



**PASTORALISTS NON GOVERNMENTAL ORGANISATION'S FORUM
(PINGO'S FORUM)**

**FACT FINDING MISSION ON THE IMPACT OF WILDLIFE INVESTMENT IN
PASTORALISTS AREAS OF MONDULI, SIMANJIRO, BABATI AND KONDOA
DISTRICTS FROM 5TH JUNE 2013 16th JUNE 2013**

[Wildlife conservation: the emerged stranger in pastoralists grazing areas]

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**FACT FINDING MISSION ON THE IMPACT OF WILDLIFE INVESTMENT IN PASTORALIST AREAS
MONDULI, SIMANJIRO AND BABATI DISTRICT FROM 5TH JUNE 2013 16TH JUNE 2013**

1. Introduction

This fact finding is the fulfilment of PINGO's Forum daily activities for inquiring the challenges facing pastoralists communities. In this fact finding, we will look at the impact of wildlife conservations in pastoralists areas. The Wildlife sector has become a threat to livestock sectors by which the wildlife sector is grabbing livestock grazing areas in the name of wild life conservation. In this fact finding we will look at the impact of established Randile Wildlife Management Area (RWMA) into the grazing area of Lolkisale village among other five villages forming the WMA. The establishment of this WMA has been challenged by villages that the process was not transparent and were not fully involved in the process. This has been the central point of conflict including non-compensation of people living within the area.

In this fact finding, we visited a number of Villages in Monduli, Simanjiro, Babati and Kondoa districts.

2. LOKISALE VILLAGE

Lolkisale village is one of the villages in Lolkisale ward in Monduli district. It has been surveyed, demarcated and registered as a village and given the Village Land Certificate. According to the National Census of 2012, Lolkisale ward has a total number of 10,056 people. Most of the residents of this village are traditional pastoralist occupying 90%, while the remaining are farmers and civil workers in the government and in private sectors within the village. Lolkisale is among the village in Monduli district, Babati, Simanjiro and Kondoa districts bordered to Tarangire National Park in the west.

The geographical location of Lolkisale is tropical and semi-arid weather condition suitable for supporting livestock keeping, agriculture and wildlife conservation. With this condition, Lolkisale has become attractive to tourism and wildlife conservation and commercial agriculture. Inversely the wildlife conservation has become the area of interest in recent years as the result that, most of the areas which were used for livestock grazing have either become Private wild life conservation or Wild life farms. In these areas, tourist hotels have been constructed and other tourism activities are conducted in these areas.

Due to raise of interest of different groups, land conflict were unavoidable involving pastoralist and other land users entered into the village by the name of investors especially in the wildlife sector. This has led to creation of the WMA in grazing and settlement areas and construction of tourists hotels. In development of these projects, the communities are promised to benefit but when it comes to implementation, the communities as well as villages become losers as a result of conflicts in most of the rural areas including Lolkisale village. This is also facilitated by a poor understanding of people during the initial stages of the projects and when they become aware of the reality behind those established project, they rise against and want to know if the project will affect them and their livelihood. This also has been the source of land conflicts in most pastoralists' areas in the country. For example in Lolkisale and in other areas where WMAs have been established, at the initial stages of the establishment, people were told their rights of continuing to use the WMAs for grazing and

settlement even after establishment, but after the establishment, things normally change and the government starts to restrict entrance into WMAs on claims that it is a wildlife conservation area and not grazing areas. People are considered trespassers and things become very worse when the investor obtained to invest into the conserved area. This can also be referred to Makao WMA, Burunge WMA and many other areas in the country where WMAs have been established. These areas become conflict areas between residents and investors or the government.

3. RANDILE WILD LIFE MANAGEMENT AREA

This is the WMA established in Monduli district after a mutual agreement of the seven villages who agree together to establish the wild life management Area- WMA given the name of Randile Wildlife Management Area. This WMA has been gazetted and announced in the Government Notice. No. 21 of 1st February 2013. The initiative of establishing this WMA has been started since 1998 before coming to a conclusion in 2011. After this agreement, the process of registering Randile WMA was to start and come into registration in 2013 when announced in the Government Gazette. The completion of the process of establishing Randile WMA has been also proved by the Minister for Natural Resources during the submission of His ministry's budget in the Budget Parliament in 2013. He says ***".....following the success the Ministry got in establishing different WMA's in the country, more effort are put to facilitate citizens to establish more WMA. In 2012/2013, six WMAs are in different stages of identification in the country and the Randile WMA in Monduli has been completed and it has been Gazetted on 1st February by GN. No. 21 of 2013."*** The Minister Gazetted this Randile WMA under the **Wildlife Conservation Act No. 5 of 2009 [CAP. 283] under section 32.**

The villages forming this WMA are 6 named Mswakini Juu, Mswakini chini, Loltolia, Lokisale, Nafco and Lemoti. However the process of electing the Board and establishing the Community Based Organisation (CBO), which is the Authorised Association, is still going on and when completed, the WMA will start operating under the Authorised Association and set aside the Village authority. All decisions concerning the WMA will be made by the Authorised Association of the Randile WMA when it takes off.

In establishment of this WMA in all villages people were divided in two groups, supporters and opposers. According to traditional leaders that the fact finding team met, they said those supporting are the people who did not develop their area which were given in that particular area after the land was returned from a previous owner, known by one name, UGORO.

Previously, this area was possessed by one person known as UGORO who was given by the villages to invest. When he failed to develop for more than 20 years the government decided to return to the people and the village authorities of Lokisale by then divided the same land to its residents for cultivation and other uses. It has been said among the people given this area only 5 people managed to develop their given areas by establishing farms and constructing houses. Thus when the issue of WMA comes, those 5 people joined the rest of the village to oppose the establishment of the WMA in their areas but the village had managed to influence many people also to support. These 5 people that developed their areas have been affected by this decision of establishing the WMA and now are struggling to fight for their rights including file the case in Court. There are narrow chances of winning this matter as the Ministry on its side went forward to announce and formalise this area as WMA and it has done under GN. 21 of 1st February 2013.



Wild animals have traditional relation with domestic animals kept traditionally by many traditional communities including the maasai and Barbaig. Grass eaters animals feel secured when mixed with domestic animals and graze together than grazing in isolated as they will be easily attacked by meat eater's animals.

On the picture, Zebra are seen grazing together with cattle in Lolkisale village in Monduli district.

4. Investments in Lolkisale Village

Lolkisale is one of the villages in Monduli district whereby they joined other five to form the Randile Wildlife Management Area. Consequently before they decided to form part of the WMA, it had investors whom they signed a contract of partnership for building lodges. Nevertheless there are two main companies in which Lolkisale entered into partnership agreement. These are;

- a. **Boundary Hill Lodge Ltd;** this lodge has been built on the edge of Tarangire National Park. It offers outstanding views over the Silale and Gosuwa swamps, where elephants and buffaloes graze. It is the first Lodge in Tanzania to have a local community shareholding, with the Maasai village Lolkisale owning 50%. It is located in its own exclusive conservation area, Lolkisale village has set aside 164 square Kilometres for this company to conduct walking safaris, night drives and fly camping. The company sets standards in community partnership and conservation.

