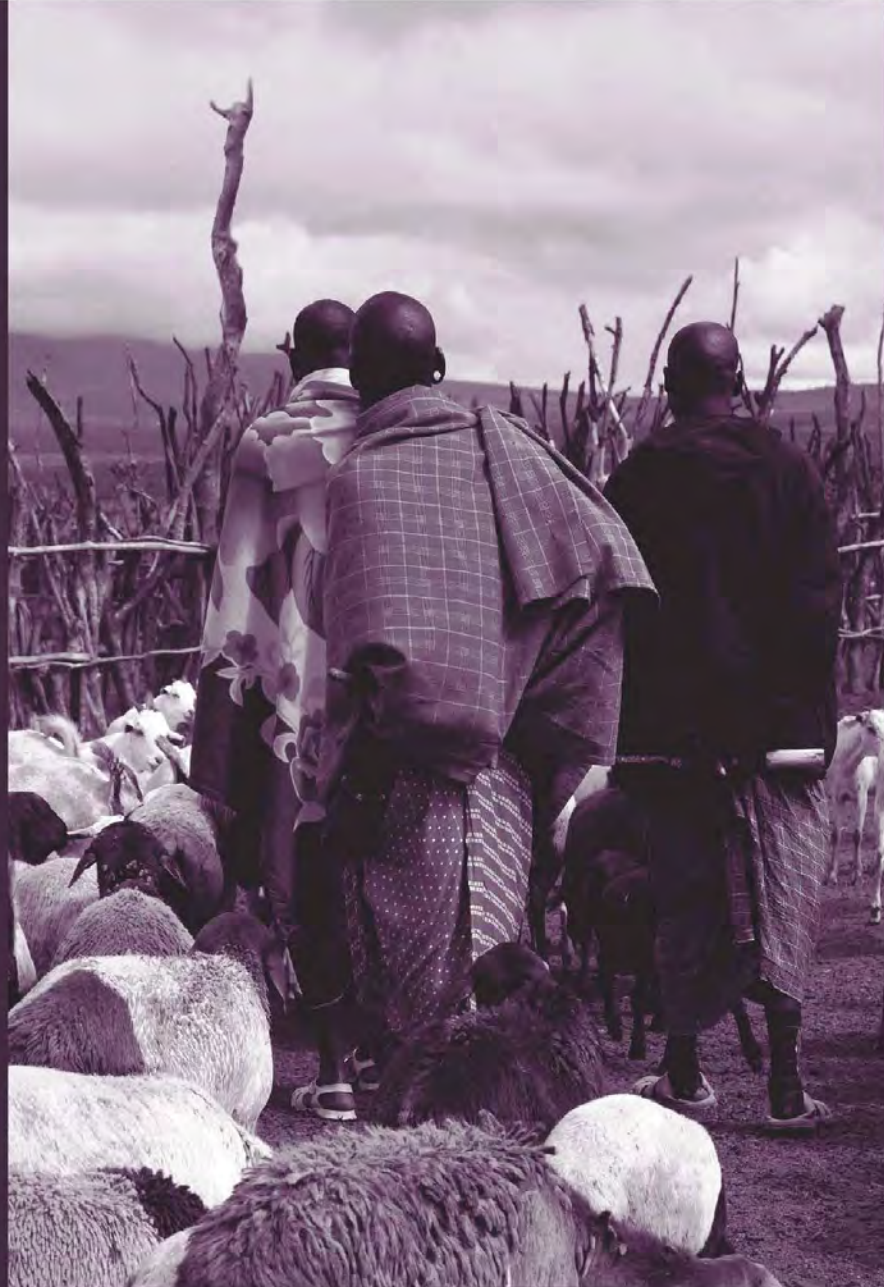


TANZANIAN PASTORALISTS THREATENED

Evictions, Human Rights Violations and Loss of Livelihood



Tanzania

IWGIA report 23

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Evictions, Human Rights Violations
and Loss of Livelihoods

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2016

TANZANIAN PASTORALISTS THREATENED: Evictions, Human Rights and Loss of Livelihood

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ABBREVIATIONS AND ACRONYMS

AA	Authorised Authority
ACHPR	African Commission on Human and Peoples' Rights
AU	African Union
AfDB	African Development Bank
CCM	Chama Cha Mapinduzi – the ruling party since independence
CCRO	Certificate of Customary Right of Occupancy
CESCR	Committee on Economic, Social and Cultural Rights
CITES	Convention on International Trade in Endangered Species
CSO	Civil Society Organisation
DANIDA	Danish International Development Assistance
DC	District Commissioner
DED	District Executive Director
DFID	Department for International Development (of UKAID)
DNRO	District Natural Resource Officer
EIA	Environmental Investigation Agency
FFU	Field Force Unit (of the PDF)
GCA	Game Controlled Area
GMA	Game Management Area
GPS	Global Positioning System
GR	Game Reserve
IIED	International Institute for Environment and Development
INGO	International Non-Governmental Organisation
ITV	Independent Television (Tanzania)
IWGIA	International Working Group for Indigenous Affairs
LHRC	Legal and Human Rights Centre
MP	Member of Parliament
MNRT	Ministry for Natural Resources and Tourism
NAFCO	National Agriculture and Food Corporation
NARCO	National Ranching Corporation
NCA	Ngorongoro Conservation Area
NCAA	Ngorongoro Conservation Area Authority
NGO	Non-Government Organisation
NP	National Park
OBC	Otterlo Business Corporation
PAICODEO	Parakuiyo Indigenous Community Development Organisation
PCCB	Prevention and Combating of Corruption Bureau
PDF	Tanzania Peoples Defence Force (National Tanzanian Army)
PINGOs	Pastoralist and Indigenous Peoples Organisation
PM	Prime Minister
PMO	Prime Minister's Office
RC	Regional Commissioner
RUBADA	Rufiji Basin Development Authority
SAGCOT	Southern Agricultural Growth Corridor of Tanzania
SMUWC	Sustainable Management of Usangu Wetland and its Catchment
TALA	Tanzania Land Alliance

TANAPA	Tanzania National Parks Authority
TANESCO	Tanzania National Electric Supply Company Limited
TAWIRI	Tanzania Wildlife Research Institute
TNRF	Tanzania Natural Resource Forum
TZS	Tanzania shilling
TZ	Tanzania
UCRT	Ujamaa Community Resource Team
UJAKI	Ulinzi wa Jadi Kilosa (roughly translated as Kilosa Local Defence Force)
UKAID	United Kingdom Aid
UN	United Nations
UPR	Universal Periodic Review
URT	United Republic of Tanzania
USAID	United States Aid
USD	United States Dollars
VEO	Village Executive Officer
VLUP	Village Land Use Plan
VPO	Vice President's Office
WB	World Bank
WEO	Ward Executive Officer
WD	Wildlife Division
WMA	Wildlife Management Area

EXECUTIVE SUMMARY

Background to the study

Pastoralists have utilised the rangelands in what is now Tanzania for hundreds of years, developing a land management system adapted to variable ecological, social and economic conditions. Using this system, pastoralists play a dominant role in the livestock sector, contributing greatly to Tanzania's economy: according to government records, pastoralists and agro pastoralists rear today 98% of the country's some 21 million cattle and 22 million small stock and produce most of the milk and meat consumed nationally.

Over time pastoralist communities have formalised their land tenure, registering their villages after the Arusha Declaration in 1967, and later endeavouring to secure their village lands through the Local Government (District Authority) Act of 1982, the Land Act No. 4 and the Village Land Act No. 5, both of 1999.

However, concerns have been growing recently over reports that pastoralists are being forced off their village land through evictions and other land conflicts, often accompanied by serious human rights violations. Because of these concerns, the International Working Group on Indigenous Affairs (IWGIA) and its civil society Tanzanian partners —PINGO's Forum, PAI-CODEO and UCRT—have identified the need for consolidating the information gathered by these reports. A study was therefore commissioned to review and corroborate the documented evictions by visiting and interviewing affected pastoralist communities in five regions of Tanzania (Mbeya, Morogoro, Pwani, Manyara and Arusha). The main approach of the study was to record the testimonies of pastoralist men and women and give them the opportunity to provide information from their perspective, and make their views known. Based on key findings, the study report makes recommendations to the government and civil society on protecting the fundamental human rights of pastoralists and strengthening their land rights.

Key findings on evictions and land conflicts

Pastoralists are losing their land

Field work confirms that pastoralists have been and continue to be permanently dispossessed of their land holdings, which has reduced the area available to them for livestock production. The past decade has been characterized by five formal and large scale eviction operations in three regions: in Mbeya Region in Mbarali district; in Morogoro Region in

Kilosa, Ulanga, Kilombero and Morogoro Districts, and in Arusha Region in Ngorongoro District. During the same period in all five regions visited, there have been and continue to be violent and unresolved conflicts over pastoralist village land. These conflicts tend to have to do with the allocation of land to foreign investors or Tanzanian elites who use their influence to acquire pastoralist village land for speculation or farming. Pastoralists have also been dispossessed of village land through the creation of new protected areas (National Parks, Game Reserves, or private conservancies) and the expansion of protected areas onto village land. Pastoralists' control over and access to village land has further been diminished where Wildlife Management Areas have been established, again decreasing the area of land available for livestock production.

Why are pastoralists evicted?

Publically, the reason usually given is that the removal of pastoralists from rangelands is done in the name of nature conservation and the protection of wildlife. This is based on conventional sentiments that have never recognized and valued pastoralism as a responsible resource use; instead, pastoralists' management system and ways of life are often perceived as primitive, un-economic and inherently degrading to the environment. Pastoralists are also often accused of causing conflicts with farmers.

There are however several underlying factors which may explain why pastoralists are evicted. One is **Tanzania's market oriented and neo-liberal economy**, which, focused as it is on investments in mining and energy, tourism and agro-industrial development, has little interest in mobile pastoralism. This was made clear by President Jakaya Kikwete in his inaugural speech at the end of 2005, stating: "Our people must change from being nomadic cattle herders to being settled modern livestock keepers...". National policy and strategy documents therefore do not promote a future for pastoralism in Tanzania, but rather seek to do away with it.

Another underlying factor is **the need for land**: government needs land in order to fulfil its development vision, including its commitment to allocate land for large scale investments. Land has therefore become a valuable commodity and the vast rangelands (at least 24 million hectares) managed by pastoralists seem to be a good prospect since these grazing



Rangelands, northern Tanzania – Photo: Carol Sorensen

lands are often considered to be “bare and idle” and without “unexhausted improvements”.

Local people, however, see yet another reason for their evictions and the continuous harassment they suffer from—namely poaching. While government argues that pastoralists must leave their lands in order to protect wildlife, it is disturbing to note that poaching for the global trade in illegal wildlife products takes place within protected areas. Pastoralists therefore see that one reason why they are not tolerated near or inside protected areas is that they may become unwelcome witnesses to criminal poaching activities.

Pastoralists are evicted in contempt of law and court decisions

The review confirms that there is very poor governance of the Village Land Act in terms of how it is currently applied, administered and safeguarded. The Village Land Act (1999) has enabled rural people to formalize their rightful land holdings by registering them as Village Land and formalising customary rights through Village Land Use Planning (VLUP) and the issuance of Certificates of Customary Right of Occupancy (CCRO). But the Act provides little tenure security: all lands including “village land” are “public land vested in the President as trustee for and on behalf of all citizens of Tanzania”; vil-

lages only enjoy and exercise the right of occupancy and use of lands, while the village council only administers the land on behalf of the president. If the president so wishes, he can transform village land into general public land or reserved land.

However, the Village Land Act makes certain provisions to mitigate the effects of such transfers of land. One provision is that a transfer should be done when land is deemed to be required for “public interest”. Another is a number of specific procedures to be followed, including the right of villagers to be informed in due time, to make representations and to get compensations in form of pay-off for any loss or damage endured during the transfer.

In none of the cases reviewed, have these provisions been respected. In many cases it was found that pastoralists were evicted from village land despite there being no stated intention of transferring the village land in question “to general or reserved land for public interest” as provided for by the Land Act 1999. Nor were the specific procedures followed in any of the land conflicts or evictions reviewed: there have been no information and consultation prior to the evictions and no compensation has been paid for loss of land and property.

Additionally, court orders and even rulings have also been disregarded. All the village government authorities consulted reported that they had filed land cases in order to obtain a legal ruling on eviction orders or disputed village boundaries. In

some villages, this had led to the court issuing orders to stop the evictions. In all reviewed cases, the local authorities have either ignored the pending cases or disregarded the court's injunctions; instead they have gone on evicting pastoralists from the disputed village land or allowing farmers from other villages to illegally cultivate pastoralist village land. When protected areas were being expanded onto land managed by village governments, it was reported that national park and game reserve officials continued to round up and shoot livestock, extorting money from pastoralists and ignoring the ongoing court cases raised by pastoralists to resolve the boundary disputes. The review could confirm that local government authorities, and in one specific case the regional administration, neither recognised nor respected the legal ruling made by the Court of Appeal of Tanzania, and did not implement it.

State agents have played a major role

Two of the eviction operations were ordered by the vice president: the *Anti-Livestock Operation* in 2006 and *Operation Save Kilombero* in 2012. The study could not ascertain how other evictions, such as *Operation Remove Pastoralists from Kilosa* or the operation to remove pastoralists from the Loliondo hunting block were ordered, but all the evictions reviewed were overseen by Regional and District Commissioners and carried out by state agencies. Depending on the task, these were: the police, the Field Force Unit, the Tanzania National Parks Authority, the Anti-Poaching Unit of the Wildlife Division, prison officers, Tanzania Peoples Defence Force and relevant district authority officers, and in most districts the District Council authorities. These agents were often assisted by local militias or private security guards. District and regional authorities and state agencies were also involved in other conflicts over pastoralist village land.

Violence and human rights violations

All the pastoralist evictions and village land conflicts reviewed have been accompanied by grave human rights violations. Some of the conflicts have been lethal.

Violation of human rights

The review confirmed reports that pastoralists' human rights have been violated in all the evictions and conflicts involving pastoralist village land. People informed that some pastoralists have been killed while others have been shot and wounded or maimed by agents implementing evictions. Also men and women have been detained and imprisoned, often without trial, and some women have been sexually assaulted. There were reports of enforced disappearances of pastoralist men and women and reports of brutal and degrading treat-

ments. Dogs, donkeys and cattle have been shot by rangers and young livestock deliberately incinerated. There are accounts of massive and systemic extortion; men, women and youths having been regularly rounded up and unlawfully detained, being only released when paying cash-in-hand and unrecorded. Depending on where the pastoralists were held, payments were demanded by police, local militias, game rangers or private security guards.

Setting fire to pastoralists' homes

As part of the eviction process, hundreds of pastoralists' houses, which traditionally are built and owned by women, have been burned to the ground and family property has been destroyed, including important personal documents and cash. According to those affected, the intention of burning the houses was to scare the people and destroy all means of living in the area, forcing whole families to leave. Women report that there has been no compensation for loss of property and no assistance with shelter or food provided to the victims of eviction.

Systematic dispossession

There has been massive misappropriation of the pastoralists' breeding livestock herds and marketable animals. The review confirms that government endorsed agents have established illegal and corrupt procedures as a pattern and standard practice during the land conflicts: cattle and small stock have been rounded up and driven to holding grounds forcing the herd owners to pay a fine for each head of livestock as well as a nightly fee for accommodating the animals; other herders have been forced to transport their livestock hundreds of kilometres and pay the transport costs themselves as well as the arbitrary penalties imposed at various road blocks. This forced many pastoralists to sell their livestock at give-away prices in order to raise cash to pay the penalties. Many of the livestock, including livestock kept for breeding, were transported to abattoirs and slaughtered against the will of their owners, who only received a fraction of the value of the animals as the market was flooded and the livestock were not suitable for sale. This unplanned and forced sale depleted the pastoralists herds making it hard, or in some cases impossible, to recover and regain the means of making a living.

Denial of protection from duty bearers

Official village leaders were denied the requested police assistance to cope with theft, extortion and murder in their villages, or to assist in cases where livestock were stolen or houses burned to the ground. Pastoralists reported cases where they could not even access needed hospital treatment as police refused

to issue the required forms for emergency medical treatment. Official village leaders, religious and customary leaders from pastoralist villages also appealed in vain to regional and district commissioners for protection. In the worst cases, those bringing the complaints about crimes or human rights violations to these authorities faced reprisals. According to the pastoralists, this denial of protection by the police can be explained by the fact that the police are answerable to the district and regional authorities, and these authorities were responsible for carrying out the very evictions which caused the need for protection.

Human rights defenders are threatened

Pastoralist leaders and others have struggled in getting their rights recognized and safeguarded, engaging with civil society organisations and local/national pastoralist organisations as well as parliament and the media. However, these leaders reported that when they attend meetings, they are followed, detained and questioned and sometimes imprisoned. They also told that if strangers come to the village to talk to the residents, the same residents would be interrogated and threatened. Threats to human rights defenders increased when the human rights violations escalated, and many pastoralists are now scared. It was agreed that names of individuals should be withheld from this report in order to protect their safety.

Outcome and impact of the evictions

Loss of grazing land

Some pastoralists have been forced to move away, and as the government did not make arrangements for relocation they now rent land in the villages where they ended up. Others have remained in their villages but with less land available for grazing. In some cases whole pastoralist villages have been disbanded and the land allocated to other use (such as conservation or large scale agricultural development). In other cases pastoralist village land has been illegally invaded by people grabbing land for cropping, limiting the access to water and reducing the area of village land available for grazing.

Disruption of families and social networks

Following the evictions, many families were split up as men went with the livestock to the new destinations, while women remained behind to care for family members and what was left of family property. As food stocks had been burned and the livestock evicted, there was little left to eat and as the normal social networks that could have provided help had been disrupted many people went hungry. Even getting water was difficult since water containers had been deliberately speared and the donkeys usually used to transport water over distances had been shot.

Pastoralist women and children were particularly affected

A key finding is that women have been especially burdened by the evictions, as they have had to try and care for children, the elderly and other vulnerable people in extremely harsh circumstances. Where homes had been burned to the ground recently it was found that families were living in the open, without any form of protection from the weather and wild predators. It was reported that children had to stop going to school as there was not enough money to cover costs. In addition, children told that they cannot study when they are hungry. In all the villages visited for this study, women reported that they and their children are badly affected by the lack of security, and the possibility that they might be captured by government agents and detained and fined, or assaulted.

Dispossession and impoverishment

During each of the evictions and land conflicts, pastoralists lost huge numbers of cattle and small stock, worth billions of shillings, much of which was breeding stock. Despite the losses having been calculated, the losses have not been compensated, meaning many pastoralists have not been able to re-establish their herds and their livelihoods. Those pastoralists who have been able to remain in their customary lands feel beleaguered by the expansion of protected areas, newly acquired private estates and the aggressive invasion of pastoralist villages by well-connected farmers. They experience that livestock and herders are still seized and herd owners are forced to pay ad-hoc penalties for their release. The continuous siphoning of community assets to pay fines, when livestock have to be sold to raise the money demanded, further decreases livestock herds, with knock-on negative impacts on livestock productivity. In none of the eviction and dispossession cases have the pastoralists been compensated for the loss of land and property, as required by law. As a result, the viability of these people's livelihoods has been compromised.

Although people in these situations had been severely abused and impoverished, they insisted that they would not go elsewhere to seek safety, as if they left they were sure to lose the land they considered rightfully theirs. They felt they had no choice but stay and struggle to keep their land.

Those pastoralists who were forcefully evicted and driven away to new areas in Pwani and Lindi regions, presented mixed reports on their well-being. They have found that they have to compete with the people already living in the area and whose customary land it is; they have had to pay rent for land and the use of water; and many lost all their livestock in the move or to disease on arrival and suffer extreme poverty. Those who have been able to build up a herd in the new area are doing better. Social networks, which previously supported the poor, have been greatly weakened as it was found to be difficult to retain

and practice the cultural and spiritual rituals, music and dance which are such important aspects of pastoralist's social lives.

Increasing marginalisation

The review found that generally pastoralists in Tanzania have become more marginalised. Their rights to land in the areas where there is conflict are not acknowledged or respected and their legal and human rights are violated with impunity. Their political and economic influence at local level has also been reduced as evictions and encroachments of village land have undermined the integrity and viability of pastoralist villages. Several such villages, registered with certificate or title as required by law and with a legitimate village government, village land use plans and byelaws, have been disbanded. Some pastoralist sub-villages have been dissolved through unilateral decisions taken by the District Councils. Villages which have lost parts of their pastoralist population, either as the result of changed boundaries or deportations, may no longer be eligible to retain their status as villages under the Local Government Act. It was found that generally pastoralist representation and hence influence in village government is limited in the places where pastoralists are not the majority.

Pastoralists who have moved to Pwani and Lindi, too, experience increased marginalisation. They have been denied permanent resident status and therefore denied the right to participate in either village government or District Councils.

Continued negative stereotyping

The review confirmed that pastoralists are being represented as criminals—as “illegal pastoralists”—and are being blamed for conflicts with farmers. Pastoralists interviewed spoke of government sponsored incitement to hatred, pitching non-pastoralists against pastoralists in conflicts over land. The impact of evictions and human rights violations has led to a situation now where pastoralists feel that they have been criminalised, that their way of life has been made out to seem destructive and where they feel that their government systematically aims to eradicate the pastoralist way of life.

The response of national and international actors

Parliament and other duty bearers

Until recently, most reports on pastoralist evictions commissioned by the president or parliament have remained secret and government has not taken any measures to address the human and legal rights violations reported.

However, it seems as if parliament is increasingly concerned with the human rights of the country's citizens, including pastoralists. In December 2013, a report on the anti-poaching opera-

tion—*Operation Tokomeza Ujangili*—commissioned by the Parliamentary Standing Committee on Land, Natural Resources and Environment was made public. The report detailed gross human rights violations, corruption and mismanagement, specifically noting that pastoralists were targeted in the violations committed. As a result, parliament called for the resignation of four ministers and established a quasi-judicial committee to investigate crimes committed during *Operation Tokomeza* and ensure offenders are prosecuted. The committee has presented its report to the president but at the time of going to press with the present report (late 2015) it had not yet been tabled in parliament.

Civil society

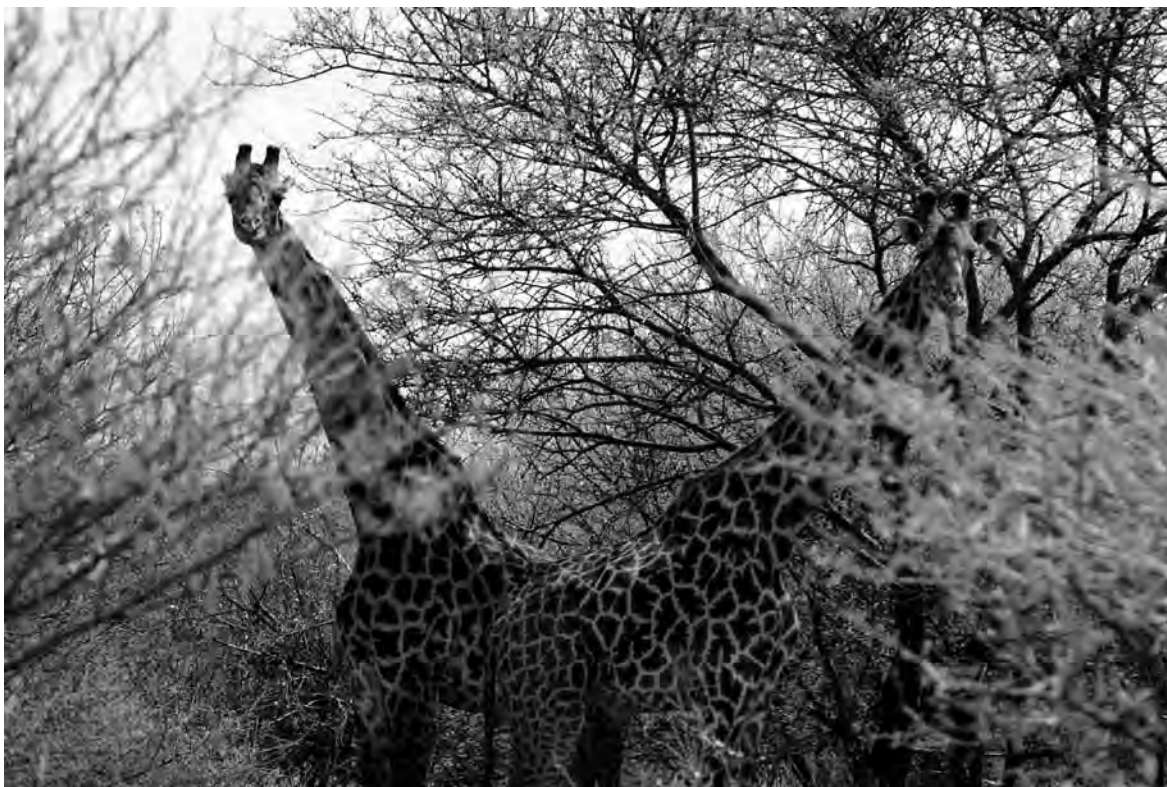
Civil society has consistently brought attention to human rights violations committed against pastoralists, collecting evidence and supporting pastoralists to claim their rights. Civil society continues to advocate that human rights violations are to be addressed, engaging with media, government and with international mechanisms that address human rights violations and protect the rights of indigenous peoples.

To increase awareness, CSOs have facilitated better media understanding about the situation of pastoralists, for example by taking media on fact finding missions when pastoralists are evicted; CSOs have provided training to pastoralist communities on their legal and human rights and worked with parliament to explain the rationale for pastoralist land use and the important contributions pastoralists make to the economy and culture of Tanzania. This heightened understanding of pastoralist issues in parliament has helped pastoralist Members of Parliament when advocating for pastoralists rights. CSOs have also engaged in national processes in strategic alliances with other civil society groups especially when advocating for improved policy and practice regarding pastoralists' rights and well-being.

There are few civil society organisations operating within pastoralist communities. However, local communities told how they have formed grass roots alliances of pastoralists, with the aim of addressing pastoralist issues and policy and protecting pastoralist rights. Pastoralists already have functioning and effective customary institutions for addressing community issues; it is important that civil society organisations continue to strengthen their capacity to work closely with the respected community based institutions.

Development partners, finance institutions and INGOs

Donors, finance institutes and international conservation organisations have interests in the areas where pastoralists have been evicted, especially where support is given to increasing the area of land under protected area status, or where land is to be allocated for large scale agricultural development, for example through facilities such as SAGCOT (Southern Africa Growth Corridor of Tanzania). Yet, the donor



Wildlife on village land, Northern Tanzania – Photo: Carol Sorensen

community in Tanzania has in general shown little or no concern over the eviction of pastoralists, and there have been very few official reactions over the alleged human rights violations committed by government agents during these evictions.

An exception has been the donor group on human and legal rights that has regularly reviewed the human rights situation in Loliondo in Ngorongoro District, and in 2008, the Danish Embassy took a lead on condemning the illegal burning of homesteads in Loliondo. International NGOs, such as Oxfam and IWGIA, have consistently supported pastoralist communities and organisations through many years.

International human rights mechanisms

International human rights mechanisms are increasingly paying attention to and condemning human rights violations in Tanzania. For example, human rights mechanisms such as the UN Special Rapporteur on the rights of indigenous peoples (2010), the African Commission on Human and Peoples' Rights (2011), the Universal Periodic Review (2011) and the Committee on Economic, Social and Cultural Rights (2012) have made several recommendations to the government of Tanzania.

However, the government has not taken any measures to address the human and legal rights violations alleged to have been committed. In its reply to the UPR, the government

noted that the term "indigenous peoples" was "not applicable as all ethnic Tanzanians are indigenous to Tanzania". However, the government "recognizes the vulnerability of some of the marginalized communities (the Maasai, Hadzabe and Barbaig) and to this end it has been responsive to their needs and it has taken various measures to provide political, social and cultural amenities to such groups in the fields of health, politics, employment and education". With respect to forced evictions, the government stated that "The Land Act as well as the Village Land Act of 1999, provides for a legal framework giving legal certitude in terms of property in particular with regard to land ownership and eviction and land tenure security" and that "In accordance with the general principles of equality and fairness, Government always investigates where there are allegations of forced land conflicts. Remedies are also available in case of land conflicts".

Summary of recommendations

Recommendations to the Government of Tanzania

It is recommended that the Government of Tanzania should:

- a. Effect an immediate halt on all pastoralist evictions.

- b. Set up a representative commission of enquiry into pastoralist evictions over the past decade, which will include but not be limited to the findings of the present report.
- c. Suspend all Regional Commissioners, District Commissioner and District Executive Directors who have been involved in any way in pastoralist evictions.
- d. Immediately release the June 2007 report of the Commission of enquiry into the Ihefu/ Usangu evictions headed by Judge Chande.
- e. Ensure that all those identified as having committed human rights violations or breaches of legal processes be taken to court and tried and sentenced.
- f. Engage in a process of peace and reconciliation to mend relationships and stop ethnic tensions, affirming that the Tanzanian state treats and values all its citizens equally.
- g. Set up a joint commission to propose reparation for those pastoralists and communities negatively affected by evictions.
- h. Establish a committee to look into the allocation of NARCO ranches to pastoralist communities.
- i. Ensure that rangelands remain under the land category "Village Land", and under the control of citizens within these villages according to requirements in the land laws.
- j. Follow the principle of Free, Prior and Informed Consent of the concerned parties prior to endorsing transfers that alienate land from Village Land, as adopted by UNDRIP, ACHPR and AU.
- k. Ensure that in all cases of eviction or land alienation, there is compensation for loss of land in the form of payment as the Village Land Act requires.
- l. Set up and promote a specific ministry for livestock development.
- ll. Back up the new ministry and give credence to the reconciliation process by instigating and facilitating development of supporting policies for livestock production, including effective support for pastoralist livestock production in the rangelands. The *Policy Framework for Pastoralism in Africa* developed by the African Union should inform policy development.
- m. Generally adhere to and implement recommendations on rights of pastoralists and indigenous peoples issued by international human rights mechanisms.

Recommendations to civil society in Tanzania

It is recommended that civil society organisations in Tanzania should be supported to work together to:

- a. Promote the findings of this review and follow up with government and Parliament on the implementation of the recommendations according to an agreed timeline.
 - Advocate for the public release of all official reports.

- Advocate for the implementation of recommendations.
- Engage in setting up a commission of enquiry into evictions over the past decade, press for charges against those identified as perpetrators.
- Lobby government to ensure that RCs, DCs, and DEDs involved in pastoralist evictions are removed from their positions pending investigations.
- Pressurise Parliament and government to ensure that NARCO land (and relevant NAFCO land) is given over to pastoralist communities, e.g., as compensation.

Civil Society should furthermore

- b. Provide training to media on pastoralists and pastoralist land use.
- c. Continue to work with parliament, providing training on pastoralist issues and opportunity to debate AU's *Policy Framework for Pastoralism in Africa*.
- d. Develop communications strategies about pastoralists and pastoralist land use.
- e. Continue advocating for constitutional reform to include provisions for marginalized groups such as pastoralists.
- f. Carry on promoting ways to use the existing land laws to protect pastoralists land.
- g. Engage in setting the new policy direction for pastoralists.
- h. Lobby at national, regional and international levels to strengthen the rights of pastoralists in Tanzania, and improve Tanzania's compliance with agreements.
- i. Strengthen links between civil society and international human rights mechanisms.

Recommendations to international financing and development partners

- a. Urge the government of Tanzania to ensure that cases of forced evictions are investigated, reports made public and allegations of human rights violations addressed.
- b. Urge the government of Tanzania to adhere to recommendations on rights of pastoralists and indigenous peoples made by international human rights mechanisms.
- c. Continue to strengthen a human rights based approach to development, putting more emphasis on providing training to partners and implementing agencies.
- d. Support the establishment and functioning of a ministry for livestock.
- e. Promote and fund dialogue for more secure and appropriate land tenure arrangements under the existing land laws, including communal arrangements.
- f. Support the development of best practices in land allocation and administration. ○



Map of Tanzania showing regions, National Parks (NP) and Game Reserves (GR)

Regions in bold are dealt with in the report

National Parks and Game Reserves

- | | |
|---------------------------------|------------------------------|
| 1. Serengeti NP | 7. Mikumi NP |
| 2. Ngorongoro Conservation Area | 8. Udzungwa Mountains NP |
| 3. Lake Manyara NP | 9. Selous GR |
| 4. Mount Kilimanjaro | 10. Ruaha NP and adjacent GR |
| 5. Mkomasi NP | 11. Katavi NP |
| 6. Tarangire NP | 12. Ugalla River GR |

CHAPTER 1 – INTRODUCTION AND OVERVIEW OF THE STUDY

1.1 Background

The human rights situation for pastoralists in Tanzania is reported to have deteriorated over recent years, and has now become a cause of concern. During the past decade there has been persistent and increasingly negative stereotyping of pastoralists, portraying them as non-productive, environmentally destructive and drivers of conflict. At the same time, conservation and wildlife interests, mining, large scale agri-business and Tanzanians looking to benefit from speculation in land and farming have shown a growing interest in acquiring land in the rangelands, with the result that pastoralists have been pushed off their land through forced evictions and other forms of land grabs or land encroachment.

These pastoralist evictions have often been accompanied by human rights abuses, in contradiction to Tanzanian law and to the international human rights norms and frameworks to which Tanzania is party. The evictions and human rights violations have been happening without much of a public outcry within the country; there is limited critical press or media coverage; and the international diplomatic and development partner community in Tanzania has not given the alleged violations due attention. Despite the efforts of pastoralist communities and civil society organisations (CSO), the government has not addressed the allegations presented.

Over time, CSOs in Tanzania have documented most of the pastoralist evictions and IWGIA (International Working Group for Indigenous Affairs) and its Tanzanian partners—PINGO's Forum, PAICODEO and UCRT¹— identified the need to collate and consolidate the available information about the evictions, to be used to advocate for the land, legal and human rights of pastoralists.

The main approach of the report has been to present the testimonies of pastoralists, making available the information that they provided, from their perspective. The voices of the pastoralist men, women and leaders affected by the evictions, dispossession of land and property and human rights violations are seldom heard, and this report provides an opportunity to make their views known.

This present report includes: description of evictions, how they were carried out and by whom; identification of the rea-

sons and discussion of the underlying causes for the evictions; summary of the impact of evictions on pastoralists; and summary of actions that have been taken by duty bearers to address the legal and human rights of pastoralists who have been evicted and to ensure that pastoralists are compensated for loss of land and property. The report also provides recommendations to government and civil society on improving the promotion and protection of the fundamental human rights of pastoralists in Tanzania and strengthening pastoral land rights.

1.2 How the review was conducted

Due to the increasing number of land conflicts and the vast area covered by rangelands, not all pastoralist evictions or land conflicts could be adequately covered by this review.² The review instead focused on specific pastoralist evictions that took place in Tanzania over the five years (2009-2013) leading up to the review, which took place in 2013. It referred to existing documentation of these evictions and backed this up through interviews with people affected by the evictions (see below for overview of places visited). However, as it was recognised that evictions carried out eight years previously in Mbarali District of Mbeya Region had a strong bearing on the way evictions were carried out later on, the Mbarali evictions (in 2006/7) were also included in the review.

