

Contested Lands: Land Disputes in Semi-arid Parts of Northern Tanzania

*Case Studies of the Loliondo and Sale Divisions in the
Ngorongoro District*



SANNA OJALAMMI

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Academic dissertation

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Contents

Abstract	v
Tiivistelmä	vi
Acknowledgements / Kiitokset	vii
Abbreviations	viii
List of Figures	ix
Chapter 1	1
Introduction and motivation for the study	1
Location of the people in the study area	4
Climate	6
Vegetation	6
The Maasai and the Sonjo in the Loliondo and Sale Divisions	6
The Maasai	6
The Sonjo	7
Fieldwork	7
Theory and policy context	11
<i>Spaces and places</i>	11
<i>Territoriality and the practise of territoriality in land disputes</i>	14
<i>Imposition of boundaries in land disputes</i>	16
<i>The relationship of property to disputes</i>	17
<i>The impact of law on property</i>	19
<i>Varied land disputes in the Tanzanian context</i>	21
<i>Political reasons for Tanzanian land disputes</i>	25
Chapter 2	27
The history of land legislation in Tanzania	27
<i>The pre-colonial and colonial periods in land law</i>	28
<i>Land law during Tanzanian independence</i>	30
<i>The Ujamaa Villagization of the 1970s – a failure in land rights and land management</i>	31
<i>Land law and policies in Tanzania during the 1990s</i>	32
<i>The Land and Village Land Acts of 1999</i>	33
<i>The common lands debate</i>	35
Summary	41
Chapter 3	43
The spatial history of the Loliondo and Sale Divisions	43
<i>The history of the Maasai</i>	44
<i>The territorial history of the Maasai in the Serengeti area</i>	45
<i>The colonial period in the Maasai lands</i>	46
<i>The Maasai lands from independence onwards</i>	47
<i>Wildlife areas of the Serengeti area—conservation of rangelands in multiple territories</i>	48
<i>The Sonjo people and their history</i>	50
Village lands in the Loliondo and Sale Divisions	54
<i>The Olgosorok ward: Loliondo, the Engaserusambu village and the Ololosokwan villages</i>	56
<i>The Soitsambu ward: the Soitsambu and Ololosokwan villages</i>	57
<i>The Arash ward: the Arash and Loosoito villages</i>	57
<i>The Sale Division and its main villages: Sale, Digodigo, Oldonyisambu, Peninyi and Malambo</i>	58
<i>The main villages in the Sale Division: Samunge, Digodigo, Kisangiro, Sale, Oldonyo Sambu and Peninyi</i>	58
<i>Population changes in the Loliondo and Sale Divisions</i>	61
Summary	63

Chapter 4	65
Land use activities and traditional territories of the Maasai and the Sonjo	65
Land use in the Loliondo Division	66
<i>Livestock production on the village lands</i>	67
<i>Agriculture on the village lands</i>	69
<i>Wildlife on the village lands under the LGCA</i>	71
<i>The indigenous territories of the Maasai and the Sonjo people</i>	73
Maasai traditional land territories	74
<i>Sections</i>	75
<i>Localities</i>	76
<i>Homesteads</i>	76
<i>Important territorial area in pastures</i>	77
<i>Ways of Maasai pasturing – transhumance</i>	78
<i>Case study of Maasai livestock grazing patterns in the Loliondo Division</i>	80
<i>The grazing pattern of the Olopollon homestead areas of the Wasso village/</i> <i>the Laitayok Maasai section</i>	80
The Sonjo traditional territories	83
<i>Sonjo agricultural land and water management</i>	83
<i>Positive development in and threats to Sonjo lands</i>	85
Summary	87
Chapter 5	89
Land disputes in the Loliondo and Sale Divisions	89
<i>Historical background of the land disputes in the Loliondo and Sale Divisions</i>	89
<i>Land disputes of the 1980s and 1990s</i>	90
<i>The impact of the demarcation of village boundaries in the Loliondo and Sale Divisions</i>	92
Land disputes in borderland areas	95
<i>Case studies of boundary disputes on the Loliondo and Sale village lands</i>	97
1. <i>The land dispute between the Loosoito-Maalonni village</i> <i>and the Eyasi-Ndito village</i>	97
2. <i>The land dispute between the Engaserusambul</i> <i>Ngarwa village and the Mugholo/Kisangiro village</i>	98
Land disputes in conservation areas of village lands	99
<i>Case study of a territorial land dispute: land alienation in the Loliondo Division</i>	102
1. <i>The Ololosokwan village: Tanzania Cattle Products Ltd.</i>	102
2. <i>The Soitsambu village: Tanzania Breweries Ltd.</i>	102
<i>Case study of a territorial land dispute: a land dispute</i> <i>in the Loliondo Division conservation area</i>	103
1. <i>The Soitsambu and Oloipir Villages: the “Loliondo Gate”</i>	103
Summary	105
Chapter 6	107
Conclusions	107
The relation of land disputes to geographical issues	108
The territorial strategies	110
What is the future of the territorial/production systems in contested lands?	111
The legal view and recommendations	112
References	114
Appendix	128

Abstract

This study concentrates on describing the specific land disputes which took place in the 1990s in the Loliondo and Sale Divisions of the Ngorongoro District in northern Tanzania. The study shows the territorial and historical transformation of territories and property and their relation to the land disputes of the 1990s'. It was assumed that land disputes have been firstly linked to changing spatiality due to the zoning policies of the State territoriality and, secondly, that they can be related to the State control of property where the ownership of land property has been redefined through statutory laws. In the analysis of the land disputes issues such as use of territoriality, boundary construction and property claims, in geographical space, are highlighted. Generally, from the 1980s onwards, increases in human population within both Divisions have put pressure on land/resources. This has led to the increased control of land/resource, to the construction of boundaries and finally to formalized land rights on village lands of the Loliondo Division. The land disputes have thus been linked to the use of legal power and to the re-creation of the boundary (informal or formal) either by the Maasai or the Sonjo on the Loliondo and Sale village lands. In Loliondo Division land disputes have been resource-based and related to multiple allocations of land or game resource concessions. Land disputes became clearly political and legal struggles with an ecological reference. Land disputes were stimulated when the common land/resource rights on village lands of the Maasai pastoralists became regulated and insecure. The analysis of past land disputes showed that space-place tensions on village lands can be presented as a platform on which spatial and property issues with complex power relations have been debated. The reduction of future land disputes will succeed only when/if local property rights to land and resources are acknowledged, especially in rural lands of the Tanzanian State.

Tiivistelmä

Väitöskirja *Contested Lands: Land disputes in semi-arid parts of northern Tanzania. Case Studies of the Loliondo and Sale Division in the Ngorongoro District* tarkastelee Pohjois-Tansanian alueella asuvien karjanhoitaja-maasaiden ja maanviljelijä-sonjojen välisiä maakiistoja muuntuneen tiellisuuden, paikan, territoriaalisuuden, omistusoikeuden ja maalakia koskevan teoriasovelluksen avulla. Maakiistat juontavat juurensa kolonialistisen hallinnon ajoilta, jolloin alkuperäisille asukkailla koko Ngorongoron piirikunnassa joko myönnettiin tai heiltä poistettiin omistusoikeus maahan ja luonnonvaroihin. Kun Tansania itsenäistyi vuonna 1961, valtio panosti maaaudistuksiin. Valtion toimenpiteet ovat aiheuttaneet maanomistusoikeudellisia ja tilaa koskevia muutoksia. Tansanian pohjoisosissa painopisteeksi on nostettu luonnonsuojelu, suurriistan metsästys ja turismi. Valtio on vuosikymmenien ajan esimerkiksi perustanut luonnonsuojelualueita ns. abstrakteiksi tiloiksi, joissa maan ja/tai luonnonvarojen käyttöä ja hallintaa on rajoitettu ja määritetty. Tässä maankäytön ja hallintaoikeuksien muutosprosessissa paikallisten asukkaiden historiallisia maanomistusoikeuksia on jätetty huomioimatta. Taloudellis-liberaaliselta 1980-luvulta lähtien maan arvo ja kysyntä on kasvanut luonnonsuojelualueilla. Maankäyttö on kiinnostanut niin tansanialaisia kuin ulkopuolisia sijoittajia. Etnisten ryhmien perinteisten maa-alueiden hallinta on kaventunut. Paikat alueellisine rajoineen, joilla on ollut oma historiansa, ovat muuttuneet ja menettäneet merkitystään. Tämä on vaikuttanut etnisten ryhmien elämäntapaan. 1980-luvulta alkaen Loliondon maasai-karjanhoitajien liikkuva ja yhteisöllinen laidunnus- ja maankäyttö sekä oikeudet luonnonvaroihin olivat uhattuina. 1990-luvulla laidunmaa-ala edelleen kaventui maaluovutusten vuoksi. Perinteisesti hallittu yhteisöllinen karjanlaidunnustapa vaikeutui. Maa- ja luonnonsuojelupoliittiset uudistukset, alati kasvava väestö ja pahenevat kuivuuskaudet ovat myös lisänneet alueen maankäytön ongelmia. Erityisesti tilanne monimutkaistui, kun riistanhoitoalueen metsästysoikeus (1993) annettiin 10 vuodeksi Arabiemiirikuntien kansalaiselle. Mutkallinen maankäytön tilanne johti laillisten maaomistusoikeuksien korostamiseen ja uusien rajojen muodostamiseen. Ristiriidat - rajakiistat, maan- ja luonnonvarojen omistuskiistat tai kiistat luonnonvarojen käyttöoikeuksista - kärjistyivät alueella. Pahimmat ristiriidat ovat johtaneet väkivaltaisiin yhteenottoihin heimojen välillä. Tansanian maaseudun monimuotoisia maakiistoja voidaan vähentää, jos ja kun paikallisten etnisten ryhmien maan- ja luonnonvarojen omistusoikeudet tunnustetaan laillisesti.

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ABBREVIATIONS

ADDO	Arusha Diocese Development Organization
AGRIPOL	Agricultural Policy of Tanzania
DC	District Commissioner
DRO	Deemed Rights of Occupancy
ECF	East Coast Fever
FMD	Foot and mouth disease
GCA	Game Controlled Area
GRO	Granted Rights of Occupancy
IRA	Institute of Resource Assessment
IUCN	World Conservation Union
LGCA	Loliondo Game Controlled Area
LTG	Land Tenure Study Group
LTWG	Land Tenure Working Group
KIPOC	Korongoro Integrated People's Orientation to Conservation
MP	Member of Parliament
NAFCO	National Agriculture and Food Corporation
NECC	National Environmental Council Committee
NCA	Ngorongoro Conservation Area
NCAA	Ngorongoro Conservation Authority
NGO	Nongovernmental Organization
NLUPC	National Land Use Planning Commission
MFC	Malignant Catarrh Fever
MLHUD	Ministry of Lands, Housing and Urban Development
SAP	Structural Adjustment Programme
SNP	Serengeti National Park
SRCS	Serengeti Regional Conservation Strategy
TANAPA	Tanzanian National Parks
TAHEA	Tanzania Home Economics Association
TAWICO	Tanzania Wildlife Corporation
TAWLA	Tanzania Women Lawyer's Association
TBL	Tanzania Breweries Limited.
UAE	United Arab Emirates
UCLAS	University College of Architecture and Lands
URT	United Republic of Tanzania
USAID	United States Agency for International Development
WMA	Wildlife Management Area

LIST OF FIGURES

Figure 1.	Locational map of the Ngorongoro District in Tanzania
Figure 2.	Map of the case research area of the Loliondo and Sale Divisions on the border of Kenya
Figure 3.	Calendar of major events in the land tenure policies in Tanzania
Figure 4.	Scheme of social-spatial structures of pastoral areas in East Africa
Fig. 5 a-e.	The institutionalization of territories in the Serengeti Region
Figure 6.	Map of the Loliondo Division showing the main villages
Figure 7.	Administrative units in the Loliondo Division
Figure 8.	Picture of the Loliondo village (from the Orkiu hills)
Figure 9.	Map of the Sale Division
Figure 10.	Administrative units in the Sale Division
Figure 11.	Map of villages in the Sale Division in the Sonjo language
Figure 12.	Land use in the Loliondo Division and past land disputes
Figure 13.	Maasai livestock herding in the Loliondo Division (picture)
Figure 14.	Maasai girls who have collected firewood near the Loliondo Mountain (picture)
Figure 15.	A Maasai man hand plowing on the Ngarwa sub-village lands (picture)
Figure 16.	Map of wildebeest migration in the Serengeti Region
Figure 17.	PRA map of the Maasai grazing system
Figure 18.	Map of the Maasai traditional grazing pattern
Figure 19.	Map of the Sonjo land system
Figure 20.	Diagram of the transformation of territories and the use of territoriality, and their relation to past land disputes
Table 1.	Protected Areas on pastoral lands in northern Tanzania
Table 2.	Population data in the Ngorongoro District in 1988 and 2002
Table 3.	Land use categories in the Loliondo Division



Figure 1. Location of the Loliondo and Sale Divisions in Tanzania

Chapter One

Introduction and motivation for the study

We make time and place, just as we are made by them.
(Bender Barbara 2001: 4)

This study describes and analyses the specific land disputes which took place in the 1990s in the Loliondo and Sale Divisions of the Ngorongoro District in northern Tanzania (Fig.1). This study highlights issues such as territoriality, boundary, property and relations of power in geographical space. Land disputes in the Loliondo and Sale Divisions have had both geographical and social connotations for the local people, the Maasai and the Sonjo/Batemi. Land disputes have emerged in specific places which have provided importance to local populations as lived and felt “places”. Spatially these places have been multidimensional in the range of importance and significances they have carried and have been saturated with power relations.

Land disputes in the study area existed either in specific borderland areas of village lands and/or in State territories of conservation areas on village lands. Firstly, land disputes can be defined as territorial conflicts linked to the construction of boundaries and the zoning strategies used to create them, and to the geographies of power. Secondly, the land disputes were resource-based and concerned with land claims, becoming thus political struggles with an ecological reference. This was especially the case in conservation areas on the Loliondo village lands where land/resource holders (local/outside) held diverging and conflicting goals in the utilization of common land/resources. Land disputes have been exacerbated when/if they were resource-based and involved in State intervention (such as land allocations/concessions).

The study looks at how local disputes took place on the village lands of the Loliondo and Sale Divisions between the two major indigenous groups of people: the pastoral Maasai and the sedentary agricultural Sonjo/Batemi. These land disputes were either intra-group (Maasai-Maasai) or inter-group (Maasai-Sonjo). The major cause for local inter-community land disputes in the 1990s was the territorial re-creation of the boundary between the Sale and Loliondo Divisions in 1991. At the same time, the formalization of Maasai legal land rights in the Loliondo Division took place. A starting point for communal land disputes was an enforcement of land rights by the Maasai village community with the construction of a formal boundary for their village lands. The boundary, with its assertion of territoriality and a sign of power were used to code space and people according to their relationship to property. This spatialization of the Maasai mapping project (land demarcation) resulted in an unbalanced and conflicted situation between the pastoral and sedentary people. The result was an ethnic-based (the Maasai – the Sonjo) dispute which ended up in open violence in 1995 on the territorial village lands of the Loliondo and Sale Divisions.

Another cause for disputes appeared in the Loliondo Division in particular where, in the 1990s, the land disputes were conflicts over land and resource claims. In the Loliondo Division the utilization of common land/resources on the collective village lands of the Maasai pastoralists became disputed. The Division land contains not only large wildlife populations but also other competing land use/resource use forms within the zoned protected area – the Loliondo Game Controlled Area (the LGCA) – established in the 1950s. From the 1980s onwards, mobile livestock grazing was constrained in the pastoral village territories due to land allocations. In the 1990s, due to State interventions, land competition worsened when also hunting concessions with resource user right for game were given to outsiders. Due to the existence of different stakeholders (outsiders and local), the situation developed into competition and conflicts over land property and property rights on common lands. In this situation, inevitably, resource-based land disputes with land claims emerged. In disputes the local Maasai property claims were taken into State litigations.

In geographical space, western notions of property have been profoundly invested in a northern Tanzanian colonial geography of the Ngorongoro District. At the start of last century, the conceptualization of space during the processes of colonization have not only emptied and filled in different spaces, but have also resulted in transformations of property. In the entire Ngorongoro District, the spatial enclosure of local places and violent deterritorialization has taken place. This has meant a large land dispossession in native space. The deterritorialization has also resulted in the transgression of territoriality, such as the diminishing meaning of traditional boundaries in Tanzanian Maasai land. In socio-spatial space, transformation in property rights has meant that customary property rights with property relations have been undermined. Land which has been a social place for social practices becomes a competitive “object” of property in the territory of the state. In this process, state colonization has involved not only control of land and the “conquer of nature” but the planning politics of the State has also produced boundaries and boundary marks (maps/fences) in order to legitimize State domain. This delimitation has resulted in land loss in Maasai common lands. In this way, transformations in property and in territories have created increased uncertainty of land rights within state territory. The process has lead to competed land/resource rights which are conflicted in pre-existing territories (see Blomley 1998: 572, 576; Blomley 2003: 124).

In common lands, State legal properties have transformed the collective property rights of people to land/resources in State-owned granted rights into public lands (statutory form). This transformation process occurred in the perpetually changing native local space and in indigenous territorial domains where land and its resources were conceptualized in widely different ways. Due to the transformation process, traditional property and rights evolved but were also undermined. The State legality has entailed a right to design a model of land ownership where land use and ownership has been discrete, bounded and an indigenous right of occupancy has been strictly controlled. The State has retained the power of planning for itself, especially in State public lands (see UTR 1994: 118; Wøien 1997; Blomley 1998: 579; Wily 2000a: 3; Blomley 2004: 3).

Due to this described history since the start of the last century, the collective and historical meanings of Maasai/Sonjo places along with elements of territoriality and property now mean something different than before (see Kitui 1990: 34; Newman and Paasi 1998: 198). This transformation has not happened peacefully but forcefully, sometimes even violently. In this process a new kind of space and place has been produced and property redefined. Land has become the reified “object” with an emphasis on State development planning while native collective claims to land have often been considered illegitimate if/when they have failed to adopt the geographies of the state land ownership model (Blomley 2004: 9) (see also Blomley 1998, Blomley 2003). A new property and spatial order of the State domain has created “spaces” which Lefebvre (1991) named: “the spaces of capital”, and which I will name as the “spaces of conservation” and “spaces of development”. This development of “space” towards individualization created and resulted in

land struggles in this semi-arid landscape.

In this study, I examine land disputes in regard to a geographical space in which, people and the State lay claim to property in competitive and varied ways. Simultaneously unequal power relations, spaces (of power) and different kinds of disputes emerge in the landscape. Land disputes, in this case, can be seen as political, tenurial or related to territorial issues such as boundaries. In land disputes power structures interact and symbols of power and authority (political and cultural) are brought into play when people acquire, conquer and make claim to land property and property rights. In the Loliondo and Sale Divisions, the study considers that one major cause for the land disputes of the 1990s has been linked to transforming spatialities, and another to overlapping claims on land property (State and informal). Inequalities of holding property and property rights have led to many conflicts, especially in specific places where people have different production systems (Lund 2002: 14).

Relating to all this, the major assumption and argument in this study is that in the study area, **the Maasai and the Sonjo/Batemi, have been confronted both with changing spatialities and properties in a changing geopolitical and economic system on varying geographical and historical scales.**

The main research questions are thus:

- What processes of human/State territoriality, land and property loss/claims etc. led to the various local land disputes that occurred in contested lands in the Loliondo and Sale Divisions?

- Were there significant differences in land disputes between the Divisions when analyzed through the concept of territoriality and claims to property?

- What is the future of the co-existence of local people who have different production systems (pastoral and agriculture) in areas of multiple land use?

As a geographer I want to stress the idea that multidimensional land disputes can develop and can be understood in the way that Mitchell (2003: 242–243) describes: Landscapes with places have been constituted through material processes that construct “structured permanences”. These processes range from people and local “place facts” to regional, national and even global economies and social relations within which the landscape is embedded. The “structured permanences” can only remain permanent if they are reproduced through the reproduction of capital and social life. Thus, the meaning of the landscape is constrained both by “place facts” and from the currents of ideology from which the landscape is viewed and making a place to become into a terrain of struggle in which e.g. land disputes occur (see Mitchell 2003: 242).

In this study, land disputes are made easier to understand by identifying the histories of local peoples, such as local pastoralists and cultivators. Based on the analysis of historical documents from the land disputes in the Loliondo and Sale Divisions of the 1990s, this study illuminates through the use of case studies, how, for instance, in conflict situations local people assert territorial control to land and resources and present ownership in material ways (fences/boundaries) in conflict situations. The study also shows that in a long-term perspective, long-lasting resistance and tensions from the local people are targeted mainly against the State power in State-defined space. In this study, the land disputes of the 1990s are studied through the viewpoints of political and cultural geography.

The structure of this study:

The concepts used in this study are territoriality, place, boundary, property and law in the local environmental setting. The first chapter presents the theoretical background and the methodology of the work. The chapter on legal geography examines State law and land policy history and the new 1999 village land laws of Tanzania. The next chapters concentrate on introducing the geographical and social settings of the Loliondo and Sale Divisions. A description of the natural environment and the local people is then presented, followed by an historical overview and a description of the current situation of land use and land management in the area. The final

chapters describe and analyze the land disputes that took place in the 1990s, and reveal possible links to territoriality, territorial strategies and the transformation of property in land disputes. The chapters analyze the history of land struggles in specific places and the consequences of land disputes attached to property in the changing and contested semi-arid environments. The last chapter draws conclusions concerning the land disputes; it also highlights current possible legal solutions to conflicted land use situations in the concerned Divisions and other semi-arid areas of Tanzania.

Location of the people in the study area

The Ngorongoro District, of which the Loliondo and Sale Divisions are a part, is situated in the Arusha Region in northern Tanzania.¹ The Ngorongoro District is a leading region in Tanzania in reference to wildlife conservation and tourism. The District has approximately 25,500 sq. km under wildlife conservation, which includes the Serengeti National Park and the Ngorongoro Conservation Area, both of which are classified as World Heritage Sites and have been put under the Protected Area Management. Such reserves have been established both to generate resources for the national and regional authorities/economies and to protect and conserve land and wildlife. In addition to large nature conservation units, the Ngorongoro District caters to various human activities such as wildlife tourism, tourism and licensed hunting enterprises, settlement, pastoralism and agriculture.

Administratively, the District consists of three Divisions (*tarafa*): Ngorongoro, Loliondo and Sale. Each Division is divided into wards (*kata*), which are further subdivided into a number of different villages (see Fig. 2). The Loliondo and Sale Divisions cover 6,400 sq. km and lie in peripheral semi-arid lands. The distance from Loliondo and Sale to the nearest nearest major town of Arusha town is about 400 km, via the Makuyuni and Mto wa Mbu villages. The area has a poorly developed infrastructure and transport system, and access to the area is difficult. The “main highways” are seasonal roads built in the 1980s by USAID through the Serengeti Park to the Loliondo village, and a road from the eastern side of the Ngorongoro Conservation Area via Engaruka/Lake Natron through Sale and Oldonyowasso to Loliondo (Fig. 2).

The divisions can be described as nearly “hidden” in a borderland area behind the Serengeti plains and the Ngorongoro Highlands. The area is physically varied and ranges from hot arid lowlands around Lake Natron (altitude c. 600 m) and the slightly undulating plains of the Serengeti (altitude c. 1500 m) to the well-watered open highlands of the Loita Hills (altitude 2000...3000 m).² To the north of Loliondo and Sale lie the Kenyan Districts of Narok and Kajiado. To the west lies the vast savanna and grass plain of Serengeti and the nature reserves, and to the east the Monduli District and Lake Natron.

The divisions border the corners of the famous Serengeti National Park (SNP) and the Ngorongoro Conservation Area (NCA) (Fig. 1 and Fig. 2). The Loliondo and Sale Divisions contain the Loliondo Game-Controlled Area (the LGCA), a wildlife protected area containing village lands. The LGCA has been also divided into three hunting blocks (the Loliondo North Hunting Block), where sport-hunting and game-cropping areas are contiguous on the Serengeti National Park (URT 1991: 76). Due to the Serengeti National Park, the western border of the Loliondo Division has a 10 km buffer zone along the SNP. Ecologically, the whole north-central part of the

¹ In land planning and in administration, Tanzania is divided into Regions, which are further divided into Districts, (*wilaya* in Kiswahili). The District is made up of Divisions, (*tarafa* in Kiswahili): Loliondo, Sale and Ngorongoro. These are further divided into wards, (*kata* in Kiswahili). The wards (14 wards) are finally subdivided into villages (*vijiji* in Kiswahili) (40 villages) and sub-villages.

² The Loita Hills extend some 32 kilometres northwards from the Kenyan border. Noteworthy peaks in this area are: Loliondo (2,530m), Olosho (2,525m), Oldonyo Sambu (1,981m) and Mundorosi (2,195m).

country is classified as semi-arid and droughts are common. Acacia-savanna grassland dominates the plains with a few Montane forests existing in the high-altitude areas of the Ngorongoro and the Loliondo and Sale Division.

Today these contested and multi-territorial lands contain both old and new spatial and political entities with different land rights (informal and legal) existing simultaneously. The State's territorial planning divides land into different land use categories which are rangeland with game areas (the wildlife conservation area of the LGCA), agriculture, forests and settlements/infrastructure. Local people have their own production strategies in the environment of the Loliondo highlands and Sale valleys such as

1. livestock rearing,
2. small- or large-scale rain fed and irrigated agriculture and
3. wildlife conservation with tourism industry activities.

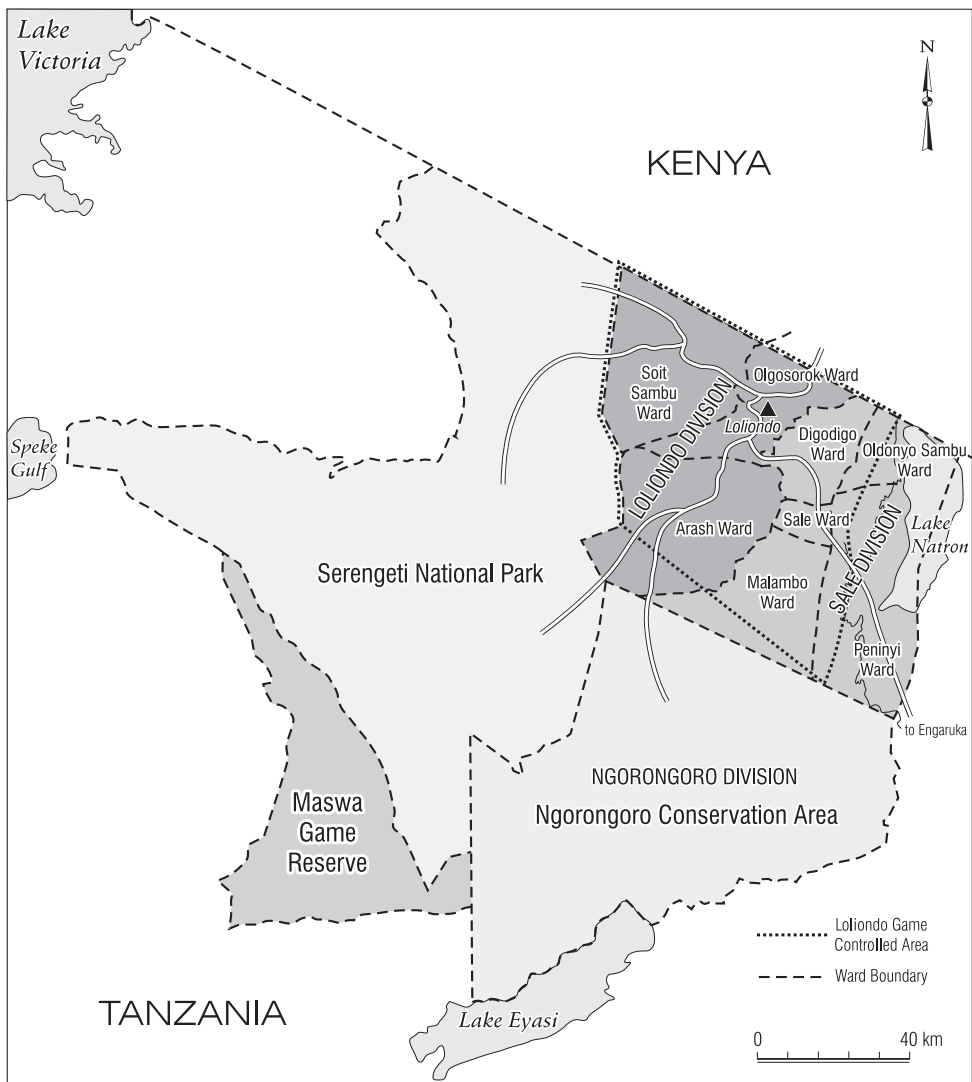


Figure 2. The case study area of the Loliondo and Sale Divisions bordering Kenya and the nature reserves of the Serengeti National Park (SNP) and the Ngorongoro Division which contains the Ngorongoro Conservation Area (NCA).

Climate

Precipitation is an important factor in this region. Rainfall is highly seasonal and extremely variable from year to year. Thus, it determines the vegetation and the availability of water. In the past the water situation was better and there used to be several perennial rivers in the Loliondo and Sale Divisions. Today, due to varied destructive human activities only a few remain. These are the Pololeti and Wasso River in the Loliondo Division and Lellesuta and the Kisuyasu River in the Sale Division (Fig. 6 and Fig. 9). Permanent springs, especially in the Sale Division, are plentiful. The major ones are the Wasso, Kingarane and Kisamis springs.

Rainfall ranges from a 400 mm minimum to a maximum of 1,500 mm per annum in the Loliondo Division, and in the Sale Division the average annual rainfall is 500 mm (NLUPC, 1987). Usually the moderate rains (short rains) fall between November and December and are accompanied by north easterly winds. The longer rains (heavy rains) take place between March and July and travel in a south easterly direction.³ Recurring droughts are significant to this semi-arid area. A period of four consecutive years of below-average rainfall is not unusual.⁴ The mean annual temperatures range from 15.6 degrees to 21.1 degrees centigrade (SRCS 1992).

Vegetation

The vegetation of the Loliondo and Sale Divisions is extremely diverse. Factors affecting this are the wide variation of rainfall, together with altitude variations and soil and drainage situations. In the open grasslands and savannah woodlands there are five vegetation types:

1. The Montane Forest, which is situated in the upper portions of the Loita Hills,
 2. Broadleaved woodland/tall grassland covers the north-west section of Loliondo,
 3. Short grassland and Acacia/Commiphora woodlands run along the entire Loliondo Division toward the Serengeti and the Sale Plain and merge there,
 4. Acacia/Commiphora woodlands occur in the southern parts of the area bordering the Serengeti National Park and in the Sale Plains where the forest reserves are situated and
 5. Commiphora woodlands dominate the northern parts of the Sale Plains
- (Based on Watson et al.1969: 44; NLUPC 1993: 78).

The Maasai and the Sonjo in the Loliondo and Sale Divisions

The Maasai

The Maa-speaking pastoral Maasai inhabit dry or semi-arid grazing lands in the lowlands of the Great Rift in eastern Africa. The Maasai lands stretch today from the Kenyan Loita-Mara plains in the south-west across the Serengeti to the Crater Highlands and toward the southern plains of Tanzania. The Maasai population numbers about 350,000 in Tanzania and 400,000 in Kenya, and belong to the Eastern Nilotic pastoralists. The Maasai are one of the five ethnic groups which all speak varied forms of the Maa language. Other groups are the Parakuyo (Il-Parakuyo), Arusha, (Il-Larusa), Samburu, (Il-Sampur) and Njems (Iltiamus) (Hurskainen 1984: 9).⁵

³ Different regions in East Africa have their own rhythm of rainy seasons and periods of drought resulting from the movement of northern and southern air masses and wind belts. The two main wind systems affecting the climate of East Africa are the north-easterly and the south-easterly winds (Hickman et al. 1973: 6).

⁴ The drought affected the area and the entire Ngorongoro District between 1990–1993, in 1997 and in 2003.

⁵ The Maasai can be classified as indigenous pastoral people because of the way they identify and distinguish themselves from the main communities and because of how the term has been adopted by the United Nations definition list. The way the Maasai relate to the land, their culture, and the nation-state make them distinct among African peoples.

Today there are about 98,000 Maasai in the Ngorongoro District (based on the 2002 census). In the Loliondo Division the population number is approximately 38,000, most of whom are Maasai. The Maasai are polygamous and generally live on scattered homesteads (*enkang* pl. *inkangitie*) in the nine administrative villages. On these savanna plains, land has been considered to be a collective property of the Maasai and, thus, all the Maasai people have had the right to use land (pasture) and natural resources. Property rights over grazing lands and water resources can be claimed by different Maasai communities (Markakis 2005: 5). As Galaty and Ole Munei (1999: 68) indicate: *"They, the Maasai, mingle together as they use the land in common, with access to land being subject to negotiation and potential conflict."*

The Sonjo

The sedentary agropastoral Sonjo⁶ live in compact villages and practise irrigated and rain fed agriculture (hill furrow irrigation) in the Sale Division. They also keep small numbers of livestock and practise hunting and beekeeping for their subsistence. Today, the Sonjo population number in the Sale Division is approximately 30,000 people. They inhabit a small area (circa 1,000 km²) and reside in six major administrative villages.

The Sonjo agricultural system is largely based on artificial, well-organized hill furrow irrigation. During the past decades, an increasing number of new fields have also been put under rainfed cultivation. The whole agricultural community organizes and carries out the management of irrigated agriculture, and water resources are of enormous importance in their agricultural production system. Fields are hereditary individual property, but bush land, minor pastures and larger natural sources of water for irrigation are held communally. The Sonjo villages are located on hillsides and flatlands in the Sale Division.

Fieldwork

In December 1991, I made a short preliminary visit to the Loliondo Division. The journey was made after the first failed Maasai Cultural Conference, which was organized in Arusha town in 1991. During my visit I made personal contacts with some educated Maasai people in the Loliondo Division. I visited the area briefly for the second time in 1993. I selected some village sites for the actual research and heard news of heated land dispute issues in the Loliondo Division. In August 1994, I returned to the field for a longer period and stayed there until the end of June 1995. In order to have some command of the local language, I decided to attend a one-month Maa-language course in Nairobi in 1994. Altogether, I spent sixteen months doing fieldwork in Tanzania between the years 1993–1995. I returned to Loliondo again in 1997 and in 1999 for shorter periods for purposes not directly connected to my study. My last visit to Tanzania was in November 2002 when I visited Dar es Salaam and collected information concerning the Tanzanian Law Acts of the 1990s.

In this marginal borderland area, the beginning of my research work was neither easy nor simple. I noticed how working time spent in the field was much more than just a data-gathering exercise. Several practical issues of life had to be solved in the field, such as living arrangements, language barriers and the difficulties related to not having my own means of transportation. The remoteness of the Divisions and the vast distances between different village areas in the Loliondo and Sale Divisions was constraining without having my own transportation. It took me at least four months to get acquainted with the local Maasai and the Sonjo. Learning the local language of Maa in addition to the common Tanzanian language, Kiswahili, gave me a closer contact with

⁶ The name of the Sonjo is of Maasai origin. The Sonjo name for them is Batemi. The Sonjo name is more common in the area, and I therefore use this name in my study.

the people, the surrounding environment and the social and political setting of the place. Later on, I frequently made long walking journeys with my Maasai assistants from Loliondo Village to other villages or sub-villages. To more distant villages I had the assistance of locals, I borrowed transportation such as a mountain-bike, or I was given a ride on a motorbike or in a car registered to a local hospital or a local NGO.

During the fieldwork, I made multiple visits to the actual places of past land disputes with local land/planning officers or with my field assistants in the Loliondo and Sale Divisions. The lack of transportation sometimes set limits on shorter field journeys in the Loliondo Division. In 1993 I had selected certain dispute areas of the Maasai and the Sonjo village lands as sample areas for my study: Ololosokwan, Soitsambu and Ng'arwa-Engaserosambu and Loosoito-Maloni in the Loliondo Division and Eyasi/Ndito and Kisangiro/Mughole in the Sale Division. All these villages had histories of past land disputes, which had been either passive or active. The disputes had been related mostly to the loss of valuable land and natural resources on village lands and to a registered administrative boundary.

Local Maasai from the Loliondo Division served as informants and local guides as well as translators from their own Maa-language into Kiswahili and from Kiswahili into English. They had a thorough local knowledge of their own Maasai culture, natural environment and geographical setting. I also had professional interactions with local administrators and educated people who were able to discuss in English directly with me. My field methods primarily included interviews and participant observation. Structured and unstructured interviews were conducted with government officials and local people. I did participatory observation on the interaction between the different agents existing in the area: immigrants, hunting companies/hunters and large-scale agriculturalists. Participant observation was also undertaken in the Maasai settlements and with the Maasai people. The analysis of my collection of study material was based on historical case study analysis and on the descriptive knowledge characterized by the FAO (1990: 16) information made up of three types:

1. accumulated cultural knowledge, 2. knowledge modified through contact with other cultures, and 3. progressive learning about the environment.

In order to find proper accommodation for myself in Loliondo, I had to move three times during the extended fieldwork period. In January 1995, I finally settled down near the village centre of Loliondo village/town where I was given a comfortable house to look after for six months by an expatriate missionary lady who had fallen seriously ill and had to return to Europe. From my home base I made long and short walking trips. I visited selected Maasai homesteads several times to conduct fieldwork as a participant observer, and I also spent time with Maasai family members (women and children) on their homesteads and outside their home areas. I had long conversations with Maasai women and men, young and old. During longer visits in the Maasai homesteads I joined in the daily routines of the local Maasai women (for instance, I collected water with Maasai women from the riverbanks or collected firewood from nearby forests or attended major women's healing rituals). Only shorter visits were made to the Sonjo villages in the Sale Division because of the long distances. During these visits I obtained much important information on both land and natural resource matters and participated in and observed the local daily/monthly routines in the villages' centres. I was honoured by being asked to attend both the village and the traditional meetings of the Maasai and the Sonjo people. During these meetings I collected group opinions from local people on land disputes and land management issues in both Divisions. I also had long discussions with local residents, active NGO workers, District and Division government officers (land officers, livestock officers etc.). In different localities I selected key persons (village secretaries, elders) with whom I conducted semi-structured in-depth interviews. As the topic of land disputes was sometimes sensitive, I had to obtain such information from one-to-one interviews (village secretaries) and/or use a simplified and translated Maa language which was translated from an English vocabulary for the land dispute/land use questionnaire (see Appendix,

study questions). In the field, my assistants also drew me PRA maps of the local pasture models and land use in the Loliondo Division, and collected recent information on livestock issues.

At the Wasso village, I was given access to local administrative files from the District Headquarters (the Local Government office) and I was able to collect detailed documentary data on land disputes undisturbed. I was also given local maps of the area. In the beginning of June 1995 my extended fieldwork period was unexpectedly shortened by a month or so when a high-level local bureaucrat (DC) advised me to leave Loliondo as soon as possible or at least within two weeks. He referred to the heated and ongoing land dispute situation between the Maasai and the Sonjo people. This advice was helpful and right because one month later a severe land clash occurred between the Maasai and the Sonjo communities. Apart from being in the Loliondo and Sale Divisions for a longer period, I also reviewed the literature on the subject in the Eastern Africa collection while gathering information at the University of Dar es Salaam. Furthermore, my sources included documents (government reports, land management plans and Tanzania's legislation) and discussions with land management administrators or scholars (for instance, the late Mr H. Forsbrooke) at various institutions in Dar es Salaam and at homes or offices in Arusha Town. From 1995 onwards I have also, over the years, collected materials from different Tanzanian newspapers and from news on the internet. These varied materials throw light on past and present land disputes and the changing land policy situation in Tanzania.

Theory and policy context

Spaces and places

“Space is a fragmentary field of action; a jurisdiction scattered and deranged which appears to be negotiable or continuous but is actually peppered with chasms of economic and cultural disjunctions.”
(Yaeger Patricia 1996: 4)

When studying struggle and appropriation among groups of people, it is important to remember that space and place have several dimensions. Spatially societies also vary, not only in their type of physical configuration, but also in the degree to which the ordering of space appears as a conspicuous dimension of culture (Hillier and Hanson 1984: 145).

Neither space nor places are easy terms and both are also quite unsettling. Spatial concepts and particularities of space, place or region have been studied on different scales. These concepts have come to play an increasingly significant role in the theoretical field of geography (see Sack 1986; Potter and Binns 1988; Soja 1989; Lefbvre 1991; Soja and Hooper 1993; De Souza 1998; Escobar 2001 and Paasi 2004). The Kantian perspective on space was conceived in terms of the formal essence of pure spatial relation where space was homogenous, isotrophic, and infinitely extended, and place was disempowered (Casey 1999: 19). Space was seen as one of the “unsaid” dimensions of the epistemological and ontological structures of the world that meant space as a process in process with time. Therefore to question “space” was the same as to question one of the axes along which reality has been conventionally defined. In philosophical debates the nature and conceptions of space – in an ontological sense – have been part and parcel of reality and of the world (Casey 1999; Simonsen and Bærenholdt 2004: 8).

Space can be viewed as an absolute category (abstract space) where places are the determinations of an already existing monolith of space. *Abstract space is*, then, meant as a neutral, pre-given medium that allows a world to exist, not as in social practises but as a binary order. Abstract space (conceived) is marked and divided into places where people are put along with the particularities of culture and history, with place as the presumed result of social (the space of everyday life) and mental (perceived) space. Later on, it was criticized that this kind of spatiality worked with a limited view of what it is to be human. This created a human’s spatiality toward human “alternatives”, which can be understood as a fundamental component of the world since understanding the human’s relationship to both spaces and places (spatial practises) in the world is important (Shields 1991: 31, 39; Peet 1998: 61). In this case, thus, space and place both derive from a fundamental spatiality.

