

**THE CONFLICT BETWEEN LOITA MAASAI AND THE BATEMI
IN LOLIONDO AND SALE DIVISIONS, NGORONGORO
DISTRICT -TANZANIA**

**A REPORT OF THE FACT FINDING MISSION WHICH TOOK
PLACE FROM 21ST JULY TO 1ST AUGUST 2004**

BY

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AND

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TABLE OF CONTENTS

Page

	Title:	
	The conflict between Loita Maasai and the Batemi in loliondo and Sale Division; A report of the fact finding mission which took place from 21 st July to August 2004	1
1	Executive summary	4
2	Introduction	5
3	Ngorongoro District: The people, the geography, the politics, social relations, and land dispute.	6
	3.1 District profile and the people	6
	3.2 The people and their origins	6
	3.3 Source and history of the conflicts	7
	3.4 Land Disputes in the 90's	7
4	Analyses of the causes Conflicts	9
	4.1 Poor Management and administration land	9
	4.2 Ethnicity	10
	4.3 Scarcity of Land and Population Growth	10
	4.4 Diversification of livelihoods	11
	4.5 Proliferation of small arms	11
	4.6 Issues on and around the Kenyan Border	11
	4.7 The role of politicians and the central and local government bureaucracy	12
5	Recommendations	13
	5.1 Traditional dialogue	13
	5.2 Dissolution of the Committee of Councillors	14
	5.3 Re-demarcation of boundaries according to the land and village Land Acts, 1999 (no 4 and 5, respectively)	14

5.4	Implementation the dispute settlement mechanisms of the new land laws	15
5.5	Awareness of the new land laws	15
5.6	Joint land use plans	16
5.7	Disarmament	16
5.8	Police Posts in the conflict areas	16
5.9	Resolving problems to the border with Kenya	16
6	Conclusion	17

List of acronyms

ADDO	Arusha Diocesan Development Organisation
CRT	Community Resource Team
DC	District Commissioner
IUCN	International Union for Conservation of Nature
KIPOK	Korongoro integrated Peoples Oriented to Conservation
LADO	Laramatak Development Organisation
LARRRI	Land Rights Research and Resources Institute
NCA	Ngorongoro Conservation Area
NGO's	Non-Governmental Organisation
OBC	Ortello Business Corporation
PINGO's	Pastoralists Indigenous NGO's
SRCS	Serengeti Regional Conservation Strategy

1. Executive Summary

The conflict for which the research team has taken immediate measures to find its causes and give recommendations for its complete arrest, took place from the 1st-14th July 2004 on the frontiers of Engusero Sambu and Kisangiro villages, in the divisions of Loliondo and Sale respectively, both of Ngorongoro District.

The Maasai pastoralists who constitute the majority and the Sonjo agro-pastoralists who constitute the minority, among other groups, inhabit the district. The two groups have a prolonged history of hostile relations and tensions.

The history behind the existing conflict goes back to 1975 when the most intense fight between the two was first recorded. Many lives were claimed in a fight that was triggered by cattle thefts.

The conflicting situation was temporarily arrested in the late 70's when the late premier Edward Sokoine mediated the same by using traditional means of conflict resolution.

The conflict between the two sides gathered new momentum after 1990 when a highly disputed land demarcation and issuance of title deeds to some villages was done by the Arusha Development Diocesan Organisation (ADDO), Korongoro Integrated Peoples Oriented to Conservation (KIPOC), International Union for Conservation of Nature (IUCN) and Serengeti Regional Conservation Strategy (SRCS). It however blew in 1995 when a young Maasai man stole a shoe belonging to a Sonjo trader in a local market, an incidence that quite surprisingly exploded in bloodshed of a magnitude not seen to date.

The research team has managed to come up with a score of causes that can be said to underlie the conflict. These are no less than poor management and administration of land; ethnic hatreds; scarcity of land and population growth; diversification of livelihoods; proliferation of small arms; access and control of the Kenyan border and the role of politicians and the government bureaucracy.