On the other way, the company after concluding the agreement with the village, it went forward to lend money from the World Bank amounting to 2.5 Billion equivalent to 700 thousand dollars between 2002 and 2007 and it had used the village certificate over the target area as a bond for the loan. However, the company is accused of not paying the village share as agreed to the extent that it is given the name "TASA" a Swahili word meaning that it is not productive. Now, the village is liable to pay the amount as it agreed to carry over the burden if the lender failed to pay the loan. Thus the village is at worries that their land would be taken if the company fails to pay the loan. The Company has filed a Caveat to stop the World Bank to take over the land for the company failed to pay the loan.

This lodge is one of the business places of the bigger Company TARANGIRE TREETOPS Ltd registered in Tanzania for conducting different business activities in which among others to establish hotels, lodges, camps, restaurants, cafes, out-courts, motels and casinos. Thus Boundary Hill Lodge Ltd is one of the hotels established by Treetops Ltd in Lolkisale village for

the purpose of operating hotels in the area under the equal shares of 50% each, the village and the company.

- b. **TARANGIRE TREE TOPS COMPANY Ltd**; this is a company registered in Tanzania for the purposes of conducting a number of business activities in the country. This is one of the groups of companies under the bigger collection of companies called ELEWANA AFRICA (T) LTD. In Lolkisale village, it owns a Private conservation of 57,000 acres. For the purpose of this research, this company is operating in Lolkisale village by establishing different business activities and by signing different contracts with the villages on different business projects including building hotels, campsites and conducting tourism activities. This company enters a contract with the village to build and operate the tourism activities including hotels business with the agreement that it rates guests Us\$15 fee per day and within this amount the village will get the share of Us\$5 per head. However, this amount was previously paid directly to the village, but since the government's policy has changed, all gains from tourism will be deposited to the government and the villages will receive their share from the government. This has been received as a challenge disrupting their income by villages.

In February 16th, 2013, the Manager of this company was reported in one of famous daily newspapers, Mwananchi, that the he is under police investigation after being reported that the Manager, Ryan Macfarlane a citizen of South Africa was suspected to own government trophies such as Leopard skin. The matter was reported to the police for investigation but the investigation's result was not made public.

5. Investment in Makuyuni and Mswakini Villages

Makuyuni and Mswakini are among villages of Monduli district bordered to Tarangire National Park, situated along the wildlife corridor from Manyara to Tarangire National Park. In these villages, there is tourism activities conducted within these villages land. These activities include construction of tourist's hotels and establishment of Private wildlife conservation. These businesses are done in cooperation between the villages and the companies. Consequently, across these two villages, the East African Safaris and Touring Company established a project they call as TARANGIRE WILDLIFE CONSERVATION AREA; Lemiyon Plain Project. However, this project is under the management of the East Africa Safari and Touring Company in conjunction of the villages.

This project has been established following a mutual agreement between Makuyuni and Mswakini villages and the East African Safari and Touring Company where by the villages set aside a certain area from their respective villages to be used solely for the purposes of wildlife conservation in the Makuyuni and Mswakini area and bordering Tarangire National Park.

In this agreement, the company will conduct exclusive photographic and touristic rights over the entire area in question. The company also have the rights to establish and run two semi-permanent tented camps to be used for tourism purposes. The sites have been chosen in cooperation between the company and the villages and it has been sited so as not to interfere with the rights of the villages in their grazing and farming activities, a total of size of **2,000 acres**. This area is restricted for

livestocks to enter into for grazing activities. It is solely set for wildlife conservation and tourism activities. The villages are only permitted to graze in areas outside the area where camp sites have been constructed. The two camp sites area amounting to 2000 acres are strictly prohibiting grazing activities.

Under this agreement, the company will pay the villages USD\$1,000 per annum for exclusive use of the area for tourism purposes. This means each village will only get USD\$ 500 per annum while the company charges foreign tourist fee a rate of \$15 per day.

The agreement was a five (5) years contract with an option to renew after the expiry of the initial two years not counted. However, as per government policy on wildlife and regulations, all fees paid on tourism activities will be paid to the government treasury and not to the villages whereby the government will calculate and give little share to the villages. Thus the benefit of villages to wildlife resources will be very limited and small.

There are other companies which had signed contracts with these villages for the purposes of doing tourism and wildlife conservation. These are;

- i. Ecoscience Ltd
- ii. Rungwa Safari Ltd
- iii. Hoops Adventure Safairs tented Lodge
- iv. Elephant Tented Lodge

These lodges are constructed in villages land at the border Shore of Tarangire National Park with the purposes of conducting tourism business activities. They contracted with the villages whereby they are paying little fees to the villages for social developments. However, the villages give rights to seek ownership Certificates to areas they build hotels or tents though they are given big areas for conducting their activities. For instant, Rungwa Game Safaris has been given 2400 Sq. Kilometres for conducting Hunting activities alongside Tarangire National Park.

6. Villages land Versus Conservation

In consideration of the guiding laws in the village Land, it is obvious that, there is need of reviewing of land and wildlife Laws to avoid confusion and conflicts. Nevertheless the land laws give the village councils authorities to manage land on behalf of all villages. The land laws such as Village Land Act No. 5 of 1999, Land Act No.4 of 1999 provide power to village authorities to manage all land within the village's boundaries. They have rights and power to protect their village boundaries and that no person could acquire any piece of land within the village without getting approved by the village authorities such as the village council and the village General assembly.

However, under the village Land Use Plan, the villages are advised to set areas for environmental conservation, in which within this conserved areas within the village land, they later turned into wildlife conservation after a long awareness campaign done by wildlife organisations. If the village accept to introduce its conservation, such area would automatically be upgraded unto a wildlife conservation area. This however led to changing of laws which provide guidance. This means that instead of the area to apply land laws Act, it will use the Wildlife Conservation Act No. 5 of 2009 as the principle law which provides guidance on how wildlife management Areas will be managed and controlled.

This Act set away the village authority over control and management of the wildlife conservation areas even if they are within the village lands. It is within this area where the villages agree to establish Wildlife Management Areas (WMAs). The WMAs are areas set for wildlife management whereby its management are trusted to what is known as, Authorised Association. The power of the village over management and control of areas whereby WMAs have been established has been limited to allow the wildlife sector to take lead through the registered Community Based Organisation which later comes to be known as the Authorised Association. Not only the management that changes, but also the laws.

