Beyond negotiation?: Real governance, hybrid institutions and pastoralism in the Usangu Plains, Tanzania.

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Abstract

This paper furthers understanding of the hybrid nature of natural resource governance. It does this by exploring how state and citizens interact to produce local institutions and what the effects of these processes are.

We use ideas about 'real' or 'everyday' governance, and draw from critical institutional theory to illustrate how hybrid arrangements come about through processes of bricolage. A bricolage perspective helps us to see how governance arrangements are both negotiated *and* structured, working to benefit some and disadvantage others.

We illustrate these points by examining the evolution of the Sungusungu, an institution through which pastoralists engage in governance in the Usangu plains in Tanzania. We explore the implications of such hybrid arrangements for pastoralist livelihoods, social inclusion, distributive justice and citizenship.

Practical solutions to 'good governance': working with the grain?

Our point of departure for this paper is the idea that governance involves a plurality of arrangements which are adapted by different stakeholders. Much contemporary thinking about African development is concerned with the hybrid nature of governance, in which 'modern' bureaucratic elements combine in various ways with local practices and the norms

of moral economy. Increasingly, instead of being seen as dysfunctional, these are being investigated as 'arrangements that work', practical hybrids that can secure best fit between development policy imperatives and local practices. These hybrid arrangements supposedly provide a way of 'working with the grain', of adapting to context and of extending the realm of governance from formal domains of professionalised decision-making into everyday interactions (Booth 2011, 2012)[i].

Such thinking is intended as adaptation of mainstream (dominant) development policy approaches which suggest that, within broadly neo-liberal models of economic growth and democracy, 'getting institutions right' can help to promote good governance and vibrant economic activity (Grindle 2007). Where such policies are applied to natural resource management, two intersecting trends are apparent. The first is one of *selective formalisation* enacted through legislated rights to land and water, the registration of associations, the design of tariffs, codification of rules and sanctions to regulate resource access (Palotti 2008,). The second is a strategy of *normalising informality* through support to community decision-making. Here the deployment of culturally acceptable norms, roles and practices and facilitation of associational and 'entrepreneurial' livelihood activities is intended to generate social and economic capital (Osei-Kufuor2010, Cleaver 2004).

The dominant policy vision then sees the potential of harnessing both 'formal' and 'informal' arrangements in pursuit of 'good governance'. In relation to the management of natural resources analysts suggest that this involves recognising polycentricity; institutions form a mosaic of inter-connected arrangements in which there is no single governing authority (Lankford and Hepworth 2012, Andersson and Ostrom 2008). So the governance of resources like land and water is enacted through a *variety* of stakeholders (state and non-state actors) with *plural* configurations of laws, rules, procedures (co-existing customary and modern legal regimes) and with a *diversity* of uses and values (Merrey et al 2007). Policy

approaches emphasise that such governance arrangements can be adapted to context through stakeholder representation in public decision-making (Ramalingam et al 2008).

Recently emerging recent academic literature analysing the 'real' and 'practical' nature of governance in Africa tends to be more nuanced than policy approaches (while also partially informing them). This literature stresses the everyday improvisation and informal negotiations which produce governance arrangements that are neither entirely customary nor wholly bureaucratic, but something new and different (Olivier de Sardhan 2008). The ambivalences and tensions of incorporating hybrid institutions into state structures are highlighted in studies of the public/private delivery of basic services like health and education (Titeca and de Herdt 2011) to the provision of security through semi-formalised vigilante groups in markets and neighbourhoods in Somalia, Nigeria and South Africa (Menkhaus 2008, Fouchard 2011). Such approaches emphasise the normative plurality and plasticity of such arrangements and the differential resources of authority from which actors draw in negotiating them. 'Real governance' is formed, negotiated and contested in the street, the clinic, the market, the press as well as in the formalised public decision making arenas of community and local government (Hagman and Peclard 2012)

Critical institutional perspectives and 'real governance'

Such ideas about the nature of 'real' (as opposed to idealised) governance embedded in everyday relations, overlap significantly with those in literature exploring critical institutional perspectives on natural resource governance (Mehta et al 2001, Cleaver 2012[ii]). Here dominant policy perspectives on good governance have been critiqued for their narrowly instrumental focus on institutional-managerial solutions (Franks and Cleaver 2007).Critics also suggest that mainstream institutional ideas, prominent in policy and often drawing heavily on the ideas of Elinor Ostrom (Ostrom 1990, 2008) are over–optimistic about the possibilities of crafting robust local institutions. Their models of stakeholder representation

and of communities are seen as over-romantic and lacking meaningful power analysis (Ribot et al 2006). Those writing from broadly critical perspectives question whether plural governance arrangements really expand the 'room for manoeuvre' for non-state actors or rather increase opportunities for some while multiplying disadvantage for others (Neef 2009, Odgaard 2002).

Critical institutionalists variously emphasise the historical formation of institutions and the complex interplay between modern and traditional, formal and informal arrangements. From such viewpoints rules, boundaries and scales are 'fuzzy' and overlapping, social identities are complex and unequal; power relationships shape the outcomes of resource management (Johnson 2004, Lund 2006). Drawing from this broad school of thought, we adopt an 'institutional bricolage' perspective as offering a way of understanding how institutions are formed and to what effect. In French 'bricolage' means to make creative and resourceful use of whatever materials at hand, regardless of their original purpose and we use this as an analogy for the way in which people patch together institutions from existing social and institutional arrangements. The concept of bricolage deployed here has been developed drawing on insights from anthropology (Levi-Strauss, Douglas 1987) and from structuration and critical realist social theory (Giddens 1994, Archer 2000, Sayer 2000). *Institutional bricolage* consists of the processes in which people (consciously and non-consciously) draw on existing social formulae and arrangements (rules, traditions, norms, roles and relationships) to patch together institutions in response to changing situations[iii]. Such innovations and adaptations are legitimised by reference to tradition, socially acceptable ways of doing things, existing relations of authority. The institutions so produced are dynamics hybrids of the modern and traditional, the formal and informal. They are both negotiated and structured, uneven in functioning and impact (Cleaver 2012, de Koning 2011).

In this paper we aim to bring nuanced perspectives on 'real' or hybrid governance arrangements into engagement with critical institutional theory. In particular we suggest that deploying the concept of *institutional bricolage* helps us to understand just *how* hybrid arrangements come about, and *why* some people win and some lose in real governance arrangements. We apply a bricolage lens to scrutinise the functioning of local governance arrangements involving pastoralists in the Usangu plains in South West Tanzania. This case has wider relevance to understanding the ways that the governance of natural resources is deeply imbued with power relations (Raik 2008).We suggest that a bricolage perspective can illuminate the nature of hybridity as a dynamic and uneven process, and illustrate the ways in which hybrid institutions are formed in the social and material practices of daily life. From this perspective we can also see how the scope for negotiating governance is restricted, the room for manoeuvre for some actors is less than for others. Individual bricoleurs dynamically create and contest governance arrangements, but, we argue, are also limited in their agency, and constrained by their social environment. In exploring these points we raise questions as to how far hybrid institutions, formed through bricolage, offer a promising way of 'working with the grain' in African development.

