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International Institute for Environment and Development

Drylands Programme

Pastoral Land Tenure Series No. 8

Eviction of Pastoralists from the Mkomazi Game Reserve in Tanzania: An Historical Review

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Dedicated to
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First Conservator of the Ngorongoro Conservation Area
Anthropologist, District Officer - Tanganyika,
Author and tireless worker for pastoral land rights
Died 1996

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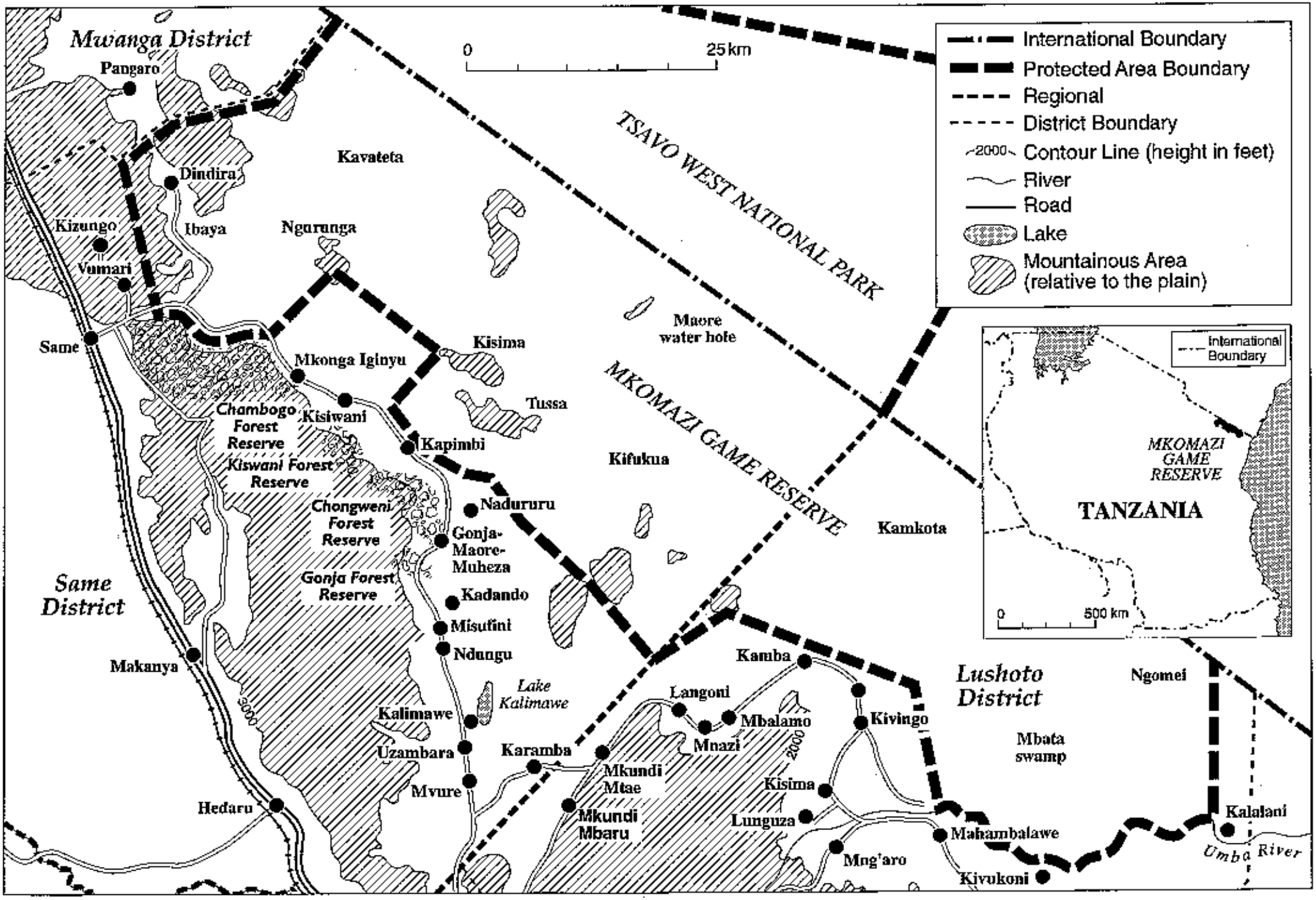
ABSTRACT

Conservationists working in Mkomazi Game Reserve regard the eviction of pastoralists as necessary for the conservation of wildlife in the reserve. They argue that pastoralists and their livestock have had an adverse impact on the environment and successful conservation in the reserve is only possible if it is exclusive of human land use. This is challenged by recent studies and runs contrary to new thinking on community-based wildlife conservation. Yet the pastoralists have been forcibly evicted from the reserve despite some of them having long standing written authority to reside there and without adequate provision for their relocation. They argue that as a result their rights have been contravened and they have become impoverished. They have therefore taken their case to the courts. An historical analysis suggests that whatever the judgement, it is clear that just resolution of the conflict is dependent on respect for indigenous rights and the future participation of local people in the management of resources for both their benefit and that of wildlife conservation in the area.

Map: 'Conservation with development? The case of Mkomazi, Tanzania', Dr K. Homewood, Hilda Kiwasila and Dan Brockington. Report to ESCOR of the Department for International Development, May 1997.


Mwanga District
Pangaro
Dindira
Kizungo
Ibaya
Ngarunga
Vumari
Kavateta
TSAVO WEST NATIONAL PARK
Same
Mkonga Iginyu
Kisima
Maore water hole
Tussa
MKOMAZI GAME RESERVE
Chambogo Forest Reserve
Kiswani Forest Reserve
Kisiwani
Kapimbi
Kifukua
Nadururu
Chongweni Forest Reserve
Gonja-Maore-Muheza
Kamkota
Same District
Gonja Forest Reserve
Kadando
Misufini
Ndungu
Makanya
Lake Kalimawe
Kalimawe
Uzambara
Karamba
Mvure
Hedaru
Mkundi Mtae
Mkundi Mbaru
Kamba
Langoni
Mbalamo
Mnazi
Kivingo
Lushoto District
Ngomei
Mbata swamp
Kisima
Lunguza
Mng'aro
Mahambalawe
Kivukoni
Kalalani
Umba River
0
25km
International Boundary
Protected Area Boundary
Regional
District Boundary
2000 Contour Line (height in feet)
River
Road
Lake
Mountainous Area (relative to the plain)
International Boundary
MKOMAZI GAME RESERVE
TANZANIA
0
500 km

INTRODUCTION

Pastoralists in Tanzania have been subjected to differential treatment by the state in recent years. However, before considering the recent eviction of the pastoralists from the Mkomazi Game Reserve (MGR), it is useful to review other recent developments in the country that have a bearing on current relations between pastoralists and the state.

In Hanang District, Barabaig pastoralists were left reeling from legislation (Act 22 of 1992) on land tenure, which effectively nullifies their cases in court, where they were challenging the alienation of their best land by Canadian aid funded state wheat farms (Lane 1990, 1991, 1996).

According to this Act, customary land tenure is extinguished, no compensation is payable and no legal redress is permitted. In addition, previous court rulings in favour of customary land tenure are annulled and current court cases are terminated without legal costs being refunded. Land disputes can now only be heard by special Tribunals and the decision of the Minister of Lands is final, with no appeal being allowed to the courts.[1] The nature of this draconian legislation demonstrates clearly that the state is prepared to ride roughshod over the entrenched rights of its citizens (Shivji 1994). However, the legislation has been challenged on constitutional grounds by the Legal Aid Committee (LAC) of the University of Dar es Salaam, a challenge which succeeded on appeal.[2]

The 1992 Act also went against the findings and recommendations of the Presidential Commission of Inquiry into Land Matters, under the Chairmanship of Professor Issa Shivji, Professor of Law at the University of Dar es Salaam, which submitted its Report in the same year. In the Executive Summary of this Report, it is argued that the extinction of customary rights is likely to have serious political and social repercussions. It is also argued that the national policy on land should not be approached administratively or in the context of the institutional framework of government ministries. Instead, it is recommended that land tenure

[1] The United Republic of Tanzania, Regulation of Land Tenure (Established Villages) Act, 1992, Gazette of the United Republic of Tanzania, No. 46, Vol. 73, November 13, 1992.

