



**PASTORALISTS INDIGENOUS NON-GOVERNMENTAL ORGANIZATIONS
(PINGO's) FORUM**

Ujamaa Community Resource Team and Pastoral Women Council



CASE-BASED STUDY REPORT



**IDENTIFICATION AND DOCUMENTATION OF THE HUMAN RIGHTS
VIOLATIONS AGAINST PASTORAL COMMUNITY IN LOLIONDO,
NGORONROGO DISTRICT, ARUSHA REGION, TANZANIA**

**ARUSHA
TANZANIA
DECEMBER 2017**

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DISTRICT, ARUSHA REGION, TANZANIA**

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An Excerpt from a Former Serengeti Conservationist
[25.11.2017 at Soitsambu, Loliondo]

‘I have learn in my life as conservationist of Serengeti National Park that, conservation through gun point, wire, fencing and other force do not work! Wild beats do not have boundaries. They can go everywhere including to human residences. We need to make two sides live as partners. We need participatory and sustainable conservation in which each side feels a good partner to the other side!’

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LIST OF ABBREVIATIONS AND ACRONYMS

CHRAGG	Commission for Human Rights and Good Governance
CRT	Community Resource Team
DC	District Commissioner
EFD	Electronic Fiscal Devise
EMBUDEO	Embuani Development Organization
GBV	Gender Based Violence
KM ²	Square Kilometers
LEDECO Advocates	Legal and Development Consultants
LGCA	Loliondo Game Controlled Area
LIDA	Livestock Development Association
NCA	Ngorongoro Conservation Area Authority
NGOs	Non-Governmental Organizations
OBC	Ortello Business Corporation
PINGO's Forum	Pastoralists Indigenous NGOs' Forum
PWC	Pastoral Women Council
SENAPA	Serengeti National Park
TPCF	Tanzania Pastoral Community Forum
TZS	Tanzanian Shillings
VAC	Violence against Children
VAW	Violence against Women
VEO	Village Executive Officers
WEO	Ward Executive Officers

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CHAPTER ONE

GENERAL INTRODUCTION

1.1 BACKGROUND TO THIS STUDY

This is a *case-based* report¹, which presents the findings on the mapping, identification, (brief) analysis and documentation of human rights violation in Loliondo Division, Ngorongoro District, Arusha region. It is a product of the case-based study conducted between 20th and 26th November 2017. The study was a follow-up assessment on the state of affair of the villagers after an attempt to evict them from their traditional lands from August 2017. The eviction attempt was veiled within the broad schema of ‘wildlife conservation’ – of Serengeti ecosystem, which has, for a long time been, used to slam pastoralism livelihood in Loliondo area. All of the affected areas (mentioned below) are registered villages. Therefore, the human existence and activities within this area are suctioned by the relevant laws – mentioned in subsequent parts of this report.

According to the respondents, the August to November 2017’s occurrence was a serial incident of similar incidents that happened especially from July 2009. Both have had similar types of human rights violations. The only differences which the villagers could point out are the ‘magnitude’ and type of ‘perpetrators.’ For instance, unlike previous incidents, in which the police force was alleged to be at a realm of operation, this time around the main perpetrators were mentioned by the villagers to be game officers and the private security guards of the Arabic investor in the area (OBC).

The August 2017’s incidents came into being after a series of statements and orders from the then Minister of Natural Resources and Tourism, Prof. Jumanne Maghembe. As some of his predecessors, this Minister wanted an alienation of at least 1,500 KM² of the Loliondo land, which is preoccupied by the pastoral community – Maasai from the time of immemorial. The said land, which is about 40% of the Loliondo area, is part of the villages’ land. As said earlier, it is legally demarcated and sanctioned for human use as well.

The said Minister’s directives seemed to have been implemented by the Serengeti National Park (SENAPA) in July 2017. It is alleged by an anonymous person that, SENAPA issued a letter to the District Commissioner (DC) on 9th July 2017 asking that, livestock should be removed from within ‘its boundaries’ and ‘buffer zone.’ The buffer zone is currently set to a width of 5 KMs instead of 5 Metres between SENAPA and villages’ boundaries according to the former officer of Ngorongoro district council. However, this information needs further research to rely on.

The Ngorongoro DC, Mr. Rashid M. Taka made his order through his letter dated 5th August 2017, with reference number *AB.108/241/01/81* to all ward councillors, ward executive officers (WEO) and village executive officers (VEO) of Piyaya, Arash, Maaloni, Oloipiri, Soitsambu, Olorien and Ololosokwan. In his letter, which was titled as *‘Ilani ya Kuondoka kwa Wafugaji*

¹ That is, using a few incidents as illustrations to explain the broad picture of what happened in Loliondo with regards to human rights violation.

Wanaoishi Ndani na Mipakani mwa Hifadhi ya Taifa Serengeti ('An Order for Pastoralists Residing in and on the Serengeti National Park's Boundaries to Vacate'), the DC made an ultimatum of implementation of his order within five days. Failure of that would have attracted forceful eviction through law enforcers, special guards from SENAPA and Ngorongoro Area Conservation Authority (NCA). His order was vague to some extent. For instance, paragraph iii (page 2) of his measures to take reads:-

Wale wataokutwa bado wakiwa wamejenga au kuka mpakani kabisa kwa Hifadhi ya Taifa ya Serengeti (kwenye LGCA), wataondolewa kwa nguvu na kurudishwa kwenye vijiji vyao yalikitengwa maeneo ya kuishi (makazi) [Those who will be found residing **right at** the Serengeti National Park's **boarder (in LGCA)**, will be forcefully evicted and relocated to their villages where there are areas designated for residential use]. Emphasis added.

Two issues of concern can be picked from that part of DC's order. Firstly, residing near the SENAPA's border is not offensive as all villages in Loliondo area are actually legally registered villages. Secondly, whole of Loliondo is LGCA (Loliondo Game Controlled Area), which allows co-existence of human being and wildlife. Therefore, residential houses, grazing and other human activities are not illegal in Loliondo.

That being a case, it was not easy for occupants of the areas mentioned earlier to adhere to the DC's order as they were, evidently, residing within the village boundaries recognised by the laws; and that, the places where the operation to evict them found them, were their usual residential areas. In this regard, the ultimatum of five days was immaterial. However, the forceful eviction followed from 10s of August 2017 leaving behind some families being homeless after setting their houses (*Boma*) into fire; exposed to some vulnerable situation including food insecurity and other forms of human rights abuses; as well as some of the family members being mistreated in a number of ways including beating and raping.

The report at hand presents some case studies on various forms of human rights incidents happened between August and November 2017 following the same order by the Minister through the Ngorongoro's DC. The report is *case-based*. Therefore, it is more of qualitative than quantitative.

1.2 OVERALL AND SPECIFIC OBJECTIVES OF STUDY

The overall objective of the study was to document cases of human rights violations inflicted to pastoralists in Loliondo between August 2017 and November 2017. The specific objectives of the study were:-

- (i) To conduct a field work for five days to meet and interview victims directly based on what happen to them and who did what, where and why and what injuries and losses have been caused.
- (ii) To ascertain cases of financial, properties and livestock losses caused by the eviction that took place in the period stated, including but not limited to, the fine paid and receipts given/ not given as the case may be. This may include the livestock captures and auction and those

that died in the holding grounds. This may further include numbers houses burned, motorcycles taken and other loses that the victims have suffered.

- (iii) To document stories from the victims on how the process took place and how that above have affected them.
- (iv) To provide details on the impact of the current development and prospect for resolving the conflict including the government decisions and recent intervention by different stakeholders.
- (v) To provide comments and recommendations on what PINGO's Forum, Pastoral Women's Council (PWC), Ujamaa Community Resource Team (UCRT) and others could contribute to address the identified effects, protect the land rights of the people and restore the status quo of the land.

1.3 METHODOLOGY OF STUDY

1.3.1 Study Design and Approaches

This was human rights mapping study which relied exclusively on qualitative case-based information from individual respondents themselves as primary targets of the study. The aim of using this (narrative) approach was to get insight and first hand testimonies from the respondents themselves. Moreover, the study design targeted victims and survivors of the human rights incidents against pastoralists, which occurred between August and November 2017 in Loliondo area. Therefore, the focus was not on the total number of respondents reached during this study; rather, on getting right persons for a particular type of reported violation.

'Human rights violations' in the context of this report is considered as per United Nations (UN)'s guideline to mean and include governmental transgressions of the rights guaranteed by national, regional and international human rights law and acts and omissions directly attributable to the State involving the failure to implement legal obligations derived from human rights standards.

The initial assessments conducted by PINGO's Forum as discussed further below facilitated an identification of human rights issues to focus on in this study. The study team was also guided by the national and international laws governing human rights, livestock keeping, pastoral livelihood model as well as indigenous people like Maasai, who are dominant pastoral tribe in Loliondo. Some of the national policies and laws consulted during the study design were the National Livestock Policy of 2006; and, the Livestock's Medium Term Strategic Plans of 2012-2017. The laws reviewed included the Animal Welfare Act, 2008;² the Grazing Land and Animal Feeds Resources Act, 2010;³ the Livestock Identification, Registration and Traceability Act, 2010; Village Land Act, 2009;⁴ the Forest Act, 2002;⁵ the Wildlife Conservation Act, 2009;⁶ and, the Ngorongoro Conservation Area Authority Act, 1959.⁷

² Act No. 19 of 2008.

³ Act No. 10 of 2010.

