

LOLIONDO JOINT FACT FINDING MISSION

HUMAN RIGHTS NGOs JOINT
INTERVENTION REPORT

May
2015

Loliondo joint fact finding Mission

Human Rights **NGOs** Joint Intervention Report May 2015



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LIST OF ABBREVIATIONS AND ACRONYMS

ALAPA	Association of Law and advocacy for Pastoralists
Boma	a traditional Maasai house
CID	Criminal Investigation Department
CRC	Convention on the Rights of the Child
CSOs	Civil Society Organizations
DC	District Commissioner
FemACT	Feminist Activist Coalition
GCA	Game Controlled Area
HRDs	Human Rights Defenders
ICESCR	International Covenant on Economic, Social and Cultural Rights
Km	Kilometers
LGAs	Local Government Authorities
LHRC	Legal and Human Rights Centre
NGO NET	Ngorongoro NGOs Network.
OBC	Ortello Business Corporation
OC-CID	Officer in Charge of the Criminal investigation Department
PINGOs	Pastoralists Indigenous Non-Governmental Organization
PWC	Pastoral Women's Council of Tanzania
PAICODEO	Parakakuyo Pastoralist NGOs
RC	Regional Commissioner
SAHRINGON	Southern Africa Human Rights Ngo-Network
TAPHGO	Tanzania Pastoralist and Hunter-Gatherer Organization
TCRIP	Tanzania Centre for Research and Information on Pastoralism
TGNP	Tanzania Gender Networking Program
THRDC	Tanzania Human Rights Defenders Coalition
TNRF	Tanzania Natural Resources Forum
TPFC	Tanzania Pastoralist Community Forum
TZ	Tanzania
UCRT	Ujamaa Community Resource Team

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EXECUTIVE SUMMARY

The Loliondo report was compiled after a fact finding mission made up of a team of 30 representatives from various NGOs. The team went to Loliondo division, Ngorongoro District to inquire over human rights violations in the area. This report aims at providing reliable and first-hand information in regard to a series of Human Rights violations in Loliondo that have been reported in the media ever since the end of 2014 to early 2015.

The report has captured violations including; Torture to villagers, Illegal prosecution, Humiliation and Harassment of local leaders, Denied right to health, Denied rights to be heard and freedom of expression, as well as Denied free movement of villagers from one village to another, among others.

The report is divided into three chapters whereas chapter one gives a background overview of the Loliondo history and human rights violations, chapter two highlights on presentation and analysis of key findings; while chapter three is mainly recommendations and conclusions.

Major categories of the key findings include Violation of liberties and freedom, social and cultural rights as well as violation of Economic rights where its impact to the Loliondo community has been clearly stated. Furthermore, the report has embedded responses from key respondents on most of the findings in order to give a balanced overview of the Human Rights situation in Loliondo.

Major recommendations of the report include the need to Conduct community reconciliation initiatives by bringing together antagonist parties to discuss their differences and find common solution; as well as to Organize a National Forum and bring together all stakeholders of land and wildlife conservation in order to discuss and address key challenges facing communities particularly pastoralists around the conserved areas.

PREFACE

Fact finding is an integral part of advocacy work and is extremely important part of the communication process¹. On May 2015, The Tanzania Human Rights Defenders Coalition together with more than 20 of its member Organizations formed a team of 30 representatives to carry out a Fact ***Finding Mission in Loliondo*** division, Ngorongoro District. The move was meant to seek first-hand information in regard to a series of Human Rights violations that had been reported in the media.

The 1500 Square Kilometers scandal reminded the public on what seemed to be the government approach to deny the Loliondo pastoralist community the right to land through land grabbing attempt and these includes the following; In recent years, Loliondo has attracted a lot of attention owing to the land saga that has evolved for sometimes with the government failing to find a permanent solution. There have been mixed sentiments and vested interests with each government official issuing directives mostly to the detriment of the natives save for the Premier who made a declaration which made ardent advocates of the Loliondo land saga believe that there was light at the end of the tunnel after all.

Needless to say the situation remains tense. The following are some of things that need to be put in account for one to know the controversy behind this historical land saga in chronological order:

- i. 1992 – The Brigadier from Arabs signed an agreement with the District Council on behalf of natives in Loliondo;
- ii. 1993 – The emerging of the Loliondo Gate Scandal
- iii. 2008 – Proposed contracts by OBC to villages where the government agreed to axe a chunk of land for exclusive wildlife conservation.
- iv. 2009 – Forceful and inhuman eviction of pastoralists from the 1500 square Kilometres
- v. 2013 – The Minister of Tourism and Natural Resources Hon Hamisi Kagasheki announced plans to subdivide Loliondo land of 4000 Km² into two portions where 1500 Km² would be set aside for Game Controlled Area and the remaining 2500 Km² for human settlements including grazing and other developments.
- vi. 2013 – A tour by the Tanzanian's Premier Mizengo Pinda Kayanda to Loliondo and an issuance of a memo by the later to declare that the land belongs to its natives.²
- vii. 2015 – The government conducted different operations in the district and the most noted ones were;
 - a. 'Operation Saving Environment from Land Degradation' especially in areas set by villages for environmental conservation.
 - b. Operation security rescue which involved removal of illegal immigrants and settlers from Loliondo due to fear of Al-shabab terror.

¹ <http://en.wikipedia.org/wiki/Fact-finding>

² Letter dated 30th May 2013 to the Regional commissioner of Arusha.



GENERAL INTRODUCTION

1.0 Introduction

Loliondo is one of the three divisions of Ngorongoro District in Arusha Region. Other divisions are Sale and Ngorongoro. Loliondo and Sale fall under game controlled area covering more than 4,000 square kilometers; while Ngorongoro division is a world heritage site where wildlife and livestock co-exist governed by the Ngorongoro Conservation Area Authority. Its coverage is more than 8,300 square kilometers.

Over the two decades, Loliondo has been prominent among researchers, government and the public at large not only because of the generosity of its people but rather the land conflict pioneered by the government initiative to accommodate investors and evict its own people. The Loliondo land conflict dates way back in 1992 when the government of Tanzania under the then President His Excellency Ally Hassan Mwinyi allocated Loliondo Game Controlled area to Ortello Business Corporation for a hunting block under a Royal Family in Dubai. Natives in Loliondo have ever since been under siege as their human and land rights have been violated again and again. The worst scenario was firstly recorded in 2009 where government armed forces (Field Force Unit) conducted a highly malicious and ruthless eviction of Maasai pastoralists in Loliondo causing loss of loved ones, cattle and other personal properties. It was also reported that more than 300 traditional *Bomaas* were reduced to ashes rendering the Maasai families, homeless.

The eviction resulted to Civil Societies organizations based in Dar es Salaam and Arusha to conduct a fact finding mission and produce a report before they filed a case in the court of law. Several human rights violations have been recorded in Loliondo ever since. They are attached to the government's initiative to grab the community's land in favor of the hunting company OBC. Some of the other government initiatives to evict Maasai pastoralists in Loliondo were through non participatory land use plan funded by OBC in 2012, 2013 and 2014 respectively. The move was intended to chop more than 1,500sq.km from 8 villages in Loliondo which would have left more than **40,000** Maasai pastoralist landless. Thanks to initiatives from communities and their leaders, CSOs and AVAAZ online campaign as it led the government to halt its plans.

The **Government** through its **Notice No. 269 of 1968**, declared the 4000 Square Kilometers area as a Game Controlled Area. This made the whole area in Loliondo including the headquarters of the district to be part of the wildlife protected area Network in Tanzania. The **Wildlife Act of 1974** and Villagisation policy of same year had allowed human settlement and activities within GCA. Villages were established within GCA hence it was legally assured that the victims of 1958 eviction will stay, and thus making Loliondo to be under two different statuses, wildlife protected area and village land. Section 17 of the **Wildlife Conservation Act, No. 5 of 2009** provides for restriction of human activities such as settlements and livestock grazing into both the game controlled areas and game reserves.

