



OUR PEOPLE, OUR LAND AND OUR ANIMALS
ADDRESSING NATURAL RESOURCE CONFLICTS
IN THE
NGORONGORO CONSERVATION AREA

A large, faded version of the IHO logo and text is visible in the background, centered behind the main title. It includes the silhouette of the person with the child, the letters 'IHO', and the text 'Indigenous Heartland Organisation'.

BY

MOSSES NDIYAINÉ OLENDOROSA

1. INTRODUCTION

This text is aimed at contributing for the better methods of addressing natural resource conflicts within the Ngorongoro Conservation Area. As you read through, you will find a brief overview of the history of Ngorongoro Conservation Area and specifically on the conflicts between wildlife and human activities originating from the historical approaches to conservation movements in Tanzania. You will also read on the tools used by friendly people (individuals) and organizations within and outside Tanzania on an attempt to empower the indigenous Maasai of Ngorongoro to struggle for their human and civil rights. Finally this text will suggest for better methods to address these problems and means to advocate and lobby more effectively for the issues of primary concern for NCA¹ pastoralists. These suggested methods are the recent initiatives made by traditional leaders and some individuals in virtue of their professional expertise to try and establish a civil society organization that will mediate conflicts related to natural resources, land tenure, secure livelihood and cultural values.

2. THE NGORONGORO CONSERVATION AREA

The NCAA² was established in 1959 to protect the unique blend of scenery, wildlife, human culture and prehistory. The area occupies 59% of the area of the whole district of Ngorongoro in the northeast part of Arusha region in Tanzania covering an Area of 8,2952sq.km. NCA is not a national park but a Multiple-use conservation area managing the diverse interests of tourism industry, community development, conservation of nature and wildlife. NCAA represents MNRT³ and is governed by a board of Directors. The chairman of the board is appointed by the president of Tanzania. The conservation Area is a UNESCO world Heritage site, a Biosphere reserve and considered the 'eighth wonder of the world' with great tourist attraction, yielding the highest foreign exchange income in the tourist sector. Besides its varied and the world's most important collection of wildlife, its beautiful landscape and its archeological sites is also a home for a population of 59,858 Maasai, together owning 117,300 cattle, 18,441 donkeys and 164, 490 sheep and goats.⁴ The NCAA has extensive regulatory powers within NCA and the NCA ordinance has precedence over district decisions. This government peculiarity has much implication for working in the area.

3. SITUATIONAL ANALYSIS OF NCA PASTORALISTS

The grandeur and beauty of Ngorongoro owe much to the reality that the Maasai Pastoralists have coexisted harmoniously with fauna and flora in the area for centuries. Should it not have been their friendliness towards nature, Ngorongoro would have been just like many other parts of Tanzania where people have persistently depleted the forest cover for agriculture, charcoal and decimated animal species for food and other utilitarian goods.

Shinana ole Moinga from Endulen makes a strong point by contrasting the Maasai's record as conservationists with the professional experts'.

"One thing amazes me. It seems the whole world is lacking sense and there's no one to point it out. Just look around - the parts of the world left with wildlife have pastoral people. Why do the "experts" and "guardians of the wild" come here after having failed to conserve trees and wildlife in their places of origin? Which world in the whole universe was created without trees or wild animals? They come here to support themselves. Do you really think they have come to these pastoral lands to protect something?" (See Geoff & Lars Johansson Plans Truths and Videotapes From Ngorongoro Conservation Area-1995)

Historically, conservationists and decision makers have tended to look at the beauty and uniqueness of the Ngorongoro area as something existing in spite of pastoralism and human influence rather than because of pastoralist land management. Acknowledgement of the fact that pastoralist practices are an important element in maintaining the landscape on which the wildlife also depends and that the landscape and eco-system has been formed by centuries of wildlife,

¹ NCA - Ngorongoro Conservation Area

² NCAA -Ngorongoro Conservation Area Authority; a statutory body governing the Ngorongoro Area

³ MNRT –Ministry of natural Resources and Tourism in Tanzania

⁴ Source ; National census 2002

livestock and human interaction is slowly gaining weight although prejudices and misconception still exist, even at high level within wildlife conservation circles.

NCA pastoralists have been struggling for their human and civil rights since 1958 a period during the curving out of the Serengeti National Park. Conflicts with conventional conservation interests have prevailed over the last 50 years but there now seem to be an increasing understanding of the interdependency between pastoralism and wildlife.

