

**WILDLIFE CONSERVATION FOR TOURIST INVESTMENTS OR  
VILLAGERS' LIVELIHOODS?**

**A FACT- FINDING MISSION REPORT ON VILIMA VITATU VILLAGE  
LAND DISPUTE – BABATI DISTRICT**

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## ACRONYMS

AA	Authorising Association
AWF	African Wildlife Foundation
CBO	Community Based Organization
ITV	Independent Television
JUHIBU	Jumuiya ya Hifadhi Burunge
LARRRI/HAKIARDHI	Land Rights Research and Resources Institute
LEAT	Lawyers Environmental Action Team
LHRC	Legal and Human Rights Centre
NAFCO	National Agriculture and Food Corporation
PINGOS FORUM	Pastoralists Indigenous Non-Governmental Organizations
ULEA	Un Lodge En Afrique
VEO	Village Executive Officer
WMA	Wildlife Management Area

## 1.0 INTRODUCTION

*“Conserving Wildlife Protecting Land Empowering People” – A contentious African Wildlife Foundation’s (AWF) Billboard Advert in Makuyuni Village*

A fact-finding mission team was formed as a result of consultative meetings on the land dispute between the village government and pastoralists in Vilima Vitatu village in Babati district. The team was comprised of the following members: Kassian Mshomba (LHRC), Seif Mangwangi (Majira), Diana Mawalla (PINGOs Forum), Hamadi Sadick, Emmanuel Cornel (PINGOs Forum), Asraji Mvungi (ITV), Rodgers Luhwago (The Citizen), Bakari Mnkondo (Uhuru), Bernard Baha (HakiArdhi) and Chambi Chachage (Independent Researcher).

As the annexed minutes dated 16 May 2008 shows, the team was tasked to collect all relevant materials and information on the dispute. It must be noted that prior to the consultative meetings the pastoralists were accused of serious offences that amount to criminal charges as a result of the land dispute. Consequently the village government lodged a land case at a District Land and Housing Tribunal whereby pastoralists are accused of violating village bylaws by clearing the bush, degrading the environment and carrying out activities in the area declared as a community reserve land. Thus in the wake of all these interrelated issues the fact-finding team visited Babati between 26<sup>th</sup> and 29<sup>th</sup> May 2008 to gather information from village and district authorities, talk to villagers in particular pastoralists and other ordinary villagers in the area, visit the site in dispute and the new site that the village government has pledged to relocate the pastoralists.

Central to the dispute at hand is the issue of wildlife conservation, tourist investments and the desire of the village government and villagers to harness their natural environment to their advantage. According to the findings from a study conducted by Jim Igoe and Beth Croucher (2007), also confirmed in this fact-finding mission, the village government and villagers in Vilima Vitatu and the whole area under the Burunge Wildlife Management Area (WMA) are not well informed about this conservation initiative. They don't have adequate information about the meaning of WMA. In the case of Vilima Vitatu, they found themselves under new regulations that they can hardly uphold after accepting to be governed according to a set of WMA regulation that they did not fully participate to institute. Recent *En Lodge En Afrique* (ULEA) investment's activities in the area have brought these issues into the fore, culminating in the ongoing dispute.

This report, then, briefly analyses the underlying causes of the dispute in Vilima Vitatu and recommends short and long-term advocacy strategies to mitigate the dispute and safeguard the rights of villagers in the area in a manner that is beneficial, not only pastoralist villagers, but also to other villagers who share the rights to the wildlife corridors within their village land.

## 2.0 THE STATUS OF BURUNGE WMA

The status of the WMA with regard to its boundaries in Vilima Vitatu seemed to be controversial as it was difficult for the pastoralists to account properly whether what they consider to be their area is also inclusive in the WMA. Vilima Vitatu village covers an area of 19,800 hectares. It is bordered by Tarangire and Lake Manyara National Parks in the Eastern and Western parts respectively. Large part of the village land as per observation is a wildlife corridor joining Tarangire and Lake Manyara. The corridor is used by animals as a route to Lake Manyara during the dry season when water dries up in Tarangire. This makes the area ideal to wildlife conservation and hence the justification for the establishment of WMA as per the AWF motto of 'Conserving Wildlife, Protecting Land and Empowering the People'. As the fact-finding mission review of relevant literature underscores, it should be noted that AWF played a crucial role in fast tracking the creation of this WMA in such a manner that was not participatory enough as far as the pastoralist villagers and a significant portion of other villagers are concerned.