The question remains as to whom the Loliondo land belongs to, the Ministry of Natural resources under the cover of game controlled area or the Ministry for Land and Human Settlement under the cover of village land. With this notion, it seems as if the two laws; the Wildlife Conservation Acts and the Land Law Acts contradict each other. However, to strike balance and sort-out the controversy, we would refer to section 18 of the **Land Law Act No. 4 of 1999** which provides that wherever there are conflicting laws in regard to land issues, the Land law shall prevail.

The coming of the Ortello Business Corporation (OBC) has changed the early livelihood of people in Loliondo. Prior to its entrance, natives had been cohabiting in harmony, managed their land and used it freely to graze their livestock and cultivate subsisting farming. The 1992 agreement between the **Hon. Brigadier Mohamed Abdulrahim Al-Ali from Arabs and the District Council of Ngorongoro** had been the root cause for land conflicts in Loliondo. During the contract, the pastoral community was not silent but complained that they had not been consulted. They made a plea for the government to halt its plan to sell their land. The complaints resulted to a great campaign against the sale of land in Loliondo and resulted to what was called **Loliondo Gate Scandal**. This shows that, the localities have never agreed with OBC to acquire their land. During this time, villagers warned the government over land security issues.

Different approaches have been used ever since by the State with the purpose of trying to remove people in the so called 1500 Square Kilometers for exclusive wildlife protection. However, the reason has been objected to by many for it is strongly believed that the government wants to apportion the same to OBC or any other future investor for hunting activities.

The disputed size of land was determined following the proposed land use plan, conducted in 2011 by the District Council in support of the OBC.³ In the said land use plan, the government clearly indicated the part of land to be announced as a game controlled area.

1.1 Overview of the Current Conflict

The current problem emanates from plans by the government to evict pastoralists from the core strategic area for investment purposes. According to the plan, entrance is forbidden and only allowed by permission from the responsible authorities from the Ministry of Natural Resources and Tourism. Needless to say, the government should have implemented its agenda without having to condemn the community for environment degradation and misuse of land. Ironically, they raised complaints against villagers accusing them for environmental destruction due to presence of Kenyans with livestock.

Therefore, what seemed to be a good intention of the government has never been feasible but for the expense of the Loliondo pastoralists who have been accused to have destructed the environment and to illegally host Kenyan pastoralists.

The government in that sense has been conducting several operations in the name of environmental protection, removal of neighboring Kenyans' livestock and illegal immigrants. Nevertheless, there has been community uproar against the manner in which the operations were conducted. The government was condemned for disregarding human rights and excessive use of power to identify illegal immigrants from Kenya; proceeding to the prosecutions processes. In the two operations conducted, the government in Loliondo was condemned for violations of human rights including; Torturing victims

- Illegal prosecution
- Humiliation and harassment of local leaders
- Denied right to health
- Denial of rights to be heard and freedom of expression
- Denied free movement of villagers from one village to another, etc.

This however has built the foundation for the creation of a team of CSOs to visit Loliondo to investigate and observe the human rights violations and come up with recommendations on actions needed to be taken afterwards. The tension which currently exists in Loliondo refers to two major operations conducted by the government relating to;

- i. Removal of Kenyans' Livestock grazing illegally from outside the core strategic area in Tanzania which also led to environmental degradation and over grazing: This is not true for there were no proof that there was land degradation in the particular area let alone that such degradation was caused by Kenyan' livestock alone.
- ii. The operation conducted against illegal immigrant in Loliondo: this involved Kenyans who brought livestock in the country and the long time settlers called 'Walowezi'.

³ The Loliondo District Proposed Land Use Plan

1.2 Ngorongoro Profile and Population

Ngorongoro is one of the five districts of Arusha Region in Tanzania. It is bordered by Kenya from North, Monduli and Longido districts in the Eastern, Southern by Karatu and Mara Region on the West. The district covers the area of 14,036 Square Kilometers and according to the National census of 2012, the total Population is **174,278**. However the population of Loliondo Division alone is **57,095** the majority being the Maasai community (Pure pastoralists) thus the Maasai being about 80% while the rest 20% of the population are the Butemi community (Agro-pastoralists) commonly known as Wasonjo and other communities (farmers, business and government employees).

Pure Pastoralists who all together own approximately about 60,000 livestock do graze in the core strategic area. According to the localities, the area is enough to support their livestock though shortage of rainfall has been mentioned as the core reason for shortage of pastures. For instance in the year 2009, severe drought hit Loliondo resulting to dramatic deaths of livestock. The death toll would have not been that high if pastoralists had a place to shelter their animals. It was during this time that the government had set ablaze some traditional Bomas in some villages.

The population of both pastoralists and their livestock has been increasing compared to four decades back hence prompted traditional land use, a plan initiated by Maasai Laigwanan to ensure protection of environment by allowing the eco-system to flourish. However, with comparison to the geographical size of the district the land size is yet to be limited for eviction since there are other ways such as exchange trade used in the pastoral world. The natives in Loliondo did not complain about the size of land as such; it is suffice to say that the increase of population in Loliondo is far from being the reason for the removal, threats and eviction of pastoralists but the motive behind the operation includes the extension of a core strategic area for OBC hunting activities.

1.3 Two Decades of Arab Occupation in Loliondo

The government through the Ministry of Natural Resources and Tourism has between January and March 2015 made unofficial contact with district and village leaders. Moreover, the government through the Ministry of Home Affairs and the Ngorongoro District Commissioner has been threatening to de-register pastoralists CSOs in Loliondo. Some of the residents in Loliondo are also branded as Kenyans. In April 2015, one of the Local daily newspapers *Jamhuri*, published 300 names of Loliondo residents alleged to be Kenyans. The article came a month after a local TV station Channel Ten had aired a documentary on Loliondo land conflicts pointing local residents and CSOs as the source of the problem.

On 6th May 2015, the Police force carried yet another brutal human rights violation attack against local leaders and communities in Ololosokwan and Soitsambu wards. The violation is said to have been targeting those against the Ortello Business Corporation.

In response to the government and OBCs efforts to evict Maasai pastoralist in Loliondo, human and land rights CSOs from Dar es Salaam and Arusha in Tanzania have been issuing press statements and holding press conferences to condemn the government's actions to favor foreign investors and violate people's constitutional rights.

More importantly, CSOs joined forces to monitor and document Human Rights violations in Loliondo.

a) Arab Occupation in Loliondo - 1992

The Situation in Loliondo ever since 1992 has not been any different as it is now but the only difference this time around is crystal clear that the government is struggling to fulfill its longtime mission in Loliondo Land under the umbrella of investment. At this material period, Maasai face numerous land related challenges including forceful eviction from their area of residence. The government had repeatedly employed several approaches to fulfill its mission unfortunately without consulting the localities who reside in 8 villages. The latest approach was based on environment and security issues. The assault was carried out at the Ololosokwan ward and led to arbitrary arrests and Human Rights Violations.

b) Loliondo in 2008

The year 2008 was a memorable one where for the first time, the government in collaboration with OBC issued one sided Contracts to be signed by villagers without their involvement in negotiation of terms. The said contracts were termed as Contract of Agreement between the Village Council and the Ortello Business Corporation (OBC). In the contract, the OBC was to pay villagers an amount of 25,000,000/= shillings with a condition that villagers had to remove cattle from the strategic area of OBC. The contract furthermore prevented agricultural activities and construction of settlements in the area. Some villagers agreed while others rejected the proposal.

This has been the root cause for division of people in Loliondo since majority of the population were not in support. However, following the villagers' refusal to sign the contract, new initiatives related to arrangement of livestock grazing areas were established. This initiative was given to few councilors who seemed to side with the OBC but it wasn't that successful. This again became the foundation for the 2009 eviction where more than 4,000 people were forcefully evicted while leaving their habitat burning into ashes.

c) Loliondo in 2009

The year 2009 would remain as a memorable one in a painful way to residents of Loliondo and human rights activists in the country. It is in this year that the government of Tanzania acted brutally to the Maasai pastoralists making them victims of the great eviction similar to the one implemented by British colonialists in 1959. The decision to forcefully evict the Maasai community was reached after previous diplomatic approach failed. The significance of this strategic area to the Maasai people have made them to abide to governing laws in course of defending their mother land as it is the core resource they sustainably depend on for their livelihood.