The laws used in the management of WMAs are wildlife Conservation Laws together with its regulations. Again the higher authority given power to manage WMA is the Minister of Natural Resources and Tourism assisted by the Director of wildlife who acts as a middleman between the Authorised Association (AA) and the Minister in matters of making decisions.

The conflict of laws in village land can be shown by looking at different incidents whereby the government can over allocate certificate of Rights of Occupancy over another. For instant, when the government make the land identified as village land to be a game controlled area (GCA) at the same time. The village land is created by the law and its boundaries are legally protected too. The establishment of GCA in the country started during colonial time, around 1950's and was adopted in 1974 by new Wildlife Conservation Act enacted. The previous game control area was open and free land whereby human activities were permitted, thus it had never restricted entrance into those areas.

The government also in 1970's during the Operation of villages (Operation ya vijiji) created villages land through registered villages in areas which were Game Control Areas. However, these areas were not free land, there were people who were living and conducting their daily livelihoods, and others were evicted in their former areas to pave way for the establishment of National Parks like Loliondo game controlled area, Manyara and Tarangire. Thus all areas outside the established National Parks were made GCA and people were living within this area. Use of land for wildlife conservation and villages land at the same time has been described by many legal practitioners as conflict of laws.

Under the new Wildlife Law of 2009, it states that, no village land will be in Game control areas. Thus the question many people ask is what should be set aside, the GCA from the village land or the village land from the GCA. However, the Land Act states that wherever there is a conflict of law and the land Law is among the conflicting laws, the land Law will prevail. This means in this conflict where wildlife conservation Act is conflicting with the Village Land Law, the village land law is prevailing. In this circumstance, the GCA could be abolished within the village land. This is what is confusing many rural communities.

7. Minjingu Village application to withdraw from the JUHIBU

Minjingu is among 10 villages in Babati district forming the Burunge WMA known as Jumuiya ya Hifadhi ya Burunge (JUHIBU). Minjingu village is the legal entity registered under the Local Government (District Authorities) Act of 1982 and given the land Certificate No. 23680. It conducted its land use plan in 1998 after being assisted by an organisation known as LAMP. In their land use plan they set a portion of land they plan for grazing purposes and environmental conservation.

Thereafter, wildlife organisation approached the village authority with purposes of sensitizing and influencing them for accepting to establish a WMA in their village. One of the organisations engaged in the sensitization and awareness on the establishment of WMA was African Wildlife Foundation. However all villages neighbouring Minjingu were also sensitized and that they agreed to come together and join their pieces of land to form one bigger conservation area which was later registered as Burunge Wildlife Management Area.

This WMA affected the investment done by the villages. Thus all companies which had signed investment contract with all these villages forming the WMA have been implied breaching contracts, as they change their marriage with the villages and sign with the WMA. This is because the area they were given by villages had turned unto a WMA. With these changes, it means all villages will get shares not from the companies direct as they used to do but they now receive from the WMA.

This change seems to have affected villages incomes as they would be forced to share the fund received from the investment with the members villages of the WMA even if their portion of land they contributed into WMA had no investor. This change seems to have annoyed Minjingu village which had more than one investor in its portion of land contributed to the WMA. Thus Minjingu decided to withdraw from the WMA as it was not satisfied with the share given, comparing to its previous income before joining the WMA.

The question remain is whether Minjingu village will succeed its plan of withdrawing from the WMA. Since they submitted their withdrawal application, Minjingu stopped to receive their share of fund from the WMA. One of the conditions that they should fulfil for their application to succeed is to apply from the minister of Natural Resources and Tourism to change the use of such land while themselves they want to use the same area for the use they planned before they joined the WMA. This is to use the same for village conservation and be able to invest as it was doing before they joined the WMA. This condition also rise another question that whether the government will accept the Minjingu village application and if they also agree to change the land use.

7.1. BURUNGE WILDLIFE MANAGEMENT AREA (JUMUIYA YA HIFADHI YA WANYAMA PORI YA BURUNGE) (JUHIBU)



Burunge Wildlife Management Area (BWMA) has been established in 1993 and registered in 2004 with a registration number **so.12428** earlier it was given user Rights of the area in 2007. This WMA has been established following the contribution of portions of land by 10 villages within Babati district after sensitization of villages to set land in their land use planning's pieces of land which will be used for conservation. Again they were facilitated to form one bigger conservation area which later came to be registered as the WMA. This sensitization and facilitation were done by LAMP in cooperation with the district Council. This was done to all villages bordering Tarangire National Park. Burunge is established in the area of 283 Square Kilometres obtained after 10 villages contributed pieces of their villages land.



Land use plan of the first five villages was facilitated by LAMP in 1998/99 but the concept of wildlife conservation had been introduced by AWF in 2002 when introducing WMAs. The introduction of WMA in Babati had three plans called The North plan of Natural Resources Management). This plan had three purposes;

1. To enhance establishment of Camp sites;
2. To enhance Wildlife Hunting tourism zone
3. To Form the Wildlife zone which will include Lake Burunge, Wildlife corridor and Horses Racing zone. (Mbio za farasi).

However in order for this plan to succeed, they first sought for investors and in 2005, they got two investors interested to construct tented lodges. These are;

- Maramboi tented Lodge and,
- Lake Burunge tented Lodge.

The Investment in the WMA will be divided under equal shares of 50/50 between the WMA itself and villages. Villages on their side they will also get their shares from 50% of the total 100 shares obtained in the investment within the WMA. This means the villages will subdivide 50% of the shares and the balance of 50% of the total share will be taken by the WMA. However, the WMA also will

use their share for office operation (25%), supervision and management of resources (15%) and 10% will be saved in the Bank.

Since 2006 the following table shows the income obtained by WMA and rates given to villages;

YEAR	INCOME	EXPENCES	SHARE 50%	VILLAGES SHARE	NO. OF VILLAGES GIVEN	COMMENT
2006/2007	37,496,988	8,296,411	18,748,494	2,083,166	9	The number getting the share was reduced as Minjingu denied to receive it, for it had applied for a withdrawal
2007/2008	72,256,890	24,243,022	37,628,445	4,703,355	8	
2008/2009	64,595,376	34,211,010	32,297,688	3,588,632	9	
2009/2010	227,618,815	101,338,183	113,809,407	11,380,940	10	
2011/2012	391,459,764	150,325,192	195,729,882	19,572,988	10	
2012/2013	470,738,857	175,940,789	235,369,429	26,152,158	9	

7.2. PASTORALISTS CASE AGAINST ESTABLISHMENT OF BURUNGE WMA

[The Appeal Case No. 77 of 2012 between 17 Pastoralist versus Villima Vitatu village and Burunge WMA]

Seventeen residents of Vilima Vitatu Village have won an appeal case they appealed against the judgement of the High court of Tanzania given in favour of the Respondents; Vilima Vitatu village council and Burunge WMA. In the original case, the Appellant were sued for trespassing into the land in issue. The Appellant, the 17 pastoralists, in their Written Statement of Defence (WSD) contented that the land they are occupying is their rightful property since immemorial and that the respondents have no rights to expropriate the land without following the legal procedures as laid down under the laws.

