

**COMMUNITY  
RECOMENDATIONS  
ON **VILLANGE**  
LAND DISPUTE IN  
**LOLIONDO AND**  
**SALE DIVISION****



**PEOPLE'S  
RECOMMENDATION  
REPORT ON  
LAND DISPUTE  
RESOLUTION IN  
LOLIONDO AND  
SALE WARD IN  
NGORONGORO  
DISTRICT, ARUSHA**

MAY, 2022



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# ACRONYMS

<b>ADDO</b>	Arusha Diocesan Development Office
<b>CCM</b>	Chama Cha Mapinduzi
<b>FEM-ACT</b>	Feminist Activist Coalition
<b>FZS</b>	FrankFurt Zoological Society
<b>GN</b>	Government Notice
<b>KIPOC</b>	Korongoro Integrated People's Oriented to Conservation
<b>KM</b>	Kilometer
<b>LGCA</b>	Loliondo Game Controlled Area
<b>NCA</b>	Ngorongoro Conservation Area
<b>NDC</b>	Ngorongoro District Council
<b>NGO</b>	Non-governmental Organisation
<b>NGONET</b>	Ngorongoro NGOs Network
<b>NLUPC</b>	National Land Use Planning Commission
<b>OBC</b>	Otterlo Business Corporation
<b>PINGOS -FORUM</b>	Pastoralist Indigenous Non-Governmental Organization
<b>PM</b>	Prime Minister
<b>PWC</b>	Pastoral Women Council
<b>SENEPA</b>	Serengeti National Park
<b>TANAPA</b>	Tanzania National Parks
<b>TAWICO</b>	Tanzania Wildlife Corporation
<b>TAWIRI</b>	Tanzania Wildlife Research Institute
<b>THBUB</b>	Tume ya Haki za Binadamu na Utawala Bora
<b>THRDC</b>	Tanzania Human Rights Defenders Coalition
<b>UCRT</b>	Ujamaa Community Resources Team



# ACKNOWLEDGEMENT

We, the people of the villages of Sale and Loliondo Divisions where there is a land dispute, would like to take this opportunity to thank all the people and groups who contributed to this report. First of all we would like to express our sincere gratitude to our committee for Sale and Loliondo Divisions for their commitment to be a part of making this process a success. This committee made up of community leaders, community scholars, traditional elders and community women has done a great job of delivering this report here. In all humility we would like to congratulate our experts for volunteering to write this report free of charge as they have realised that they too are part of the community.

At the same time we would like to acknowledge the good leadership of our Ngorongoro MP Hon. Emmanuel Oleshangai, as well as the chairman of CCM Ngorongoro District Hon. Ndirango Olesenge for their coordination in this process. We would also like to acknowledge the contribution of ideas and assets of our people who have always been willing to comment and even donate money to enable the members of this committee to work effectively. We would also like to acknowledge and thank our civil society organisations for being with us shoulder to shoulder throughout this process and ensuring that this opportunity to resolve the conflict through dialogue is achieved quickly. Their professional contributions, status and assets have contributed to achieving the committee's objectives to a large extent. We also thank all the government officials who were willing to work with this committee.



# Executive Summary

## INTRODUCTION

Ngorongoro District is one of the six Districts of Arusha Region. The district was established in 1979, before which it was part of the Maasai District (now Monduli District). Administratively it is made up of Three Divisions which are Ngorongoro, Sale and Loliondo. The Ngorongoro District Headquarters is located in Loliondo-Wasso Town in the Loliondo Division. The district is bordered by neighbouring Kenya to the North, Serengeti District to the West, Meatu District to the Southwest, Monduli and Longido Districts to the East and Karatu District to the South. It is estimated that the distance from Loliondo district headquarters to Arusha Regional headquarters is approximately 400kilometres.

For almost three (3) decades now Village Land in the Loliondo and Sale Divisions has been the subject of various Government, Civil Society, and Media reports popularly known as the Loliondo Dispute. In all these times of crisis the government and the people living in the affected villages have never found a solution to the crisis. In another phase especially at the end of 2021 until now (May 2022) this crisis has re-emerged and the people through their government leaders, traditional leaders and through the Member of Parliament(MP) for Ngorongoro Hon. Emmanuel Ole Shangai have continued discussions with the Prime Minister's Office to find a better way to reach an agreement on the crisis. The outcome of the talks was reached with the people from Loliondo and Sale divisions forming their own committee to coordinate the views of the people and present them to the government. The objectives of this report include (a) identifying indigenous pastoralist systems on the ownership, management and use of land in the Loliondo and Sale Divisions , (b) identifying the source and history of land disputes in the Loliondo and Sale Division, (c) make recommendations on how to resolve this crisis and educate the Tanzanian public, Government officials and stakeholders on conservation, land and community development in relation to the Loliondo and Sale divisions dispute.This report is divided into five main chapters, Chapter One gives a brief overview of Ngorogoro District location, population, District size. This chapter also provides preliminary information about the location of the Loliondo and Sale Divisions, especially their location; population, livestock and land use system in an area of 1500 square kilometres. This section



also outlines the objectives of the information, the methods and the whole process undertaken in preparing this report are outlined in this chapter. Chapter Two discusses important information on the legal status of the land area of village land in the Loliondo and Sale divisions and in particular the disputed area of 1500 square kilometres for more than 30 years now. This chapter also describes in detail the legal reforms that took place during the colonial period, post-Independence to the present and how those changes contributed to land disputes or mitigated such disputes.

This chapter also explains various laws including land laws, wildlife, local government laws, land use planning law, as well as statements made by various leaders of political parties and governments before and after Independence. This section also outlines the traditional land management system in these divisions for the cultural processes of the community itself. Chapter Three sheds light on various explanations of the history of the conflict, its source, its effects as well as the efforts taken in resolving or developing the conflict within the Loliondo and Sale Divisions. Chapter Four describes and analyses in detail the arguments that have been presented by the Government on different occasions in a bid to justify evicting people within the area of 1500 square kilometres of village land within the Loliondo and Sale Divisions. It also presents in an analytical and critical way communities' arguments and recommendations. Chapter Five presents community recommendation and views on how this conflict can be amicably addressed through honest and moral engagements between the government and the affected village land owners (villagers). Finally, this chapter provides a concise overview of the report through concluding remarks.

## **Report Methodology**

This Report is based on the process and people's decisions through their political and traditional leaders under the coordination of the Ngorongoro District Member of Parliament with the intention to continue discussions with the government and its conservation authorities to find a solution to this conflict that has lasted more than three decades (3). And in order to facilitate the collection and writing of peoples' opinions through their committee, the community a special elected from 8 Wards. This committee elected by the people is headed by Hon. Ngorongoro District MP and CCM District Chairman for the purpose of preparing a resolution to resolve this land dispute in the 1500 square kilometres area. This committee is made up of 42 members from all 8 wards including Councillors, leaders of the CCM Party in Ngorongoro, village chairpersons, traditional leaders, women representatives, youth and community experts. The aim of diversified committee members was to help in coordinating, documenting and analysing the people's opinions.



In order to ensure that the data and the people's views are collected in its breadth and sufficient details, the Committee employed mixed data collection methods including; a) Citizens' meetings at village and ward levels, b) Integrated ward meetings, c) Stakeholder meetings, d) Meetings of various groups such as traditional leaders, women, councillors, e) Review of various government documents before and after Independence, f) Review of various professional publications, and the media in relation to the disputed area, and g) Field visit to the disputed area to confirm the nature of the use and to see the real situation. The list of members of the committee of Sale and Loliondo Division is at the end of this report.

## **Ngorongoro District and Loliondo and Sale Divisions**

Ngorongoro District has an area of about 14,036 square kilometres where Ngorongoro division has a total area of 8,100 square kilometres, Sale Division has a total area of 3,518 Square Km and Loliondo division has an area of 2,218 square kilometres. This disputed area has a total of approximately 70,000 people who are largely involved in pastoralism as a major source of income and who contribute more than 50% of the total local revenue to the Council.

The Loliondo and Sale Divisions as a whole have an area of 5,744 square kilometres which in Ngorongoro district alone is equivalent to 41% of the total area of the district. Of the 5,744 square kilometres of Sale and Loliondo, 4,000 square kilometres were Game Controlled Area before the 2009 reforms that eliminated protected game areas within village lands. Of the total area of 5,744 square kilometres an area of 1,744 square kilometres covers the entire Sale area except Malambo and Piyaya wards which are part of the 4000 square kilometres covering the entire Loliondo division. This area of 4000 square kilometres is the area of village land and the small towns of Loliondo and Sale areas.

An area of 1,500 square kilometres within 400 square kilometres has been the subject of a long-standing land dispute involving two (2) wards of Malambo and Piyaya wards of the Sale division, and six (6) wards of the Loliondo such as Arash, Oloipiri, Maaloni, Oloirien, Soitsambu and Ololosokwan wards with a total of 23 villages.

## **LEGAL STATUS OF THE DISPUTED AREA**

The outcome of the discussions with the community during the collection of information and various documents show that before the arrival of German colonialists and later British colonists the Maasai community owned and used this land in customary arrangement under the strict supervision and management of traditional leaders on behalf of society. The arrival



of colonialists brought another order that was subject to colonial laws especially during the German occupation and later when the British came up with the Land Act No. 3 of 1923, and were subsequently followed by enactment of other laws including the Wildlife Conservation Act. Customary land ownership was also recognized by the Land Act of 1923 which was amended 1928, to further recognise the rights of the indigenous people.

The Land Act of 1923 in section 9, it authorised the Director of Land Development Services to issue Village Land Title Deeds. The new Land Acts, such as the Land Act, No.4 of 1999 and the Village Land Act No. 5 of 1999, provide for the Certificates of the Village Land (CVLs) different from the land titles issued to the Villages in accordance with the Land Act, of 1923. Similarly, the new land laws have continued to recognize the titles that were issued in terms of other laws prior to the enactment of the Act.

This period will be remembered as a result of the major reform efforts to survey pastoralist villages in Loliondo and Sale Divisions through Village, Ward, District and civil society leaders where various villages were surveyed and obtained land titles in their Villages as shown in Appendix number 2. The process of surveying and eventually issuing land titles, was overseen by Ngorongoro District Council with the support of KIPOC and ADDO institutions. A total of 346,672 hectares of village lands in Loliondo Division were surveyed and land titles were issued. Some of the villages that had obtained the titles include Arash, Loosito/Maaloni, Olorien / Magaidur, Oloipiri, Soitsambu and Ololosokwan, in accordance with the Land Act, of 1923. All these efforts proved the area of 4000 square kilometres of Loliondo and Sale divisions as the legitimate village land that was also used as a Game Controlled Area.

Section 7 (12) of the Village Land Act recognizes all Village Land tenure Titles issued in accordance with other laws prior to the enactment of the Act. Thus in accordance with the Village Land Act of 1999, all the Villages of the Loliondo and Sale Divisions registered in accordance with the Local Government [District Authorities] Act No. 7 of 1982 and obtaining land Titles are legitimate and continue to be legally recognized. In addition, it is clear that the Government's move to encroach on 1,500 square kilometres of village land violates Article 24 of the constitution of the United Republic of Tanzania and land laws that provide for basic property rights including land as a main resource.

Inspite of the enactment of a new Land Act, it was during the British colonial era that laws relating to the management, protection of wildlife and conservation were enacted. The presence of wildlife corridor in the Sale and Loliondo areas was long lasting from the German colonial years to the British colonists. By the 1930s, the British colonial government saw



the need to begin enacting laws to protect wildlife areas in the country and also to establish a legal mechanism for conducting hunting activities. For all those years back during colonial times these areas of Loliondo and Sale were in legally owned civilian areas as described above for the purpose of protecting and co-ordinating the activities of the Animals only.

The German Empire (German East Africa) began strategizing for land ownership from 1885 until 1914 when they were invaded and ousted by the British. For example, at the beginning of the 20th century, the Germans introduced the Game Preservation Ordinance Act of 1908 to 1911.

The new wildlife law (New Game Ordinance of 1948), came with the idea of establishing the Serengeti National Park. This was the first law that began to cause great pain especially to the land of Maasai people who were living in the Serengeti, Ngorongoro and Loliondo. 1959 Under this law the Maasai were evicted from the Serengeti in 1959 and relocated to Ngorongoro and Loliondo and reunited with their relatives. The Ngorongoro Conservation Authority Act, of 1959 was enacted by the colonial rulers to preserve the Ngorongoro Conservation Area and also to protect and develop the Maasai community in the Ngorongoro Conservation Area to pave the way for the establishment of the Serengeti National Park.

The Wildlife Conservation Act of 1974, established separate Game Controlled Areas where Loliondo and Sale were published in Government Gazette No. 269 of 1974. Before this wildlife law was enacted after independence, there was a colonial law called the Fauna Game Ordinance establishing the Loliondo Game Reserve on village land which was used according to their customs and traditions as it was the case across the country before colonialism where it had no effect on Village land ownership as it was used to protect and coordinate wildlife activities. Several years later after independence, in 1974, the law was rescinded after the enactment of the above-mentioned wildlife law. The Act also declared Game Controlled Area in village land and did not deprive the people of their land tenure rights in Village land.

In 2009, a new wildlife law was enacted which also repealed the Wildlife Conservation Act of 1974. The new Wildlife Act, changed the status of Game Controlled Areas and restricted all human activities within GCAs. Recognizing that many areas which had Game Controlled Areas are legitimate village lands, an Act established a provision in sections 16 (4) to 16 (5) for the Minister responsible (Natural Resources and Tourism) to review and get rid of Game Controlled Areas on Village lands within one year after the Act came into effect. (" For the purpose of sub-section 4 , The Minister shall ensure that no land falling under the village land is included under the game controlled areas' Section 16).



The interpretation is that, bearing in mind that almost 60% of GCA areas in the country established in village lands, the National Assembly, which is the lawmaking body saw the need to remove Game Controlled Areas areas in village lands areas including 4000 square kilometres of land in Loliondo GCA. Unfortunately this exercise on the part of Loliondo was not carried out as required by law, instead there has been a lot of talks suggesting that the entire Loliondo is still the GCA contrary to the current legal framework which does not allow the GCA to interfere with human activities. The result is that under the current Loliondo Wildlife Act there is no longer a legally recognized wildlife game controlled area in Loliondo and Sale Divisions . From this analysis it is clear that the entire 4000 square kilometre area of Loliondo and Sale is the legitimate village land.

## **ORIGIN AND IMPACT OF THE CONFLICT**

Reports and records show that conflicts in the Loliondo and Sale Divisions started before Tanganyika's independence, and have been taking on a different shape over time. In that case, the analysis of events, the forms of land disputes in these Wards can be categorised into different historical periods. These conflicts have largely been between the Maasai Pastoralists and the Ministry of Tourism and Natural Resources at different times. Moreover, the root cause of conflict has been the conflict of interest in the livelihoods of locals, and of trade / conservation on the part of the rulers and investors. According to various reports, the conflict is divided into three main stages, namely the colonial period, post-independence and the arrival of the OBC hunting company in 1992.

The relocation of pastoralists from the Maasai community to pave the way for the establishment of the Serengeti National Park in 1958

The conflict in the Loliondo and Sale began in the 1950s after the colonial government evicted the Maasai community living in the Serengeti to make way for the establishment of the Serengeti National Park. In 1958 an agreement was reached after more than 8 years of negotiations with the Maasai community forcing them to agree to ratify the boundaries and other interests through the "Serengeti Compensation Scheme". One year after the agreement was reached the Serengeti National Park was officially established in 1959, in line with the Ngorongoro Conservation Area (1959) where the colonial government agreed to experiment with a mixed land use reserve (wildlife, human activities, and tourism).

In an agreement which to date we are not certain of its legitimacy, through the Serengeti Compensation Scheme, the colonial government made numerous promises to pastoralists if they agreed to relocate to the Loliondo and Ngorongoro Highlands. First, we were promised livestock services such



as baths, water, and other social services. Second, we were promised that wherever we went in the eastern Serengeti (Loliondo) should there be any conflict between the Maasai and conservation activities, our rights would be given more priority. After our relocation some of these promises were not fulfilled by the Colonial Government but others are currently not respected by the current government.

The lack of respect and recognition of this agreement has led to the continuation of this land dispute between the Maasai community and the Ministry of Tourism Natural Resources and the OBC Company on the other hand. This situation has contributed to our Maasai community continuing to be evicted from their ancestral land for the purpose of hunting investment.

- **Discrepancies of Land Laws, Local Government and Wildlife Laws**

The discrepancies between Land Laws, Local Governments and Wildlife Conservation Laws on Land Use. After independence the Tanzanian government sustained colonial policies where several years later i.e. in 1968 it extended the boundaries of the Serengeti National Park through Government Notice (GN. 235/1968) and in clause five declared the boundaries and indicated them on map no. 14151 new borders of Serengeti National Park.

In 1974 the government enacted the Wildlife Conservation Act of 1974 and established Wildlife Controlled Areas where Loliondo and Sale were published in Government Gazette no. 269 of 1974. However the Wildlife Conservation Act at that time was not in conflict with human activities in the Village areas and that is why it was easy to earmark Wildlife Controlled Areas in village lands that were listed and registered in accordance with other laws of the land.

In the midst of this crisis the government enacted the Wildlife Conservation Act of 2009, which prohibited human activities within protected areas. Interaction, controversy and legal tussle ensued after the Government sought to set aside 1,500 square kilometres of legitimate Village Land as part of the implementation of the law which was implemented as an experiment in Loliondo and Sale Divisions only in the country before the date for coming into use was announced. However, the experiment was found to be contrary to the Wildlife Act of 2009, which required that any changes be made within one year after the law came into force as described in Chapter Three.

- **Arrival of Ortello Business Corporation**

In 1992, the Government of the United Republic of Tanzania through the office of Ngorongoro District Commissioner, Hon. Member of Parliament and Chairman of the District Council signed a trophy hunting agreement with Hon Brigadier Momamed Abdulahim Al-Ali within village land at Loliondo



and Sale Divisions of villages (refer to the agreement made in the groups mentioned below). Later all hunting activities on behalf of the King began to be carried out and managed by a company established for this purpose, which is Otterlo Business Corporation (OBC), in the sub-division of Loliondo and Sale Divisional villages with a size of 4000 square kilometres.

Due to the lack of consent of the people through the village authorities, the government violated the legislation governing contractual agreements by replacing the villages and signing the contract on their behalf without the consent of the villages. The event becomes the second instance in a series of community-based interventions and/or squeezing of community participation in determining the future security of our land.

This situation caused a great uproar known as the 'Loliondo Gate Scandal'. The campaign transcended Tanzanian borders and involved coalitions, the media and human rights defenders around the world. At the time, the famous Loliondo dispute involved the community demanding participation in planning and land use decisions.

The government through the Ministry of Tourism and Natural Resources stood up to defend the King on the pretext that he was a useful investor for our country and had diplomatic status. Through these struggles over the years, this conflict has been built up and carried by the concept of conservation on the part of the government and the investor, and the security of land and pasture on the part of the community.

- **OBC strategies and measures to be apportioned with village land.**

Barely one year after OBC started operating, the Ngorongoro District Land Use Framework Plan (1993 - 2008) was prepared with OBC support and identified the area (currently estimated to be 1,500 square kilometres) to be an area earmarked for wildlife conservation and tourism. It is important to note that even this land use plan, 1993-2008, was not designed in the context of people's participation but under the influence of the OBC company. This initial plan to seize village land through a land use plan flopped.

In 1996, OBC Company introduced measures to put in place infrastructures to facilitate its activities including road construction, camp and airstrip without the participation of the local people. The construction of these infrastructures, once again provoked public outrage. Worse still, environmental impact assessment was not taken into account especially after a permanent camp was built at the Olasae River water source.

The Loliondo Crisis - in the Loliondo and Sale Divisions has been a major and transformative conflict at different times. OBC in partnership with the government funded the development of the District Land Use Plan for



2010-2030, and through its financial influence, the draft identified 1500 square km as an area set aside for conservation / hunting. This is where these famous 1500 numbers continued to emerge. Although you can not formulate a District utilisation plan without completing the Village Plans, OBC persuaded the Government to continue with the Plan which was rejected by the District Council on the basis of non-participation.

## **Attempts to evict people from Village Land**

After the failure of other legal and policy formalities to take away an area of 1500 square kilometres, the OBC Company and its allies changed tactics and began to use the power of the state to remove us from our land. These forces have led to massive human rights violations as reflected in the various sections of the statement below. Since OBC Company started conducting hunting activities on village land the following events ensued as captured in the relevant table below.

- **Recommendations of the Ngorongoro Consolidated Land Use Review Committee**

The committee recommended that 1500 square kilometres of Loliondo villages be allotted . It should be noted that this village land has been embroiled in a dispute between the Ministry of Tourism and Natural Resources, the people and the OBC hunting company for almost 30 years. The committee's recommendations are aimed at fueling the conflict and not resolving it as the Ngorongoro Conservation Authority has repeatedly failed to resolve conflicts involving itself and the community living within the jurisdiction.

In the case of Lake Natron which includes Engaresero and Pinyinyi Wards Villages, the committee recommended the apportionment of 2,804.14 square kilometres of village land, which will also affect Monduli and Longido areas for the same purpose of expanding the NCA area. This area is also the legitimate land of the surveyed Village, obtaining Village Land Certificates (CVLs) and making land use plans where all the land is planned for use. Similarly in residential areas individuals have been granted the right to own land through the provisions of the Village Land Act No. 5 of 1999. Thus incorporation into the boundaries of the Ngorongoro Conservation Authority is a violation of land laws and the Constitution of the United Republic of Tanzania in Article 24.



## **The Effects of Village Land Acquisition Efforts ( 1500sq. kilometres)**

### a) Human Rights Violations

This saga of forcibly removing us from the areas of our Villages at different times (2009, 2013, 2014 and 2017) has led to serious violations of our rights. Worse still, there were many livestock deaths due to lack of pasture, water and other losses. Human rights violations in this area have been documented extensively for 30 years now by various local and foreign institutions as seen in the reference list of this report. To show the gravity of the situation, the 2017 operation alone inflicted a lot of pain to 138 people who experienced various challenges as shown in this report.

- **Burning of Peoples' Homesteads and Property**

In many incidents of human rights abuses, the burning of homes and property is one of the major acts perpetrated by the state security forces in our areas. Housing in the context of our traditional life is more than just a narrow interpretation known that housing is the only modern home. Housing in our society extends to livestock keeping areas, calves and the surrounding environment and leads to the destruction of our way of life. It has been difficult to get statistics for all the years of the dispute but the 2017 figures show that out of 4,698 forts, 1,190 were set ablaze. The burning of these forts has resulted in a quarter of all the people living in the area being affected along with their properties which many of which are of cultural significance.

- **Beatings and torture**

All four operations (2009,2013,2014 and 2017) have resulted in civilians being beaten, tortured and maimed due to the use of firearms. It is important to note that during all these abuses as citizens we have never made any efforts to defend ourselves by fighting or taking the law into our own hands. Examples of people who have experienced these challenges among others are Ngodidio Rotiken of Kirtalo Village 2009, and Parmoson Ololoso of Ololosokwan, 2017. Although the government is using excessive force to evict people from their village area, security forces have been using firearms illegally.

- **Threats, Arrest and False crimes**

In all operations or attempts to evict us, we have seen many of our colleagues arrested by the police and prosecuted. Fellow citizens have been arrested and taken to police stations and sometimes to courts outside the District such as in Mugumu Serengeti District. In all three-year operations, more than 200 people were arrested and taken to police stations, and some were prosecuted. For example by half of 2022



alone more than 20 people have been arrested and others are required to report regularly to police stations.

These incidents of intimidation, arrests and prosecutions have mainly affected the people, their political leaders, traditional leaders, journalists, lawyers and human rights defenders. Some activists and civilian leaders have been taken to police stations and others have been threatened, interrogated or prosecuted for incitement. The aim of the threats to the defenders is to silence them and refrain from participating in finding a solution to this land dispute, especially on the part of the people.

Such threats by activists, journalists and leaders have posed a threat and intimidation to the people and deprived us of the freedom to carry out our responsibilities and discuss matters of activism which are our constitutional right.

- **Tanzanians branded illegal Immigrants from Neighbouring Countries**

For more than two decades the media and some government officials have at various occasion reported that a large percentage of Tanzanians living in these Wards are migrants from various countries including Kenya and Sudan ostensibly to intimidate them in their quest for land rights. For example, Jamhuri newspaper has been used to cover these incidents claiming that Tanzanians in Loliondo are Kenyans in order to protect the interests of the OBC investor. OBC and the Ministry of Tourism and Natural Resources have for many years now been using some media outlets to fuel false propaganda with intent to distort the truth about Loliondo, where it has led to many people being arrested and causing further conflict. More than 70% of Loliondo people are accused of being Kenyans and not citizens of Tanzania.

- **Economic Impacts**

Every Tanzanian society is known to be dependent on what activities in economic empowerment which for us pastoralists the main economic activity is pastoralism. This disputed village area is 90 percent dependent on grazing in all Loliondo and Sale Divisions, especially in Eight Wards with 23 more Villages and approximately 973,745 livestock were removed during different operations in the conflict area. As it is well known in the Maasai community that their investment is livestock, it is clear that these operations led to a major economic downturn in our society since pastoralism is the main economic activity. All operations have been carried out during the difficult summer months, something that leads us to believe that his intention is to destabilise us economically.



- **Livestock Capture**

The said operations were also accompanied by the capture of livestock outside the Serengeti National Park as there was a collaboration between SENAPA troops and the OBC Company which was carrying out sabotage and incitement in the conflict. In 2017, 290 livestock were captured along with 6 people who were prosecuted in the Serengeti District Court in Mugumu, in criminal case no. 187, where after the people were dissatisfied with the decisions they appealed to the Mwanza regional high court, where they filed a criminal case between Noonkirimban Seret Sironga v. Republic. On 11/01/2018 the Court read out the verdict where the people emerged victorious and the Serengeti National Park was ordered to return the national livestock that had been nationalised to the rightful owners.

- **People's denied Income Due to OBC Company dispute**

Prior to the OBC-led conflict in the Loliondo and Sale sub-divisions, the villages were engaged in the photographic tourism business and earning a living. As a result of this crisis the tourist companies left and thus affected economic opportunities and social services such as education, health and employment that were provided due to the benefits of the presence of such tourist activity. Approximately 5 companies left the rural area because of OBC company and caused huge losses to the villages due to lack of income, moreover students who dropped out of school and many health projects, water stagnation consequently the citizens had to mobilise resources once again for completion.

Despite the village resources continuing to be harvested by OBC hunting company, villages from these divisions did not benefit from the presence of this hunting company. Some of the companies that suspended their operations due to this crisis are more than five (5) as shown in the table below.

## **GOVERNMENT CONCERNS AND OUR RESPONSES**

Since the Loliondo land disputes erupted in the 1990s there has been a lot of controversies on the part of the government over the reasons for the apportionment of this village. The arguments have been made to justify the reason for earmarking an area of 1,500 square kilometres from village land and thus the conflict will take a different shape as the government gives its reasons and the locals also give theirs.

Some of the Government arguments that have been made with the aim at taking away the 1500 square km area are; First, the area is a sanctuary and corridor for wildlife , Second, the area is mostly used by Animals as a breeding area, Third, it is an important water source in the shared Serengeti



ecosystem , Fourth,the area is open and not village land, Fifth, caring for the environment and the Serengeti-Mara ecosystem, and Sixth, the area is geared towards tourism and trophy hunting investors.

