

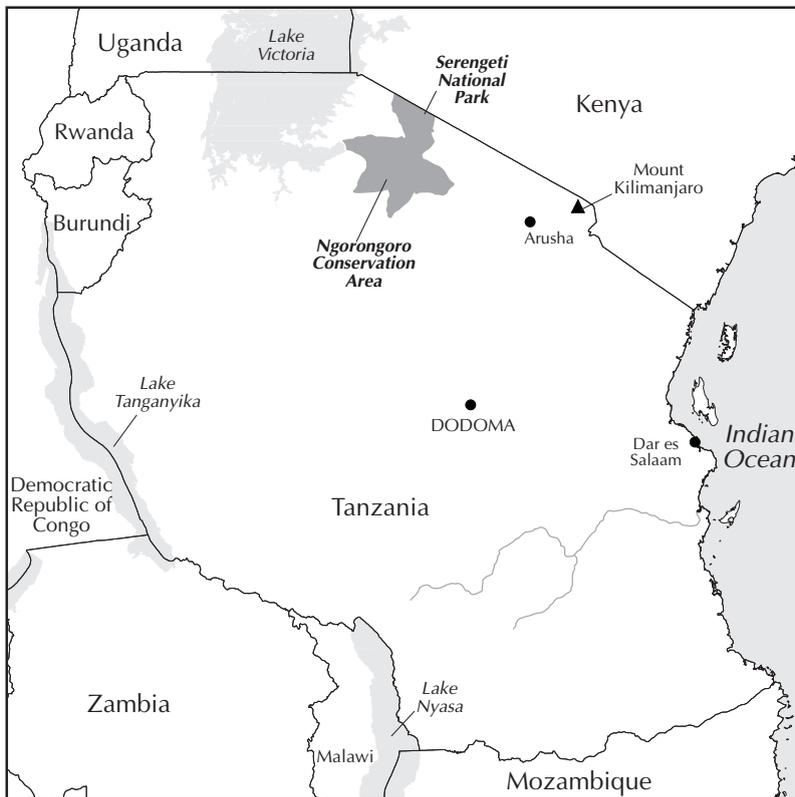
Case study 4

Tanzania

The conflict between conventional conservation strategies and indigenous conservation systems: the case study of Ngorongoro Conservation Area

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1 Executive summary

The research at hand was carried out with the aim of exploring issues surrounding conservation and the rights of the Maasai pastoralists in the Ngorongoro Conservation Area (NCA). The research was particularly aimed at exploring conventional and indigenous conservation strategies that are currently in place with the superior objective of evolving an efficacious conservation stratagem that will ensure sustainable conservation and respect of the rights of the indigenous people. To arrive at the desired objective, it became imperative to expose, albeit in a nutshell, the administrative and legislative history of the NCA. It was particularly important to discuss the conventional and customary methods of conservation with a view to constructing a mixed variable between the two that calls for a meaningful system for sustainable conservation and development. Problems that the pastoralists in Ngorongoro are facing currently in view of present conservation formulae in place will be also be discussed. The research will also chart out recommendations on how best the present conservation approaches can be changed for the betterment of conservation and the livelihood of the indigenous people in the area.

2 Introduction

The Ngorongoro Conservation Area Authority (NCAA) is a governmental parastatal body responsible for conserving the NCA and regulating the utilisation of resources under the Ngorongoro Conservation Area Ordinance 1959. Upon its establishment, a multiple use philosophy was adopted giving the NCAA a legal mandate to conserve the environment and wildlife and develop Maasai pastoralists who formerly inhabited the whole of the Serengeti ecology. The Maasai of Ngorongoro gave up Serengeti on the accord of the so-called 'agreement' of 22 April 1955 between them and the British colonial administration. The highlands, including the Ngorongoro Crater, Northern Highlands Forest Reserve (NHFR) became a home for the Maasai while at the same time remaining a conservation area. In return for giving up the rich Serengeti lowlands, the Maasai were promised water, grazing lands, veterinary services, security, health services subsistence cultivation, and infrastructure. These promises were never fully realised. The life of the Maasai pastoralist is in a shambles today compared with when they lived in Serengeti. The 1994 human livestock and yields from the subsistence cultivation census and 1995/96 sample surveys revealed that 58% of the 42,000 resident Maasai in Ngorongoro live below subsistence level in cattle ownership. The livestock unit (LU) per capita has fallen from approximately 17 LU in 1967 to less than 2.3 in 1994. The average requirement for subsistence is 5 LU per capita.

While the life of the pastoralist is in shambles the government has been putting a lot of effort into conservation. The irony of this is the fact that this effort has not

made conservation better when compared to the period before. In fact, the quality and quantity of nature are decreasing daily despite these efforts.

3 Indigenous conservation systems

The beauty of Ngorongoro owes much to indigenous conservation strategies that were in place long before modern conservation approaches came into the picture. The indigenous Maasai co-existed peacefully with wild animals and nature in general. As opposed to conventional conservation, the indigenous systems were motive free. While conventional systems conserve nature for a motive, the indigenous system conserves because it is a natural duty, it is conservation for its own sake. The indigenous approach to conservation is what can be called 'natural conservation' while the conventional one is 'artificial conservation'. Natural conservationists conserve nature because they are part of nature, while artificial conservationists do the same because there is a utility that can be derived from it, because it has an economic value. One elder, on being interviewed on the subject, had the following to say:¹

We conserve nature because we live in it, because it is our life, it is the life of our cattle. The conservation people [referring to NCAA] do it because it gives them employment, because they get money from the white men [tourists]. For them, if the white man does not bring money, it is the end of the story. For us, even if the white man does not bring money we will still preserve the environment. We did it before the white men came. We do because it is our lives, it is the life of our ancestors and our unborn children.

The Maasai therefore conserved nature because it was their lives. Indigenous conservation systems were implemented in different ways ranging from taboos to actual practices in their pastoral way of life. We discuss these separately.

3.1 Taboos

The Maasai customary law regime uses taboo as a method of forcing compliance of societal values. When a taboo is in place nobody is expected to breach it and when this happens penal sanctions are imposed. These sanctions can be in the form of being separated from the society or being required to do something to make the damage good. Many taboos exist in reference to conservation of nature. When it comes to wildlife, certain taboos are strongly in place. The Maasai have a very strong taboo on wild meat. The Maasai do not eat any type of wild meat. When Maasai hunt, they do so only as a sport and then too only on specific animals on a limited scale. A member of the society who eats wild meat will be regarded as a cultural outcast who is not worthy of anybody's respect. It is only dangerous animals that get killed by the Maasai and then only in defence of

themselves and their domesticated animals. It is because of this practice that one is able to find big concentrations of wild animals in virtually all Maasai territories. This is of course in contradistinction to many of their neighbours who have hunted all their animals for food and commerce.

Taboos also exist when it comes to plants. The Maasai have strict taboos when it comes to the cutting of trees. Trees are only cut for immediate consumption and even then it must be done carefully so as not to deplete the vegetation cover. There is a taboo in place against felling big trees. If anybody cuts a big tree, a ritual of sprinkling milk or honey mead must be performed to appease the ancestors and Mother Nature who may otherwise be offended by the act.

