



Loliondo Land Grabbing: History of Pain and Bitterness in an Unaccountable State

👤 Denis Oleshangay 📅 October 17, 2023 ⌚ 2:43 pm



(Photo by BARBERON-ANA / via AFP)

The land dispute in Loliondo is like a simmering pot of soup left on the stove for decades. It all started back in the 1990s when a shady deal saw a chunk of the village land handed over to a UAE-based company for hunting. Over the years, several human rights violations have been sponsored and aided by the state, some of which made headlines in 2009, 2013, 2017 and 2022. The government has been using state machinery to displace local communities in 14 villages. In operations that took place in the year 2009, 2013 and 2017, people's homes were set on fire and security forces involved in those operations brutally assaulted many. However, the year 2022 marked a turning point as they subjected the community to a brutal and heartless operation that left them reeling. All these serious human rights violations were answered without anyone being held accountable.

How the Land was acquired in 2022 and the Magnitude of Force Employed

The Smoking Gun

Indications of impending land acquisition and bitterness started at the beginning of 2022. Government leaders made statements implying the need to acquire the village land. On 11 January 2022, the Regional Commissioner for Arusha, John Mongella, convened a meeting with village and ward leaders from 14 villages in the area. Mongella informed them that the government would take the land for the public interest, which sparked community protests from 13th to 14th January 2022 at Oloirien ward.

On 14th February 2022, Prime Minister Kassim Maialiwa visited Loliondo and

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statement that was repeated by the then Minister for Natural Resources and Tourism, Damas Ndumbaro, on 8th March 2022 in an interview with DW Kiswahili. In late February 2022, President Samia traveled to the United Arab Emirates, where she sealed agreements to expand cooperation in investment and business. It did not last longer before the community was invaded with barrels of guns to allow UAE royals to hunt and massacre wild animals that were protected by the Maasai for centuries.

On March 19, 2022, government statements were met with protests from the communities of Loliondo and Ngorongoro during a gathering held in Arash. Following the community's protest, two councilors, one from Arash and another from Malambo, were summoned, arrested, and detained. On May 25, 2022, the community presented a report containing their recommendations to the Prime Minister, with two separate reports for Ngorongoro and Loliondo.

On June 3, 2022, Minister for Natural Resources and Tourism, Pindi Chana, expressed the intention of upgrading certain areas, including the Loliondo Game Controlled Area, to a Game Reserve during a speech to parliament. On June 8, 2022, the community was taken aback by abnormal convoys of security forces roaming around Wasso town, despite no signs of unrest or breach of peace. Unbeknownst to the community, their humble recommendations submitted to the government had been met with gunfire. To show their humbleness and facilitate discussion with the government, the community held prayers and a meeting on June 9, 2022, in Kirtalo.



The Brutal Operations and

Police confront Maasai residents in Loliondo June 2022 (Photo by citizen journalist)

Demarcations

In its pursuit to acquire the village land measuring 1,502 square kilometers, the government resorted to using force, defying the country's laws that require consultation with relevant local authorities. On 9th June 2022, all ward councilors representing the 14 villages that would be affected by the demarcation were arrested and held incommunicado for seven days. These leaders were supposed to represent the community in the meeting with the government but were instead summoned by the District Commissioner for Ngorongoro, Raymond Mwangwala, and driven to Arusha that same night. Since that time, the government has been using state machinery to displace local communities in 14 villages. The said leaders spent 6 months in custody and were

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The following day, 10th June 2022, the government confronted the community with guns. Over 30 people were shot with live ammunition and many others were injured, including an 85-year-old man called Orias Oleng'iyu who disappeared after being ferried inside a police car with bullet wounds. The habeas corpus for the missing Orias Oleng'iyu has been filed in court but was unsuccessful for lack of sufficient evidence.

The violence on 10th June 2022 resulted in the separation of families and thousands of people fleeing to Kenya as refugees for fear of persecution. The unrest and shootings were confirmed by Ngorongoro district member of parliament Emmanuel Oleshangai, who reported that at least 31 people had been injured and fled to Kenya to seek treatment, as the health facilities in the vicinity refused to admit them without Police Form No. 3.



Injured elder during 10th June violence



People fleeing tear gas on June 10th 2022 in Loliondo

On June 11, 2022, the Regional Commissioner for Arusha, along with other regional and district officers, participated in the placement of beacons in various parts of Loliondo. On the same day, the Regional Commissioner for Arusha announced that a police officer had died during the operation. This was followed by the arrest and torture of many other individuals who were accused of murdering the said police officer. Among the armed forces that participated in the Loliondo operation included military forces. This was even

confirmed by the Regional Commissioner for Arusha, John Mongella while bidding farewell to Venance Mabeyo, the former Chief of Defence Forces (CDF), by applauding him for allowing the army forces to participate in the operations that took place in Loliondo in June 2022. One would pause for a while to pose some questions: Was there any breach of peace in Loliondo to the extent of deploying military personnel? During which can they can deploy the military in the area? Did Loliondo circumstances fit the purpose? One day after his retirement, Venance Mabeyo was appointed by the president to chair the board of Directors of Ngorongoro Conservation Area (NCAA) which would soon control the grabbed village land measuring 1502 square kilometers.