Relating to my study, I want to agree with Casey (1999: 14), who emphasizes that human experience begins with space and time and then proceeds to place (Ibid 1999; Blomley 1998:

575). Space can be seen, therefore, as becoming the defence of constructions of place and, at the same time, an object of struggle in the strategies of social movements and local resistance (Escobar 2001: 139; Sahlqvist 2001: 79). This struggled for place provides the scene not only for action and thought, but also for feeling and expression. When thinking of space, place and time in this way, space is not only spatial constructions, relations or practises but also temporal occurrences in a particular place. Thus, in this research, spatial organization, spatial processes or spatial practises are constitutive dimensions (see Bærenholdt 2004: 120). For this study, I assume that, spatialities have been produced through people's (societies') spatial behaviour in their native space. This spatiality has been/is targeted to cope with existing/diminishing resources in a socio-spatial system where people effectively manage and control access to local resources in their environment. In space, this process has derived from specific ontologies, creating specificities of people-place relations with issues of property concepts (property rights) and territoriality (control of land) – “senses of places”. In these places, a place-space tension and local struggles emerge.

The meaning and understanding of space and place have belonged to the humanistic tradition of geography. In the humanistic tradition of geography the nature of place has often been understood through the notion of personal attachment on different scales. Place has been thought of and referred to simultaneously as a geographical location and social status; place has become a social-spatial concept (Holloway and Hubbard 2001: 87). Geographers such as Ted Relph (1976), Anne Buttimer (1976) and Y F. Tuan (1977) started the phenomenological approach in the field of geography by analyzing the essence of space and people's use of space. For Relph (1976), place has a deep existential aspect to human experience. Tuan's (1977) main argument is that space and place should be seen as being complimentary of each other, and that place should not only refer to geographical location but also to social position (Holloway and Hubbard 2001: 72). Further discussion on this theme was developed by geographical existentialists and phenomenologists who tried to uncover issues such as the interrelatedness between environmental experience, behaviour and the philosophical meaning of the world (D. Ley 1977, Davis Seamon 1979 and J. Pickles 1985). Humanistic and phenomenological geography was often criticized as having a lack of critical engagement of ethnicity, local culture and the resultant inequalities which can all impact experiences of place. Due to this, philosophies of meaning were involved in space theorization with representations of places and different spatial metaphors (positive or negative). Place meanings were not just seen as being individual creations but as social constructions which exist within a produced framework of spatialities in space. Places were/are, thus, produced through social struggle in a constant process of becoming, and networks of local and extra local relations constitute them (Harvey 1996: 122; Blomley 1998: 581–582).

Toward the 1980s, in the “new” geography, space became organic, fluid and actively constructed – a *social product*, constantly reproduced and approached in terms of human experience, attachment and involvement (see de Souza 1998; Lefbvre 1991; Blomley 1998; Merrifield 2000). De Souza (1998: 79) describes space as being a *social space*. In social space nature with its material and objective dimension is transformed through the labour process. Social space then also refers to a stage for social relationships, which are created in the context of a particular society. Social space is, thus, the foundation for survival, a source of power and a societal goal of possession and control for societies. Socially produced space is thus saturated with power and power relations. In the case of my study, it is important to note the spatial distribution of power. The use of power does not occur only in social space and in specific places. Power is also asserted in state-created spaces (political units), as for instance in “spaces of conservation” (Casey 1999: 37–38; Holloway and Hubbard 2001: 113–115).

In this study, I define place as a socio-spatial construct which has been produced through social struggle and which also has an ethnic-related significance and some territorial ideology. These kinds of places, like Loliondo or Sale, are seen as spatial entities, often related to local culture and multiple identities connected to the different experiences of the local people. In the long

run, as my study shows, in the local environment in Tanzania, some places with uncertain power relations have also become in space, places of State resistance, through the emerging conflicts in native/abstract space. These places become particular “terrains of resistance” through a process of local resistance and alternative local knowledge. The resistance is based on local knowledge of place and is usually produced through social movements. This has happened for instance in Tanzania through the land rights movement. At times these processes of local resistance can even interplay with global processes (see Murphy 1991; Routledge 1996: 510).

From the 1990s onwards, writings on geographical concepts have focused more on space than place (Taylor 1999: 13). This can be seen, for instance, from the sophisticated treatment of space and the representations of space provided by the philosopher/sociologist, Henri Lefebvre. For him, spatialization has been an essential constituent of modern technologies of discipline (i.e. applied sciences) and power which exist in the abstract space of capitalism (Shields 1991: 39). An “abstract space” is according to Lefebvre (1991: 175) a form of space where centres of wealth and power through different means of domination take over the social space of lived experience. Therefore (social) space is a social product that consists of objects and their relations (Lefebvre 1991: 32). In space, spatial practises include both relations of production (socio-economic hierarchies) and social relations of reproduction. The different relations between spaces are not stable and exhibit historically defined attributes and substance. The fragmentation of the space from absolute, natural space, into abstract space powerfully expresses dominant ruling-class ideology, often disguised as politically disinterested knowledge and substitute descriptions and the endless fragmentation of a science (Peet 1998: 102–103; Merrifield 2000: 170–175). The praxis of everyday life and changes occurring in space have been themes interestingly dealt with by Lefebvre in his book, *The Production of Space* (1991). Lefebvre created a fascinating geographical space analysis called spatiology in order to uncover social relations. Spatiology involved a rapprochement between three spaces: physical space, mental space, and social space. In the production of space, Lefebvre’s theory of space strives to trace out the actual dynamic and complex interplay of space itself through “a *spatial triad*”, including representations of space, representational spaces and spatial practises (Lefebvre 1991: 33).

Representations of space refer to *abstract (conceptualized)* space, which is tied to the relations of production. Generally, professionals and technocrats, such as land planners and developers, as well as geographers construct this space through their power and knowledge. In the modern period, conceptualized space comprises the varied codifications (signs and codes) and objectified representations (maps and plans) used and produced by these actors (Lefebvre 1991: 38). In my study area, land use/conservation plans and maps produced over the Ngorongoro District can be considered as good examples of conceptualized space. The plans/maps in colonial Tanzania were used in order to “rationalize” traditional land use, to increase productivity and to create new land use plans for the whole of Tanganyika. In state spaces, land use plans are increasingly emphasized, which can be seen from the expansion of the conservation planning theme from the Loliondo Division into new conservation areas.

Here, *representational space* is linked to *lived space* and it overlies physical space. Representational space is the space of everyday experience in social life and has a source in the history of people, but writers and artists also use descriptions of this space. Representational space is conceived through the symbols and images of its users and residents. The local inhabitants, the Maasai and the Sonjo people, experience this space spatially through daily practices during different life situations in their everyday realm.

Finally, *spatial practises* have close affinities with spatial sets (the perceived space) and material reproduction. Spatial practises structure everyday and social reality and include, for instance, networks, paths, roads and a pattern of interaction that link different places and imply a specific level of performance of accumulated knowledge. The Maasai and the Sonjo people structure this space differently through their spatial practises (Lefebvre 1991: 38–39; Peet 1998: 103–104).

Territoriality and the practise of territoriality in land disputes

Through my geographical focus, I assume that all types of organizations make use of territoriality, and that variations in territoriality can be found in all kinds of places in the world. Anderson and O'Dowd (1999: 598) claim that the emergence of territoriality is inherently conflictual, with a marked tendency to create rival territorialities. Territoriality, in this way, and in my study, can be viewed as a feature of human spatial organization which is evident in local places where a sense of control and belonging has been implied. In space, the use of territoriality relies on the ability to exclude others from places. Therefore, territoriality is an important part of social relations and implies the existence of unequal social relations on different geographical scales (Holloway and Hubbard 2001: 96–97). To define the concept of territoriality within this study, I use the definition put forth by Sack (1986: 55), who defines human territoriality as “*the attempt to affect, influence, or control actions, interactions (of people, things, and relationships) by asserting and attempting to enforce control over a specific geographic area.*” Sack (1986) noted that part of the scientific meaning of territoriality is a reflection of social power used in a geographical area. On the micro-scale, for some people, territoriality is a social strategy to delimit and assert control and thus “the attempt by an individual or a group to affect, influence or control people, phenomena, and relationships”. In geographical terms, territoriality is a historically sensitive use of space, especially since it is socially constructed and depends on who has control and where. It is the key component in understanding how society and space are interconnected (Sack 1983: 56).

Territoriality is practised and that territories are both made and produced through historically contingent processes by the state and individuals. Relating to this study, spatially, the degree of territorial control over places can be seen as reflecting the human tendency to organize power territorially in occupied lands (for instance in pastoral common lands). In historical times, territorial power has been preserved by *different clans* of local communities. It is also important to note that societies and their traditional territories (or properties) have not been static, but in transformation. In social life, power relations have developed in line with economic and demographic change and these social processes have been operating on varying geographical and historical scales (see Paasi 1996).

The effects of territoriality are significant in this transformation process, and Sack (1986) views territoriality as an active strategy which has to be maintained. Territoriality must include, as Sack (1986: 21–22) has stated: a form of classification (by area), a form of communication (of boundaries) and an attempt to enforce access to the area or to things within it. The attempt to influence interactions is also a factor: transgressions of territoriality will be punished and this can involve other non-territorial and territorial action. As Casimir (1992: 5) describes, not only space but also practises and attitudes toward things and people are often defended and that the act of “social boundary defence” thus occurs. The Maasai express this through their mechanism of mobile herding, which controls access to space.

In space, therefore, the importance of the assertion of territoriality depends on *who* is controlling *whom* and for what purposes and an important part of the source of conflict is then the emergence of territoriality. The assertion of state territoriality has been used as a vehicle for the accumulation and allocation of land/resources. This can be seen in state territorial or spatial planning, in state land regulations, and in enactments in abstract space. State territoriality is based on a “fixed” territorial order controlled by the State. For instance, during colonial times onwards state territoriality has created spaces and places such as the Loliondo and Sale Divisions which have a conservation unit, but also transformed spatiality in space. Territoriality, therefore, refers to spatial objects in socially constructed space. However, the effects of territoriality can be seen on a micro-scale in the territorial strategies of local people. On a macro-scale the effect of State territoriality can be seen in the way in which modern states with their greater capacity can control space both in practise and cognitively. State territoriality is, thus, constantly produced through

governmental practises (Paasi 1996; Häkli 2001: 412).

As mentioned earlier, state territoriality and its policies and enactments in the modern world have enforced territorial planning of the development of resources. Territoriality is by and large the result of ephemeral phenomena in the modern world. The causes of land disputes, as my study will show, have been due to this state planning emphasis on spatiality, which subordinates individuals to specific rules of conduct but also creates images of i.e. emptiable space. In this process of territorial transformation, the state had for decades organized its practises, defined its sovereignty and population territorially, and had manifested itself and its administrative power with local forces and power structures in a territorial unit (see Häkli 1994, 2001).

Various spatial units have emerged through the transformation and institutionalization of territories. Institutionalization of territories refers to the process during which territorial units emerge and become established as parts of the State regional system on different geographical and historical scales (Paasi 1996: 32). State territoriality through the institutionalization of territories usually produces new political territorial units, such as nature conservation units or administrative villages. In historical times, local cultures in their local spaces, such as those of the Maasai and the Sonjo people, have produced through a network of communication their traditional territories with bounded or fluid boundaries. Through the process of institutionalization these territorial units become a part of the socio-spatial system and are identified in action and consciousness (Sack 1986; Paasi 1996: 33; Paasi 2002a: 113). The process of the institutionalization of territories can be understood through four abstractions:

1. territorial shape (i.e., which occurs due to land use competition and resource scarcity),
2. territory formation as a symbolic shape for emerging land use units,
3. the institutional shape for establishing administration, and finally
4. a territory's established position, which can be seen in the regional structure and social consciousness of the people (ibid 1996: 33, 2002a: 113).

With regard to this study, it is important to notice how the human form of territoriality can be seen in rural African societies where the representation of territory has been topocentric: meaning a space where power is/has been exercised (Lavigne-Delville 1998: 17). In geographical space, the form of territoriality can come about and be transformed in the form of establishing territories that emerge and collapse, for instance in Maasai common lands. This can be seen through the analysis of local land disputes. In territorial and resource-based land disputes the control of access to scarce resources and territorial claims has been extremely important for local people (see Paasi 2002a: 113; Acheson and Gardner 2004: 296-297).

In space, as mentioned above, the existence of territories is based on control and coercion, or on the use of power. The function of territories is to steer action and interaction, to favour the use of some areas and to restrict the use of other areas (Agnew 2004: 92). In this way, in a socio-spatial system, territories are often hierarchical and the effects are likely to be complex. Johnston (1989a cit. in Murphy 1991: 29) stresses that territory, as for instance a locale or region, is not shaped solely by functional factors but that it is also affected by the political and social ideologies that dominate the process of territorial formation. The value of territory with its created multiple boundaries and claims to tenure rights are clearly factors that affect the emergence of land disputes and their nature (see Forsberg 1995).

Newman and Paasi (1998: 201) point out that territorial features are neither a static nor a permanent structure; instead, they are *human constructs* which become, emerge and exist for some time and disappear. In the social processes regarding space, territories require constant efforts to establish, continue and maintain them. This kind of process occurs mostly in conflict situations when hegemonic groups may use space, boundaries and varied definitions of membership effectively to maintain their position and control others inside the territory (Agnew 2002: 112; Paasi 2002a: 117). Paasi (2002a: 120) also explains that in changing spatialities there is uncertainty among scholars of the current meanings of the changing forms of territories. The uncertainty is

based on tendencies that challenge the dimensions of territory. The tendencies are *firstly* based on the changing meanings of state territory as a holder of power and authority and how these elements can be recalibrated between different territorial scales. *Secondly*, the dimensions of identity will/have become more complicated and are linked to questions of land ownership and, thus also, to land disputes.

My study will show that land disputes create situations in which space and territories are socially constructed. In disputes, people often hold claims to the control of land, or the control of who is allowed in their territories and who and what is excluded from those territories (Holloway and Hubbard 2001: 97). My study shows that in changing spatialities the function of territoriality is an important way to *exercise power* in local disputes. Through the assertion of territoriality, territories are established, given meanings or extinguished through the social actions of people. Through the use of territorial power during tribal wars more powerful communities can expand their territorial areas in their native space. For instance, during the historical Maasai expansion, the territories of other pastoral groups, such as the Parakuyu or Barabaig people, were taken over by the Maasai. The defeated groups had to withdraw to South Tanzania.

Imposition of boundaries in land disputes

With the ordering of space, notions of territoriality have been evident, and in land disputes this can also be also seen when/if imposing boundaries with an enactment of power. Generally, boundaries or territories are neither static nor permanent structures. Therefore, they can often contribute to land disputes, struggles and unequal power relations. Boundaries often relate to social space as Blomley (2003: 123) argues, in that a boundary is “*as always and ever recursively related to social relations – rather than as spaces in the abstract*”. In socio-spatial space, boundaries signify and legitimize the existing spatial order. Thus, boundaries can be part of the discursive landscape of social power, control and governance, which can extend itself to the entire society and which has been produced and reproduced in various social and cultural practises (Newmann and Paasi 1998: 196).

For people and the State, the creation of boundaries or zoning strategies can be seen as a strategy to control space, which also manifests itself in state legislation. Boundaries as features that give expression to territorial limits are not only social constructs that represent dynamic processes but are also strongly political entities, especially when they show markers of state sovereignty. In spatialization, boundaries can be understood as inwardly oriented and necessary components of the sovereignty of territories and markers of limitations for local people and states. They can affect the creation of socio-spatial identities, the notions of “us” and the “other”. Boundaries are signs of power and possession and show where legal rights change hands. Boundaries entail the politics of delimitation, the politics of representation, and the politics of identity (Sack 1986: 32; Paasi 1996: 26; Newmann and Paasi 1998: 201; Paasi 2003: 464, 471; Agnew 2002: 128).

Hence with different boundaries, such as lines, fences and edges, there are varied boundary classification systems, ranging from the phenomenological to the sequential (Tägil 1969: 23; Kaplan 2001: 131). When studying land disputes it is important to remember the various ranges and meanings of borders, which are and have always been *historically contingent*. In political-geographic thinking, boundaries (social and jurisdictional) as being the notions of asserting territoriality have enabled groups of people to both maintain and establish their territorial boundaries and define their political identities (Agnew 2002: 125, 129). The most common boundary divisions in space have been of two kinds: *vague boundaries* (traditional and cultural) and *distinct boundaries* (administrative and political). In the case of ethnic-group boundaries as traditional boundaries, these have been seen as lines dividing social entities. These boundaries have often been in flux, especially in pre-colonial periods, and even today (Casimir 1992: 13). In geographical space, the traditional territorial boundaries have usually marked the limits of territo-

rial jurisdiction and control of different territories by different groups of people (in this case the Maasai and the Sonjo). Traditional boundaries have often *defined the traditional* land use systems in villages and have often followed prominent topographical features. Particularly in a pastoral system based on mobility, the territorial boundary conditions have been vague, highly dynamic, negotiable and fluid between various groups, and set in relation to common important natural resources (wells, salt licks, ponds in forests and grazing lands) (Cousins 2000: 171). Generally, in this kind of mobile space where people move from place to place, the traditional boundaries have often been discontinuous frontier zones between old territories, thus differing from the fixed and concrete administrative borders of states. The forming of new administrative boundaries disrupts this kind of mobile space and results in deterritorialization when the new political boundaries do not correspond with old boundaries. In border landscapes where different boundaries have existed, political processes of the State have also received their most concrete territorial or geographical expression. The boundaries are, in fact, instruments of communication aimed at reifying centralized state power, but at the same time they depersonalize local power (Anderson 1996: 141; Newman and Paasi 1998: 187-188; Paasi 2002b: 159).

These descriptions show that boundaries can have deep symbolic, cultural, historical and religious, and often contested, meanings for people. Boundaries as politically or socially constructed objects have links to identity, action, mobility and power. My study shows how different boundaries have easily manifested themselves in numerous social, political and cultural practises and how they tend to exacerbate conflict. In changing spatiality with different kind of spaces that have multiple and overlapping rights, boundaries have become concomitant with the aims of social groups to *define and redefine* the relations between their social and physical world; boundaries associate identities with places. Boundaries can also be shifted drastically or challenged. Places then become the object of territorialization where boundaries are re-produced and shifted in either deterritorialization or reterritorialization (Yaeger 1996:10–16). This can be seen in my study when boundaries, in the local socio-spatial system, have changed their position either in processes of deterritorialization or reterritorialization. The deterritorialization and later on reterritorialization, since the 1980s, as a form of Maasai resistance has taken place in the Arusha Region Maasai lands in particular (see Johnsen 2000; Hodgson and Schroeder 2002). In my study context, the concept of deterritorialization refers to transformed conceptualizations of traditional boundaries and their diminished meaning during the decades-long land dispossession that occurred in the Ngorongoro District. The concept of *reterritorialization* again refers to the situation of the *re-demarcation* of boundaries. A boundary is used via legal struggles to bring certainty to an unclear object of property (land) through politically created state administrative boundaries and through land registration. As this study shows, reterritorialization with shifted boundaries can also become a heated spatial question and lead to land disputes.

Finally, in today's globalized world, it might be important to remember, as Anderson (1996: 148–150) and Forsberg (1995: 28) claim, that territory and territorial borders might be losing some of their importance as a basis of sovereignty and political rule on the state level. The value of bounded territory has undergone changes during the history of the nation-state system. It has been noted that the value of territorial expansion has diminished; borders have become more porous and sovereignty more vulnerable. In this case, it would mean that in an integrated world, both the states and their territories can be qualitatively transformed from a state-centric position by globalization and an uneven global economy.

The relationship of property to disputes

In modern times new ways of territorial thinking have emerged and have started to question the existing territorial order in the world (see Paasi 2002a/b; Blomley 2003). In many places, local people have raised arguments of who has a legitimate interest in regulating state domain

and/or native lands in multiple spaces. In socio-spatial space in multi-scale places, ongoing social struggles and land claims can raise not only issues of territorial strategies but also questions of property.

Neither the relationship of property to landscape nor its relationship to conflict situations has been well theorized within geography, perhaps because property becomes an issue that is taken for granted in social space (Blomley 2005: 125). When studying the relationship of property to land disputes, it is notable that the conception of property refers to the appropriation of resources. Ingold (1986: 136) defines property as: “*Land tenure engages nature in a system of social relations; territoriality engages society in a system of natural relations.*” Land ownership is, generally understood, to imply a right to use land or benefit from it, but this right can be seen as relational, because it is often held negatively and conflictually against “the other” (Blomley 2003: 121). On the geographical level, in social space, people have used territorial strategies in order to sustain and achieve territorial rights as well as land rights. Land rights can be, thus, *defined as rights of the people or communities* which have been embedded in social relations. Property usually includes tenure and ownership/property in land or a particular resource. It also includes property rules, which are a body of rules with duties and rights defining access and control over land and resources. The property rule is usually organized in a society by a system of authority (Cousins 1990: 15). In the modern world, geographies of properties implicate wider networks of power relations, where places and spaces are constructed through a constellation of material and discursive practices (Blomley 1998: 580; Blomley 2005: 127).

Generally it can be assumed that, in social space, people lay claim to property in varied ways; laying claim on common property can be carried out in overlapping and collectively oriented ways. Property rights to land are usually governed by different property right regimes. Property rights regimes differ in the nature of ownership, the rights and the duties of the owners, the rules of use, and the locus of control. *Private property* means that the ownership of land is given to named individuals, guaranteeing the right to said owners to control access. *Common/collective property* again is owned by an identified group of people (the management group), who has the right to exclude non owners and who have defined and enforced *duties* to maintain and establish the land property and resources by exclusion through constraints placed on use. To have rights to a *state/public property* is usually defined through an ownership by citizens/agencies of a political unit who have rule-making authority in a public agency (Blomley 1989: 872; Hanna et al. 1995: 18).

Property rights are not static and they have often, in historical times, been continuously adjusted to reflect new economic and social structures, often to the disadvantage of current owners (Lavigne Delville 1998: 13; Benjaminsen and Lund 2001: 14). Rights, in general, whether being informal or formal land rights, are not merely granted to people through political reform by the state. People also acquire, entrench, and conquer land rights in practise through struggles (in land disputes) and alliances with other people, institutions and the state. In Africa, the existence of land rights has been characterized by uncertainty and ambiguity (Juul and Lund 2002: 2; Cousins 2002: 78). Generally land rights under customary tenure can be characterized to be exclusive (groups of people as the commons), ambiguous (rights overlap), and negotiable (rights and obligations are specified through the agency of social process and/or client relationship).

Sax (2001: 227–229) and Mitchell (2001: 273) both explain two fundamentally different views of property rights, private and common rights, which can be employed in a “*transformative economy*” and an “*economy of nature*”. In a transformative economy, private property, the technological perspective of land and created boundary lines are important. The line between public and private is also clear. A transformative economy builds on the image of private property as a *discrete entity*. The land is there but it is in a passive stage, waiting to be put to use. To the contrary, the economy of nature as an ecological view of property views land not as a passive entity to be transformed, but as a combination of systems defined by their functions and often by their

ecological needs. Connections dominate instead of man-made boundaries. Land territories such as forests, grassland (common lands) etc. perform important functions in their unaltered state and transformation diminishes the functioning of this economy. The property system of law has been a central tool in effecting the transformation of property from an “economy of nature” to a “transformative economy”.

In physical space, property rights and their related rules have been performed by “mixed” property rights regimes with certain functions of limiting use, coordinating users, and responding to environmental changes which have been spatialized to accommodate existing territorial units/land areas. The property rights and rules within territories are usually needed to be maintained and socially reproduced with practises towards and discourses of “the other” through the functions of boundaries. Due to this, distinctions are made between local people and outsiders/the state when defining the different local property systems, which often are quite hierarchical in structure. In a customary tenure system, individual property is often secured by use-right arrangements. Traditionally, the customary authorities (chiefs or the council of elders of a certain clan) have had territorial control (political power) over land and they enabled land allocations and gave decisions on land rights/water rights according to the availability (see Bromley 1991; Lund 2001; Hanna et al.1995: 18; Lavigne-Delville 1998: 28; Galaty and Munei 1999: 68).

In the past, in Tanzania, the concept of property with land rights in traditional territories was based on long residence and community affiliation. In many African countries, state power structures via the state statutory laws and policies have shaped, increased or diminished the power of local territoriality. In this situation, the traditional law and rights of indigenous peoples have been put under the control of District/regional authorities. In the state domain, although the legitimacy of modern property rights were/have been backed by legal protection, that protection had often very little voice as to local indigenous land claims or to spatiality and existing boundaries, which have existed in physical space. On the other hand, in cases where the traditional property/ownership distinctions have faded or were threatened, the state assertion may be contested by the long term occupants. In this case, land disputes might lead to tensions and threats, even to open violence, which can for instance be seen in the Ngorongoro District (see Sax 2001; Cousins 2000).

Mitchell (2003: 242) describes this as “A landscape has become like and – has been – a commodity where the element of personal control conditioned by the historical relationship of landscape has experienced the transformation of land and place into property.” In this process the land has been set apart, alienated and made exchangeable in a space which is settled by local people.

The impact of law on property

Law has a geographical aspect, because it is formulated, implemented and enforced within a specific spatial as well as historical context. Both the spatial and historical contexts impact legal doctrines and are transformed by them (Blomley 1994 in Mustafa 2001: 820). Generally, law and property are both geographic and political, and have been integral to the production of space. This study will show that tenurial land disputes can have an impact on law enactments in Tanzania. This relates to specific places where contesting claims of property and property/resource rights have been signified and conflicted in socio-spatial space (see Cousins 2002; Lund 2002; Markakis 2005).

Law shapes the life spaces of people by transforming them socially. This is often done in a violent way because the transformation caused by law takes place in two domains: legitimation and action (for instance the establishment of colonial property regimes implicates both legitimation and action) (Chouinard 1994: 430; Mustafa 2001: 818; Blomley 2003: 123). Chouinard (1994: 430) emphasizes not only how the influence of law can be seen in social space, but also how it is

a material and conceptual medium through which people fight for the control and use of space itself. Furthermore, space can be viewed as “a tapestry of lived relations and practises which, in the case of law, express multiple forms of empowerment and exclusion over how spaces can be used and by whom.”

As such, law and state apparatus are inextricably linked in the process of production and reproduction of socio-spatial patterns of access to resources and the empowerment and disempowerment of certain social agents in the process (Mustafa 2001: 818). My study of the Loliondo Divisions shows how, in land disputes, the geography of law along with related legal struggles can be used to defend local Maasai property rights. Law can, thus, provide an indispensable framework within which land issues are articulated and debated (Galaty and Ole Munei 1999: 71).

Generally, the state has also achieved a legal monopoly over the land territory through legal enactments. In principle, modern land law should provide tools for administration and judicial procedures to protect land rights. It also has to be acknowledged that the modern state apparatus, with law as a system of power and control, often provides grounds for violence (Blomely 2004: 152). The legal framework legitimizes, organizes and eventually in action concretizes state power over lived socio-spatial relations. Furthermore, law can also be contingent, political and contestable, often perpetuating and legitimizing exploitive and oppressive geographies of social power (Mustafa 2001: 818).

When thinking about law, it is also important to remember that Africa has often had two parallel legal systems functioning at the same level: state law and customary law. Also, overlapping land claims (modern and customary) have existed side by side in social space. Customary law/tenure has functioned at the level of peoples’ communities and statutory law has operated on the national level. With regard to people’s social life worlds, there has been a difference between *de jure* and *de facto* rights to land and natural resources in different territories. In traditional territories, land and property rights have been based on customary law. Under state domain this right, in law, has been a secondary right of access and use of land, which has been granted under state statutory law. The state law has defined these rights often through granted rights of occupancy (GRO) or by issuing permits, licenses etc.⁷

Although state legal systems have recognized customary law systems based on long membership or traditional land rights, the legacies of colonial law have produced inequitable power relations, the diversion of resources, land alienation, marginalization, and a range of health environmental and economic concerns within the affected people’s communities (Howitt 2001: 242; Johnsen 2000: 150). This happened during colonization when European settlers in colonized lands, as in Tanzania, sought to “control” (spatially reorganize) land, to “develop the resource management use” (revive agricultural/livestock production) and to “redefine the rights in local territories” (deterritorialize and reform). In social space, unequal power relations and the transformation of property have taken place especially during processes of colonization or under a capitalistic land market (Blomley 1998: 570). In this process shared collective property rights to common property resources became fixed, and state land property was partitioned into *protected and unprotected* units. The property became subject to state jurisdiction over administrative boundaries and formal legal rights (Sperling and Galaty 1990: 79; Goldman 2003: 834, 848).

In this kind of conflicting situations, rural Africa and countries such as Tanzania have found themselves in a position of multi-legalism, where legitimacy (in the sense of locally accepted rules) has very little connection with state legality (see Franklin 1979; Lavigne Delville 1998). Disputes or the abuse of power often takes place in Africa or in Tanzania, where property/ownership and legality have a dual role in the state and where property rights (State and local) have been various,

⁷ State law is here referred to as state legislation, regulations, rules, juridical decisions and other legal instruments enacted by or entered into by governments at the national or sub-national level.

overlapping, conflicted and competing in geographical space (Sax 2001: 230, 234; Nash 2002: 221–222).

This study shows the multi-legal situation in Tanzania where land and resource property has accommodated notions of private, common/collective or granted law in land ownership. In the beginning of the 1990s State law also lagged decades behind State policy changes (Tenga 1991: 22). Therefore, I claim that changes in law and property have taken place with force and violence ever since the colonial period began the process of modifying and reconstructing the local system of customary land tenure or customary law from the 1920s onwards. A good example of this is the first Tanzanian land law, the *Land Ordinance* of 1923. A radical right (state ultimate land control) was vested in the State and the tenure rights of people were mostly divested in their existing traditional territories. Consequently, prior to the *Land and Village Act* of 1999, land and conservation/game ordinances did not explicitly guarantee, secure nor establish legalized customary titles and rights, especially for commoners in common lands (Shivji 1994: 3).

Varied land disputes in the Tanzanian context

Numerous studies have been undertaken on conflicts and land conflicts from West to East Africa. Land disputes with conflicts and violence have been varied and plenty in Africa. On average, most African countries have experienced more years of conflict than developing countries on other continents. As Lind et al. (2002) study exhibits the majority of intra-State conflicts in Africa are structured conflicts that manifest themselves in religious, governance, ideological and resource-based violence.

The clarification of the concepts conflict and violence is important when studying land disputes in social space. *Conflict* can be defined and it most often refers not only to the objective situation but also to the way in which the participants understand and feel about the situation. A conflict is not necessarily always negative and the root causes for conflicts are usually complex. Conflicts can also take a constructive or destructive course (www.synapse.net). In a conflict situation, parties – individuals, groups, communities or nation-states – usually find themselves in a situation where they have competing interests. People often express hostile attitudes and violent actions toward each other. This impacts their ability to pursue for instance their economical interests or goals, or they find themselves in conflicts based on access to natural resources (Avruch 1998: 25). A conflict can lead to either a non-violent situation characterized by different kinds of *tensions* or to an *open* conflict with violence between individuals or groups of people. *Violence* as a term is difficult to define, especially in connection with land disputes. Usually violence is defined as “exercise of physical force toward something” (Sykes/Concise Oxford Dictionary 1964). Violence can include both actual and implied violence. Violence can also be realized through forms of inaction (i.e. the violence of the law whether implied or actual).⁸ Conflicts and violence can thus take different forms in land disputes. In my study, the “land dispute” can refer to *different kinds of tensions and conflicts* between resource users. Disputes can occur between individuals and groups, difficulties with the State, legal proceedings, political action, theft, the raiding of livestock, and the killings of humans, livestock and large-scale violence between groups (Hussein et al. 1999: 399–400).

Generally, land disputes in Africa are described in different contexts and are ascribed to arise for varied reasons. Commonly given reasons are: a rapidly changing environment, an unequal distribution of power, and changing consumption patterns that exacerbate natural resource scarcity, which may lead to land competition and conflicts. The studies on land disputes in Africa

⁸ Legal violence is sanctioned violence, for instance, it can be seen through the use of lethal force by the police. Implied legal violence takes the form of routine legal acts which can be legally inacted or implied. Thus, law making is often “enforced” and violent (Cover 1986 cit. in Blomley 2003: 139).

have multiplied from the 1980s onwards. (See Little 1988; Galaty 1991; Hjort af Ornäs 1992; Unruh 1998; Anderson, J. 1999; Galaty and Ole Kimpei 1999; Hussein et al. 1999; IIED 1999; Campbell et al. 2000; Benjaminsen and Lund (eds.) 2001; Akpaki 2002; Lind (eds.) 2002), and in the Tanzanian context (see Lane and Pretty 1990; Lane 1991, 1993; Neumann 1992, 1995; Potkanski and William 1998; Huggins 2000 and Mbonile 2003 etc.).

Most commonly, population growth and the increasing value of land and natural resources both in East and West Africa lead to varied land disputes. Land is still the main resource for many people in Africa and has become a scarce competitive resource, especially in the pastoralists' zone. Land disputes can, thus, depopulate land areas or limit land areas that usually are available for grazing and/or cultivation (Markakis 2005: 27). IIED (1999: 30) has shown how, in the future, throughout West Africa more intense competition and more frequent conflicts over land and resources are likely to take place. The IIED report (1999) details a long list of possible land dispute situations such as:

- land disputes between herders and farmers, over access to pastoral resources and over damage to crops (both in the Sahelian wetlands and in the rainfed farming areas of the dry lands);
- land disputes between different groups of herders, notably over grazing areas and associated water points;
- land disputes between neighbouring communities such as herders and farmers, as the members progressively occupy whole land areas and thus raise issues related to the boundaries between traditional tenure jurisdictions;
- land disputes between indigenous and migrant farmers, as the former seek to circumscribe their existing rights to land and the latter seek to gain access to land or defend their interests;
- land disputes between urban elites and peri-urban populations, as cities expand and as the incentives for speculative land acquisitions and sales grow;
- land disputes between and within generations as land becomes scarcer and holdings smaller (for instance the Gulf of Guinea); and
- land disputes between the state and customary landholders, particularly in forest areas or in large-scale irrigation schemes.

There are reasons to believe that past and current Tanzanian land disputes have been similar to those in West African context and that generally land disputes should be expected to be inevitable rather than unexpected or incidental (see Cousins 2002). In Tanzania the sources of land disputes have been varied, many-sided and located in different kinds of places. A major difference compared to West Africa is that disputes related to conservation and wildlife are more common in Tanzania and Kenya, due to the conservation of rangelands in East Africa.

Generally, manifold and many-sided land disputes have been also increasing in Tanzania. Land disputes have been rooted in various locations ranging from semi-arid rural lands to urban scatter areas. Sometimes land disputes lead to serious consequences for rural populations, especially if these disputes develop into armed conflicts or civil war. Several land disputes have been explained as being resource-based and as having developed from situations where competition over land or water resources has led to land disputes. In resource-based land disputes, which are often due to population pressure and resource scarcity, the contested land/resource claims are made by different property holders. In social space, natural resources are being exploited in conflicting and competing ways, for example, in cases when conservation and mining activities clash with the local land use. New interest groups using these lands may intentionally or unintentionally impinge upon the ecological well-being of the original inhabitants. With regard to State power, State planning and zoning policies have, also, have been blamed for causing land disputes. Lund (2001: 159) argues that for local land users, boundaries shifted due to zoning policies are

often seen as a sign of further processes of privatization caused by State planning. In social native space, zoning policies have also caused increased tenure insecurity and uncertainty of property due to land alienation, which has led to varied land disputes in different places.⁹

In Tanzania and Kenya, for decades, due to diminishing natural resources and increasing population pressure, land disputes over natural resources have taken place between pastoral and agricultural people and also between pastoral groups. In the worst cases, the increased resource conflict can turn into an ethnic conflict which can even turn into open violence, for instance, into a land clash due to a land dispossession (see Madulu 2005; Markakis 2005). In the 1990s, land disputes have turned into open clashes, especially in the northern part of the country. Sometimes these land disputes have ended in violent land conflicts in which several people have been killed as in the Kilosa District in December 2000 and the Ngorongoro District in 1995. (See for example Daily News 2002 (20.1.), Guardian 2003 (27.1.), Sunday News (20.1.), Daily News 1994 (15.10))

From the 1990s onwards, land disputes between settled agricultural and mobile pastoral people have become more common in Tanzania. These land disputes have been due to land alienation and multiple allocations of land/resource rights on village lands. From the end of the 1980s this has been the case especially in northern Tanzania, in the Districts of Monduli, Kiteto and Simanjiro in the Arusha Region. Conflicts have occurred in places where large-scale agriculture and/or mining rights have been granted to private investors by the State. In the Arusha Region underlying causes to conflict include both territorial issues and property claims where the access and control to critical resources has been very important. Conflicts on village lands have developed when State authorities have favoured land allocations to cultivators at the expense of the pastoralists. In land disputes, villagers use territorial strategies to guard their village land and property rights against encroachment by “outsiders” (see Sale Division in the Ngorongoro District, Potkanski 1992; Msaranga in the Moshi District, Lerise 1996; the Bagamoyo District, Jerman 1997 and the Naberera and Sukoro villages in the Simanjiro District, Igwe and Brockington 1999).¹⁰

Both Tanzanian and other scholars, have provided examples of land disputes related to pastoral land management problems in rangeland conservation areas of Tanzania (see Moris 1981; Århem 1984, 1985a/b; Ndagala 1990a, 1990b; Neumann 1992, 1995; Christiansson and Tobisson 1992; Von Oppen 1995; Lane 1991, 1996; Perkin 1991, 1993; Tenga 1992; Potkanski 1994; Taylor and Johansson 1996; Parkipuny 1998; Ole Nanagoro 1998; Shivji and Kapinga 1998; Igwe and Brockington 1999; Lobolu 1999; Johnsen 2000; McCabe 2003). Due to the colonial history of the conservation of rangelands in East Africa, land alienation and the displacement of people/livestock has taken place in pastoral common lands, both in Tanzania and Kenya. Many of these studies have described a decade’s old changed land use/property situation due to State domain and State-directed land/conservation rules which have led to land disputes. The most common reasons for land disputes have been the ecological compatibility of pastoralism with wildlife conservation alongside the growth of tourism, legal questions on pastoral land management and related land rights and human rights. In conservation areas State land policies and conservation laws have had detrimental effects on pastoralist people. In some places, pastoral Maasai have been marginalized and impoverished in the fragile semi-arid environment. Among many others, Århem (1985a/b),

⁹ For instance, Kituyi’s (1990) study from Kenya showed, in the late 1980s, that the privatization of land and the zoning of group ranches were the main sources of widespread conflicts and land disputes among the Maasai sections. The disputed issue was an unequal distribution of land rights among the Maasai sections during the boundary adjudication (Kituyi 1990: 200)

¹⁰ Anderson (1999: 555) refers to similar findings in his interesting study covering Zimbabwe and claims that many land disputes of the Communal Areas have been predominantly political power struggles. He shows that the most problematic land disputes were created in a situation in which the land was allocated by the village heads and disputed later on. Land allocations lead to a potential land conflict, especially in the situation in which the local land users did not come to a mutual agreement on the contested land boundaries.

Homewood and Rodgers (1991), Neumann (1991) and Potkanski (1994) have studied land conflicts arising in the Arusha Region between pastoralism and conservation, which have also led to the impoverishment of the Maasai, especially in the Ngorongoro Conservation Area (NCA). Potkanski (1994) and Homewood and Rodgers (1991) presented in their study the interaction between pastoralism and conservation in the NCA area. The potential causes for the conflicts were resource competition, disease contagion from wildlife to livestock, environmental degradation caused by the pastoralists' stock and changes in property rights. Neumann's (1992) study is a thorough historical analysis of the social origins of natural resource conflicts in Arusha National Park in the early colonial years in Tanganyika. Lane's (1991) study deals with land alienation and the special effects of transformation of land property and State land policies in Tanzania's Hanang District. Lane's (1991) study shows the disruption of the Barabaig peoples' land use and their pastoral economy due to the Tanzania Canada Wheat Programme which has been operating from the 1970s onwards. Due to allocated land grants to the NAFCO (the National Agriculture and Food Corporation), there was large scale land alienation on Barabaig's land territory on the Basotu Plains. This territorial and tenurial land dispute became a severe political struggle during the 1990s in Tanzania.

Due to increasing natural resource scarcity, resource-based disputes between different land/resource users have also become more common in Tanzania. The effect of diminishing water resources is closely described in some interesting studies and reports. Potkanski and William's (1998) study of the dry southern and western parts of the Sale Division finds an ongoing resource-based dispute, which was caused by the rising Sonjo population and frequent drought (in 1992 and 1993). From the 1980s onwards, the competition for valuable land and water resources on common lands intensified, which led to territorial disputes over land and water. The utilization of common resources by the Maasai and the Sonjo became impossible and turned into a conflict situation in 1990. Also, due to severe drought, the scarcity of water increased in 1991–92 in the western parts of the Sale Division. This firstly led to crop failures on Sonjo fields (rain fed), and secondly directly to water management problems and conflicts with wenamiji (lineage institution), who have a right to distribute water in the Sonjo community. Due to this conflict, this powerful group within the Sonjo community privatized the water rights and sold water only for cash (usually paid in kind) to other water users. This conflict increased cases of water theft and destabilized the overall natural water management system in the Sonjo community (see Potkanski 1992, 1998). More recent Tanzanian studies by Mbonile (2003) and Huggins (2000) present another kind of example of how competition over water resources can exacerbate conflict and land disputes. Huggins (2000) shows how the disputes over water have in some places become violent due to the scarcity of water resources. He examined the current state of water availability in some villages near Arusha town. Disputes arose due to the water scarcity and over uncertainties over the "ownership" of water rights.¹¹ Huggins (2000:37) argues interestingly that in the multiethnic environments in Tanzania "*disputes over water access could act as a catalyst or as "justification" for interclan or tribal conflicts.*" Mbonile (2003) examines how immigration and other processes have exacerbated the water use problems in the Pangani Basin and have led to a resource-based conflict. She found that the major processes that have intensified the water conflicts in the Pangani Basin were the high and rapid increases in both human and livestock populations. These generated water demand in the Pangani Basin. The conflicts were related to the questions of water rights and the increasing management problems of water in the entire Pangani Basin area. Her study did not mention the Pangani Hydro Plant which was built in the 1990s and definitely also affected and intensified the water conflicts between different users of water. All of these studies reveal the

¹¹ This kind of unclear situation might change gradually due to the new State Water Policy of 2002. The new policy stresses on community and private sector involvement in the operation and maintenance of water schemes through the Water User Groups (WUG) approach (Madulu 2005: 44).

delicate balance of water resources for population/livestock numbers/agricultural land and how a decrease in the quantity of available water can easily lead to conflicts.