3.2 Conservation of pasture

Pasture is central to the Maasai pastoralist way of life. Livestock is the economic fountain of the pastoralist. Pasture, which provides for the upkeep of the animals, is maintained very carefully. This is in two different ways. Firstly, the Maasai maintain pasture by the practice of transhumance. Through this the Maasai live in the highlands during the dry season and in the lowlands during the rainy season. While in one zone the other is left fallow to regenerate. The zoning is also done to accommodate the movements of wildebeest and other animals. The pastoral way of life does not interfere with the movement of wild animals. Secondly, the pasture is maintained by periodically burning it. The burning normally done just before the beginning of the rainy season gives the pasture space to emerge anew after the rains. This timely burning of pasture does not destroy plants, as the roots will still be alive for the rainy season. Conventional conservationists have not seen the wisdom of these rational practices. They will rather wait until accidental fires destroy vegetation in the dry season when the possibility of roots surviving until the rainy season is non-existent.

Conventional conservationists now restrict the above practices of natural conservation that have preserved Ngorongoro for centuries. The quality of nature is no longer the same. Much has to do with the conventional conservationists' ignorance of the natural ways of conserving nature as practised by indigenous people for centuries. The fear now among the pastoralists in the NCA is that the deaf ears of the authorities to listen to indigenous conservation wisdom will lead to the total disappearance of wild animals:

Where are all the Rhinos we used to have around? They have disappeared. Your Black government keeps telling us that they are the ones who know how to conserve. They have dismissed our traditional systems. I can only say the day will come when all of us will be forced out and nothing of the remaining Rhinos will be left, not even their bones for one to see.²

We will visit the conventional type of conservation as it features in Ngorongoro.

4 Legislative and administrative history of the NCA

To be able to appreciate the present quandary of conservation of the NCA, it is imperative to preface that inquiry with historical antecedents. These will, for purposes of convenience, be divided into two major parts: The colonial period and the post-independence period.

4.1 The colonial period

The colonial period in this regard extends far back beyond the period that is immediately relevant to the Ngorongoro situation. For this purpose we will confine ourselves to the period starting from 1940. The Serengeti National Park, which then included the present NCA, was created in 1940.³ These changes came in to bring new mechanisms for the protection of wildlife. This objective had the purpose of implementing the provisions of an international convention signed in London on 8 November 1933, which had called for global attention to the preservation of fauna in their natural state.⁴ These changes were to apply both to national parks and game reserves, all of which then allowed human activities alongside conservation. The existing rights in the Serengeti remained unaltered to a greater or lesser extent in specific areas. Below are the rights that were affected by the said legislative changes.

- Freedom of movement – Rights of entry, exit and residence were preserved in the park. The law, however, made a requirement that only people with a permit and those ordinarily resident in the area could have this freedom in the park.⁵ There was therefore no particular problem when it came to the rights of pastoralists who were ordinarily resident in the area for many years even before conventional conservation strategies came into the picture.
- Rights of hunting – The legislative changes prohibited hunting in the national parks save where the governor made special exceptions. The same could however be exercised with a special permit from the requisite authorities in game reserves.⁶
- Grazing and cultivation rights – These rights were not expressly prohibited in the new legislation. It could be taken that since the law was silent on this issue, it was safe to assume that these rights were to subsist along with conservation activities in the park.

The position with regard to the rights of the people living in national parks and game reserves did not change even after the enactment of the National Parks Ordinance.⁷ This legislation only separated the administration of national parks

from that of game reserves. The rights of indigenous people were not altered. This view was even confirmed by Sessional Paper No. 1 of 1956,⁸ which stated that:

The original creation of the Serengeti National Park under the Game Ordinance and its subsequent reconstitution under the National Parks Ordinance did nothing to affect the existing rights of any person in or over the land included in the Park. On the contrary, not only were these existing rights expressly preserved but the Maasai already living within the area of the Park were given positive assurances by the government that their rights would not be disturbed without their agreement.

While the rights of the pastoralist continued to be respected and guaranteed in the park, the authorities were at the same time thinking of possibilities of reserving the Serengeti exclusively for conservation. The trustees of the park managed to achieve this objective by entering into an agreement with the Maasai, that boundaries be drawn between Serengeti and Ngorongoro. In this arrangement, which was tainted with obscurities⁹ Ngorongoro was to be set aside for the Maasai. The Maasai agreed to forfeit their rights in Serengeti subject to condition that they would be provided with alternative grazing zones in Ngorongoro, reliable water, cattle medicines and other social services. They further wanted to be assured that they would still be able to practise their way of life in Ngorongoro. The colonial administrators accepted these conditions. The Maasai honoured this agreement by moving to Ngorongoro in 1958/59. The colonial government did not live up fully to their promises. This is despite many administrative pronouncements that those rights would be guaranteed. An often-cited instance is the speech of the then Governor to the Legislative Council on 25 April, which stated that:

When the Serengeti National Park was proclaimed in 1940, solemn pledges were given by this government to the Maasai. This does not of course include the whole Maasai tribe, but those who had legal or customary rights in the area. I am quite sure that no one could expect this or any other British government to break its solemn pledges. It has, therefore, been possible to get the agreement of the Maasai for the charges that are proposed.¹⁰

The assurances from the colonial government did not end there. In the 34th session of the Legislative Council on 4 October 1958,¹¹ the Governor made a statement that the government had never contemplated excluding the Maasai from the Serengeti and the Ngorongoro highlands. According to him the conservation of the Ngorongoro area was to be built around the interests of the Maasai pastoralists. This idea became even clearer in 1959¹² when the Governor assured the Maasai Federal Council that:

. . . it is the intention of the government to develop the crater in the interests of the people who use it. At the same time the government

intends to protect the game animals in the area, but should there be any conflict between the interests of the game and the human inhabitants, those of the latter must take precedence.

The pledge by the colonial government was not immediately translated into law; indeed even when the Ngorongoro Conservation Ordinance¹³ came into force in 1959 no specific reference was made to it. The 1959 Ordinance created an authority to manage the area. The Minister appointed this Authority but the law had not provided the criteria to be used in appointing them. In the first Authority, five people represented the Maasai. The authority was empowered among other things to restrict and control residence and entry into the area, and to prohibit, restrict, control and manage cultivation, grazing, and collection of forest products. Notable in these restrictions is the fact that entry and residence were assured for the Maasai ordinarily resident in the area.¹⁴ The above developments were the initiators of the concept of multiple land use that the area is said to have pioneered.

4.2 The post-colonial era: 1961 to date

The post-independence period can be divided into many phases.

4.2.1 1961–63

Things did not change much during this period. The old rules continued to exist, as there were no amendments to the law. Notable, however, during this period is the intervention of Henry Forsebroke, said to have been one of the very few conservators sympathetic to the Maasai pastoralists. During his era the Maasai were represented fairly and were consulted in the running of the area.¹⁵

4.2.2 1963–75 – The modernisation era

The Ordinance was amended in 1963,¹⁶ among other things to reconstitute the management of the area. A Conservator responsible to the Minister replaced the Authority. This centralisation did not, however, remove the rights of the people to be consulted in the running of the area. The making of rules and orders by the Minister and/or Conservator could only be effected by consultation with the people.¹⁷ The consultation requirement suffered a substantial loss under the process taking place in the country to achieve its modernisation, centralisation and concentration of power.¹⁸ The rights of the pastoralists continued to be restricted especially when it came to issues of cultivation, grazing and movement.

The period under discussion also witnessed tensions between two groups of conventional conservationists. One group wanted the area to be exclusively for conservation and the other favoured the dual mandate for which the area was

originally formed. The result was the amendment of the Ordinance to bring about a compromise between the two. This marked a new beginning to the human rights situation of the Maasai pastoralists.