Profiling problems of resource governance in the Usangu Plains[iv]

The Usangu plains situated in the Great Ruaha river basin in Tanzania (some 800 km South West of Dar es Salaam) are an area of high natural resource potential and of key significance to Tanzanian economic policy. Characterised by fertile soils, abundant grasslands, and adjacent to a major highway and railway line, the area has proved attractive to farmers and pastoralists over decades. The area derives its name from the Sangu ethnic group, but over the 20th and 21st century there has been a history of considerable in-migration, of Sukuma and Maasai pastoralists from the north and farmers of different ethnic groups (predominantly Nyakusua, but also Bena, Hehe, Wanji and Safwa) from the south and west of the country.

Despite this appearance of population diversity, the size and claims to indigineity of irrigated rice farmers mean that they exercise disproportionate political influence (Walsh 2012[v]).

The area is the site of prominent national and international debates about people-environment dynamics. The swamp and seasonally flooded grasslands (the *ihefu*) at the centre of the plains have been favoured by pastoralists for grazing and are considered by conservationists to be an important site for biodiversity. Water from the *ihefu* empties into the Great Ruaha river and this flows downstream to the Mtera hydo-electric dam providing power for Dar es Salaam and other urban areas. The Usangu plains are renowned for their agricultural potential and both large scale and smallholder irrigated rice farming has received considerable support from government and from international donors. Part of the area was recently designated an agricultural growth corridor under a government and private sector initiative aiming to develop commercialised smallholder farming and modernised (i.e. non-mobile) cattle production (Sagcot.com/home/; see SMUWC 2001, Franks et at 2004, Franks et al 2013 for review of development of the plains).

In 1993 the unprecedented drying up of the Ruaha River at the end of the dry season sparked a public panic about environmental degradation and depletion. This event and other drivers (such as a focus on irrigation efficiency, and an emphasis on community management following the Rio Summit) shaped a number of development projects in the plains in the 1990s. These included the River Basin Management and Smallholder Irrigation Project (funded by the World Bank), The Sustainable Management of the Usangu Wetland and Its Catchment Project (funded by the British Department for International Development) and the WWF-implemented Ruaha Water Programme (funded mainly by the European Commission and the British Department for International Development). These projects (as well as others) involved designing and formalising community or group based institutions for resource management including Irrigation Associations, Pastoralist Associations, Water User

Associations, Village Natural Resource Management Committees. In 2001 the Prime Minister issued a statement committing government to the restoration of dry season flows in the Great Ruaha River within a ten-year period (Walsh 2012).

The impacts of pastoralist livelihoods practices on farming and on the environmental wellbeing of the plains have been contentious subjects in both Usangu and in national politics (Charnley 1997, Malley et al 2008, Mattee and Shem 2006). Pastoralists in Usangu have often been partly settled in village areas for the purposes of farming, but young men and boys travel with their herds to seasonal grazing camps in rich grasslands of the *ihefu*. The movement of cattle through farming areas to access grass and water is a perennially contentious issue in the plains. The drying up of the Ruaha River in 1993 was most commonly blamed on the pastoralists and their cattle despite considerable scientific evidence generated through the 1990s that upstream irrigated agriculture was to blame (SMUWC 2001,Walsh 2012[vi]). By 2006 a number of interconnected pressures triggered a crisis which resulted in the government-initiated forced removal of pastoralists from large parts of the plains. These factors included negative national public opinion about power cuts in urban areas (allegedly caused by too little water flowing to the hydro-electric power plants), government commitment to restoring water flows and modernising livestock production and pressure from commercial interest groups (tourist safari and hunting operators) who lobbied for an extension of conservation areas. Between 2006 and 2007 up to 70,000 people (mostly pastoralists) and 300,000 livestock were forcibly removed from the fertile grasslands of the *ihefu* with the help of heavily armed police, an anti –poaching unit and game wardens, ground and air patrols. The evictions were made permanent by the expansion of the nearby Ruaha National Park and the destruction of those villages (often containing pastoralist settlements) within park boundaries. In 2009 actions to extend the Mpanga-Kipengera Game Reserve further limited grazing areas and required the resettlement of more villagers. During

our field-work in 2011 the district authorities announced that they would enforce a herd limit of 20 head of cattle per household.

Many of the pastoralists evicted from the *ihefu* were resettled to eastern regions of Tanzania, though others shifted within the Usangu plains and resettled themselves around existing villages. The expulsion and resettlement process was condemned by civil society organisations who alleged abuses including livestock theft, extortion of fines and bribes, the forced separation of families, use of violence and the denial of access to basic food, shelter and services.

How did these processes and events shape the dynamics of local level governance? And how did they help to shape hybrid institutions for resource management? Let us begin to explore this through a scenario of 'real' or 'everyday' governance accidentally observed by two researchers in one village office in the Usangu plains in 2011.

A real governance scenario

Picture the village government office, a two room brick building in the centre of the village. Here the Village Executive Officer (a government employee) intermittently sits, and members of the Village Council, elected by the Village Assembly (comprised of all adult residents),meet.

A young Sukuma pastoralist woman and her infant have been sitting in the inner office for some hours. The office attendant explains to us that the woman has been 'arrested' as a hostage to secure the presence of her husband who is accused of letting his cattle trample the growing maize on farmer's fields. The farmer had discovered the damage two days earlier, had allegedly traced cattle footprints back to the pastoralist's compound, and then reported the incident to the village government.

The elected chairman of the village council had summoned the pastoralist to the office for a hearing, but he failed to attend. The members of the Village Defence and Security Sub-

Committee sent men to arrest the pastoralist, without success. The village government chairman then ordered the arrest of the wife as a strategy to speed up the pastoralist's own surrender.

On avoiding capture by the village guards the pastoralist surrendered himself to the chairman of his sub-village, who is also a pastoralist and secretary to the local pastoralist association. This pastoralist leader then negotiated the surrender of the accused man to the village office.

When the pastoralist arrived at the village office, he angrily addressed his wife. Speaking in Sukuma he berated her for allowing herself to be captured by the village government. He said that Sukuma women should go to school to learn about their human rights. The women hung her head and cried, while the Chairman of the Village Defence and Security Sub-Committee challenged the pastoralist to speak only in Swahili, that all could understand.

A heated discussion in Swahili between the pastoralist and the village council members then ensued in which the pastoralist denied the charges, challenged the leaders to produce any evidence, and justified his reaction to their original summons. He felt that to respond and surrender himself would be seen as admission of guilt. He also stated that he felt more answerable to the sub-village chairman/pastoralist association secretary than to the village government.

The village government leaders were cross with the man for evading their authority and for encouraging his wife to do the same. They pointed out their role in welfare provision – what would he do when he or his family needed help from the village? As the discussion went on it became less obviously confrontational. The chairman of the defence and security committee (a farmer) and the accused pastoralist sat side by side on a bench, the pastoralist's child toddling between them and being petted by both.

When the discussion came to an end the pastoralist woman was allowed to go. She tied her baby to her back and cycled off, clearly extremely angry with her husband. A younger member of the village council led the pastoralist away hand on arm, in the direction of the nearby bar.

We later heard from village leaders that they were to hold a hearing on the conflict. They thought it unlikely that the farmer could produce evidence and so they would have to use their wisdom to mediate between the parties with the aim of an agreed resolution. However they also believed the pastoralist to be guilty and to be 'in need of more wisdom' than the farmer. If the dispute could not be resolved at the village council hearing it would be forwarded to the police and finally to the primary court.