The violence and intimidation against Loliondo residents did not end there. On June 13, 2022, the former Inspector General of Police, Simon Sirro, visited Loliondo and warned that he would deal with anyone who interfered with the demarcation exercise.

Similarly, on June 15, 2022, the Minister for Home Affairs, Hamad Masauni, landed in Loliondo via a military helicopter. Like the Inspector General of Police, the Minister for

On 17th June 2022, the Minister for Natural Resources and Tourism also promulgated the village land as a Pololeti Game Controlled Area, encompassing 1502 square kilometers. Shockingly, the government used force to demarcate the land before the minister legally promulgated it. Tanzania wildlife law prohibits a minister from declaring an area falling under village land as a game-controlled area without proper consultations with relevant local authorities. As such, a declaration would have a significant impact on the affected people.



Community Reaction

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seized by the government in a manner that meant interfering with ongoing judicial proceedings.

The Presidential Declaration

While the case challenging the promulgation of the minister is pending, on 14 October 2022, the President declared the disputed land to be a Game Reserve. The President's action was noted to have been made in *mala fides* and amounts to presidential abuse of power and interference with ongoing judicial proceedings. It seems, therefore that, the president's act of declaring the area which is subject to court proceedings to be a game reserve, is a clear intent to undercut and render nugatory case already filed in court. This is no doubt that this is a serious blow to the rule of law and the doctrine of separation of power.

8 residents of Loliondo and the court challenged the president's decision while granting leave to file judicial review. It also stayed the notice of the president until final determination of the case.

Cattle Seizing, confiscations and Auctioning

As it left the Maasai community with no access to their traditional grazing land, they faced a tough decision; let their cattle starve and die or risk entering the demarcated area. Many chose to take the risk, but those caught by authorities had to pay exorbitant fines or face even harsher consequences. Shockingly, the confiscated livestock was alternatively taken to the Serengeti National Park and auctioned off to the highest bidder.

In defense of Human Rights Abuses

They have accused the Tanzanian government of using spinning and propaganda to defeat allegations of human rights violations in Loliondo and Ngorongoro. The situation has been condemned both locally and internationally, with several international organizations making statements about the violations.

To counter the allegations, Tanzanian diplomats have been making international visits to places such as Geneva, New York, Brussels, and the Gambia to assure the international community that the government is not violating human rights. For instance, on 15th June 2022, the then Deputy Permanent Representative of the Tanzanian Mission to the UN in Geneva, Hoyce Temu, stated that the government was not violating human rights in Ngorongoro.

Ongoing Lawsuits

Several cases have been filed in court regarding the illegal seizing, confiscation, and auctioning of cattle belonging to the Maasai community in Tanzania. The community has been left with limited options for pasture, licks and water, due to the illegal taking away of their village land. Despite this, they have chosen to challenge these injustices through the legal system rather than resorting to violence.

Some examples of cases that have been filed in court include the one on 25th January 2023, where 220 livestock belonging to Baraka Kesoi and Raphael Oloishiro were seized and taken to the Serengeti National Park for auction. The value of the livestock was estimated at \$15,000,000. The community has challenged the seizure in court.

found the fine of 100,000 (Tanzania Shillings) illegal. The court further ordered the exceeding amount to be refunded to the applicant, which has not been fulfilled to date.

The other case is of **Ndaloi Orias Ng'yo V. Officer Commanding District for Ngorongoro District and 5 Others, Misc. Criminal Application No. 67 of 2022**, which concerned a habeas corpus application on the enforced disappearance of Orias Ng'yo, an old man aged 85. He disappeared during an operation that took place on 10 June 2022 while injured by security forces. He was last seen by family members surrounded by gunmen. The application was dismissed by the court on 17 May 2023 for insufficient evidence to hold the government accountable. The court dismissed the habeas corpus application for two reasons; the Applicant never reported to the police that his father's whereabouts were unknown and neither of the 27 residents from Loliondo mentioned whether Orias had been detained with them. One would make a few commentaries on the court's findings in dismissing habeas corpus application. It is undeniable that the police force and other security forces conducted an operation in Loliondo on 10 June 2022. As a result of the operation, thousands of residents in Loliondo fled to the neighbouring country for fear of persecution. It was also said that 31 people who suffered gunshot wounds fled the country to seek treatment as the neighbouring health facilities refused to admit them without Police Form No.3. In the said operations, more than 100 people were arrested. It would therefore suffice for the court to note that if an unarmed old man aged 84 can be gunned down with live bullets and later forced to disappear, what if their relatives head to the police to report? What if Orias was taken to an unknown chamber? Would it be necessary for a person incarcerated in known custody to depend on a person whom they never met with in captivity? Would it not suffice to rely on the affidavit of a person who saw his father being shot and later forced in a police vehicle to an unknown place? These are the questions which are still lingering.