Political reasons for Tanzanian land disputes

Politically, in the spatial context of Tanzania, the history of state policy reforms and/or enactments of the land/agricultural laws of the 1970s and 1980s have been often related to many northern Tanzanian land disputes. These state related policies were the Ujamaa land reform, the liberalization of land policies in the 1980s and the conservation of rangelands.

In the 1970s, the Ujamaa villagization programme (1974–76) and the *Rural Lands Act* of 1973 and the *Villages and Ujamaa Villages Act* of 1975 along with Arusha Declaration of 1967 have been blamed for causing many of the past land disputes. The Ujamaa villagization is said to have increased land insecurity in village lands and weakened local people's control over natural resources in their lands (Havnevik et al 2000: 11). This gave rise to many previously unseen land disputes. Many of the land disputes, from the 1980s onwards, have often been connected to issues of land claims and changed boundaries. By the late 1980s, traditional property rights had no written guarantees and land ownership could be terminated at will by the State. In fact, Tanzanian people's land rights were *mere licenses to use Public land*, and no security of pre-existing property rights existed. Neither was capital investments in the land property required. (LTWG 1992: 6, World Bank 1992: 2).

The Ujamaa villagization contributed to endless land disputes in Tanzania. Many of these land disputes arose because the whole accent of the resettlement "operation" was based on "new" modes of production. Due to a faulty legal approach, previous land use systems and property arrangements were disregarded in the villagization process. The traditional property rights were seen as derivative of the mode of new production (collective production). Furthermore, the resettlement and Rural Lands Act of 1973 and the Villages and Ujamaa Villages Act of 1975 were not accompanied by any elaborate property rules (URT 1994a: 20). The villagization contained a great deal of arbitrariness and injustice to local people's land rights. Property rights were not recognized, especially in cases where farms were located outside or within the communal land-holdings of the Ujamaa villages or on lands which were assigned to their new settlers (Ujamaa villagers). The property change was enacted during the forced resettlement process by the District and village authorities. Afterwards, this multiple level of property rights (state/local) in different land holdings resulted in widespread confusion over land matters.

In Ujamaa villages land disputes arose around the spatially created nucleated settlements or in the immediate vicinity of villages. Both LTG (1995: 6) and Tenga (1997: 165) claim that, most land disputes were related to suppressed land rights. After the Ujamaa villagization there was an increased occurrence of opposite land claims. The steady population pressure and the competing land claims increased land competition. Land competition was also caused by an encroachment of pastoral lands by small land holders (see Cohen and Isaksson 1987 cit. Bruce 1989, Havnevik 2000). In land disputes, land ownership issues were conflicted, for instance, when/if property was lost during the Ujamaa villagization through government acquisition. The land was often demanded back through reclaims by the original land holders or investors. Endless tenorial disputes occurred on different levels: between individual and family holdings or between commercial farmers as being registered owners of large plantations and village authorities. The latter case was common in the southern and north-eastern coastal parts of Tanzania, in the Morogoro and Tanga Districts (with sisal estates conflicting with villagers' (James 1971: 240–247; LTWG 1992: 6; URT 1994a: 20–21, 43).

During the next decade, marked by economic liberalization, the value of land went up and fierce competition for land ensued (LTWG 1992: 30–31). From the late 1980s onwards, Tanza-

nian economic liberalization and its multiparty politics emphasized a market-oriented economy with a rethinking of the communal land tenure policy (Bruce 1989: 5). At the same time, in 1986, Tanzania also became incorporated in a Structural Adjustment Program (SAP) formed by the World Bank and the International Monetary Fund (IMF), and the National Economic Recovery Programme (ERP) was initiated. These political reforms along with the adoption of political pluralism increased the uncertainty concerning traditional land rights. The program also increased the allocation of land to state enterprises and external investors.

At the same time, the State's land development policy streamlined the land allocation system, which was developed in the new National Agricultural Policy (Agripol). The policy reform set a goal of individualized property and commercial large-scale farming was intensified throughout Tanzania. Furthermore, the State Agripol policy provided defined boundaries and land titles to each village in Tanzania. This spatial land survey and demarcation of village boundaries increased number of boundary disputes between villages in Tanzania.

In the 1990s, the URT (1995: 3) report on land matters noticed an alarming land use situation and malpractice within land administration along with a rising number of land disputes in Tanzania. The report (ibid, 1995) demanded a different approach in order to protect the land rights of individuals and organizations and to restructure the tenure system. Spatially, the past processes have developed unequal power structures, transformed land tenure structures and created multi-claim land problem in all of Tanzania. Tanzanian land planners and land administrators are of the opinion that the land disputes are caused by the weak and top-down planning policies of the State and the bias of the administration towards pastoralists and farmers. In the rangelands, the conservation policy has meant a loss of land and the displacement of local people, for instance, in the Mkomazi Reserve in 1988/1989. Generally, the "tragedy of commons" scenario with its problem of the overgrazing has been accepted as a truth for two centuries in the rangelands. Furthermore, land degradation and overpopulation adds to the problems of land use and management.¹² Finally, Lerise (2000: 1) states that current State land development in Tanzanian rural lands has been removed from the scope of the existing spatial planning systems. A noteworthy outcome can be seen in the Kilimanjaro area, where not only land claims but an increase in land degradation has lead to a number of land disputes (ibid 2000).

¹² In semi-arid north central Tanzania, in the Sukuma/Kondoa lands, the symptoms of land degradation are evident throughout the drylands. Especially on the hillsides, lands have been depleted due to unreliable rainfall along with intensive cultivation and grazing (Christiansson et al. 1995: 2).

Chapter Two

The history of land legislation in Tanzania

“The links between law and society...are indissoluble since as law is drawn from society it also reproduces society”

(Clark Gordon 1989: 329)

The Tanzanian legal system is based on two different sources; customary law and State statutory law. In 1923, during the British colonial period, the first Land Ordinance was passed. A significant portion of the land was declared “Public land”. The first game control ordinances were enacted at the same time. Through the Land Ordinance, the land was alienated either directly by appropriation by the State or set aside for private commercial interests. Since then, Tanzanian statutory law, together with the Land Act, has recognized two kinds of land ownership, which are:

1. *granted rights of occupancy (GRO)* and
2. *deemed rights of occupancy (DRO)*.

The concept of property has also been based on different property rights systems: traditional customary rights and State domain. State statutory rights have been held either under the direct control of the Government or under granted rights of occupancy, GRO (URT 1994b: 4). It is this ambiguity between statutory and customary tenure in land ownership that has created long-lasting legal land disputes between different landholders in Tanzania, as was described in Chapter One. Hoben et al. (1992), in their World Bank policy paper, emphasize the same and explain certain characteristics which have been related to land law and property rights:

- 1) Ambiguity and disruptions of official and local interpretations of rights to land, which mainly were a result of the Ujamaa villagization programme of the mid-1970s and
- 2) Administrative state law as opposed to traditional property rights.

Still today, the main emphasis in Tanzanian rights to land and land law is put upon the old colonial *Land Ordinance* of 1923. Due to the nationalization of land the Governor and subsequently the President have full power to deal with Public land according to whatever administrative policy is adopted at the time. URT (1994b: 13, 19) explains how the ultimate State domain of land has had a significant effect on land administration and the standing of land rights in Tanzania. It is also noteworthy that in Tanzania, the land was not *legally a commercial commodity* before the *Land and Village Acts* of 1999. The only legal way of acquiring land was through statutory Granted Rights of Occupancy (GRO). In practise however, land in Tanzania has been inherited, used communally, exchanged, sold or leased under traditional land use arrangements (customary tenure).¹³

¹³ The LTG (1995: 18) explained that during the 1990s Tanzanian household and sociological surveys showed that in some cases land under customary communal tenure was sold de facto like private property. This practise, although considered illegal, did take place, especially in the cash crop areas of Kilimanjaro and Arusha (World Bank 1992: 7)..

The pre-colonial and colonial periods in land law

Prior to the colonial period, indigenous territorial rights arrangement varied greatly amongst cultural groups, ranging from open access to common lands to situations where landless people were governed by overlords (James, 1971). Under the traditional laws, the general structures of landholdings were influenced by the pattern of settlement and land use. Territorial land claims and rights were asserted according to internal arrangements accepted by those concerned, and were administered by traditional institutions such as the tribe, the family or the clan.

Traditional land use patterns varied depending on the environment. The land used by different groups of people was originally conquered, for example, during Maasai expansionism. In such cases, land disputes that often involved raids were carried out in a certain geographical area (the plains). These disputes redefined new, economically specialized ethnic lines according to which certain groups of people formed and were identified as a group. In the case of traditional territories, such as the Uchaggani, Umaasaini, and Uhehe the features of land property varied from one group of people to another.¹⁴

Early colonial laws were motivated primarily by the colonial regime's interest in exploiting raw materials. In order to control the resources, colonial governments needed to control the land. In Tanzania this happened through both German (1885–1919) and British (1919–1961) colonial governments and administrators, who adopted land policies identical to those in other colonies. To control the land resources in East Africa, the German colonial State introduced a dual system of territorial rights (legal rights and customary rights) (see URT 1994).

The Imperial Crown Land Ordinance (Kronland verordnung) of 1895 granted the colonial State the exclusive right to occupy "ownerless land" (*herrenloses Land*) in Crown Land (Wanizek and Zippel 1998: 114). The Colonial Governor became the custodian of Crown property and merged State sovereignty and property rights into the Tanzanian state territory. "Crown Land" could be allocated by the Governor, and property rights were based either on statutory grants and given to non-natives or classified as pertaining to the Peasant Sector for the peasants' production. In the latter case, property rights were based on customary tenure (Tenga 1991: 18–19). During the German colonial rule, State law recognized that the people of East Africa could have specific conditions of ownership rights to their customary lands. Customary tenure could be claimed by private persons, chiefs or even native communities who could prove their land use by the way of usufruct. In these land areas, the traditional user rights of people could be established, and the law recognized the customary system of land tenure even though no State land grants were given to local people (Tenga 1991: 18, URT 1994: 8–9, LTWG 1995: 4).¹⁵

Under German colonial law and the dual system of property rights, land alienation took place both in fertile areas and in areas with abundant wildlife resources. The fertile lands, especially in Kilimanjaro and Meru, were allocated either to companies or to settlers from Germany, Russia or South Africa (see Neumann 1995). Fimbo (1992: 1) notes that there were 4,744 Europeans in Tanganyika in 1912, including 758 planters and settlers, and that nearly 1.3 million acres of land had been alienated in the form of conveyances of land ownership. State land ownership was mainly granted to the benefit of the plantation sector (of sisal, coffee, cotton and rubber production) and the settlers. The indigenous peasant production was referred to as the subsistence sector without any legal rights to land (Tenga 1991: 18).

During the German period, a wildlife and forest administration based on the Game Preservation Ordinances of 1908 and 1911 was set up by Germans. These ordinances established control

¹⁴ Words such as Uchaggani, Umaasaini, Uhehe (for instance Chagga Country, Maasai Country and Hehe Country) were used, and they indicated the existence of the ethnic nations as entities, each with a system of rules, which governed, among other things, territorial rights to land (Ole Nangoro 1998: 35).

¹⁵ The Decree caused indigenous land to be defined as "unowned" unless otherwise proved, and the radical title, the ultimate ownership, was vested in the State, except for settlers' land titles.

over wildlife in the German colony. Vast areas of the Ngorongoro Highlands and the Serengeti open plains were designated as Game Reserves (see Neumann 1995). In the 1920s, the British colonial administration took over the larger part of German East Africa and created the territory known as Tanganyika. The state monopoly over land territory continued, and the new colonial power took over legal ownership of land from the Germans. The British colonial Government continued to alienate land from the Tanzanians through the State domain of GRO.¹⁶

In areas with abundant wildlife resources, preservation ordinances were governed by the conservation ideology of controlling wildlife and nature in conservation units. The *Game Preservation Ordinance* of 1921 repeated the German Ordinances of 1908/1911. It more or less regazetted the already planned game reserves designed by the Germans. At this time wildlife reserves were classified as being partial, complete or closed and indigenous hunting rights were regulated. The Act stated that, "No person shall hunt any game unless he holds the appropriate Game License" (Neumann 1995: 109, 112; URT 1994: 263).

In 1923, the British colonial government declared *all land* in Tanganyika to be Public lands under the direct control of the British governor, according to *the Land Ordinance of 1923, Chapter 113*. From that point, the former German state property held as freeholds and leases existed unchanged up to 1963. Land outside the "freeholds" was regulated under the new Land Ordinance. The British Ordinance introduced the concept of *Public lands* and gave to the Governor the powers of GRO, which were not to exceed 99 years for investors. With only minor changes in land law during the British colonial government, the dualism of land ownership was retained in Tanganyika.

In 1928, the scope of application for *a right of occupancy* was widened in the Land Ordinance. The only recognized property rights to land had previously been Granted Rights of Occupancy (GRO) and Deemed Rights of Occupancy (DRO). At this time, the law recognized *firstly* the occupation of land by local people, and *secondly* that local people were native owners of the land which they occupied. They were *deemed to be holding a right of occupancy* but were not given a certificate of occupancy to acknowledge the holding. The customary tenure in land holdings was regulated by customary law (Tenga 1991: 19; Fimbo 1992: 3–7). Property rights defined under the DRO and with the right of occupancy meant under law that land use would need *proof of use* and *occupation* such as clearing, cultivation or development. The grantee would hold the land title under a development contract, which was to be described in the certificate. If this was not the case, the State could revoke the property right to land (the beginning of the transformative economy) (Tenga 1991: 19).¹⁷

The LTWG's (1992) study noted that during the colonial period, the State, through the *Land Ordinance* of 1923, failed to establish the principle of protecting native rights to land. Nor could the Ordinance prevent compulsory acquisition of native lands by the government for the benefit of an immigrant. Furthermore, in the 1920s under the British colonial administration, the chiefs (the traditional land allocation/governing bodies) were transformed by the colonial powers into Native Authorities established by the Governor. This was done through the *Native Authority Ordinance* of 1926.¹⁸

In the 1940s the British passed the *Game Ordinance* of 1940 and the *National Parks Ordinance* of 1948. Both Ordinances were of significance to the demarcation of conservation areas and the preservation of wildlife in rangelands. These Acts also had an effect on the land alienation his-

¹⁶ By this time, in 1954, there were only eight Tanzanians who owned 2,482 acres of land under long-term occupancy with GRO rights. The British administration had alienated a total of 2,132,000 acres (Ole Nangoro 1998: 40).

¹⁷ The Land Ordinance of 1923 states: (1) all land is publicly owned and under the control of the State (Public lands); (2) land rights and titles are based on use; (3) commoditization of and speculation regarding land are prohibited; and (4) the right of occupancy is a title to use and occupy land.

¹⁸ The Local Government Authorities (District Councils) later replaced the Native Authorities. This institution was created under the Local Government Ordinance, Cap 333, enacted in 1953 (Tenga 1992: 9).

tory of the Serengeti Region. The Act of 1940 did not greatly alter Tanganyika's game policy but created a new category of Protected Area, the National Parks and the Game Reserves. During this decade, "native property rights" for the local people in national parks were protected and ensured in the Game Ordinance of 1940. In the 1940s, the "native rights" discussion was heated in conservation areas, especially when the Serengeti National Park (SNP) was established under the Game Ordinance.

Neumann (1995: 117) claims that the colonial government's legal approach to land and resources combined not only the ambition to assert political dominance, but also to grant "certain" rights to some customary land users (here the Maasai). Therefore, for some time, the legally recognized rights to "immovable property" were even beneficial to the Maasai in the SNP. The next law of the colonial State concerned the management of the NCA-area, when the Ngorongoro Conservation Area Ordinance of 1959 was established. The ordinance provided the authority to control and manage the conservation area of the NCA as well as restrict and control entry into and residence within the area (Shivji and Kapinga 1998: 8–11; Neumann 1995: 113).

Toward the 1960s property ownership of land under State law was indeed strange in Tanzania. Many non-Tanzanian land holders received title documents for their land holdings. In contrast, the native people of Tanzania did not receive State-defined property titles. In the history of Tanzanian law and due to new governmental structures, the decade of the 1920s up to the 1950s can be seen as a preliminary period for future land disputes in Tanzania.

Land law during Tanzanian independence

Tanzania became independent in 1961. New policies of the nationalization of land were introduced even to the most remote and marginal areas of the country. During the 1960s, the Tanzanian State chose a different route in politics and economics than Kenya and pursued its indigenous Ujamaa policy. In Kenya, under colonialism, large tracts of fertile land had been alienated. After independence, Kenya's development and economic policy was pushed forward by the Kenyan government in conjunction with a rapid economic growth during the years of 1964–1974 (UNDP Kenya cit. Wamai 2004: 116). In Kenya, a redistribution of freehold land was carried out after the gaining of independence through a Million Hectare Scheme. The Scheme emphasized registered private individual ownership for African farmers. The land redistribution involved the subdivision of large European farms that had been operating before independence on the best farmland throughout the country (Bruce 1989: 21, 24).

In Tanzania, the new Government inherited the radical title and superior power to govern all land in Tanzania, under the control of and subject to the disposition of the President. The *Land Ordinance* of 1923, with its concept of Public land, was taken over by the new government. In the 1960s the Tanzanian economy was based on export-oriented activities. Plantations (of sisal, sugar and tea) as well as peasant agriculture were supported by the State (Fimbo 1992: 3). The State adopted the colonial land policy since it was committed to building a socialist society. It decided to enlarge public ownership of land by bringing all land under communal ownership. In 1963 under the Rights of Occupancy, all freehold lands (most of which had been distributed during German times) were converted into government leaseholds by the *Freehold Titles (Conversion to Government Leases) Act* of 1963, and the later *Government Leasehold Act* of 1969.

These two Acts affected millions of acres of land territory, including some prime urban property in Tanzania. According to a government report by the URT (1994), this conversion of freehold lands into government land was neither a nationalization of property nor a land reform. Instead, the laws aimed to reduce investors' land interests in estates (plantations) and to limit the ownership of land to a definite period, a maximum of 99 years. The main hotspots regarding the land property at this stage were developing in urban areas, where customary rights were extin-

guished as certain areas were declared to be urban (URT 1994a: 18, 21)

During the 1960s, the livestock development sector in the rangelands and the modernization of agriculture was intensified. In 1964, the Range Development and Management Act was passed. The Act aimed to regulate land use in pastoral areas and to find “a more effective use of grazing land through total communalization of the land and supervision of the scheme by Ranching Associations.” The registered RAs, in their traditional territories, were to give the residing Maasai people a 99-year leasehold right (GRO) to their “ranching land” areas (Århem 1985a: 22; Tenga 1994: 27).¹⁹

The Ujamaa Villagization of the 1970s – a failure in land rights and land management

In 1974 and 1975, the Tanzanian government started an ambitious land reform called Villagization. According to this land reform, many Tanzanians would not be able, or were not permitted to cultivate their original fields. Instead, the aim was a communal or co-operative production under villagization in newly created territorial entities: registered Ujamaa villages. The traditional settlement pattern changed radically as a consequence of villagization (Sitari 1983: 68). In the Ujamaa village, each household was assigned a house and a farm with newly created blocks of fields (kisw. *bega kwa bega*). “Ujamaa” involved the transformation of the traditional territorial rights to land into collective ownership. Under this theme the village land became subjected to the overall regulations of the village council (See Tenga 1994; Lerise 1996).

The laws that provided justification for the Ujamaa Villagization were the *Rural Lands Act* of 1973 and the *Villages and Ujamaa Villages Act* of 1975. The Acts implied the extinguishing of customary rights by due process of law and gave the State an open hand to declare any part of Tanzania a “specified area”. Consequently, the *Villages and Ujamaa Villages Act* of 1975 provided for the jurisdiction of villages and village land registration with defined boundaries. The weakness of the Act of 1975 was that it did not provide definite limits for new village settlements. There was also no proper definition as to what was going to happen to already registered territorial lands that had existing tenure arrangements.

In general, the villagization became a wholly unpopular re-settlement operation in Tanzania and the increase in land claims stems from the villagisation period. In rural lands villagers did not accept the submitted land allocations willingly. The Villagization programme was carried out without paying any attention to the legal aspects of pre- and post-villagisation land tenure systems. Existing customary rights and land systems were extinguished. In the relocated Ujamaa villages communal and co-operative production was emphasised. Unfortunately these political reforms were not accompanied by legal statements in State law and thus led to severe and increased land problems (World Bank 1992 14; URT 1994: 124).

The northern rangeland areas in Tanzania were also affected by the *Wildlife Conservation Act* of 1974. The Act was formulated for the purpose of controlling the use of wildlife resources and in order to maintain and improve their protection. It provided for the establishment of conservation areas and the restriction of entry into Protected Areas but it also provided restrictions on grazing livestock in Protected Areas. According to *Wildlife Conservation Act* of 1974, Game-Controlled Areas (GCA), such as the Loliondo Game Controlled Area, had been established outside core Protected Areas, here the Serengeti National Park (see URT 1994: 239).

During the 1970s and 1980s, Tanzania found itself in something of a dual crisis. A severe economic crisis forced the country to abandon its socialist-oriented economic policies (Tenga 1997:

¹⁹ The Maasai received only one statutory GRO right to the Komolonik RA. During the 1970s the Ujamaa villagization land reform was enforced, which changed the notions of indigenous sovereignty rights in State lands, in this instance in Ujamaa villages.

166). During these decades, almost 95 percent of the land was still under customary peasant tenure, although officially most of the land was considered to be under Ujamaa village jurisdiction. In reality, only 28 percent of the land on the village lands was held by villagers and obtained through allocation by the Village Council. In 1983, the Tanzanian Government responded to the countrywide agricultural and economic crisis by creating the already mentioned *National Agricultural Policy* (Agripol). The National Agricultural Policy emphasized *village titling* through a demarcation of the boundaries of the villages with an introduction of 999-year rights of occupancy (village title deeds) (LTWG 1992: 6). All in all, the process of demarcation was slow. By the beginning of the 1990s only 22 percent of the villages had been surveyed and about two percent had registered certificates (Certificate of Occupancy). By 2002, only the boundaries of 2,004 villages out of 10,832 had been surveyed. The village boundaries had been demarcated in 3,894 of these villages (URT 2002: 5). A new structure for the power of local authorities was established through the passing of the *Local Government (District Authorities)* Act of 1982. The villages' were to be administrated under a local government and the new registration of villages with defined and rigid boundaries was, once more, encouraged. The act of 1982 gave power in all village matters to the Village Councils.

Land law and policies in Tanzania during the 1990s

During the 1990s, the existing property rights to land in Tanzania were, according to the URT (1994), still structured as before, in the following ways:

- 1) government leaseholds (GRO),
- 2) Deemed Rights of Occupancy (DRO),
- 3) customary/traditional rights to land held in perpetuity, and
- 4) communal rights to land held under perpetuity and under the control of a corporate unit (for instance a village). These rights could not be allocated to any groups of people other than a corporate unit.

During the 1990s, a mixture of State and customary rights still existed side by side in Tanzania. These multi-claims to village land have created several land dispute problems and also promoted large-scale land alienation. As Tanzanian legal history shows, the country's land management problems were linked to and beset with legal and procedural problems. The Tanzanian state realized these difficulties in land administration and laid down two new initiatives leading toward legal reforms: a Presidential Commission and a Ministerial Commission on Land Matters (Sundet 1995: 9).²⁰

In 1991, President Mwinyi appointed a Presidential Commission of Inquiry into Land Matters to investigate land matters in the country and to draft a policy proposal.²¹ In November 1992 the Land Commission submitted its report to the Government (see URT 1994). Meanwhile, the Ministry of Lands, Housing and Urban Development (MLHUD) had started to prepare a draft for a new National Land Policy. The new draft was supposed to facilitate land use planning and administration.

Alarmed by the level of land tenure conflicts in established villages and by the land speculation and arbitrary allocations which were continuing in the country, Act No. 22 of 1992 was passed by the Tanzanian Parliament. The Land Tenure (Established Villages) Act of 1992 extinguished all rights to occupy or use land in accordance with any custom or customary rule in village land

²⁰ At the same time it is also noteworthy that while the national land reforms were taking place the country was gradually moving from a one-party to a multi-party political system.

²¹ The Commission held public meetings in 145 villages and 132 urban centres and it was mandated to listen to the grievances of the people in relation to land and to make recommendations regarding new land policy and land tenure (Shivji 1999:1).

which was settled under the Ujamaa Villagization. Those affected were not to receive any compensation (LTSG 1993: 11, Shivji 1994: 10).

In 1995, the Ministry of Lands published the new National Land Policy. The Policy did not address the issue of post-villagization litigation. Also, Act No. 22 of 1992 had received strong criticism, and an amendment of the Land Tenure (Established Villages) Act of 1992, No. 18 of 1995, was passed at the same Parliamentary session in which the Land Policy was tabled (Shivji 1999: 2). The new land policy retained the public State ownership of land in Tanzania. It both recognized the exchange value of land and promised protection of individual rights in regard to land.

The Land and Village Land Acts of 1999

In Tanzania, two new Acts (the *Land Act and the Village land Act* of 1999) were passed and approved by the Tanzanian Parliament in April of 1999. Thorough studies were carried out and published before the two new Acts of 1999 were enforced (see Sundet 1997; McAuslan 1998; Tenga 1998; Wily 2000a/b; Manji 2001).²²

The Land Act became operational in May 2001.²³ Not only in Tanzania but elsewhere in rural Africa, recognition was given to traditional customary land rights. Transformation of customary property evolved towards the registration of local land rights through State politico-legal institutions (see also Taylor 1994; Platteau 2000, Cousins 2002).

According to McAuslan (1998: 528–529), the land reform in Tanzania was pre-eminently a *land law reform*. It replaced a law which had facilitated the State's administrative control over people's access to land, with a law facilitating the right of the citizens to access and hold land. The law has given the State a statutory form ownership rights to groups of people allowing them to hold common property in registrable ways in Tanzanian communal lands (Wily 2000a: 2). Today, the customary right of occupancy means that the right of occupancy of a group (i.e., the Maasai) can be created by issuing of a *certificate of customary right of occupancy* under section 25 of the *Village Land Act* of 1999, and this right includes deemed right of occupancy (DRO). The village council approves of the assignment and has the *prime jurisdiction* over all land declared village land. The District level is thereby bypassed (URT 1999).²⁴

According to the Tanzanian Land Act of 1999, Tanzanian land territory is today divided into general land (Government land), reserved land and village land. Village land consists of land with properly established and demarcated boundaries set through legal or administrative procedures primarily during the Villagization programme of 1973 and 1976 (Lerise 1999: 37).

Furthermore, the law divides village land into three main categories: (1) *communal and public use land*, which is occupied and used or available for occupation and use by groups of people on a public basis, (2) *land for individual or family or group use under customary law* or, and (3) *land reserved for future communal or individual use*. It should be pointed out that any land habitually used, as a matter of practise or under customary law, for communal use, shall continue to be so even if that land territory is reserved or individually owned. This implies that community interest

²² URT (1994) and Sundet (1997) have both examined the history of the Tanzanian land policy process in depth. The studies show a thorough political analysis of the process of land history and land policymaking in Tanzania from the past century up to the 1990s

²³ Before the Acts were passed by Parliament, they were widely discussed both publicly and in the media. Several amendments related to the question of women and land rights, were appended to the Acts (Daily News 1998–1999, 2002). This was due to the social movements led by several Tanzanian NGO's, such as the Tanzania Home Economics Association (TAHEA) and the Tanzania Women Lawyer's Association (TAWLA).

²⁴ Every customary right of occupancy is conditioned by section 29 of the Village land Act. The conditions state that the occupier will use and take steps to ensure that the land owner keeps and maintains the land in a good state; in the case of farming, that land is farmed in accordance with the practise of good husbandry customarily used in the area; in the case of land to be used for pastoral purposes, that the land must be used in a sustainable manner in accordance with the highest and best customary principles of pastoralism practised in the area (URT 1999).

should outweigh individual interest (Gastorn 2003:10).

The Acts of 1999 (the *Land and Village Land Act*) aimed at the decentralization of land matters (Manji 2001: 334). The Acts try to regulate the methods of allocation of land by the State and the purchase of land in the market and to encourage villages to protect their village lands. The Acts were meant to decentralize power at the local level by giving power to selected Village Councils, as Land Managers. The Councils have the sole responsibility of overseeing decisions on the designation of land within the village, whether the land use is based on household, clan, groups of people or any other form. An important management tool in land management for the Council is the land use plan. The plan may cover the whole village or part of it. With respect to village boundaries, the land is owned individually by custom (fields) or held as common property by a group of people. The Village Council is also responsible for adjudication, as well as for the process of registration in the Village Land Register. Village titling is carried out by the Commissioner's office and is overseen by the Village Council (Gastorn 2003:5, Manji 2001: 334, Wily 2000a: 12). The Council can also enter joint land use agreements with two or more villages on shared common resources (pastures, water resources) (NLUPC 1998: 14–15).²⁵

According to Shivji (1991: 2–3), some important features of the Acts are the following:

1. Fundamental Principles of Land Policy,
2. Public land being owned by the State, and
3. The Right of Occupancy (RO). It has to be noticed that dual system of property rights to land still functions. In land management systems the dual system might create forthcoming land disputes in critical areas, for instance in general lands.
4. Land Administration
The president remains the repository of the radical title of land. He delegates his powers to administrative groups on different levels. General land is under the direction of a Commissioner. Reserved lands come under statutory law or other bodies set up with powers over these lands. The Commissioner has powers of allocating reserved lands as well.
5. Land Allocation
Land allocation powers are given to the Commissioner. No local government authority has any power to allocate land unless it has been permitted to delegate land use by the Commissioner. The Commissioner allocates land with the advice of a Land Allocation Committee.
6. Village Adjudication and titling
The acts envisage the issuance of certificates for village land to village councils. Village land in the villages will be certified with a certificate of customary right of occupancy. Three types of village adjudication are provided: 1. spot adjudication, 2. village adjudication, 3. central adjudication. These adjudications might also introduce another possible difficulty in future land disputes.

The weakest points in the new Law and Village Acts have been the slow implementation of these laws country-wide.²⁶ Shivji (1999) has raised problem areas, such as the ownership of land, villagization, land grabbing, and village titling and boundary problems. In the arbitration of the land disputes, the Land Act (section 167) and Village Act (section 58 and 62) have introduced

²⁵ According to the Village land Act of 1999, part A, Management and Administration, the Village Council is responsible for the management of all village land. A Village Council will maintain the principles of sustainable development in the management of village land and the relationship between land use, other natural resources and the environment in and contiguous to the village and village land. The Village Council (Section 11) also has power to enter into a joint village land use agreement with any other Village Council, in this case other villages.

²⁶ By November 2002, very little had been done to implement the Land and Village laws of 1999 and few regulations had been tested or passed in the various parts of Tanzania. Only the Village Law of 1999 had been translated into Kiswahili by 2002.

minor improvements concerning conflicts and litigations. The *Land and Village Act* of 1999 define how every dispute or complaint concerning land should be handled in a Court with the jurisdiction to determine land disputes in a given area. The Minister has the sole power to solve land boundary disputes but every village can establish a new instrument to oversee the settling of village land disputes, a *Village Land Council*.²⁷

One legal improvement is provided in the Village Act (section 58): a Land Sharing Arrangement. A legally defined land sharing can be used in a land dispute situation between mobile herders and settled farmers. The Land Sharing Arrangement can be arranged by the Land Committee or by an adjudication officer and it provides that different groups of persons may occupy or use different parts of the land according to a scheme, exclusively for specified purposes or for a specified period (URT 1999: 289).

In January 2002, the Tanzanian Government proposed a new Act to the Parliament. The Act is called the *Courts (Land Dispute Settlements) Act* of 2002. The Act institutes different bodies at the village, District and State levels, each of which are to deal with land disputes in conflict situations and litigations (see Figure. 3). Until the *Courts (Land Dispute Settlements) Act* of 2002, there was not a single known, efficient and legitimate State-based process for settling emerging land disputes. Mediation councils in disputes on the administrative level used to be the Ward Tribunals, although they did not have mandatory jurisdiction in land dispute cases. According to custom, among the local communities, the traditional leaders had overseen the resolution of land conflicts: *Miji* in Sonjo, *Oloibonok* and *Oleugwanani* in Maasai.

The common lands debate

Prior to the Land and Village Act of 1999, the most problematic type of property in regard to land policy and law was the principle of common property, which contains “de facto” property concepts of the native population in communal lands in Tanzania. The common lands in Tanzania have been agricultural land granted for the use of Ujamaa villages and state farms, forests, preserved areas, water areas, grazing and hunting lands and unallocated abandoned arable lands. Public lands were also divided into either alienated public lands or unalienated public lands (forests and preserved areas) in rural and urban areas (Fimbo 1992: 4). Land alienation and land claims of the original inhabitants have commonly occurred on common lands in Protected Areas. On common lands communal property system has functioned, but land ownership has been vested in the State under statutory law, not only in Tanzania, but also elsewhere in Africa. In common lands native rights to land have often been considered subordinate to State-defined property.

Generally, State law in Tanzania has been based on English property law, and has not recognized a communal land use system using the communal land rights as these were understood and practised, for instance by Maasai pastoralists, prior to the Acts of 1999. Over the last century, common property as a land right has not, for varied reasons, fared well, in the whole of East and Southern Africa. Wily (2000a: 3) summarizes the reasons:

- a) The complex factors of social transformation that have occurred in this region through the nation-making, or “Europeanization”, of pre-capitalist African society, etc.,
- b) The weakening concepts of customary African tenure in regard to common lands, and
- c) The steady appropriation by the State of many of the most valuable local common properties, with the State being the single main property guardian of the common properties.

²⁷ An elected Village Land Council would not function as a judicial entity, but rather act as a mediator and assist different parties in land disputes. It consists of seven persons, of whom three are to be a woman who are (a) nominated by the village council and (b) approved by the village assembly (URT, 1999).

Year	Event	Meaning of the Act and Economic Implications
1923	Land Ordinance enacted whereby: i) Natives got “Deemed Right of Occupancy (DRO), or Customary land tenure law ii) Non-natives got a 1-99 year “Granted Right of Occupancy” (GRO) with a Title Deed Certificate	Two parallel land tenure systems were institutionalised a) The GRO system with a title deed as an automatic proof of land ownership b) The DRO or customary tenure system without any certificate and/or relevant written document/survey maps. The DRO has been prone to frequent land disputes and it has large variations
1926	Natives Authorities Ord. 1926 enforced	The traditional land allocation authorities (chiefs) were replaced by the creation of the Native Authorities who regulated land use through a system of by-laws and enforced cultivation regulation
1963	Freehold Titles (Conversions) and Government Act of 1963/ Land Act	The Act of 1963 converted Colonial freehold lands, most of which had been granted during German times, into government leaseholds. The law affected mainly the landowners who had large-scale commercial interest. Due to this, later on, there were some major feudal customary tenures which were in crisis and had to be abolished by the government (e.g. in the Kagera Region)
1964/66	i) 1964 the Range Development and Management Act, Cap 569 was passed. ii) 1966 Village Act was passed which provided for Village Settlements and village communities	In pastoral areas purpose of the Range Development and Management Act of 1964 was to regulate grazing and water use in “range management areas”. Institutional credit could be given to Village and/or ranching communities.

1967	Arusha Declaration was spelled out. The Declaration was spelled out in TANU's policy of socialism and self-reliance.	Due to Arusha Declaration the State would own land and other means of production. Nationalization led to: - rapid decline in production on nationalized large farms and it created tenure insecurity on large estates. Most farms were sold to Asian owners with little interest to develop and/or conserve the land.
1973	The Rural Farmlands Act of 1973 was passed.	The Act enabled Government to seize land and declare it as a "specified planning area" for use as deemed appropriate by Government.
1975	The Villages and Ujamaa Villages Act of 1975 was enforced.	Villagization programme called "Ujamaa Villagization" whereby more than 11 million people in Tanzania were resettled to the new village settlements. The Villagization programme had important social and economic goals and it constituted a land tenure reform program, which altered settlement and land use pattern, redistributed the resources among households and affected customary tenure in the areas where it was implemented.
1982	Local Government Act was passed	Villages became part and parcel of Local Government, District and Urban Councils and nothing was said/done to land tenure.
1983	The Tanzanian Agricultural Policy Act was passed	The Policy was never implemented because some Party officials still insisted on Ujamaa and collective land ownership under Village Governments
1991	Presidential Commission of Enquiry on Land under Prof. Issa Shivji. was formed to look into the land tenure problem	

	and tried to give recommendations	
1992	Land Tenure Act of 1992 was passed.	Customary tenure was abolished in Ujamaa Village/Operation Vijiji areas.
1995	Ministry of Lands published the new National Land Policy.	The National Land Policy had variety of policy objectives such as: 1. try to safeguard the security of tenure for smallholders and pastoralists and promote an equitable distribution of land; 2. maximize the efficiency of land use; 3. streamline land administration; and 4. facilitate the implementation of the nation's development policies (Sundet 1997: 11).
1999-2001	The two Acts (the Land Act and the Village Land Act of 1999) were passed and approved by the Tanzanian parliament in February 1999. The Land and Village Act Law became operational in May 2001.	The new Land Act aims at decentralization of land matters and tries to restore a fairer distribution and a balance between agriculturalists and pastoralists rights, men and woman, squatters, villages and urban residents, private, public etc. The Act names existing and well-established Village Councils as land managers.
2002	The Courts (Land dispute settlements) Act of 2002 was passed.	The new Law of 2002 sets different settings of village (Village land Council), ward (the Ward Tribunal), district courts (The District land and Housing Tribunal), and finally the High Court and the Court of Appeal of Tanzania, of which each will be dealing with land disputes.

Figure. 3. Calendar of major events in the land tenure policies in Tanzania (based on LTG 1995)

Many of the issues Wily (2000a) refers to can be placed into a Tanzanian context in which common lands and resources have been under threat, especially in the rangelands. The State statutory concept of property (GRO) vs. the traditional communal property (DRO) of common land (e.g. pasture/pasture rights) has been interconnected with several land disputes. Earlier Tanzanian Law stated that on common lands, land property can only be held by a corporate unit such as a family, a clan, a tribe, or a territorial unit. This unit (given corporate entity) can be allocated statutory granted rights of occupancy on common lands. Prior to the legal reform of 1999 a problematic juridical issue was the definition of corporate units (tenure units). The new law clarified the concept of corporate units to which the State can grant group ownership.²⁸ In reality, the legal embodiment of the common title to land for a “native community” has been a *deemed right of occupancy* (DRO) (with the proof of use and occupation). This right to DRO land title was less than full ownership of GRO right (the State domain) and therefore not legally recognized under State common lands (Tenga 1992: 11, 1999: 60; FAO 1995: 31). Furthermore, the past compartmentalised concept of GRO right did not include specific seasonal resources in geographical space, such as water, salt or other minerals. Under the law, the use of any specific resource required a separate permission from the State. Thus, the totality of pastoral property rights with different tenure regimes over a large geographical area was not recognized until the year 1999 (Hoben et al. 1992: 16; Ole Nangoro 1998: 68).

Another problem concerning ownership of common lands was related to the determination of the land allocation authority under common lands. James and Fimbo (1973 cit. on Tenga 1992: 12–13) described that there existed different levels of land allocation institutes (local/state) in Tanzania. Problems arose when there was a lack of uniformity among different land allocating authorities in different localities. Local level traditional land management institutions, for instance, the native authority and traditional common property regimes, were not recognized nor taken into account under statutory law. In addition, state land allocation authorities could range from region to region, being either Village Development Committees or Natural Resource Committees. This created problems, especially in the 1990s, when District Land Development Offices allocated land and granted concessions to outsiders on common lands. The existence of Village Councils or traditional authorities was often disregarded. In the late 1980s, a good example of this were the land allocation activities in the Loliondo Division, which showed misuse of power in law administration and non-recognition of collective property on public lands/common lands.

Fortunately, since the 1990s substantial socio-economic and socio-legal change has occurred regarding the common land/resource property on common lands. The power has been devolved below the District level to the village level in Tanzania. A similar change has also taken place elsewhere in sub-Saharan Africa, for instance in Zimbabwe, Rwanda, Uganda, Mozambique and South Africa (see Wily 2000a, Gray 2002, Toulmin and Quan 2000). Currently, in Tanzania, for the first time, common property is recognized in State law and newly defined corporate forms of tenure (common/collective tenure) can be legally registered. Common collective property is now being fully and legally defined as legal ownership “as is” for common lands (Wily 2000a: 16).²⁹

To better understand the different land use systems in Maasai lands and their relation to socio-spatial pastoral organisation and common property, Grandin (1987) has formed a schematic figure for different territorial units in East African pastoral areas. Figure 4 shows and gives an idea

²⁸ The legal corporate unit was legally defined as one having a distinct name and an identity, a clearly defined membership, a defined structure for purposes of land holding and a physical perpetuity. Finally statutory legal rights and duties can be attributed to this kind of corporate entity (Tenga 1992: 11).

²⁹ Nevertheless, is notable that the law imposes a land size limit – a maximum of 2,500 ha – on pastoral people, peasants and urban dwellers alike. Today, this can hardly meet the requirements of mobile Maasai livestock producers in Tanzania (Markakis 2005: 21).

of different territorial property levels and land/user rights among pastoral societies. Tenga (1994: 25) points out that Grandin's schematic makes it easier to visualize the juridical basis for the pastoral land "access groups" managing common lands. On the first two levels, kinship principles form the basis of traditional common legal postulates. For the remaining levels the residence/territorial principle dominates.



Figure. 4. Scheme of social-spatial structures of pastoral areas in East Africa (Based on Grandin 1987)

Summary

In this chapter, Tanzanian land law and its historical background, from the colonial periods until today was described. It is important to understand the changed meaning of land property and the suppressed/underestimated traditional property rights to land/resources which have been closely related to structures of statutory law/policies in Tanzania and, thus, related to past land disputes. By examining the changes in land policies of the State and the Land Acts of different decades an in-dept understanding of the changes in the local natural resource management situation and in land use systems related to property rights can be gained, also concerning the Loliondo and Sale Divisions. After the colonial periods, all land in Tanzania was owned by the President/State. From the 1990s onwards, there has been a gradual change of that arrangement. The new Laws of 1999 aimed at the decentralization of land management and administration. Today, customary tenure is acknowledged as a Deemed or Customary Right of Occupancy equal to the Granted Right of Occupancy of land. Furthermore, the Laws (the Land and Village Act of 1999) make clear that it is the Village Council (the elected government of the village) that acts as land manager of village land. The Village Councils also have the sole responsibility for overseeing decisions on the designation of land within the village. They can both prepare land use plans and enter into joint land use agreements with neighbouring villages with regard to shared common resources (pastures, water resources). In conflict resolution, besides the traditional conflict solution mechanism, the Courts (Land Dispute Settlements) Act of 2002 is now enforced which has designated different decision-making levels that are all dealing with land disputes in conflict situations and litigations.