Most of the Maasai who live within NCA were once inhabitants of the Great Serengeti National Park. Most of these displaced Maasai now called 'Isiringet'(meaning people from Serengeti) live in Osinoni ward within the Ngorongoro Division and some have joined their clan relatives in NCA and others went as far as to the neighboring District of Monduli. The scenario of internal displacement started when the Maasai Traditional leaders agreed to sign a treaty to move with their herds and human settlement to the highland of Ngorongoro where they were promised (by the Colonial Government) Socio-Economic services like better education, water and general livelihood improvement. Thus the Maasai were offered refuge in the highlands of Ngorongoro, already occupied by the fellow Maasai

The governor of the Colonial regime of the then Tanganyika spoke to the Maasai council in 1959;

"I should like to make it clear to you all that it is the intention of the Government to develop the Crater in the interests of the people who use it. At the same time, the Government intends to protect the game animals in the area, but should there be any conflict between the interests of the game and of the human inhabitants, those of the latter must take precedence" (URT 1990:5)

The Traditional leaders who signed the contract/treaty were by that time unqualified people and they relied on their innate common sense of justice to get things done. In legal terms, it means that the Traditional Leaders were not of sound minds for the purposes of contracting. At the time the Traditional Leaders made an agreement or treaty they were unable to understand it and forming a rational judgment as to its effect upon the interests of the Maasai communities.⁵ Again the contract was induced by 'undue influence' of the British Governor(s) who was in a position to dominate the will of the Traditional Leaders. According to the law of contract ordinance, 1961 section 12 (2) (a), *It states that 'a person is deemed to be in a position to dominate the will of another where he holds a real or apparent authority over the other or where he stands in a fiduciary relation to the other'*. This was the real case. The fact that the British Colonial Administration made promises to the Maasai Leaders (for instance promises of the general improvement of their Socio-Economic conditions by the provision of basic health care, veterinary services, Education etc.) without the full intention of performing the contract, then the agreement had to be void and moreover it is without free consent.⁶

Sikai Ole Sereb one of the Traditional Leaders who currently resides in Osinoni ward within NCA and who also signed the Serengeti treaty confesses of the same when addressing a public gathering convened to give views to the 1995 Ngorongoro General Management Plan (GMP) and this is how he looks upon his role in the planning today:

"All of us are blind. The only people who now have open eyes are you sons who went to school. When some of us look at this document, it's like a nightmare. I participated in this since we took part in NCAA meetings. They took our voices, our words and our pictures. We are given this document but we can't tell what's in it. The only thing I can understand is my own photograph. Since we are illiterate we cannot discern any tricks that might be there (...) People don't normally give away their land. But when you're in a meeting you don't always discuss what you're going to say in advance. You just stand up and speak your heart. There's no chance to make corrections. You are in a group, and you are among enemies. They will pursue any slip of the tongue, saying, "He has spoken the truth". But if you really articulate the issues you are discredited. The one who can understand and read between the lines is sidelined. (...)

⁵ See. Law of contract ordinance, 1961 section 12

⁶ Ibid law of contract ordinance, 1961 section 17 (c) and 14 (1) (c).

These outsiders are very cunning". ?" (See Geoff & Lars Johansson Plans Truths and Videotapes From Ngorongoro Conservation Area-1995)

Thus it was not surprising that the Traditional leaders signed a colonial treaty without understanding its legal implication in the future of the Maasai community.

After giving up their land to the British Colonial Administration in 1959 they realized great loses of vast grazing areas, salt licks grounds and permanent sources of water (Sironet and Moru) and of which they wrote in the agreement that they shall never claim back; what a great tragedy was it!⁷ The other immediate impact included diseases like Malignant Catarrhal Fever (MCF) a deadly virus contracted from eating grass where the wildebeest's afterbirth are dropped. Forced to stay in the highlands of Ngorongoro Livestocks were exposed to East Coast Fever-ECF, rinderpest, Bovine Cerebral theilleriosis and Tick born diseases, which killed millions of cattle.⁸

By the year 1986 the plague left few livestock and with the continued vulnerability of drought the need for sufficient food caused Maasai pastoralists in NCA to cultivate food crops to supplement their pastoral diet. In 1992 John Malechela the then Prime Minister of the United Republic of Tanzania received complains and requests presented in highly articulated single-minded fashion-that residents should be allowed to cultivate small gardens for their own food requirement and survival. The story was thus, like this.