From the findings and the causes of the conflict the team has come up with recommendations deemed necessary to arrest the conflict, both temporarily and permanently. These include, dissolution of the existing committee of councillors; re-demarcation of boundaries employing procedures detailed in the land and village land acts; initiation of traditional dialogue; awareness of the substance and procedures of the new land acts; joint of land use plans; implementing the dispute settlement mechanisms of the new land laws; control of border activities with neighbouring Kenya; disarmament; and the building of police posts in the conflict zone.

In conclusion, **prevention is better than cure**. The government and other stakeholders should therefore address potential conflicts in a timely manner before they escalate into large-scale conflicts that claim innocent lives and destroy valuable property that is difficult to replace.

2. Introduction

The long unresolved conflict and misunderstanding between the Batemi (commonly known as the Sonjo) and the Loita section of the Maasai, currently re-emerged on the frontiers of Engusero-Sambu and Kisangiro villages of Loliondo and Sale divisions respectively. The fight that started on 1st July to 14th July 2004 led to the death of a young Loita Maasai warrior identified as Kaiki Tanguyu and serious bodily injuries from bullets sustained by Njangeni Kigoya, a Loita Masaai. There were serious losses of property sustained by both sides. It is said that the Sonjo lost about 25 goats while the Maasai lost about 72 individual houses and crops among others. The fighting has now been brought to a temporary stop by the government but the situation is still tense and there is general fear that a more deadly fight can still breakout if the situation is not addressed properly and promptly.

Pastoralists Indigenous NGO's (PINGO's) Forum and its Dar es Salaam based partner Land Rights Research and Resources Institute (LARRRI), agreed to carry a fact finding mission on the immediate and root causes of the conflict, with the superior objective of generating recommendations that can be used by different stakeholders for devising a permanent solution to the same. Community Resource Team (CRT) and Laramatak Development Organisation (LADO), both members to PINGO's Forum of the Loliondo cluster, joined the two lead organisations in the subject research.

The research team, has herein below, managed to come with findings and recommendations that are considered necessary for addressing the simmering conflict. The findings and recommendations were generated through actual field visit to the villages in the conflict, interviewing different actors, as well as research on different documents and literature related to the conflict.

It is our expectation that the fronted recommendations will assist different players to come up with prompt and action oriented plans to bring the conflict to a permanent end.

3. Ngorongoro District: The people, the geography, the politics, social relations, and land disputes

3.1 District profile and the people

Ngorongoro District is among the five Districts making up Arusha Region in North Eastern Tanzania. Other districts are Karatu, Monduli, Arumeru, and Arusha urban. Ngorongoro is one of the most famous districts in Tanzania, not only because of the Ngorongoro crater and other tourist attractions, but also because of pronounced land use conflicts. The area is home to the famous Loliondo Game Controlled Area which hosts the hunting empire of Ortello Business Corporation (OBC), whose presence and dealings in the area has generated a lot of criticisms and has in some circles been nicknamed the 'Loliondogate'.

The District divides into three divisions, which are Ngorongoro, Loliondo and Sale. The District has a population 129,000 people according to the 2002 census. 59% of the District's landmass falls within the famous Ngorongoro Conservation Area which was established in 1959 to deal with matters related to the conservation of wildlife resources, promotion of tourism and the development of indigenous Maasai pastoralists living in the area.

Loliondo division, which divides into a number of wards and villages, is inhabited mostly by Maasai who are traditionally pastoralist but who now practice farming as well. The Batemi (commonly known as Sonjo) and other groups also live in the area and they are mostly farmers even though they also keep domestic animals. The division is made up of the villages of Loliondo, Sakala, Ngwarrwa/Enguserosambu, Oloirien/Magaiduru, Soitsambu, Ololosokwan, Oloipir, Arrash and Maaloni.

As for Sale division, most of its residents are agro-pastoralist. The division is made up of the villages of Tinaga, Mgongo, Kisangiro, Samunge, Yasimdito, Digodigo, Malambo, Piyaya, Pinyinyi and Engaresero.

The three divisions are characterized by differences in natural resources endowments, modes of production, the history and cultures of their inhabitants. There are very complex and hostile socio-economic and political relations between Maasai and the Batemi of the Sale and Loliondo Divisions, as will be seen in the next sections of this report.