⁴ Act No. 5 of 1999.

⁵ Act No. 14 of 2002.

⁶ Act No. 5 of 2009.

⁷ Act/ Ordinance No. 413 of 1959.

1.3.2 Sampling and Criteria

1.3.2.1 Geographical Sampling and Criteria

Five villages of Loliondo were sampled for this study. Those were Ololosokwan; Kirtalu; Oloipiri; Losoitoo-Ngobeeti; and, Arash. The selection of this village was preceded by a preliminary assessment of the situation conducted by PINGO's Forum through; (i) its local networks in Loliondo; (ii) organized media coverage in September 2017; and, (iii) its lawyer who went to Loliondo a week before the commencement of this study. The sampling of villages was purposefully and systematically done. The criteria used included:-

- (i) Types of violations occurred in a particular village or villages.
- (ii) Geographical location of the villages.
- (iii) Hot spots areas (historically).
- (iv) Specific or special issues such as gender aspects (disability, gender based violence (GBV), children, and others).

The findings of the preliminary assessments on the Loliondo's situation revealed that, range of human rights abuses and violations of principles of good governance occurred as a result of the August 2017's operation to evict pastoralists from their land on the allegation of being trespassers of the SENAPA. Such abuses and violations mentioned to be assault of people; GBV incidents such as sexual harassments and raping; violation of the rights of the children (VAC); persecution through fake criminal cases; destruction of properties including houses (*Boma*); shooting and killing of livestock; arbitrary capturing, restraining and confiscation of livestock; illegal fining; land alienation; and, intimidations (such as unlawful detention and prosecution of cases against pastoralists). The focus group discussions held in Ololosokwan and other villages during the study mentioned same kinds of violations. Each of such villages sampled had one or more of these incidents happened in its boundaries. Table 1 below shows how the field plan was organized to collect specific case per each village:- An estimate of 20,000 people were closely and directly affected by the eviction. The livestock sold and those who died because of starvation correspond with an alarming number of people who depend on them and who are now starving as a result.

Table 1.1: Sampling of Village per Each Specific Human Right Abuse Incidents Identified

Name of the Village	Type of Human Rights Violations Most Commonly Occurred	Crosscutting Issues to almost Every Village
Ololosokwan	<ul style="list-style-type: none"> • Persecution through judicial process. • VAC 	<ul style="list-style-type: none"> • Burning of <i>Boma</i>. • Burning of other properties. • Livestock capture. • Livestock restraining. • Livestock confiscation. • Land alienation. • Detention of individual person.
Kirtalu	<ul style="list-style-type: none"> • Assault (shooting and beating). • Illegal Fining. 	
Oloipiri	<ul style="list-style-type: none"> • Torture of two teenagers. 	
Losoitoo-Ngobeleti	<ul style="list-style-type: none"> • Torture of elderly. 	
Arash	<ul style="list-style-type: none"> • Sexual harassment and assault • Illegal Fining. 	

For the easier presentation of the victims and survivors' testimonies, those types of incidents has been grouped into three major categories namely:-

- (i) The violations of **livelihoods-related or economic rights** (destruction of *Boma*; destruction of other properties; livestock capture and illegal fining; livestock restraining and violation of animal welfare rights; livestock confiscation; and, land alienation). All these resulted to weak wellbeing at family level - downward mobility to severe income poverty.
- (ii) The violations of **civil and social-related rights** (infliction of physical and psychological injuries; VAC; GBV/ VAW; mistreatment of elderly; rendering temporarily disability; causing food insecurity; and, dignity of person).
- (iii) Violations of **good governance principles** (arbitrary arrest and detention; illegal fining; judicial malpractices; misuse of public office; intimidations; persecutions; and, unlawful application of criminal justice system).

1.3.2.2 Individual Sampling and Criteria

As for individual sampling, the target was to secure at least five individual victims and survivors of reported human rights abuses that occurred from August 2017 from each of these villages; also, to have two key informants (knowledgeable people) such as traditional or local leaders; three village chairpersons of three different villages; and, persons with specialized knowledge on human rights, access to justice, conservation, pastoralism and gender rights.

Note that, the **individuals selected** for interviews were, in almost all villages sampled, proposed by the group of villagers themselves. The guiding criteria for the selection were; (i) persons who can have specific cases (single cases) to explain; (ii) persons who can articulate their cases accurately; and, (iii) persons who are primary informants – that is, they had eye witnessed the occurrence of incidents against themselves (experience human rights abused directly). The knowledgeable people were basically for; (i) providing an overview of the incidents occurred during this period (August 2017 onwards); and, (ii) double-checking or validating some of the information collected from individual respondents.

Besides the interviews with group of villagers (kind of focus group discussion, key informants such as former parliamentarian; Maasai traditional leader (*Lwaigwanani*); and, members of civil society organizations; individual testimonies of victims or survivors of human rights abuses in the said villages at least 25 persons of whom four and two were females and children respectively are documented in this report. Apart from two children (both teenagers), the rest of interviewees were youths and adults (18 years and above).

Moreover, another set of respondents were consulted during an addendum consultation conducted a month after the first study. The aim of the addendum consultation was to get statistics of quantities and values of properties destroyed during the evictions.

1.3.3 Data Collection Tools and Analysis

The main tools used for collection of data were interview guides; voice recorders; and, video shooting. There were three levels of interviews, namely; (i) interviews with group of villagers (kind of focus group discussion); (ii) interviews with individual victims or survivors of human rights abuses in the said villages; and, (iii) interviews with key informants such as former parliamentarian; Maasai traditional leader (*Lwaigwanani*); and, members of civil society organizations.

The analysis of data collection was based on what respondents said without any addition of inputs from the study team or report writers. Therefore, what is contained in this report is purely interviewees' testimonies and opinions on human rights violations they have been experiencing from August 2017.

1.3.4 Ethical Consideration

The study was guided by universally accepted ethical principles of conduction human rights assessments or studies like this one on Loliondo. The ethical principles observed are:-

- (i) Protection of victims, survivors, witnesses, community members and other persons against any harm. For instance, children were interviewed in presence of their parents or guardians; respondents were encouraged not to speak things which they thought could harm their feelings.
- (ii) Informed consent whereby taking of photos, using their real names against testimonies, video recording and generally interviewing took place after the consent was secured. Moreover, all interviews were in Kiswahili and Maasai languages to allow broad understanding of the contents of the same.
- (iii) Confidentiality of all information collected. Persons who did not prefer their names to appear in this report have not been mentioned through their real names or their photographs taken.
- (iv) Impartiality was also highly observed especially by trying to avoid attacking of personality of alleged perpetrators.
- (v) Widespread consultation was done as said above. Apart from individual victims or survivors of violations, other persons mentioned earlier were also consulted for clarifying some issues and their personal opinions.
- (vi) Avoided prejudice in collecting and analyzing information about violations.
- (vii) Cultural sensitivity of pastoral community norms was highly observed. For instance, female respondents were interviewed in absence of male respondents.

1.3.5 Limitation of the Study

The study was limited to collection and documentation testimonies, stories or facts of the victims and survivors of human rights violations in Loliondo. Therefore, the law enforcers including SENAPA were not consulted at this stage of study. Secondly, actual statistics of some facts were not obtained. Instead, estimated numbers (mostly presenting lower side) were used. An addendum study was commissioned after the initial study just for moving around the villages to get the estimated statistics.

CHAPTER TWO

VIOLATIONS OF LIVELIHOODS OR ECONOMIC RELATED RIGHTS

2.1 Introduction to Pastoral Livelihoods or Economic Related Rights

The pastoral community's main source of livelihood is livestock keeping. The Loliondo's pastoralists entirely depend on cattle, goats and sheep rearing and livestock value chain for their survival. The value chain include sell of live animals especially in the primary markets within the villages; and, livestock's by-products including milk, skin and horns. Almost all pastoralists in Loliondo practice traditional cattle rearing of rotating their cattle from one place to another within their villages as coping mechanism of weather condition. Therefore, land is a key means of their survival.

It is also gathered from the study that, all pastoralists are now possessing permanent plot of land where they have constructed their traditional houses known as *Boma*. Livestock rearing and residential houses are all within LGCA and they have been sanctioned by both local government laws; land laws; and, wildlife conservation laws passed between 1950s and 1990s.⁸ Besides, the international legal instruments⁹ and the Constitution of the United Republic of Tanzania of 1997 support indigenous pastoralism as cultural right and livelihood model.

It is evident from the field that, such rights (economic related ones) were violated through the August 2017 operation. According to the respondents themselves, violation of such rights took place in different magnitude, style and form including; burning of *Boma*; destruction of other life-supporting properties; livestock capture and illegal fining; livestock restraining and violation of animal welfare rights; livestock confiscation; and, land alienation. As a result, the victims and survivors of the operations had their wellbeing levels dropped down to severe income poverty.

2.2 Destruction of *Boma* and Other Properties

The destruction of *Boma*¹⁰ and other properties was reported throughout the studied villages in Loliondo. According to the respondent, burning of *Boma* was done by SENAPA's game officers as a way of evicting them (pastoralists) from the areas which SENAPA claims ownership. Basing on an estimated numbers of *Bomas* against those which were burnt, at least 25% of the

⁸ These include: the Local Government (District Authorities) Act, 1982; the Ngorongoro Conservation Area Authority Act, 1959; the Village Land Act, 2009; the Wildlife Conservation Act, 2009; the Grazing Land and Animal Feeds Resources Act, 2010; the Livestock Identification, Registration and Traceability Act, 2010; the Animal Welfare Act, 2008; and, the Forest Act, 2002.