- The community considers the presence of communities and livestock to be harmless to the animal kingdom for the following reasons: It is important to note that this area usually has mixed uses between humans, livestock and wildlife before and after independence. This system is integrated, participatory and friendly between communities and conservation. For all time livestock, humans and wildlife have harmlessly co-existed as mutual interests are observed and respected in accordance with the customs and traditions of the respective communities as described in the second chapter of this report. During wildebeest migration seasons, pastoralists routinely remove their cattle to give room to wildlife to avoid passing on diseases and sometimes to disappear with livestock as they migrate in large herds. The move to set aside 1500 square kilometres for animal movement is inadequate since animal movements are present in many parts of the district.
- It should be noted that in this regard, wildlife that breeds in large groups and at the same time is wildebeest, zebra and antelope. During the breeding season of Wildebeests the herdsmen move with all their livestock for more than 5 months (December to April) to allow the Wildebeests to breed and calves to lose their fur. This is because the fur, placenta and mucous membranes of the wildebeest cause untreated fever in animals known as Malignant Catarrhal Fever (MCF) and lead to many deaths of livestock.
- After many public meetings and discussions on the legal status of their land, and through community lawyers, the current position of the people of Loliondo is that now Loliondo is no longer a Game Controlled Area after the Law Amendments of 2009. Citizens believe the entire 4000 square km area is currently no longer a protected wildlife area as the 2009 Act stipulates that there will no longer be Game Controlled Area within Village land. The law mandated the removal of Game Controlled Areas in all areas with village lands. Read more in the second chapter of this report to understand the social analysis of the legitimacy of currently disputed land.
- Our other arguments regarding this matter are as follows;It is important for the government and the society of Tanzanias to understand that, historically this area has never been an open area since time immemorial, during colonial era , After Independence until now as it is shown in the second chapter.



## PEOPLE'S RECOMMENDATIONS

1. The Government should realise that this area of 1500 square kilometres in Loliondo and Sale Divisions, is a legitimate Village Land in accordance with the laws of the land as described in Chapter Two of this report.
2. We, the people of Sale and Loliondo Divisional Villages, are ready to negotiate with the Government to foment a lasting solution to this conflict which has been going on for about 30 years.
3. Basically, the main source of this conflict between the people and the Ministry of Natural Resources and Tourism has been caused by the OBC Company, so in order to live peacefully in our Villages and continue to have good relations with our Government, this company should be removed from the area. Thereafter, we can have the opportunity to discuss conservation and development issues involving the people in collaboration with our Government.
4. To review the Village Land Use Plans to meet current and future social, economic, environmental and administrative needs in accordance with the Land Use Planning Act No. 6 of 2007 and the Village Land Act No.5 of 1999.
5. The Ministry of Natural Resources and Tourism should rescind the intention of seizing part of the village land for conservation and hunting purposes as this area is the legitimate land of the respective villages. The government will recognize and promote social protection for the purpose of protecting natural resources as well as the rights of pastoralists.
6. We recommend that after the implementation of land use plans for each village, Citizens form an Integrated Villages Committee to coordinate activities taking place in the area including livestock grazing activities, wildlife conservation, tourism, conservation environment, traditional rituals and conservation of water sources.
7. The Government should rejects the proposal to apportion the 1500 square kilometre of Loliondo and Sale Villages and the Lake Natron area comprising Pinyinyi and Engaresero Wards for the purpose of incorporation into the Ngorongoro Conservation Area (NCA) as recommended by the 2019 Multiple Land Use Model (MLUM) Conservation Committee.
8. The Government should realise that this area is economically important for the pastoralists of the Loliondo and Sale Divisional Villages which are relied on by more than 66,000 people. To them land loss is a dangerous turn to poverty and extreme poverty.



9. The government should realize that this area is not open but in the grazing corridor for livestock. The people of this area rely on livestock for more than 90 percent of their livelihood activities as a major source of income and food.
10. We urge the Government to consider the legal case of this dispute filed at the East African Court of Justice.
11. We urge the Ministry of Information and the Communications Authority in the country to ban unprofessional media outlets that report false and misleading news pitting between the government and the people of Loliondo and Sale Divisions.
12. We urge the Government to recognize the rights of organisations and human rights defenders who have been repeatedly harassed as they try to help the government and communities address these challenges.
13. We urge the Government to ban the ongoing arrests of community leaders in the Sale and Loliondo Divisions. These actions continue to provoke civil unrest and also undermine collective efforts to address these challenges.
14. We recommend the establishment of an Independent Commission to investigate human rights violations and pastoralist rights committed over the past 30 years in conflict zones.
15. We recommend that from now on, the issue of the Loliondo and Sale dispute be addressed through this community committee with the government to reduce unnecessary tensions. This committee will help to clear the space for people who are not involved in this conflict and who come from outside Ngorongoro District to be involved in discussions to resolve this conflict.
16. Given that the country is in a middle-income economy, the government should improve and open up various trade opportunities by improving infrastructure especially markets, factories for processing livestock products, productive livestock education, network of paved roads etc. These measures will give citizens a chance to access development opportunities quickly and contribute to GDP as well as reduce resource conflicts.
17. The government should make immediate efforts to invest in education to improve the impoverished children of this community. This includes the government building primary schools in every neighbourhood located more than 7 km from the village centre.





# CHAPTER ONE

## PRELIMINARY INFORMATION

### 1.0 INTRODUCTION

This first chapter provides preliminary information describing the District area, District Structure, Land Use in Sale and Loliondo Divisions, objectives of this report, data collection methods, population and livestock in this area.

#### 1.1. Location of Ngorongoro District



Ngorongoro District Council is one of the six District and City Councils in the Arusha Region of Tanzania. This district is bordered by neighbouring Kenya to the North, Serengeti District to the West, Meatu District to the Southwest, Monduli and Longido Districts to the East and Karatu District to the South. The district Headquarter is located in Loliondo -Wasso about 400 km from the Regional Headquarters. The district was established in 1979 with three administrative divisions of Loliondo, Sale and Ngorongoro.

**Map 1. 1:** Map of Ngorongoro District



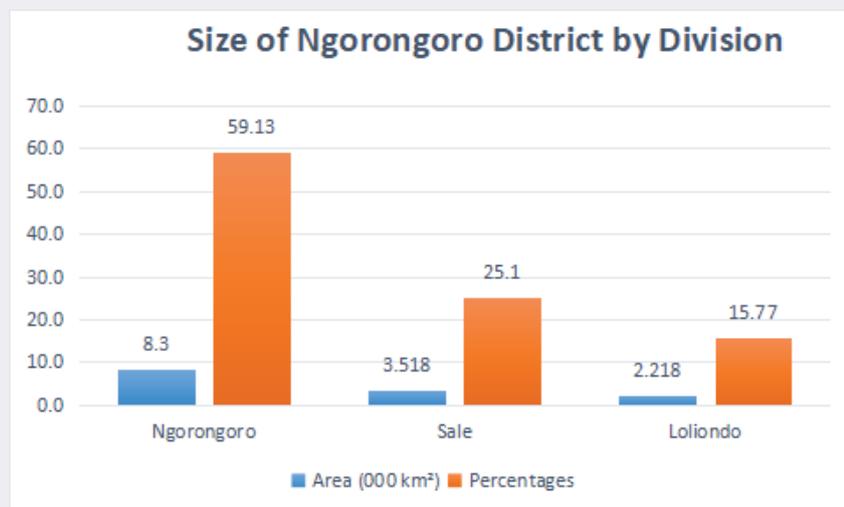
The Ngorongoro district has land area of 14,036 square kilometres which is found on Latitude 30030' south of Equator and Longitude 35042' East of Greenwich and the height of 1,009 and 3,645 metres from the sea level<sup>1</sup>.

**Table 1.1:** Land area distribution in each division of the Ngorongoro District

	Division	(km <sup>2</sup> )	Percentage
	Ngorongoro Division	8,300	59.13
	Sale Division	3,518	25.06
	Loliondo Division	2,218	15.80
<b>Total</b>		<b>14,036</b>	<b>100</b>

## 1.2 Size of Sale and Loliondo Division

The Loliondo and Sale divisions as a whole have an area of 5,744 square kilometres equivalent to 41% of the total area of Ngorongoro district. Out of the total area of 5,744 square kilometres an area of 1,744 square kilometres covers the entire Sale area except Malambo and Piyaya wards which are part of the 4000 square kilometres covering the entire Loliondo division. This area of 4000 square kilometres is the area of village land and the small town of Loliondo and sale areas. The analysis of the Sale and Loliondo Divisions is described in Table 1;



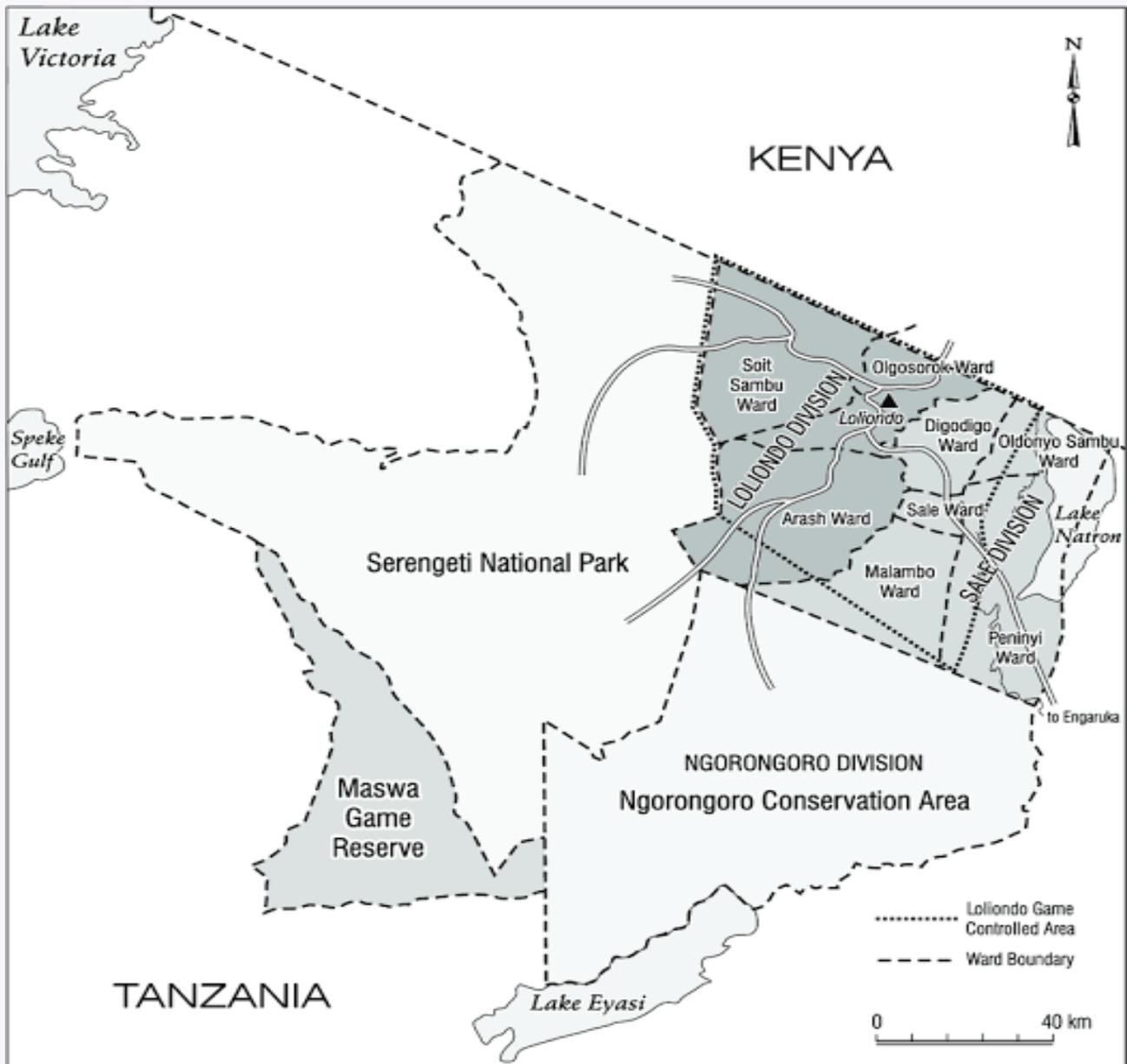
**Graph 1.1:** Land distribution in Loliondo, Sale and Ngorongoro Divisions

This area comprises the 1500 square kilometres are with a long standing land dispute involving two (2) wards of Malambo and Papiya in Sale Division and six Wards (6) of the Loliondo Division, wards of Arash, Oloipiri, Maaloni,

<sup>1</sup> <https://ngorongorodc.go.tz/historia>, reviewed on 30 April, 2022



Oloirien, Soitsambu and Ololosokwan with a total of 23 villages. It should be clearly noted that this village land dispute emanated from conflict of interest in various land uses in the Village land between the people, investor (OBC) and the Government. This dispute has lasted for 30 years, whereas in recent years it has taken a new turn after the government started the process of apportioning that village land without the consent of the local people, thus causing great panic and state of uncertainty in every corner of the Wards involved.

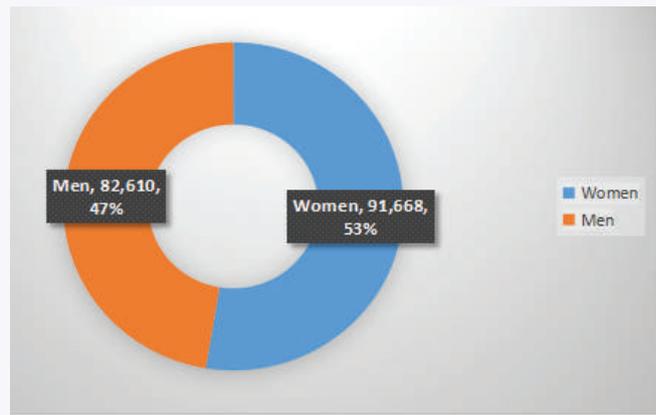


**Map 1.2:** Map of Sale and Loliondo Divisions

Source: Ngorongoro District Planning and Land Use Commission, 1994

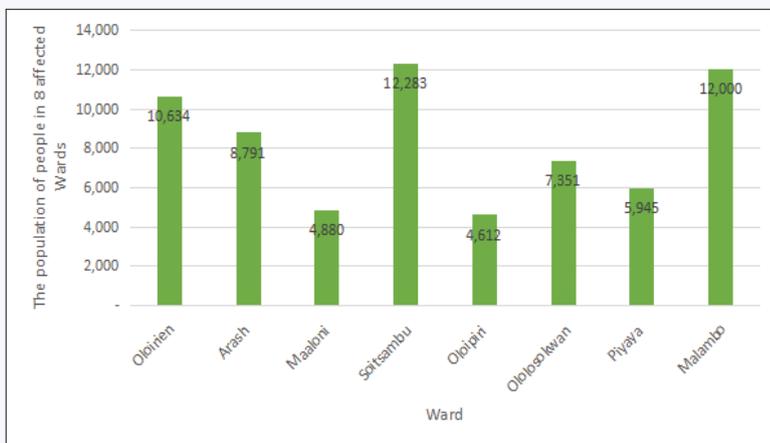


Population: According to 2012 Population and Housing Census 2012, Ngorongoro District had the the population of 174,278, out of which Men were 82,610 and Women were 91,668 whereas the average family size is 4.8 and the population growth rate in the Arusha Region was estimated to be 2.93.



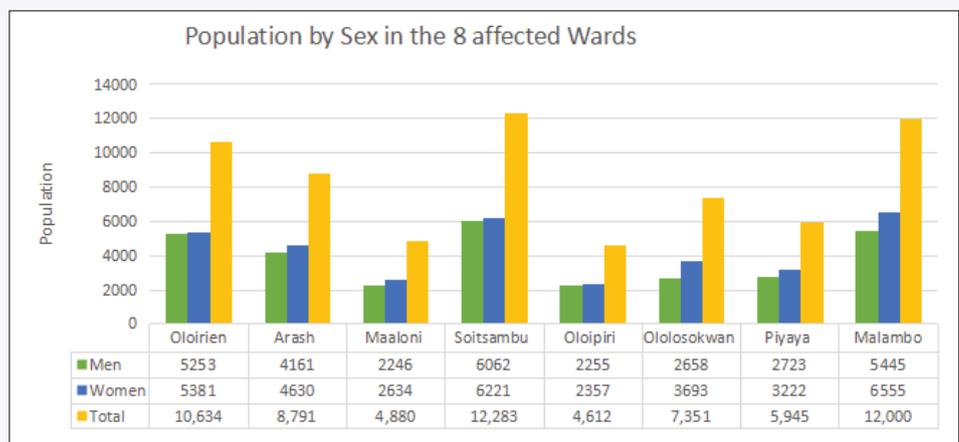
**Graph 1.2:** Population in Ngorongoro District

The village land of 1500 square kilometres in Loliondo Division and two wards in Sale Division of Piyaya and Malambo involves 23 villagers; they depend on this area for their livelihoods and livestock. Apart from its significance as grazing land, this area of 1500 square kilometres is often used by the Maasai pastoralists for their traditional rituals; worship and it is also used for essential traditional medicines.



**Graph 1.3:** Population in the 8 affected Wards in Loliondo and Sale Divisions Loliondo Division Population in Loliondo Division and two disputed Wards of Sale Division (Malambo and Piyaya) have a total of 66,496 people as depicted in two graphs above.

**Graph 1.4:** Population pby Sex in the 8 affected Wards in Loliondo na Sale Divisions



### 1.3 Livestock population

The 8 disputed Wards in Loliondo and Sale divisions have a total of 973,745 livestock. These include sheep, dogs, goats, pigs, donkey, geese and cattle.



**Graph 1.5:**  
*Livestock population in 8 Wards of Loliondo and Sale division*

### 1.5 Objectives of the Report

This Citizens' Report from the Sale and Loliondo Divisions is aimed at finding lasting solutions for land disputes in our Villages. The specific objectives are as follows;

- a) Identify and analyse indigenous pastoralist systems for land ownership, management and use in the Loliondo and Sale divisions.
- b) Analyse the land status (Legal Status) of villages in the Eight Wards of Sale and Loliondo Divisions.
- c) Identify the history and source of the Land crisis in the Loliondo and Sale divisions
- d) Educate the Tanzanian public, Government officials and stakeholders on conservation, land and community development in relation to the Loliondo and Sale division dispute to keep accurate records and eliminate gross misconduct by some individuals.
- e) Analyse government objections to disputed land and provide public comment on the realities of the issue itself.
- f) To make recommendations on how to resolve the 30 years land dispute.



## 1.6 Structure of the report

This report is divided into Five Chapters. Chapter One gives a brief overview of Ngorongoro District location, population, and district size. Similarly, this chapter also provides preliminary information about the location of the Loliondo and Sale Divisions especially where they are located; population, livestock and land use system in an area of 1500 square kilometres.

The Second chapter discusses important information on the legal status of the land area of the village land in the Loliondo Divisions and Sale and in particular the area of 1500 square kilometres with the current 30-year dispute. Likewise, this chapter explains further legal changes from pre-colonial times, to the colonial era to the present and how such changes have contributed to land disputes or reduced them. Furthermore, this chapter describes various laws including land laws, wildlife, local government laws, land use planning law, as well as statements made by various leaders of political parties and governments before and after independence. Moreover, this chapter two outlines the traditional land management system in these divisions for the cultural processes of the community itself. Chapter Three sheds light on various historical perspectives of the land conflict, its source, its effects as well as the efforts taken in resolving the conflict within the Loliondo and Sale divisions. Chapter Four describes and analyses in detail the Government arguments about the Loliondo and Sale Divisional Villages area of 1500 square kilometres at different times and phases of the country's leadership. Chapter Five presents community suggestions and ideas on how this conflict can be addressed in order to reach a consensus between the government and the villagers. Last but not least this chapter provides a concise conclusion of the report by providing a basic overview of the report.

## 1.7 Data Collection Methods

This section outlines the methods used in collecting, processing and preparing the final report. Primarily, data was collected through a special Community Committee from 8 wards formed by the people under the leadership of Ngorongoro District Member of Parliament and CCM District Chairman for the purpose of preparing proposals for the resolution of this land dispute in the area of 1500 square kilometres. This committee is made up of more than 40<sup>2</sup> members from all 8 wards including Councillors, leaders of the Ruling Party-CCM, Ngorongoro District, village chairpersons, traditional leaders, women representatives, youth and community experts with the aim of coordinating the suggestions of the people.

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2 See an attachment for the committee members





**Photograph 1.1** A Section of representatives from the People's Committee from Loliondo and Sale Divisions reviewing the first draft of the report.

To ensure that information and people's opinion are collected in its width and depth the committee used various techniques including;

- a) Community meetings at village and ward levels
- b) Joint Community Meetings in various wards.



**Photograph 1.2:** A cross-section of people from Loliondo and Sale Divisions taking part in a joint meeting to discuss land disputes.



- c) Stakeholders' Meetings
- d) Meetings for various groups such as traditional leaders, women and councillors
- e) Review of various documents before and after independence related to land governance
- f) Review of various Publications about the disputed area
- g) Visiting the disputed area to verify the types of land use and document the real situation on the ground.

**Table 1. 2: List of meetings for gathering information in Loliondo and Sale Divisions**

No:	Area	Date	Type of Meeting	Population
	Ormanie Village	29 March, 2022	Feedback review for recommendation committee Arusha	545
		2 April, 2022		707
	Piyaya Village	15 Feb,2022	Discussion on land dispute (1500 sqkm) Receiving feedback Arusha meeting Arusha Ms TCDC, The meeting to review and improve the recommendations	295
		7 Aprili, 2022		
		19 Aprili, 2022		
	Arash village	15 January, 2022,	Discussions about the reviewed recommendations about km 1500	1516
		5 February, 2022		
		26 February, 2022		
		5 Marchi, 2022		
		19 Marchi, 2022		



MS-TCDC-Arusha	3-4 April, 2022	Review of first draft of the report	60
Lush Garden -Arusha	24 April, 2022	Review of report's second draft	65
Ormanie village	28 April, 2022	General Meeting to present and review second draft of the report	258
Malambo	April 2022	General Meeting to present and review draft report	745
Madukani	April 2022	General Meeting to present and review draft report	328
Kirtalo	March-April 2022	General Meeting to Present and Review draft report	373
Ololosokwan	March-April 2022	General Meeting to present and review the draft report	652
Oloipiri	Machi-April 2022	General meeting to Present and to Review the draft report	379
Maaloni	March-April 2022	General Meeting to present and Review Draft report	415
Mbuken	March-April 2022	General Meeting to present and review draft report	314



	Loosoito	March-April 2022	General Meeting to Present and review draft report	296
	Olalaa	March-April 2022	General Meeting to present and review draft report.	225
	Engobereti	March-April 2022	General Meeting to present and review draft report	271
	Oloiswashi	March-April 2022	General Meeting to present and review draft report	259
	<b>Total</b>			<b>7,703</b>

After the 3-4 March Meeting in Arusha, representatives of the committee from Loliondo, Sale and Ngorongoro Divisions went to Dodoma to meet with the Prime Minister and present to him the report detailing each process the committee went through. They ten representatives explained to the Prime Minister the Objectives of this Report as it is prepared by the committee.

### 1.8 Barriers for Data Collection

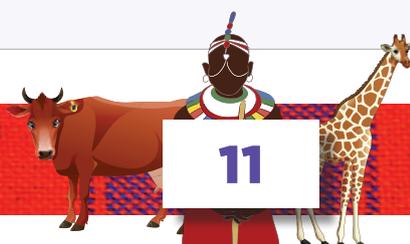
In the preparation of this Report there were challenges that made access to information difficult . Some of the challenges that hindered the collection of information and the writing of this report include;

(a) Political, traditional leaders and human rights defenders are arrested, summoned to police stations and interrogated while the report-making process continues.



**Table 1. 3: Some political, customary leaders and human rights defenders who continued to be arrested, summoned to police stations and interrogated during a public consultation exercise (March-April 2022).**

No	Leader	Ward/ Village	Position	Date of arrest	Where he/she was sent	Case status
	Joel Clemence	Malambo	Councillor		Loliondo na Arusha	Still reporting at the Police post
	Motiko Risando	Malambo	Village Chairman		Loliondo	Still Reporting at the Police post
	Simon Ndari	Malambo	Laigwanani		Loliondo	Still reporting at the Police station
	John Kulinja	Malambo	Laigwanani		Loliondo	Still reporting at the Police Station
	Simon Ole Nairiamu	Piyaya	Councillor		Loliondo	Still reporting at the Police post.
	Moloimet Saing'eu	Ololosokwan	Councillor		Loliondo	Still Reporting at the Police post
	Ndirango Olesenge	Loliondo/Orgosorok	Ngorongoro District CCM Chairman.			Still reporting at the police post
	Mathew Siloma	Arash	Councillor		Loliondo-Arusha	Still reporting at the Police post
	Mbeka Rago	Maaloni	Councillor		Loliondo	Still reporting at the Police post.



- b) Lack of official letter from the Prime Minister / Government recognizing this process of preparing the proposed people's recommendations report. To address this challenge, further oral discussions have been made between the Prime Minister, the Member of Parliament and the leaders of this committee.
- (c) Some media outlets continue to distort this process and led to the lack of accurate information
- (d) Short time-frame for data collection
- (e) The failure to keep good records of meetings attendance given the remoteness of places they were held and therefore become difficult to document attendance and resolutions achieved.
- (f) Shortage of financial resources during data collection, writing and review of this report.



## CHAPTER TWO

# LEGAL STATUS OF THE VILLAGE LAND IN SALE AND LOLIONDO DIVISIONS

## 2.0 INTRODUCTION

This chapter focuses on defining the legal status of the village land in the Loliondo and Sale Divisions, especially the 4,000 square kilometres with a 30-years land conflict. It will further explain the legal changes from the colonial era to the present and how those changes contributed to land disputes or mitigated such disputes. Likewise, this chapter describes various laws related to land , wildlife, local government , and land use planning , as well as statements made by various leaders of political parties and governments before and after independence regarding land governance, in particular the disputed land. Furthermore, this chapter outlines the traditional land management system in these divisions under the traditional practices of the community itself.

### 2.1 History of Land Administration and Management

This section analyzes the history of land ownership for Maasai communities especially in Loliondo and Sale areas before the arrival of the colonists, during the colonial period and after independence.

#### 2.1.1 Pre-Colonial Land Administration

The pre-colonial land tenure system was customary. All the land was “owned” by the tribes and clans and various tribes according to the procedures of the respective clans and tribes. Here emphasis is placed on the type of ownership i.e. the customary and under the procedures of the respective clans. The concept of “owning” land at that time was a USE, i.e. a person acquired / allocated land to use for various purposes of land such as livestock and agriculture and not for any other use. Citizens (owners) had the final say about the land, because they were able to own, use and distribute land as they found fit. Traditional and customary leaders were the custodians and



administrators of family and clan lands and were the ones who resolved the conflict when it arose. Many documents indicate that for a long time before and during the German colonial era Maasai pastoralists have been present in the Loliondo and Sale areas and used land resources for customary law (Deemed Customary Rights of Occupancy).