3.2 The people and their origins

Geographically, Sale division and part of Loliondo division border with Kenya on their North. The Batemi inhabit in six villages of Sale division (Tinaga, mgongo, kisangiro, Samunge, Yasimdito and Digodigo). Sale and Oldonyo sambu villages are inhabited by both the Maasai and Batemi.

The Sonjo are believed to be a decent of Kurya from Mara region that was defeated by other tribes during tribal wars in the region. BATEMI or WATEMI is the name given to the tribe, which means Bantu farmers. However, the Sonjo elders refute affinity with Kurya and insist that they have lived in the area for over one thousand years. The

Maasai themselves are believed to have originated from the north and those interviewed admitted to have relatives in Kenya.

3.3 Sources and history of the conflicts

The differences between the Maasai and Sonjo are historically associated with cattle rustling. This trend continued up to the early 1990's when conflicts took a new shape to involve other issues. Maasai and Sonjo warriors would raid each other's cattle for either prestige or to increase their herds. Conflicts that would emanate were always resolved through a mutual understanding of elders to avoid further fighting and killings. Stolen animals were always returned or compensated. The first serious dispute based on cattle raids occurred in 1975. It involved Maasai and Sonjo warriors in the villages of Kisangiro, Enguserosambu, Samunge and Maaloni. Several people were injured, houses burnt and properties destroyed. At least two people were killed in Kisangiro Village. This practice is gradually losing meaning and eventually fading out. Commercial interests have replaced prestige and other traditional meanings attached to the practice. Disputes over cattle raids have, over time, been replaced by those related to resources, most notably land, water and pastures.

3.4 Land Disputes in the 90's

In 1990, a joint survey project was carried out by ADDO, KIPOK, IUCN and SRCS, using experts from the regional land office. The project was aimed at demarcating boundaries between villages in order to secure villages lands that were threatened by commercial interests in farming and the expansion of the conservation empire. Mr. Benedict Nangoro, then a director at ADDO, recalls the threats which prompted different stakeholders to undertake this project included, mounting pressure from commercial farmers outside Ngorongoro District who wanted huge chunks of land to establish large estates. Secondly, the threat from conservation interests, which wanted to expand wildlife protected areas into the lowlands of Loliondo. Thirdly, Tanzania Breweries had shown interest and applied for thousands of acres of land in Sukenya lowlands for barley farming. And lastly, the dairy farm project was to be established in a couple of villages of Loliondo division, which would further reduce traditional pastoralists' lands. The rationale behind ADDO's project was therefore to protect or secure land rights of local communities vis a vis outside interests and threats.

Demarcation of boundaries according to Mr. Ole Saitabau² took place in all villages of Loliondo and Sale division. He recalls that boundaries were drawn after a team of villagers from all villages involved in the disputes agreed on the border signs such as beacons, big trees and distinct rocks. He further acknowledged the availability of minutes, maps, title deeds of some villages and report of the boundary demarcation project, which unfortunately, he was not ready to share with the research team. He advised the team to consult the ministry of Lands and Human Settlement Development for those documents and related matters.

Another important aspect in this project according to Mr. Saitabau is that very few villages reached a consensus on their boundaries. In most cases, there was no agreement between Maasai and Sonjo villages, especially where the new boundaries disregarded traditional boundaries of the two tribes. There were for instance

disagreements between the villages of Sale and Pinyinyi, Samunge and Losoito, Digodigo and Muholo and Digodigo and pinyinyi, with each village claiming that the new demarcations had reduced the size of its land. As result, few villages received title deeds and maps while others (where demarcation was not completed) could not get title deeds. Although initially the project was aimed at resolving land disputes and securing people's rights to land, the trend and field realities show that it just set out further and probably more serious land disputes in the area.²