Analysis of the snapshot: local relationships and broader governance processes

Plurality and hybridity

How do we understand what is happening here? This snapshot of a scenario (we don't know how it was eventually resolved as our field work ended shortly after this interaction) touches upon a number of issues of relevance to hybridity in institutions and governance. At one level the situation is about how the competing interests of grazing and agriculture are regulated at local level through decentralised village government. However, other meaningful processes are also evident as the micro-level use of resources is enacted through authoritative local government *and* through practical negotiation.

We can see how the boundaries between the formal and informal, public and private are permeable. There is a blending of logics, an overlapping of domains and institutional arrangements at play. For example the authority of the village government is exercised here through the rather extra-legal practice of hostage taking of the woman and child. This 'informal' exercise of state authority then overlaps with the marital relationship of the pastoralist couple. The village government and its' committees, the pastoralist association,

social networks and household relations are all brought into play, so confirming a plural and hybrid governance analysis.

Wider authoritative processes and meanings

We can also see, however, that hybridity is not just a convenient and instrumental blending of whichever arrangements happened to work, offering a handy solution to dealing with contentious situations. From a critical institutionalist perspective negotiations and hybrid arrangements are not just about the service, resource, or property to be governed, but are more widely concerned with boundaries, political orders, claims to identity and belonging (Lund 2006, 2012). People's actions are also 'disciplined' by authoritative societal discourses, arrangements and norms (Agrawal 2005). We can see that these shape the ways in which people behave in the village office scenario. Here common African ('traditional') ideas about the 'wisdom' of elders and preferences for resolution and reconciliation (Maganga 2002) are interwoven with underlying assumptions of the guilt of one party. In Tanzania wider societal stereotyping demonises pastoralists and their practices as 'backwards' and Usangu is not the only area in which farmer-pastoralist competition is politically prominent (Brockington 2001, Igoe 2010). Government policies aim to redirect their livelihoods towards 'modernised' livestock production by reducing herd size, making permanent settlements, formalising land title, enclosing common grazing land and expanding agriculture (Benjaminsen et al 2009, Mattee and Shem 2006). We can see here how such discourses permeate interactions between people at local level. Underlying the particular incident of crop damage are broader contestations over livelihoods practices and claims to property, resources and citizenship. In the Usangu plains, an area of growing population and agricultural intensification, where land and water are increasingly appropriated by the state, private companies and individual famers, even everyday pastoral practices become highly charged with wider meaning.

State-like authority permeates everyday relationships

The idea of the authoritative state is of crucial importance to the analysis of hybrid institutions, even when the state itself is considered weak or fragile. In the shifting alliances and accommodations through which political authority is exercised, the idea of *state-like* authority works as a resource, as a legitimating device for particular arrangements (Lund 2006, Jones 2009). State-like authority reaches into very local institutions and encounters between citizens, into everyday politics and livelihood interactions. Even where states are weak and certain functions of government are outsourced to private service providers), the *idea* of the state retains dominance as the image of legitimised regulation, so shaping negotiated orders of practice (Titeca and de Herdt 2010).

In our scenario the pastoralist clearly resists the authority of the village government (dominated by farmers) and makes his doubts about their sovereignty over him clear. He forcefully reminds his wife of their rights as Tanzanian citizens, which he claims the village government have violated. He uses the Sukuma language as a way of asserting his own values and identity in resistance to the village government, and of chiding his wife. However, we can speculate that he knows his scope for negotiation is limited, so he also relies on the pastoralist leader who, as one of the elite of village government, bridges pastoralist /farmer interests and who draws on both ethnic identity *and* state-like authority, to help broker a settlement.

Plurality in practice – beyond negotiation?

Hybridity analyses tend to focus on the ways in which governance arrangements are *negotiated* or contested between different actors. In the village office scenario, the situation *is* being negotiated by all parties. They draw on state-like authority and on social relationships, with claims made to local and national norms and discourses. However, the concept of negotiation, with an implied emphasis on decision-making effected through discussion, does

not adequately capture the practical dimensions of this process. *Physical* embodiment and *material* resource use practices interact with discursive negotiations in a number of ways. The growing crops are materially damaged by deliberate or accidental herding practices; footprints are tracked to identify a culprit; authority is asserted by arrest/hostage taking and resisted by running away; a negotiated resolution is furthered by the use of sociable body language and physical contact in discussion.

In advancing hybridity analyses commentators tend to emphasise the dynamic and voluntaristic aspects of institutional formation. In doing so they background the broader factors which pattern governance outcomes such as demographic trends, political economy and property regimes (Hagmann and Peclard, 2010). Some commentators query the reach of a 'negotiability' analysis, a point cogently made in relation to the persistence of structurally unequal land rights in Africa by Pauline Peters (2004). Dornbos (2010) points out that the persistent and deliberate *negation* of crucial stakeholder interests by those in positions of authority, and the inequalities of power and resources between actors in particular countries may leave little room for any meaningful 'negotiation' about statehood or citizenship. Similarly Etzold and colleagues (2012) point out that it is important not to limit institutional analysis to the 'problem of interplay' between pluralities of coexisting institutions. When we analyse the ways in which institutions are formed, legitimised and work, we see them animated in negotiations between actors, but also in the material and symbolic practices of everyday life and their articulation with societal allocations of resources.

What does bricolage add to our analysis?

So, how exactly is power imposed, negotiated, accepted or resisted to produce hybrid governance arrangements, and what is the balance between opportunity and constraint here? In other papers we attempt to map the ways in which societal resources, governance mechanisms and the actions of individuals interact to produce variable outcomes for

differently placed people in the Usangu plains (Franks and Cleaver 2007, Franks et al 2013). Here we concentrate rather on deploying the concept of institutional bricolage to track just how hybrid institutions are formed and how we can understand them as both structured and negotiated.

In the dynamic and sometimes opaque processes of bricolage, institutional components (rules, traditions, norms, roles and relationships) are continuously re-used and re-fashioned. Critically though, for an institution to work, to socially fit, it must seem natural in some way; hybrids are unlikely to be merely a purposeful combination of co-existing arrangements. Hybrid institutions are legitimised by reference to socially acceptable ways of doing things, claims to tradition, identity, rights, existing or previous relations of authority. This involves ongoing processes of claims, adaptation and re-invention in which institutions are animated by people continuously reacting to changing environments, but limited by their imagination and life-worlds (Cleaver 2012).

Briefly elaborating the way bricolage works we can identify a number of key features; these help to illuminate the articulation of structure and agency in the creation of institutions. *Firstly* institutions are formed in the 'necessary improvisation' of daily practice (Bourdieu 1977), in the inter-relationship of 'sayings and doings' with material things in certain historical and social settings (Bourdieu 1977, Everts et al2011). People piece together arrangements to address their everyday challenges and to respond to changes in their social fields.

Secondly such pieced together institutions are often multi-purpose, and they *wax and wane* over time. Even when institutions are designed for one purpose, they often evolve through bricolage to encompass others. Bricolage is a fundamentally dynamic process characterised by plurality, unevenness and temporal intermittence, and as such is difficult and analyse (Berry 1994).

Thirdly bricolage allows new configurations to seem legitimate, to socially fit. They may be naturalised by analogy with the 'right ways of doing things' – notions of proper order derived from the social, natural or spiritual worlds (Douglas 1987). Tradition is called upon and even invented to confer authority on a new arrangement (Hobsbawm and Ranger 1983). Meaning in the form of legitimising symbols, discourses and claims to authority can 'leak' from one institutional setting to another – so for example official looking stamps may be used to legitimise unofficial land transactions (Benjaminsen and Lund 2002).