[2] According to Sections 24 (1) and (2) of the 1977 Constitution of the United Republic of Tanzania, every person has the right to own or hold any property lawfully acquired and a person shall not be arbitrarily deprived of his property for the purpose of acquisition or any other purpose without the authority of law which shall set out conditions for fair and adequate compensation.

should be incorporated into the Constitution and removed from the executive arm of the state, which, it is claimed, is the cause for many of the problems currently being experienced. The Shivji-led Commission also warned against creating administrative land tribunals outside the existing judicial structure (URT 1994).

Most of the provisions of the 1992 Act fly in the face of the recommendations of the Presidential Commission. It seems clear that the rush to get the legislation through Parliament was, in part, a result of a fear, in some quarters of the state, that the recommendations of the Commission would give too great a weight to local peoples' customary rights and interests.

However, this punitive legislation is not the only way in which the state has made life difficult for pastoralists. Attempts by the Barabaig to organise their own branch of the indigenous non-governmental organisation, KIPOC (Korongoro Integrated Peoples Oriented To Conservation), were also resisted by the state. The Regional and District authorities considered KIPOC to be subversive, although it is legally registered to operate elsewhere in Tanzania. The KIPOC office in Katesh was closed down and KIPOC leaders were put under surveillance. Since KIPOC's constituency is in Ngorongoro district, and because it has its own problems there, the Barabaig have subsequently had to register their own organisation, Bulgalda, with which to represent their specific interests in Hanang district.

KIPOC has also had to face difficult odds in Ngorongoro district, not least because of the presence of the Ngorongoro Conservation Area (NCA) and the power wielded by the Ngorongoro Conservation Area Authority (NCAA). For example, in April 1974, the Maasai inhabitants of three homesteads who had lived in the Ngorongoro Crater for many years, were summarily evicted by the police. Apparently they were not even given a single day to prepare for their evacuation or to find an alternative site for their homes. The NCAA condoned the action and provided a lorry to move their belongings. And in 1988, the NCAA took some 600 Maasai to court on charges of illegal cultivation. They were all fined 1,500 Tanzania shillings and had 1,300 acres of maize destroyed by NCAA staff. According to a Commission established by the NCAA Board, a greater number of Maasai probably paid bribes to NCAA staff to avoid prosecution and destruction of their crops. Apparently, no action was taken on this matter by NCAA.[3]

[3] Henry Fosbrooke (first conservator of NCA), Letter to Editor of Parks Magazine on Eviction of Maasai from Ngorongoro Crater, No Date.

It was only after a protracted campaign by residents that in 1992 the Prime Minister allowed them to grow crops legally in NCA as a supplement to livestock production. However it is now proposed by the General Management Plan to reimpose the ban against cropping despite the vociferous protests of residents.[4]

Although NCA residents may have gained a temporary victory in relation to cultivation in NCA, they still face a major problem in relation to the broader question of land alienation in Ngorongoro district as a whole. On November 4, 1992, Tanzania Cattle Products Limited was granted 25,000 acres of land at Ololosokwan village in Ngorongoro district.[5] This development is consistent with the apparent purpose of the 1992 Land Tenure Regulation Act, which seems to create a favourable climate for investment by private commercial interests which has prompted 'land-grabbing' by local elites at the expense of local people.

Elsewhere in Africa, the conservation debate seems to be moving towards a recognition of the need for long term co-existence between local people and wildlife (IIED 1994). However, the situation for pastoralists in Tanzania has not been so positive. In the Mkomazi Game Reserve (MGR), Il Parakuyo and Maasai pastoralists have been evicted from the reserve, despite having an historical and legal claim to be resident there.[6] In both areas, the interests of wildlife conservation have been put forward vigorously by members of the pro-wildlife lobby to the detriment of local people. In the case of NCA, this lobby has begun to be successful in asserting its interests.[7] In Mkomazi, which is gazetted as a game reserve rather than a conservation area, and in which pastoralists would normally enjoy rights of grazing, the pro-wildlife lobby currently seems to be enjoying the upper hand.

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[4] URT, A Conservation and Development Strategy for the Ngorongoro Area: Report of the *Ad Hoc* Ministerial Commission on Ngorongoro, August 10, 1990. See also Lane, C. (1996a).

[5] URT, Letter from Arusha Regional Land Development Officer to Tanzania Cattle Products Limited, Reference Number AR/1072/Vol. V/77.

[6] The legality of these evictions is to be challenged by the Legal Aid Committee of the University of Dar es Salaam.

[7] The World Conservation Union for the Conservation (IUCN) tried to delay things for the pastoralists, but is now itself also conceding after having financial support withdrawn by Norway and the European Community.

As Henry Fosbrooke commented:

> *Whereas modern conservation strategy emphasises the importance of direct benefits to local inhabitants in terms of long term sustainability, and this strategy is currently being followed in the NCA and Serengeti National Park, in Mkomazi Game Reserve [MGR] the strategy being followed is premised on creating active hostility towards local inhabitants. The pastoralists, who have been resident in the area for more than a hundred years, have been deprived of their ancestral rights, evicted without preparation for their reception elsewhere and have suffered social disruption and economic disaster as a result. Appeals to the state by the pastoralists have fallen on deaf ears. This is clearly a man-made problem and the people responsible [the pro-wildlife lobby and state officials] seem to be proud of their achievement.*
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> *Local Government leaders admitted that the pastoralists were suffering hardship but felt that nothing could be done since this was a Government order. The Mkomazi area has the lowest rainfall in the whole of Tanzania and grazing is virtually non-existent outside the MGR. The cattle have thus been very badly affected. Pastoralists have been charged fees for bringing their cattle into the MGR.*
>
> *The Principal Secretary in the Ministry of Tourism, Natural Resources and Environment has written suggesting that the pastoralists should go to Handeni District, which he feels is good for animal husbandry, although it is well known that the District is infested with tsetse fly.*
>
> *The pastoralists claim that they were originally given permission to stay on in the MGR when it was established without the need for permits. Permits were issued to more recent residents, allegedly following payment of substantial bribes.*
>
> *The officer in charge of MGR sees his job as rehabilitating the MGR, particularly by removing and keeping out the pastoralists. He is clearly not in line with modern conservation strategy.*[8]

[8] Henry Fosbrooke, "Eviction of Pastoralists from Mkomazi Game Reserve", Draft Interim Report to Presidential Land Commission, No Date.

This paper will examine the history of the Mkomazi case.[9] It will be shown how the interests of wildlife conservation were pursued at the expense of local people, and it will be argued that the interests of pastoralists and wildlife can both be met within a coherent conservation strategy, based on participatory management and joint use of natural resources. Failure to pursue such a course will, it is suggested, lead to continued and more hostile social conflict to the ultimate detriment of conservation values in this area.

BACKGROUND TO THE MKOMAZI CASE

Mkomazi Game Reserve is around 1,000 square kilometres in size and lies in Kilimanjaro region. Established in 1951, its boundaries and management regulations are stipulated in the Wildlife Conservation Act of 1974. When the MGR was first gazetted, it was apparently intended to replace the Ruvu Game Reserve, which had been overgrazed and was no longer suitable because of land degradation. The boundaries of MGR were altered in 1957 and 1966. In 1973, it was split into Mkomazi and Umba Game Reserves under Kilimanjaro and Tanga regions respectively (Mduma 1988:1-5).

The management of game reserves was decentralised at this time, which also saw widespread poaching of animals. Game reserves are now being run as Management Projects under the Wildlife Department of the Ministry of Tourism and Natural Resources. Their control remains dependent on Treasury funding and they are thus not financially independent like National Parks and the NCA (PANET NEWS October 1992:2).

