the dead and the living. Against this background, this paper seeks to show how land and culture among the Chagga of Kilimanjaro, north-east Tanzania are markers of deep-time spirituality and human–environment interactions. This paper argues that land and culture are both symbols and means of identity creation in which social relations between ancestors, the living and even the environment are constructed and prosper. For consistency, this paper uses Kyungu and Kifunyi.

Key Words: *Land, Culture, Chagga, Isale Kyungu, Kifunyi*

1. Sometimes known as Kiungu or Kyungu.
2. Sometimes known as Mbuoni, Mbuonyi, Kifuunyi or Ukuunyi.

INTRODUCTION

THE CHAGGA: HISTORY AND IDENTITY

The Chagga, an ethnic group of long-standing, are found on the southern slopes of Mount Kilimanjaro. Traditionally divided into many chiefdoms of different sizes, the Chagga are also well known due to their prominent leaders such as Horombo, Sina, Marealle I and Mandara. The Chagga chieftainship probably started around 1000 CE (Gray, 1975). This community, favoured by the mountainous climate, developed what scholars have considered an urban standard of life or an urban standard of social system (Moore, 1986). The Chagga are well known for their economic and political enterprise and have a long history and reputation as an ambitious, entrepreneurial and adaptable people (Fisher, 2012). Although the Chagga have been the subject of various studies from different disciplines such as history, anthropology and ethnology, it has been difficult to name or classify their ethnic identity. More importantly, no study has looked specifically into the social complexity of the Chagga. The Chagga's oral history and material culture have helped establish their social complexity and identity. The ability to adapt has been cited as the main characteristic that singles out this ethnic group as the most prosperous community during the pre-colonial epoch and even to date (Silayo, 2017).

The Chagga, an ethnic group of long-standing, are found on the southern slopes of Mount Kilimanjaro. Traditionally divided into many chiefdoms of different sizes

IDENTITY

As I have argued elsewhere (Silayo 2017) three things identify and signify the Chagga: kihamba (land), sale (dracaena) and nginda (banana plant). Despite this, an attempt to trace and establish the identity of the Chagga people has been problematic. One may as well begin with the term "Chagga", which is complex and sometimes perplexing. In written documents, the term appears as Mchagga, Wachagga, Chagga, Chaga, Waschagga, Jagga, WAcaga or Dschagga, all referring to the same people. Plausibly, the first uses of the term Chagga and, most especially, its appearance in written records connoted that it was a unifying word signifying a common identity to the Chagga people of Kilimanjaro (Bender, 2013). It is clear that, from the time of European exploration of colonies by missionaries, explorers and traders and all the events at the beginning of the 1800s, the mountain's disparate residents had been referred to as a single people — the Chagga. "This designation", argues Bender, "probably stemmed from their perception of the mountain as a single, unified landscape, as well as from the similarities of the various mountain communities in terms of agricultural and cultural practices" (Bender, 2013, p. 200).

Language is another aspect that scholars have used to explain and relate the historical origins and identity of the Chagga. Nurse (1982:200) has asserted that “numerous minor dialects of a single language are spoken on the mountain”. The Chagga dialects fall into three groups defined geographically from west to east: West Kilimanjaro, East Kilimanjaro and Rombo (Philippon and Montlahuc, 2003). These, according to Bender, comprise a “dialect continuum, meaning that people in neighbouring areas could understand one another well while those at the far reaches would have found much of one another’s speech unintelligible” (Bender, 2013, p. 203). Nurse (1982) argues that as languages pass through time, some communities split up while others come together. Therefore, communities are constantly in contact in various ways. Language does change significantly over a while. This change is due to multiple reasons, like exaggerating and emphasizing slight differences in pronunciations or deliberately preferring certain lexical items over others. Other factors could be social, economic, political or ideological. These factors may lead to particular vocabulary being more used in one community than in another. Under such a circumstance, new words may be coined or new meanings given to old terms (ibid).