4.2.3 1975 to date

This period opened with the amendment to the Ordinance by the Game Parks Laws (Miscellaneous Amendments) Act, 1975 (No. 14 of 1975) and the coming into play of the Ngorongoro Conservation Area rules, 1972 (GN 12 of 25 January 1972), which repealed and replaced the 1964 rules.¹⁹ These legislative changes had far reaching consequences for the rights of the Maasai. The most important of these include:

- Cultivation – The Game Park Laws placed a ban on cultivation in the whole of the conservation area. The ban on cultivation was *de facto* in place in some locations prior to these legislative changes. This could be interpreted as an effort to frustrate the pastoralists so that they would leave the conservation area of their own accord. The government succeeded in this as, indeed, many pastoralists moved to other places where cultivation was allowed.
- Entry and residence – The conservation rules imposed, for the first time, a requirement that indigenous residents apply for certificates of residence. The Conservator was allowed under such rules to revoke a residence permit for anybody found in breach of the rules.²⁰ The right to residence and entry for the pastoralists ordinarily living in the area was also altered. These rights were no longer provided in the legislation but became vested in the powers given to the Minister to specify categories of persons to enjoy such rights. Although the Minister has yet to use these powers against the residents of the NCA, there is the potential danger of their being used arbitrarily.²¹
- Administration and management – The Authority was reconstituted and placed under the control of a board of directors responsible to the Minister. Representation and consultation of the local people were formally done away with.
- Functions of the NCAA – The amendment of the law also had the significant impact of adding a new function to the NCAA. Together with the traditional functions of conservation, promotion of tourism and promotion of the development of forestry, the authority was also required to *'safeguard and promote the interests of the Maasai citizens of the United Republic engaged in cattle ranching and dairy industry within the Conservation Area'*.²² Notwithstanding this statutory duty, the authority has done very little to safeguard the interests of the pastoralists; if anything, it has done the contrary. The rights of the pastoralists are being abused on a daily basis. One wonders what the legislators' intention was in this regard. This reality will

become manifest when we expose the practices of the NCAA and their impact on the rights of the indigenous people. To this we now turn!

5 Policy measures and implementations of the objectives of conventional approaches to conservation in the NCA

The conservation strategies now in place are the conventional type of the 'Yellowstone model'. This model adopts a 'fences and fines' approach to conservation.²³ The interests of this model rest on the conservation of fauna and flora to the exclusion of human development. The dual mandate that the area was said to have been formed for is nothing more than a policy manoeuvre to thwart the interests of the legitimate owners of the area – the Maasai. This is evidenced by the fact that while much has been done to preserve the fauna and flora, little has been done to safeguard the interests of the Maasai. This approach to conservation forgets that the abundance of wildlife and natural resources available today is the result of traditional conservation methods in place long before the conventional approach came to the fore. It is further evidenced by the fact that the pastoralists are not consulted when it comes to decisions about the conservation of the area and their livelihoods. Neglect of the strategy of respecting and utilising the traditional methods of conservation has had adverse consequences on the area. The number and quality of fauna and flora are dwindling daily despite the presence of the high-tech tools being used to protect the environment. We will visit some of these conventional approaches and their impacts on conservation and the lives of the Maasai living in the area.

Policy and legal reforms taken by post-colonial administrators have been attempts to reconcile conflicts arising from the multiple land use philosophy governing the NCAA. The NCA is normally run on the basis of policy directorates made in the form of management plans that cover a period of five years. The plans chart out the policy objectives that the authority intends to achieve in a given period of time. Being mere policy pronouncements, the plans are not legally enforceable. Pastoralists are not consulted in the making of these plans and since they are not enforceable, the pastoralists have no recourse when aggrieved by the plans' failure to be implemented. We will visit some of these plans.

From 1959–75 an extended department of government known as the Ngorongoro Conservation Unit (NCU) ran the NCA. Within this period, three Management Plans were made: the original plan of 1960, the 1962 revised plan and the Dirschl plan of 1966. The three plans were characterised by a common element as regards consultation. In virtually all of them, the Maasai were not represented or consulted about their formulation thus lacking legitimacy from the Maasai side. The government never endorsed the three plans as they failed to provide clear solutions to the conflicts arising from management.

There were burning issues that needed to be addressed in this period. Foremost was the issue of cultivation. There was also the debate about the NCA's dual mandate, i.e. development of the Maasai and conservation. To address these problems it became imperative to adopt another management plan. In 1982 the BRALUP (Bureau of Resource Assessment and Land Use Planning) plan came to the fore. This plan came at a time when conflicts over welfare and participation by local people in the management of NCA had heightened. Pastoralists felt that they had been tricked over their eviction from Serengeti and in 1975 when they were lured into believing that the ban on cultivation was a temporary measure to curb the then escalating number of illegal immigrants. They were told that the ban would be lifted when the immigrants' issue had been dealt with. This did not happen. The plan also tried to discuss the issue of the local people's participation in management of the NCA. For example, it tried to adopt the *modus operandi* of the 1982 Local Government Act, which uses village government units as a medium for citizens' active participation in local governance. This never took place. As with the preceding plans, the Maasai were not consulted, thus rendering the creation of a realistic plan for the NCA even more difficult. One fact became clear, however, which was that the NCA policy dilemma was to continue for a long time.

In 1990 an ad hoc ministerial committee was established to study the Ngorongoro situation and to suggest ways to improve the situation. The report was later adopted as NCAA's official policy. In the light of the existing problems, it became necessary to devise a general management plan (GMP) in five years' time. Within this time it became clear that multiple land use could only be achieved by obtaining a balance between human development needs and the conservation of wildlife. The report failed, however, to offer a lasting solution to the most critical issue – that of cultivation, which continued illegally despite the 1975 ban.

In 1992, as observed in the testimony of one woman in Ngorongoro, '*God came to the rescue of the Maasai*'. At a public meeting in Endulen the then Prime Minister declared a temporary lifting of the cultivation ban. This move was seen as a purely political manoeuvre. It came at a time when it was most needed by the Maasai, during the 1984 rise of BCT (Bovine Cerebral Theileriosis), a tick-borne disease that had claimed too great a number of livestock, combined with high overheads due to the demand for grain having tripled prices. The lifting of the ban had coincided with the multi-party phenomenon and CCM (*Chama Cha Mapinduzi*, the Revolutionary State Party – the ruling Party) needed to win the pastoralists' favour.

The Prime Minister's directive at that time envisaged a five-year economic recovery programme for pastoralists, which was conditional on the eventual phasing out of the permitted subsistence cultivation in 1997. In 1994, the Natural Peoples World (NPW), a Danish NGO funded by DANIDA, together with the NCAA ventured into an economic recovery programme for pastoralists. This failed, however, at its initial stages due to the NCAA's lack of commitment and technical support.

The formulation of the ten-year General Management Plan in 1994 and its approval by the NCAA Board in 1996 has not in any positive way addressed the sensitive issues and conflicts facing the management of the NCA. To say the least, the planning process was riddled with problems through unfair stakeholder representation in favour of conservation. English was the main language used in the consultations, a fact that impeded the Maasai from having any meaningful participation. Besides, only two weeks were allowed for public review of the document which totalled 133 pages. The process relied heavily on foreign funding. Two illiterate Maasai elders were hand-picked to form part of the field reconnaissance team. The elders found themselves at a loss to understand the intricate issues surrounding the exercise. At best, the authority used them as rubber stamp to achieve its objectives. The peoples' dissatisfaction with the GMP is better expressed in the words of one elder:²⁴

I regret to have participated in the making of the General Management Plan. Today I see clearly how the NCAA tricked us. I have never agreed to the reimposition of the ban on cultivation, which the NCAA is now to implement this year.