Between 1975-1985, 1,555 tourists visited MGR, the vast majority (93%) being Tanzanian residents. A total of only 43,361 Tanzania shillings was collected at the Zange gate in the period 1976-1985. By 1984, the annual number of tourists had declined to only 18 (Mduma, op. cit.). Wildlife are estimated to earn $100 million for Tanzania annually, $10 million of this going to the state, of which 66% is paid by the 4% of tourists who hunt. The annual offtake of animals by "sport" hunting is 4,000, another 7,000 are culled (14% being elephants) by the Wildlife

[9] Most of the material on which this paper is based was collected in Tanzania for the International Institute for Environment and Development (IIED) by Henry Fosbrooke CBE and Saning'o K. ole Sanago Martin.

department, while up to 400,000 are said to be killed by poachers (PANET News, op.cit.)[10]

According to Richard Lamprey, only three pastoralist families were using MGR before the Game department built three dams in 1967. Apparently many people moved in after that, and the reserve was almost abandoned as a wildlife area (PANET NEWS, op. cit., p.3). This claim is contested by Henry Fosbrooke, who notes that Il Parakuyo and Maasai pastoralists were first mentioned as inhabitants of the Mkomazi area by Reverend J.P. Farler in 1882. Farler reported that caravan leaders had told him of a Maasai settlement on the Mkomazi river. These Maasai were said not to cultivate, but to breed cattle, sheep and goats which they sold to passing caravans and traded with neighbours for grain (Proceedings of Royal Geographical Society, 1882:730-746).

Fosbrooke also reveals that three Maasai homesteads were shown in a photograph of the Mkomazi river in 1911, before the establishment of the MGR. He found six homesteads with 24 gates in one location on his first visit to the area in 1951 (PANET NEWS). This may or may not be consistent with the account given by David Anstey, who refers to the MGR as being as yet uninhabited, except at one corner, at the time it was officially gazetted in October 1951 (Anstey 1958:68-70). These discrepancies could be explained by the pastoralists' migratory pattern of land use.

In a Game department letter dated April 17, 1968, it is stated that a list of pastoralists who were allowed to live in MGR in accordance with the Fauna Conservation Ordinance, was first compiled in 1952. It was corrected on December 1, 1963, and again on April 17, 1968. Many pastoralists, when challenged about their right to be resident in MGR, apparently admitted that they were using the names of their forebears, whose children they were. Others had unsigned permits and some genuine residents complained about being evicted. Many livestock, whose owners were not known, were found grazing in MGR. Nor was it known how many livestock belonged to those permitted to reside in MGR. For this reason, it was decided to carry out a fresh census.

[10] In this connection, it is interesting to note that there has been a recent influx of Arabian Royalty into Tanzania for huntin. Large areas of grazing land in Loliondo division have already been ceded to these and other hunting groups by a state desperate for foreign exchange and concessions on oil imports.

According to this census, there were some 212 pastoralists residing legally in MGR in 23 homesteads. There were also four homesteads which included 15 dependants who were not legally permitted to be resident, but who were allowed to continue residing until further notice.[11] On January 7 and November 2, 1971, permission to reside in MGR was granted by the Regional Game Warden to three more homesteads, taking the total to 258 pastoralists in 26 homesteads.[12] So up to this point, at least, it would appear that the legal right of the pastoralists to be resident in MGR was recognised by the state.

On March 13, 1976, however, the Manager of the Mkomazi Game Reserve Project wrote a circular letter to residents, informing them that they had to leave with their livestock and that they should no longer graze their livestock in the reserve. It was stated that previously issued permits were no longer valid for residence in the reserve. These steps had apparently been taken because of the alleged environmental destruction being caused by overgrazing.

The pastoralists were given 10 days to prepare for their departure and to build alternative accommodation outside the reserve. A new application system was to be introduced based on the old permits. However, in line with Sub-Sections 7(1), 8(1), and 9(1) of the 1974 Wildlife Conservation Act, any livestock seized after that time would be commandeered as public property, in line with the provisions relating to the seizure of firearms and motor vehicles. Continued presence in the reserve would be taken as a failure to comply with the notice.[13]

In a letter dated March 20, 1976, the Ward Secretary for Kisiwani ward wrote to the District Party Chairman, informing him about the circumstances under which such a letter was delivered to Losina Ledenya, an Il Parakuyo Maasai living in Kisiwani as reported to him by Losina Ledenya. After identifying his father and grandfather to the Ward Secretary, Losina related how they had lived in Kisiwani and had only moved to other places on account of the need to find water for cattle in times of drought, such as in 1962 and 1972.

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[11] URT. Orodha ya Wakwavi walioruhusiwa kuishi Mkomazi Game Reserve Tanga, 1952. Imesahihishwa 17/4/1968, Reference Number: TA/GD/010/22/193.

[12] URT. Letters from Regional Game Warden, January 7, 1971, Reference Number SM/GD/G.10/B/315; January 18, 1971, Supplement to List TA/GD/D10/16/22/193; November 2, 1971, Reference Number SM/GD/G.10/B/315.

[13] URT. Reference Number: MKPR/G.10/14.

On December 5, 1975, Losina was arrested by members of the Game Department for being in MGR. He was remanded for seven days and then released on bail. His case was heard at the District Court on December 19. In his defence, he presented his permit allowing him to be resident in MGR. On December 22, the District Magistrate requested that the permit be handed over to the Court for investigation, and on December 30, 1975, judgement was passed in his favour and he was told that he was free to continue living in the Reserve. His permit was, however, kept by the Court.

On February 28, 1976, he sent his son to collect the permit. His son was told to return on March 28, because the case was going to appeal. Instead, however, on March 13, while Losina was at home, a group of people from the Game Department brought him a letter ordering him to leave MGR. When he refused to sign for the receipt of the letter, they persuaded him to leave home to seek advice on the issue. Later on the road, members of the Game Department, who were armed with guns, threatened him and forced him to sign by putting his thumb print on the letter. After this incident he went to the Ward Secretary to complain formally. The Ward Secretary referred the matter to the District Party Chairman because he felt that it was beyond his jurisdiction. On March 30, the District Commissioner wrote on the letter bearing Losina's thumbprint, that the execution of the order should wait until a meeting had been held with the pastoral leaders.[14]

Discussions between district officials and pastoralist representatives must have taken place over the next four years, since on May 13, 1980, a letter was written by Kafuna Yoseki, an Il Parakuyo ten cell leader from Kisiwani, to the District Commissioner, listing 20 other Il Parakuyo, who were known to him personally as original inhabitants of the area.[15]

On June 13, 1981, a meeting was held at the District Commissioner's Office between party and government leaders and three Il Parakuyo representatives, including Kafuna Yoseki. The purpose of the meeting was to follow up a previous meeting held in Kisiwani on May 23, and to plan a date for visiting the alternative areas where the pastoralists living in MGR could resettle. The District Commissioner pointed out that a request by the pastoralists to the Prime Minister asking that they be allowed to continue living in MGR had been refused. The

[14] URT. Reference Number: WK/M.30/1/158.

[15] URT. Reference Number: G/27.

Prime Minister's Office had directed the Regional Executive Committee to follow up this matter and this Committee had directed that the pastoralists be moved out. After a long discussion, it was decided that the pastoralists should choose three representatives to go around with district officials in order to choose the areas to which they could move. The representatives of the pastoralists who attended this meeting appear to have agreed to move out of MGR and requested to be notified about the date planned for inspection of alternative areas. Five different locations were proposed: Ruvu Mferejini, Ruvu ya Makanya, Ruvu ya Hedaru, Handeni, and Mkata. At the meeting, it was proposed that the nearby areas in the district be visited first, as these trips would only take a day. This would constitute the first phase. It was resolved that the pastoralist representatives should arrive at the district headquarters on June 18, 1981, ready to leave on the morning of June 19, for the tour of inspection. The District Commissioner closed the meeting by impressing on the representatives that they should not be late for the departure.

