



Pastoralist at the crossroads: the struggle for land ownership and forceful relocation. A case of the Maasai pastoralists of Loliondo and Ngorongoro in Tanzania

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Abstract

The interplay between land tenure and governance significantly impacts the stewardship of rangelands, affecting Indigenous peoples and pastoral communities. This paper explores the evolving dynamics of land rights, particularly in areas like Ngorongoro and Loliondo in Tanzania, where communities face challenges due to land appropriation under the guise of conservation and economic development. The study urges equitable governance and emphasizes recognizing land rights and promoting participatory governance to empower local communities. Sustainable land practices can support marginalized communities' environment and livelihood by integrating traditional ecological knowledge into policy-making. A collaborative approach involving multiple stakeholders in decision-making processes is advocated, aiming to achieve more inclusive and just governance systems while addressing conflicts and promoting resilience among Indigenous and pastoral communities facing economic and environmental challenges.

Introduction

The forced displacement of local communities and Indigenous peoples from their ancestral lands in the name of conservation and development is a pressing issue that has garnered global attention, particularly in developing countries, disrupting their social fabric, cultural heritage, and livelihood (Maddox, *et al* 2023; Indígenas 2023; and Dawson, *et al* 2021). Starting in the mid-20th century, a series of land and wildlife laws aimed at conservation in Northern Tanzania pushed the Maasai off large tracts of their traditional land, including present-day Serengeti National Park (The Oakland Institute 2021; Jama and Mesfin 2024; Goldman 2011).

The Maasai pastoralists have long been custodians of the land, relying on traditional pastoralism for sustenance and cultural preservation. However, the encroachment of external interests often leads to dispossession, marginalization, and the erosion of centuries-old cultural practices (IWGIA, 2022_a; Jama & Mesfin, 2024; THRDC, 2023). The displacement of these communities exacerbates existing inequalities, perpetuating cycles of poverty and insecurity. The stark contrast between the interests of local communities seeking to maintain their way of life and external actors prioritizing economic gains underscores the complexities inherent in land ownership struggles.

The history of Tanzania's Land Tenure System and its legal frameworks

Tanzania's land tenure and laws can be traced back to the colonial era, particularly the time between 1884/85 and 1917 and 1918 to 1961 for German and British administrations, respectively (The Oakland Institute 2021). During the Germans era, the Land Decree was passed, allowing all territorial land to become crown land controlled by the German Empire, investing the power over land to a governor as a "custodian" permitting him to take away the land for certain uses assumed of the public interest (Shaudo *et al.* 2022). Under this decree, any land without evidence of ownership or continued use is considered vacant and ownerless. In 1903, the Land Registration Ordinance was passed, allowing the land to be allocated to individual, mostly white settlers through the land registration bureau. Although the bureau allocated the land to the white settlers, traditional and Indigenous lands were recognized as they fell under the village boundaries (Shaudo *et al.* 2022).

In 1923, Land Ordinance No.3 was passed, declaring all land public and giving a governor the power to control the natives' lands for the "use of common benefit," leading to the local communities losing large areas of land to the government (The Oakland Institute 2021). Between 1923 and 1926, the traditional communities lost approximately 120,000 hectares of land to foreigners (Barume 2010).

In 1940, the Game Ordinance was enacted to create the national parks and reserves, including setting the original boundaries of Serengeti National Park and imposing the first restrictions on settlement and use of the surrounding lands (The Oakland Institute, 2018). Later, in 1957, the community of inquiry led by the British recommended that the existing Serengeti National Park be split into two, whereby the first part is the present-day Serengeti National Park (SENAPA) and the second part became the famous Ngorongoro Conservation Area (NCA). They further recommended the total restriction on human habitation, including the Maasai (natives of the land) in the first part, while the latter allowed multiple land use with three goals of conservation, tourism, and protecting the interest of Indigenous groups (Shaudo *et al.* 2022; Fraser 2019). The National Parks Ordinance in 1959 led to the Maasai losing their customary rights, forcing them to other lands such as far east to Ngorongoro and Loliondo areas (Fraser 2019; Shivji and Kapinga 1989; Lissu 2000).

Additionally, the NCA Ordinance of 1959 established the Ngorongoro Conservation Area, allowing the Maasai settlement rights with the Ngorongoro Conservation Area Authority (NCAA) as the governing body. The NCAA was given the ability to prohibit, restrict, or control various activities in the region, including cultivating land, grazing cattle, and creating settlement dwellings (Shaudo *et al.* 2022).

Through the Arusha manifesto of 1961, the government pushed wildlife conservation with a bold promise of dedicating more land for conservation and wildlife parks, creating a specific role for international conservation groups to provide technical expertise in the planning and management of conservation areas in Africa (The Oakland Institute 2018; Burnett and Conover 1989). These groups, such as Frankfurt zoologists and the International Union for Conservation of Nature (IUCN), later lobbied to restrict the rights of the Maasai to cultivate, graze, and move within their residence (Shaudo, *et al.* 2022; Fraser 2019; Burnett and Conover 1989). In 1974, the Wildlife Conservation Act was passed, creating three types of conservation lands (*GCA, wetland reserves, and Wetland areas*) in addition to the game and parks, with significant restrictions placed on activities within these areas.