Following the eviction, CSOs under FEMACT umbrella Organization paid a courtesy visit to Loliondo to investigate on the reported violations of human rights before, during and after the eviction. Their report came out with some of the outputs including;

- Provision of immediate legal assistance to victims of the eviction.
- Developing a media strategy which organized press conferences and a series of media programs to address the Loliondo case at both national and international media houses.
- Organize for a strategy to raise relief funds from within and outside the country for social help to victims.

d) Loliondo in 2013

In **April 10th, 2013**, the Minister for Natural Resources and Tourism, **Hon. Khamis Kagasheki** announced the government's intention to invoke section **16 of the Wildlife Act, of 2009** which provides for separation of village land and wildlife protected areas including the Game Controlled Areas without referring to the Land Act, the most supreme laws on land issues.

The Minister declared that the 2500 Km² will be axed from the GCA and that the 1500 Km² will remain specifically for wildlife protection under the Game Controlled Area. This led to controversy and disturbed people in Loliondo; hence, most groups of pastoralist went to Dodoma to object the announcement a move which led the Prime Minister to pay a visit to Loliondo where he declared that the land belonged to the natives. Similarly on May 30th, 2013, the Minister issued a letter explaining reasons for the Minister's announcement. The situation was rescued by several interventions including the Prime Minister. The PM admitted that the area belongs to the Maasai people for their social and economic activities.

e) Loliondo in 2015

The land security in Loliondo is under siege due to what can be termed as a successful 'divide and rule' strategy. Principally, ongoing division of communities in the name of clans creates even more tension than just land grab. Villagers themselves are no longer organized where 3 wards out of 8 have agreed again to side with the investor while the other 5 villages reject relations with the OBC. The relationship between villages and the government is deteriorating due to what is believed to be unacceptable land grabbing intention by the government in favor of investors. Minister of Natural resources and Tourism Hon. Lazaro Nyalandu has in several times been seen in Loliondo with various approaches to grab land from villagers. This time around, the approaches were to divide and rule as well as to launch an operation against the so called illegal immigrants.

1.3 Objectives of the Study

- a) To investigate and come with evidence on the allegations that there have been human rights violations and harassment of members of the communities, HRDs/CSOs, Local leaders and denial to access markets and education.
- b) Investigate the truth on harassments by the police and Immigration department based on allegations of people being non-citizens and similar other allegations issued by the government.
- c) Assess the current government actions towards eviction of Loliondo communities
- d) Explore possible ways to restore peace among the communities
- e) Explore and strategize joint collaboration among CSOs and others who work to protect people's land rights; to halt the government's plans to de-register Loliondo.

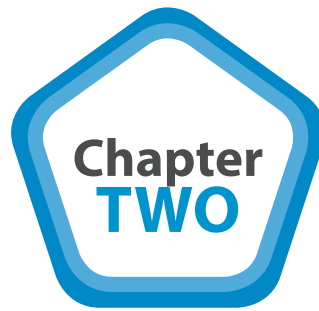
1.4 Methodology

The Fact Finding Mission was conducted in three villages which were reported to have had experienced grave violation of Human rights in regard to the land saga. They include: Oloipiri, Ololosokwan and Arash villages. The main objective was to investigate and document the violation of human rights in Loliondo division.

The Fact Finding Mission team was composed of representatives from human rights NGOs based in Dar es Salaam and Arusha. A total of 22 human rights NGOs and the media visited and surveyed the situation in Loliondo for three days from (18-21 May 2015). While in Loliondo and Arusha, the team met the following authorities:

- i. The District commissioner
- ii. The Loliondo OCD
- iii. Victims
- iv. Community leaders, village, councillors and traditional leaders,
- v. CSOs and others

The team employed common methods of data collections such as focused group discussion, interviews, storytelling, literature review and observations. Finally, the data collected were analyzed and compiled into this report. Apart from data collection the team also managed to advise the community and local leaders to reach consensus on issues that lack common understanding.



KEY FINDINGS AND ANALYSIS

2.0 INTRODUCTION TO KEY FINDINGS

The chapter presents an analysis of key findings collected during the study in Loliondo. These key findings have been grouped into two main sub-topics which are human rights violations and land grabbing in Ngorongoro. Human rights violations have been seen to have a direct link with land grabbing intentions in Loliondo as explained in the analysis. The Land grabbing section gives information on its history in Loliondo as well as analyzing in accordance to the Legislations of the country

2.1 Human Rights Violations

Human rights are rights inherent to all human beings, regardless of nationality, place of residence, sex, national or ethnic origin, colour, religion, language, or any other status. All human beings are equally entitled to human rights without discrimination. These rights are all interrelated, interdependent and indivisible⁴. Tanzania is among States which are signatories to various international and regional conventions and agreements which provides for protection of human rights for everyone, such as the International Convention on Civil and Political Rights (ICCPR) of 1976. Loliondo land conflict is one among the long lasting and persistent saga which has resulted to a number of human rights violations in Tanzania.

2.1.1 Liberties and Freedoms

This sub -chapter highlights human rights violations under the category of individual liberties and freedom such as freedoms of movement, right to life, equality before the law, the right to be heard and the rights of human rights defenders.

a) Freedom of Movement

Pastoralists deserve to live a mobile life for it is through mobility that they are able to graze in different seasons to mitigate on impact of climate change. If they do not move, their livelihood and health of their animals will deteriorate.

During the 1958 Agreement, the British colonialists and the Maasai people, reached consensus that the Maasai should vacate the Western Serengeti after which they will never be disturbed again.

However, following climatic changes and population increase of both human being and livestock; the Maasai found themselves grazing in full utilization of their village land, to areas covering the Serengeti National Park. In long drought years pastoralists faced shortages of grazing land resulting into boundary conflicts with the National Park on the western side of their villages. The Ngorongoro District Commissioner **Mr. Hashim Mgandilwa** said to the team in his office that, the conflict between the villages and the Park is a result of some Maasai claimed to graze into the park. However, the Maasai claims they are not grazing into the park instead they discover that the Park has pulled the boundary into their village land as such they are grazing into it because it belongs to the villages. The said land is located between the mountain boundary and the piled stone in a straight line 10 kilometers from the said boundary. Nobody knows over who placed the said stones and for what purposes but it looks as if it is the boundaries.



⁴ UNHR

In recent conflicts, the the government in collaboration with⁵ in collaboration with OBC has been targeting Maasai near Serengeti National Park denying them the right to graze within the area in conflict something that has caused havoc and serious violation of human rights. For instance on February and March 2015, traditional Bomaas in Arash Village were set ablaze by----- who.

Oloipiri- Kirtalu boundary conflict

The two villages have been stated to have boundary conflict which also has surfaced into the state of clan's conflicts. The problem in the two villages was explained to be based on two reasons.

- The Kirtalu villages condemned the Oloipiri village for entering into agreement with the OBC over use of the land which belongs to their village;
- The Kirtalu claim that the traditional boundaries between the two clans which later on changed into villages were the Pololet River; while as their clansmen at Oloipiri claim differently. Thus, they are in great tension of fighting.

On 16th May 2015, residents of Kirtalu village, condemned the government for helping the Oloipiri village to suppress the Kirtalu. In one incident, cattle from Ololosokwan village were confiscated because they were believed to be in Oloipiri's village forests land. In this incident, the Oloipiri authorities had decided to remove all livestock from Kirtalu and Ololosokwan villages from the area they claim was set for forest conservation. However, in order to succeed, they consulted the police force to provide security and assist in the operation. During this operation, people were hurt and excessive use of force by the police was observed. On the same day police used firearms to threaten people who were leaving from Kirtalu village hence caused threats and fear to them. A number of people spent their nights in the bush.