Between 1991 and 1994 there were serious disputes over those boundaries in a number of Sonjo and Maasai villages, which did not erupt into fighting until a year later. However they called for the attention and intervention at the national level leadership. In 1994, the then Minister for Lands, Housing and Urban Development Edward Lowasa, Ordered the Ngorongoro District Council to nullify and resurvey the boundaries in order that villagers from both sides fully participate and consent the demarcation of the boundaries. The villages to be resurveyed according the Minister's order were; Soitsambu, Ololosokwani, Oloipiri, Ng'arwa, Enguserusambu, Loisoiti-Maaloni, Arrashi, Sakala and Loliondo³. In 1995 the tension between the two sides had grown beyond control with each side claiming that its boundaries are being trespassed by the other. All sides were accusing the district authorities (both council and District Commissioner's office), for failing to secure and protect their rights against the other group. It was in August 1995 when the tension broke into fighting. The villages involved in the clashes were Samunge, Mgongo, Tinaga and Yasimdito on one side (sonjo), and Ng'arwa, Olerienmagaiduru, Maaloni and Losoito/Sale on other (Maasai). The clash began at a local market (mnada) after a Maasai man stole a traditional sandal (Katambuga) that belonged to a Sonjo trader. The aftermath spread to all the villages. It is very difficult to make link between the theft of the sandal and land or boundaries demarcations but because of the tension that had grown since early 1990's, it is necessary that we establish such a linkage. The clashes resulted into loss of people's life, destruction of property and destabilization of development activities, besides other consequences.

The conflict that prompted intervention by the present research team occurred between July 1st to 12th, 2004 involving Kisangiro (sonjo) and Engusero Sambu (Maasai) villages. This time around, the Sonjo in Kisangiro claim to have been invaded by a group of Maasai pastoralists from Engusero Sambu village and others from Kenya. The flocking in of those pastoralists into Kisangiro village is allegedly linked to the Loliondo District Councillors' Committee (the committee on land issues) formed to resolve boundary conflicts between villages and facilitate inter village committees to agree on their boundaries. Sonjo villages claim that the committee is partial and that the Maasai are the majority tribe in it. It also alleged that the committee was imposing decisions instead of facilitating villagers to reach mutual agreement. There is no documented evidence to show the terms of reference for the committee but given the tense situation between villages where the committee had operated, the District Commissioner ordered it to stop its work until further directives. The July 2004 fights resulted into the death of one person (Maasai), injuries to five (one Maasai and four

² Mr. Ole Saitabau is a surveyor from Arusha Region Land office who was involved in the project to demarcate boundaries in Loliondo and Sale division villages. He has vast information on the actual work done by ADDO and his office in the field but was too busy to offer the team adequate time for interview and validation of findings from other respondents.

³ Daily news paper Saturday, April 16, 1994

Sonjo), destruction of crops, burning of 7 Cattle sheds '(Bomas), 72 houses and 11-crop storage huts (DC, personal committee).

The historical and immediate causes of the conflict are complex as will be seen in the coming section of this report. We have tried to highlight some key issues related to natural resources endowment, ethnic composition and social relationships between the two groups, all in a bid to explore the allegedly areas of disagreements and clashes. Access to resources especially land and the question of representation to decision-making bodies seem to suggest a new dimension to the conflict. The Sonjo feel marginalized and that their interests and grievances are not being addressed by the District government. On the other hand, the Maasai claim that the District government has failed to stop Sonjo's expansion into their grazing lands. Probably, there is a need to further explore this question with a view to find out how other actors and issues related to access to resources and control of decision making processes feature in this complex situation. Indeed, the causes of this conflict go beyond ethnic differences.

4. Analyses of the Causes of the Conflict

The conflict between the **Loita Maasai** and the **Batemi**(Sonjo) cannot be attributed to a single cause, it is a combination of a plethora of causes ,both immediate and historical. The research team, through its findings, has managed to come up with the following causes that are thought to characterise the present conflict.

4.1 Poor management and land administration

Matters relating to the management and administration of land lie at the root of many land conflicts in the country. The Presidential Commission of Inquiry into Land Matters has already observed this when it reported, among other things, that '**...the utter disorder in land tenure and regime**¹', is responsible for many land conflicts in the country. The situation in Ngorongoro and especially in Loliondo and Sale Divisions is a living example of the subject chaotic and disorderly arrangement in land management and administration.

Sale and Loliondo divisions have no clear boundaries to the extent that administrators do not even know the geographical limits of their jurisdictions. There has never been a systematic demarcation of the two divisions. The boundaries of villages in the two divisions are consequently contested and are a major cause of the escalating violence.