⁹ Such as: the Convention on Indigenous and Tribal Peoples of 1989 (ILO's C169); and, the Convention on Indigenous and Tribal Peoples of 1989 (ILO's C169).

¹⁰ The '*Boma*' in Maasai context means a household or residential compound which is comprised of an average of between 5 and 10 house-structures. Each house structure normally has an average of 6 members (mother and five children). Therefore, a *Boma* can have an average of 20 to 30 members (husband, at least 3 wives, around 20 and several grandchildren).

sampled villages' *Bomas* were burnt. The most affected villages or areas on this incident were Losoito-Ngobeleti and Arash with an estimation of about 30% and 50% of *Bomas* burnt (respectively). Table 2.1(a) below explains more on this:

Table 2.1(a): Estimated Number of *Boma* Burnt in Loliondo's Villages between July and November 2017

Name of the Village Sampled	Estimated Number of <i>Boma</i>		
	Total Number of <i>Boma</i> in this Village	Number of <i>Boma</i> Burnt in this Village	Percentage of Total Number of <i>Boma</i> Burnt
Ololosokwan	1,950	421	21.6%
Kirtalu	230	42	18.3%
Oloipiri, Olorien	960	73	7.6%
Losoito-Ngobeleti	528	157	29.7%
Arash	1,030	500	48.5%
Total Number:	4,698	1,193	25.4%

Source: Primary Data – Interviews with Village Leaders, November 2017.

As Table 2.1 above shows, at least 1,190 *Bomas* out of 4,698 of the sampled villages for this study, were burnt. As clarified in a footnote above, each *Boma* normally contains an average of 20. That could mean, burning of 1,193 *Bomas* affected around 23,860 residents. Basing on the 2012 national census' population characteristics which showed that 51% of Tanzanians are women, it can be a reality that, most of family members affected were women and children.

Some of the victims of *Boma* burning are the families Mr. Mwaana Lilash; Mr. Kisombe Natu; and, Lengongo Kuyoo of Arash-and Kirtalu villages. The estimated monetary value of the *Boma* structures burnt is not easy to ascertain. What matters in this context is the distortion of livelihood system including lost of supporting means of survivors such as cooking utensils; clothes; food stuff; and, money. The *boma* according to the Maasai community is just more than a property and home, but also a sacred thing. The sacredness of a *boma* from a cultural point of views makes it very difficult to calculate its monetary value.

Mr. Mwaana Lilash of Olosekenja hamlet, Arash village said that, his house was burnt down into ashes on 12th August 2017 by SENAPA guards. According to his, the guards took away his mobile phone top up voucher; TZS 200,000 cash of one of his wives; solar panel worth TZS 700,000 (which had 80 watts); and other assets including clothes. He has just been told that, his solar panel is now being possessed by a police officer called Mbwiro of Mugumu, Serengeti district. Mr. Mbwiro was part of the August 2017's operation. He said that, he lost also tens of his cows. Before this November 2017's incident, he paid millions of shillings as 'fine' to get back his cows. Mr. Lilash said further that:

I live at Ilmolelian hamlet close to Olosekenja, Arash. My father was born here, just up there within Arash. My mother migrated here from Olorien after she was married by my father ... I now stay in my own *Boma* since 2014. Before that, I was staying in my father's *Boma*. I married in 2009. At that time, I had my own livestock already ... I had 60 cows and 200 goats. By 2017, I had 100 cows ... 400 sheep and, 100 goats ... but now, all cows are perished. The problem started from June 2017. They started to die because of drought. Around 17 cows died during that time. Now, I have only 47 cows. A total of 18 cows were shot dead by the game officers. It was 10th November 2017. Eighteen cows died on the spot while three were treated by a local doctor here

... killing of these cow was preceded by fining of the same, whereby in September 2017.

On his side, Mr. Kisombe Ng'atu's *Boma* was burnt twice between July (August) and November 2017. The 46 years man who resides at Arash hamlet, within Arash village said that, his *Boma* including cow shed were burnt in July 2017. Afterwards, he built a new one in the same land because that has been his place for years now. Situation was calm between August and September 2017. In October 2017, SENAPA guards went again to his homestead and burnt the new *Boma* again. Like it was in July and August, burning was accompanied with beating and confiscation of personal properties. Same allegations of trespassing to SENAPA's boundaries were raised as a cause of such atrocities. The burning of Mr. Ng'atu's *Boma* left him, his 4 wives and 17 children homeless. His motorcycle was also taken away. They were constructing temporary *Boma* in the same land at the time of this study in November 2017.

As for other properties (motorcycles as a case study) which were burnt inside the *Boma* or being confiscated or owners fined by the game officers in order to receive back their properties, the loss could be estimated as follows:-

Table 2.1(b): Estimated Number and Value of Motorcycles Burnt or Confiscated Between August and November 2017 at Loliondo

Name of the Village	Number of Motorcycles Burnt or Confiscated	Estimated Total Value of Each Motorcycle [Loliondo Market Value]	Total Value of All Motorcycles Burnt or Confiscated
Ololosokwan	-	-	-
Kirtalu	-	-	-
Oloipiri	-	-	-
Losoitto-Ngobeleti	7 ¹¹	@ 2,200,000	750,000 fined in each
Arash	15	@ 2,200,000	800,000 fined in each

Source: Primary Data – Interviews with Village Leaders, November 2017.

Mr. Lengongo Kuyoo's residential home in Kirtalu village was invaded on 12th August 2017 at around 9 am by the game officers (SENAPA). He was handcuffed and put aside. Then, the officers poured petrol from his motorcycles and sprinkle it around the house. Afterwards, the house and everything inside it were burnt in ashes. He lost everything including a livestock shed. As a result, 24 of his sheep run uncontrollably to the bushes where he believes were eaten by hyenas. As it is stated elsewhere in this report, his cows were captured and retained for weeks by SENAPA in November 2017. All these incidents have left Mr. Kuyoo with severe economic hardship. His family was not yet settled well at the time of this study in November 2017.

¹¹ For Losoitto-Ngobeleti, 1 motorcycle was confiscated worth 1,400,000 and other 6 were fined for TZS 750,000 each.

2.3 Livestock Capture, Confiscation and Violation of Animal Welfare' Rights

As Table 2.2 below shows, a good number of livestock, especially cattle were captured, confiscated or restrained and fined by SENAPA guards since July 2017. Table 2.2 below shows an estimation of cattle captured in each village:-

Table 2.2: Estimated Number of Cattle Captured in Loliondo's Villages between July and November 2017

Name of the Village	Estimated Number of Cattle Captured/ Fined/ Confiscated	
	Total Number of Households Affected	Number of Cattle Captured
Ololosokwan	1,300	4,150 captured [fined, 628 confiscated]
Kirtalu	80	3,000 captured [and fined]
Oloipiri	320	3,245 captured [and fined]
Losoitto-Ngobeleti	324	3,930 captured [and fined, 170 shot]
Arash	430	5,060 captured [and fined, 1023 shot]
Total Number:	2,454	19,385

Source: Primary Data – Interviews with Village Leaders, November 2017.

Note: Fines range from TZS 10,000 to 100,000 per head of cow.

Livestock capturing occurred in almost all villages sampled for this study. However, what happened in Arash village was exceptional in terms on how the exercise was carried out. Unlike in other villages, in Arash, the capturing was accompanied by fire-squad and mass killings of livestock especially cattle. Such incidents are worth reporting in this report. Some of the victims of circumstances are Mr. Simbele Lilash and Mr. Kisombe Natu both of Arash village.

Mr. Kisombe Natu of Arash had a total of 200 cows and several goats before the eviction operation commenced in July and August 2017. A number of his cows have been reduced to only 80 at the time of this study in November 2017. He said that, most of his cows were shot dead by the 'game' (SENAPA guards). Others were confiscated and a few others died in the forest after the fracas which rendered them uncontrollable and unguarded; hence, attacked by hyenas and other wild predators. He said that, when the guards went in October 2017, *'they took healthy cows in their vehicles and ordered us to slaughter, skin and cut our own cows in pieces. Then, they took the carcasses away with them ...!'*

The villagers at Arash showed the study team and media people a number of cows who were gunned by SENAPA's guards. The cows multiple wounds and others were in severe pain. The pictures below show some of those cows shot by the guards:



Picture: Some of the cows with inflicted injuries on the neck and under fore-legs.

Mr. Sembere Lilash of Olosekenja hamlet, Arash village, Loliondo, had his cow fire-squared by the SENAPA guards at the time he was ushering them from Moleliani area where the cows fled to. On his way back to Losekenja, he was stopped by 4 guards. He said that, he witnessed his 108 cows shot dead sporadically and died on the spot. The incident happened nearby Moleliani river side.

Mr. Lilash, who is a father of 8 children and husband of 3 wives, believes that, the perpetrators of the killings of his cows and his forceful detention in the car were SENAPA's guards. This is because of their uniforms and the car they were using at the time of operation. He recalls that, the car had deep-green colour. It was driven by one Muddy who is well known to him. He knows Muddy because this game officer has been coming to the villages several times especially during when SENAPA was installing beacons on its boundaries. Mr. Lilash alleges further that, same Muddy was the one who fore-informed them on the intended operation. This was in June 2017.