This would indicate that a considerable degree of cooperation had been achieved between the pastoralists and District leaders in June 1981. However, things clearly did not go to plan, since on August 17, 1983, the Mkomazi Project Manager wrote to five pastoralists living in Kisiwani, noting that in the previous season they had constructed their homesteads in an area where they were not allowed to settle, but could only use for grazing cattle. They were warned not to repeat this in the coming season, and if any homesteads were seen in this prohibited area, the household head should not blame the government if he was arrested and taken to court.[16]

Relations clearly continued to deteriorate over the next four years, for on December 12, 1987, a circular letter was written by the regional government office, directing the pastoralists to move out with their livestock from MGR, and the Umba Game Reserve (UGR).[17] This letter followed a directive from the Ministry of Natural Resources and Tourism of December 8, 1987.[18] The directive cancelled all previous permits issued to people allowing them to enter, live in or graze their livestock within MGR and UGR. This was in reference to those permits that had been issued between April 17, 1968, and December 8, 1987. This directive stated that no such permits should ever be issued again.

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[16] URT. Reference Number: SM/GD/G.10/168/472.

[17] URT. Reference Number: G/C/MGR/77/91.

[18] URT. Reference Number: GWC/5/Y/E/230.

It was explained that these steps were being taken in line with the Wildlife Conservation Act of 1974 in order to safeguard and rehabilitate wildlife sanctuaries, as well as to block the smuggling of livestock products and other commodities through this area. Since the Ministry had directed that people should be informed within a certain period, and that previous permits had been cancelled as of December 8, 1987, the pastoralists were told by the regional authorities that they should be out of the reserves by January 20, 1988. Anyone ignoring the order, and discovered by the rigorous inspection that would follow, would be prosecuted in court.

This threat obviously did not have the intended effect. In a letter dated April 13, 1988 from the Principal Secretary of the Ministry of Lands, Natural Resources and Tourism[19], it was again stated that all those who had been given permission to reside in MGR and UGR were now required to leave the reserves. Tanga and Kilimanjaro Regional Commissioners ordered that people residing in the reserves could move to other areas in either of these two regions, and in particular to Handeni district, which was said to be suitable for animal husbandry. It was pointed out that in the ministry letter of December 8, 1987, all permits had been revoked and that the time period given for their departure had now elapsed. People were therefore urged to move quickly and establish new places of residence without waiting to be pushed.

From this it seems clear that the decision to evict pastoralists from MGR was taken without giving serious consideration to their rights or needs. To understand the way in which the state came to this decision, it is necessary to consider the argument put forward by the pro-wildlife lobby.

[19] URT. Reference Number: GD.18/R/8/226.

THE PRO-WILDLIFE LOBBY

Following research by S.R. Mduma of the Zoology Department of the University of Dar es Salaam, he wrote an article arguing that MGR had suffered adverse effects caused by ever increasing population pressure and negligence:

> *Some of the problems, such as that of issuing settlement permits, date back to when the reserve was established. The population of both pastoralists and livestock has increased to such an alarming point that unless something is done immediately, there is no hope that this once spectacular game reserve can continue to exist as a wildlife refuge.... It is disheartening to note that Mkomazi is threatened by continued and relentless encroachment by man and his livestock.* (Mduma, op. cit).

This alarmist and emotive statement portrays pastoralism within the reserve as threatening its very existence. According to Mduma, when the original families were permitted to continue living in the reserve with their livestock, it was stipulated that livestock numbers should not exceed 7,000 and that only the UGR should be used for grazing. However, as numbers increased, Mduma claims that the pastoralists crossed the Umba river and started grazing in MGR. Residence permits were issued under the Fauna Conservation Ordinance and later, when this was repealed, the Wildlife Conservation Act of 1974. According to Mduma, in 1976 there were an estimated 3,000 domestic animals in the reserve. By 1978 this number had risen to 18,000, and by 1981 to 30,000. In August 1981, it was reported that 41 families made up of 397 individuals were living in the reserve with 28,000 animal units.

The Kilimanjaro Regional Development Council agreed in 1978 that the pastoralists and their livestock had to be removed from the reserve. In 1980, the Prime Minister directed that they should be moved to Handeni district in Tanga region, but in 1981 it was decided that they should go to Mkata in Morogoro region. In both these areas the respective regional authorities argued that they could not accept such a large influx of people and livestock, and since then no further efforts have been made to find an alternative site.

Mduma argues that livestock keeping is usually incompatible with wildlife and causes overgrazing leading to environmental degradation and desertification. He suggests that while it is possible for pastoralists to move to other areas, this option

is not available to wildlife since they would lose the protection of their sanctuaries. Mduma also claims that pastoralists killed game animals for food, consumed huge amounts of wood for fuel, building poles and fencing, as well as starting fires indiscriminately. In his opinion, all these activities had led to the reduction in wildlife numbers in MGR.

He also argues that the lack of resources, personnel, and infrastructure led to MGR being inadequately managed. He recommended implementation of the decision to evict all pastoralists and their livestock, and suggested that all costs associated with transferring them to another area should be met by the regional government. He also recommended that the national Livestock Development Policy of destocking should be implemented in order to reduce the number of livestock held by pastoralists.

In conclusion, Mduma pointed out that international wildlife organisations, such as the East African Wildlife Society, the Frankfurt Zoological Society, and the African Wildlife Foundation, might be prepared to provide material and moral support to MGR on condition that the pastoralists were evicted.

These are the classic arguments of the pro-wildlife lobby and have been put forward in relation to the NCA as well. However, in the NCA context, these arguments have been rebutted on the basis of empirical research findings, and the pro-wildlife lobby has not been able to make much headway on the basis of these over-simplified generalisations.[20] Since the pastoralists have clearly stipulated historical and legal rights to reside in NCA, pro-wildlife lobby attempts to evict them have not been successful. The question is, why should the eviction of the pastoralists from MGR be any more successful?

In this regard, it is interesting to note that the Editor of Miombo (Newsletter of the Tanzania Wildlife Society), in which Mduma's article was published, felt constrained to comment that the pastoralists had been evicted against their will from MGR and were still residing on the boundaries of the reserve, since no

[20] URT (1990). A Conservation and Development Strategy for the Ngorongoro Conservation Area: Report of the *Ad Hoc* Ministerial Commission on Ngorongoro; M.S. ole Parkipuny (1991), "Pastoralism, Conservation and Development in the Greater Serengeti Region", IIED, London. For a rebuttal of the general arguments leveled against Il Parakuyo and other pastoralists in relation to destocking etc, see Mustafa, K. (1989) "Participatory Research and the 'Pastoralist Question' in Tanzania: A Critique of the Jipemoyo Project Experience in Bagamoyo District, Jipemoyo", Development and Culture Research 7, Helsinki, Finland.

alternative area had been provided for them. He urged the government to give them compensation for all the problems they were suffering (Mduma, op. cit. P.5). However, this takes us ahead of the historical context of the argument.

On June 15, 1988, an Editorial Comment in the government-owned Daily News picked up on Mduma's article and stated:

> *Reports that the Mkomazi Game Reserve in Kilimanjaro Region is facing extinction due to negligence, poor administration and pressure from pastoralists and livestock must be viewed with great concern. What is even more alarming is that there is no control in the issuing of settlement permits in this area, which was designated a game reserve as far back as 1951. It means in effect that the wild animals which have since time immemorial roamed the reserve freely, and have legal rights to the 1,000 square kilometres, may in reality progressively be losing that freedom. The spectre of the settlers with their livestock threatens this freedom and tarnishes Tanzania's commitment to maintaining its rich wildlife areas, especially when it is said that the regional directorate has been allocating less and less funds to run the reserve....We are confident that measures can be taken to ensure that unwarranted human settlement activity which would harm the natural environment for wildlife is minimised.*[21]

It is clear in this case that the state is firmly on the side of the pro-wildlife lobby in preferring to preserve wildlife more than pastoralists.

According to Mpiga Mangubuli, Senior Instructor at the College of African Wildlife Management, the eviction of pastoralists in 1988 finally resolved the crisis regarding the conservation of MGR resulting from persistent livestock encroachment in the reserve over 37 years. He argued that livestock grazing and fires had caused changes in the habitat of the reserve, which was a cause for concern. Interestingly, however, he also noted that hunting by tourists and live animal capture were the most significant uses of the reserve at that time!