This account may fit the Chagga language, which falls under Nurse’s second classification group, Chagga-Taita. This group speaks various related dialects. The assumption here is that Chagga society was once one community on one ridge. Due to population increase, struggle for resources and political motives where clans wanted to dominate larger areas, their language started acquiring new words, meanings and interpretations over time. However, most of the other customs remained relatively unchanged. Again, this does not shed much light regarding the origin of the Chagga. However, it helps to provide an alternative view of different of the settlement patterns on the slopes of Mount Kilimanjaro

Another crucial aspect that is probably linked to this paper is the use of settlement patterns, also known as Kihamba on the mountain, which have not yet been developed to approach the origin and identity of the Chagga. Bailey (1968) contends that the old settled part of Kilimanjaro, especially in the Marangu area, starts from 3,800 feet in an area of ridges and river ravines, which was once part of the forest. Campbell et al. (2004) extend this to 6,000 feet (about 2,000 m above sea level), arguing that the Chagga were

taking advantage of the fertile volcanic soil and reliable rainfall. Odner (1971) gives the earliest settlement dates from Kilimanjaro. Using a sample from the surface collection at Mwika, Odner dates the settlement to 250–300 CE, the earliest Iron Age settlement (see also Spear, 2011). Looking critically at Chagga society, it is striking to note that they use a settlement pattern which defines their history to explain their identity. They distinguish themselves (internally and externally) using the physical places they populated (Wimmelbücker, 2002; Bender, 2013). Geography, settlement locations and everyday culture are key in the construction of identity. Scholars have argued that there is a strong link between ethnic identity and the society's livelihood and economic setup, which sparks collective identities (Colfer and Newton, 1989; Mlozi, 1997; Crane and Ruebottom, 2011). Therefore, the Chagga livelihood, coupled with their daily activities, should be considered collectively as markers of their identity (Silayo, 2017).

Different approaches or aspects must be considered — land (Kihamba), Chagga lifeways and culture and, of course, their ancestries. Since ancestry is the origin of all other aspects, I emphasize land and culture as they bear marks that identify the latter. Each part cannot have satisfactory meaning without the other. The Kihamba system and the use of unique symbols or marks to identify essential landmarks in the Chagga society, speak volumes about their shared identity. The land system in Kilimanjaro, together with its markers, is not found in any other ethnic group said to have migrated into the Chagga land. For example, we see the masale (Figure 1) (isale singular) all over the northern region, from Upare to the Meru and Maasai land and even other parts of the world. But the plant has never received elsewhere the importance placed on it by the Chagga. Moore (1986, pp. 81–82) argues that the masale, a plant of great importance for the Chagga, is known as the plant of peace and pardon, and serves as the border mark of the kihamba. The isale forms part and parcel of the Chagga culture; the incorporation and use of masale as border marks provided the «supernaturally protected legal right» to the Kihamba. Fisher (2012) avows that the Chagga kihamba as a “bounded” system unifies the Chagga as an ethnic group. Sébastien (2010), using a 4-dimensional method to study the relationship between the Chagga and their environment, concluded that the Chagga have a profound attachment to their environment. Such devotion gave life and meaning to almost all aspects of their lives (Hemp, 1999). All this indicates the Chagga revere considerably their land of origin.

The land is dotted with different sacred monuments, e.g., trees, groves, royal compounds and graveyards. This paper discusses land and culture as markers of sacrifices and remembrance among the Chagga. Specifically, it presents Kyungu and Kifunyi as superimposed on the land as markers of deep-time spirituality and human–environment interactions. I argue that Kyungu and Kifunyi are both symbols and means of identity creation in which social relations between ancestors, the living and even the environment are constructed and prosper.



Figure 4: The WaMrema Kifunyi in Mbokomu

INITIATIONS, RITUALS AND ANCESTRY AMONG THE CHAGGA: THE CASE OF KYUNGU AND KIFUNYI

The Chagga, like any other pre-colonial African society, practiced various initiations and rituals for different reasons. Apart from remedying the community's malady, the essential function of these activities was to preserve the community's knowledge and history and transfer vital traditions and culture to the younger generation as markers of transition from childhood to adulthood.