Chapter Three

The spatial history of the Loliondo and Sale Divisions

“Olayaoni ake le memirayu oo Enkop”
Sons and land cannot be given away
(A Maasai proverb)

In Eastern Africa, European colonialism and expansion in the twentieth century was accompanied by different spatial representations and practises. The “colonialists’ eye” entailed a certain blindness to existing land scapes, and the rangelands were, for instance, defined as “uninhabited”, “unowned” and largely “empty” (see Sack 1983).

In the Tanzanian Serengeti area, the colonial government started to control space and exploit land territory as State “crown property”. In early colonial days, the value of “spaces of conservation” was mainly based on hunting and scientific resource management. It allowed westerners to come and observe and/or hunt exotic animals in the State’s “natural heritage areas” (Neumann 1995: 363). The history of Serengeti’s rangeland reproduced and transformed places in geographical space.

The Maasai and the Sonjo have resided side by side in the vast plains of the Serengeti and the surrounding forests of the Loita Hills for about two centuries. The co-existence of the two groups of people has always reflected a certain ambiguity, ranging from hostility to admiration. For the pastoral people in these savanna lands, the agriculturalists and the hunter-gatherers have played an important and complementary role in the overall pastoral economy. Social relations between groups of people have been intense and many norms as well as perceptions are shared, although the direction of cultural borrowings has mainly been from the Maasai to the Sonjo (Spear 1993: 8–12, Potkanski 1987: 192). The ethnic relationship between the Maasai and the Sonjo people has been historically based on competition. The utilization of resources has been complementary. The social activities and beneficial economic co-operation between the Sonjo and the Maasai are as follows: the vital barter exchange of food as the women conduct frequent trade between the two communities. The Maasai men used to steal or marry Sonjo girls. In the case of marriage the Maasai often paid for the bride in the form of cattle. Maasai women frequently participate in major Sonjo rituals and request blessings from the Sonjo priests. This happened as recently as in October of 2002 (see Marchessault 2002/ www.osotua.org).³⁰

³⁰ Gray (1963) described a few occasions on which the Sonjo women were deliberately “given” to Maasai men: in a divorce a Sonjo man could offer his ex-wife to a Maasai man through stock payment, or an uncircumcised, pregnant Sonjo girl had to be given away to a Maasai tribe.

The history of the Maasai

We can assume, as the history of the Maa-speaking people shows, that human society is constantly changing throughout the known and increasingly apparent histories of the social formations of people (Rigby 1985: 9).

The history and ethnography of at least the past 100–150 years of the pastoral Maasai has been thoroughly documented (see for example as Fosbrooke 1948; Jacobs 1965; Ole Sankan 1971; Hurskainen 1984; Rigby 1985; Århem 1984, 1985; Talle 1988; Mitzloff 1988; Kituyi 1990; Ndagala 1990; Spear and Waller 1993 and Rutten 1998).

Rigby (1985: 67–68) points out that there could be an “ethnographic” reason for the detailed studies of Maasai history. The major argument for this arises from the dominance of the Maasai age-set organizations amongst most of the Maa-speaking people. Jacobs (1965 quoted in Rigby 1985) explains this in the following manner: “*The Maasai historical events are always reckoned in relation to age-set (or sets) who were warriors at the time.*” Another reason is the relative importance of the Maasai in the general historiography of East Africa over a period of 150 to 200 years. I shall not describe Maasai history and ethnography in depth, since there are already well-written documents pertaining to Maasai history. I will only describe how the Maasai historically conquered and sought for new grazing grounds.

What we know of the early history of the Maasai is based on oral tradition and data provided by field archaeology, linguistic and cultural analysis. The oral tradition explains that Maasai history began when the Maasai ascended “en-Dikir-e-kerio”, the Kerio Escarpment in Kenya. The ancestors of the modern Maa-speakers, the Eastern Nilotic groups, participated in a general north-south movement from southern Sudan, which commenced early in the first millennium AD. By the end of the ninth century, the modern Maa-speakers inhabited large areas of the Kenyan northern steppe with other Nilotes, such as the Tatog and Kalenjin people. The eastern Nilotes started their southbound expansion from the north toward the Rift Valley across Loita, Mara and the Serengeti plains at the earliest by the mid-sixteenth century and later on, further south, toward the foothills of Kilimanjaro in Tanzania (Sommer and Vossen 1993: 25; Sutton 1993: 39).

These early Maa-speakers, the “old pastoralists”, were a mixture of people of mixed pastoralism and cultivation. They were a mixture of different language groups of Nilotic speakers, such as people of the Eastern Nilotic groups (Samburu, Chamus, Parakuyo/Illumbwa/Kwawi), the Southern Nilotic groups of Maa-speakers (Sirikwa), other Southern Cushites (Tatog and Kalenjin) and hunter-gatherers like Dorobo (Okiek) (see Hurskainen 1984; Koponen 1988; Saruni Ole 1991; Galaty 1993; Sommer and Vossen 1993). These people cultivated sorghum and millet alongside cattle herding. Gradually, one group of them specialized more and more in a pastoral way of life on the plains and became the pastoral Maasai. Others, such as the farmers, produced grain, and hunting and gathering was left to the hunter-gatherers of Okiek/Dorobo. In ethnic terms, this division of labour cognitively divided the people, and they became Maa-speaking pastoralists, Bantu farmers and Okiek/Dorobo hunter-gatherers (Spear 1993: 1).

The history of the Maasai lands is well-known for the conflicts that have existed for centuries between different people in this area. Galaty (1993b: 68) describes how Maasai history has been a chronicle of conflict and violence, with some groups gaining victory and other groups as true enemies were annihilated and finally dispersed and ultimately assimilated. Most of the land and natural resource-based strategic conflicts among the Maasai have been inter-tribal.³¹

³¹ The foundation of Maasai inter-tribal and political behaviour was based on the age-group (*ol-poror*, pl. *il-porori*) system which had no territorial background. The age-group system was the major political organization of the society. It gave cohesion to the whole Maasai territory and ascribed functions to the different senior elders such as preserving peace and order in the society. Today, when there has not been a major inter-tribal war among the Maasai, the function and survival of the warrior system can be considered to a lesser amount as being done to a reserve force of warriors and more due to the gerontocratic power of the elders (Spencer 1993: 141).

In the Maasai lands, the history of the warlike period of Maasai expansion lasted nearly the entire nineteenth century (Galaty 1993b: 75, Waller 1993: 291). The warlike period has been referred to in the East-African Maa-speaking-people's history as the *Iloikop Wars* (see Vossen 1982, Hurskainen 1984). Inter-tribal wars took place partly in order to determine who would gain control and be able to continue pastoralism and who would not. During the period of war Maasai lands were shaped according to water-points and dry-season pastures in the Rift Valley Region (Waller 1993: 291, Sutton 1993: 39). Up to the early 1890s, by the onset of colonial rule, there was still constant warfare and raiding between the Maa-speaking people themselves as well as between Maa-speaking groups and non-Maa-speaking people. It was during the *Iloikop Wars* that a clear ethnical distinction was made between the pastoral Maasai and the "settled" agricultural Loikop (or Kwavi). In addition, the strategic map of water points and dry season pastures in the Rift Valley also took form during this period (Eliot 1970, Waller 1993: 291).

In the Tanganyikan Rift Valley area and in the Simanjiro Plains, during the *Iloikop wars* between 1850 and 1870, a tribal section of Kisongo Maasai raided cattle from and later dispersed the Loogolala/Parakuyo to the periphery of the southern Maasai land territory (Vossen 1982: 79).³² Ultimately, the Kisongo Maasai came to dominate the central Rift Valley area. In Kenyan Maasai lands, the internal wars took place in the Laikipia Plateau and in northern Kenya. Here, the Maasai tribal sections of the Purko and the Loita Maasai fought against the other Maasai sections (for instance, the Matapato and the Laikipiak). In Tanzania, at the end of the war period, it was the tribal sections of the Kisongo and the Purko Maasai who outmanoeuvred other tribes with their superior military organization (Forsbrooke 1948: 4–5, Vossen 1982: 79–80; Saruni 1991: 12). This conflict period came to a natural end through a combination of several misfortunes, including the following: the livestock-decimating epidemic diseases such as great rinderpest (1890) after the arrival of Europeans in East Africa, severe drought (1891), and a smallpox epidemic (1892) (Vossen 1982: 80, Koponen 1988).³³

The territorial history of the Maasai in the Serengeti area

Land in northern Tanzania, prior to the arrival of the Germans in 1885, was controlled by ethnic groups, with each group occupying its own territory. These territories differed in size and organization and had traditional boundaries (Ole Nangoro 1998: 34–35).³⁴ In Maasai lands territorial sections (*olosh*, pl *iloshon*) have traditionally controlled the land and grazing areas in the Serengeti area for centuries. Pastoralism has continued as a mode of production up until today. The early colonial explorers arriving in Tanganyika described the east side of the Serengeti, Loliondo, and noted "*the flourishing system of pastoralism*" (Forsbrooke 1948: 6; SRCS 1991: 7–8). At the end of the nineteenth century, the Maasai lands in the Serengeti area were also inhabited by other socio-spatial entities of pastoralists and hunter-gatherers who had preceded the Maasai, such as the Datoga, the Lumbwa and the Dorobo people. Through the efficient cattle raids carried out by the Maasai, the other pastoralists lost all their cattle and "disappeared" by assimilation into Maasai tribal sections, or migrated westwards to the vicinity of Hanang or southwards in the direction of Tabora (Lane 1993: 1; Sutton 1993: 48). Since those days the land in the Ngorongoro

³² From this onwards, the sections of the Maasai people are defined as being politico-territorial structures, which have been the largest territorial land areas in Maasai land. The Maasai land was divided into some 20 tribal sections. Major Tanzanian sections (Iloshon) are: the Kisongo, the Serenget, the Salei, the Purko, the Laitayok, and the Loitai.

³³ From the 1850s to the 1890s due to their livestock loss, the Salei Maasai in the southern part of the Serengeti sought temporary refuge in Sonjo villages. When the herds were rebuilt, the Maasai went back to their pastoral way of life (Potkanski 1992: 4).

³⁴ In Tanganyika, words such as Uchaggani, Umaasaini and Uhehe (for instance Chagga Country, Maasai Country and Hehe Country) were used, and they indicated the existence of the ethnic nations as entities, each with a system of rules, which governed, among other things, land tenure (Ole Nangoro 1998: 35).

District, has been controlled by several major Maasai territorial sections: the Kisongo, the Loita, the Laitayok, the Salei and the Serenget Maasai (see Figure. 5a). In the 1920s, the Purko section of the Maasai from Kenya migrated to the Loliondo area, after they had been evicted from the Naivasha area (Forsbrooke 1948: 7).

The colonial period in the Maasai lands

The colonial states attempted to make the Maasai more conscious of the state boundaries in the borderlands. From the beginning of the 19th century onwards, the meaning of indigenous Maasai territory with along fluid sectional boundaries and shared grazing lands, gradually changed into specific and nationally defined state lands. The imposed boundary between Tanzania and Kenya split the Maasai populations and the new boundary was contradictory to their traditional sectional boundaries. Therefore, the Kenyan Maasai asked colonial governments to change the location of the demarcated state boundaries in order to prevent the sub-division of their tribal sections (see Rutten 1998).

During the German colonial period a separate cultural and socio-spatial entity, the Maasai Reserves, in the northern part of Tanzania and the southern part of Kenya was formed. This new political unit was established both in Tanzania and Kenya in order to secure fertile areas to settlers. In Kenya, in 1905, the Maasai were moved into two reserves, the Southern Reserve to the south of the Uganda railway and the Northern Reserve to the north on the Laikipia Plateau. The Southern Reserve was gazetted in 1911, and the Maasai had to move elsewhere. At the same time the lands in the Northern Reserve were alienated to farmlands.

In the 1920s, the Maasai Reserve was designed by the German colonial Government to the area south of the Moshi-Arusha-Mbugwe road. The objective of the Maasai Reserve was to keep the Monduli, Ngorongoro and Loliondo areas free for land alienation (farmland) and inhabited by Tanzanian Maasai. Until the First World War, the Laitayok, the Loita, the Salei and the Serenget Maasai, from the Serengeti Region, were barred from their grazing grounds (Forsbrooke 1948: 10; Vossen 1982: 82; Collett 1986: 139) (see also Ndagala 1990a; Rutten 1998) (See Fig. 5a and 5b).

Under British rule, in 1926, the British demarcated the Maasai District, an area of 24,000 square miles which included the Maasai Reserve. It was the largest administrative unit in all of Tanzania until 1974. During the 1960s, the area contained a population of 45,000 Maasai, one million head of cattle, and about 1.25 million sheep and goats. The District also included non-Maasai and non-pastoral populations in smaller numbers (Moris 1981: 11). The Maasai District was administrated from the town of Monduli and had two sub-District offices: Loliondo in the Loliondo village and Kibaya at the Ngorongoro Crater.³⁵ In the new Maasai District, the British colonialists “recognized” the pastoral land use and the local population as an “unsettled” one on which order needed to be imposed.³⁶ In state policies, the Maasai interest had to be “defended” by controlling agricultural encroachment, but livestock movements were restricted at the same time. Agriculture was forbidden by special land laws until the 1930s (Århem 1985b: 34; Jacobs 1980a: 1). The protective policies defending the Maasai interest changed in the 1960s. Both land alienation and encroachment by farmers belonging to ethnic groups, such as the Arusha, the Iraque and the Chagga, took place on Maasai lands. Subsequently, in the period of 1959–1962,

³⁵ In 1974, the Maasai District territory was subdivided and the new Districts were 1. the Kitero District, in the south, 2. Monduli, in the northeast and 3. Ngorongoro, in the northwest. From those days onwards the administrative Ngorongoro District Headquarters lay in the Loliondo Division. Today it is located in the village of Wasso.

³⁶ In the Maasai District in 1966, the principal game warden for Arusha, D. Anstey, set down a number of land use plans for areas under his general jurisdiction (the Loliondo area included). Thus, the Loliondo Controlled Area was set as an area where wild herbivores were to be exploited through sustained yield cropping (Watson et al. 1969)

greater hardships, such as famine and a severe drought occurred in Maasai lands. Due to the periphery of the area, famine relief was not the rule (Jacobs 1980a: 2).

The Maasai lands from independence onwards

After independence, the Tanzanian State took control of Maasai lands. The independent State created new territorial units in the existing Maasai District. In the 1960s, the State tried to regulate grazing and effect both development and sedentarization among the pastoral Maasai. This was done through the *Range Development and Management Act* of 1964. The law was designed for land areas where there was competition for the utilization of land and natural resources between herders and farmers. In 1965, the Ministry of Agriculture established a Range Management Commission in the Maasai District to implement the Act of 1964. The purpose was to regulate grazing and water use in “Range Management Areas” and to modernize the Maasai pastoralists. In “Range Management Areas”, the Maasai herders were to form registered “Ranching Associations” (RAs). The Maasai were promised 99-year leasehold rights to their “ranching land” areas. The implementation of the Act was slow, and only four widely scattered RAs had begun to operate by 1969. Only the Monduli RA (Komolonik), which was first to be registered, ever received legal granted rights of occupancy (see Fig.5c) (Jacobs 1980a: 3; Århem 1985b: 25; LTG 1992: 4).³⁷ In addition, the Ministry of Agriculture promised special assistance to the RAs, but the Range Management Commission’s work was, however, meagre as there existed only one small demonstration ranch, which included a cattle dip with a small dam (Jacobs 1980a: 3).

From the 1970s onwards, two major events took place in the Maasai District in Tanzania:

1. Maasai Livestock and Range Management Project and
2. Ujamaa Villagization.

The Tanzanian Government entered into an agreement with USAID in mid-1969 to start a ten-year Maasai Range and Management Project, called *Operation Imparnati* which was to run from 1970 to 1980. The initial goal of the Project was to assist the Maasai Range Commission with its original task of increasing the livestock productivity of the Maasai pastoralists. Another aim was to form 21 ranching associations, RAs, covering the entire Maasai District. Finally, the project encompassed serious efforts to create an efficient marketing system and give technical inputs (cattle dips) to the livestock sector in Tanzania. In 1975, there were only eight registered RAs in the Maasai District (Parkipuny 1975: 154; Jacobs 1980a: 4–6, Moris 1981: 19–20).³⁸

The Ujamaa villagization in the 1970s was based on the *Rural Lands Act* of 1973 and the *Villages and Ujamaa Villages Act* of 1975. Both Acts aimed at eliminating customary rights through due process of law. In addition, the law of 1975 provided for the territorial jurisdiction of Ujamaa villages and the registration of administrative village boundaries. The period of 1974–1976 brought new dimensions to the development processes, which began to emerge in the Maasai land areas. The aim of the Ujamaa villagization was to resettle the resident Maasai into 160 *livestock development villages* (see Figure. 5c). When demarcating the village boundaries, the new boundaries in the Ujamaa livestock development villages were supposed to follow the demarcated boundaries of the eight RAs. The State was also to facilitate the building of roads and permanent water supplies (cattle dips) for each livestock development village by means of the Operation

³⁷ The spatial formation of RAs was enforced in different decades both in Tanzania and in Kenya. In Kenya Maasai land, the reform of “group ranches” developed from the 1950s onwards. This land reform meant a conversion of common land pasture to group tenure as a basis of *group ranches*. This sub-Division of land was seen as a compromise between the state’s preference for private land ownership and the indigenous system of communal tenure (Grandin 1987: 203).

³⁸ In several reports it was admitted afterwards that the Operation Imparnati project was a complete failure. It stemmed from the fact that the planning did not include the Maasai themselves, as quoted by Parkipuny (1975), “*The project failed because the territorial units for ranching associations were too large to permit effective cooperation among individual families and specific development inputs were being planned for the Maasai and not with them.*”

Imparnati project mentioned above (see Moris 1981: 20, Wøien 1997). In the Maasai District, more than 2,000 Maasai families were reported to have moved into the development villages. By the Maasai, the villagization was seen as an effort to sedentarize and destock them. The new villages distorted the traditional Maasai spatiality which raised problems in local land and natural resources management. There were political disagreements among state institutions on the emphasis of development planning in the area. In the range areas the Operation Imparnati project was criticized by state institutions (the Ministry of Agriculture, the Maasai District Council and regional administrative authorities). The project was seen to have duplicated development and planning targets with existing Government plans (Moris 1981: 15–16).³⁹ Due to this, different state institutions within the regional development sector did not encourage range development. The ranching plans and project goals had remained an anonymous to them. Also, during the Ujamaa period, the primary state emphasis on development was placed on villagization and on agricultural production.

Wildlife areas of the Serengeti area—conservation of rangelands in multiple territories

In the rangelands of the Serengeti area, the spatial changes have included boundary orientation and land alienation. Both have had effects on the spatial mobility of the pastoral people, not only during colonial Tanzania but also after independence. The plains of the central Serengeti and Lake Natron area, of which the Loliondo and Sale land areas are a part, were designated as Game Reserves as early as 1929 by the *Game Preservation Ordinance* of 1921. Later on, the conservation area was named the Serengeti National Park (SNP) and declared a National Park. The stricter conservation ordinances were actively enforced ten years later, in 1951. In 1958, the SNP was finally established with finalized and rigid park boundaries demarcating 14, 763 square kilometres (Fig. 5b). The SNP was strictly a National Park, where, according to conservation laws, human activity was forbidden. In 1959, the Ngorongoro Conservation Area (NCA) was established and some 8,300 square kilometres were carved out of the eastern part of the Serengeti National Park area.

In the beginning of the conservation process, the Maasai and other groups of people (the Sukuma, the Ikoma, and the Ndorobo) residing in these lands were forced to move out. The Maasai formed the largest residing population group and they were also managing their grazing lands under the SNP lands. Therefore, originally, the Maasai were promised their immovable property to pasture land in the park area according to the *Game Ordinance* of 1940. Legally, they were regarded as persons who had rights over immovable property (livestock under pasture land) under Maasai customary law (freedom of movement). Thus “native rights” over immovable property were protected under customary law, but the indigenous rights of occupancy was not recognized (Shivji and Kapinga 1998: 7–8) (Fig. 5b) (see Edington and Edington 1977; Århem 1984 and 1985a/b; Neumann 1995; Shivji and Kapinga 1998; McCabe 2003). Due to this legal situation, the proposed park boundaries of the SNP were disputed by Maasai peoples in the 1950s. The discrete park boundaries of the SNP and conservation laws prevented the Maasai to practise any further grazing or to use natural resources in the SNP area (even in periods of drought).

Later on, the Maasai were obliged to move out from western area of the park (SNP), which was designed to be a cattle-free zone. They had to migrate either toward the Ngorongoro Highlands (NCA area) or to the Loliondo area. To compensate the Maasai for their land loss, dual

³⁹ Furthermore, due to the Decentralization of Government Administration Act of 1972, villagization imposed a new authority structure on the traditional Maasai community and created Development Councils. In the new village governments, these institutions took power from the local authorities in land allocation and land usage in the registered villages in the Maasai District. The village governments were also given certain measures of administrative autonomy (Århem 1985b: 22, Tenga 1992: 9).

objectives were targeted to be promoted in the NCA area: conservation and human development (Perkin and Stocking 1994: 4). Due to this loss of property rights in the SNP area and being deprived of a political voice, the Maasai started to protest against the single-use concept of conservation ideology. The Maasai started fires in nature conservation areas “with malicious intent” and openly opposed the conservation laws (ibid. 1995: 162).⁴⁰

In the 1960s and the 1970s the NCA Maasai were affected not only by the conservation rules but also by Ujamaa villagization. The villagization launched the Operation Impervati project and the stronger conservation ideology affected their lands. In the late 1970s, a few of the Kisongo Maasai, who had their settlements on the floor of the Ngorongoro Crater, were evicted and had to emigrate elsewhere. Several other crucial grazing grounds were also closed to livestock grazing and settlement (Århem 1985b: 52).

Between the years of 1975 and 1990, new developments in the NCA conservation ideology emphasized the conservation of soil, flora and fauna. The conservation authorities and state policies now saw pastoral production as compatible with the wildlife habitat. While pastoralism thus continued to be allowed under the *Ngorongoro Conservation Ordinance* of 1959, agriculture was prohibited in 1975, as a result of amendments to the principal legislation. In reality, within the NCA area the prohibition was difficult to implement. Small-scale hoe cultivation had become part of the Maasai's subsistence strategy since the 1950s and during the dry season Maasai families had begun to cultivate close to their homesteads. The harvest was needed to supplement a diet based on milk and meat. This prohibition produced radical changes in the pastoral economy. It seriously also infringed on both the Maasai land rights and their fundamental rights to livelihood (Mc Cabe 2003: 73; Johnsen 2000: 154; Shivji and Kapinga 1998: 39–41; Århem 1984: 54, 196).⁴¹ Finally, in 1992, due to the deteriorating food security situation for the Maasai in the NCA area, the central government allowed cultivation again, but without changing the law.

In the Ngorongoro District, the conservation area extended to surrounding rangelands where the annual wildlife migration took place, specifically in the Loliondo Division. In 1959, the Loliondo Division and a part of the Sale Division were gazetted as a wildlife conservation area and named “the Loliondo Game Controlled Area” (the LGCA) (NLUPC 1994: 40). In the 1980s, during liberal economic period, an intensified economic use of land and natural resources was emphasised in the LGCA area. It meant increased wildlife and tourism activities in the western part of the Loliondo Division. Also experiments in large-scale farming were carried out on the communal village lands (see Fig. 5b-e).

This history of the formation of “conservation space” from the twenties onwards provides an example of established political territories (SNP and the NCA area) on Maasai lands. Needless to say that in culturally specific native space, the local people have felt that they were been treated unjustly due to the dispossession of land and property rights. The transformation of territories and property on the Maasai land has meant that the Maasai were “forced” to realize the violent process of property change. This has led to redefined property rights (immovable property) within imaginary but nevertheless real boundaries in Tanzanian conservation areas. In this “conservation space”, the conservation ideology and resource management has primarily emphasized nature and single-use wildlife conservation. Johnsen (2000: 152) points out that for decades the nature conservation, in the NCA area, has mainly involved: land alienation, restrictions imposed on the pastoral way of life, and finally broken promises. This development has, without doubt, resulted

⁴⁰ In the history of conservation management on an administrative level, this territorial land dispute was seen as a natural resource competition between different land users. Due to a single-use concept of conservation, it was feared that livestock grazing would eventually compete with wild ungulates in the wildlife conservation area (Edington and Edington 1977: 17).

⁴¹ There also existed more extensive cultivation in the NCA area, which was practised by other people, such as the Waarusha, the Wameru people as well as both government workers and NCA employees (cit NCAA 1995 in Shivji & Kapinga 1998: 40).

in increased marginalization and impoverishment of the Maasai and created tensions and disputes in Tanzanian Maasai lands.

The Loliondo elder viewed the Maasai's land loss primarily as a manipulation on the part of the State, and secondly as a total ignorance of past Maasai administration and land management. The Maasai elder stated: *"We were initially asked to allocate ten square kilometres for the keeping a pride of lions, which in his words were the cows of the white conservationist. Then, a white man called a meeting and said that his cattle were increasing (wild animals) and that they needed more land to accommodate them. A few traditional leaders were asked to sign a document which required the Maasai to vacate the Serengeti area. In exchange, social services were promised for the Maasai. Once the document was signed, the government immediately threw out all the Maasai from the Serengeti area"* [sic](Ole Shomet, 2003).⁴²

Table 1 shows the Protected Areas which have been established in the Northern Rangelands areas of Tanzania during the past decades. All four major nature reserve areas have been established in semi-arid lands. The Maasai have been evicted from the Serengeti National Park (in 1951) and from the Mkomazi National Park (in 1988–89). It is noteworthy that spatially, both in "colonial periods" and "modern times", critical land disputes for the Maasai have taken place in the *former* Maasai territories (iloshon) and were related to legal reforms and dispossession of land property and property rights.

Table 1. Protected Areas on pastoral lands in northern Tanzania

<i>Park / Reserve</i>	<i>Date created</i>	<i>Area, km²</i>	<i>Land quality</i>
Serengeti	1951 people evicted	14,763	Rangelands
Lake Manyara	1960	325	Rangelands
Tarangire	1968	2,600	Rangelands
Mkomazi	1988/9 people evicted	3,234	Rangelands

(Based on Igoe and Brockington 1999)

The Sonjo people and their history

Maasai history has been written and recorded in depth, but this has not been the case concerning the Sonjo. Gray (1963: 11) recounts that in the 1960s, the Sonjo were a small, minority ethnic group, and that the Sonjo elders' historical knowledge of their origins was extraordinarily poor. Thus, their past history is not well recorded, since "their detailed knowledge of past events goes back little farther than present memory can reach".

About fifty years ago, Sonjo life was very different than today. In the 1960s, the Sonjo were still cut off from external trade. Gray (1963: 27) remarks: *"The Sonjo were basically thrown back on the resources of their own society and environment."* The life of the Sonjo people has not been peaceful because they have living alongside their rivals, the pastoral Maasai. Today the Sonjo (Batemi) is a small, Bantu-speaking, agropastoral group of people living in the interior of a large tract of savanna country inhabited by Maasai pastoralists. The area inhabited by the Sonjo people

⁴² Personal correspondence, Ole Shomet 2003, July 2003.

is small, less than 700 square kilometres in the hills between Loliondo and the highlands west of Lake Natron.

The origin of the Sonjo people is not clear. Cole (1975) and Gray (1963) recorded how some explorers (for instance, A.G. Fisher, O. Baumann, and F. Jaeger) when travelling through the Sonjo lands in the 1950s, wrongly thought the Sonjo people to be an offshoot of the Segegu people with roots in Tanga, Tanzania. In the Serengeti area, Sonjo history can be estimated to be probably three centuries old, maybe more (Gray 1963: 1). It is thought that the present Sonjo might have predated the Maasai in the area. Some studies put forth that certain Bantu groups (the Kuria, the Kalenjin and the Sonjo) had an east-west colonization into the Rift Valley or across it in order to find new agricultural land in the eighteenth century (Sutton 1993: 53). A separate movement or an offshoot from this westward Bantu colonization can be determined as starting from the eastern highlands of Kenya (Nkuruman). This offshoot appears in the Sonjo lands west of Lake Natron. Based on linguistic evidence, the Sonjo appear also to have had some contact with Tatog-speaking and a considerable assimilation with Southern Cushitic-speaking communities (Potkanski 1987: 1; Sutton 1993: 52–53).

One claim is that the Sonjo could be an offspring of the people who lived at Engaruka, which dates back to pre-Maasai times three to six centuries ago. The ancient “Engaruka complex” refers thus to the chronologically controversial issue of whether or not the present Sonjo settlements were established after or before the desertion of Engaruka (Sutton 1990: 91). These irrigated agricultural settlements at Engaruka might have been established as refugee places and supply centres for the pastoral people. Contrarily, the northern settlements of the Sonjo can be equally old, and may be part of Engaruka. The place known as Engaruka with its ancient field remains and stone lines was not originally thought to be related to the Sonjo people. In the 1960s, Engaruka was confirmed to have a Sonjo connection: both by Gray as he revisited the Sonjo area and by Sassoon’s excavations in the Engaruka villages. In the 1970s, Neville Chittic excavated Engaruka and, most recently, in September 1990 Sutton visited the Sonjo area in the Sale Division (Gray 1963: 19–20; Sutton 1990: 91; Sutton 1993: 54; Adams et al. 1994: 18). All these visits to collect material and cultural comparisons of the Sonjo villages and the archeological sites in Engaruka, confirm the historical connection and the material and cultural similarities between the Sonjo people and Engaruka (Adams et al. 1994).

Geographically, the Sonjo community has been living in a quite isolated place on the outskirts of Maasai land. The major threat has been the Maasai cattle raiding. Prior to the Maasai arrival in the nineteenth century, Sonjo land was occupied by other Serengeti people. These people practised agriculture with hill furrow irrigation. Their lands extended toward the southern areas, which today make up the Sale Division. Some minor areas extended all away across the Kenyan border (Anacleto 1977: 23, Adams et al. 1994: 21).

During the colonial period, State land policies and administrative politics did not much change the agricultural production and resource use carried out by the Sonjo in their nucleated and fenced villages or hunting territories. For centuries, the Sonjo have had a self-sufficient economy based on irrigated agriculture, beekeeping, small-scale goat herding and, later on, minor livestock keeping, which was adopted during the 1960s. The social isolation of the Sonjo people lasted until the independence of Tanzania when, in the 1960s, major changes started to take place.

Sonjo villages are usually situated a few kilometres apart on the hillsides where the Sonjo have built narrow stone-revetted terraces. In southern areas, Sonjo villages are broader and not as compact. These villages stretch toward the Maasai lands near the Malambo River and across the Kenyan border near the Pagasi River (Sutton 1991: 93; Adams et al. 1994: 21).

In the 1970s, the Ujamaa villagization programme was introduced on the Sonjo lands. The villagization policy had a significant impact on the Sonjo settlement patterns. The new State policy translated into a forced movement of the Sonjo people from their hillside villages into compact

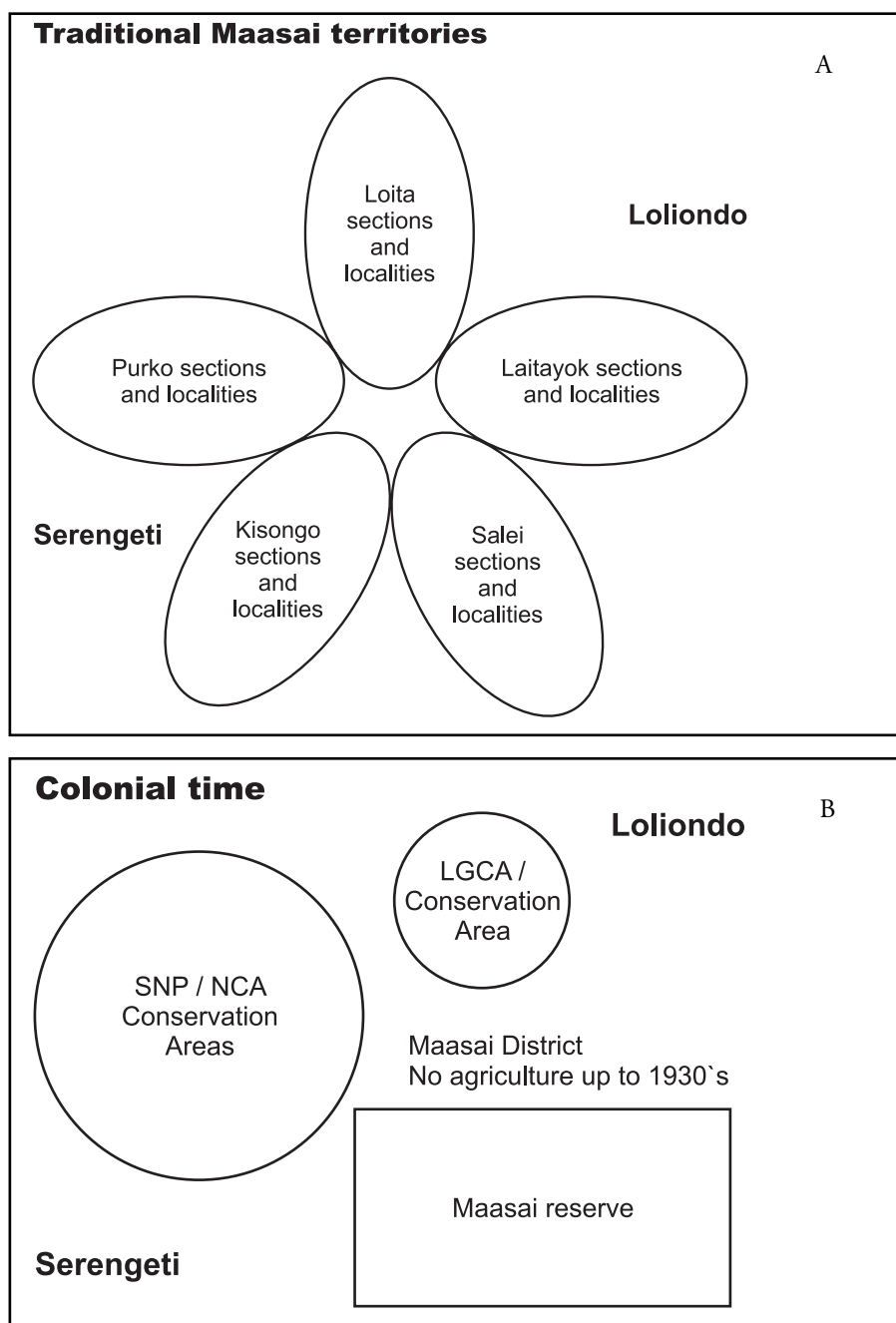
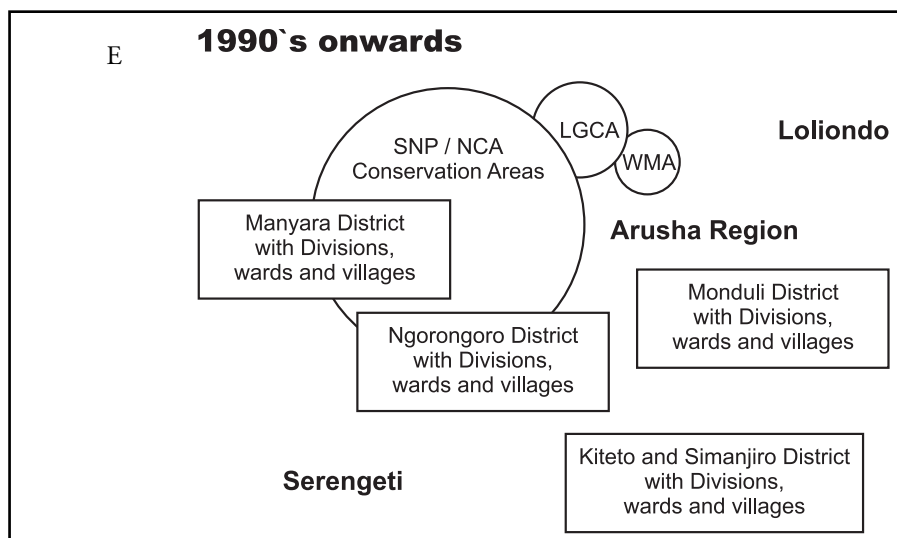
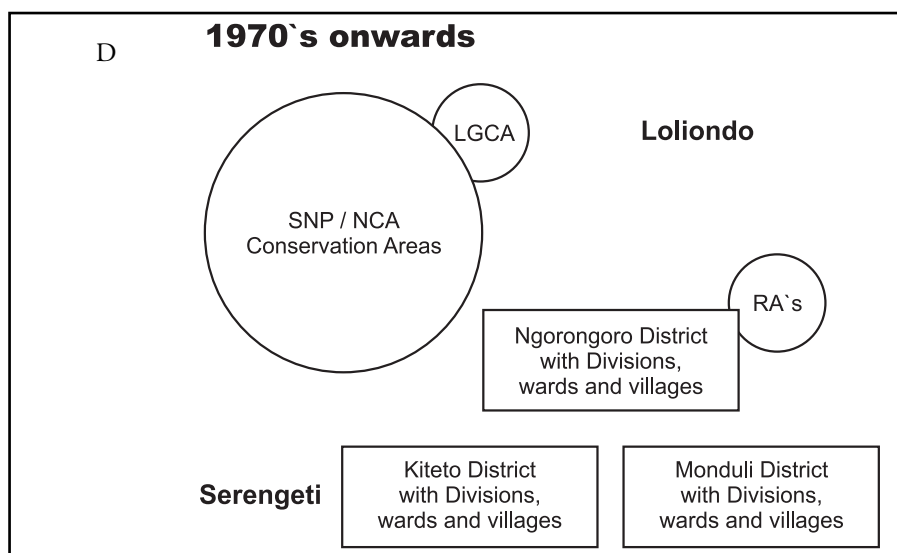
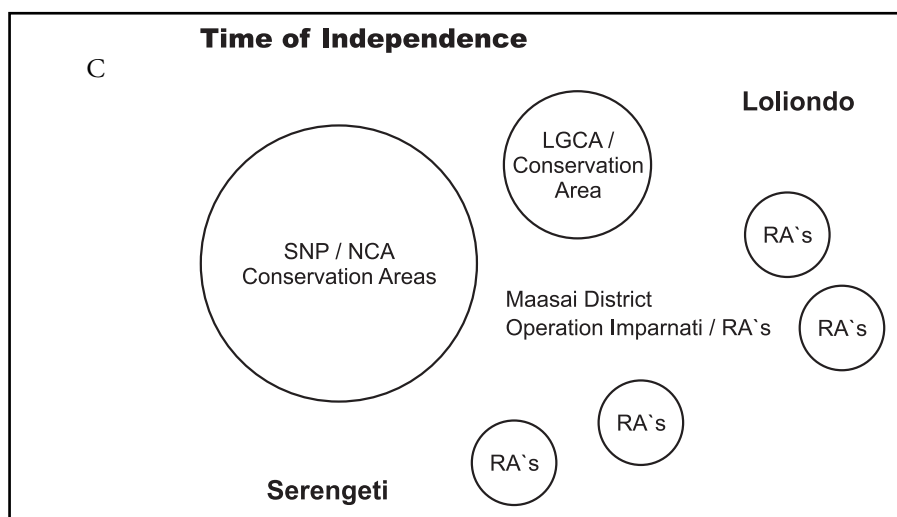


Figure. 5 a, b, c, d and e. Figures a-e show the process of institutionalization of territories in the Serengeti Area from the colonial periods until the last turn of the century. During the colonial period (Fig. 5b), through deterritorialization, the conservation areas and the Maasai Reserve emerged as territorial units in Tanzanian Maasai land. After independence (Fig. 5c.), Ranching Associations (RAs) as new territorial units due to the Range Development Act of 1964, and later on Livestock Villages emerged. The Figures (Fig. 5d and 5e) show how since the 1970s State territoriality was established and the regionalization of the State established new Districts, Divisions, wards and villages in the Serengeti Area/Arusha Region.



villages in the more accessible valleys below, only a few hundred metres away. In order to hasten the villagization process, some of the old Sonjo villages were even pulled down (except for the huts connected to the worship of Khambageu) (Potkanski 1987: 198). The new villages were built with elaborate village gates, which were to show local Sonjo cultural signs. In Digo Digo and Samunge villages, some new homesteads, occasionally with individual vegetable gardens, were built closer to water channels on village lands (Sutton 1991: 93).

Today, the settlements are of three kinds in the Sale Division: ancient, administrative Ujamaa villages or satellite villages. Settlement changes have continued for decades, but especially from the 1960s onwards. Villages have frequently been moved from one site to another. Some ancient village sites have remained completely abandoned (for instance, the Tinaga village) due to land conflicts and cattle raids by the neighbouring Maasai (Gray 1963: 97, Potkanski and Adams 1998: 89).

Potkanski (1987) and Adams et al. (1994) explain in their studies how satellite villages from the 1960s onwards have been spreading especially in the peripheries of the villages of Samunge, Oldonyo Sambu and Sale due to intense population pressure and escalating land scarcity around the old village lands. Due to the increasing Sonjo population pressure, there has been a rising demand of land and water resources and some landless Sonjo people have moved to the satellite villages. Satellite villages were commonly established in earlier abandoned village areas (for instance in the Belwa and in the Tinaga areas) and/or in village areas destroyed by the Maasai. Satellite villages were also established in peripheral areas of existing villages (Potkanski 1987: 195). The frequent moves, in the 1980s after Ujamaa villagization, included relocations of some Sonjo people who used to live in outlying villages. They returned to their ancient villages on the hill side and continued to cultivate pre existing fields. This kind of development has taken place in the villages of Kisangiro, Oldonyo Sambu and Sale (Adams et al. 1994: 22–23).