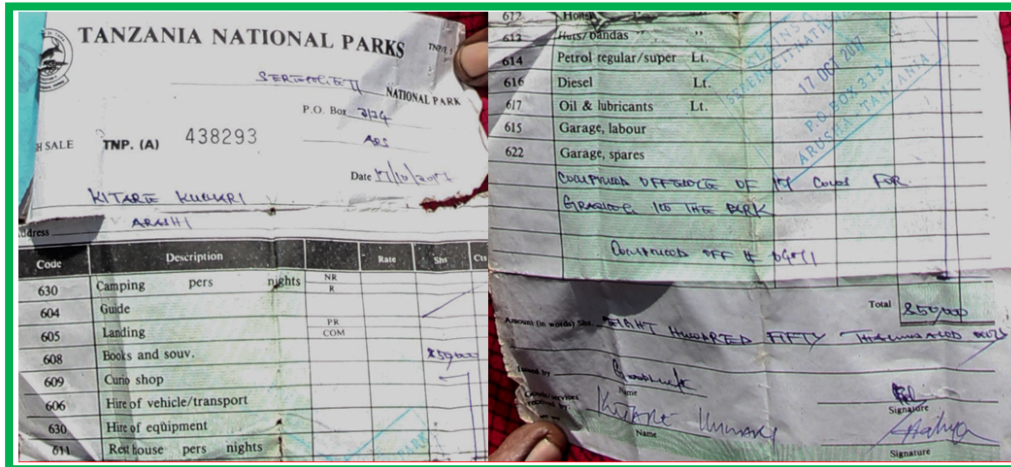
Note that, this person, Muddy is famous and has been coming to these villages for years now. One respondent, Mr. Ndeya Lindi of Olosekenja hamlet, Arash village, who was met at Soitsambu auction ground on 25th November, 2017 during the study said that, he once fought physically with Mr. Muddy in July 2016. It was a self defence fight against Muddy and his team's intention to take by force some cows from Mr. Lindi's place. He recalls that, after a long fist fight, they eventually became 'friends' and, Muddy apologized for his invasion.

The shooting incident happened from around 9 AM. He, himself, Mr. Lilash was beaten up all over the body on the material day. He was also handcuffed as said before. His TZS 240,000 and Nokia mobile phone worth TZS 60,000 was taken by the SENAPA guards during the same incident. He used more than TZS 50,000 for medication. He has remained with only 72 cows after losing 108 through fire-squad.

2.4 Livestock Restraining and Illegal Fines

The practice has been that, after arresting pastoralists grazing to the areas which SENAPA and an Arabic company allege to be within the national park's boundaries, they normally confiscate all animals they can manage to drive to SENAPA's compound. They can also beat and arrest the person found grazing the animals. The person arrested can be prosecuted or ordered to pay some fines in order to clear his case.

As for livestock, fining is arbitrarily done. In some places, it is TZS 50,000 per cow and others TZS 100,000 per cow. According to the respondents, another irregularity is that, SENAPA does offer receipts against the fine paid or understate the amount paid or using inappropriate invoices or receipts.



Picture: This is a CASH SALE receipt number TNP (A) 438293 issued on 17.10.2017. The itemized services for this receipt as shown above are camping per night, guide, landing, books and souv, curio shop, hire of vehicle/ transport, hire of equipment, rest house per night, hotels, huts/ bandas, petro, diesel, oil & lubricant, garage labour, and garage spares. Fines for livestock captured was charged under 'books and souv.'

It was also not clear on the bank account holder as the bank slips they are given after making payments normally bear a name of individual person. The electronic fiscal device (EFD) receipts are also not granted upon payments as the Ministry of Finance directs.

A villager, Mr. Mwaana Lilash of Olosekenja hamlet, Arash village, Loliondo, explains that, his 900 cattle were recently been compounded by SENAPA on the allegation of being grazing within national park's boundaries. He paid TZS 4,000,000 in total. Each cow caught was charged TZS 50,000. He says that, *'they did not give us receipts. I have the number of SENAPA officer who took our money. His number is 0788794243 ... he was in TANAPA green uniform armed and black shoes. He himself gave us his number when we were arrested and instructed us to call him when we go there ...'*

Mr. Lilash's brother was given an invoice number TNP F.3 dated 17th October, 2017 which was not an official document for collecting 'fines' from the livestock captured. The invoice was for camping, oil and other hospitality services. But, the officers just used it as shown above.

Mr. Lengongo Kuyoo's residential home in Kirtalu village had his cattle captured on 10s of November 2017 nearby his home. He alleges that, the SENAPA officers drove his 305 cattle to their camp and compound the same for more than two weeks before they were released on fine. He used to spend like TZS 300,000 per day as costs of going to check his cows at SENAPA. Mr. Kuyoo said that, he was fined to pay TZS 30,000,000 as fine for his cattle retained by SENAPA. He did not have the money. Therefore, he approached local money lenders in Loliondo and borrowed that money. One of such lenders is a retired ward councillor. The loan attracted an interest rate of 20%. Therefore, he is required to pay over TZS 6,000,000 on top of the principle money borrowed.

He (Mr. Kuyoo) was still struggling to get some money to rescue some of his cattle from SENAPA and also, repaying the loan at the time of this study in November 2017. He was met by

the study team on 25th November 2017 at Soitsambu village’s auction ground to where he was selling some of his cows for the said purposes.

Mr. Kuyoo recalls that, the fine for trespassing into SENAPA boundaries used to be TZS 10,000 per one cow captured in 2014. The amount of fine had increased quite tremendously to TZS 100,000 per one cow captured from August 2017. He also sees a difference on how the whole capturing exercise was performed this time around. He says that, they have been forced to sign some papers which he suspects are kind of affidavit to accept that they have committed a trespass offence.

Forcing pastoralists to sign a note of accepting a crime alleged to have been committed – especially trespass of livestock to SENAPA boundaries was heard throughout the study mission in all villages. There was also a concern that, livestock were compounded and retained without any official record (inventory) given to the owners. As the end of the day, an owner could even get half or lesser than that or nothing once his case ends. In that way, they lose an ability to sue SENAPA for any loss incurred. This is a serious issue of concern learn throughout the study in Loliondo.

It was also heard from almost all pastoralists who had their livestock captured that, SENAPA officers, who were carrying this exercise alleged that, it was done under the ‘order’ of the President John Magufuli. Therefore, Dr. Hamis Kingwagala’s stoppage order was not binding to them. Note that, Dr. Kingwagala is the Minister of Natural Resources and Tourism.

Indeed, the operation to evict pastoralists continued till the time of this study regardless the Minister’s order to suspend it. One of the respondents quoted the SENAPA officials saying that, *‘go to Kingwangala if you think he is the President ...!’* Several incidents indicated in this report including of Mr. Lengongo Kuyoo of Kirtalu village and Mr. Kisombe Ng’atu of Arash village, took place in November 2017 when the Minister had already ordered suspension of eviction operation.

2.5 Land Alienation

It is established from the study that, not all families in the sampled villages were forcefully evicted and have their lands alienated in favour of SENAPA. The sampled village for this study were estimated to have a total of 12,690. Out of those, 4,151 were said to have their lands alienated. That figure represents more than one-third of the total households in these villages. Table 2.3 below gives more details:

Table 2.3: Estimated Number of Households with Lands Alienated between July and November 2017 in Loliondo

Name of the Village	Estimated Number of Land Alienated by SENAPA		
	Total Number of Households in the Village	Number of Households with Lands Alienated	Percentage Households with Lands Alienated
Ololosokwan	1,950	1,300	66.7%
Kirtalu	1,400	400	28.6%
Oloipiri	4,800	1,009	21.0%
Losoitto-Ngobeleti	1,540	642	41.7%
Arash	3,000	800	26.7%
Total:	12,690	4,151	32.7%

Source: Primary Data – Interviews with Village Leaders, November 2017.

According to Table 2.3 above, the most affected villages were Ololosokwan with more nearly 67% of the households affected by alienation; and, Losoito-Ngobeleti with about 50% of the households had their lands alienated from them.

That situation compelled the villagers relocated to other hamlets or villages or bushes; and, others remained landless or in temporary residential camps.

A case of the family of Mzee Kijoko Lilash of Arash village could be good illustration to present a broader picture of how the land alienation affected the villagers in Loliondo.

Mr. Sembere Lilash, a 38 years man of Olosekenja hamlet, Arash village, Loliondo, has shifted to three different places between July and November 2017 due to ‘orders’ from SENAPA. He is the son of Mr. Kijoko Lilash (discussed below). Before July 2017, he was residing with his family at a hamlet nearby Moleliani river stream. He was evicted from there and moved to Ndarokoi hamlet within the same village Arash. He was evicted again from that hamlet and he decided to settle at Olosekenja hamlet now. He is not sure if he will last long in this new place. His cows were lost and returned to Moreleani area where they used to stay. The last incident where his cows were fire-squared was a day when he was ushering his cows from Moreliani to his current place called Olosekenja. He alleges that, the SENAPA guards ordered him to direct the cows inside the national park’s boundaries in order to fix him as being trespasser. He complied with the order; and then, his cows were shot dead as it is explained elsewhere in this report.

On his side, Mzee Kijoko Lilash, 74 years, said that he was born at Molelian area and shifted to Olosekenja hamlet some years back due to tsetse flies. He was forced to relocate to Ngulukii area (the other side of Olosekenja hamlet) during the operation in October 2017. He was still constructing his house at the time of this study.