Mangubuli admitted that the area was in fact a traditional wet season grazing ground for pastoralists, just as the former Ruvu Game Reserve had been a traditional dry season grazing ground. Both areas had continued to be used by pastoralists, and in 1957 the Kalimawe area was excised from MGR for grazing

[21] Daily News, June 15, 1988, p.1.

and crop farming. Mangubuli argued that the lack of a land use policy in the excised area led to intense disputes between the pastoralists and cultivators in relation to water sources and crop damage. The construction of Dindira dam within MGR led to further encroachment and this was again resolved in 1965 by excising the Igoma area from MGR for grazing and cultivation.

Following decentralisation in 1972, corruption allegedly increased and permits for grazing and residence in MGR were issued indiscriminately. The use of force to resolve the problem of encroachment was not politically possible at that time as pastoralists had begun to lobby effectively for support at the national level. When, in 1978, the decision was made to evict them, they objected and demanded to be involved in evaluating suitable alternative sites.

In the meantime, Mangubuli alleges that up to 300,000 livestock were causing serious overgrazing and water sources were silting up because of erosion. As encroachment increased, the wildlife moved out, especially in the wake of bushfires and increased settlement around water sources.

Following further assessments of the situation in 1981, it was finally decided in 1986 to nullify all grazing and residency permits, and in July 1988 all pastoralists were to be relocated to Kiteto and Ruvu districts. However, according to Mangubuli, experience has shown that pastoralists lost out to cultivators in the absence of integrated land use planning. In order to prevent pastoralists from returning to MGR, he suggested that the Wildlife Department take steps to design appropriate integrated land use plans to resolve the problem.

While Mangubuli advocated a policy of involving the neighbouring cultivators in the interests of conservation, no such plan was put forward in relation to the pastoralists. For him, the aim was to transform MGR into a national park, rather than into a conservation area (Mangubuli).

On September 21, 1988, it was reported in the Tanzania Daily News that over 5,000 pastoralists had been evicted from UGR, in addition to those evicted from MGR.[22] In December 1988, in an article entitled "Pastoralists removed from Mkomazi", a Daily News reporter, Christopher Mwalubandu, noted that according to the Kilimanjaro Regional Commissioner, most of the pastoralists who were living in MGR had now been removed. He added that there were a few

[22] Daily News, September 21 1988, Regional Round-Up.

stubborn pastoralists who were resisting the removal order and that these were being arrested and taken to court. The Kilimanjaro Regional Development Committee had issued an Order on September 26, 1987, to remove all pastoralists from the reserve and all settlement permits were revoked on December 8, 1987. According to the Regional Commissioner, all the residents were served with letters to get out of the reserve voluntarily. In early April 1988, force had to be used against those who were still in the reserve. He stated:

> *I want to emphasise that force had to be used as a last resort where all persuasion efforts had failed. It is important for these pastoralists to understand why increased human population pressure in the reserve is harmful to the national resource.*

Rupert Watson, writing in *Swara*, the journal of the East African Wildlife Society, claimed that by 1987 up to 40,000 cattle, sheep and goats, accompanied by herders, were wandering about in MGR. In 1988, the MGR Rehabilitation Project was set up by Presidential Decree. The Project Director was Hezekiah Mungure, the head of the anti-poaching unit was Ali Hassan, and Tony Fitzjohn raised funds internationally through the George Adamson Wildlife Trust Fund for recurrent and development costs.[23]

According to Watson, "sport" hunting was banned in MGR in 1990, and although almost all the pastoralists had moved out of the reserve, some continued to stray back with their livestock to graze. If they failed to move out again after warnings, they were prosecuted. Watson claimed that most families displaced from the reserve had been able to resettle with comparative ease, and that MGR could never have been restored as a viable game reserve in the face of continued human occupation (Watson, 1991).

[23] Tony Fitzjohn has lived in Mkomazi since 1989 and is actively involved on both a financial and management level in helping the Wildlife Department rehabilitate the reserve. In a letter to Henry Fosbrooke, written on December 26, 1992, he states that he is paying attention to the basic infrastructure first, due to the devastation which he says it has suffered over the last 20 years of neglect. He also calls for a meeting with Fosbrooke to discuss both sides of the Mkomazi case and to correct the uncomplimentary reports, rumoured to originate from Fosbrooke, about the management of MGR and the treatment of pastoralists.

THE PASTORALISTS' CASE

On July 10, 1988, the pastoralists resident in the MGR had written to the Prime Minister, complaining about their threatened eviction. They referred to the letter of April 13, 1988, from the Principal Secretary in the Ministry of Natural Resources and Tourism. They pointed out that they had been living in the area before the reserve had been established. At that time, they were issued with official permits in accordance with the law. They had been living in the area lawfully all these years and so when they received notice of eviction, they protested at district and regional levels. They were also shocked that no alternative location had been prepared for them in advance of this order.

The pastoralists had reluctantly agreed to the eviction because they did not want a fight with the government. However, they found themselves in drought conditions, with up to 40,000 cattle lacking grazing, surrounded by villages settled with cultivators. Fearing the imminent dangers that might arise from a lack of adequate grazing outside the reserve, and the proximity of the cattle to village farms, the pastoralists appealed to the Prime Minister to examine the whole issue again, as they were likely to suffer severe loss of livestock and possibly human life as well. They felt they were being denied their fundamental rights as citizens of the country. They suggested that the reserve could be divided into areas for livestock and areas for wildlife, or that the livestock could continue to enjoy grazing rights together with wildlife. The pastoralists stressed that their interests needed to be considered as well those of wildlife, and appealed to the Prime Minister to come urgently to their assistance, since they were in a very bad way. They concluded by saying that they had no other means of livelihood than their livestock.

On August 4, 1988, MGR management revealed that there was a conflict between the pastoralists and the reserve's management over the boundaries of MGR. The pastoralists accepted the original boundaries drawn up by the British colonial authorities in 1951. They did not, however, accept the modified boundaries drawn up between 1952-1956, which included areas in which they were currently living, after having left the original area considered to be the extent of MGR.

On August 10, 1988, a group of 28 pastoralists met in Kisiwani to choose four representatives to accompany district leaders in order to select an area for them to settle outside the district. Afterwards, a discussion was held about potentially suitable places about which the elders had heard good reports. In Kiteto district,

the following places were mentioned: Olasitra (***Londepas***), Kitwai (***Olpirikata***) and Oloilitai (***Olkejuloperera***). In Handeni district, the two places mentioned were Olboloti (***Kidapasha***) and Marangeek.

On November 14, 1988, the District Commissioner of Same wrote a circular letter to several pastoralists informing them that they were known to have moved out of MGR to an area bordering the reserve. This area did not have sufficient pasture and it was evident that they were continuing to graze their livestock in MGR. As such, his Office had decided that they would be given ten days notice to move to any area west of Same, such as Ruvu, the other side of Ruvu river, Engasmeti, Kitwai A or B, or wherever else they chose. If they failed to heed this directive within the time period given, they would be evicted by force and would also have to pay the eviction and moving costs.[24]

The pastoralists concerned obviously did not take this threat very seriously, for on December 14, 1988, the District Commissioner of Same wrote another circular letter informing them that they were to be evicted by force because they had not voluntarily heeded his order. They would be required to pay all the costs associated with this move, as had been explained to them in the previous letter. In the attached schedule, 61 homesteads were to be evicted by force between December 22, 1988, and January 31, 1989. The members of 37 homesteads were to be taken to Kiteto and the remaining 24 to Ruvu.[25]

On January 13, 1989, an Assistant to the Prime Minister wrote confidentially to the Regional Commissioner of Kilimanjaro. According to him, the pastoralists claimed that they had not refused to comply with the government order, but the plans for moving them out had not been drawn up properly. They claimed there had been no communication between Kilimanjaro and Arusha regional leaders about their relocation to Kiteto district. This was confirmed by the Arusha Regional Development Director, who had told him that he had heard no news of pastoralists being moved to Kiteto.