In the three villages visited, complaints of unreasonable denial of mobility from one village to another to graze by state actors were raised. They said, the three wards supports the investor as OBC got into agreement with the government to remove cattle from the neighboring villages in the name of good plan of land for livestock grazing. It was also stated that the plans aims to establish and approve the strategic area wanted by the investor. The said villagers also claim that, the operations to remove livestock from other villages were done in order to fulfill the investor's will to chop the village land. All villages not in line with the investor say; they believe that their evictions were backed by a local investment company (OBC). Their reasons basing on the following two reasons;

1. During various operations, OBC vehicles and security guards were in several times used by the local authorities.
2. OBC security officials have repeatedly threatened and assaulted locals who graze in the area that OBC claims to own.

The two reasons hold water for there are vivid media reports showing the intention of the government to apportion land to the Arab based hunting company.⁶

The book *Modern and Mobile: The Future of Livestock Production in Africa's Drylands* clearly identifies three necessities of pastoralist mobility thus to deny them mobility in Loliondo is to deny them ability to increase production, access to trade and ecological protection of animals from drought, diseases and conflicts.

Mobility is the backbone of pastoralism. Pastoral mobility is now being undermined because many of the decision makers and policy makers from governments, donors, international and local agencies do not understand the importance of mobility in the pastoral livelihoods. They design, implement or fund 'projects,' that do not take into consideration the importance of mobility in pastoral livelihoods. While 'development' is necessary and important in pastoral areas, such developments should not undermine or destroy the pastoral livelihoods rather it should be planned and implemented in a context that is desirable and suitable to pastoral livelihoods."

Mohamed Abdinoor,
Technical Advisor, Pastoral and Livestock Programs, USAID/Ethiopia

⁵ District authorities and TANAPA leadership are in joint operation to remove pastoralists from the area they believe is within the national Park boundary.

⁶ As far as we are subjected here lets not use claimed victory Tanzania evicting 40,000 Masai pastoralists from their ancestral land to make way for a big game hunting reserve for Dubai's royal family. Government officials had planned to annex 1,500 sq km bordering the Serengeti national park for a "wildlife corridor" that would benefit a luxury hunting and safari company based in the United Arab Emirates. See <http://www.theguardian.com/world/2013/oct/07/tanzania-masai-serengeti-wildlife-corridor>

Pastoralists migrate in larger tracts for grazing land and sometimes do even cross borders. The habit is common not only in Tanzania and Kenya but also in all other countries where pastoralists are found. It is high time now that Social agreements be complemented with improvements of institutional framework. This approach has been proven to be effective in West Africa ⁷ and is evidence as to why the long awaited livestock *Green card* should be introduced.

b) Situation of Human Rights Defenders

It has been identified that two police officers were attacked by an angry mob at the Ololosokwan Market on 2nd May 2015 during an operation where one sustained serious injuries including a fracture on his arm. The police department in Loliondo had sent out its team in search of Kenyan pastoralists reported to have been illegally staying and grazing cattle in Ololosokwan village.

NGOs in Loliondo were condemned by some Oloipiri villagers that they fueled conflicts among the locals, while villagers from Ololosokwan and Arash villagers commended on the good work by the latter. Some said it is crystal clear that without efforts by NGOs, Maasai would have lost the battle to the government for the interest of the investor. On May 19th, 2015, the Minister of Natural Resources and Tourism Mr. Lazaro Nyalandu was quoted to have said that NGOs in Loliondo ought to provide services like water supply and not human rights advocacy. He made the statement while launching water tapes supported by the United Arab Emirates. This is a threat to NGOs that work for change in the society. He even insisted that he will deal with such NGOs specifically those operating in Ngorongoro. It is worth noting that there are two categories of NGOs: those that provide service (service provision based NGOs) and those that advocate for change (advocacy based NGOs).

The need for social and physical infrastructure should not be a stumbling block for advocacy activities in Loliondo. Limiting NGOs into provision of services is not only contrary to the Constitution and laws which give mandate to citizens to protect public resources, but rather tantamount to suppressing the freedom of speech and association.

Civil Societies that monitor the situation of Human Rights and the Situation of Human Rights Defenders in Loliondo are seen as threats by some government actors. This has been long reported by the media ⁸ and it has been observed that the tendency to silence NGOs is still ongoing. Our team was at first denied permission to visit Arash and Ololosokwan villagers for ‘security purposes’. The team insisted to visit the villages and was allowed to go with two police officers who also took part in the mission to gather information for their use.



Combo pics depict Minister Nyarandu with Sheikh Mohammed Al Maktoum of UAE the owner of Ortello Business Corporation while as the other depict the minister speak with the People of Loliondo on the conflict between its natives and the investor, OBC.

Some NGOs have been observed by the locals to align with certain parties hence cast doubts among the community.

⁷ "In West Africa, the Economic Community of West African States (ECOWAS) is supporting an institutional framework to facilitate cross-border livestock mobility. The ECOWAS International Transhumance Certificate provides for cross-border movements between its fifteen member states and the facilitation of trans-border agreements. In theory herders can obtain certificates allowing movement across states from their local authorities. East Africa's COMESA also has a livestock trade initiative aimed at improving livestock trade in its region. There are plans to introduce a livestock „green card” to ease cross-border movement modeled on the ECOWAS cattle certificate." See http://www.disasterriskreduction.net/fileadmin/user_upload/drought/docs/1_Rangeland%20fragmentation_Ethiopia%20brief_30Jan2012.pdf

⁸ "We know some of the local NGOs are being used to spread false reports in a bid to tarnish the image of the tourism sector," Natural Resources and Tourism minister Lazaro Nyalandu See <http://www.thecitizen.co.tz/News/national/Nyalandu-cautions-NGOs-/-/1840392/2534030/-/r48bxqz/-/index.html>

In some cases individuals within CSOs do tarnish the good image of an organization because of their misconducts within the society, bad leadership of the organization or affiliation to political parties.

c) Arbitrary Arrest

The fact finding team recorded a number of incidents which occurred during what was claimed to have been an operation against illegal immigrants in Loliondo. Initially, 17 citizens were arrested and among them 11 were not Kenyans while six admitted to have been Kenyans. The latter were placed under custody at the Loliondo police station and taken to court where they were sentenced to 6 months each.

The law gives mandate for any immigration or police officer to arrest without warrant any prohibited immigrant. However, sentencing illegal immigrants in this case is against the laws of the country for according to section (2) (c) of the Immigration Act no 7 1995, article 2(c) a person declared prohibited immigrant may be placed in custody until he/she obtains transport to any place outside Tanzania.

In a different incident, police were attacked by the public at the Ololosokwan market resulting to arbitrary arrest of 24 people including village councilors and chairmen. The accused were held in custody for several days and denied bail without legal justification.

d) Right to be heard

The Right to be heard is guaranteed by the Constitution and other international human rights Instruments. The team observed that, some people in Loliondo were taken to jail and were denied the right to be heard. People were just beaten and taken to police without anyone reading their rights. During their arrest, they were also mistreated, humiliated and harassed. A good example is the arrest of the Ololosokwan and Soitsambu Councilors who were locked up without being heard. All these amount to denial of the right to be heard. As such proper judgment could not be reached in cases where force is used and people are not given opportunity to be heard.

e) Right to Information

Loliondo villagers showed a high level of lack of information with regard to OBC activities in the district. Villagers from Oloipiri believed that OBC is a wildlife photography investor while Ololosokwan and Arash villagers said that at first they were informed that OBC was a photography company but later on came to realize that the company has invested in professional hunting.

This could be evidence that the locals are either denied access to information or are purposely misinformed in order to control them from reacting against the investor. Under the Maasai Community, hunting is a taboo.

f) Cruel, Inhuman and Degrading Treatment

Incidents of degrading punishments were noticed with the major one being that of Ololosokwan village. In an unusual circumstance, those who were arbitrarily arrested for allegedly attack and assault to a police officer at the Ololosokwan market were punished to walk barefooted with their hands raised up for about 9 kilometers from the outskirts of Loliondo to the police post. The Police office in Loliondo claims to have conducted the operation because some councilors had conducted meetings in Kenya contrary to the country's laws. They added that they made them walk for about 9 kms because they had no transport to accommodate all suspects. However they failed to explain on why they punished them to walk barefooted with their hands up.