### **2.1.2 Land Management during German rule 1886-1918**

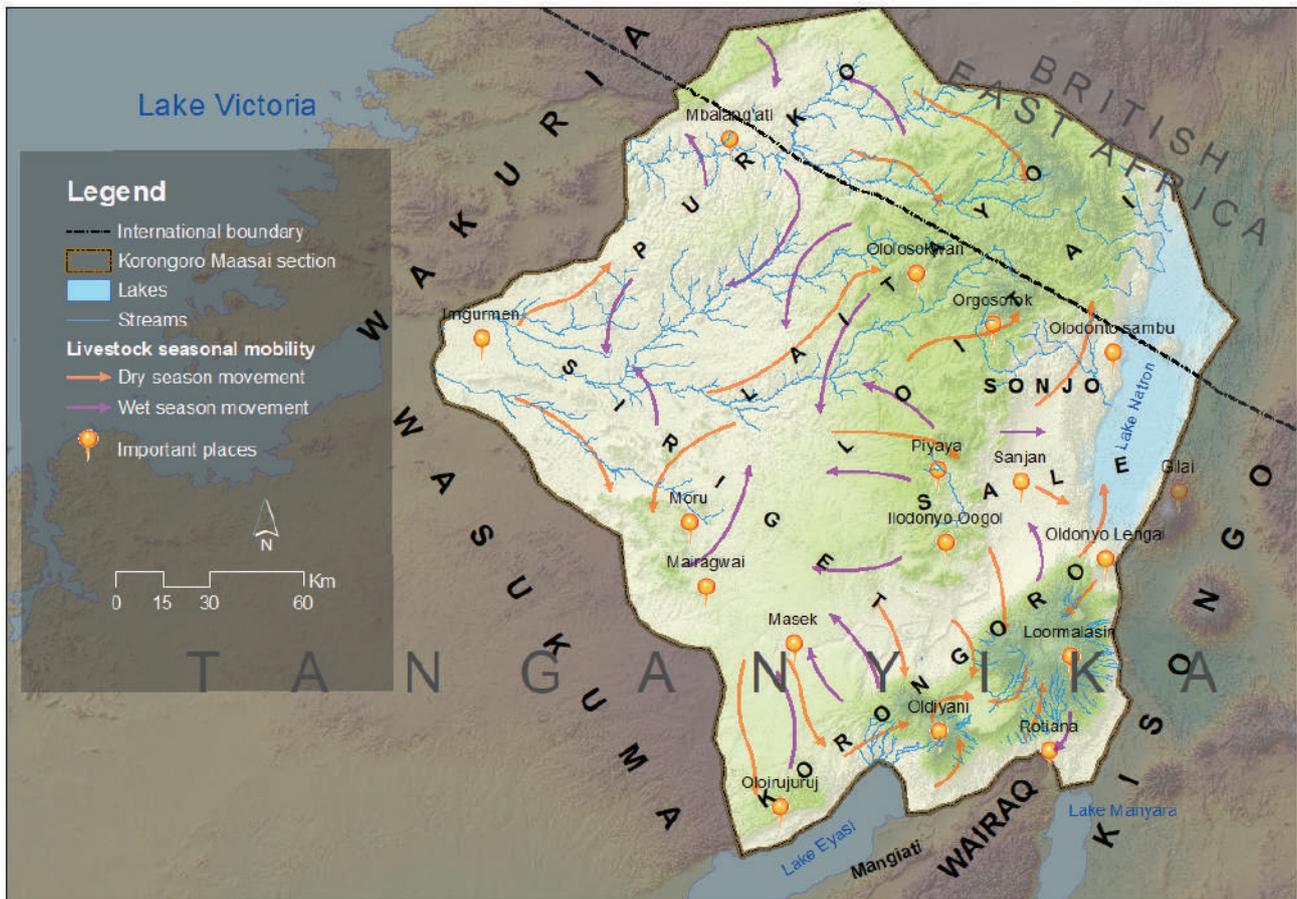
After the Berlin Conference in Germany in 1884 with its main agenda being the colonists dividing the colonies of the African continent and getting rid of conflicts among themselves over the sovereignty of the continent. Germany was handed over to Tanganyika as its colony among other colonies. Before the German colonists, all land in Tanganyika was governed by customary law according to the customs of each tribe. Therefore, the Germans after entering Tanganyika had put all the land under their order. Consequently, they established their own system of owning fertile land for the establishment of large farms (Plantations).

The Germans enacted the Imperial Decree “Regarding Creation, Acquisition, Conveyance of Crown Land in 1895.” The German Crown Empire and anyone who wanted land must be given by the German governor.

### **2.1.3 Land Management during British rule 1919-1961**

German rule collapsed after World War I in 1918. All colonies under German rule were divided into other colonies, especially those who had won the war. Tanganyika, like some other colonies, was handed over to the British by the United Nations. In 1923, after the British occupation and independence, it passed the Land Act, 1923. This law introduced the right of occupancy. However, in order to protect the rights of indigenous peoples and for indigenous peoples to own land, in 1928 the concept of land tenure was expanded to recognize customary land tenure as part of land law. Therefore, the enacted law stated that all land in Sale and Loliondo were legally owned by customary procedures.





**Map 2.1:** Land use before 1958

Apart from the new Land Law under British rule, laws relating to the management, protection of wildlife and conservation were also enacted.<sup>345</sup> Among the enacted wildlife conservation laws, is the 1948 law, which established the Serengeti National Park. This law was the one that had the greatest impact on the pastoralist community from Loliondo, Sale and Ngorongoro Divisions. This law removed pastoralists from the Serengeti and forced them to relocate and join their fellow pastoralists in the Ngorongoro and Loliondo areas in 1959. Other laws enacted during the period were aimed at regulating wildlife conservation and not land tenure systems.

3 Neumann, RP 2000, 'Land, justice, and the politics of conservation in Tanzania', in Zerner C (ed), People, plants, and justice: the politics of nature conservation, Columbia University Press, New York, pp. 117-143.

4, Neumann, RP 1998, Imposing wilderness: struggles over livelihood and nature preservation in Africa, University of California Press, Berkeley and Los Angeles, Neumann, RP 1995a, 'Ways of seeing Africa: colonial recasting of African society and landscape in Serengeti National Park', *Ecumene*, vol. 2, pp. 149-169.

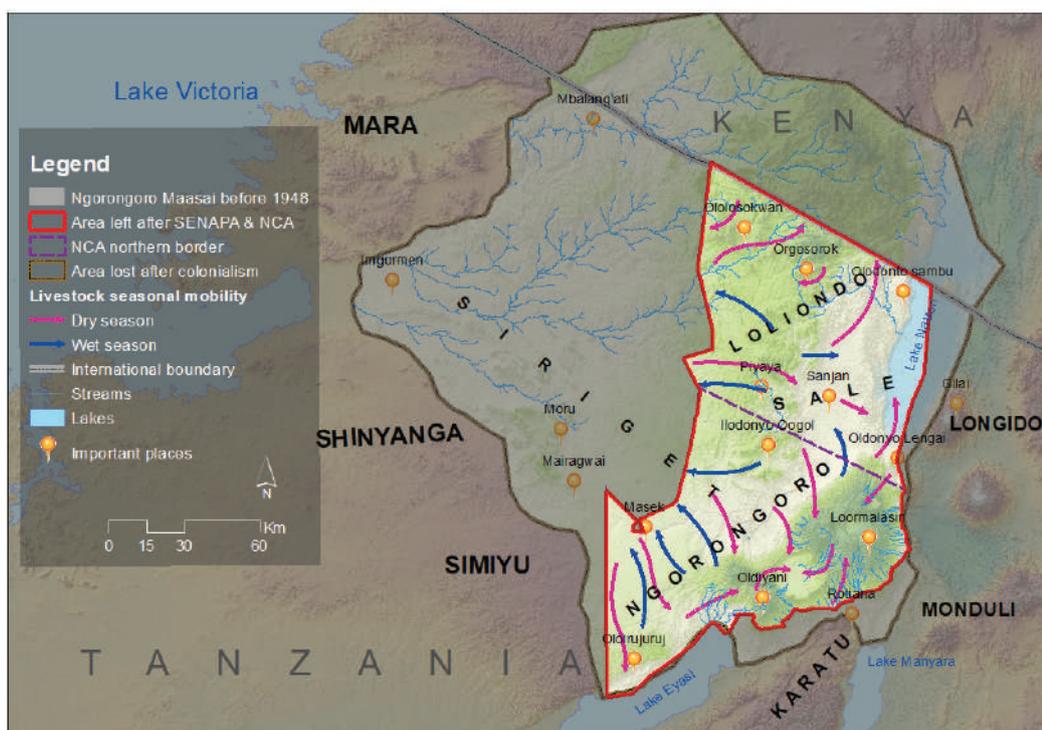
5 Neumann, RP 1995b, 'Local challenges to global agendas: conservation, economic liberalisation and the pastoralists rights movement in Tanzania', *Antipode*, vol. 27, no. 4, pp. 363-382.



## 2.1.4 Land Administration and Management after Independence 1961-1989

After independence, the Land Act of 1923, was amended to meet the current requirements of the independent Tanganyika Government. One of the amendments made was to remove the word Governor from the colonial law and replace it with the word PRESIDENT. Immediately after gaining independence, the Tanganyika government changed the land tenure system from unlimited direct ownership to Leaseholds for periods 33, 66 and 99. All land became public land and the President was given the authority / responsibility to manage all land on behalf of Tanzanians.

Although there were no significant reforms in the land law, after Independence, there was a change in the concept of land acquisition where the Land Acquisition Act<sup>6</sup> was enacted to give the President the power to reclaim land that was under or in the hands of private people to be public or change land use. These changes were in line with the Arusha Declaration and therefore the amendment to this Act was one of the tools for the implementation of the Arusha Declaration.<sup>7</sup> At that time there was no change in the land law, so all customary land remained in the hands of the community, so in the case of Loliondo and Sale Division Lands the ownership and use of land continued to be under local citizens where in terms of these divisions it is the pastoralists.



**Map 2.2:**  
*Land use after 1958.*

6 Na. 47 ya 1967

7 Made on 5th February, 1967



Throughout the Arusha Declaration of 1967 and thereafter the government continued its various efforts especially in building the economy and bringing the people together for what was described as facilitating development. Until the 1970s the government came up with a Socialist and Independent Policy. The main objective of the Arusha Declaration, among other things, was to restore the principles of productive assets to the public.

It is also important to note that this period was the time were pastoralist land was highly grabbed, especially in the Hanang (1970-1990) and Loliondo - (Breweries Ltd - 1984) areas where large grazing areas could be occupied and become part of government's farms and national ranches popularly known as NAFCO and NARCO. This has led to the filing of many cases against such land grabbing of pastoralists. Among the land cases filed include Mulbadaw Village Council and 67 Others vs. NAFCO,<sup>8</sup> Yoke Gwaku and 5 Others vs. Gawal Farms Limited and NAFCO<sup>9</sup> and Isata Ndekerei & 14 others vs. Tanzania Breweries Limited Farms<sup>10</sup>, on the Loliondo side.

Although the establishment of these farms was for the government, later came the privatisation/ sale of government farms to private companies. For example, the Sukenya farm no. 373 with a total of 12,617 acres were sold to a subsidiary of Thomson Safari known as Tanzania Conservation Limited (TCL) in 2006 and led residents of Three Villages (Mondorosi, Sukenya and Soit Sambu) to file a land case no. 26 of 2013<sup>11</sup> for claiming the Village land.

Under the same circumstances, Ololosokwan Village filed a case known as Ololosokwan Village Council vs. Tanzania Cattle Products and Cons Corp Tanzania Limited<sup>12</sup> on 25,000 hectare in their Village land. Both sides decided to make a dispute settlement agreement outside the Court and later led to the signing of an investment agreement in the area<sup>13</sup>. In an effort to protect the public land, Ololosokwan Village in 2011 reopened the case (Ololosokwan Village Council vs. Tanzania Cattle Products and Andbeyond Tanzania Ltd)<sup>14</sup>, after discovering that the Tanzania Cattle products company approved by Andbeyond obtained a title deed No.9990 fraudulently. In 2012, both sides agreed to end the dispute out of court and surrender the title deed.

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8 (1984) T.L.R. p. 15-27 HC-Arusha

9 Civil Case No. 52 of 1988 HC-Arusha (unreported)

10 Magistrate Court of Arusha Case No. 74 of 1987

11 Mondorosi Village Council, Sukenya Village Council and Soit Sambu village Council Vs. Tanzania breweries LTD, Tanzania Conservation LTD, Ngorongoro District Council, The Commissioner for Lands and Attorney general (HC-Arusha) Land Case No. 26 of 2013

12 Civil Case No. 31 of 1994

13 Dated 26th October 1999, Agreement between Ololosokwan Village Council and Conscorp Tanzania Limited (CC Africa), see Annex 2

14 Civil Case No. 31 of 1994.



## 2.1.5 Establishment of Ngorongoro District and Village Registration

After Independence the government developed a system of governance where districts and villages continued to be part of local government administration where the area of Ngorongoro district was under the control of the Maasai District. The Maasai District included the present Kiteto, Simanjiro, Monduli, Longido and Ngorongoro Districts and the district headquarters being Monduli. Later in 1979, a new Ngorongoro District was established to facilitate access to services for citizens.

It should be noted that prior to the establishment of Ngorongoro District, citizens in the Loliondo and Sale divisions were living and owning land in their registered villages within the former Maasai District. Some of the villages in the division that were registered prior to the establishment of the new Ngorongoro District are presented in Table 2.1 and in appendix 1<sup>5</sup> and 2.

**Table 2.1: Some of the villages registered in 1978 at Loliondo and Sale Divisions**

Na	Village Name	Date of Registration	Certificate of Registration number
1	Malambo	28 February, 1978	AR.KIJ.372
2	Piyaya	15 April, 1978	AR.KIJ.431
3	Arash	8 September, 1978	AR.KIJ.405
4	Oloosoito/Maaloni	8 September, 1978	AR.KIJ.406
5	Oloirien/Magaiduru	8 September, 1978	AR.KIJ.407
6	Soitsambu	8 September, 1978	AR.KIJ.402
7	Ololosokwan	15 April, 1978	AR.KIJ.403

## 2.1.6 Land Administration and Management From 1990 - 2022

This section analyzes and clarifies ownership of pastoralist lands immediately after the entry into the free market system and also when Tanzania began to reform land laws. This section analyses the ownership of village land by customary procedures under new land laws and policies.

### 2.1.6.1 Village Surveying and Obtaining Land Certificates

15 Annex 1



The 1990s land reforms are recalled for the radical reforms about land administration. Many pastoralist villages in Loliondo and Sale Divisions were surveyed and obtained land titles for their Villages. Village land survey was facilitated by Village, Ward, District and civil society leaders. This process was overseen by Ngorongoro District Council with the financial and technical support from KIPOC and ADDO. A total of 346,672 hectares of land in Loliondo subdivision were surveyed and land titles were issued. Some of the surveyed villages include Arash, Loosoito/Maaloni, Olorien / Magaidur, Oloipiri, Soitsambu and Ololosokwan (Table 2.2), in accordance with the law. land of 1923.<sup>16</sup>

**Table 2. 2:Surveyed village with land certificate**

NO.	NAME OF VILLAGE	REGIS-TRATION NUMBER	DATE	CERTIF-ICATE NUMBER	DATE	LAND AREA (HECT-ARES )
1	Arash	7264	13.10.1990			66,800
2	Oloosoito/ Maaloni	7259	13.10.1990			77,860
3	Oloirien/ Magaiduru		13.10.1990			30,340
4	Oloipiri	7182	13.10.1990			47,100
5	Soitsambu	7275	13.10.1990			73,342
6	Ololosok- wan	7262	13.10.1990	1NGR	26.01.2006	51,230
	<b>Total hectares</b>					<b>346,672</b>

### 2.1.6.2 Presidential Commission of Inquiry into Land Matters -1991

~~Due to the many conflicts that were witnessed in our country from the~~  
<sup>16</sup> Annex 2



1970s-1990s the then President Hon. Ali Hassan Mwinyi, in 1991 formed a commission headed by Prof. Issa Shivji (alias Shivji Commission) to investigate the sources of land disputes<sup>17</sup>. The Commissioners travelled around the country to gather people's opinions and finally wrote reports (Vol 1 &2) and submit recommendations to the President of the United Republic of Tanzania. It should be noted that prior to the commission the applicable land law was a colonial law enacted in 1923. herefore, the recommendations of the commission's report includes the enactment of new Land Laws based on the views of Tanzanians to meet the wishes and interests of the people.

Some of the commission's recommendations include making land a constitutional category so that it is legally protected by the mother law, , getting away with the radical title, investing decision making powers into the village assembly and categorization of land. . Other recommendations include, creating a system of arbitration and resolution of land disputes, the formulation of land policies and legislation that defines the needs and interests of the various social groups and defines the responsibilities of the state and other stakeholders in the land.It should be noted that the Shivji Commission among the visited areas during collection of views from citizens is the Loliondo division to investigate land disputes between pastoralists and land grabbing companies or investors in private farms.

### **2.1.6.3 National Land Policy and Land Act 1999**

The National Land Policy<sup>18</sup> and the new land laws of 1999 are the result of the recommendations of the Presidential Commission of Inquiry into Land Matters. Following the submission of the Commission's reports , the government drafted a new Land Policy of 1995, and four years later in 1999, the Parliament of the United Republic of Tanzania enacted and passed two land laws, namely the Land Act<sup>19</sup> and the Village Land Act<sup>20</sup>. The Land Policy emphasised the need for rangelands areas protection and directed that legal and conservation practices be established where all pastoralist rangelands used for grazing such as Loliondo and Sale Village villages of 1500 square kilometres were to be secured and protected.

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17 Ministry of Lands, Housing and Urban Development & Scandinavia Institute of African Studies (1994) Report of the Presidential Commission of Inquiry into Land matters, Vol. I

18 1995

19 The Land Act, No. 4 of 1999

20 The Village Land Act, No. 5 of 1999



### 7.3.0 RANGELANDS AND LIVESTOCK KEEPING:

There are growing social conflicts, environmental concerns and land use conflicts due to haphazard alienation of rangeland for large scale agriculture. These extensive alienations frequently disown pastoralists of their grazing lands.

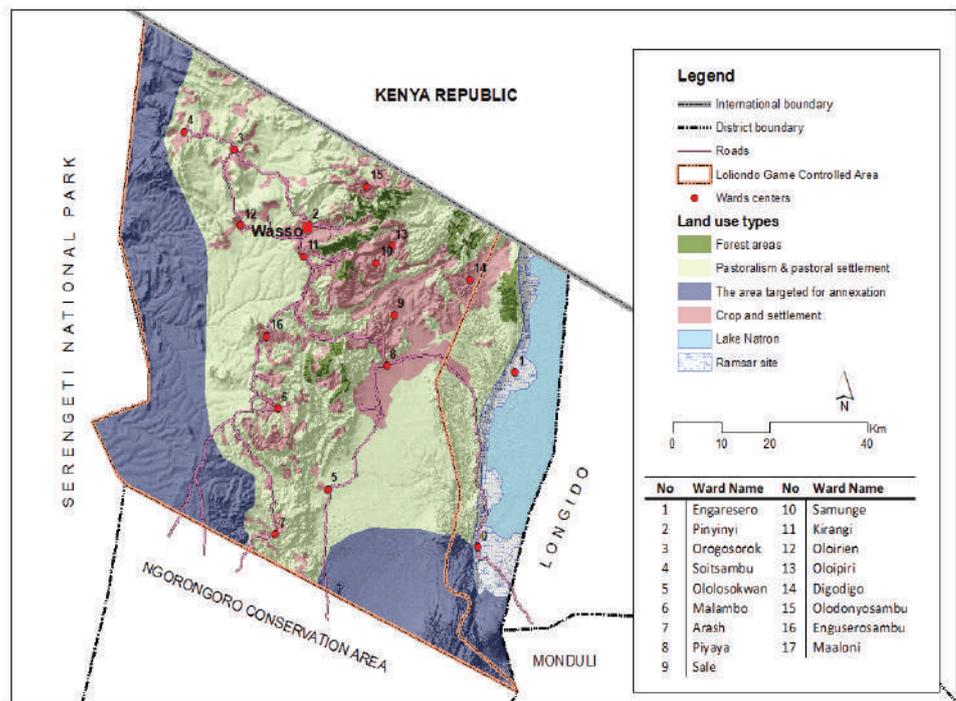
#### 7.3.1 Policy Statements:

- (i) Security of tenure for pastoralists in pastoral land areas will be guaranteed by appropriate measures including gazetting to protect grazing land from encroachment.
- (ii) Certificates of Village Land will be issued to protect common property regimes.
- (iii) Underutilized or neglected former pasture land will be reclaimed and restored to pastoralists, when not in conflict with national interests.
- (iv) When any activity other than pastoralism ceases in rangelands (eg. abandoned ranch) that land will revert to its original land use.

**Photograph 21:**  
Objective of the declaration of land policy on pastoralists rangelands

especially in urban and rural areas where there is land registered in accordance with Land Act No. 4 of 1999 , including investment lands and hence this law is under the supervision of the Land Commissioner. The Village Land Act has referred the land decision-making authority to the Village Assemblies to regulate the allocation of Land which was carried out by the Village Councils without the consent of the people where it led to major conflicts in all parts of the country.

**Map 2.3:**Current land use in Loliondo and Sale Divisions

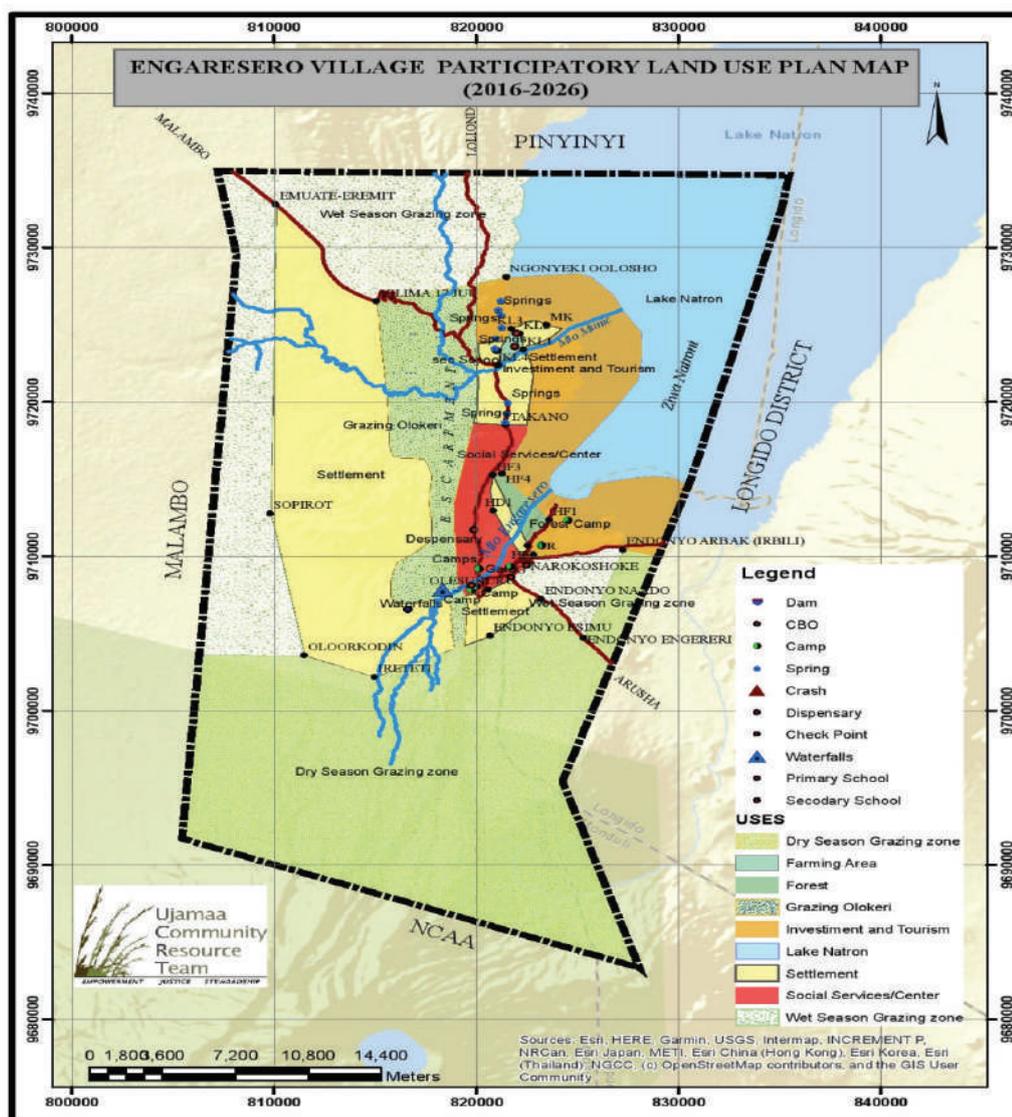


According to the V



General Assembly are empowered to assess Village land and make land use plans where they plan all the use of village land according to the needs and wishes of the people. The Land Use Planning Act<sup>21</sup> also recognizes Village Councils as one of the Village Land Use Planning Authority in collaboration with the District Land Use Planning Team (PLUM) whose main role is to advise and assist in issues of expertise and not making decisions in the planning of Village land use.

For example in the Loliondo and Sale Divisions, Ololosokwan and Engaresero villages were able to re-evaluate and obtain village land titles and make land use plans. This 2016 Engaresero Plan is a reference to the 2008 land use plan. Ololosokwan village also as shown on the map has a land use plan from 2008.



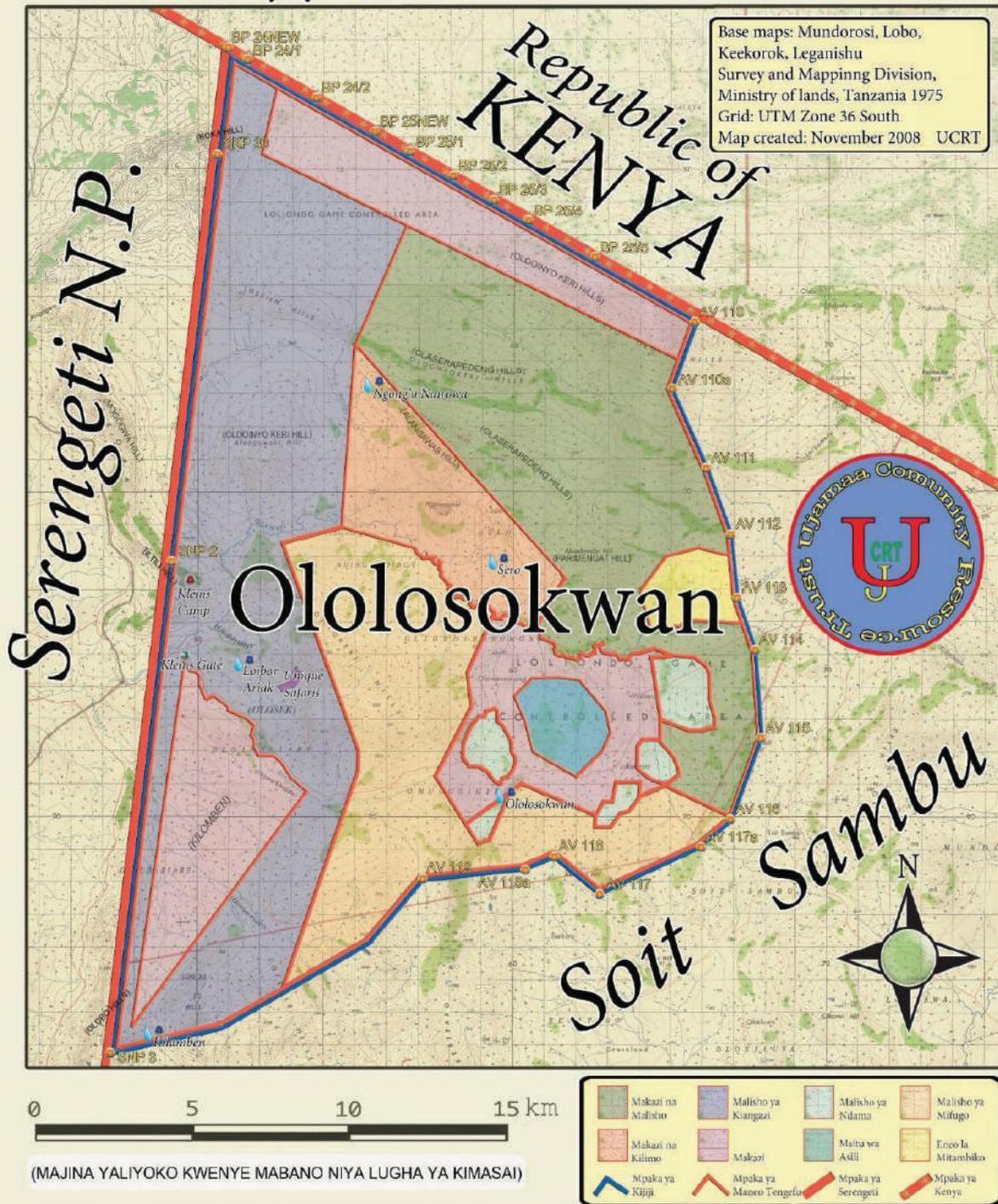
**Map 2.4:**  
Map of land use at Engaresero village 2016-2026

Source:  
Engaresero village, 2016

21 The Act, No. 6 of 2007



# Ramani ya Matumizi Bora ya Ardhi Kijiji cha Ololosokwan



**Map 2.5:** Map of Land use plan at Ololosokwan village 2008 Source: Kijiji cha Ololosokwan, 2008



#### 2.1.6.4 The Legal Status / Validity of Village Land Titles

The Land Act of 1923 in section 9, authorised the Director of Land Development Services to issue Village Land Title Deeds. The New Land Act of 1999, allows for the issuance of Village Land Certificates in contrast to land titles issued to Villages in accordance with the Land Act of 1923, which was amended several times after independence. Similarly, these land laws have continued to recognise the deeds where they have been recognised in various provisions of Village Land Act No.5 of 1999, starting with the definition of the meaning of Village land. According to the Village Land Act section 7 (1), Village Land includes:

- All land within the boundaries of the Village registered in accordance with section 22 of the Local Government [District Authorities] Act no. 7 of 1982
- Land allotted as village land in accordance with the Village Establishment and Housing Act of 1965
- Land that has been demarcated as a Village by various administrative laws prior to the enactment of land laws of 1999 or in accordance with the systems and principles of receiving or customary use in Tanzania.
- The enactment of land laws The villagers used to use the village land for various uses including pastoral activities for 12 years before the Act came into force.