Consequently the Tribunal heard the evidence of parties and on 24/7/2009 it handed down its decision declaring the appellants trespassers with an order requiring the appellants to move to an alternative land that had been allocated to them. On appeal, the High Court (Land Division) in Land Appeal No.31 of 2009 upheld the decision of the Tribunal. Still aggrieved, the appellants have preferred the second appeal to Court of Appeal of Tanzania.

The Court of Appeal looked at the key provision of the law governing the subject matter such as sections 11, 12 and 13 of the village Act, 1999 which was assented by the President on 15/5/1999 and come into effect on 1st May 2001, vide GN No. 486 of 2000. The above section provide for the manner in which the village Council and the village Assembly may deal with land which is within their jurisdiction. Section 13(5) in particular provides for the role of the village Assembly upon receiving recommendations of the village council.

Under Regulation 12(1) of the Wildlife Conservation (Wildlife Management Areas) Regulations, 2005 (GN 283/2005) which were deemed to have come into operation on 24th January 2003, it provides thus;-

12(1) Subject to section 11 and 13 of the village Land Act of 1999, the **Village Council** shall recommend to the **Village Assembly** a village land which shall be suitable for establishment of the Wildlife Management Area.

It is evident from the above provisions that in establishing WMA in a village land both the **VILLAGE COUNCIL** and the **VILLAGE ASSEMBLY** must be involved.

Regulation 13 of the above regulations set out requirements for application for designating a WMA. The application must be accompanied by the following documents;

- a) A Certified copy of the minutes of the village Assembly Meeting endorsing the designation of the WMA;
- b) A duly completed information data sheet;
- c) A certified copy of the Certificate of Registration of the Community- Based Organisation;
- d) A land Use Plan approved by the Village Assembly.

Note, the appellants were alleged to have trespassed into the land on or around 2006 and 2007 when the above Acts and Regulations were already in force.

It is also important to be noted that, the second respondent, Burunge WMA was allocated land by the first respondent, Vilima Vitatu Village, and made public when the same was published in Government Gazette No. 37 of 31/3/2006 at the time when the above Act and Regulations were in force. Thus the allocation was been done according to the law propounded above. The court question was ***“WHETHER ON BASIS OF THE RECORDS BEFORE US (COURT) IT CAN SAFELY BE SAID THAT THE ALLOCATION WAS MADE IN ACCORDANCE WITH THE LAW.”***

In the case, the court looked into the evidences tendered in court and that the copy of the Village minutes of 11/12/1999 which was submitted to court by the respondent was rejected by the Respondents advocate for violating the law of evidence which requires the submission of the original document if it has to be used as the evidence in the case. That if the primary evidence is available no need of using the secondary evidence, the copy. Thus, the copy of the minutes were not admitted in evidence and the original copies were never produced in court, thus never tested by any way in evidence neither in cross- examination.

Conclusion of the case; the court had looked upon the compliances of conditions for establishment of the WMA as stipulated above. It looked into the **minutes of the Village council and Village assembly** as the requirement and was satisfied that they were ***not material to be based upon that could be sustained successfully***, again the court also looked upon other criteria like ***“a duly completed information Data Sheet” and a “Village Land Use Plan”*** and see that they were not annexed to the application for designating the land in issue as a WMA. Thus the court came to a conclusion that, their failure to do so offended the requirements provided for, under Regulations 13(b) and (d) above. Thus the court allowed an appeal with costs. The Appeal Judgement was given at Arusha on 15th March, 2013 and it was before three Judges of Appeal, H.J.MSOFE, S. MJASIRI, and I.H.JUMA.

7.3. The contour of companies investing into Minjingu, Vilima Vitatu and other villages in Babati District

7.3.1. Maramboi Tented Lodge

It is the camp constructed close to the shore of Lake Manyara and located on the migratory corridor of Manyara and Tarangire National Parks. This camp covers an area about 25000 hectares, a concession area set aside for conservation by the local Maasai community. It is also located outside Lake Manyara on the main road to Babati.



The camp is conducting several activities including game drives, guided walking safaris, bird watching on the shore, not too far from lake Manyara and cultural interaction with Datoga and Maasai whose bomas populate the adjacent land.

Maramboi tented Lodge is just 4 kms from the main road Arusha Dodoma.

7.3.2. Lake Burunge Tented Camp

This is the camp situated on the shore of Lake Burunge and located in the migratory corridor of Manyara and Tarangire National Park. It is only a 20 minutes' drive away from Tarangire National Park. This camp covers an area of 25000 hectares of a concession area set for dedicated to the conservation by the local Maasai community. It is the camp conducting game drive, walk visit the bomas (village) and interacts with the local Mbugwe people and learn their culture.

It allows freedom of movement and a choice of activities. It also provides game drives into the park, short walk down to the lake. It is also located on the shore of Lake Burunge.

8. Restriction to enter into WMA's

Entrance into the WMA is strictly prohibited unless by a permission from the WMA. People are prohibited totally to reside, cultivate and grazing into the WMA although people are allowed to enter under special permission to collect firewood, conducting their cultural rituals and other traditional activities. This entrance must be applied from the WMA authority before the person gets into the area. No further access permitted though during the sensitization process of the establishment of the WMA people were told to accept the project as they will be free to graze and get access into the area for other activities as the villages will have power over management and control. Currently the area is managed by the Authorised Association (AA) with the advice of the District Council and the Ministry of Natural Resources and Tourism. The villages will only remain as partners to the WMA.

According to the Secretary of the JUHIBU, any person violating the rules of the WMA including entering into the area without permission of the AA will be subject to punishment and to pay a fine from 300,000 to 600,000 or imprisonment, or both fine and imprisonment. However, the WMA authority by understanding that this punishment will increase threats to animals within the WMA as the people will not see the benefit of conserving animals, thus increase conflict of human and wild animals, they resolved that the punishments should be provided by the villages, thus anyone caught

inside the WMA will be taken to the villages authorities for the punishment. This was found as friendly than taking suspect to court.

9. Tarangire National Park and the extension of its boundaries into village lands

Tarangire National Park; this is the sixth largest National Park in Tanzania after Ruaha, Serengeti, Mikumi, Katavi and Mkomazi. It is located in Manyara Region about 118 kms (75 miles) southwest of Arusha town. It has been established in 1970 and its size is about 2850 sq. Kms (1,096 sq miles). The name Tarangire is originated from the Maasai community name which they use to call the river crossing through the park by the name "TARANGARE RIVER" meaning the shining water river. This river is the only source of water for wild animals during the dry season.