The boundaries between the two conflicting sides are not administratively defined but are customary and tribal. The land regime in our republic knows nothing about tribal land boundaries but village land boundaries. The situation in the two divisions is such that people do not talk of village boundaries but those of Loita Maasai and the Batemi. The interest of the two groups is to protect and expand their traditional territories, much against the interest of the other.

¹ The report of the presidential Commission of Inquiry into land Matters, Vol 1 pg xii

4.2 Ethnicity

Ethnic tensions and hatreds have characterised the African Continent for many years and are responsible for many conflicts. Ethnic conflicts in Tanzania are however, few and relatively small in size and effect, unlike the case in many other countries on the continent. This is largely attributable to the 'unificationist' politics and policies of the defunct *ujamaa* era. The same are now re-emerging and being re-shaped as a result of resource based conflicts caused by new arrangements in resource management and administration, championed by the sweeping forces of globalisation and ultra liberal social, political and economic policies. The conflict between the Batemi and Loita is deeply rooted in historical tribal ethnicity.

The Batemi and the Loita Maasai have no history of friendship and mutual cohesion despite being close neighbours. It is however necessary to observe, albeit, in passing, that the Batemi are not in enmity with the entire Maasai community as has erroneously been displayed by the media and other actors. So, while the Batemi have intermarried with the Salei section of the Maasai, there are very few, if any, marriages between them and the Lolita.

Ethnic tensions between the two groups have also expressed themselves through cattle thefts. Even though this cannot define ethnicity, it has helped to fuel and sustain the violence. The Maasai are traditionally known to take pride in stealing other livestock from other tribes, but nothing comes close to the tension the practice has generated between the two neighbours.

It is because of the deep-rooted ethnic hatred and tension that even minor rumblings between the two can explode into large-scale tribal wars. In 1995 for example, a mere stealing of a shoe (Katambuga) by a Maasai in a local market, led to a hitherto unprecedented fracas between the two that claimed hundreds of innocent lives.

4.3 Scarcity of Land and Population Growth

The area where the two warring groups inhabit is limited in size. The Batemi occupy an area, which is small, rocky and topographically unfriendly. There are areas that cannot be reached by roads. They are literally strangled and squeezed between mountains and lowlands, even though their land has the best water resources. With the increase of population over years, the area is becoming smaller, thus increasing pressure and demand for extra land. There has therefore been a demonstrated desire and actual practice by the Batemi to expand out of the lowlands into what is considered traditional Loita territories. Likewise, population growth among the Loita, and with allegations of immigrations from Kenya, has increased desires for expansion of lands towards areas that are considered Batemi's. The logical outcome of this potential and actual expansion of land into each other's territory is increased tensions and conflicts over critical land resources. This is compounded by lack of clear and mutually agreed boundaries between them.

4.4 Diversification of livelihoods

The Loita, just like many other Maasai are traditionally pastoralists. Their counterparts, the Batemi, are traditionally farmers. Over the last couple of decades however, both groups have diversified their economic mainstays and adopted other forms of economies that were not in existence before. The Loita are now practicing farming as well. The Batemi themselves are now agro-pastoralists. When the team visited villages like Engosero sambu and Oloirien/ Magaiduru, for example, they were surprised by the amount of land that has been turned into farming. This is the case when they paid a visit to Kisangiro, where they found substantial amounts of livestock, a reality that was not in existence in the past.

Diversification of livelihoods has meant demand for more land to accommodate the newly acquired mainstays by both groups. This has meant for example that the Loita have to graze their animals further from their homesteads to allow cultivation to take place near homes. Likewise, the Batemi now need to acquire more land to be able to practise animal husbandry away from the farmlands. What this shift has meant in reality, is the fact that the two groups are expanding their territories and consequently encroaching into each other's traditional land making conflicts across borders a logical inevitability. The recent conflict between the villages of Engosero Sambu and Kisangiro is, among other things, alleged to be a result of expansion of land uses across the frontiers.

4.5 Proliferation of small arms

Uncontrolled possession of illegally acquired and owning small arms amongst the warring factions cannot be separated from the other contributory agents to the simmering conflict. There is enough evidence to ascertain that guns have actually been employed in the ongoing confrontation. During the most recent physical encounter between the two sides, one person was killed and another injured by bullets (DC personal comm.) The research team itself witnessed the use of arms in Naam hamlet of Enguserosambu during site visits on 23rd July 2004 where a score of Batemi tribesmen attacked people harvesting maize firing three bullets before disappearing into the unknown.