Fourthly, people are bricoleurs, shaping governance arrangements through conscious *and* non-conscious action (Giddens 1984, Cleaver 2012)**.** Ordinary people with hybrid identities (the farmer is also a mother, wife, citizen, member of an ethnic group) shape institutions in public discussion, in routinised practices and in everyday social interactions. People's actions are also framed by changing moral world-views (relating individuals to the community, the natural world, God and the ancestors) and shaped by emotion. The search for meaning is at least as important in shaping individual and collective action as the quest for profit and power.

Fifthly however, bricolage is an authoritative process, shaped by relations of power. Authority, reputation and assets of individuals all matter when it comes to making and breaking rules. Power shapes processes of bricolage through public decision-making, in everyday social interactions and through broader social-structural factors. Power often works invisibly, embedded in the frequently taken-for-granted nature of the social order (Lukes 2005). Unequal power relations *can* be modified through bricolage (by design of mechanisms to promote equality, through public negotiation and in the daily bending of rules), but the costs to individuals of challenging arrangements are often high – in terms of loss of reputation, goodwill and patronage, payment of fines, time spent resolving disputes and restricted resource access.

Sixthly, institutional bricolage takes place in historical, socio-economic and physical settings, in particular societal configurations of authority and material resources. These resources provide some of the material from which institutions can be formed (historical legacy, laws, policies, administrative mechanisms, financial allocations, prominent discourses), but they also shape and pattern these (Sehring 2009, Adger 2001). Tracking these factors help us to think about the wider governance frame within which bricolage takes place, the material available to actors in making claims to authority, gaining access to resources, forming hybrid institutions. Here too the often taken-for granted nature of the social order constrains the ways in which people innovate or imagine alternatives,

In the following sections we return to our Tanzanian research to explore the evolution of Sungusungu, a particular hybrid institutional arrangement involving pastoralists in the Usangu plains. In doing so we attempt to give due weight both to the patterning effects of societal structures *and* to the variation derived from the contextualised practices and negotiations of socially located actors. We examine how a hybrid arrangement for law and order and welfare amongst pastoralists (the *Sungusungu*) emerged through bricolage. This alternative security organisation, emerging due to the perceived failure of the state to ensure law and order in rural areas, drew on claims to the tradition of pastoralist cattle militias, overlapped with other institutional forms (such as village government) and was at various times partially legitimised and partially excluded by authoritative state action. In tracking the Sungusungu and related institutional arrangements over time and placing them in the context of wider societal structures we raise questions about how far such arrangements can be practical answers to local issues of natural resource governance.

Framing natural resource governance in Tanzania

Firstly, as a way of sketching out how the configuration of societal resources shapes hybrid local governance and the evolution of the Sungusungu, we pick out some key aspects of

Tanzanian policies, legislation and administrative arrangements over time. For the purposes of clarity we present these selected themes in loose chronology, while recognising that in reality they overlap and co-exist in sedimented layers of arrangements which in turn frame the emergence of hybrid arrangements (Olivier de Sardhan 2008).

Post-colonial nation building

The post-colonial Tanzanian government has pursued, sometimes concurrently policies of centralisation, decentralisation and recentralisation resulting in a plurality of governance arrangements (Benjaminsen and Bryceson 2012). Nyerere's nation building project and his elaboration of an African socialist model of development in the 1970s has left a legacy of top down state-society relations which continues to shape local institutions in the neo-liberal era (Pallotti 2008, Heald 2006). During the nation building period a system of government institutions reaching from national to sub-village level was established, land use planning was deployed on a grand scale, the concept of a Tanzanian national identity promoted and the state was heavily involved in the delivery of basic services. Like other African countries the post-Independence Tanzanian government faced the challenge of defining the place of customary law, while building a modern nation state. Customary and Islamic law were given general recognition and expected to develop organically but strict parameters were set on their remit and formal written law retained predominant status (Juma and Maganga, 2005*).*

Capitalism and conservation

From the mid 1980s onwards the government publicly abandoned adherence to the African socialist model in favour of economic and political liberalisation. Substantially supported by international donor agencies, key policy directions from the late 1990s included institutional reforms, good governance, decentralisation and community participation. In step with international policy imperatives the government championed community based conservation, at the same time promoting top-down interventions, for example in the continued expansion

of protected conservation areas (Brockington 2008).The policy imperatives for economic growth and for conservation have become entwined with significant effects for poor people's livelihoods and for the ways that resource dilemmas are presented both nationally and internationally (Kinsella and Brehony 2009, Igoe 2010).

Formalisation and informalisation

Over the past two decades policy and legislation has furthered the selective formalisation of property rights (over land, water mineral resources, forests) in the interests of both economic liberalisation and good governance (Palotti 2008). Additionally users are increasingly expected to pay for rights and services such as access to water (Lein and Tagseth 2009). However, formalisation and individualisation processes are not straightforward, when different strands of government policy seem contradictory and where 'traditional and 'modern' law co-exists (Maganga et al 2007). In association with selective formalisation goes the partial normalisation of informal, customary or unofficial arrangements. There are various attempts by government to 'work with the grain' of local socio-cultural arrangements , to semi- legitimise activities which can support the economic growth/democracy project (Dill 2010). For example land legislation includes the possibility of claiming a 'customary' right of occupancy within a village while strategies for growth and poverty reduction promote collective action, social forms of association and local entrepeneurship in support of government initiatives.[vii]

Commercialisation of agriculture

From the early 2000s onwards policy and legislation have increasingly focussed on commercialisation and intensification of agriculture. Strategies include the privatisation of state farms and the promotion of commercial smallholder irrigation through support to micro-finance and marketing. The adoption of an Agriculture First strategy rhetorically links both large commercial and small-scale agricultural production to the national project of food

security – resulting in an authoritative privileging of farmers and farming in policy discourses. The government view is that this strategy can achieve both economic growth and sustainable natural resource management (Sokoni 2008), but critical commentators see tendencies to the appropriation of land, water and mineral resources by particular interest groups. (Woodhouse et al 2000) There are concerns too that certain groups such as pastoralists, hunter-gatherers, artisanal miners, fisherfolk, do not fit easily within highly commercialised economic model of growth and are poorly represented both in 'formal' government and selectively incorporated 'informal' social institutions (Lange 2011, Malley et al 2008).

Let us now see how these key trends interact to help shape hybrid arrangements involving pastoralists in the Usangu plains.

Sungusungu: The evolution of an invented institution

Adopting a bricolage lens for tracking the evolution of a hybrid institution (the Sungusungu) in Usangu we can see how institutions may wax and wane, gain and shed functions, and be incorporated or excluded from state governance arrangements over time.

The emergence of Sungusungu in Tanzania

The adapted cattle militia that are called *Sungusungu* were not unique to the Usangu Plains, but spread rapidly through East Africa in the 1980s and into the 1990s. In Tanzania the Sungusungu arose following the war with Uganda (1979) and in response to cattle raiding, general lawlessness and perceived corruption and ineptitude of the police in rural areas. The Sungusungu institutions developed unevenly across the country, but literature suggests they often thrived in remote areas where state administration was weak. The response of the government to Sungusungu was mixed, with President Nyerere and the ruling party seeing it as a desirable manifestation of grassroots action and a pragmatic solution to limited government capacity, whilst the police and judiciary opposed it as threatening their

jurisdiction. The Sungusungu was given quasi -legal status under the People's Militia Laws in 1989 and 1997. (Abrahams 1987, 1988, Heald 2002, 2006,Nkonya 2006).