The park is surrounded by settlements of people living in the villages which their boundary reaches the Park boundary. There are many communities bordering to Tarangire National Park including the Maasai, Datoga, Wambugwe, Wairaq and Warangi. Most of these communities are pure pastoralists with traditional herds. These villages are situated outside the park. However in the villages land, the land outside the park is also set for wildlife conservation and protected area though people are permitted to live within and doing their development activities including grazing and farming.

In areas bordered to Tarangire National park, villages through their Villages Land Use Planning, set the areas along the Tarangire Border as villages' conservation areas. These areas were set for investment and thus many foreign investors were given areas to build lodges and camp sites after having entered into agreements with the villages.

However, in usual circumstances, the investors are given the big area for doing their tourism activities but there is a land within the bigger one whereby the villages set exclusively for the investor. The investors are left free to seek for ownership of the area. Thus many investors given concessions to conduct tourism activities, they seek ownership of those areas which later they register as private conservation areas. For example the area set by Makuyuni and Mswakini villages which have been given to the East African Safaris Ltd whereby within the area given to conduct its activities the village set an area of 2000 acres exclusively for the company ownership. In their agreement, the investor has been given mandate to register the land and acquire the certificate of Ownership.

9.1. Extension of Tarangire boundaries into villages land

It is the TANAPA policy to extent National Parks boundaries. The extension of National parks boundaries affects village's boundaries and land use planning. They expand boundaries towards village's land that they threat other land users including pastoralists, farmers and hunters and gatherers communities.

Tarangire National park particularly is condemned for expand its boundaries towards Lolkisale village on the Northeast side of the park, Kimotorok village on the southern side and Chubi on the west. However there are many other villages in Monduli district on the North of the park which are threatened by extension of of Tarangire National Park. Again the parks are technically extended and

they use non participatory approaches to acquire land from villages. Other ways which the parks use to expand their boundaries include;

- Creating buffer zones outside the parks
- Creating wildlife corridors linking with other conservation like Game Control areas, WMAs and Game Reserves; for example the wildlife corridor linking Tarangire National park with Mkongonero Game reserve through Kimotorok village land and also the wildlife life corridor from Manyara National parks to Tarangire National Park crossing the villages land and passing through Burunge Wildlife Management Area.
- Creating Private conservation outside the National Parks and Game Reserves;
- Creating Game Control areas outside the National Parks;
- Influencing villages to establish WMA along the borders of the National Parks and Game Reserves;
- Creating general Conservation areas around the National Park

In Tarangire particularly, the government has created the Tarangire Conservation area around the park in areas used by pastoralist Maasai for grazing their livestock. They have also created two WMAs such as Burunge wildlife Management area on the Northwest of the Park and Randile Wildlife Management Area on the Southeast of the Park. There are also private conservations established outside the parks boundaries. This includes the Private conservation known as Tarangire Wildlife Conservation Area Lemiyon plain Project owned by the East African Safari and tourist Company Limited on the northern side of the Park.

In this situation, pastoralists are under threats to lose their grazing land to wildlife protected areas. This will not only affect livestock development but also it has impacts to sustainability of pastoralism and people's livelihood generally.

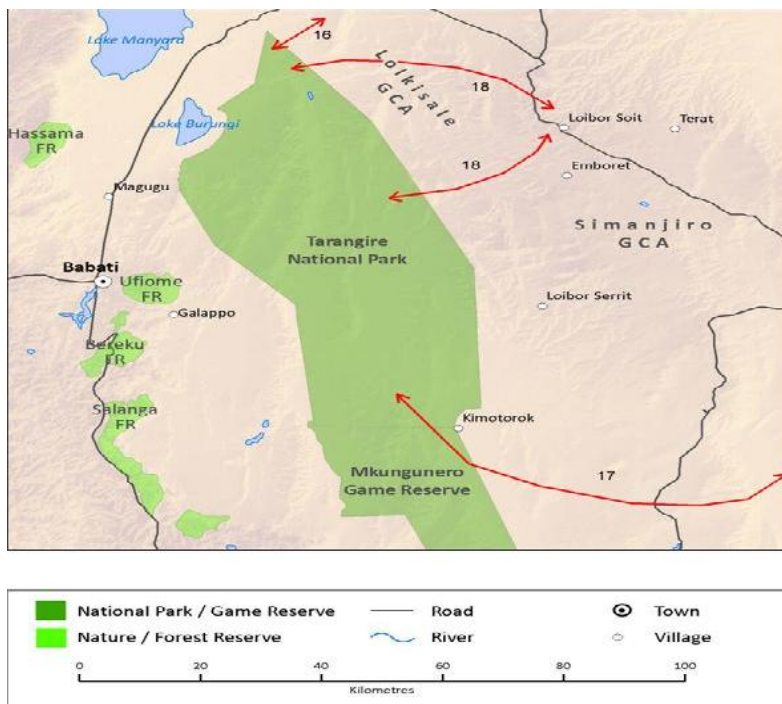
10. Kimotorok Village rise up cry over the land grabs

Kimotorok village was part of the present day Loibor Siret village until June 1, 1993 when Loibor Siret was divided to give birth to the now conflict ridden Kimotorok Village. Kimotorok is now an independent village registered as AR/KIJ/505 in 1993 and their certificate was given by the village registerer by then known by the name of Mr. J. N. Malya on 1st June 1993. It borders three districts, Babati to the west (contested), Kondoa to the South (contested) and Kiteto to the East. Kimotorok village is neither demarcated nor issued Village Land certificate though it legally exists since the government pronouncement and registered in 1993 but does not mean it has no boundaries. Kimotorok is born from the mother village, Loibo Siret, within the mother village boundaries. Thus the existing boundaries of the Kimotorok village are those of the mother village. This mean the people of kimotorok are defending invasion of the pre-existing villages' boundaries that was inherited from the mother village.

The village is situated between Tarangire National park and Mkongonero Game reserve in the wildlife corridor linking between the two conservations. This corridor follows under category "D" according to classification of the wildlife sector to means; the wildlife route is lying between two protected areas. This corridor is estimated to exist less than 20 years due to several threats including the following;

1. Increase of agriculture production in the south of Makame which may impact the areas in the future years;
2. The construction of the main road from Babati to Simanjiro will bisect the corridor at the south end of the park and will or is likely to lead to increased immigration and settlement. Much of this area is set to become a WMA.

The following map shows the animal route to what is known as the animals' corridor in Manyara Region between the Simanjiro GCA and TNP on the North side and MGR on the south side. Thus Kimotorok village is situated within the GCA and in the border of both protected areas, MGR and TNP.