‘... I move to Olosekenja with my father when I was still young. I followed my father ... I was even circumcised here ... We stayed here at Olosekenja for some years and moved back to Molelian because tsetse flies were becoming a few ... then, the evictions found us there and forced us to relocate Olosekenja again ...!’

The land in which he (Mzee Lilash) resides now belongs to the village government. He decided to settle there because it was an empty space. He is not sure for how long will he stay there before being relocated again. He fears that, he would lose more cows if he continues staying at this Ngulukii area because there is no pasture and water for his livestock. He has lost about 500 cows from 800 between July and November 2017 due to relocation (land alienation); his 113 cows were shot dead by SENAPA guards; lost of pasture land; unfixed places of abode; draught; and, lack of water.

2.6 Impoverishment at Household Levels

Mama Naretu Seret of Ololosokwan village has her family wellbeing level dropped down to abject poverty after the unlawful arrest and detention of his teenage son, Nougil Limbani in August 2017. His son was working as a casual labourer grazing others' livestock. He was paid TZS 60,000 per month as a wage. Combining with around same amount which Mama Naretu was earning through her petty trade, their family had a total of TZS 120,000 per month. This was enough for supporting five children. However, the arrest, detention and jailing of her son has left the family with only one source of income – which is her business.

According to Mama Naretu, she sells home-needed items such as bar of soap and sugar during auction days (every Thursday). She earns around TZS 20,000 per week as gross income. Her capital for a business she is doing is TZS 60,000. Her teenage son in prison supported her to take care of family needs as he was selling labour and earned TZS 60,000 per month. His work was grazing others cows as Mama Naretu does not have any livestock of her own. She says that, the detention of her child does not only affect her psychologically; rather, it affects also the family's wellbeing as she is now surviving with her four children through only TZS 20,000 per week. This is little money especially due to her family's size and cost of living. For instance, she needs like 20 KGs of maize; 2 KGs of beans; and cooking oil every week for her family. Those cost more than TZS 15,000. Mama Naretu said further that:

After imprisonment of my son, we have not been eating well ... I normally go to beg for the food from my parents when we run out stock! They have ten cows; therefore, could sustain themselves economically ...

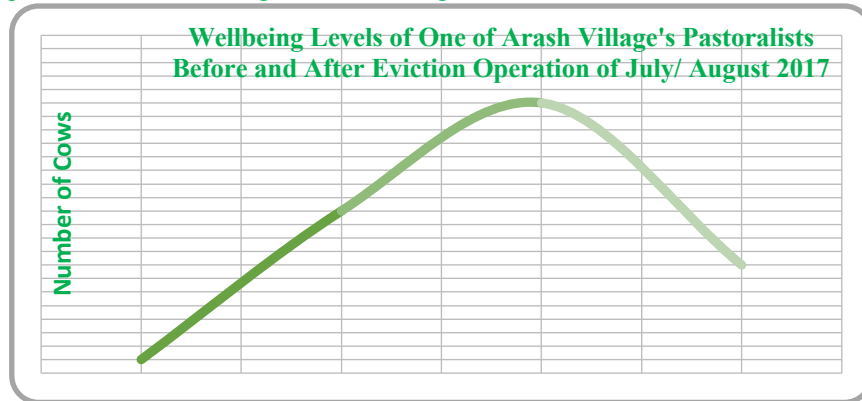
Mr. Saipi Metaya of Ololosokwan had his 500 sheep confiscated by SENAPA guards while they were being grazed by her daughters Namunu and Reson at Endashata hamlet in the village. He has also lost at least 150 cows out of 370 he had before the August 2017's operation. Some of his cows have also been confiscated in the same manner as the rest of villagers in the sampled villages.

Mr. Mwaana Lilash of Olosekenja hamlet, Arash village said that, he paid a fine of TZS 10,000,000 after his cows were captured and compounded by SENANA in September 2017. Each cow was charged TZS 50,000. Narrating on how he got the money for paying fine, Mr. Elashi said that, he had to borrow on interest from one Mr. Kodii, a village don who owns a shop. The loan attracts 0.2% interest and usually supposed to be settled within a week. So, he was to repay a total of TZS 10,200,000. He did not have this money. Therefore, he had to sell 87 sheep in order to get TZS 9,000,000. Each sheep was sold at between TZS 30,000 and TZS 70,000. He had also to sell 8 cows for TZS 300,000 each. Therefore, he managed to get back his cow by losing lots of sheep. According to him, this is was a huge loss which also has affected his wellbeing because he has four children and three wives to take care through livestock keeping as his main source of livelihood.

On the other hand, Mr. Kisombe Ng'atu, a man with 4 wives and 17 children residing at Arash hamlet, within Arash village, had his personal properties burnt down in July and October 2017 by SENAPA guards. His motorcycle worth more than TZS 2,000,000 was also confiscated. Before the eviction operation launched he had at least 200 cows. But, now, he has lost more than

60% of his cows and remained with only 80 of them due to confiscation by the game wardens. Almost 50% of his remaining cows are calves with market value less than TZS 70,000 for each. According to him, he struggled hard to be able to accumulate that size of stock by 2017. He inherited 10 cows from his parents in 1988. His stock increased to 120 cows in 2009; and, to 200 cows in 2017 (before eviction operation). Therefore, his wellbeing level raised and dropped sharply as the graph below indicates:-

Graph 2.1: Mr. Kisombe Ng'atu's Wellbeing Levels between 1988 and November 2017



Source: Primary Data – Wellbeing Analysis with the Respondent (PINGO's Forum Study, November 2017).

A sharp downward mobility of his wellbeing level (see brownish graph flow above) exposes him to a vulnerable situation of being poor economically especially due to the size of his family (4 wives and 17 children) depending on him. According to him, there is a possibility of losing more cows if the restriction to use Moleleani river stream and other lands for grazing will be sustained. Also, he would use more animals if SENAPA continues chasing them from their lands plus confiscation of their properties including livestock.

CHAPTER THREE

VIOLATIONS OF CIVIL AND SOCIAL RELATED RIGHTS

3.1 Introduction to Civil and Social Related Rights

The civil related rights include entitlements to dignity, respect, participation in decision making, and freedom from torture. The social related rights include respect to traditional norms, gender related rights, and access to social services (such as education, health and water).

- These rights are guaranteed in a number of international and local legal instruments some already mentioned earlier on. The international instruments include the Convention on the Civil and Political Rights of 1966; and, the Convention on Economic, Social and Cultural Rights of 1966, African Charter on Human and People’s Rights and its optional protocol on the Rights of Women in Africa Tanzania is signatory to all these instruments.

The testimonies heard from the field showed that, the August 2017 operation resulted into violations of a range of civil and social rights including different forms of torture; infliction of physical and psychological injuries; incidents of VAC; GBV/ VAW; mistreatment of elderly; causing food insecurity; disrespect of dignities of persons; and, destruction of traditional norms.

3.2 Torture - Infliction of Physical and Psychological Injuries

The respondents mentioned different types of torture and other degrading treatments inflicted to them by guards from SENAPA and a private hunting company. The residents recognized the perpetrators to guards from those places because of their uniforms and the vehicles used to patrol their areas even before the August 2017’s incidents.

As Table 3.1 below shows an estimated of 138 of individual persons were tortured between July 2017 and November 2017 as a result of the said operation in Loliondo.

Table 3.1: Estimated Number of Individual Villages Tortured between July and November 2017 in Loliondo – During Operation

Name of the Village	Estimated Number of Individual Person Tortured		
	Total Number	Males	Females
Ololosokwan	16	12	4
Kirtalu	13	11	2
Oloipiri	40	40	-
Losoito-Ngobeleti	27	21	6
Arash	42	32	10
Total:	138	116	22

Source: Primary Data – Interviews with Village Leaders, November 2017.

The victims of torture included Mr. Olemanjo Kilong’, an old man aging about 90 years of Sero, Ololosokwan village; and, children namely; Ndiene Kipiloshi; Motalini Kipiloshi; and, Lanedeya

Kipiloshi (both of Karkamoru hamlet, Kirtalu village); Ngamunu Mitaya, a female child aging 12 years of Ololosokwan village; Nakin Kilones, a child of Mr. Olemanjo Kilong'; Mr. Larosoi Terata an old person, also of Ololoskwani village; and, Mr. Msanga Yaile, a youth of Kirtalu village. The tales of the four children are covered elsewhere in this report.

Mr. Olemanjo Kilong' resides at Sero area, Ang'ata hamlet, Ololosokwan village, Loliondo. He was born in early 1930s. He is father of 33 children from his 3 wives. The old man, who is Maasai pastoralist by tribe, has been living in this hamlet since 5 years ago. Before that, he was living at Ilochiri hamlet, also within Ololosokwan village. He had to shift to this new residential area because of cattle hustling (stealing) which was rampant at Ilochiri.

Accounting on what happened to him on the material day he said that, he was grazing his sheep and goats at the river stream found within Sero. He was with his son who is 18 years. The incident happened in noon hours. He said that, while they were grazing his animals along the stream, three guards approached them. They were in a car with a red strip. He used to see similar persons (uniformed and with vehicle of the same colour) coming to their areas before. He thought that they were in routine patrolling work.



Picture: Mr. Olemanjo Kilong' shows parts of his body which were inflicted with pains.

