

ERETO NGORONGORO PASTORALIST PROJECT

CONFLICTS IN NGORONGORO DISTRICT: CAUSES, CONSEQUENCES AND POSSIBLE SOLUTIONS

**A Report of a Consultancy Commissioned Jointly by ERETO Ngorongoro
Pastoralist Project (ERETO-NPP) and the Ngorongoro District Local
Government and Managed by Ngorongoro NGO Network (NGONET)**

By

Michael Ochieng Odhiambo

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Acronyms

ADDO	Arusha Diocesan Development Organization
CSO	Civil Society Organization
DANIDA	Danish International Development Association
IUCN	International Union for Conservation of Nature
KIPOC	Korongoro Integrated Peoples Oriented to Conservation
LARRI	Land Rights Research and Resources Institute
MNRT	Ministry of Natural Resources and Tourism
MWLD	Ministry of Water and Livestock Development
NCA	Ngorongoro Conservation Area
NCAA	Ngorongoro Conservation Area Authority
NDC	Ngorongoro District Council
NGONET	Ngorongoro Non-Governmental Organizations Network
NPP	Ngorongoro Pastoralist Project
OBC	Otterlo Business Corporation
PC	Pastoralist Council
PINGOs Forum	Pastoralist Indigenous Non-Governmental Organizations Forum
PIU	Project Implementation Unit
SRCS	Serengeti Regional Conservation Strategy
TBL	Tanzania Breweries Limited

1. Introduction

This is a report of a study undertaken in Ngorongoro District with the joint support of Ereto – Ngorongoro Pastoralist Project (Ereto-NPP) and the Ngorongoro District Council (NDC) and facilitated by Ngorongoro Non-Governmental Organizations Network (NGONET) to deepen understanding of conflict in the district and to generate ideas on how the district council and other stakeholders including central government, communities, traditional institutions and civil society can collaborate to address the conflicts (Terms of Reference, Annex 1).

The terms of reference called for an investigation into the causes, consequences and possible solutions to conflicts in the district as a first step in designing a process for addressing the conflicts in a sustainable manner. The main focus of the study is conflicts between farmers and pastoralists, but it also looks at conflicts between pastoralists of different territorial locations. In addition, the study examines how policies and laws for the management of land, natural resources, conservation and tourism contribute to the prevalence of conflicts in the district.

On the basis of the analysis, the study makes recommendations on strategies for addressing conflicts, with particular emphasis on approaches that involve collaboration between different levels of government (local, regional and national) with other players including civil society and traditional leaders. The report explores the prospects of a district wide conflict management and peace-building strategy to be implemented by all key stakeholders.

The study was undertaken during the month of June 2008 (Study Schedule, Annex 2). It involved a review of ERETO project documents, key informant interviews with district officials in Ngorongoro as well as other stakeholders in Arusha and focus group discussions at different villages within the district. Field visits were made and discussions held with key informants in Loliondo, Ololosokwan, Ngarusero and Sale (List of Persons Interviewed, Annex 3). At the end of the fieldwork, a stakeholders' feedback workshop was held at the District Council headquarters in Loliondo at which a selection of key stakeholders were invited to provide feedback on findings of the study (List of Participants, Annex 4)

The report is divided into five parts. This introductory part sets out the key issues covered in the consultancy and the methodology used. It then reviews the background and context of the study, highlighting where the study fits within ERETO-NPP and showing how conflict underpins pastoralism not just in Ngorongoro but globally. Pastoralism depends on access to natural resources and such access has traditionally been managed through customary institutions and systems. With population growth, competition for access to such resources has increased among pastoralists and between them and other land-use systems. Customary institutions and systems have become less effective in managing access to natural resources or competition for them, largely as a result of their marginalization and alienation by formal systems of natural resource management and governance dating back to the onset of colonialism.

Section two of the report focuses on resource-based conflicts in Ngorongoro district, analyzing them with reference to pastoralism. The conflicts are thus categorised as: conservation versus pastoralism, natural resource-based investments versus pastoralism,

farming versus pastoralism, and intra-pastoral conflicts. In each case an attempt is made to deepen understanding of the causes, parties, and manifestations of conflict. Section three highlights the major impacts of conflict on Ngorongoro district and its residents, while section four reviews previous efforts at addressing the conflict and analyzes them for their impact and lessons to be learned from them, noting that the efforts have focused almost entirely on conflict between the Batemi and the Loita Maasai. Section five outlines the main findings of the study and makes recommendations on how to address the conflict.

1.1. Background and Context

Ereto-NPP is a bilateral project of the Governments of Tanzania and Denmark currently in its second phase, which comes to an end in 2008. The project seeks to support the pastoralists of Ngorongoro Conservation Area (NCA) and the entire of Ngorongoro District *to become independent and self managing within the overall framework of the principles of multiple land use and conservation laid down in the NCA Ordinance of 1959*".¹

It is managed by a Project Implementation Unit (PIU) comprised of a Project Manager, Deputy Manager who also coordinates Gender and Community Participation, and a Project Accountant. At the community level, the project is represented by nine Community Participation Facilitators who work with members of the community to further the objectives of the project. The PIU reports to a Project Steering Committee which is made up of members representing the key stakeholders, namely: the Ministry of Natural Resources and Tourism (MNRT), Danish International Development Assistance (DANIDA), Ngorongoro District Council (NDC), Ngorongoro Conservation Area Authority (NCAA), the Pastoralist Council (PC), Ministry of Water and Livestock Development (MWLD), and the pastoralists of NCA and Ngorongoro District.

ERETO – NPP: Achievements

Among the key achievements of the project are:

- Restocking of more than 3,400 destitute families in the project area through *Ewoloto*, a traditional approach to poverty alleviation;
- Improvement of water resources largely through the activation of traditional water resource management systems and institution;
- Improving the provision of animal health service provision by supporting private animal health service providers
- Supporting community organization for effective governance through institutional support to Ngorongoro District Council (NDC), the Pastoral Council (PC), traditional authorities and NGOs working in the district
- Supporting policy pastoralists to engage with national policy processes, especially MKUKUTA and natural resource management reforms

¹ Terms of Reference for this study, p.1, quoting the Project Document

ERETO identified conflict management as an important concern for the ongoing second phase of the project. According to the Project Document for the extension phase:

Follow up and finalization activities on conflict resolution related to Maasai-Sonjo conflicts over land will be undertaken using both participatory conflict management tools with stakeholders drawing up resolution scenarios and presenting them to each other for discussion, and be based on lessons to be learned from local stakeholders with many years of traditional conflict resolution experience. Experiences will be disseminated. The work will be undertaken as a consultancy by selected consultants and will collaborate with District authorities.

This study contributes in part to the realization of this commitment in the Project Document.

1.2. Pastoralism and conflict: a global phenomenon

It is not at all surprising that with time conflict management should have found its way into the agenda of ERETO-NPP. Conflict has become such an important factor in the development challenges confronting the people of Ngorongoro district that no serious project seeking to confront such challenges could afford to ignore it. The district is characterised by competition over access to natural resources and competing land uses that have often translated into conflict between different groups and institutions. This reality has prompted a number of studies and investigations over conflict in Ngorongoro in recent years, mostly by development partners and civil society organizations active in the district or concerned with pastoralism, development and conflict management.

It is not at all surprising that resource-based conflicts should constitute one of the major development challenges in Ngorongoro. Indeed, this is consistent with the reality all over the drylands of Africa where conflict has become endemic. In a global review of pastoralism and conflict, Michele Nori, Jason Switzer and Alec Crawford have shown how areas occupied by pastoralists are characterised by conflicts emanating from competition for natural resources². In a sense the survey does no more than update and confirm what previous studies, including those by Kratli and Swift,³ already concluded and asserted: that competition for access to range resources leads to conflict among pastoralists and between them and other livelihoods and land use systems that seek the use of the same resources.

The aforesaid survey confirms that while competition for access to range resources remains the major cause of conflict in pastoral areas, the situation has been exacerbated by among others, population pressures, climate change, industrialization and globalization, which threaten and potentially undermine the capacity of pastoralists and their institutions to manage such competition, increasing their vulnerability and constraining their coping strategies. Major challenges to the security of pastoral land

² Michele Nori, Jason Switzer and Alec Crawford (undated). Herding on the Brink: Towards a Global Survey of Pastoral Communities and Conflict. (An Occasional Working Paper from the IUCN Commission on Environmental, Economic and Social Policy)

³ Kratli, S and J. Swift (1999). Understanding and Managing Pastoral Conflict in Kenya: A Literature Review. IDS University of Sussex

tenure include expansion of agriculture, oil and mineral extraction, tourism-driven conservation policies, and Western notions of private property and resource ownership, which promote individualization and privatization of pastoral commons.