In order to obtain comprehensive and updated information about these events, several CSOs in Tanzania were visited. The CSO staff provided important background information on the context of evictions as well as providing advice on the most suitable areas to visit for the study. One challenge identified was to visit all the areas where pastoralists have been evicted as pastoralists live in locations spread across most of Tanzania; in addition, these areas can be difficult to reach as roads are poor or non-existent. Another challenge was that the study deals with sensitive issues, and there were concerns that interviews within the villages would place the people interviewed and the whole community at risk of

1 PINGO's Forum stands for Pastoralist Indigenous Non-Governmental Organisations' Forum; PAICODEO: Parakuiyo Indigenous Community Development Organisation; and UCRT: Ujamaa Community Resource Team.

2 It is our hope that these conflicts too will be documented but this will require further investigations.

Mbeya Region	Matabete, Iwalanji and Manawala villages in Mbarali District
Morogoro Region	Parakuyo village in Kilosa District and Kilombero Valley in Kilombero District Morogoro town, Sangasanga village and Gonabisi Open Area in Morogoro District Kambala and Migombani (Wami Mbiki) villages in Mvomero District
Pwani Region	Ruvu station in Ruvu District and Mkiu village in Mkuranga District
Manyara Region	Vilima Vitatu village in Babati District Kimotorok and Kisondoko villages in Simanjiro District
Arusha Region	mostly interviews in Arusha town

subsequent harassment by the agents who were conducting evictions or perpetrating violations. In reconciling these considerations with the time available for field work, a travel plan was developed which allowed as many interviews as possible over a comparatively large geographical area, as listed above (see also map, p.17).

Organisations which are trusted and respected by the pastoralist leaders and communities facilitated meetings with the communities in the villages where evictions had been experienced.

An important consideration was who to interview, and again in order to make best use of available time, it was decided to focus on conducting interviews with pastoralists directly affected by the evictions. These included ordinary members of the community, both men and women, as well as customary leaders, members of the village councils, village officers and village chairmen and other prominent pastoralist leaders. Interviews were conducted with groups as well as with individuals. Wherever possible, meetings were held in villages where evictions had taken place; however as mentioned earlier some communities expressed the fear of reprisals for talking to strangers in their villages, so in these instances in-

terviews were held in locations away from the village. Many of the pastoralists interviewed had already faced intimidation, torture and detention without trial and it was considered important that their identities be protected. Therefore names of people interviewed are withheld.

1.3 Overview of the study report

After this first introductory chapter, the report is divided into five chapters. Chapter 2 provides the context for evictions in Tanzania, giving a brief overview of the struggles for land, the significance of pastoralist land use for Tanzania, the legal framework within which evictions and land disputes take place, and an overview of pastoralist evictions. The detail of pastoralist evictions is described in chapters 3, 4 and 5: chapter 3 describes the evictions in the Mbeya Region of south west Tanzania, chapter 4 describes the evictions in Morogoro Region in southern Tanzania, and chapter 5 gives an overview of evictions in Northern Tanzania. The final chapter—chapter 6—presents conclusions and recommendations. ○

CHAPTER 2 – THE CONTEXT OF RECENT PASTORALIST EVICTIONS

2.1 Pastoralist land use

Pastoralists have a long history in what is now Tanzania, where for hundreds of years they used the extensive rangelands for grazing their livestock. Present day Tanzanian pastoralists include the Maasai, Parakuiyo and Datoga. The Maasai are subdivided into sections³ most of whom live in Arusha, Manyara and Kilimanjaro Regions of northern Tanzania.⁴ The Parakuiyo⁵ live mainly in Mbeya, Morogoro, Tanga and Pwani regions.⁶ The Datoga⁷ originate from the northern part of the country (Hanang District, Manyara) but are today scattered throughout the country.

The Maasai and Parakuiyo are not nomadic but practice transhumance, moving livestock in well-defined socially sanctioned annual cycles, responding to rainfall and drought to make best use of the rangelands where they live. Over time the state has forced Maasai and Parakuiyo pastoralists to move out of very large areas of what were their rangelands in order to create “protected areas”. These include Serengeti, Manyara, Tarangire, Mikumi, Mkomazi and Ruaha National Parks (NP), as well as a number of game reserves (GR) and more recently Wildlife Management Areas (WMAs). Many Maasai and Parakuiyo communities express resentment and anger over having been evicted from these areas, which contain some of their prime rangelands, especially as they had protected the environment and wildlife for generations⁸ and

are now excluded from the land because of the very resources they had nurtured.

The Datoga (sometimes known as Barabaig or Barbaig) experienced state sponsored evictions from their customary rangelands in Hanang District (Manyara Region) in 1968. “Operation Barabaig” was a program designed to permanently settle Datoga herders, and Datoga families were forcibly removed from their homes to be placed in new villages, whilst their rangelands were taken by others. The biggest blow to the Datoga were the evictions in 1970 and the following violent events, when the government of Tanzania allocated over 40,000 hectares of the Datoga’s primary grazing land in Hanang District to the Tanzania Canada Wheat Project (Lane 1996; PINGO’s Forum 2011; Young, n.d.) without compensating the Datoga or giving them alternative lands. Since these evictions, many Datoga have moved to other parts of the country in search of rangelands for their livestock and permanent residence for their families. Datoga interviewed describe themselves as more nomadic than they were in the past, explaining that as they have been forced to move regularly over the past 45 years, they have not been able to develop viable transhumant grazing systems.

As livestock keepers,⁹ the Maasai, the Parakuiyo and the Datoga, together with agro-pastoralists,¹⁰ manage more than 21 million cattle and 22 million small stock¹¹ (SAGCOT-NARCO 2013), which gives Tanzania the third biggest cattle holding in Africa (worth an estimated USD 13.4 billion).¹² De-

3 Maasai is the term for Maa speaking people. The Maasai are subdivided into 16 “sections” (*Olosho* in Maa), which are independent groupings based on their original socio-territorial set-ups, but linked by language and economic/cultural affinities. Each section has its own customary leadership, age sets and warriors, with section-specific cultural practices and norms of behaviour.

4 Sections in Northern Tanzania include Il-Kisongo, Il-Sale, Il-Purko, Il-Loita, Il-Seringit, and Il-Laitayok sections.

5 Parakuiyo are Maa speaking people, stemming from the same roots as the Maasai, but with their own territorial age sets and leaders (Jennings 2005; field interviews 2013). They are sometimes called Parakuiyo Maasai.

6 There are also some Parakuiyo in for example Manyara, Iringa, Rukwa and Dodoma regions.

7 Datoga (sometimes spelled Datooga) have seven main clans. The largest clan is the Barabaig (Barbaig) and the Datoga are therefore often referred to as Barabaig. Taturu and Mang’ati are nick names given to the Datoga by Sukuma and Maasai.

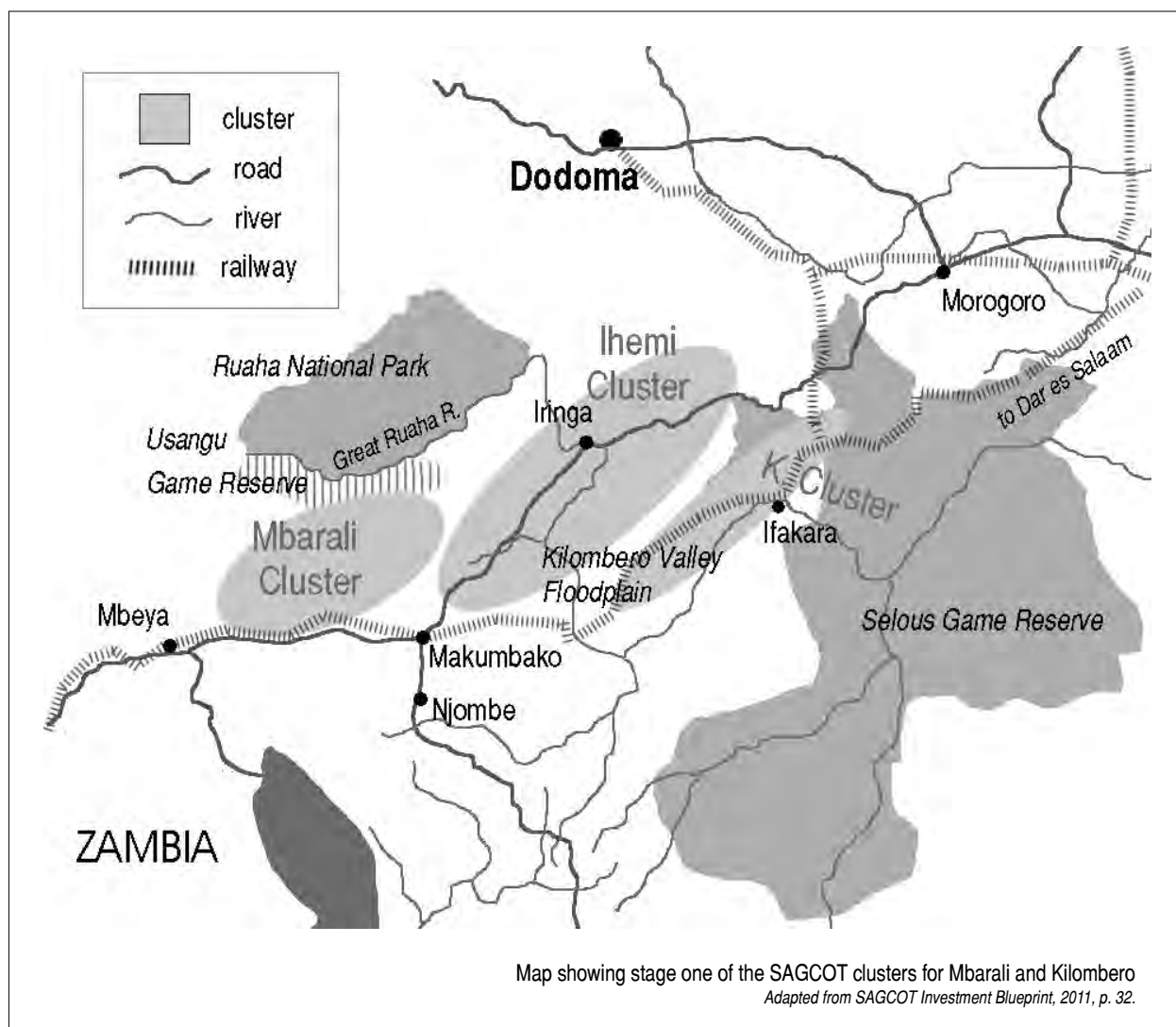
8 The areas where the Parakuiyo, Datoga and Maasai live are rich in wildlife, as the social norms and cosmology of both pastoralist groups prohibit killing of wild animals and the unnecessary cutting of trees and bushes.

9 Whilst pastoralists are best known as livestock keepers, many pastoralist men and women now have positions in government at all levels or in professions such as teaching, academics, medicine or law. Pastoralists are also successfully engaging in business activities, using the capital from livestock keeping to finance their enterprises.

10 Several groups in Tanzania (amongst others Sukuma, Gogo, Iraqw, Sangu and Hehe) practice extensive livestock herding combined with crop cultivation, usually called “agro-pastoralism”. These do not consider themselves to be pastoralists, nor do they consider themselves to be indigenous peoples (as do the Maasai, Parakuiyo and Datoga).

11 21,280,575 cattle; 15,154,121 goats and 5,715,549 sheep (URT, National Sample Census of Agriculture 2007/2008 Vol. III, Livestock Sector - National Report, 2008).

12 This is a conservative estimate of the current market value of the existing herds of cattle and small stock belonging to pastoralists, and is based on URT figures, which state that pastoralists manage 21 million cattle and 22 million small-stock: if cattle are worth USD 550 each on average, the total is USD 11,250,000,000, and small-stock worth USD 100 each, the total is USD 2,150,000,000.



spite this achievement, many national policies and associated regulations undermine the specialised systems pastoralists use to manage the rangelands for livestock production (Mattee and Shem 2006; Kipuri and Sorensen 2008). Nonetheless, even without appropriate policy support the pastoralist livestock sector currently produces most of the milk and meat consumed nationally¹³ and contributes 4.7% of the GDP worth an estimated USD 789 million annually (Pass Trust 2013).

2.2 Emerging land conflicts

In recent years there has been increased alienation of rural land, often termed land grabs, affecting rural people throughout Tanzania. The situation is to a large extent the consequence of Tanzania's shift in the 1980s to a market oriented

and neo-liberal economy, which lead to land becoming a commodity (Makwarimba and Ngowi, 2012). Today, Tanzania's economic growth is seen as relying on the development of mining (Lugoe 2012), the energy sector, agro-industrial production and tourism. Much of the land required for these enterprises is taken from village land, usually without due consideration of the law, a situation creating insecurity for both the investor and the people whose land holdings on village land are being appropriated (Makwarimba and Ngowi, 2012). Local elites are exacerbating the situation by using their influence with officials to obtain large chunks of village land cheaply, either for speculation or for farming. The main reason for conflict is that village land is already in use and required by rural people, who have a hereditary as well as a legal claim to the land through the Village Land Act (1999) and the Land Act (1999). The increasing number and brutality of land related conflicts are reported by the national and local media (TALA 2012) and are of serious concern in civil society (TNRf 2012).

¹³ 94% of the meat and 60% of the milk comes from the indigenous herd (Pass Trust 2013).

In this on-going rush to acquire land it is contended that more evictions of pastoralists from village lands have been taking place over the past seven years than any period since colonial times. The vast rangelands¹⁴ pastoralists manage—they are collectively the biggest land holder in Tanzania outside of the government's protected areas—have suddenly become a valuable commodity.¹⁵ And since the access to land is indispensable for fulfilling the government's development vision, including its commitment to allocate land to large scale investments and its wish to expand the protected areas, national initiatives do not envisage a future for mobile pastoralism.¹⁶ Setting the policy direction, in his inaugural speech to Parliament in December 2005, the president of Tanzania, stated that

*We will take deliberate measures to improve the livestock sector. Our people must change from being nomadic cattle herders to being settled modern livestock keepers.*¹⁷

Since this statement, policies and laws affecting pastoralists¹⁸ have had the declared aim of modernising and reforming the livestock sector and doing away with pastoralist land use.

2.3 The legal framework

During the colonial period (1886-1961), pastoralists established settlements, laying claim to the surrounding land and water resources. Following the Arusha Declaration in 1967, pastoralist communities registered their villages, in this way safeguarding their claims; although at the same time the vilagization process (Operation Vijiji) promoted in the Declaration also disrupted customary land management principles (Maliasili 2012).¹⁹ Thirty years later pastoralists, along with other rural communities in Tanzania, embraced the Village

Land Act (1999)²⁰ which re-introduced a system of village-based land tenure that provided rural people with rights to formalize their land holdings by registering their land as Village Land. It furthermore opened up the possibility to formalize customary rights through the issuing of Certificates of Customary Right of Occupancy (CCRO).

The Village Land Act was seen to provide the institutions to administer and manage the communally held rangelands as per the requirements of their mode of livestock production and associated land use. The Act provides for the election of a functioning village government including sub-committees and a village chairman; formal demarcation of the boundaries of village land; registration of village land use plans (VLUPs);²¹ and making and approval of village byelaws to support and enforce the land use plans.²² VLUPs are seen by pastoralists as providing an opportunity to formalize and document their customary land use, thereby offering a little more tenure security to the community as these VLUPs prove that the land is not idle land, but rather it is communal land used according to agreed and officially endorsed plans.

CCROs have been seen as of limited practical use to pastoralists because creating land holdings with exclusive individual rights of occupancy within pastoralist village lands would fragment the rangelands, limiting mobility and threatening the communal nature of pastoral land use and management. The option of getting an individual CCRO has also proven to be cumbersome and time consuming and, in the end, to hardly be of any security against evictions (ILC et al. 2013; Barume 2014).²³ Recently however, pastoralists have identified an opportunity to strengthen their rights to the rangelands through registering communal land as group CCROs (UCRT & Maliasili Initiatives 2014).²⁴

This newly tested strategy aims to strengthen pastoralist land tenure security and formalise claims to land which could

14 NARCO and SAGCOT (SAGCOT-NARCO 2013) estimate that of Tanzania's 88.6 million ha, 60 million ha are rangelands. This figure disingenuously includes protected areas, which make up around 45% of Tanzania's land area. Based on these figures, it can be estimated that useable rangelands make up around 30 million ha.

15 Pastoralist rangelands attract a broad range of investors because they have not been substantially modified by ploughing, removing trees and bushes, fencing and so on, and they are known to be rich in wildlife. This largely un-modified land gives it potential for a broader range of investment (from irrigated croplands to tourism lodges).

16 See the Agricultural Sector Development Strategy (ASDS) 2001, the Rural Development Strategy (RDS) 2001 and the Strategic Plan for Implementing the Land Laws (SPILL) of 2005.

17 Official translation of the president's inaugural speech, 18 December 2005 accessed at <http://www.parliament.go.tz/index.php/home/president/9>

18 See, e.g., the National Livestock Policy (2006a), the Grazing Land and Feed Resources Act of 2010 and the Five Year Development Plan (FYDP) 2012-2016).

19 See "Securing Community Land Rights" at <http://www.maliasili.org>

20 The Village Land Act No. 5 provides for Village Land to be managed and administered by village governments. It was adopted as a companion law to the Land Act No. 4 (1999), which provides the legal framework for holding of rights in land, setting out three categories of land: reserved land, general land and village land. See text of the twin land acts at <http://www.ardhi.go.tz>

21 Land Use Planning Act of 2007.

22 The overarching village authority is the Village Assembly, made up of all men and women over the age of 18 registered as living in the village. Any changes to the agreed land use plans or village boundaries has to be approved by the Village Assembly, as does the issuance of certificates of customary rights of occupancy (CCRO).

23 The other issue with CCROs is that they are often sold, creating for the first time landlessness within village land.

24 According to UCRT & Maliasili (2014) "The law provides for two different categories of "groups", which are eligible for a group-CCRO – a registered group (e.g., a formalized trust, society or community based organization) and a traditional institution (e.g., Maasai traditional elders, "Ilaiwanak"). In addition, the law makes room for recognizing a group that may be an "exception" to these categories (e.g., an extraordinary "customary" group, such as hunter-gatherers.)"

otherwise be considered “empty” (Maliasili Initiatives et al. 2012).

Sub villages can be formed within the village boundaries, to be administered by sub-village committees and sub-village chair. The sub-village chair is a member of the main village governing committee. The option of creating a sub-village is significant for pastoralists living in mixed pastoralist/cropping villages, as it gives pastoralists the opportunity to set up legally recognised institutions to manage their sub-village affairs within the broader village context, as well as automatic representation on the mother village council

However, it should also be noted that Tanzania’s twin Land Acts of 1999 provide little real tenure security to rural communities living on village land. These laws provide that all lands including “village land” are “public land vested in the President as trustee for and on behalf of all citizens of Tanzania”. This means that villages only enjoy and exercise the right of occupancy and use of lands (Village Land Act, Part II) and that the village council only administers the land on behalf of the president. In other words the village does not “own” village land; If the president so wishes he can transform village land into general public land or reserved land.²⁵ This can be done when land is deemed to be required for “public interest”, including investments of national interest such as the development of agricultural projects, the provision of sites for industrial, agricultural or commercial development.²⁶ Land transfer may also take place if the land is considered to be “hazard land”, that is land that if developed may pose a danger to life or lead to degradation or environmental destruction. It includes, *inter alia*, wetlands.²⁷ It has further been noted that pasture lands in particular may lack security because it is sometimes being seen as a village reserve whose use can be changed at the will of the village council, and because pastoralists often are poorly represented in village meetings (ILC et al. 2013) and institutions.²⁸ Since pastoral lands are often seen as being “bare” or “idle” lands (ILC et al. 2013; Barume 2014) without any so called “unexhausted improvements”²⁹ to the land, it is difficult for pastoralists to prove long term land use and residence, and thereby claim their rights to the land.

25 Village Land Act, part III on Transfers and Hazard Land, section 4 (I).

26 See Land Acquisition Act No. 47, 1967 still in force.

27 Village Land Act, part III on Transfers and Hazard Land, section 4 (6).

28 Few villages have a majority of pastoralists who therefore may not be represented in the Village Council. Where pastoralists constitute a majority of the population—as for instance in sub-villages—they may not always have access to the meetings at village levels (see Section 4.3.3, this volume).

29 Unexhausted agricultural improvement is defined in the Land Act (1999) as “thing or any quality permanently attached to the land directly resulting from the expenditure of capital or labor by an occupier or any person acting on his behalf and increasing the productive capacity, the utility, the sustainability or the environmental quality thereof and includes trees, standing crops and growing produce whether of an agricultural or horticultural nature”.

Although Tanzania is signatory to the UN Declaration on the Rights of Indigenous Peoples (2007) and thus has endorsed the principle of Free, Prior and Informed Consent when a community is facing eviction,³⁰ the existing legislation such as Tanzania’s twin Land Acts from 1999 has not been amended accordingly. However, the Village Land Act (1999) does include certain mitigating provisions to be taken into consideration when the president orders the transfer of village land into general public or reserved land. These provisions include the obligation of the Minister to publish a notice of “village transfer land” in the Gazette and send it to the concerned village council. This notice should specify: (a) the location of the area; (b) its extent and boundaries; (c) a brief statement of the reasons for the proposed transfer; and (d) the date, “being not less than 90 days from the date of the publication of the notice”. The Village Council may come up with recommendations and the Village Assembly can decide whether to approve or refuse to approve the proposed transfer. The Commissioner of Lands or an authorized officer “shall be under a duty to attend a meeting of the village council or village assembly as the case may be to explain the reasons for the proposed transfer and answer questions”.

The Village Land Act also includes a provision to pay full, fair and prompt compensation to “any person whose right of occupancy or recognized long-standing occupation or customary use of land is revoked or otherwise interfered with to their detriment by the State under this Act or acquired under the Land Acquisition Act, 1967”. It also stipulates that “No Village transfer land shall be transferred until the type, amount, method and timing of the payment of compensation has been agreed upon between the village council and the Commissioner”. It should however be noted that the compensation to be provided is a pay-off only and does not include a land-to-land compensation.³¹

There is thus within the existing legislation, certain provisions and procedures that, if respected, would provide pastoralist communities with some land tenure security. The problem is that these provisions and procedures are not followed and that there is very poor governance of the Village Land Act in terms of how it is currently applied, administered and safeguarded.

30 UNDRIP Article 10 states “No relocation shall take place without the free, prior and informed consent of the indigenous peoples concerned and after agreement on just and fair compensation and, where possible, with the option of return.”

31 See URT: TASAF III Resettlement Policy Framework Draft (2011). http://www.tanzania.go.tz/egov_uploads/documents/Final_RPF_Document_16_sw.pdf

2.3 Justifications for evicting pastoralists

When ordering evictions, government authorities justify the order by maintaining that pastoralists destroy the environment.³² Although this reasoning is unsubstantiated and not supported by scientific research or evidence,³³ it has become the most commonly used justification for evicting pastoralists from their village land.

Another, more recent argument for evicting pastoralists, that was first used in Kilosa in 2009, is that pastoralists cause conflicts with farmers over land use. For example, in Morogoro town, on 22 September 2013, Morogoro District's Council members told the press that they had "*ordered all illegal pastoralists to vacate the area with their livestock because they have caused unending land conflicts with farmers*" (*Daily News* 22.09.2013c). On the same occasion, the Morogoro District Commissioner stated

"Apart from causing conflict with farmers, the pastoralists and their livestock have invaded Selous Game Reserve, prompting wild animals to leave their natural habitat and wander in neighbouring villages and sometimes attack villagers"(*ibid.*).

In these statements, the Morogoro authorities and politicians infer that pastoralists are illegal and must be removed, in this way justifying their eviction and making more land available for cultivation. This in turn increases the popularity of these officials and politicians with the large majority of rural citizens in Morogoro, most of whom are crop farmers. This argument has also the effect of inciting non-pastoralist neighbouring communities against pastoralists.

2.4 Main trends

The list below outlines the main pastoralist evictions carried out in Tanzania within the past decade. The aptly named "*National Anti-Livestock Operation*" set a trend for how evictions were carried out in later years, including massive corruption

and extortion accompanied by violation of pastoralists human and legal rights.³⁴

- The *National Anti-Livestock Operation* was carried out in 2006 and 2007. This operation evicted pastoralists and small scale farmers from the Usangu/Ihefu wetlands in Mbarali district in Mbeya Region. The official reason for the evictions was to remove livestock in order to protect the Great Ruaha River which supplies water to the hydro power stations providing over half of Tanzania's electricity. Legal and human rights violations committed in the course of the evictions, including the systematic dispossession of pastoralists' livestock assets, were documented by civil society. A Presidential Commission of Enquiry was established and the report was handed to the president in June 2007, but it has remained confidential and to date no action has been taken to address the alleged abuses.
- *Operation Remove Pastoralists from Kilosa*³⁵ in 2009 was the second major eviction, and used many of the techniques developed during the Usangu/Ihefu evictions in Mbeya in 2006/7, such as extortion and forced sale of livestock. The Kilosa evictions saw for the first time that district leaders incited non-pastoralists against pastoralists. Incitement to hatred has since been applied by the regional and district authorities in Morogoro Region as well as by government authorities in Mbarali District (Mbeya region) and Babati and Kiteto Districts (Manyara Region).
- *Operation Save Kilombero Valley* in 2012 removed pastoralists and small scale farmers from the Kilombero valley (in the Ulunga and Kilombero Districts of Morogoro Region). This operation ostensibly aimed to clear the Ramsar³⁶ site which was established in 2002. The eviction was accompanied by massive extortion, corruption and dispossession of pastoralists' livestock assets, as well as extensive violation of human rights, including arbitrary arrests and killings. No action has

32 This argument was first used by the colonial powers (German as well as British) to a) justify removing pastoralists from key areas wanted for colonial settlers and game hunting, and b) justify confiscation of livestock to provide the meat industry with cheap meat, and to provide breeding stock for settlers' herds.

33 There is a body of literature explaining the rationale and practice of pastoralism, with scientifically grounded evidence that pastoralists do not damage the environment. On the contrary it is proven that pastoralists are able to sustainably utilise areas over the long term in a way that protects resources, including wildlife.

34 However, in its answer to the UPR 2011, GOT stated: *Regarding forced evictions and toxic spillage into drinking water, the Constitution guaranteed the right to property, and land laws prevented forced evictions and provided for compensation where land was used for public interest.* UPR, Report of the Working Group on the Universal Periodic Review A/ HRC/19/4 December 2011a, §25.

35 The Operation has several names in Swahili—all referring to removing pastoralists from Kilosa: *Operesheni Odoa Wafugaji Kilosa* (English; *Operation Remove Pastoralists from Kilosa*), *Operesheni odoa wahamiaji wa Kifugaji*; *Operesheniya kuvaondoa Wafugaji haramu Kilosa*.

36 "Ramsar" or the "Convention on Wetlands of International Importance" was adopted in 1971. It is an intergovernmental treaty providing the framework for national action and international cooperation for the conservation and wise use of wetlands. Member countries cover all geographic regions of the planet.



Leaving for Pugu abattoir – Photo: PAICODEO

been taken to address allegations of violations carried out during evictions.

- *Other pastoralist evictions and eviction threats:* A range of eviction-type actions were carried out in the wake of the major evictions noted above. These actions have taken place in Mbeya, Morogoro, Arusha, and Manyara Regions and include boundary disputes with protected area authorities and the army, efforts to remove pastoralists from land required for foreign investors and a range of measures taken by local elites to grab pastoralist land. The evictions are characterised by corruption and human and legal rights violations, while pastoralists have not been able to access protection from authorities.
- *Operation Tokomeza Ujangili* (“terminate poaching” in Swahili – hereafter *Operation Tokomeza*) was launched in October 2013, with a total budget of more than USD 2.4 million³⁷ (TZS 3,968,168,667). The objective of *Operation Tokomeza* was to eliminate poaching. The operation, however, was denounced

as being brutal, with major human rights violations and extensive plundering of the victims’ property and resources. A parliamentary enquiry confirmed these allegations and the report presented by the Standing Committee on Land, Natural Resources and Environment in December 2013 led the Parliament to order the suspension of *Operation Tokomeza*. The report also acknowledged that the *Operation* had targeted pastoralists. As a consequence of the report and public outcry, four ministers who had been responsible for the operation resigned, and a quasi-judicial Commission led by a retired Judge (Justice Msumi) was established to investigate the alleged crimes. The Commission’s report has not been made public although it was delivered to the president in April 2015.

It should be noted that all pastoralist evictions listed above were implemented under the auspices of Regional Commissioners and District Commissioners, and carried out by government agents supported by vigilantes and private security guards. ○

³⁷ Operation Tokomeza involved the Tanzania Peoples Defence Force (PDF - the army), the police force, the Anti-Poaching Unit, Tanzania National Parks Authority (TANAPA), Tanzania Forest Service (TFS), Ngorongoro Conservation Area Authority (NCAA), state prosecutors and magistrates.

CHAPTER 3 – PASTORALIST EVICTIONS IN MBEYA REGION

3.1 Summary of findings

Mbarali district in Mbeya Region has been home to pastoralists for many decades. In the early 1950s, pastoralist villages were established in and around Usangu and Ihefu wetlands of the Great Ruaha River, co-existing side by side with small-scale wet-rice farmers and fishermen. Over the years, these wetlands and adjoining lands have become increasingly attractive to various sectors of the Tanzanian economy. Large-scale rice producing farms have been established, game reserves have been expanded into the wetlands and the Great Ruaha Power Project was initiated in the 1970s: with two dams and two hydropower plants, it was planned to generate 50% of Tanzania's electricity.

Starting in the 1990s, however, electricity cuts began posing a real problem to the country's economy. In efforts to mitigate the problem, in April 2006 the Tanzanian government announced stringent measures aimed at protecting water sources, one of which was to exclude people from river basins. To this end, the *National Anti-Livestock Operation* was launched, and between May 2006 and February 2007, sixteen villages in the Usangu/Ihefu wetlands were permanently disbanded and the resident pastoralists, fishermen and small-scale farmers were evicted together with an estimated 218,000 cattle. This operation also affected pastoralist villages neighbouring the Usangu/Ihefu wetlands. In 2008 the Usangu/Ihefu wetlands were incorporated into the Ruaha National Park making human habitation there illegal.

It has been amply documented that grave human rights violations were committed during the eviction processes. This led to the establishment of a Presidential Commission of Enquiry. Yet the resulting report has not been made public and nothing has been done to address the violations. Today, the aftermath of the Anti-Livestock Operation is being felt strongly by the pastoralists who remained in Mbarali: they can no longer practice transhumance; they are being harassed by public authorities and they feel their livelihood to be under constant threat. Those who were evicted and now live in Pwani and Lindi Regions have found it difficult to adapt and make a new living: they do not have land, many have lost most of their herds and some have become very poor.



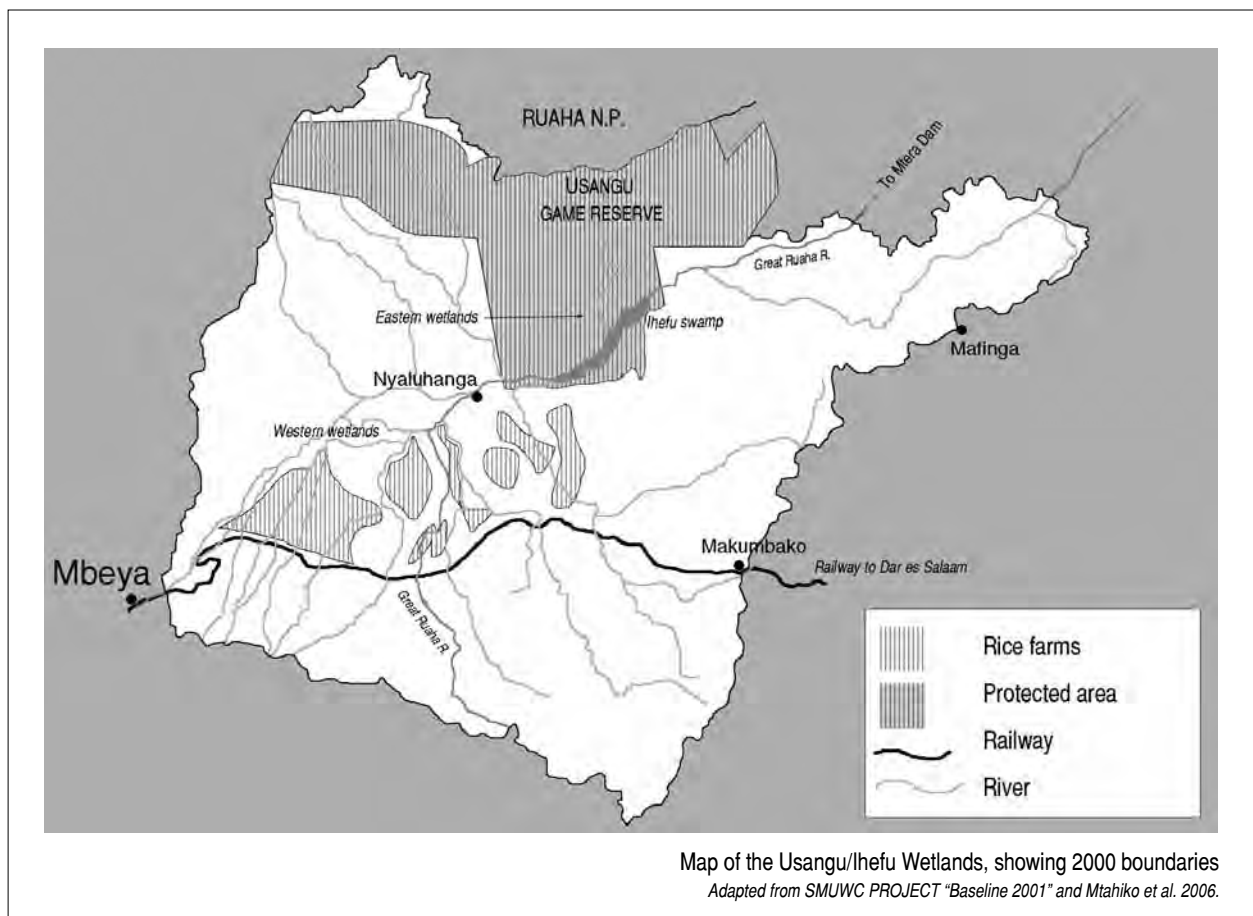
3.2 Land and water use

Mbeya Region is a highland area in south western Tanzania, bordering Malawi and Zambia to the south. Mbeya town is a trading centre on the main road between the south and west of the country, also a major trade route between Tanzania, Zambia, Malawi and DR Congo. The area is drained by the Great Ruaha River, which descends from its headwaters in the Kipengere Hills to the Usangu Plains. These plains act as a natural wet season reservoir for the rain water drained by the Great Ruaha River and its many tributaries from surrounding highlands. In the dry season the Usangu floodplain slowly releases the stored water, maintaining the Ihefu Wetland as a permanent swamp area which then contributes to a perennial flow in the Great Ruaha River.