Despite the legitimisation of the plan in 1996 by the NCAA Board much is left to be desired. The thorny issues such as cultivation; boundary identification; zoning; village title deeds; accessibility to water, salt licks and pasture in the exceptional conserved resource areas (such as Ngorongoro Crater, Oldupai Gorge, NHFR, and Laetoli footprints) remain untouched in the plan. The plan was thus launched without adequately addressing the above. The plan is already troubled by the following problems:

- Implementation of the approved General Management Plan still remains a major challenge. Very little, if any, of the plan has been put into practice. Much of this is due to lack of will and commitment on the part of the NCAA and not lack of funds, as has been the authority's constant excuse. It is mostly those aspects of the plan that focus on the local community that have received less attention.
- To date no review of the plan has taken place as is required every three years. The NCAA uses the lack of funds for review as the general scapegoat but a more realistic explanation is lack of commitment on the part of the NCAA management in executing the human development agenda.
- Problematic also is the question of enforcement. The management plan, being a mere policy, is not enforceable. The local community does not have any means of enforcing the NCAA's compliance with the plan. The situation leaves the pastoralists at the mercy of the NCAA.
- The pastoralists, not having been involved in the making of the plan, are also

excluded from participating in its implementation.

The conventional approaches to conservation, for which the NCA was founded, have not yielded satisfactory results. Nature has not been adequately protected as is seen in the situation today. Wildlife numbers have decreased dramatically compared to the time before NCA was founded. The natural vegetation is not in a good state either. This, we suspect, is the result of not paying heed to the indigenous methods of conservation that were in place before NCA was founded. The second failure of the purposes of NCA – development of the pastoralists – is even more serious. We will outline some of the difficulties that the pastoralists have faced for the entire period that conventional conservation strategies have been in place.

6 Problems that face pastoralists in NCA

We will expose problems that go to the root of the pastoralists' rights in NCA.

6.1 The right to life

The right to life of the pastoralists is at stake due to the conventional methods of conservation in place. The right to life has been violated not only with regard to the means of sustaining their physical existence, but that physical existence itself has, in some instances, been taken away.

When it comes to physical existence the authorities' law enforcement agents have, on various occasions, subjected the Maasai of the NCA to brutal killings. In 1979, for example, one innocent son of Olemakutian was shot dead by rangers for allegedly failing to disclose where the Somali poachers were.²⁵ More recently, one Ekesengei Maandalo was killed – allegedly accidentally – in Irmelili during the hunt for his brother, Oltukai Maandalo, who was reported to be a poacher.²⁶ There are also many instances of wild animals having killed Maasai, who have not been compensated.

Aside from the physical killings, the Maasai have also been denied basic needs of life. The ban on cultivation and the restrictions on grazing in some areas have all made it difficult for the people to get the necessities of life.

6.2 Social services

Despite the fact that NCAA gets a lot of revenue from tourism only a very small part is used for the development of the Maasai. The NCAA earns approximately TSh 6.5 billion per annum (equivalent to US \$8 million) from the tourist industry, of which 52,000 pastoralists are allocated 12% according to the budget but not in reality. Health and veterinary services are also lacking. A single TB centre in

Endulen and a few scattered dispensaries, without drugs or specialised doctors, serve the pastoralists. When it comes to education the situation is no better. Only a few primary schools are in place and most have no teachers or teaching materials. Only now is a secondary school being constructed and nobody knows when it will get finished. There are only two university graduates against a population of 52,000. The roads that are constructed are mostly those used by tourists. The district that the NCA is located in is the least developed in Tanzania.

6.3 Other rights

Rights to freedom of assembly, association and expression are also denied the pastoralists in NCA. The right to participation, consultation and representation are also at stake as witnessed by the NCAA refusal to consult pastoralists in the management of the area.²⁷

The situation in NCA cannot be allowed to remain the same if sustainable conservation and development is to be achieved. It is in view of this that we make the following recommendations.

7 Reforms: The way to achieving sustainable multiple land use in the NCA

7.1 Policy and legal reforms

Policy and legal reforms need to emphasise power sharing as opposed to the current top-down management of the NCA. The process should ensure empowerment of individuals and local community institutions, particularly the Ngorongoro Pastoralists Council (PC) and any other emerging local institutions.

7.2 Conservation policy reforms

7.2.1 Wildlife population trends

Between 1964 and 1975 several partial evictions of the Maasai from range lands continuously deprived the NCA of its best forage and feed value and pastoral range management mechanisms. There is an alarming increase in low quality, high fibre grass species in the NCA, which has coincided significantly with the increase in certain animal species e.g. the wildebeest population, which has reached about 1.7 million over the last two decades.

These changes have not only disturbed the pastoral transhumance practices but also generated much scientific speculation as to the real carrying capacity in terms of available resources. However, there has been no serious intention or attempt to carry out specific scientific studies geared at understanding these trends. It is our

hope that the review of the General Management Plan takes place soon in order to ensure that such assumptions receive scientific verification, and hence proper solutions. We fear that if this is not done, pastoralism will continue to suffer the consequences of the mainstream belief that its future is not apparent, not only in NCA but in Tanzania as a whole.

7.2.2 Wildlife ecology

The notion of zoning the NCA is for management purposes and is based on the following criteria:

- Protection of conservation values at the expense of use by local people and livestock, e.g. wildlife calving and breeding grounds, wildlife concentration areas, migratory routes and cultural sites. This criterion ignores the importance of human development as an integral part of the multiple land use concept.
- The Maasai have, since the inception of the multiple land use programme, experienced severe restrictions in accessing resources e.g. water and grazing in the crater (eviction from *bomas* (enclosed settlements) in the crater floor in 1973) and the recent drought forced them to use the Northern Highland Forest Reserve which led to instances of severe clashes with the NCAA rangers.
- The zoning concept in its conventional sense is, by and large, an alien one. Maasai fail to see the justification for it and are at a loss to know how to manage the so-called exceptional resources. On the other hand, there are no defined mechanisms in place by the NCAA to mobilise this understanding, apart from use of force, often at gunpoint.

7.2.3 Forest conservation and management

The Northern Highland Forest Reserve is the most important area, both as a water catchment area for the peripheral communities in Karatu and as refuge grazing for the Maasai in times of severe drought. The forest is threatened by logging, fire and agricultural encroachment on the whole of the southern zone bordering Karatu district. The pastoralists feel totally alienated from it. Access to some of the sacred sites, meat camps and traditional medicinal plants is restricted.

7.2.4 Management of cultural resources

In these areas there is a long-standing conflict between land use for human development needs and those of conservation. Around Oldupai Gorge, for example, in 1979 the NCAA rangers shot and killed a Maasai herder for no apparent reason other than grazing near the Gorge. In 2000, the construction of a

dam at the Laetoli Ngarusi footprints site had caused confrontation between the Antiquities Department and the Ministry of Natural Resources and Tourism. These conflicts need to be resolved by a thorough scientific study to determine how best to use these areas.

Possibly, as part of the solution to the conflict, management of these resources should be the responsibility of NCAA rather than the Department of Antiquities in order to resolve the overlap of responsibilities between the two institutions. It is also of great importance that local communities are involved in the management of these resources by educating them to their value and sharing the benefits arising from them. One woman underscored this need:

Today we would not be worrying about the destruction of the cultural and natural resources if the NCAA had consulted us. The NCAA thinks we are children; they have thought for us for a long time. It's time they listen and understand that we deserve respect, and consult us when decisions affecting our lives are made. Wisdom is wisdom even if by a woman.²⁸

7.3 Human development policy reforms

7.3.1 Pastoralism and conservation

Today the NCA project is in a dilemma due to the following problems, among others:

- Pastoralists not benefiting from income they generate arising from conservation.
- There is an ever decreasing pastoral economy – livestock production.
- Neglect of pastoral knowledge about conservation and the non-sharing in the management of the NCA.