The major reasons for the emerging land disputes have, thus, been steady Sonjo population growth and demand in land and natural resources, such as water resources in the Sale Division. This risen land/resource demand has led to a competitive land use situation and conflicting claims, not only in the Sale Division but also in the Loliondo Division.

Village lands in the Loliondo and Sale Divisions

The Loliondo and Sale Divisions currently cover some 9,100 sq. km. The village lands of the Divisions, present a picture of a typical African rural landscape. The agropastoral/pastoral and their more settled neighbours keep to their own spaces, but also share some overlapping, more fluid spaces. Due to steady population growth, the entire Arusha Region and especially the rural village lands have faced both population and land use changes. The major change is the increase in cultivation, from 11% of the area in the 1970s to about 21% in 1994–1995. At the same time, the grazing land and forested woodland areas have diminished (IRA 2001: 11). The impact of the steady population growth, high immigration rate and the increase in cultivation is visible in the Loliondo and Sale Divisions.

Historically, the State control in the territorial units of *administrative villages* can be seen as an intention on the part of the State to control and regulate marginal lands in Tanzania. The Ngorongoro District was established by the State as an administrative territorial unit in 1979. Most villages in the Loliondo and Sale Divisions were registered as livestock or Ujamaa villages during the Villagization Period (1974–1976). It is important to notice that for the Maasai people, the term “village” does not mean a cluster of houses or the administrative village centres created under the socialist Ujamaa policy (see Århem 1985a, Perkin and Symonds 1991). Many of the Maasai homesteads (pl. *inkan'gitie*) are found in common rangelands. Administratively, homesteads are classified as *hamlets* or as belonging to *sub-villages (kitongoni)* in the administrative vil-

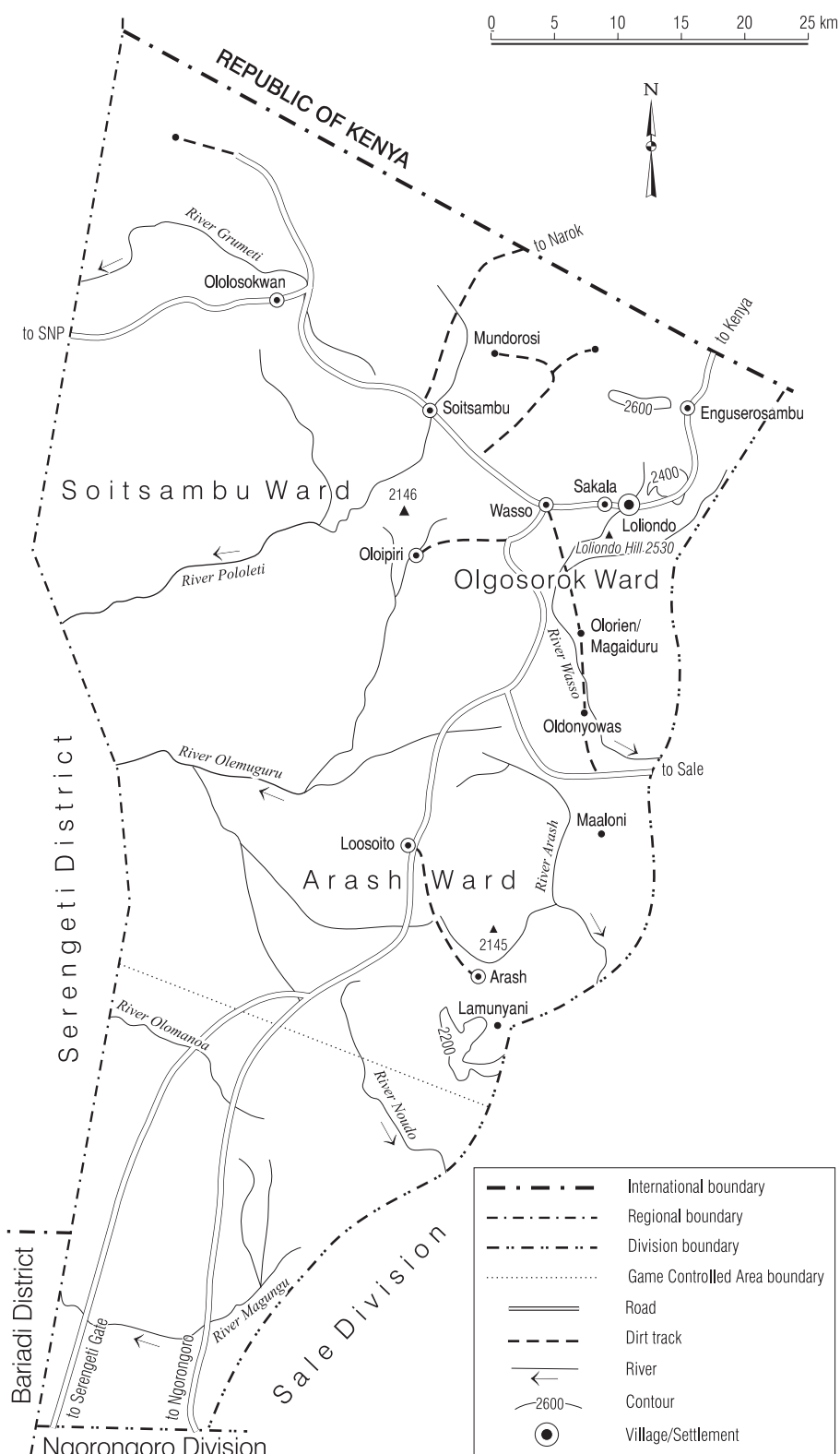


Figure 6. The Loliondo Division with main villages (Based on NLUPC 1994)

lage areas. Generally the Maasai homesteads, as scattered small residential units, are built at some distance from each other and often lie in peripheral bush lands. Some lie a few kilometres away from major village centres in the sub-village areas. In the literature, the homesteads have been referred to as villages, or kraal-camps or boma by non-Maasai.

DIVISION	WARD	VILLAGE
LOLIONDO	OLGOSOROK	Loliondo Sakala Wasso (Olorien/Magaiduru) Engaserusambu /Ngarwa
	SOITSAMBU	Soitsambu Ololosokwan/Sero Oloipiri
	ARASH	Arash/Lamunyan Loosoito/Maloni

Figure 7. Administrative units in the Loliondo Division

The Olgosorok ward: Loliondo, the Engaserusambu village and the Ololosokwan villages

The Loliondo Division covers 289,800 ha (2,898 sq. km) and the total population number in entire Division is 37,714 (according to the 2002 census). Loliondo, (*Olgosorok* in the Maa language) received its name from the the Musharagi tree (*Olea weltwitschii*), locally called Ololiondo tree, that has been abundant in the area for centuries. The Division has nine villages, where population sizes range from 500 to 7000 people (Fig. 6 and Fig. 7) and is mostly populated by Maasai pastoralists; other residing people are farmers who have migrated to the area, such as the Chagga, Wairaq, Mbulu and Shambaa.

Administratively, the Loliondo Division is today sub-divided into the wards of: Olgosorok, Soitsambu and Arash (Fig. 7). Olgosorok is the most densely populated ward (15.7 people/square kilometre) with a population of 16,064 people (URT, 2003). The villages of Loliondo, Sakala and Wasso can be classified as small bustling trade centres and gradually growing settlements with fairly well developed primary social services. These include schools, dispensaries, hand pump water supplies, graining machines and a Catholic Mission in Wasso village. In the Olgosorok ward, the Maasai belong to the territorial sections of the Loita, or the Laitayok Maasai. Some educated Maasai have settled in these trade centres and do not in any more live on Maasai homesteads. Sonjo also reside in the Loliondo and Wasso villages and are mostly storekeepers.

The **Loliondo village** and the **Sakala village** are the major settlements and already existed in the colonial periods. The local people often call the Loliondo village “Loliondo town”. Loliondo village has two sub-villages: Orkiu-East and Orkiu-West in the Orkiu Hills, where some Maasai homesteads are located. Loliondo village lies at an altitude of about 2,300 m.a.s.l. (Fig. 8). Most of immigrant villagers have settled there as government employees. The resident people belong to the Sonjo, the Nyiramba, the Nyisanzu, the Mbulu, the Iraqwe, the Chagga, the Arusha and the Pare. The major river, the Wasso River, meanders through the area in a north-south direction

toward the Sale Division. In the high mountains of the Loliondo and Orkiu Hills, patches of forests and green valleys dominate the landscape. The Loliondo Forest Reserve lies in the Loliondo mountain area, south of the village centre.

Wasso village lies eight kilometres away from the Loliondo the village centre. The village contains large concentrations of Maasai homesteads in an area called Olopolon. It lies about 5 km east of the Wasso village centre, along the mountain slopes of the Loliondo Hills. Once a month the Maasai hold a large cattle market in the market area of the Wasso. The District Headquarters are also located in the village of Wasso.

The **Engaserosambu/Ngarwa villages** lie in the green, lush highlands of Loita Hills, 18 kilometres north of the Loliondo village on the border of Kenya. A rough sandy road leads to the villages and to the Kenyan Narok District. In Maa language the name of Engaserosambu means varied patches of vegetation. Livestock is generally kept within the same highland area all year round. During the past 15 years, the Loita Maasai in the *Engaserosambu/Ngarwa* village have started to extend their agricultural activities on their village land due to the better climate and fertile land in these highlands.

The Soitsambu ward: the Soitsambu and Ololosokwan villages

The Soitsambu ward has three major villages: Soitsambu, Ololosokwan/Sero and Oloipiri. Today, the population in the Soitsambu ward is about 13,000 people (URT, 2003). The Soitsambu ward borders Serengeti National Park (SNP) to the west, the Kenyan Narok District to the north and the Oloipiri village/Olgossorok ward to the south. The majority of the Maasai mainly belong to the Purko section, and the rest belong to the Loita and the Laitayok sections. The other resident people (Sonjo, Mbulu, Iraqwe and Arusha) are mostly employed as teachers, doctors, nurses, government officials or live in these villages as retired government employees. The **Soitsambu village** lies about 35 kilometres away by road from the Loliondo village centre. The major sub-village areas are Mundorosi, Keritaro and Losirwa. The Soitsambu village is the most densely populated village area in the Soitsambu ward.

The **Ololosokwan village** lies another 10 kilometres away by the same road toward Lobo/SNP. The settlements in the area are the Mailowa and Ololosokwan sub-villages. In the Ololosokwan village, agriculture has spread out, especially near the Ololosokwan Secondary School area. The north western part of the Ololosokwan village lands cannot be utilized for grazing all year round because the area is infested with tsetse flies. The wildlife populations are also high (buffalo, lion, zebra, wildebeest, antelope, leopard, giraffe, eland and monkeys) in the Ololosokwan and Soitsambu village lands. The seasonal yearly migration of wild ungulates passes through village lands which affects Maasai livestock grazing. During the past ten years, agriculture has steadily increased both on the Ololosokwan and Soitsambu village lands.

The Arash ward: the Arash and Loosoito villages

The Arash ward lies in the southernmost part of the Loliondo Division, about 56 kilometres from Loliondo town, and contains two villages, Arash and Loosoito. This area has is sparsely populated. The population is about 8,500 people in the Arash ward (URT, 2003). In the most remote areas in the Arash ward, many Maasai homesteads in the peripheries are most easily accessible by foot, by bike or motorbike through the rough sandy tracts or paths along the bush lands and in the mountains. The Maasai here belong to the Laitayok, Loita and Purko sections. There are also a few Sonjo and Waarusha, who practise small-scale agriculture, although in these semi-arid lands, agriculture is very limited. In the northern part of the Arash ward, in the Loosoito/Maaloni village lands, there is an important salt lick along the river bed (the river is also the boundary between



Figure 8. The Loliondo village (from the Orkiu hills)

the Sale and the Arash ward). This salt lick is available to other Maasai herders who live on the Loliondo and Sale Division village lands. During the dry season, especially in the Arash ward, semi-permanent Maasai settlements are set up near the border of the SNP.

The Sale Division and its main villages: Sale, Digodigo, Oldonyisambu, Peninyi and Malambo

The Sale Division is subdivided into five wards: **Sale, Digodigo, Oldonyo Sambu, Peninyi and Malambo** (Fig. 9 and 10). The area of the Sale Division is much smaller than that of the Loliondo Division, only 1,000 square kilometres. The total population in all its villages is about 32,300 people. The main villages in the Sale Division are Samunge, Digodigo, Kisangiro, Oldonyo Sambu, Sale and Peninyi. The Sonjo people predominantly inhabit the villages, which run from west to east: 1. Eyasi/Ndito, 2. Samunge, 3. Digodigo Juu, 4. Digodigo Chini, 5. Kisangiro, 6. Sale, and 7. Oldonyo Sambu (see Fig. 12). It is noteworthy that the Sonjo villages use both the Sonjo and the Maasai given names for their villages (see Fig. 9, Fig. 10, and Fig. 11).

The main villages in the Sale Division: Samunge, Digodigo, Kisangiro, Sale, Oldonyo Sambu and Peninyi

The Sale Division is situated on the eastern side of the Loliondo hills. The Division has compact Sonjo villages which are surrounded by irrigated and rain fed fields. As in the Loliondo Division, the administrative villages in the Sale Division were established during the villagization in the 1970s. The major villages in the Sale Division are Samunge, Kisangiro/Mugholo, Oldonyo Sambu and Sale (see Fig. 10). The major satellite villages are Mugongo, Magare, Tinaga, Kibala, Mdito, Maselembwe and Magungune.

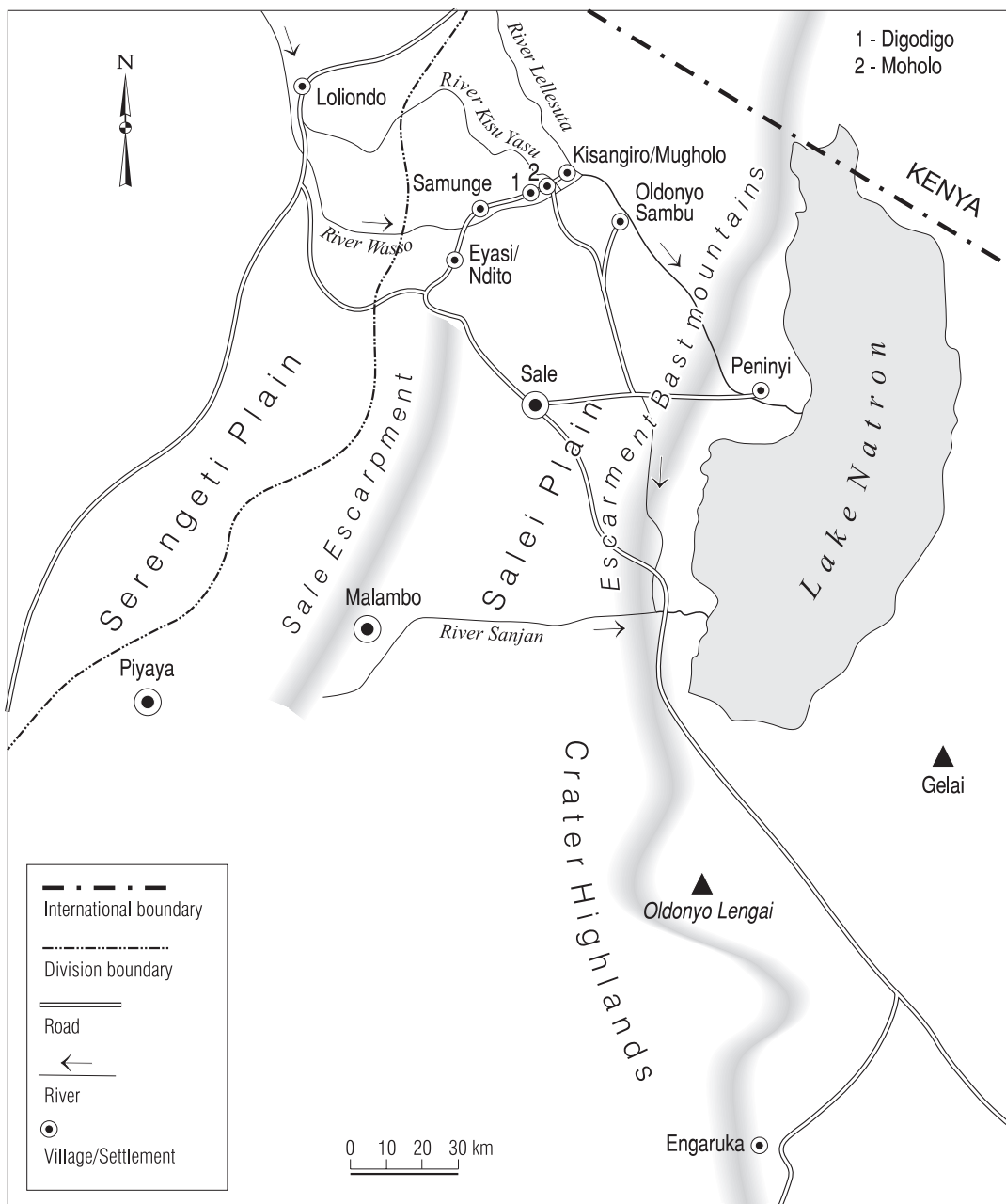


Figure 9. The Sale Division (Based on NLUPC 1994)

DIVISION	WARD	VILLAGE
SALE DIGODIGO	Sale	Orokhata (Sonjo name)
	Eyasi/Ndito	
	Samunge	Soyeta
	Digodigo	Ebwe/Kheri
	Kisangiro/Mughole	Rokhari
OLDONYOSAMBU	Oldonyo Sambu/	Kura
PINYINYI	Peninyi/Masusu	Hajaro
MALAMBO	Malambo/Pinyaya	

Figure 10. Administrative units in the Sale Division

In the Division, most of the village centres are very compact and the modern Sonjo dwelling houses are centrally located in the village area. Traditionally Sonjo houses had a beehive shape with a long curved thatch roof. Today, the village centres, such as in the Samunge and Oldonyo Sambu villages, have a similar kind of structure to the Loliendo village centre, with iron-roofed modern suahili houses (madukani) and primary services. In the village centre, buildings such as village offices, shops, Catholic and Lutheran churches and schools have been built along the main road leading to other villages. ⁴³ The major Sonjo villages are situated in places with reliable water sources, allowing for irrigation; for instance, they are situated next to the Lelessuta and the Peninyi River or at springs and dams. The newly formed satellite villages (both in the customary and modern systems) belong to the main village area but are spread over a wider geographical area. The only difference is that the fields around satellite villages is rain fed.

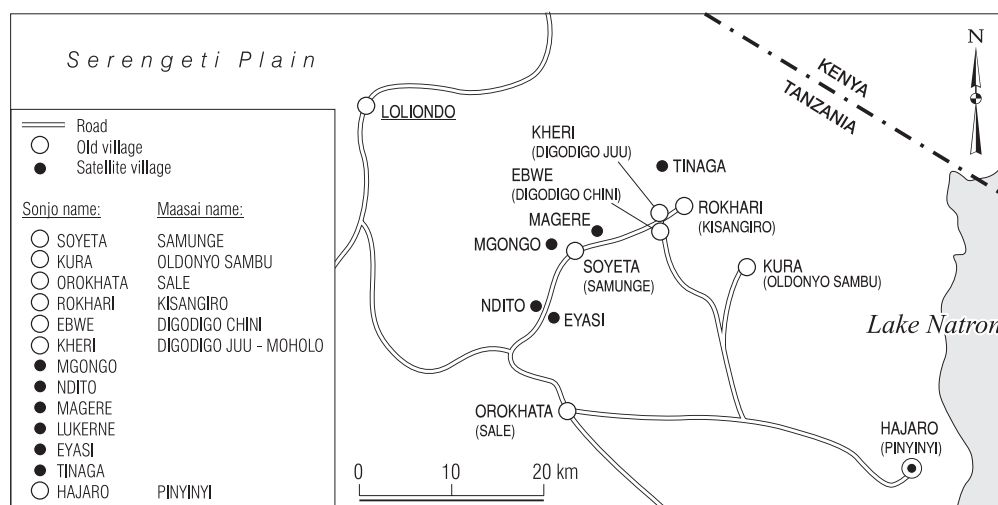


Figure 11. The villages names in the Sonjo language (Based on Potkanski 1987)

⁴³ In the Sale Division education was given by Lutheran missionaries long before independence and nearly all main villages had their own primary school and chapels. However, the villages still lacked commercial services in the 1950s (Potkanski 1987: 195).

The **Samunge village** and the **Eyasi/Ndito village** lie about 50–60 kilometres away from Loliondo town (see Fig. 10). The **Samunge village** derived its name from an animal skin that used to be worn by Sonjo warriors. Nearby the Samunge village land is a large concentration of satellite villages. The **Eyasi/Ndito village** was a very populous satellite village, and was re-inhabited by the Sonjo people in the early 1990s. Due to an ongoing boundary land dispute with the Maasai from the Loliondo Division, the village was registered as an independent village in 1993. Cattle raiding conflicts caused increasing conflicts between the Sonjo and the neighbouring Maasai from the Loliondo Division. Another major reason for land disputes was the Loliondo land registration and demarcation programme carried out in 1991 (see Chapter 5, Case studies of boundary disputes).

The **Digodigo village**, the **Oldonyo Sambu village** and the **Sale village** all lie about 50–80 kilometres away from the Loliondo village (see Fig. 10). Digodigo is divided into two village areas: Digodigo Chini and Digodigo Juu. The Sale village lies in dry land conditions and the village was already registered during villagization in 1975. The Sale village also has new satellite villages such as Kibala, Mdito, Maselembwe and Magungune (informant: Ole Leida, 2002). In many villages, such as in Digodigo Juu, Digodigo Chini and Samunge, the water for irrigation is obtained from a small spring-fed stream coming down from the hills. In Oldonyo Sambu, the water for irrigation is diverted from the Lelessuta River.

The **Peninyi village**, 90 kilometres from the Loliondo village, is inhabited by the Salei Maasai section. The village lies in the southernmost part of the Division at the foot of the west Rift Valley and the bank of Lake Nakuru (Figure. 10). The Pinyinyj River allows the irrigated agriculture currently practised by the Maasai. The Maasai have tried to practise the Sonjo type of hill furrow agriculture combined with livestock rearing. Generally, irrigated agriculture has not been intensive since the Maasai have lacked knowledge of Sonjo-style irrigation and dam construction techniques. Today about five percent of the village inhabitants are immigrant families of the Wairakwe people (Ole Leida, 2002).⁴⁴

Population changes in the Loliondo and Sale Divisions

The entire Arusha Region has been heavily affected by demographic changes. Population growth has accelerated throughout Tanzania from the 1960s onwards, and has led to increased immigration to the northern parts of the country. Due to this immigration, in 1967 there were 9,884 people and in 1988, 21,657 people in the Loliondo Division. For over 10 years (1978–1988), and especially in the 1980s, annual local population growth was very high (5.4%) (NLUPC 1994: 16). The migrants, such as Chagga and Wairakwe, came from the populous areas of the Kilimanjaro and the Arusha Regions. At the end of the 1980s, in specific places such as in the Arash and the Soitsambu wards, there was *negative population growth* and Maasai livestock numbers were declining, due to heavy cattle rustling carried out by the Kuria and armed bandits of Somali people into the area.

In the Ngorongoro District, the population growth has been steady and the annual growth rate has been 3.9 percent.⁴⁵ According to the 1988 census, the approximate population in the Ngorongoro District was between 60,000 and 80,000, of which 90 percent were local Maasai pastoralists and about 10 percent of people were migrants. About fifteen years later, in 2002, the population in the entire Ngorongoro District was approximately 129,800 of which nearly 70,000 lived in the Loliondo and Sale Divisions (Table 2).

⁴⁴ Personal correspondence, Zakayo Ole Leida, in February 2002.

⁴⁵ The population has grown in the District as a whole, but the report from 1994 concerning the growth in the NCA area may have been exaggerated. Due to prolonged drought in 1992–1993 there was serious starvation and poverty among the Kisongo Maasai (see Johnsen 2000, McCabe 2003).

Table 2. Population data for the Ngorongoro District (Based on URT, 2003)

Division	1988 national census	2002 national census (based on annual growth of 3,9%)
Ngorongoro	26,894	59,858
Loliondo	21,657	37,714
Sale	20,556	32,200
District total	69,107	129,776

Since the 1960s, the population growth in the Sale Division has been particularly high among the Sonjo, even very high during the 1980s and the 1990s. Today, the Sonjo population in the Sale Division is 32,200 people. Statistics show that the population density today is more than 20 persons per square kilometre, which has resulted in a growing demand for land in some villages. In the Sale Division, the Digodigo (population 10,831), the Oldonyo Sambu (population 3,256) and the Sale (population 2,904) wards are the most densely populated. The most southernmost wards: Pinyinyi (population 5,570) and Malambo (population 9,639) are presently inhabited predominantly by the Maasai.

Summary

In this chapter I have presented the ecological facts and given information concerning the villages and populations in the Loliondo and Sale Divisions. In addition, I have described the settlement history of the Maasai and the Sonjo people in the study area. This brief description of today's villages is presented and compared to the past territorial system of the communities. Historically, the two communities, although neighbouring each other, have had different settlement structures and their own specific ways of utilizing the land and natural resources.

From colonial periods onwards, the State administrative territoriality and property have shaped the territories of the Maasai and the Sonjo in the Loliondo and Sale Divisions. At the end of the 19th century, the traditional Maasai land was divided between Tanzania and Kenya. The state boundaries divided the traditional territories of the Maasai people and nation-state thinking started to shape the daily identities, life worlds and territories of both the Maasai and the Sonjo people. Due to State territoriality, redefined concepts of space and property started to emerge in the Maasai and the Sonjo territories. This transformation affected the traditional property systems and property rights in both Divisions. Furthermore, the discrete and administrative boundaries around the nature conservation areas, such as the SNP, the NCA and the LGCA, established due to conservation policies. The State planning emphasis on conservation of the rangelands, as in the Loliondo Division, has had a direct effect on the land disputes that occurred in the 1990s. In the Sale Division, land scarcity has been combined with a very high population increase since the 1960s. The major territorial change for the Sonjo settlements has been the abandonment of their ancient village territories and the emergence of administrative villages and satellite villages. The satellite villages have been built mainly to accommodate the surplus population from 1960s onwards. The steady population growth has also resulted in a higher demand for irrigated or rain fed fields in common bush lands. It has led to a frequent movement of the Sonjo people, from outlying areas of Ujamaa villages to the ancient hillside villages. All these factors along with the cattle raids have naturally had an impact on the land disputes of the 1990s.

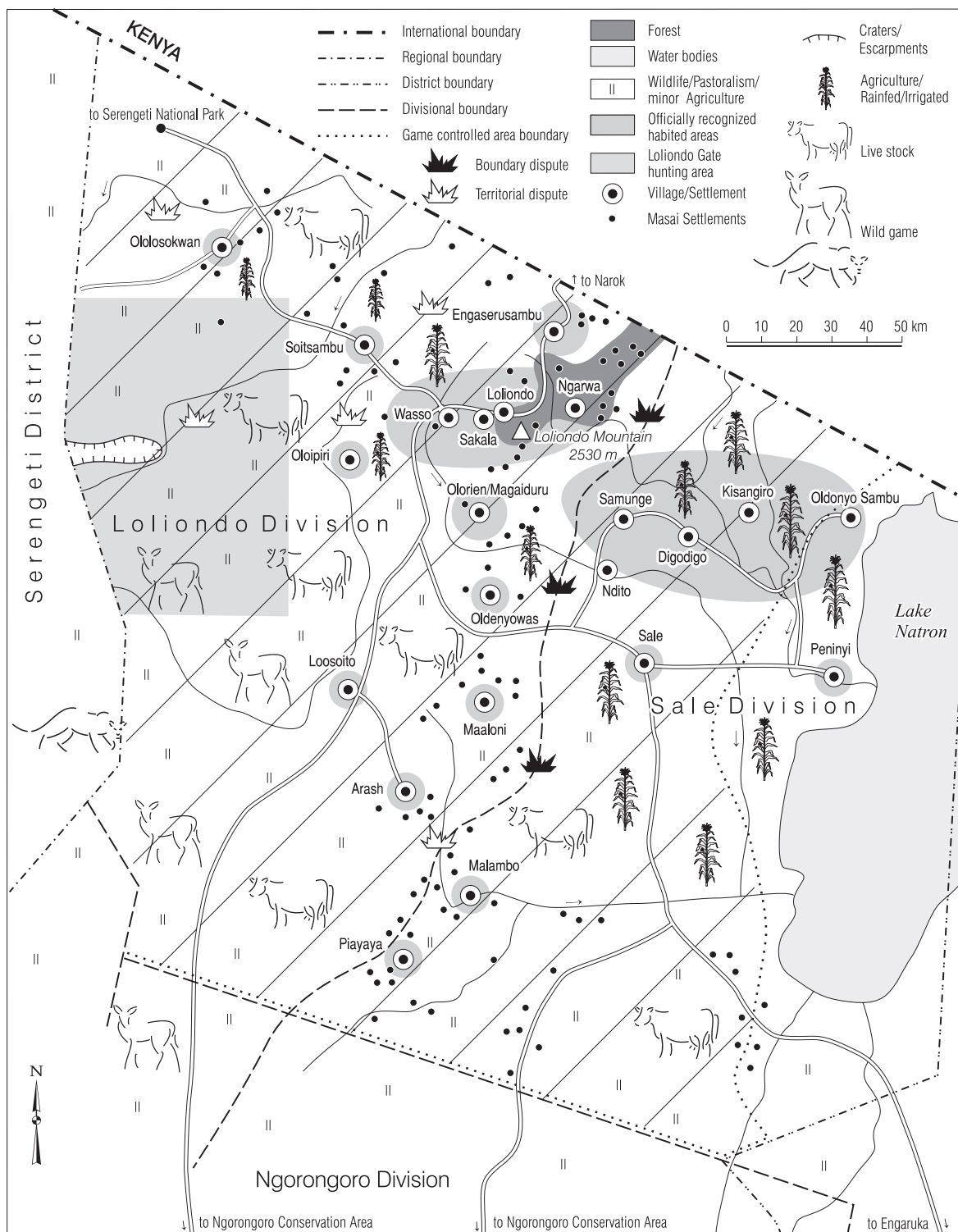


Figure 12. Land use in the Loliondo and Sale Division in the 1990s. Sites of past land disputes can be found along the administrative boundary areas between the Loliondo and Sale Divisions, and on the village lands of the Loliondo Division under the conservation area of the LGCA.

Chapter Four

Land use activities and traditional territories of the Maasai and the Sonjo

“Sidai enepuru neisul enitamoo”

A smoky place is good, especially one that you are used to
(A Maasai proverb)

In these fragile lands of the Loliondo and Sale Divisions, the land use activities of the local people have been carried out for many decades. Traditionally, the Maasai and the Sonjo have used their territories according to varied tenure rules concerning natural resources, such as land and water. Each land use system, being either pastoral or agricultural, has been spatialized to accommodate the semi-arid environment.

Today, Maasai pastoral livestock production, Sonjo agriculture and wildlife conservation have all been considered important land use activities in the Divisions and are being promoted as basic livelihoods of local people (Fig. 12). The Maasai have also been guaranteed that they will be permitted to utilize the common grazing land in both Divisions.

For decades, the Maasai transhuman livestock production in the rangelands has been opposed. Political and policy circles have opposed pastoralism because it has been viewed as being environmentally destructive. From an economic perspective relevant to land/conservation policy, mobile livestock production on communal lands has been viewed as problematic, incompatible with wildlife conservation in nature reserves, and not productive. In the 1990s, State planners described the traditional and seasonal Maasai livestock economy as being underproductive: “*The area (Loliondo Division) has a vast livestock resource which should be properly utilized to contribute to the national economic development and food security*” (NLUPC 1994: 88). The common property system of the pastoralists’ was viewed as *weak*, and in need of being converted into individualized property. This unsupportive State view can be seen from the official Loliondo Land Use Plan Report. The report (1994) argues that on village lands in the Loliondo Division, “*given the existing communal ownership of grazing lands and transhumance, there is no proper control of the use of those lands*” (NLUPC 1994: 97). Contrary to these views, it is important to remember that the Maasai pastoralists have traditionally preserved their land use system sustainably. They have kept dispersed resources through specialized land use management practises, which have suited the dry rangelands in the best way. The important characteristics of the dry land herding have been:

pastoral mobility, shared collective resources and the community coordination of seasonal movements (see Sperling and Galaty 1990, Galaty et al. 1994: 8).

Land use in the Loliondo Division

Table 3. Land use in the Loliondo Division (Based on NLUPC 1994)

	<i>Land use category</i>	<i>Area, hectares</i>	<i>Percentage</i>
1.	Agriculture (titled and untitled fields)	8,079	2,8
2.	Forest	8,850	3,1
3.	Rangelands & Game Areas	236,90	81,7
4.	Settlement / Infrastructure	35,963	12,4
	Total	289,800	100 %

(Based on NLPC 1994)

In the Loliondo Division, the village land plan (NLUPC 1994) classifies the largest category of land area as *Rangelands and Game Areas*. About 60% of Tanzania's land area is rangeland, and it usually receives no more than 1,000 mm of rainfall per annum. Rangelands and Game Areas cover over 81 percent of the total land area of Loliondo village (Table 3). Wildlife conservation and tourism also play an increasingly important role in the State development plan for the area. In the 1990s, wildlife conservation was identified as one of the main land uses and it was given a top priority from the State. Even the amount of land available for conservation was considered good enough (see IRA 2000).

Despite past land disputes, State administrators believe that livestock and agricultural production can intermingle in a sustainable way without major conflict with wildlife, especially in the Loliondo Division (NLUPC 1994: 40, 137). The administrative view does not stress enough the impact of grazing competition and competition between the cattle and wildlife for water resources in the short grass plains. Neither does it stress the possible impact of emerging livestock diseases, such as malignant catarrhal fever (MFC), which is transmitted from wildebeests to livestock, nor does it take into account the deaths of humans and livestock caused by wild game (lions, hyenas, leopards etc.).

The Loliondo Division has about 8,850 hectares of *forest* area (NLUPC 1994) (Table 3). The forest resource has always been valuable for the local people. Forests provide wood collected by women as fuel for household use and/or building material for huts. Various wood and plants are also used for food, medicine or arrow poisons. The forests are mostly situated on the hilltops or along watercourses in valleys. The mountain forests are classified as closed evergreen forests, which contain major tree species such as *Fagaropsis angolensis* (Olmoljoi), *Olea welwitschii* (Ololiondo), *Juniperus procera* (Oltarakwa). Acacia species are dominant in open scattered valley forests. A quite small indigenous forest area covers the northeast part of Loliondo village lands. The majority of this area is gazetted as a forest reserve (Loliondo Forest Reserve) and covers 3,500 ha.⁴⁶

Only 8,079 hectares of the land area in the Division is classified as agricultural land (Table 3) (NLUPC 1994). Currently, the agricultural area includes untitled and titled farms that have

⁴⁶ In the Ngorongoro District, the largest forested land area (880 square kilometres) is called the Northern Highlands Forest Reserve and is located in the NCA area. The forest is under the management of the Ngorongoro Conservation Authority (NCAA).

GRO rights on the village lands. During the past decades, small-scale agriculture has been steadily increasing in nearly every village, but there is considerable local variation. For example, today nearly all residing groups of people practise small-scale cultivation, but in the Loliondo highlands the intensification of agriculture is taking place faster than elsewhere. Therefore, since the 1990s, the most critical factor for the local people has been the lack of available land for irrigated small-scale agriculture.

Table 3 shows that the field area in 1994 was only 8,079 hectares. This cannot be accurate and cannot include all fields on village lands. The increase of agricultural production (subsistence and scattered small-scale agriculture) has been notable on the village lands, and the scope of agricultural production may have been under-reported in the 1994.

Livestock production on the village lands

Due to the constrained climate in these marginal lands, seasonal livestock rearing is carried out in the presence of wildlife on the savanna plains. Maasai livestock grazing dominates the entire Loliondo Division and the southern part of the Sale Division (Fig. 12). Today, cattle keeping is supplemented by a rising number of other animals, such as goats, sheep, donkeys and even camels. The livestock, which has been individually owned among the Maasai, has provided the Maasai with subsistence by supplying milk, meat, hide and skin products. Maasai livestock consists largely of indigenous zebu cattle. Increasing numbers of improved breeds of cattle have also been introduced to both Divisions.

The Sonjo, for a very long time, have kept only goats, due to the fear of possible Maasai raids. Since the 1960s, the Sonjo have increasingly started to keep livestock on their village lands. This livestock was acquired from the Sukuma people. In addition, in the 1970s, livestock was obtained from legal cattle markets in Tanzania and/or in Kenya, or through illegal livestock trade in Kenya. Frequently, cattle and goats have also been received from the Maasai through marriage transactions.⁴⁷

Data on livestock holdings have been calculated by McCabe (2003) and Cleaveland et al. (2001) but are not accurate concerning the Ngorongoro District. In the Loliondo and Sale Divisions, the largest livestock numbers are found in the Soitsambu and Arash wards and in the Pinyinyi and Malambo wards. Studies by Cleaveland et al. (2001) and McCabe (2003) indicated that the ratio of cattle to people has declined substantially over the past 30 years. Although the population in Ngorongoro has grown steadily the number of cattle has continued to decrease. In 1960 the ratio of cattle per Maasai man was 15, until 1994 the ratio had gone down to 4. According to the Cleaveland et al. study (2001), the *estimated* livestock numbers in the District were 50,800–63,500 in the Loliondo Division (25.4%), 49,600–62,000 in the Sale Division (24.8%) and 99,600–124,500 in the Ngorongoro Division (49.8%). The Maasai express as their opinion that these livestock numbers are too low. They stress that the Maasai do not easily give accurate livestock numbers to outsiders. Other documents have given higher estimates of the numbers of livestock. In 1987, according to the SRCS (1992), in both Divisions the total number of livestock was about 175,000 and of small stocks, 290,000. Fifteen years later in 2002, the livestock numbers in both Divisions were about 300,000 (field record, 2002/ Ole Leida).

Generally, the Maasai have between 5 and 20 cattle per person with family herds ranging from 20 animals to several thousands, if the family is very rich (Fig. 13). The number of Maasai individuals owning about 20 cattle has declined considerably in recent years. The decline in livestock numbers has been due to droughts, livestock diseases and conservation policies that have

⁴⁷ In economic and social interactions between the Sonjo and the Maasai, the Maasai often have married the Sonjo women to officially establish such a marital relationship. Through the bride wealth the Sonjo gained rights to the Maasai livestock (personal communication, interviews with the Maasai elders).

regulated land use and livestock mobility on village lands. The NLUPC report (1994: 72–73) states that in the Loliondo Division, the Maasai livestock husbandry has had problems that hinder the development of the livestock production. The slow development of livestock production has been attributed to the lack of modern techniques of livestock management and inadequate services (breakages of dips and unequipped veterinary centres).⁴⁸ In addition, the recurrent drought periods and scarcity of water impedes the functioning of the livestock sector. Also the lack of veterinary medicine has been acute locally and has been purchased from as far as Arusha or Nairobi. The official view does not take into account that the most important aspect of livestock production is access to pastures and to land and water resources. Land expropriation for wildlife conservation has restricted the movement of livestock and has resulted in more restricted grazing areas.

In the entire Ngorongoro District, infectious livestock diseases have also been considered a major constraint on Maasai cattle production. The most serious livestock diseases in the area are: *Ormilo* (bovine cerebral theileriosis), *Oltigana* (East Coast Fever or ECF), foot and mouth disease (FMD) and Malignant Catarrhal Fever (MCF). MCF is a disease that affects cattle and some ungulates, and its epidemics are closely linked to that of the wildebeest.⁴⁹

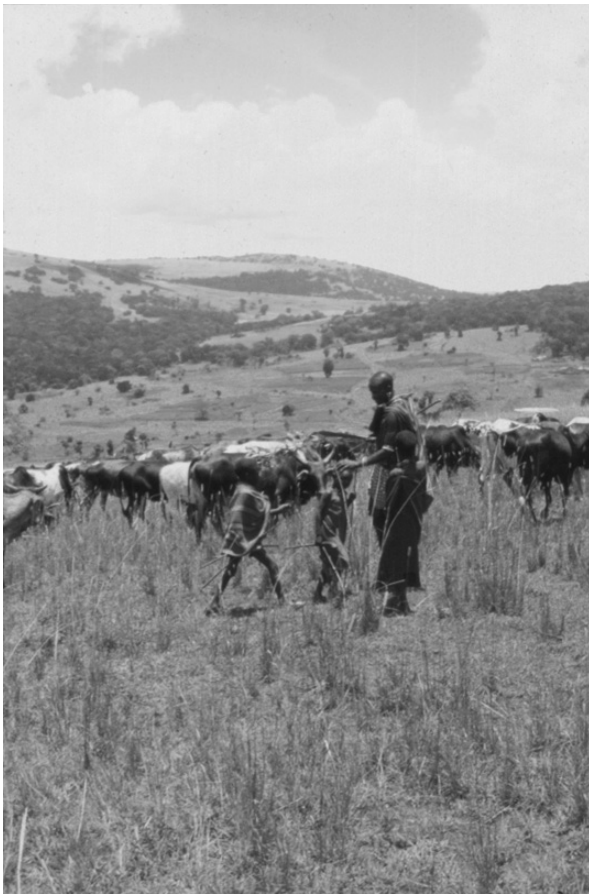


Figure.13. Maasai livestock herding in the Loliondo Division.

⁴⁸ From 1995 onwards, veterinarian services in the Loliondo village may have improved slightly because veterinary drugs can now be bought from private veterinary shops.

⁴⁹ Wildebeest are the main source of MCF infection for cattle. Their calves excrete a high level of the MCF virus during the calving period in February and March (the dry season). Since the mid-1970s, the increase in wildebeest numbers has grown so much that the mixing of wildebeests and cattle has no longer been safe in the contested semiarid Sale plains (see Potkanski 1994).

Agriculture on the village lands

The best land for agricultural activities is found in the eastern part of Loliondo and the western part of the Sale Division. In the Loliondo Division, agricultural activities take place in and around villages such as Sakala, Loliondo, Engaserosambu/Ngarwa, Wasso, Olorien/Magaiduru, Soitsambu and Ololosokwan (Fig. 12). At the end of the 1980s, there were even experiments in large-scale commercial farming in the Soitsambu ward. This farming was the parastatal-sponsored mechanized cultivation of barley. Today, all large-scale agricultural experiments have been stopped due to the frequent droughts that occurred in the area during the 1990s. On the other hand, the importance of agriculture as part of a diversified strategy of livestock keeping and agriculture is evident on the village lands of the Division.