On May 16th, 2015, Samuel Toroge from Ololosokwan Village found police together with villagers from Oloipiri (neighboring village) herd his cattle and made an attempt to question. However, police officers ruthlessly assaulted him.

On the same day, police ruthlessly used fire weapons to



Punished to walk 9 kms under Police escort barefooted

threaten people living in Ololosokwan village forcing the natives to spend nights in the bush save for a sick elderly man in his 90s who could not run.

Saitabao Naing'isa described that those in custody were ill-treated so much that they were actually denied the permission to go to the latrine. Moreover, save for the source of this information, the rest were forced to pay 200,000/= Tshs as bribe for each to be released. Commenting on this, police officers advised that those forced to bribe should report to the police so that they can identify the accused officer.

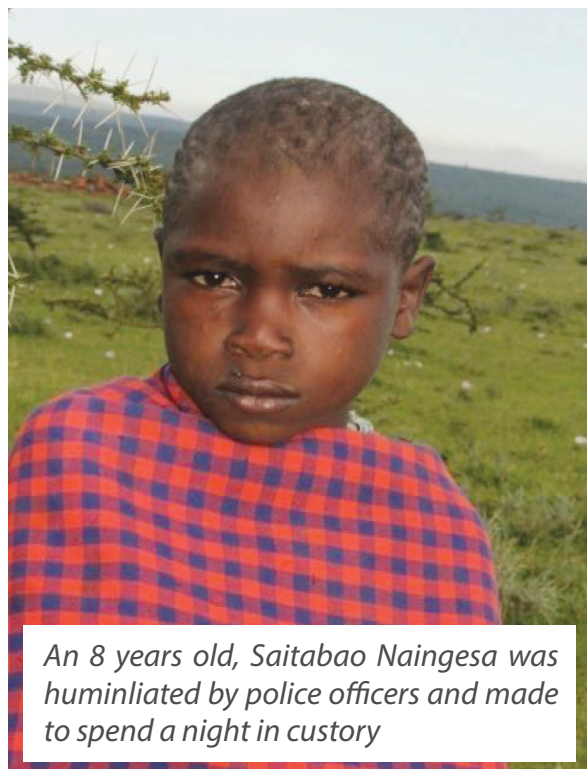
g) Child Abuse

Saitabau Naing'isa aged 8 years sustained minor injuries from police harassment and was illegally locked up at a police station for a night together with his father Mr. Orkedianye Naing'isa. The child was locked in a single cell with two other villagers namely Ndale Theret and Patita Lengame. They were accused of grazing cattle in the Loliondo Corridor area.

The deprivation of Saitabau's liberty was contrary to Article 37 of the Convention on the Rights of the Child (CRC) for he was subjected to degrading treatments (assaulted by police and sustained minor injuries) and was locked in an adult cell. Based from the narration by Saitabau and his father, it is vivid that the boy's best interest was not taken into consideration and deprivation of liberty was to be used as a last resort.

The OC-CID told the fact finding team that he was not there on the material day and as such had not seen Saitabau's name in the list of those who spent a night in custody.

Most villagers could not contain their pain when the narrator lifted the boy as he explained the incident. Some of them were seen weeping bitterly and overwhelmed by *Mori* (anger).



An 8 years old, Saitabao Naingesa was humiliated by police officers and made to spend a night in custody

Table 1 List of victims of Human Rights Violations in Loliondo

S/N	Name of the victim	Kind of violation/ threats	Responsible person/Actors	Whether there is action taken
	Ndaskoi Timan	Threatened by Police at his Boma	Police officers Oloipiri authority	No action taken
	Kesese Raita Makko	Tortured, illegally arrested Forced to mention Kenyans	-Police, Migration, Game rangers, VGS	-denied PF3 form
	Nemonji Soit	-Beaten, Humiliated, forced to mention Kenyans -Locked up for 6 days without being taken to Court -It was on 5/4/2015 at Lengusa area	Three cars invaded their Bomas	No action taken
	Pareyo Kaura	-forced to walk bare footed for about 9 kms from Wasso to Loliondo -Falsely accused to be Kenyan	Operation team	
	Saitabau Naing'isa	-8 years' child locked up with elders without provision of basic needs like Food, or permission to attend to the call of nature.	Arrested by the police	Released on bail
	Nguchuk Turuni (Arash)	-Arrested for false accusations of hosting Kenyans -Locked up for 4 days in police custody Forced to pay 200,000/= as bribe for his release.	Arrested by police	Released
	Kijuku Lilash (Arash)	-a fracture on his arm -his home was set ablaze -condemned of living in Serengeti National Park	Game rangers from SENAPA	No action taken
	Mushao Lindi (Arash)	-arrested while grazing his cattle in Irmoelian area and taken to Mugumu -Locked for 7 days at Mugumu without being taken to court -Forced to pay 690,000/- without being provided with a receipt -condemned for grazing in the park	Game rangers	

2.1.2 Social and cultural Rights

Under this sub-chapter the team observed how fundamental social rights such as health and education are violated in Loliondo. Majority of people in Loliondo don't access health services while children don't attend schools because of the current land and border conflicts.

a) Right to Education

During the last day of the operation, the team found out that Forty four Tanzanian Pupils from Rikonin-Loita and Naikara Primary Schools in Kenya had been suspended from school for four days. This came as a result of the Kenyan-Tanzanian conflict in Loliondo and mistreatment of Kenyan locals who occasionally graze their cattle in the country.



Students who were found staying in a guest house in Wasso town after they had been chased away by Kenyan authority during the citizenship conflict with the government of Tanzania.

The said pupils came from three different villages: Mokila, Makoromba and Endulen in Ngorongoro district. They were taken to school on 16th May by three guardians each from one village but the latter were informed not to leave Kenya until further notice. On Monday 18th at around 1:00pm they received official information from the Head of the School Mr. Abel Githenji that they should leave with the pupils back to Tanzania until a social agreement is reached.

b) Right to Health

Some villagers from Ololosokwan and Arash village testified on how police officers had badly assaulted them to the extent of causing them serious injuries. Police mistreatment and threats are seen as unhealthy practices for they not only leave the victims with injuries or risk the victim's lives but also cause the public to live in fear and psychological torture. A woman was reported to have had a miscarriage out of fear assuming that a Human Rights monitoring team that visited Ololosokwan village was a troop of police.

A villager at Ololosokwan narrated over how a police officer forced him to spin around his finger. At the time of the interview he had not undergone any medical check-up.

A man from Arash village (right above) was assaulted by the police and suffered a fracture in his arm. He has been ailing for weeks without medical treatment.

Natives in most parts of Loliondo do not enjoy the right to health owing to the very few health centres something which is against human rights as it is as good as denying one's right to life.



Women and children suffer from the long distance as they undergo treatment and most of the natives use herbal treatment instead. Most victims injured during various operations were not just denied the right to humane treatment by the police but, were also forced to endure the long pains to heal due to absence of health facilities in their localities. One would never expect an area such as Ngorongoro, a re-known world class heritage listed among the Seven Wonders of the World to lack basic social services.

2.1.3 Economic Rights

Cases of arbitrary deprivation of properties were identified whereby during some of its operations, the local government in Loliondo caused serious intentional property damage. A cultural Boma of a villager from Arash together with most of his properties were set ablaze by the police accusing him for giving shelter to illegal immigrants from Kenya.

During the same incident at the village, police burnt down a number of Bomas leaving hundreds of people homeless under an umbrella that the locals were living in a Serengeti Conserved Area.⁹

It is worth noting that villagers may not be law enforcing agents like the police, but are very much aware of the legal demarcation of their land, and are informed of the 1958 Agreement by the Maasai to Vacate the Western Serengeti. Therefore none has built a *Boma* beyond the beacons that separate Serengeti and Arash village.



Villagers believe that, the investor is behind their loss of properties because of the two reasons mentioned under Freedom of Movement and Residence within the State Borders. Moreover, four calves of Ololosokwan village were lost during the controversial police confiscation of cattle on 16th May 2015.

a) Citizenship Right

The locals in Loliondo and those from neighbouring villages in Kenya have had interactions since time immemorial. The close connection between the two is fostered by the nature of their life based in cattle grazing, whereby each side would graze on either country based on social agreement when times are hard. In a recent operation to search for illegal immigrants, 11 people were caught all accused to be Kenyans while only six declared to have been of foreign nations.