In response to pressures for privatization and individualization, governments, including that of the United Republic of Tanzania, have often implemented sweeping changes in land tenure with the support of international donors, particularly the World Bank. Such changes, which are premised on a perception of pastoral land resource tenure defined by Hardin's famous *Tragedy of the Commons*⁴, have ranged from state control to privatization of land and commercialization of livestock production (for an overview of the arguments in the article see Box below). These measures and approaches which are often transported wholesale into Africa from different environments and historical contexts inevitably lead to further degradation of the rangelands and to increased conflicts.

The tragedy of the commons

The idea of tragedy of the commons has been popularized by an article of the same title written by an American economist Garrett Hardin in 1968 and published in *Science*. The real purpose of the article was to highlight the potential dangers a rapidly rising population posed to the finite resources of the planet. It concluded that human beings have a natural disposition to seek immediate profits for themselves as individuals, which was a major obstacle to ensuring the sustainable management of the Earth's natural resources, and asserted that global population growth would have to be controlled.

To illustrate the point about the tendency to privilege personal benefit at the expense of communal rights and resources, Hardin used the example of pastures, postulating that "each herdsman will try to keep as many cattle as possible on the commons" in order to maximize his gains, an arrangement which "may work reasonably satisfactorily for centuries because tribal wars, poaching, and disease keep the numbers of both man and beast well below the carrying capacity of the land", but which finally leads to collapse as "the inherent logic of the commons remorselessly generates tragedy".

It is now generally acknowledged that Hardin's analysis was based on an inadequate understanding of the dynamics of pastoral tenure, and that he confused communal tenure for open access. Nevertheless, the article and its assertions about the use of pastures had a lasting influence on the design of policies and interventions by governments and development agencies in the drylands. Interventions have sought to transform property rights in the rangelands from common and communal property to private and individual tenure on the premise that such privatization and individualization will lead to more efficient and sustainable use of the rangelands.

All over the drylands of Africa, there is rising pressure on the rich-but-fragile ecosystems occupied by pastoralists from growing populations and encroaching interests, resulting in

⁴ *Science* 162 (1968: 1243-1248

constrained mobility which in turn undermines the sustainable management of the ecosystems leading to decline in quality and productivity of the range. Such pressures are most prominent in semi-arid zones where settled agriculture and pastoral land uses interface. Faced with rising populations and climate change, pastoralists in Sub-Saharan Africa are finding themselves prey to the rising wave of landlessness, insecure tenure, evictions and violent conflicts.

2. Resource-based conflicts in Ngorongoro district

The situation in Ngorongoro district is defined by competition for access to land and natural resources underpinned by competing land uses and livelihoods. The land use competition, which often translates into conflict, can be classified into four major categories, namely:

- conservation versus pastoralism,
- natural resource and conservation-related investments versus pastoralism,
- farming versus pastoralism, and
- pastoralism versus pastoralism

Competition derives from the fact that the same land and natural resources that are critical for the livelihoods of pastoralists are also the ones needed to support these other competing uses and needs. The interface between pastoralism and cultivation on one hand, and between pastoralism, conservation and development on the other provide the backdrop to conflict in the district. Thus, conflicts pit government and conservation interests against pastoralists, investors against pastoralists, and cultivators against pastoralists. There are also territorial conflicts between different pastoralist groups, although these rarely flare up into full-fledged violence, largely because they are managed through traditional conflict management institutions and systems.

Some of the ongoing conflicts and parties in Ngorongoro

- NCAA versus pastoralists of Ngorongoro generally
- Boundary dispute between NCAA and the villages of Piyaya and Malambo
- Sale versus Malambo
- Tinaga versus Enguserosambu
- Enguserosambu versus Kisangiro
- Mgongo Mageri versus Oloirien Magaiduru
- Yasimdito versus Maaloni
- OBC versus the villages of Oloosokwan, Oloipiri, Soitsambu, Arash, Piyaya, Oloosoito, Magaiduru, Malambo and Enguserosambu
- Thomsons Safaris versus Soitsambu re Farm No 373
- Olosokwan village versus Safari East Africa Limited re Farm No 94
- Serengeti National Park versus the seven surrounding villages - Oloosokwan, Oloipiri, Soitsambu, Arash, Piyaya, Oloosoito and Magaiduru
- Enguserosambu versus Jumbe
- Enguserosambu and Pinyiny versus Tata Industries re Lake Natron

- NCAA versus Engareseru regarding extension of NCAA boundaries to include Mt Lengai and Lake Natron
- Estate of John Aitkenhead versus Soitsambu, Oloipiri and Ololosokwan

Causes of these conflicts vary from one case to another, but they are generally defined by competition for access to land and natural resources such as pastures, water-points, and salt-lick. There is also competition for land for cultivation. Other causes include historical rivalries within and between communities, disputed boundaries between villages, conflicting policy, legal and institutional mandates, ignorance among the citizens including civil society activists about government policies and laws on land and natural resource management. Conflicts are also caused by lack of political leadership, and competition between different land use systems including pastoralism, cultivation, conservation, investments and mining. There are also claims that politicians and activists instigate or perpetuate conflicts to advance their personal agendas.

2.1. Conservation versus pastoralism

The official website of the Ngorongoro Conservation Area asserts that in the Conservation Area “pastoralism, conservation and tourism co-exist in a carefully managed harmony”⁵. This may be what was intended when the Conservation Area was established by the Ngorongoro Conservation Area Ordinance, which enjoins the Authority to, among other things, “*safeguard and promote the interests of Masai citizens of the United Republic engaged in cattle ranching and dairy industry within the Conservation Area*”⁶. But it is not what is actually happening on the ground.

Instead, the interface between conservation and pastoralism both within the conservation area and in the greater Ngorongoro district tends to be the basis of conflict. The entire district of Ngorongoro is in effect a protected area, with 59% of the land comprising the Conservation Area and the remaining 41% constituting Loliondo and Sale game controlled areas managed under the Wildlife Conservation Act of 1974. This means in effect that other land uses such as pastoralism and agriculture are at the mercy of conservation, and because of the tough controls over the conservation area, other land uses are forced to compete for what lies within the game controlled areas.

Within the conservation area, the law recognizes multiple land use. Nevertheless, but farming has been banned since 1975 and there are serious continuing efforts to control the number of people and livestock within the area. Outside the conservation area and within the game controlled areas, the people of Ngorongoro engage in livestock keeping and farming, even though this is increasingly done in competition with conservation related businesses such as hunting blocks. In July 2008, the government published a Bill to pass a new Wildlife Act to replace the current Wildlife Conservation Act. The new Act provides that (sic),

⁵ www.ngorongoro-crater-africa.org accessed 10th October 2008

⁶ Section 6(c). Of course what the Maasai living in the Conservation Area are engaged in is pastoralism rather than cattle ranching and dairy farming, but the important point here is that the Authority has a duty to promote the interests of the local Maasai.

20. (1) Any person shall not, save with the written permission of the Director previously sought and obtained, graze any livestock in any game controlled area.

(2) Any person who contravenes this section commits an offence and shall be liable on conviction to a fine of not less than one hundred thousand shillings but not exceeding five hundred thousand shillings or imprisonment for a term of not less than one year but not exceeding five years, or to both.

Although this is still a Bill and may or may not pass into law, it will have serious implications for the Maasai pastoralists of Ngorongoro district if passed and enforced as drafted. It is difficult to understand how this Bill can be justified, and it is easy to see how what it proposes is likely to exacerbate an already bad situation for pastoralists. The current Wildlife Conservation Act contains restrictions which are clearly aimed at protecting the wildlife from unauthorised killing or hunting. Section 11 of the Act provides that,

(1) Save with the written permission of the Director previously sought and obtained, no person shall, within any game reserve or game controlled area-

(a) dig, lay, or construct any pitfall, net, trap, snare or other device whatsoever, capable of killing, capturing or wounding any animal;

(b) carry or have in his possession or under his control any weapon in respect of which he fails to satisfy the Director that it was intended to be used for a purpose other than the hunting, killing, wounding or capturing of an animal.

(2) Any person who contravenes any of the provisions of this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding twenty thousand shillings or to imprisonment for a term not exceeding two years or to both such fine and such imprisonment.

Not that these restrictions are any less objectionable to the local residents. In fact there have been serious concerns about what these provisions mean for the constitutional rights of the local residents⁷. But the provisions in the proposed new Wildlife Act go much further than this. It is difficult to see how these specific provisions of the Act will be enforced while Ngorongoro district remains a district with Maasai pastoralists as its majority inhabitants.