Parakuiyo, Sangu³⁸ and Datoga³⁹ pastoralists live in Mbeya Region, and Sukuma herders have also been in the

38 The Sangu people are associated with Usangu (meaning the place of the Sangu) which they have inhabited since pre-colonial times, as recorded by the German administration in the 1890s. The Sangu keep livestock.

39 Datoga have been in the area for around 50 years, having been evicted from their traditional land areas in the north.



region for many years.⁴⁰ Historically, pastoralists have settled in and used the margins of wetlands and other less cultivable lands in Mbeya Region and the Usangu/Ihefu wetlands have been utilised by pastoralists since pre-colonial times. Here pastoralists practiced a transhumant grazing regime, using the wetlands to graze their livestock in the dry season, leaving the pastures on the higher ground to rest, and returning to these regenerated pastures in the rain season when the wetlands are flooded. This pastoralist land use was governed by ecological, social and economic considerations and, prior to the evictions, the wetlands were an integrated part of the rural economy. Pastoralists cultivated crops in their villages and engaged in other enterprises so as to diversify their economy (SMUWC 2001; PINGO's Forum 2009). In addition, small scale crop farmers used the wetlands for irrigated rice production and fishermen have a long history in the area (Lankford et al. 2009).

40 Sukuma pastures to the northwest of Tanzania are increasingly encroached by both small and large scale agriculture as well as by mining and conservation, forcing herders to leave and find pasture elsewhere.

In the early years of independence NAFCO⁴¹ estates were established on the edges of the wetlands with the aim of promoting rice production and national food security (AfDB 1994). Today, irrigated rice production is an important land use, and currently 200,000 tons of irrigated rice is produced in Usangu/Ihefu wetlands annually (SAGCOT 2012). The area irrigated for rice varies considerably between wet years and dry years⁴² as it depends on river flow (Lankford et al. 2009; SAGCOT 2012). However, according to a study by SAGCOT, the area under total irrigated cultivation in Usangu/Ihefu has been around 44,500 ha since 2001,⁴³ so irrigation co-existed with livestock production prior to the evictions in 2006. Of the total irrigated area, 67% (around 35,000 ha), is farmed by

41 National Agriculture and Food Cooperation (NAFCO) was established as a parastatal in 1969 following the Arusha Declaration. NAFCO nationalised pastoralist and smallholder land as well as private estates. The NAFCO estates in Mbarali District were more or less abandoned by the 1980s. Many of these areas are now offered for investment, particularly for foreign investments in private/public partnership with government or through SAGCOT.

42 It is reported that approximately 22,000 ha are cultivated in dry years and 42,000 ha in years with a lot of rain (Lankford et al. 2009; SAGCOT 2012).

43 Total irrigable area of the Usangu could be 55,000 ha if the irrigation was extended into the dry-season, with more effective irrigation systems and artificial storage of water (SAGCOT 2012).

individual small-holders,⁴⁴ either on the large NAFCO irrigation schemes (Madibira – 6000 ha, and Kimani – 1,500 ha) or on village land.⁴⁵ There are several large private irrigated estates, with two NAFCO estates, Mbarali (with 3,200 ha) and Kapunga (3,000 ha) having been leased to private investors within the last five years.

Hydro-power with the Great Ruaha Power Project has given the region a national strategic importance. Planned to generate about half of Tanzania's electricity supply, it is based on two dams and two hydroelectric power plants at Mtera and Kidatu. The dams were built on the Great Ruaha River in the 1970-80s to store water from the wet season and regulate the flow throughout the year to the hydro power stations.⁴⁶ In 1993, however, the Great Ruaha River stopped flowing in the dry season for the first time in living memory (Ndugai 2010; Walsh 2012). When electricity rationing was imposed in Dar es Salaam in 1995, the state-owned electric supply company TANESCO opportunistically blamed the drying up of the Great Ruaha River for the failure of the hydropower stations, and laid the blame for the drying up of the river on pastoralists and other small scale land users (Lankford et al. 2009; Walsh 2012). This prompted the government to take measures to control the use of the Usangu/Ihefu wetlands, and in 1998, the core of the wetland (Ihefu) was gazetted as part of a new game reserve (the Usangu Game Reserve);⁴⁷ in 2001, fishermen and livestock keepers were forcibly removed (Walsh 2012).

As foreseen,⁴⁸ removing pastoralists and livestock from the wetland did not solve the problem and the occasional seasonal drying of the Great Ruaha River continued unchanged (Walsh 2013). At the same time, studies⁴⁹ showed that the power cuts experienced were due to the mismanagement of the two dams rather than a significant reduction in the Great Ruaha River's annual flow. But, as Martin Walsh explains; *"Different institutions and interest groups have sought to explain the river's increasing seasonality, focussing on resource use in and around its immediate source, the Usangu wetland, and laying the blame on different resource users."* (Walsh 2012). These interest groups⁵⁰ have justified the low levels of water in the dams by blaming land use in the wetlands for reduced dry-season flow of the Ruaha (Lankford et al. 2012, Walsh 2008) and in an attempt to satisfy the multiple interests, political momentum to evict people from the wetlands increased.

3.3 Outline of events

President Kikwete, in his already mentioned speech of 30 December 2005, explained his government's agenda on water conservation:

We have watched as the situation at the Mtera dam deteriorated. The Great Ruaha River is no longer great – it is almost dry in some parts. The Government at all levels should now

Year	Summary over key events
1964	Ruaha National Park created, incorporating part of the Ruaha Game Reserve
1993	Ruaha River dries seasonally for the first time
1995	Electricity rationing imposed across the country
1998	24 July: Usangu Game Reserve gazetted, incorporating Usangu/Ihefu wetlands
2005	Electricity cuts and rationing throughout the year. On 30th December the President informs Parliament on need to stop damage to the Great Ruaha River
2006	National Anti-Livestock Operation launched by the Vice President's Office. From May 2006 to February 2007, eviction from Usangu/Ihefu, and disbandment of 16 villages
2008	Ruaha NP expands borders, incorporating Usangu GR. People are permanently excluded from the NP. Boundary disputes between NP and neighbouring villages increase.

44 The figures quoted are provided by the Zonal Irrigation Unit in 2010 (quoted in SAGCOT 2012).

45 World Bank, DFID and AfDB established large irrigation schemes for small scale users (AfDB 1994; Lankford and Frank 2000), which were aimed at making irrigation more effective.

46 The hydroelectric power stations have been rehabilitated several times since the 1980s. The project was financed by SIDA, NORAD and TANESCO at the estimated cost of about 12 Million US\$.

47 Formerly the Utengule GCA covering an area of 414,800 ha or 4,148km².

48 Many experts pointed out that Usangu/Ihefu were reservoirs and not the source of the Ruaha River and indicated that steps should rather be taken to control upstream irrigation if there was real concern over the wetland (Lankford et al. 2012).

49 SMUWC 2001; Lankford et al. 2009; SAGCOT 2011.

50 These groups include large irrigation farmers upstream, tour operators, Ruaha NP, conservationists, etc.



Iwalangi village - Ruins of houses from where people were evicted – Photo: IWGIA archive

*intervene and be ready to be held to account for this situation. This damage must be stopped and reversed.*⁵¹

This statement took on a much greater urgency when TANE-SCO introduced in February 2006 a severe regime of day-time electricity rationing in the country—extremely damaging to industry and other sectors of the national economy (Walsh 2012) as well as for the image of the new president, who immediately enjoined his vice president to take action (ibid.). In March and April, the Office of the Vice President (VPO) issued two documents that forecast the coming evictions: the “Strategy for Urgent Actions on Land Degradation and Water Catchments”, where the two first mentioned main challenges (out of 12) are activities related to livestock keeping (Muyungi, n.d.);⁵² and the “Statement on Urgent Measures Aimed at Environmental Conservation and Preservation of Water Sources”, prescribing 22 immediate measures to address these challenges, and directly targeting pastoralists “*who have invaded Usangu and Kilombero basins and who should vacate immediately*”.⁵³

3.4 National Anti-Livestock Operation

On 18 May 2006, the VPO launched the *National Anti-Livestock Operation*, with an allocated budget of USD 123,000 (TZS 200 million). The focus of the operation was Usangu Game Reserve (GR) and it was implemented by armed police, TANAPA and the anti-poaching unit, under supervision of the Mbeya Regional Commissioner. There was no consultation with the pastoralists and their consent was not sought (Mutekanga et al. 2013). The initial plan was to remove around 2,290 households and their livestock (Songorwa et al. 2010) from eight villages within Usangu GR (PINGO’s Forum 2009; Ndugai 2010). However six months later, in November 2006, new guidelines were adopted extending the operation to the areas surrounding the wetlands and outside of the game reserve. The new approach set a limited size for each herd, set at 100 head of cattle per herd, and special patrols were established in the villages to ensure that larger herds were removed (Walsh 2009). By the end of the operation in February 2007, a total of sixteen villages had been disbanded (Walsh 2012) and around 218,000 livestock removed from the area (Songorwa et al. 2010). It is

however not clear how many people were evicted or where they went (Msigwa and Mvena 2014). Following evictions, Usangu GR was put under the management of TANAPA and in 2008 the area was absorbed by Ruaha NP (Walsh 2008), making Ruaha NP the largest in Tanzania (20,226 km²).

Pastoralist villages in Mbarali District but outside the Usangu/lhefu wetlands were also affected by the *National Anti-Livestock Operation*: their residents too suffered human rights violations and extortions, while some families, together with their livestock, were forcibly evicted. Currently the main challenge to these pastoralist villages is that, when Ruaha NP annexed the Usangu/lhefu wetlands, village boundaries outside the wetlands were also changed, alienating village rangelands and water sources and thereby reducing the area available for livestock production within the village lands. The village governments consider the unilateral changes to boundaries illegitimate as no agreement has been sought between Tanzanian National Parks Authority (TANAPA), who administers and manages Ruaha NP, and village authorities. Despite the legal actions taken by pastoralists to resolve the matter, TANAPA rangers and private estate security guards continue to intimidate and harass the residents of the villages over the disputed boundaries, capturing livestock and herders and forcing the herd owners to pay ad-hoc penalties. Village authorities reported that residents have been tortured and illegally detained by TANAPA rangers, and now women and children are fearful of leaving the safety of their homesteads.

Local citizens and CSOs documented grave violations of pastoralists legal and human rights in the eviction processes (PINGO’s Forum et al. 2007), and successfully lobbied for a Presidential Commission of Enquiry. The Presidential Commission’s report was handed to the President in June 2007 but the report has never been made public. In December 2011 the human rights violations were reported to the Universal Periodic Review (UPR) and a number of recommendations on human rights issues were made to Tanzania.

However to date nothing has been done to investigate the violations, and the lack of government action in addressing the allegations is seen as a signal, sanctioned at high levels, that pastoralists’ rights can be violated with impunity.

3.5 Iwalanji and Manawala narratives

The evictions from the Usangu/lhefu wetlands in 2006/7 are well documented. There are also records of the status of pastoralists who were forced to move to coastal areas following eviction from Mbarali district (for example Walsh 2012; Ndugai 2010; Songorwa et al. 2010; Msigwa and Mvena 2014), and a study has showed increased poverty amongst farmers after

51 For full text of speech, see www.parliament.go.tz/docs/pspeech_en.pdf

52 See Muyungi (n.d.), *Managing Land Use, Protecting Land and Mitigating Land Degradation: Tanzania Case Study* at <http://www.eusoils.jrc.ec.europa.eu/events/conferences/tanzania>

53 URT, *Poverty and Environment 2006* at <http://www.unpei.org/sites/default/files/PDF/TZ-PEINewsletterVol2.pdf>

See also URT, *State of the Environment Report 2006b*, p. 100.



Fetching water for livestock, Iwalanji village – Photo: IWGIA archive

the wetlands were gazetted as part of the Ruaha NP (UNDP et al. 2011).

There is however little available information about the status and well-being of pastoralists who remained in the Usangu/Ihefu area. To learn about these changes and how pastoralists have coped since then and what challenges they have faced, field visits were made to Mbarali District where two pastoralist villages were visited: Iwalanji and Manawala. In each village, discussions included members of the village government council, customary leaders, old and young women, warriors and Village Chairmen. About 20 people took part in the village discussions in Iwalanji and 28 people in Manawala. Other key pastoralists were contacted who provided background information, including information about Matabete Ranch and other developments.

Manawala is the oldest existing pastoralist village in the area, and both Manawala and Iwalanji are registered and have legitimate and functioning village governments as per the requirements of Tanzanian law (see box 1 below). Prior to the eviction of 2006 and the current conflicts over boundaries, the pastoralists in both Iwalanji and Manawala practiced transhumant herding, moving livestock in annual cycles between the wetlands and the higher ground, according to customary agreement. Permanent buildings were on the higher lands, and people used the wetlands seasonally, having land hold-

ings in both higher land and wetland. They also cultivated on the higher ground.

The Iwalanji village leaders told how district officials and the Mbarali District Commissioner (DC)⁵⁴ came to Iwalanji Village on 22 and 23 November 2006, to count the livestock belonging to Iwalanji residents. These officials ordered some Iwalanji residents to move with their livestock to Lindi Region, several hundred kilometres away on the coast. When the villagers refused to accept the order, they were fined more than USD 14,000 (TZS 23m) in total, and their livestock were confiscated and taken to holding pens in Igowa, a nearby village. At the same time similar events took place in Manawala village.

Interviews from both villages explained how the DC brought trucks to Igowa village and told the pastoralists that these would move livestock to Lindi. The DC reportedly told the pastoralists that land and infrastructure had been prepared for them in the destination villages and she encouraged them to accept the move. But the Iwalanji and Manawala residents refused to agree to move from their rightful land; however they were told that their livestock were being removed with or with-

⁵⁴ Ms Hawa Ngurume was the Mbarali DC who oversaw evictions in 2006/7.

Box 1 – Governance, land and resource

Iwalanji village, in Mbarali district of Mbeya Region was registered in 1993. **Manawala village**, also in Mbarali District, was registered in the 1970s. Both villages have Village Land Certificates and Village Land Use Plans (VLUP) mapping out areas for various land use activities. The VLUP have been approved according to legal requirement, and village byelaws (endorsed at district level) set out the terms and conditions supporting and enforcing the VLUP. These documents are stored in the village offices. Iwalanji and Manawala villages are governed by their elected village councils under the leadership of chairmen, and all people resident in the villages are registered in the village records. Both villages are considered pastoralist villages as in each village the village government is made up of pastoralists, and the chairmen are also pastoralists.

Neither Iwalanji nor Manawala is situated in the Usangu/Ihefu wetlands. But despite this, in 2006/7 both villages suffered from many of their residents being evicted by government agents, together with their livestock.

The village leaders accuse Ruaha NP of encroaching onto village land, and now there is constant conflict as herders are arrested and herds confiscated. The village councils complain that currently they are unable to implement their legally approved land use plans as the boundaries are contested and livestock can no longer access some pastures which according to their village maps and records, are within the village boundaries.

out their owners, so some of the pastoralists⁵⁵ were forced to leave with their livestock.

Village leaders explained that, despite both Iwalanji and Manawala being legally registered village lands with elected councils representing the residents, many residents were evicted. The evictions were carried out without prior information or consultation and there was no consent from the citizens. In addition loss of land and property was not compensated. The village government was neither consulted nor involved in any way in the evictions, despite having the legal responsibility to administer village land. The Iwalanji village chairman told that government agents were aggressive in the

way they carried out the 2006/7 evictions; cattle were rounded up, herders were beaten and livestock owners paid large sums of money as fines or to be spared eviction. In general, the 2006/7 evictions were considered to have had long term impacts on people's lives and public perception. The Manawala village chairman, explained that these evictions had radically changed how pastoralists are treated, even in their own lands:

The problems from 2006 and 2007 affected many pastoralists – the Operation started in Ihefu. Before this in our villages we lived in peace as we had land and our villages are registered, and we have official village land use plans and all papers in order. Yet government policies seem to have changed during the evictions – and in the end the operation to evict pastoralists and small scale farmers from the Ihefu wetlands seem to have affected everyone, even those outside the Ihefu, leaving many families in serious difficulties, including here in Manawala.

(Chairman of Manawala village, 24.Nov. 2013)

3.6 The aftermath

3.6.1 Livestock production

The Usangu/Ihefu evictions have changed the long established ecological, social and economic dynamic of the area. Prior to the evictions in 2006/7, livestock production was an important economic activity in Mbarali District in a number of ways, sustaining the local people and contributing toward the local economy. For example, taxes on livestock and meat sales in Mbarali livestock markets came to USD 200,000, making up 52% of the District Council taxes in 1998 (SMUWC 2001). Today, livestock production continues to be part of the local economy but production is reportedly now constrained as more than two thirds of the wetlands are no longer accessible, making it difficult for pastoralists to utilise the land effectively or sustainably. (Lankford et al. 2009; Village interviews in Manawala, Iwalanji and Matabete 2013). While local people before the evictions accessed 1,565,000 ha (15,650 km²) of the Usangu wetlands, they now legally access less than 500,000 ha (5,000 km²) (UNDP et al. 2011). In addition to this, allocation of land for agri-business investments⁵⁶ has further reduced the land area available to pastoralists and other land users. Pastoralists interviewed noted that as a consequence of limited access to land and water, there is reduced livestock productivity and increased poverty in the area (interviews from Matabete, Iwalanji and Manawala villages, November 2013).

55 Most of the evicted pastoralists were Parakuiyo and Sukuma, as government chose not to evict the Sangu. The Sukuma from Singida were allegedly allowed to remain as they gave the DC cattle to spare them.

56 The government, through the SAGCOT, is promoting the Mbarali stage 1 cluster for foreign agri-business investment in irrigated rice cultivation (SAGCOT-NARCO 2013; Bergius 2014).

Altogether this means that there is now more competition⁵⁷ over increasingly scarce resources (Lankford et al. 2009). The above mentioned UNDP study showed that 46% of the respondents believed their welfare had diminished compared with five years ago (UNDP et al. 2011).

3.6.2 Changing tenure and boundaries

After the 2006/7 evictions, in 2008, the government changed the status of the Usangu GR, including 16 villages and their village lands, and made it part of Ruaha National Park to be managed by TANAPA (Ndugai 2010). By swallowing up Usangu, Ruaha NP increased its size from 10,300 km² to 20,226 km² (Walsh 2008). International conservation bodies were gratified and contributed toward the management of the park and photo safari tourism enterprises were satisfied, now sure of expanded and undisturbed access to the Great Ruaha River and its wetlands.

However, district and regional development plans had to be changed without notice, on-going and planned donor projects in the area were abandoned. Also existing hunting blocks were discontinued without consultation or agreement, devastating local hunting tourism enterprises (Walsh 2012). Also it is not clear how many people were actually evicted in the Anti-Livestock Operation in Usangu/Ihefu in 2006/7 and it is unclear where all these people went. However, it was stated in field work that the villages around the national park absorbed many of the evicted people, increasing pressure on the resources in the villages. Also it was noted that the enlargement of the park disrupted the livelihoods of people living in these villages as they had depended on seasonal use of the wetlands, now inaccessible.

New boundary markers were set when Ruaha NP was expanded to nearly double its size. Village authorities in Manawala and Iwalanji villages insist that Ruaha NP boundary markers are encroaching on officially designated village land, and that the markers were put there by TANAPA rangers without consulting or agreeing with the village government. The village leadership in both Iwalanji and Manawala deem that the unilateral decision on the “new” Ruaha boundaries is illegal.

In 2008, TANAPA allegedly moved some of the beacons designating Ruaha NP boundaries into what the local people understood to be Iwalanji village land, taking up most of the village: “So now, according to TANAPA, the citizens of Iwalanji village live in the Ruaha National Park!” said the chairman of

the village, who also suddenly found himself living within what TANAPA consider to be a national park. He notes that:

The water and the good grazing inside what TANAPA says are the new boundaries of the park are a constant temptation to take the livestock and graze on these lands as we used to do before TANAPA changed the boundaries.

This situation is difficult for the herders, as the boundaries are not agreed. It was reported that TANAPA rangers are using the boundary anomaly as a pretext to fine pastoralists and enrich themselves.

This means that we do not have good relations with TANAPA – if boys or adult herders see the rangers, they run. When the herders run away, the rangers take the cattle and take them to their camp inside the park and fence them there. The owners then have to negotiate for the release of the cattle, paying between 10,000 and 50,000 shillings per head. Additionally, if the herders are caught with the livestock, pastoralists pay 110,000 for the release of each herder. You can imagine the cost to us if they find five herders with the livestock!

(Manawala elder, 24 Nov. 2013)

Since 2008, the boundary conflict with Ruaha NP has negatively impacted land use in the villages and it is now impossible to implement the approved and endorsed land use plans, which weakens land use governance and village control over land. Pastoralists in both villages consider that they have demonstrated their commitment and rights to live in the area, and are indignant at suggestions by district authorities that they should vacate the land and “return to their homeland”.

We pastoralists have lived in Iwalanji since 1953, and all those now alive were born here. In 1993 we registered the village and in 1996 we built a primary school. The official reason for moving us is that government do not want us to live near the national park, so the District Commissioner tells us pastoralists to go to our homeland – yet this is our homeland!

(Iwalanji Village Chairman, 24 Nov. 2013)

3.6.3 Continuing violations

The villagers told of increased violation of rights in their areas since the start of *Operation Tokomeza* in October 2013. They explained that all the villages and local citizens in the area are negatively affected by the operation, and TANAPA rangers are detaining and beating pastoralists and crop cultivators as well as capturing livestock and trekking them to corals inside the

⁵⁷ There was some friction between the Parakuiyo/Barabaig (Datoga) pastoralists and the more recently arrived Sukuma over resource use, but reportedly the relationship between the pastoralists and small scale farmers has always been mutually beneficial (Interviews in Iwalanji and Manawala villages, 2013).

park to be released on payment of fines. To illustrate how the people of Iwalanji are suffering, the Iwalanji village leadership and residents presented an example of extortion and torture. The man who was tortured showed his scars and told his story, summarised below (box 2).

Box 2 – The story of a herd owner

On 10 October 2013, TANAPA rangers seized 136 head of cattle near the river. The herd owner, a middle aged man, told how he went to check on the livestock but was captured and taken to Ikoga (the TANAPA camp nearby) and accused of being a poacher. He was then taken to Msembe, TANAPA's Ruaha NP headquarters in Iringa inside the NP, where there is allegedly a "house for torturing people". Here he was forced by rangers with guns to drink a chilli concoction made of pounded chillies mixed with water. He was also beaten repeatedly on his feet with thin sticks. He was forced to strip naked and lie on the hot sand on his back, while guards threatened to bury him alive. However he paid the rangers money and they did not bury him.⁵⁸

The herd owner stayed in Msembe for six days. During this time, his cattle were kept in an enclosure with neither water nor food, and six cows died as a result. Finally people were given permission to feed and water the cattle, but they had to transport grass and water 27 km to reach the impounded cattle. His relatives had to hire trucks at the cost of 2.4 million shillings. In addition, he had to pay 1,360,000 shillings as a fine—originally the rangers wanted 8 million, but the man contacted a lawyer who managed to reduce the price to 10,000 shillings per head. He was given a receipt following the lawyer's intervention.

Record of a meeting
in Iwalanji village, 24 Nov. 2013

It was alleged that when pastoralists try and address matters of intimidation, extortion and human rights abuse, the matters are not dealt with or even recognised. Below a woman in Manawala explains how the voice of pastoralists is not heard by the authorities who have a duty to

58 Other men were not as fortunate as they could not pay; they were buried to their necks and their pain and fear made the rangers laugh. Their guts were badly affected by the pressure of sand/earth when they were buried.

protect people's rights. She also told how an attempt by pastoralists to strengthen their voices through registering a local organisation is being stalled at district level by the authorities.

We pastoralists don't know our rights – and even if you do know your rights and try to fight to claim these rights, the government just shuts you down. The higher level authorities don't listen to us when we try to defend our cases. Even when we want to fight unjust court decisions, we have nowhere to take our grief as our voices are simply not heard. We have tried to form a local pastoralist organisation so that we strengthen our position, but it has been difficult to register as the district is blocking us.

(Manawala village, 24 Nov.2013)

3.6.4 Struggling for rights

The people interviewed told of the continuing struggles to get their rights recognised and protected. They disclosed that people have been intimidated and are now really afraid, clarifying how, when they attend meetings, they are followed, taken away and questioned (usually by police or other officials).⁵⁹ The village leadership explained that the harassment of herders, the eviction of some of the villagers from their lands, beatings and torture, dispossession of livestock, unreasonable demands and extortion of money and other assets, and the cases of pastoralists being illegally detained,⁶⁰ have both undermined the courage of the pastoralists in these villages, and strengthened their resolve to remain and carry on the struggle to claim their land and legal rights.

The formal struggle for rights started when local pastoralists joined civil society, the media and observers to help document human rights violations in the 2006/7 eviction process. The villagers interviewed told how they had reported to the Presidential Commission of Enquiry led by Judge Chande. The villagers had the impression that the Commission understood that human rights violations had been committed and that victims of the evictions should

59 It was reported as an example that a resident of Manawala village recently attended a pastoralist meeting in Dodoma organised at national level by NGOs. He was followed and when he got back to Mbeya (on the day of the interview, 24 Nov. 2013), he was put in prison by the police and accused of raising controversial issues at national level. He was later released without charge.

60 Women explained that they dare not go to the river for water or to the bush for firewood as they are caught and taken into the park and charged with poaching. Women in Iwalanji reported that even when in their yards at their homes, they are rounded up and taken into the park and charged with poaching, and only released on payment. Children and herders run to hide when they see TANAPA vehicles, even if being in their own yards.



Goat herding – Photo Carol Sorensen

be compensated for loss of property, natural resources and land. Although the report was submitted to President Kikwete in June 2007, the report remains confidential and is not available to the public. The people interviewed consider that by keeping the report secret and by not acting on the reported human rights violations against pastoralists, the government is demonstrating that the rights of pastoralists can be violated with impunity. They note that this has set a trend across Tanzania, as they have reports from fellow pastoralists elsewhere that pastoralists are the target of human rights abuse and extortion rackets committed by different government agents. And to date these crimes are not addressed, even when well documented (e.g., by PINGO's Forum, LHRC and others).

Currently both villages are struggling to have their boundaries recognised and protected, and continue to insist that TANAPA have encroached onto village land without consultation or consent of the village government, making the encroachment illegal in the eyes of the village government. Manawala village has maps showing where the TANAPA beacons were set in the 1950s, and in early 2013, after consistent lobbying by the Manawala village authorities, a committee from the Prime Minister's Office (PMO)

brought together TANAPA and the citizens of Manawala to see the coordinates of the so called new TANAPA boundaries. However, according to these coordinates, the whole of Manawala village now belongs to TANAPA. The committee from the PMO office promised the community that they would have answers to the problem by June 2013, but according to the village governments, at the time of the interviews (November 2013), there were still no answers to their questions and no report.

The committee from the PMO also came to Iwalanji in early 2013. According to village members, the committee told Iwalanji village and TANAPA that the pastoralists should continue to access pasture and water as far as the river until a decision was reached. However to date the committee has not come back with a decision on the boundary and no solutions have been agreed. Meanwhile, TANAPA rangers are alleged to continue to intimidate and harass Iwalanji residents and extort fines for trespass into the pastures up to the river, contravening the agreement. Not being content with waiting for the outcome of the committee, Iwalanji village has recently taken the case of Ruaha NP encroaching

village boundaries to the High Court⁶¹—“*which is why we are still here*” as the Village Chairman says.⁶²

3.6.5 Increasing marginalisation

The people who remained

In Iwalanji, the pastoralists who remained report that they are now trapped between the national park and the irrigated rice farms, and they feel they are fighting all the time and there is no peace.

Women are so confused, even here in our home Iwalanji – there is nothing to do, not much milking, few cattle or small stock to look after, so women are now without gainful employment. Also when the cattle were moved to the coast, or when people lost their livestock, women had to cook wild plants and try to satisfy the family with this, sometimes for long periods of time, as there is no milk or money for food.

(Woman in Iwalanji, 24 Nov. 2013)

The loss of wetland grazing areas means that they cannot practice transhumance, putting pressure on the remaining pastures which can no longer be rested. Losing access to the rivers of the wetlands makes it difficult to provide water to their livestock. These changes have a negative impact on the viability of their livestock production, and together with the constant need to find money to pay the fines imposed by TANAPA rangers, people are increasingly impoverished and cannot build their herds to a viable level.

The situation for our community is terrible until now, as economically, when you fall down, it is difficult to rise up again. In our community, some families have moved for good to Lindi. Others have been split, with some of the herds going to the coast regions, while other family members remain behind with a few cattle and the cultivated fields.

(Manawala Village Chairman)

It was reported from both Iwalanji and Manawala villages that the evictions continue to negatively impact on the lives of children in the villages as well as where they have been moved to in the 2006/7 evictions. Pastoralists who lost a

lot of livestock, both here and in the new areas, cannot pay school costs and generally there are not enough cows in the community to produce enough milk for the children's needs. As the few livestock cannot provide a viable off-take for sales, there is not enough money to buy food for either children or adults.

Box 3 – Manawala after evictions

There are many abandoned houses in Manawala, especially in the area which is now claimed to be Ruaha National Park. Many people were evicted in the 2006 evictions and others have been forced to vacate the area through a process of constant harassment by rangers, police and private sector guards. A few brave people have remained, including the village chairman and his family, in order to carry on fighting for the rights to the land. The women who have remained reported that they are afraid at all times, and that it is dangerous to live here as they can be captured outside their house and taken deep into Ruaha and accused of poaching.

The fear in this village was apparent – many children attended the meeting and sat silently throughout, listening quietly to the adults speaking. These children have been chased by rangers in vehicles, and they have lost many friends and relatives who have left the area. Apparently many of the children are hungry as the remaining livestock herds are not as productive as they used to be due to restrictions on grazing and water, and because livestock are constantly depleted to pay the extortion demanded by TANAPA guards.

Now water has to be drawn from 3-4 meter deep holes in the ground and carried up to fill troughs for livestock. This appears to be the only water safely available in the area, because people told that if herds are taken to the river, herders and livestock may be captured and kept pending payment for their release.

The people who were evicted

The families who moved to the coast (Pwani Region)⁶³ told that they are still not secure where they are now; they do

61 They were supported by the MP, Mr Modestus Dickson Kilufi, to make this arrangement, but have paid for the case themselves, another drain on their remaining resources.

62 The chairman of the village told that he has a strategy to have cattle in both Iwalanji and Kibaha (Pwani region), so as to keep his options open and ensure that if he is forced to move he has cattle established in the new place.

63 Field work was carried out in Pwani Region on 28 and 29 November 2013, in Mkiu village (Mkuranga District) and Ruvu Station (Kibaha District). Interviews were conducted with pastoralist leaders, women, youths and elders, who described their experience of the eviction and described their lives in the new location.

not have land, many have lost most of their herds and some have become very poor. They explained that the process of dispossession started in Usangu, where a lot of livestock got lost being trekked to the holding grounds. Once at the holding grounds, livestock had to be sold to pay for penalties arbitrarily imposed by district officials. Other ad-hoc fines had to be paid in transit at barriers set up by different state employees.⁶⁴ Livestock had to be sold, usually at throw away prices,⁶⁵ in order to raise the money to pay the penalties. In addition, a lot of livestock, especially young animals, died in transit, which was undertaken without attention paid to the need to feed and water the livestock on the long journey (also reported by PINGO's Forum et al. 2007). The land holdings, infrastructure and other property that pastoralists were forced to leave behind in the eviction were not compensated, nor was compensation paid for the death of livestock in the eviction process. The evictions severely depleted pastoralists' herds and other assets.

In their new locations, the evicted pastoralists have to rent land for housing and for grazing livestock; they also have to pay to access water. The livestock brought from Usangu are unsuited to the new coastal environment and do not thrive, while new livestock are hard to buy and old livestock difficult to sell as there are no nearby markets. Pastoralists explained that their technical knowledge on pasture, water and disease often does not apply in the new environment, so everything has to be relearned. Social networks are disrupted, and it was said to be difficult for people who have been evicted to continue practicing their traditional culture or engage in the social activities such as singing, which are important features of pastoralists' social life.

The people evicted from Iwalanji and Manawala villages recounted that they were not provided with shelter, food or

water on arrival at their destination, despite the promises made by the Mbarali DC. Allegedly they were dumped, adding their numbers and livestock to the people already rightfully living in the destination villages, most of whom are farmers already cultivating the land.⁶⁶ As the Iwalanji village chairman said:

The evicted people from Iwalanji, who once owned their own land and pastures, are now intruders on other people's land.

(Iwalanji Village Chairman, 24 Nov. 2013)

The accounts given by people who were evicted from Iwalanji and Manawala are similar to the accounts documented by PINGO's Forum et al. in 2007 and Walsh in 2008. More recent research tracking the effect of the evictions on the people evicted demonstrates that the evicted pastoralists continue to suffer from poverty, inadequate food security and social/economic disruption (Ndugai 2012; Msigwa and Mvena 2014). For example, it was found that five years after the evictions, the evictees living in Rufiji and Mkuranga Districts (Pwani Region) and Kilwa District (Lindi Region) only had about 50,000 head of cattle left, compared with the estimated 218,000 that were removed from Mbarali District (Mutekanga et al. 2013). As one woman in Iwalanji explained, concerning the people who had been evicted:

For those with livestock, life may be OK and they are doing well. But for those without livestock, their lives are terrible.

(Woman from Iwalanji village, 24 Nov. 2013) ○

64 These could be police, district natural resource checkpoints. Lorries to Lindi were particularly badly hit.

65 PINGO's Forum et al. (2007) report that at the barriers put up on the road and at Mkapa Bridge, "markets" were set up, where buyers paid as little as 20 or 30,000 shillings for an animal which would normally have fetched 800,000sh.

66 Local people were fearful of evicted pastoralists, believing them to be criminals (Iwalanji and Manawala interviews).

CHAPTER 4 – PASTORALIST EVICTIONS OVER THE PAST SEVEN YEARS IN MOROGORO REGION

4.1 Summary of key findings

Over the past seven years Parakuiyo, Datoga and Sukuma pastoralists living in Morogoro Region have suffered from three planned evictions—*Operation Remove Pastoralists from Kilosa* (2009), *Operation Save Kilombero Valley* (2012) and the *Operation to remove all pastoralists from Morogoro District* (2013). Concurrently, pastoralists in the region also experienced lethal conflicts over village land and in the vicinity of protected areas.

Field work conducted in November 2013 confirmed that evictions were carried out by government endorsed agencies. There was no prior consultation with the pastoralists, no compensation paid and no arrangements made for their resettlement. The eviction processes, as well as the conflicts on village land and conflicts with protected area authorities, were reported as brutal, including killings and other serious human rights violations. Houses were burned down, live-stock stolen and money extorted in form of arbitrary fees, penalties and bribes. Pastoralist families were deliberately dispossessed of their legitimate land holdings, property and economic assets and at no time were they able to access protection from the authorities whose duty it is to provide security.