In the 1950s, Kikuyu, Kipsigis and Kamba immigrants came through Narok from Kenya to Loliondo, and the immigrants established settlements and engaged in rainfed agriculture near the Loliondo village. After the countries' independence, most of the Kenyan peasants left the Loliondo area for their home country. In past 40 years, other immigrants have arrived from areas such as Kilimanjaro, Kondo, Singida, Arusha, Musoma and Mbulu. They began to practise agriculture in the Divisions. Today, small-scale agriculture dominates in the Loliondo, Sakala and Wasso villages, and increasingly also in the Soitsambu village. In these village areas, the more intensive large-scale agriculture is practised by a few educated Maasai and some local migrant farmers as well as some public institutions, for instance, the State prison.

The most efficient agriculture is carried out by the Sonjo in the Loliondo and Sale Divisions and by immigrant Bantu people residing on village lands. In the 1980s, due to increased migration, the regional authorities encouraged both small- and large-scale agriculture in the Loliondo Division, resulting in an increase in agricultural production. In the Ngorongoro District, the Maasai have increasingly continued to practise small-scale hoe cultivation, especially in the fertile highland areas (Fig. 15). Today, the local Maasai cultivate small patches of land in both Divisions. Obviously, increased interaction with immigrant peasants has also influenced this rising amount of agriculture. In this semiarid area, the unreliable weather conditions make agricultural production very unstable and the hoe cultivation is carried out with a very limited level of fertilizer use and minimal technical know-how.⁵⁰

Usually, a field of less than two acres is cultivated next to the Maasai homestead. The field is sub-divided for the use of different members of the family, and smaller areas are cultivated (weeding and harvesting) individually by each member. The sizes of the fields vary generally from one to three hectares and they are surrounded by thorn bushes to protect the crops from wildlife. Depending on their wealth and family labour resources, the Maasai may hire outside help (from the Sonjo or other agricultural people) to do the heaviest agricultural tasks. Agricultural activities, such as ploughing with oxen, donkeys or with a tractor, are usually done by sons. The Maasai women, often besides all her housework, engage in hand ploughing and weeding together with other members of the family without a doubt. Discussions with Maasai women made it very clear that the adoption of agriculture has increased the workload of women (see Fig. 14 and Fig. 15).

The supply of agricultural products available to the Maasai is shared mainly between family members. Sometimes richer families can sell a part of the harvest to local consumers at local markets, and the money obtained is used toward livestock-related activities (veterinary medicine etc.). Generally, for the Maasai, the range of food crops planted is smaller than that of the Sonjo. The most common crops are maize, beans and/or Irish potatoes.

⁵⁰ In the Loliondo Division hand hoes are the most common tools. In the 1990s in the Ngorongoro District, there were also 310 ox ploughs, 13 tractors and 1 combine harvester available for hire to local people (NLUPC 1994: 75).



Figure 14. Local Maasai girls collecting firewood near the Loliondo hills.

Currently agriculture is steadily increasing among the Maasai, not only in the Sale Division but in the entire Serengeti-Mara ecosystem, both in Tanzania and Kenya (see Homewood et al. 2001; McCabe 2003). Homewood's study (2001) showed how 88 percent of the Tanzanian Maasai who reside in wildlife conservation areas (the NCA area and the LGCA), and 46 percent of the Kenyan Maasai households who reside in the Group Ranch areas (the Masai Mara ecosystem), do cultivate either temporarily or permanently. It can be assumed that the increase of Maasai agriculture, also in the Divisions, can be seen as a result of the reduced availability of productive pastures. The decreased mobility of the Maasai people and their livestock has been notable in the entire Ngorongoro District. This change in livestock production and the decrease in livestock numbers have led to a greater dependence on agricultural products (grain, maize and potatoes). This can also be viewed as an economic motivation for some richer households to obtain more income; especially in the Kenyan Maasai Mara areas (see Cleaveland 2001; Thompson and Homewood 2002).

The major reasons for the increasing agricultural production of the local Maasai thus are: a reduction in accessible and productive pastures, a security coping mechanism against drought and a survival method to keep the herds. The growing amount of agricultural products has also changed the dietary habits among local Maasai. During difficult periods in the 1990s, there was an increasing need to sell livestock to purchase food. Poverty and destitution periodically face some of the poorest Maasai families, not only in the Loliondo and Sale Divisions, but in the Ngorongoro Division. In the Ngorongoro Division in the NCA area, the growing poverty has been notable as early as the 1970s (see Århem 1985a, 1985b). In 1975–1992, the ratio of cattle to humans has also declined steadily, especially during drought periods. In the NCA areas, studies have found malnutrition among Maasai children and more than 40–50 percent of children were malnourished or undernourished (see McCabe et al. 1995; Cleaveland et al. 2001; Homewood et al. 2001).



Figure 15. Maasai elder hand ploughing on the Ngarwa sub-village lands. In fertile Loliondo highlands, near permanent water resources and around the Maasai homesteads, small-scale agriculture has been gradually increasing.

Wildlife on the village lands under the LGCA

The entire land area of the Ngorongoro District is known to be rich in spectacular wildlife populations.⁵¹ There are about 30 species of large mammals and a great number of bird species in the Loliondo Division. Each year the short-grass savanna plains carry over a million non-migratory and migratory wild game from the Kenyan Masai Mara ecosystem to the Tanzanian Serengeti National Park (SNP), and wildebeest pass through the southern areas of the Loliondo and Sale Division (Fig. 16). The wildebeest population has risen dramatically, from approximately 200,000 animals in the 1960s to 1.3 million in 1977 in the Serengeti Ecosystem area. Currently, the wildebeest numbers fluctuate between 1 million and 1.5 million and in certain places erosion is observable on migratory routes (see Cleaveland et al. 2001, Johnsen 2000). Due to the size of the current wildebeest numbers, there has been an increased utilization of plains in the Salei and

⁵¹ Elderly people interviewed in the Loliondo Divisions could remember seeing elephants near the river Wasso during the 1960s.

Angata Kheri during the wet season (*ibid.*) (Fig. 16). During the rainy season, the local Maasai cannot utilize the plains for grazing in the southern part of the Loliondo and Sale village lands. Other migrating animals in the plains are different species of gazelles and zebras. The high wildlife numbers inflict direct costs on the local people in the form of animal diseases, predation, crop damage and threats to personal safety.⁵²

In the Loliondo Division, under the LGCA, wildlife should be protected alongside human settlements and other land uses. According to the State conservation law, Game Controlled Areas (GCA) are also subject to governing and regulating legislation by the State in order to promote nature conservation and development. Therefore, human activities are allowed in the LGCA, but hunting, as a right to use game resources, requires written permission for indigenous people. Tourists need an approved valid game license.

The major part of the tourism sector in the Ngorongoro District consists of licenced tourist hunting, game cropping and game viewing. With the increasing value of tourism activities wildlife and tourism activities are considered to be of considerable economic importance in the infrastructure of the Loliondo Division. Therefore licenced tourist hunting, game cropping and game viewing are practised in the LGCA but also camping safaris are organized. Occasionally, in the 1990s, small-scale involvement in tourism was seen in the Loliondo and Sale Divisions when tour company vehicles and overland trucks full of tourists passed by the village lands on their way to the Serengeti National Park via Lake Natron. During these short visits, tourists put up tent camps at the Wasso campsite in the Wasso village. In the 1980s and early 1990s, both hunting (July-December) and game cropping (January-June) was organized in the LGCA by hunting companies or by the Tanzanian Wildlife Corporations (SRCS 1992: 75–76). From 1993 onwards, hunting in the hunting blocks was overseen by a private non-Tanzanian (the Prince of the United Arab Emirates) (see more Chapter 5). In the LGCA hunting takes place in divided hunting blocks and licenses/concessions are sold to Tanzanian hunting companies. The hunters pay for both the block and the hunting fees to the Central Government through these companies.

The conservation authorities have also created, as already mentioned, a 10 km “buffer zone” for the SNP in the western village boundaries of the Loliondo Division in order to create a protective land use area where livestock and wildlife can co-exist in the bordering village areas of the SNP. One positive point from the Tanzanian conservation regulations has been found by Homewood et al. (2001). Their study shows that the wildlife numbers have been more stable in the LGCA area than in the Kenya Masai Mara areas. This can be due to the regulating Tanzanian land and conservation policies. In the 1990s, however, increased agricultural activities and other invasive land use activities on village lands along with population growth forced the authorities to give priority in territorial planning to wildlife protection in the LGCA area. The suggested solution was the designation of a new territorial unit of improved land management: the Wildlife Management Area (WMA) in the corridor of the SNP (see NLUPC 1994, IRA 2001).⁵³

During the 1990s, commercial hunting and the poaching of both elephants and rhinos have increased in the Tanzanian and in Kenyan national parks (in Tsavo park, TV: BBC channel news 5.6.2002). There have also been problems on the local level with mismanagement of revenue funds from tourist concessions both in Kenya and Tanzania. Lane (1996: 5) states that the annual income from visitor's fees in the Ngorongoro District was over 10 million US dollars, and that the benefits from this were minor for the local people (Lane 1996: 5) (see also Thompson 2002).⁵⁴

⁵² The Maasai have for a long time complained of the co-existence of wildlife (such as the predators, buffalos and wildebeest) and their livestock in the southern and western parts of the Loliondo Division, in the villages of Arash and Ololosokwan.

⁵³ WMA areas are planned territorial areas to be “areas declared by the Minister to be so and set aside by Village Governments for the purpose of biological natural resources conservation” (Wildlife Policy 1998: 34)

⁵⁴ It is known that the Ngorongoro District is one of the best foreign-exchange-earning Districts in Tanzania. In 1990, according to Perkin and Symonds (1991: 7), game fees from hunting and game cropping for the Wildlife Division amounted to over 80, 000 US dollars (IUCN).

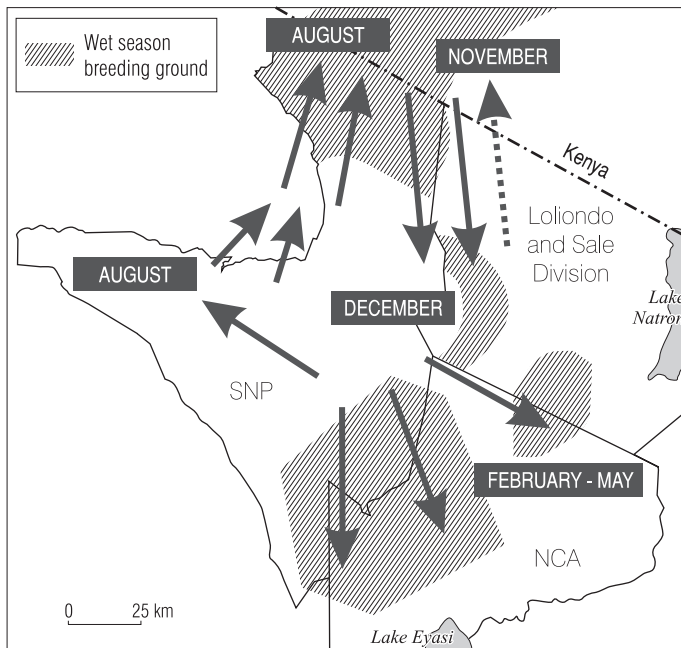


Figure.16. Wildebeest migration in the Serengeti Region. The map shows how the seasonal migration of wildebeest takes place in a clockwise direction between the grazing and breeding grounds. The wildebeest come every year from the Kenyan Masai Mara area to the SNP, and their migration routes pass through the Loliondo and Sale Division village lands.

(Based on NLUPC 1994, SRCS 1991).

The indigenous territories of the Maasai and the Sonjo people

Traditionally, the ordering of space and the territorial order was organized by linking sections/clans of people to particular locations/territories that had traditional and porous boundaries. In geographical space, land use practises implied a specific level of performance, and which was carried out in traditional territories (here the Maasai and the Sonjo). The landscape has, thus, reflected the varied concepts of land ownership and control among different groups of people. Local people have shared not only territories but also spatial boundaries, transcended particular cultures and traditionally interacted with each other socially.

For the Maasai and the Sonjo, the conception of property right to land has been theoretically seen as land being the “gift of God”, referring to the god Enkai/Khambageu. For both the Maasai and the Sonjo access to and control of land and resources has been an integral part of social relations and linked to social identity. The pastoral Maasai have held collective property in land resources. Resources have usually been widely dispersed and, thus, difficult for individuals to manage. The sedentary Sonjo, instead, have developed a more individualized system of property in their irrigated agricultural lands. The Maasai and the Sonjo have also shared some areas of common land and water resources (bush land and water). Therefore, actual resource rights in shared space have been varied and flexible.

Maasai traditional land territories

“Within the traditional system, pastoralists had ways to mitigate negative consequences on the environment. There were mechanisms in place to avoid degradation, and to allow regeneration if and when it occurred. It is the gradual atrophy of this management, and land tenure systems that are making this fallacy to come true.”
(FAO 1990: 44)

Generally, communally owned Maasai land in a socio-spatial organization has been composed of the household, the neighbourhood, and the section. The land areas have been controlled through clans, groups of neighbourhoods or prophets (laibons) in fluid domains of different sizes. Socio-spatially, Maasai social organization has two important kinds of formations that relate to all discussions on the territorial units: the section (*oloshon*, pl. *iloshon*) and the locality (*enkutoto*, pl. *inkutot*). Historically, as indicated earlier, sections of the Maasai people can be defined as being politico-territorial structures, which have been the largest territorial land unit areas in Maasai lands. There have been altogether about 20 functioning sections in the Maasai lands in Kenya and Tanzania. Within these territorial sections, the Maasai were more or less free to cross fluid boundaries and exploit common land and water resources (Talle 1988; FAO 1990; Githongo 1994). The sections again are sub-divided into smaller units called localities, or neighbourhoods, meaning a cluster of homesteads. In the Maasai lands, other important natural resources, such as water resources, are either collectively owned or individual property. Flowing water is for all the Maasai, and was created by God. Standing water (wells and small springs) is individually owned and this individual claim is based either on an individual's investment in digging a well or a historical claim going back to the ancestor who discovered the source (Potkanski 1994: 50).

In social space, the assertion of territoriality among the Maasai can be seen in the use of fluid sectional boundaries and in the utilization of grazing areas in the form of transhumance (Lavigne-Delville 1998: 28; Kitui 1990: 34). Spatially, in Maasai pastoral systems, access to large geographical land areas has been very important. Mobility for the pastoral Maasai can be seen as an ecological strategy of survival in the savanna rangelands (Kimani and Pickard 1998: 204).

In the Maasai collective land use system, the land and its natural resources has been inclusively owned and accessible to all sectionally defined Maasai pastoralists within varied spatial zones in their territorial areas of sections and localities. The defined property rights for resources in specific localities (dry season resources) were controlled by specific herder groups (Ndagala 1990a: 192). The land/resource use has been combined with *communal* and *individual land ownership*. The notion of land is that of common property meaning that the groups of Maasai can graze anywhere they choose within “Maasai land”. This communal landholding has been crucial to the Maasai community. Communal Maasai land and resources can be distinguished through three characteristics. First, they are subject to individual use, but not to individual possession. Secondly, the land territory has a number of users who have independent rights of use. Finally, the users constitute a collective and together have the right to exclude others who are not members of the group (FAO 1990: 51).

Ndagala (1990a: 59) explains how the Maasai land territory is an area unit which covers the underlying pastoral resource base and where the control of land is exercised during grazing time, not all year round (for instance, during dry season). Land territory is, thus, an ecological notion of an area that encompasses all the spatially dispersed elements necessary for pastoral production, such as pastures, watering areas and salt flats. The Maasai collective property rights and property

rules are designed for a particular subject with a number of corporate rights and obligations (here, to be managed with community sanctions) (see Rigby 1985; Ndagala 1990; Sperling and Galaty 1990; Gray 1991; Saruni Ole 1991; Tenga 1992).

Jacobs (1965) has written a historical and thorough work on Maasai culture in his study of the pastoral Maasai, in which he also discusses Maasai land use and their territorial units in land management. For Jacobs (1965), the “function” of territorial units among the Maasai can be divided into units according to the area and the size that they represent. The units are:

1. a minimal territorial unit representing a cluster of several settlements of bomas in a residential unit (*enkang*). In the minimal territorial unit, spatially defined areas are reserved as functioning especially for stock use.
2. Secondary territorial units representing the lands of the Maasai (Engopand). This area was a larger area, a locality, (*enkutot*) and could in geographical terms be described as a large plain, a tsetse fly belt or a dry river belt, which could separate one territorial unit from another.
3. Maximal territorial units as the largest units (*Olosho*). These sectional units were divided and controlled by the Maasai chiefs (*laibons*) (Ibid 1965: 174).

Sections

In the Maasai lands, the geographical locations and importance of modern Maasai sections have been the product of the wars, famines and epidemics of the 1890s and the colonial and postcolonial period that followed (see Chapter Three on the history of the Maasai). These tribal sections as autonomous political institutions were based on the Maasai age-set system, and they divided the vast rangelands. Sections included many ecological zones with regard to resource utilization. The Maasai people who belonged to their section (*olosh* pl. *iloshon*) were allowed to herd their livestock anywhere within the section territory according to certain rules of natural management (Talle 1988: 49; FAO 1990: 53). The boundaries between sections were not absolute but flexible, especially during times of drought or disease. During these times, the Maasai from another section may have sought special grazing permission across the boundaries to another section's pasture lands. Thus the boundaries of each Maasai section were founded on long-term primary user rights and customary regulations regulated and controlled by a particular prophet (*laibon*) of one section. Numerous accounts tell of intersectional mingling and congregating of herders without conflict among different sectional territorial units. These territorial alliances defined the channels of herding co-operation and access to pasture (see Jacobs 1980b; Talle 1988; Galaty and Johnston 1990).

Even up to today, on Loliondo and Sale Division village lands, the territorial control and different utilization of the grazing lands are based on the Purko, the Loita, the Laitayok and the Salei sections. The members of each section define the rights to grazing land and the use of natural resources on these lands. Generally, newcomers (for instance from Kenya) must ask for access to the pastoral land and the resources on these village lands through the *local councils of elders* of each section. The varieties of exploitation rights have been/are the basis for the system of securing access to common land use among different land users. It is also noteworthy that the Maasai have had a distinct and recognized notion of *e-rishata*, pl. *i-rishat* or division or separation that make up a boundary. The Maasai sectional boundaries have been fluid and have not disrupted the pastoral movement. They have also been zones more than lines (Galaty and Ole Munei 1999: 68). Today sectional boundaries inevitably cut across present-day administrative and even national boundaries. Thus, their importance has diminished as a result of State territoriality. This can be recognized from the list of names for localities given by the Maasai in the Loliondo and Sale Divi-

sion.⁵⁵ Ndagala (1990: 61) has pointed out this situation: “*The sectional movements of today may require dealings with three different District administrations.*”⁵⁶

Localities

The locality (*enkutot*, pl. *inkutot*) is described by Spencer (1987: 15) in the following way: “*The locality has no distinct boundaries, but there is a collective rapport and a sense of identity that a homestead usually lacks. Within a locality, homestead clusters control the local grazing, while individual families may maintain priority rights over particular springs and wells.*” Ndagala (1990: 60) and Wøien (1998: 42) explain how the localities, in the Maasai land territory, represent ecologically self-contained systems which cover wet and dry season grazing needs and contain permanent water supplies to support regular movement in transhumance in most years. On the other hand, the localities are not political units as such but are developed as institutions which manage and control land use and resources in the pastoral production system by taking into account localized and bounded resources.

In the Maasai land, and in the geographically limited land areas within their homestead areas, the localities (*inkutot*) are spatially very interesting. In the localities, even today, natural resource management is not limited only to inside the areas of administrative villages but extends to different traditional locality areas. The Maasai are able to define and know the areas and the characteristics of each locality (*inkutot*) quite distinctively.

The boundaries of localities have been/are still also overlapping. These boundaries usually follow prominent features in the landscape, such as a hill, a plain or a river. It is notable that still today the meaning of localities in land and resource management is territorially very important because decisions on range utilization are carried out at this level. Even if the boundaries of localities are delimited, Maasai groups from other localities can tolerate a certain amount of territorial overlapping and trespass in either direction for resource sharing. For instance, in the Loliondo and Sale Divisions the locality areas of the Loita Maasai extend from north to south and overlap the Laitayok locality in the Loliondo Division up to the Arash area and across the Sale Division.

Homesteads

Spatially, the homestead (*enkang* pl. *inkan'gitie*) is the smallest social unit upon which Maasai territorialism is built. The homesteads are usually located on the slopes of a mountain, most commonly in the bush land, in a scattered manner nearby permanent sources of water, good grazing resources. The Maasai live communally in their traditional homesteads and it is the Maasai women who build the houses. One *enkang* may be split into smaller units, but one family homestead (*elet* pl. *ileta*) is mostly looked upon as rather atypical (Talle 1988: 166).

⁵⁵ Inkutot names for the **Laitayok Maasai** in the eastern and northern areas of the Loliondo Division are Endakirowa, Orbukoi, Oldonyo Wass (hill), Lopolon, Orkanda (river), Engutoto, Orkuene, Oloipiri (hill), Sakala, Orkiu, Orongai, Loikaiboi, Esilalei, Olkoroi and Soitsambu (stone).

Inkutot names for the **Loita Maasai** in the north-eastern and southern parts of the Loliondo Division are Olorien, Kisujasuj, Olmotoo, Arash, Ollamayani, Kimpampii, Ng'arwa, Engaserosambu, Orkiu, Enkarroi, Ilmongeseroi, Ollosoito, Olosho and Ntamejo.

Inkutot names for the **Purko Maasai** in the western and northern part of the Loliondo Division are Kirtalo, Olosirwa, Enpopongi, Ololosokwan, Mairowa, Olkoroi, Mondorosi, Katikati, Oldarpor, Oserosopea and Oloikoboi.

⁵⁶ That this is the case was clearly evident during a time of drought and stress in the Loliondo Division, the Wasso village, between June-August in 1993. A group of Loita Maasai from the Kenyan side (Loita area) arrived at the Loliondo Division when the drought hit hard in the southern areas of Masai Mara in Kenya. The Loita Maasai asked for permission to use the local water resource (Wasso River) from the Laitayok Maasai, and a considerable number of Maasai families built their seasonal camps near the water resource. This important resource area was used commonly as a refugee place for different people.

Generally the homestead is a circular thorn bush enclosure into which approach is possible only through cattle gates, which are closed at night. The homestead also includes polygamous families, wives, children and men; it may consist of a cluster of several residential groups. Usually there are two to five family groups, but sometimes up to ten family groups live together in one homestead. Every man with his wife/wives (one family) owns a cattle gate in the homestead composition. A family is not regarded as an independent unit until it has constructed a gate (*engishomi*, pl. *ingishomin*) into the homestead (Talle 1988: 172).

The number of cattle in one homestead determines the building size of the residential unit, since the homestead area must be able to contain the cattle inside the enclosure. Maasai grazing and range management is done daily in the homestead among the Maasai men by the council of elders (the spokesman, *Oleugwanani*, and his assistants, *Ingopir*) within a locality. The heads of the families (council of elders) function as a herding unit, which also assigns herding duties to herders. They discuss the pasture management daily, for instance how the common pastures in the physical space should be used and define mobility strategies such as the grazing routes to water, salt licks and distant pastures, and also the use of fire and water resources. Today, the heads of families also decide on the places for cultivation near the homesteads.

In the Loliondo and Sale Divisions, many Maasai homesteads are located in remote and less inhabited bush land areas. In the early 1970s, the distance from one homestead to the next ranged between 0.5 and 2 kilometres (Ndagala 1990). This is still true today in the case of homesteads close to the administrative village centres. The distances are greater between the Maasai homesteads lying far away in the bushlands. Grazing reserves (*olopololi*) with defined boundaries often surround the homesteads.

Important territorial area in pastures

The different kinds of pastoral areas and communal access to them have been important for Maasai livestock production (Fig. 17 and Fig. 18). The Maasai have also had different kinds of pastoral production strategies, which range from more settled pastoralism to mobile pastoralism. The grazing areas as exploitation zones may change from year to year, but they depend on where the Maasai families in past years have resided and maintained a long-term use of the same area. In this core grazing area, grazing is managed by the local community (a group of households), but is daily supervised and regulated by a council of elders; other grazing land users are referred to as visitors.

In the Maasai grazing lands, the pastures are divided into three different kinds of areas and ecological zones, which all have different climatological and forage characteristics. The local Maasai terms are 1. *orpurkell* (pl. *ilpurkell*), 2. *oloirishirsha* and 3. *osupuko* (pl. *isupuko*).

1. *Orpurkell* pastures are the hot, lowland, short-grass pastures (Angata Keri Plain, Kiti Plain) dominated by species of grasses such as *Artistida keniensis*, *Sporobulus ioclados*, *Digitaria abyssinica* and *Cyndon dactylon*. These pasture areas, which are the same all year round, are used mainly by temporary camps with livestock.

2. *Osupuko* pastures are cool, upland and highland pastures with medium and moist grass (often open patches within forest areas in the mountains, for instance, Engaserusambu/Ngarwa pastures and Ngorongoro highland pastures). In order to improve the productivity of pastures in highland areas, grasses are burnt at the end of each dry season. The fire prevents both encroachment of the bush growth and limits the number of emerging ticks. It also speeds up the growth of new leaves and stems.⁵⁷

⁵⁷ Burning the grass releases nutrients and stimulates a flush of new growth and controls bush expansion. It also destroys dormant and free-living stages of livestock parasites and ticks (that have accumulated in the heavily used dry season refuge highland areas).

3. The *Oloirishirsha* pastures cover pockets of bush and medium-height grasses, which dry up later than the lowland pastures (Potkanski 1994: 85).

The special grazing areas (range reserves) lie close to the homestead areas (*inkan'gitie*). They have definite boundaries and access to such pasture lands is restricted. One special grazing area is called the *oloikiri* pasture. A common size of this pasture is about seven acres, and it is especially reserved for calves and sick livestock. Thorn bush branches mark the outer boundaries of this area. In the *Oloikiri* pasture the grass is good all year round, and the pasture area is a grazing area reserved for the very last part of dry season. The members of a local homestead have local priority rights to grazing pastures but they give up these rights when they move away. Neighbouring Maasai respect the marked *Oloikiri* boundary. Other territorially bounded land areas are agricultural fields or standing water resources, such as wells, dams or springs. Streams and rivers are collectively owned (Potkanski 1994: 58). Rights of *access and control to water* are always collective and under the group ownership of a certain Maasai in a locality (*enkutot*) area. There has, however, been a substantial change in water rights for different water resources in Maasai land, especially in Kenya (see Talle 1988).

Ways of Maasai pasturing – transhumance

<i>Eneo la Malisho ys Mifugo wakati wa Maziko</i> , wet season pastures	
<i>Mipaka ya Nchi</i> , national boundary	<i>Mto wa Wasso</i> , Wasso River
<i>Mipaka ya Kata</i> , Division boundary	<i>Mto wa Pololeti</i> , Pololeti River
<i>Mipaka ya Tarafa</i> , Disct boundary	
<i>Barabara</i> , Road	
<i>Makao Makuu ya Wilaya ya Ngorongoro</i> , DC office	
<i>Mipaka ya Wilaya</i> , province boundary	
<i>Eneo la Malisho ya Mifugo wakati wa masikal</i> wet season grazing area	
<i>Miji ya maneneo yenye maduka</i> , villages with shops	
<i>Maneneo yenye Shule bila maduka</i> , village with schools but without shops	
<i>Makemp Site</i> , camping place	
<i>Kiwanja cha ndege</i> , air strip	

Figure 17. PRA map of the Maasai transhumant grazing system as it is in the Loliondo Division. The map shows how pasture areas of the local sections of the Purko, Laitayok and Loita Maasai are divided into two different kinds of grazing areas: wet season and dry season. Dry season grazing areas lie near the homesteads (*inkan'gitie*). Wet season areas lie in the core grazing areas in the grasslands and plains of Angata Keri or in the surrounding wetter forest and bush land areas. The PRA map shows how traditional seasonal grazing lands do not follow the established administrative village boundaries between Divisions but follow instead livestock routes in the locality/section areas.

(The map was drawn by Zakayo Ole Leida in 2002)

NGORONGORO DISTRICT: MAP OF LOLIONDO AND SALE AREA



In the Loliondo and Sale Division the Maasai practise transhumance in livestock grazing on village lands (Fig. 17 and 18). In transhumance the annual grazing cycle is based on seasonal movement and changes in the distribution of available natural resources to regular pastures (FAO 1990: 24, Smith 1992: 11). The seasonal livestock movements are done according to communally agreed principles. In this system, wet and dry season movements take place within the sectional territories, and mobile pasturing has been the best way to cope with unstable local environmental conditions. In the Maasai lands, Behnke et al. (1993: 29–30) explain that seasonal pasturing is a way to adjust to local imbalances in stock numbers and forage availability and that mobility is maintained as a production strategy in changing economic and institutional conditions. Ecologically, transhumance is considered not only to keep the grass on the plains in good condition but also to be an effective technique in preventing livestock diseases.⁵⁸ In both Divisions, although the availability of pastoral lands has been decreasing, the local Maasai still practise seasonal grazing. *Dry season pastures* are situated near reliable water points such (springs and wells) and the Maasai homesteads. The Maasai livestock is watered every other day. *Wet season pastures* lie in the surrounding large plains (lowlands) such as 1. the Angata Keri plains, 2. the western corridor of the SNP, and 3. the wetter forests which are set aside for seasonal grazing (Fig. 17). The larger spatial circle of Maasai pasture mobility is necessary because by the end of the wet season, the savanna plains and water from standing pools dry up easily. Also the quality of forage gets poorer. This forces the herd to move back to dry season pastures near the homesteads. It is noteworthy that during this time reserved dry season grazing areas have recovered. The livestock is also constrained by the wildlife migration on the plains. Currently, the wildebeest numbers have increased in the wet season pastures which were earlier used by Maasai livestock.

Case study of Maasai livestock grazing patterns in the Loliondo Division

The grazing pattern of the Olopollon homestead areas of the Wasso village/the Laitayok Maasai section

Dry season grazing areas: Loliondo mountain slopes and valleys near the River Wasso toward the Old-onyo Wasso sub-village area and around the Olorien/Magaidur area near the River Kisuyasuyu

Wet season grazing areas: west of the Olopollon area toward the Angata Keri Plains and the Serengeti plains near the border of the SNP and the bush land areas toward the Arash ward and the border of the Sale Division

A locality (enkutot) area and the territorial boundaries for the local Laitayok Maasai are distinct and respected in Olopollon. In the Olopollon homestead area the seasonal grazing is based on different seasons and altitudes. In some places the locality boundary follows the village boundaries, for instance, near the Olopir village. The children learn the boundaries of their restricted grazing areas (Oloikiri pasture) at a young age when they are out with their older brothers tending the cattle. If someone purposely crosses the boundary of the “oloikiri” area, he will be chased away, or in the worst case, cursed by the other section group of Maasai. The Laibon (prophet) controls access to the best “oloikiri” pastures because he holds the primary right to utilize this area. He can also give sanctions to other outside users of this particular area.

During dry season, the livestock is kept in common pasture lands (Osupuko) near the homesteads by the mountain and near the River Wasso or the local springs. In the morning, the livestock (cattle

⁵⁸ It is known that the incidence of tick-borne livestock diseases such as Olmilo (Bovine Cerebral Theileriosis) and Oltigana (East Coast Fever) increase in the higher altitudes (Osupuko pastures), and during the wet season in lowland pastures (Orpurkell pastures), the tick populations multiply and spread the Ingatee, MFC

and small stock) are kept at the upper level of open forest patches by the Loliondo Mountain. By noon every second day, the Maasai water their livestock at the Wasso River. Afterwards, the livestock graze on the west side of the River in the Irkanda bush lands. Eastwards, they pasture near the Wasso or the Kisuyasuy River (near the border of the Sale Division). In the evening, at 6 p.m., the livestock will return to the Maasai homestead (engang).

From the end of January, toward the wet season, the livestock graze on the plains of the savannah, Angata Keri (the Orpurkel area). The livestock grazing lasts there as long as the grass is green, plentiful and nutritious and temporary water holes can be used. During the wet season (from June onwards), part of the livestock will move to graze near the Lobo area (the eastern SNP corridor area) to “sojourn pastures” for seasonal grazing. In this remote area of the Angata Keri Plain, semi-permanent Maasai settlements can be constructed in the distant areas from homesteads. By March/April, the wildebeest start their calving period in the southern parts of the Angata Keri plain and the livestock is forced to leave the shared area. Livestock is also taken at least once a week to mineral resources for salt licks “olchoroibo”, on the Wasso River riverbanks or to Angata Keri where the salt is contained in the rocks (magadi stones) or in the soil in the form of sand.

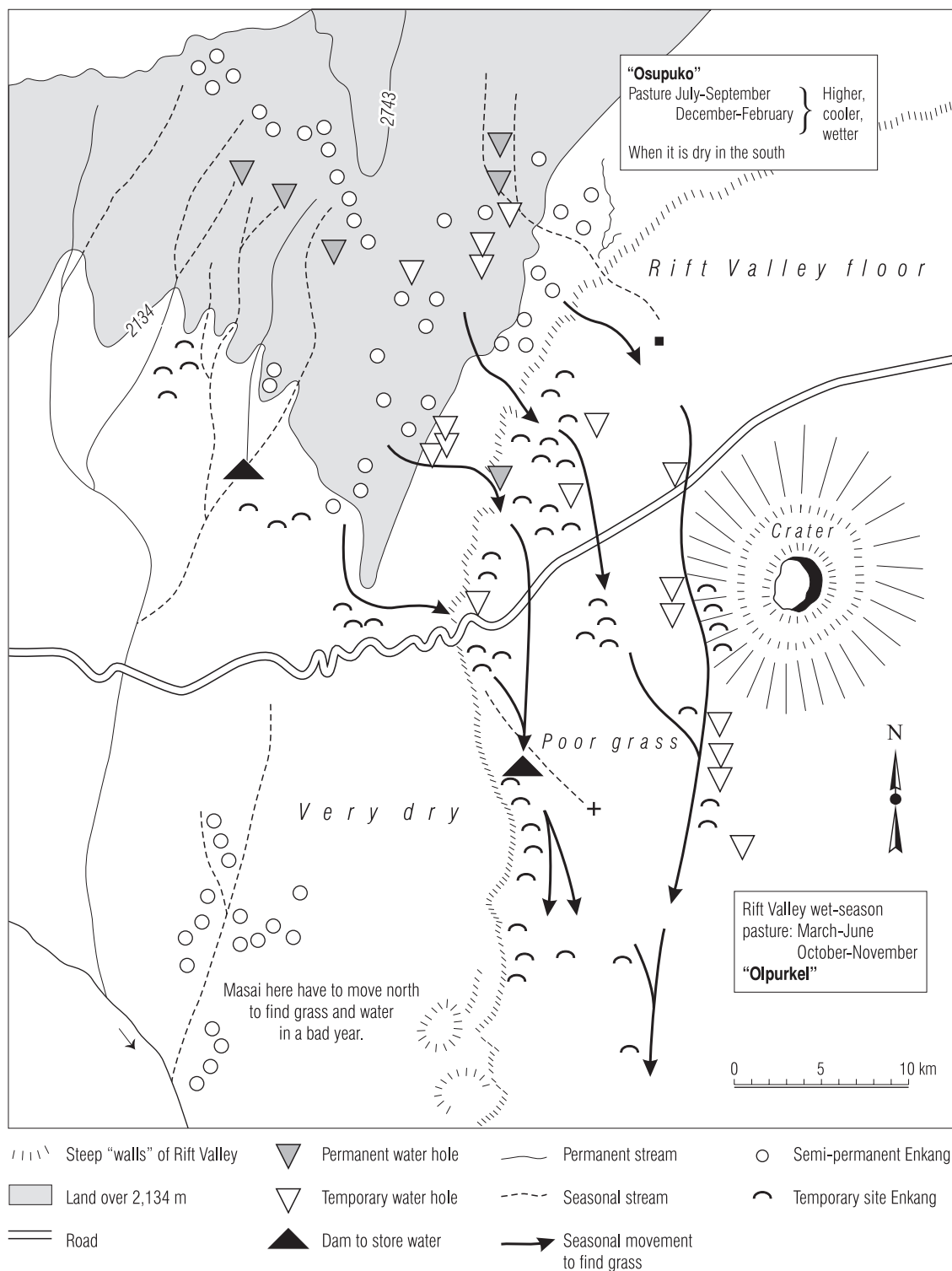


Figure 18. Traditional Maasai grazing pattern showing the seasonal movement (wet and dry season) of livestock in the Rift Valley area. The mobile livestock movement was based on a strategy to find nutritious grass in different *Orpurkell* and *Osupuko* pasture lands. (Based on Hickman et al. 1973)

The Sonjo traditional territories

Over the last two centuries pastoral land territories have surrounded the Sonjo lands. According to the spatial structure of traditional Sonjo territories, the Sonjo have kept their ancient villages scattered on hillsides, and the surrounding forests serve as hunting territories which have provided valuable natural resources, such as water resources (springs and rivers) and game. Sonjo property rights to land have been based on an undisputed tribal right of occupancy. Land belonged to larger tribal groups who held ancestral links to land and water resources.⁵⁹ In this system, groups of elders controlled natural resources and could transfer property rights (such as water rights) to others. Usually, family sons inherited their cultivation rights to fields from their fathers. A piece of land could also be sold, rented or lent to landless villagers (Potkanski 1987: 203).

Until the 1990s, hill furrow irrigation and rainfed agriculture dominated the Sonjo landscape. In the mountainous plateau the artificial hill furrow irrigation of the Sonjo fields was the basis of existence.⁶⁰ The socio-spatial organization of the Sonjo contains two major territories for land and resource use: *village lands* and *forests with hunting territories*. Lands are held either as individual (hereditary) or communal property. In the traditional Sonjo land territories there were eight ancient Sonjo settlements with irrigated agricultural fields. These ancient Sonjo villages were built on the rocky slope of an escarpment and took a compact form. They were located close to reliable resources of water, allowing for irrigated agriculture and the ancient field boundaries were marked by lines of stones. The orientation of the villages was toward the valley, and they were territorially protected from the surrounding environment by defensive double palisades of wooden stakes, thorny plants and fences. The agricultural fields were perceived to be collective property of the Sonjo clans who had been the founders of each village. In every Sonjo village the number of clans varied from four to 12 (Gray 1963: 29; Potkanski 1987: 192, 195; Potkanski and Adams 1994: 88; Adams et al. 1994: 19).

The bush lands and forests, the Sonjo hunting territories, lie in the hills behind the Sonjo villages. The use of wild resources has been considerable in these areas. In the forest, the bush land and certain trees have also been defined as the property of a certain clan. There were rules that animals which had been hunted within a certain clan's area should be presented to the elders of that village. Apart from hunting activities, the Sonjo have also collected honey from selected and individually owned trees with beehives (Gray 1963: 47; Potkanski 1992: 4; Adams et al. 1994: 23). Wildlife hunting restrictions have existed since colonial periods when the Germans planned the Lake Natron Game Reserve on Sonjo lands (see Neumann 1995). During recent decades, in the Sale Division, Sonjo hunting has been possible in the LGCA area with written permission.⁶¹ Hunting, which has long been important for the Sonjo, has however become less and less important because the numbers of wild game have decreased in the Sale Division (see Potkanski 1992).

Sonjo agricultural land and water management

The agricultural and water management systems of the Sonjo are well described in the studies carried out by Gray (1963), Potkanski (1987, 1992), Adams et al. (1994), Potkanski and Adams (1998).

⁵⁹ Some Sonjo places have ritually been very important to the Sonjo culture and social structure, for example, the ancient Tinaga village area where the Sonjo cultural hero and God, Khambageu, was believed to have appeared for the first time.

⁶⁰ Hill furrow irrigation is common in eastern Africa, in Ethiopia and in the western wall of the Rift Valley among the Pokot, the Marakwet and the Sonjo people (Adams et al. 1994: 19).

⁶¹ Under the LGCA, no person shall without the written permission of the Director of the Wildlife Division, hunt, capture, kill, wound or molest any animal (including fish) (URT 1974: 63).

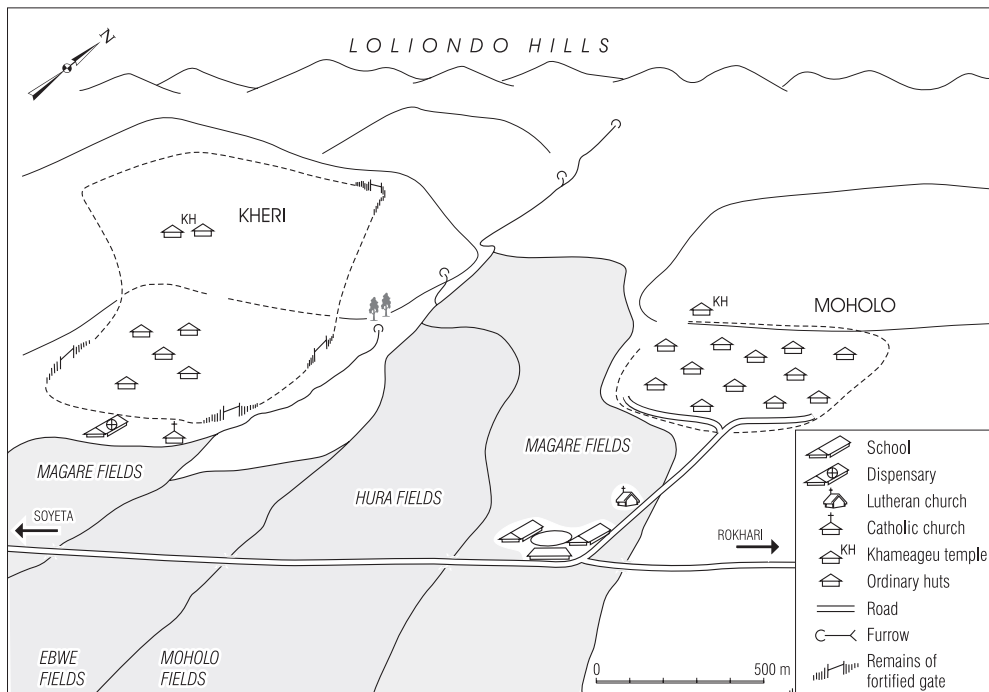


Figure. 19. The Sonjo land use system (based on Potkanski 1987).