The proposed new Wildlife Act demonstrates a major disconnect at the policy level with regards to pastoralism, which in part explains the failure to enforce the provisions of the Ngorongoro Conservation Area Ordinance concerning the rights of the local pastoralists, and also underscores the persistence of conflict between conservation and pastoralism in the entire district of Ngorongoro⁸. Despite the fact that many years of experience have shown the compatibility of pastoral land use with wildlife conservation, the notion that

⁷ See in this regard Issa G. Shivji and Wilbert B. Kapinga, 1998. *Maasai rights in Ngorongoro, Tanzania*. London and Dar es salaam: IIED and HAKIARDHI

⁸ 'Land Use Conflicts in Ngorongoro Conservation Area and the Proposed Eviction of Maasai Pastoralists: A Consultancy Report Submitted to PINGOs Forum, Arusha, Tanzania' By Mayeta Leonard, undated.

pastoralism should give way to wildlife conservation in Ngorongoro persists in wildlife conservation and national development circles.

In a sense, therefore, that which makes Ngorongoro district the most well-known of the districts of Tanzania, namely the world-famous Ngorongoro Crater, its pristine environment and abundant wildlife, is also the basis of much that translates into conflict in the district. However, because conflict between conservation and pastoralism is largely at the policy level, it does not manifest itself in any overt flare-ups unlike conflicts between pastoralists themselves or between them and farmers. Indeed, but for the occasional outcry in the press and among advocacy groups one would not even know it exists. Part of the explanation lies in the fact that the contending parties are so utterly unmatched.

Conservation interests are represented at the local level by the NCAA and at the national level by the Ministry of Natural Resources and Tourism. But such is the critical importance of conservation tourism to the national economy of Tanzania that one could say that its protection constitutes one of the primary responsibilities of the entire structure of government in the district. This adds to the sense of awe and desperation amongst pastoralists, as they feel trapped and helpless as against conservation.

2.2. Natural resource-related investments versus pastoralism

Apart from conservation, pastoral land use is also in competition with (mostly foreign) private investors seeking to invest in land and natural resources within the district. Most of the investors coming to Ngorongoro are interested in conservation-related investments, such as hunting blocks and the building of lodges. Ngorongoro NGO Network (NGONET) has documented land-related disputes involving investors and villagers in the district. Four of these disputes are about land allocations and terms of contracts between villages and investors the enforcement of which have resulted in denying local pastoralists access to pastoral resources.⁹

Two of the cases documented by NGONET, namely the hunting block operations of Otterlo Business Corporation (OBC) and the ongoing dispute between Thomson Safaris and Soit Sambu village regarding Sukenya Farm, are instructive with regards to how private sector investments in the conservation sector engender conflicts with pastoralists in Ngorongoro. The investments compete directly with the pastoralists' needs for land and pastoral resources. As with conservation, investors have the backing of the central government and the local political elite. Local people, including their representatives in the district local government appear helpless in the face of the support from officials in the regional and national capitals in Arusha and Dar es Salaam respectively. Even where investors indicate a willingness to negotiate with villagers to arrive at mutually acceptable terms, these are frustrated by vested interests within the conservation sector and the political establishment as well as lack of adequate capacity on the part of the villagers to articulate and negotiate their interests.

⁹ 'Resource-Based Conflicts in Ngorongoro: A Report of a Documentation Exercise' (NGONET supported by Oxfam GB Ngorongoro Pastoralist Project and Joint Oxfam Livelihoods Initiative in Tanzania (JOLIT), May/June 2007)

Otterlo Business Corporation Limited: a positive or negative presence in Loliondo?

It is difficult to establish the truth about the nature and operations of Ortello Business Corporation Limited in Loliondo game controlled area. Depending on who one talks to, the company is either the best thing that ever happened to the area and its residents or the villain of political patronage, human rights abuses and a threat to wildlife conservation and management. Government officials praise the company and its operations emphasizing its generous contributions to local development efforts. They quote sums of money contributed by the company to different development projects to back their arguments in favour of the company. To quote a former Ngorongoro District Commissioner, "OBC has invested more money here than any other company in the district."¹⁰

During the months when the owners of the company undertake their hunting expedition in Loliondo, local villagers' access to critical pastoral resources are restricted as cattle are not allowed in the areas where the hunting takes place. There are claims that the period coincides with the dry spell when pastoralists most need to access the pastures that they are thus denied access to. Some respondents claimed that the hunting block denies pastoralists access to pastures for up to 7 months every year, a claim which it has not been possible to verify.

Operations of OBC in Loliondo have been dogged with controversy. At some point in 1999 their licence was even temporarily withdrawn following investigations by a Parliamentary Committee about allegations that the company was shipping live wildlife out of the country in contravention of the terms of its license. However, the licence was reinstated shortly thereafter in 2000 and has since been renewed. At the time of writing, the company has made approaches to the nine villages in its operational area offering to enter into contracts with all of them that will spell out terms of engagement, duties and rights between the partners.

It is evident from discussions with villagers and other stakeholders in the district, that a major cause of conflict between conservation related investors and local communities in the district is the information gap that surrounds the grant of licences to the investors, the terms under which the licences are granted, and the benefits that communities are supposed to get from the operations. A key cause of this situation is the lack of clarity about the legal status of the land and the relative powers and responsibilities of the central government and the village authorities regarding the management of access to the land for purposes of conservation related investments. The situation is further complicated by the multiplicity of policy, legal and institutional mandates surrounding the Loliondo Game Controlled Area.

The allocation of hunting blocks is done by the Director of Wildlife in exercise of powers that are not clearly regulated under the Wildlife Conservation Act. In fact, complaints have been raised to the effect that "in practice, the allocation of hunting blocks has reflected the Director's personal whim rather than the consistent application of"

¹⁰ Quoted in 'Big Game Hunting threatening Africa' by Chris Tomlinson (www.ntz.info/gen/n01526html, accessed 10th October 2008)

guidelines.¹¹ While such complaints come from professional hunters and hunting companies, which feel that there is inadequate clarity about the criteria for the granting of hunting licences and the allocation of hunting blocks, they in part reflect the information gap referred to above. The entire process takes place in Dar es salaam without any reference to the local communities. In particular, village councils complain that they are never consulted even though the operations of the hunting blocks ultimately touch on lands that fall under their mandates within the meaning of the Village Land Act.

The Wildlife Conservation Act does not define a game-controlled area, and its provisions thereon are not very illuminating as regards the status of persons who live within these areas. The Act merely provides that the Minister may, by order in the Gazette declare any area of Mainland Tanzania to be a game controlled area¹²; and then places certain restrictions aimed at ensuring that animals are not trapped, wounded or killed.¹³ Such is the ambiguity about the import of these provisions that one hears claims among certain groups in Loliondo that the local people have no rights to the land on which they live. On the other hand, villagers in the area have applied for and obtained certificates of village land under the Village Land Act.¹⁴ Nevertheless, the multiple, policy, legal and institutional mandates of the Land Act, the Village Land Act and the Wildlife Conservation Act combined with the government's aggressive pursuit of foreign investments in the wildlife sector add to the sense of insecurity and uncertainty that surrounds land rights in Ngorongoro district, and is one of the key factors engendering resource-related conflicts in the area.

Sukenya Farm: dispute between new owners and villagers

The running dispute regarding Sukenya Farm once again illustrates on the one hand the information gap regarding transactions involving land to which the community lays claim as part of their village land in Ngorongoro district, and the tendency by officialdom to make decisions about land without any sensitivity to the concerns of local communities on the other hand.

The farm, measuring 12,600 acres has been leased by Tanzania Breweries Limited (TBL) to Thomson Safaris through a related company, Tanzania Conservation Limited. The villagers are unhappy that TBL proceeded to lease out the land when there are already doubts about how it acquired the land in the first place. In any event, they argue that if TBL is no longer in a position to use the land, then it should revert to the village. There are legal problems with this assertion by the villagers since the land having been allocated to TBL is no longer part of village land, and its allocation would have to be revoked for it to revert to the village. This position is reinforced by the fact that the village lost a case it filed against TBL in connection with the land.

¹¹ Rugemeleza Nshala, 'Granting Hunting Blocks: the need for reform', (Sept 1999), posted in the website of Lawyers Environmental Action Team (LEAT), www.lead.or.tz/publications/hunting.blocks/index, accessed 11th October 2008

¹² Section 6

¹³ Section 11

¹⁴ Act No. 5 of 1999

However, apart from issues about the rights of TBL to lease out the land, there are also questions about the actual measurements of the land with villagers of Soitsambu claiming that it has included village land within its contours, and concerns about the new owners barring villagers from pasture, water and passing through the land. The position is further complicated by the fact that TBL abandoned the land in the mid 1990s and the villagers have since used the land for grazing without any opposition.

Since Thomson Safaris took over the land, there have been reports of violent incidents involving the security guards of the company shooting at morans for grazing in the said land, a situation that has created a lot of animosity against Thomson Safaris in the village. Reports now indicate that the government has formed a committee to probe the matter after a delegation of leaders from Soitsambu met the Prime Minister in Dodoma in August 2008¹⁵

2.3. Farming versus pastoralism

The most notorious example of conflict between farming and pastoralism in Ngorongoro is represented by the recurrent skirmishes between the Loita Maasai and the Batemi around the villages of Enguserosambu and Kisangiro in Loliondo and Sale Divisions. The most recent outburst of this conflict occurred during the first two weeks of July 2004 resulting in destruction of property, injuries and loss of life. This conflict, which pits a majority (Loita Maasai) against a minority (Batemi), has recurred periodically since the mid-1970s. While the most violent outbreak was in 1995, the levels of destruction and threats to life and limb seem to increase with every recurrence of the conflict (see Box below).