Curiously, a total of 12,829.9 hectares out of that 19,800 hectares i.e. approximately 64% of Vilima Vitatu village land was annexed to form Burunge WMA in 2000, after a purported decision by Village Council in December 11 and Village Assembly in 14, 1999 to be part of the WMA. These statistics were verbally provided to the nearest accuracy by the Speaker of the JUHIBU, the village chairperson and Village Executive Officer (VEO) in their responses to the fact-finding team queries. The official Participatory Land Use Management Plan confirms these statistics and shows that Vilima Vitatu contributes more than half (approximately 53%) of Burunge WMA which has 24,318.59 hectares. In fact the land use plan conducted divide Vilima Vitatu village areas to the effect that 6,970 hectares was for agriculture, 8,783 hectares for grazing and wildlife and 4,048 for village reserved conservation. However, as the next section of this report elaborates, the officials' narratives about how the village reached out the decision to join the WMA and allocate such huge chunk of land to JUHIBU vary. Their narrative though generally asserts that following that decision it was agreed that there would be no further utilization of the resources in the reserved area except for grazing purposes. Moreover, a resolution was also passed to relocate pastoralists from designated reserve lands to other areas reserved for pastoral activities in Mfulu wa Ng'ombe as per the cited minutes above.

Currently, Burunge WMA is planning to incorporate more villages. However, at least two villages are seriously attempting to withdraw from JUHIBU. As a matter of fact, Minjingu village has written a letter to JUHIBU and the District Council to that effect. As the financial information posted in the offices of this Authorized Association (AA) indicates, it has gone as far as forfeiting revenues allocated to it from money earned through the joint WMA. The dispute at Vilima Vitatu has slowed its move to opt out of this Community Based Organisation (CBO). On the basis of discussions with village chairpersons from the two respectively villages and a session with JUHIBU top officials, it can be safely inferred that resource allocations is also a borne of contentions. This is particularly so because these village officials and, purportedly, their villagers feel that their villages can harness more resources by dealing directly with investors rather than through a quasi supra-village organ. Minjingu village is said to be benefiting already by doing investments its own way.<sup>1</sup>

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<sup>1</sup> The village has been benefiting from three investors (Tarangire River Camp, Maramboi Tented Lodge and Tarangire Paradise Camp) whereby about Tsh 126 million has been used by the village for their own development

The fact that Vilima Vitatu Village has the largest share of land in the WMA while resources are divided equally among the villages within the WMA regardless of what they have to offer also gives it the rationale for opting out of JUHIBU. This rationale is backed up by the fact that 50% of the revenues collected are divided among 9 villages while the remaining 50% goes to JUHIBU. One can hardly ignore personal and differential village-centred interests given the fact that in Vilima Vitatu village one investor is credited for building two classes and another is said to have financed the building of a new relatively eye-catching village government office.

### **3.0 THE LAND DISPUTE AND ITS CAUSES.**

The creation of WMA in the area is one of the many evidences of top-down decision-making models operating in the country. As it is clearly demonstrated in the minutes of the Village Council and Village Assembly in Vilima Vitatu, the plan to establish WMA did not start with the villagers. Even some local government officials claimed that they had been brought into WMA without their knowledge. It was initiated by the central government in consultation with trans-national conservationist organizations such as AWF which later on participated in demarcating as various studies reveals.<sup>2</sup> The fact that villagers in the area lived in relative harmony before the idea to establish WMA was brought into fruition confirms that Burunge WMA as the main source of the many conflicts in the area. The explanations village and district authorities identifies Barabaig pastoralists as central to the dispute for defying orders to vacate the reserved land but further analysis reveals the following to be the underlying forces and actors behind the dispute(s):