In Sonjo lands, the agricultural lands are privately owned. Cultivation is based on either hill-furrow irrigation or periodic rainfall. Potkanski's study from the 1987 stated that about 75 percent of the old cultivated land was artificially cultivated through hill-furrow irrigation (dams and canals). The remaining 25 percent of land was rain fed cultivation. The agricultural rhythm of each day has been divided into periods during which certain members of the village community have the right to water their irrigated fields. The agricultural division of labour is such that the men take care of the irrigation from the canals and of the clearing and burning of fields. The women harvest and carry the crops home. They also sell the family harvest in the local markets.

The Sonjo ethno-classification of land holds three different kinds of agricultural categories: 1. *hura*, 2. *magare* and 3. *segere* land.

1. *Hura* land has soil which is heavy alluvial loam, black and dark red in colour, and is usually situated in the bottom of valleys. *Hura* land is the most fertile land and is cultivated during the dry season entirely by irrigation. During the rainy season, *hura* land can be flooded by the seasonal streams. *Hura* land is tilled individually by the farmers (Potkanski 1987: 207).
2. *Magare* land has soil which is lighter and sandier and is capable of producing abundant crops if it receives enough rain. This kind of soil is usually located along the higher mountain slopes. These fields have, in the past, been cultivated in alternative years but are today cultivated all year round. In *magare* fields, the territorial rights include the right to use water for irrigation (Gray 1963: 36-38, 48; Potkanski and Adams 1998: 90).
3. A third kind of land is called *segere*. It is located in the bush land and can be cultivated but is from time to time left untouched. *Segere* lands are used as dry land rain fed fields and are very important today in the areas surrounding the satellite villages (Potkanski 1987: 207).

On Sonjo lands, the availability of water has been exceedingly important because the Sale District receives very little rain. The main sources of irrigation water for the Sonjo have been

rivers, streams and dams. The larger natural sources of water (a river or a perennial stream) are communal property of all Sonjo water users. Other types of water resources such as dams and springs are generally the private property of those families that have been the *founders of a given village* and have both discovered and improved the source. In the Sonjo irrigation system, the first “owner” group of the irrigated water has always been as the *wenamiji* (sing. *mwenamiji*) group (with Khambageu priests as their advisers). They have held the primary user right to allocate and to control the irrigated water (Potkanski and Adams 1998: 102). Temporary permission to use water is granted by the *wenamiji*. They give these rights to less privileged members of the Sonjo community (*wakiama*) and other people in the village. The irrigation system works around the clock, and each 24-hour period has been divided into sub-periods. Rights to use this irrigation system are given for a specific time against a payment. The payment is traditionally paid either in kind (goats or honey) or in cash, in agricultural products or even in labour (see more Potkanski 1987; Potkanski and Adams 1998).

In the Sale Division, the irrigation system usually has two major sources of water: springs and the major Lelessuta River.⁶² The Sonjo have developed the irrigation system by using specially built small dams and canals around the fields. The canals divert the irrigated water from the streams to flow down to escarpments in order to irrigate the drier land on the plains or in the foothills. On the plains the canal is divided into branch furrows, which run through the fields and bring water to every plot. In each Sonjo village, the organization of the irrigation work was/has been organized by the group of *wenamiji* but the maintenance of canals and water resources is either done individually by the owner of the plot or communally (i.e., the construction of dams and the cleaning of canals) by the older men (*bamalankolo*). The heaviest work usually has been passed on to the warriors (*batana*) (Potkanski 1987: 210; Idid 1998: 102).

Positive development in and threats to Sonjo lands

Until today, the socio-spatial system of Sonjo resource use and their use of land and water has functioned without major conflicts in most Sonjo villages. In the Sonjo lands, the land use has been kept productive through effective hill-furrow irrigation and a specialized property system. The traditional Sonjo property system has provided members of the Sonjo community with sufficient security of resource rights. Today, due to risen competition for resources, signs of privatization are emerging on the Sonjo lands, as was described earlier. With the pace of modernization, the Sonjo have become better educated and wealthier through the trade in agricultural products and livestock. The Sonjo are fortunate to have a rich variety in their diet (meat, grain and vegetables/fruit) which means that the Sonjo people rarely experience malnourishment during the dry season, contrary to the experience of the Maasai and their children. The Sonjo agricultural crop repertoire has also developed considerably since the 1950s. Today the Sonjo crop variety includes maize, sorghum, sweet potato, bean varieties, and vegetables such as cabbage, cucurbits, lettuce, tomatoes and onions. Additionally, a variety of fruits are grown, such as bananas, papayas, oranges, mangos and limes. Even rice, cassava and tobacco have been introduced, but to a lesser extent. One important crop is calabash in its elongated form. Besides irrigated agriculture, a number of sheep, goats, poultry and donkeys are also kept by the Sonjo households, and beekeeping is practised. The Sonjo people are now also keeping more and more livestock and an increasing number of improved breeds of cattle can be found on village lands.

Historically, the biggest threat to Sonjo villages has been the military raids of the neighbouring Maasai. The problems of past decades have been different and related to intense population pres-

⁶² The springs, according to Gray (1963: 52), were regarded as intensely sacred, since the creation of them was thought to be miraculous and thus supernatural. They have been treated as sanctuaries and could not be approached by ordinary people who had engaged in sexual activity and lived a “normal routine” life.

sure and to land and resource scarcity. The population growth has been fast in the Sale Division since the 1960s. The increasing population has meant less accessible land in the Division. The land scarcity has led to the frequent movements of Sonjo from place to place and increased resource conflicts (see Potkanski and Adams 1998). A clear sign of the population movements has been the creation of satellite villages in the Sale Division from the late 1980s and early 1990s onwards. Moreover, the shortage of water has critically affected the Sonjo land/water management system during frequent drought periods. The water shortage can also be explained by the expansion of rain fed agriculture. In some part of Sale Division, the results of this unregulated expansion of agriculture led to conflicts. The study of Potkanski and Adams from 1998 showed that continuous cropping on village lands is increasing land degradation and leading to loss of land fertility on *hura* and especially on *magare* lands. As a consequence of this, population pressure can lead, for instance, to increased deforestation and land degradation and increased resource use conflicts in the Division (see similar cases, Lerise 2000, Madulu 2005).

Summary

In this chapter I have described the geographical, botanical and climatic details in the Loliondo and Sale Divisions. The spatial systems of the Maasai and the Sonjo in both Divisions are also described. Today, livestock rearing, agriculture (hoe cultivation/irrigated) and wildlife-related activities are still the most important land use forms in both Divisions. The greatest change has been the increase in agriculture in both the Loliondo and the Sale Divisions. The pastoral mode of production has been affected by the emergence of State land control and other competing land/resource use activities such as nature conservation, preservation of wildlife and hunting. Due to the Tanzanian State land and conservation laws and policies, livestock herding routes have become shorter and regulated on the village lands, especially in or near the conservation areas (the LGCA, the SNP and the NCA). Today, agriculture is becoming increasingly common among the Maasai people in both the Loliondo and Sale Divisions. In the long run, this can be seen as a survival strategy in the face of land loss and poverty among some local Maasai. Agricultural production has also been adopted as an insurance mechanism against drought and unstable climatic conditions. The agriculture activities also bring additional income to Maasai families. Despite all this, on the Loliondo and Sale village lands, the Maasai tribal sections still practise communal livestock grazing within the different village lands. The shift toward agro-pastoralism can be seen as result of land loss and constrained mobility on village lands. In the Sale Division, the Sonjo still practise hill furrow and irrigated agriculture. During the 1960s, the villagization affected the settlement structures slightly, and the ancient village territories were shifted from their original places. In spite of villagization, the spatial system of the Sonjo land use form has remained. It means village lands with irrigated fields, forest lands containing hunting territories, and small stock pastures in the bush lands. Settlement changes, in the Sale Division, have been taken place from the 1960s onwards new satellite villages have been established in the outer areas of villages. In these areas, the intensive spread of rain fed agriculture has resulted in an increased demand for water. Also the intense population pressure, during the 1980s and 1990s, resulted in new establishments of satellite villages and the further spread of rain fed cultivation. All these issues have affected the traditional Sonjo land and resource management system and thus created tensions and land disputes.

Chapter Five

Land disputes in the Loliondo and Sale Divisions

*“Land disputes are predominantly political struggles over village territories.”
(Anderson 1999: 574)*

During past decades, conflicts in the Arusha Region have ranged from minor land disputes to more serious land-related violent conflict/land clashes (as happened for instance in the NCA area due to drought in 2003).⁶³ The disputes presented in my study are spatial land disputes and occurred in a certain time period in the lands of the Loliondo and Sale villages. The land disputes have ranged from minor tensions between individuals and groups to raiding of livestock, the destruction of villages and legal proceedings.

The OECD/Dac (2004: 11) study describes how land can hold both very high material and symbolic values for local people in rural but also in urban and peri-urban areas. Therefore, land territory itself can turn into a tangible object of dispute, which in the worst case may even lead to land-related violent conflict. In land disputes, the content of property which includes tenure and ownership in land and resources play a central role, especially when the economic value of land increases. Due to this, many conflicts are the cause, consequence or evidence of insecurity over land/resource rights. The cause of insecurity over property can stem from customary rules, State intervention and the effects of multiple legal systems (Lavigne Delville 1998: 44–45).

Historical background of the land disputes in the Loliondo and Sale Divisions

In past decades, the land disputes prevalent in the Loliondo and Sale Divisions occurred either in the borderland areas (in common lands) or in wildlife conservation areas, such as the LGCA. Disputes on village lands have occurred especially when access to land has been related to social identity. In resource scarce environments land disputes have also turned into territorial conflicts about property rights (land/resources) and the ownership of livestock. The most violent conflicts have involved heavy raiding and thefts by armed bandits and killings in the northern border lands (see Daily News 23.8., 3.11.1998; Daily News 12.1, 15.1.2002 and Sunday News 20.1.2002).

When studying land disputes between the two ethnic groups of the Maasai and the Sonjo from a political perspective, the Maasai in pastoral lands have faced land alienation in their pas-

⁶³ A land clash is defined as a violent conflict related to land where “personal injury or death and/or physical property damage in a land dispute” has taken place (DEV/DOC 2004: 18). For instance, in November 2003, due to a lack of rain, there were severe land clashes that took place between Maasai warriors in the NCA area in the Ngorongoro Division (Marchessault, Endulen Diary, www.osotua.org).

toral lands from colonialism onwards. The Maasai are/have been also undoubtedly one of the best known and most widely recognized and spread out pastoral people in East Africa who have used modern legal means, formed social movements and educated themselves about the State law through their NGOs and with the help of human rights advocates and international interest groups. Therefore, the Maasai, to whom the nature of the common title to land over wider geographical areas has been essential for their pastoral production, have used State legal means in order to obtain legal security for their land rights. Contrarily, the Sonjo, being settled agricultural people, have been much less known in East Africa. The Sonjo have always been considered poorer than the Maasai and have also occupied much smaller land areas compared to the neighbouring Maasai populations. The Sonjo are agriculturalists and have settled on areally restricted lands. They have not conquered by force any large land territories, but they are, however, quite prepared to defend their settled land areas (see Potkanski 1987, 1992).

Maasai/Sonjo communal violence has been common on the Sonjo and Maasai village lands in the Sale Division. The oral history of the Sonjo acknowledges how in the late nineteenth century there were violent confrontations between the Maasai and the Sonjo (Potkanski 1998: 91). Theft or raiding of livestock with the concomitant destruction of villages was recorded even as late as the 1980s and 1990s. In the worst conflicts, both physical property damage and the killing of animals and people took place and led to the abandonment of Sonjo/Maasai villages in these contested lands. Maasai raids and other kinds of hostilities have recently taken place on the Sonjo lands because the number of Sonjo livestock has increased. Vice versa the Sonjo warriors (*batana*) have organized counter raids on Maasai village lands. It is however, good to remember that livestock raiding for the Maasai/Sonjo is a traditional practise whereby depleted herds are replenished. Here, raiding between different groups has always had an adaptive function between these two groups of people. It limits wealth and the possible development of overly rigid social hierarchies in these fragile environments (see Koponen 1988, Smith 1992, Galaty 1993b, Markakis 2005).⁶⁴

The cattle theft/raids cannot be explained only through the historical fact that the Maasai have been rich livestock keepers (pastoralists) compared to the poorer Sonjo cultivators (agriculturalists). Throughout history the Maasai have acquired large herds through raiding. For this reason the Sonjo have avoided to keep large herds of livestock.⁶⁵ Commonly held myths can also justify Maasai/Sonjo raids, especially in post-hoc situations. Maasai myth explains how the Maasai people are the ones who have been given a stick as a present from God to use in herding cattle. The Sonjo myth explains again that the Sonjo God had forbidden the Sonjo to keep cattle.

Land disputes of the 1980s and 1990s

In the Loliondo and Sale Divisions, the historical analysis in this chapter will show that the land disputes of the 1990s were not isolated incidents but were linked to earlier developments which began in the 1980s. It can be seen that the spatially increased use of economical and political power can be used to reconstruct spaces and bounded territories on village lands. On the other

⁶⁴ Frequent raids and counterraid have occurred between within different ethnic pastoral groups in East Africa. In pastoral communities, young men have usually acquired their own herds through livestock raiding and, thus, asserted their manhood. Livestock has also been used as dowry, for instance among the Maasai (see Markakis 2005: 26). According to Koponen (1988: 143) the conquering of land as "land control" can be considered a side effect of raiding. He describes that, in the past, most "traditional" wars as violent conflicts were raids and counterraid in order to acquire cattle on Maasai land. I would not consider land control to be a side effect of raiding but I rather consider that Maasai livestock raiding can also be seen as an effective warfare strategy in the Maasai's territorial expansion when the grazing lands were conquered in the Rift Valley.

⁶⁵ In addition, the issue of the ownership of cattle has been even more complicated due to the pastoralism ideology among the Maasai. Up to today, the Maasai have held up to their idea of the superiority of pastoralism over agriculture. In the Rift valley area, the Maasai, as Maa-speaking groups of people, have been defined and known as being "the people with cattle" who keep *large herds*.

hand, the State emphasized zoning policy with land titles (the transformation of property) can contribute to the development of unequal power relations. In a marginal environment, such as the Loliondo and Sale Divisions, several other issues had an impact on the land disputes. For instance the steady population growth, the resource scarcity and the liberal economic policies of the State contributed to the emergence of disputes.

There have also been two important geographical issues which have had an effect on conflicts and to their causes, especially in the Loliondo Division in the 1990s, which reiterate similar arguments from the 1970s: the issue of the peripheral and frontier location of both the Loliondo and Sale Divisions and the perceived “underdeveloped” and “poor” status of both Divisions. Until the 1970s, the Divisions still remained “underdeveloped” peripheral territorial units within the larger Arusha Region. In the 1980s, during Tanzanian economic liberalization, the State encouraged commercialization and intensification of land use and resources, also in the Loliondo Division. Perkin and Symonds (1991: 8) argue that it was due to this State emphasis on economic development and the more liberal State policies of the 1980s that gave rise to some of the land disputes of the 1990s, especially in the Loliondo Division.

By the end of the 1980s, land loss was evident on the Loliondo Division village lands. Due to the AGRIPOL policy of 1983, the Arusha Regional authorities were encouraging people and investors elsewhere to start agricultural production in the Loliondo Division. Village lands became a target area for immigrants and outside investors. In 1975–79 a major road was built to the Division by the Americans. This road connection also attracted people into the Division. Furthermore, in 1980, the Loliondo area was sub-divided into the Loliondo and Sale Divisions. This time the land subdivision was carried out without land registration of neighbouring villages. Due to this, a legal certificate of occupancy (deemed ownership) was neither given to the Maasai nor to the Sonjo village lands.

Due to this rapid change in economic conditions, State-led land alienation and risen land competition was evident in both Divisions. The Loliondo land use plan confirms the fact of the increased demand on land. It states that by December 1985 there were about 100 requests for land allocation of agricultural land in the Loliondo Division. In January 1989, the number had risen to 264 land claims, covering about 140% of the total area of the Loliondo Division (NLUPC, draft 1993). This land demand and competitive land use picture in the Loliondo Division has had a direct effect on the insecurity of Maasai land rights in the Loliondo and Sale Divisions. Gradually, fears of lost pastoral property and property rights produced pleas from the Maasai people. The demands were pushed forwards by the “big man”. In 1987, the MP for the Ngorongoro District, Ole Parkipuny, gave an alarming statement in the State parliament saying that there were “*plans to convert the LGCA area into barley and ranching farms*” (SRCS 1995: 2).

In the meantime, in the Loliondo Division, land allotment grants and hunting concessions under the LGCA were approved either at the District level or centrally by the Ministry of Lands, Housing and Urban Development, or by the Ministry of Tourism, Natural Resources and Environment (NLUPC 1994). Large tracts of village land were leased to both Tanzanian and non-Tanzanian commercial farmers for large-scale agriculture and tourism activities. The land allocations in designated hunting blocks under the LGCA area were allocated to Tanzanian State companies (TANAPA) (including GRO rights for game hunting and game cropping for 66 years). Some of these land allocations were also illegally enacted.

When the alarming land allocation/concession situation gradually became public in Tanzania, the conservationists and the SRCS both expressed worries about the decreasing area of existing wildlife habitats in the Loliondo Division. Subsequently, the situation finally led to State institutions taking an interest and starting to intervene in the emerging situation in the Loliondo Division. By the end of the 1980s, due to this conflicting situation, the village council of the Loliondo village requested the National Land Use Planning Commission (NLUPC) to prepare comprehensive village land use plans for the entire Loliondo Division. Consequently, the Minis-

ter of Lands also directed all Regional Commissioners in Tanzania to give priority to the survey and demarcation of village boundaries, and the issuing of title deeds to villages, and to ensure that land use plans were prepared for the villages (Lerise 2000: 8). Village land use plans were considered important and were to offer the most appropriate long-term mechanism for stabilizing the land use situation in the Loliondo Division. A new land plan was prepared, proposing that the subdivision of land into land zones should be allocated according to their land use: cultivation, conservation or pastoralism. In addition, another important land use planning institution, the Serengeti Regional Conservation Strategy (SRCS), proposed a “buffer zone”, a territorial area to be gazetted as the grazing zone of the SNP.⁶⁶

At this time, due to the existing land loss, the local Maasai from the Loliondo Division, together with some educated Maasai elite and the Maasai MP, realized the need for securing Maasai customary land rights in the Loliondo Division (the legal deemed right of occupancy). In 1989, the Loliondo Village Council asked the SRCS in the Ngorongoro District to demarcate all village boundaries and to prepare land use plans for the Loliondo Division.⁶⁷ Two years later in 1990, the Ngorongoro District Council proceeded with the land registration process and formed a survey team with the SRCS. The team, which included the Regional surveyor, the District council members, representatives of the Tanzanian and international NGO fields (ADDO, IUCN, and KIPOC) and some educated local people, demarcated the village boundaries of the Loliondo Division. During the land demarcation, the team also visited different boundary areas in the Sale Division, and both Maasai and Sonjo people were interviewed in different villages. In these discussions, themes such as traditional land use patterns, grazing routes and the use of water and forest resources were raised. Even at this time the local village elders were holding lengthy debates about already ongoing land disputes in both Divisions. When the village boundaries were finally verbally agreed on by both groups of people, the village demarcation took place for all Loliondo village lands (Perkin and Symonds 1991: 17–18).

The impact of the demarcation of village boundaries in the Loliondo and Sale Divisions

In October 1990, the demarcation and registration of collectively held village lands in the Loliondo Division with the co-operation of the local people and the State was finalized. Altogether 2,300 square kilometres of lands were both surveyed and mapped, and the land registration exercise guaranteed legal statutory property rights (the certificates of land titles) to the Maasai people in their village lands for 99 years. The villages which received their titles were Loliondo, Sakala, Olorien/Magaidur, Oloipir, Soitsambu, Ololosokwan, Engaserosambu/Ngarwa, Loosoito-Maalo-ni and Arash/Lamunyan.

Soon after the land registration, the Sonjo people from the Eyasi/Ndito satellite village and the Kisangiro/Mughole village in the Sale Division expressed their disappointment with the Loliondo land registration. The Sonjo people from the adjoining villages in the Sale Division argued that the new location of some village boundaries was gazetted in a prejudiced way and in favour of the Maasai people in the Loliondo Division (URT 1994a: 57, 207). This discontent was explained

⁶⁶ The local Maasai did not easily accept the plan proposing the buffer zone. Firstly, once again, they feared to lose more land to conservation and argued that their land claims would not be recognized if both commercial and small-scale agriculture were accepted in the land use plans of the Division (SRCS 1995: 2, Perkin and Symonds 1991: 13).

⁶⁷ From a legal perspective it is noteworthy that before Loliondo land registration the SRCS carried out an investigation of the entire Arusha Region of the resource base and found that 18 villages in the Divisions were registered but without title to their land, even though the State land policy had stated that all villages in Tanzania should have been demarcated by 1992. In this case, the Loliondo village council proceeded rightly since the Tanzanian village council through its sub-committee had been given power to decide on the land use matters of village land as well as to perform development control functions within village land territory (URT 1991: 59, Lerise 2000: 5).

from the Sonjo perspective, with the argument that the location of the administrative boundary was not mutually agreed on by all parties. Therefore, the land registration could not be considered as “finally” implemented. The District reports reveal the same issue: the demarcation could not be finalized because the locations of the boundaries of the adjoining Maasai and the Sonjo villages could not be agreed upon (Ngorongoro District Council, 1993). The same District report (ibid.) continues by explaining that: *“How the demarcation of the village land was often both carried out and one-sidedly agreed from the Maasai side”*.⁶⁸

The SRCS (1995: 2–3) paper disagrees on the same issue. The report (ibid: 2) explained that the village authorities were both fully involved and informed in the land titling process when the land registration took place both in the Loliondo and Sale Division. If/when minor disagreements occurred during the land registration process; they concerned the actual location of the boundary between the Maasai villages in the Loliondo Division. Most of these boundary disputes were resolved but in some places they remained unresolved. In this case, the impending conflict developed later in the inter-community conflicts.

This conflictive picture that developed from the programme of land registration of the 1990s shows how the imposing of rigid administrative boundaries can easily give rise to conflict. In Tanzania, during the same decade, boundary disputes were common in rural areas and were often related to the lack of deeper understanding of the process of titling and its implications for local land tenure (URT 1994a: 56). Similar cases from the end of the 1980s are presented in a study by Lerise (2000). The study shows that land disputes between livestock keepers and cultivators were common and that these conflicts were initiated by sudden changes in village boundaries, changes that involved land losses and thus contributed to ethnic conflicts. It is also noteworthy that the Loliondo Division land registration was carried out in an unsecured land tenure situation where the villagers’ (the Maasai’s) main concern was the security of their land rights in village lands, in particular against outsiders and large-scale agriculture (see UTR 1994a).

When this communal land dispute was worsening on the village lands a long-term licensed hunting and development permit (10 years) was granted to a private non-Tanzanian in 1993. This hunting permit given to a private UAE (United Arab Emirates) citizen in the LGCA created an open conflict situation and resulted in long-lasting local resistance from the Maasai in the LGCA area. Due to Maasai land dispossession and the land allocations and hunting concessions that had been allowed, several critical debates were raised questioning the property rights of the local Maasai and the continuity of sustainable land/wildlife management under the LGCA.

When the land dispute situation was heating up in the 1990s in the Loliondo and Sale Divisions, and remained unsolved politically, the conflicts finally attracted State policy attention. In December 1993, the Ministry of Lands, Housing and Urban Development (MLHUD) and the District Land Allocation Committee (LAC) issued an advisory that community level meetings should be held in which the clan elders of a community could discuss land disputes and resolve the tension through local negotiation.⁶⁹

Community meetings were held to solve the conflicts, but no sustainable solution was found. A year later in April 1994, the Regional Development Committee (RDC) held a State-led meet-

⁶⁸ Particularly, the procedure of receiving legal land titles to collectively held village lands in the Loliondo Division was also disputed. The Sonjo people claimed that the land titles were not acquired in an administratively correct way. There were complaints that the land certificates to the Loliondo villages were received but not taken and passed at all by the District land development officer. At the administrative level, a well-known Maasai MP (Ole Parkipuny) hastened the procedure of receiving title deeds. The MP was known for protecting the territorial land rights of the Maasai in the Loliondo Division and he himself forwarded the draft title deeds directly to the Regional level (Ardhi House) from the village government council. The District council office did not have a legally accepted land officer at that time (SRCS 1995: 3).

⁶⁹ A call for clan elders to participate in conflict mediation has been common, in such situations, in Tanzania, even before the colonial periods. Such meetings may have solved problems regarding boundaries, ownership and land/water rights (NLUPC 1998: 17).

ing organized by the MLHUD. After this high level meeting, on the 16th of April the local daily newspaper Uhuru reported threatening news: “*Ngorongoro District Authorities were to nullify all the certificates of occupancy which had been offered to Loliondo villages in 1990. These village lands must be re-surveyed and all villages should participate fully in the exercise.*” This enforcement for nullification of land titles and Divisional boundary created deterioration in land matters in the Loliondo and Sale Divisions. The Sonjo people in the Sale village lands had by this time already used some territorial strategies at the local level. They had built a wooden fence, as they have traditionally done to protect their ancient villages, in the disputed land area. As the Maasai could not accept this territorial act, the conflicts worsened and the land dispute remained unresolved.⁷⁰

At the time of this heated land conflict in the 1990s, there was also a change of local political leadership in the Ngorongoro District. In 1993, the new District Commissioner (Mr. Geroi) was named. He was a man known as a prominent and distinguished Sonjo elder from the Sale Division. This was a turning point because the territorial administration had been highly politicized. The appointment of a Sonjo person to a high political position disturbed the power relations between the Sonjo and the Maasai people in the Divisions. The Sonjo people gained confidence in land matters, and communal disputes became more serious.⁷¹ After the new DC appointment, the local Maasai in the Loliondo Divisions claimed that political leaders of the Division (i.e., the DC) were not working neutrally on land matters, but favoured the Sonjo. This political favourism was affirmed by the District Council Chairman, who claimed: “*The new DC officer works on the idea that the Sonjo are being oppressed and has not fully acknowledged what has happened in land disputes in the District*” (SRCS 1995: 3).

In these contested lands, the resurveying of the disputed Sale village land boundaries, which was planned in 1994, never happened. Instead, the Sale boundary demarcation was halted. The history of land dispute shows that the overall worsening land use situation, in which unequal resource access and land alienation occurred and administrative boundaries on the Loliondo village lands were imposed. This affected the power structures between the groups of people. As Lavigne-Delville (1998: 47) explains, the pressure and competition to hold land can provide grounds for political tensions. As a result, in 1995, the Sonjo – Maasai land dispute ended in a violent land clash causing personal injury and death, loss of physical property damaged by burning, and heavy raiding (see Rai, 1995).

The historical background shows that the local land disputes started to manifest themselves in a specific time period (1980–1990) in the Loliondo and Sale Divisions. The conflicts worsened by the end of the 1990s when two major types of territorial land disputes appeared (Fig. 12):

- A. Land disputes as boundary disputes in village lands and
- B. Land disputes in conservation areas belonging to village lands.

I assume that in the Loliondo and Sale Divisions both the Maasai and the Sonjo people have practised and asserted territoriality and power in land disputes. As both Taylor (1994: 151) and Sack (1986: 55) argue, territoriality as a human act can use a bounded space, a territory, as the instrument for securing a particular outcome in specific localities for different groups of people. My case studies can show on *abstract level, the historical processes of land disputes that involved the loss of land property, the imposition of boundaries, and finally the transformation of property toward the formalized land rights.* The case studies show that in the Loliondo and Sale Divisions, struggles, politics and power inequalities can result in a particular territorial place or in a created state abstract space. These places/spaces became clearly “*terrains of resistance*” for the local people.

⁷⁰ Later on, the Ngorongoro District Commissioner (DC) confirmed that the order was not executed and that the land certificates and the village title deeds were not nullified. The boundaries were to be re-surveyed and relocation of the boundaries would proceed only when both groups of people and their leaders had solved their boundary problems and land competition (SRCS 1995: 3).

⁷¹ In local politics, it is noteworthy that not until the 1970s onwards did the Sonjo become involved in local politics and since then members of the local administrative authorities have been Sonjo themselves (Potkanski 1987: 215).

Land disputes in borderland areas

In the 1990s, land disputes emerged on the Loliondo and Sale Division village lands. The disputed issues were mostly related to transformed and imposed boundaries. The conflicts also had territorial dimensions related to multiple land claims in disputed territories. Through the case studies in this chapter I will try to demonstrate conflict situations where people use boundary markers not only as instruments of communication but also as instruments for reifying geographical power, thus unbalancing existing power structures. Boundaries can also be used as instruments through which a group of people can identify themselves in opposition to other groups.

Most of the boundary disputes occurred between Maasai and Sonjo communities, and thus developed into inter-community conflicts. An inter-community conflict between two groups of people is usually long-lasting and difficult to mediate. Intra-community conflicts between different groups of Maasai also occurred due to changed village boundaries, but these were often less severe and short-termed. The Maasai council of elders had an important role in conflict resolution, and the enforcement of customary law could regulate the conflict situation. In the worst cases of inter-community conflicts between the Maasai and the Sonjo, the conflicts resulted in collective violence. As Rothman (1992: 38) states, violence is often used in an ongoing conflict situation when separate communities feel that their non-negotiable needs, such as for security, as well as ethnic issues are threatened or frustrated. An inter-community conflict thus usually originates from a situation where a community's (Maasai's or Sonjo's) sense of "self" is felt to be endangered.

Locationally, the contested places were specific borderland areas along the new Divisional boundary line between the Loliondo and Sale village lands. Land disputes emerged between the villages of Ng'arwa-Engaserosambu (Loliondo) and Kisangiro/Mugholo (Sale) and between Loosoito-Maaloni (Loliondo) and Eyasi/Ndito (Sale). In the Loliondo Division, land disputes occurred between the villages of Magaiduru/Oloipiri, Engaserosambu/Ngarwa and Soitsambu (see Fig.12).

Tägil (1969: 24) describes how land disputes concerning boundaries can develop from the general situation, expressed as: "*a boundary dispute exists when the territorial ambitions of at least two parties are irreconcilable*". The issue mostly disputed is the boundary, but questions of self-determination also arise due to territorial issues and unequal power structures between two neighbouring communities. Storey (2001: 30) avers that boundaries usually are political and social constructs which have clear cultural and social implications, particularly for those people living in border zones (see also Anderson and O'Dowd 1999; Paasi 2002a/2003). Spatially, therefore, boundaries (informal or legal) have clearly become markers for the local people/the state. Therefore, the roles of boundaries for local people and the state have varied to a great extent. Boundaries can, thus, signal relationships of power and apparent permanence through which control over territorial borders is delimited and asserted. In my study area, in boundary conflicts, the most commonly disputed issues concern the precise *location of the border or the existence of a particular border*, which can be questioned altogether (Storey 2001: 30). In disputes, territories and boundaries are remade, given meanings, destroyed or negotiated (see Kaplan 2001: 132; Paasi 2002a: 3). Boundaries, thus, serve to evoke strong emotions in people's territorial groupings and lead to action (see Paasi 1996: 34; Newman and Paasi 1998; Anderson and O'Dowd 1999).⁷²

Boundaries can consequently become one of the most heated issues in disputes (for instance the Loosoito-Maaloni village conflict with the Eyasi-Ndito village and the Ngarwa/Mughole/

⁷² Due to their land dispossession, the pastoralists have attempted to maintain their spatial formations and land rights via different territorial strategies in Tanzania. Territorial strategies have included varied grassroot activities such as conferences, legal cases and counter-mapping projects in the entire Arusha Region (e.g. in the NAFCO land case, the Arusha Maasai Conferences in 1991 and 1993, and the NCA management plan in Ngorongoro) (see Lane 1991; Lane 1996; Taylor and Johansson 1996; Hodgson and Schroeder 2002).

Kisangiro village boundary dispute). In borderlands, shifted and imposed administrative boundaries have usually been related to State territoriality. But constructed boundaries can also be used to challenge the existing State or local spatiality and property. In this case, in the 1990s, the recognition and enforcement of legal Maasai land rights in the Loliondo Division were considered to be highly important. Historically, as the study has described, the State policies and laws had undermined Maasai property rights when traditional boundaries were deterritorialized in the entire Ngorongoro District (see Århem 1984, 1985a/b; Wøien 1997; Johnsen 2000; Goldmann 2003). In this situation, legalized boundaries and land titles for the pastoral Maasai were used in order to gain territorial power and control in space. Through the legal boundary the Maasai were able to address their land problems and enforce their formalized land rights in the Loliondo Division in 1991.

The “reterritorialization” of the village boundaries in the mapping project can also be defined as a counter-mapping project which started to spread among the Maasai in the 1980s in different villages of the Arusha Region. The first counter-mapping project, village survey and land registration campaign was started in 1985 by Maasai activists, with the support of the Arusha Diocesan Development Office (ADDO) of the Evangelical Lutheran Church of Tanzania (see Hodgson and Schroeder 2002: 82).⁷³

The “reterritorialization” of the village boundaries also, at the same time, demarcated differences in power and control between the Maasai and the Sonjo people in both Divisions. As Blomley (1998: 569) explains, socially produced space can become saturated with power relations, and a contested spatial environment may, finally, serve to reflect and reinforce social relations of power through practises that code, exclude, locate etc.

After the boundary formation in the Loliondo Division, the space became filled with ethnic-based expression of power. Territorial control and violence between groups of people occurred in both Divisions. This use of territorial power took place in the Sonjo actions on Mughole/Kisangiro village lands when the Sonjo re-demarcated their village lands by constructing a wooden fence in 1995. In critical borderland areas the Sonjo people re-demarcated their lands according to the Sonjo historical land claims. This act excluded the Maasai, “the other”, from “their” lands. The case studies show how the effects and the assertion of territoriality and power can be complex and entailing.

Did the local ethnic-based land dispute bear some hidden political roots in the Loliondo and Sale Divisions? Lavigne-Delville (1998: 47) explains that the most violent and conflicted picture in land disputes often comes from political manipulation of competition for land/resources carried out by the State. In this case, the communal Maasai and the Sonjo dispute cannot be seen only as a boundary dispute but also as a political and tenurial dispute where existence and content of traditional tenure rights over a certain area are contested. The political State manipulation can be one underpinning reason for the communal land clash in the Loliondo and Sale Divisions in 1995. The land clash in 1995 clearly showed how State manipulation increased the inequalities within existing power structures between different communities in the Divisions. In the land clash, Maasai and Sonjo warriors openly violently enforced power and took control over land areas soon after the rumours of border nullification were expressed. In this situation, the use of power developed in most concrete ways, firstly with an informal fence construction and later on in open communal violence. The land clash in 1995 could also be described and seen as a final attempt by local people to validate the seriousness of their property claims. In the land dispute, property claims were considered historically important and they were promoted to bring evidence of historical land and resource claims on ethically unsecured village lands.

In land disputes, one can only hope that peace prevails because preserving and restoring social

⁷³ According to Hodgson and Schroeder (2002: 80) counter-maps can serve important functions when addressing the problems of protecting indigenous land rights. These include gaining recognition of land rights, demarcation of traditional territories, protection of demarcated lands etc.

relationships is important in these small-scale societies. Thus, when considering the conflict resolution in land disputes, it must be remembered that disputes can often be resolved through local negotiation. Another and the most stabilizing factor in land disputes is considered to be the aspect of time (see Tägil 1969). Tägil (1969: 31) states that the *newest boundaries* are the most unstable in space. The longer a boundary stays undisturbed, the greater the possibility that peace will prevail. This was the case in the Divisional boundary disputes where the most heated disputes took place between the years 1991–1995 soon after the Loliondo land registration. There has also been occasional cases of open violent conflict involving theft and killings due to outsiders, in this case, Somali bandits coming from Kenya to the Ngorongoro District (see Daily News 3.11. 1998).

Case studies of boundary disputes on the Loliondo and Sale village lands

1. The land dispute between the Loosoito-Maaloni village and the Eyasi-Ndito village

In the Loliondo Division, the land registration and demarcation programme of village lands took place in 1990. The Loosoito-Maaloni Maasai received long-term legal certificates, the land title deeds, which officially secured their rights to the village lands. Land disputes started to appear soon after the land registration exercise which had defined the village boundaries in the Loliondo Division. The conflicts between the Maasai and the Sonjo led to physical confrontation and the use of arrows and spears; stealing of livestock from both sides heated up the conflict situation. The exact position of the administrative boundary and land losses was the real source of this land conflict. The land dispute became long-lasting, and when no solution was found to the conflict, the local government started to mediate in 1993. The same year the former Eyasi/Ndito satellite village, in the Sale Division, was registered as an independent village. The local land officer organized meetings with the village secretaries of the Eyasi/Ndito and Loosoito/Maaloni villages to discuss the worsening land dispute at the village level.

In the discussions, the Sonjo village secretary revealed that after the Loliondo village demarcation, the Sonjo in the Eyasi/Ndito village could not accept the new boundary position and land loss. Thus the new boundary became a hotly disputed issue. The Sonjo claimed that their village boundary was already demarcated already during villagization in the 1970s and again in the 1980s. According to their historical evidence, the past Ujamaa boundary of the Sale Division should have confirmed the Sonjo land rights to these lands but the authorities could not accept the old boundary because it lacked a legal basis.

Furthermore, the Sonjo felt that the land demarcation had abolished their land rights to their own lands. They pointed out how land areas of the most populous villages in the Sale Division were reduced. Due to the intense pressure on land the Sonjo hamlets had been widely dispersed in the common bush lands. According to Sonjo opinion, the new demarcated boundary should have been drawn to include the important valley area that encompasses the agricultural fields of the Sonjo. The valley included fields, bush lands and natural resources, and both land and resources were traditionally shared with the Maasai herders (Loita and Laitayok sections). The valley area was also used by the Loosoito-Maaloni Maasai for their seasonal grazing. The temporary right to graze livestock had been granted to Maasai herders by a resident Sonjo from the area who allowed his herder friends to graze their livestock in this part of Sonjo land. After the demarcation, the “borrowed” and disputed valley was allocated to the Maasai village of Maaloni. The Sonjo in the Eyasi/Ndito area still felt that the piece of land was originally “theirs”. Their claims were also based on longer term cultivation rights. The spread of agriculture had been used as a significant territorial strategy by the Sonjo to protect and ensure their access to agricultural land. Furthermore, the Sonjo reported that the valley contained both common and private resources of great value to them, such as trees with beehives and one privately owned well

(Kisw. Kisima).⁷⁴

The Loosoito-Maaloni village secretary presented the views of the Maasai villagers and their claims. The discussions revealed totally different opinions about the demarcated administrative boundary and “the lost land territory” which had become “theirs”, a Maasai-owned area. The Loosoito-Maaloni Maasai described how the common bush land has been utilized during the dry season as a reserved and valuable “Oloikiri” grazing area. Their land claims were as follows: grazing rights for the utilization of land had been given them by the Sonjo people. Therefore, the Sonjo claims were invalid. The Loosoito-Maaloni village secretary proved the case further by showing the land title deed certificate which had been issued to the village in 1991. Furthermore, the basis of the exact position of the Maasai boundary was related to the Maasai’s historical knowledge and reflected the demarcated boundary which had followed the old boundary of the Masai Range Project and ranching association’s (RAs) land. In the former Maasai District, this boundary had been marked during the 1970s, even before the Tanzanian villagization. This boundary had also lacked the legal basis.

The Maasai also claimed that the Loosoito/Maaloni village boundary was frequently crossed by the Sonjo. Neither had the Sonjo ever asked for permission from the village authorities of the Loosoito-Maaloni village to settle on village lands. The Maasai claimed that after the land registration more than 50 Sonjo people moved close to the disputed valley area and started to practise agriculture across the boundary line. The encroaching Sonjo fields were considered to be spreading towards the valuable reserved “olokeri” pastures and saltlick area. To hinder further land encroachment of Sonjo fields, some Maasai started to farm on the village lands.

2. The land dispute between the Engaserusambu/Ngarwa village and the Mugholo/Kisangiro village

A land dispute between the Engaserusambu/Ngarwa village and the Mugholo/Kisangiro village existed in the 1990s and was still pending in 1994 (Fig. 12). Before this boundary dispute, contested lands and resources had been co-used by the Maasai and the Sonjo people. In 1995, frequent land-related violence flared up in the Tinaga area in the Sale Division and on the Kenyan side (Marunda) where a few Sonjo families resided.

In this conflict, the western valley area of the Mugholo/Kisangiro village lands in the Sale Division (Njem/Tinaga bush lands) and across the Loliondo Division became the place of dispute. In the 1990s the common bush land in the valley was increasingly used by the Sonjo for irrigated agriculture. The land area contained important water resources (springs and a flowing river), beekeeping trees and hunting territories of the Sonjo. In 1994 the exact position of the demarcated administrative boundary was suddenly changed (1990). The Sonjo had built a wooden fence, as a new indication of the redefined village boundary. A fence was also built to protect their fields, which were spreading into the vicinity of the river.

Through this territorial act, the Sonjo confronted the border and aimed to gain back their “lost land” which were “lost” during the Loliondo land registration process. Local political leaders might have encouraged the Sonjo to perform this defensive act. Firstly rumours concerning the nullification of the boundary had been circulating, and secondly, it had been confirmed and agreed on by the leading village authorities. According to the Ngarwa sub-village secretary, the Loita Maasai were bitter and felt threatened by this Sonjo territorial act. This Sonjo act also provided a breeding ground for stronger resentment from the Maasai side. Later on, in 1995, the Maasai could accept neither the imposed informal boundary nor the possible nullification of the boundary and their land rights (which never actually took place).