7.3.2 Human and livestock population trends

The decrease of livestock numbers as opposed to increases in human population is a matter of concern. The recent DANIDA, NCAA, and PC-funded Ngorongoro pastoralists project, ERETO, is an attempt at poverty alleviation through the *Ewoloto*²⁹ system. The restocking of the destitute pastoral families through matching grants of animals has helped a few families to feel that they are pastoralists again. It is, however, too early to talk of its sustainability given the fact that the project is highly dependent on foreign funding and technical support.

The temporary lifting of the ban on cultivation has encouraged illegal immigrants

into the NCA, further impacting the human vs livestock ratios. These problems are likely to continue until livestock economy is restored to an extent that can support the human population in the NCA. There also needs to be consistent removal of immigrants.

Over the years, the human and livestock census techniques used in the NCA have failed to give realistic results. The explanation may be that census officials did not understand pastoral transhumance practices, leaving many uncounted. Aerial counts, coupled with consistent physical counts, may help to solve this problem by producing reliable data on which development plans can be based. Equally important is a collaborative management arrangement between NCAA and Serengeti National Park. This, together with the opening up of the NCA's restricted pasture lands will allow pastoralists access to grazing, salt licks and human population distribution.

7.3.3 Livestock development and marketing

We have discussed earlier the NCA's poor livestock performance. Milk yields are generally low. Calving periods are long and animal growth is slow in reaching market size. The trading of livestock outside normal channels both denies the pastoralists a fair price and revenue to the local government.

The following measures can help solve these problems:

- Disease control emphasis to be put on preventive medicine. Epidemiological studies will be needed into livestock diseases and their impact on productivity.
- Establishment of livestock markets in the NCA to combat unfair returns to pastoralists and government loss of revenue.

7.3.4 Social trends

Imposed developments by the colonial and post-colonial administrations have created a dependency attitude among pastoralists. Pastoralists feel safer adopting NCAA wishes than supporting communal initiatives to influence planning, decision-making and implementation of their own projects.

This situation can only be reversed if:

- Deliberate action is taken to raise the pastoralists' awareness of this problem by encouraging active local participation in all levels of NCA management.
- Motivational and educational programmes on development are introduced.

- Pastoralist institutions are assisted to grow capacity through various training programmes.

7.3.5 Public relations

The long-standing strained relations between the NCAA and the pastoralists have been mentioned earlier as the result, *inter alia*, of unequal sharing of conservation benefits, the non-involvement of pastoralists in the decision-making process of the NCAA, unreasonable use of force against pastoralists by the NCAA's law enforcement organs, the failure of the NCAA to live up to their promises when it comes to implementing projects promised to the pastoralists, and the existence of repressive laws that operate to the detriment of the pastoralists.

7.3.6 Water development

Most water supply systems in the NCA have either collapsed or been taken over by tourist lodges and the NCAA workers' village. The aforementioned concentrations of wildlife and human population in the highlands call for water development in the mid- and short-grass plains where exceptional conservation resources are not a constraint.

The under-utilisation of mid- and short-grass ranges is the result of lack of security (due to cattle rustling), water shortages and malignant catarrh fever, factors that cannot be controlled by the Maasai without assistance.

7.3.7 Road transport

There is a link between food security and road transport in the NCA. The temporary lifting of the ban on cultivation in 1992 does not in any way satisfy the NCA populations' needs for grain, hence dependence on the road system for the supply of grain and other foodstuffs. The road network in the NCA is generally poor due to lack of maintenance, and the establishment of new roads and maintenance systems having been institutionalised by the NCAA, which has accorded priority to tourist roads at the expense of village roads. The need to strengthen community involvement in road maintenance is a priority as it involves a wide range of activities as mentioned earlier. The NCAA must ensure availability of labour from the local people for routine tasks in part to secure a stable source of employment and income.

7.3.8 Education and health services

Provision of education and health services is generally poor in the NCA. The NCAA must acknowledge its mandatory responsibility for the above. The phenomenon of inadequate health facilities is a serious indication of the NCAA's lack of commitment to the development mandate imposed on it by law.

7.4 Legislative reforms

There have been attempts to amend the NCAA Ordinance of 1959, in 1975 (miscellaneous amendments) and 1999.

The 1975 amendments to the NCAA ordinance have, above all, put salt on the wounds of relations with the NCA. Generally, this event offered nothing new to pastoralists apart from banning cultivation and adding restrictions on the access to the ranges and other resources.

The amendments denied pastoralists participation in management and added an overlap of responsibilities between the legal mandate of the NCAA and those of other institutions such as: the Forestry Division, Ministry of Energy and Minerals, Ministry of Regional Administration and Local Government, Department of Antiquities, Ministry of Water and Livestock Development, Department of Wildlife, etc. This overlap puts the pastoralists at the crossroads when determining which department is responsible for different aspects of their livelihood. It at times becomes difficult for them to demand their rights in a situation where there is a collision of jurisdictions between different government departments.

The NCAA ordinance superiority over the local Government Act of 1982 denies the Ngorongoro pastoralists the right to participate fully in local government. The NCAA, with no pastoralist representatives, reigns supreme over the Ngorongoro District Council (which has representatives from the NCA local community) when it comes to matters concerning the NCA. These somewhat awkward arrangements deny the pastoralists the right to participate in the governance of their country. Their rights as citizens are limited vis-à-vis those of other citizens of Tanzania.

The attempted review of the NCAA ordinance in 1998 faced vehement resistance by the pastoralists. In the event, the NCAA hand-picked a few Maasai for questioning to justify local participation. The pastoralists' timely resistance led to their quickly seeking legal advice and publicity in the national media and finally a formal demand was produced containing the following issues:

- The objection that the pastoralists disapproved of the process and that it should be halted until the pastoralists were granted fair representation.
- The demand for a Swahili translation of the existing ordinance to be produced to allow understanding of its contents by the Maasai to enable equal contribution in the process of making a new law.
- Due to mistrust between the NCAA and local people, the pastoralists have opted for non-partisan legal advice independent of the NCAA, TANAPA and Ministry of Justice and Constitutional affairs lawyers. The Maasai's choice is

that such advice be sought from the Land Rights Research and Resource Institute (LARRI).³⁰

- Agreement to a one-year period, between 1998 and 1999, to enable all stakeholders to come up with considerations to be taken into account before a final draft of the law is agreed upon.
- An undertaking by the NCAA to make all plans and endeavours known to the pastoralists, based on the above demands.

The process has since been stopped and the pastoralists have been cut out of the possible sequence of events. They will never be sure of the next step although the Swahili version of the Ordinance was given limited distribution to some Maasai representatives in August 2000. Pastoral NGOs who took the initiative to raise awareness among pastoralists through workshops on land rights received severe reprimands from the NCAA.

The pastoralists believe their demands are reasonable and will, if met, contribute to a law-making process that is consultative and likely to produce results that will be equitable and efficient in the running of the NCA.

7.5 Institutional reforms

7.5.1 Ministry of Natural Resources and Tourism

This is the overall mother Ministry in charge of nation-wide conservation and tourism activities. The Ministry has been very successful in promoting tourism. It has not been particularly interested in development of the pastoralists. It is recommended that the Ministry acknowledge that tourist activities can only be meaningful if serious efforts are put in place to respect the interests of the people who have made Ngorongoro a worldwide safari destination. The Ministry should overhaul the present structures in place in the NCA with a view to creating better ones that are representative of all the stakeholders in the area.