**3.1 Freeing Wildlife Corridors from Human Habitation in the Name of Conservation:** This is a major factor behind the creation of Burunge WMA, its major priority is wildlife as opposed to people in what the action researcher termed the 'wildlife conservationist hierarchy of priorities' during the fact finding mission. The epigraph succinctly describes the notion behind WMAs; ironically the very same people that are said to be empowered in the long run find themselves disempowered through serious disputes over scarce resources such as land. All this is done in the name of conservation even though it is not clear that a proper Environmental Impact Assessment (EIA) was or is being conducted in the investment site.

**3.2 Foreign Investment in Village Lands versus Local Pastoralist Interests:** Before the coming of the investor in the area, no one was particularly interested in evicting pastoralists in the Maramboi area. Even with the adoption of the village by-laws in 2003 there is no documentation to show that pastoralists were charged for violating the by-laws since the times of now famous/infamous 1999 village assembly to the end of 2007. Throughout this period pastoralists lived in the area relatively harmoniously. With the current demand for investment ventures in the area and the fact that there is already a tourist investor in the area, the village authorities and villagers who regards the Barabaig pastoralists as nomads have joined forces to ensure that they are evicted to pave way to investment in the area.

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such as the construction of Ngaiti Secondary school and education sponsorship for students from primary school level to university. Currently, the village government is using these revenues to build four houses for teachers in one primary school.

<sup>2</sup> Refer to Igoe, Jim & Croucher, Beth (2007) & Nelson, Fred (2007)

**3.3 The Politics of Ethnic Identities and the Ideology of Indigeneity:** Ethnic identification is also used to sideline pastoralists who are not viewed as being indigenous to the area of disputes. In fact there are claims that the area originally belonged to the Mbungwe 'ethnic group' and that the members of this group were moved out of the area through a government operation after the area was stricken by bilharzias in 1966. The Pastoralists are said to emanate from Yaeda Chini in Mbulu district and only moved in the area recently in search of pastures for grazing and water and they have a tendency of moving back to their original homes in Yaeda Chini from time to time. Thus non-Mbungwe residents in the village, particularly the Barbraig pastoralists, are viewed as immigrants or intruders. This sentiment is shared by the authorities from the village level to district level. The village chairperson told the team that he had to remain within the village for the past two months as the Mbungwes had organized to fight against the Barbaig, claiming that the latter's reluctance to leave the Maramboi is a barrier to village development given the promises and the actual contribution the ULEA investor has already provided to the village. By presenting the pastoralists as alien to the area one could easily make a case for them to be evicted out of the disputed land without fair compensation.

**3.4 Contentious Historical Documentations and Narratives:** Limited access to and absence of official documentations on the village residential status of the Barbraig pastoralist makes it difficult to establish their right to reside in the area of dispute. Contrary to what local government officials' claim, Mzee Giyyamu Mwarisha, one of the elders in Maramboi and who is also among the pastoralists whose boma is within the 45 acres given to the ULEA investor, claims to have stayed in the disputed area for over 19 years now. If this account is historically correct then this means that even before the area was designated as WMA, there were pastoral activities in the area. To substantiate this Mzee Giyyamu told the team that he owns two bomas one in the area and the other in the area allocated for pastoral purposes. He also said that when they moved into the areas back in the days when 'the moon touched the sun' they were officially allowed to reside in the area by the village. The elder also asserted that they were issued with certain certificates/receipts by the village authorities, citing this as a proof of their official residential status. However, the team could not verify the existence of these documentations or establish that they are in the possession of the elder. On the basis of their account of their history, the pastoralists thus claim that all this talk about recent migration is an effort by the village government to evict them from their land. Curiously, village government officials do not know the actual number of pastoralists who are residing in Maramboi let alone those who are supposed to move out.