The Batemi versus the Loita Maasai: A simmering conflict that refuses to go away

The Batemi (or Sonjo) live side by side with the Maasai in Ngorongoro district, with the former mostly occupying Sale Division while the neighbouring Loliondo Division is occupied by the latter. Within Sale Division, two villages (Sale and Oldonyo Sambu) are occupied by both Batemi and Maasai. While the Batemi are agro-pastoralists, their Maasai neighbours are pastoralists, and this has been the cause of much conflict between them over the years. The Batemi claim that Maasai herders let their cattle loose on crops, while the Maasai claim that the Batemi are constantly expanding their cultivated areas to encompass traditional pastures and water points.

There are conflicting accounts of how the Batemi came to live side by side with the Maasai in Ngorongoro district. The account given by the Maasai is that the Batemi, whose name means “Bantu farmers” were traditionally aligned to the Kuria of Mara region and were defeated in tribal wars and driven Southwards to their present location. The Batemi themselves deny this account and assert that they were the original inhabitants of the area, citing as evidence for this assertion the fact that names of hills, valleys and water-points are Batemi. The fact that many local Maasai have relatives to the North in Kenya seems to indicate a much more recent migration and thus to support the Batemi account. Be that as it may, the Maasai are now a majority

¹⁵ Report in Arusha Times newspaper of August 9-15 2008, accessed at www.arushatimes.co.tz on 11th October 2008. See also ‘Fact Finding Mission in Ngorongoro District’ a report by NGONET, PINGOs Forum, UCRT, LHRC and HAKIARDHI, undated

and the Batemi a minority in the district, a fact that further exacerbates the reality of conflict.

Traditionally, the acrimony between the Batemi and the Maasai manifested itself in cattle raids, but today the basis of conflict is competition for access to land, pastures and water. The present rivalries are traced specifically to a survey of village boundaries that was undertaken jointly by ADDO, KIPOK, IUCN and SRCS in 1990 using surveyors from the regional land office in Arusha. The objective of the survey was to demarcate boundaries between villages in order to secure them against the threat posed by expansion of commercial farming, conservation and settlement.

It is reported that for a number of villages there was no agreement about the boundaries between Maasai and Batemi, with claims that the demarcation disregarded traditional boundaries between the two communities. Among the boundaries about which there were disagreements were those between Sale and Pinyinyi, Samunge and Losoito, Digodigo and Muholo and Digodigo and Pinyinyi. In every one of these cases, each village claimed that the demarcation had reduced the size of their land. Thus, a project that was aimed at resolving conflict and securing land rights ended up being the cause of disagreement and conflict.

The dispute over village boundaries simmered between 1991 and 1994, when the then Minister for Lands, Housing and Urban Development, Hon. Edward Lowassa intervened and ordered the Ngorongoro District Council to nullify the demarcations and undertake the exercise afresh, this time ensuring that the concerned parties were fully involved in the process. His order applied to the villages of Soitsambu, Ololosokwan, Oloipiri, Ng'arwa, Enguserusambu, Loisoiti-Maaloni, Arash, Sakala and Loliondo. But once again, no permanent solution was forthcoming and in 1995 the conflict erupted into the first actual fighting between the two communities, with the Sonjo villages of Samunge, Mgongo, Tinaga and Yasimdito on the one side and the Maasai villages of Ngarwa, Oloirienmagaiduru, Maaloni and Losoito/Sale on the other. Triggered off by theft of a traditional sandal from a Sonjo trader by a Maasai at a local open air market, the clashes resulted in substantial injuries, destruction of property and loss of lives.

It took nearly 10 years for the next outbreak in July 2004, which once again resulted in loss of life, injuries and destruction of property, while also disrupting livelihoods and development activities. The Batemi claimed that a committee of the Ngorongoro District Council formed to look into the boundary disputes was made up largely of the Maasai and was imposing decisions on villagers instead of promoting reconciliation and the building of consensus. The District Commissioner was forced to disband the Committee, once again leaving this long-standing dispute to simmer on.

(Source: PINGOs and LARRI/HAKIARDHI, undated)

The conflict between the Batemi and the Loita Maasai has been attributed to “chaotic and disorderly arrangement in land management and administration”, which was highlighted by the Presidential Commission of Inquiry into Land Matters (the Shivji Commission) as one of the critical causes of land-related conflicts in Tanzania¹⁶. It is instructive that there are no clearly marked and agreed boundaries between Sale and Loliondo Divisions

¹⁶ PINGOs Forum and LARRI/HAKIARDHI, undated, ‘The Conflict Between Loita Maasai and the Batemi in Loliondo and Sale Divisions, Ngorongoro District, Tanzania: A Report of the Fact Finding Mission which took place from 21st July to 1st August, 2004, p. 9.

as there has been no systematic demarcation of the divisions. In the absence of a systematic demarcation of the boundaries of the divisions, it is not surprising that village boundaries are equally unclear, leaving room for contest and conflict.

While dispute over access to land and natural resources remains the critical cause of conflict between the Batemi and the Loita Maasai, it has in turn ignited and fed into other causes, among them: ethnicity, population pressure and associated land scarcity, livelihood changes on both sides, proliferation of small arms, poor political leadership and the so-called Kenya factor.

The ethnic dimension of the conflict between the Batemi and the Loita Maasai has deep historical roots. According to the PINGOs and LARRI/HAKIARDHI report, such ethnic rivalry was in the past contained by the nationalism of the *Ujamaa* era in Tanzania. But things have changed in the country since the end of the leadership of the late Mwalimu Julius Kambarage Nyerere. The country has embraced capitalism and serious efforts are made to integrate it into the global economy. One consequence of these changes is that such rivalries are becoming more pronounced.

Indeed, the situation is such that although the differences exist between the Batemi and a specific section of the Maasai, the Loita, it is often represented in the media and in public discourse as a conflict between the Batemi and the Maasai. Worse still, even differences between specific Batemi and Maasai individuals or families when they degenerate into violence are seen and presented as communal feuds.

A major factor that escalates conflict over access to land and natural resources is population growth among both the Batemi and the Maasai. Given the small size of good productive land, the growth in population among both communities has meant that the land is increasingly inadequate for purposes of production. It is not surprising that the Batemi have sought to expand out of the lowlands, using cultivation to stake claims to more land in what the Loita consider to be traditionally their pasture lands. Indeed the Loita Maasai claim that the Batemi have a deliberate expansionist policy, a claim that is backed by some of the respondents from the district administration. The growth of the population of the Loita Maasai is also said to be exacerbated in part by immigration from Kenya. This translates into expansion into lands that are traditionally claimed by the Batemi. In the absence of mutually agreed boundaries these pressures combined with traditional hostilities, suspicions and claims are a sure recipe for conflict.

Although it was asserted at the outset that the Batemi are agro-pastoralists and the Loita Maasai pastoralists, the reality on the ground is fast changing, and the livelihood systems are no longer so clear-cut between the two communities. With population growth, land pressures and other social and cultural changes within these communities, many more Batemi have cattle and many more Maasai cultivate that was previously the case. Thus the traditional reciprocal arrangements between pastoral and farming communities no longer apply and competition for land is much more acute.

This situation has been further complicated by the factor of illegal arms, attributed to illegal trade with Somali bandits who flocked the district in the late 1980s and early 1990s. Guns have been used in recent conflicts, raising the stakes for both the protagonists and local administration officials. It is also observed that the Batemi are more militaristic than the Maasai, with a number of Batemi having been members of the

armed forces. As one respondent observed, “the Maasai are warriors while the Batemi are soldiers, and the difference is evident every time there is a flare up”.

A further complication comes from the proximity of this area to the border with Kenya, and the fact that the Loita Maasai traverse this border living in Loliondo on the Tanzania side and Narok on the Kenya side. There are claims that during skirmishes between the two sides, Kenyan Loita Maasai are ferried across the border to fight the Batemi. Moreover, the Batemi claim that additional pressure on land and natural resources comes from the large number of Kenyan Loita Maasai who have migrated into Loliondo division. Furthermore, the informal and unregulated cross-border trade that constitutes a major component of the local economy on both sides of the border is controlled largely by the Loita, as a result of which the agricultural produce of the Batemi has often failed to find market as they would have to cross over ‘enemy’ territory on both sides of the border.