Source: TAWIRI Website by www.ajarrettphotography.co.uk

10.1. Boundary conflict in Kimotorok village

As said above, Kimotorok is the legal registered village within Simanjiro district situated in the border of two protected areas such as Mkongonero Game Reserve and Tarangire National Park. The boundary conflict emerges due to expansion of the boundaries of these two conservations into villages land. As the village, Kimotorok village authority knows its boundaries and the boundaries of both conservations.

In many literatures, Mkongonero is said to be established within Dodoma Region's boundaries, in Kondoa district. Thus penetration of Mkongonero boundaries into Kimotoroks village land does not only affect Kimotorok's boundaries as the village but also affects both Regional and district boundaries. The Government's Notice that established Mkongonero Game Reserve proves this truth and the big surprise is how possible that the conservation established in Kondoa district, Dodoma Region expanded boundaries into Kimotorok village in Simanjiro district, Manyara Region.

Giving evidence, the people of Kimotorok said, Mkongonero Game Reserve has expanded boundaries into their village by putting roads they call as fire breaking road. Their argument is that how possible that in every year they put firebreak roads beyond the other road toward their village. This typically shows how they expand boundaries on a process which is not participatory and lacks transparency.

Simanjoro Member of Parliament Mr Christopher ole Sendeka in his opinions says “It is true that Mkongonero Game reserve has been established within Kondo district in Dodoma Region. And this truth is known by the government because they could not register Kimotorok as a village and provide village land certificate to Loibo Siret village, the mother village to Kimotorok. This could amount to double allocation”

Honorable Sendeka admits that there are technical errors done in placement of beacons into the village land due to good conservation of the environment into this village. Adding that, putting firebreak roads into the village’s boundaries is an unacceptable action and that there are effort and action taken to solve this conflict. He also added that it seems that Tarangire area exceeding the previous known size is a proof of land grabbing

“Kuongezeka kwa ukubwa wa Hifadhi ya Tarangire tofauti na hapo awali ni ishara kuwa kuna ardhi inayoporwa” Said Hon. ole Sendeka during the collection of data to this research.

To end this matter, it is not a doubt that, the village land is grabbed through expansion of National conservations by using local methods including putting fire breaks every year towards village land. Thus the government must take action to consider that it is creating the conflict of human and wild animals instead of creating good neighbourhood between the villages and the conservations.

11. Manyara Ranch: the Green Living Project

Previously Manyara Ranch was known as the livestock farm but now it has been acquired by African Wildlife Foundation (AWF) for creation of Livestock and Wildlife interactions. Its status has been changed in 2000 to mainly use for wildlife conservation under the Trust of Tanzania Land Conservation Trust (TLCT). Before change of status, Manyara Ranch was used for keeping National livestock for production of beef industry.

11.1. Acquisition of Manyara Ranch

Manyara Ranch has been acquired by AWF for creation of wildlife conservation and other tourism attractions. Geographically, Manyara ranch is in Monduli district between Tarangire and Lake Manyara National Park and in the centre of the Kwa kuchinja wildlife corridor. It approximately covers an area of 35,000 acres (18,000 hectares). The conservancy of the Ranch focuses on providing activities amongst wildlife in collaboration with the local Maasai inhabitant. Thus what was originally known as cattle ranch, the focus has shifted to conservation and tourism.

This is a pioneering project that helps protect the wildlife corridor known as Kwa kuchinja wildlife corridor linking Lake Natron Game Controlled areas, Ngorongoro Conservation Area, the Manyara and Tarangire ecosystem and Maasai lands to the south. The long-term conservation goals for the

national Parks require linking these core protected areas with corridors of undeveloped land cross which wildlife can move and the acquisition of Manyara ranch is a major step in the right direction. Thus, establishment of Manyara Ranch as the conservation was seen as a great success to many conservation organisations, institutions and private interests.

In 2000 the African Wildlife Foundation (AWF) obtained management and conservation rights to the ranch to protect these wildlife corridors. In doing so, they established a working relationship with the Maasai, developing their community conservation projects and rehabilitating the ranch itself. The ranch is held in Trust by the Tanzania Land Conservation Trust (TLCT) for the benefit of local communities and Tanzania. Thus in current status, Manyara ranch is used for wildlife conservation and tourism development projects.

11.2 The Tanzania Land Conservation Trust (TLCT) and Manyara Ranch

11.3. What is TLCT?

Tanzania Land Conservation Trust (TLCT) is a non-profit institution whose main goal is to acquire wildlife areas threatened by private development. The TLCT manages this land to protect the need of pastoral communities as well as to preserve the integrity of these areas for wildlife conservation. The main objective of the trust is to protect land through purchase or donation for wildlife conservation and promote the ecosystem, cultural tourism and sustainable pastoral practice that benefit the local community and stakeholders.

In April 2001, Manyara Ranch became the first property by the TLCT. Previously TLCT is governed by a Board of Trustees currently comprised of representatives of the **Monduli district council, AWF, TANAPA, WWF, community members and private conservation interests**. TLCT currently own one property "Manyara Ranch" in Northern Tanzania.

11.4. Why Manyara Ranch comes to conservancy?

The government of Tanzania importance to conserve wildlife by establishing protected areas. Thus they insist much on conservation by ensuring that wildlife is protected through establishing protected areas such as Manyara Ranch has changed its status to wildlife protected area.

By doing so, they set an area for wildlife conservation like national parks, game reserves, and game control areas without increasing more protection to these areas through increasing security by establishing more conservation outside the core protected areas. That they changed the status of Manyara Cattle Ranch to wildlife protected area with a purpose of protecting wildlife migratory route that connect the Tarangire National Park which is about 40 kilometres from Lake Manyara National Park.

However, in order for these exercises to succeed, such as protection of wildlife migratory route, they establish the wildlife corridor they call "Kwa Kuchinja wildlife corridor". Their worry was that, if they could not establish this corridor, they could break up wildlife route linking Tarangire and Lake Manyara National Parks. The breaking of these routes was seemed as the great threat to wildlife conservation in the Northern Tanzania. Thus, the establishment of TLCT by AWF was one way of addressing this challenge.

Nevertheless, AWF by ensuring that their plan is successful; they hired Game Rangers who will patrol the ranch, monitoring wildlife and warding off poachers. They also moved the pre-existing boarding school with the help of a person known as Annenberg Foundation and others outside the wildlife area, reallocating them in another place. The process completed at the end of 2006.