After the guards were closer to them, they started beating them without telling them anything – on what offence they might have committed. They did not even resist in any way when the guards were attacking them. He was beaten up by a stick and legs on his lib and other places. The child (18 years) was beaten up on her legs and hands. Like other victims and survivors of assaults, Mr. Kilong just kept quite. He said:

... the child was beaten by stick like me ... apart from informing the village office, I did not take any action against the assailants. I was taken to Kenyan based hospital called Lalemtya by my relatives ... none of the village leaders came to see me. No any actions taken because there are many villagers who have been beaten up. For instance, on the material day, when I was beaten, more than five people were also beaten up! And, these are common incidents here! ... I have now bad feeling that, as an old man, I can't beat anyone. I also feel that, all these happen while I am an old person, who is weak! Now, I can't take proper care of my family as it used to be before. This is like torture which fails me to take care of my family. I think it is better for me to die than seeing all these happening! This is very bad life ... lots of sufferings ...!

Describing the features of the assailants, the old man explained that, one of them was white-skinned and the other one was dark-skinned. They were all wearing greenish military uniforms including caps of the same colour. They had also a gun which they used to intimidate him. He could not recall more features of these people as he was slapped on his ear immediately when they were closer to him. The slap put him down for a while before they started to beat him up.

Mr. Kilong' recalls further that, the assault left him with several wounds including ruptures. He tried to treat the ruptures by operating himself through herbs. But, it did not work out perfectly. He had to spend more than TZS 4,000,000 for his medical treatments.

Mr. Msanga Yaile resident of Kirtalu village said that, he was attacked by SENAPA guards in October 2017 when he was riding his motorcycle at a place called Olosai, near the hill and river. On the material day, the guard stopped and asked him if he had a permit to pass through the national park. The guards, who were in the brownish car with red strip, took away TZS 80,000 and a phone worth TZS 80,000 from his pocket before started beating him. The pictures below shows wounded parts of his body.

Mr. Yaile has some scars and half cured wounds in his hands, buttocks and legs at the time of this study team in November 2017. He said that, he has been using the Olosai pathway for several years without being prohibited. He therefore connects his incident with the ongoing human rights violations that occurred as results of an operation to evict pastoralists from some parts of Loliondo.

3.3 Violence against Children's Rights

The study gathered four stories on VAC rights. The cases involve NOUNGIL Limbai, a teenage male aging 15 years; Ngamunu Metaya, a female child aging 12 years; NDIYENE Kipiloshi, male child aging 13 years; and, MORIS Kisombe, male aging 17 years. The first two children are from Ololosokwan, while Ndiyene is from Karkamoru hamlet, Kirtalu village, Loliondo. NOUNGIL's story, which is already covered elsewhere in this report, was shared to the study team by his mother Mama Naretu Seret because he (the boy) serves a jail sentence at Mugumu based prison, Serengeti district. A minor MORIS resides at Arash. His story was shared briefly by his father, Kisombe Natu.

The female child, Ngamunu, is amongst six children of Mr. Saipi Metaya's family. She is one of the two girls of the family. Her parents did not take her to school because they wanted her to take care of their livestock first while others are attending school. On the material day, she was with her sister Reson Meitaya grazing their sheep at a place called Endashata hamlet, within Ololosokwan village. It was sometimes in August 2017 according to her father, who was with her at the interview. At the grazing ground, there were four women doing other things. Around midday, some people went to where the two girls were standing. She named these people as '*askali*' because of their appearances (green uniforms). She could not recall their number as they were many. After approaching the girls, they told them to leave out that place. One of the *askalis* was speaking Maasai language. According to the girl, the *askalis* added that, '*if you come back here, we will cut off your necks.*' They were terrified and started to vacate the area. But soon, the

askaris started to beat them up with the sticks. Some of them hold Nganunu on her hands and legs while others were canning her. Her sister, Reson, was also beaten up in the same way. She was severely injured and could not walk back home. At home, she was treated with some herbs and modern drugs from a local pharmacy. The village dispensary did not have medicine. She had some scars on her legs and hands at the time of this study.

The child Ngamunu cannot graze anymore because her body remained to be weak after the incident. She now wants to go to schools in order to learn Kiswahili language in order to interact with different people. But also, she feels a responsibility to continue helping her parents. Her recommendation to parents was that, children should be spared from taking risky chores like grazing. Instead, parents need to employ adult workers who can handle kinds of situation she has experienced.

On his side, Moris Kisombe was beaten up by the SENAPA guards while he was grazing nearby at Moleliani river stream. This river stream passes through Arash village and has been used as one of the key water sources by the villagers from time of immemorial. His father said that, Moris was with his 7 year brother known as Morani Kisombe at the time when the guards attacked him. He was grazing his father's 200 cows. The guards beat him up in the buttocks and legs. One of his legs was fractured. It is alleged that, after severe beating inflicted to this teenager, he was thrown to the bushes and left there for five days before when he was rescued by villagers and taken back home for treatments. The boy told his father that, the guards beat him on allegation of grazing within SENAPA's boundaries.

The 13 years old child, Ndiyene Kipiloshi, had his straight mind that '*this Arab should go from our land.*' He kept on insisting this several times during an interview with him. He seems to have strong feelings of all what happens to his family and village. He has his father bedridden battling to survive against the borne TB. His father's name is Kosen Kipiloshi. He has been hospitalizing at Waso based district hospital for quite sometimes, leaving them (9 children) and helpless mother (who also starts to experience some form of paralysis in her hand). The family cows he used to graze and drink milk were more than 200. But, after the operation, the stock size of cattle is less than 20. On top of all these, he is not fee to graze these remaining cattle. He fears that the game officers would beat him again. He says that:

I see that, there is a difference between past and present. In the past, we lived well. But know, I have witnessed my three mothers are being beaten up and taken to hospital. They were injured. We used to have 200 cows, now we have only 20. Our father is sick. On the day when these game officers came, he was taken outside and then, they burnt our *Boma*. I think this has affected our father. He left home to hospital while knowing that we have many cows. But, when he come back and find that we have only 20 cows remaining, I am sure he will suffer more! I see there is not a big problem not as it used to be in the past ... our father is sick and we still find out how to help him. We have problems at home! ... [a]ll these have changed because of this Arab. He is everything. He beats us and he kills animals. He shot dead all animals even those which cannot be consumed. In the past, there were so many animals here. But now, only a few remaining ... When they came to us in the past, they gave us clothes ... and food. They also introduced themselves to us. So, we knew their presence. But, now they beat us ...!

Recalling on how he was assaulted, the teenager Ndiyene says that, around 8 Arab guards (including 1 female in their crew) went to the direction where he was standing grazing his family's cows. They were three children (blood brothers) grazing together. The guards were with a brownish car stripped in red. He knew that they were Arab's company guards because those from SENAPA usually were greenish uniform and they also use greenish cars. After the guards were close to them (children), they asked why they were standing there.

The teenager Ndiyene could not recall what they told the guards. But, the guard started to beat them up with fist and sticks. Later, they gather them, stripped naked and ordered to flog the old persons who were also arrested by these guards. The names of the old men flogged were Sembete Kahr and Seleitori Kijape. Explaining this further, the child Ndiyene says that:

Firstly, they took off our clothes and beat us with sticks ... I am feeling bad that we as children were ordered to beat elders ... children who were with me are Lamebe Kipilosh; Nakalii Kipilosh... we need the government to help us because it has reached a point that we children are forced to beat our elders. Instead of beating cows, now we are told to beat our elders ... we want the government to remove away this giant beast (the Arabic investor). We have got huge loss. Our father is ill. People should feel pit and help us. We can't even help our father in hospital ... this challenge faces everyone ... [W]e heard that women are being raped; children are beaten up. It is better to remain with wild animals than an Arab ...

The child feels remorse to have been coerced by the guards to this 'immorality' thing as he named it. He says that, all children are now fearful. *'When they see any car, the run to hide themselves ...!'*, says Ndiyene.

3.4 Violence against Women's Rights:

According to the discussions in the field, violence against women (VAW)'s rights took place in different forms and, have increasingly disturbing their gender roles of pastoral women according to Maasai culture. There are reported incidents of sexual harassments including sexual assault. On the other hand, the burning of *Boma*, domestic items and confiscation of animals seem to have direct and severe impacts to women as 'chief managers' of all domestic affairs.

As for sexual harassment incidents, an officer of one of pro-women's wellbeing rights told the study team that, he is aware of the incidents whereby, Arash village women were taken to the SENAPA camp in the morning and returned to the village in the evening after being sexually assaulted by the officers of national park agency. Some of villagers taken were small girls. The officer mentioned Mama Nalikungela of Engutoto hamlet, Arash village as one of the victims of sexual harassment and assault by the game officers. The officer alleges that, the lady, Mama Nalikungela was taken and raped by SENAPA staff during the operation. However, the lady victim did not seek any legal redress or go to hospital for check-up apparently due to stigma or absence of legal aid services around. The NGO officer alleges that, he is aware of three females who were raped in Arash and Lomane areas, Loliondo.



Mama Noose Kipilosh, 75 years lady residing at Karkamoru hamlet, Kirtalu village, Loliondo, is a mother of 9 children. She is amongst 12 wives of the ailing old man Kosen Kipilosh who was hospitalized at the Waso district hospital (Loliondo town) at the time of this study in November 2017. The old lady, she bears two burdens at the moment. The first one is to take care of her ailing husband, who suffers borne tuberculosis (TB) and he has been bed-ridden for several months. The second burden is to take care of her large family as a single mother. The 2017 operation adds more weights to these two burdens on her shoulders.