The ownership of small arms among the insurgents, and perhaps other areas of the District, is associated to the illegal trade, most notably in arms between the locals and the Somali bandits who flocked the District in numbers in the 80's and 90's.

The possession of arms is not in itself a cause for the conflict but arguably a strong incentive and assurance of victory in battle, among groups that have traditionally been at loggerheads with one another.

4.6 Issues on and around the Kenyan Border

Loliondo and Sale Divisions of Ngorongoro District closely border Narok County Council in neighbouring Kenya. Border trade has and continue to be a critical and important aspect of people's livelihoods from both countries. The territory

inhabited by Loita Maasai of Tanzania is a part of the greater Loita territory, which extends deeply into Kenya. Artificial borders created by colonial masters have theoretically interfered with this reality, but the people themselves have found no incentive to respect them. The Loita continue to move across borders as if they did not exist in the first place.

The Batemi though close to the border, cannot access the same with relative ease like their counterparts since they have to cross traditional enemy and hostile territory when they want to trade with Kenyans. This has meant that the agricultural produce of the highly productive Batemi territory cannot access the profitable Kenyan market without impediments.

There have therefore been strong ambitions and struggles for the Batemi to access the border thereby clashing with their Loita neighbours.

The research team has also found out that the Batemi complain that the Kenyan Loita Maasai have immigrated into the Tanzanian side in big numbers thereby increasing pressure on already contested and limited land resources. This finding is also supported by the DC, who narrates that when he went to the battle field to call the fight off, the Batemi fighters wanted to be given permission to finish the Kenyan intruders ('Mkuu wacha tuwamalize hawa wavamizi wa Kenya', are his exact words)

4.7 The role of politicians and the central and local government bureaucracy

The conflict in question has not escaped the eyes and ears of the politicians and the government. Solutions and political fiat to resolve the conflict has however not been easily forthcoming. The local people complain of the government not having given the conflict the weight it deserves.

The role of the government in the conflict perhaps predates the present chapter of the conflict. The late premier Sokoine is known to have resolved the conflict between the Batemi and Loita and Salei Sections of the Maasai in late 70's by employing traditional means of conflict resolution.

The recurrence of the conflict is blamed by the Loita tribesmen to two successful District Commissioners who happened to be from the Batemi tribe. According to their view, the DC's actually encouraged the Batemi to invade on their land and not to respect the boundaries that were put in place by ADDO in 1990. Immediately after the resurgence of the deadly 1995 conflict, Elias Goroi, the then DC was relocated, a move that is linked to his questionable partiality in the conflict.

Recently, the Premier Sumaye visited Ngorongoro and when he was told of the boundary conflict, his remark was that Tanzania is one free country and everybody had the right to live anywhere he deemed fit. While his was a factual honest observation, the locals took this to mean that there is no need to respect boundaries and it was a great incentive for lawlessness.

The composition of the committee that was appointed to resolve the border conflict in itself has been a subject of grievances by the Batemi. For them, the committee is impartial and has shown outright inclination to favour one side in the conflict.

The way the district government handled the present conflict has not received a lot of applaud from the locals. The Loita Maasai complain that the government was partial and that it was favouring the Batemi in the conflict. The failure by the police to prevent the arson when they were actually in the battlefield raises doubts as to the capacity and the will of the district authorities to enforce law and order. There are complaints among the Loita that while they were forced to retreat from the battlefield, the same command was not meted out to the Sonjo, leaving the latter free to burn property.

Then too, when our team visited the battlefield on the 23rd the situation was still tense and yet the police had long retired to their barracks. The practice is normally for the police to remain on the frontiers until matters have calmed down completely.

5. Recommendations

The causes and the history behind the conflict have been ascertained to a large extent. There could be other causes that might have escaped the eyes of the research team. What remains is how to find lasting solutions to the same. We herein below, therefore, attempt to suggest some measures that we consider necessary in arresting the confrontation, both temporally and permanently. The recommendations given below are not by any means meant to pre-empt others that might be generated in any other fora for resolution.