Politicians and administration officials have also been blamed not only for failing to provide the necessary leadership that would resolve the conflict between the Batemi and the Loita Maasai, but also in some instances for instigating or perpetuating conflict to advance their personal ambitions. Political leaders on both sides are said to make political capital out of conflict. Claims are made about overt and covert support to rival sides by political leaders at both District Council and national whenever there is a flare up of hostilities. Administration officials at the district and regional level are also blamed for not treating conflict in Ngorongoro with the seriousness it deserves in a proactive, structured and consistent manner, and instead waiting until there is a flare up then employing undue force that further serves to alienate communities. They are also accused of taking sides in inter-community conflicts and refusing to address the underlying causes of conflict largely because of their negative perceptions and attitudes about the local community and pastoralism.

Administration officials for their part blame civil society activists for instigating conflict through some of their activities. The administrators claim that civil society organizations among the Maasai are organized along sectional lines, so that they are closely identified with specific groups. As such, the administration officials claim that the leaders of these organizations take sides in conflict and are thus not able to help resolve the underlying causes of conflict. For their part, civil society activists insist that administration officials are uncomfortable with them because they create awareness among the local people about the underlying causes of conflict, and in the process they are able to demonstrate that there is a failure of leadership on the part of the administration, especially with regards to conservation-related investments. They explain that most of the CSOs in the district are community-based and are therefore intimately linked to community processes, including processes of dispute resolution and conflict management.

2.4. Intra-pastoral conflicts: pastoralists versus pastoralists

Although of a much smaller scale, there are also conflicts in Ngorongoro which pit pastoralists against pastoralists. Such conflicts occur either between different sections of the Maasai community, for example between the Purko and the Loita or between villages.

The former category of conflicts is explained largely by historical rivalries which create latent animosity capable of flaring up into violence at the slightest excuse. It is difficult

with such latent rivalries to distinguish between instances where individual differences are “communalized” by either side to feed their historical differences and instances of real inter-sectional disputes or conflicts. There is a clear tendency in such cases for individual differences, especially where they result in any form of violence to be enlarged into communal conflicts as both parties mobilize the support of their families and relatives.

The latter category of conflicts is caused almost entirely by disputes about village boundaries. As villages seek to plan the use of their land, they reserve specific areas for different purposes such as dry season grazing areas. Conflicts arise when pastoralists from neighbouring villages seek to have access to such reserved areas in contravention of village land use plans or without the authority of respective village councils. Such village land use plans often change the traditional pattern of access to land, and in the absence of wide consultations across villages, they become a basis for conflict with those who still ascribe to traditional mechanisms of land use. In practice however, disputes about village boundaries often interface with traditional rivalries between different sections, as appears to be the case between Arash and Piyaya or Soitsambu and Oloipiri. Where such traditional rivalries do not exist, neighbouring villages are able to reach agreements on the use of land with relative ease.

Getting information about such conflicts is not easy. The parties to such conflicts do not like to talk about them to outsiders as they are closely linked to culture and identity. In any case, different narratives exist depending on who one is talking to. However, such conflicts are routinely dealt with through traditional dispute resolution and conflict management mechanisms involving elders, traditional institutions, systems and practices.

Apart from conflicts that can be traced to historical rivalries, there are new forms of conflict arising within Maasai society as a result of modern influences and practices. Two examples will suffice to illustrate this category of conflicts. Firstly, there are conflicts caused by competition for incomes from tourist businesses. Such conflicts are found within specific villagers often pitting the village council against the members of the village. Claims about lack of accountability on the part of village councillors over the income from tourism are becoming common. Some of these incomes are quite substantial, while some village councils have very little capacity or systems in place for managing such huge incomes. Moreover, some tour companies, aware of this lack of capacity deliberately try to corrupt the leadership to create shortcuts and avoid being accountable to members of these villages.

At another level, the competition for tourist business is feeding on old animosities and creating more conflict. Moreover, there are now claims that some tour operators are using villagers to fight their competitors. In fact, the ongoing dispute between Thomson Safaris and the village of Soitsambu is explained in some quarters by reference to competition between tour operators, as those with existing businesses seek to protect their turfs. Some government officials also reckon that the bad press that OBC gets is at least partly instigated by competing non-consumptive tour operating companies, which feel threatened by the OBC hunting block and activities and are frustrated by the immense influence the company has with the government.

3. Impact of conflicts: brake on development and progress

The impacts of conflict in Ngorongoro are many and diverse (see Box below). At the individual level, the prevalence of conflict undermines personal security and engenders a sense of uncertainty making it difficult for the individual to plan and organize. At the community level, conflict erodes the opportunities and goodwill that are critical for negotiated access to natural resources that is an integral coping mechanism in highly variable ecological conditions like Ngorongoro. At the district level, these conflicts divert limited resources and time at the disposal of the district local government from development action to conflict management and dispute resolution. In addition, the conflicts add to the image of Ngorongoro as a hardship civil service posting which many civil servants do not wish to serve in.

Impacts of conflict in Ngorongoro
<ul style="list-style-type: none">▪ Loss of lives and limbs, destruction of property and insecurity of the person, which inordinately impact on women and children▪ Increased poverty and livelihoods insecurity▪ General hopelessness and sense of isolation from opportunities enjoyed by the rest of the country▪ Undermines opportunities for development and progress, resulting in poor indicators in key sectors of development (access to social services, including health, education, infrastructure, etc)▪ Environmental degradation

There is a sense in which the prevalence of conflict creates a vicious circle. Because of conflict, resources are diverted from development activities, and investment in livelihood-promoting activities is constrained and undermined, leading to higher incidence of poverty and deprivation that puts more pressure on the natural resource base and the environment, which in turn leads to ever more conflict. Because Ngorongoro is identified with conflict and all the ills that come with it, outsiders keep off the district thereby perpetuating the historical rivalries between its indigenous groups, resulting in the pervasive conflict that then justifies outsiders staying away!

It is important to appreciate the gender dimensions of conflict. Among both the Maasai and the Batemi, women are extremely disadvantaged. They suffer different forms of discrimination within these communities. For instance, young girls are forced out of school to get married, sometimes to men old enough to be their grandfathers. Although the roles of women and men in society have traditionally been clearly differentiated, such differentiation is no longer consistent with the reality on the ground given the socio-cultural and economic changes taking place in society. The result is that women shoulder much more responsibility for household and community survival than is reflected in the traditional configuration.

Much of the discussion about access to natural resources is informed by concerns that reflect the interests of men – access to pasture, salt lick and water for livestock – yet access to land and natural resources is also critical for women to meet their household and communal obligations. The focus on male aspects of natural resource use also means that in discussions about conflict and its impact on livelihoods, inadequate attention is

paid to the constraints that women suffer because of pervasive conflict. Moreover, the voices of women are rarely heard in these discussions. The perspectives of women regarding conflict, its manifestations and how it can be addressed are thus inadequately articulated. The result is that it is men who instigate and then purport to seek solutions to conflict.

Conflict impacts heavily on women. Women do not bear arms and are therefore the most vulnerable group in the course of conflict. While they do not directly participate in violence, they are a soft target for both sides. Women are equally at risk across communal borders both in peace and during conflict so that it matters little whether one is Maasai or Batemi. Abduction and rape of women is a common feature of communal conflict, so that in terms of security of the person, women are the most compromised. Moreover, conflicts impede free movement which women need in order to access food, water and firewood so as to provide for their families.

4. A history of efforts: previous attempts to find a lasting solution

That conflict has persisted in Ngorongoro district is not because of lack of efforts to find a lasting solution to the problem. Over the years, numerous attempts have been made to address the problem in a comprehensive manner, with varying degrees of success. That the problem has persisted is clear evidence that none of these efforts has fully succeeded.

The most celebrated effort in recent history is the mediation that was initiated by the late Edward Sokoine, Prime Minister and Member of Parliament for the area in 1975, which is said to have brought peace that lasted for 12 years. The effort is noted for having been founded on a respect for traditional leaders and culture of the Maasai and the Batemi. The mediation was undertaken with the full participation of the persons affected by the conflict and violence, and the resulting settlement had the blessings of both sides and was sealed by traditional rituals recognized and respected by both sides. A key factor in its success was the standing and authority of Edward Sokoine, a leader held in great esteem and trusted by both sides. It is now generally acknowledged that there is no political leader in the region with the same level of authority and acceptability.

The Sokoine mediation confirms that traditional mechanism of conflict management still hold the greatest potential for managing communal dimensions of the conflict in Ngorongoro, especially those that are founded on traditional rivalries and which relate to competition for access to land and natural resources. These mechanisms depend for their success and sustainability on the presence on both sides of traditional leaders that enjoy the confidence, loyalty, respect and trust of their communities. Their legitimacy springs from the fact that they are fully community-based and participatory, but also integrated into the formal governance framework. It is now clear that any mediation effort that does not integrate the traditional and formal mechanisms will only result in partial or temporary success.