The pastoralists made other allegations that they were being beaten by members of the People's Militia, that money was being extorted from them by force, and

[24] URT. Reference Number: G.10/4/III/123.

[25] URT. Reference Number: G.10/4/Vol. III.

that they were being harassed a great deal, especially on the orders of the Same District Commissioner.

They asked the government to ensure that proper plans were drawn up for the move, taking into consideration their standing crops, the number of livestock, their reception in the area to which they would be moving, and the need for enough time to prepare themselves, given the fact that they had been living in that area since the time of their ancestors. According to their own estimates, the pastoralists had some 12,000 cattle, 5,000 goats and sheep, and 4,000 donkeys. As such, provision of sufficient veterinary facilities and water were needed at the place to where they were being moved.

The Prime Minister's assistant noted that this issue was being presented again to the Regional Commissioner for his resolution. He concluded by saying that the Prime Minister's Office wanted to know how this problem was to be resolved.[26]

The Regional Commissioner obviously did not move fast enough for the pastoralists. On June 8, 1989, a letter was written to him on behalf of all the pastoralists in Kisiwani, saying that this time they hoped that their problems would be solved. They argued that it was admitted by the party and government leaders in Tanga and Kilimanjaro regions in the Government Directive of April 13, 1988, that pastoralists were officially allowed to live in the reserve from 1968. Since that time, many political and economic changes had taken place, which made them feel that they could not move without a programme of support. The 1975 Villages and Ujamaa Villages Act provided for the legal establishment of villages. The villages had their own government with the authority to receive or reject new villagers. It was not, therefore, easy for pastoralists to move to another region or district without official endorsement. In his letter of December 14, 1988, the Same District Commissioner informed the pastoralists that many of them would be moved to Kiteto. However, this was not communicated to the regional and district leaders, so that they could provide help to the pastoralists. Since that time, the pastoralists had not been able to get official support and were thus still leading a precarious existence.

As a result, several pastoralists had grown impatient and decided to emigrate to Kenya where they felt they would be better off. This constitutes a loss to the nation since people were leaving with their wealth in livestock simply because the

[26] URT. Reference Number: PMO/DSM/C.230/16/A.

government was not able to provide what they needed. There were some who had requested to settle in various villages in Same, Mwanga and Handeni districts. This caused major problems because they were either not accepted, or if they were accepted, they were asked to pay money (between 60-100,000 Tanzania shillings) in order to be allowed to become village members. Not everyone could afford to pay such amounts, and even if they could this was not the way things were supposed to work.

The pastoralists thus still asked for help from the Regional Commissioner in order to find a permanent solution to their problem. They did not want to move, but were prepared to cooperate with the government in meeting the costs for essential services that would enable them to live in a new location. It appears that the Regional Commissioner still did not move fast enough. On August 31, 1989, a letter was sent from the Social Services Secretariat of the party headquarters in Dodoma to the Kilimanjaro Regional Party Secretary, informing him of a visit by three pastoralist representatives from Same who had come to Dodoma to see the Party Secretary-General, and to complain to him directly about the move from Same to Kiteto. However, it was decided that instead of seeing the Party Secretary-General, they should first see the regional leaders in order to try and solve their problem locally. The pastoralists were told about the need to follow the directives of the government for their own good and for the good of the country. The pastoralists explained that they had not refused to move, but that the place in Kiteto to which they were required to move had not been adequately prepared for them.[27]

While party and government leaders were diplomatically 'passing-the-buck' among themselves, the conditions of the pastoralists were deteriorating rapidly. The difficult physical conditions were compounded by the efforts they put into discussing their problems, planning strategies, writing letters, and travelling around the country at their own expense to lobby national leaders.

According to evidence collected by Fosbrooke and Martin from 44 pastoralists evicted from MGR, the losses incurred through livestock deaths were devastating. Some 7,500 cattle, 2,000 goats and 100 donkeys, worth an estimated 80 million shillings, were said to have died from starvation as a result of the loss of grazing by September 20, 1989. The situation for the pastoralists continued to deteriorate, and on August 16, 1991, five pastoralists wrote a letter to the Minister of Home

[27] URT. Reference Number: OMM/U.25/56/Vol.2/250.

Affairs on behalf of all the pastoralists in Kisiwani, complaining about the way they were being treated in Same district. They said that they had been moved from the place where they were living and sent to a place near crop farmers where there was little pasture and which bordered the reserve. Since they were living near the boundary, every time cattle wandered into the reserve they were seized and impounded and not released until their owners paid fines of 121,000 Tanzania shillings. If a pastoralist wanted to enter the reserve, the fee of 10,000 Tanzania shillings had to be paid. Some cattle were impounded for six days and died from starvation. As a result, the calves left at the homestead also died and children were deprived of milk. Some pastoralists were allegedly given false receipts, which they suspected were part of an illegal money-making racket.

The pastoralists appealed to the Minister to investigate this state of affairs in which local leaders were harassing people and extorting money. According to pastoralists, corruption, oppression and plunder were being carried out by the staff of MGR. They claimed that a Wildlife Officer and a 'European', who allegedly "owned" the reserve, were mining for minerals.

As a result, the pastoralists felt that everything was being done to drive them away so that illicit business could continue without restraint. They felt that the fines being imposed were not fair, and were designed to dispossess the pastoralists. Because of the shortage of grazing for their cattle, the pastoralists were being fined for grazing their cattle in the reserve and were paying 'fines' of up to 200,000 or 300,000 Tanzania shillings without proper authorisation from the Ministry of Natural Resources. They were also being fined between 40-50,000 shillings for damaging farms in which there were no crops.

They felt that since the Minister was known to be a champion of the people he would find out exactly what was going on. The pastoralists complained that the lack of pasture meant that their livestock and families were suffering from hunger. Those from both Kilimanjaro and Tanga regions had been sent to the same place which was too small, and because of drought they were facing serious problems. During the evictions, they claimed that reserve staff and police had burned down their houses without warning.

Complaints lodged with various government offices brought little redress. Every time they went to one office they were told to go to another. However, instead of finding solutions to their problems they ended up becoming the victims of further oppression.

As the Minister was unable to help them, 35 pastoralists met in Gonja on March 23, 1992, and resolved to stand together on the issue of their eviction from MGR. They called on other pastoralists from areas bordering the reserve to join with them and fight for their rights to remain residents of the area in which they had lived for so many years. Their call was quickly heeded. On March 25, 1992, 55 pastoralists living on the borders of MGR met in Kisiwani to request help from the Arusha Catholic Diocesan Development Office (ADDO). They agreed to draw up a list of all the people who had been living in MGR since 1952 up until the time they were evicted.

On April 8, 1992, 60 pastoralists evicted from MGR met at Igoma Darajani. They reiterated that people had been living in the area long before 1952, when the MGR was established, and that they had been allowed to continue living there after the establishment of MGR. They claimed that a list of original inhabitants had been kept and permits were given to others, who were also listed and were allowed to graze their cattle there. It was resolved at this meeting that the pastoralists who had been evicted without being given a suitable alternative, and who had been left destitute as their livestock had died from the lack of pasture, should complain to the government in order to find out how much weight was given to wildlife and how much importance was given to citizens and their condition. These complaints were also to be communicated to the Bishops of Same and Tanga dioceses through which the boundaries of the reserves passed, in order to ensure that there was proper coordination of the whole issue confronting them.

The pastoralists felt they should be allowed to graze their livestock within the reserve, even if they themselves lived outside it. They also wanted to be given an area far from the reserve, but with the same productive potential, which would be consistent with their requirements for a pastoral way of life. Such an area would have adequate water for people and livestock without tsetse fly. While such an area was being sought, the pastoralists felt they should be given temporary permits to graze their livestock in the reserve, since in a drought period this was the only area with pasture.

A committee was elected, made up of 18 pastoralists from different localities, to work with the Bishop of Same. This committee was to meet on April 27, 1992, to plan a strategy. A sub-committee was to meet with the Bishop and request his help with regard to this problem. This sub-committee was also to follow up on the whole issue until the government provided an answer in accordance with their

needs. The committee and sub-committee were to form important links between the pastoralists and the state with the diocese acting as mediator.