"We are pastoralists not cultivators. We depend on our cattle. When times were good we use to get our flour and other requirements from the neighboring farmers and shops by selling our cattle and getting the necessary cash for food. But in recent times our cattle herds have suffered. Pasture lands and water resources have been encroached upon by the government, national parks and other farmers and investors. So our resources have diminished; our ways of life and production have been affected. We have also been deprived of other services such as cattle dips, veterinary medicines etc. The result is that our cattle have been dying. We do not have surplus cattle to sell. So we want to cultivate small shambas near our Bomas.⁹ We do not want and do not like to be fed by famine relief. We are self-sufficient people who do not have a tradition of depending on handouts. In any case what is the guarantee that we shall continue to receive handouts?"

The prime Minister also asked to hear from a woman who had been longing to be given a chance to speak. After some hesitation and cajoling a woman said,

"I have seven children. Four of them used to go to school. Now none of them do. I have no money to buy school uniforms or books, so they have been sent home. My husband is totally frustrated; he drinks and I do not know where he goes. Our cattle herd on which we use to rely for food and cash is severely reduced because of drought and lack of pasture. I have to take care of my children. I want a shamba so that I can at least feed them."¹⁰

Currently the NCAA worry more about population increase, subsistence agriculture and modern human settlement structure within NCA. NCAA and the lobby organizations for wildlife conservation are determined to ensure that the Ngorongoro Maasai are moved out to complete the partial eviction and displacement achieved on the Serengeti and the Ngorongoro crater floor.¹¹

⁷ See Issa G shivji and Wilbert B. kapinga. The Maasai rights in Ngorongoro, University of Dar es salaam, 1998.

⁸ Ibid Fosbrooke H (1972) Ngorongoro the eighth Wonder of the Earth. Also see Field R.C. Moll and Olesonkoi (1988; Livestock development in the Ngorongro Conservation and development project: Technical report no 1.

⁹ Shambas or Shamba means gardens; and Boma means Maasai traditional kraal.

¹⁰ Personal note, drawn at a public gathering meeting petitioned to the Prime Minister of the united Republic of Tanzania on 27th, July 1992 at Endulen-Ngorongoro Division.

¹¹ See M.S Parkipuny, notes on Pastoralism, Conservation and development in the greater Serengeti Region

Population growth is often attached to the concept of 'carrying capacity' of rangeland management. However the concept of carrying capacity of wildlife and livestock is a contentious issue, and difficult to apply in daily management basis. The contention is partly a result of the difficulties in incorporating all the necessary parameters when planning with a highly changeable environment, where rainfall is a key determining factor in productivity and yet so extremely unpredictable in quantity and distribution. The relationship between wildlife and livestock is also contested but there is growing evidence that where pastures are managed for livestock, there is increases in the numbers of the other large herbivores (and their attendant carnivores.)

While the authorities are planning on the reallocation of the Maasai pastoralists to other areas in the country, investors are coming in with requests to establish campsites and construct hotels and lodges within NCA. Frankfurt Zoological Society and NORAD both co-partners of NCAA developed the so called 'SWORT' paper in 2003 that contained plans and strategies that are partly for Socio-Economic plans of the residents of NCA after a successful internal displacement plan. The Maasai communities are alarmed by the policies developed through a case study necessitating eviction and displacement of the Maasai from their homeland (NCA). The worries by the general public are; that, if such plans are to succeed, then it will lead to great losses of livestock and to cultural identity.

Thus, the ecological riches of the Maasai homelands have not necessarily been a boon to their human rights but a backdrop that their rights as a community, as individuals, and as citizens, have come under severe stress. The following are key determining factors for the continuing conflicts related to natural resources.

(a) Security of land Tenure in NCA

Alienation of pastoral lands has taken place due to the promotion of tourist services. On the account to promote tourism within NCA and to provide and encourage the provision of different facilities for the same, hotels were constructed (eg Serena and sopa lodges). There are also permanent and temporary tourist campsites established. The immediate impact included encroachments of vast grazing areas (pastures) for both wildlife and livestock, and loses to permanent water sources now monopolized by the custodians (Lodges Administration) who could regulate user rights to the Maasai communities.

The general meeting attended by 34 traditional leaders on March 17th, 2003 at Oloirobi Village revealed environmental impacts that the lodges and hotels brought to the neighboring communities being the Village of Ikeepusi on the western part of the crater and Oloirobi on the Eastern part. Littering of the environment was most noted and especially around staff housings. The meeting also addressed on the increased livestock diseases due to encroachments of pastures in several prime-grazing grounds namely; the Olmoti and Empakaai craters, the northern highland forest reserve, the Lemakarot and Losirwa Mountain slopes, the Olduvai and Laitolia archeological sites. All these areas are now restricted to settlement and grazing.