A major challenge for this integration of traditional and formal mechanisms springs from the fact that traditional mechanisms of conflict management have been undermined by political leadership that derives its legitimacy and authority from government policy and law and not from cultural identity. The qualifications and criteria for assuming political leadership in Ngorongoro as elsewhere in Tanzania, including the ability to read and write, have the result of handing over formal leadership of the community to the youth

who are educated and exposed to other cultures, and who do not necessarily represent traditional leadership and authority or are motivated by traditional imperatives. The youth see the explanation for the challenges within their communities through a different lens from that of elders, and have greater faith in formal structures. They are inclined to invoke government authority, policies and laws as the basis for solving community problems including conflict.

In 1996, the elite of the Maasai community in Ngorongoro convened a meeting to deliberate on and seek solution to the problem of conflict in Ngorongoro. The meeting established a Task Force which was mandated to mobilize mobilizing the community for peace. It also established a Conflict Resolution Committee. The process is credited with reducing hostilities between the Batemi and the Loita and restoring peace in the area. Following the meeting, it is reported that there has been increased interaction between members of the two communities, including cooperation in business and development activities.

However, the momentum from the meeting ultimately dissipated largely because of lack of support from local politicians, who saw the initiative and those behind it as threats to their positions. They are reported to have deliberately frustrated the initiative. Respondents claim that the initiative was based entirely on funding and support from outside the district and the communities, and they blame the Ngorongoro District Council and the district administration for failing to integrate the processes of the initiative into the formal governance framework.

The third significant attempt to address the conflict between the Batemi and the Loita was the Olmotonyi/Wasso initiative. This initiative convened peace meetings in Olmotonyi in September 2004 and in Wasso in January 2005. The meetings were used by both sides to articulate their concerns and to agree to a common search for peace. The meetings, which were also attended by senior government officials from the district and regional levels, ended in a settlement with both sides agreeing to forgive the past and forge forward in peace.

As with its predecessor initiative, the Olmotonyi/Wasso initiative suffered serious sustainability challenges. The government failed to follow through on some of the commitments it made including an amnesty for those imprisoned for participating in the conflict, and finding a lasting solution to the boundary disputes. The settlement was not adequately 'sold' to the public with the result that it never really got to be owned and internalized by the citizens.

Most recently, a two-days meeting was held on 7th and 8th October 2005 at the Rose Garden Hotel in Arusha to strategize on how to secure lasting peace between the Batemi and the Loita in close consultation with the office of the Regional Commissioner. The meeting attended by politicians, civil servants and representatives of CSOs reviewed the history of conflict between the two communities and previous efforts to resolve the conflict. It agreed on a strategy that would entail completion of the demarcation of village boundaries, and reactivation of the Forum for Peace and Development and the Council for Sustainable Peace. Not much seems to have happened on the ground as a follow up of the meeting.

These initiatives have all played a major role in focusing attention on conflict in Ngorongoro. They may not have brought a lasting solution to the problem, but they have served a useful purpose in this regard, and are instructive in two other respects. Firstly, they have all been targeted entirely at the conflict between the Batemi and the Loita, and are often initiated within the context of a flare up of violence, and as soon as the violence stops they collapse. The focus on the Batemi-Loita conflict no doubt underscores the significance of this conflict for the people and leadership of Ngorongoro.

However, the Batemi-Loita conflict is only one aspect of a larger conflict problem in Ngorongoro and cannot be resolved in isolation from the other aspects of that wider conflict. It has to be addressed within a framework that resolves the other conflicts as well. This in turn calls for a more thoroughgoing and sustained effort rather than knee-jack responses to the periodic flare up of violence.

Secondly, all the initiatives have been driven largely by the elite in a top-down fashion. This is not in itself wrong. It is commendable that the elite should seek to provide leadership in the search for peace, and as the Sokoine mediation demonstrated, it is possible to integrate the ordinary citizens and the traditional leadership into such processes once they are initiated. Evidence shows that the initiatives have failed largely as a result of failure to integrate ordinary citizens, elders and political leaders and ensure their buy-in. Another critical failure in all these initiatives has to do with ignoring the role of women in peace-building and conflict management.

The overall lesson from all these initiatives is that sustainable peace will only come from the active engagement of all the parties and key stakeholders in the design and implementation of a peace settlement. Each of the major frameworks – traditional leadership, government, civil society, including women and youth – have their comparative advantage but none of them can on its own find a lasting solution to the problem of conflict. It is by creating synergy and leverage between the efforts of the different stakeholders that sustainable peace can be established in Ngorongoro. Furthermore, for any settlement to succeed, it must engender the loyalty, confidence and ownership of the ordinary members of the community including women, who are often the greatest victims of conflict.

5. Conclusions and recommendations: ideas on the way forward

This report confirms the persistence of conflict in Ngorongoro district, and explains the phenomenon by reference to competition for access to land and natural resources. Land use conflicts are manifest mainly within and between wildlife conservation, cultivation, investment and pastoralism. Government policy at the national, regional and district levels accentuates lines of conflict through its overt support for wildlife conservation, investment and cultivation on the one hand and indifference or even outright hostility to pastoralism on the other hand. The fact that local citizens have little or no understanding about government policy and law on land and natural resource management generally, and wildlife conservation, in particular, does not help the situation. This in turn translates into lack of capacity for effective engagement with policy processes among citizens. The result of all this is mutual suspicion between law enforcement agencies and the citizens, which feeds on misconceptions about pastoralism and pastoralists prevalent among government officials (many of whom are not pastoralists) at all levels.

The report makes reference to specific disputes to illustrate the key challenges, with special focus on the OBC and Thomson Safaris. In either case, it is evident that there is an information gap between the decision-making machinery at the national, regional and district levels, on the one hand, and the general public, on the other. This information gap leaves room for all manner of rumours that are compounded by the competition between vested interests in the conservation industry. This makes it difficult to get a clear understanding of what the real issues are and the contending positions of the different protagonists. In the final analysis, the ordinary citizens suffer without clearly understanding from whence their problems come, while the elite argue and blame each other. The result is a form of paralysis in which conflict continues to simmer underground waiting for a trigger to flare up into violence.

When violence flares up, there is predictable tough talk on the part of the government accompanied by a show of force. Politicians repeat their commitment to find lasting solutions, while CSOs undertake fact finding missions and write reports. As soon as the violence recedes, it is back to business as usual. Because no serious and lasting effort is made to address the underlying causes of conflict, it is only a matter of time before the vicious circle begins afresh.

Specifically, this study makes the following findings:

- There are diverse conflicts in Ngorongoro, which can be classified broadly by reference to the contending parties as: conservation versus pastoralism, natural resource-related investments versus pastoralism, farming versus pastoralism, and intra-pastoral conflicts.
- The main cause of conflict in Ngorongoro is competition for access to land and natural resources informed by competing land use and livelihood systems. This reality of competition for access to land and natural resources is further exacerbated by a whole series of factors including inappropriate policies and laws on land and natural resource management, inadequate capacity for policy implementation and law enforcement, historical ethnic rivalries, and failure of leadership.
- The conflicts undermine livelihood and development opportunities in the district, resulting in insecurity and subverting limited resources from livelihoods and development to dispute resolution and conflict management.
- Numerous efforts have been made to find lasting solutions to the problem of conflict in Ngorongoro, but these have been limited in scope and proved unsustainable in the long run. The focus on the Batemi-Loita conflict, while understandable given the gravity of that specific conflict leaves unaddressed other dimensions of conflict that underpin the Batemi-Loita conflict.
- The success of these initiatives has further been undermined by the failure to integrate all key stakeholders, especially the traditional conflict management and dispute resolution mechanism, women, and elders. Political competition among the elite has undermined some of these efforts, while lack of backing by government at the district, regional and national levels has meant that the efforts fail to be mainstreamed into the overall governance and administrative agenda to ensure sustainability.