Section 7 (12) of the Village Land Act recognizes all Village land tenure Certificates issued in accordance with other laws prior to the enactment of the Act<sup>22</sup>. Thus, in accordance with the provisions of the Village Land Act of 1999, all Villages of the Loliondo and Sale sub-divisions registered in terms of the Local Government [District Authorities] Act no. 7 of 1982 and obtaining land titles are legal and continue to be legally recognized. It is also clear that the Government's move to encroach on 1,500 square kilometres of village land violates Article 24 of the Constitution of the United Republic of Tanzania<sup>23</sup> and land laws instead of fulfilling its responsibility to oversee its implementation.

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22 Village Land Act, section 7 (12) that, A certificate or other document of registration issued to any village registered under the provisions of section 22 of the Local Government (District Authorities) Act Cap. 287\* shall, where the Ministry responsible for Lands approves that it satisfies the conditions for the grant of certificate of village land, have the same effect and force as regards village land as a certificate of village land issued to a village under this section  
23 1977 as amended from time to time



### 2.1.5.5 Village By-Laws

The Constitution of the United Republic of Tanzania of 1977, as amended from time to time, in Article 145 (1) states “There shall be local government agencies in each Region, District, City, and Village, In the United Republic, which shall be of the type and names to be prescribed by an Act enacted by Parliament or by the House of Representatives ”. Article 145 (2) “The National Assembly or the House of Representatives, as the case may be, shall enact legislation which shall specify the procedure for the Establishment of Local Government Institutions, structures and their members, revenue channels and the procedure for implementing the activities of such bodies”. The interpretation of this article in the establishment of Local Government Authorities which includes Village Councils shows the origin of the Village Authority as per the Constitution of the country<sup>24</sup>, and this article directs the parliament of the United Republic of Tanzania to enact laws that will enable these government authorities to enact by-laws to facilitate the implementation and management of public resources in rural areas.

On the basis of that Article of the constitution mentioned; The parliament of the United Republic of Tanzania enacted the Local Government [District Authorities] Act no. 7 of 1982, which in section 168 allows Villages to enact by-laws to facilitate resource management and operation of village activities. In compliance with the requirements of the Constitution and the Law, the villages in the Loliondo and Sale Divisions enacted and implemented village by-laws<sup>25</sup> which facilitated the maximum management and conservation of natural resources. These laws define various citizens’ plans in the administration, management and protection of land that have continued to be invaded and looted largely because of its quality.<sup>26</sup>

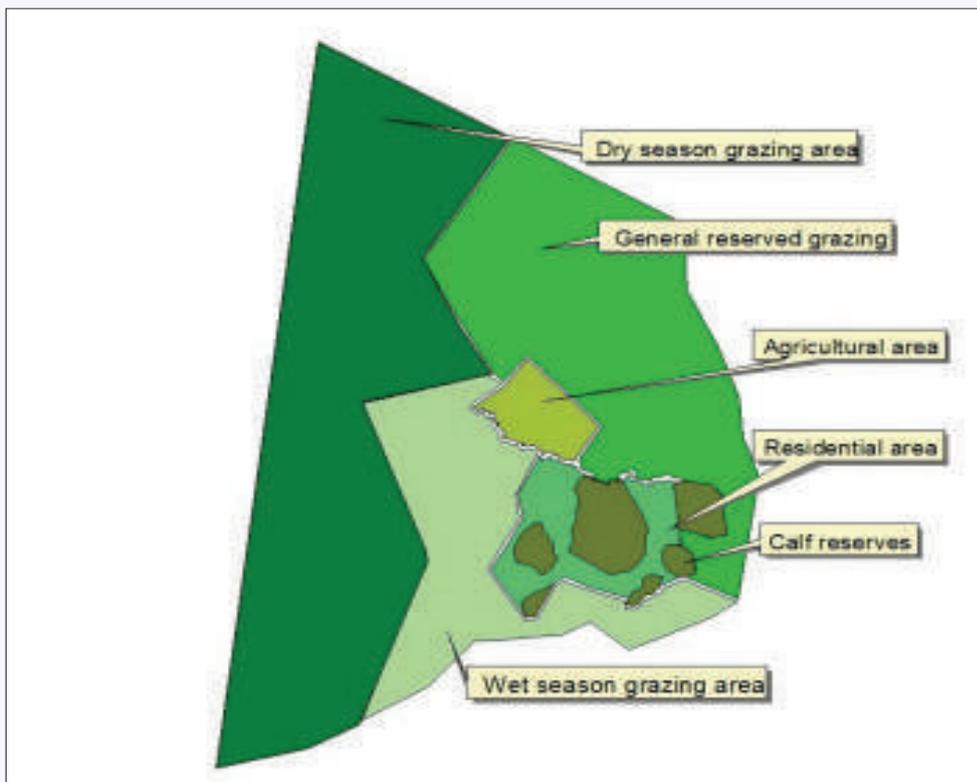
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24 Annex 3

25 By Laws for the Villages of Malambo, Ololosokwan, Olosoito/Maaloni, Oloipiri and Soitsambu

26 The TNRF report, Integrating Pastoralist Livelihoods and Wildlife Conservation? Options for Land Use and Conflict Resolution in Loliondo Division, Ngorongoro District February 2011 [https://www.tnrf.org/files/Integrating%20Pastoralist%20Livelihoods%20and%20Wildlife%20Conservation\\_FINAL\\_FINAL.pdf](https://www.tnrf.org/files/Integrating%20Pastoralist%20Livelihoods%20and%20Wildlife%20Conservation_FINAL_FINAL.pdf). accessed on 4th May, 2022.





**Map 2.6:**  
 Management of rangeland Ololosokwan village using village by-laws of 2000, in dry and rain seasons

Source:  
 Ololosokwan Village

## 2.2 History of Wildlife Laws

This section examines wildlife conservation laws during colonial and post-independence and its effects on Maasai pastoralist land. The presence of wildlife in the Sale and Loliondo areas was long lasting from the German colonial years to the British colonists. By the 1930s, the British colonial government saw the need to begin enacting laws to protect wildlife areas in the country and to establish a legal mechanism for conducting hunting activities. For all those years back during the colonial period, Loliondo and Sale Game Area was legally owned as public land within registered villages for the purpose of protecting and coordinating human activities and wildlife conservation.

### 2.2.1 Conservation Laws during Colonial rule 1885-1959

Efforts to establish legally protected areas and game reserves officially began with the Germans in the early 20th century. All these strategies attempted to some extent to identify the traditional land ownership of indigenous peoples. These strategies for many parts of East Africa introduced mechanisms to create an environment for Maasai communities to begin to suffer in their areas. Although the Maasai land in Tanzania was not inhabited by colonialists, the biggest threat came later in the day when legal arrangements for the conservation of natural resources and wildlife parks began to be given priority by the colonial governments.



The Germans (German East Africa) began strategizing for land ownership from 1885 until 1914 when they were invaded and ousted by the British. For example, at the beginning of the 20th century, the Germans introduced the Game Preservation Ordinance of the game Game Preservation Ordinance of 1908 to 1911<sup>27</sup>. Later, after World War I, the British came and enacted many other laws after the British military decided to protect the wildlife. as follows focusing on wildlife management and conservation<sup>28</sup>:

- (i) Establishment of the Wildlife Department (Tanganyika Game Department in 1919)
- (ii) The Game Preservation Ordinance 1921 also established the Serengeti Game Reserve during 1929.
- (iii) Land Ordinance (Land Ordinance 1923)
- (iv) The New Game Ordinance (New Game Ordinance of 1948), this Act came with the process of establishing the Serengeti National Park<sup>29</sup>. This was the first law that began to cause great pain especially to the Maasai lands living in the Serengeti, Ngorongoro and Loliondo. 1959 Under this law, the Maasai were evacuated from the Serengeti in 1959 and relocated to Ngorongoro and Loliondo and reunited with their relatives.
- (v) Ngorongoro Conservation Authority Act of 1959 - This Act was introduced by the colonial rulers to preserve the Ngorongoro Conservation Area and also to protect and develop the existing Maasai community and to relocate the Ngorongoro Conservation Area to the establishment of the Serengeti National Park.

### 2.2.2 Post-Independence Conservation Laws

This section examines the wildlife conservation laws and regulations enacted after independence. This section looks at the extent to which pastoralists' property rights were affected by the advent of these laws. This area helps to determine the legal status of the areas where wildlife conservation and management laws were enacted and implemented. In this section the Wildlife Act of 1974, as well as the New Act of 2009 will be analysed in detail with a view to looking at the relationship between these laws and village lands.

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27 Ojalammi, S. (2006). Contested lands: Land disputes in semi-arid parts of northern Tanzania. PhD Thesis, University of Helsinki, Finland. Available at: <http://ethesis.helsinki.fi/julkaisut/mat/maant/vk/ojalammi/conteste.pdf>

28 Neumann, RP 2000, 'Land, justice, and the politics of conservation in Tanzania', in Zerner C (ed), People, plants, and justice: the politics of nature conservation, Columbia University Press, New York, pp. 117-143.

29 Ole Nangoro, BN 1998, 'Branding the land: Maasai responses to resource tenure insecurity and social change', in Horn, F (ed), Economic, social and cultural rights of the Maasai, University of Lapland, Rovaniemi.



An analysis of this law will determine how Game Controlled Area and game reserves were established with the aim of managing wildlife resources in the past without affecting traditional land tenure in Village lands during colonial and post-Independence.

### **2.2.2.1 The Wildlife Act of 1974**

Before this wildlife law was enacted after independence, there was a Colonial law called the Fauna Game Ordinance, which established the Loliondo Game Reserve on village land in which land was managed under traditional customs and traditions as was the case during the pre-colonial era. After independence the Tanzanian government enacted the Wildlife Conservation Act of 1974<sup>30</sup> and established a separate Game Controlled Area The Wildlife Act of 1974 recognized three types of natural resource protection system including Game Reserves, National Parks and Game Controlled areas. Only isolated forests were established in the rural areas where there was no conflict as they did not affect the ownership of the Village land. Following, The 1974 Wildlife Act, Loliondo and Sale were published in Government Gazette no. 269 of 1974.

It should also be noted that this area of Loliondo is where the colonists proved to be the settlement for the relocated Maasai pastoralists after the establishment of the Serengeti National Park in 1959. But during colonial times the concept of game reserves was introduced with the aim of managing wildlife without affecting the uses and traditions of local land management. However, the conflict of interest between pastoralist villages and private tourism and hunting companies began when Tanzania entered into free market policy and began to privatise until private organisations started to coordinate natural resources and hunting.

Those pre-privatization years hunting activities were under the control of the Tanzania Wildlife Company (TAWICO) but after the 1990s private companies flourished in hunting tourism and it was the advent of the Arab Hunting Company (OBC) that started in the Loliondo area in the 1992, and given the entire area of 4000 square kilometres of Loliondo Villages and Sale. The coming of this Arab Company provoked the challenge for the people using their village lands in contravention of land laws as well as the Wildlife Act of 1974. Many disputes began to erupt between this company and the local people as well as between this OBC company and other land users in the village like other companies doing tourist activities in this area<sup>31</sup>.

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30 Wildlife Conservation Act of 1974

31 Framing Of Resource Use Conflicts in Loliondo Game Controlled Area- Tanzania -Wildlife Tourism,



### 2.2.2.2 Wildlife Act of 2009

In 2009, the Parliament of the United Republic of Tanzania enacted a new Wildlife Act<sup>32</sup> that brought about changes in wildlife management and conservation. This section highlights the Wildlife Act of 2009A and its effects or implications on village land in Sale and Loliondo Divisions.

Changes that occurred after the enactment of the New Wildlife Act of 2009, which abolished the old law of 1974. Section 16 (5) of the new Act of 2009, requires the Minister responsible to ensure that he conducts a review of Game Controlled Areas. and Village land within a year (12 months) after the commencement of the Act, in which case the Minister has never implemented the provision of the Act to separate the Land of the Village and the Protected Land. This law prohibits all human activities in the remote Game Controlled Areas that were primarily embedded in the Village lands as its purpose was to manage wildlife resources and not land tenure.

Despite the existence of a Village Land dispute roughly in the Loliondo and Sale Divisions since 1992, these legislative changes have accelerated the conflict after the implementation of an attempt to set aside a legitimate Village area of 1500 square kilometres, through The District Land Use Plan which was funded by OBC Hunting Company in 2010, with the aim of protecting its hunting grounds in the area. After the public discovered that OBC Company was interested in encroaching on Village land, a new dispute arose when Soitsambu Village in 2010 issued a Notice of intent to remove OBC from Village Land by letter bearing reference number AR / KJ / 55/402/4/13<sup>33</sup> , that by December the Village would be free to plan for other uses in the Village Land.<sup>34</sup>

### Outcomes of Amendment of 2009 Law on Loliondo Game Controlled Area

- The law that recognized the Game Controlled Area within the people's land came to change the status of Game Controlled Areas and to eliminate all human activities without recognizing that the entire Loliondo area and part of Sale were village lands with these Game Controlled Areas<sup>35</sup>. Other pastoral districts that have had Game

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Conservation And Pastoralism Interface available at <https://Edepot.Wur.NI/221913>.

32 Wildlife Act, No 5 of 2009

33 The letter dated 5th January, 2010, written by the Village Chairperson James Lembikas copied to DED Ngorongoro, MP, Chairperson to District Council, DC, RC, Permanent Secretary for the Ministry of Natural Resources and Tourism.

34 From 31/12/2010, the village will be free to invest its village land to other companies or other uses for the benefits of the communities until 31st of Desemba, 2010. K

35 Wildlife Conservation Act No. 5 of 2009, Section 20(1) and 21(1), Wildlife Conservation Act of 2009, Section 16(5). The Wildlife Conservation Act of 2009 came into force in July, 2010.



Controlled Areas within the village lands include Longido, Monduli and Simanjiro and many villages in these districts have been granted title deeds.

- Amendments to the Wildlife Act have changed the status of Game Controlled Areas and eliminated all human activities as before. The Act recognizing that most Game Controlled Areas are legitimate village lands, provided for sections 16 (4) to 16 (5) for the minister to identify all Game Controlled Areas areas in village lands and declare them within one year. from the commencement of this Act having lost its status as a separate forest. “For the purpose of sub-section 4, The Minister shall ensure that no land falling under the village land is included under the game controlled areas’ Section 16 (5)
- The implication is that, recognizing that most of the 60 percent of Game Controlled Areas in the country were on village land, the authors of this law saw the need to remove Game Controlled Areas in areas that used to be village lands as it was 4000 square kilometres in Loliondo and Sale Divisions. Unfortunately this exercise on the part of Loliondo was not carried out as required by law, instead there have been many rumours that the whole of Loliondo is still the GCA contrary to the current legal framework which does not allow separate GCA to interfere with human activities. The result is that under the current Loliondo Wildlife Act there is no longer a legally recognized wildlife reserve.

### **2.3 Maasai Traditions and Customs Systems in Land and Natural Resources Management**

This section describes Maasai traditions and customs in land management and natural resources. The aim is to show that customary law and order have also played a major role in preserving these areas before the colonial period, during the colonial period, and even after independence to date.

#### **2.3.1 Relationships of Maasai Traditions and Wildlife**

Although colonial and even post-independence Tanzanian laws were enacted to regulate the land and conservation sector, it is important for all stakeholders to realise that Tradition, culture and indigenous knowledge have been key pillars in protecting land and natural resources in the Loliondo and Sale Divisions. The Maasai pastoralist community relies on a natural system of shared land use based on traditional knowledge, traditions and customs.



Land is used according to the needs of the community including pastoralism, settlement and rituals. According to traditional knowledge, the grazing lands are managed by type of use depending on the season (summer, spring and winter). Land use is managed using indigenous systems of customs and traditions under the coordination and guidelines of traditional leaders (Ilaigwanak). Community traditions and customs focus on environmental conservation, use of grazing lands (water and grazing) for livestock and wildlife use. This system has since time immemorial built good natural relationships between wildlife, livestock and humans.

Livestock and wildlife relations; Traditions and customs are a major pillar in the development of wildlife and natural resources in the Loliondo and Sale division. Despite the sustainability of these processes, its land management system for native grazing systems has been plagued by numerous legal and policy conflicts with wildlife conservation.

The relationship between Maasai and the wildlife is historical and cultural<sup>36</sup>. The Maasai do not hunt and do not eat wild game meat unlike other communities in Tanzania and around the world as animals are kept in the traditional clan system. In that sense all animal species receive special protection from the respective clans where anyone violating the rights of those animals is punished according to the magnitude of the offence, where serious offences require ritual cleansing to remove the curse. This traditional cause has continued to strengthen the good relations between wildlife and people in the community since time immemorial. The act of starting to enact laws and policies aimed at disrupting these relations and for the purpose of taking away the land of the people of this community for conservation reasons is to create a lasting conflict that will have serious consequences for the community and the nation as a whole.

**Table 2. 3: Relations between Maasai clans and wildlife**

Na.	Maasai Clans	Type of wildlife of respective clan
1	Irmollelian (Mollel)	Rhinoceros, Leopard, Warthog
2	Laitayok	Elephant and Buffalo
3	Ilaiser/Laizer	Lion
4	Ilaisi/Iltaar-osero/ Iltanap-Owaru	Hyena, Snake (Cobra), Giraffe Antelope, Wildebeest
5	Irmakesen/Irmamasita	Zebra and Eagle
6	Ilukumai	Monkey and Baboon

### 2.3.2 Traditional Rangeland Management Systems

<sup>36</sup> <https://www.mwananchi.co.tz/mw/habari/habari-ya-ndani/koo-za-kimasai-ngorongoro-zina-udugu-na-wanyama--2782572>



Traditional pastoralism is a way of life based on three main pillars, land, livestock and families. This production system refers to the rearing of cattle, goats and sheep for climate-dependent production and quality of grazing land.

The coordination of pastoral activities varies according to the climate and vegetation of the pastures. Thus, pastoralism coordination activities require strong strategies and management to keep up with the times and climate change in order to withstand the changes. Unlike other poultry, pork and fish farming, natural farming depends on different seasons and seasons of access to pasture and rainfall. Climate change is affecting the whole issue of pastoralism and indigenous pastoral programs.

For more than two decades many African countries have developed and implemented indigenous pastoralist policies and laws, and in particular in identifying real land use and natural resource management systems in pastoralist territories . These policies and laws recognize land tenure rights in accordance with the rules, regulations and customs of pastoralists and identify the natural resources that enable pastoralism. Examples of these African countries include Mauritania (2000), Mali (2001, 2010) and Niger (2012).<sup>37</sup>

The United Nations policy on pastoralists has emphasised the need to involve pastoralists in the respective countries to formulate policies, laws and regulations to coordinate and promote traditional pastoralism according to the grazing and rainy seasons. Collaborative co-operation between Pastoralists and the Government will enable experts from the relevant ministries including the Ministry of Natural Resources and Tourism, Land and Livestock to identify and support the pastoralist economy and livestock products.<sup>38</sup>

Climate change is not the result of pastoralism, nor is it the fault of pastoralists. Climate change and recurrent drought are a global catastrophe and a challenge for all producers who depend on natural resources especially rain-fed. Despite this global tragedy in production, pastoralists have continued to run their livelihoods through pastoralism in a fragile environment of drought and climate change. The expertise and experience of the environment used in the grazing lands in the Loliondo and Sale Divisions stems from traditional environmental knowledge that enables pastoralists to design and take advantage of emerging opportunities to drive their livestock production. Governments and various institutions should either improve the natural systems on land and natural resources management or not interfere with pastoralists' use of land as uninterrupted access to them will affect and destroy the livelihoods of pastoralists.

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37 African Union. 2010. Policy Framework for Pastoralism in Africa: Securing, Protecting and Improving the Lives, Livelihoods and Rights of Pastoralist Communities. Department of Rural Economy and Agriculture, African Union, Addis Ababa.

38 Ibid



# CHAPTER THREE

## THE HISTORY AND EFFORTS TO RESOLVE LAND DISPUTE IN LOLIONDO AND SALE DIVISIONS

### 3.0 INTRODUCTION

This chapter is aimed at providing an in-depth explanation of the history of the conflict, its source, the consequences as well as the efforts taken to resolve the conflict in the Loliondo and Sale divisions. The purpose of this chapter is to acquaint readers with information about the history and current state of this resource crisis. This chapter should be read in conjunction with the previous chapters.

### 3.1 History and root causes of Land Dispute in Loliondo Division and Sale Divisions

Various reports and documented records show that conflicts in the Loliondo and Sale Divisions started before Tanganyika's independence, and have been taking on a different shape over time. In that sense, the analysis of events, the shape of land disputes in these Divisions can be organised into different historical periods. These conflicts have largely been between the Maasai Pastoralists and the Ministry of Natural Resources and Tourism at different times. In addition, the root causes of conflict have been the conflict of interest in the livelihoods of locals, and of trade / conservation on the part of the rulers and investors. According to various documents, the conflict is divided into three main categories, namely the colonial period, post-independence and the arrival of the OBC hunting company in 1992.



## Main source of the conflict

The colonial concept of Fortress conservation that continues to be used by Conservationists and the Government

- The removal of pastoralists from the Maasai Community to pave way for the establishment of the Serengeti National Park in 1958
- Conflict between Land Laws, Local Government and Wildlife Laws
- Arrival of Ortello Business Corporation (OBC)
- Recommendations of the Ngorongoro Mixed Land Use Committee on the demarcation of the 1500 square kilometres of Loliondo and Sale sub-divisions under the NCA.

### 3.1.1 Removal of Maasai pastoralists to provide for the establishment of the Serengeti National Park 1958

The dispute began in the 1950's after the colonial government demanded that Maasai pastoralists leave Serengeti to pave the way for the establishment of the Serengeti National Park. In 1958 an agreement was reached after more than 8 years of negotiations with our Society and they were finally forced by circumstances to agree and approve the changes in boundaries and other interests through the "Serengeti Compensation Scheme".

**Table 3. 1: The process to seize Maasai land in Serengeti**

Year	Event
<b>Before Independence</b>	
1950 - 1958	Debate between colonial government and Maasai community about leaving Serengeti to pave way for the establishment of the Serengeti National Park started and was concluded after the Maasai community heeded the call to leave and moved to Ngorongoro and Loliondo areas to join fellow tribesmen who resided there.
1959	Maasai community agreed to sign a memorandum of understanding to leave Serengeti after they had agreed on the boundaries and other benefits through a compensation plan Serengeti "Serengeti Compensation Scheme"



The agreement led to the establishment of the Serengeti National Park (1959); and Ngorongoro Conservation Area (1959) where the government agreed to experiment with a mixed land use system (wildlife, human activities, and tourism). In an agreement that until now we are not sure of its legitimacy, through the compensation serengeti programme, the government had made many promises to pastoralists if they agree to relocate to Loliondo and the Ngorongoro Highlands. At first we were promised livestock services such as dipping points, water, and other social services. Second, we were promised that wherever we went in the eastern Serengeti (Loliondo) should there be any conflict between the Maasai and conservation activities, our rights would prevail. After our relocation some of these promises were not fulfilled by the Colonial Government, surprisingly others are currently not honoured even by the current government.

The lack of respect and recognition of these agreements has led to the continuation of land disputes between the Maasai community and conservation activities. This situation has led the Maasai Community to continue to be evicted from their natural areas for the purpose of tourism investment and conservation.

### Agreement by the Maasai to vacate the Western Serengeti

We, the Laigwanak (elders) of the Ngorongoro and Loliondo division of the Maasai district, agree on behalf of all the Maasai living in these areas to renounce our claim to all those parts of the Serengeti plains lying within the Northern and Lake provinces which lie to the west of the line\* shown to us by the District Commissioner, Maasai on the 13th and 14th March and the 20th April, 1958.

We understand that as a result of this renunciation we shall not be entitled henceforth in the years to come to cross this line which will become the boundary of the new Serengeti National Park and which will be demarcated. We also understand that we shall not be entitled to reside in or use in future the land lying to the west of this line, which we have habitually used in the past.

We agree to move ourselves, our possessions, our cattle and all our other animals out of this land by the advent of the next short rains, that is before the 31st December, 1958.

- Laigwanak: Sgd.
- |                           |             |
|---------------------------|-------------|
| 1. Seketa ole Pose        | Ngorongoro  |
| 2. Tendemo ole Kisaka     | Endulen     |
| 3. Ngoirien ole Munga     | Moru        |
| 4. Olongoyu ole Goek      | Ngorongoro  |
| 5. Pokidale ole Maususu   | Moru        |
| 6. Loldunyi ole Murunga   | Moru        |
| 7. Olmatapatoi ole Kekuka | Moru        |
| 8. Kissale ole Serupe     | Makessio    |
| 9. Ndegyoya ole Parmat    | Loliondo    |
| 10. Keriko ole Lohumo     | Loliondo    |
| 11. Olakeru ole Malera    | Loliondo    |
| 12. Munge ole Keyamba     | Nainokanoka |

The above agreement was interpreted by me from English into Kimasai to the above-named Laigwanak today and I am satisfied that they have understood it and have signed it voluntarily.  
Sgd. T. S. Colley  
Executive Officer  
Maasai Federal Council

Witnessed by us at Ngorongoro this 21st day of April, 1958.  
Sgd. M. J. B. Moloohan  
Principal Commissioner,  
Northern Province  
Sgd. F. B. Townsend  
District Commissioner,  
Masai District

**Illustration 3.1:** MORU agreement between 12 Maasai traditional leaders (Malaigwanani) of Loliondo and Ngorongor with colonialists 21st April, 1958

Source: Shivji & Kapinga, 1998<sup>39</sup>

39 Shivji & Kapinga. 1998 Rights of Maasai liling in Ngorongoro Conservation Area, HAKIARDHI/IIED



### 1.0.2 3.1.2 Conflicting legislation between,land laws, local governments and wildlife laws

There have been conflicts between Land Laws, Local Governments and Wildlife Conservation Laws on Land Use<sup>40</sup>. After independence the Tanzanian government developed colonial policies where several years later i.e. in 1968 it extended the boundaries of the Serengeti National Park through Government Proclamation (GN. 235/1968) and in clause five declared the boundaries and indicated them on map no. 14151 new borders of Serengeti National Park.