The Former Chairman of Ololosokwan village Mr. James Lembikas said that there has been a tendency for people from his village to be harassed by police for accusations that they are Kenyans something that puts them at the risk of nationality depreciation. The Universal Declaration of Human Rights of 1948 clearly states that no one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

b) Land Grabbing

The area in conflict is the settlement of Maasai pastoralist organized themselves into subsections¹⁰, clans¹¹ and age sets¹². The community belongs to one Tribe, Maasai and they are joined by one language called Maa and one culture. In each section of the community, clans and age sets, traditional leaders are elected to administer all issues relating to their category. Their relations are linked by their duties and performances. Each clan have its own leader called *Laigwanani* elected to deal with issues relating to that particular clan but when necessary will perform issues of the general public. It is also done to all other categories.

⁹ More than 3,000 Maasai people in Tanzania's Ngorongoro District were displaced from their homes, when Serengeti National Park security rangers burned 114 Maasai bomas. As of February 15, bomas were burnt reported in the villages of Arash, Loosoito and Maaaloni, although there have been reports of burnings in other Maasai villages as well. See <http://firstpeoples.org/wp/tag/serengeti-national-park/>

¹⁰ The subsections of Maasai in Loliondo and areas they settle in bracket includes Purko (found in Ololosokwan and Soitsambu ward), Laitayok (Found in Oloipiri, Soitsambu and Olorien wards), Loita found in Enguserosambu, Olorien, Soitsambu, Maaloni, and Arash wards) and Kisongo and Saley (found in Piyaya, Arash and Malambo).

¹¹ These includes Mollelian, Ilaiser, Ilukumay, Iltaar osero, Isereoi Kineji, Mokesen;

¹² These includes Nyangusi, Iseuri, Irmakaa, Ilandiis/Irkingonde, Irkorianga/Iromboi/Irmeshuki/Nyangulo

Currently three wards such as Oloipiri, Maaloni and Olorien appear to support the OBC on reason that they want to benefit. They are ready to give a portion of their land for exclusive use by the OBC. The other 4 wards reject the idea with the view that it amounts to land grab. With these differences; the community seems to be divided in terms of sub-sections, villages and wards. Those who support OBC enjoy various opportunities such as employment from OBC. The community is now divided into two sides, those who support the investor and those who do not.

The government appears to support the group siding with the investor and their opinion got great acceptance and is considered as the decision of the community. Any person or NGO which stands against the three wards is labeled as **“Mchochezi” (an instigator)** and is subject to a legal punishment.

Failure of systems to wash away corruption has created multiple loopholes in government practices where artificial justice is determined by long hand of corruption. Many a time laws and policies have been deliberately twisted to serve the interest of the corrupt few and this is vivid in sectors of land, natural resource and tourism¹³. The Land Act No. 4 1999, the village Land Act No. 5 1999, Land use Act No. 7 2007 and Wildlife Conservation Act No.5 2009 are both not interpretably contradictory. Law enforcers have deliberately been tagging wrong interpretation in favour of either personal gains or to serve group interests.

Such corrupt systems has formed an acute structure, top down scheme mounting to a far reaching effects to vulnerable communities in Loliondo division. Analysis of most approaches used by the government revealed an intolerable level of breaching principals of rule of law such as the extension decree of 1500 km² in Village land.

The people of Loliondo feel to be rejected and grounded from their land rights for instance, the ololosokwan village claimed to have been not consulted when the government partnered with Oloipiri village to conduct a land survey which resulted into grievances over the use of a river that cuts across the two villages.

There are times when sector ministries have clearly shown elements of side-lining the Ololosokwan village. The ministry of Land and Human Settlement attempted to survey the area and surprisingly stopped the mission on the third day upon arrival in Loliondo which was later on followed by the declaration brought forward by the Minister for Natural Resources and Tourism Hon. Lazaro Nyalandu to extend the game controlled area on village land. Both ministries showed no inter-ministerial consultation or public involvement as per governing laws.

Land grabbing in 1992

Land grabbing in Loliondo began in 1992 when the government signed an investment contract with OBC without consulting villagers. The investors need for more land has been gradually increasing reaching to the extent of evicting the Maasai pastoralist from their areas of residence in year 2009 and subdividing the village land in 2013 whereby 1500 Kms² area was to be set for exclusive hunting regardless of its impacts towards the Loliondo residents.

Ongoing Loliondo conflicts prove that the government still intends to grab land from the people of Loliondo something that has caused fear among this pastoralist community. It is worth noting that for the past 20 years CSOs have been advocating for land, pastoralists and indigenous peoples rights

The Impact of Land Grabbing in Loliondo

- Increased environmental degradation due to overgrazing in one area
- Increase of conflicts among Maasai Community because of insufficient grazing field
- The diminishing of pastoralism culture
- Denial of Land ownership among the Maasai Community
- The increase of poaching activities which led to disturbed ecosystem
- Massive violation of human rights
- Disappearance of wild animals

¹³ Thomson Safaris and OBC in Loliondo remain in Loliondo not because they are accepted by the community but because they corrupt the government. The Wildlife laws seem to favor wildlife and investors than the people, eg. The Wildlife Conservation Act, 2009.

c) Conflicts of laws

Before and after Tanganyika independence a number of legal documents, agreements and laws have been introduced, enforced and ought to be amended, some of them directly linked with Loliondo land conflict while others are merely based into land plan, use and protection. Some of the legislations in place are the Land Act No. 4, 1999, The Village Land Act No. 5,

The 1977 Constitution of the United Republic of Tanzania, 1977 under Article 146 (1) transfers authorities to the people by giving power to the local government authorities to participate and involve citizens in planning and implementation of public projects in their respective localities and any other places.

Thus, Loliondo District Council is Constitutionally mandated to (among other things) initiate Village land planning process by involving citizens in consideration with applicable land Acts, and to protect citizens against violation of human rights.

Section 114 and 115 of the Local **Government Act No. 7 1982** on powers to acquire land, has provided to citizens the primary powers of initiating acquisition process for its own purpose or any other, and further seek approval of the minister prior to usage, and any other law being in force shall confer to this.

For the purpose of clarity, the assumptive conflict of laws often claimed to be, is never applicable and doesn't exist in Loliondo land conflict. This can be justified by section 181 of the Land Act No. 4 of 1999. On its application, any other law or Act related to land issues shall have no effect contrary to the Land Act to the extent of conflicting provisions or inconsistency, for which any other law including the Village Land Act No. 5 1999, Land use Act No. 7 2007 and Wildlife Conservation Act No.5 2009 would abide to and takes enforcement with reference to Land Act provision. Any proceeding undertaken contrary to this is as good as a breach of the Constitution.

d) Community Resistance

Communities in view of defending themselves took some steps against the government including;

- Opening the criminal case against the Ngorongoro district council for leading and authorizing an operation that had led to gross violation of human rights. In this case, 8 pastoralists were complainants to the case though the case did not reach to the hearing due to a technical knockout by the government through Nolle prosequere.
- Also Four CSOs had jointly opened the Constitutional case against the government for infringement of the Constitution for carrying an operation which aimed to illegally remove pastoral Maasai from their ancestral land.
- The voice of the voiceless people of Loliondo raised by CSOs, media advocacy and later through a Private Motion presented into the Parliament by the Ngorongoro MP, Hon. Kaika Telele; made the government to form and send the Parliamentary committee for land, environment and natural resources to pay a courtesy visit to Loliondo to witness the claims. The report to this committee famously called as Ndugai committee had never been made public up to date.
- However, a group of pastoralists took further steps by looking at challenges that emerged on both sides (Local communities and the government) pertaining to retaining 1500 Square Kilometers in status of a game controlled area and looking for long lasting solutions for conservation in Loliondo by involving the local communities.

e) Environmental Conservation

The study observed a perfect blend of Human and nature, a true definition of heaven on earth with trees standing still with the only thing dry being branches used to fence cultural Bomas and occasional traditional barbeque, green plain fields, wild animals. There was no place where charcoal was sold and thus the Maasai are purely pastoralists and therefore farming is not an issue of concern in Loliondo. The study concluded that Maasai are inborn environmentalists. In Maasai culture, every clan has an animal totem and therefore strictly ought to protect that animal. Even without a totem, pastoralists have nothing to do with wild animals rather than protecting them. Naturally Maasai are a part of wildlife and to them no one is to kill a single animal. Maasai feed on milk and meat throughout the year and that must be of a domestic animal. They live a communal life and therefore even the poorest will never be tempted to endanger the lives of wild animals.