In order to contest the evictions and gain clarification on the legal status of their village land, several villages filed court cases. In all instances reported, regional and district officials disregarded court orders to stop the evictions and conflicts while the cases were being heard, and orders from the parliament have also been ignored. Even though the abuses committed have been well-documented in many reports, none of the crimes and human rights violations have yet been addressed and a culture of impunity prevails.

The loss of land and grazing areas has impacted on the pastoralists' livelihoods. The continuing harassment they experience from local authorities and the government endorsed incitement to hatred between pastoralists and non-pastoralists has increased their vulnerability. People now reportedly live in fear and feel they have no recourse to justice or protection.



4.2 Background and context

Morogoro Region has a varied landscape with mountains, hills, plains and wetlands, plentiful available surface water, fertile soils and a climate suitable for growing most agricultural products. The region has good access to markets for its products as it is reasonably close to the main port city of Tanzania, Dar es Salaam, and the road to Zambia, Malawi and Congo passes through. All this combines to make Morogoro an attractive region for all kinds of commercial agriculture (livestock ranching, horticulture, plantations) and related industries. It is also home to farmers who practice small scale crop cultivations and pastoralists who practice extensive livestock keeping.

Parakuiyo pastoralists have been in what is now Morogoro Region for many generations, with oral and written records showing that they have probably used the area from before 1850 (Jennings 2005; Maganga et al. 2007). Other pastoralist and agro-pastoralist groups such as Datoga, Sukuma, Gogo, Kamba and Iraqw have been living in Kilosa District since before independence (PINGO's Forum 2009).

	Pastoralist evictions and conflict in Morogoro Region
2009	Kilosa District — Operesheni Ondoa Wafugaji Kilosa (Operation to Remove Pastoralists from Kilosa)
2011	Kilosa District — continued threats of evicting pastoralists from Kilosa
2012	Kilombero and Ulanga Districts — Operation Save Kilombero Valley
2013	Mvomero District – Militia (Mwano) operates with deadly clashes in Kambala
2013	Morogoro Region — RC and DC declare that ‘illegal’ pastoralists will be removed
2013	Morogoro District — Operation to evict all pastoralists from the district
2013	Morogoro Region — encounters with TANAPA, often lethal, near protected areas. For example Gonabisi and Wami Mbiki WMAs and Mikumi NP
2015	Morogoro Region — ethnically based violence targeting pastoralists (Morogoro municipality, Morogoro, Kilosa and Mvomero Districts)

Traditionally, pastoralists have interacted with crop farmers in an agricultural system where pastoralists herd their livestock on the uncultivable drier uplands in the rain-season, and in the dry season herd their livestock to graze in wetlands or, on agreement, on farmers' crop residues. This was a complex integrated system requiring collaboration and cooperation between crop farmers and pastoralist herders, and was seen as mutually beneficial (available food and markets, fields cleared and fertilised in exchange for the residues, available draft animals, etc.) and in this sense worked when there was enough land available for all. However in recent years land has become scarce due to a number of factors, including recent in-migration of small scale farmers displaced from elsewhere (Maganga et al. 2007) and the emerging commercial interest in large scale farming.

Large scale land estates are a fairly common feature in Morogoro Region.⁶⁷ During the late 1960s large scale NARCO (National Ranching Corporation) ranches and NAFCO (National Agriculture and Food Corporation) farms were established by government through a process of nationalisation of land (both from small and large scale holders). Now most parastatal enterprises, including NAFCO and NARCO, are defunct and the status of the land is unclear (Haki Ardhi/LaRRRI 2009).⁶⁸ Currently SAGCOT is facilitating⁶⁹ increased foreign

direct investment in agri-business in Tanzania, including in Morogoro Region. Large tracts of land are being advertised and by the end of 2013, more than 166,000 ha had been allocated⁷⁰ in Morogoro Region alone, primarily for irrigated sugar cane and rice cultivation (Bergius 2014).

At the same time, powerful interests in hunting, conservation and tourism have driven the expansion of protected areas. These include not only Mikumi National Park and Selous Game Reserve (Haki Ardhi/LaRRRI 2009), but also the rapid development of Wildlife Management Areas⁷¹ (Village interviews 24 and 25 Nov. 2013), and the establishment of the Udzungwa Mountains National Park and the Ramsar Wetlands site in the Kilombero Valley. Mining is another factor: uranium has been found in Selous and an area of 17,675 km² area in Morogoro Region has been awarded for oil exploration (see www.swala-energy.com).

Most pastoralists live with crop farmers in mixed villages, although there are also entirely pastoralist villages (for example Parakuyo and Mabwegere in Kilosa District, Sangasanga previously in Morogoro District and Kambala in Mvomero District) and sub-villages (such as Ngaiti) with a majority of pastoralists in the sub-village government. In these pastoralist villages, pastoralists still practice extensive communally controlled livestock grazing systems utilising wet season and dry season reserves (Village interviews Nov. 2013). However, in mixed villages and in order to secure their land, pastoralists have tended to buy village land or acquire 99 year title deeds from the state⁷² for ranching purposes (PINGO's Forum 2009;

67 The history of large scale holdings in Morogoro Region goes back to colonial times, when sizeable areas of land were made available for settlers. During the late 1960s, following independence, many landlords left the country and deposited their titles (Haki Ardhi/LaRRRI 2009). According to research by Haki Ardhi/LaRRRI in 2009, the current legal status of these large private estates is not clear, although in recent time a few people have been trying to reclaim these titles

68 Established in 1968-1969 as government enterprises, both NARCO and NAFCO turned out to be failures. Several NARCO ranches have been subdivided and privatized and NAFCO farms are now either abandoned or privatized. NARCO is using SAGCOT to attract investors into ranching, offering partnerships on attractive terms (SAGCOT-NARCO 2013).

69 Land allocation in SAGCOT is facilitated through Rufiji Basin Development Authority (RUBADA), a Tanzania government institution (PINGO's Forum 2013; Bergius 2014).

70 Kisaki 20,000 ha for sugar, Mvuha 20,000 ha for sugar, Manda 20,000 for sugar, Kiberege 20,000 ha for sugar and Rupa 13,000 ha for sugar (Bergius, Update on SAGCOT's investment sites 2014). SAGCOT (2012) advertises that the government has allocated land for investors in rice cultivation: Mkulazi 63,000; Ngalmila 5,200 ha; Kihanzi 5,200.

71 For example the Wami Mbiki WMA.

72 See for example Box 4. Mr Anza Mtitu, who acquired title on October 14 1998 over three farms (registration no. 24, 25 and 26) in Mabana village, Magole Ward, Kilosa (PINGO's Forum 2009, p. 24).

Village interviews Nov. 2013). To further secure their livelihoods and land, pastoralists have diversified their economy by engaging in crop cultivation (Maganga et al. 2007), as well as engaging in a range of other enterprises, such as transport, building and owning hotels or guest houses (Village interviews Nov. 2013). Pastoralists are also keen to legally acquire the land of the defunct NARCO,⁷³ and in 1998 and 2000, villages put in bids for several of these former parastatal ranches. However, the status of the NARCO land remains ambiguous (Haki Ardhi/LaRRRI 2009), and it is doubtful if any pastoralist villages have succeeded in their bid.⁷⁴

There has been occasional friction between pastoralists and crop farmers throughout their history of living in the same areas (Jennings 2005; Haki Ardhi/LaRRRI 2008), but over the past two decades, conflicts over land have increased and become deadly, the status of pastoralist villages and sub-villages becoming more and more challenged. The struggle for productive land with access to water has increased, and there is evidence that people who are well connected to those in power are acquiring large land holdings⁷⁵ by buying land or acquiring land through corrupt village governments, and squeezing out other users, such as pastoralists and small scale crop farmers (Haki Ardhi/LaRRRI 2009; Village interviews Nov. 2013). Sometimes small scale crop farmers who have sold or been dispossessed of their land elsewhere enter pastoralist village land and begin to illegally cultivate land there, often sparking conflict (Maganga et al. 2007). In some cases,⁷⁶ the poor small scale crop farmers have been allowed to cultivate pastoralist village land, but have then sold the land granted by the pastoralist village to larger scale investors; this kind of situation has caused severe tensions in several pastoralist villages in Morogoro Region (Village interviews Nov. 2013). Farmers also tend to cultivate near water for irrigation purposes, competing to get a plot close to water. This means that cropped land often

forms a continuous belt along river banks and wetland, and in these areas livestock can no longer access that water without damaging crops, in turn leading to conflicts between herders and crop minders (PINGO's Forum 2009; Village Interviews Nov. 2013). This is why many pastoralist villages, starting with Mabwegere,⁷⁷ have filed land cases to defend their rights to the land (Village interviews Nov. 2013).

There are many interests in land in Morogoro Region; yet at the same time there is a lack of transparency in land administration at all levels. The weak governance of land allows more powerful people to use their influence and acquire village land, especially pastoralist rangelands, for speculation.⁷⁸

The following sections of the study describe the evictions in Kilosa (2009), Kilombero (2012-2013) and Morogoro (2013) Districts, as well as land conflicts in Kilosa and Mvomero Districts and some of the protected areas of Morogoro District. Field work was conducted in all these places with the purpose to record narratives of people affected by the evictions and land conflicts. Interviews were held with people from Parakuyo and Mabwegere villages (Kilosa District) Kilombero Valley (Kilombero and Ulanga Districts), Sangasanga village, Wami Mbiki WMA and Gonabisi open area (Morogoro District), Kambala village, Wami Mbiki WMA (Mvomero District), with people from Selous GR and Mikumi N P. Many pastoralist leaders (village government, customary leaders and religious leaders) as well as ordinary men and women were interviewed, and their testimony provided important details, as well as an update on the current situation and new information not previously recorded. It must be noted that residents of Kambala, Mabwegere and Sangasanga villages, Wami Mbiki and Gonabisi WMAs and neighbours of Mikumi NP were not interviewed in their villages due to fear of reprisals on the community for talking to an outsider. Interviews were held elsewhere and the identity of those interviewed is not revealed.

4.3 Pastoralists evictions in Kilosa District in 2009

4.3.1 How it began

Tragic events in Mabwegere village in October 2008 are commonly considered to have provoked Kilosa District

73 NARCO was, established in 1968 as a government enterprise, acquiring total of 519,000 ha of land for ranching. It is currently in partnership with SAGCOT to promote land for foreign investments.

74 Dakawa Ranch; Kilosa Heifer Project; and Mkata Ranch (Haki Ardhi/LaRRRI 2009; PINGO's Forum 2009). In 1998 pastoralist groups put in a request for Dakawa Ranch (49,981 ha) in Mvomero District. In 2000, pastoralists put in requests to lease Mkata Ranch (62,530 ha) in Morogoro District. District officials advised that the land be leased to pastoralists to reduce conflict over land (PINGO's Forum 2009), and research by Haki Ardhi/LaRRRI shows that handing the ranches to pastoralist villages was being discussed by Parliament, who were in favour of the idea. However the land was allegedly allocated to high standing government officials and powerful business men. This was questioned in Parliament by the opposition (Haki Ardhi/LaRRRI 2009). For information on who has been allocated plots on these ranches, and description of the confusion and lack of transparency about the ranches, see Haki Ardhi/LaRRRI 2009.

75 See for instance Haki Ardhi/LaRRRI 2009; particularly relevant is the section on Dakawa ranch, p.88.

76 E.g., Hembeti villagers selling Kambala village land, resulting in violent clashes in 2013 (Kambala interviews 2013).

77 Mabwegere, Ngaiti, Parakuyo, Kambala, as well as 51 villages in Kilombero, to name some of the cases from Morogoro Region filed in the Land Division of the High Court of Tanzania.

78 According to interviews and evidence from media and reports, some of the large areas of land which the pastoralists had previously used communally and from which they now have been removed are being reallocated to other users, such as large scale foreign agri-businesses, local elite with investment projects and small scale cultivators.

Council to start evicting pastoralists in Kilosa District. It is however also suggested that the district authorities were waiting for a chance to start the “eviction” process and that the emotive scenes from Mabwegere were cynically used to get the operation to remove pastoralists from Kilosa accepted by the majority non-pastoralist farmers in the district (PINGO’s Forum 2009; Village Interviews 25 Nov. 2013). In either case, the story of the events in Mabwegere are retold here as explained by people interviewed and consolidated with reference to documentation by Haki Ardhi/LaRRRI 2008, PINGO’s Forum 2009, IWGIA & PAICODEO 2013, and Mwarabu 2013.

According to the information provided, Parakuiyo pastoralists have lived in the area now known as Mabwegere Village since 1956 and in 1989 Mabwegere Village was officially registered. It is what is known as a pastoralist village, as it has a predominantly pastoralist population and a pastoralist village government. Mabwegere Village neighbours Mambegwa Village, which has a crop farming population. There is an on-going dispute over a piece of Mabwegere village land called Kikenke, which is a wetland that borders onto Mambegwa village land. Mabwegere village contends that Mambegwa village encroached onto Mabwegere village land when the villagers from Mambegwa started to cultivate in Kikenke without permission from Mabwegere village council. The Kikenke wetland is important for the pastoralists living in Mabwegere who need it in the dry season to sustain their herds, and Mabwegere wanted the illegal cultivators to be removed. In 2006 Mabwegere village filed a case in the Land Division of the High Court in Arusha⁷⁹ so as to have a legal judgement and settle the dispute. Yet despite all evidence having been presented, the court delayed in delivering a verdict (for more detail see section 4.3.3). This delay is widely blamed for the events that happened in Mabwegere in late 2008 and triggered the Kilosa evictions of 2009.

On 27 October 2008 violence flared up when a herder from Mabwegere, named Yohana Lepurko, was trying to get the livestock he was herding to water through the farms and crop land that were blocking access to water in the Kikenke area of Mabwegere village. He started a struggle with a cultivator, Seif Kirungi, but Kirungi allegedly got a gun from his hut and shot Lepurko, killing him (Haki Ardhi/LaRRRI 2008). Pastoralists in Mabwegere then mobilized themselves to chase out the farmers, who were still cultivating Mabwegere village land despite the on-going case

raised in 2006.⁸⁰ Sadly some people were killed (numbers unclear) in the ensuing fight, mostly those cultivating in the disputed area (Haki Ardhi/LaRRRI 2008). The crop farmers then mobilised the UJAKI⁸¹ (a local paramilitary militia), and on 27 November 2008 UJAKI entered Mabwegere and set 70 houses ablaze. They also drove away 1,599 cattle, 886 goats, 73 sheep and stole 60 bags of maize (PINGO’s Forum 2009).

The murders, robbery and violence were not addressed through the normal legal channels; rather, shortly after the UJAKI attack on Mabwegere, the Kilosa DC issued a notice launching *Operesheni Ondoa Wafugaji Kilosa*—in English *Operation to Remove Pastoralists from Kilosa*. On 29 January 2009 armed police and Field Force Unit (FFU) entered Mabwegere village and drove away 1,774 cattle, 549 goats together with other properties (PINGO’s Forum 2009), and pastoralists were forced to pay more than 123 million shillings (approx. USD76,000) in penalties, allegedly for owning livestock (ibid.).

4.3.2 Removing pastoralists from Kilosa

Operesheni Ondoa Wafugaji Kilosa started in January 2009⁸² and ended three months later on 30 April.⁸³ The model for implementing the operation was reportedly established earlier on in the pastoralist village of Mbwade,⁸⁴ becoming standard practice to be used systematically throughout Kilosa District.

The then District Commissioner, Athuman Mdoe, and the District Executive Director Ephraim Kalimalwendo, oversaw the operation which was carried out by armed police and the FFU assisted by the UJAKI local militia. Livestock from all over the district were rounded up from their kraals or from

79 *Halmashauri Ya Kijiji Cha Mabwegere (Mabwegere Village Council) v. Hamis (Shabani) Msambaa & 32 Others*, HC (Land Division)-Arusha LC23/2006.

80 Research from Haki Ardhi/LaRRRI in 2008 showed that there was an influx of crop farmers into the Kikenke area claiming rights to land in Kikenke issued by Mambegwa village government, and that this land was being bought, sold and leased informally through the Mambegwa village government (Haki Ardhi/LaRRRI 2008), despite the on-going court case.

81 UJAKI stands for *Ulinzi wa Jadi Kilosa* (roughly translated as Kilosa Local Defence Force).

82 This summary compiles information from reports by Haki Ardhi/LaRRRI (2008), PINGO’s Forum (2009), PAICODEO (2011), PINGO’s Forum (2011) and Mwarabu (2010 and 2013).

83 Despite the DC announcing the end of the operation, the harassment continued in several places in the district and continues to do so (Village interviews Nov 2013). One example reported by PINGO’s Forum (2009) tells “that Ward Executive Officer of Kilangali Ward A. Mkasanga, issued a seven-day ultimatum dated June 20, 2009 with reference number KT/KIL/06/03 to all pastoralists in Kilangali Ward to vacate the ward”. It is not clear if further evictions resulted.

84 Mbwade village (Kilosa District) was registered by pastoralists in 1974, with registration no. MG/KU/357. The majority of the population are Parakuiyo, although there are many farmers also living in the village.

Box 4 – Eviction and dispossession, the case of Mbwade Village, Kilosa District

On 16 January 2009, in the pastoralist village of Mbwade, the police, the Field Force Unit and local paramilitary forces arrived in the village, well-armed and in vehicles. These armed men rounded up livestock and drove the animals away. Later, when the herders tracked the animals to where they were being held, the herd owners were forced to pay to have their livestock released from the enclosures where they were kept by government agents. In the case of Mbwade village, pastoralists paid more than TZS 55 million (USD 31,000) in total to Government officials. Sometimes receipts were issued for the money paid, sometimes there were no receipts. On release, herd owners were forced to hire trucks and transport the livestock to sell them at the abattoir in Pugu, near Dar es Salaam, where the livestock was slaughtered.

PINGO's Forum 2009 and Interviews
in Morogoro Region 2013

where they were grazing and driven to enclosures that had been erected in Kimamba, Kivungu, Dumila and Msowero villages in Kilosa District (PINGO's Forum 2009). Here the herd owners were fined TZS 30, 000 (approx. USD 17) per head of cattle and TZS 10, 000 (approx. USD 7.5) per goat or sheep, and charged an additional TZS 5, 000 (approx. USD 4) for each impounded animal per night they were enclosed. Pastoralists report that the livestock were neither fed nor watered adequately in these enclosures, leaving livestock in a weak condition.

If pastoralists could not pay for the release of the livestock within three days of their livestock being "confiscated", livestock were either sold on the spot, fetching around a fifth of the price usually paid, or loaded onto trucks and taken to the abattoir in Pugu to be sold (PINGO's Forum 2009; Mwarabu 2013). In Pugu the prices were low as the market was flooded with livestock from Kilosa (Haki Ardhi/LaRRRI 2008). Even milking cows were sold, reportedly leaving the suckling calves to die (PINGO's Forum 2009). If pastoralists paid to redeem their confiscated livestock, they had to take their livestock to the abattoir in Pugu to sell them; pastoralists were not given any other choices of what to do with their livestock, and the cost of transport was born by the herd owners (PINGO's Forum 2009; Mwarabu 2010).

Summary of the implementation of *Operesheni Ondoa Wafugaji Kilosa*

- 2,000 pastoralists were affected by *Operesheni Ondoa Wafugaji Kilosa*.
- 20,000⁸⁵ livestock were taken from their owners and sold. Based on the assumption that normal prices for livestock at the time were between USD 300 and 540 (TZS 500,000 and 900,000) pastoralists lost livestock worth between USD 6-11 million (TZS 10-18 billion).
- More than USD 489,000 (TZS 800 million) were paid in various fines to Kilosa District Council.
- An undisclosed number of houses⁸⁶ were burned down. In the houses were household items, food reserves, cash, bedding, clothes, mobile phones, bicycles, motor bikes, etc. The value of this property has not yet been established.

Livestock were also seized on private property belonging to pastoralists during the operation, and police, FFU and local militias entered registered farms without previous notice. Box 5 below presents two accounts of the experience of private land holders, both pastoralists. In one of the cases, livestock were seized and removed without the owner's consent; in the other case, disaster was averted by bribing the district officials. The stories make clear that the pastoralists were not "illegal", but rather long term citizens of their villages, having obtained their own land where they grazed their livestock. It is also clear that police and other officials invaded private property without the consent of the owners.

No alternative land was provided for pastoralists and no compensation paid for loss of property, loss of land holdings or loss of livelihood. As a result some families left the district after becoming destitute. Mvomero District received many of the displaced pastoralists who left their property, land holdings and pastures in Kilosa District to start a new life elsewhere (Village interviews 2013). PINGO's Forum (2009) reported that Ngahe Muganya (elected by pastoralists to be their chairman, see 4.3.4), told them that:

When the operation was going on in Kilosa District we could not breathe in Mvomero District. Many pastoralists have gone to different directions after the government has eaten-up all of their livestock. I witnessed many fleeing the government.

85 This is a conservative estimate (presented by Mwarabu 2010 and 2013). Others suggest that 300,000 cattle and 200,000 goats and sheep were lost (PINGO's Forum 2009). The actual figures may never be known.

86 At least 70 houses were burned in Mabwegere leading up to the evictions.

Box 5 – Appropriation of livestock from private land holdings

Mr Kalaita Parkuris is a pastoralist in Mkundi Village. He purchased about 200 acres of land, and the fully grown trees and fences he planted, as well as houses he constructed are evidence that he has been living on his land in Mkundi Village for many years. He had 347 cattle and 120 small stock which he grazed on his own land. Parkuris, his six wives, several children and one employee were all dependant on his livestock for their survival. In 2009 heavily armed police and government officials came to his property. They found his livestock at home and they drove away *all* his livestock. He was suddenly reduced to destitution and has never received any form of compensation. Before having his livestock stolen, he was able to send all his children to school, including secondary school and university. After the operation they have all dropped out of school, and the family has to struggle and beg for food for their survival.

Mr Anza Mtitu is a pastoralist in Mabana village in Magole Ward. He owns farms number 24, 25 and 26 in Magole, Kilosa District and was granted title deeds over this land on October 14, 1998. In 2009, at dawn, heavily armed police and government officials came to his property and they found his livestock at home. Mtitu, the herd owner, was asked to pay TZS 400,000 otherwise his livestock would be taken away. He complied by paying the said amount and on top of it, a crate of soda which was consumed by the officers on the spot. In this way he managed to save his livestock.

PINGO's Forum 2009, p. 24

4.3.3 Human rights violations

It is clear from the literature and from interviews that *Operesheni Ondoa Wafugaji Kilosa* in 2009 was directed at removing all pastoralists in the District, rather than an eviction aimed at clearing a specific area of land required for other use. According to interviews in the area (Nov. 2013), the main interest driving the operation was to plunder pastoralists of their money and livestock, coercing pastoralists to leave Kilosa District so influential people could acquire their land cheaply. The events targeting pastoralists in Kilosa District in 2009 violated their rights in a number of ways.

Summary of some of the violations committed against pastoralists in the 2009 Kilosa evictions⁸⁷

- **The evictions were illegal:** there was no intention of transferring village land to “general” or “reserved land” for public interest
- **Beating and threats of violence:** this is how armed government agents coerced pastoralists to leave the district.
- **Burning and destruction of pastoralists' houses and property:** this was routinely used to coerce pastoralists to leave.
- **Depriving pastoralists of means to a living:** herd owners were forced to sell their livestock, including breeding animals. Herd owners lost billions of shillings in such unplanned sale and in payment of penalties. With no means to earn a living, pastoralists were forced to move elsewhere.
- **Denying protection:** pastoralists were unable to access protection from duty bearers at any level of government. This generated real insecurity among pastoralist families.
- **Undermining food security:** food shortages and severe hunger were reported in the villages. Pastoralist family members were reduced to begging for food, and some pastoralists had to leave Kilosa District to find means of survival.
- **Denying pastoralist children an education:** In primary schools, pastoralist children dropped out as parents could not afford uniforms or food. Pastoralist students in secondary school and university had to leave as parents could no longer pay fees, accommodation and tuition costs.
- **Withholding compensation for loss of land and property:** the enforced evictions from land, pastures, water and homes in Kilosa District were not compensated. This is a clear violation of the fundamental principles of the National Land Policy as stated in the Village Land Act 1999 and providing “to pay full, fair and prompt compensation to any person whose right of occupancy or recognized long-standing occupation or customary use of land is revoked or otherwise interfered with to their detriment by the State.”⁸⁸

⁸⁷ The information from this summary is provided by field work interviews in 2013, supported by reports made by PINGO's Forum (2011), Mwarabu (2013), and PAICODEO (2013).

⁸⁸ See Village Land Act 1999, Application of Fundamental Principles of the National Land Policy, section 3 (1).

- **Interference with pastoralist village institutions:** the authority of village government⁸⁹ was undermined as district officials overrode village government authority.
- **Pastoralists were not informed by the Village Council:** they could therefore not make representations to the DC and Village Council although the Village Land Act provides that the Village Council should be informed; the VC shall inform the persons affected by the transfer. These persons may make representations to the DC and the VC. Such representations will be taken into account.
- **Incitement to hatred and discrimination:** village interviews explained that local authorities deliberately incited hatred between pastoralists and crop farmers.

By implementing the operation, the district and regional authorities facilitated a general land grab, and crop farmers used the opportunity of the chaotic situation to invade pastoralist villages and cultivate along rivers and watering points. Pastoralists believe that blocking water access is done strategically in order to prevent pastoralists from returning to their lands.

Pastoralists interviewed for this report told that many of those who experienced the events in Kilosa in 2009 have suffered psychological harm. They experienced being beaten and dispossessed of property by the government agents who had a duty to protect them. Many pastoralists lost their economic assets and investments and could no longer provide for their families. Their livestock were treated cruelly,⁹⁰ and on top of that, important genetic material from the herds following years of selective breeding for quality livestock was destroyed when key breeding stock, both male and female, was seized and sold. For these people the future looks bleak, as the basis for their lives has been destroyed.

Another example of violation of rights is that the District Council was legally bound to respect the Tanzanian legal system and wait for the verdict on the Mabwegere land case (Land Case No.23 of 2006) before taking action in 2009.

89 Jonas Mloka is the village executive officer (VEO) of Mwade village. He is reported as saying: *Mwade is a typical agro-pastoralist village in Kilosa. We had pastoralists in this village even before independence. The district authorities issued a notice for pastoralists to vacate the village on 29 February, 2009. The operation was even intensified on March 18, 2009. It did not involve us as a legitimate legal authority in this village. This is an extremely bad habit. We wanted to prevent pastoralists from being robbed. We felt powerless against the heavily armed police force accompanied by Government officials. We are the leaders of this village but we feel extremely powerless now. The operation weakened us* (quoted as a personal communication, June 25, 2009, in PINGO's Forum 2009).

90 The impounded livestock were allegedly not given water or food and lactating cows were not milked. Calves and kids were left behind without milk and many died. Some animals were lost (Village interviews Nov. 2013).

In addition the case was filed in 2006 and all evidence had been presented – so the matter of delayed verdict also raises grave concern. Eight years after the case was initially filed, in February 2015, the Court of Appeal determined the status of Mabwegere as a “legally registered village” with territorial jurisdiction, and recognized the boundaries as those mapped in 1989, thereby also ruling that the disputed land (called “Kikenke”) is part of Mabwegere village (See below overview, and see Barume 2014:151-152 for more details).

Overview of the Mabwegere land case No. 23 of 2006

- **2006:** Mabwegere village opens a land case (*Halmashauri Ya Kijiji Cha Mabwegere (Mabwegere Village Council) v. Hamis (Shabani) Msambaa & 32 Others*, HC (Land Division)-Arusha LC23/2006) as part of the village land called Kikenke had been encroached by non-resident farmers who were cultivating crops there, and in order to obtain a legal ruling on the status of the Kikenke.
- **2010:** Land Case 23 2006 is eventually dismissed on the grounds “*that the appellants were not able to point out specifically which part of the village the respondents had trespassed*” (Barume 2014:151-152).
- **2010:** Mabwegere village immediately lodges an appeal (*Halmashauri Ya Kijiji Cha Mabwegere (Mabwegere Village Council) v. Hamis (Shabani) Msambaa & 32 Others*. Court of Appeal - Dar es Salaam 53/2010).
- **2014** (February): the case is dismissed once more, the Court of Appeal upholding the same line of argument as the High Court. But at the same time, the Court of Appeal determines the status of Mabwegere as a “legally registered village” with territorial jurisdiction and recognized the boundaries as those mapped in 1989 (Barume 2014).
- The Court of Appeal thereby rules that the disputed land (called “Kikenke”) is legally part of Mabwegere village.

Nevertheless, field interviews in November 2013 told that Kikenke land in Mabwegere has already been allocated to “big people” by the District Council (which ignored the legal procedures and the village government), so it is expected that any land judgement will be disregarded. This is confirmed by sources in Morogoro who report that on 30 May 2015, the DC arrested the Mabwegere Village Chairman, who had been pushing the district authorities to implement the court ruling and remove farmers from the Kikenke area in Mabwegere Village. Violence continues to erupt in Mabwegere and on 18

January 2015 there was renewed violence, including rape, arson, killing and arbitrary arrests (IWGIA 2015).

The Mabwegere example shows how weak the institutions at village level are when it comes to defending local interests against interests at the district and regional levels. Pastoralists are in particular vulnerable since they are often politically marginalized; for example, it was reported in interviews that pastoralists in Kilosa district have not been able to return a councillor to the district government⁹¹ and it was pointed out that this lack of participation meant that the council could make anti-pastoralist decisions. At village level, the representation of pastoralists and their interests within the village council depends on whether the village is a mixed or a pastoralist village. Only in the latter case, do pastoralists have full representation and even then their Village Chairman can be arrested, as mentioned above. In pastoralist sub-villages, pastoralists sit in the sub-village government, and represent the residents on the mother village council, although it is reported that they may be denied access to village council meetings.⁹²

4.3.4 Responses to the evictions

In October 2008, civil society was quick to react to reports of conflict in Kilosa District, and sent a fact finding mission including civil society members and journalists, to investigate the killings in Mabwegere (see Haki Ardhi/LaRRRI 2008). Despite the evidence provided by this mission, the District Council and District Commissioner decided to order *Operesheni Ondoa Wafugaji Kilosa*. In 2009, a coordinated strategy was carried out by civil society and communities, with the aim of bringing an end to the evictions:

Summary of civil society strategy to end *Operesheni Ondoa Wafugaji Kilosa*

- LEAT, Haki Ardhi/LaRRRI, LHRC, PINGO's Forum and journalists went to Kilosa to investigate evictions.
- Pastoralists elected Ngahe Muganya, a Datoga, to be "chairman" of all pastoralists, demonstrating pastoralist solidarity between the various pastoralist and agro-pastoralist groups (i.e. Parakuiyo, Datoga and Sukuma) in Morogoro Region.

- Pastoralists elected an independent committee chaired by Bishop Jacob Mameo, ELCT Morogoro Diocese, to support the victims of evictions.
- Pastoralists lobbied for questions to be asked⁹³ in Parliament about government persecuting pastoralists.

As stated by PINGO's Forum (2009) "*Civil society organizations and the mass media fought hard to bring to public attention the state-sponsored crimes*". Following this concerted effort by civil society and the media, government announced on 30 April 2009 that the operation would be "*postponed*". The Prime Minister admitted that crimes had been committed during the evictions and he ordered that victims be given back their livestock (*Mwananchi* May 11, 2009 reported in PINGO's Forum 2009). However, no action was taken on addressing the crimes allegedly committed or on providing compensation to livestock keepers, so in 2012 pastoralists filed a case against Kilosa district authorities demanding compensation for 12 billion Tanzanian shilling losses incurred in the evictions.⁹⁴

4.4 Kilombero Valley evictions

4.4.1 Kilombero Valley

For more than a hundred years, pastoralists⁹⁵ have lived in the Kilombero Valley, in what are now Kilombero and Ulanga Districts of Morogoro Region (IWGIA & PAICODEO, 2013). Pastoralists utilised and managed the rich biodiversity of the wetlands in the valley and the surrounding uplands in a cyclical transhumant dynamic between dry season grazing in the wetlands when the floods recede, and rain season grazing on highlands when the wetlands are in flood (Alais Morindat, pers. com.). Fishermen fished in the productive floodplains and small-scale crop cultivators grew rice in the rain season in the nutrient rich flood waters at the edge of the wetlands (RIS 2002). Pastoralist production was integrated into the local economy providing locally available and cheap meat and milk, as well as a tax base for district development. Pastoralists were accepted by government as inhabitants of the area (IWGIA & PAICODEO 2013), living as registered residents in the 51 villages (PINGO's Forum 2013).

91 In the 2010 local elections, pastoralists elected two councillors to represent them on Kilosa District Council. The ruling party rejected the candidates, denying pastoralists representation on the council (Village interviews Nov. 2013).

92 For example the residents of Ngaiti, a pastoralist sub-village of Malangali village in Mabwewere Ward, claim that they are denied access to both the Malangali Village Council and the Village Assembly (PINGO's Forum 2009, Village Interviews in Nov. 2013).

93 John Cheyo, Bariadi East MP for the opposition UDP (United Democratic Party), asked the questions having been briefed by pastoralists on the situation in Kilosa.

94 *76 Pastoralists of Kilosa District v. the Kilosa District Authority*- HC —Dar es Salaam 22/2012.

95 Parakuiyo pastoralists are recorded as having been in the area for at least 100 years. Datoga have been there since the early 1970s when their home lands were alienated by the government for large scale commercial agriculture. Sukuma pastoralists entered Kilombero more recently as their homelands in the north are increasingly alienated for mining and agro-industrial enterprise (IWGIA & PAICODEO brief June 2013).

However, the local pastoralists, farmers and fishermen are not the only people with an interest in the Kilombero valley. Large scale agricultural business also has an interest in the valley's easily available water and fertile soils. For example SAGCOT classified the Kilombero Valley a key cluster⁹⁶ promoted as "one of the best agro-ecological zones for rice farming in East Africa" (Agrica Ltd., n.d.). The main products envisaged for the "Kilombero cluster" are irrigated rice, tree plantations and sugar. Currently there are over 40,000 ha on offer in Kilombero⁹⁷ (SAGCOT 2012, Bergius 2014) and already several investment projects have started. However, agribusiness is not new to Kilombero and large scale agribusiness investments were in place prior to the SAGCOT (RIS 2002), such as the Commonwealth Development Corporation (CDC), which set up the 28,000 ha Kilombero Valley Teak Plantation (see www.eco-profiles.org) in 1992, and recently Agrica Ltd. setup the Kilombero Plantations Ltd with 5,800 ha Mngeta Farm (see www.agrica.com). Two hunting companies have concessions over the whole valley (RIS 2002) and Swala Energy, a private Australian company, has been granted a license to explore for oil in 17,675 km² in the Kilosa-Kilombero area (see www.swala-energy.com). In 2002 Kilombero Valley was designated a Ramsar site, recognising the valley to be a wetland of national and international significance. Development partners, including the Belgian⁹⁸ and Danish governments,⁹⁹ and international Non-Government Organisations (INGOs), such as the World Wide Fund for Nature (WWF) supported the Tanzanian government¹⁰⁰ to establish the site.