On the basis of the foregoing analysis and findings, the following interventions are recommended as a way of addressing the conflicts in Ngorongoro:

1. **Establishment of a district-wide conflict management framework** which incorporates all the major stakeholders, especially central and local government, traditional leadership and institutions, civil society, the private sector and religious organizations, and ensures the effective participation of men, women and youth. The framework should be used to address conflict in Ngorongoro in a holistic manner, taking into account all the different aspects of conflict identified here. The formation of a Disaster Management Committee and the ongoing work on a Disaster Management Plan and Contingency Plan are a starting point, if the initiative could be enlarged beyond its present focus on humanitarian crises, and to incorporate traditional mechanisms of conflict management and dispute resolution. Ultimately, the success of any structures for conflict management and peace-building will depend largely on the extent to which relevant communities are integrated into the structures and are part of their processes.
2. **Learn from previous efforts and experiences of conflict management and peace-building** to avoid repeating the same mistakes about approaches to addressing the problem. In particular, the factors that underpinned the success of the Sokoine mediation, namely: overall political authority and legitimacy of the key players, recognition and integration of all critical actors, particularly elders, politicians and administrators, and deliberate efforts to promote buy-in by the citizens at local levels, should be integrated into any efforts at conflict management and peace-building in the district.
3. **Design and implementation of a conflict management policy and strategy** that will address the underlying causes of conflict in all its dimensions. A comprehensive education and awareness creation exercise should constitute a core part of this strategy to confront and address different aspects of conflict in Ngorongoro, including historical rivalries and perceptions that derive from them, prejudice, especially as between the Batemi and the Loita, enhancing awareness about land and natural resources policy and law and land rights. The strategy should also incorporate activities that will serve to create goodwill between different communities and groups in the district, such as sports and cultural events. In this connection, it is imperative that conflict management and peace-building structures and initiatives be decentralised to the lowest levels of government and community leadership. While the district government has an important role to play, it often does not have the wherewithal to fully appreciate the dynamics of intra and inter-communal rivalries and may in fact complicate the situation further through ill-advised interventions.
4. **Systematic and comprehensive resolution of disputes regarding village boundaries in the district** in order to bring closure to this long-standing issue. In this connection, citizens should be made to understand that administrative boundaries are not linked to property rights over natural resources, but are aimed at clarifying and dividing mandates between neighbouring administrators at the ward and village levels. The process should be inclusive, transparent and sensitive to historical realities.

5. **Participatory land use planning at the village and district levels** with the informed participation of all villagers and the relevant institutions. In particular, such land use planning should be informed by and take into account historical access to common property resources across villages and even districts.
6. **Reconcile natural resource management and development policy and institutional imperatives with pastoralism** and reduce the perceived hostility of key policy actors in the district to pastoralism as a land use and livelihood system. A key issue in this regard is the need for an improved understanding of pastoralism among key policy actors in the district. Many of the senior personnel in the district administration and the sector experts in the district council are not pastoralists and do not necessarily understand pastoral land use. Their perception about pastoralism as a backward livelihood that needs to be transformed and modernized invariably leads to conflict between them and local pastoralists. In this connection, the political and administrative elite on the one hand and the local educated elite on the other should reach out to each other and forge a positive working relationship. The ongoing efforts by NGONET to work closely with the Ngorongoro District Council, including the work on this study form a foundation around which such relationships can be built.
7. **Promotion of positive policy engagement** between pastoralists and government institutions generally and development and natural resource management specifically. This requires the development of capacity for policy advocacy within civil society and the establishment of frameworks and forums for positive dialogue between government and citizens. It calls for improved awareness on the part of citizens about their rights and the obligations of state institutions with regards to access to land and natural resources, and for improved transparency in policy implementation and law enforcement to secure public confidence in government. In this connection, and given the importance of wildlife conservation in the district, government should make an earnest endeavour to engage the local people with regards to conservation and development. The way things are done at the moment exposes government to the accusation that it has no regard for the local population or their interests.
8. **Establishment of an institutional framework to oversee dealings between villages and investors** in order to ensure that the villages get the best deals possible. The existing arrangement where each village negotiates with investors independently gives undue advantage to investors and puts the villagers' interests at risk. The framework can be established as a company or a trust with representation from all the villagers to spearhead the development of non-consumptive tourism for the benefit of the villages of Ngorongoro. Through the framework, the villages will have or acquire greater capacity to negotiate with the district government, the central government (especially the MNRT) and the private sector. They shall also be able to better manage the income from these activities in terms of investments and development action.
9. **Find a lasting solution to the pending land claims** whether through court action, negotiated settlement or government intervention. Leaving these claims pending for long periods only serves to perpetuate feelings of hostility between the protagonists, and encourages impunity in some quarters.

Annex 1: Terms of Reference

ERETO NPP

Terms of Reference (ToR) to study and develop recommendations in relation to the increasing conflicts between pastoralists and farmers in Ngorongoro District – Northern Tanzania

1. 0 Introduction and Background

Ereto - Ngorongoro Pastoralist Project (Ereto-NPP) is a bilateral project of the Governments of Tanzania and Denmark. The purpose of the initiative is to support the pastoralists of Ngorongoro Conservation Area (NCA) and the entire of Ngorongoro District in Tanzania, stated in the Project Document (PD) as follows: *The projects purpose is, “in a sustainable way, to assist the pastoralists of NCA and the entire Ngorongoro District to become independent and self managing within the overall framework of the principles of multiple land use and conservation laid down in the NCA Ordinance of 1959”.*

Ereto-NPP is directed by a Project Steering Committee whose members represent the Ministry of Natural Resources and Tourism (MNRT), Danish International Development Assistance (DANIDA), Ngorongoro District Council (NDC), Ngorongoro Conservation Area Authority (NCAA), the Pastoralist Council (PC), Ministry of water and Livestock Development (MWLD), and the pastoralists of NCA and Ngorongoro District.

The daily management is through the Project Implementation Unit (PIU), comprising of a Project Manager, Deputy Manager/Gender and Community Participation Coordinator and project accountant. Nine Community Participation Facilitators (CPFs) work for the project in the communities.

Since its start, and by using a customary poverty alleviation mechanism known as EWOLOTO, the ERETO project was able to successfully restock over 3,400 destitute families in the area making it one of the biggest restocking programmes ever implemented in this way in Tanzania and in the whole world. The project also improved water resources in line with the pastoralists aspirations which in turn increased areas of accessible pastures mainly during the dry season which in turn improved production in terms of improved livestock nutrition. The project supported some private veterinary services which provided pastoralists with modern and accessible options for treating livestock diseases in the area and more specifically to the restocked households. The Project also engineered work relationships with the Ngorongoro Conservation Area Authority (NCAA) The Ngorongoro District Council (NDC) the local institutions such as the Pastoral Council (PC), the customary Leaders (Ilaigwanak) and a variety of other NGOs working in the Ngorongoro district.

Phase two of ERETO which is coming to an end in March 2008, pretty much build on experiences emanating from ERETO one but further put a lot of emphasis on a policy dialogue component. The policy component aim is to empower pastoral communities to critically engage in policy discourses which have implications to their lives. It builds on the National Strategy for Growth and Reduction of Poverty (NSGRP) which now recognizes pastoralism as a viable livelihood system.

2.0 Factors influencing the relationships between pastoralist and farmers in Ngorongoro

Over the last 20 years or so the socio-economic situation of the pastoralist people in Ngorongoro generally has been deteriorating. The deterioration is caused by many factors some of which are

internal and others external. The aforementioned factors are generally putting enormous stress on the pastoral system. Furthermore, it is perpetuating conflicts and misunderstandings between farming and pastoral communities on the one hand and pastoral communities of one territorial section over the other. Examples are the ongoing conflict between the Maasai and the Batemi and the conflict between the Loita and the Laitaiyok or Purko. In terms of external factors, these include influences and threats imposed by government policies, infrastructure developments (roads, markets), social services i.e. education, health, water, etc. all of which are putting immense pressure on the pastoral systems and threaten the peoples livelihoods. These external pressures have also created among other things the following impacts:

- **There is little understanding of the pastoral system by most of the policy makers.** Pastoralists are unfortunately regarded and treated as troublemakers, uncivilized, very reluctant to changes and ignorant of good range resource management measures and therefore, take no trouble to that effect., prefer huge livestock herds just for prestigious reasons, intrinsically expansionistic in nature, etc. These misconceptions are probably responsible for failures in some of the government efforts to transform pastoralists into commercial livestock keepers, as these were not client oriented in their approaches. An obvious example in Tanzania is the Maasai range project in 1970s.
- **Twin encroachment by state and private interests.** According to the national land policy of 1995, all land is public and the President is the trustee on behalf of all citizens. The policy identifies several land categories like general land, reserve land (Over 25 % of Tanzania's land mass is devoted to national parks, most of which are at present delineated from the general land) and village land. General land, which includes unoccupied or unused, is currently the one available to pastoralists for grazing their animals and smallholder farmers for harvesting forage. However, the land can always be allocated to reserves, national parks or villages to the pastoralist's disadvantage. The land has for several decades been shrinking through reallocation and expansion of cultivation while livestock population has increased. There are very few, if any, areas that have been set aside and protected by law for communal grazing lands for pastoral communities. No effective land use planning and village land gazetteement have been undertaken and this has allowed processes of encroachment to develop unabated.
- **Inappropriate extension systems** for delivery of social services. Pastoral communities mostly live in remote areas with little modern infrastructure which makes it difficult for the governments to reach them and provide the needed basic social services. Of health, education, security etc. This has forced most pastoralists to concentrate in areas with better social service delivery which leads them into clashes with farming communities on the one hand and between different pastoral groups i.e. Loita, Salei, Purko and Laitayok in northern parts of the Ngorongoro district. These concentrations lead to land degradation due to overgrazing of the area due to continuous grazing in the same area for a long time. Pastoralists are unfairly blamed for such land degradations instead of blaming the decision makers.
- **Sedentarization** of pastoralists has resulted in adverse effects of overgrazing and rangeland degradation due to concentration of people, livestock, farming and tree cutting on some areas especially close to permanent water supplies. Settlement policies have divided major communal grazing lands into discrete units that on their own do not provide sufficient pastures through out the year, let alone the availability of water in the dry season. Settlement schemes have put the farming groups in a position to expropriate areas given to pastoralists as the latter move from place to place in search of water and pastures. Therefore when they come back to the area they find it has already been

cultivated. This has encouraged local-level conflicts and decreases in economic well being of pastoralists and has resulted in greater environmental degradation.