In 1974 the government enacted the Wildlife Conservation Act of 1974<sup>41</sup> and established separate Game Controlled Areas where Loliondo and Sale were published in Government Gazette no. 269 of 1974. However the Wildlife Conservation Act of the time did not prohibit mixed use within the National Parks and that is why it was easy to establish Game Controlled Area in village lands that were recognised and registered in accordance with other laws of the land.

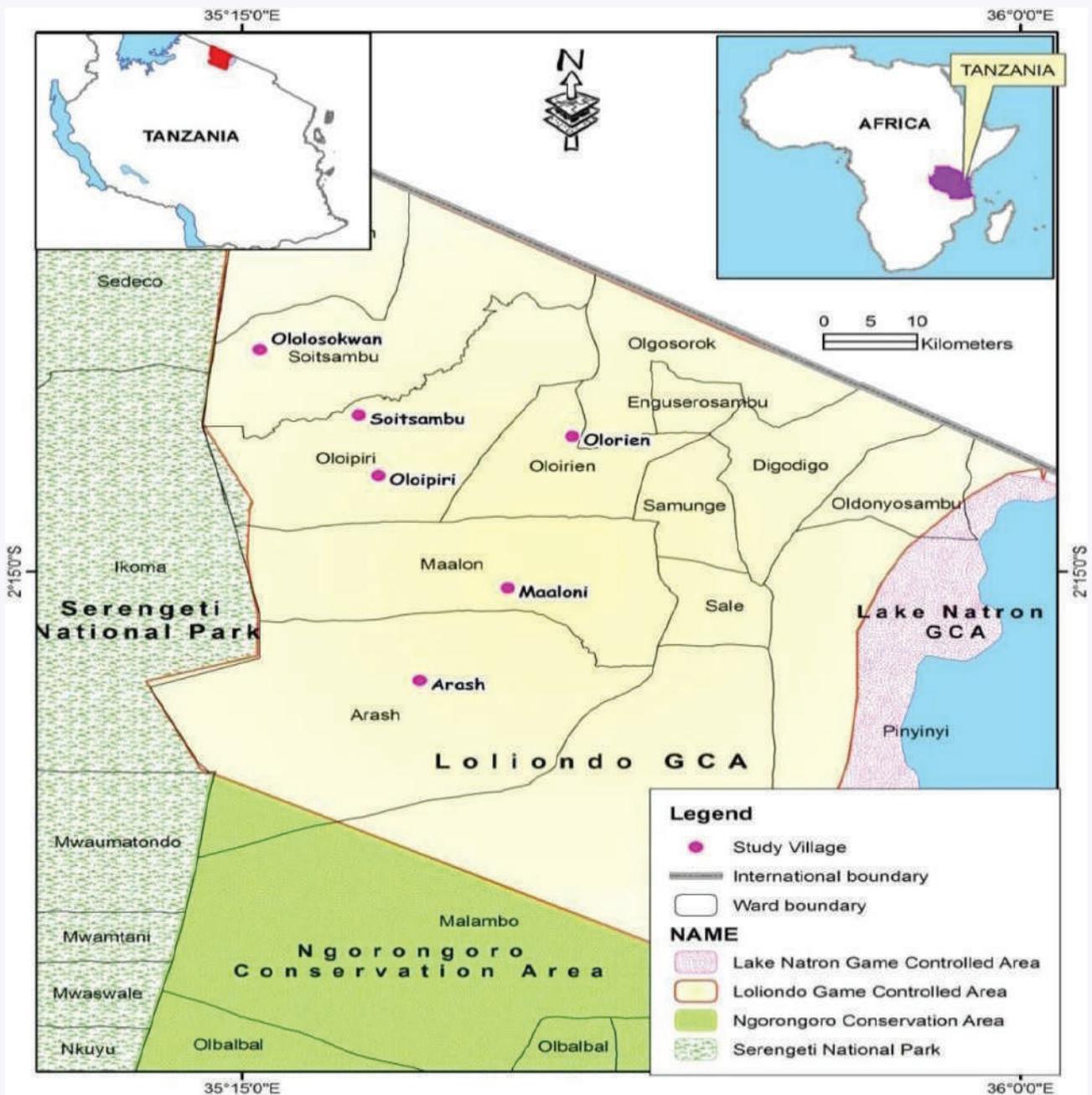
In the midst of this crisis the government enacted the Wildlife Conservation Act of 2009, which prohibited human activities within protected areas. Interaction, controversy and legal crisis escalated after the Government sought to set aside 1,500 square kilometres of legitimate Village as part of the implementation of the law which was implemented in Loliondo and Sale Divisions only in the country before the date for the law to come into use was announced. However, the experiment was found to be against even the Wildlife Act of 2009 which required any changes to be made within one year after the law came into force.

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40 Ole Nasha T. W. .(2004). Reforming Land Tenure In Tanzania: For Whose Benefit?. HAKIARDHI, Dar es Salaam

41 The Wildlife Conservation Act, No.12 of 1974





**Map 3.1:** Map of Loliondo and Sale Divisions showing disputed villages

These villages registered in accordance with the laws of the land such as the Village Registration Act, the Recognition of Socialist Villages and Village Management of 1975<sup>42</sup> and the Local Government [District Authorities] Act no. 7 of 1982, surveyed and obtained land titles in accordance with the Land Act Chapter 113 and the Village Land Act No. 5 of 1999, as outlined above in the second chapter of this report.

<sup>42</sup>[https://www.tanzania.go.tz/egov\\_uploads/documents/The\\_Villages\\_and\\_Ujamaa\\_Villages\\_\(Registration,\\_Designation\\_\\_sw.pdf](https://www.tanzania.go.tz/egov_uploads/documents/The_Villages_and_Ujamaa_Villages_(Registration,_Designation__sw.pdf)



This Village Area is governed by various laws such as the Land Use Planning Act No. 6 of 2007, the Pasture and Livestock Foods Act Chapter 180 of the Laws of Tanzania.

However, the Land Act No. 4 of 1999 stipulates in section 181 that in the event of a conflict of interest between this land law and any other law in the interpretation of land use, this Act shall prevail.<sup>43</sup> The act of encroaching on Village Land in the Loliondo and Sale Divisions of 1,500 square kilometres, is a violation of the land laws and the Constitution of the United Republic of Tanzania of 1977<sup>44</sup>, as amended from time to time.

Accordingly, the Government should officially announce that the lands of villages that once had Game Controlled Areas before the 2009 Act now no longer have the status of Game Controlled Area to ease the ongoing problems. This law is also expected to provoke conflict in many parts of the country as Game Controlled Areas were established in registered Village lands, surveyed to obtain land titles / Village Land Certificates and to make land use plans. In addition to the interpretation of the Wildlife Conservation Act No.5 of 2009 in section 16 (5), there is no Loliondo Game Reserve as it has not been published in any Government Gazette (GN) since the commencement of the Act.

### **3.1.3 Arrival of Ortello Business Corporation**

In 1992 the Government of the United Republic of Tanzania through the office of Ngorongoro District Commissioner, Hon. Member of Parliament and Chairman of Ngorongoro District Council signed a trophy Hunting Contract with Hon. Brigadier Mohammed Abdullahim Al-Ali within the village land of Loliondo and Sale Division without the consent of the villagers. Refer to the contract entered into in the groups mentioned above. Later all hunting activities on behalf of this King began to be carried out and managed by a company established for these purposes, the company being Otterlo Business Corporation (OBC).

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43 Application of this Act, "On and after the commencement of this Act, notwithstanding any other written law to the contrary, this Act shall apply to all land in Mainland Tanzania and any provisions of any other written law applicable to land which conflict or are inconsistent with any of the provisions of this Act shall to the extent of that conflict or that inconsistency cease to be applicable to land or any matter connected with land in Mainland Tanzania"

44 24.-(1) Every person is entitled to own property, and has a right to the protection of his property held in accordance with the law. (2) Subject to the provisions of subarticle (1), it shall be unlawful for any person to be deprived of his property for the purposes of nationalization or any other purposes without the authority of law which makes provision for fair and adequate compensation



*Kinnochua 'S'*

MKATABA WA AJILI YA KUHIFADHI NA KUSIMAMIA MAENDELEO  
YA WANYAMAPORI ILIKULETA MAENDELEO YA VIJJI  
KATIKA ENEO LA LOLIONDO GAME CONTROLLED  
AREA; SOUTH AND NORTH

Mkataba huu unetiwa sahihi leo tarehe *20<sup>th</sup> November* .....mwezi *Nov* .....wa 1992.

KATI YA

MHESHIMIWA BRIGADIA MOHAMED ABDULRAHIM AL-ALI wa ..... (katika mkataba huu atarejewa kama BRIGADIA) kwa upande mmoja.

NA

Halmashauri ya Wilaya ya NGORONGORO kwa niaba ya Vijiji vilivyotajwa hapa chini:

- 1. OLOLOSO KWAN
- 2. ESQIT - SAMBU / *SOITSHAMBU - 7*
- 3. OLOPERI *OLOIPERI - 7*
- 4. OLORIEN *OLORIEN - 2*
- 5. OLOO - SOITO / *LOOISOIT - 4*
- 6. ARASH

(Katika mkataba huu marejeo yatakuwa kwa halmashauri au vijiji vilivyotajwa hapo juu) kwa upande mwingine.

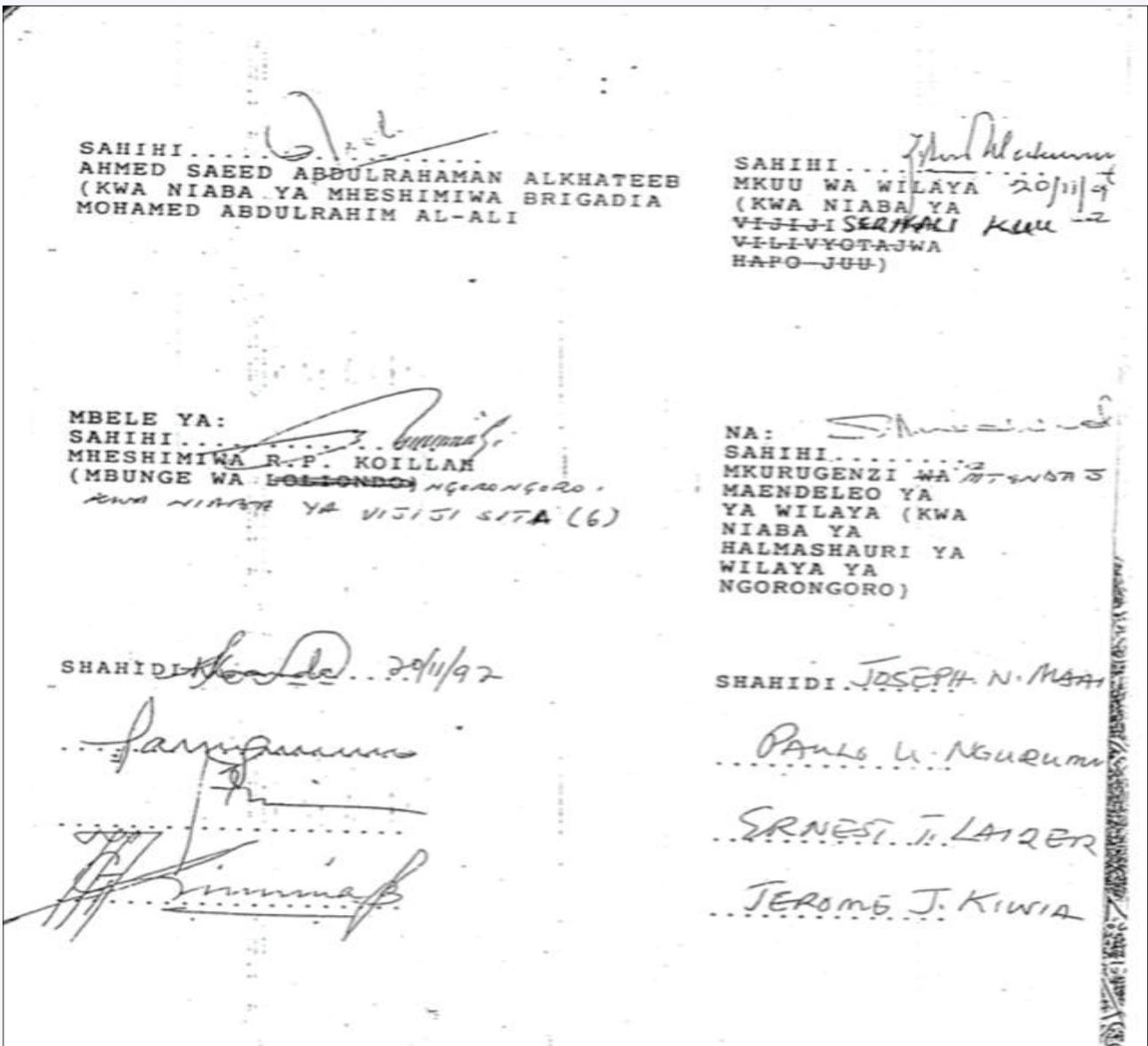
Kwa kuwa wanyamapori ni rasimani yenye uwezo mkubwa wa kutangeneza fedha za kigeni kuwapatia wananchi kazi na hivyo kupandisha hali yao ya maisha endapo itashughulikiwa ipasavyo;

Na kwa kuwa wanyamapori katika Halmashauri ya Wilaya ya Ngorongoro hawajashughulikiwa ipasavyo na hivyo kutoa mchango mdogo sana katika uchumi wa Wilaya hiyo, wananchi wake na Taifa kwa ujumla;

Na kwa kuwa BRIGADIA aneomba na amepewa kibali cha uwindaji wa binafsi kwa ajili yake yeye mwaneyewe, marafiki zake, na wageni wake katika eneo la "Loliondo Game Controlled Area" (ona kiambatanisho "A" ambacho ni sehemu kamili ya mkataba huu) ambalo liko katika eneo la halmashauri ya Wilaya ya Ngorongoro.

Na kwa kuwa moja ya masharti ya kuzingatia kabla ya kuanza kunafaka na kibali hicho BRIGADIA analazimika kuingia katika ~~mkataba~~ mkataba wa namna hii na





**Picture 3.1:** Contract between Government and UAE King

Due to lack of consent from the people through the village authorities, the government violated the contract rules by replacing the villages and signing the contract on their behalf without the consent of the villages. This event is the second in a series of community-based interventions and / or squeezing of community participation in determining the future security of our land.

This situation caused a great uproar known as the 'Loliondo Gate Scandal'. The campaign transcended Tanzanian borders and involved networks, the media and human rights defenders around the world. At the time, the famous Loliondo dispute involved the community demanding participation in planning and land use decisions.



The government through the Ministry of Natural Resources and Tourism stood up to defend the King on the pretext that he was a profitable investor for our country and diplomatic status. Through these struggles over the years, this conflict has metamorphosed and carried through the concept of conservation on the part of the government and the investor, and the security of land and pasture on the part of the community.

### **3.1.3.1 OBC Strategies and Measures to be allotted with Village Land Allocation**

Barely one year after OBC took office, the (Ngorongoro District Land Use Framework Plan (1993 - 2008) was prepared with OBC support and identified the area (currently estimated at 1,500 square kilometres) that it is supposed to be used for Wildlife Conservation and Tourism. It is important to note that even this land use plan, 1993-2008, was not designed in the context of public participation but under the influence of the OBC company<sup>45</sup>. The first attempt to seize village land through a land use plan flopped.



***Picha 3.2:*** OBC building camp in village land

In 1996, OBC Company introduced measures to put infrastructure on the village land with the aim to carry out its activities including road construction, camp construction and airport without involving local people. The construction of these infrastructure, once again provoked public anger. Moreover, environmental Impact Assessment was not conducted especially after a permanent camp was built at the Olasae River water source.

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45 Just Conservation - Grabbing Land for Conservation in Loliondo, Tanzania.





**Picture 3.3:** A huge aircraft belonging to OBC unloading cargo at its airport at Lima Loliondo in 2009.

The Loliondo Dispute - in the Loliondo and Sale Divisions has been a major conflict which has been changing forms and tactics at different times. OBC in partnership with the government funded the District Land Use Plan for 2010-2030<sup>46</sup>, and through its financial influence, the draft identified an area of 1500 square kilometres as an area set aside for conservation / hunting. Under the proposed land use plan, these famous 1500 numbers continued to emerge. Although you could not formulate a plan for the effective use of District Land before involving the villages, this plan was forced to be developed and eventually met with strong opposition from decision-making bodies such as villages, councillors, and thus failed to be implemented.<sup>47</sup>

This plan for 2010-30 was hampered by the adoption and implementation due to strong opposition from the community and community leaders. The plan failed to take off because it had legal flaws, especially the land planning and use law.

Amendments to the 2009 Act which removed deforested land from village lands as outlined in Chapter Two were intended to strengthen the argument for an area of 1500 square km for hunting.

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46 Hotuba ya Mhe. John Zefania Chiligati, (Mb.), Waziri wa Ardhi, Nyumba na Maendeleo ya Makazi, akiwasilisha bungeni makadirio ya mapato na matumizi ya wizara ya ardhi, nyumba na maendeleo ya makazi, kwa mwaka 2010/11. [https://www.tanzania.go.tz/egov\\_uploads/documents/2010-2011\\_SWAHILI\\_sw.pdf](https://www.tanzania.go.tz/egov_uploads/documents/2010-2011_SWAHILI_sw.pdf), accessed on 3rd May, 2022

47 <https://ntz.info/gen/n01526.html>, accessed on 3rd May, 2022



Although all plans have been stalled by the Council<sup>48</sup>, the Ministry of Natural resources and Tourism started recognizing the village area as the Loliondo Game Controlled Area. Operations in 2013<sup>49</sup>, 2014<sup>50</sup> and 2017<sup>51</sup> are among the strategies that have used a lot of force to isolate the area with the support of OBC.

Furthermore, OBC has been controlling the village area by threatening livestock not allowed to use the area, threatening pastoralists and causing panic at various times. Social divisions have also been one of the main factors in this crisis, with the company engaging in this sabotage through false promises and corruption. For some time now the company has also established its own telecommunications company which has largely interfered and affected access to communication on the part of Tanzanians. Generally,,, in order to resolve the Loliondo dispute, it is important that this company be removed for the wider interest of the Nation / Citizens and opens the door to healthy dialogue between the people and their Government.

Considering that the Draft Plan is a long-term land use plan within the District, the Councillors have stated that they will not approve the draft as required by law and regulations until further amendments have been made, including the proper participation of representatives of the people. in preparing the plan.



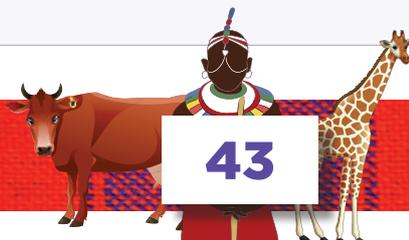
**Picture 3.4:** Picture on the left wearing suit is Minister for Tourism and Natural Resources (2017) Prof. Maghembe with reporters Jackton Manyerere, and Masiaka Matinyi, on the right is Minister for Tourism and Natural Resources i (2014-2015) Lazaro Nyalandu na receiving Sheikh Mohammed

48 <https://www.youtube.com/watch?v=7knZOEVx00k>, this clip shows the firm stand of the Councillors for Ngorongoro District on rejecting the District Land Use Plan framework in 2010, and also the community aired their voices showing that they are not ready to vacate their land for an investor of OBC.

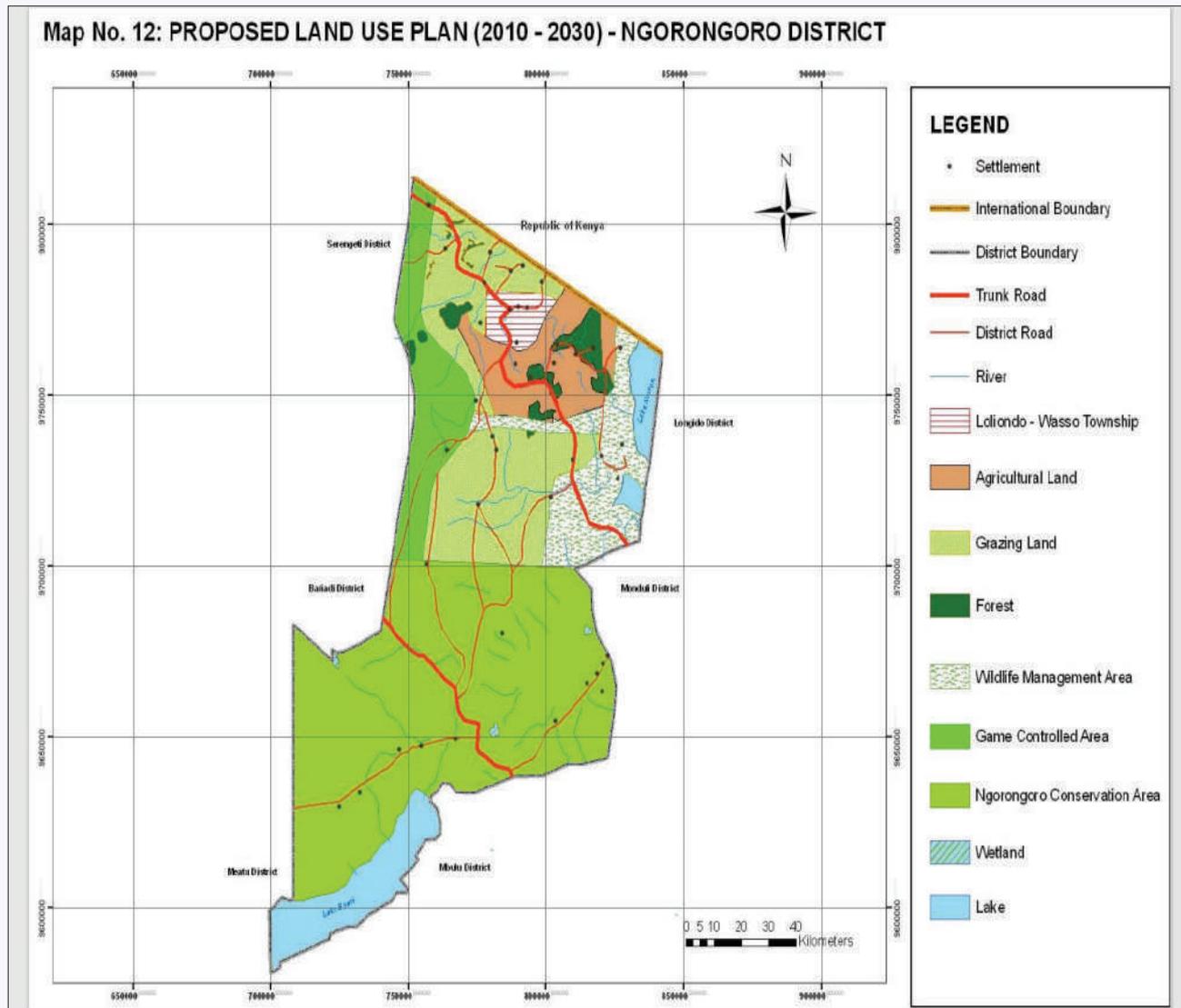
49 Operation Tokomeza implemented in Loliondo on the aim of intimidation for the people who were in the front line defending their land.

50 Continuation of operation tokomeza

51 Another operation to evict pastoralists from their Village Lands.



To date, the draft plan has not been approved for being implemented or considered in the implementation of land use plans within the District. According to various sources, the project was funded by OBC in the amount of 157 million<sup>52</sup> Tanzanian shillings for the purpose of allocating a village area of 1500 square kilometres. Using money to influence decisions for land to be allotted is contrary to agreements that did not have the legitimacy of citizens as well as State Laws.



**Map 3.2:** Map of better land use recommendations in Ngorongoro 2010 as prepared by the commission for land use plan Ngorongoro district council.

<sup>52</sup> An urgent press for the media on Loliondo Land Conflict on 21st November, 2014, available at <https://www.wavuti.com/2014/11/taarifa-ya-dharura-kuhusu-mgogoro-wa.html>, accessed on, 4th April, 2022



### 3.1.3.2 Attempts to evict People from Village Land

After the failure of other legal and policy procedures to cover an area of 1500 square kilometres, the OBC company and its allies changed tactics and began to use the power of the State to remove us from our land. These forces have led to massive human rights violations as reflected in the various sections under this section. Since OBC Company started conducting hunting activities on village land the following various events in Table 3.2 have emerged;

**Table 3. 2:Events of attempted seizure of village land**

Year	Event	Outcomes
<b>After Independence</b>		
1992	The Government of Tanzania entered into agreement with U.A.E King on Village Land in the entire village area in Loliondo division and Piyaya and Malambo wards in Sale division(k 4000 Kmsq) which led to the so-called “Loliondo gate”	Source of the conflict until now
1992 - 2008	Although the OBC company went ahead with its operations, the surrounding villages did not accord it with cooperation since they did not have the trust with the company.	Animosity prevailed between the society and the company that led to violation of human rights
2008	There were some efforts to build relations and cooperation between OBC and 7 villages surrounding the company’s camp which OBC entered a Memorandum of Understanding(MoU) for the purpose of easing the tension and resolving the existing dispute between the villages and the company. The Agreement necessitated the company to pay money to the respective villages and help in community development projects. However, despite the effort and good will of the agreement the company did not implement.	<ul style="list-style-type: none"> <li>• Short-term harmony prevailed but a year later the agreement reached a deadlock because some articles in the pact were not honoured.</li> <li>• The agreement entered between the villages and OBC because the company was involved in the brutal operation to forcefully evict people, their livestock and setting ablaze their settlements.</li> </ul>



2009	New Wildlife law No 5 enacted by the Parliament in 2009 Sh, repealed the Wildlife Act of 1974. As opposed to the 1974 law, under this new legislation Game Controlled Areas are listed as special areas earmarked for wildlife conservation and all human activities are prohibited except for photograph tourism(non-consumptive tourism) and game hunting (consumptive tourism).	This law became operational before the scheduled time by attempting to allot 1500 square kilometres of area. This led to a huge operation in 2009. This is when huge State muscle was flexed for the first time that led to untold violation of human rights.
2009	Operation to forcefully evict livestock and settlements in village land within 1500 square Kilometres area on the pretext that it is within the area leased to an investor. The operation was implemented by the government in collaboration with OBC.	<ul style="list-style-type: none"> <li>• Various leaders of Non-Governmental Organisation were arbitrarily arrested on sedition allegations.</li> <li>• The former Member of Parliament Telele presented a private motion in the Parliament asking for thorough investigation be conducted to know the truth about the suffering inflicted by the operation to remove livestock , encroachers and to set ablaze settlements.</li> <li>• The Parliament formed a Commission of Enquiry led by Kongwa Constituency MP Job Ndugai.</li> <li>• Various foreign and local journalists wrote various articles about the conflict in Loliondo. More than 20 feature articles had been written by Jamhuri newspaper alone.</li> </ul>



2010	The Draft Land Use Plan of Ngorongoro District was prepared (2010 - 2030) - under the support of NLUPC, NDC and OBC - This plan involved the former plan (1993 - 2008). This plan recommended allotment of 1500 square kilometres area and prepared a village land use plan in all seven wards.	This plan, however, was not approved by the councillors because they were not involved in its preparation.
March 2013	Minister of Tourism and Natural Resources Hon Khamisi Kagasheki announced allotment of 1500 square kilometres from 4000 of LGCA so that they can be governed by the government for conservation and tourism purposes	The Ministry of Tourism and its allies used great effort to enforce the government's declaration which caused great panic and violation of human rights.
May 30, 2013	Prime Minister Mizengo Pinda(MP) overturned a decree by the Minister of Tourism and Natural Resources through a letter with reference numbers. PM/P/1/569/29	The situation calmed down albeit temporarily and the state of harmony prevailed until later when the ministry revived its plan to allot the area. This tactic by the Ministry provoked a widespread international Campaign to oppose these steps and ultimately the European Parliament issued a declaration to advise the government of Tanzania to rescind its plan to take away the disputed 1500 square kilometres area.
2014	Former President Jakaya Kikwete went to his twitter page and wrote a message to assure the international community that the government doesn't have a plan to take over the ancestral land of the Maasai.	The situation calmed down temporarily.