7.5.2 The Board of the NCAA

NCAA boards have failed to address the NCA common tragedy of wildlife versus human development for a long time now. The Maasai have persistently made their concerns known to the government and the Board with the hope of obtaining lasting solutions to the Ngorongoro problems. With the existence of extensive documentation on Ngorongoro ranging from research, ad hoc ministerial reports, local people's pleas to government higher authorities in public meetings, the Management Plan of 1996, etc., there is no way that we can excuse ourselves and come out clean-handed while the NCA multiple land use philosophy is in jeopardy and pastoralists' problems escalate daily. The Board must be willing to

act according to the goals it was founded to achieve.

7.5.3 Ngorongoro Conservation Area Authority

The NCAA has failed to deliver. The consequences of neglect and a lack of interest in human development has worsened relations between the local people and the NCAA. The Maasai regret the failure of the NCAA to comply with its mandate in implementing equally its twin responsibilities of conservation and development. The NCAA has been criticised for lack of vision, for which the consequences are an inability to control managerial tasks and guide future necessary changes. Despite this, the Maasai have not failed to maintain respect and loyalty to it. It is imperative that the NCAA management demands a change of attitude, if not total disestablishment.

7.6 Local Maasai institutions

7.6.1 Ngorongoro Pastoralists Council

Although the need for establishment of the Pastoralists Council was first suggested in the Dirschl plan of 1966 and the ad hoc ministerial report of 1990, it only started in January 1994. The Council has now its own constitution but one which is heavily rooted in the NCAA Ordinance (Miscellaneous Amendments 1975). The Council is meant to advance Maasai interests in the NCA and is widely recognised by the pastoralists. However, its effectiveness is still very poor in promoting or achieving an increase in the influence of pastoralists in the NCA. The Council has a registered constitution and legal status but which is limited to the following:

- The legal mandate is based on the NCAA Ordinance, which restricts the development or possible gains in influence in the management of NCA, by pastoralists.
- The mandate is in an advisory capacity one to the management and the NCAA Board but there are no mechanisms in place to ensure the advice reaches the Board and that feedback takes place.
- The PC is highly dependent on the NCAA who can financially limit the scope of its operations, decision-making and implementation of community projects.
- The PC lacks capacity in terms of organisational arrangements, technical competence, financial management and bookkeeping skills. These shortcomings make the NCAA management both donor to and signatory of the PC account. In practice therefore, the PC is not an independent institution; it is only a smokescreen that the management use to lure pastoralists and sympathisers into believing that participation is in place.

- The composition of the PC is wanting. Two-thirds of its members are illiterate and unable to deal with complicated issues which go beyond the cultural and political aspects of their livelihood such as management processes, legal matters and so on. In addition, most of its members – 15 village chairpersons and six ward councillors – are government leaders; they are not able to sternly criticise the NCAA out of fear for their positions. The NCAA itself designed the composition of the PC; the pastoralists were not given the opportunity to determine its membership.

7.6.2 The local leadership institution: the *Ilaigwanak*

This institution has very important responsibilities within the society, ranging across social, economic, cultural and political responsibilities. In 1995 the NCAA management decided to recreate it as a semi-political body, a move seen as an attempt to weaken the PC. The NCAA has constantly manipulated this traditional institution for its own interests. The PC has therefore become an institution of the NCAA and not of the community. The *Ilaigwanak* only meet when the NCAA management wants to use them to justify their own agenda. On 10 March 2001, during the research for this case study, two research assistants and one of the researchers were refused participation in a meeting at Bulati, for no apparent reason. This is very critical as the NCAA is interfering with the community's cultural set-up, making its institutions lose credibility and the pastoralists' trust.

8 Conclusion

This study has been an attempt to expose the problems that exist in NCA in the light of the conservation principles in place. It has become apparent that there is a serious need to address the existing problems in a timely manner. It is our hope that the suggestions made will be taken seriously in an endeavour to achieve the objectives for which the NCA was founded.

9 Chronology

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| 1940 | • Founding of the Serengeti National Park |
| 1958 | • The separation of Ngorongoro from Serengeti
• Eviction of the Maasai from the Serengeti |
| 1959 | • Establishment of Ngorongoro Conservation Area by Ngorongoro Conservation Area Ordinance, 1959 |
| 1960 | • First Ngorongoro Management Plan (the original Plan) |

- 1963 • First amendment to the Ordinance
- 1966 • The Dirschl Plan
- 1975 • Major Amendment to the Ordinance
• Reconstitution of the Authority to bring in the Board of Directors
• Imposition of the cultivation ban
• The BRALUP Plan
- 1990 • Ad hoc Ministerial Committee appointed to study the situation in Ngorongoro and suggest solutions
- 1992 • Temporary lifting of the ban on cultivation
- 1994 • General Management Plan
• Formation of the Pastoral Council
- 1999–2001 • Attempts to amend the Ordinance, also agreed by the NCAA
- 2001 • Reimposition of the ban on subsistence cultivation
• Eviction of Maasai pastoralists from Ngorongoro (at the time of writing, soon to be effected)

Notes

- ¹ Olepatana interviewed at Nainokanoka on 23 March 2001.
- ² Olesaiton, interviewed at Endulen on 15 March 2001.
- ³ By the Game Ordinance, 1940 (see Section 4, Schedule 1).
- ⁴ Shivji I G and W Kapinga. 1998: 7.
- ⁵ Ordinance ss 6 and 15. (See note 3 above).
- ⁶ Ibid. Section 29 provided that it was an offence for a native to hunt without a licence.
- ⁷ Ordinance No. 7 of 1948.
- ⁸ In Shivji and Kapinga. 1998.
- ⁹ The agreement was dubious in that the Maasai were in an inferior position to understand the contents and impacts of the agreement. It is even documented that the Maasai were literally forced to get out of the Serengeti by the barrel of the gun. For a discussion on this agreement see Olenasha W T. 1999.
- ¹⁰ Ibid.
- ¹¹ Tanganyika 1958 b: 9.
- ¹² August 1959, Shivji and Kapinga: 10.
- ¹³ No. 14 of 1959.
- ¹⁴ Section 6(2) of the Ordinance.
- ¹⁵ Shivji and Kapinga: 12.
- ¹⁶ By the Ngorongoro Conservation Area Ordinance (Amendment) Act, 1963 (No. 43 of 1963).
- ¹⁷ Section 13 of the Ordinance.
- ¹⁸ Shivji and Kapinga: 12.
- ¹⁹ Ibid. 13.
- ²⁰ Rule 8(1), (3) and (4).

- ²¹ Shivji and Kapinga: 14.
²² Section 5A(c) of the amending Ordinance.
²³ For the Maasai of the NCA the fences and fines extend even to caning as people have on a daily basis been subjected to brutal beatings, torture and humiliation by conservation authorities.
²⁴ Olesereb, interviewed at Osinoni on 27 March 2001.
²⁵ Olenasha W T:59.
²⁶ Ibid.
²⁷ For a thorough discussion of these rights see Shivji and Kapinga.
²⁸ Namindi, interviewed at Esere on 17 March 2001.
²⁹ This is traditional system of poverty alleviation where destitute members of the community are given livestock by clan and family members. The project in question is using this traditional method to help destitute pastoralists restock in the NCA.
³⁰ LARRRI is a Dar es Salaam-based NGO that advocates for land rights and especially the land rights of marginalised societies.
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Acronyms

BRALUP	Bureau of Resource Assessment and Land Use Planning
DANIDA	The Danish Agency for Development Assistance
LARRI	Land Rights Research and Resource Institute
LU	Livestock unit
NCA	Ngorongoro Conservation Area
NCAA	Ngorongoro Conservation Area Authority
NHFR	Northern Highlands Forest Reserve
GMP	General Management Plan
TANAPA	Tanzania National Parks
TB	Tuberculosis
PC	Pastoralists Council

Bibliography

Kijazi, A J H. 1994. 'Balancing Conservation and Development in the Ngorongoro Conservation Area, Tanzania' in H Woien and C R Rugumayo (eds) *Institutions and Environmental Management in Relation to Environmental Policy and Development. The case of Tanzania: Proceedings from a workshop in Trondheim, December 1994*. Centre for Environment and Development, University of Trondheim.