For the Chagga, such rituals and traditional activities took place in different locations, such as in the Kilimanjaro Forest, for example, the mregho and ngasi initiation ceremony — rite-of-passage to mark the passing of youngsters into adulthood. This training took place in special secluded camps deep in the forest. According to oral accounts, the sessions of this group started with an oath and ended

I argue that Kyungu and Kifunyi are both symbols and means of identity creation in which social relations between ancestors, the living and even the environment are constructed and prosper

with an oath; they were taught the top secrets of their chiefdom and how to protect the chiefdom and the Mangi at all times (see also Marealle, 2002 [1947]). The Chagga realized that preserving their traditions was the only way to pass the history and knowledge of their community to the younger generation. The “number one priority” argues Mosha (1999: 212-214), was imparting knowledge to their children on how their community has been transforming from time to time. This course was crucial for the Chagga as it acted as a springboard to better their daily life from birth to death (Mosha, *ibid*). Interestingly, the Chagga pay special attention to the relationship between the ancestors, the environment and the living community. The Chagga life circle is tied to their daily life, and everyone must adhere to traditions to ensure that harmony prevails within the community (Silayo, 2017).

Kyungu is an open space with a substantial tree and sometimes masale plants. This is an area where clan members and their elders meet to discuss various community issues

According to Manongi (2012), Chagga tradition is mainly expressed through songs, ceremonies, food and drinks. It is believed that if this code is broken, the community is at risk unless the ancestors are appeased through a series of rituals and the pouring of libations. For the Chagga, everything surrounding their daily life is alive and has intrinsic meaning (Clack, 2009). In Kilimanjaro, traditional beliefs and ritual ceremonies are living memories of their ancestors. They are still held by some families and clans, though the intensity of the thoughts and the excesses of many rituals have reduced greatly or stopped altogether. Interestingly, the places where such traditions and practices were being performed are still preserved and highly revered by the community as a heritage.

KYUNGU

Kyungu is an open space with a substantial tree and sometimes masale plants. This is an area where clan members and their elders meet to discuss various community issues. These historical sites are found in almost every clan in Kilimanjaro, and despite the growing population on the southern slopes of Kilimanjaro, the Kyungu is still respected and revered today. There are two types of meetings at Kyungu — the ordinary annual meeting, and an emergency meeting — meaning deliberation of burning issues such as hunger and diseases, and different disputes like borders, land, water and water furrows as well as individual disagreements. Deliberations of issues at Kyungu involved offertory ceremonies to the fallen ancestors and clan deities. The sacrifices were offered to honour and invite the ancestors to partake and enlighten the discussion.

Ethnographic and archaeological surveys in and around different Kyungu in Rombo, Moshi Rural and Hai districts shows that Kyungu sites are marked by a huge tree (Figure 2) and other sacred shrubs. Commons tree species observed include mkuyu (*Ficus sycomorus* and *F. sur*), mruka (*Albizia schimperiana* var. *Amaniensis*), mtembo/mtembwe (*Ficus lutea* or *Ficus thonningii*) and mringaringa (*Cordia africana*) and mchio (*Olea hochstetteri*). In addition, in some instances, the isale plant (*Dracaena afromontana* (Figure 1) was also found at Kyungu.



Figure 5: The Wa-Mrema-wa Mkunde clan Kyungu in Mbokomu (marked by a mchio tree (*Olea hochstetteri*))

Kyungu connects the living and the Chagga ancestors and spirits. It is believed to be the first place ancestors/early occupants settled and offered their sacrifices. An interview in Rombo revealed that the society used to offer sacrifices at the Kyungu, for instance, the slaughtering of a goat during the rainy season to request enough rain, while during the harvest season, the community took milk and mbege to the Kyungu as a thanksgiving libation to ancestors³.

The research shows that most of the issues deliberated at the Kyungu gathering included marriage and marriage-related disputes, mediation services for individuals and families and, most

The prayer for rain often was answered immediately, sometimes even before the ritual was over. If the rain delayed more than a week, they had to check if there was anyone who had violated the ritual rules either before or after the proceedings

3. An interview with Mrs Yustina John Laswayi.

importantly, prayers offered for rain (held specifically in September or October). Oral accounts⁴ from Rombo District explained that the rite to pray for rain and harvest was commissioned and carried under the permission of mangi. Some of these rituals and ceremonies were for remembrance and honour of fallen mangi and other honored community individuals.

It was also established that the rain ritual and prayer carefully took place at the Kyungu to pray for enough rain that would not bring disasters like flooding and thus cause havoc in the community, but at least give a good harvest. The prayer for rain often was answered immediately, sometimes even before the ritual was over. If the rain delayed more than a week, they had to check if there was anyone who had violated the ritual rules either before or after the proceedings. Generally, most people walked home immediately after the ritual to avoid quarrelling or engaging in malicious activity that might defy and nullify the ritual and cause rejection of the prayer.