12. OLDUPAI SEED CO. LTD (MR. BROWN OLE SUYA FARM AT LOBOSOIT VILLAGE) IN SIMANJIRO DISTRICT

This is a farm Number 24 in Lemooti subvillage, Lobosoit A village in Simanjiro district. The farm is owned by Brown Mathew Ole Suya for two main purposes underlined the conditioned associated his grant; these are for cultivation and cattle grazing. The grant of this farm went far since 1978 when the said, Mr Brown sent an application to the respective villages asking for the grant for the land which he will use for both, agricultural and grazing purposes. The following are the summary of the process underlying the grant for the said land to Mr. Brown Ole Suya;

- First, he sent the application letter with reference number PF/M1/40 on April 14th, 1978 to the respective villages by then.
- Secondly, after the discussion of the village council meeting attended by only 19 members on the 26 April 1978, the resolution was passed to grant Mr. Brown the land of 5000 acres as he requested.
- The application also was sent to Kiteto district council for approval, whereby the advisory committee of Kiteto district (before Simanjiro was born by then) discussed the request among other agendas and came to a conclusion on 16th November 1979 that, the application of Mr. Ole Suya was passed by Village and Wards authorities therefore the application also was passed at the district level but with the following instructions;
 - That those 2000 acres will be used for agricultural purposes for five years (5) only, thereafter the land shall be returned to the village.
 - That the 3000 acres was given for grazing purpose and leased for 33 years only.

Thus Mr Brown was supposed to return 2000 acres he used for agriculture since 1985 but he did not do so. And also the said 3000 acres that he used for grazing was supposed to be returned since 2011 though he did not return so.

Unfortunately, he did not implement any of the condition attached to his grant of land instead in 1991 he increased the size of the farm by changing the geometrics from acres to hectares, thus he changed 2000 acres to 2000 hectares where he added 1425 hectares to total of 3, 500 hectares, equal to 8500 acres now 8500 hectares after registration. The new area expanded to Monduli district, Lolkisale village.

Again in 31st August 2009, Mr Brown conspired with the unfaithful public officers of Land Registry in Moshi to change the status of the said farm from agriculture and livestock keeping to Private Conservation. This is proved by the letter of 30th April 2010 by the Simanjiro District Commissioner sent to the Northern zones Registrar of Titles in Moshi to stop the process of changing the status of the farm owned by Mr Brown Ole Suya, the Chairman of the ruling Party CCM, Manyara Region from agriculture and grazing to conservation as it is in conflict until the resolution is reached. **(Refer a**

parliament Hazard of on-going budget session April-June 2013, opposition budget report on the Ministry of land presentation)

This farm is still in conflict and the people are still fighting to return their stolen land by Mr Brown. This has been said by people in Lobosoit village in Simanjiro we met in this fact finding mission including the traditional chiefs Tureto Ng'urusa and Chief Elias Yamat. Both chiefs claim that ***“they understand that Mr Brown was given 2000 acres of land for agriculture and grazing but we condemn him for changing the status of the farm to conservation, and badly enough for increasing illegally the size of the farm to 8500 hectares”***. They further say that ***“people are fined when cattles are found entering into the farms and there is a lot of harassment done to children looking after cattle’s.”***

The village chairman of Lobosoit state that, the village at the first time granted only 2000 acres to Mr Brown but he went on to register 5000 hectares. Thus they blame him for two mistakes he committed; first to change the geometric counts from acres to hectares and second to increase the size of the land granted to him from 2000 to 5000, hectares while he was given in acres when he went for registration. That he added 3500 hectares to make a total of the land he owned to be 8500 hectares. He added that in 1979, Emboreet village by then (Lobosoit was not yet established) rose against this expansion and changed from acres to hectares but they were not succeed.

13. The Tarangire Conservation Area

Tarangire Conservation Area is an area established outside the core Tarangire National Park with a total area of 585 square Kilometres and it will be within the jurisdiction of Monduli district. It is nominated as part of the far greater ecosystem that encompasses approximately 35,000 sq km of the Maasai Steppe. The ecosystem extends over five districts and contains a series of protected areas which includes the Manyara National Park, Lake Natron and Mto wa Mbu Game Control area in the south, the Kwakuchinja Open area in the west, together with Tarangire National Park in the centre.

However the government saw that it is of great significance to protect two national Parks ecosystem such as Tarangire and Lake Manyara National Park, by establishing the conservancy outside these two parks. It further establishes the mechanism of developing preservation of this area which is outside these two parks. Thus, for implementation of its strategy, the government has established Tarangire Conservation Area Draft Management Plan as the significant step toward the goal of deriving an appropriate management planning scenario for land set aside by the communities of Lolkisale, Mswakini Juu, Naitolia and Makuyuni; specific for conservation purposes.

Again because the concept of community-based conservation in Tanzania is not a new one, then they intend to establish a conservation area in community owned land which they state that it will be managed by the community as such. In addition, the joint venture partnership between Lolkisale Community and Private sector stakeholders to establish and manage quality tourists product based within the conservation area, introduced an exciting opportunity to generate income sufficient to fund the recurrent costs of conservation area management as well as the provisions of revenues to stimulate community development activities.

Tarangire Conservation Area (TCA) comprises of four district areas, the Lokisale Conservation Area (LCA), the Naitolia Conservation Area (NCA), the Makuyuni Elephant Dispersal Area (MEDA), and Lokisale Livestock and Wildlife Zone (LLWZ).

Tarangire Conservation Area is an attempt to protect the important habitats outside the Tarangire National Park as well as providing an opportunity for local communities to be involved in the management of the conservation Area and the revenue generated through various low impact tourism ventures.

Tarangire National Park occupies an area of nearly 2,600 sq kms in an ecosystem of nearly 8,358 sq kms. The park established to protect the dry season refuge surrounding Tarangire River. During the wet season from mid-November to the end of May. 80% of wildlife departs from the National Park and head into the villages' lands adjacent to the park. The establishment of the TCA is an attempt to not only protect the adjacent village's lands for wildlife preservation, but an attempt to involve the local communities in the management of their lands for community benefits. This means when villages are encouraged to protect their land, it will be beneficiary to wildlife conservations as well, and that the people are promised to benefit with wildlife when they protect their land which, wildlife are within.