4.4.2 The Ramsar site

The Ramsar Convention does not require that local people are removed from the designated Ramsar site, but rather aims to bring together stakeholders and agree to conserve wetlands through a wise use approach.¹⁰¹ Initially the govern-

ment, through the Wildlife Division (WD), collaborated with local communities and village government authorities to agree on establishing a Ramsar site in the valley. In 2010 local WD officers from Kilombero and Ulanga, together with land use experts, conducted a sensitization campaign in the villages about the international and national significance of the wetlands as a Ramsar site aiming for "the conservation and wise use of wetlands".

As stated on the Ramsar website:

Through this concept of "wise use", which was pioneering when the Convention was drafted, the Convention continues to emphasize that human use on a sustainable basis is entirely compatible with Ramsar principles and wetland conservation in general. The Ramsar wise use concept applies to all wetlands and water resources in a Contracting Party's territory, not only to those sites designated as Wetlands of International Importance. Its application is crucial to ensuring that wetlands can continue fully to deliver their vital role in supporting maintenance of biological diversity and human well-being.

During the process, workshops were held, land use plans were made, areas for crop cultivation and for pasture and grazing land identified and agreed, and by March 2010 boundary beacons were set in agreement with villages to mark out the area designated as the new Ramsar site (*The Guardian on Sunday* 11.11.2012; PINGO's Forum 2013). As part of the process, pastoralists were informed that in order to be able to keep their livestock in Kilombero Valley, their livestock had to be branded as per 2010 legislation (IWGIA & PAICODEO 2013).¹⁰² Accordingly, starting in September 2012 pastoralists got their livestock branded by government livestock officers paying at least TZS1,000 for each head of cattle, but often as much as 10,000 or more (PINGOs Forum 2012). However, already by 14 August 2012, the decision to evict pastoralists and farmers was reached during a meeting held in Ifakara between the Permanent Secretary for MNRT and the Ulanga and Kilombero district leaders (PINGO's Forum 2013).

As mentioned above, grazing land was agreed and set aside as per the Village Land Use Plan (VLUP) process and conforming with this planning process, villagers who found themselves already living within the newly designated Ramsar site agreed to vacate their homes and move within the newly agreed boundaries of the villages. This decision was made even though it is not required under the convention that people vacate a Ramsar site.

When the evictions of so-called "illegal pastoralists" started later in 2012, the residents of Kilombero Valley found it

96 The concept of the cluster approach to large scale agricultural investment is to provide economies of scale for infrastructure development, availability of farm inputs and marketing.

97 As of November 2014: Kiberege (20,000 ha for sugar), Kihansi (5,200 ha for rice), Ngalmila (5,200 ha for rice), Manda (20,000 ha sugar), Ruiipa (13,000 ha for sugar), plus 2 additional sites for rice in Ulanga (Bergius 2014).

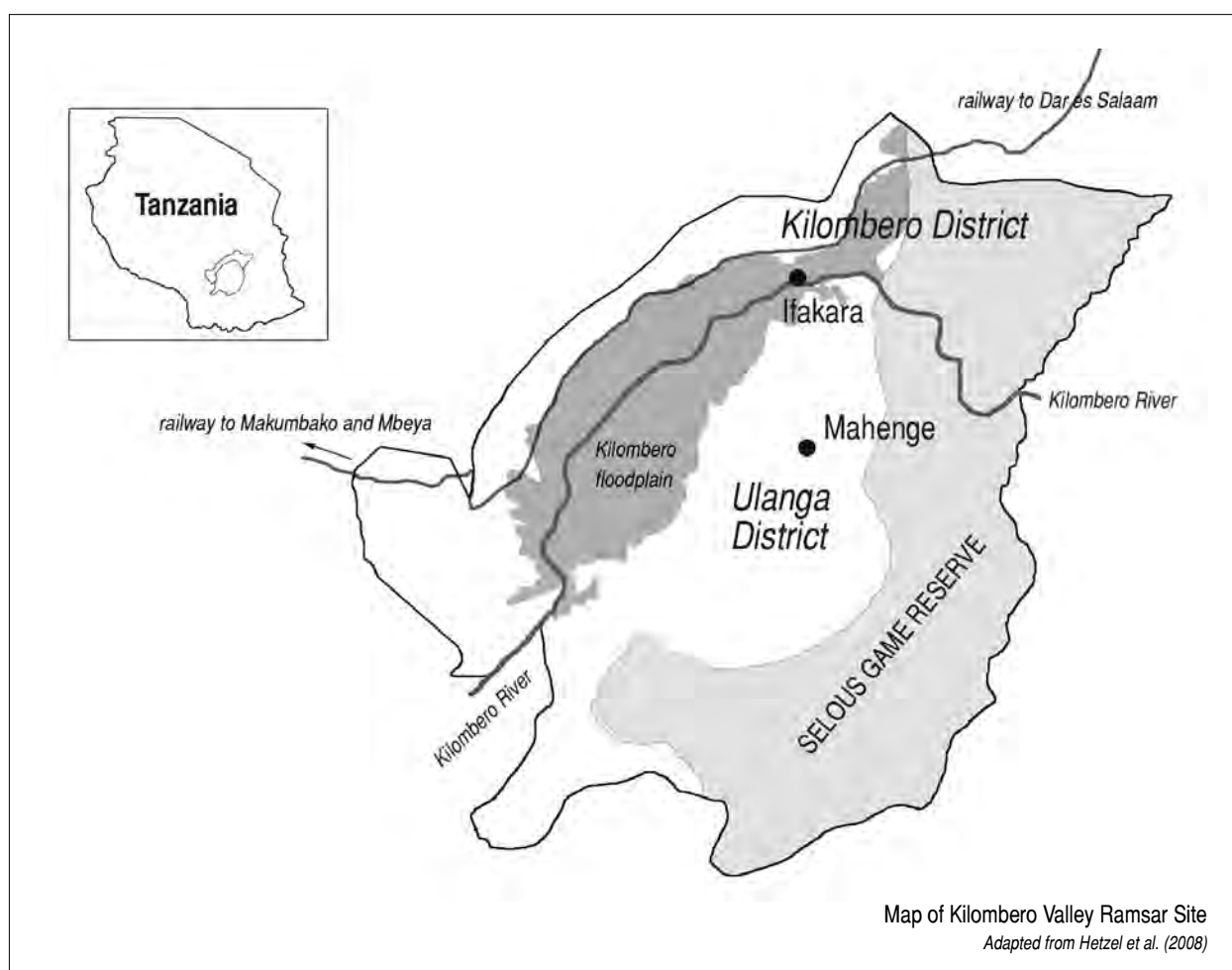
98 The Belgium government provided a grant of EU 2 million (USD 2.54 million) for a five-year period (2003-2007) to enable Government of Tanzania to develop an integrated management plan for Kilombero Valley Ramsar site.

99 DANIDA provided technical and financial support to the Sustainable Wetlands Management program, including support to establish several Ramsar sites in Tanzania. The 2004-2009 grant was USD 5.85 million (DKK 34.2 million).

100 The Wetlands Unit in the Wildlife Division of MNRT is responsible for managing the four Ramsar sites in Tanzania.

101 See article 3.1 of the Ramsar Convention on Wetlands at <http://www.ramsar.org/about/the-ramsar-convention-and-its-mission>.

102 "The Livestock Identification, Registration and Traceability Act No. 12 2010".



difficult to believe as the pastoralists had agreed with government to establish the Ramsar site (*The Guardian on Sunday* 11.11.2012). Yet, without the consent of the 31 affected villages, in August 2012 the Wildlife Department moved beacons from the locations which had already been agreed in 2010 (*The Guardian on Sunday* 11.11.2012; PINGO's Forum, 2013), thereby effectively reducing the area of the villages and making many village residents, crop farmers as well as pastoralists, landless with no alternatives or compensation (IW-GIA & PAICODEO 2013).¹⁰³ Village governments reported to their respective DCs that their village boundaries were being changed illegally, that is without the involvement or agreement of the village authorities, but the DCs did not respond (*The Guardian on Sunday* 11.11.2012).

4.4.3 Operation Save Kilombero Valley

In 2012, the Morogoro Regional Commissioner (RC) launched *Operation Save Kilombero Valley*, stating that his "work was to implementing directives issued in 2006 by the Vice President"¹⁰⁴ and which directly targeted pastoralists, ordering them to vacate all wetlands immediately.¹⁰⁵ With a budget of USD 63,633 (TZS 106.5 million), the objective was to remove local people and livestock from the Kilombero Valley Ramsar site (*The Citizen* 27.12.2012, PINGO's Forum 2013). *Save Kilombero Valley* evictions started in November 2012 and ended on 31 January 2013. The operation was proclaimed by officials to be a success having reportedly removed 280,800 cattle out of the valley at the official cost of USD 237,000 (TZsh.396.7 million), which included the initial budget and

¹⁰³ For example due to these changed boundaries, in Ikule village 74 farmers and livestock keepers lost their land, and in Mkangawalo village 100 residents lost their land (*The Guardian on Sunday* 11.11.2012).

¹⁰⁴ The directives are those set out in *A Strategy for Urgent Actions on Land Degradation and Water Catchments* (2006). See, Muyungi 2006 and URT, *Mainstreaming Environment and Climate Change in National Planning in Tanzania* 2006.

¹⁰⁵ Statement by RC Joel Bendera in *The Citizen* 27.12.2012.

Timeline over evictions in *Operation Save Kilombero Valley* (2012-13)

2010	March	Boundary beacons set for Ramsar site in collaboration between WD and communities
2012	March	Regional Commissioner starts to “sensitise” people to leave Kilombero Valley 17 March - eight unarmed men shot by PDF in Ulanga District. Five of the men die
	August	14 Aug. Decision to remove people from Kilombero Valley reached in Ifakara WD moves Ramsar boundary beacons without agreement of villages Village leaders report illegal boundary changes to Ulanga and Kilombero DCs
	September	Pastoralists pay to have cattle officially branded, having been promised that only unmarked livestock will be evicted from the villages Fact finding mission comprised of CSOs and journalists visits the Kilombero Valley
	October	30 Oct - Operation Save Kilombero Valley is launched by RC – evictions start 31 Oct - 2,023 pastoralists from 51 villages file case 212 of 2012 against the evictions
	November	11-15 November – CSOs and journalists go on another fact finding missions to investigate reports of legal and human rights violations in the conduct of Operation Save Kilombero 12 November - Three unarmed men are shot by police in Kilombero District during forced evictions. One of the men dies 20 November - the High Court issues a court injunction against the evictions
	Nov. – Dec.	Evictions continue: burning of houses, impoundment, theft and forced sale of livestock, extortion, corruption and shootings
	December	19 December - High court issues a summons to Morogoro RC, Kilombero and Ulanga DCs, plus four police officers, to answer charges of contempt of court Parliament orders evictions to stop – but evictions continue
2013	January	31 January - One unarmed man shot and killed in Ulanga District 31 January - Evictions officially halted
	ongoing in November	Government agents reportedly continue to harass pastoralists and extort money from them

further contributions from the state and local government authorities (*The Guardian* 30.01.2013).¹⁰⁶

However civil society, independent research and media reports convey a different picture, showing that the operation violated people’s rights in a number of ways. The eviction was also carried out in breach of a court injunction issued by the High Court of Tanzania in November 2012.

Finally it should be noted that *Operation Save Kilombero Valley* contravened the Ramsar Convention (to which Tanzania is signatory) in a number of ways; in particular the wise use principle was flouted.

4.4.4 Carrying out the evictions

Four hundred (400) people were employed to carry out the evictions; these were police and district authority officers from both Ulanga and Kilombero districts, TANAPA rangers, prison officers, Tanzania Peoples Defence Force and various militia forces (IWGIA & PAICODEO 2013). The exercise was overseen by the Regional and District Commissioners. Livestock were rounded up, including branded cattle (*The Guardian on Sunday* 11.11.2012) and kept in so called holding grounds, where the owners were forced to pay “fees” of TZS 70,000 per head for the cost of holding the animals (IWGIA & PAICODEO 2013). Cattle would then be “auctioned” at specially established camps, two in each district. Because the market was flooded by the sudden influx of livestock, cattle only fetched around a fifth of the normal price (PINGO’s Forum, 2013).

Cattle owners were keen to get their livestock out of the holding camps before they were sold; but having paid the holding fee, livestock owners then had to pay rent for the trucks (3-8 million shillings per truck depending on the size) that were

¹⁰⁶ *The Guardian* (30.01.2013) notes that presenting a report before the Ulanga District Council meeting, the District Livestock Officer, Fredrick Sagamiko said the amount included USD 45,000 (TZS 75m) issued by the Ministry of Natural Resources and Tourism, USD 6,000 (TZS 10m) from Kilombero and Ulanga districts, internal collections and fines levied on livestock owners for various offences.

to take their cattle to the abattoir at Pugu or take the animals to Pwani or Lindi Regions (PINGO's Forum, 2013). On the way, police set up road blocks and charged "fees" of between TZS 1 and 8 million for letting the truck pass. The fact finding mission conducted by various CSOs and journalists, that went to the Kilombero Valley in September 2012 found that

In order to pay all these fees and fines, many pastoralists ended up selling all of their livestock before reaching the market. Thus, the eviction led to complete impoverishment of affected pastoralists. They lost most of their livestock and thereby their main source of food and income. Particularly vulnerable were the elderly, persons with disabilities, children, those who are sick and pregnant woman, all of whom were left behind on their own without food and money or any form of humanitarian assistance.
(IWGIA & PAICODEO 2013)

The fact finding mission went on to say that it was their impression that "the evictions are being used to enrich those who carry out the evictions" (Ibid., p. 2). Reportedly herd owners found that they were being fined again and again, being demanded different amounts for different reasons (PINGO's Forum, 2013). Based on their interviews, the fact finding mission estimated that by the end of the evictions pastoralists had paid more than USD 427,000 (TZS 700 million) in various fines to Kilombero and Ulanga districts (IWGIA & PAICODEO 2013). Yet, Ulanga and Kilombero local government authorities only declared an income of USD 6,000 (TZS 10m) in fines and levies (*The Guardian* 30.01.2013), a massive discrepancy of USD 421,000, something that pastoralists and civil society have been trying to get addressed, so far without success.

The chaotic situation and lack of transparency over the evictions means that the number of cattle removed from Kilombero and the resultant loss (in terms of livestock) to pastoralists may never be known. Firstly there was no cattle census for the Kilombero Valley (PINGO's Forum, 2013) although varying figures, from 52,000 to 500,000 head of cattle, are presented. According to the figures quoted by the RC, a total of 79,500 cattle were removed from the valley (*The Guardian on Sunday* 11.11.2012), yet in January 2013, the Ulanga District Council Livestock Officer told the council that 280,800 cattle had been removed (*The Citizen* 27.12.2012). Whatever the figures are, the loss of livestock devastated many pastoralist families, who had no means to achieve an economic recovery from the eviction without livestock, their main economic asset.

Altogether, pastoralists, small scale farmers and fishermen lost access to 796,735 ha of land when the Ramsar site was cleared of local villagers and livestock. This means that by the end of 2012 more than 3,000 people living in villages in the Kilombero Ramsar site, both farmers and livestock keepers, were

made landless by *Operation Save Kilombero* (*The Guardian on Sunday* 11.11.2012), while around 2,000 people who used the area seasonally were denied access to the wetlands resources. In total, 5,000 pastoralists and small scale farmers were affected (UN Permanent Forum on Indigenous Issues 2013; IWGIA & PAICODEO 2013) and there was no compensation for loss of land or property and no alternatives offered.

4.4.5 Human rights violations

The evictions were reportedly carried out in a brutal manner; if people resisted or protested against the manner of the eviction they were beaten. Pastoralists living in their legally registered villages were evicted and their houses were burned, with property destroyed in the process (PINGO's Forum 2013).

In these situations, pastoralist families were made homeless and lost all their investments in land, infrastructure and property, and without livestock to sustain them it was difficult for families to recover. In some cases the village authorities complained to the district authorities that villagers' houses were burned and legitimate residents were harassed, but their complaints were ignored; in other cases the village authorities themselves were intimidated and kept quiet (PINGO's Forum 2013; IWGIA & PAICODEO 2013). Moreover there is well documented evidence that between March 2012 and January 2013, seven people were killed by government agents working for the evictions, either during the actual evictions or in operations to harass and extort money from pastoralists in their villages. It is not known how many people have sustained injuries. None of the people responsible for killing, despite being named, have been apprehended and no action has been taken. Below is a summary of the killings.

Overview of the people who were killed in *Operation save Kilombero*

- **17 March 2012:** eight unarmed men were shot by military and paramilitary scouts in Ulanga District. Five of these men died before they could be treated. According to the report, (PINGO's Forum, 2013; IWGIA & PAICODEO 2013) this is a case of murder, corruption and theft on the part of the people who committed the shooting. The people responsible have been named and the incident thoroughly reported (PINGO's Forum 2013 amongst others), but to date no one has been arrested and the case has not been addressed by duty bearers.
- **12 November 2012:** three unarmed brothers were shot by police in Udagaji village of Kilombero District. One of the three, Dasu Lualigula, died on the spot. The police did not allow the other two to be attended

at the local mission hospital (IWGIA & PAICODEO 2013). This case has not been addressed.

- **31 January 2013:** an unarmed pastoralist, Baya Katumbi was shot and killed in Ipera Asilia village, Ulanga District (IWGIA & PAICODEO 2013). The case has not been addressed.

People now reportedly live in fear and feel they have no recourse to justice or protection. Women, children, the old and those who could not travel when the herds were evicted, were not provided shelter or food when their houses were burned down. Many had to move to neighbouring districts so as to be safe (interviews in Morogoro, Nov. 2013).

Summary of the impacts of the evictions (2012/13) on the villages of Kilombero Valley

- 796,735 ha were appropriated from village land to establish the Kilombero Ramsar site, the evictions

directly affecting 51 villages in Ulanga and Kilombero Districts of Morogoro Region.

- 5,000 people from these villages were affected. Of these people, approximately 3,000 were evicted from their village land holdings within the Kilombero Valley between 30 Oct. 2012 and 31 Jan. 2013. Around 2,000 additional people lost access to the seasonal use of the wetlands.
- No compensation was paid for loss of land—this is a violation of the Village Land Act 1999—and no alternative land was provided.
- There was no compensation for the loss of property or infrastructure on the land when people were evicted—this is a violation of the Village Land Act 1999.
- It is estimated that 250,000 cattle were seized by government agents in the eviction process.
- Pastoralists were not compensated for the loss of their livestock, and many pastoralists were pauperised when their livestock were appropriated.
- USD 427,000 is estimated to have been paid by pastoralists in various *ad hoc* livestock fines extorted by government agents in the eviction process.



Eviction of livestock in Kilombero – Photo: PAICODEO

- Human rights were violated during evictions, and people were killed, but no government action was taken to investigate or address the reports.
- Governance was undermined, as high standing government officials ignored legal processes as well as legal orders to stop the eviction since orders by parliament to stop the eviction were ignored. Also village government authority was over-ridden in evictions, a violation of the provisions of section 4 of the Village Land Act (1999).
- Social networks broke down as evicted families were split, families were left with no resources, children stopped schooling and women had to beg for food for their families.
- Reduced land for agriculture and livestock production, increased food shortages in the villages.
- Ox ploughs and draft oxen were seized and "removed" illegally without compensation, compromising food security in the villages over the longer term.
- Pauperisation of crop cultivators as some had loans from finance institutions which cannot be paid back without land on which to farm or tools to cultivate (such as ploughs and oxen).

The RC told *The Guardian* that, in order to ensure that pastoralists do not return to the Kilombero Valley, game rangers would be deployed to keep farmers and livestock keepers out (*The Guardian on Sunday* 11.11.2012). This measure was to reinforce President Kikwete's statement recorded on 23 March 2012, saying that pastoralists would not be allowed back into the Kilombero Valley (*Daily News* 23.03.2012a).

4.4.6 Responses to the evictions

On 31 October 2012, pastoralists of 51 villages in the Kilombero Valley filed a case in the Land Division of the High Court. This Case No. 212 of 2012 was filed by John Maselu, Godfrey Lwena, Zablon Mkwage and Elia Mtupila and others against the Permanent Secretary in the Ministry of Natural Resources and Tourism and the Attorney General (PINGO's Forum, 2013). The residents of the valley contested a decision by the government, ordered by the vice president to evict them from their homes without compensation. On 20 November 2012, the Land Division of the High Court issued an injunction specifically barring government officials from demolishing and evicting about 1,994 residents from 50 villages in Kilombero Valley until Case No. 212 of 2012 was determined by the court



Leaving for Pugu abattoir – Photo: PAICODEO

(Mwakasala 2012). However these same government officials went on to implement the eviction orders.

In November 2012, CSOs organised a fact finding mission, made up of civil society organisations and the media. The mission went to Kilombero Valley from 11-15 November 2012 to investigate the forced evictions (IWGIA & PAICODEO 2013). On 19 December 2012, Judge Atuganile Ngwala issued a summons noting that the regional government leaders had defied the court by not heeding to the injunction which had ordered them to stop the eviction. The judge said the regional leaders had breached the law by disrespecting the order. They were to answer charges of contempt of court and were instructed to report at the court on 20 February 2013 (*Daily News* 20.12.2012b). However, despite the pending court case and the summons being served, regional and district leaders continued to supervise the evictions which continued until 31 January 2013. Appeals by village authorities or individual citizens to leaders to stop the evictions failed; for example, neither of the two members of Parliament for the area reacted to requests to bring the matter to Parliament (PINGO's Forum 2013). When pastoralists appealed to the Morogoro RC to be allowed to continue to live in their villages, the RC stated:

It is nonsense for pastoralists whose livestock have been removed from the area to say that they have nowhere to go. They should find a place to go because there is no way we can let them remain [in Morogoro Region].

(Daily News 26.12.2012c)

To date none of the reports on human rights abuse, killing or theft have been addressed (*The Guardian on Sunday* 11.11.2012; PINGO's Forum 2013) and a culture of impunity prevails.

4.5 Pastoralist evictions in Morogoro District in 2013

4.5.1 Background to evictions

Morogoro District, like most of Morogoro Region, is characterised by hilly, fertile and well-watered land. There is good access to the regional capital, Morogoro town, as well as access to major markets in Tanzania's capital Dar es Salaam. Agricultural production is important for the local economy, and there is a predominance of small and medium farms run as family enterprises. There are also some large scale agricultural developments, mostly estates growing sugar cane. Livestock are grazed in the more marginal hilly areas and wetlands, and pastoralists make arrangements with farmers to rent fields for cattle to graze crop residues. Some pastoralists have acquired their own land within village lands.

The integration of pastoralist land use and crop cultivation has a long history in the district, and it is established that the Parakuiyo have lived in the area since at least the beginning of the 1800s (Jennings 2005). Datoga pastoralists arrived in Morogoro District 25-30 years ago. Most Sukuma pastoralists in Morogoro District herd livestock for absent owners, but some have their own livestock. Pastoralists and crop farmers were traditionally integrated in the village structures in Morogoro District, but reportedly all pastoralists are currently experiencing problems of marginalisation in their villages.

Morogoro is one of the areas in Tanzania which has seen a massive influx of small scale migrant crop producers over the past decade and there is considerable demand for land in Morogoro District. The large areas of land required for herding livestock are now reportedly being grabbed from pastoralists for re-allocation and sale to these migrant farmers. Corruption is recognised as being a major factor in the so-called evictions of pastoralists in Morogoro District, as all fines are arbitrary and unrecorded.

Interviews were held in Morogoro Municipality with Datoga and Parakuiyo pastoralists from 24-26 November 2013. It was requested that names be withheld as well as the locations of the interviews, as people have experienced reprisals for sharing information which exposes corruption and violation of human rights. These interviews are the basis for this section of the report. The information is further corroborated by reports in the media whenever possible.

4.5.2 Processes of pastoralist marginalisation

Morogoro District officials are justifying the evictions by saying pastoralists are immigrants to the District and are therefore "illegal". It was noted that the term "illegal immigrant" is even applied when pastoralists have lived in the district for generations.

The implications of calling pastoralists illegal immigrants are that

1. Pastoralists are criminalised
2. Pastoralists have their freedom of movement curtailed; they have to obtain temporary permits, or bribe officials, to be allowed to graze livestock in their villages
3. Pastoralists are finding it difficult to register in villages; if pastoralists are newcomers they are told their registration is temporary, while those pastoralists who are already registered are told that their registration has "expired".

An example of difficulties in gaining recognition comes from Bwakila Chini village. Here Barabaig (Datoga) pastoralists tried to settle permanently, but after ten years and consider-

able financial contribution toward the village in the form of building eleven classrooms for the school, they were forcefully evicted (see box 6).

Box 6 – Pastoralists' difficulties in gaining recognition as legitimate citizens

Barabaig pastoralists living in Bwakila Chini Village (Morogoro District) agreed in 2003 with the village leaders (who were not pastoralists) to build a school using their own resources, so that the pastoralists could qualify to be full members of the village. The pastoralists built and finalised one classroom, raising funds from their own contributions. They then built 10 more classrooms up to the roof level, again using their own funds. At this stage the District Government is supposed to contribute with a roof. However, when the funds were released by the District Government, as per requirement, the village government officers pocketed the money. Following this, the village government officials forcibly evicted the pastoralists from the village, saying that their registration as members of the village had "expired". The pastoralists were forced to leave in 2013.

Interviews in Morogoro Municipality,
24 November 2013

Another example is when the Datoga community in Morogoro District established their own village, Sangasanga, to resolve the problem of always being forced to move on. However in 2012 the Morogoro Regional government transferred the authority over Sangasanga from Morogoro District to Morogoro Municipality, in this way annulling Sangasanga village and revoking Sangasanga village government. The area previously known as Sangasanga would now be administered by Morogoro Municipality (which lies about 45 kilometres from Sangasanga), and there is no pastoralist representation on either the District Council or Municipal Council. The move to annul Sangasanga village was done without consulting Sangasanga village government or the residents, and without their consent. When Sangasanga was annulled, the only pastoralist village in Morogoro District vanished (see box 8 for more information).

4.5.3 Pastoralist evictions in Morogoro District

In September 2013, Morogoro District's DC Said Amanzi told reporters that the District Council had ordered all illegal pastoralists to vacate the district with their livestock because they

caused land conflicts with farmers. "We have given them a week to vacate the area" he said, and went on to say that the district security committee and other stakeholders would begin the evictions on 1 October 2013 (*Daily News* 22.09.2013c). On 3 October, the Land Division of the High Court in Dar es Salaam issued an injunction calling a stop order on the land evictions pending the finalisation of a court case filed by pastoralists from Morogoro (*Daily News* 08.10.2013e). Pastoralists ignored the order to vacate the district as they believed that they were legitimate residents and were waiting for the legal verdict of the High Court. Yet despite the injunction, the Morogoro District Council budgeted for the removal of pastoralists and continued with the evictions, which took place in Bwakila, Mvuha, Mikese and Ngerengere villages of the District.

When the evictions actually started later in October, pastoralists were shocked and some resisted the confiscation of their livestock. Police allegedly opened fire on them to intimidate them. The evictions followed much the same pattern as in Kilosa: Police with the help of local militia rounded up livestock and put them in enclosures, and herd owners paid fines of TZS 50,000 (USD 29) per head for cattle to have the livestock released. It was reported that if receipts were given, they were all different; e.g., grazing in game reserve; grazing in farmers land, etc. However, mostly no receipts were given, and as one person interviewed said "Herd owners didn't follow up on getting receipts as they considered it more important to get their livestock back". It was reported that the DC insisted that the pastoralists use specified trucks to transport the livestock, and according to the DC's instructions, each pastoralist was supposed to "tell the driver where they came from and pay to take the livestock back to that place". The pastoralists had to pay the transport costs, and livestock had to be sold to pay for the transport and the fines imposed. Similarly to the reports from Kilombero, unfamiliar cattle dealers offered low prices for the livestock, and pastoralists suspect that these were buying for some of the public figures involved in the evictions. Pastoralists interviewed told of confusion and corruption:

In fact the pastoralists did not move far as they bribed the lorry to drop them off nearby. However the space they left after being forced to leave the village was often immediately filled by other pastoralists on the move, and the process of "eviction" continued. This exercise started the grabbing and looting of cattle/livestock, and the payment of huge and un-recorded "fines". Questions can also be asked about what happened to the money budgeted for by the district, when the pastoralists were forced to pay for their own removal.

(Interviews in Morogoro District, Nov. 2013)

Box 7 – Herders shot by police and denied medical treatment

In early November 2013 police and a local militia rounded up pastoralist's livestock and put them into an enclosure. The District Council demanded payment of TZS 50,000 per animal to release the livestock. However, pastoralists decided that as the place was not well guarded, and instead of paying the money they would themselves set the animals free. They did this successfully on three or four occasions.

On 10 November police corralled cattle again. Datoga herders tried to release the animals but the Morogoro district police were there, fully armed, and the police shot at the herders, injuring four. The police ignored the injured herders and managed to obtain 20 million shillings (USD 11,570) from the herd owners for the release of the cattle. The four Datoga herders were seriously injured. One lost a finger, another had a bullet through his thigh, one got a bullet in the wrist and a broken arm and the fourth got a bullet in the foot. Their families took them back to their homes and they went into hiding. As the herders were seriously injured, on 13 November their families brought them to the hospital in Morogoro town for treatment. But before the doctor could treat them, a PF3 form needed to be issued by the police, the normal procedure for accidents of any kind. Three of the herders did not dare speak, even to the doctor, so they left and went back into hiding. The fourth herder, who had a broken arm and a bullet lodged in his wrist, explained to the doctor how it happened. The doctor contacted the police who immediately put the herder into police custody, denying him medical treatment. The doctor had referred the herder to Muhimbili Hospital in Dar es Salaam, as such a complicated injury could not be treated in Morogoro. But police kept the herder in custody until his father paid money for his release, on 14 November 2013.

The herder's father took him to Muhimbili Hospital where he was treated. Now at home, he remains very ill. The other three injured herders have not had hospital treatment. ITV made a video of the herder with the broken arm and bullet in his wrist – it hasn't been shown yet, as ITV has been informed that permission to show the film has to be obtained from the Morogoro Regional Police Commanding Officer, and that permission has not yet been granted.

Interviews in Morogoro Municipality
25 Nov. 2013

The situation was chaotic as pastoralists tried to keep track of their herds, raise money to free the herds from the holding grounds, and keep out of the way of the armed personnel evicting them. Some people allegedly paid fines several times over as their main objective was to remain in the area so as not to leave their families, property and land holdings.

It is alleged that there was massive corruption at all levels, and that although large numbers of livestock were forcefully sold, most pastoralists remained in the district.

4.5.4 Human rights violations

Human rights violations committed against pastoralists in Morogoro District include forced evictions, intimidation and dispossession of property. Pastoralists have not been able to seek protection from duty bearers, the district authorities have acted in contempt of court and human rights protectors have been threatened by government representatives and illegally detained by the police. In addition, district and regional authorities have incited hatred between pastoralists and farmers, discriminating against pastoralists by declaring pastoralists to be illegal. Violence was used against pastoralists on several occasions. One serious incident is reported above (box 7).

People interviewed explained how, now that there are no pastoralist villages in Morogoro District, pastoralists are excluded from participating in other village governments and there are no pastoralist councillors to represent pastoralists in the District Council. This means that there are no official channels through which pastoralists can voice their concerns or influence decisions. It also means that pastoralists have limited options to defend themselves against on-going harassment and coercion. It was often reiterated that the pastoralist community is really scared. If pastoralists try to tackle issues themselves, the police ignore them or tell them lies. The various community members trying to help sort out conflicts or bring attention to human rights violations feel that they are not safe. The example from Sangasanga village (box 8) shows that pastoralists' human and legal rights are violated and that human rights defenders are persecuted.

4.5.5 Responses to the evictions

The pastoralist community opened court case 212 of 2013 in the High Court in Dar es Salaam. Datoga (Barabaig), Iraqw, Maasai and Sukuma pastoralists had gone together on this case and collected money from their communities to pay for a lawyer to support them.

On 3 October 2013 a court injunction was served on the district government. It determined that it was unfair and unconstitutional to force pastoralists to move, and also that the pastoralists fulfilled the condition for 12 years of residence

and land use stipulated in the Village Land Act for claiming the land in question. In the court process the DC was summoned to court together with the DED, and informed about the injunction (*Daily News* 08.10.2013e). However the district and regional authorities ignored the injunction and continued to implement the decision to evict pastoralists from the district. On 18 October the DC was summoned to the court for disobeying the court injunction. Judge Mgetta ordered the DC and DED to explain why they had disobeyed the order. A hearing for this was called for on 4 November, but for unknown reasons the hearing was postponed. According to informants the DC has been ignoring the injunction and police continue harassing pastoralists, forcing them to move, pay fines and so on.

Allegedly police told the pastoralists that the DC, Said Amanzi, had ordered them to collect fines; however it is suspected that the police often act on their own initiative to “fine” pastoralists and pocket the money. During interviews it was clear that various village governments continue to refuse to recognise their pastoralist village residents, insisting that only farmers are legitimate village citizens. These village leaders support the evictions and want the resident pastoralists to leave the village, taking advantage of the situation to allocate the vacated pastoralist’s land to newcomers. This allegedly also involves corruption, as village leaders take money for facilitating land deals in their villages. The village leaders also take money for allocating grazing rights, without which pastoralists cannot graze their livestock. It was reported that once one family of pastoralists are evicted from a village, another pastoralist family replaces them, paying for the land until they too are evicted.

4.6 Land conflicts in Mvomero District

4.6.1 Land use in Kambala

Kambala village (also known as Kambara village) is a pastoralist village in Mvomero District, Morogoro Region. The Kambala village case is included in this report although official evictions were not declared; but the events in Kambala do expose state endorsement of illegal and violent dispossession of pastoralists, apparently aimed to drive them off their land. Kambala village residents explained that the current precarious situation in Kambala village means that people risk being jailed, beaten or even killed for communicating about what recently happened there. As one eminent person interviewed said: “*especially if you take a white person to the village, they will follow you and kill you*”. Interviews with residents of Kambala village were therefore held in Morogoro town in order to minimise risk. This section is based on these interviews.

According to oral records and literature (Jennings 2005), pastoralists have used the area which is now Kambala village from before 1850. In the 1950s, pastoralists permanently set-

Box 8 – Silencing a village: the case of Sangasanga

On receiving the information that Sangasanga village had been annulled in 2013 by the regional authorities without consultation or agreement with the village government and village assembly, the people who considered themselves to be Sangasanga residents held a meeting presided over by the (ex) Village Chairman and the Village Council. The meeting decided to object to the village being annulled and to request for dialogue with the authorities. Minutes were taken and the Village Chairman asked two trusted community members to be messengers and deliver the official and duly signed minutes of the village meeting to the Ward administrative offices. On delivering the minutes, the Ward Executive Officer told the messengers that the minutes were illegal as any meeting now required authorisation by the ward, Sangasanga being no longer a village but part of Morogoro Municipality. The ward authorities ordered that the messengers be put in jail. Police were called and the messengers were remanded in custody for two days, without being charged.