On April 27, 1992, 30 pastoralists met at Igoma Darajani and agreed to count all the people claiming to live in MGR. They also decided to write letters to all local leaders informing them of their meetings so that they would not be unduly alarmed. On April 29, 1992, a census was conducted of 32 homesteads with a total of 559 pastoralists. The table on the following page summarises the information available on each homestead.

From these figures, incomplete as they are, it is still possible to get some idea of the level of destitution among the pastoralists. By comparing the ratio of people to cattle in homesteads for which figures are available (50%), we find a *per capita* ratio of 1.74 cattle. This indicates that the pastoralists were clearly unable to meet their subsistence needs from their cattle.

On May 2, 1992, a meeting was held at Mnazi village at which there were 86 people present, including the Ward and Divisional secretaries, as well as a National Security Officer from Lushoto. The resolutions of the meeting at Igoma Darajani were read out and approved. On May 10, 1992, a letter was written to the Bishop of Same requesting his assistance on behalf of all the pastoralists evicted from the MGR. It was pointed out that from the time of their ancestors (c. 200 years ago), they had been living in the area which has become a reserve. Following further meetings with church officials in May and July 1992, the pastoralists were informed that the Church would intercede on their behalf with the district officials.

Census of Pastoralist Homesteads

Homestead	People	Cattle	Goats	Sheep	Donkeys
1	18	25	66	7	2
2	20	N/A	N/A	N/A	N/A
3	32	N/A	N/A	N/A	N/A
4	8	N/A	N/A	N/A	N/A
5	11	64	6	0	5
6	8	43	34	12	3
7	5	9	6	0	2
8	11	35	29	14	3
9	5	5	3	0	0
10	8	6	14	0	3
11	6	N/A	N/A	N/A	N/A
12	6	19	5	2	2
13	6	N/A	N/A	N/A	N/A
14	4	N/A	N/A	N/A	N/A
15	6	N/A	N/A	N/A	N/A
16	37	371	210	40	14
17	6	N/A	N/A	N/A	N/A
18	19	N/A	N/A	N/A	N/A
19	8	N/A	N/A	N/A	N/A
20	15	28	50	12	7
21	57	34	63	26	7
22	8	8	30	1	2
23	4	N/A	N/A	N/A	N/A
24	14	0	16	5	0
25	28	5	10	5	3
26	24	N/A	N/A	N/A	N/A
27	13	N/A	N/A	N/A	N/A
28	12	N/A	N/A	N/A	N/A
29	6	N/A	N/A	N/A	N/A
30	92	5	9	1	0
31	54	0	104	26	9
32	8	N/A	N/A	N/A	N/A
Total	559				
With Livestock	377	657	655	151	62

On August 26, 1992, a letter was written by the Same District Office to the Ward Secretaries in two areas where the pastoralists were living.[28] The letter was about the shortage of grazing for the pastoralists living on the boundary of the reserve. It was stated that at a meeting in the district office it was decided that a census should be conducted on the number of pastoralists and livestock, in order to plan for their move to Kiteto district. The Roman Catholic Church was willing to look for funds to pay for the move to an area where there was adequate pasture. The Livestock Development Officers in the wards were required to ensure that the census was conducted accurately and the results were to be sent to the district office by September 20, 1992. It was hoped that a delegation of pastoralists, church leaders, and district officials would go to Kiteto district before September 30, 1992, to look for a suitable site for the pastoralists.

It would thus appear that the pastoralists' argument only began to be taken seriously by the state after the church stepped in to mediate on their behalf. The unwillingness of the state to take their case seriously had caused the pastoralists to organise their own resistance and to appeal for allies in the struggle for their rights. Only by publicising their plight more broadly was it possible for them to mount their campaign.

THE STRUGGLE CONTINUES

On August 26, 1992, the Minister for Tourism, Natural Resources and Environment is reported to have said in a comment on the evictions that "coexistence of livestock and game is impractical in some cases". According to Fosbrooke, this view, if correctly reported, goes against current conservation thinking, which indicates that cattle keeping has little detrimental effect on wildlife, and that biomass carrying capacity is greatly enhanced when livestock and wildlife share the land (PANET NEWS; Homewood & Rodgers 1991).
Following discussion of the Mkomazi case at the Pastoral Network of Tanzania (PANET) meeting on September 3-4, 1992, it was proposed to the government that MGR should be established as a multi-purpose land use area, and that residence and grazing rights should be restored to the evicted pastoralists, who should also participate in the control, management and future development of the

[28] URT. Reference Number: G.10/4/IV/113.

reserve. A copy of this resolution was sent to the Ministers of Tourism, Natural Resources and Environment, Agriculture and Livestock Development, and Lands.

The National Land Use Planning Commission has adopted this proposal and the Minister of Tourism, Natural Resources and Environment apparently approved of the suggestion by Fosbrooke to have a detailed inquiry into this question under the auspices of PANET and IIED.

The Legal Aid Committee (LAC) of the University of Dar es Salaam has also agreed to report on the legality of the actions allegedly taken by the management of MGR in relation to:

- Wilful destruction of pastoralist homesteads and property at the time of their forced eviction from MGR;
- The loss of livestock caused by eviction through starvation, disease etc.;
- The imposition of several million Tanzanian shillings on pastoralists as fees or fines;
- Losses incurred by pastoralists through loss of grazing in MGR and resultant trespass cases involving cultivated land (Fosbrooke 1992).

The LAC has taken legal action on behalf of the pastoralists to grant relief to every claimant on the basis of loss suffered in the form of public nuisance. The LAC will also challenge the evictions for being contrary to the provisions of the Constitution on the right to life and property.[29]

However, since the PANET resolution was drafted, certain conditions have been added, whose origin is not clear:

- Preference for the right to return and reside will be given to the residents of the area before MGR was established;
- No modern animal husbandry will be permitted in MGR;
- No cultivation will be permitted in MGR.

[29] Letter from Chairman of Legal Aid Committee to Henry Fosbrooke, dated February 15, 1993, Reference Number: 5F/1/Vol.6.

According to Fosbrooke, these conditions are far too restrictive and need to be challenged. Fosbrooke has also confirmed that the fees or fines imposed on the pastoralists by MGR staff are not properly supported by receipts. Cattle are being impounded and money running into millions of Tanzanian shillings is allegedly being collected by Wildlife Law Enforcement Officers at MGR.[30]

RECENT DEVELOPMENTS AND LITIGATION

Following initial preparation of this paper in 1993, IIED was advised to postpone its publication since it was thought that it might inflame the already delicate political situation surrounding MGR. Since that time, the situation has changed and conditions for indigenous residents of the area have worsened. There have also been several developments that need to be mentioned by way of update. In the first place, Henry Fosbrooke, a long-term campaigner for the rights of the pastoralists, and on whose notes and raw data much of this paper is based, has died. This paper is accordingly dedicated to his memory. He had been in the forefront of keeping public attention focused on the plight of pastoralists in east Africa, and those of Mkomazi in particular, and his death robbed them of an important witness in their legal proceedings.

Those legal proceedings have so far been in the form of two court actions contending that the evictions from MGR were illegal and unconstitutional. In the first case of 1994, 16 plaintiffs brought an action against the Minister for Tourism, Natural Resources and Environment; the Director of the Wildlife Division in the Ministry of Tourism; the Project Manager of MGR; and the Attorney General. Another case was brought in 1995 in which 46 plaintiffs filed a similar suit.[31] In these cases the plaintiffs are seeking compensation for their eviction from MGR and permission to return to their former homes. On

[30] Henry Fosbrooke, Report of Trip to Mkomazi Game Reserve To Investigate Eviction of Maasai And Their Livestock, no date, (mimeo).

[31] Faru Kamunyu and 16 others versus the Minister for Tourism, Natural Resources and Environment, Civil Case No.33 of 1994, and Kopera Keuya Kamunyu and 44 others versus the Minister for Tourism, Natural Resources and Environment and 3 others, Civil Case No. 33 of 1995.