The vital legislation on land governance and tenure is the 1999 Land Act & Village Land that replaced the 1923 Land Ordinance, categorizing Tanzania Land under three categories, namely general land, village land, and reserved land (Veit 2019; URT 2022). Although the Village Act No. 5 of 1999 recognizes customary tenure and empowers village authorities to manage lands, many communities still lack security in their customary land, with the president holding the power to declare the village land under other categories of land for what is called "public interest" the same way the 1923 land ordinance did (Gailo, *et al.* 2014; Jama and Mesfin 2024).

Losing their land: Eviction of the Maasai from their Lands from 1940s -2023

The Maasai have inhabited the Serengeti plains and the Ngorongoro highlands since the 15th century, even before the Swahili trader's encounter in the 17th Century. They were expelled from their homeland when

Serengeti was made a National Park towards the end of the colonial period (Arhem 1985; Faurler 1882; Lissu 2000).

Contrary to some claims that the Maasai were offered Loliondo for Serengeti, they have inhabited it since time immemorial (Pearsall 1956; The Oakland Institute 2021). During the negotiations for the relocation of their relocation from the Serengeti plains in 1948, the British made a solemn to them that they had a right to be consulted, engaged, heard, and respected on matters related to land rights, with the promise of not breaking that pledge (Shaudo, *et al* 2022; Shivji and Kapinga 1998). Referring to the Ngorongoro Conservation area, when addressing the Federal Council of the Maasai people in 1959, Richard Turnbull, the British governor of Tanganyika, stated that;

"...should there be any conflict between the interests of the game and the human inhabitants, those of the latter must take precedence" (Shaudo, *et al* 2022)

The laws that established the NCA in 1959 did not extinguish the customary land rights of Indigenous residents but rather preserved them. In this view, the Maasai in NCA are, therefore, rightful landholders under the deemed customary right of occupancy (Shaudo, *et al* 2022; Shivji and Kapinga 1998).

After the failed evictions in the Loliondo and Ngorongoro areas, the government, in the middle of 2022, initiated the military operation to demarcate and evict residents living within the 1502 Km² along SENAPA, affecting about 15 villages in Sale and Loliondo Divisions, paving a way for the establishment of Pololeti Game Reserve. Moreover, the residents of NCA were forcefully relocated to more than 600 kilometers away in the Handeni District in the Tanga region (Shaudo, *et al.* 2022; IWGIA 2022_a; IWGIA 2022_c).

What does this eviction mean for the social, cultural, and economic well-being of the Maasai Pastoralist?

In the words of Matthiessen (1972), the African landscape is not just a backdrop but a living entity that shapes the lives, cultures, and survival of its inhabitants. The Maasai and their cattle depend entirely on land for pasture and hence family livelihood (Jama and Mesfin 2024; Rabinovich *et al* 2022). Shaudo, *et al* (2022) highlighted the connection of the land to the community livelihood and economic implications, cultural ties, and loss of their Identity. The ongoing restriction and forceful relocation have led to the community suffering from hunger, absolute poverty, violation of human rights, social conflicts, loss of land access and user rights, disruption of social structure, and limited community cohesion (UN 2022; Shaudo *et al* 2022; THDRC 2023). The Maasai lost most of the irreplaceable ceremonial and ritual sites affecting the community's belonging and identity with no opportunity to practice their culture, rituals, and traditional ceremonies such as rites of passage and rites of retirement, which are vital for their identity and tradition.

Additionally, the loss of access to fertile land led to serious consequences, resulting in poverty and starvation, limiting their economy and exacerbating vulnerability (Jama and Mesfin 2024; Sørensen and Vinding 2016). Shaudo *et al* (2022) reported that the Maasai pastoralists evicted from the Mkomazi Game reserve have experienced livestock loss, leaving them in dire poverty, and their fate might be shared by those of Ngorongoro. Due to a lack of enough fodder and grazing areas, the evicted Maasai have lost 70 –100% of their herd, leaving them in absolute poverty (Gailo *et al* 2014). Wickham *et al* (2014) highlight that due to climate variability, diseases, inadequate grazing and water resources, and unsuitable conditions for livestock keeping around the villages, they re-settled the Maasai and lost 95 percent of their livestock.

Conclusions and recommendation

One might ask, what then is there for the pastoralist communities in Tanzania? One should understand the reason behind this dilemma. Factors such as poor land use policies, political will in respecting the existing legal frameworks, fortress conservation, and the underlying impacts on the pastoralist communities. Most of the lands have no title deeds making it more easy to be taken by the state.

Addressing the challenges faced by the Maasai requires a comprehensive understanding of the complex interactions between social, economic, and environmental factors. With the major factor of displacement and forceful relocation from their homes being wildlife conservation backed by the state, the move has failed to take into consideration the far greater impacts on the community and existing relationship with their natural environment

The governing bodies should consider local communities' participation, encourage sustainable land management practices, foster community resilience, and respect Indigenous people's rights. There is a need for friendly and inclusive policy frameworks that allow pastoralist communities to engage and participate in land use plans and have a say on matters related to their land.

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