Also, in the case of **Ndalamia Partareto Taiwap and 4 Others vs Minister of Natural Resource and Tourism and Another, Miscellaneous Civil Cause No. 21 of 2022**, 5 Maasai from Loliondo knocked on the doors of the High Court of Tanzania to challenge the propagation of the village land by the minister to be a game-controlled area. The court faulted the minister for failure to consult relevant local authorities before their areas were promulgated as a game-controlled area. The court held that the minister failed to follow the imperative requirement of law. However, the court is hesitant to nullify the notice of the minister as the same land was declared a game reserve by the president. In addition, the court said it would be an "academic exercise."

On a different note, the GN pronounced by the president on the same land has remained until the court's final determination in a case filed by 8 Maasai challenging the presidential declaration.

Despite the court order to continue the operation of the GN of the president, the government officials are still seizing livestock and harassing herders in the demarcated area. This is an open attack on the independence of the judiciary and the rule of law in general.

Other Efforts To Legitimize Land-Grabbing

After the excessive use of force in acquiring the village land, there has been an effort intended to frustrate community-filed cases and attempts to cover up the magnitude of

In October 2022, the government, through the Ngorongoro District Commissioner, issued a notice to redraw village boundaries, excluding 1502 square kilometers of land. Additionally, the government introduced a new plan for the use of village land after the demarcation exercise, which was carried out with force and without proper consultation.

In two meetings held on February 28, 2023, and March 31, 2023, the government proposed a Land Use Plan for the Ngorongoro district, which aimed at not only legitimizing the land that was taken by the barrels of the gun but also proposing the acquisition of another land in NCA and Ngarasero to be exclusively for conservation. These meetings were initiated by the District Commissioner for Ngorongoro. Additionally, it has come to light that the process is being funded by the Frankfurt Zoological Society. The plan was rejected twice by councilors when the proposal was brought to them for their approval.

Behind the Scenes

It is important at this point to note that there is no scientific reason justifying Maasai eviction in Loliondo. There is no national interest served in evicting more than 70000 people. The only known interest is exclusively giving the land to UAE Royals to gratify their greed for leaders' benefits. It was correctly argued by the Presidential Commission of Inquiry on Corruption of 1996 chaired by Joseph Sindi Warioba who came up with the finding that the OBC hunting license in Loliondo had been obtained in a corrupt way for leaders' benefit. On pages 281 and 282 specifically in paragraph 706 (k), the report exposed the following;

"Some top government leaders have been involving themselves in the allocation of the hunting areas for their benefit. They have been manipulating people in these areas into deceptively signing contracts with hunting companies for the leaders' gain. The report of the Parliamentary Committee on allegations of misconduct by the Department of Wildlife has exposed this problem very well, particularly in the Loliondo area which was allocated to Ortello Business Corporation (T) Ltd."

On page 284, in paragraph 716 of the report, the Commission noted as follows:

Similarly, the present (now former) Minister for Natural Resources and Tourism, Hon. Dr. J. Ngasongwa has issued a presidential license to non-deserving people as follows: –

*(a) Brigadier Mohamed Abdulrahim Al-Ali, who is a Vice Minister in the United Arab Emirates, was given License Nos: B 00158 and B 00159, which is still used. He owns the Loliondo hunting area. **According to procedures governing the issuance of the Presidential license, he does not deserve the license because he may use it to let tourist hunters operate in his area at a foreign exchange fee but without the government getting revenue in the form of various charges.** He was permitted to hunt one buffalo and thirty sand grouses.*

(b) His Royal Highness Sheikh Maktoum bin Rashid Al Maktoum, Deputy Prime Minister of the United Arab Emirates, was issued with License Nos: B 0039 and B 00397 to hunt one eland, one buffalo and fifty sand grouses. [emphasize is added].

When the matter went ablaze again in 2017, the former minister for Natural Resources

further confirmed that his predecessors were caught up in a web of deceit, leaving the community to pay the ultimate price.

It is therefore not strange to find state machinery using excessive force to evict its taxpayers and true guardians of nature to allow the free massacre of wild animals in the area. Trophy hunting has never been sustainable and benevolent to the Maasai community in their areas, but something which came with bitterness and pain for decades. It is saddening to find a person who is legally and morally supposed to be their comforter turned out to be the person behind their misfortunes.

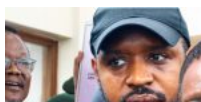
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