Maasai live a mobile life to graze their cattle; they live in areas with dramatic change in environment and experts comment that such practice gives them a room to safely and fully utilize the environment.¹⁴

Loliondo is mostly a beautiful 'wilderness'. A Human Rights monitoring team did not find anywhere where it can be justified that Maasai are environmentally destructive. From observation and interaction with the locals it was identified that:

- Some trees and plants are used for rituals and therefore protected
- Migration prevents over exploitation and abuse of resources. Pastoralists - wildlife system makes the Maasai 'a part of wildlife' and therefore makes them highly experienced and knowledgeable in ensuring sustainable use of resources.
- Most trees and vegetation are used for herbs
- It is a taboo in Maasai culture to hunt herbivorous animals for the purpose that carnivorous should not run out of food and end up attacking domestic animals.

2.1.3.1 Responses from key Respondents

a) District Commissioner

The team managed to visit the Ngorongoro DC office immediately after arrival in Loliondo. However, the reception statement of the Ngorongoro DC did not please members of the team because of his negative perception towards them. The DC said,

"Ninawaambia tutumikie taifa letu; tuna attendance moja, kulalamika pasipo na sababu na naomba kuwauliza mmejuja wenyewe au mmeletwa? Ukiletwa huwezi kufanya kazi kwa ufasaha na ukija utafanya kazi kwa haki. By Hashimu Mgadula.

Literally meaning "My take is that we should serve the nation. There is a tendency to complain without a valid reason. My question is on whether someone has sent you or you came on your own. You can never work objectively if someone has sent you but should you come on your own, you will operate justly".

The DC had a negative perception to the team as the great discussion entered was on whether they should allow us to go to the villages or not. He told the team that his district was famous for dubious information saying in case the team had been sent by PINGOS or Oxfam, then they will write to suit the latter's interest.

He said Loliondo had problems when asked on challenges facing them the community often mentioned; political groups and the investor. He mentioned challenges facing the people as:

- i. Existence of illegal immigrants from Kenya
 - Under this the government conducted two operations in February and March 2015.
 - First to remove and reduce the number of people from the OBC area
 - Reduce the number of livestock.
- ii. Existence of NGOs as the source of conflict for they are involved in politics instead of their responsibilities.
- iii. Local leaders were mentioned as another source of conflict in Loliondo. According to the DC, leaders want to prevent the government from discharging its duties while some conduct meetings outside the country to discuss reconciliation a move meant to hurt the other group. According to the DC the latter are likely to expose the national secrets and thus threaten the country's peace in the process.

b) Response from Oloipiri Village

The Oloipiri is one of the villages forming the strategic area wanted by the investor. The village is one among those siding with the investor. According to villagers, OBC was not an issue and they declared their support hoping to benefit from it. The issue in this village was **the boundary conflict** with their fellow clansmen, Kirtalu. The Oloipiri chairman, Mr. Lucas Kursas¹⁵ said their conflict with Kirtalu is about the boundary and not the OBC. He says, Oloipiri village had been demarcated like other villages and that they have conducted village land use a plan they say is not respected by the neighboring villages, Kirtalu and Soitasambu.

¹⁴ Traditional pastoral systems preserve natural ecosystems through extensive ranching and rotational grazing and by using a variety of livestock. See <http://www.ethnopharmacologia.org/prelude/pdf/biblio-hh-12-holford-walker.pdf>

¹⁵ This chairman is an Employee of OBC as the guard.

Their claim is against the intention of other villages to grab the Oloipiri land through establishing settlements in areas set for other uses including environmental conservation. He says, this controversy led the Regional Commissioner (RC) to make a declaration on March 2015 that each person should go to his own village land while at the same time telling Kenyans to go back to their country.

The trend for the police officers to engage into eviction process of natives of Soitsambu from the Oloipiri land was a result of their plea to avoid conflict. The Oloipiri people define themselves as minority section of Maasai that requires the government's support in protection of their land.

The Oloipiri community also condemns politicians and NGOs. In the case of NGOs, they blame them for dealing with some few individuals accused of representing them without their knowledge. Councilors for Oloipiri say, they side with the OBC for they are the ones helping them in social services like water, schools and other services, the services they don't get from NGOs.

c) Response from Kirtalu/ Soitsambu and Oloolosokwan village

The chairman of Kirtalu, Mr. SAMWEL Toroke says, only two villages in Loliondo division have been demarcated under the new Land law of 1999. He mentioned the demarcated villages as Oloolosokwan and Ngaresero. The rest of the villages remained with the demarcation made in 1992 where all boundaries go in a straight line to the Serengeti National Park and each village knows its boundaries. Commenting on their conflict with Oloipiri said. The DC said the problem is that the Oloipiri village wants to take Soitsambu land having made a promise to give a chunk of land to OBC. g He said, in few years back, the latter managed to reconcile where it was agreed that, the boundary will be passing through Pololet river to give each side rights to access water through all seasons.

As for the OBC relation with the village, he said, ever since the beginning villagers never accepted the investor because Members of Parliament by then signed the contract at the district headquarters on behalf of all villages. The said villagers never negotiated the terms and conditions. However, they warned the government that, the contract with the investor shall not touch their land interests. He said, they may be receiving small help from OBC but it is just peanuts compared to the benefit the investor gets. However they cannot exchange services with land ownership," he says in Swahili

"Tumepokea msaada kidogo kutoka kwa OBC ila hatuwezi kuliganisha au kubadilisha misaada na ardhi yetu. OBC anatupa tu marejesho ya faida anayopata kwa kutumia ardhi yetu. Hatuwezi kulinganisha misaada na ardhi." Says Samwel Turoke, Kirtalu chairman.

Mr. Ndaskoi Oloorputuki Timan (90) said, he was at home when police officers brought confiscated cattle from Kakarmoru, an area claimed by Oloipiri to belong to their village. According to the elderly man, natives in Kirtalu have been there since time immemorial but they are now told that the land belongs to Soitsambu village. He said: *"Risasi zilikuwa zinapigwa na mabomu zinarushwa. Familia nzima ilikimbilia porini. Nilibaki peke yangu. Watoto na wanawake walirejeshwa kesho yake Asubuhi."*

Literally meaning: Bullets and bombs were shot around. The whole family fled to the bush leaving me alone. Children and women were brought back the following morning."

"Nimezaliwa Karkarmoru, nimewazika wazazi wangu pale hivyo tunashangaa kuwambiwa hapo si kwetu."

Literally meaning:

"I was born at Karkarmoru, buried my parents there but am now surprised to be told that the place is not my home" Most people at Soitsambu village gave evidences of human rights violations and cases. Some are depicted in the table hereunder:

Ikayo Doinyo (78) condemned the investors for causing conflict between villages and their government.

"OBC wamekuja kutukorofisha nna serikali yetu na kutugawa kama jamii. OBC wangeondika tu, hawana tija na maisha yetu"

Literally meaning "OBC has come to create collision between us and our government and to cause division within the community. They should leave as they have no benefit to our lives."

Kinyanjui Kimeriai (56) said his father was among the 12 elders who signed the British-Maasai agreements to evict the Maasai from Serengeti but is surprised that he and his clansmen are now branded as Kenyans. He also mentions OBC as a source of conflict in Loliondo.

“Leo OBC ametusabishia tupewe majina mabaya, sisi sote tunaitwa wakenya na wakorofi kisa serikali yetu inamkumbatia OBC na inataka kumpa ardhi yetu.”