Mama Noosikitok also thinks that, her husband's health condition was worsened following the August 2017 operation. Three of her children were victims of the operation. They were beaten up by game officers. The children are Ndiene, Motalini and Lanedeya. She spent more than TZS 1,900,000 for taking care of them while they were receiving medical treatments in recent months. She feels physically and psychologically disturbed to the extent that, she collapsed in recent days especially after the arrest and mistreatment of 3 her children by the game officers. *'As you know, the back bone of human being is children ... loosing these children in anyway could mean that, I will not have people to help me!'*, said Mama Noose Kitilosh. One of her hands has not recovered after she collapsed. She feels kind of paralysis in that hand. Moreover, she considers these incidents as a violation of the tradition role and rights of Maasai women as well as wellbeing of women. She says that:

...my face looks like an old lady. But in reality, it is not true. It is just because of the problems we are facing. We don't have livestock now ... they are killed and lost! We had different life before an investor here. When this investor came in, things started to change, changed to worse ... now, we live an uncertain life. Not sure of what tomorrow would be for us! ... what occurred recently have left me with some trauma. I get some distresses and have been hospitalized because of this! ... our roles as women have changed. For instance, in the past, I was free (it was safe) to go to the bushes to find a lost cow. But now, I afraid that if I do that, I would meet the Arabs! Now, I can't go alone to fetch firewood. Unless we go as a group! We can't graze because these people (game officers and Arabs) can stripe us naked even in front of men or children! My hand is like paralyzed now. I have become a disabled! ... I can't even construct house now because we do not have permanent place to build a house on. Getting some tree branches as building materials is also risky...

All these incidents and impacts of the same have left Mama Noose unable to construct a good house (as Maasai women's traditional role). She says that, because of fear of eviction, they leave in *maturubai* (tents). She cannot go far to collect firewood or fetch water because of fear that the game officers will attack her. *'These people can even strip me naked in front of children ...'*, she fears. She cannot even engage in farming activities because she does not have a land plot now. She used to have one at her former residential place called Malambashanii within Kirtalu village. But, they were forceful evicted from there and, they are temporarily resettling at Kakamoru hamlet.

Mama Noose complains further that, she cannot manage to take care of her children as a mother because she lost all foods and other items during the eviction process. She said, the game officers confiscated her food stock (maize flour) and clothes. Her family used to have at least 200 cows before the August 2017's operation. But, now they had only 10 cows. This means there is food insecurity because as most of pastoral community in Loliondo take milk and meat as main traditional meals. Therefore, Mama Noose feels overburdened by family responsibilities – ordinary gender roles and others because her husband is bedridden.

Mama Nangokwa Msoiti, aging 80 years also resides at Karkamoru hamlet, Kirtalu village, Loliondo. She has seven children, some being independent already. She says that, her family has been in constant restless condition because of frequent ambushes and burning of their Boma. She recalls that, her she had to shift and temporarily resettle into two different places between August and November 2017. *'This emerging trend fails women including breastfeeding mothers to take good care of their infant children ... now, there is no serene environments to stay with children'*, she says.

Mama Nangokwa also commented on the loss of livestock and its impact to her family's wellbeing. She says that, she was milking more than 40 cows in the past and got a lot of milk for food and cream from milk. But now, she milks only about 10 cows in total. That means, there is now little food and cream for children. The cows have been decreasing in number due to fining by SENAPA, lost in the bushes during relocations, shot dead by game officers and, lack of pasture.

Moreover, being in temporary settlements renders it impossible for her to make good food and milk cream for her children. Basing on the flow of her story, food insecurity is quite vivid. Like the other ladies mentioned before, this too sees a changed gender role due to evictions. To her word, she says:

... things have changes. The past is quite different from what we see here now. We did not face kinds of these atrocities. Our houses have been burnt. As you see me now, I have an infant child. We have been forcefully evicted from our lands ... this has affected me as a mother with an infant child. I do not have home now, I do not have serenity to stay and take care of my baby! I don't have food ... [T]herefore, even the (breast) milk for the baby is becoming little! Maasai normally give babies milk cream. But, when can we get the cream now? Because of unrest situation, I cannot get time to make the cream. Therefore, taking care of the baby is difficult! I used to produce milk from milk we had. But now, cows are becoming a few...

An alternative source of livelihood could have been farming. However, this too is impossible at the moment as Mama Nangokwa's family has lost their 4 acre due to land alienation. She has also lost clothes, utensils, cow-skins she used as mattress, and other personal belongings. All these happened as a result of August 2017's operation.

3.5 Food Insecurity and Curtailment of Key Social Services

Everyone interviewed who had his or her house burnt and other properties burnt down or his livestock being confiscated complained to remain poor and hardly afforded all meals used to take before.

Mr. Sembele Lilash of Olosekenja hamlet, Arash village has 3 wives and 8 children – all depending on his livestock for survivor. His 108 cows were fire-squared by game officers in October 2017 to leave him with only 72 cows. His TZS 240,000 saving was also taken away plus his Nokia phone which valued TZS 60,000. He also spent like TZS 50,000 for treating himself after being severely injured by SENAPA guards. Most of his home-needed items were also burnt inside his house. The items included food stocks, water gallons, veterinary medicine and a pump. *'My children are now sleeping without food ... no food for them now!'*, says Mr. Lilash.

Mzee Kijoko Lilash, 74 years, said that, after being forced to relocated at Ngulukii area from another side of Olosekenja hamlet, Arash village, water sources and schools for his family became uneasy to be accessible. According to him, the nearest water source is Arash river stream, which is located 14 KMs away from his Ngulukii settlement. Therefore, accessing it for home and livestock uses takes a total of 28 KMs. *'If you leave here at 8 AM to fetch water from this source, you will come at 3 PM ...'*, said the old man. Children will have to trek same distance in order to access a primary school.

3.6 Distortion of Tradition Norms

Pastoralism is not only a major source of livelihood to pastoral community of Loliondo; but, it is also a way of life which is supported by social structures and cultural norms. There are traditional leaders known as *Laigwanani*; active male gender groups known as *Morani*; females; and, children each with its specific role in this livelihood model. A director of one of NGOs operating in Loliondo said that, there was also a spiritual leader called *Oloiboni*.

The responsibility of *Oloiboni* was to prophesize (foresee) what to happen in future for or against the community. Like *Laigwanani*, the *Oloiboni* also hold a lot of powers and social influences.

The traditional Maasai structures and norms are important for maintaining social harmony and economic development at individual, family, clan or community levels – for whole of Maasai community. However, distortion of such structures has started to divide the pastoral communities in terms of five major clans, namely; *Purko*; *Loita*; *Laitayok*; *Kisongo*; and, *Saley* according to one old person interviewed. There is a feeling that *Laitoyok* clansmen have fall prey of an Arabic investor and it is allegedly used to distort the social harmony existed before. According to the NGO director, the August 2017 crisis would have been mitigated or even resisted if the clans had the same voice against the forceful evictions.

One of the Key Informant consulted during this study was Mr. Oloodo Ngiliya. He is the *Laigwanani* of Loita area (sub-district) of Loliondo, which include Arash and most of other villages sampled for this study. This leader recalls that, the Maasai community was in peaceful living during the Late Mwalimu Julius Nyerere presidential era till Mr. Benjamin Mkapa presidency. He says that, during those years, their position as traditional leaders was respected and utilized. He says that, *‘the government protected wildlife without disturbing the people who lived together (co-existed) with wild beasts ... the traditional leaders were not ignored. They were part of decision making in different social aspects. In those years, we understood that, national parks in government property and we were consulted in everything about it ...’*

The *Laigwanani*, Mr. Ngiliya, is of the opinion that, the mutual co-existence between pastoral community and wildlife started to be issue of concern due to (may be) the decision of the government to start doing business in peoples’ lands. In this way, according to *Laigwanani*, *‘the government has turned to be an enemy instead of the guardian ... it now focuses more on economic interests ... [than welfare of the people].’*

Speaking of the current position of *Laigwanani*, Mr. Oloodo Ngiliya said that, their position in the community is increasingly losing focus. He says that, *‘there is no respect to Laigwanani again! They (government officials) respect more this Arab from Dubai ...’*

The *Laigwanani* wishes to one day get a chance of talking to the government leaders in order to restore their position and formal recognition as community leaders. He sees something big is missing and that is why people are mistreated without being given a chance to explain their ways of life. According to him, even modern services they had in the past such as extension services are no longer supplied to them. Instead, there has been a mission to get rid of them.

CHAPTER FOUR

VIOLATIONS OF PRINCIPLES OF GOOD GOVERNANCE

4.1 Introduction to Good Governance Principles

The good governance principles include respect to rule of law; participation; transparency; accountability and gender equality. The constitution of Tanzania (cited earlier) and other laws including the Public Leadership Code of Ethics Act, 1995 (Cap. 398) require respect of these principles by all public leaders including the DC, SENAPA and police force.

The respondents in Loliondo mentioned a number of incidents which violate the good governance principles. The incidents mentioned to have been occurring since August 2017 are arbitrary arrest and detention; illegal fining; extra-judicial punishments; judicial malpractices; misuse of public office; intimidations; persecutions; and, unlawful application of criminal justice system in general. The main perpetrators were named to be guards from SENAPA and private hunting company with its camp in Loliondo.