That and other experiences mean that people from the village feel they have no voice and no protection. It is difficult for people to voice their concerns, and they do not feel safe enough to do so.

Interviews in Morogoro Municipality District,
25 Nov. 2013

tled in Kambala village and herded livestock in a seasonal rotation, making use of the Mgongola wetlands in the dry-season and the higher ground in the wet season when the wetlands are flooded. In 1989 Kambala was formally certified.

Originally there was no cultivation in the area, but after independence, in the late 1960s and early 1970s, cultivation of the Bonde la Mgongola wetlands started. Kambala village authorities sometimes permitted rice growers from neighbouring villages to cultivate small plots of rice in the Kambala village wetlands on a seasonal basis. This arrangement was good for the pastoralists as well as for the rice growers, who left their small plots each year in the dry season, returning to their home villages. The rice growers benefitted from the manure deposited while pastoralists benefitted from livestock being able to graze the rice straw left in fields after harvest; and both pastoralists and rice growers benefitted from readily available food (rice, meat and milk) in the vicinity. However, it was reported that in the late 1980s, business people with political connections based in Morogoro started to utilise the Kambala

wetlands, hiring labour to cultivate rice. These business people did not consult the village leaders and unauthorised cultivation on Kambala village land expanded rapidly. In 1991 the Kambala Village Chairman, Paulo Moreto, was killed when he tried to control agricultural expansion into village land. Following his murder, the village council decided to make a Village Land Use Plan (VLUP) in order to have a legal basis for controlling land use. A prominent resident explained as follows:

The Village Land Use Plan sets out cattle tracks, routes to access water, seasonal grazing areas, protected areas, etc., and was made by the Kambala pastoralists and their village government. In compliance with the legal requirements, the Kambala VLUP was approved at district and national levels, and even the Minister of Agriculture approved it.

All the village papers are in order; land certificate, VLUP, maps and so on and all boundaries agreed. Despite this, the farmers continued to invade the land in Kambala, and finally the village decided to take the matter of farmers' illegal entry and use of the village land to court in 2005-06. But the case is taking a long time, although the Minister of Lands and Permanent Settlement is asking for the case to be speeded up. The village is asking for confirmation of their land use as per approved VLUP and certificate, saying that farmers are invading the area without permission and neither do these farmers own the land in any way.

The main issue we are facing in Kambala is that "big people" are using this land. These people (names given) have grabbed large tracts of land in the village, sending in labourers to care for crops. They may send in tractors briefly to plough, but they leave labourers there in shoddy conditions, looking like poor farmers while they themselves remain "behind the scenes" and out of sight. In fact it is these big people who sponsor the conflicts we have all heard about. They are sponsoring the illegal group known as Mwano, who are acting as a militia in the areas surrounding Kambala village, and causing a lot of problems for the pastoralists.

(Interviews with Kambala village residents, Nov. 2013)

In 2012, Mvomero District Council (under which Kambala village belongs) made and passed byelaws, prohibiting livestock from entering cultivated fields. Kambala village residents say that these district byelaws were made without consultation or the consent of Kambala village and Kambala village has refused to adopt them. Non-pastoralist villages in the district have signed the byelaws and the question is whether the byelaws are legitimate when one village does not agree. Whether legal or not, the DC for Mvomero district, Anthony Mtaka, sup-

ports the byelaws and has ordered that herd owners must be fined if their livestock are found on cultivated lands anywhere in the district.

At the same time, it was noted that government at all levels from village to regional, including the DC, are fully aware that farmers cultivate pastoralist village land without the required authorisation of the village authorities, who have a legal mandate to administer village land.

4.6.2 The Mwano vigilantes

Kambala village residents report that since February 2013 a vigilante group called Mwano has been intimidating Kambala residents and extorting money. The Mwano vigilantes stem from the Kaguru community living in what is now Gairo District, and they were allegedly hired in Gairo District by influential people and brought into Mvomero District specifically to intimidate pastoralists in Kambala village.

The support to Mwano was not hidden, but was made quite publically. You see government [governing institutions] starts at village level going up to district and national levels, and the Mwano was blessed by government at all levels; also government was publicly involved and supported the effort to train around 2,000 people making up the Mwano militia. For example, village governments were told to contribute 30 men to the militia. The police, government spies and everyone else all know this as a fact, and it was even reported in the media. Politicians and government officials in the city of Morogoro had their hands dirtied in the fighting. The government has been and still is keeping quiet; because of this we say: "government is part of the fight". We recognise that one pastoralist village (Kambala) is targeted to be wiped out by the other 20 non-pastoralist villages in Mvomero District.

(Village interviews Nov. 2013)

Mwano would demand penalties from the livestock owners for damaging crops. The Mwano allegedly rounded up livestock on the Kambala village side of the Mgongola River and trekked them across the river to Kigugu, Lukenge and Mbogo villages, where they were enclosed pending payment of a "fine" by their owners. Residents of Kambala told how the Mwano would slaughter and eat some of the pastoralists' livestock, holding regular meat feasts.

The extortion carried out by Mwano was allegedly known to the authorities, and continued from February 2013 until November 2013. For example, in September 2013, the Mwano rounded up livestock on two occasions, collecting TZS 7.5 million and 3 million (total USD 6,070) in penalties for the Mvomero DC, with receipts provided by the Mvomero District Council.

Box 9 – The “war” between Mwano and pastoralists as told by residents of Kambala

On 1 November 2013—the Mwano crossed the river to an area in Kambala village where cattle were grazing. They took around 300 cattle belonging to Semwako Madunda and drove them through the river to Hembeti, demanding a ransom of TZS 3 million for their release. The owner of the cattle refused to pay and reported the theft to the police in Wami Dakawa village. Three policemen from Mvomero police headquarters went with Madunda (the cattle owner) and the Hembeti Village Chairman to where the cattle were corralled in Hembeti. They tried to talk to the Mwano but the Mwano insulted and stoned them forcing them to retreat. At this, the police told the pastoralists that police were unable to help them with their livestock, reportedly saying: “Go get your animals yourselves; we can’t!”

Following this, pastoralists held discussions in Kambala about the situation. It was agreed “enough is enough”, and a decision was reached to protect the community’s livestock even if it meant fighting. The pastoralists decided that warriors* would get the livestock and around 100 warriors volunteered to tackle the 1,700 – 2,000 strong Mwano group who were guarding the livestock in Hembeti.

On 5 November—Warriors went to get the cattle in Hembeti, but they were greatly outnumbered so they retreated back to Kambala. In the skirmish, three Mwano were reportedly killed and three pastoralist warriors were wounded (one hospitalised). They did not manage to get the cattle back.

On 6 November—Mwano fighters crossed the river Mgongola into Kambala village and burned down three bomas. The pastoralist warriors met the Mwano and fought them off, but two warriors and four Mwano were killed. During this battle, the Mwano leader, who was also a spiritual leader, was killed by the pastoralists.

Following the battle, the Mwano were chased away. Pastoralist women went back to sleeping in their home, feeling safe as the Mwano had left and could no longer burn down their homes at night.

Interviews with Kambala village residents,
Nov. 2013

* Young pastoralists have to serve as warriors, whose task is to provide protection to their community.

The DC went on television thanking the Mwano for doing a good job, and he showed the viewing public the money that Mwano had extracted from the pastoralists. The DC praised the Mwano, saying it is a group you cannot bribe, and he said that journalists and police have fat stomachs as they have been bribed by pastoralists.

(Kambala village interview Nov. 2013)

4.6.3 Violence in Kambala village, 2013

On Friday 13 September 2013 prior to the outbreak of violence, a high-standing public figure concerned over the human rights violations and likelihood of conflict, met with the DC of Mvomero District to discuss the volatile situation in Kambala village. On 14 September 2013 a group of eight Kambala community leaders, including Kambala village chairman, customary leaders and religious leaders, alerted the RC to the dangers of the situation in Kambala village, the potential for deadly conflict and the need to urgent action to resolve the conflict. The RC said he had never heard of the problem, but promised to take appropriate action. However, already on Sunday 15 September there was a clash between the Mwano and the pastoralists in Kambala village, where four people, all Mwano fighters who had invaded Kambala village land, were killed. People interviewed came to the conclusion that the government wanted the fight to happen: the DC had been given 48 hours’ notice and the RC was given 24 hours’ notice; the bloodshed could have been averted but the authorities did nothing.

Following this clash, tension escalated and it was reported that from mid-September to November 2013 women were sleeping outside for fear of being burned in their homes by the Mwano. During this period, Mwano fighters continued to harass Kambala villagers and extort money from them. Kambala residents say that a lot of money was “lost” in this way. Despite the violence in September 2013, the government authorities did nothing to contain or resolve the conflict, although the people in Kambala tried to bring attention to the volatile situation.

According to people interviewed, during the same period, there was also a strengthened recruitment of Mwano from Gairo District and villages in Kilosa District, and by November it was said that there were 2,000 Mwano fighters, with vehicles, food, weapons and money being supplied by the people with vested interests in the land in Kambala village and with tacit support from the government authorities at both district and regional levels. However the Mwano at this stage seem to have grown beyond the control of the people supporting them, and in early November 2013 there were deadly clashes over two days, locally known as “the war”, in which eight people lost their lives (see box 9).

It was only after this event that the Mvomero DC declared the Mwano illegal. This meant that the police could finally in-

tervene; they captured 33 Mwano members and two of the pastoralist warriors, and they helped return the stolen livestock to the owners.

Powerful people, nevertheless, continued to pursue their interests in Kambala village land. It was reported that on 30 November 2013 the Morogoro councillor went to Kambala village with a tractor and labourers to start cultivation. However she was ordered to stop by the village authorities, at which she became angry and left. In Wami Dakawa, farmers reported that her son deliberately rammed the car carrying them both into a motor bike driven by a Maasai, killing him. The councillor went into hiding and her son was taken into custody.

4.6.4 Impunity continues in Kambala

The 2013 events in Kambala illustrate that the pastoralists resident in Kambala village do not have access to protection from duty bearers when criminal force is used against them and their human and legal rights are abused. As said by one resident of Kambala village:

This is not a normal conflict between farmers and pastoralists, of which there have been many in the past. This is a new kind of conflict, as in the past government was not associated, and now the government seems to be on the side of the farmers against the pastoralists.

After the deadly events of 5 and 6 November 2013, several ministers went to Kambala village to investigate. The Kambala residents interviewed for this study told how they informed the ministers about the public figures involved in this war, and named them, providing evidence. The Kambala residents insist that the government knows all about the events leading up to the deadly conflict, yet government chooses to stand by and watch citizens be killed and maimed as vigilantes invade legally registered villages and raid livestock. The residents are bitter and believe that government is actively involved in efforts to destroy pastoralists' economy and remove them from the land:

This government is against pastoralists: this is demonstrated through negative policies which fail to support the livestock industry; through government's failure to protect the rights of pastoralists; and through government inciting and aiding farmers to fight the pastoralists and grab their land.

(Interviews with Kambala village residents, Nov. 2013)

In addition, it was argued that government also shows disregard for the Tanzanian legal system, when the Mvomero DC stated that farmers could cultivate within Kambala village land, despite there being a land case filed with the High Court

to determine the status of the contested land, and despite farmers having killed a pastoralist in Kambala in December 2012 (*The Guardian* 31.12.2012).

4.6.5 Upsurge of violence in Morogoro Region in 2015

Pastoralists in Kambala and Mabwegere villages (in Mvomero and Kilosa Districts respectively) have continued to live in fear as politicians and local authorities incited neighbouring villages to hatred against the pastoralists, and pastoralists experience that their rights to protection are disregarded (*Hansard of Parliament* 6 February 2015, p 236). In the 2014/2015 growing season, powerful people once more cultivated Kambala village land using machinery and cheap hired labour, despite the orders of the village authorities that all non-residents must have permission from the village council to use village land (IWGIA 2015). In Mabwegere village people continue to encroach onto Mabwegere village land to cultivate in Kikenke, despite a court ruling in February 2014 which determined that Kikenke is under the jurisdiction of Mabwegere village (see section 4.3.3, this chapter).

This tense situation lead predictably to disaster when, on 16 January 2015, a young man cultivating crops on Mgongola wetlands in Kambala village was tragically killed in a struggle over land. His funeral in Morogoro town on 18 January triggered a massive reprisal, and pastoralist men, women and children in Morogoro town were assaulted leaving over 100 pastoralists seriously injured. There were further reprisals in Kilosa District on 18 January 2015, as vigilantes attacked Lujenge sub-village of Mabwegere village, an assault which left 266 men, women and children homeless and without food or shelter. During the assault, 38 houses were burned to the ground, six pastoralist women were raped, two pastoralist elders were seriously injured and two Mabwegere Village leaders were remanded in custody (IWGIA 2015).

Pastoralists were not given any protection from police or other relevant authorities during these assaults, which were allegedly instigated by well-known public figures (*Hansard of Parliament*, op. cit.). Rather, on 22 January, the Regional Commissioner ordered police to protect farmers who want to cultivate pastoralist village lands. On 5 February 2015, sixty Parakuiyo pastoralist representatives met the Kilosa District Commissioner, District Security Officer, District Commanding Officer (police) & District Administrative Secretary to ask for protection of their villages. But protection was not provided and tragedy continued; on 17 February, a Parakuiyo elder was killed in Mabwegere village by people encroaching on Mabwegere land, leading to another fight where Mabwegere villagers killed four men (IWGIA 2015). The killings and assaults have still not been properly addressed.

Then, on 2 June 2015, the Morogoro Land and Housing Court further undermined land rights in Kambala village by

ordering that Kambala village boundaries be revoked so that new boundaries between Kambala and neighbouring villages can be redrawn, giving farmers the opportunity to acquire more land.

4.7 Conflicts in protected areas

4.7.1 Summary of human rights violations

During field work in Kilosa, Mvomero and Morogoro Districts and Morogoro municipality, many of the pastoralists interviewed talked about long standing conflicts between villages and the national parks, game reserves and wildlife management areas in the Morogoro Region. Because the conflicts concerned protected areas, it was decided to consolidate these allegations under a separate heading in this report. The protected areas are: Selous Game Reserve (GR), Gonabisi Game Controlled Area (GCA), Mikumi National Park (NP) and Wami Mbiki Wildlife Management Area (WMA). More details about these areas follow under specific headings. All these protected areas are managed by TANAPA, with local game scouts providing a support role in the WMAs.

The conflicts reported in Morogoro Region were over contested boundaries between village land and protected areas and over livestock grazing within the protected areas. During these conflicts, TANAPA rangers and local game scouts are alleged to have committed very grave human rights violations; it was reported that herders and women have been shot and murdered, and there are reports of enforced disappearance of herders and women. Other violations include beatings and torture, attempted rape, corrupt extortion of money and shooting of livestock. In addition there are allegations of arbitrary arrests and imprisonments, as well as harassment and intimidation. These allegations were made by members of the communities, that is ordinary men and women, village government leaders, religious leaders and customary leaders. Wherever possible, information provided has been supplemented by available literature and media reports. People who made the allegations are concerned about the continuing violations against communities and are committed to protecting human rights; but they also recognise the danger they are in and they prefer to remain anonymous until protection can be assured. They report that currently they have no protection from any duty bearer, and many are fearful of reprisals if they provide information as they are up against extremely powerful forces involved with the illegal international trade in wildlife.

4.7.2 *The Operation Tokomesa*

Many of the incidences reported below may be related to *Operation Tokomeza*, the national cross-services, multi-ministry attempt to end the poaching of large mammals in Tanzania

Box 10 – The murder and disappearance of a young Parakuiyo pastoralist

On 1 March 2013 a young man named Muri Sityo Ngany Kany (aged 23) was herding together with his cousin (aged 22), and they took their livestock into Mikumi NP. One ranger came with a gun to capture the cattle. Muri ran away but the ranger shot and killed him. The other herder saw that Muri had been killed and ran home to report. The young man's family called the police in Mvomero and Morogoro municipality. The family, a doctor and other community members went to the place but could not find any body – they only found blood. The doctor and a family member collected the blood for DNA analysis, so that the blood might be able to identify Muri and lay the basis for a murder charge. They took the blood and the story to the police headquarters in Dar es Salaam. They got the DNA identified as well as the DNA from Muri's mother, and it was confirmed by the Government Chemist Laboratory that the blood they had collected was human blood and related to the woman who was the mother of Muri.

The case was presented to the police in Morogoro municipality, who at first refused to handle the case as there was no body. But with the evidence from the national chemist, the police had to revisit the case. Although the police seem to be using delaying tactics, the family was able to ensure that the case was taken to the Director of Public Prosecutions (DPP) in Dar es Salaam police headquarters. The DPP has requested the Morogoro police to pick up the alleged murderer for questioning but until now nothing has happened.

Interview 25 Nov. 2013

carried out in late 2013. Despite wildlife's importance to tourism, wildlife poaching in Tanzania is increasing and according to a comprehensive report finalised in November 2014 by the international Environmental Investigation Agency (EIA) illegal exploitation of wildlife in Tanzania has reached unprecedented levels, Tanzania becoming an unwilling but major contributor toward the global illegal trade in wildlife and wildlife products (Traffic 2015), estimated to be worth hundreds of millions of dollars annually. Poaching in Tanzania mostly takes place within protected areas and involves local officials and the Wildlife Division (WD) of Ministry of Natural Resources and Tourism (MNRT). The MNRT is responsible for the protection

of all wildlife in Tanzania, and has faced condemnation for its inability to tackle poaching. However, it is also acknowledged that powerful people connected to government are part of the international criminal syndicates behind the illicit trade in wildlife and wildlife products (Parliamentary Standing Committee 2013; EIA 2014). This makes control of poaching an international issue (UNEP/Interpol 2014), beyond the capacity of WD to deal with. Local people interviewed for this review confirmed that they had witnessed officials, rangers and "guests" killing wildlife in protected areas (see also Parliamentary Standing Committee 2013).

In late 2013, the Parliamentary Standing Committee on Land, Natural Resources and Environment was commissioned by the Tanzanian Parliament to evaluate *Operation Tokomeza*. According to its report, pastoralists were targeted by the agents implementing the operation, and torture, killing, rape and other abuses were committed. The report makes a main observation about why pastoralists were targeted, and concludes that while herding their animals in game rich areas, pastoralists can unwittingly become unwelcome witnesses to illegal killing of wildlife, which is often managed by the rangers themselves on behalf of criminal syndicates (Parliamentary Standing Committee 2013). It makes sense for the rangers to chase pastoralists away and ensure that they do not return.

4.7.3 Mikumi National Park

Mikumi NP was established in 1964 and covers 3,230 km², making it the fourth largest park in Tanzania. According to interviews with village councillors in the area, Mikumi expanded its boundaries onto village land in 1992 and this expansion has frustrated many pastoralists whose adjoining grazing land was thereby reduced. For example in 1992, the park expanded its boundaries from Miyombo River into Ngaiti sub-village (a pastoralist sub-village of Malangali village in Mabwrebwere Ward, Kilosa District) that borders the park to the south (PINGO's Forum 2009). These boundaries are still not recognised by villagers as they did not give their consent to the changed boundaries, as is required by the Village Lands Act (1999). Parakuyo villagers also noted that the park boundaries are disputed and that Parakuyo villagers are regularly harassed by TANAPA along the disputed boundaries.

Some of the conflicts relate to cattle grazing along the River Miyombo and the Luhoza area bordering Mikumi NP, where boundaries are contested. According to statements by village councillors in Parakuyo village and Datoga pastoralists in Morogoro, TANAPA rangers have been known to seize cattle outside Mikumi NP boundaries and then take them inside the NP and corral them there in order to extract penalties for trespass from the herd owners. It was reported that people might also be taken into the park and charged; for example, in 2010-2011, TANAPA rangers would come to the pastoralist

homesteads and round up women and children to take them to police stations at Doma village in Mvomero District and Morogoro town and put them in custody saying they had been caught within Mikumi NP. Their families were then forced to pay for their release.

However, pastoralists do herd their livestock inside the NPs, and since 2009, TANAPA rangers in Mikumi are alleged to have been capturing cattle grazing in the Mikumi NP, demanding 10,000 shillings per head to set them free. The rangers are also known to shoot and kill livestock and it was reported by the leaders of Parakuyo village (Kilosa District), that between 2009 and 2013, a total of 212 cattle have been shot worth more than USD 116,000 (TZS 200 million). A young pastoralist from Parakuyo village told that up to November 2013, 76 of his father's cattle have been shot and killed by TANAPA rangers.

Reportedly serious human rights violations have been committed by TANAPA rangers. The most serious case reported concerns the murder and disappearance on 1 March 2013 of a young Parakuyo pastoralist (see Box 10).

The alleged murderer is reportedly a Mikumi Park ranger known and named by the murdered man's family. To date the outcome of the police investigation is not known. The alleged murderer still works for TANAPA in Mikumi NP.

4.7.4 Selous Game Reserve

Selous Game Reserve (GR) is the biggest protected area in Africa, covering 56,600 km². It is also one of the oldest, having been first established in 1896. According to informants in Morogoro Region, killings and enforced disappearances around the Selous GR have been going on for many years and people have been beaten and tortured. Between 2011 and 2013, around 70 cattle have been "lost" and 37 shot. Brief descriptions of alleged enforced disappearances are presented below.

Enforced disappearances in and around Selous Game Reserve

- **27 July 2013:** TANAPA game rangers in Selous GR shot dead 18 cattle belonging to a pastoralist (name withheld). The herders had driven their cattle into the game reserve and when game rangers saw them they opened fire on the herd of cattle. The herders ran away. In the evening four pastoralists went back to check what had happened. The same game rangers were waiting at the scene and they shot and killed one in the group, a woman called Sikukuu Nyerere (aged 22) who was the wife of the man who owned the cattle that had been shot earlier. The rangers allegedly took her body and threw it to the wild animals in the game reserve and



Goats – Photo: Carol Sorensen

she was never found. In the morning of 28 July 2013 Sikukuu's husband went to report the incident to the police. However until now there has been no investigation into Sikukuu's enforced disappearance.

- **September 2013:** Herders (an unspecified number) who entered Selous GR are thought to have been killed by TANAPA guards as they have never been seen again.
- **September 2013:** a Datoga woman who was herding cattle ran away when she saw four guards approaching. She saw the guards shoot and kill seven cattle, and many more were injured. The woman managed to run away and got home that evening. At night she and another woman plus two men went to find the remaining cattle and get some of the meat from the dead animals. But the guards were waiting – one woman had a torch and the guards shot and killed her – the other herders and woman ran away. The next morning the relatives of the woman went to find the body, but could not find her. There was however blood and they found an area which had been burned and found necklaces in the burned area, and the family thinks she was burned to get rid of the evidence.

- **22 September 2011,** a herder was shot and then his body burned to get rid of the evidence.

Enforced disappearances are particularly difficult to deal with as there is no evidence that a crime has been committed and no legal charge can be made. Enforced disappearance was reported to be a tool of intimidation used by TANAPA rangers in all the areas investigated for this report, and families whose members have disappeared can never come to terms with the loss of the person who disappeared.

4.7.5 Gonabisi Open Area

Gonabisi, in Morogoro District, is a buffer zone for the Selous GR, made up of low-lying flood plains (Gillingham 1997). This is an area where there is a lot of poaching, and the media reported in 2012 that there were allegations that both district and regional officials were behind the poaching (*The Guardian* 09.01.2012). The attempted rapes described below were reported to me in interviews in Morogoro Municipality on 24 and 25 November 2013:

On 22 August 2013 game rangers attempted to rape a married Datoga woman aged 25 (name withheld). During the skirmish, the woman sustained injuries in her right leg and



Goats – Photo: Carol Sørensen

she was hospitalized at Morogoro Regional hospital. Some Datoga men caught the two Gonabisi rangers although one managed to escape. The pastoralists filed a case at the regional police office for legal action against the attempted rape. To date the case has not been dealt with.

Two TANAPA rangers from Gonabisi Open Area tried to rape a Datoga woman. The woman was not in a protected area but close by her home. She was the co-wife of Sikukuu, the woman who was killed in Selous GR. Firstly the rangers asked for money, and when she said she had none, they told her to take off her clothes. Meanwhile her son who was with her ran away and alerted the family, and they came to her rescue. When the family members arrived they found the TANAPA rangers beating the woman, but the rangers ran away when they saw the rescuers. The people managed to catch one ranger, the other one escaped. Police came to pick up the ranger and later came to pick up the motor bike they had been riding on when they met the woman. They searched for the ranger's gun but couldn't find it, and community members say that the guard who ran away took the gun with him. However the police accused the husband of the woman whom the rangers had tried to rape (and whose other wife Sikukuu had been killed in July in Selous Game

Reserve) of stealing the gun and took him to prison, denying him bail. Relatives are trying to get him out.

It is likely that the incidences reported above are to intimidate pastoralists and are used to scare them as witnesses, away from the areas where poaching was committed so as to protect the identity of poachers and hide the scale of poaching.

4.7.6 Wami Mbiki Wildlife Management Area

Wami Mbiki WMA has 24 villages associated with it and covers 630,000 ha (630 km²)¹⁰⁷ in Mvomero and Morogoro Districts (Morogoro Region) and Bagamoyo District (Pwani Region). The WMA was established as a pilot project in 1997 and registered in 2003, with support from the Danish Hunters Association and funding from DANIDA. The thinking behind WMAs is that local people would benefit from wildlife on their land, the benefits being an incentive to protect wildlife.

¹⁰⁷ The size is given as 63,000 ha (630 km²) by the WMA authorised association consortium (AAC) website (www.twma.co.tz), and 250,000 ha (2,500 km²) by the Wami Mbiki Society website, who also says it was established in 1997 (makingithappentz.blogspot.dk).

Pastoralists interviewed for this study, that is village councillors and village chairmen as well as other well informed men and women, claimed that pastoralists were not consulted in establishing Wami Mbiki WMA, and stated that they would not have agreed if they had been consulted.¹⁰⁸

Since inclusive stakeholder agreement forms the legal basis for establishing a WMA,¹⁰⁹ and as any changes to village boundaries and VLUP have to be agreed with the village leadership and village assembly,¹¹⁰ the Wami Mbiki WMA is in principle illegal. At the same time, the pastoralists testified that they could not agree to the prohibition to herd within the WMA, the Wami Mbiki area being a critical dry season grazing reserve for their livestock, without which the ecological/economic balance of their whole grazing system would fail. Pastoralists therefore continue grazing livestock in the area, reportedly taking enormous risks for the survival of their livestock.

As the area has now been made into a WMA, the villagers are no longer allowed to graze their livestock in the WMA and are chased away or fined if they do. The rangers shoot cattle and shoot dogs, and they have burned the temporary dry-season bomas inside the WMA. When they have caught people, they have tortured them by making them drink chili juice or tobacco tea and they have beaten them with gun butts and sticks. The Arab hunters (who have the concession in Wami Mbiki WMA)

kill the cattle, slaughter them and take the meat to town to share with friends and family.

(Datoga pastoralist, 24 Nov. 2013)

Other human rights violations have allegedly been committed: in 2009, a group of Barabaig (Datoga) herders were grazing their livestock in the Wami Mbiki WMA, and two herders were shot dead by TANAPA rangers (Kambala village interviews, Nov 2013). The two pastoralists were from Migombani village in Mvomero district and were herding livestock in the WMA. As the pastoralists have no alternative, some of them have made deals with the guards to graze their livestock in the area for a fee—but this too is risky:

The guards make deals with the herders, allowing them to graze in the WMA against payment. Herders from Sangasanga village talked to the guards to make a deal to graze within the Wami Mbiki WMA. They raised 12 million shillings to be allowed to graze inside the WMA. The deal was that the guards would warn them when the bosses of the WMA (the Arab hunters) came so that the herders had time to get out. This deal goes on until March 2014, when they will have to pay again if they want to continue to graze there. However if the bosses do catch them they will still be punished.

(Datoga pastoralist, 24 Nov. 2013) ○

108 Many pastoralists are reluctant to establish WMAs under current legislation (WMA Regulations 2012). Firstly, the associated village governments must renounce their control over the land and resources required for the WMA and give it over to an Authorized Association (AA), a specially established community based organization. This AA will manage the WMA under the supervision of a District Natural Resources Advisory Body—a body composed of at least nine government officials and only three AA representatives. However, overall control over the WMA rests with the Wildlife Division, including the licensing of hunting blocks. Secondly, herding within WMAs is forbidden.

109 See the Wildlife Conservation Act 2009a and the Wildlife Conservation (Wildlife Management Areas) Regulations, 2012, both at <http://www.tnrf.org/>

110 See the Land Laws of 1999 and the Local Government (District Authority) Act of 1982, both at <http://www.ardhi.go.tz>,

CHAPTER 5 – PASTORALIST EVICTIONS OVER THE PAST SEVEN YEARS IN NORTHERN TANZANIA

5.1 Summary of key findings

This review found that conflicts over pastoralist village land in northern Tanzania have been intensifying as interest in land and resources increases and powerful people use their influence with the authorities at different levels to acquire land. It was found that evictions have been carried out by government agents and private security guards, authorised by the Regional and District Commissioners offices. In most cases the village councils rejected eviction orders, and none of the communities had agreed to move off their land. No compensation was given to the affected communities and no alternative land was offered.

Human rights violations were committed during the conflicts, including intimidation, extortion of money and livestock, enforced disappearances, torture, rape, arbitrary detentions and beatings. Livestock has deliberately been shot or scattered by the evicting agents and houses have been burned down. The latter has particularly affected the women as they tried to rescue their children, property and young livestock from the burning houses; there are reports that several women have miscarried. As a result of the evictions, the affected people were impoverished and children and adults suffered from hunger, exposure and poor health.

The evictions were justified by the government as fulfilling the need to protect wildlife by putting more village land under central government control. On the other hand, communities contend that the underlying reasons for why pastoralists are evicted are to enable corrupt access to wildlife resources and the lucrative tourism industry, and to facilitate the allocation of village land to powerful corporations and public figures.

Pastoralist communities were found to have limited access to justice at the local, district or region levels. Court rulings in their favour made at national level are ignored by local authorities who are often themselves involved in the disputed land transactions. Despite the difficulties and risks associated with reporting human and land rights issues in northern Tanzania, CSOs have succeeded in supporting communities to bring attention to these matters. They have also mobilized international human rights bodies to raise concerns in international fora over the human



rights violations committed against pastoralists in northern Tanzania. The Tanzanian Parliament conducted investigations, but these have not been made public and none of the allegations have been addressed.

5.2 Background to land conflicts

The history of pastoralist evictions in northern Tanzania goes back to colonial times and the early days of independence. Since then and over the years, large tracts of land have been allocated for agricultural development,¹¹¹ and even larger areas (now nearly 30,000 km²) have been allocated for the

¹¹¹ Most of the land alienated from communities and nationalised in the 1970s are now areas of bitter conflict. E.g., the NAFCO managed Canadian Wheat Scheme (now abandoned) alienated 400,000 ha and evicted 40,000 Datoga pastoralists; the NARCO and NAFCO farms (now abandoned); land given over to PDF in Monduli; the Tanzania Breweries (Sukanya Farm) and Tanzania Meat Company, to name some areas of conflict in northern Tanzania.

Overview of on-going land conflicts in northern Tanzania

Region and District	Period	Land conflicts
MANYARA REGION		
Babati District	2007 and continuing	Vilima Vitatu Village — On-going conflict between Datoga minority group and foreign investor in Burunge WMA. 40 houses burned down. Court of Appeal of Tanzania ruling ignored by local authorities, human rights violations, loss of property
Simajiro District	2001 and continuing	Kimotorok Village — Boundary encroachment onto village land by Tarangire NP & Mkungunero GR. Around 1,000 homes burned down by TANAPA. Other severe human rights violations reported
Kiteto District	2011 and continuing	Murtangos — politically supported illegal encroachment of large farms onto pastoralist land, killings & other human rights violations. Court of Appeal of Tanzania ruling declaring farmers to be illegal immigrants and ordering them to vacate the area ignored by government authorities
ARUSHA REGION		
Ngorongoro District	Long term conflict	Loliondo Division (Loliondo Hunting Block) — On-going conflict between local communities & government with private foreign investor interests. Evictions, human rights violations, loss of property
	Long term conflict	Sukenya (Sukenya Farm) – Conflict between communities and private foreign investor. Eviction, harassment & intimidation
	Continuing	Ngorongoro Conservation Area (NCA) — conflict with NCA Authority over rights of residents; starvation, intimidation and human rights violations
	Long term	Serengeti NP — expanding boundaries and encroaching village land, conflict over grazing and water

expansion of national parks and wildlife conservation in general.¹¹²

The northern Tanzanian landscape is dominated by rangelands consisting of extensive short grass plains and savannah, with associated forested mountains, seasonal rivers and soda lakes. Rainfall is seasonal and erratic, with unpredictable and

prolonged periods of drought. Vegetation is adapted to the irregular rainfall, rapidly becoming green and highly productive following rain, but drying fast when rains stop, and able to survive extended periods of drought. This landscape also supports very large numbers and a wide variety of wildlife. But the present day Maasai¹¹³ and Datoga¹¹⁴ pastoralists have a long history of living in the area, where they utilise the rangelands for livestock production, the dominant economic activity

112 E.g., Serengeti GR covering 14,763 km² (established 1929 and since 1951 a NP), Mkomazi NP, now 3,200 km² (est. 2006), Tarangire NP now 2,850 km² (est. 1970), Manyara NP now 644 km² (est. 1957) and Arusha NP now 137 km² (est. 1960). Ngorongoro Conservation Area (NCA) (est. 1959 covering 8,288 km²) is the most controversial of the protected areas as it was given to Maasai in compensation for Serengeti, and is home for around 70,000 Maasai. There are also many more GR and WMAs, although the area covered by these is not included in this report.

113 The Maasai sections living in the north of Tanzania include the Kisongo, Loita, Sale, Purko, Serengit, and Laitayok.

114 The Datoga clans are the Barabaig and Taturu sub-groups.

in northern Tanzania.¹¹⁵ Maasai live in Arusha and Manyara Regions, as well as in neighbouring regions of Kilimanjaro and Dodoma. Datoga are less numerous; After their eviction from their core grazing lands in Basotu plains of Hanang District (Manyara Region) in the 1970s, many Datoga moved south, and those who remained live in smaller scattered groups.

Tourism based on wildlife safaris and hunting, has emerged as an important industry in northern Tanzania,¹¹⁶ with world famous tourist destinations such as Serengeti, Manyara and Tarangire National Parks, and Ngorongoro Conservation Area. There are also several game reserves and WMAs. However, as elsewhere in Tanzania wildlife poaching is increasing (see section 4.8.1 this volume). The response of government and donors to this crisis has been to push for more protected areas by creating more WMAs and expanding the size of national parks and game reserves.