Sungusungu and the grazing camps in Usangu.

During field work for the SMUWC project (1999-2002) we found an active network of organised *Sungusungu* linking young men and boys herding cattle in the grasslands (*ihefu)* with each other, and their home villages. At first sight these seemed to be a Sukuma traditional pastoralist militia, whose main purpose was to guard cattle. However this militia had developed through bricolage in ways which drew on traditional elements (age – differentiated roles, horns to warn and summon people, use of magic and charms) but also incorporated new roles and ways of functioning. In the villages studied, *Sungusungu* had either replaced or supplemented official village defence committees.

Such institutions had become partly cross- ethnic, with ethnic Sangu agriculturalists and Masaai as well as Sukuma (pastoralists) sometimes operating as commanders. The inclusion of Sangu farmers might have partly been a strategy to ensure working links to the elite of village society. The Sungusungu was responsible for cattle security and keeping order in the seasonal grazing lands; in some places this remit was confirmed by a meeting of the Village Assembly. The Sungusungu operated on the basis of demarcation of roles between elders and youth, a practice common to all ethnic groups, with the youth being the foot soldiers or guards and the elders variously acting as advisors on tactics, diviners of wrong-doers, bestowers of charms and medicines, and dispensers of justice. This semi-official militia was considered by members to be formally accountable to (modern) village government, whilst its operation was shaped by the commanders and by socially embedded principles of conflict minimisation and reconciliation.

The Sungusungu, as an institution formed through bricolage, was multi-purpose, acting not only to maintain law and order but as a communication channel and a welfare

organisation, ensuring the health and wellbeing of the herders in seasonal camps. Commanders collected fees and when a herder was sick they were used to transport him (by cart, bicycle or bus) to hospital. Sungusungu networks also ensured that proper relations were maintained between the seasonal camps and the home villages with messengers travelling to and fro between them. The Sungusungu foot-soldiers, roaming around in the course of herding animals and carrying out their duties, also acted as village messengers, broadcasting information about meetings and events to dispersed settlements.

The evolution of Sungusungu in Usangu

When we returned to fieldwork in Usangu in 2011, the form and functions of the Sungusungu in Usangu had further evolved, following a period when the pastoralists had been forcibly evicted from the grazing lands. Many pastoralists with large herds of cattle were now relocated to other areas of Tanzania, but remnants of their families remained grazing smaller herds around Usangu villages. Some influential pastoralists held positions on the village council, and on the formalised Pastoralists Association, but many were marginalised and felt alienated from the formal institutions of decision-making. We witnessed meetings of the village council at which destocking was discussed without pastoralist members present, and informal discussions in which leaders of a water user association decided to take executive action and double the fines for cattle trespassing on the irrigation schemes.

In our study area the Sungusungu, now largely de-linked from local government, was operating covertly, meeting secretly in the bush and manifesting as a form of resistance to perceived oppression. The main concerns of members were ensuring practical wellbeing following the removals, pastoralist security (in the face of hostile national government) and the assertion of pastoralist identity under continued pressure to destock and disperse. Informants linked the breaking up of communities and social networks to the loss of collective power of the Sungusungu. One remarked that in the area in which he was resettled

you could blow the traditional horn in warning of a stranger or a threat but could not rely on people coming to assist you any more.

Although the Sungusungu had contracted to become an ethnic identity organisation, elements of incorporation into more formalised governance arrangements remained. For example leaders of the official Mapogoro Pastoralist Association, formed by government and NGOs to ensure that livestock keepers interests were represented in water management decisions, named the Sungusungu as a closely linked organisation in a network diagram. However, pastoralist-farmer disputes remained prominent in local interactions over water and land (as shown above in our village office scenario) and another government initiative in 2012 aimed to craft a new institutional form to address these problems.

Collaborative security committee

In November 2011 a police officer from faraway Arusha, expert in farmer-pastoralist conflict resolution, visited a village to sensitise residents at the village assembly about the need to set up a new conflict resolution mechanism arrangement. The task of the new institution, named the 'Collaborative Security Committee' was to resolve disputes between farmers and livestock keepers, as well as to provide legal and advisory services to the community. Nominated members would participate in ward committees together with extension officers, police officers and village executive officers. The committee was to refer unresolved conflicts to the village government, who in turn might refer to the police, especially if physical confrontation/assault was involved.

Subsequently the village government forwarded the names of five villagers to the village assembly for consideration. Two of these were farmers, two pastoralists and an additional nominee was a member of village government. There was a heated debate at the village assembly about the appropriateness of one of the pastoralists nominated. He was a

Commander of the Sungusungu and some questioned his hot temper. However, after discussion and rejection of some alternative nominees, he was confirmed in post.

Hybrid Governance through bricolage

These sketches of institutional formation and functioning suggest the plasticity, overlapping nature of governance arrangements and the ways in which they also reflect and reproduce dominant power relations in society. Deploying a bricolage perspective helps us to see how just how such hybridity of governance arrangements comes about.

Improvisation, adaptation and the invention of tradition

The Sungusungu arose in Tanzania as an improvised response to cattle theft and the breakdown of law and order. Piecing arrangements together from existing elements of social organisation (adaptation of age-sets, clan organisation) and livelihood practices (especially herding) meant that the Sungusungu rapidly became both multi-purpose and embedded in everyday practice. For example when the young men herding cattle were made guards of the Sungusungu, their role easily expanded into being community messengers. Abrahams argues that Sungusungu was possible, and became systemic, because of the rich practices of neighbourhood association in everyday life amongst the Sukuma (Abrahams 1998). Dance societies, cultivating teams, spirit possession and ritual associations, hunting groups, threshing teams and informal courts all provided a rich store of associational arrangements for adaptation. Drawing on such institutional stock, adapting to circumstances and the exigencies of daily life, the Sungusungu institutions became multi –purpose, dealing variously with law and order, theft and debts, welfare and social organisation, land and water management, marriage and divorce (Nkonya 2006, SMUWC 2001, Abrahams 1987).

Sungusungu then draws on existing arrangements but is neither a purely customary nor a totally modern institution. Writing in the 1980s Abrahams could find only flimsy evidence for a traditional provenance although this was widely claimed in contemporary

press reports. He defines Sungusungu as a modern grassroots development, which has manifested in adapted customary forms (Abrahams 1987, 1988). Sungusungu organising principles clearly do resonate with Sukuma cosmology and culture – especially evident in the delineation of roles by patriarchal seniority, the part that witch doctors play in communicating with ancestors and in the use of traditional medicines and charms to make the leaders strong and fearless (Nkonya2006). In this hybrid institutional form remnants of tradition (such as the blowing of a wooden horn to call assistance, the involvement of diviners to identify thieves, the use of titles derived from Chieftaincy arrangements) exist side by side with more bureaucratic modes, (the Secretary takes minutes, cases are referred to the Village Executive Officer, or to the Village Council). Reflecting on the use of bows and arrows Abrahams points out that this draws on both authoritative traditional ways (arrows as symbols of paternal ancestry), *and* is a pragmatic contemporary alternative to carrying other sorts of weapons, which would incur police or judicial sanction.