19 August 1996, Justice Mapigano ruled that the cases were not time-barred as argued by the defendants.

Unfortunately, these cases have not proceeded smoothly and prospects for just redress seem remote because of a series of delays in the judicial process. In the first instance, the government was supposed to be represented by the Zonal Attorney General's Office in Moshi town near MGR. However, for some unexplained reason this office refused to take up these cases, and consequently state counsel had to be flown in from Dar es Salaam - hundreds of kilometers away. Their attendance has also been adversely affected by pressing schedules and a lack of resources due to the very many petitions arising from the national elections. This has been compounded by incessant pleas for adjournments by defence counsel. Matters were also made worse for the plaintiffs after an advocate, without any instruction from the plaintiffs, purported to withdraw the Plaint, and it took their counsel over a year to restore the suit. In the middle of proceedings, the trial judge also withdrew because he felt it should be heard by a more senior colleague in the light of the high level of public interest in the case and its potential implications for the country as a whole and the management of areas set aside for conservation of wildlife in particular. The High Court itself has also complained that it is starved of the resources needed to move this and other cases forward. Much time has also been lost arguing against the defence counsel's submission that the case should be rechanneled through the laborious process provided by the Basic Rights and Duties (Enforcement) Act of 1994, and should not be tested against the more appropriate provisions of the 1923 Land Ordinance.

In addition to legal redress, the LAC, which is advising the pastoralists, has argued that the abuse of their human rights should also be brought to the attention of the United Nations.

In the light of the cases and associated publicity, international support has been mustered by the pro-wildlife lobby through publicity and fund-raising events such as the introduction of Ralph Lauren's "Safari" fragrance in 1992, and the "Jewels of Africa" galas sponsored in 1994 and 1995 by Tiffany and Cartier of Rodeo Drive, Beverly Hills. Tony Fitzjohn, of The George Adamson Wildlife Preservation Trust, is apparently planning to use the proceeds to establish a rhino sanctuary using animals imported from South Africa, as well as reintroducing wild dogs to MGR.

Building on his previous work at Kora National Reserve in Kenya, where Adamson and Fitzjohn worked prior to the former's death and the latter's move to MGR, Dr Malcolm Coe of Oxford University's Zoology Department, in conjunction with the Royal Geographical Society. and the Department of Wildlife, have established a three-year Mkomazi Ecological Research Programme (MERP) in 1993. The corporate patrons of MERP include British Airways, Friends of Conservation, British Council, BP Tanzania, Land Rover and Sheraton Hotel (Dar es Salaam).

At the same time, a parallel study is being undertaken by the Department of Anthropology at University College London on resource use by pastoralists in and around MGR. Preliminary findings of this study question the received wisdom of some conservationists that the presence of livestock herders in MGR damages the environment (Brockington & Homewood 1996). Analysis of satellite imagery for the period when the pastoralists' presence was at its peak between 1975 and 1987 reveals changes to the environment, but these do not necessarily amount to land degradation nor suggest that the environment is less able to support wildlife (Brockington, Cox & Homewood 1994). Yet the contrary view continues to be used by those wishing to protect MGR, to raise support for their work, and to justify the exclusion of people from the area.

A total of some fifty foreign and local researchers are said to be engaged in or to have planned to undertake work in MGR. While these scientists turn MGR into a research laboratory, it is important not to lose sight of the processes that led to the writing of this paper, namely the eviction of pastoralists from MGR and their internal displacement as a result of forced migration - a process that has led to their impoverishment.

Eviction of people from their homes as happened at MGR risks impoverishing people in various ways. Long established livelihood patterns, production systems, mutual help networks, informal exchange systems, tangible assets and intangible values are all threatened by forced displacement. Destitution, illness, unemployment, homelessness, loss of land, the severing of cultural links and identity, are also effects of displacement. This is why people resist evictions.

In most countries there are no national policies or legal frameworks to regulate resettlement and to spell out the obligations of governments vis-à-vis the people who are being displaced. Guidelines on resettlement following development projects have been drawn up by the World Bank, the OECD, and the Inter-American Development Bank, but it has been difficult to get government agencies and officials to treat displaced people in a just manner. Both the World Bank's policy and the OECD guidelines on resettlement explicitly state that all resettlement programmes must also be development programmes. They insist that measures be taken to improve the conditions of those being moved in order to prevent them from becoming permanently impoverished and destitute.

In terms of international law, there is a need to consider the rights to freedom of movement and residence of people before displacing them. In addition, there is growing recognition of the right not to be displaced, which is implicit in international law and which, if recognized, could lead to the empowerment of those in danger of being displaced to assert their rights to remain. According to international law, relocations are only legally valid if they are voluntary. In addition to the principle of consent, the principle of adequate compensation applies in relation to relocation. Resettlement on the grounds of economic development is not recognized as a valid reason for restricting freedom of movement and residence; development is not in itself a blind legitimizer of displacement.

According to Dr Michael Cernea, the World Bank's Senior Social Policy Adviser, loss of land is one of the most important causes of impoverishment and is most likely to affect people such as indigenous people who hold their land under customary rights. In this UN Decade of Indigenous People and in line with the Programme of Action of the 1995 World Social Summit, there is, therefore, a need to regard involuntary displacement as a violation of human rights. The freedom of governments to do what they like is limited by international standards for respect of human rights. This is an issue of fundamental importance in the context of democratic practice and good governance at Mkomazi as anywhere else.

CONCLUSION

On the basis of the information presented in this paper, it seems clear that pastoralists who once made use of MGR have a legitimate grievance about the way they have been treated. There is strong evidence that their fundamental rights have been violated. It is also clear that international support can play a useful part in assisting them regain their rights of residence within the MGR. Whereas legal action may provide compensation and some redress, it will take a long time, and as we know, 'justice delayed is justice denied'. The Tanzanian government will pay greater attention to pastoralists' problems when they receive international recognition and support for their cause. International exposure thus has a role in prompting the government to respect the fundamental human rights of pastoralists as with other Tanzanian citizens. It is our hope that this publication will contribute to that end.

Although the eviction of pastoralists from MGR has been presented as a problem, it is also an opportunity for more equitable development in future. It took the Tanzanian government over ten years to carry out the eviction of pastoralists from the MGR. On the evidence of their struggles to resist this eviction, the pastoralists clearly constitute a social force to be reckoned with. Alliances are currently being formed between the pastoralists, the Catholic Church, and a consortium of international and indigenous organisations.

As a result, pastoralists are now faced with a choice of strategies. They must choose between a strategy which supports their continued presence in MGR, on the basis of a multiple land use plan, and a strategy to look for an alternative location where they will hopefully be able to continue living as pastoralists. The former strategy is being advocated by Ilaramatak Lolkonerei, the LAC, and IIED among others. The latter strategy is being advocated by the Tanzanian government, the pro-wildlife lobby, and the Catholic Church.

Currently, the pastoralists seem to be moving reluctantly towards the second option, although they themselves have expressed their own preference for the first. At this juncture, therefore, it is critically important that a detailed inquiry is launched into what has happened at MGR, and a long term conservation strategy developed for MGR with the involvement of the indigenous residents. It also seems an ideal moment to consider how best to apply the principles of community conservation in MGR (IIED 1994).

Failure to develop a multiple land use plan, which recognises the historical and organic relationship between pastoralists and wildlife, will in all likelihood lead to 'solutions' being imposed. These are likely to be detrimental to both pastoralists and wildlife in the long run. The challenges ahead call for a new kind of conservation thinking based on principles of participatory management. Local non-governmental organisations are currently trying to influence future policy and practice in this direction. They will need as much local and international support as possible.

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The Drylands Programme at IIED was established in 1988 to promote sustainable rural development in Africa's arid and semi-arid regions. The Programme acts as a centre for research, information exchange and support to people and institutions working in dryland Africa.

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- Contribute to the resolution of conflicts over land.

- Clarify the policy options available to national planners and donor agency personnel.

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A series of papers arising from this work will be published with a view to making relevant information available to policy-makers and development practitioners.

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ISSN 1357-9274