4.2 Arbitrary Arrest and Detention – Intimidation and Persecution

It was reported from all villages visited in Loliondo about the arrest, detention and persecution of villagers by SENAPA in collaboration with private guards from the Arabic investor. A group of villagers told the study team at Ololosokwan village that, unlike the previous operation to alienate villagers from their lands which were spearheaded by ordinary police officers, this one (of August 2017) was under full control of SENAPA guards. They had all powers in their hands – to arrest, handcuff, detain, beating up and fining the suspects.

One of the victims of SENAPA's actions is Mr. Sembele Lilash of Olosekenja hamlet, Arash village, Loliondo. As said before, sometimes in October 2017 he was stopped by SENAPA's guards. They were 4 of them. As said earlier on, the guards forced him to direct his cows inside the national park's boundaries in order to fix a case against him. This incident occurred when he was ushering his cows from another area to his home. *'They stopped and ordered me to direct the cows inside the national park's boundaries in order to fix a case against me ... I complied with their order ... then, they handcuffed and locked me in their car ... and started to shoot the cows ...'*, said Mr. Lilash. He said that, he witnessed his 108 cows sporadically shot dead by SENAPA guards. The cows died on the spot. The incident happened nearby Moleliani river side. He managed to escape from SENAPA's car when the guards were busy killing his cows.

Some members of the Non-Governmental Organizations (NGOs) operating in Loliondo told the study team that, they some of district officials have been intimidating them when they try to follow up some issues. The director of a paralegal organization said that, he has never bothered visiting people in their villages to establish some facts because he *'does not want trouble with the government.'*

4.3 Judicial Malpractices

The judicial malpractices such as illegal fining and other forms of extra-judicial punishments; and, unlawful application of criminal justice system were also mentioned by the respondents to have been happening in 2007 especially from August 2017 as part of operation to evict pastoralists from the lands alleged to be of SENAPA. Most of villagers interviewed had a similar feeling that, illegal fining was rampant; and that, those who failed to give SENAPA and ordinary police officers some money as ‘fines’, were detained in Mugumu Police Station (in Serengeti district) for a while and then, taken to court. Serengeti district is neighbouring Ngorongoro district where Loliondo is found.

The usual criminal justice procedure under the Criminal Procedures Act of 1985 is to prosecute and try a criminal case in the area where the crime was committed. Most of the suspects were arrested in their villages at Loliondo, Ngorongoro district; but, they have been transported and detained to Serengeti district, which is quite unprocedural.



Picture: Mama Naretu Seret from Ololosokwan speaking to researchers, not pictured.

Mama Naretu Seret from Ololosokwan Village has a teenager boy called Nougil Limbani who is now jailed at Mugumu Prison in Serengeti District. The boy is the oldest of her five children. The old lady recalls that, her son was arrested sometimes in August 2017 by people she suspects to be SENAPA guards. On the material day, Nougil was together with other six boys. They were grazing animals at a place called Loseki, which is within Ololosokwan Village. The seven boys were both arrested (by persons she does not know) and detained at Mugumu for four days. She came to know that her son was at Mugumu after two days search of him.

On the fifth day of his missing, the little boy went back home. However, a week later, he and other boys were rearrested and taken to Mugumu again. She said that, six other boys were released almost immediately after their parents paid ‘fines’ at the police. One of them is Nalala Loitekel, an employee grazing cattle of Mr. Saivii Mitaya. His son remained behind bars. She did not have money to pay fine for her son to be released.

The village government under support of PINGO’s Forum managed to mobilize TZS 10,000,000 as legal consultation fees to hire a private Advocate for this boy, Nougil Limbani. At the time when the lawyer intervened, the boy was already tried by the court and sentenced to jail term. The lawyer was still struggling to appeal against the jail sentence of this teenager. His mother was not aware of the term his son will serve in prison. She is also not aware of the offence for which the boy was charged. She has not yet visited him at the prison because she does not have money for transport, which is like TZS 50,000 for a return bus ticket plus other costs.

The teenager has already spent two and half months in Mugumu based prison. It is not certain whether his case was investigated, prosecuted and tried in accordance with the juvenile justice procedures stipulated under the Law of the Child Act of 2009.

4.4 Denial or Limited Access to Justice

All victims and survivors of violations did not seek legal remedy far beyond local government at village levels. Even those who attempted to seek solutions against attackers at the village offices, did not receive any assistance. For instance, Mr. Olemanjo Kilong’ of Sero, Ang’ata hamlet, Ololosokwan village, reported his incident of being assaulted by SENAPA and an investor’s guards while he was grazing his animals with his son. However, there was no any follow-up of his case. Mr. Keswe Reiya, member of the village council said that, he, indeed, saw a report about Mr. Kilong’ attack at the village office on 4th or 5th of November 2017. However, he was not aware on the progress of the same. He thinks that, even the village chairperson is aware of this and other incidents as they were so many of them happening. Other victims of similar incidents happened in Ang’ata hamlet, Ololosokwan included Mr. Larosoi Tereta (an old man); and, a female child called Nakin Kilone, who is a child of one of the families in this hamlet.

There are several non-governmental organizations (NGOs) operating or with operations in Loliendo. The organizations include the Livestock development Association (LIDA); Embuani Development Organization (EMBUDEO); TPCF; PINGO’s Forum; Ujamaa Community Resource Team (UCRT); PWC; Ngorongoro NGOs Network (NGONET); and, LASHEHABINGO Paralegal Organization. All these organizations do not have or have limited legal aid services to pastoral community. The LESHABINGO offers legal aid services - mostly for matrimonial related issues. It does not have advocates. Therefore, it does not handling complex cases like all these relating to eviction of pastoralists from their lands. The LIDA was still struggling to secure funds in order to implements its livestock services objectives such as ingeneration of improved cattle breed known as *Sahiwah*. The rest of the NGOs are more of advocacy based. However, PINGO’s Forum in collaboration with PWC, UCRT and other villagers of Ololeini, Arash, Ololosokwan, and Kirtalu villages, have lodged a case before the East African Court of Justice to challenge the government decision of evicting pastoralists from their lands.

CHAPTER FIVE

CONCLUSION AND GENERAL RECOMMENDATIONS

5.1 Conclusion – Summary of Key Findings

The operation to evict villagers of some of the villages in Loliondo took place from August 2017 after an order to do so was issued by the Ngorongoro DC in the same month. The main perpetrator of the evictions, who was directly on the ground doing the operation, was SENAPA through its guards. Allegations of sponsorship and involvement of OBC's private guards were heard throughout the sampled villages. The aim of the operation was to evict pastoralists from their lands which were claimed to be owned by SENAPA. The eviction process was done through different ways, including burning of beating up of residents, burning of *Boma* and confiscation or fining of livestock.

In the process, some women were sexually harassed and assaulted. SENAPA prohibited access to some water sources and restricted movements within village land to at least 5 KMs near its boundaries.

Illegal fining of human being and livestock has noticed to be rampant. There are some pastoralists who have been subjected to pay more than TZS 30,000,000. Getting money for paying fines has left most of the pastoral families' poor economically. There are a number of villagers in Loliondo who were detained and jailed, including a teenager of 15 years of Ololosokwan village.

All these happened without any remedy to the victims and survivor of the forceful and unlawful evictions. Moreover, eviction episodes continued despite the current Natural Resources and Wildlife's Minister Order to suspend it. The SENAPA guards who still arrest, detain, etc the pastoralists allege to do so under the order of the president of Tanzania. The study team did not come across any order from the president. Therefore, it seems that, those who use president's name are doing it in criminal way.

5.2 General Recommendations

The following are general recommendations **randomly picked** from various respondents to this study that were consulted in the sampled villages in Loliondo:-

- i. The government of Tanzanian should investigate the violations and take to task all the people and institutions including SENAPA officials who have been responsible in the process and actions that violated the rights of pastoralists in Loliondo during these evictions.
- ii. The Government of Tanzania should make sure that evictions in the country, if deemed necessary, comply with the provisions in Tanzanian law and comply with international human rights obligations.

- iii. Need to carry out special investigation on the reasons why OBC's private guards were involved in August 2017 operation to evict local community members in the same manner as government military organs. Also the allegations that the August 2017's operation was sponsored by OBC.
- iv. Take legal action against the people who ordered the operation and against all those who conducted it.
- v. The need to support the impoverished families that are affected by loss of livelihood as the result of the eviction through humanitarian assistances.
- vi. The Government should compensate affected families who lost shelter, livestock and other properties for the loss of their livelihood.
- vii. The government should respect the existing legal tenure of the villages and stop allegations that the villages have no rights to the land
- viii. To reconsider SENAPA's boundaries as per original government gazette.
- ix. To ask the Commission of Human Rights and Good Governance (CHRAGG) to issue its report and intervene accordingly.
- x. Need to harmonize conservation and pastoral needs in lines with an expansion of the ambitions of each side – especially on the aspect of land use pressure.
- xi. Need to harmonize laws governing natural resources, wildlife conservation, land management and local government system. The licensing authorities such as on village; wildlife directorate; and, tourism board should have a common platform on patient issues like of Loliondo.
- xii. Need to undertake special assessment on the limits of statutory powers of SENAPA to monitor, arrest, investigate, prosecute, fining, detention and confiscation of livestock of pastoralists in Loliondo the way it did during the operation started from July/ August 2017.
- xiii. Need of clear demarcation of SENAPA's boundaries against those of the villages within Loliondo.
- xiv. The government should ensure that the right to freedom of expression is upheld and make sure that the human rights defenders, civil society organizations and journalists who speak up on the Loliondo eviction issue are in no way intimidated or harassed.

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