5.1 Traditional dialogue

The study findings indicate that the present conflict is traditional and ethnic in character. Conflicts of this nature will thus require a traditional solution. Solving this conflict through the government's apparatus of enforcing law and order can only yield temporary and cosmetic results. The traditional people stand in a better position to know how best to resolve their conflict, since they are the ones who have to shoulder the painful consequences of the confrontation. Our findings indicate that previous conflicts were only resolved successfully by using traditional mechanisms. The late premier Edward Sokoine is known to have resolved the same conflict between the two groups in the late 70's by employing traditional means. He requested the warring sides to breast-feed each other's babies. The event and practice took place and relative peace was achieved for many years until matters turned sore again in the mid 90's.

It is therefore recommended that a conflict resolution meeting is convened as early as possible, bringing together traditional leaders of both sides. In this regard, it is recommended that the people themselves be given the opportunity to choose their representatives to the resolution meeting. All the villages in the conflict area should be made to participate in the subject meeting. A neutral party that is

accepted by all conflicting sides should mediate. We recommend that politicians be exempted from this important task. We also recommend that the subject meeting takes place in a neutral territory, possibly in Karatu.

5.2 Dissolution of the Committee of Councillors

The team has observed that the existing Councillors committee enjoys little respect by the Sonjo among other things, because of its composition and the alleged partiality of some members in it. There are three Maasai and one Sonjo in a committee of six. The Sonjo also complain that many members of the committee do not understand the history of the conflict and cannot therefore be in a good position to make informed decisions on the same. The committee has failed so far to resolve the conflicts in the villages of Sale and Loliondo divisions and it is yet to present a report to the council.

The research has also observed that the methodology employed by the committee did not guarantee participation by local people. A member of the committee who was interviewed indicated that the methodology employed was to call together village land committees, village executive officers and traditional leaders of both sides to agree on the boundaries. Some people interviewed contest this allegation, it is said that the committee was literally imposing decisions and in some cases coercing the differing sides to agree on its decisions. The team also observed that in some villages the committee has set boundaries arbitrarily without taking into account the views of the local communities. Failure to get the confidence of both sides and complaints of its partiality and failure to finish its assignment in good time, our recommendation that the committee be done away with in its entirety, including nullifying demarcations that are said to have been put into place by the same, is justified.

5.3 Re-demarcation of boundaries according to the Land and village Land Acts, 1999 (no.4 and 5, respectively).

We have detailed in this report that the boundaries that were put by IUCN, SRCS and ADDO, have been a subject of heated contention and one of the registered causes of the ensuing confrontation. The extent to which the demarcation was done in a participatory manner is questionable. There is no evidence (not even minutes of any meetings) to show that both sides agreed to the demarcation and the boundaries set. The method employed to do the subject demarcation is even contestable as to its legality. It appears that only technical people did the demarcation with limited involvement of local people. The proper procedure is for the villages to agree on the boundaries and then seek technical advice whenever necessary.

The team recommends that boundaries be redrawn in a participatory manner and following the procedures set down by the existing laws of the country. The Land and village land acts, have detailed procedures for resolving complicated village boundaries of the nature in question. We quote seriatim the relevant provisions of law of the Village Land Act:

7(2) “Where a village claiming or occupying and using land as village land is unable to agree with or is in dispute with a person or body... as to the boundaries of the land which it is claiming or occupying and using as village land...the Minister shall, on being satisfied that every effort has been made to try and reach an agreement of the boundaries either-

- (a) Appoint a person to act as a mediator between the village and the person or body with which the village is unable to reach an agreement...
- (b) Where the mediator reports to the Minister that despite his best endeavours, he is unable to persuade the parties to the dispute to reach a compromise on the boundaries, advise the Minister to appoint an inquiry under section 18 of the Land Act 1999 to adjudicate and demarcate the boundaries of that village land.”

The research team therefore recommends that the people themselves try to reach a consensus as to the boundaries during the traditional dialogue suggested in 5(1) above. In the event the two sides fail to reach a consensus, then procedures detailed in the land and village Lands Acts will have to be employed. This will entail that the Minister will have to appoint a mediator and when this fails, then the Minister will have no other alternative but to appoint an inquiry to adjudicate and demarcate village boundaries and the outcome of which will be conclusive and binding to both sides in the conflict.