In addition, due to local politics, the power relations of the Maasai and the Sonjo communities

⁷⁴ This was a privately owned water resource, and according to Sonjo territorial rights, small sources of water can be individually owned by hereditary families of those clans who had founded the village.

threatened to become unbalanced. The Maasai, not only in the Ngarwa sub-village area but elsewhere, had realized that the Sonjo people were gaining more political power. They also assumed that local authorities might have been supporting the Sonjo in making the border claim. Another major political power shift toward the Sonjo was described earlier to be the appointment of the new DC, Mr. Keroi. This political appointment favoured the Sonjo. In addition, the Maasai knew that the Sonjo representatives working in the local government favoured their own people.

When the Maasai realized the power of DC and his political effect on local land matters, the dispute situation worsened. A month later, the Loita Maasai in the Ngarwa sub-village needed badly the water resources in the disputed bush lands for their seasonal grazing. They felt threatened when the co-sharing of valuable land and the water resources had become impossible. At the same time a drought had lasted for a year throughout the whole Ngorongoro District (1993–1994), and the deterioration of the water situation made the tensions even more serious. Due to this conflict, Maasai livestock had to pack into a smaller seasonal grazing area in a mountain forest with no reliable water resource. The Loita Maasai claimed that the Sonjo had undermined their grazing rights in their “Oloikiri” reserve pastures. Spatially, the reserved pasture was important for the balanced and mobile Maasai grazing system. According to traditional Maasai grazing rights, permanent settlement or agricultural activities should not be carried out in a reserved pasture area. On the other hand, similar cultural importance was afforded by the Sonjo to their lands. The area contained a few sacred springs and trees with existing bee-hives. However, the Maasai neither considered the Sonjo claims to be culturally important nor saw them as a justified reason to activate the re-demarcation of the village boundary from 1991.

The boundary dispute between the villages of Engaserusambu\Ngarwa and Mugholo/Kisangiro became very severe between March and June of 1995. The Maasai Ngarwa sub-village secretary stated: “We Loita Maasai did not want to turn our back again and see what was going to happen again [sic].” On 2 August 1995, the land dispute turned into violence. Some 16 Sonjo and Maasai were wounded and a few were killed in both Divisions. In the resolution process, community meetings were held and organized at the District level. Nevertheless the arbitration turned out to be in vain. After this severe land clash in 1995, the disputed land was abandoned by both groups of people. For years it was not used for any purpose or activities. Thus, the land clash affected both the Sonjo and the Maasai communities for sometime. The Sonjo were prevented from crossing the mountain area to the Loliondo village (via the Ngarwa sub-village) from the Sale Division. Nor could the Sonjo cross the national border to Kenya via Loita Maasai lands. For two to three years the land conflict disrupted the commercial relationships and barter exchange for food between the Maasai and the Sonjo (Ole Shomet 2003 ⁷⁵).

Land disputes in conservation areas of village lands

In the Loliondo Division, land disputes in the village lands occurred in the State conservation area under the Loliondo Game Controlled Area (LGCA), where Maasai people reside and hold their village lands collectively. Land disputes in conservation areas have been more complicated and long-standing. The major source of land disputes has been connected to the loss of grazing lands and water resources. Conflicts and tensions have accelerated due to the growth of tourism and by the rapid change in economic conditions. In the 1990s, the land property and formalized Maasai land rights under Loliondo village lands were undermined and were perceived inferior to State GRO-rights.

Land disputes in conservation areas have mostly been resource based involving environmentally and/or property-related issues. Land disputes have usually developed from and been caused by the general increased competition for land and resources. Generally land holders have held diverging interests in land/resource use. In conservation areas, the multiple layered legal systems (state/customary) can also have an effect on these land disputes, which often makes them long

⁷⁵ Personal correspondence, July 2003.

lasting and political. Political land disputes have been connected to land claims which are contested in specific places where rights to land and natural resources have been threatened (Wanitzek and Sippel 1998: 113). These conflicts have not only developed due to land loss, but also due to the efforts by the State to undermine property rights and the wrongly emphasized planning/policies in State conservation areas, especially in areas of multiple land use. During the past decades, due to increased land competition, the original people resisted the transfer of land and resource user rights to outsiders. Legal means were used to challenge the State power. In the study area, it was the State policy and law which provided the legal framework for the Maasai in the defence their formalized property rights on village lands. Thus, those who have priority rights to land and other resources can increase their own right to use the resource by restricting the rights of others. In this process customary rights are being changed towards individualized rights (Shipton 1989 cit. Lund 2001: 148).

The case studies from the Loliondo Division demonstrate how the disputes of 1990s land in the Division over time became spatially intriguingly problematic. The problematic issues were also related to the complexity of pastoral life. In these contested lands, communal land territory and customary pastoral land rights was transformed by State power into Public lands with discrete boundaries. This caused Ndagala (1990:192) to point out the consequences in Maasai land: *"The newcomers' no longer have sought permission to utilize the resource from the local councils of elders. Instead, they acted on the basis of papers issued at administrative headquarters."*

In the Loliondo Division under the LGCA, the local struggles show how power and resistance have affected people's lives within the local boundaries drawn by the State. They give evidence of imbalances of power due to lost land rights which have led to a gradual process of conflict (see Routledge 1997: 221; Reuber 2000: 40; Agnew 2002: 45). Therefore, I assume that the territorial practises of the State in the conservation/wildlife area of the LGCA have transformed traditional pastoral territories and property in the Loliondo Division. The State has taken control over areas of multiple land use, for instance in the form of conservation areas, with the aim to enhance economic goals. This process has however changed property rights and created new territorial units in the region. This process rested on the legal powers of the State.

Spatially, the process of the institutionalization of territories and the representation of property has created elements and reified *property* as an abstract *thing* within land planning (see Blomley 1998). This was done in the case of LGCA by the establishment of a symbolic shape, which was created through the politics of naming. The newly named places received an established position in a legally defined territorial unit, the LGCA. Through the establishment of an institutional shape, the LGCA area has gradually gained its position in a larger territorial "spaces of conservation" in the Ngorongoro District (the nature conservation areas of the Serengeti National Park and the Ngorongoro Conservation Area). In this abstract State space, redefined property relations gained an established position on the village lands. The geography of power and law have been exercised and maintained through State laws and policies.

In the 1990s, within the spatial system of Maasai territories in the area of LGCA, land alienation was a real fact due to land allocations/concessions given to outsiders. Land alienation, thus, can be considered to be the major reason for territorial land conflicts in the Loliondo Division. The different kinds of tensions could be seen in the light of Maasai efforts to maintain power in the face of global power relations emerging in Tanzania from the 1980s onwards (see Forsberg 1995). Under the LGCA area, land disputes also arose due to land/resource competition and due to effects of multiple legal systems (statutory/informal). During the 1990s, the village councils took many of the State land leases to the court. In this way, the local Maasai challenged the State law, and both contested and actively negotiated about their formalized property rights in litigations.

Not only the Maasai property claims to their land were debated but the Government illegalities were also questioned as a result of the land losses. The debate concerned land allocations and

land use violations in the granted land areas, such as large-scale agriculture, hotel construction, ranching activities, and hunting. In the 1990s, these kinds of illegalities were not exceptional in Tanzania. The LTG (1995: 8) report stated that: "The rural areas abound in allegations of bribery and corruption with respect to land allocations by village governments."

In the Loliondo Division, the land allocations created conflicting claims to land reserved for conservation. Here the legal struggles show well that the use of state litigations and legal power was used as a territorial power strategy by the local Maasai through their village councils. Through legal solutions, the local Maasai redefined and questioned the power of state territoriality in their lands and gained back their legitimate and formalized village land rights. When legality was clearly proved, the local Maasai even won some State litigation. According to Tanzanian statutory law, even GRO rights to land can be subjected to conditions imposed by the State. A failure to follow them can mean the revocation of title by the President. This kind of legal issue was seen in the land disputes between Tanzania Cattle Products Ltd and the Tanzania Breweries Ltd. In the Tanzania Cattle Products Ltd. land dispute, in the Ololosokwan village, a land grant to range cattle (Ranchi ya Ng'ombe) was given to an outsider and to a tourism project. Later on, the land grant was declared to be illegal and was revoked. In Tanzania Breweries Ltd.'s land dispute on Soitsambu village lands, a parastatal company had started a large-scale agricultural project for commercial wheat and barley farming. The local Maasai sued the company and the land grant was taken to the High Court. Later on, the Maasai were informed that they had lost this land dispute case (see Case study of the Ololosokwan village: Tanzania Cattle Products Ltd).

In my analysis, I have come to the conclusion that land disputes of the Loliondo Division cannot be solely described through the notions of territoriality or through the process of the territory formation. It is also important to acknowledge that the Loliondo Division had received "new players" on the village lands, who were clearly becoming more involved in the land disputes. Lavigne-Delville (1998: 46) argues importantly that new actors will always bring their own principles and interests that cannot easily be controlled in land disputes. In the Arusha Region, it is known that heavy State intervention in conservation as well as the unequal distribution of money and benefits from wildlife conservation has caused growing and serious conflicts of interest, especially between local communities and hunting companies (hunters) in Tanzanian Game Controlled Areas (URT 1995: 20; IRA 1999: 67). During the 1990s, when a conservation area of the LGCA became a State "conservation space", the situation described above clearly emerged, which could have caused a gradual land dispute to rise up to the surface. The State had encouraged and allowed the competitive land use/resource situation to appear on the village lands. Due to global-oriented tourism activities (hunting), the economic benefits of conservation became important, but to whom? This unbalanced economical situation is one reason why such a resistance arose from the local Maasai on their village lands towards an outsider – a non Tanzanian hunter – in the LGCA area land dispute (see Sack 1983 and 1986; Lefebvre 1991; Neumann 1995).

Changing spatiality and established state political territories are evident in the Loliondo Division. Therefore, I think that the land disputes from the Loliondo Division can be as well analyzed through the abstraction of conceptualized space conceived by Lefebvre (1991). It has been already shown that the state power can make abstract space not only empty but authoritatively bounded, named and produced. This has happened in the "space of conservation" in the Ngorongoro District. From colonial times onwards, State professionals and officials have constructed this conceptualized space in the conservation area of the LGCA. Today, the area is comprised of varied codifications and objectified representations, such as land use restrictions and conservation plans with defined boundaries established by authorities. The representations the LGCA emerged on representations of other earlier "spaces of capital and conservation", namely the SNP and the NCA. In the Loliondo Division large scale land alienation occurred in the 1980s. In the 1990s, the conservation ideology combined with increasing global tourism activities and outside players entered into native Maasai space. The licenced Loliondo Gate hunting concession represented

well how global tourism interests and illegal hunting concession were approved in the conservation area of the LGCA. This produced abstract “space of conservation” also contained the local Maasai native space. In the 1990s, land disputes in the forms land claims and local resistance emerged in the Loliondo Division. The stronger representations of abstract State space with competitive means of productions and State GRO-rights created conflicts in the conservation area of the LGCA. In contrast, Maasai representational space, with traditional and spatial practises had been intruded on, rationalized and ultimately taken over by a powerful abstract state space (see Lefebvre 1991: 42). The case studies show clearly how the diminishing meaning of the Maasai representational space, land loss and undermined property rights were the major causes of the land disputes in the Loliondo Division.

Case study of a territorial land dispute: land alienation in the Loliondo Division

1. The Ololosokwan village: Tanzania Cattle Products Ltd.

In 1990, Tanzania Cattle Products Ltd. (a Kenyan ranching company) applied for a land area of 100,000 acres on the lands of the Ololosokwan village. In March 1993, the company was granted a land lease of 25,000 acres of land with a GRO title deed of 66 years. The land allocation was limited under a conditional agreement with the Ololosokwan village council, which stated that the land grant was allocated for cattle ranching (Ranchi ya Ng'ombe) and a tourism project. The project should provide the village council with different kinds of infrastructure (i.e., the building of cattle dips and wells) and contribute 10 percent of its revenue to the village council.

Later on in 1993, the village council of the Ololosokwan village took this land grant to the Tanzanian High Court. By that time, the company had started development initiatives such as borehole drilling and the construction of roads. The Purko Maasai in the Ololosokwan village claimed that the allocated land grant was unlawful and should be revoked. In addition, the allocated land was located within the LGCA wildlife conservation area (Business Times, 30.9.1994). The Maasai villagers had realized that the company had not fulfilled the land holding agreement, and that the villagers of the Ololosokwan village had not benefitted in any way from the project. Contrary to the land holding agreement, the company had not utilized land for cattle ranching and only a few roads were constructed. Instead, a tourist lodge and a campsite were built on the Ololosokwan village lands (under the LGCA) near the buffer zone of the SNP. In 1994, the land title deed was revoked by the High Court, and by the Office of the President. The basis of the nullification was the illegal lodge construction that had been built on village lands.⁷⁶

During the 1990s there were also other land grants on Ololosokwan village lands. They included

1. a TANAPA project, i.e., a campsite which was constructed for anti-poaching services and
2. a land grant given to the Italian government in order to construct a secondary school with a pastoral study centre.

These two land allocations did not create any conflicts with local villagers.

2. The Soitsambu village: Tanzania Breweries Ltd.

In 1984, Tanzania Breweries Ltd., a parastatal company, started a large-scale agricultural project for commercial wheat and barley farming on the Soitsambu village lands. A total of 10,000 acres were allocated to the company in the sub-village area of Sykenya. Since the early 1940s, the Purko Maasai

⁷⁶ The land use violations related to the illegal land use in this case were the Violation of the Development Conditions as per Building Rules Ordinance (Cap.101) and Town and Country Planning Regulations 1961, Ord No 14

had kept their homesteads and grazed their livestock on these communal village lands. The land allocation heavily affected the Maasai seasonal livestock grazing. The Purko Maasai also lost their reserved dry season grazing area to this large monoculture-cropping project. In addition, the barley field badly impeded livestock access to a water resource (well); instead, the water from the well was directed to irrigate the barley field.

After some time, in 1993, the Purko Maasai from Sukenya sub-village sued the company with the help of a local NGO (KIPOC). The land grant was taken to the High Court. While the litigation was delayed in the court, the company invited some South African private companies and investors to enter and form a rescue joint venture for barley production. A year later in 1994, the local Purko Maasai heard that they had lost the land case. The reason given was that the land grant had been allocated to a partly State-owned company. Therefore, the case was won by the TBL according to the rule of land law in Tanzania (a parastatal company on State public lands).

*After the court decision, in 1994 the land area was allocated solely to the South African co-operator. Later in the same year, the Office of the President revoked the land title, which had been allocated to a private person. The State acknowledged that under the LGCA area, the utilization of land and resources is meant for wildlife conservation along with livestock grazing, not for large-scale agriculture. Also in 1991–1993, the unstable weather conditions had produced large failures in the barley harvests when severe drought had hit the Ngorongoro District.*⁷⁷

In the 1980s a land grant was also granted to a private investor on Soitsambu village lands. In 1988, a non-Tanzanian person (Mr. John Aitkenhead) was allocated 20,000 acres of land for tourist hunting. The granted land area also included a valuable common water resource, hot springs (kisw. chemi chemi ya moto). Later on, it turned out that instead of hunting activities agricultural production had been carried out on the village land. In 1993, the District Council lodged official complaints against the landowner. The complaint was forwarded to the Regional Development Committee, which had originally approved and permitted the land grant. The Purko Maasai took the land case to Court for the same reasons as in the previously mentioned land case – a non-Tanzanian private person practicing agriculture in the LGCA area. According to the official records, the title deed was revoked by the Office of the President (Ole Shomet 2003⁷⁸).

Case study of a territorial land dispute: a land dispute in the Loliondo Division conservation area

1. The Soitsambu and Oloipir Villages: the “Loliondo Gate”

As was summarized earlier a 10 year long hunting contract (in an area of 4,500 km²) was granted in 1993 to a private non-Tanzanian, Prince Brigadier Mohammed Al-Nayhan from the United Arab Emirates. The long-term hunting license included the right to hunt wild game in the entire LGCA area. The contract was signed by the Ngorongoro District Council and the Prince Brigadier, and it also included certain developmental benefits for the Loliondo Division (for instance, motor vehicles, the drilling of wells, the construction of an airstrip and roads, and the installation of power generators) (Daily News 16.10.1994/ Mwanachi 17.-20.10.1994).

This long-term licensed hunting contract became a contested issue in the land politics of the Loliondo Division. In 1993, the local Maasai realized that this private hunting on the village lands ran counter not only to the Purko and Laitayok Maasai DRO land rights, but also to other land users' GRO rights on village lands of the Loliondo Division. The hunting concession impeded mobile livestock

⁷⁷ One prominent Maasai from Soitsambu village, Ole Shomet, explained that in this situation large-scale agriculture could not have been economically profitable in the long run. This was due to the long distance from Soitsambu village lands to the Arusha town and due to unstable weather conditions (Ole Shomet, personal correspondence, July 2003).

⁷⁸ Personal correspondence, July 2003

grazing and led to an increasingly competitive land use situation in the LGCA. Furthermore, local Maasai had to get accustomed to witness the utilization of their lands for wealthy tourist hunting and the frequent construction of large Arab hunting camps. These issues contributed to latent tensions and dissatisfaction which, later on, turned into open complaints from the local Maasai. The local Maasai also raised questions about the legitimate use of space and property rights on village lands.

When local tensions over the land were exacerbated, the legality of the approved Loliondo Gate hunting contract was questioned. It turned out that the granting of the hunting contract had included illegalities and corruption on different levels of Government. Worst of all, when the hunting contract was issued, the Wildlife Division had been bypassed. Another controversial issue was the multiple allocations of land and hunting concessions in the hunting blocks of the LGCA. The land allocations were granted to private people while the hunting contract was granted to the Tanzania Wildlife Corporation. These land allocations also included a long-term utilization of land with GRO rights (66 years). The TAWICO was to co-operate with villages for game cropping and tourist hunting purposes. Later on, when these illegalities of the hunting contract were pointed out, the hunting right of the private person was allocated to the Tanzanian tourist company, the Ortello Business Corporation Tanzania Ltd. (OBCT).

In the mid-1990s, the local Maasai complained of signs about environmental degradation on village lands. This was due to excessive hunting and illegal land use activities, such as large constructions of tent camps and uncontrolled tree felling by foreigners in the LGCA area. The Maasai and other local people claimed that an excess number of wild animals were hunted and illegally exported from Tanzania.

In 1999, finally, the Loliondo Gate hunting contract with the OBCT was revoked. After seven years, the Tanzanian State recognized that according to the wildlife law of Tanzania (1974), the hunting contract had lacked a legal basis. Despite all grievances, the State disregarded the local property claims and complaints of the local Maasai and a renewable short-term (five-year) hunting term contract was drawn up in the LGCA in 2000. The new contract was made between the Director of Wildlife (the Ministry of Tourism, Natural Resources and Environment) and the OBCT. The Minister of Tourism, Natural Resources and Environment himself defended the new hunting contract (Daily News 18.12.2001).

Due to this new contract, on April 25th of 2000, thirteen local Maasai elders from different villages in the Loliondo Division organized themselves and travelled to Dar es Salaam. They brought their land dispute case to the Tanzanian Government. The Maasai delegation demanded an investigation of suspected environmental destruction on the Loliondo village lands due to excessive private hunting activities. This kind of strong territorial act of the Maasai was an attempt to seek the attention of the State to this problematic land conflict situation (Guardian 31.12. 2002 and www.ens.lycos.com).

The hunting contract was supposed to bring a considerable amount of money to the local Government and give employment to the local Maasai in the Loliondo Division. The NLUPC (1994: 52) land use plan states that the first hunting contract was to bring monetary benefits to the local communities. Through a system of profit sharing and with community involvement, the contract was to provide an estimated 260,000 US\$ per year from the tourist hunting activity. About a quarter of the revenue was to be allocated to the Ngorongoro District Council. After many years, only a very few Maasai have been employed and at the local level benefits have included only a few infrastructural improvements such as construction of water facilities (boreholes), and some generators and transportation facilities for the village councils.⁷⁹

⁷⁹ Although Loliondo Gate was/is a controversial case, the contract raised some promised revenues and developmental factors for all residents in the Loliondo Division with the support of the royal family. The infrastructure projects included well constructions. Two boreholes were constructed in the Soitsambu village (Mondorosi and Kirtalo) in 1995. Other development projects included: renovations of the existing primary schools and the construction of a new secondary school in the Wasso village. Two buses were also provided for the village council and a larger, three-kilometer-long, airstrip was built in the Wasso village in the LGCA (although, for the State, the newly built airstrip was a scandalous case since it was claimed to have been illegally constructed).

Summary

In this chapter, I have described the land disputes that occurred in the Loliondo and Sale Divisions in the 1990s. Land disputes and competition for land and natural resources and land rights emerged on these village lands. Due to the co-existence of pastoral and agricultural people the frequent localized conflicts have also involved cattle thefts and raiding. In the 1990s, land disputes were related to administrative State territoriality, the formation of territories and boundary formation. The sovereignty and user right of local people to land and natural resources as well as access to local land/resources was important. In the Loliondo and Sale Divisions land disputes took place either in the border lands of villages or in village land conservation areas in the LGCA. Territorial land disputes, such as boundary disputes, occurred mainly due to the Loliondo Division land registration and village titling. The land disputes were restricted to a zone along the newly formed Divisional boundary line. The newly imposed boundary had an impact on people's shared territorial arrangements in the contested places. Spatially this boundary change raised environmental and property insecurity among both the pastoral and the agricultural people. The territorial strategies in these land disputes included impositions of boundaries (legal or informal) or the use of State law in order to enforce Maasai land claims to their village lands.

State territoriality, the institutionalization of territories, power relations and competition for land and natural resources in the face of a steady population growth has caused frequent land disputes. In the Loliondo Division, the land disputes have also been related to the land alienation which emerged in the 1980s on Loliondo village lands under the LGCA. Through State intervention, multiple land allocations and hunting concessions to outsiders increased in numbers and were a direct cause to land disputes. Multiple allocations of land and hunting concessions created diverting interests in land/natural resource use and heated up property right issues of the Maasai on the village lands (grazing lands). From these disputes, a critical public debate emerged concerning the legality of state procedures within land administration and land law in Tanzania. Both traditional (with elders) and governmental level meetings and negotiations were held in order to find solutions to land disputes and local struggles.

Chapter Six

Conclusions

*“Dispossessed groups voice their grievances, in part, through a language of property”
(Blomley Nicholas 2004: 152)*

My study presupposed that land disputes as conflicts are a part of human life and occur in varied ways. In this study, land disputes are examined through a range of conflicts ranging from tensions between people and with the State to tensions leading to political action, theft, raids, and killings of humans/livestock and large-scale violence between groups of people.

In the examination of past land disputes, this study aimed to look at certain questions such as:

-What processes of human/State territoriality, land and property loss/claims etc. led to the various local land disputes that occurred in contested lands in the Loliondo and Sale Divisions?

-Were there significant differences in land disputes between the Divisions when analyzed through the concept of territoriality and claims to property?

-What is the future of co-existence of local people who have different production systems (pastoral and agriculture) in areas of multiple land use?

The field material of this study was collected already in the beginning of the 1990s when the land disputes were in an active phase in the Loliondo and Sale Divisions. Although the collected field material is from the 1990s, I think that my research, which incorporates land dispute case studies, presents some relevant examples in a rural African setting where pastoral people mingle and live side by side with settled agricultural people in fragile dry ecosystems. In geographical space, issues such as conservation on village lands, land registration and land loss with property rights have led to land disputes. The major part of this study is based on a documentary and historical analysis of the 1990s land disputes in the Loliondo and Sale Divisions. This study analyzes how the histories of the local people and both the creation and transformation of State and local territories as well as property rights have led to land disputes. In the study, it was assumed that land disputes were primarily linked to changing spatiality due to the zoning policies of the State. Secondly, they can be related to the State control of land property where ownership is redefined through statutory laws. In geographical space, the modern State territoriality has, thus, created unequal networks of power relations, spatialized lost properties, and commodified land in State territory (see Mitchell 2003: 242).

The relation of land disputes to geographical issues

The historical dimensions of the case studies show how in the contested lands in both Divisions, various forms of territorial strategies of people and their struggles reproduced, marked and differentiated space. Land disputes also turned political when village land was illegally allocated to other land use activities on State Public lands (under the LGCA). These allocations of land were later on questioned in State litigations. The presented land disputes also show that power (State/local) with resistance resided in space. This happened in particular places where both power relations and land rights became uncertain. Land disputes accelerated and were located within boundaries drawn by the State, and as Routledge (1996: 510) refers, in the places of “terrains of resistance” with alternative Maasai knowledge.

This study shows that land property includes social, political and legal issues and that it can be reconstructed in geographical space. Land disputes become and can be presented as a platform on which spatial and property issues are debated. Many land disputes were related to the State land reforms and enactments, which transformed people’s spatial practices and land/resource rights. In people’s territorial lands, tensions often raise a question of access and ownership of limited environmental resources. In some land disputes where boundaries were actively redefined also the factor of ethnicity in territorial lands might have led to animosity and serious crises.

In Tanzania the rule of colonialism had fateful consequences for local people, especially for the pastoral Maasai. From the 1920s onwards, the development of conceptualized space through State power was seen in the colonial penetration of land planners, and developers as well as geographers. In space, the rigid spatial image of the Maasai District and later on, in the 1950s, the newly bounded “spaces of conservation” emerged in native space (the SNP, the NCA and the LGCA). In rangelands and in customary territories, due to land alienation, the diminishing meaning of the Maasai common property resources accelerated the underpinning and coming land disputes.

Since independence and especially from the 1970s onwards, the land disputes have clearly been related to the power of the State and State land reforms such as the Ujamaa Villagization. The Ujamaa Villagization meant restricted spatiality and a process of undermining customary land property in State/local territories. In the entire Ngorongoro District, due to administrative State territoriality, the institutionalization of territories and transformation of property has been dynamic and shifting. In the overlapping and historical transformation process, increased State territoriality has meant firm administrative boundaries and a dispossession of traditionally utilized lands.

Since the 1980s the increase in land value happened primarily in newly bounded spaces. These areas designed by the State became “spaces of capital”. Global tourism, foreign hunters and private investors entered the scene (see Lefebvre 1991). This study shows that a State representation of new spaces has produced policed, jurisdictional boundaries and rigid political units. The transformation process has created unequal power and political relations between local communities within the Tanzanian State. In borderlands the process has meant ongoing land/resource claims along with different conflicts and resistance, as in the Loliondo and Sale Divisions. Here the land disputes have often had political, tenurial or ecological references in geographical space (see Blomley 1998, 2003; Michell 2003).

In this conflicted environment of the Ngorongoro District, deterritorialization, administrative rigid State boundaries and conservation policies have heavily affected local spatial practices. For instance, traditional communal grazing lands of the Maasai have been divided into “protected” and “unprotected” territorial units. Moreover, restrictions and regulations on pastoral production and non-acknowledgement of communal land/resource rights have signified the occurring disputes; especially in the 1990s (see URT 1995). This study shows that, in the entire

District, representations of new State space are an outcome of State top-down political processes. New spaces have been in conflict with de facto tenure rules and land management of the Maasai. The ongoing loss of land in State spaces (under LGCA) where traditional spatial practices were undermined resulted in conflicted environments, which became sites of local political resistance (Taylor 1999: 14). Along with State political manipulation, other unexpected causes might have appeared, especially in the densely inhabited Sale Division. Spatially, the process of State territoriality determined, constrained and transformed not only traditional territories of the Maasai and the Sonjo but led to transformation and/or non-acknowledgement of their customary property rights (see Fig. 20). The transformation of traditional property and property rights in State domains has created an increased emphasis on transformative economic processes. This meant a higher technological perspective on land use and new administrative boundaries, important for State land planning. In this case, as Sax (2001) has described fixed administrative boundaries alongside the transformation of State domain in property have also meant an emphasis toward individualized property on territorial land units (Ibid 2001: 227).

Due to this historical process, land disputes have been related to powerful State processes on different spatial scales, at a local and regional level. In this process, the greatest hardships for local people, the Maasai and the Sonjo, have been 1. deterritorialization, 2. dispossession of land and uncertainty of land/resource rights and 3. external global and economical issues.



Figure 20. Diagram of the transformation of territories and the use of territoriality, and their relation to past land disputes

The territorial strategies

This study presents the multidimensional and locationally specific land disputes, which emerged during the decades of the 1980s and the 1990s on the village lands of the Loliondo and Sale Divisions. In contested lands disputes are inevitable and even communal violence can emerge. In local disputes, conflict is often about the existence of property rights over an area or about a valuable resource. In the communal land disputes between communities, as in the Loliondo and Sale Divisions, land property can be defended through violence with markers of limitations against the “other” (the Sonjo or the Maasai). This happens especially when land ownership is related to social group identity (see Lavigne-Delville 1998).

In land disputes, the assertion of territoriality and critical territorial acts by local people was practised in order to re-define the State territorial order and/or secure local property rights. This study shows how the local population (the Maasai and the Sonjo) has used territorial strategies such as construction of boundaries and local resistance when opposing land allocations. From the 1980s onwards, boundary disputes in Tanzania have been clearly linked to population growth and land scarcity. In resource-constrained environments, as in the Loliondo and Sale Divisions, increased pressure on land and population growth has led to increased resource use conflicts in areas with multiple land use (common lands). In the Sale Division, the process has led to an individualization of water rights, and later on, to individual or group claims on water use which has stimulated different kind of tensions. In land disputes, boundaries were used, not only as a code of access and exclusion of the “others” but also to arrange the use of space and resource rights. Boundaries (formal or informal) have, thus, been shifted drastically by both Maasai pastoralists and sedentary Sonjo people.

For the Maasai the increased control of land was realized through a counter mapping project which formalized Maasai land rights. The study also shows that legal reterritorialization happened especially when the Maasai's control and access to land was insecure. Through a redefinition of the administrative boundary the Loliondo Maasai received statutory legal titles to village lands. By this time the Maasai also openly opposed new land use activities (i.e. large-scale agriculture) and given resource user rights (hunting) under the LGCA area. Through this territorial act the local Maasai challenged formulation of State laws and land policies. This occurred when State administrative authorities from the 1990s onwards undermined Maasai deemed customary rights to Loliondo village lands. Today statutory communal land rights have evolved towards formalized group rights (GRO-rights).

This study shows that in the Loliondo Division in the conservation area of the LGCA, more economically compatible forms of land/natural resource use and saleable space have emerged. The spatiality of the Tanzanian State has already from 1920s onwards transformed local space into “spaces of conservation”. Remote enclaves of nature were set aside as conservation areas. In the newly created “conservation space”, the process of the commodification of land meant wild-life protection and international tourism industry. In this process, local spatiality, property and property rights were dramatically and violently changed (see Lefebvre 1991; Blomley 1998). In “conservation space”, the State territorial planning has neither accepted the informal/statutory property rights nor given a justifiable contribution from the management of natural resources to local people (see Lane 1991; Neumann 1995; Nnkya 1999; Lerise 2000; Markakis 2005). Therefore, in the entire District, the local Maasai generally believe that State power has only further separated them from their traditional territories in communal village lands (see Johnsen 2003).

Neumann (1995: 364) argues that in the 1990s the impact of the controlling spatiality of the State can clearly be seen in the conservation areas of Tanzania (during the Tanzanian economic “liberalization” period). During this political-economic transition in Tanzania, this study and the controversial Loliondo Gate- dispute clearly points out the stakeholders; national, international and local actors of property or holders of property rights to game. In areas of multiple land use,

the violating impact of the State power can be seen in land allocations and private concessions granted to outsiders and to non-Tanzanians. This kind of process gradually worsened, as my study shows, the complex issues of land property and property rights. In the Loliondo Division, the local space was turned into “spaces of capital” and “spaces of competition” in the LGCA area, when foreign “investment” emerged in country’s wildlife parks and reserves. This spatialization through State intervention under the LGCA, stimulated resource conflicts, such as the Loliondo Gate dispute. This case was still in 2002 covered up in the Tanzanian media (see Majira, Mwananchi, *Guardian* 2002, *Daily News* 2001/ 2002).

What is the future of the territorial/production systems in contested lands?

In a rapidly globalizing world, increasing global-local connections were reflected in the land disputes of the Loliondo and Sale Division (see Sack 1986; Paasi 2002a; Wily 2000b). Therefore, one can argue that the State should rescale its manner of using State territoriality in legal and in land/conservation policies. The State should carefully re-evaluate when to emphasize power and control in space, especially in cases of outside interventions. Today the State acknowledges the existence of different production systems and the property rights of different groups of people. From the end of the 1990s, the State has tried to devolve natural resource management to local communities but it should also recognize the necessity of mobile use of space for livestock herders. My study shows that the State spatial planning of the village lands has impacted the pastoral production. For that reason, the State should also acknowledge the steady population pressure in the Sale Division, which is a driving force to increased conflicts in both Divisions. In geographical space, population increases in both Divisions and in Tanzania, put pressure on land/resources (see Madulu 2005). This can have an impact on the agricultural expansion, even across borderlines. This kind of risk scenario as well as the increased control of land/resource use under the LGCA (the WMA area of the SNP) can accelerate future conflicts and tensions in the village land in both Divisions.

The study shows that the semi-arid ecology, with frequent droughts and disease occurrence (animal and human), constrains and limits the coping strategies of local residents in both their life worlds and land use options. Moreover, population growth in Tanzania and Kenya is constrained in an era of AIDS, poverty and wealth disparities, which will have impact on the local residents of both the Maasai and the Sonjo (although better medical care and primary education is available to Maasai children in the entire District). In the 1990s, as this study shows, the pastoral Maasai lifestyle and their transhumant pastoral system have been changing toward a sedentary agropastoralism in some places of the Loliondo Division. A few local Maasai have been modernized, educated and used survival methods to keep their herds. Others have been forced to seek supplementary sources of income due to decreasing cattle numbers. As a result of this, cultivation by the Maasai has increased and men are in growing numbers moving to urban centres to seek work (see Talle 1988; Kituyi 1990; Kweka 1999; Thompson and Homewood 2002; Markakis 2005). In the future the increase in agricultural activities may exacerbate the demand for land, especially if immigration from Kenya increases. Some Kenyan studies, for instance, Cleaveland et al. (2001) study, put forth that, in the future, growing Kenyan population pressure might result in a cross-border migration of pastoralists from Kenya to Tanzanian Loliondo village lands.

In natural resource management, population increase and increased control of land/water property rights might mean further privatization of land and natural resources, as can be seen from this study. Studies of Thompson and Homewood (2002) and Kimani and Pickard (1998) point out an increased individualization and commodification of land in the areas of wildlife and tourism industry in Kenya. A much higher number group ranches with fenced properties and

other types of private fields have emerged in the Kenyan landscape. This might happen in the Loliondo and Sale Divisions due to the Tanzanian State wildlife conservation plans that aim to expand the Protected Areas – the WMAs (see the Loliondo Land use Plan of 1993-2008, IRA 2001). These newly designed areal units of “conservation space” might result in a fast growing flow of international tourists. They will also result in a clearer fragmentation of land, zoned into protected and unprotected areas (Gray 1998; Cleaveland et al. 2001; Brockington 2001, Goldman 2003).

Important questions for the future are then how will the coexistence between the livestock/agricultural production of the Maasai, and other local people and wildlife conservation under the LGCA develop on the village lands? What are the social and cultural consequences of the current developments and global wealth linked to tourism/hunting activities for the local land use and the activities of the people in the Loliondo/Sale Division lands? Yet another difficult question concerns property rights and conflicting interests: who has sufficient and justified user rights (residents/outside) to village lands and resources, and on what terms and in what capacity?

This study has shown that in the past 100 years the transformation of territories and change of property has affected the Maasai and the Sonjo in many ways. Both groups of people have readjusted/redefined their spatiality and structured their use of space during different historical periods. For instance, small scale cultivation has increased, in both Tanzania and Kenya. Fortunately, Thompson and Homewood (2002: 121) show that this kind of small cultivation is easily accommodated in a landscape which is still dominated by livestock grazing and wildlife (see Adams et al. 1994; Igoe and Brockington 1999; Kweka 1999, Thompson and Homewood 2002, Goldman 2003).

Due to this scenario, it can be suggested that the State should not prioritize the conservation/tourism agenda too profoundly. Drawing more jurisdictional boundaries and instituting heavier conservation regulations, might not deliver social justice to local people in northern Tanzanian lands. The Land and Village Act of 1999 and the Tanzanian Wildlife Policy of 1998 both stress the economic value of wildlife. The Wildlife Policy of 1998 may create more economical opportunities for the local people in State/local territories where the “space of capital” has been strongly established. This kind of development might result in a rising frequency of violence and conflicts concerning property rights to natural resources. For instance, the most critical places will be those which border to the conservation areas. In these places people have to adjust to the constant changes in State planning.

The legal view and recommendations

In order to lessen the dominative legal power of the state, the decentralization of state power and a new wave of tenure reforms has already been taking place in Tanzania and elsewhere in Africa, since the mid-1990s. This kind of socio-legal restructuring of tenure relations has not always been successful, for instance in West-Africa, and the possible effects of decentralization will be seen in the long run (see Lund 2001).

In Tanzania, all land is still public land and vested in the President as a trustee, while citizens can be defined as the “beneficiaries” of this land (URT 1999). At the moment, the Land and Village Land Act of 1999, the National Agricultural Policy of 1995 and the Wildlife Policy of 1998 strive to empower local communities. Currently, the Land and Village Land Act of 1999 acknowledges traditional customary property and places it on the same level as the State GRO right. The Act of 1999 concerns especially pastoral people and their village councils, also in the Loliondo and Sale Divisions. Today’s Land and Village Land Act of 1999 also protects local people’s land from outside/non-Tanzanian land grabbing. Although difficulties may arise the law does not protect the rights of locals to use resources in State lands.

The legal reforms might devolve management of land/resources and clarify situations and offer better possibilities to conflict management in Tanzania. As the study shows, the majority of the land disputes were handled and resolved without violence by traditional, village or government authorities and they ended in negotiated solutions. The Tanzanian State has usually reacted only in cases when the situation has developed to a violent stage. The land disputes develop when a coercive State power unequalises spaces and people in their specific places and affects the long term economic security of land holders.

Today, State law/land policies stress a conflict resolution mechanism that tries to decrease the occurrence of land disputes on village lands. The arbitration of conflicts is organized between different levels of negotiating institutions (the village council, traditional leaders and other State institutions). Besides the acknowledgement of traditional conflict-solution mechanisms, the recent Courts (Land Dispute Settlements) Act of 2002 was passed in Tanzania. The Act tries to make a local-level mechanism work on the village level, for instance, in land litigation.

Despite laws and policies land disputes and outbreaks of minor violence will occur on Tanzanian village lands. In the multiethnic social-legal reality, the new land laws and policies might not bring major sudden change to the land disputes in Tanzania. Judging from my study of the land disputes of the 1990s and the history of land law in Tanzania, even the implementation of State laws and policies in the rural/urban areas of Tanzania has not been an easy task, but a rather violent one. The discussions, in 2002 in Tanzania also showed the difficulty of applying the current land/village law to peri-urban areas or within the conservation areas of Tanzania.⁸⁰

In Tanzania the arbitration of land disputes will require effective conflict resolution, negotiation and meetings between conflicting parties/people. The conflict resolution needs increased and growing support of the local people from the State and an increased legitimacy of State actions in State lands. In contested lands, ensuring the sustainable access to land/resources on local village lands will be a success only when/if acknowledging local property rights to critical resources are acknowledged, especially where State intervention occurs (see Neumann 1995; Igoe and Brockington 1999; Goldman 2003).

Regarding the Loliondo and Sale land dispute situation of the 1990s, and from a legal point of view, I agree with Lindsay (1998: 10-14) who argues that the law itself cannot ensure security in insecure environments. His study clearly pointed out that the law and legal reforms can be an efficient and predictable way to accomplish change (positive or negative) in conflict situations between communities. In multiple spaces, the land disputes of the 1990s have clearly presented claims to space, territories and properties. In the future in order to prevent major conflicts in rural land areas, the Tanzanian State should be careful not to create more power inequalities (political and economic) between people and wildlife on village lands. Instead, in natural resource management people's interests should be arranged in cooperation rather than through confrontation between the central State and rural communities (see Platteau 2000, Madulu 2005).

To lessen local land disputes, the State should try to clarify the property rights of the people. Delivering information and emphasising education concerning the current State Land/Village/Conservation laws and Wildlife/Water policies is important for local people and their leaders. In geographical space, the State should acknowledge the multi-ethnic environment and the different production systems and overlapping property institutions based on opposing interests. Nevertheless, whether the land rights are collective or more individualized, recognizing and respecting those rights will eventually mean less critical land disputes in the rural lands of Tanzania and in the Loliondo and Sale Divisions in the Ngorongoro District.

⁸⁰ Personal communication with officials and lawyers (Prof. Lerise; Prof. Tenga, G. Sundet/UNDP; Officers of the Ministry of Foreign Affairs, Helsinki/Dar es Salaam and the Ministry of Land, Housing and Urban Development) in November 2002 in Dar es Salaam and in May 2004 in Helsinki.

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Appendix 1:

Questionnaire:

Grazing areas

- | | English | / | Maa-language |
|-----|--|---|--|
| 1. | Give basic history of each grazing area? | / | Inchoo enkatini oowuejitin pookin neeiritch-oreki? |
| 2. | Give the history of the movement of the people? | / | Nchooki iasitin ooltungana oidurakita iwuejitin ngejuko? |
| 3. | Give the recent settlement patterns near the homestead, how did they happen? | / | Nchooki ewueji nairitichoro tenkalo enkan? |
| 4. | Are the grazing areas shared with other villages? | / | Itom ewueji neritichoreki tenkalo enkan? |
| 5. | Give the common pattern of the grazing area? | / | Nchooki enaikunari teneiritae inkishu tewueji nebo ometabaiki enkan wueji? |
| 6. | Do you have difficulties in land management? | / | Itum engolon te ngolon enkop? |
| 7. | If yes, what can you do to lessen the problem? | / | Tenaa ee, nanu naa kaingoo, kaji iko pee mitumina? |
| 8. | What are the existing land conflicts? | / | Nchooki enyamali enkop? |
| 9. | What are problems related to the conflicts? | / | Itum ishindano tenkop te netem aigoru enkoitoi naisulie? |
| 10. | Give the system of land areas (territories)? | / | Tolikioki inkitoriat olupolosie enkop? |
| 11. | Can other people enter the land without permission? | / | Nchooki orusa pee ajing tenebo kalikae tengana ewueji nua ainyoo? |
| 12. | Give the rules of the territories? | / | Kaji inkitoriat enchula enkop tialo olupolosien? |