However, many pastoralist communities in northern Tanzania have persistently resisted the pressure to establish WMAs or private conservancies on their village land. Communities want to retain control over the management of their village land, and most importantly over their access to natural resources such as grazing land and water. They also want to continue to benefit directly from business agreements with tour operators, which up till now have contributed significantly toward village economy and local development (Igoe and Croucher 2007; TNRF 2011). See below for an overview of the on-going land conflicts.

To learn about recent evictions of pastoralists in the north, field work was conducted in Babati and Simanjiro Districts (Manyara Region). Evictions in Kiteto District (Manyara Region) and Ngorongoro District (Arusha Region) were reviewed based on detailed documentation as well as media reports. Interviews were also held with pastoralist organisations and knowledgeable individuals. It should be noted that due to the fear of reprisals against communities, some interviews could not take place in the villages but took place elsewhere.

5.3 Pastoralist evictions in Babati District

5.3.1 Background to the conflict

Discussions with fifteen leaders of the Datoga community from Vilima Vitatu village in Babati District, Manyara Region,

took place in Babati town on 18 November 2013. The leaders explained that currently in their home village of Vilima Vitatu, any Datoga pastoralist who receives visitors from outside the village is detained and questioned. However these leaders were prepared to share information they had on the human rights violations being committed in their village and interviews were held at another location.

Vilima Vitatu village is a registered village covering around 19,800 ha in a wildlife rich area between Lake Manyara National Park and Tarangire National Park. An ethnic group called the Mbungwe are said to be the original residents. Recent years have seen an influx of small farmers into the area, and currently the majority residents are Warusha agro-pastoralists, who keep livestock and cultivate the fertile plains. Datoga pastoralists are also residents, forming a minority in the village. The village is governed by a village council headed by a Chairman.¹¹⁷

The tourism industry also has an interest in Vilima Vitatu because of its abundant wildlife and easy access to the national parks in the vicinity.¹¹⁸ To cope with the many interests, village land use plans (VLUP) were developed and approved in 2003, and byelaws were enacted to support the plans. The VLUP designate areas for grazing and pastoralist land use, cultivation, conservation and tourism, including forest areas (Baha and Chachage 2007). Pastoralists abide by these VLUP and there is no record of byelaws being infringed by them (Igoe and Croucher 2007).

Datoga pastoralists live in the Maramboi area of Vilima Vitatu village, which is designated a grazing area according to the VLUP. This area is a migration route for wildlife moving between the two neighbouring national parks, so is well suited to pastoralist land use.¹¹⁹ According to the elders interviewed for this study, Datoga pastoralists have lived in Maramboi for the past 40 years, raising livestock on communally managed grazing land and producing livestock and livestock products for sale. Although the Datoga community is not currently represented in the Vilima Vitatu village government, it was agreed in 2005 that they be registered under a sub-village (Maramboi), and the community was told to choose a chairman and form a sub-village council. However when the land conflict emerged in 2007, the process of establishing Maramboi sub-village was stalled by the Vilima Vitatu village council and Babati district authorities. At the same time, but unknown to the Datoga community, the Burunge WMA was in the process of being established on Vilima Vitatu village land, including the Maramboi area.

¹¹⁵ Northern Tanzania contributes significantly toward national livestock production. Generally in these northern Tanzania rangelands, livestock production is more reliable than crop cultivation; however cultivation can be productive where there is adequate and reliable rainfall.

¹¹⁶ In 2012, tourism brought in a total of USD 1.3 billion, making tourism the second biggest income earner for Tanzania after gold mining. In 2012, protected areas contributed approx. USD 66 million (*Daily News* 28.03.2013a) toward the total USD 1.3 billion tourism revenues generated. Gold mining produced over USD 2 billion (Manson 2012).

¹¹⁷ As required by the Local Government (District Authority) Act (1982) and the Village Land Act (1999).

¹¹⁸ Tarangire NP, Manyara NP, Ngorongoro Conservation Area, Lake Eyasi and Lake Natron.

¹¹⁹ Datoga cosmology prohibits the killing of wildlife, and it is also taboo to damage trees or water sources.

5.3.2 Establishing Burunge WMA

In 2003, Burunge WMA was established in Babati District with the support of Africa Wildlife Foundation (AWF). Funding was provided by USAID. Today Burunge WMA covers a total area of 61,700 ha of village land allocated by 10 villages.¹²⁰ Vilima Vitatu was amongst the first villages contributing toward Burunge WMA, and is noteworthy for having allocated as much as 64% of its village land to the WMA (Baha and Chachage 2007). However, the process of establishing the WMA was reportedly fraught with controversy, which may explain how the village could allocate more than half of its land. Apparently, pressure from international conservationist organisations, international donors, and the government of Tanzania compromised effective community participation and community concerns were ignored (Baha and Chachage 2007; Igoe and Croucher 2007). For example, there is evidence that decisions about allocating the land to the WMA were made without the knowledge of full village councils and without the required approval of village assemblies (Baha and Chachage 2007; Vilima Vitatu Judgement 2013). Research in the area in 2007 by Igoe and Croucher found that:

In interview after interview, Minjingu and Vilima Vitatu villagers told us that they were not involved in the formation of the WMA, that no one had told them how it would be managed, that they knew of no benefits coming from it, and that removing people from the area had done more harm than good for the villages.

It is also clear from the minutes from the Vilima Vitatu village meeting held on 10 May 2006 that the district authorities pushed village leaders to accept the WMA (Igoe and Croucher 2007), as the village assembly¹²¹ did not approve the WMA and most of the village leadership had not been involved in making the decision (Baha and Chachage 2007).

The villagers' reluctance to agree is also due to economic considerations. The way revenues from a WMA are shared does not reflect the contributions in terms of land and natural resources provided by each village;¹²² and more importantly, setting aside village land to the WMA means losing the possibility of making the more lucrative direct agreements with

tourism enterprises (Igoe and Croucher 2007).¹²³ The dissatisfaction of the village residents with the WMA meant that in 2006 Vilima Vitatu together with another associated village, Minjingu, tried to exit the Burunge WMA. However their efforts were reportedly blocked at the District level (Igoe and Croucher 2007).¹²⁴

5.3.3 The emerging land conflict

The interviewed Datoga leaders told how in 2007 the Datoga community was summoned by the Vilima Vitatu village council and ordered to vacate their homes and pastures in Maramboi as this area was now designated, without their approval or knowledge, to be part of the Burunge WMA. The community was offered another area to live in as compensation for leaving their lands; however the area offered was a wetland, flooded in the rain season and impossible to live in permanently, so the offer was rejected as it did not compensate for losing the land in Maramboi.

Meanwhile, without the knowledge of the Maramboi residents, the Babati District and Vilima Vitatu village authorities had already allocated most of the land (4,084 ha) in the Maramboi area¹²⁵ to a French investor called "Un Lodge en Afrique" (ULEA).¹²⁶ An initial payment of USD 5,000 was reported to have been handed to Vilima Vitatu village leaders by the investor (*The Guardian* 29.09.2013). The Datoga community leaders told how they first found out that Maramboi had been given to the investor when the investor's agents started to put in boundary markers on what pastoralists considered their rightful land (*Daily News* 27.05.2013b). Later the DC and acting RC at the time, David Hollela, reportedly ordered pastoralists off the land in the name of the president, failing which he would bring in the army and police to remove them (*Arusha Times* 19.04.2008).

During the seven years of striving to have their rights recognised by the courts, Datoga leaders told how it was difficult for their community to function in the village as the village gov-

120 See the WMA Authorised Authority Consortium website at <http://www.twma.co.tz/wma/burunge>

121 According to the Local Government (District Authority) Act of 1982, any decision that affects village lands has to be endorsed or approved by the village assembly. The village assembly consists of all those normally resident in the village who are over the age of 18.

122 For example, in 2011 the ten villages shared the proceeds of the WMA equally, amounting to around TZS 11 million to each village (Sulle et al. 2011), not providing fair compensation for the land contributed (Baha and Chachage 2007) by each village.

123 Minjingu village has been benefiting directly from three investors (Tarangire River Camp, Maramboi Tented Lodge and Tarangire Paradise Camp), and from these arrangements about TZS 126 million have been used by the village for their own development (Igoe and Croucher 2007).

124 It has since been reported that Minjingu Village has unilaterally withdrawn from the WMA, although without approval of the WMA authorities or the Wildlife Division (Sulle et al. 2011).

125 The *Arusha Times* (19-25 April 2008) reports that the area where the Datoga live (Maramboi) covers 6,970 ha. The area reportedly allocated to the investor was 4,084 ha.

126 ULEA, which is owned by two French shareholders (Nicolas Negre who holds 99 per cent of shares and Planteau Du Marrousem who holds 1 per cent), was given the land by the Business Registrations and Licensing Agency (BRELA) on 26 May 2008. It was noted that it is against the law for a foreign investor to own land, and the only way any investor can own land is through the Tanzania Investment Centre (*Daily News* 29.09.2013d).

ernment was hostile toward them. Prior to the creation of the WMA, Datoga pastoralists had been a respected part of the community (Baha and Chachage 2007) and it was only after the establishment of the WMA and the arrival of the foreign investor, that village authorities began to see the Datoga as illegal outsiders and a barrier to village development (ibid. 2007).

5.3.4 The Vilima Vitatu Judgement

In 2007, and on the grounds that they had not been involved in establishing the WMA and had never agreed to its formation, the Datoga community lodged a case against the village authorities. They hired an advocate to support them, using money raised from the sale of their livestock to pay for his services. The case was first taken to the Manyara Region Land and Housing Tribunal, then later, in 2008 to the Land Division of the High Court. This court ruled in favour of the defendants, ordering the Datoga community to vacate the land immediately. However as this ruling was made in the absence of the community's lawyer the community appealed to the Court of Appeal of Tanzania (Civil Appeal No.77 of 2012).

On 15 March 2013, the Court of Appeal of Tanzania ruled in favour of the Datoga community, saying that the community should be reinstated and that the community had the right to remain on their land.¹²⁷ In particular it was noted that there was no record of any meeting where the village council had recommended to the village assembly that the Maramboi area be given over to the Burunge WMA authorities, and no record of any meeting of the village assembly that it had agreed to give over the land. These are legal requirements under the wildlife management regulations for establishing a WMA and as there was no evidence that the legal requirements had been followed, the Datoga community retained the rights to their land.

5.3.5 Harassment of the Datoga community

The Datoga leaders told of their joy when, after seven years of fighting the case, the Court of Appeal of Tanzania ruled in their favour. However, they found that their joy was short lived as they continued to face harassment on what had now been legally confirmed to be their own land. As the Vilima Vitatu village authorities, Babati district authorities, police and magistrates were collaborating with the investor to ensure he

retained his investment in the area, the Datoga pastoralists were unable to access protection or support.¹²⁸

How pastoralists continue to be harassed after the judgement of March 2013:

- Two young men herding livestock have been shot and injured
- Donkeys and dogs have frequently been shot and killed
- Residents of Maramboi have frequently been beaten
- Residents walking in Maramboi land have been detained and imprisoned
- Some Datoga women have been taken from their homes and imprisoned without trial
- In some resident families, both the husband and wife have been jailed, leaving the children with no parents to care for them.

In an example of how the authorities collaborate with the private sector in harassing pastoralists, a young man told how while herding in Maramboi in July 2013, he was surrounded and beaten by the private investors' guards and his phone was stolen. When he reported the theft and the beating to the police, he was instead accused of attacking the investor's guards and put in jail. The magistrate sentenced him to eight months in prison; but on intervention by his father he was released after four months. A similar case was reported by *The Guardian* (see box 11).

5.3.6 Attempted eviction on 4 September 2013

On the afternoon of 4 September 2013, the Datoga community's houses in Maramboi were set on fire and the village and district authorities told the affected people to leave the area immediately. Datoga leaders report that a total of 44 homesteads were burned down and approximately 440 people directly affected, including children, the elderly, men and women. All property was destroyed, including bedding, cooking pots and containers for carrying water. Livestock were chased away, donkeys were shot and some goat kids, lambs and chickens perished in the burning houses. People's harvested food stores were burned together with all household and personal possessions, including money and clothing. The Datoga leaders say that the Babati DC and Vilima Vitatu village chairman authorised the burning of their property.

¹²⁷ The panel of Judges of the Court of Appeal, Justices January Msoffe, Sauda Mjasiri and Ibrahim Juma in their ruling of Civil Appeal Number 77 of 2012, ruled in favour of the 17 villagers in the case filed in 2008. The respondents were the Vilima Vitatu village council and the Burunge WMA authority.

¹²⁸ According to newspaper reports of the time, the investor continued to threaten the community who continued to graze in what he considered to be his land. He allegedly threatened to burn them out of the area.

Box 11 – Summary of media report on a Datoga woman jailed for herding livestock on community land

A Datoga woman named Qarobo Ghidaiyo, was imprisoned for 6 months for herding her livestock on the land allegedly allocated to the French investor. This incident happened after the High Court had ruled (in March 2013) that the land where she was herding rightfully belonged to her community.

Qarobo says that it was a Sunday morning when she was grazing cattle as part of her daily routine. Suddenly five men, believed to be the French investor's guards, appeared and ordered her to move the cattle to another place claiming that the area where she was grazing her livestock was no longer for pasture as it used to be. She said that after a long argument between her and the guards, Qarobo managed to return home again with the cattle. Three days after that event, the same five guards turned up at the door of her house and took her and her baby to the police station, where she was detained for three days waiting for the trial. She was tried, found guilty of trespass and sentenced to six months imprisonment, leaving her baby boy to be cared for by his grandmother.

The Guardian on Sunday, 29.09.2013

This attempted eviction had a devastating impact on the community. Women are reported to have been particularly badly affected as Datoga houses are all built and owned by women. Another consequence has been increased poverty, since the young replacement livestock was burned to death and all household property and clothing has had to be replaced.

The authorities continue to intimidate the community, and elders told how the Datoga pastoralists in the village are spied on and questioned on all their activities; their lives have become difficult and dangerous and the ongoing harassment has broken the community's confidence to re-build their lives. Many have left Vilima Vitatu to find safer places to live.

5.3.7 Response to the attempted eviction

According to the Datoga elders, the Datoga have not received any assistance or material support from the other ethnic groups in Vilima Vitatu, despite the obvious distress of the Datoga families. Many of the tourism lodges in the area were sympathetic and provided assistance, helping with tarpaulins,

food, water, distancing themselves from the ULEA investors. One farmers association (MVIWATA) tried to help initially, but had eventually stopped.

The Datoga leaders recognise that public pressure needs to be put on the government at all levels to do their duty to the citizens and they were able to ensure that the evictions were widely reported in the media, including on television (ITV). The community used this publicity to appeal to regional and national levels of government to ensure that the Datoga's rights to their land in Vilima Vitatu village are safeguarded at local level. CSOs tell how they have supported the Datoga community by alerting the media, facilitating contacts with MPs and providing legal support to represent the community in court and assist people who had been detained. CSOs have also reported to international mechanisms (UPR process, the CERD) via shadow reports. However, despite the considerable publicity about the case, no action whatsoever has been taken by duty bearers in government at either local or national level to investigate and address the human rights abuses allegedly committed and to compensate the victims. Through a court case, the community have put in a claim against the government for compensation for the loss of property and are waiting for the results.

The Datoga leaders interviewed told that the regional and district authorities continued to push for the foreign investor's economic interests in the Maramboi area. The leaders explained that on 18 November 2013 they were called to Babati by the Babati District and Manyara Regional officials and allegedly informed that the Burunge WMA had been dissolved.¹²⁹ The DC and RC explained that by dissolving the Burunge WMA, the investor's land holding (ULEA) would now be on Vilima Vitatu village land rather than in the WMA) and the DC and RC then asked the Datoga leaders for their support to ensure that the investor got the land he wanted. The interviewed Datoga leaders reported that they were surprised that the Regional and District officials would try to deceive them so blatantly. The elders were also surprised that the officials thought that the elders would cooperate in giving their land to an investor. The elders concluded:

We won't move. We will stay on our land and struggle to the end – we have nowhere else to go, so we have to stay. We will continue to struggle for justice and our rights, but we need help as it is difficult to contest against the government. For example, we won the court case, but they are still trying every way to trick us.

(Interview with Datoga elders 18 Nov. 2013)

The Datoga leaders recommend that the government ensure that violent evictions stop targeting pastoralists. They recom-

¹²⁹ Burunge WMA still exists at the time of publishing this report.



Homestead near Tarangire – Photo: Carol Sørensen

mend that pastoralists are recognised as vital custodians of land and wildlife, and that pastoralist land rights and land use should be recognised and protected so that they can continue to live in their traditional lands and practice their livestock production systems, which in turn protects and supports wildlife.

Datoga are able to live with wildlife and government needs to understand that wildlife and pastoralists should not be separated.

(Interview with Datoga elders 18 November 2013)

5.4 Land conflicts in Simanjiro District

5.4.1 Background and overview

The spectacular scenery and abundant wildlife in Northern Tanzania has attracted the tourism industry to ever more remote areas, including Simanjiro District. The illegal trade in wildlife trophies, meat and live animals for export is also said to be increasing in remote areas. At the same time, there are on-going efforts to increase the area of land under protected area status. As protected area expansion means encroach-

ing onto neighbouring village land, the conflict between the protected area authorities (in this case TANAPA) and local communities increases.

Kimotorok in Simanjiro District of Manyara Region was registered as a village on 1 June 1993,¹³⁰ and as per legal requirement it is governed by a village council under the leadership of a village chairman. It is a pastoralist village predominantly made up of the Kisongo section of the Maasai, but with a minority of the Barabaig clan of the Datoga people. There are very few settlers from neighbouring areas, mostly traders. The village is dominated by a large wetland area, which feeds into the Tarangire River. The well-watered land is reportedly fertile, being excellent for both dry and wet season grazing, with some areas also suitable for cultivation. People live in big

¹³⁰ Kimotorok Village Executive Officer (VEO) explained that Kimotorok has been a sub-village of Loibosiret. Loibosiret was formally registered on 28 February 1978, with Kimotorok officially registered as a sub-village. On 1 June 1993, following the drawing up of agreed boundaries and following the finalisation of the new Simanjiro District boundaries, Kimotorok was registered as an independent village. However, Loibosiret has a village land title covering approximately 142,500 ha of both Loibosiret and Kimotorok combined, and Kimotorok has not acquired a separate land title, despite being registered as an independent village.

homesteads (*bomas*) containing many households, and manage large herds of cattle and some small stock. The village lies south of Loiborsiret village, with Tarangire National Park to the west and Mkungunero Game Reserve to the south. It was reported that Kimotorok village lands also support a lot of diverse wildlife.

During field visits made to Kimotorok and its sub-village Kisondoko¹³¹ village leaders explained that both Tarangire NP and Mkungunero GR had expanded their boundaries, encroaching onto Kimotorok village land. This had happened without consultation and without agreement with the villagers who therefore do not respect the new boundaries, which they consider to be illegal.

The village authorities have ensured that the village has its own maps and records stored, and have used them as evidence when the two National Parks have attempted to make incursions onto village land.¹³² However, a PINGO's Forum study by Y. B. Masara in 2005 has shown that village records and maps, district records and maps, regional and national records and maps do not agree with each other or with the maps produced by the national parks and game reserves, each authority promoting their own map as the "correct" map. This study also revealed that there was a general reluctance to engage in finding technical solutions as land governance had become politicised:

... we discovered that there was little or no transparency on this issue of conflicting boundaries. In several offices that we visited, leaders appeared to be sympathetic of the Kimotorok Village problem, but were not ready to admit how through their overt or covert acts things reached the stage they are at the moment. The case study demonstrates how government continues to work in Tanzania. There is a prevailing attitude by some officials that the government has the right to know best and do as it thinks fit, whether within or without the law. Legitimate claims by villagers are sometimes acknowledged but they tend not to be redressed unless the balance of power is such that it becomes in the interest of government authorities to take a proactive stance on an issue upon which their

political support-base depends. Rights often have little intrinsic value and are not taken seriously unless they become a vehicle for political expediency and patronage.
(PINGO's Forum 2005, p. 27)

The study's conclusions still hold true, as nothing has been done since 2005 by any of the relevant authorities¹³³ to address the concerns of people in Kimotorok, and despite regular attempts by Kimotorok village authorities to have their concerns considered. It was noted during interviews for the present report that there are conflicting jurisdictions over the land, all using different maps, which means different authorities are all doing different things, making it hard to agree on boundaries. One of the consequences of this lack of transparency over boundaries and jurisdiction has been that it has proven impossible to come to an agreement on VLUPs for Kimotorok. Yet a functioning VLUP is seen by the village leaders as a priority for resolving the boundaries and ensuring the security of their citizens in their village lands.

5.4.2 Human rights violations

The unresolved boundary issue has since 2001 led to escalating conflicts and human rights violations when rangers try to enforce TANAPA's version of boundaries onto village land. The violations include enforced disappearances, rape, extortion, etc., as well as the burning down of houses and deliberate destruction of property.¹³⁴

The village leaders recalled that the first major conflict occurred on 17 November 2001, when Tarangire redefined its boundaries, expanding onto Arkasupai, a sub-village of Kimotorok village. On that occasion, TANAPA burned seven bomas and human rights were violated.¹³⁵ However, the 61 people affected at that time refused to be chased away, and rebuilt their homes where they have stayed ever since. Following a meeting of stakeholders, the Regional Commissioners of Manyara and Dodoma Regions concluded that Tarangire NP should respect the existing village boundaries and since then,

131 Interviews were held on 18 November 2013 in Kimotorok village with Maasai residents (the village chairman, village executive officer, several women of all ages, several sub-village chairmen and several customary leaders, as well as warriors) and staff employed at the school and clinic. Other meetings were held in Kisondoko sub-village with Datoga (Barabaig) pastoralist residents who had their homes burned down in a recent event, and the people spoken with include customary leaders, heads of bomas, old women, young women and young warriors.

132 The village leadership explained that the village needs the maps as a record of the many changes the village has gone through, as districts have changed many times: in 1961, Kimotorok village was in Maasai District, then in 1974 it was in Kiteto district. Finally in 1993, Kimotorok became part of Simanjoro District.

133 The relevant authorities involved include amongst others: District Council, Local Government Administration, District and Regional Commissioners offices, Tarangire National Park and Mkungunero Game Reserve management, Wildlife Division in MNRT, Ministry of Lands, Department of Land Use Planning, Tanzania Wildlife Research Institute (TAWIRI). The many interests have established overlapping jurisdiction, confusing technical solutions to land administration and providing opportunities for political interference.

134 Kimotorok village reported that over 1,000 houses were torched in the year between December 2012 and the time of reporting (18 November 2013).

135 The violations reported include a herder who was forced to eat a snake, and who has remained psychologically disturbed by the experience; and a man who continued to cultivate his fields, which were within the village boundaries, and who was apprehended and castrated by TANAPA rangers (still lives in the village).



Meat market in Simanjiro – Photo: Carol Sørensen

Arkasupai sub-village has not had any problem with Tarangire NP.

A second violent conflict erupted in 2007, when Mkungunero GR began putting up boundary beacons along a demarcation line defined in 1996 when Mkungunero Game Controlled Area (GCA) became a GR. At that time it also increased its size by 4,300 ha (43km²), expanding into both Kiteto and Simanjiro districts,¹³⁶ and in the process taking large chunks of Kimotorok village land. The boundary beacons were reportedly placed without consultation with the village leadership and without the agreement of the village authorities or the village assembly. Unlike what happened in 2001, it was not possible to solve the conflict through mediation and TANAPA rangers continue trying to evict people from what TANAPA considers to be Mkungunero GR land. The human rights violations committed in Kimotorok since 2007 are listed below.

List over continuing human rights violations in Kimotorok 2009-2013

- **2009 — on 7 September herders were robbed and beaten by TANAPA rangers:** seven herders were trekking livestock to Makao Sambwa market when they were attacked by rangers who stole the property they had on them (seven mobile phones, seven *simi* (Maasai knives), six spears, and 700,000 shillings in cash). The livestock ran away, and 11 cows and 9 goats were never found. The herders were reportedly so severely beaten that they were still affected four years later, at the time of the interview.
- **2012 — on 1 May, children abducted and taken to police:** Livestock were grazing in the village lands when rangers came and caught some children who were with the herd. The rangers took the children to Babati police station. The Babati police questioned why rangers had brought children to the police station, and later the police returned the children to their homes.
- **2012 — on 12 December 750 houses destroyed by fire:** On orders from the Kondoa MNRT officer, TANAPA rangers set fire to bomas in Kisondoko and

¹³⁶ The Kimotorok villagers assert that there is more wildlife on pastoralist village land in Simanjiro and Kiteto districts than in Mkungunero GR, and suggest that this is why the GR wants to take over Kimotorok village land.

Arkasupai, with a total of 750 homesteads burned down. It was reported that *“The rangers were armed with guns, and came in vehicles, in the day-time. They took everything – bicycles, motor bikes, many mobile phones, weapons, money and even cattle. They deliberately destroyed water buckets, cooking pots, food and they even deliberately burned goats and calves inside the houses. So now we and our families are hungry. They also beat people; one elderly man who was beaten then is present today at this meeting”*.

- **2013 — three men reported missing:** The village chairman, VEO and other participants in the meeting told how people report to the village council when family members have disappeared. Up to November 2013 three men have been reported as missing. People believe that these men have been killed by rangers and that their bodies have been left in the wilderness for wild animals to dispose of.
- **2013 — a grandmother reported missing.** An old woman ran away when she saw two official vehicles approaching. She has not been seen again and is presumed dead.

Asked about the role of village government in all these conflicts, the chairman said *“without village government support, not even a week would go by and these people would be removed”* – in other words, the only protection the communities have from duty bearers is from the village government. He notes that the involved district authorities are not effective in negotiations as they will not commit to finding a solution.

5.4.3 Human rights violations in Kisondoko

Interviews were held in Kisondoko, a sub-village of Kimotorok in order to learn directly from the community about their recent experience of the violent harassment reported by the Kimotorok village chairman. The discussions were with seven Datoga men and five Datoga women who agreed to represent their community and be interviewed. The meeting was held in a grove of trees as it was agreed not to visit their homes in order not to bring attention to the fact that they were talking to outsiders. The Datoga community was understandably angry, but also frustrated at their inability to stop the violations and protect their land rights, and they were fearful of further abuse.

Human rights violations in Kisondoko (October 2013)

- **2013 — early October, over 2,000 livestock were detained for a week and only released on payment of USD 6,600.** TANAPA rangers seized livestock and kept them enclosed without water or shelter or food.

10 cattle died and seven were killed and eaten by hyenas. As herd owners were not charged for any offence, this was clearly extortion.

- **2013 — early October, seven men representing Kisondoko were beaten and unlawfully detained** while trying to inform the RC in Babati about the above mentioned incident. The seven men were only released when people from Kisondoko went to Babati and gave the police money. No charge was made and the men were not tried.
- **2013 — on 11 October 250 homesteads belonging to the Datoga community were burned by TANAPA rangers.** Everything that the community owned, except the grown livestock was burned. Small animals such as goat kids, lambs and chickens, and six calves died in the conflagration. Specific effort was made by the rangers to destroy property, and whatever could not burn was smashed. For example water containers were destroyed by spearing holes in them and spears and knives broken or stolen. As is the custom, the houses and household property belonged to women.
- **2013 — on 11 October, gross human rights violations were committed by TANAPA rangers during attempted evictions.** One woman was raped and several men were beaten. Three women miscarried as a result of the stress and chaos experienced. Nearby water was poisoned by rangers.

The Datoga women interviewed noted that the eviction directly hit women and women’s property, totally impoverishing them. The women told that they are still living outside with no shelter, together with their children and remaining livestock. They explained that there is little food as all their harvested maize was burned, so that feeding the children and themselves is a constant challenge. They asked:

How do others think it is like, to live under trees and put children to sleep outside, where hyena prowl and livestock are attacked by wild animals? How do others think they can feed children, or send them to school when living in these conditions? How do others think they can live their lives as women in the community?

The interviewed Datoga group also remarked that sending a delegation to the RC’s office had revealed how government officers charged with the duty of protecting citizen’s rights are abusing their office. They noted that for pastoralists (even those in village government) there is nowhere to go for protection, including the RC’s office where they had sent a delegation whose members were subsequently publically beaten and then imprisoned (see bullet two in previous list).



Homestead in Ngorongoro – Photo: Carol Sørensen

5.4.4 Responses to human rights violations

Over the years, NGOs like PINGO's Forum and LHRC have helped the Maasai and Datoga pastoralists in many different ways and at different levels: investigating the boundary issue, carrying out fact-finding missions to document the situation, providing paralegal training; etc. They have helped issuing press releases, facilitated meetings with MPs and assisted in presenting their case in Dodoma as well as to the Parliamentary Committee on Land and Natural Resources formed to investigate the violation of human rights during the Tokomeza Operation.

In relation to the burning of houses in Kisondoko, which happened one month prior to field visit for this current report, women told how they are still living rough with no support at all from anyone outside of the Datoga community, all of whom had been affected. The Kimotorok village chairman was sympathetic, but there seemed to be little he could do to alleviate the suffering of those burned out of their houses. CSOs had not yet documented the event, or provided any assistance, while the district and regional authorities had ignored the reports of human rights violations and arson. However, those interviewed also reported that there is solidarity in the village between the different pastoralist groups, and that there was a commitment that all community members should remain in their lands. Also the village government was reportedly ac-

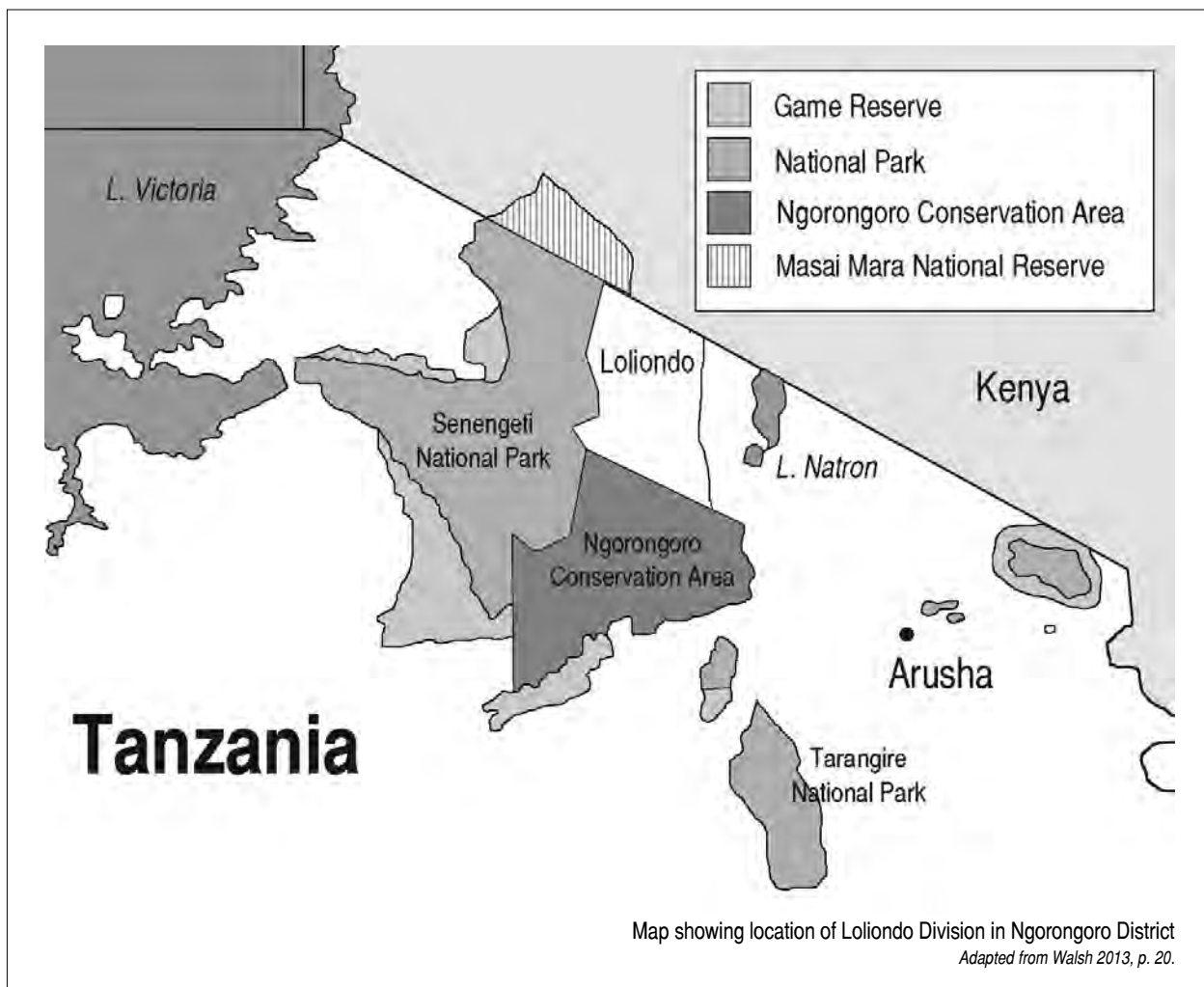
tive in the struggle to keep the integrity of the village and its boundaries intact.

The community confirmed that to date the district authorities have not investigated any of the alleged human rights violations and the communities have not been compensated for loss of property they have suffered as a result of the many arson attacks they have experienced. The village leaders also expressed their concerns about whether the village will continue to exist, or whether it will be demolished by interests that want to exclude local people from these wildlife rich areas.

5.5 Other land conflicts in northern Tanzania

This section provides a brief overview based on media, interviews and other reports, of two long standing areas of concern¹³⁷ in northern Tanzania—Ngorongoro Conservation Area

¹³⁷ It should be noted that there are many other land based conflicts of concern in the area. Most of these conflicts relate to: the expansion of protected areas; the development of WMAs; the allocation of village land to foreign investors for tourism; the allocation of land to foreign businesses and local elites for agriculture; the allocation of land for municipal development; and conflicts over the land allocated to the People's Defence Forces.



(NCA) and the hunting concession awarded to Otterlo Business Corporation (OBC), both in Ngorongoro District, Arusha Region. Although both NCA and OBC have caused concern for decades, during the past seven years the conflicts have intensified and escalated, with pastoralist communities experiencing evictions and human rights violations on a scale not previously known in northern Tanzania.

5.5.1 Human rights concerns in NCA

The Ngorongoro Conservation Area (NCA) covers 8,084 km² (809,444 ha) and is home to Maasai pastoralists. The pastoralists make effective use of the diverse landscapes by grazing livestock in seasonal rotations between short grass plains and upland pasture (Homewood and Rodgers 1991). NCA is also known for the Ngorongoro Crater, the world's largest intact caldera; for the diversity and quantity of its wildlife; for the remains of ancient humans and hominids, showing that people have lived in the area for more than four million years; and for its spectacular and highly varied landscape of volcanic

mountains, mountain mist forests, short grass plains and arid thorny scrubland.