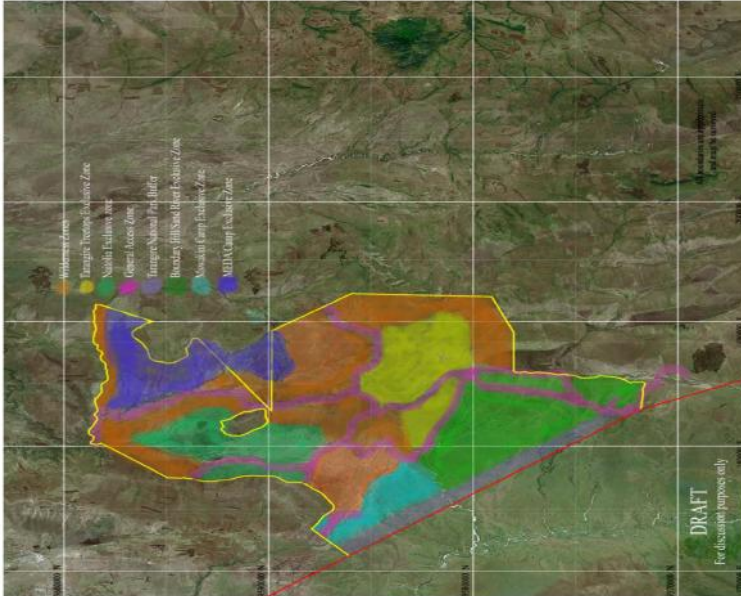
This is done as they feel that if they do not protect areas outside the Tarangire National Park and even other protected areas, the very future of the parks and Game reserves will be in jeopardy. Thus for Tarangire National Park in particular, TCA is established in recognition that the health of the greater Tarangire ecosystem is vital to the long term survival of Tarangire National Park. Moreover, the purpose of the Conservation Area is to actively protect these important habitats (2800 strong elephants populations, wildebeest, Zebra and Buffalo) otherwise threatened by farming and other intrusive activities performed by members of the local communities pursuing the limited revenue choices previously available to them. In the nutshell the following are brief information on the core areas covered by Tarangire Conservation Area;

13.1. Naitolia Concession Area

Is an area approximately 55 sq kms within the village lands of Mswakini Juu and Makuyuni. The concession Area protects the northern migration routes from Tarangire National Park to Lake Manyara and the Natron area of the Tarangire ecosystem. Within the Concession Area is the northern exten of the Lemiyon Plains and the Naitolia floodplains, both of very high importance in the Tarangire ecosystem. In this area there is camp site for tourist facility.

13.2. Makuyuni Elephant Dispersal Area

This area is approximately to be 38 sq kms and it is within the Makuyuni village land. This area represents a critical dispersal area for the northern sub-population of elephants in Tarangire National Park and is used mainly from December through to early June.



Tarangire Conservation Area: Source:Statement of Significance: Tarangire Conservation Area: Draft Management Plan.

13.3. Lolkisale Conservation Area

The Lolkisale Conservation Area is the core preservation area within Tarangire Conservation Area. It is an area covering 164 square Kilometres which encompasses the main watershed for the Tarangire River in the north; migration routes of wildebeest and Zebras toward the calving of area near Lolkisale Mountain; and the important wetlands surrounding Gosuwa Swamp. There are two tourist facilities within the LCA, Tarangire Tree Tops and Boundary Hill Lodge and their information have been explained above in this report. The LCA has been established by Lolkisale Village.

13.4. Lolkisale Livestock and Wildlife Zone

It was the zone established to provide a buffer zone from agricultural activities around Lolkisale Mountain to the east, and to preserve an area for traditional pastoralists' activities such as grazing of cattle and goats, firewood collection and bee keeping, whilst also preserving the wet season migration routes and breeding grounds. The LLWZ is approximately 328 sq kms and lies within Lolkisale village lands.

14. Observed issues

- **Emergences of Private wildlife conservation into grazing areas;** Private wildlife conservation has emerged as a new approach used by the government to grab villages' land especially grazing one. Grazing areas are within villages land so that they are autonomous, given power to administer and manage these lands. In these areas, the village authorities agreed with the private investors to construct tourists' hotels and camp sites for conducting tourism activities. The worse thing is that dubious contracts are endorsed by local leaders with these private companies. The investor is given concession to operate the tourism business in a larger area but is given the small area within the bigger one to seek for the lease and permission to construct the hotel. For example; The East African Safari and Tourist Company was given concession to conduct tourism business in Makuyuni and Mswakini villages but it was permitted to seek for the lease for the area of 2000 acres for building two camp sites. These have been done in many villages in Monduli and Babati districts. These include Lolkisale (Boundary hills and Tree tops company), Minjingu (Miombo Tented Lodge, Lake Burunge Tented Lodge).
- **Disappearance of livestock grazing areas;** continuing to invite investors into our country without first assessing if we have land to invest, increases threats to citizens including pastoralists and small farmers whom their livelihood depend on natural resources including land for their survival. Thus, the big land which was used by pastoralists to graze their livestock have been taken or grabbed or alienated for establishment of wildlife conservation either national or private. If the grabbing continues, the grazing land is likely to disappear and leave the pastoralist landless resulting to shortages of grazing land, the action which will lead to gross death of livestock and hence pastoralists will obviously keep diminishing.
- **Pastoralists have lost survival hope;** the pastoralists have lost survival hope as their land is grabbed and the government remains silent. With this silence; people are threatened, corrupted and forcibly evicted from their ancestral land, thus in seeking of the alternative places, the pastoralists find themselves moving around the whole country seeking for grazing areas.
- Wildlife Management Areas (WMAs) and Private conservation established by companies getting concession from villages authorities, with promises of investment only before they turn to register these areas as private conservations; have become soft means of acquiring and transferring citizens land to public land (government land) to enable the government to grant concessions to investors or establish projects and even expanding the existing National Parks and conservations.
- Existence of WMAs into villages land established as the result of influence from many conservation NGOs such as AWF, WWF, TANAPA and many other private and government entities. Many WMAs in the country have been established with neither consent, nor the will of the people, thus lead to emergence of conflicts aftermath.

15. Recommendations

From the above observation we would like to recommend as follows;

- Provide paralegal and human rights trainings to all villages in Monduli and Simanjiro boarded to Conservation areas, Tarangire, WMAs and Game reserves in reference on going situation of high demand of land for investments.
- Sensitize pastoralists to wake up and protect their land from all forms of alienation and grabbing. This can be done through media advocacy such as TVS discussion and recorded programmes, TV and radio spots that emphasize and influence people to see the importance of protecting their land and also discourage the government to alienate pastoralists' areas for any reason, instead to make pro pastoralist policies and laws that protect those areas.
- Making analysis and data collection that identify size of all land that was identified as pastoralists' property but have been already taken or likely to be taken for any other use by the government or investors.
- Provide an intensive training on land rights to pastoralists in Chubi village, in Kondoa district.
- Mapping all pastoralists' areas in the country and the challenges facing them in each particular area.

16. Conclusion

High demand of land for wildlife conservation has brought great impact to pastoral grazing areas. Most of grazing areas in recent years have been taken by the government for establishing wildlife preservations. With this reason many pastoralist have lose area for grazing their livestock as the result that they are moving around the whole nation seeking for pastures and other livestock facilities including water. Thus strong engagements are needed to advocate for legal protection of grazing areas in the country. Advocacy initiatives and strategies have to be set to ensure these claims are reaching the parliament through submitted motion with allegations specifically on shortage of grazing land in the country to enforce the government to take serious action to find solutions for the challenges facing traditional pastoralism in the country. The time has come to set for grazing areas which will be protected by the law with equal status as such of conservations.