2015	ITV Television prepared a series of documentaries aired by its anchor Jerry Muro who did not report objectively and fuelled the dispute.	It provoked the dispute and caused panic that led to violation of rights and forced more than 20 human rights organisations to visit the disputed land.
2016	Prime Minister Kassim Majaliwa, visited Loliondo and formed a Commission to give recommendations for finding a lasting solution of the conflict in Loliondo and Sale Divisions. The Regional Commissioner was appointed to be the chairperson of the Commission. Other participants include public institutions dealing with conservation, Investors and Society.	Formation of a joint Committee between the Ministry and the Community.
April 2017	The Gambo Commission completed the task to prepare the recommendations.	The Report was presented to the Prime Minister but until now its recommendations were not implemented.
July 2017	While the people anxiously waited for the feedback from the Prime Minister, a brutal operation to set ablaze people's settlements and to remove livestock in the disputed village area of 1500 square kilometres started again.	Violation of human rights went on unabated and more than 300 livestock seized.
August 2017	Four Villages (Ololosokwan, Kirtalo, Olorien and Arash) filed a case at East Africa Court of Justice seeking court injunction so that destruction of people's settlement stops while the case proceeds. In August 2018, the Court issued an injunction to maintain the status quo while the case is going on. <sup>53</sup> .	Harassment and intimidation to villagers who filed criminal cases

<sup>53</sup> Reference No. 10 of 2017, Available at [https://www.eacj.org/?page\\_id=5986&fwp\\_year=2017](https://www.eacj.org/?page_id=5986&fwp_year=2017), visited on 9th May, 2022



August 2018	Seeking Court Injunction to stop harassment to villagers who filed criminal cases to stop any operations	Injunction was issued and implemented until 2022
Jan -April 2022	Arusha Regional Commissioner, John Mongella visited Loliondo and met with village leaders, Ward and traditional leaders to once again proclaim the government's plan to allot approximately 1500 Square Kilometre of village land for what he claimed as public interest. The Main argument of the people is deliberate distortion of the words "Public Interest" since we are part of the wider community of Tanzanians who have protected and preserved these areas at a higher cost and therefore the so-called interests are supposed to benefit us first..	<ul style="list-style-type: none"> <li>• An attempt by Tanzania Wildlife Authority(TAWA) to install beacons on the Malambo village land especially at grazing land and settlement area at Sanjan hamlet.</li> <li>• Prime Minister's visit to Loliondo and provided the opportunity to form a special Committee to gather people's opinions and recommendations about sustainable conservation plan in the disputed 1500 square Kilometre area- which entail Loliondo, and Sale Divisions.</li> </ul>
April 2022	Prime Minister heeded the call by our leaders, especially Member of Parliament and District CCM chairman about formation of this Committee of the community to prepare and process the recommendations to resolve this conflict	The 35- persons Committee was formed and started work to prepare the report of people's recommendations
24 May 2022	To present both reports prepared by the Loliondo Committee	

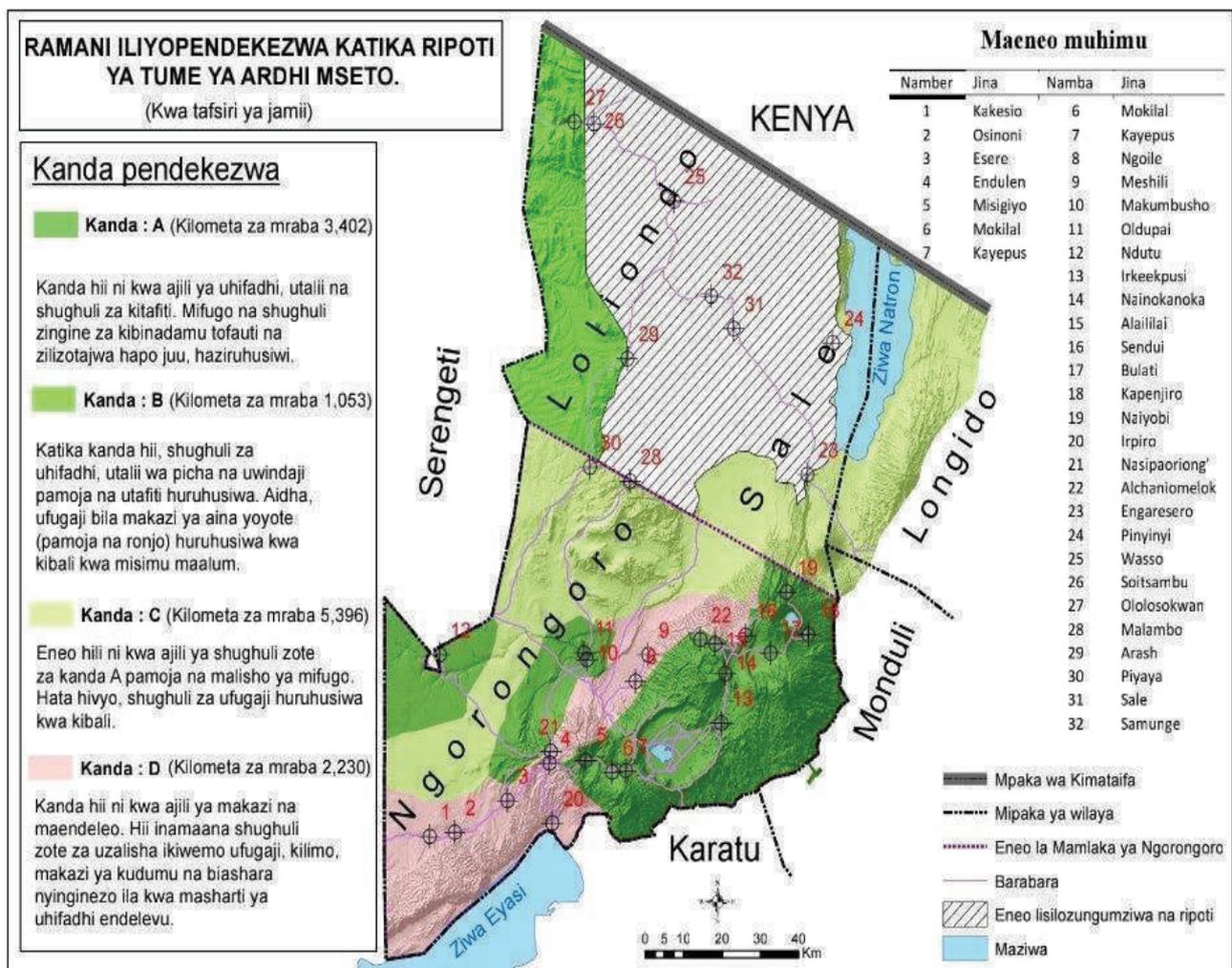
### 3.1.4 Recommendations of the Ngorongoro Multiple Land Use Committee

The Ministry of Natural Resources and Tourism in an effort to clear land in Loliondo and Sale Villages, in 2019, formed a committee to review the Ngorongoro Conservation Area Authority and make recommendations on how to improve conservation including demarcation and the addition of





In the case of Lake Natron which includes Engaresero and Pinyinyi Villages, the committee recommended the allotment of 2,804.14 square kilometres of village land, which will also affect Monduli and Longido areas for the same purpose of expanding the NCA area. This area is also the legitimate village land assessed, obtaining Village Land Certificates (CVLs) and making land use plans where all the land is planned for use. Similarly in residential areas individuals are largely privately owned through the provisions of the Village Land Act No. 5 of 1999. Thus incorporation into the boundaries of the Ngorongoro Conservation Authority is a violation of land laws and article 14 of the Constitution of the United Republic of Tanzania.



**Map 3.4:** Map of recommended land use by zones including the disputed area in Loliondo with 1500 sq Kilometres.



## 3.2 Efforts to Resolve the Loliondo Land Dispute

The Loliondo land dispute is huge, it is a national and international crisis. All phases of the Government, from the second phase have made various efforts to end this crisis. The Fourth and Fifth Phases of the Government of Tanzania highlighted the record documented especially on social media ( Figure 3.2) and the media to resolve this conflict<sup>54</sup>. Moreover, their directives could not be acted upon in time and their term of office expired. We relied on the fifth or sixth phases of our Government to oversee or implement the instructions and advice of those phases.

In an unusual turn of events, each phase has had its own mechanism to address this crisis regardless of the history and steps taken by previous phases.

### 3.2.1 Efforts by President Kikwete and the Prime Minister Hon. Pinda

There have been significant efforts to somehow show what the government was signalling despite the fact that it was after the shouts had been made by the people of Loliondo and Sale and human rights defenders at home and abroad. One example is a post from the Fourth Phase President that he posted on the social network twitter saying quote.

*“There has never been, or will there ever be any plan by the Government of Tanzania to evict the Maasai people from their ancestral land”.*

Meanwhile, Prime Minister Mizengo Pinda stated the position on the fourth phase Government on Loliondo in May 2013 by writing a letter acknowledging that while the government’s intentions are good, the fact remains that this is Village land and must be reorganised if the government sees fit how these areas will be protected without affecting the rights of the villagers of the area. Through this letter, the exercise to allot 1500 square kilometres as announced by the then Minister of Natural Resources, Ambassador Hamisi Kagasheki was rescinded.

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<sup>54</sup> <https://www.mwananchi.co.tz/mw/habari/kitaifa/takukuru-yamshikilia-mkurugenzi-kampuni-ya-obc-2955912>, imerejewa tarehe 3/5/2022



JAMHURI YA MUUNGANO WA TANZANIA

WAZIRI MKUU

Anuani ya Simu "WAZIRI MKUU"

Simu Nambari: 2322904

e-mail: pm@pmo.go.tz

Unapojibu tafadhali taja:

Kumb. Na. **PM/P/1/569/29**



S.L.P. 980,  
DODOMA

30 Mei, 2013

Mheshimiwa Magesa S. Mulongo,  
Mkuu wa Mkoa wa Arusha,  
S. L. P. 3050,  
**ARUSHA.**

YAH: **MGOGORO KUHUSU ENEO LA PORI TENGEFU LOLIONDO  
(LOLIONDO GAME CONTROLLED AREA)**

Tafadhali husika na somo tajwa hapo juu.

Kwa kuzingatia masharti ya Sheria ya Wanyamapori ya mwaka 2009, na Tamko la Waziri wa Maliasili na Utalii kuhusu kupunguza ukubwa wa eneo la Pori Tengefu la Loliondo kutoka Kilomita za Mraba **4,000** hadi **1,500**, ni dhahiri kuwa Wananchi waliopo katika Vijiji vilivyo ndani ya Kilomita za Mraba **1,500** zilizotengwa kwa ajili ya uhifadhi kama nilivyovitaja, watatakiwa kuondoka katika maeneo hayo.

Kama utakavyoona, hapa ndipo penye tatizo kubwa. Kimsingi, Vijiji vyote hivi vimeanzishwa na Serikali na kupewa hadhi ya kuwa Vijiji, ingawa kwa mujibu wa Sheria ilibidi ardhi hiyo iondolewe kwenye hadhi ya Pori Tengefu kwanza kabla ya kuanzisha Vijiji hivyo. Kwa msingi huo, Vijiji hivi vimekuwa ni makazi ya Watu na kuwa na miundombinu ya kudumu ya kutoa huduma kwa Jamii. Hivyo, zoezi zima linalotarajiwa kufanywa chini ya Tamko la Wizara, litakuwa na athari kwa Wananchi hao na ustawi wao.

**Picture 3.5:**  
*Illustration of a letter from Prime Minister Hon Pinda on the government's position on the issue of disputed land in Loliondo na Sale Divisions 30/5/2013*

Despite these efforts, especially during the 4<sup>th</sup> phase regime of President Kikwete's administration, no lasting solution was found due to the fact that the government and especially the Ministry of Natural Resources and other conservation authorities have always leaned on the OBC Hunting Company due to what is described as bribery paid by OBC.

### **3.2.2 Efforts by President Magufuli and former Minister of Natural Resources and Tourism Kigwangalla**

Former Minister of Natural Resources and Tourism Hon. Dr. Kigwangalla was once quoted by the media as confirming this and saying that the Director of OBC had bribed his predecessor (Prof. Maghembe) for more than two hundred thousand dollars (200,000USD) and that he (Hon. Kigwangalla) is a



young man who would have been given only one hundred thousand dollars<sup>55</sup>. Minister Kigwangala under the leadership of President Magufuli succeeded in controlling the company's corruption and ploys against the people.

Efforts to resolve the crisis have always been stalled as the source of the crisis, OBC, has not been determined in its efforts to resolve the crisis until the Fifth Phase, when they are held accountable by the Government and lead to a period of peace and stability. The Fifth Phase under President John Pombe Magufuli and the Minister of Natural Resources and Arusha Regional Commissioner, Hon. Mrisho Gambo succeeded to a great extent as compared to any other times to bring sanity to this conflict by investigating corruption allegations and indicting them for economic sabotage and corruption. During this time the calm returned to our area significantly until the company was relocated later.

### **3.2.3 Other Groups**

Many social groups, the community itself as well as development stakeholders have also participated in various ways to find a solution to this crisis. Human rights organisations and pastoral organisations have been working hard to find a variety of ways to resolve this conflict without compromising conservation efforts and people's rights. Development stakeholders have also in many different ways been advising and supporting various ways to resolve this crisis. The involvement of all these groups as well as government officials and community leaders has greatly helped to protect this village from being confiscated.

### **3.3 Effects of Village Land Acquisition (1500 sq km) on Communities**

The people of the Loliondo and Sale divisions, especially those living in villages in the conflict zone, have suffered serious consequences throughout the crisis. Many attempts have been made to evict us from our village areas especially when the owners of the OBC company have come to the country from the United Arab Emirates. All these efforts to evict us from our villages have been causing havoc, fear, human rights violations, economic, cultural and social harms as described in this small chapter.

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55 <https://www.youtube.com/watch?v=W4pPfyK1GDY> accessed on 3/5/2022



### 3.3.1 Human Rights Violations

This saga of forcibly evicting us from the areas of our Villages at different times (2009, 2013, 2014 and 2017) has led to serious violations of local rights.<sup>56</sup> In addition, there were many livestock deaths due to lack of pasture, water and other losses. Human rights violations in this area which have been widely reported for 30 years now by various local and foreign institutions as seen in the reference list of this report. To show the extent of the problem operation i.e. in 2017 alone show 138 people were able to experience various challenges as presented in Table 3.3.

#### Jedwali 3.3: The number of Loliond residents who were arrested and tortured between July and November 2017

Na	Village	Number of people arrested and tortured		
		Men	Women	Total
	Ololosokwan	12	4	16
	Kirtalo	11	2	13
	Oloipiri	40		40
	Oloosoito-Ngobereti	21	6	27
	Arash	32	10	42
<b>Total</b>		<b>116</b>	<b>22</b>	<b>138</b>

Source: PINGOs Forum (2017)

#### 3.3.1.1 Burning of Citizens' Homesteads and Property

In many cases of human rights abuses, the burning of homes and property is one of the major acts perpetrated by the state organs in our areas. Housing in our traditional life is more than just a small interpretation that housing is the only modern home. Housing in our society extends to the keeping of livestock, calves and the surrounding environment and leads to the destruction of our way of life. It has been difficult to get statistics for all the years of the crisis but the 2017 figures show that out of 4698 Bomas 1190 were burned. The burning of these Bomas has resulted in a quarter of all the people living in the area being affected along with many of their most valuable cultural assets.

<sup>56</sup> View from the Termite Mound: Article about Loliondo land threats on Just Conservation's website ([termite.mounds.view.blogspot.com](http://termite.mounds.view.blogspot.com))





**Picha 3.6:**  
*Maasai  
Pastoralists  
burned  
during the  
operation*

### 3.3.1.3 Beatings and Torture

All four operations (2009, 2013, 2014 and 2017) have resulted in civilians being beaten, tortured and maimed due to the use of firearms. It is important to note that during all these abuses as citizens we have never made any efforts to defend ourselves by fighting or taking the law into our own hands. Examples of people who have experienced these challenges among others include Ngodidio Rotiken of Kirtalo Village 2009, and Parmoson Oloso of Ololosokwan, 2017. Sometimes the government used excessive force to evacuate citizens from their village area to the extent of illegally using firearms against unarmed civilians.



**Picture3.7:** *Parmoson Oloso ( Left): of Olosokwan village who was shot by the police during the 2017 along with Ngoididio Rotiken (right) who was shot on the eye by special police force in 2009*

### 3.3.1.4 Threats, Arrest and Detention

In all operations or attempts to evict us, we have seen many of our colleagues arrested by the police and prosecuted. Fellow citizens have been arrested and taken to police stations and sometimes to courts outside the District such as Mugumu in the Serengeti District. For all four-year operations, more than 200 people were arrested and taken to police stations, with some charged. For example by half of 2022 alone more than 20 people have been arrested and others are required to report regularly to police stations.

These incidents of intimidation, arrests and prosecutions have mainly affected citizens, their political leaders, traditional leaders, journalists, lawyers and human rights defenders<sup>57</sup>. Some activists and civilian leaders have been taken to police stations and others have been threatened, interrogated or prosecuted for incitement. The aim of the threats to the defenders is to silence them so that they don't take part in finding a solution to this land dispute, especially on the side of the people.

Such threats to activists, journalists and leaders have caused a threat and intimidation to the people and deprived us of the freedom to carry out our responsibilities and discuss matters of defence which are our constitutional rights.



**Picha 3.8:** Lawyers took to the streets after their colleague was arrested in Loliondo while performing his duties (Advocate Shilinde Ngalula of LHRC, while representing arrested people at Ngorongoro District Court.)

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<sup>57</sup> THRDC (2016) Press statement about arrest of Mr.Samwel Nangira, Director for Ngonet- NGO in Loliondo



According to various THRDC reports, the organisation that has been defending Loliondo human right defenders all their time shows that more than 100 social activists have been harassed, threatened and arrested for leading citizens to defend their land<sup>58</sup>. Also many Loliondo pastoralist organisations have been repeatedly threatened to the point of fleeing Loliondo and going to work in other pastoral districts. The rights of advocates, lawyers who are going to represent their clients and human rights organisations have been severely violated in this Loliondo crisis.

Threats, harassment and serious human rights violations continued to escalate to the point where the Commission for Human Rights and Good Governance (CHRAGG) on September 4, 2017, issued a temporary injunction to suspend the operation to forcibly evict people from their homes and burn them down ( Bomas) in the Loliondo area in Ngorongoro district, to protect the rights of all parties. In addition, the chairman of the Commission, said the Commission has begun investigating the complaint and according to the information obtained from the citizens.

In an operation that began on August 12 carried out jointly by the Ngorongoro District administration, wildlife officers from the Serengeti National Park (Senapa), Ngorongoro Conservation Area (NCA) and the Police Force there was a violation of human rights and administrative principles. The villagers claim that they have been forcibly evicted from their legally recognized villages, that their homes have been illegally burned and their livestock confiscated.



**Picha 3.9:** Police officers confronting Maasai pastoralists who took to the streets after their settlement were set ablaze

58 THRDC (undated) Press statement for the public on the situation of the Human right defenders of pastoralists in Loliondo.



Meanwhile, human rights groups have at various occasions visited Loliondo areas and identified human rights abuses and condemned them. The first trip took place in 2009 under the auspices of the Fem-Act Network and the second tour took place under the auspices of the Tanzania Human Rights Defenders Network (THRDC). At all times pastoral organisations such as UCRT, PINGOs Forum, NGONET and PWC were at the forefront of addressing human rights abuses in the Loliondo area. For more information on human rights violations visit the information provided by the organisations mentioned above.

### 3.3.1.5 Tanzanians branded Immigrants from Neighbouring Countries

For more than two decades the media and some government officials have at various times reported that a large percentage of Tanzanians living in these areas where migrants from various countries including Kenya and Sudan ostensibly to intimidate them in their quest for land rights. For example Jamhuri newspaper was used to cover these incidents claiming that Tanzanians living in Loliondo are in fact Kenyans to protect the interests of the OBC investor. For many years now OBC along with the Ministry of Natural Resources and Tourism have been using some of the media in disseminating propaganda to distort the factual information about Loliondo, which has led to many arrests and exacerbated the crisis. More than 70% of Loliondo people are accused of being Kenyans and not citizens of Tanzania.

# Loliondo yageuzwa Kenya

Jamhuri · November 28, 2014 · 0 ·

5 min read

\*Siri sasa yafichuka, asilimia 70 si Watanzania  
\*Uhamiaji Mkoa Arusha lawamani kwa rushwa

**Picture 3.10:**  
*A Headline  
on Jamhuri  
Newspaper  
in 2014*



### 3.3.2 Economic Impact on Citizens

Every Tanzanian society is known to be dependent on economic activities which for us pastoralists the main economic activity is indigenous pastoralism. This disputed village area is 90 percent dependent on grazing in all Loliondo and Sale Divisional Villages especially in Eight Wards with 23 more Villages and approximately 973745 livestock. Livestock has been evacuated at different stages of operation in the conflict zone. As it is well known in the Maasai community that our investor is a livestock breeder it is clear that these operations led to a major economic downturn in our society as pastoralism is the main economic activity. All operations have been carried out during the difficult summer months, something that leads us to believe that its intention is to destabilise us economically.



**Picture 3.11:** *People settlement set ablaze and some of them attempt to salvage belongings.*

#### 3.3.2.1 Livestock Capture

The operation was also accompanied by the capture of livestock outside the Serengeti National Park as there was a collaboration between SENAPA warders and the OBC Company which was masterminding ploys, sabotage and incitement in the conflict. In 2017, 290 livestock were captured along with 6 people who were prosecuted in the Serengeti District Court in Mugumu, in criminal case no. 187 where the people were dissatisfied with the decision they appealed to the Mwanza regional high court, where they filed a criminal case between Noonkirimban Seret Sironga v. Republic.<sup>59</sup> On 11/01/2018 the Court handed down the verdict of victory to the people and Serengeti National Park was ordered to return the seized livestock that had been taken to the rightful owners.

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59 (HC-Mwanza) Criminal Appeal No.387 of 2017



**Table 3.4: Number of captured, fined, nationalised and gunned down livestock.**

No	Village	Number of households	Number of captured livestock	Number of fined livestock	Number of seized livestock	Number of gunned down livestock
1	Ololosokwan	1300	4,150	3,522	628	
2	Kirtalo	80	3,000	3,000		
3	Oloipiri	320	3,245	3,245		
4	Oloosoito-Ngobereeti	324	3,930	3,760		170
5	Arash	430	5,060	4,037		1023
<b>Total</b>		<b>2,454</b>	<b>19,385</b>	<b>17,564</b>	<b>628</b>	<b>1,193</b>

Source: Pingos Forum (2017)

### 3.3.2.2 Citizens' lost Income Due to dispute with OBC Company

Prior to the OBC-led conflict in the Loliondo and Sale subdivisions, villages were engaged in the photographic tourism business to eke out a living. As a result of this crisis the tourist companies left and thus affected the opportunities and social services such as education, health and employment that were provided due to the benefits of the presence of such tourist activity. Approximately 5 companies left the rural area because of OBC company and caused huge losses to the villages due to the lost income, more students dropped out of school and many health and water projects stagnated forcing citizens to once again mobilise funds for completion.



**Picture 3.12:** Some images of the people's meetings who protested allotment of the village land for the benefit of the OBC company.

Although the village resources had continued to be taken by OBC hunting company, surrounding villages from these divisions did not benefit from the presence of this hunting company. Some of the companies that suspended their operations due to this crisis are four (4) as shown in the table below.

**Jedwali 3. 5:Some of the companies that left due to the conflict with OBC**

Na	Company	Village
1	NOMAD TANZANIA	Ololosokwan na Piyaya
2	SOKWE COMPANY LIMITED/ASILIA	Ololosokwan na Piyaya
3	WILDLIFE EXPLORER	Arash, Piyaya
4	DOROBO TOURS & SAFARIS	Oloipiri, Oloirien/ Magaiduru, Maaloni/Olosoto, na Arash
5	ROYAL AFRICAN SAFARIS	Soitsambu

**3.4 Village Conflict with Thomson Safari / TCL Company**

Thompson Travel Company of Boston, USA, has invested in Sukenya, Mondorosi and Soitsambu villages in Oloipiri and Soitsambu wards, Loliondo Division. This 12,617-acre site was originally taken over in 1984 by the government for producing barley through Tanganyika Breweries Limited (TBL). The occupation of this area was marred by corruption and became the source of the ongoing conflict. Thomson Safaris bought the farm through its subsidiary Tanzania Conservation Limited (TCL), in a tender that violated legal procedures. This dispute was due to be resolved politically and ultimately fail and be taken to court. This hostility has led to human rights violations as a result of the company using state organs to burn down homes and beat up community members.



## CHAPTER FOUR

# ANALYSIS OF GOVERNMENT'S ARGUMENTS

## 4.0 INTRODUCTION

This chapter describes and analyzes in detail the arguments that have been presented by the Government on the 1500 square kilometres area in the Loliondo and Sale Divisional Villages at different times and phases of the country's leadership. These arguments have been cited as a reason for allotting an area of 1,500 square kilometres from village land. This dispute has been taking different shapes over time where various government officials have also been expressing differing views and citizens expressing their views.

### 4.1 Conservation Argument

The government has repeatedly stated that it would like to allot 1,500 square kilometres to protect this area which is an important wildlife corridor. The wildebeest migration from Masai Mara (Kenya) to the Serengeti plain extends east of the Serengeti reserve along the Village Land in the Loliondo and Sale Divisions, south of the Ngorongoro Conservation Area (NCA) and west of the Serengeti National Park.

#### 4.1.1 Analysis of Government Arguments

The migration of these animals has been around for a long time even when the Maasai live in Moru- within the Serengeti National Park (before the first relocation) and all other animal trails that are outside the conflict zone. The main factors that guide the mobility of wildebeests and other animals such as antelope, zebras etc. are the presence of rain and pasture. The community considers the presence of communities and livestock to be harmless to the animal cycle for the following reasons:



- As it is well known that the Maasai community has a traditional way of avoiding wildebeests for two reasons, wildebeests are infected with various diseases and cause livestock deaths. Researchers and wildlife experts have repeatedly failed to understand and / or intentionally how we have managed to coexist with wildlife for centuries to date.
- It is important to note that this area usually has mixed uses between humans, livestock and wildlife before and after independence. This system is integrated, participatory and friendly between communities and conservation. For all time livestock, humans and wildlife have lived together harmlessly as mutual interests are considered and respected in accordance with the customs and traditions of the respective communities as described in the second chapter of this report.
- During the migration of wildebeest pastoralists usually remove their livestock to avoid any contagious diseases that can be spread on cattle and to avoid livestock being swallowed in large herds and lose them as the wildebeest move in large herds.
- It should also be noted that wildlife prefers to live in close proximity to settlements for security reasons and thus establish a good relationship with humans as described in Chapter Two.
- Even the routes and distribution of wildlife is in all areas of Sale and Loliondo Divisions. Therefore, it is not correct to state that the wildlife movement is confined to a 1500 square kilometres area only.