**3.5 Transhumance vis-à-vis Public Participation in Village Governance:** The question of public participation in village meetings and the village land use plan is at the heart of the dispute. Under the pretext that pastoralists are transhumant, both the village and district authorities did not take serious measures to ensure participation of the pastoralist villagers when making the decision to demarcate the village for WMA purposes. The fact that other villagers who are in support of the investor in their area express grievances over WMA substantiates the allegations that there was no proper public participation. The minutes of the Village Assembly that met on 10<sup>th</sup> May 2006 explains in detail about how the whole idea of WMA was executed in the area. According to the minutes the objectives of establishing a reserve areas was to protect and conserve forestry for community uses and not wildlife. The minutes categorically



states that villagers residing in the area did not participate; instead their leaders under the pressure from the District Natural Resource Officer and top government officials were forced to accept WMA. Awareness raising campaign to the villagers, notes the minutes, was not done and therefore few villagers passed the resolution to establish WMA without fully comprehending the pros and cons of such an establishment.<sup>3</sup>

#### **4.0 RECOMMENDATIONS FOR ADVOCACY STRATEGIES**

The situation at the Maramboi area in Vilima Vitatu village clearly calls for urgent legal and political intervention to resolve the conflict at hand. However, since the dispute in the area is situated within the broader context of struggles for land rights and secured livelihoods vis-à-vis the quest for wildlife conservation and tourist investments, the situation also necessitates long-term strategies to curtail the rise of similar disputes. Medium-term strategies can also be adopted.

##### **• SHORT-TERM ACTION POINTS**

1. **Legal Defence:** A competent legal officer, preferably from the LHRC branch in Arusha, **is** dispatched immediately to defend the pastoralists in the case that has been adjourned to 12 June 2008. This case was adjourned because the litigant did not meet the technical requirements of the court, the reason being that the applicant did not provide the evidence claimed in the plaint. It was also adjourned because the pastoralists had not prepared a proper legal defence. The official documents collected by the fact-finding mission and those provided to respondent on 30<sup>th</sup> May 2008 by the applicant would be useful in preparing such a defence.

2. **Court Injunction:** A group of at least 100 pastoralists (not the ones summoned to court) as per WMA regulations **is** legally mobilized to get a court order to stop the construction of the camp/lodge and activities related therein until the conflict is resolved amicably. This would necessitate the intervention of another lawyer, preferably from an advocacy organisation other than LHRC. Using the documents collected by the fact-finding mission team and other interested party, the lawyer could also wish to build a case to prove that the investor does not meet the stipulated legal requirements to operate in the country let alone to operate in a reserved area.

3. **Media Publicity:** The media **is** pressurized to pick up the issue as matter of urgency. The fact that a report by a member of the fact-finding mission team from The Citizen was accorded a space on page 4 of the Sunday Citizen (01/06/08) indicates that the issue is no longer in the limelight since it was highly publicized on television. In this regard a consortium of advocacy organisations could hold a press conference on the matter provided this does not unduly interfere with the legally/judiciary regulations on commenting about issues that are pending in court. A TV documentary and radio program on rights, benefits and effects of WMA ought to also be prepared so as to

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<sup>3</sup> The law is not properly followed in holding Village Assembly meetings. Prior notices are not issued 7 days before the meetings as per village governance regulations. There is no evidence that resolutions passed in emergency meetings were submitted to the ordinary Village Assembly meeting for approval. According to the law the Village Assembly consent is needed regarding any decision passed that might affect the village. Section 55 of the Local Government (District Authorities) Act No 7 of 1982 defines the Village Assembly as constituted of “every person who is ordinarily resident in the village and who has attained the apparent age of eighteen years”. Traditionally if they cannot attend then at least more than half of the village members shall attend such a meeting. As the minute shows, in the case of Vilima Vitatu the decision was made by few villagers and in some documents there are no signatures. Hence this raise doubts about the credibility of the said minutes.

create awareness.