It is further recommended that the actual agreements of meetings deliberating on boundaries should be documented for evidence as these will serve as points of references in the event of future misunderstandings.

5.4 Implementing the dispute settlement mechanisms of the new land laws

The new land laws have introduced new mechanisms of settling land disputes. These include the introduction of village Land Adjudication Committees, Village land Councils, Ward Development Committees and other higher organs for land dispute resolutions. These organs are yet to be formed in many parts of the country, including Ngorongoro District. The virtue of these instruments of conflict settlement is that they will be established by local communities themselves and will employ customary methods of dispute settlement. The research team recommends that these instruments be put in place in the whole of Ngorongoro District, but more so expediently in the conflict zones.

5.5 Awareness raising on the new land laws

The research observed that the new land laws and the procedures that are created by them, are not known by many communities in Ngorongoro. The awareness of the same is lacking completely in the Sonjo villages, while limited understating has been given to a few Maasai villages.

The research team therefore strongly recommends that the District and NGO’s dealing with land rights forge a common resolve to undertake deliberate measures to carry paralegal trainings to make people aware of the subject laws. It is highly recommended that both groups (Sonjo and Maasai) be trained together as opposed

to training them separately. This is thought by the research team as a means of actually bringing them together to build a sense of trust and mutuality.

5.6 Joint land use plans

The research team also recommends that along with the raising of awareness on the new land laws, there is also a need for the villages in conflict to have proper land use plans. Land use plans have the advantage of ascertaining and demarcating different areas that are set for designate purposes. The existing situation without land use plans is such that villages have not set areas specific for farming, grazing, among other uses. The beauty of land use planning under the new land laws, is the fact that neighbouring villages can make joint land use plans. Joint land use plans are especially important in the conflicting areas of the villages of Sale and Loliondo divisions. It will in this case be possible for example, for the villages of kisangiro and Engusero- Sambu to decide to have a common grazing land and thus relieve the tension they currently have on their frontiers.

5.7 Disarmament

The presence of loose and illegal small arms in the District cannot be divorced from the present conflict. It is therefore recommended that the government takes deliberate measures to disarm those in possession of small arms.

5.8 Police Posts in the conflict areas

The research team has observed that Ngorongoro District has very few police officers compared to the size of the area and the amount of conflicts that occur from time to time. During the July 2004 conflict for example, the District Commissioner had to seek the assistance of the prison department and local militia ('Mgambo'), for want of enough policemen. In fact the failure to prevent the burning of property in Enguserosambu is attributable to this fact. The three policemen who were entrusted with preventing more conflict had to run as the people involved in the battle outnumbered them.

The research therefore recommends that additional policemen be located at the District headquarters but more importantly, that new police posts be constructed near the border of the conflicting sides.

5.9 Resolving problems related to the border with Kenya

Issues around and related to the border with Kenya have been sited as one of the causes of conflict. There are complaints that land pressures in Kenya have had a significant bearing on the number of illegal immigrants who cross the border, hence increase pressure on land on the Tanzania side. There is a need for the government to enforce immigration regulations to make sure that the already

limited land resources in Sale and Loliondo Divisions are not competed away by foreigners.

6. Conclusion

The Loita Batemi conflict is fundamentally a Resource Based Conflict (RBC); even though it thrives from hitherto prevalent deep ethnic hatreds between the sides. Resource Based Conflicts are on the rampage throughout the whole country. The Kilosa conflict of 2000 where more than 30 innocent lives were lost is just one but 'live' example. The symptoms of these conflicts are not hard to see. As the wise would say, **prevention is better than cure**. The government and other stakeholders should therefore address these conflicts before they escalate into proportions that are difficult to control. Issues on and around land administration and governance, are at the core of these conflicts. Many Tanzanians still occupy lands under customary arrangements; conflict from them should to that extent be traditional in orientation. The coming into force of the village land act of 1999 and the codification of traditional mechanism of dispute settlements in land are welcome developments. The interference by the central government in the demarcation and management of village lands is something that should be done way with to give villages a say in the management and governance of their lands.