A bricolage analysis then suggests that hybrid institutions dynamically formed by combining and adapting existing norms and practices can therefore be innovatory whilst maintaining the appearance and authority of tradition.

Agency, structure and power relations

Sungusungu arrangements arose through the exercise of human agency. Various commentators tracking Sungusungu in different areas mention the role of prominent individuals from pastoralist groups and from government as initiators, founders or mobilises of Sungusungu in different areas (Abrahams 1987, Heald 2006, Nkonya 2006). Such individuals clearly help to shape institutions in particular directions – we have seen how in the Usangu case, the character of one individual commander is a matter for public debate.

However individual actions are shaped in wider societal contexts, and this interaction influences the form and functioning of hybrid institutions. Whose norms become prominent

in the piecing together of institutional arrangements – which bricoleurs command more authoritative resources to shape Sungusungu to their advantage? For example Sungusungu draws on patrilineal social arrangements, rarely involves women, and there is evidence of it working against the interests of women – in some cases enforcing the return to the marital home of those who have left their husbands (Abrahams 1998).

The particular form taken by Sungusungu in the Usangu plains is also shaped by factors like migration. In Usangu the Sukuma pastoralists are in-migrants, needing to interact with 'indigenous' Sangu farmers in pursuit of livelihoods. We can speculate that the inclusion of some farmers (probably themselves also cattle keepers) as Sungusungu commanders in the 1990s ensured that pastoralists were linked into village politics, but also that the village elite extended their reach into a newly formed institution. We have also seen how government policy trends in favour of conservation and commercialisation of agriculture have created a dominant discourse which disadvantages pastoralists. This along with physical removal and the break–up of pastoral families as well as the emphasis on creating new formalised institutions for local governance (the Pastoralist Association, the Collaborative Security Committee) accounts for some of the waning of the Sungusungu as a local institution over a decade or so.

So the dynamism, innovation, richness and negotiated nature of institutional formation shouldn't blind us to the working out of broader patterns of inequality enacted through (and sometimes resisted in) these hybrid institutions.

Waxing, waning and selective incorporation

Hybrid institutions are multi-purpose, manifest intermittently and overlap with both customary arrangements (assemblies, clan and lineage) and with the bureaucratic and political workings of village government. Their boundaries become blurred and meaning leaks from one institutional domain to another. The twilight nature of such institutions

(referring to their opacity, their existence in-between formality and informality – see Lund 2006) means they are adaptable, but also that they are open to manipulation, or to capture. So how do we understand the waxing and waning of hybrid institutions in relation to the state and to authoritative governance relationships?

Though the emergence and spread of Sungusungu across East Africa was rapid, it manifested in various forms in different places as a grassroots initiative, an extension of local government, a neo-traditional form of social organisation (Heald 2006). In Usangu the Sungusungu manifested as a law and order and a welfare organisation in the 1990s and was semi-incorporated into local government through the village council's Defence and Security Committee. By the 2012 it had waned significantly, to become a weaker form of ethnic organisation meeting secretly in the bush. However, it clearly still held some authoritative weight, as illustrated by the deliberate (though contested) inclusion of the Sungusungu commander into the government-initiated Collaborative Security Committee.

The effects of the partial incorporation of the Sungusungu into state-led governance arrangements are debatable. Heald (2006) characterises the attitude of the Tanzanian government towards Sungusungu as formed through an uneasy combination of pragmatism and ideology. Perhaps optimistically she sees the Sungusungu (which she studied amongst the Kuria ethnic group in the Mara region in the 1990's) as a *resistance* to government centralisation. According to her they 'reformed and reclaimed the state' (p282) and as a result the administration showed greater responsiveness and local community was allowed greater autonomy. On the other hand she cites counter arguments that the influence of the Sungusungu was only limited and temporary because their selective inclusion into local government hampered their ability to challenge relations of power and production.

Hybrid institutions and the mediated state in Africa

There are many ambivalences and tensions in incorporating hybrid institutions into state structures through both formalisation and through normalisation. Menkhaus writes about the semi-formalising provision of protection through vigilante groups in a market town on the Kenya-Somalia border (2008) as evidence of the 'mediated state'. Here the sub-contracting by government agencies of certain functions to such a group is a pragmatic option for building governance arrangements where government is weak. In such cases there may be clear benefits to local people in terms of improved law and in the assertion of 'moral community', highlighting ideas of justice, social propriety, association and belonging (Buur et al 2007). However hybrid institutions operate in shadowy ways, sometimes beyond the law and moral communities may demonise or exclude certain categories of people. In Menkhaus's case civic organisations deployed severe 'customary' forms of punishment (blood compensation for murder, collective clan confiscation of cattle for theft) to establish law and order and social discipline. In some areas of East Africa the Sungusungu also imposed discipline by extra-legal killings, beatings and witch-hunts, though we found no evidence of this in Usangu. So the perceived benefits of building governance arrangements through the selective incorporation of such hybrid institutions must be balanced against the potential for a loss of the 'grass-roots' energy, the legitimisation of exclusion, the infringement of human rights and institutional capture by predatory politicians.

Conclusion: Diversity, hybridity and the patterning of outcomes

The evolution of the Sungusungu in the Usangu plains well illustrates the diversity and hybridity of governance arrangements. People partially and intermittently engage with a variety of institutions, dynamically adapting these through processes of bricolage. Social relationships, identity, belonging and everyday livelihood practices clearly matter as much as public decision-making in the negotiation of hybrid institutional arrangements.

Power relations, embodied in individuals, differentially shape the ways such institutions evolve. Some bricoleurs command more authoritative and allocative resources than others and are better placed to negotiate hybrid institutional arrangements. The outcomes of governance arrangements at the local level in terms of effects on people's livelihoods vary according to their social position (for example the difference between being a farmer or a pastoralist, a youth or an elder, a first or a third wife) and people piece together strategies which involve various combinations of working with and resisting formal or bureaucratic governance arrangements.

However, we have illustrated that a focus on dynamism, negotiability and contests for power between actors is not sufficient for understanding the nature and effects of hybrid institutions. If we adopt a bricolage perspective we can explore the ways in which macro and micro processes interact, shaping people's actions and their ability to form and work with institutions. Taking a broader look at the outcomes of plural and hybrid arrangements to manage resources in the Usangu plains, we can see an overall pattern in which mobile pastoralism as a livelihood strategy is being squeezed (to the point of non-viability). The extension of protected areas by government gazetting and the breaking up of pastoralist families and villages, the focus on prioritising agriculture, the demographic pressure on land and accumulation of irrigated land in the hands of fewer people (large companies and elite smallholders), the land titling programme - all work to reduce the land available for grazing to limit the viability of pastoralist social organisation and their scope for negotiation. On the whole, dominant actors perceive pastoralists as fitting poorly with contemporary models of economy and citizenship in Tanzania. As a result pastoralist livelihood opportunities, their ability to exercise political voice, and to claim rights as citizens are frequently threatened in governance arrangements.

In focussing on the promise that hybrid governance arrangements offer of 'working with the grain' for African development, we need to be aware that institutions formed through bricolage are constantly shifting shadowy assemblages, often obscuring the ways in which social patterns of inequality are reproduced. If both designing new institutions and working with the grain of socially embedded institutions serve to reproduce inequalities of power, then what are the possibilities of fashioning more socially just and effective natural resource governance in Usangu and elsewhere? Practical development experiences (Merrey and Cook 2012) suggest the need to anticipate the evolution of institutions in unexpected ways, to advocate for changes at the level of policy and macro-resource allocation, and to work to increase the ability of marginalised actors to shape governance arrangements.