**4. Participatory Governance:** A significant number of pastoralist villagers **is** 'sensitized' to see itself as part and parcel of the village and therefore fully qualified to participate in village governance through Village Assembly meetings and other initiatives. In regard to this pastoralist villagers could come with strategies of ensuring transhumance doesn't adversely affects their presence in village meetings and thus limit their bargaining power on matter that directly bear on their livelihoods. This point cannot be overstated given the fact that one of the pastoralist elders admitted that they don't participate regularly in Village Assembly meetings since they don't see them as having to do with their issues. If they participate fully in the weekly village *mnada* that is directly associated with pastoralist issues, as the fact-finding-mission team observed, why not this? In regard to this the village government has a significant role to play in prioritizing issues in Village Assembly meetings and thus ensuring that village agendas are broadly relevant and inclusive to all interested parties.

- **LONG-TERM ACTION POINTS**

1. **Reconstituting WMA:** Vilima Vitatu village **is** supported to move out of Burunge WMA alongside other interested villages such as Minjingu.

2. **Reallocating Land:** Vilima Vitatu village **is** enabled to do a truly participatory Village Land Use Plan (VLUP) that will take into considerations the needs of the pastoralist villagers and other villagers vis-à-vis investor(s).

3. **Redefining Pastoralism:** Vilima Vitatu village **is** convinced to rethink conventional classifications of pastoralists versus farmers. As the fact-finding mission team observed, one can hardly impose occupational identity given the fact that some purported pastoralists have maize farms in their *bomas*. Demarcating an area to be strictly for Pastoralism is tantamount to denying people their right to subsist by farming especially in the wake of a global food crisis. Research should move beyond binaries that can easily be manipulated in ethnic terms as evidenced by stereotypes of 'we, Wambugwe farmers' and 'them, Barabaig pastoralists' and vice versa.

4. **Rethinking Investments:** Vilima Vitatu **is** empowered to satisfactorily assess the cost and benefits of potential investments in the area in order to increase their negotiation/bargaining power. This is particularly important given the fact that even the village chairperson and the VEO are not very conversant about the differences between the investor's verbal pledges and the investment's contractual binding clauses. Thus there is a need to build the capacity of villagers to scrutinize potential investments and enforce corporate social responsibility lest they get lured by non-binding pledges and dollar-coated promises from the investors.

## **CONCLUSION**

This report has shown that the nature and scope of Burunge WMA is at the heart of the dispute between the Vilima Vitatu village government and its pastoralist villagers at Maramboi in the wake of granting permission to ULEA investor to operate in that area. However, it should be cautioned that there might be other underlying causes over and above the question of the demarcation of the WMA. Even though the fact-finding mission team advocates for the reconstitution of the WMA as a basic step in resolving the dispute, it is wary of concluding that moving out of the WMA will be the panacea of

the problem. This is because whether Maramboi is within the WMA or not the village government and a significant section of villagers would like to see the investor operates therein. But the area is inhabited by pastoralists who seem to know what is the best area for pastures and who, so far, have not identified any other suitable area apart from Maramboi.

Moreover, some of these pastoralists collectively carry the painful baggage of being evicted in other areas in the past after protracted struggles with government authorities. As it is in the case of those who were evicted from NAFCO farms, this is the area they claim they were officially relocated to and that is why they are reluctant to be relocated once again. It should also be noted that the lifestyle of strictly demarcating the area of habitation from that of pastures seems to be alien and untenable to pastoralists who stay and move with their cattle. As such this convoluted context demands a truly participatory village land use plan that seriously take into consideration issues of occupational and ethnic identities that have stereotypically pitted Wambugwe 'farmers' and Barabaig 'pastoralists'. Thus by way of conclusion the team generally recommends that the consortium of advocacy organisations adopts an integrated, multifaceted approach to resolve the dispute at hand and curtail further disputes.

## **REFERENCES**

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## **ANNEXES**

Minutes of the Second Consultative Session on Pastoral Predicament at Vilima Vitatu Village in Babati District: Meeting held at HakiArdhi Offices 16<sup>th</sup> May 2008

XXXX Information Pack containing all the relevant documents collected by the fact-finding mission team