“Today, OBC has led us to this point where we are branded with bad names. We are called Kenyans and notorious simply because our government embraces OBC and wants to give him our land.”

d) Response from Arash

People in this village explained three challenges facing them; the first being the controversy of the boundary between Serengeti National Park and their villages, Second was the threat of the land grabbing by OBC and third, the threat and humiliation of natives by the Government

A resident of Maaloni village **Nguchuk Turuni** says he was arrested and taken to Loliondo on account that he was Kenyan. However it was later found that he was Tanzanian but still was accused of hosting a Kenyan national. Again, the said person was later found to have been a resident of Enguserosambu, a village in Loliondo. Both of them were found to have been Tanzanians. Needless to say, they were forced to pay 200,000/= Tshs for reasons unknown to them.

Lendano Lindi, a resident of Arash village said he was born in Serengeti and had been there until the arrival of OBC. Until then they had never experienced harassments and eviction but he said even when they evict us we are never given prior information or told of where to go.”

Kijuku Lilash; is a victim of police assault who sustained a fracture on his arm after he was beaten for living in his own village, claimed by the park authority to be theirs. His home was burnt down together with all of his properties. He condemns local leaders for not playing their role to help villagers during this trial times. Response from the Police The police officer who represented the OCD admitted to have been aware of the operation conducted jointly. He said, the operation received a blessing from the district security committee formed by 4 institutions; the migration, police, national security and the natural resources departments. The aim of these operations was;

- To get rid of Kenyans who illegally migrate to the country for grazing purposes and to avoid possible future grazing conflicts.
- Arrest illegal immigrants who reside in the country. All Kenyans who were caught to have been illegally living in the country during the operation were prosecuted and jailed. Environmental degradation; was another reason for the operation saying that some areas are prohibited areas and therefore villagers ought not to construct *Bomas* or cut trees.

The prison officer in Loliondo admitted to have hosted Kenyans who were jailed for an illegal stay in the country but refused to comment further.



GENERAL RECOMMENDATIONS AND CONCLUSION

3.0 INTRODUCTION TO GENERAL RECOMMENDATIONS

3.1 General Conclusion

The study concluded that, Conflicts and violation of human rights in Loliondo might never come to an end if there is no transparency on how the government makes major decisions. All major actions ought to be inclusive, and regard the localities interests instead of regarding the interest of the few who are aligned with investors for their own benefit.

3.2 General Recommendations

- (i) NGOs should conduct a press statement to address land challenges in Loliondo and amplify voices against human rights violations.
- (ii) Conduct community reconciliation initiatives by bringing together antagonistic parties to discuss their differences to find a common solution;
- (iii) Conduct community awareness programs on matters relating to protection of land and advocacy strategies
- (iv) Empower NGOs, CBOs and CSOs in Loliondo in order to advocate for land rights and acquire capacity to conduct community reconciliation.
- (v) Develop a common strategy against Loliondo land grabbing by the government and investors.
- (vi) Create community reconciliation, network of Tanzanian and Kenyan NGOS to solve the existing socio-economic challenges.
- (vii) Organize a National Forum and bring together all stakeholders on land and wildlife conservation to discuss and address key challenges facing communities particularly pastoralists around conservation areas.
- (viii) Strengthen the traditional systems by conducting a comprehensive research on how traditional conservation can be used to preserve nature and environment in Loliondo.
- (ix) Call upon the Government of Tanzania to read and implement the EU Parliament Resolution on Loliondo land saga.
- (x) The government and natives of Loliondo should come up with a sustainable agreement about the current land conflict on OBC.

APPENDIXES

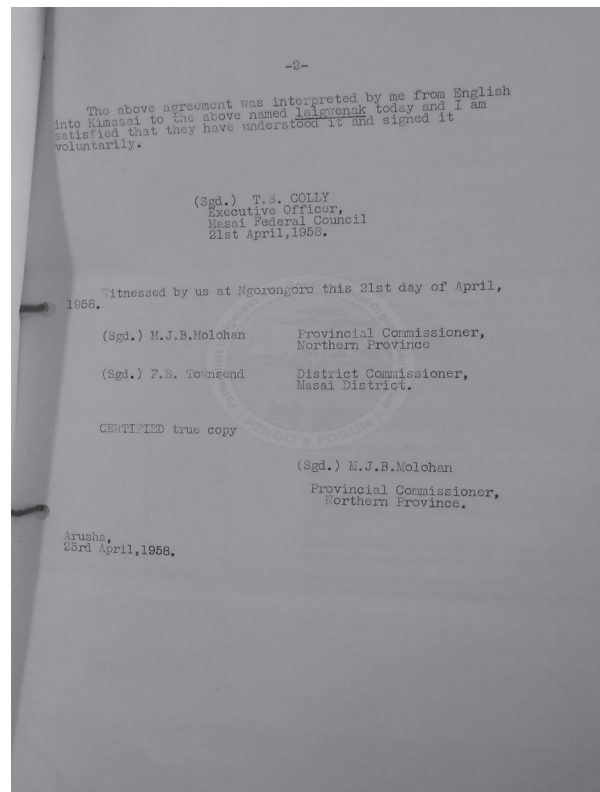
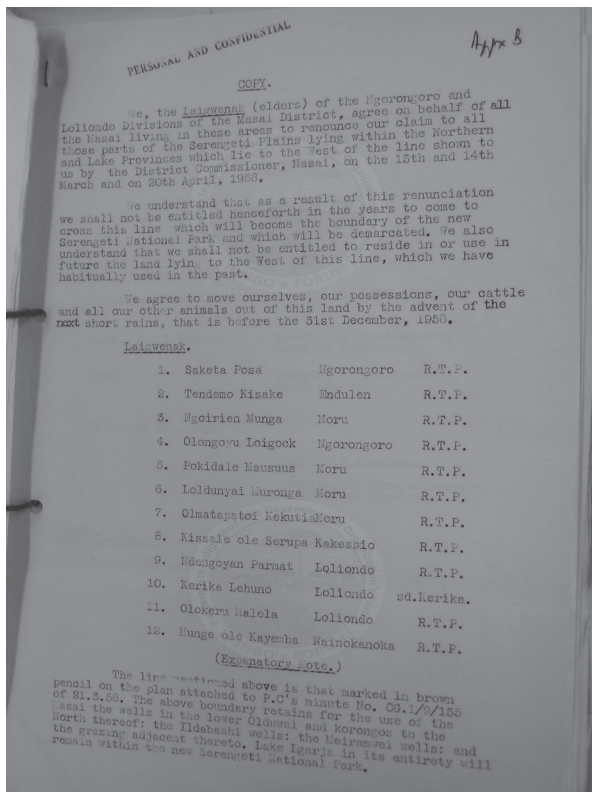
4.1 List of Key Authorities Interviewed

1. Mr. Hashim Mgandilwa - Ngorongoro District Commissioner.
2. Elias Ngorisa – Ngorongoro District Council Chairman
3. Hamisi Pius- OC-CID Loliondo
4. Loliondo Prison

4.2 List of NGOs which formed the Fact Finding Mission

- | | | |
|------------------|----------------|---------------------|
| 1. Action Aid TZ | 8. TAPHGO | 15. NGONET |
| 2. THRDC | 9. ANGONET | 16. TPCF |
| 3. PINGOs Forum | 10. HAKIMADINI | 17. TNRF |
| 4. ALAPA | 11. MACs-NET | 18. TCRIIP |
| 5. PWC | 12. TGNP | 19. SASA FOUNDATION |
| 6. OXFAM | 13. SAHRINGON | 20. HAKIARDHI |
| 7. SIKIKA | 14. UCRT | 21. LHRC |

4.3 Serengeti Contract



4.4 List of people who were Arbitrary Arrested

- | | | | | |
|-------------------|------------------|-----------------------|-------------------|-----------------|
| I. Nguchuk Turuni | III. Tiiye Makko | V. Letaiyo Ole Tuanei | VII. Ololekikonya | IX. Ololenarida |
| II. Ololekairung | IV. Ololoso | VI. Sakara Rotiken | VIII. Ololeshakai | X. Olololong'oi |