Lane, C R. 1997. 'Ngorongoro voices: Indigenous Maasai residents of the Ngorongoro Conservation Area in Tanzania give their views on the proposed General Management Plan', *Forests, Trees and People Programme Working Paper*, Sveriges Lantbruksuniversitet, Uppsala and FAO.

Lane, C R and R Moorehead. 1994. 'Who Should Own the Range? New Thinking on Pastoral Resource Tenure in Drylands Africa', *Pastoral Land Tenure Series*, No. 3, IIED, London.

Loft, M. 1995. 'Response to the Danida Draft Appraisal Report on the Economic Recovery Programme for the Ngorongoro Conservation Area Pastoralists, Committee for Pastoralists Issues' (Unpublished), Copenhagen.

Loft, M. 1996. 'Comments on Natural Peoples World's Economic Recovery Programme for the Ngorongoro Conservation Pastoralists', Consultant report to DANIDA (Unpublished).

Olenasha, W T. 1999. 'Violations of Indigenous and Minority Rights in Tanzania: The Case study of the Maasai of Ngorongoro Conservation Area' (Unpublished).

Parkipuny, M S. 1991. *Pastoralism, Conservation and Development in the Greater Serengeti Region*, Dryland Networks Programme Issues Paper, Paper No. 26, IIED, London.

Potkanski, T. 1994, 'Property Concepts, Herding Patterns and Management of Natural Resources among the Ngorongoro and Salei Maasai of Tanzania', *Pastoral Land Tenure Series*, No. 6, IIED, London.

Rugumayo, C R. 1994. 'Ngorongoro Conservation Area: On grass-root participation in management', Centre for Environment and Development, University of Trondheim, (Unpublished).

Shivji, I. G and W B Kapinga. 1998. *Maasai Rights in Ngorongoro, Tanzania*, LARRI/IIED, London.

Tanganyika. 1940. *Proceedings of the Legislative Council: Fourteenth Session, 1930/40*, Government Printer, Dar es Salaam.

Tanganyika. 1954. *Legislative Council Debates (Hansard), Official Report: Twenty-Eighth Session, 1953: 54*, Government Printer, Dar es Salaam.

Tanganyika. 1956a. *Speech by his Excellency the Governor to the Legislative Council on 25th April, 1956*, Government Printer, Dar es Salaam.

Tanganyika. 1958a. *Proposals for reconstituting the Serengeti National Park*, Government Paper No. 5 of 1958, Government Printer, Dar es Salaam.

Tanganyika. 1958b. *Address by His Excellency the Governor at the Opening of the 34th Session of the Tanganyika Legislative Council on 14th October 1958*, Government Printer, Dar es Salaam.

Tanzania, United Republic of. 1964. *Annual Report of the Ngorongoro Conservation Unit*, Ministry of Lands, Forests and Wildlife, Dar es Salaam.

Tanzania, United Republic of. 1990. *Report of the Ad Hoc Ministerial Commission: A Conservation and Development Strategy for the Ngorongoro Conservation Area*, Ministry of Tourism, Natural Resources and Environment, Dar es Salaam.

Tanzania Wildlife Conservation Monitoring. 1993. 'Cultivation in Ngorongoro Conservation Area', (Unpublished) Arusha.

Conference discussions: Kenya, Tanzania, Uganda

Commentaries on case studies by presenters and community representatives

The three case studies were presented and discussed in one conference session to gain the benefit of a combined overview.

Tanzania

William Ole Seki commented that since the case study was written, there was now the very real threat of eviction.

Isaya Naini, Projects Manager, Community Research and Development Services, Tanzania, (CORDS), showed a newspaper cutting about the Maasai's threat to sue the government over its violation of the 1959 Act allowing them to live in the area. He urged all participants to suggest a strategy for their immediate help.

Uganda

Penninah Zaninka made the following comments to complement her case study:

- 1 regarding schooling, there is now one Batwa child at secondary school. However, hunger is still linked to non-attendance at school, which in turn impacts on employment opportunities. Civil service jobs are consequently unattainable, but jobs as guards or guides ought to be possible and would guarantee some income – particularly as the Batwa have existed alongside the animals since the time of their ancestors;
- 2 electoral representation is difficult because the community is so small;
- 3 as access to the forest is denied, traditional sources of the following are no longer available:
 - firewood for cooking
 - medicines
 - raw materials for tools
 - means to practise religions.

Rwubaka John, Batwa Chairman, UOBDU, commented, 'When my father died I inherited land given to my parents by kings but now the authorities are trying to evict me.' He also spoke of a Batwa man who was murdered while he was collecting firewood in the forest.

Gakoti Ephraim, UOBDU, gave his story: 'I grew up in the forest; I was collecting wild

potatoes and yams and the announcement came saying we had to go away, had to go and live at the border. That is where we remain. We never got any compensation. We were afraid they would kill us. Now we sell our labour services to others, like servants, actually – and we have been left behind. . . . we used to get meat and honey, collect medicinal herbs and make local beers and now we cannot do this, and our children are dying.’ He expressed concern at his people’s situation, ‘We are like animals, but at least the animals are being looked after. No one is looking after us. We are about to die and disappear – those houses we are living in now are not good, human beings require good shelter and we do not have this. There are so many things that we need – I feel so sad that I cannot even utter any words.’

Allen Musabyi, UOBDO, spoke of the uneven subsidisation and availability of uniforms for school children from agencies in charge of the forests.

The session chairman, Marcus Colchester, commented that a lot had been said about the problems, but what about solutions? He asked whether participants had sought solutions through dialogue with managers of the parks and the World Bank.

In reply, a representative of the Rwanda Office for National Parks & Tourism (ORPTN), drew attention to a new policy among the guards to allow entry into the parks. He wondered whether the Batwa were actively prevented from entering or were unaware of the policy?

Rwubaka John told how ‘Last year we created our own organisation, UOBDO, and set up an office in Kisoro. So now we have somewhere to meet and exchange ideas. FPP helped us send a representative to Washington to talk to officials and expose our situation. When we came back from Washington the Trust started buying land for us. So now a few have land, but not all’.

John Rubaramira, Batwa Project Officer, Mgahinga & Bwindi Impenetrable Forest Conservation Trust (MBIFCT) explained the efforts that had been made since the Trust was set up in 1995. There had been five objectives, one of which was to purchase 226 acres from the Batwa in two districts, who could then buy land for each household. So far, 147 households had acquired land. Regarding education, the Trust supported 501 Batwa children at primary level, and one was hoping to get to university. Training in agricultural and vocational skills was provided for all those who bought land.

He confirmed that the Trust had been working with CARE to identify how the Batwa could benefit from development through conservation. For example, the communities around the parks are allowed to go and collect fruit products on a sustainable level; another objective is to offer sanitation. The Trust was sensitive to the Batwa predicament.

Panel discussion

Panellists: Nicolette Raats	– Senior Social Ecologist, South African National Parks: Kgalagadi Transfrontier Park
Joram Useb	– Assistant to WIMSA Co-ordinator, Working Group of Indigenous Minorities in Southern Africa (WIMSA)
Albert Kwokwo Barume	– Human Rights Lawyer

Nicolette Raats said she would have liked some conservation input into the conference as a number of conservation issues had not been documented. She felt that conservation should not be seen ‘as a reservoir for land for people’; it was important to identify the desired outcomes clearly since the links between land and culture were not always made and ought to be recognised. She agreed that negotiation should involve all parties all of the time and was optimistic for workable solutions.