Land in Ngorongoro is subjected to the vagaries of short term politically motivated changes and administrative decisions. This is because of the nature of the use of land (multiple land use policy). The NCAA claims use of land through scientific management in which ordinary people have no role except as objects to be planned for and managed.¹² The relationship between the NCAA and the statutory right holder of land (Maasai residents of NCA) is not contractual and regulated by law. Example in July 2001 Fredric Sumaye (Prime Minister of the United Republic of Tanzania-1995-2005) ordered the Maasai to stop cultivating the area where they have had food to supplement their pastoral diet. In actual facts land use in NCA is a matter of political struggle rather than scientific planning or efficient management. Law does not recognize the right of occupancy in Ngorongoro and a good number of the residents were reallocated to NCA by the colonial government in 1959. Withstanding the above the Maasai of NCA consider themselves to

¹² See for instance The General Management Plan (GMP) of 1995, or the Colorado state university report on The Management of ecological systems in NCA- 2003 or The Swort plan developed by at SUA or Frankfurt Report to MNRT 2003

have customary rights of occupancy to NCA and believe that no one can be disinherited from the soil and trees of his birth.

However there are three threatening situation about this. First, that it is hard to provide proof of title to customary land and it is assumed that if the Maasai are to ask for the Title deeds in NCA, then the government will have difficulty to provide Certificates as the same will be a documentary evidence to occupancy of land. And this means that the residents cannot even assert titles to the land on which their houses are built, while foreigners get titles for building new tourist hotels on the crater rim. Again, NCA generates highest foreign exchange income in the tourist sector and the government will lose much money generated through tourism industry. Secondly, that customary land rights has no legal security of tenure. This is because law recognizes rights of occupancy but can not protect;¹³ thus they squarely fell within the domain of administrative policy and action rather than recognized by law. In such situations, customary occupation can be eliminated by administrative decisions.¹⁴ Finally the worry is that NCA had initiative to make the NCA land fall into a category of public land to eliminate the local rights of occupancy. Thus it is important that pastoralists in NCA plans for the best use of their land and if possible obtain legal certificates of occupancy.

In summing up, experience in Tanzania has conclusively shown that top-down process of land tenure reform, based on bureaucratic approaches and statutory system of adjudication and titling, have invariably reinforced the insecurity of pastoral community. The market criteria, which treat land as a commodity and a factor of production, do not address the realities on which the Maasai community is organized around land. The Maasai worry that if the current reform of village settlement scheme is implemented on pastoral lands in NCA, such misconceived reforms will result in failure and irreparable losses.¹⁵ Again the transhumance mode of production that the Nomadic pastoralists follow has given rise to the perception that their land is open for occupation and that they do not need it and that it could be put to better use. Pastoralists use rotational grazing systems to avoid disease and pasture contamination. Thus reserved lands are considered by outsiders unused, when in fact it is resting or set aside for later or emergency use.¹⁶

(b) Inappropriate policies.

There is a huge body of literature examining various facets regarding to the lives of pastoralists in Ngorongoro. The information developed by researchers and consultants, at times, have been developed into policies or statutes with both negative and positive impacts to the inhabitant communities of NCA. The wealth of information developed by the international lobby organizations for wildlife conservation is hostile to pastoralism as a means of livelihood. The policies formulated increased tensions to eliminate statutory provisions so that the area can become a national park in which local rights of occupation are extinguished. Also, pastoralists representatives have limited capacity to influence changes desired by their constituencies at the decision-making forums and they are notably lacking in the political weight required to influence policy decision at both district and national level.¹⁷ Thus, pastoralism has lacked support at the highest levels of government and has rarely, if ever, benefited from the institutional frameworks designed explicitly for its promotion as viable land use and livelihood system. The remedy could

¹³ When saying law cannot protect customary rights; this means the Executive arm of the state monopolizes all control and has the ultimate decision-making power over the administration, allocation and disposition of all land in the country.

¹⁴ See Issa G shivji, Not yet democracy: reforming land tenure in Tanzania, University of Dar es salaam, 1998

¹⁵ Mbirias Rinya a traditional leader from Endulen ward talked of the same when speaking of adjudication and titling of village land at Endulen ward on 28 July 2003. He added that Land titling will result into encroachment of traditional grazing lands and the system of titling will have major impacts on livestock and wildlife.