#### 4.1.2 Our Opinion

- Communities will continue to respect this arrangement through traditions and customs as well as village land use plans which in accordance with the Land Use Planning Act No. 6 of 2007, the wider interests of all sectors are taken into consideration through the planning authorities including the Villages (VC, VGA and VLUM) and on the advice of a team of District Land Use Plan (PLUM) experts.
- We are ready to use our experts as well as government experts to continue conducting integrated research frequently to identify emerging challenges and work to protect natural resources as well as our rights as pastoralists.



- The move to set aside 1500 square kilometres for wildlife movements is inadequately flawed since wildlife distribution happens in many parts of the district.

## **4.2 Animal Breeding Argument**

For a long time there has been debate and counter argument from the Ministry of Natural Resources and Tourism and conservationists that this area is a breeding ground for wildlife. herefore, they claimed that the people in the village lands be removed to let the Animals breed and also to allow tourists to come and hunt without encountering any disturbance from the people living in those areas and their livestock.

### **4.2.1 Analysis of Animal Breeding argument**

It should be noted that in this case, the wildlife that breeds in large groups and at the same time are wildebeest, zebra and antelope. During the breeding season the herdsman move away with all their livestock for more than 5 months (December to April) to allow the Wildebeests to breed and calves to lose their fur. This is because the fur, placenta and mucous membranes of the wildebeest cause fever in animals known as untreated Malignant Catarrhal Fever (MCF) and lead to many deaths in livestock.

### **4.2.2 Our Opinion**

Normally , herders give room in their areas for Wildebeests to breed and after some time they return to graze in these areas after the risk of disease has disappeared. This process is understood and respected by all pastoralists. We pastoralists will continue to recognize, respect and maintain this system of human-wildlife relations that has existed since the time of our ancestors until now as part of sustainable conservation.

## **4.3 Argument of 1500 square km being an Open area and not a Village Land**

There has been an argument from the government that this area is an open area with no housing and is not used in any way and so even if it is allotted no one will be affected. At the same time the Government has been claiming the 4,000 square kilometre area is not a village land but a protected area.

The challenge that fuels the ongoing Loliondo land dispute is about the understanding or position of some government officials, especially the Ministry of Natural Resources and Tourism, over the entire area that used to be Loliondo Game Controlled Area. For a long time there have been



differing views within government institutions or state officials regarding the legal status of the Loliondo area and the Sale division. Some officials believe that all the 4000 square kilometres that occupy the entire Loliondo and Sale Divisions are the only Game Controlled Area and no Village land or people's land legally or customarily owned by the people.

### **(A) Offering the people land as a token**

Recently, officials, especially the Minister of Natural Resources and Tourism, have been quoted several times claiming that the people of Loliondo and Sale Divisions, located in an area of 4,000 square kilometres, do not have land they own individually or as a Village. In their view, the entire Loliondo area which was a Game Controlled Area within the village lands prior to the enactment of the 2009 Wildlife Act is not a village land. This view does not take into account the entire history of Tanzania, Ngorongoro and especially the Maasai community that have been in this area for over 1000 years now.

The government through the Minister of Natural Resources and Tourism has always been quoted as saying that in those 4000 square kilometres which are currently the entire Loliondo area and part of Sale they will give a gift of 2500 square km to the people and take 1500 square km for the park alone. This area of 1500 Square Square is currently used as the OBC company's hunting nursery and at the same time the eight-wards land used for grazing land.

### **(B) Protecting conservation**

The government has also been insisting that we must completely cover the 1,500 square kilometres for conservation purposes, wildlife migration and water resources used by wildlife to the Serengeti National Park. This area of 1500 is also the area where wildlife migration from Masai Mara to Serengeti and Ngorongoro are located. The Government's position has been that human activities must be completely eradicated in this area and made this part part of the reserve.

#### **4.3.1 Analysis of the 1500 km Square area of non-Village Area**

After many public hearings and discussions on the legal status of their land, and through community lawyers, the current position of the people of Loliondo is that Loliondo is no longer a protected area after the 2009 Law Reforms the people believe that the entire 4000 square kilometre area is now devoid of Game Controlled Area status as the 2009 Act stipulates that there will no longer be Village land with Game Controlled Area. The law mandated the removal of Game Controlled Areas in all areas with village lands. Read more in the second chapter of this report to understand the social analysis of the legitimacy of currently disputed land. Our other arguments related to this issue are as follows;



- It is important for the Tanzanian government and community to understand that historically this area has not been open since ancestral times, during the colonial period, after Independence until now as shown in Chapter Two of this report. This chapter describes in detail the land status of the Loliondo and Sale Divisional Villages with 1500 square kilometres legally for different periods of various administrations from pre-colonial and post-independence period based on the analysis of various Land, Wildlife, and Local Government Acts.
- Also leaders of all previous political regimes from Presidents, Prime Ministers have continued to recognize that disputed land is village land but with public resources (Animals)
- Before independence the people used to occupy and used the land traditionally where they were accorded with the legal right and that is why the colonists in 1940-1950 when they wanted to establish the Serengeti reserve had long discussions with traditional leaders representing the community and eventually entered into a relocation agreement in 1958, where it proves unequivocally that that was their land and they were owning it traditionally.
- Also after independence, these villages have continued to be recognized by the Government by being registered in accordance with various laws including the Local Government [District Authorities] Act No.7 of 1982, surveyed and given certification in accordance with the land of 1923, and the Village Land Act No.5 of 1999.

### 4.3.2 Our Opinion

From the analysis and legal history of the Loliondo and Sale area, as well as from the amendments to the Wildlife Conservation Act of 2009 it is clear that all Sale land and Loliondo are village lands. At the same time it is an indisputable fact that 1500 square kilometres is the village land and it is a very important area of the Village for the use of livestock as well as for the people's settlement.

- The government should first realise that the whole of the Sale and Loliondo divisions are now village areas due to the analysis and history we presented in the second chapter of this report.



- The government should also note that after the enactment of the Wildlife Act of 2009, there are now no more Game Controlled Areas on the land of Sale and Loliondo villages.
- The process of revising village land use plans should be expedited to harmonise land use in all villages that will meet the needs and interests of the people, livestock and wildlife.
- Controlling the increase of people from outside the district in the small town of Loliondo to give the people in the neighbouring area around 1500 square km to move in and do some business.

#### **4.4 Water Resource Protection Argument**

The government has argued that it is advisable to take an area of 1500 square kilometres and make it the only conservation area for the purpose of protecting the water resources used by the Animals and also serving the Serengeti National Park and protecting the serengeti ecosystem. However, there has been an argument by the government that the destruction of water resources threatens the existence and sustainability of the ecosystem of Ngorongoro, Serengeti-Mara, something that is not true.

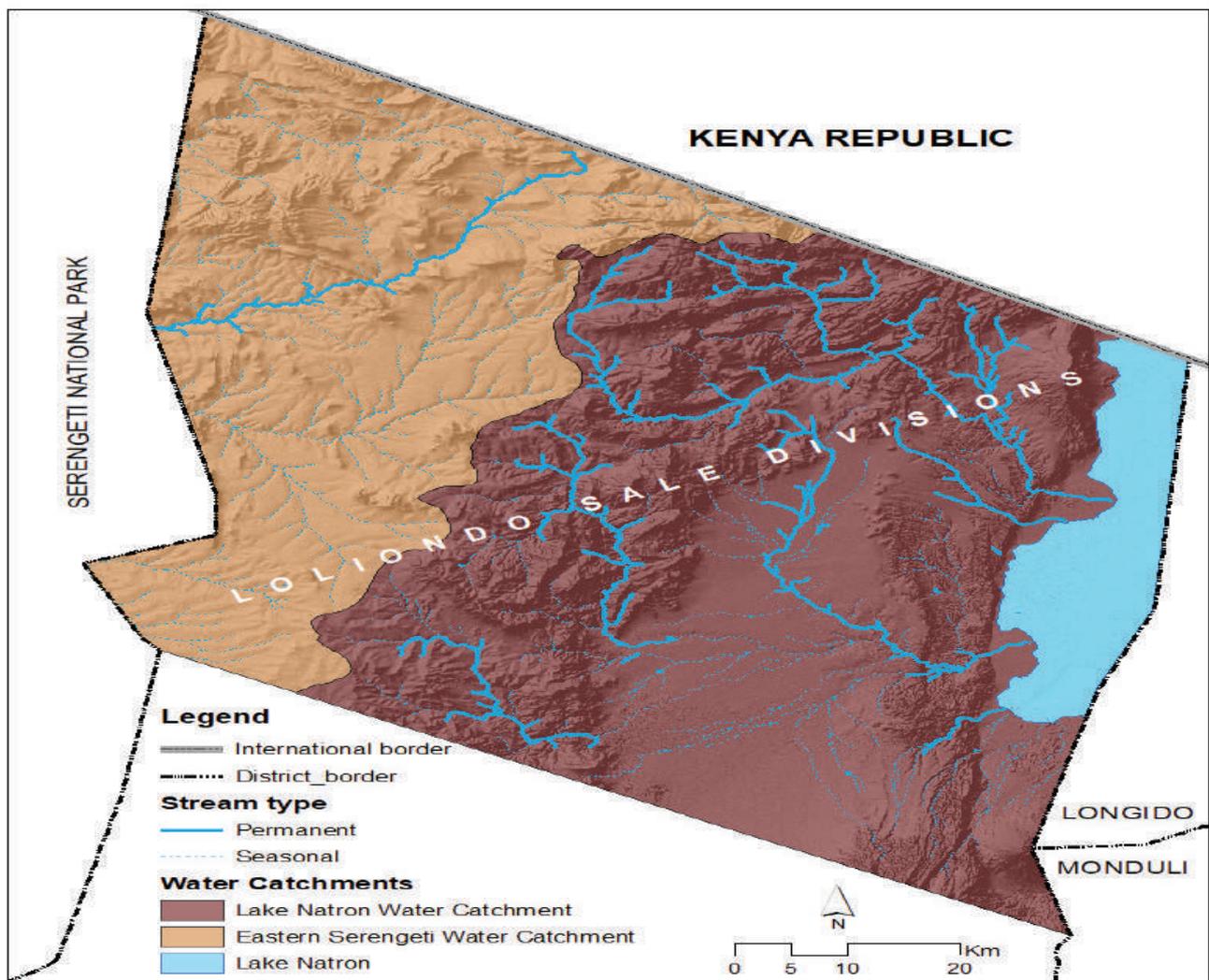
- In 1992 issued hunting licence to OBC company that established a permanent camp in Soitsambu/Kirtalo village current in Olasae river water source that consequently led to reduced water volume. Destruction of the Olasae river water source had never been addressed by the government by taking any measures against the investor. On the contrary, the government is condemning the pastoralists as a source of destruction despite their centuries- long efforts to protect the water source. .

##### **4.4.1 Analysis of the Issue of Protecting Water Sources**

- The government has not provided statistics on the dried or damaged water sources due to the presence of the Maasai community in the area.
- It is important to emphasise that throughout the time of community life before and after Independence the issue of protection and conservation of water resources has been given priority through customary systems since it touches on the survival of human, livestock and wildlife.
- The 1990s and 2000s Villages put in place measures to protect water resources through the Village By-Laws which have put a great deal of effort into controlling water resources for sustainable development as described in Chapter Two.



- In 1992 the Government issued a hunting licence to OBC Company where it set up permanent camps at Soitsambu/ Kirtalo Village currently on the source of the Olasae River and resulted in a significant decrease in water levels. Damage to the source of this river has never been taken by the government against the investor and instead, there has been talk of damage to water sources and a lot of blame for the people who cared for it for so many centuries.
- However, there are very few rivers that supply water to the Serengeti National Park. At the same time it is known that most rivers start in the upper Loliondo belt so if the objective is to protect water sources by taking 1500 square kilometres it will not be of any weight for this regard. Refer to the map of water sources in the Sale and Loliondo Division below;



**Map4.1:** A map showing rivers in Loliondo and Sale Divisions



This map shows that there are not many rivers flowing from an area of 1,500 square kilometres to supply water to the Serengeti National Park. Many of the rivers that the government has been citing as sources of it do not flow into the serengeti more than the Pololeti River as seen on the map and others start outside the area.

#### **4.4.2 Our Opinion**

- Communities for their own and ecological interests, will continue to work with the government to put in place water protection and management systems in areas with water resources.
- The move to evict people so that water laws can work is weak and has a vested interest in clearing public land for OBC investor
- In the event of damage to water sources anywhere the Government should be responsible for compliance with water management laws to put in place proper procedures in collaboration with the public to protect water resources.
- If the real issue is to protect water sources in the area, it is time now for the OBC company built at the source of the Olasae river to be removed and pay compensation for the damage.

#### **4.5 The Issue of Environmental Degradation**

For a long time the government and some media outlets have been spreading false information suggesting that this area of 1500 square km of project is being destroyed by the Maasai pastoralists arguing that they should therefore be evicted to preserve the environment of this area. Their claim is that there is a huge influx in people and livestock in this area and others from Kenya. The government has repeatedly stressed that in order to save the lives of wildlife and tourism it is advisable that the area of 1500 square kilometres be set aside and kept away from the public.

##### **4.5.1 Analysis of the environmental damage argument**

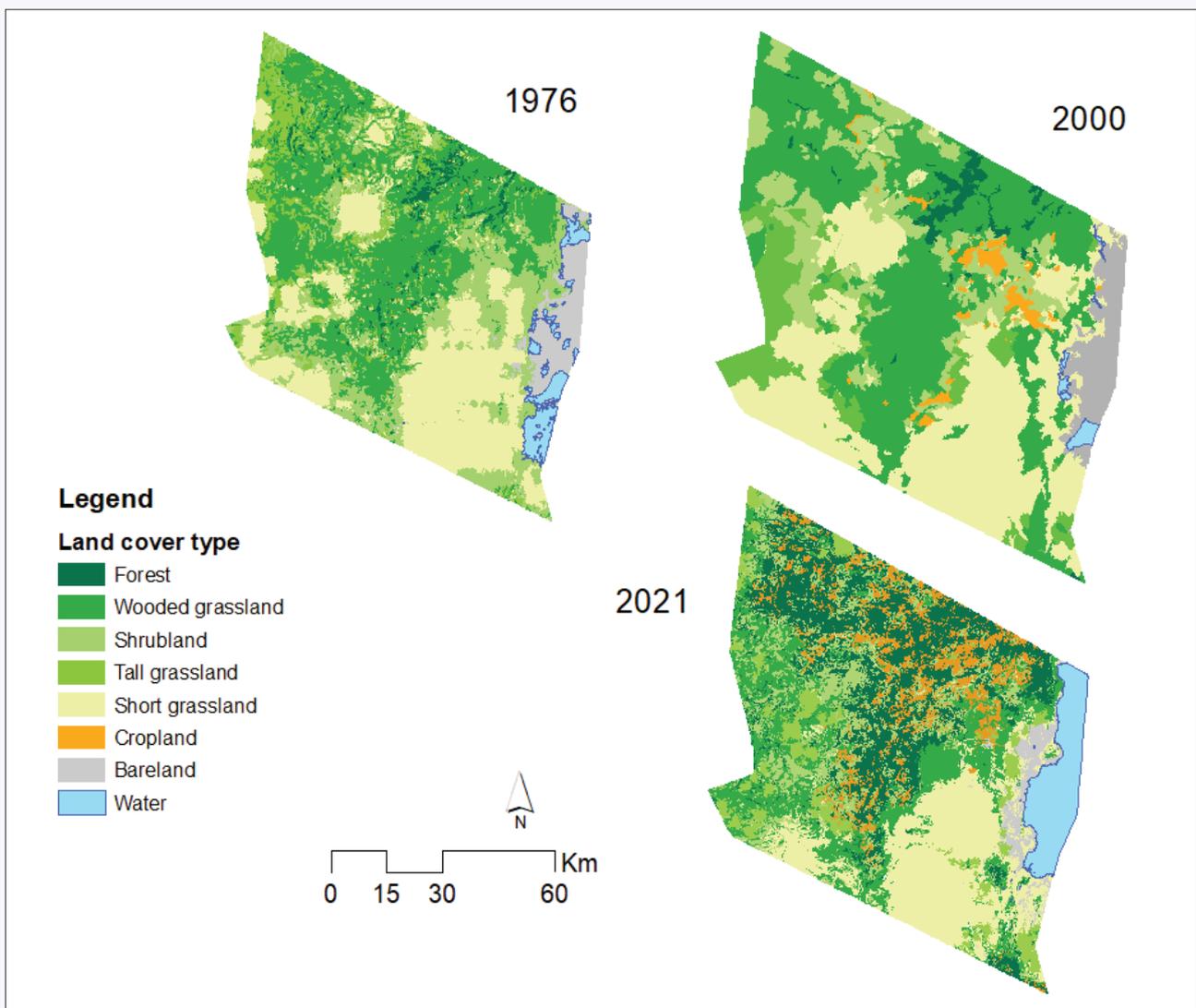
We are completely aware that without the natural environment even the traditions and other pastoral activities cannot be sustained if the natural environment is degraded. Over the years we have been protecting and valuing our natural environment and that is why to this day there are many natural resources in our areas. We the people oppose this argument for the following reasons;

- Our environment in the Village lands we have managed before and after independence through the traditional system, and now the Villages in a special order have continued to manage the



environmental conservation especially forests in accordance with the Village By-Laws.

- Traditional leaders have also been important pillars in the conservation of the environment as they have the authority to manage these important areas of the community in traditional activities, pastures, wildlife, rituals, natural remedies, meat camps (Orpul), water sources and uses others for the public good.
- However if you trace the vegetation of the past years and compare it with the present you will find that the conservation of the environment in this area has improved twice as much as it is reported.



**Ramani 4.2:** Map indicating Natural Vegetation Covers in different Season in Loliondo and Sale Divisions



- Our origins as a Maasai community have been good friends with the environment and natural resources as we have been well coordinated to protect natural resources as described in Chapter Two.

#### **4.5.2 Our Opinion**

- We the Maasai community will continue to use our traditional and other governmental mechanisms to protect the environment in this area.
- We will continue to take care of the environment by implementing village by-laws especially after the land has been surveyed and land use plan in place.
- The community considers it appropriate to be recognized and commended for being conservers of nature for all ages.

#### **4.6 Investment / Hunting and Tourism Movement**

Although it is not explicitly stated, we the people of Loliondo and Sale Divisions are aware that the disputed area of 1500 square kilometre needs to be allotted for the purpose of ensuring government-backed investors either own the whole area or continue with their hunting activities more freely. The area has repeatedly been contested for the protection of tourism and conservation activities.

##### **4.6.1 Analysis of the Investment Argument**

It should be noted that the Sale and Loliondo Divisional Villages have for more than three decades acquired by the OBC hunting company. It should be noted that since the investor was granted a hunting permit, they have been in conflict with all the villages of the Land Division. Despite this fact the government has always insisted that the company continue with its hunting activities regardless of the current crisis. The Ministers for Tourism and Natural Resources have been visiting and defending the presence and interests of this Company as described in Chapter Three.

The OBC company has caused some Village investors to leave and thus lose the revenue that was available for photo tourism activities. Basically the people have no problem with investors in this area especially those who adhere to the participatory procedures for Village use plans and this is evidenced by the presence of other companies in the Village areas. The table below shows investors who are pursuing tourism activities in their area.



#### Jedwali 4. 1: Presence of other investors in Loliondo and Sale Division

NAME OF COMPANY		UWEZO	KIJIJI
1	& Beyond Klein's Camp	10 Rooms 22 guests Price per guest USD 1050	Ololosokwan
2	TAASA LUXURY LODGE	Rooms 20 guests 30 Price per guest USD 630	Ololosokwan
3	Thomson safaris Ltd	Room 12 Guest24	Sukenya
4	Lake Natron Tented Camp	Rooms 8 Guests18 USD 75 per guest	Engaresero
5	Moivaro Tented Lodge and Campsites	Rooms 11 Guests 20 Price 120 USD per guest and USD 60 - Tanzanian	Engaresero
6	Maasai giraffe Eco-lodge	Rooms 2 Guests 4 & campsites	Engaresero
7	Halisi tented Camp	Room 10 Guests 23	Engaresero
8	Lengai lodge	Room 10 Guests 22 Price per guest USD 100	Engaresero
9	World View Campsite	Campsites USD 5 per guest	Engaresero
10	Lake Natron - Summit Africa	Room 10 Guests 20 Price per guest - USD 250	Engaresero
11	Mikuyu Rivers campsite	Guests 60- installing tents.	Engaresero
12	OBC	Not known	In the entire 1500KmSq
13	Maasai Boma		Ololosokwan

Source: Department of Natural Resources Ngorongoro district



## 4.6.2 Our Opinion

The two divisions of Loliondo and Sale have had a variety of investors in the conservation sector. We, the people of these Divisions, have never spoken of investment as a bad, vague argument. These are our views on investment, tourism and hunting;

- We recommend the existence of investment based on the rule of law, local communities rights as well as land security as it has brought many benefits to both the government and the people. Out of the 12 investors above, the community has found itself in a long-running dispute with OBC as well as tourism company Thompson Safari under its subsidiary Tanzania Conservation Limited.
- OBC Company is in conflict with the Community, other investors and is causing the area to be unstable and underdeveloped as well. The other 10 investors are collaborating with the villages, councils, central government and among them is OBC. We therefore recommend that the Government remove this investor for the benefits of the people, the Nation as a whole and in consideration of the security of village land.



# CHAPTER FIVE

## CONCLUSIONS AND RECOMMENDATIONS

### 5.0 PEOPLE'S RECOMMENDATIONS

1. The Government should recognize that the area of 1500 square kilometres in Loliondo and Sale Divisions is a legitimate Village land in accordance with the laws of the country as analysed in Chapter Two of this report.
2. We, the residents of Sale and Loliondo Divisional Villages, are ready for a constructive roundtable discussion with the Government to find out lasting solutions for the 30 years land dispute.
3. Basically, the main source of this conflict between the people and the Ministry of Natural Resources and Tourism has been caused by the OBC Company. Therefore, in order to live peacefully in our Villages and continue to have good relations with our Government, this company should be removed from our land so that we have the opportunity to discuss the issue of conservation and people's development in close collaboration with our Government.
4. We request the government and other stakeholders to facilitate the Village Land Use Plans to meet the current social, economic, environmental and administrative needs in accordance with the Land Use Planning Act No. 6 of 2007 and the Village Land Act No.5 of 1999.
5. The Ministry of Natural Resources and Tourism should stop its intention of allotting part of the village land for conservation and hunting purposes as this area is the legitimate land of the respective villages. The government should rather recognize and promote social protection for the purpose of protecting natural resources as well as the rights of pastoralists.



6. We recommend that after the implementation of land use plans for each village, Citizens form an Integrated Villages Committee to coordinate activities taking place in the area including livestock grazing activities, wildlife conservation, tourism, conservation environment, traditional rituals and conservation of water sources.
7. The Government rejects the proposal to allot the 1500 square kilometres of Loliondo and Sale Villages and the Lake Natron area comprising Pinyinyi and Engaresero Wards for the purpose of incorporation into the Ngorongoro Conservation Area (NCA) as recommended by the 2019 Multiple Land Use Model (MLUM) Conservation Committee.
8. The Government should realise that this area is economically important for the pastoralists of the Loliondo and Sale Divisional Villages who are more than 66,000 people. Thus, the loss of that land is to plunge the people back into poverty and extreme poverty.
9. The government should realise that this area is not open but is grazing land for the Maasai pastoralists livestock. The livestock contributes more than 90% of Maasai livelihood being the major source of income and food.
10. We urge the Government to consider the court case about the disputed land in the East African Court of Justice.
11. We urge the Ministry of Information and the Communications Authority in the country to ban media that does not adhere to journalism ethics by providing false information, misrepresentation, putting the government and the people of Loliondo and Sale Divisions.
12. We urge the Government to recognize the rights of organisations and social and human rights defenders who have been repeatedly harassed as they try to help governments and communities to address these challenges.
13. We urge the Government to ban the ongoing arrests of community leaders in the Sale and Loliondo Divisions. This action continues to provoke civil unrest and also undermines collective efforts to address these challenges.
14. We recommend the establishment of an Independent Commission to investigate human rights violations and pastoralist rights committed over the past 30 years in the disputed land.



15. We recommend that from now on the issue of the Loliondo and Sale land dispute be addressed through this community committee in collaboration with the government to reduce unnecessary tensions. This committee will help to create a space for people who are not involved in this conflict and who come from outside Ngorongoro District to be used in discussions to resolve this conflict.
16. Given that the country is in a middle-income economy, the government should improve and open up various trade opportunities by improving infrastructure especially markets, factories for processing livestock products, productive livestock management knowledge and network of paved roads among others. This measure will provide an opportunity for citizens to access development opportunities quickly and contribute to GDP as well as reduce resource conflicts.
17. The government should make immediate efforts to invest in education to develop the children of this community. This includes the government building primary schools in every neighbourhood located more than 7 km from the village centre.

## 5.1 CONCLUSION

This report from the people of Sale and Loliondo Divisions explains in detail the long-running land dispute in the areas of Eight Loliondo and Sale Divisions bordering the Serengeti National Park. This report has analysed in detail the origin of the conflict involving a village area of 1500 square km as well as conservation and hunting investors on the other hand. This analysis revealed that disputed land is village land in accordance with Tanzanian law and the people use the land for pastoral activities as well as other customary activities.

This citizen report contains an in-depth analysis of the source of this long-term conflict as well as recommendations for resolution. Since the community has previously submitted such information to the Honourable Prime Ministers (Hon. Pinda-2013 and Hon. Majaliwa-2017) we urge our Government to consider our recommendations so that we can reach the end of this Loliondo land crisis. We have noted that the presence of the OBC investment company has been the source of this ongoing conflict. We recommend that if possible hunting activities be reduced or stopped altogether in this area of our villages in order to reduce the conflict between the citizens and the hunters, especially of the OBC company.