She made the observation that ‘population expansion in Africa cannot be ignored. Local problems can be solved locally, but broader problems need to be solved more globally’.

Joram |Useb endorsed the earlier observation that it was not helpful to discuss problems, but important ‘to look at ways to address the problems in order to get solutions, because there were good promises which were never fulfilled’.

The Tanzanian case study had identified their strong and weak points:

- Strong points: the Ngorongoro Conservation Area Authority (NCAA) and the Pastoralist Council. He recommended changing the Pastoralist Council into an independent body capable of involving more stakeholders and encouraging the NCAA to reconstruct its own council to give it more power.
- Weak points: organisational capacity was weak and consequently dangerous. Technical competence and financial management needed to be improved. This aspect could be handled by a body independent of the NCAA since there is the perception in the community that they are government employees. It would be worth training leaders in this area.

He cited the example of the Nyae Nyae in Namibia, where many stakeholders have been involved and are included on the board – ranging from government to community-based organisations – and this influences the policies. He also stressed that terminology used in park and community policies must also be expressed in the local language.

Albert Kwokwo Barume recommended looking both for common themes and differences. He identified four main common features:

- 1 'The cases are all of first nation people evicted from their land by force. These people are the owners of the land, and their right is based upon occupation since time immemorial.' They had occupied the land long before the African states had been formed.
- 2 'All three governments are trying to assimilate the indigenous people, to decide what is good for them, through laws: forest acts, agriculture acts. . . . In all the three cases there has never been consultation.
- 3 'All three cases are claiming collective rights to land – these are rights which are different from the rights they are being offered by the government. The rights of private individuals do not protect them well enough.
- 4 'Finally, in all three cases, there are strong international actors behind the scenes but nobody talks about them – e.g., the World Bank. . . . We have to realise that the strongest misery of human beings is due to these organisations sending millions of dollars. These strong actors are getting away without taking any responsibility.'

The differences appeared in the way they approached the same problem:

- a the Kenyans were taking the legal approach;
- b the Tanzanians had not yet decided to go to court but were trying to strengthen the community first by creating their own local institutions;
- c the Batwa, because of their different languages, levels of literacy, and economic power, had opted for support from international advocacy organisations to help defend their rights.

Participant discussion

Subsequent debate covered three topics:

- 1 Need for objective analysis
- 2 The question of conservation
- 3 Communities' personal experiences.

1 Need for objective analysis

Innocent Munyarugero, Twa community representative, Rwanda, called for coordinated accounts of the situations described, as different individuals appeared to be interpreting events differently, some identifying problems, others saying they had been resolved. He had not come across these inconsistencies in Bweyeye and urged participants to find agreed solutions.

Jackson Mutebi, Project Manager, CARE Uganda: Development through Conservation Project, had three comments:

- a 'I would like to remind members here that we must work in a realistic context. In Uganda we have other communities who also claim similar rights to the forests. . . . We cannot address indigenous peoples' issues in isolation; other communities have other demands. We must address the bigger picture.
- b 'The communities are not homogenous – within Batwa, there are people with different hopes, etc. Are there initiatives that do address some of these peoples' needs?
- c 'As I listen, I would advise us to not be confrontational, not to emphasise those things that divide us. We should also note the groups who are helping indigenous peoples.'

Penninah Zaninka, in response to Jackson Mutebi's first point, conceded that Batwa do have some of the same problems as others but not 100 per cent. She explained that the area has various groups: 'it is the Batwa who lived in the forests, the others come from different sources . . . potters were dispossessed of pottery making, marshlands were turned into farmlands, etc. and their livelihoods taken. They do not have the same problems and theirs are not as serious as for the Batwa.'

Ezekiel Kesendany, Executive Director, Ogiek Development, Culture & Environment Conservation (ODECECO), added that funding for resettlement of South West Mau came from the Forest Ministry through the World Bank. 'People were told they could settle there; others were brought into the area to benefit from the project. Outsiders wanting to help may not understand the problems – squatters are everywhere – we have people who are from the area, but the others are speculators or have other homes.'

2 Comments on the question of conservation

William Olenasha, Co-facilitator, Ngorongoro, felt that there should be a clear distinction between the roles of conservation areas and community areas as the two could not overlap successfully.

Eleanor McGregor, Development Worker, South African San Institute (SASI), acknowledged that when a community is moved out there are a lot of problems for which the park concerned can be held responsible. 'We must knock on their door to solve these problems, to say let us meet half way. We must ask the park to help us to address our problems.'

Jean Bourgeais, Principal Technical Advisor for the Gamba Project/Gabon, WWF Central Africa Regional Program Office (CARPO), asked for participants' help to overcome problems from the start: 'I am starting a park. I need to find a system to find solutions to the many problems that have been set out. . . . Decision-making creates conflicts and in

some protected areas the use of revenue is not always perfect, but now there is good communication between conservation organisations, although not between environmental organisations and indigenous peoples. If I could find the solutions I need, it would be a good outcome of this meeting.’

3 Communities’ personal experiences

Benjamin Mugabuku Meye, Chef de volet sensibilisation, Parc national des volcans, commented that the Uganda case had shown that firewood was no longer a big problem for those who have got land. However, he noted that school books and uniforms provided by organisations sometimes reach those who are not entitled to them and he asked why this cannot be better coordinated.

Kalimba Zephyrin, Director, CAURWA, developed the point raised earlier, that ‘The problem that still persists is the role of indigenous people in management of these problems. It is unfortunate that when the World Bank has given money which has been put into a fund, the Batwa are not aware of the fund, or its activities. They have no information and those managing the fund are not accountable to the indigenous peoples. Indigenous peoples should be involved in these activities. There is a Rwandan saying: “In the country of blind people, the one who has one eye is a king.”

‘I visited the areas in the Tanzania case study, and visited the Hadza who, like the Batwa, live by hunting and gathering. But the government is not aware of them. The Maasai have become known, but these others are not even known to their own government. They still have problems because farmers and pastoralists encroach on their land. They are poor, uneducated, and have no houses. NGOs in environmental conservation should set up a fund for these small communities that have been left behind or else they could disappear.’

He then questioned the practice of demanding payment for entry to parks, particularly for nationals who could ill afford it. Alternatively, he suggested that profits from parks should be shared among the nationals so they all benefit.

Juvenal Sebishwi, APB (Association pour la Promotion Batwa), agreed: ‘Natural resources are common to all, and should be open to all. Here they have coltan. If it is on your land, you are asked to leave in return for compensation, but a Mutwa is evicted without compensation. This should be done properly. The indigenous people are looking for their basic rights. They are not trying to disturb others’ situations – we just want our rights back. . . . Our community is decreasing – they are dying – let us not forget why we are here.’

Asked about the situation in Kenya – whether there are negative impacts from interactions between the Maasai and Ogiek – Ezekiel Kesendany replied that the Maasai are indigenous pastoralists and the Ogiek are hunter-gathers, so there is no conflict.

Crispin Mutimanwa Lusanbya, DRC community representative, provided a further example of the impact on health issues: 'We have lost the traditional healing skills because we were chased out of the forest. Before, our *sages femmes* had access to the herbs of the forest and women had no need for caesarean section. But today we are so sad – now we see them with malaria and have no way to heal them. This used to be a source of income. What we ask is: give us access to these herbs, etc., and then we can help others.'

Close of session.