¹⁶ See Charles Lane 1996

¹⁷ See; Ced Hesse and Michael Ochieng Odhiambo "Reinforcement of pastoral civil society in East Africa. A programme of capacity building and participatory action research.

be, pastoralists to get organized in an informed manner and challenge and change the outside perception of pastoralism.

If the Maasai Pastoralists are to improve their livelihoods, they have to master the policy processes, putting themselves at the center of local and national debates designed to address their priorities and needs. The past has shown, only too clearly, that policy design should not be left to policy makers and well-intentioned development workers.

There is also a wide spread ignorance of pastoralism as a system of livelihood and the broader public and policy makers have never fully understood the rationale of customary pastoral livelihood. Thus, a serious problem is the implementation of inappropriate policies driven by the pressure groups and international lobby organizations for wildlife conservation. The policies formulated, project's pastoralists as the main culprits of environmental degradation.

(c) Increased level of vulnerability and poverty

The ability of pastoralists to manage ecological uncertainty and spread risks has been reduced significantly. Some of the consequences of the shrinkage of the resources base are decrease in the mobility of herds and change in patterns of resource utilization. This has in turn led to livestock losses and increased level of poverty and food insecurity leading to many youths, women and other able bodies to migrate to urban areas in search of alternative forms of employment. Most of the local people do not have the school, technical or academic qualification that would make it easier for them to find work in, for instance, driving, building or service employment and there are few prospect for obtaining such skills as education opportunities are weak and school provision poor. High level of illiteracy forced the majority of those migrating to the urban areas to work as security guards.

In terms purely subsistence, the Maasai consider 9 cattle or 90 goats/sheep per household to be the borderline of poverty. Below that level the family does not have enough food and hunger is a constant future of its life. Throughout the dry season only light porridge and black tea is consumed and during wet season milk is blended with water for volume. The Maasai calls milk blended with water 'Oloipusieki'. Nobody dies of hunger, but the poor are constantly malnourished, which is especially debilitating for children. Other problems identified are poor access to socio-economic services, social dislocation, political marginalisation and severe poverty.¹⁸

(d) Deteriorating water infrastructure.

Water is the lay resource to the Maasai of NCA and the use and management of pasture is closely linked to the availability of water. Most permanent water is under the custodianship of specific people (Hotels & lodges administration). Some of these resources are naturally occurring springs and some are managed springs or dug wells. The custodians will regulate livestock access to water according to the amount of water available and the condition of pastures but human access is never denied. Water quality is affected by soils, with a considerable amount of ground water contaminated by high fluoride level and salts. Good quality water may be tapped from springs in the mountains, and dams may be constructed in areas with suitable soils in order to trap rainfall run-off. Pastoralists always use water in dams but in summer times it is highly contaminated by livestock and wildlife urines. There are always continued conflict between the Maasai and the custodians in charge of the tourist promotion services sites.

(e) Lack of a vibrant civil society organization capable of engaging with policy apparatus to represent, defend and promote the interests of indigenous Maasai.

The reflection that the government has failed to protect pastoralist's land rights and to provide socio-economic services lead to the emergency of some NGO's and to some cases Non-

¹⁸ Potkansiki, 1994,1997;Homewood et.al 2001

governmental individuals NGI's with the intention of tapping donor money. Although these organizations only exist in registers the two operating (ERETO¹⁹ and the Pastoralists Council) remain relatively weak to address and lobby effectively on pastoralists issues. In many cases, other organizations (which no longer exists) were unrepresentative, unaccountable and ill equipped to articulate and defend the interests of the Pastoralists, have had difficulties in establishing a common front with each other, had limited financial resources and poor management skills. Some of these organizations had been set up by well-educated urban elites who do not necessarily represent or defend the interests of the pastoralists and there are concern's that as they proliferate, these associations are used to secure funding for individuals rather than to serve the needs of those they are supposed to present.²⁰ This text also addresses Questions raised by the council of Traditional Leaders- on the learning subscribed by the dying organizations and on the next stages for advancement of a pastoral civil society movement. This is important because the Traditional Leaders are not to repeat the mistakes that personnel administering NGO's have done in executing their duties. Such Mistakes are lack of accountability to funds allocated to community services, poor management skills, and lack of technical know how to override on a situation of political pressures and lobbies.



¹⁹ Ereto /NPP is the bilateral project between the government of Denmark, Tanzania and the pastoralists of NCA

²⁰ Ibid footnotes no. 4.