NCA is managed by the Ngorongoro Conservation Area Authority (NCAA) and operates under the NCA Ordinance, in effect since 1959. NCAA is a parastatal company, bringing in USD 100 million per year in tourism revenues (*Condé Nast Traveller* 2010). Under the current management plan, NCAA is tasked with conserving the environment, protecting the rights of resident Maasai pastoralists and promoting tourism in what is known as "multiple land use". However, scholars have described how the conditions laid out in the ordinance and the later amendments to the ordinance, compromise the constitutional and land rights of the Maasai who live in NCA. For example, NCAA imposes restrictions on grazing, restrictions on the movement of people, and there is no legal recourse for people who are evicted (Shivji and Kapinga 1998). In addition:

Rights to freedom of assembly, association and expression are also denied the pastoralists in NCA. The right to participation, consultation and representation are also at

stake as witnessed by the NCAA refusal to consult pastoralists in the management of the area.

(Olenasha et al. 2001)

Clearly NCAA has difficulties in balancing the multiple land use concept, especially as there has been no will to include local people in the NCA management. Rather NCAA has taken on the task of overseeing the local residents and determining who is entitled to live in NCA. NCAA has carried out two main evictions:

- **Late 1970s and early 1980s** — some pastoralists were moved out of NCA based on criteria of length of residence (Olenasha et al. 2001). Others were allegedly paid to leave.
- **2008/9** — There is little information publically available about the 2008/9 evictions, but it is estimated that around 3,500 pastoralist families left NCA. An article published by *Conde Nast Traveller* tells that:

Government teams went from village to village last fall (late 2008) identifying migrants who had moved to Ngorongoro after the conservation area was created in 1959. Ominously, the NCAA, the local authority charged with administering the area, now refers to these latecomers as "intruders". In November (2008), the government

relocated 3,000 Masai [sic] families to an arid patch of land in a remote corner of the Rift Valley near the Kenyan border.

(Conde Nast Traveller, 19.10.2010)

An additional 538 families were reported to have moved voluntarily in July 2009 (*Global Travel Industry News* 30.07.2009).

Not only are residents of NCA threatened with eviction, but since 2009 they have repeatedly suffered from hunger and starvation as they may no longer cultivate in the area. The ban on cultivation was originally introduced in 1975, and when enforced it has usually resulted in starvation for the local people (Olenasha et al. 2001). But there have also been long periods when the prohibition was lifted and crops were cultivated in NCA where feasible, allowing the residents to grow enough food (maize and potatoes) to feed themselves. Then in 2009 NCAA went into action to enforce the ban: armed guards destroyed peoples' crops; people were severely beaten; many were arrested and jailed on suspicion of cultivation (Conde Nast Traveller 2010; pastoralist leaders, pers. com. Nov. 2013); and now each year NCAA destroys any crops planted.

NCAA is supposed to make maize available for the residents to purchase, but NCAA has consistently failed to provide enough maize in a timely manner (Ngorongoro District



Road to Loliondo – Photo: Carol Sørensen

Councillors, Ngorongoro MP, pers. com. November 2013). There is conjecture that starvation is deliberately being used by NCAA to force pastoralists out of the area, as no other explanation seems plausible in an organisation which earns USD 100 million per year. The Member of Parliament for Ngorongoro District, Saningo Telele, told a journalist that the delay experienced in supplying food “may be a calculated move to frustrate indigenous Maasai to leave NCAA and find another place to stay.” (*Conde Nast Traveller* 2010). And there are reports that people, especially children, are starving; for example 14 children were being treated for malnutrition by the clinic in Endulen in November 2012 (Navaya Ndaskoi, pers. com.). Again in 2013, children were being treated for malnutrition in the clinic and some children died (Ngorongoro District Councillors, pers. com., Nov. 2013). Customary leaders and district councillors interviewed told that it was becoming difficult for families to remain in NCA as there was not enough food available; therefore some women and children are moving out to find food, leaving men behind to care for their livestock. In some cases whole families leave. It is not clear how many people have left or how those evicted are faring.

5.5.2 Loliondo hunting block conflict

The allocation of a hunting block to Otterlo Business Corporation (OBC) in the Loliondo Division of Ngorongoro District (Arusha Region), and the resulting conflicts between communities, the government and OBC are all well documented by CSOs, researchers and the media. The conflict started in 1992 when government allocated OBC hunting rights in the hunting block named “Loliondo Game Controlled Area North and South”. OBC, a company run by a member of an Emirate royal family who is also a senior officer in United Arab Emirates (UAE) defence ministry, caters for members of the Arab royalty and their guests by organising hunting trips.

The rights conferred through the lease of a hunting block are rights to hunt a specified quota of wild animals and not the rights to land. Hunting blocks are allocated by Wildlife Division without consulting village or district government administration as these have no legal say in whether a hunting block is established on village land. On the other hand, it is also clear that leasing a hunting block does not confer legal rights to land or rights to build permanent infrastructure of any kind anywhere in the hunting block area. However, OBC has required exclusive land rights over the hunting block, and central government, through the DC’s office, has tried to oblige OBC and secure the land for OBC, including evicting resident pastoralists from the area wanted by OBC. The resident pastoralist communities, the village governments and the district council on the other hand refuse to give up the land, which they have registered as village land with land certificates and village land use plans. The conflict has been going on for many years,

creating considerable distrust between the local people and central government.

The hunting block leased by OBC covers 4,200 km², although not all of the area is suitable for hunting; around 1,500 km² of the hunting block (bordering Serengeti NP to the west and NCA to the south) is well watered and rich in wildlife and thus ideal for hunting. This 1,500 km² core hunting area is on village land, and includes the villages of Ololosokwan, Soitsambu, Oloipiri, Olorien/Magaiduru, Loosito/Maalaoni and Arash, all in the Loliondo Division of Ngorongoro District. There are also two villages in Sale Division of Ngorongoro District that are included in the conflict zone: Piyaya and Malambo villages. The 1,500 km² area of village land that makes up the core area for OBC hunting activities is also significant for the approximately 20,000 Maasai pastoralists who live in the named villages, as it is a key dry-season grazing reserve for their livestock, particularly important in years of drought, when it is utilised not only by local pastoralists but by pastoralists from the whole district. Under pastoralist land use, this 1,500 km² piece of land brings in an estimated income of three million USD annually to the livestock keepers (TNRF and Maliasili 2011). Although it is reported that OBC paid a total of USD 150,000 to the villages in the hunting areas (*ibid.*), seen from the local communities perspective, the direct income from their own livestock (USD 3,000,000) far outweighs the possible benefits of the contributions of OBC (District Council members, pers. com. Nov. 2013). Village governments have also entered agreements with tour operators for tourists to camp on their land, and it is estimated that photo safari tourism generates around USD \$300,000 for the six villages in the contested area; this figure could increase with improved governance of the hunting block. Again the income from making business agreements with tourism companies far exceeds the income from OBC.

After some years of argument and conflict between OBC and pastoralist communities, in July 2009, the government attempted to evict pastoralists from the disputed 1,500 km². The eviction was reportedly overseen by the District Commissioner’s office and carried out by the Field Force Unit (FFU). Around 150 homes were burned down, and personal property and food stocks were destroyed. FFU is also alleged to have chased an estimated 60,000 livestock into the surrounding dry-land areas, where some animals died of thirst, some were killed by wild animals and many were never found again.

Some 3,000 local Maasai people were directly caught up in the evictions, the area being heavily utilised as it was a year of drought. It is reported that human rights violations were committed by the FFU during the eviction; men and women were beaten and humiliated, and sexual abuse was committed. In the chaos, children and young livestock were lost, and it is reported that one child has never been found again. The burning of houses and the commotion of people trying

to find each other and their livestock went on for two weeks. The eviction however was finally halted by order of the then Minister for MNRT, Shamsa Mwangunga. There has been no compensation for property destroyed or lost and the alleged human rights violations have not been addressed.

After these violent events, the communities presented their testimony in Parliament, and following a heated debate where the Minister for MNRT (Shamsa Mwangunga) was accused of lying to the House, a Parliamentary commission was sent to Loliondo to investigate the allegations made by the communities and civil society. The resulting report was not presented in parliament, and has remained secret.

In April 2010, women held protest meetings in Loliondo and in December 2010, a constitutional case was filed by several CSOs. In February 2011, new threats were made public at a District Council meeting in Loliondo, where councillors were called by the district administration to approve a district-wide land use plan made by the Commission of Lands. Amongst other things, this plan set aside the core 1,500 km² area covered by OBC as a new kind of protected area, a "wildlife corridor"; the plan was denounced by the District Council as illegal.

In March 2013, the then Minister for MNRT (Khamis Kagasheki), made public statements that all pastoralists in Loliondo were landless, and therefore the government would de-commission 2,500 km² of the Loliondo Game Controlled Area North and South hunting block and allocate this to pastoralists. This disingenuous move would still have meant that the 1,500 km² would have been allocated to the OBC. Following the statement huge protests were held across the district, and delegations of Maasai women and customary leaders went to Dar es Salaam and Dodoma to represent the communities, engage with the media and provide evidence that the land in question was certified village land. The international press carried articles and an international petition was set up to collect signatures to send to the president. In a show of defiance, more than 2,000 voters' registration cards were returned to the District Commissioner by women leaders. Finally after six months of protest, on 23 September 2013 the Prime Minister Mizengo Pinda made a public speech in Ngorongoro District, stating that the 4,000 km² land in question belonged to the Maasai forever and nobody would be allowed to disturb them. Pastoralist leaders demanded that this promise was put in writing, but no written statement to that effect has been provided to date.

Since then, international conservation agencies have tried to re-introduce WMAs to the district. But WMAs had already been convincingly rejected by communities, for the reasons that WMA removes authority over the land management from the village to the WMA and ultimately to the Wildlife Division; and WMA rules forbid grazing. In another curious development, a project is being promoted by German bilateral aid, with the aim to finance land use planning implemented by TANAPA and a German conservation organisation. However, villages already have land use plans

with supporting byelaws, and trusted expertise in land use planning is already available locally. In November 2014, the threat of forced evictions from 1,500 km² of village land re-emerged, and members of the communities are more worried than ever, but also more experienced and organised.

5.6 The response of national and international actors

5.6.1 Civil society responses

Considerable attention has recently been paid by Tanzanian civil society to the land conflicts in northern Tanzania, as concerns grow over human and legal rights violations and the real possibility of pastoralists being permanently dispossessed of their land in favour of other more powerful interests. For example, situations where pastoralists have been evicted or threatened with eviction were reported on national television¹³⁸ and in the national press.

There have also been some successes in halting evictions as local communities have become more aware of their rights¹³⁹ and local CSOs have become stronger and more experienced. These CSOs have been very active in providing support to local communities, for example in legal cases, and in facilitating meetings and trainings on legal and land rights. However, many human rights defenders, including local pastoralist men and women, CSO staff, media staff and researchers trying to report on evictions, have been harassed and constantly intimidated, allegedly receiving even death threats and threats to their families. Some have also been detained by police, TANAPA or private security guards. It has further been reported that NCAA does not allow CSOs or the media to enter or work in the NCA, and local people from NCA report that they have been blocked from forming their own community based organizations.

5.6.2 International responses

The donor community supports human rights in Tanzania through support to human rights institutions and civil society. On the other hand, many of its members also have interests in the areas where pastoralists have been evicted, and have supported the eviction of pastoralists from wetlands and the expansion of national parks and WMAs onto pastoralist village lands. They are also deeply involved in the drive for large

138 See, e.g., "People have spoken; voices from Loliondo" a short film made by Tanzania Natural Resource Forum (TNRF) and OXFAM, which was aired on national television as well as viewed on social media.

139 For example the Vilima Vitatu ruling (Civil Appeal No.77 of 2012) and the Prime Minister Mizengo Pinda's declaration 23 September 2013, that the contested 4000 km² in Loliondo belonged to the Maasai.

scale agricultural development (e.g., SAGCOT). In general however, the donor community in Tanzania has shown little concern over the eviction of pastoralists, and there have been limited official reactions over the alleged human rights violations committed by government agents during these evictions. An exception has been the donor group on human and legal rights that has regularly reviewed the human rights situation in Loliondo in Ngorongoro District, and in 2008, the Danish Embassy took a lead on condemning the illegal burning of homesteads in Loliondo.

International NGOs, *inter alia* Oxfam and IWGIA, have consistently supported pastoralist communities and organisations through many years.¹⁴⁰ There have also been several international campaigns that have dealt directly with the situation in northern Tanzania, as for instance Avaaz' on-line petition to stop eviction of pastoralists from Loliondo (Ngorongoro District) and the "Stop Thomsen Safaris" campaign aimed at stopping the evictions in Sukenya village of Ngorongoro District.

Tanzanian CSOs have been successful in advocating the rights of the communities in international media and at the UN level. The CSOs have provided shadow reports and other information to international human rights bodies, including the UN Special Rapporteur on the Rights of Indigenous Peoples,¹⁴¹ the African Commission on Human and Peoples' Rights (ACHPR),¹⁴² the Universal Periodic Review (UPR),¹⁴³ and the Committee on Economic, Social and Cultural Rights (CESCR),¹⁴⁴ who have presented observations, letters of concern and recommendations to the government of Tanzania.

5.6.3 The response of the government of Tanzania

There has been little acceptance from the government of Tanzania when it comes to recommendations submitted by these international human rights bodies, especially when the term

"indigenous peoples" is used. During the last UPR process (2011), the government made its position clear: the government finds "*indigenous peoples*" to be a contentious term and "*not applicable as all ethnic Tanzanians of African descent are indigenous to Tanzania*". However, the government "*recognizes the vulnerability of some of the marginalized communities (the Maasai, Hadzabe and Barbaig) and to this end it has been responsive to their needs and it has taken various measures to provide political, social and cultural amenities to such groups in the fields of health, politics, employment and education*".¹⁴⁵ Regarding a recommendation by Mexico regarding land ownership and protection against forced evictions and recognition of the rights of indigenous people, pastoralists, hunters and gathering peoples" the government rejected the recommendation, stating "*The Land Act as well as the Village Land Act of 1999, provides for a legal framework giving legal certitude in terms of property in particular with regard to land ownership and eviction and land tenure security.*"

¹⁴⁶ Nor does the government support a recommendation by Finland to "Launch a credible investigation of forced evictions and land conflicts and use the results of this investigation to help draft new legislation, which fully takes the rights of indigenous peoples into account; replying that "*In accordance with the general principles of equality and fairness, Government always investigates where there are allegations of forced land conflicts. Remedies are also available in case of land conflicts*".¹⁴⁷ The government, however, did support a recommendation made by Denmark regarding taking "adequate measures to protect its population from violence committed by the security forces and establish an independent mechanism for the investigation of complaints regarding abuses carried out by law enforcement official".¹⁴⁸

In March 2015, the EU Parliament adopted a strong resolution on the matter.¹⁴⁹ While the government of Tanzania has not responded officially yet, it seems as if the resolution has had some positive impact since evictions in Loliondo have stopped for the time being (UCRT, pers. com. Nov. 2015). ○

140 Oxfam, has, for example provided training on human and land rights. IWGIA has ensured that information generated by Tanzanian civil society is reaching international human rights mechanisms, including facilitating CSOs in participating in international for a such as the Universal Periodic Review sessions.

141 See "Alleged forced removal of pastoralists: Letter of observations and recommendations to GoT on the basis of the information received concerning the eviction of Masaaai pastoralists", 12 April 2010 at <http://www.unsr.jamesanaya.org>

142 See "Urgent Appeal" to the President of the United Republic of Tanzania, Intersession Activity Report of the Chairperson of the Working Group on Indigenous Populations/Communities in Africa (49th Ordinary Session, May 2011) at <http://www.achpr.org>

143 See Report of the Working Group on the Universal Periodic Review United Republic of Tanzania, UN Doc. A/HRC/19/4 (Dec. 2011a) at <http://www.ohchr.org/EN/HRBodies>

144 See Concluding observations on the initial to third reports of the United Republic of Tanzania, adopted by the Committee at its forty-ninth session (12–30 November 2012), UN Doc. E/C.12/TZA/CO/1-3, Para 29 at <http://www.ohchr.org/EN/HRBodies>

145 UPR, Report of the Working Group on the Universal Periodic Review—United Republic of Tanzania: UN Doc. A/HRC/19/4 (December 2011a), para. 24.

146 UPR, *Ibid.*, Recommendation 86.51 (made by Mexico)—for GOT's reply, see Report of the Working Group on the Universal Periodic Review United Republic of Tanzania: Addendum. UN.Doc. A/HRC/19/4/Add.1, March 2012, §86.51.

147 Recommendation 86.50 (Finland) and GOT's replies (*Ibid.*).

148 Recommendation 85.44 (Denmark) Report of the Working Group on the Universal Periodic Review—United Republic of Tanzania: UN Doc. A/HRC/19/4 (December 2011a) §85.44.

149 See "EU Parliament passes key resolution on land grabbing in Tanzania" and Resolution at <http://www.iwgia.org>

CHAPTER 6 – CONCLUSIONS AND RECOMMENDATIONS

6.1 Overall conclusion

The overall conclusion is that the pastoralist evictions carried out during the past decade seem to be intensifying, both in terms of the number of evictions carried out and the increasing violence and corruption associated with eviction processes. Some of the evicted pastoralists have been permanently dispossessed of their legitimate land holdings, while for others the area of land available for livestock production has been reduced because part of their land holding was allocated to other use. At the same time the affected pastoralists have been stripped of their livestock, leaving them and their families with limited means to make a living, and undermining their capacity to continue to exist as pastoralists.

Human rights violations have been committed against pastoralists by the agents tasked with carrying out the evictions, yet pastoralists are denied protection from the authorities responsible for ensuring law and order. In general, it can be concluded that pastoralists, who make up a well-functioning and economically important section of Tanzanian society, are being systematically and illegally devastated through miscarriage of Tanzanian law. To date, despite civil society and media reports and recommendations from the international human rights mechanisms to which Tanzania is signatory, the Tanzanian government has not taken any measures to address the human rights violations alleged to have been committed against pastoralists.

6.2 Main findings

All the pastoralist evictions reviewed have been sponsored by the state, often with considerable financial, human and other resources. These evictions have been supervised by Regional and District Commissioners and carried out by different government agencies aided by local militias and private security guards.

The eviction processes show that pastoralists' tenure rights are not sufficiently safeguarded. All the evicted pastoralists were living according to rules set out in the Village Land Act (1999): they were registered residents in legally recognized villages or sub-villages with a legitimate village administration, and, bar one (Kimotorok), with enacted VLUPs and supporting byelaws. However, the Village Land

Act does not provide adequate tenure security since it allows the president to transform village land into general public land, reserved land or hazard land, if he so wishes. The Act also makes it possible to remove the management of village land from the jurisdiction of the village council. On the other hand, the Act provides certain provisions and procedures to mitigate the effects of land transferal, including prior information and consultations as well as compensation in form of pay-off for loss or damages endured. In none of the cases reviewed, have these provisions and procedures been respected and evictions have taken place even when there was no stated intention to transfer the land in question. In general, it can be concluded that there is very poor governance of the Village Land Act in terms of how it is currently applied, administered and safeguarded.

Protection from the judiciary has also proven to be of little practical benefit to the affected pastoralist communities. In all the evictions reviewed, pastoralists have filed court cases in order to obtain legal rulings on the state's decision to evict them from their land holdings; in some instances, the court has issued stop orders and injunctions; in others the court has ruled in favour of the pastoralists. Yet regional and district authorities have continued to carry out the evictions in contempt of these legal orders.

Evictions have permanently dispossessed pastoralists of their land. Pastoralists who were forced to leave their rightful land holdings without alternative land being offered must now rent land for grazing and purchase water for their herds in their new locations. Through the evictions, the integrity and viability of village land has been undermined, with illegal encroachment onto and fragmentation of village land, and in some cases whole villages have been disbanded. Some pastoralists remain in their original pastoralist village lands; however because village boundaries have been changed they have been deprived of some of the rangelands on which their livelihood depends.

Systematic dispossession of property has been observed to be a unique feature of pastoralist evictions. Government agents with assistance from militias and private guards have systematically and illegally dispossessed pastoralists of their livestock. Yet livestock are pastoralist's main economic asset,



Ruins after evictions, Iwalengi – Photo: IWGIA archive

without which it is difficult for them or their families to survive; removing the main means of support to life is a violation of human rights. It is also clear from interviews with pastoralist leaders and from the diverse reports, that pastoralist evictions have been accompanied by massive corruption and profiteering by the agents conducting and supervising the evictions.

Women and children have suffered disproportionately from the evictions. Families are split when men are forced to leave with the deported livestock and women remain to care for children, the elderly and the sick and look after any remaining property. Women have found it difficult to provide for their families, when their homes were burned together with all bedding and other personal and household property and their food stocks were deliberately destroyed. Loss of livestock through extortion has impoverished the community and many pastoralists are now too poor to pay for the costs of sending children to school. Hunger is widespread as there are not enough livestock left to provide milk or to sell for cash to buy food.

Human rights violations committed during pastoralist eviction operations include men and women being killed, enforced disappearances, torture and rape. Other violations include arbitrary arrests, imposition of unjustified fines and extortion. These human rights violations were carried out across the country by government agents. In many cases, pastoralists' houses were also burned to the ground together with food stores, leaving families, including children, the old and disabled, with no shelter or food. Starvation and harassment are

seen by pastoralists to be mechanisms used by the state to force pastoralists away from certain areas. In every pastoralist eviction, pastoralists have been denied protection from the authorities bearing the duty to protect citizens and ensure law and order.

The reasons given publicly for evicting pastoralists are that pastoralists' livestock damage the environment and that pastoralists cause conflicts with farmers. These two arguments have not been substantiated, but have been consistently used to justify pastoralist evictions and other government sanctioned actions against pastoralists in Tanzania over the past decade. At the same time Tanzania promotes investments in large scale agricultural development, mining and tourism and these enterprises need large areas of land. The allocation of pastoralist land to other use is in line with policy directives aimed to eliminate pastoralism, as outlined in many policy papers and explicitly in 2005 by the president of Tanzania when he made a statement to Parliament that pastoralism is no longer required in 21st century Tanzania.

Pastoralists have been intimidated in the vicinity of national parks and game reserves. The global trade in illegal wildlife has become a matter of international concern, as it generates billions of dollars which can be channelled into other illegal activities. Currently Tanzania is a main supplier of illegal wildlife products. Shooting cattle and imposing fines on herd owners are reportedly mechanisms used by rangers to discourage pastoralists from herding livestock in or near the protected areas where they might become witness to poaching.

Incitement to hatred is reportedly common practice in relation to the evictions, with regional and district authorities referring to the need to remove “illegal” pastoralists. Pastoralists interviewed spoke of district and regional authorities pitching non-pastoralists against pastoralists in conflicts over land. Many voiced concern that the conflicts over land could escalate into nation-wide ethnic based violence.

The response of pastoralist communities to threats of eviction has been to file court cases to determine their legal position in relation to the evictions as well as to challenge them. Communities also try to secure their communal land holdings by ensuring that all legal requirements for securing village land are in order as per the 1999 Land Laws, ensuring that village land use plans are approved and supporting byelaws enacted. Other strategies are to ensure effective pastoralist representation on village councils, lobby for pastoralist representation on district councils and continue to work with customary leadership institutions. Some communities have established community based organisations and communities engage with national level civil society organisations with the intention of making their voice stronger.

The response of civil society in Tanzania to pastoralist evictions: NGOs and CSOs have documented cases of human rights violations against pastoralists, disseminating the findings, especially to the media, the general public and Parliament. CSOs have been effective in building community capacity through a range of actions, such as: training on land, legal and human rights and linking communities with members of the parliament, the media and researchers. Importantly, pastoralists CSOs are engaged in broader national processes, making strategic alliances with other civil society groups, bringing the issue of indigenous people into a much broader arena. CSOs are building capacity in the media to report on pastoralist issues, and this has improved coverage on the evictions in newspapers, television and radio. Ensuring that the general public is informed about what is happening to pastoralists will be an important strategy to counter the on-going processes of marginalisation and negative stereotyping that pastoralists are facing and to counter the ethnic dimensions of land conflicts emerging under the increasing economic interests in land.

The response of the international financing and development partners in Tanzania: The donor community, including development partners, finance institutions and INGOs provide support to human rights institutions and civil society. However, expertise and finances have also supported the eviction of pastoralists from wetlands; the expansion of national parks and WMAs onto pastoralist village lands; and the drive for large scale agricultural development.

Tanzanian CSOs have however been successful in advocating the rights of the affected communities in international media and at the UN level. They have provided the UN human rights mechanisms with information and shadow reports on the human rights violations in Tanzania. As a result, the UN Special Rapporteur on the rights of indigenous peoples, the African Commission on Human and Peoples’ Rights, the Universal Periodic Review and the Committee on Economic, Social and Cultural Rights have presented observations, letters of concern and recommendations to the government of Tanzania.

The response of the Government of Tanzania: the government appears reluctant to engage with or address the issues of pastoralist’s human or legal rights, despite the coverage and attention given by national and international media and international human rights mechanisms on the situation. Reports by CSOs on the illegal evictions of pastoralists and the associated human rights violations have been presented to government and have occasionally lead to setting up a commission of enquiry. However, of all the reports generated by the various commissions and committees, only one has been made public and has had some consequences. That is the report on *Operation Tokomeza* which was released by the Special Standing Committee in December 2013. As a result of the report, four ministers were forced to resign, and a quasi-judicial Commission of Enquiry was set up to look into the legal implications of the report, and to determine how to ensure that justice is done. The commission’s report was delivered to the president in April 2015 but has not yet been made publicly available.

Concerning the recommendations submitted by international human rights bodies, the government has rejected most of them. Its position as expressed during the UPR process (2011) is clear: the term “*indigenous peoples*” is “*not applicable as all ethnic Tanzanians are indigenous to Tanzania*”; it recognizes “*the vulnerability of some of the marginalized communities (the Maasai, Hadzabe and Barbaig)*” and has therefore been “*responsive to their needs*” and taken various measures “*to provide political, social and cultural amenities to such groups in the fields of health, politics, employment and education*”. Regarding forced evictions, the government stated “*The Land Act as well as the Village Land Act of 1999, provides for a legal framework giving legal certitude in terms of property in particular with regard to land ownership and eviction and land tenure security*”, adding that “*... Government always investigates where there are allegations of forced land conflicts. Remedies are also available in case of land conflicts*”.

6.3 Recommendations

6.3.1 Recommendations to Government of Tanzania

It is recommended that the government of Tanzania should:

- a. Effect an immediate halt on all pastoralist evictions. It is important that governance and the rule of law are restored at local levels so that conflict is minimised. To this end, government, possibly through the Vice President's Office (VPO), should effect an immediate halt to all pastoralist evictions and eviction type processes in the country. It is important to ensure that the call to halt evictions is enforced as experience has shown that regional and district authorities have ignored high court rulings and acted in contempt of court.
- b. Set up a commission of enquiry into pastoralist evictions over the past decade, which will include but not necessarily be limited to the findings of the present report. The composition of the commission should be approved by pastoralists and parliament, and linked to a judicial commission for advice on legal matters. The commission of enquiry will report to Parliament and the findings will be made public, following the good example of the report on *Operation Tokomeza* (December 2013). The findings of the commission of enquiry should be acted upon, and funds made available to implement its recommendations.
- c. Remove from office immediately all Regional and District Commissioners and District Executive Directors involved in any way in pastoralist evictions (with specific attention to the districts named in this report). This should happen immediately, prior to the resolution of an independent fact-finding commission (see b.). It is important that the state regains authority and that criminal charges are filed if recommended by the commission of enquiry.
- d. Immediately release the June 2007 report of the Commission of Enquiry into the Usangu/Ihefu evictions of 2006/7, headed by Judge Chande. The government should implement the recommendations of the report immediately.
- e. Ensure that all those identified as having committed human rights violations or breaches of legal process are taken to courts and tried and sentenced, no matter what position they held/hold.
- f. Start a process of peace and reconciliation to mend relationships and stop ethnic tensions from escalating into open conflict. Government needs to regain credibility, and the first step should be to inform pastoralists that processes of reconciliation are underway and that human rights will be redressed, noting that the Tanzanian state treats and values all its citizens equally. It would be ideal if this public information could be delivered by the President or Prime Minister of Tanzania. The significance of engaging in a process of reconciliation cannot be over-emphasised because ethnic divisions are stronger than ever and could at any time turn into the violence witnessed elsewhere in the region.



Homestead in Ngorongoro – Photo: Carol Sørensen

- g. Set up a joint (between government, pastoralists and civil society) commission to propose reparation for those pastoralists and communities negatively affected by the evictions. This should as a minimum address the following: compensation for loss of land holdings, compensation for loss of livestock, and compensation for destroyed property.
- h. Have a special committee (possibly part of the reparation commission) to look into the allocation of NARCO ranches to pastoralist communities, identifying where the ranches are, how big they are and how they should be divided and allocated. The recommendations should be presented to Parliament, which should monitor the implementation of decisions. The special committee should make recommendations to Parliament on whether there is cause for official enquiry into the allocations already made, as there are allegations of cronyism and malpractice in the allocations made so far. In the case of an official enquiry, action should be taken to ensure that the law is upheld and offenders penalised.
- i. Ensure that rangelands remain under the land category "Village Land", and be under the control of pastoralists within these village lands. Any land transactions on Village Land must take into account all interests in that land as stipulated in the Village Land Act (1999).
- j. Follow the principle of free prior and informed consent of the concerned parties prior to endorsing transactions when any land is alienated from Village Land, as adopted by UNDRIP, ACHPR and AU. This will apply to private investors as well as state authorities (such as protected area authorities, Tanzania Peoples Defence Force, etc.)
- k. Ensure that in all cases of eviction or land alienation, there is compensation for loss of land in the form of payment, which is a legal requirement. Also it is recommended that Government address the issue of providing land to land compensation, as a further choice for people being evicted.
- l. Set up a specific ministry for livestock development. The economically important livestock industry has suffered for the last three decades from poor policies and from being coupled with other ministries. Tanzania is a significant livestock keeping nation, with the third largest holding of livestock on the continent. It is time that this important industry is given its own ministry, with full political support and adequate funding.
- ll. Back up the new ministry and give credence to the reconciliation process by instigating and facilitating a process for developing new, appropriate and supporting policies and laws for livestock production in the country, which include well thought through and rele-

vant support for pastoralist livestock production in the rangelands. The "Policy Framework for Pastoralism in Africa" developed by the African Union (AU) should inform the development of appropriate policies for Tanzania. Having a vibrant and modern ministry providing effective support to the relevant stakeholders will greatly enhance Tanzania's meat and milk industries. On the other hand, as now, destabilising pastoralist land use through implementing negative policies and evictions will compromise national food security in the long run. It is also important that other policies support the pastoralist livestock sector, including the land laws, land use planning and wildlife laws, as well as national development strategies and plans.

- m. Generally the Government of Tanzania should adhere to and implement recommendations on rights of pastoralists and indigenous peoples issued by international human rights mechanisms.

6.2.2 Recommendations to civil society in Tanzania

The following recommendations are made concerning civil society in Tanzania:

- a. Civil society should be supported to work together on following up with government and Parliament on the implementation of these recommendations. There will need to be an agreed timeline which will require monitoring so as to ensure that commitment is carried through. Civil society could in particular:
 - Advocate for the public release of all official reports, such as the Chande report, making the reports available to the public. Advocate for the implementation of its recommendations.
 - Engage in setting up a commission of enquiry into evictions over the past decade, press for charges against those identified as perpetrators, and advocate that all the recommendations from the enquiry are implemented. This may also include soliciting for funds from development partners to ensure transparency in the process and implement the recommendations.
 - Lobby government to ensure that RCs, DCs, and DEDs involved in pastoralist evictions are removed from their positions pending findings.
 - Pressurise Parliament and government to ensure that NARCO land (and relevant NAFCO land) is given over to pastoralist communities to use as compensation for land from which they have been evicted. Work with relevant authorities to ensure

that viable mechanisms are set up for pastoralists to lease land.

Civil Society should furthermore

- b. Provide training to media on pastoralists and pastoralist land use and facilitate airing of radio and television programmes, and production of print articles. There needs to be a considerable amount of exposure, in particular it is important that journalists have the opportunity to learn from pastoralist leaders including customary leaders and women leaders.
- c. Continue to work with parliament, providing training and information concerning pastoralist issues. For example, providing training and opportunity for debate on AU's Policy Framework for Pastoralism in Africa. Bringing MPs to meet pastoralist leaders, including customary and women leaders, is a good strategy for exposure and learning.
- d. Develop communication strategies to communicate with different stakeholders about pastoralists and pastoralist land use. The focus should be on the general public, but will also include development partners, special committees in various ministries or donor groups and international partners.
- e. Continue to advocate for a constitutional reform that will make special provisions for marginalised groups like pastoralists—for example ensuring that minorities are always represented on district councils, possibly by allocating special seats in councils for minorities.
- f. Carry on promoting innovative ways to use the existing land laws to protect pastoralists' land, continue and strengthen training to pastoralist communities on the land laws, etc., ensure a strong national debate on communal land rights, including developing test modalities, such as group-CCROs, for how to secure communal land rights under existing laws.
- g. Engage in setting the new policy direction for pastoralists, in particular promoting the principles in AU's Policy Framework for Pastoralism in Africa.
- h. Lobby at regional and international levels to strengthen the rights of pastoralists in Tanzania, and improve Tanzania's compliance with regional (AU and EAC) and international agreements on the rights of pastoralists and minorities.
- i. Continue to maintain and strengthen links between civil society and international human rights mechanisms.

6.2.3 Recommendations to international financing and development partners

The following recommendations are made to international financing and development agencies:

- a. Urge the government of Tanzania to investigate forced evictions and ensure that reports from such investigations are published.
- b. Urge the government of Tanzania to adhere to recommendations on rights of pastoralists and indigenous peoples made by international human rights mechanisms.
- c. Continue to strengthen a human rights based approach to development, putting more emphasis on providing training to partners and implementing agencies on *i)* the development and democratic significance of a human rights based approach and *ii)* how to practically implement a human rights based approach.
- d. Support the establishment and functioning of a ministry for livestock. Tanzania has the third largest livestock holding in Africa, 98% of which is in the hands of pastoralists and agro-pastoralists. Currently the pastoralist sector does not receive any appropriate policy or infrastructure support. Donor support to a new ministry has the potential to increase the economic significance of this sector, and contribute toward improved national production and export while reducing poverty and strengthening food security and employment in the rangelands where livestock are produced.
- e. Promote and fund processes of dialogue to increase rural productivity through more secure and appropriate land tenure arrangements (such as group-CCROs), as established by the Land Laws. Development partners should refrain from pushing individualization of land in Tanzania: individualisation of communally held land in Africa has proven to increase poverty and landlessness. It is therefore recommended that other mechanisms are looked into that suit the African (and Tanzanian) political economic situation, rather than importing developed country land tenure mechanisms which were developed under a different context.
- f. Support the development of best practice in land allocation and administration: at a minimum land investments need to be screened for all interests in the land required, principles of free prior and informed consent must be applied and fair realistic compensations must be provided for transfer of land. To ensure better land administration and allocation, support development of a land inventory and the transparent monitoring of land transactions. ○

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