- **Lack of security** in many pastoral communities where banditry and warfare have become more frequent in recent years is another problem pastoralists are facing today. This is mainly due to abundance of modern weapons introduced over the past decades by political conflicts within the region. The Ngorongoro incidence by armed Somali raiders, which is still fresh in our minds, may describe the issue better. This has forced pastoralists to abandon some rangeland areas for safety reasons and concentrate in more secure areas, which eventually become over utilized. On the other hand, the absence of grazing in their former areas favours invasion by woody species and other undesirable species including poisonous plants. Such a change in some places may even attract and favour proliferation of tsetse flies. Even after improving security, the ability of the range to support livestock remains gravely reduced.

3.0 Objectives of the study

The aforementioned long standing (and increasing) conflicts and clashes between pastoralists (of Il-kisongo origin and Salei of the ogol plains versus the Wa-Iraq and the Wa-Barbaig who lives in the slopes of Ngorongoro highlands and the Lake Eyasi zone on the one hand and the Purko and the Laitaiyok versus the Ba-Temi on the other hand coupled with the most recent clashes between the Loita and the Laitaiyok versus the Wa-kuria are real and are unfortunately likely to happen again. In these conflicts people have been killed. Cattle have been stolen and in other places injured and killed. Houses and property have been burned. Crops have been destroyed. Furthermore conflict is also affecting the district economically and socially. It has also taken up a lot of time of district officials and is affecting the provision of social services to communities e.g. water.

In the light of this, the ERETO Project in collaboration with the Ngorongoro District Council and NCAA decided to commission a study to find out the magnitude of the problem, learn from experiences on the ground, and develop mechanisms, as well as making some recommendations on how in practice to address these conflicts.

4.0 The Overall Goal of the study

The main overall goal of the study is to alleviate conflicts and improve social-economic interaction and the living standards and good relationships between pastoralists and farmers in Ngorongoro District. In order to initiate a process towards resolving the conflicts, the ERETO project in collaboration with the District Council and the NCAA considers it necessary that the following objectives be met;

1. Reasons and sources of conflicts be identified, discussed and agreed between all parties;
2. Effective and efficient conflict resolution mechanisms identified and agreed upon and put into place by focusing on local interventions and implementation framework at village, ward and district level.

5.0 Specific Terms of Reference (Scope of Work)

1. To conduct a literature research and provide background information on:
 - Pastoralists-farmer conflict in Ngorongoro district generally, causes, resolution processes and the aftermath.
 - Conflicts between pastoralist of one territorial location with another i.e. Purko and Laitaiyok in Ngorongoro district generally, causes, resolution processes and the aftermath.

- Relevant policies and laws (especially on land tourism and resource use) that have a relationship with pastoralist-farmer and pastoralist-pastoralist conflict,
 - Findings and suggestions of any conflict resolution efforts, past task forces/committees on matters related to resource conflicts in Ngorongoro District.
2. To research and document the history of pastoralists-farmers conflicts in Ngorongoro District paying attention to;
 - Parties involved (directly or otherwise) and nature of their involvement in the conflicts,
 - An analysis of the real and perceived causes of conflicts from both farmers and herders perspectives as well as from others involved (NCAA, village/district government etc)
 - The nature of the conflicts, and effect on economic and social relations,
 - Local and formal conflict resolution processes applied so far, and their results – a specific emphasis should be put on the documentation of local/traditional conflict resolution mechanisms and when/why they work or not work
 - Background information on pastoralists/farmers immigration out of the Ngorongoro District caused by any of the conflicts as well as other mechanisms by pastoralists and farmers to cope with ongoing or imminent conflict situations.
 3. To suggest realistic interventions and implementation framework.
 - Based on the study information and the dialogues undertaken, develop and recommend interventions to address conflicts between pastoralists and farmers and between pastoralists and pastoralists including possibilities of putting in place local conflict resolution mechanisms i.e. committees at Village/ward and district level, its composition and Terms of Reference (TOR) as wells as a step by step action plan.
 - After accept of final report from Ereto management, ensure that the recommendations from the study are communicated through two or three local workshops and one district level workshop to all relevant stakeholders.

6.0 Methodology

The consultant is expected to use a range of methods in this study. These include the following:

- Undertaking interviews with the district officials, the NCAA and the pastoral Council (PC) and CSOs in the district of Ngorongoro.
- Sites visits and focus group discussions
- PRA methods (timelines, ranking of constraints and opportunities)
- Hidden interviews with individuals who do not want their names to be disclosed
- Individual and group interviews
- Secondary data analysis (i.e. publications, media reports and any other documents)
- Village meetings/community meetings etc.

7.0 Study Output

A complete report addressing the goal and specific objectives of the study as stipulated in section 4 and 5 of these ToR. The report should be in hard copies (4 copies) and a soft copy. The report should be no less than 15 pages and no more than 25 pages excluding annexes. It shall contain an executive summary of 3-5 pages including recommendations.

8.0 Expertise required

The appropriate persons for this task shall have some or all of the following characteristics:

- Be familiar with the Government of Tanzania Poverty Reduction Strategies including Vision 2025, MKUKUTA/MKURABITA and other sectoral strategies and policies
- sound understanding of pastoralism and pastoral production system within the context of Tanzania.
- experience with legal aspects of land and resources
- experience with social science methods and conflict resolution mechanisms
- background in economics, natural resource management, tourism, agricultural economics or livestock economics and a record of work in the country.
- proven track record in conducting consultancies and in delivering on time;
- sound analytical and presentation skills
- availability to conduct the consultancy and to attend and present the findings at the district workshop at the end of March 2008.
- own or have access to a laptop computer for use during the consultancy

9.0 Timeframe

The total number of days for this consultancy is 20 days each for two persons. The Consultants will commence the work between mid and end of February 2008 and will finish latest on 25th of March 2008. The first week will be spent in doing a desk study while the rest of the time will be for field work and for writing the report.

10.0 Agreement

Agreed on behalf of the Consultants:

Full Name _____

Title: _____

Date: _____

Agreed on behalf of ERETO Project

Full Name: _____

Title: _____

Date: _____

Annex 2: Study Schedule

Dates	Activity	Place
15 th June	Travel to Arusha	Nakuru- Arusha
16 th -18 th June	Interviews and collection of materials	Arusha
23 rd June	Travel to Karatu/NCA	Arusha-Ngorongoro
24 th June	Interviews with ERETO staff and collection of materials	Ngorongoro
25 th June	Travel to Loliondo	NCA - Loliondo
26 th June	Meeting in Loliondo town	
27 th June	Meetings in Loliondo and Ololosokwan	Loliondo/Ololosokwan
28 th June	Meetings in Ngarusero and Sale	Ngaresero/Sale
29 th June	Sunday – review of documents	Loliondo
30 th June	Meetings and Feedback Workshop	Loliondo

Annex 3: Persons Interviewed during the study

ARUSHA	
Name	Organization/Institution
Jackson Lesikar Saitabu	Officer in charge, Land Division, Regional Secretariat
Susan Mnafe	Legal Officer, Regional Management Support Services
Anna Muhale	Programme Officer, PINGOs Forum
Diana Munalla	Legal/Advocacy Project Officer
Eamonn Brehonny	Independent Consultant
NCAA	
Rahab Kenana	Project Manager, ERETO
Alais Ole Morindat	Technical Advisor, ERETO
LOLIONDO	
Jowika Kasunga	District Commissioner, Ngorongoro District
Mponjoli Lotson Mwabulambo	District Police Commander
Kasema Samawa	Acting District Lands Officer, Ngorongoro District Council
Maria Leshadu	Acting District Executive Director
Richard Ndaskoi	Programme Manager, Oxfam GB Ngorongoro
Samuel Nangiria	Coordinator, NGONET
OLOLOSOKWAN	
Yohana Koipa	Secretary for Natural Resources, Village Council
NGARUSERO	
Christopher Ndurway	Chairman, Village Council
Loshipa L. Lyangiri	Village Executive Officer
SALE VILLAGE	
James Masido	District Councillor representing Sale Ward
Charles Merere	Chairman, Village Council
Ride Ngebeni	Traditional Leader
Maruna Ngibanyi	Elder

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