Other procedures are observed while the Kyungu gathering is in progress. Oral accounts⁵ in the research area indicate that it was prohibited to discuss or share anything that happened at the Kyungu with anyone who was not at the meeting. All the discussions and resolutions taken at the Kyungu were considered top secret. It was also regarded as taboo to partake in any sexual intercourse, or engage in disputes, after any Kyungu meeting.

In the interviews, the interviewees agreed on the use of strict procedures throughout the research area. However, they differed on a few things, such as people who were allowed to participate in the Kyungu meeting, materials to carry and what prescribed orders were to be considered before and after the ceremony.

KIFUNYI

The people of Kilimanjaro, just like all the other ethnic groups around the globe, have stories about their origin. They have their traditional customs and traditions, practices and language to communicate with the external and the supernatural world. Kifunyi (Figure 1) is one of the practices and customs that define identity as a medium of communication for the Chagga. Kifunyi is a sacred

4. Interview with Mr Edward Masumbuko of Maharo village, Rombo.

5. See interviews with Mr Rafael Sarikoki Mushi, Tobias Milioni Mushi, Anasa Mrema, Angelina Mark Laswayi and Elias Sebastian Ngoiya Laswayi.

place within the Chagga banana groves. Current research indicates that the Chagga had the custom of burying their loved ones inside the house — under the bed in a shallow grave — and after between three and four years, exhuming the bodies and placing them in a particular place called Kifunyi. In this area, the remains of different family ancestors are stored after they are exhumed from the original grave.

In most cases, especially during pre-colonial period, the original grave was dug in the Chagga traditional house. This area acted as a holy altar for various Chagga rituals and sacrifices. Until the early 1980s, this culture was one of the most important milestones that signified the completion of the Chagga life cycle. It is considered a complete reunion with the ancestor and essence of the Chagga and a link between the living and the dead. In addition, the Chagga have had a unique and special connection with nature.

Oral interviews conducted in three districts in Kilimanjaro — Moshi rural, Hai and Rombo — revealed that Kifunyi is an extraordinary and holy place owned by any Chagga family. But due to the spread of Christianity in Kilimanjaro in the early 1800s, this custom began to decline. However, the study also found that some families continued to practice this tradition even after Tanzania gained independence and despite the spread of religion. With globalization and migration of Wachagga to different locations inside and outside the country to pursue professional vocations and commerce, this practice has, in many instances, faded. However, the Kifunyi still exist and are widely respected and preserved.

KYUNGU AND KIFUNYI: A PLACE OF DEEP REMEMBRANCE, PRAYER AND RECONCILIATION

The Kifunyi presents a space for reflection on deep issues and questions about existence. One such question is about the afterlife and the presence of higher beings. The answers, although not philosophical, helped shed light on the issue. This is expressed in myths, legends, rituals, proverbs and stories (Silayo, 2017). The Chagga believed that there is life after death and the presence of a supreme being which they called Ruwa. For the Chagga, reality and nature are not about philosophy but religion (Mbiti, 1969: 27), as they consider everything sacred. This relationship places Ruwa as the most sacred being, followed by ancestors, human beings, plants and animals, and finally, inanimate beings such as soil and stones (Tempels, 1971: 60).

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Ritual and traditional religious spots qualify as archaeological sites. For example, Kifunyi and Kyungunyi are archaeological sites with tangible and inter-tangible characteristics

In the Chagga world, the past refers to the events which are remembered in the present life. Such proceedings include famine, rainy events, wars and the ancestors. For the Chagga, according to Mr Elias Sebastian Ngoiya Laswayi, ancestors still play a vital role in their daily life since they are closer to Ruwa and hence act as guides and directors of the living. "The ancestors are the dead who have gone close to Ruwa and are marked as unblemished and therefore considered to have more life force and power to mediate. Ruwa communicates to the living through the ancestors in the present time since Ruwa is so transcendent. He uses the ancestors to reach his message to the living. The present is a bridge to ancestral life, to Ruwa and the future," argues Mr Elias. This communication is facilitated through offerings of different sacrifices, which may be done at the Kifunyi or Kyungu, depending on the nature and intention of the required intercession. In this case, the Kifunyi acts as a final resting house for the family ancestors and shows a continuation of their life. This means that the dead are not forgotten but transformed into a higher form — with more life force — interacting closer with Ruwa. This gave them moral authority to act as a bridge between the living and the Supreme Being. Consanguineous clans or family members regularly held meetings and offered sacrifices imploring ancestors to intervene when the community or individuals faced life difficulties and needed the intervention of supernatural beings.

