



EAST AFRICAN COURT OF JUSTICE
FIRST INSTANCE DIVISION
Hearing (further cross examination): 10th July 2020
(Via Video Conference)

Reference No. 10 of 2017 Ololosokwan Village Council & 3 Others vs the Attorney General of the United Republic of Tanzania

Reference filed: 21st September 2017.

Articles: 6 (c) & (d) and 7(2) of the Treaty for the Establishment of the East African Community and Article 15(1) of the East African Community Common Market Protocol 2010.

Rules: 1(2) and 24 of the East African Court of Justice Rules of Procedure, 2013 and all enabling provisions of law.

Subject matter: land eviction dispute in Serengeti National Park, Tanzania.

The Applicants' are challenging alleged forceful eviction of its residents and their livestock from land bordering the Serengeti National Park and in Loliondo Game Controlled Area. The Applicants alleges that, the disputed land legally belongs to them and the said eviction is in violation of the Treaty for the Establishment of the East African Community (EAC) and the Protocol on the Establishment of the EAC Common Market in among other laws.

The Applicants therefore pray for a declaration that the Respondent has violated the EAC Treaty and the Common Market Protocol. Further pray for an order to the Respondent State to stop the evictions, the arrest, detention or prosecution of the Applicants members and residents, damage to their homes, homesteads, livestock and other property. In addition, they seek for an order for restitution and reinstatement of the Applicants, their members and residents to their lawful property and full reparation and general damages of Tanzanian shillings 1,000,000,000.

The Applicants are four Village Councils namely; Ololosokwan Village Council, Oloirien Village Council, Kirtalo Village Council and Arashi Village Council. They are legal entities established by law in the United Republic of Tanzania, body corporates that are contained within the Ngorongoro District, Arusha Region.

The Respondent, the Attorney General of the United Republic of Tanzania argues that, this Honourable Court is devoid of jurisdiction to entertain the Reference. Further, the Reference offends the principles of the National Land Policy and the Constitution of the United Republic of Tanzania. Moreover, the Applicants are registered villages within the United Republic of Tanzania and the Minister for Natural Resources and Tourism is empowered by law to review Game Control Area.

The Respondent further argues that, the evictions are lawful, the villagers have been designated areas for reallocation and the exercise is being performed in compliance with laws of the land.

The Respondent therefore prays for order and declaration against the Applicants that;

- a. The Respondent has not violated the Treaty provisions and the Common Market Protocol;
- b. The evictions are lawful, the villagers have been designated areas for reallocation and the exercise is being performed in compliance with the laws of the land;
- c. The Applicants' pray for Respondent to make full reparations and pay general damages of Tanzanian shillings TZS 1,000,000,000/= be dismissed;
- d. The Reference be dismissed with cost; and
- e. Any other reliefs this Honourable Court may deem just and equitable.

When the matter came up for hearing on 20th November 2018, the Applicants' proposed the Court to visit the disputed area to ascertain whether or not the residents of the villages neighbouring Serengeti National Park that is the Applicants villages have encroached on the Park so as to warrant their evictions therefrom.

However, after a deliberation the Court ruled that, the crux of this matter is a question of where the Park's boundaries lines fall and is a question of evidence and not conjecture which requires expertise in the establishment of boundaries. Parties were thus advised to call expert witnesses to expound on the issue of boundaries in the disputed area.

This is a document produced by the Registry to assist in understanding forthcoming matters before the Court. It does not bind the Court. For authoritative Decisions, Judgments and general information about the Court please visit <http://www.eacj.org>

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