References

Abrahams,R. (1987) 'Sungusungu: village vigilante groups in Tanzania', *African Affairs*, 86 (383) 179-196.

Abrahams R, (1998) ' On the frontiers of the state' Chapter 2 in Vigilant Citizens: Vigilantism and the State, London, Polity Press.

Adger, W. N., T. A. Benjaminsen, Brown, K. and Svarstad. H. (2001) 'Advancing a political ecology of global environmental discourses'. *Development and Change* 32 (4): 681-715.

Agrawal, A. (2005) Environmentality: Technologies of Government and the Making of Subjects. Durham, NC, Duke University Press.

Andersson, K. andOstrom E. (2008) 'Analyzing decentralized resource regimes from a polycentric perspective', *Policy Sciences*, vol. 41, no. 1, pp71-93.

Archer, M. (2000) *Being Human: The Problem of Agency,* Cambridge University Press, Cambridge.

Benjaminsen, T.A. and Bryceson, I (2012) 'Conservation, Green/Blue Grabbing and Accumulation by Dispossession in Tanzania'. *Journal of Peasant Studies* vol 39 no 2, pp 335-355.

Benjaminsen, T.A.; Maganga, F.P. and Abdallah, J.M 2009. "Kilosa Killings: The Political Ecology of a Farmer-Herder Conflict in Tanzania", *Development and Change*, 40 (3) 423-445

Benjaminsen, T. and Lund, C. E. (2002) 'Formalisation and Informalisation of Land and Water Rights in Africa: An Introduction', *European Journal of Development Research*, vol. 14, no. 2, pp1-10.

Berry, S. (1994) 'Resource Access and Management as Historical Processes: Conceptual and Methodological Issues', in C. Lund and H. Marcussen (eds.) *Access, Control and Management of Natural Resources in Sub-Saharan Africa, Methodological considerations,* Occasional Paper 13, Roskilde University, Roskilde. pp. 24-45.

Booth, D. (2012) Development as a collective action problem: addressing the real challenge of African governance, Synthesis Report, African Power and Politics Programme, ODI, London.

Booth D (2011) ' Governance for development in Africa: building on what works' , Policy Brief 01, April 2011, ODI, London.

Bourdieu, P. (1977) Outline of a theory of practice, Cambridge University Press, Cambridge.

Brockington, D. (2008). "Preserving the New Tanzania: Conservation and Land Use Change."*The International Journal of African Historical Studies*41(3): 557-579.

Buur,L., Jensen, S. Stepputat, F. (2007) The Security-Development Nexus: Expressions of Sovereignty and Securitisation in Southern Africa, South Africa, HSRC Press.

Cleaver F and Franks T (2005) How Institutions Elude Design: River Basin Management and Sustainable Livelihoods. BCID research paper,

www.bradford.ac.uk/acad/bcid/research/papers/ResearchPaper12CleaverFranks.pdf

Cleaver F. (2012) Development through Bricolage.Abingdon, Earthscan/Routledge, Abingdon.

Dill, B. (2010)."Community-Based Organizations (CBOs) and Norms of Participation in Tanzania: Working against the Grain." *African Studies Review*53(2): 23-48.

Douglas, M (1987) How Institutions Think, London, Routledge and Kegan Paul

Dornbos(2010) 'Researching African Statehood Dynamics: Negotiation and its limits' *Development and Change*, Volume 41, Issue 4, pp 747-769.

Etzold, B., S. Julich, M. Keck, P. Sakdapolrak, T. Schmitt and A. Zimmer (2012): Doing Institutions. New Trends in Institutional Theory and their Relevance for Development Geography. *Erdkunde* (forthcoming)

Everts J, M Lahr-Kurten, M Watson (2007) 'Practice matters! Geographical enquiry and theories of practice', Erdkunde, vol.65, no.4, 323-334.

Fouchard, L. (2011) ' Asserting state authority over the informal economy of security: lessons from Nigeria and South Africa' Paper given at workshop 'Reintegrating African Informal Economies, LSE/ Nordic Afrikaeninstitutet, London, 12 December 2011

Franks, T., Cleaver,F., Maganga, F., Hall, K., (2013 forthcoming)Water governance and livelihoods: outcomes for smallholders on the Usangu plains, Tanzania, *Water Resources and Rural Development*

Franks, T., Lankford, B. and Mdemu, M. (2004) 'Managing Water amongst Competing Uses: the Usangu Wetland in Tanzania', Irrigation and Drainage, vol. 53, pp277-286.

Franks, T. and Cleaver F (2007) 'Water Governance and Poverty: A Framework for Analysis'*Progress in Development Studies* 7(4): 291-306.

Giddens A (1984) The Constitution of Society : Outline of a theory of Structuration, Cambridge, Polity Press.

Grindle, M. (2007).Going local: decentralization, democratization, and the promise of good governance. Woodstock, Princeton University Press.

Hagmann, T and Peclard, D (2010) 'Negotiating Statehood: Dynamics of power and domination in Africa', *Development and Change*, vol. 41, no. 4, pp539-562.

Heald, S. (2002) 'Domesticating Leviathan: Sungusungu groups in Tanzania', Crisis States Research Centre working papers series, vol. 1, no. 16.

Heald, S. (2006) 'State, law and vigilantism in northern Tanzania, *African Affairs*, 105/419, 265-283.

Hobsbawm E and Ranger T (eds) (1983) The Invention of Tradition, Cambridge, Cambridge University Press.

Igoe, J. (2010) 'The spectacle of nature in the global economy of appearances: Anthropological engagements with the spectacular mediations of transnational conservation' *Critique of anthropology* 30 (4) 375-397

Johnson, C. (2004) 'Uncommon ground: the 'poverty of history' in common property discourse', *Development and Change*, vol. 35, no. 3, pp407-33.

Jones, B. (2009) Beyond the State in Rural Uganda: Development in Rural Uganda, Edinburgh. University of Edinburgh Press,

Juma, I and Maganga F(2005). Current Reforms and their Implications for Rural Water Management in Tanzania. Paper presented at workshop on 'African Water Laws: Plural Legislative Frameworks for Rural Water Management in Africa', 26-28 January 2005, Gauteng, South Africa

Kinsella J and Brehony E(2009) ' Are current aid strategies marginalising the already marginalised? Cases from Tanzania', *Development in Practice*. Vol 19, no.1, pp51-60.

Koning, J. de: (2011) Reshaping Institutions: Bricolage Processes in Smallholder Forestry in the Amazon, Wageningen,Wageningen University Press,

Lange, S. (2011) 'Gold and governance: Legal injustices and lost opportunities in Tanzania', *African Affairs*, vol. 110, no. 439, pp233-252.

Lankford B and N. Hepworth (2010).The cathedral and the bazaar: monocentric and polycentric river basin management.*Water Alternatives* 3(1): 82-101.

Lein, H. and Tagseth. M (2009). "Tanzanian water policy reforms - between principles and practical applications."*Water Policy* 11(2): 203-220.

Levi-Strauss, C. (1962) The Savage Mind, London, Weidenfield and Nicolson.