GENERAL DISCUSSION

Ritual and traditional religious spots qualify as archaeological sites. For example, Kifunyi and Kyungunyi are archaeological sites with tangible and inter-tangible characteristics. These areas are marked with different archaeological remains, both eco-facts and artefacts. Such archaeological material includes but is not limited to bones, potsherds, sacred trees and other shrubs. Such material culture, embedded intangibility, and religious ritual practices can explain an ethnicity's identity, particularly in problematic ethnic groups like the Chagga. There is ample literature (see Insoll, 2004; Kyriakidis, 2007) on practices and material culture relating to ritual sites to describe ethnic identities. For example, Fennell (2000, p. 282) underscores the importance of considering "whether the artefacts of past religious practices can be interpreted as having been meaningful to members of an array of ethnic groups". Manning (2014) argues that studies into historical archaeology of magic, religion and ritual-related sites help to broaden discussions regarding ethnicity and race as inscribed in the material culture and related area. To represent such sites, McCauley and Lawson (2007) may argue that

the material culture reflected in ritual sites could be understood in the triangular framework — mental representation, artefactual/eco-factual/structural and the practice. All three aspects must be equally examined to understand the connection between society and these material cultures.

Anthropologist Susan Gillespie moves away from the process-based interpretation of person and material in mortuary archaeology. Instead, she redefines the anthropological analysis of the “person” as a socially shaped construct to better understand “social relationships and recognize the collective aspects of agency” (Gillespie, 2001, p. 73). Anthropological analysis of the case study from the classic Maya civilization illustrates how the emphasis on the individual, as represented in mortuary events, artistic depictions and texts, has resulted in interpretive difficulties that can be avoided by viewing these data from the perspective of the social collectivism from which personhood was derived. Maya corporate kin-based groups, known as “houses”, were a significant source of the social identities expressed in political action and represented in mortuary rituals and monumental imagery.

The organization, function and daily practice of Kyungu and Kifunyi fall under what one would call shared arrangements of the ritual activities. The group who occupied this space acquires what Hendon (1999) calls collective identity. This is mainly because these sites contain recognizable shrines that are shared by the group identity for localized religious focus. However, although such places are shared, not everybody was allowed to oversee the space. Only the clan elder or a chosen, righteous and trusted man was allowed to maintain the site.

In most cases, the tree marking the Kyungu or the isale shrub marking the Kifunyi was not cut or trimmed. This allowed them to grow big and become living monuments. These compounds became alive and connected to the community such that nobody dared to graze an animal underneath the tree or plant, farm, collect firewood or even rest and enjoy the cool shade and breeze it provided. It was considered an abomination to violate this taboo. Even when a branch accidentally falls, the caretaker places it at the tree trunk and left to decay and decompose. A large branch, stresses one interviewee in Kibosho⁶, warranted an animal sacrifice as it was interpreted as a sign that ancestors and the community spirits wanted to deliver a message to the living community. Occasionally,

the tree marking the Kyungu or the isale shrub marking the Kifunyi was not cut or trimmed. This allowed them to grow big and become living monuments

6. Interview with Mr Rafael Sarikoki Mushi and Mr Tobias Milioni Mushi.

if need be, the caretaker cleaned the area. This might include slight trimming of some of the small overhanging branches.

The Kyungu tree, for example, has acquired the status of a living ancestral spirit. The Kyungu tree receives as much respect as the fallen ancestors.

It can be argued that some of these trees grew very large, becoming the community's revered monument and developing a symbiotic relationship. This means that the interdependent nature between structures found at Kyunguni and at Kifunyi is eminent from the fact that the isale and the tree stand in the position of the community ancestors — a connector to understanding and communicating with Supreme Being — a fundament element of life for any Mchagga. These structures grew and became monuments representing sharing heritage and identity of the community. The Kyungu tree, for example, has acquired the status of a living ancestral spirit. The Kyungu tree receives as much respect as the fallen ancestors. It is taken care of with great honour and respect as much as one would do the living elders and seniors.

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