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THE AFRICAN CHIEFS ACT

"This Article is eyeing on the functions and restrictions of
Chiefs in Tanzania

Lyson law group



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AFRICAN CHIEFS ACT CHAPTER 252 [ACT NO. 53 OF 1969]"

SUMMARY APPRAISAL



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1.0 Introduction

In full (long) title of the statute remains:

“An Act to provide that no former Chief shall exercise any function under customary law or otherwise.”

This is the long title of the African Chiefs Act, Chapter 252 [Act No. 53 of 1969]

1.1. Citation Details (2025)

The more formal citation of the Act is; The African Chiefs Act, Chapter 252, Act No. 53 of 1969.

This is the revised and consolidated version of the Act, with the version updated as of 31 July 2002, and in force subsequently, including being captured in the Revised Edition (R.E.) 2023 of Tanzanian laws. The law officially commenced on 26 December 1969, as per the revised compilation available.

1.2. Enactment

The African Chiefs Ordinance was enacted in Tanganyika in 1926 by the British colonial administration.

Its purpose was to formalize the role of traditional leaders (chiefs, headmen, and akida) in the system of indirect rule.

Chiefs were recognized as government agents responsible for:

- a) Collecting taxes
- b) Maintaining order
- c) Administering justice at a local level
- d) Mobilizing labour for public works and plantations

This was part of the British strategy of “ruling through chiefs,” similar to systems in Nigeria, Uganda, and elsewhere.

2.0. Amendments and Revisions

1930s–1940s: The Act was revised to expand the powers of chiefs, especially in tax collection and enforcement of customary law. Chiefs could impose fines, order corporal punishment, and preside over native tribunals.



1950s: Growing discontent with chiefs' misuse of power led to administrative reforms. Some amendments reduced their arbitrary judicial powers and placed more oversight under district officers.

By the late colonial era, the Ordinance had been amended several times to balance chiefs' roles between customary authority and colonial demands.

2.1. Repeal and Abolition

After Independence in 1961, Tanganyika under President Julius Nyerere rejected the system of indirect rule.

In 1963, the African Chiefs Ordinance was repealed through the Chiefs' **(Abolition of Office) Act, 1963**.

This law abolished all offices of chiefs, headmen, and akida, effectively ending the colonial structure of native authority. The rationale was that chiefs were seen as collaborators of colonial oppression and as obstacles to democratic participation under the new republican state.



3.0. Relevance in a Colonial Context

The African Chiefs Ordinance was central to British indirect rule. It transformed traditional leaders into agents of the colonial state, stripping them of autonomous legitimacy. Chiefs derived authority not from the people but from colonial statutes, which often distorted or undermined indigenous governance systems.

This fostered resentment, as chiefs became associated with forced labour, excessive taxation, and authoritarian rule. The Ordinance illustrates how colonial powers co-opted and reshaped African institutions to maintain control cheaply and effectively.

4.0. Significance of the Act in a Contemporary Society

Even though the Chiefs Act itself has no direct force today, its legacy is felt in several ways:

Customary authority: Chiefs remain respected figures in many communities, often consulted in family and land disputes.

Cultural identity: They symbolize continuity of tradition, particularly in rural areas where modern state structures may feel distant.

Parallel influence: Chiefs sometimes work alongside or influence elected village governments and ward tribunals, though without official recognition.

The above has resulted in legal conflicts because Tanzania's formal legal system does not recognize chieftaincy, which creates tension between statutory law and customary authority.

Democracy vs. tradition tensions. The hereditary nature of chiefs may conflict with the democratic ideals promoted by modern governance. Marginalization of younger generations, especially in urban areas, may not see chiefs as relevant compared to elected officials.

In modern Tanzania, the Act itself is more of a historical artifact than a living law. However, traditional leadership still has a soft power role in community mobilization, cultural preservation, and sometimes peace building. There are ongoing debates in Africa e.g., Ghana, Uganda, South Africa on how to integrate traditional authority into modern governance a question that also resonates in Tanzania, though chiefs remain legally abolished.

5.0. Legacy and Historical Significance

The abolition of chieftaincy in 1963 distinguished Tanzania from countries like Uganda, Nigeria, or Ghana, where chiefs continued to wield significant influence post-independence.

The Act is now studied mainly in a historical/colonial legal context, as it demonstrates how law was used as a tool of governance and control. It also explains why Tanzania lacks strong formalized traditional authorities today compared to other African states.

6.0. Conclusion

The African Chiefs Ordinance, 1926, was a colonial legal instrument to entrench indirect rule in Tanganyika. It was amended several times to strengthen or regulate chiefs' powers, but repealed in 1963 after independence, when Nyerere abolished the institution of chieftaincy, marking a decisive break from colonial governance structures. Its relevance lies in showing how colonial law reshaped African political institutions for imperial control.