Lukes, S. (2005). Power: a Radical View. Basingstoke: Palgrave Macmillan.

Lund, C (2006) 'Twilight Institutions: Public Authority and Local Politics in Africa', *Development and Change*, 37(4): 685-705.

Lund C (2012) ' A Debate on Property and Land rights' *Africa Spectrum* 3/2011:71-75.

Maganga, F. Odgaard R, and Sjaastad E(2007). Contested Identities and Resource Conflicts in Morogoro Region, Tanzania. Who is Indigenous? in Derman B, Odgaard R and Sjaastad E, Conflicts over Land and Water in Africa, Oxford, James Currey, pp 202 - 214

Maganga, F (2002). "The Interplay between Formal and Information Systems of Managing Resource Conflicts: Some Evidence from South-Western Tanzania," *European Journal of Development Research* 14/2 : 51-71.

Malley, Z. J., Taeb, M., Matsumoto, T. and Takeya, H. (2008) 'Linking perceived land and water resources degradation, scarcity and livelihood conflicts in southwestern Tanzania:

implications for sustainable rural livelihood', *Environment, Development and Sustainability*, vol. 10, no. 3, pp349-372.

Mattee, A. Z. and. Shem.M(2006). Ambivalence and Contradiction: A Review of the Policy Environment in Tanzania in Relation to Pastoralism. London: International Institute for Environment and Development, Drylands Programme. IIED Issue Paper No. 140.

Mehta, L., Leach, M. and Scoones, I. (2001) 'Editorial: Environmental Governance in an Uncertain World', *IDS Bulletin*, vol. 32, no. 4, pp1-9.

Menkhaus K (2008) The rise of a mediated state in northern Kenya: the Wajir story and its implications for state-building' *Afrika Focus*, Volume 21, nr 2, pp23-38.

Merrey, D. J., Meinzen-Dick, R., Mollinga, P. and Karar, E. (2007) 'Policy and Institutional Reform: The Art of the Possible', in D. Molden (ed.) Water for Food, Water for Life: A Comprehensive Assessment of Water Management in Agriculture, Earthscan, London. pp. 193-231.

Merrey, D, and Cook, S. (2012) 'Fostering institutional creativity at multiple levels: towards facilitated institutional bricolage' *Water Alternatives* 5 (1): 1-19.

Neef, A. (2009). "Transforming rural water governance: Towards deliberative and polycentric models?" *Water Alternatives*2(1): 53-60.

Nkonya L. K (2006) Drinking from own cistern: Customary institutions and their impacts on rural water management in Tanzania, PhD dissertation , Kansas State University, Manhattan, Kansas.

Nuijten, M. (2005). Power in Practice: A Force Field Approach to Natural Resource Management. *The Journal of Transdisciplinary Environmental Studies*, 4 (2): 14.

Odgaard, R (2002). "Scrambling for Land in Tanzania: Processes of Formalisation and Legitimisation of Land Rights," *European Journal of Development Research*, 14/2: 71-88.

Olivier de Sardhan, J.P. (2008) Researching the Practical Norms of Real Governance in Africa, Discussion Paper No.5, December. London, Overseas Development Institute

Osei-Kufuor, P. (2010) 'Does Institutionalising Decentralisation Work? Rethinking Agency, Institutions and Authority in Local Governance: A Case Study Ntonaboma in Kwahu-North Distict, Ghana', PhD Thesis, University of Bradford.

Ostrom, E. (1990) *Governing The Commons: The Evolution of Institutions for Collective Action,* Cambridge University Press, Cambridge.

Ostrom, E. (2008) 'Design Principles of Robust Property-Rights Institutions: What Have We Learned?'Paper Presented at: "Land Policies and Property Rights," Lincoln Institute of Land Policy, Cambridge, MA,June 2-3.

Pallotti, A. (2008). "Tanzania: Decentralising Power or Spreading Poverty*?" Review of African Political Economy*35(2): 221-235

Peters, P. E. (2004) 'Inequality and Social Conflict Over Land in Africa', *Journal of Agrarian Change*, vol. 4, no. 3, pp269-314.

Ramalingam, B., Jones, H., Reba, T. and Young, J. (2008) 'Exploring the science of complexity Ideas and implications for development and humanitarian efforts', Overseas Development Institute Working Paper, vol. 285.

Raik, D. B., Wilson, A. L. & Decker, D. J. (2008). Power in Natural Resource Management: An Application of Theory. *Society and Natural Resources*, 21 (8): 729-739.

Ribot, J. C., Agrawal, A. and Larson, A. M. (2006) 'Recentralizing While Decentralizing: How National Governments Reappropriate Forest Resources', *World Development*, vol. 34, no. 11, pp1864-1886.

Sayer, A. (2000) *Realism and Social Science,* SAGE Publucations Ltd, London.

Sehring, J. (2009) 'Path Dependencies and Institutional Bricolage in Post-Soviet Water Governance', *Water Alternatives*, vol. 2, no. 1, pp61-81.

Sokoni C (2008) 'Commercialisation of smallholder productionin Tanzania:implications for sustainable resources management,' *Geographical Journal*, vol. 174, no.2.

SMUWC (2001) The Sustainable Management of the Usangu Wetland and its Catchment, Final Report 'Rural Livelihoods', http//www.usangu.orf/reports/rural.pdf.

Titeca K and De Herdt (2011) Real Governance Beyond the 'Failed State': Negotiating Education in the Democratic Republic of the Congo, *African Affairs*. Vol 110, no. 439, pp 213-23.

Walsh M (2012) The not-so-Great Ruaha and hidden histories of an environmental panic in Tanzania. *Journal of East African Studies*.6 (2) pp 303-335

Woodhouse, P., H Bernstein, Hulme, D.(2000) African Enclosures?. Oxford: James Currey

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[i] The outputs of the African Power and Politics Programme epitomise this approach – for more documents see http://www.odi.org.uk/node/16031

[ii] Cleaver 2012 characterises the differences between mainstream institutional thinking epitomised by the work of Elinor Ostrom and an emerging and diverse body of critical institutional thinking.

[iv] The data presented in his paper draws on two projects that the authors have been involved in. The first is the 'Sustainable Management of the Usangu Wetland and its Catchment' project (SMUWC) funded by the British Department for International Development 1999-2001. The second is 'Understanding Water Governance in Challenging Environments: How institutions adapt to change ' funded by the British Academy 2011-12.

[v] Walsh cites rather dated figures from 1990 that show 'indigenous' Sangu comprising 27% of the Usangu population, immigrant cultivators 55%, Sukuma pastoralists 12% and Il-Parakuyo Maasai 4%.

[vi] This account of 'environmental panic' and the eviction of pastoralists draws heavily on Walsh (2012) which is a rich source of academic sources and grey material on perceptions of the problem of pastoralism in Usangu.

[vii] Land titling is being furthered through the Property and Business Formalization Programme, MKURABITA (Mpango wa Kurasimisha Rasilimali na Biashara ya Wanyonge Tanzania) established in 2004. Its goal is to "to establish a legal and institutional framework of property and business rights which is accessible to all the people and is largely affordable by many".   The 1999 Land Act and Village Land Act require that there be registries both at the village and district levels. MKURABITA assist in building land registries village and district level (a requirement of the 1999 Land Act and the Village Land Act), surveying plots and entering them into the district level GIS system and in the issuing of Certificates of Customary Rights of Occupancy (CCROs).