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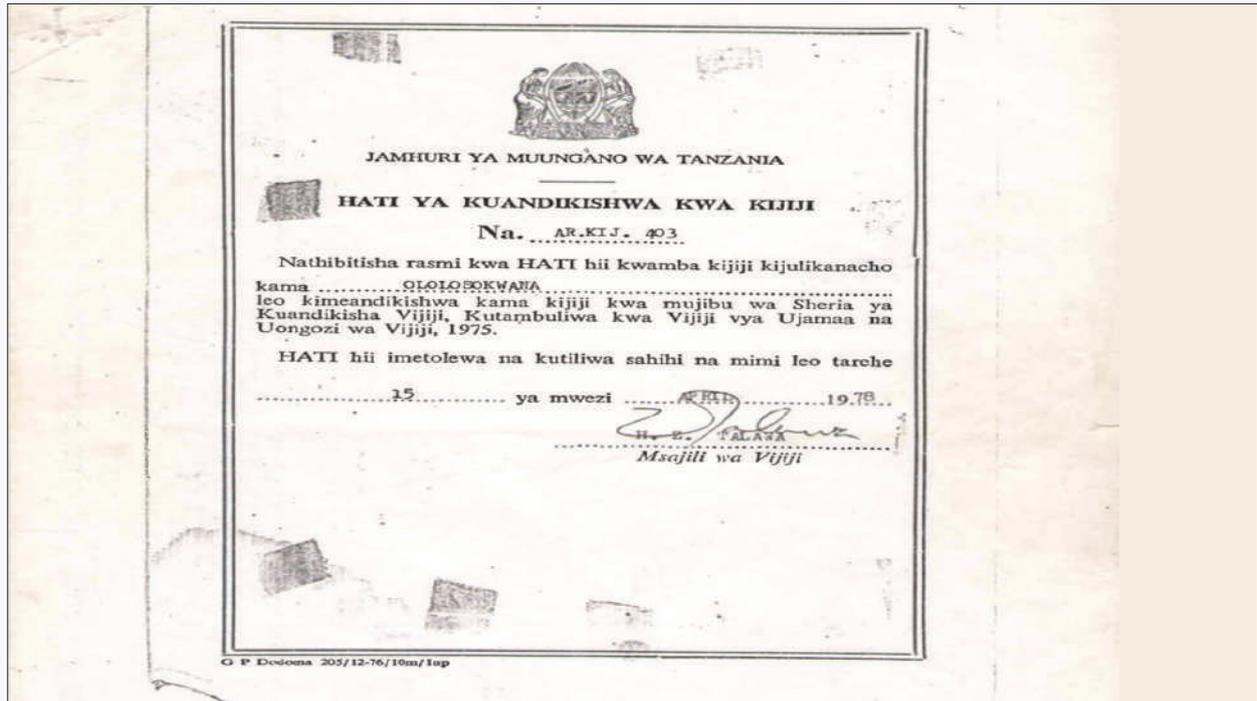
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# 7. Annexes

## 1. Village Registration Certificates

### a) Ololosokwan Village



JAMHURI YA MUUNGANO WA TANZANIA

HATI YA KUANDIKISHWA KWA KIJJI

Na. AR.KIJ. 403

Nathibitisha rasmi kwa HATI hii kwamba kijiji kijulikanacho kama OLOLOSOKWAN leo kimeandikishwa kama kijiji kwa mujibu wa Sheria ya Kuandikisha Vijiji, Kutambuliwa kwa Vijiji vya Ujamaa na Uongozi wa Vijiji, 1975.

HATI hii imetolewa na kutiliwa sahihi na mimi leo tarehe 25 ya mwezi APRIL 1978.

H. E. TALAWA  
Msajili wa Vijiji

G P Dodoma 205/12-76/10m/1ap

### b) Maaloni-Loosoito Village



JAMHURI YA MUUNGANO WA TANZANIA

HATI YA KUTHIBITISHA HADHI YA HALMASHAURI YA KIJJI KUWA SHIRIKA

Na. AR.VC.406

Nathibitisha rasmi kwa HATI hii kwamba Halmashauri ya Kijiji kijulikanacho kama LOOSOITO ambacho kimeandikishwa kwa mujibu wa Sheria ya kuandikisha Vijiji, Kutambuliwa kwa Vijiji vya Ujamaa na Uongozi wa Vijiji, 1975, ina hadhi ya Shirika kwa mujibu wa Sheria hiyo iliyotajwa, kwa hiyo naitoa HATI hii ya uthibitisho kwa Halmashauri ya Kijiji hicho, na HATI hii itaanza kutumika tangu leo.

HATI hii imetolewa na kutiliwa sahihi na mimi leo tarehe 26 ya mwezi Desemba, 1978.

H. E. TALAWA  
Msajili wa Vijiji

(c) Soitsambu Village



JAMHURI YA MUUNGANO WA TANZANIA

HATI YA KUANDIKISHWA KWA KIJJI

Na. AR.KIJ. 402

Nathibitisha rasmi kwa HATI hii kwamba kijiji kijulikanacho  
kama ..... SOITAMBU .....  
leo kimeandikishwa kama kijiji kwa mujibu wa Sheria ya  
Kuandikisha Vijiji, Kurtambuliwa kwa Vijiji vya Ujamaa na  
Uongozi wa Vijiji, 1975.

HATI hii imetolewa na kutiliwa sahihi na mimi leo tarehe:

15 ..... ya mwezi ..... 1975

*[Signature]*

Msajili wa Vijiji



## 2. Village Land Certificates

### a) Ololosokwan Village

JAMHURI YA MUUNGANO WA TANZANIA  
WIZARA YA ARDHI NA MAENDELEO YA MAKAZI

Anuani ya Simu: "ARDHI" 

Simu: Na. 2121241-9  
Tafadhali unapojibu taja  
Kumb. Na. LD/ 2441.73

IDARA YA ARDHI,  
P.O. Box 9230,  
DAR ES SALAAM.  
26 Jan 2006

Afisa Ardhi wa Wilaya  
Wilaya ya Ngorongoro  
S.L.P. 1  
Lalimato

Yah: CHETI CHA ARDHI YA KIJILI.  
Nakutumia Cheti cha Ardhi ya Kijiji cha Ololosokwan, kilichopo  
Wilaya ya Ngorongoro kwa usajili.

- Nyaraka zifuatazo zinawasilishwa kwa ajili ya kusajiliwa.
  - Cheti cha Ardhi ya Kijiji (nakala 2) ✓
  - Hati ya mabadiriko (nakala 2)
  - Hati ya kuachia Ardhi (nakala 2)
  - Hati ya kufuta Ardhi (nakala 2)
- Mkataba wa ..... Pamoja na Cheti cha Ardhi ya Kijiji.
- Tafadhali baada ya kusajili wasilisha nakala ya Cheti cha Ardhi ya Kijiji kwa Afisa Mtendaji wa Kijiji cha Ololosokwan Wilaya ya Ngorongoro kwa kumbukumbu zao.

  
Kny Kamukama wa Ardhi.

Nakala : Afisa Mtendaji wa Kijiji.

Jina la Mpokeaji wa Nyaraka  
Jina..... Michael Masawe  
Saini.....  
Tarehe..... 26/1/2006

JAMHURI YA MUUNGANO WA TANZANIA

**SHERIA YA ARDHI YA VIJJI, 1999**

(Na. 5 ya 1999)

**CHETI CHA ARDHI YA KIJJI**

(Chini ya Fungu la 7)

Namba ya Cheti INGR

Kumb. Na. NGR/01

Leo tarehe 25 ya mwezi Januari mwaka 2006

Hi ni kuthibitisha kuwa Halmashauri ya Kijji (humu ikirejewa kama "Halmashauri") cha **OLOLOSOKWAN** katika Wilaya ya **NGORONGORO** inakabidhiwa kama mdhamini usimamizi wa ardhi yote iliyolezwa katika jedwali lililocambatiswa (humu ikirejewa kama "ardhi ya kijji") kadiri ya nia na maana halisi ya Sheria ya Ardhi ya Vijji na kwa masharti yafuatayo:-

- i) Halmashauri itasimamia ardhi ya kijji kadiri ya sheria za mila zinazohusu ardhi kwenye eneo husika;
- ii) Halmashauri italinda msingira kwa kuhifadhi rutuba ya ardhi na kuzua mmomonyoko wa udongo;
- iii) Halmashauri italinda haki za njia;
- iv) Halmashauri italinda na kutunza mipaka ya kijji;
- v) Halmashauri itatunza na kukhifadhi kwa usalama cheti hiki;
- vi) Endapo mipaka ya kijji imebadilishwa au kurekebishwa, Halmashauri itatuma cheti kwa Kamishna ili kudhinisha mabadiliko au marekebisho ya mipaka kwenye cheti;
- vii) Halmashauri itatoe hati ya hakimiki ya kimita na kutunza daftari la ardhi la kijji.



## JEDWALI

Eneo lote iljulikanalo kama Kijiji cha **OLOLOSOKWAN** katika wilaya ya **NGORONGORO** lenye ukubwa wa HEKTA 51230 ( Efu hamsini na moja mia mbili na trelathini ) Kama mipaka inavyoonyeshwa kwa wiro katika ramani/mchoro ulioambatanishwa hapa.

IMEOLEWA na Rais na imekabidhiwa kwa MKONO wangu na LAKIRI rasmi kuwekwa siku na mwaka vilivyoandikwa hapo juu.

  
Kamukama Mwanamuziki

IMEWEKEWA LAKIRI halsi ya Halmashauri ya Kijiji

cha **OLOLOSOKWAN** mbele yetu:

1. Jina: JUSTUS - SEPELE - KAUWA

Saini: [Handwritten Signature]

Cheo: Mwenyekiti wa Halmashauri ya Kijiji

Anuani: P.O. BOX 13 LODIUNBO LAKIRI/MUHURI

2. Jina: SEPELE - JOHN - SEPELE

Saini: [Handwritten Signature]

Cheo: Katibu wa Halmashauri ya Kijiji

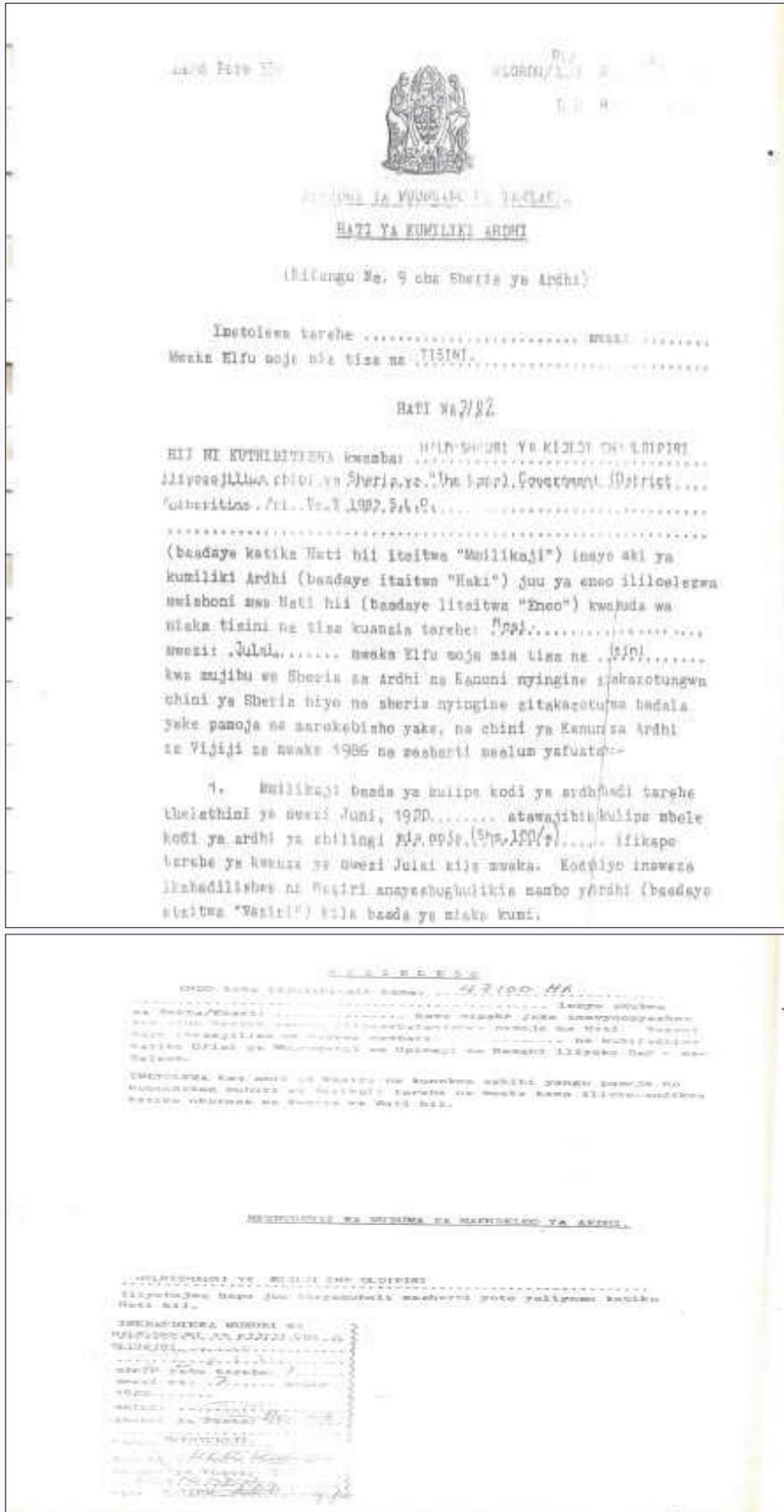
Anuani: P.O. BOX 19 LODIUNBO

Nakala: Msaaji





# (b) Oloipiri Village





## (d) Oloirien-Magaiduru Village

Land Form 330.

RGOMH/20/ NO. 1195.

L.D. NO. ....



JAMHURI YA MUUNGANO WA TANZANIA

HATI YA KUMILIKI ARDHI

(Mifungu No. 9 cha Sheria ya Ardhi)

Imetolewa tarehe ..... Mwezi .....  
Mwaka Elfu moja mie nne na .....  
.....

HATI NA.

HII NI KUTWIRITISHA kwa: HALIMENSHURI YA KIJIRI CHO OLOIRIEN-  
MAGAIURU

(baadaye katika Hati hii itaitwa "Mwilikaji") anaye hati ya  
kumiliki Ardhi (baadaye itaitwa "Haki") juu ya eneo lililolizwa  
maboni kwa Hati hii (baadaye litaitwa "Eno") kwa muda wa  
miaka tisa na tisa kuangia tarehe: .....  
Mwezi: ..... Mwaka Elfu moja mie nne na .....  
kwa mujibu wa Sheria ya Ardhi na Kanuni nyingine zitakazitungwa  
chini ya Sheria hiyo na sheria nyingine zitakazitungwa baada  
yake pamoja na marekebisha yake, na chini ya Kanuni ya Ardhi  
na Vijiji za mwaka 1966 na baadati maalum yafuatayo:-

1. Mwilikaji baada ya kulipa kodi ya ardhi hadi tarehe  
thelathini ya mwezi Juni, 1971..... atawajibika kulipa shela  
kodi ya ardhi ya shilingi 100/100/100/100/100..... ifikapo  
tarehe ya mwaka ya mwezi Juni kila mwaka. Kodi hiyo inawezwa  
ikabadilishwa na Waziri anayechughulikia masoko ya ardhi (baadaye  
ataitwa "Waziri") kila baada ya miaka kumi.

2. Eno hilo litatumika kwa shughuli kadhaa ikiwa ni  
pamoja na kilimo, mifugo, misitu, sakani, biashara na viwanda  
kufuatana na mpango wa kutumia ya ardhi wa kijiji.

3. Mwilikaji atawajibika:-

- (a) Kureta zipeta za eno katika hati ya kijiirani  
dhidi ya Halimenchauri ya Wilaya ya HALIMENCHURI  
..... (baadaye itaitwa Halimenchauri)  
na baadaye kuitunza zipeta hiyo katika hati  
ya kijiirani ili wakati wote iweze kutumika kwa  
urahisi.







## 4. Village By-laws

### a) Oloipiri Village

Jamhuri ya Muungano wa Tanzania

**SHERIA ZA SERIKALI ZA MITAA,  
(SERIKALI ZA VIJJI)  
NA. 7 1982.**

Zilizoundwa chini ya kischemu cha 120 (1) na 163.

**HALMASHAURI YA WILAYA YA NGORONGORO**

**KIJI CHA OLOIPIRI**

Sheria ndogo za kutunza, kulinda na kutekeleza mpango wa matumizi bora ya Ardhi, Mazingira, maliasili na huduma mbalimbali za jamii katika Kijiji cha Oloipiri.

Mpango huu umetayarishwa kwa ushirikiana kati ya Serikali ya Kijiji, Ksmati ya Mazingira na Maliasili, Wataaluma kutoka wilayani, kati na Community Resource Team – 2000



**Uthibitisho**

Muhuri wa Halmashauri ya kiji cha Oloipiri umebandikwa kwenye sheria ndogo hizi kwa mujibu wa Mkutano Mkuu wa Kijiji Uliofanyika tarehe 27 Novemba 2000, na umebandikwa mbele ya:

“

  
Kerika Kursas  
Mwenyekiti wa Halmashauri  
ya kijiji cha Oloipiri

  
Tuambe Leshoko  
Ofisa mtendaji wa Halmashauri  
ya kijiji cha Oloipiri

**NAKUBALI:**

  
Mhe : Simon Soinda  
Mwenyekiti wa Halmashauri  
wa wilaya ya Ngorongoro

  
K.M.C. Tingirawanyuma  
Mkuregenzi Mtendaji wa  
Halmashauri wa wilaya ya  
Ngorongoro

YANUARI 2001  
MUKURUGENZI MTENDAJI  
HALMASHAURI YA WILAYA  
YA NGORONGORO



## b) Soitsambu Village

Jamhuri ya Muungano wa Tanzania

### SHERIA ZA SERIKALI ZA MITAA. (SERIKALI ZA VIJJI) NA. 7 1982.

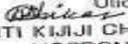
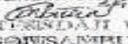
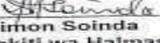
Zilizoundwa chini ya kischemu cha 120 (1) na 163.

#### HALMASHAURI YA WILAYA YA NGORONGORO

#### KIJIJI CHA SOIT-SAMBU

Sheria ndogo za kutunza, kulinda na kutekeleza mpango wa matumizi bora ya Ardhi, Mazingira, maliasili na huduma mbalimbali za jamii katika Kijiji cha Soit-Sambu.

Mpango huu umetayarishwa kwa ushirikiana kati ya Serikali ya Kijiji, Kamati ya Mazingira na Maliasili, Wataalamu kutoka wilayani, kuta na Community Resource Team – 2000

	wazee	onyo kali kwa wanawake na watoto
9. Uchomaji mkaa	Kuchoma mkaa bila idhini ya Halmashauri	Faini ya shilingi 10,000/= kwa kila gunia na kunyanganywa mkaa
10. Maeneo ya Malisho na Wanyamapori	Kujenga makazi ya kudumu, kulima, kuchoma moto na kukata miti	Faini ya shilingi 10,000/= Kama amejenga na kufukuzwa katika eneo hilo
11. Makazi ya Kudumu na Huduma	Kulima, kujenga, kufanya biashara nje ya mpaka	Faini ya shilingi 10,000/= kwa kila kosa na kufukuzwa
12. Mapito na Vivuko	Kujenga, Kulima	Faini ya shilingi 10,000/= kwa kila robo heka na kufukuzwa
Uthibitisho	Muhuri wa Halmashauri ya kijiji cha Soit-Sambu umebandikwa kwenye sheria ndogo hizi kwa mujibu wa Mkutano Mkuu wa Kijiji Uliofanyika tarehe 12 Januari 2000, na umebandikwa na kila kosa ya sheria	
 M/KITI KIJILI CHA SOIT SAMBU NGORONGORO James Lembikas, Mwenyekiti wa Halmashauri ya kijiji cha Soit-Sambu	 AFISA MTENDAJI WA KIJILI CHA SOIT-SAMBU Simon Mbusya, Ofisa mtendaji wa Halmashauri ya kijiji cha Soit-Sambu	
NAKUBALI:  Mhe : Simon Soinda Mwenyekiti wa Halmashauri wa wilaya ya Ngorongoro NGORONGORO DISTRICT COUNCIL NGORONGORO DISTRICT COUNCIL	 K.M.C. Tingirawanyuma Mkuregenzi Mtendaji wa Halmashauri wa wilaya ya Ngorongoro NGORONGORO DISTRICT COUNCIL NGORONGORO DISTRICT COUNCIL	



## c) Ololosokwan Village

Jamhuri ya Muungano wa Tanzania

**SHERIA ZA SERIKALI ZA MITAA  
(SERIKALI ZA VIJJI)  
NA. 7 1982.**

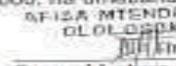
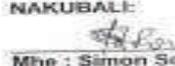
Zilizotundwa chini ya kischemu cha 120 (1) na 163.

**HALMASHAURI YA WILAYA YA NGORONGORO**

**KIJIJI CHA OLOLOSOKWAN**

Sheria ndogo za kutunza, kulinda na kutekeleza mpango wa matumizi bora ya Ardhi, Mazingira, maliasili na huduma mbalimbali za jamii katika Kijiji cha Ololosokwan.

Mpango huu umetayarishwa kwa ushirikiano kati ya Serikali ya Kijiji, Kamati ya Mazingira na Maliasili, Wataalamu kutoka wilayani, kati na Community Resource Team – 2000

	ya Halmashauri ya kijiji	kwa kila gunia na kunyanganywa mkaa na kufukuzwa eneo.
9. Maeneo ya Malisho na Wenyamapori	Kulima, kuchoma moto na kukata miti	Adhabu kwa taratibu za kimila au faini ya shilingi 20,000/=
	Kujenga makazi ya kudumu	Kuvunja makazi kwa gharama ya muhusika
10. Makazi ya Kudumu na Huduma	Kukuka masharti ya sheria ndogo	Faini ya shilingi 10,000/= kwa kila kosa na kufukuzwa
11. Mapito, Vivuko na sehemu za chumvi	Kujenga, Kulima au Kufunga	Faini ya shilingi 10,000/= na kufukuzwa katika eneo au vyote viwili kwa pamoja
12. Kilimo	Kuchunga mitago kwenye mashamba	Faini ya shilingi 10,000/=
	Kufunga mashamba kwenye eneo la malisho	Kusimamishwa shughuli za kilimo na kutozwa faini ya shilingi 8,000/=
<b>Uthibitisho:</b>	Muhuri wa Halmashauri ya kijiji cha Ololosokwan umebandikwa kwenye sheria ndogo hizi kwa majibu wa Mkutano Mkuu wa Kijiji uliofanyika tarehe 12 Februari 2000, na umebandikwa mbale ya:	AFISA MTENDAJI KIJILI OLOLOSOKWAN
	 Yohana Saing'au Mwenyekiti wa Halmashauri ya kijiji cha Ololosokwan	 Songoi Letura Ofisa mtendaji wa Halmashauri ya kijiji cha Ololosokwan
<b>NAKUBALI:</b>	 Mhe : Simon Solinda Mwenyekiti wa Halmashauri wa wilaya ya Ngorongoro	 K.M.C. Tingirawanyuma Mkurugenzi Mtendaji wa Halmashauri wa wilaya ya Ngorongoro.
	10	HALMASHAURI YA WILAYA YA NGORONGORO



## d) Maaloni-Oloosoito Village

Jamburi ya Muungano wa Tanzania

**SHERIA ZA SERIKALI ZA MITAA.  
(SERIKALI ZA VIJIJI)  
NA. 7 1982.**

Zilizoundwa chini ya kischemu cha 129 (1) na 163.

**HALMASHAURI YA WILAYA YA NGORONGORO**

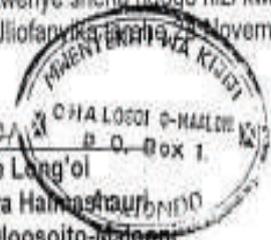
**KIJIJI CHA MAALONI-OLOOSOITO**

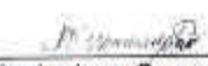
Sheria ndogo za kutunza, kulinda na kutekeleza mpango wa matumizi bora ya Ardhi, Mazingira, maliasili na huduma mbalimbali za jamii katika Kijiji cha Maaloni-Oloosoito.

Mpango huu umetayarishwa kwa ushirikiano kati ya Serikali ya Kijiji, Kamati ya Mazingira na Maliasili, Wataalamu kutoka wilayani, kuta na Community Resource Team - 2000

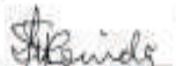
hibitisho

Muhuri wa Halmashauri ya kijiji cha Oloosoito-Maaloni umebandikwa kwenye sheria ndogo hizi kwa mujibu wa Mkutano Mkuu wa Kijiji Uliofanyika tarehe 19 Novemba 2000, na umebandikwa mbele ya

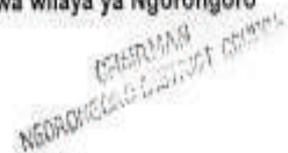
  
Raphael Risie Long'ol  
Mwenyekiti wa Halmashauri  
ya kijiji cha Oloosoito-Maaloni

  
Julius Lesinana Parmayo  
Ofisa mtendaji wa Halmashauri  
ya kijiji cha Oloosoito-Maaloni  
OFISA MTENDAJI WA KIJILI  
OLOOSOITO/MAALONI

NAKUBALI:

  
Mhe : Simon Soinda  
Mwenyekiti wa Halmashauri  
wa wilaya ya Ngorongoro

  
K.M.C. Tingirawanyuma  
Mkuregenzi Mtendaji wa  
Halmashauri wa wilaya ya  
Ngorongoro

  
CHA KIJILI CHA MAALONI  
P.O. BOX 1  
NGORONGORO

HALMASHAURI YA WILAYA  
YA NGORONGORO



## 5. Leaders and Experts Committee for Land Conflicts in Sale and Loliondo Division

No	Name	Village/Ward	Title/Profession
<b>ILAIGWANAK (TRADITIONAL LEADERS)</b>			
1	Simon Ndari	Malambo	Laigwanani
2	Samwel S. Leboo	Piyaya	Laigwanani
3	Lawrence N. Lyang'iri	Malambo	Laigwanani
4	John Kulinja	Malambo	Laigwanani
5	Ole Naing'isa	Ololosokwan	Laigwanani
<b>COUNCILORS</b>			
6	Daniel K. Ngoitiko	Soitsambu	Councillor Soitsambu Ward
7	Rebeka Leshoko	Loliondo Division	Councillor Special Seat - Loliondo Division
8	Nairoshi Paulo	Loliondo Divisions	Councillor Special Seat- Loliondo Division
9	Mbeka Rago	Maaloni	Councillor Maaloni Ward
10	Njausi Ole Kursas	Oloipiri	Councilor Oloipiri Ward
11	Mathew E. Siloma	Arash	Councilor Arash Ward
12	Joel C. Resson	Malambo	Councilor Malambo Ward
13	Elias Ngorisa	Malambo	Retired Councilor Malambo Ward
14	Simon Nairiam	Piyaya	Councilor Piyaya Ward
15	Moloiment Sange'u	Ololosokwan	Councilor Ololosokwan Ward
16	Kijoolu Kakeya	Sale Division	Councilor Special Seat- Sale Division
17	Taleng'o Soyet	Loliondo Division	Councilor Special Seat - Loliondo Division



**VILLAGE CHAIRPERSONS**

18	Yohana Toroge	Kirtalo	Village Chairman Kirtalo Village
19	Joseph Meing'atu	Olalaa	Village Chairman Olalaa Village
20	Parmitoro Mbotony	Arash	Village Chairman Arash Village
21	Issaya Munyere	Ormanie	Village Chairman Ormanie Village
22	Moitiko Risando	Malambo	Village Chairman Malambo Village
23	Samwel S. Leboo	Madukani	Village Chairman Madukani Village

**CCM LEADERS**

24	Ndirango Ole Senge	Loliondo	CCM Ngorongoro District Chairman
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**COMMUNITY REPRESENTATIVES (NOT LEADERS)**

25	Mussa Toroge Timan		Community representative- Ololosokwan
26	Simel Elikana		Community representative- Arash
27	James Ndora		Community representative - Maaloni
28	Taiwap Ndalamia		Community representative- Oloipiri
29	Rose Munga Naputi		Community representative -Malambo
30	Lemitoi Kakeya Olojiloji		Community representative- Piyaya.



31	Babu L. Rotiken		Community representative-Ololosokwan
32	Kooya Timan		Community representative-Women Activist
33	Noorkiopili Moko		Community representative-Women Activist
<b>COMMUNITY EXPERTS</b>			
34	Melau Alais		Lawyer
35	Onesmo Kasale Olengurumwa		Lawyer
36	Valentin N. Olyang'iri		Land, Environment and Natural Resources
37	Thomas Kairung		Natural Resource
38	Samwel Na'ngiria		Community Development
39	Kondei Lawrence Makko		Lawyer
40	Yannick Ndoinyo		Conservation and Development
41	Dr. Kironyi Lekumok		Agricultural Economics and Agribusiness
42	Makko Sinandei		Project Planning and Management



